



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



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

**MONDAY, APRIL 12, 2021 at 6:00 PM**

Rusty Brockman, Mayor

Shane Hines, Councilmember (District 1)

Justin Meadows, Mayor Pro Tem (District 2)

Harry Bowers, Councilmember (District 3)

Matthew E. Hoyt, Councilmember (District 4)

Jason E. Hurta, Councilmember (District 5)

James Blakey, Councilmember (District 6)

Robert Camareno, City Manager

**Please click the link below to join the webinar:  
<https://us02web.zoom.us/j/83369443180> or call (833) 926-2300  
Webinar ID: 833 6944 3180**

***MISSION STATEMENT***

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

**AGENDA**

**CALL TO ORDER**

**CALL OF ROLL: CITY SECRETARY**

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

**INVOCATION: COUNCILMEMBER HINES**

**PLEDGE OF ALLEGIANCE & SALUTE TO THE TEXAS FLAG**

**PROCLAMATIONS:**

- A) Autism Awareness Month [21-252](#)
- B) Outstanding Public Service Day Proclamation [21-286](#)

**PRESENTATIONS:**

- A) Retiree Recognition - Garrick Herbert [21-319](#)
- B) Retiree Recognition - Michael Ulbrich [21-320](#)
- C) Presentation from Comal County Water Improvement District No. 1A (Veramendi) representatives regarding summary of proposed issuance of bonds. [21-314](#)  
Julie Peak, Principal, Masterson Advisors

1. **MINUTES**

- A) Discuss and consider approval of the minutes of the [21-326](#)  
March 22, 2021 City Council Meeting.

Caitlin Krobot, City Secretary

2. **CITIZENS' COMMUNICATIONS**

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

3. **CONSENT AGENDA**

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

*Resolutions & Action Items*

- A) Approval of the Mayoral appointment of one individual as [21-307](#)  
the Chair of the Watershed Advisory Committee for a  
term ending April 18, 2023.

Caitlin Krobot, City Secretary

- B) Approval of the reappointment of two individuals to the [21-352](#)  
Central Texas Technology Center Advisory Board for a  
term ending April 26, 2024.

Caitlin Krobot, City Secretary

- C) Approval to renew and amend the Interlocal Agreement [21-71](#)  
with the Alamo Area Council of Governments for demand  
response transit services, authorizing the City Manager  
to execute all contract documents associated with this  
agreement, and approval of an expenditure in the  
amount of \$489,380.

Robert Camareno, City Manager

- D) Approval of a resolution amending the broker/dealer list [21-350](#)  
of the investment policy for the City of New Braunfels  
adding an additional local government investment pool -  
Texas FIT.

Sandy Paulos, Assistant Chief Financial Officer

- E) Approval of a contract with Heat Safety Equipment LLC [21-272](#)  
to provide annual inspections and repairs to the New  
Braunfels Fire Department's Self-Contained Breathing



Apparatus Equipment.

Patrick O'Connell, Fire Chief

- F) Approval of a contract with Chain Electric Company for [21-282](#) construction of a single mode fiber optic infrastructure to connect seven (7) new City buildings and authorization for the City Manager to execute any change orders up to the contingency amount.

Tony Gonzalez, Director, Information Technology Department

- G) Approval of policy and procedures governing the leasing [21-295](#) of city-owned T-Hangars at New Braunfels Regional Airport

Robert Lee, Airport Director

- H) Approval to authorize an expenditure to the Law Offices [21-310](#) of Charles S. Frigerio, P.C. for legal representation in a personnel matter pursuant to a professional services agreement.

Valeria Acevedo, City Attorney

- I) Approval to renew the following annual contracts, as [21-334](#) allowed for by their contract language: Fleet Services and Road Construction Materials.

Debbie Kimball, Contract Administrator, Finance Department

- J) Approval of a Letter of Intent with New Braunfels Utilities [21-167](#) for the installation of standalone solar powered generation projects at a series of distributed generation solar sites owned or controlled by the City on the terms and conditions specified in the letter.

Jennifer Cain, Capital Programs Manager

- K) Approval for issuance of a contract modification with Civil [21-335](#) Engineering Consultants to continue survey work supporting the Union Pacific Railroad Landa Street property purchase.

Matthew Eckmann, Facilities and Real Estate Manager

*Ordinances*

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

- L) First reading of an ordinance regarding a request from [21-270](#) the Sophienburg Memorial Association to waive development related fees for platting and expansions to

the Sophienburg Museum & Archives addressed at 401 West Coll Street.

Christopher J. Looney, Planning and Development Services Director

- M) First reading of an ordinance amending Chapter 2 of the [21-331](#) Code of Ordinances of the City of New Braunfels, Texas establishing the rules and order of business of the New Braunfels City Council.

Caitlin Krobot, City Secretary

- N) Approval of the second and final reading of an ordinance [21-299](#) amending Section 126-354 of the City of New Braunfels Code of Ordinances to revise Parking by Permit Area G.

Garry Ford, Assistant Public Works Director/City Engineer

- O) Approval of the second and final reading of an ordinance [21-300](#) to amend Section 126-186 to restrict through truck traffic on Lake Front Avenue between the IH 35 Frontage Road and Freiheit Road and Freiheit Road between Lake Front Avenue and SH 46.

Garry Ford, Assistant Public Works Director/City Engineer

- P) Approval of the second and final reading of an ordinance [21-301](#) to amend Section 126-346 to establish a no parking zone on E. San Antonio Street at N. Gilbert Avenue.

Garry Ford, Assistant Public Works Director/City Engineer

- Q) Approval of the second and final reading of an ordinance [21-317](#) regarding a proposed revision to the Town Creek Planned Development (TCPD) concept plan and development standards, on approximately 66 acres located at North Academy and North Walnut Avenues.

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

#### **4. INDIVIDUAL ITEMS FOR CONSIDERATION**

- A) Discuss and consider possible direction to staff [21-318](#) regarding whether to continue to require the use of face coverings by the public while at city facilities.

Robert Camareno, City Manager

- B) Discuss and consider approval of the installation of [21-278](#) speed humps on River Acres Drive between 1255 River Acres Drive and Fair Lane.

Garry Ford, Assistant Public Works Director/City Engineer

- C) First reading of an ordinance regarding the creation of [21-256](#)  
Child Safety Zones which would provide residency  
restrictions for Registered Sex Offenders residing within  
the city limits of New Braunfels.  
Mike Penshorn, Captain and Greg Walker, Sergeant, Police Department
- D) Public hearing, consideration, and possible action on a [21-359](#)  
resolution approving an amendment to the Solms  
Landing Public Improvement District ("PID") that will  
adjust the amount of public improvements that are  
eligible for reimbursement, pursuant to Ch. 372 of the  
Texas Local Government Code.  
Jared Werner, Chief Financial Officer
- E) Discuss and consider approval of the second and final [21-296](#)  
reading of an ordinance regarding a proposed rezoning  
of approximately 19.963 acres out of the Sarah DeWitt  
Survey No. 48, Abstract No. 103, in Guadalupe County,  
Texas, located at the northeast corner of the intersection  
of FM 725 and East Klein Road, from "R-1" Single-Family  
District and "APD" Agricultural/Pre-Development District  
to "REAPD" River's Edge Apartments Planned  
Development District.  
Christopher J. Looney, AICP, Planning and Development Services Director
- F) Discuss and consider the second and final reading of an [21-297](#)  
ordinance regarding a proposed rezoning to amend an  
existing Special Use Permit to allow for two-story  
townhomes on approximately 10 acres located on the  
west side of Independence Drive, approximately 1,300  
feet north of the intersection of Independence Drive and  
Oak Run Parkway.  
Christopher J. Looney, AICP, Planning and Development Services Director
- G) Discuss and consider approval of the second and final [21-287](#)  
reading of an ordinance regarding a proposed rezoning  
to apply a Special Use Permit to allow short term rental  
of two single-family residences in the "C-2" General  
Business District, addressed at 274 and 290 East Bridge  
Street.  
Christopher J. Looney, AICP, Planning and Development Services Director
- H) Public hearing and first reading of an ordinance [21-309](#)

regarding a proposed rezoning of approximately 21 acres out of the O. Russell Survey No. 2, Abstract No. 485, located at the northern corner of the intersection of Goodwin Lane and Orion Drive, from “APD” Agricultural/Pre-Development District to “R-3H” Multifamily High Density District.

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

- I) Public hearing and first reading of an ordinance [21-305](#) regarding a proposed rezoning of approximately 47 acres out of the O. Russell Survey No. 2, Abstract No. 485, located at the northern corner of the intersection of Goodwin Lane and Orion Drive, from “APD” Agricultural/Pre-Development District to “R-1A-4” Single-Family Small Lot Residential.

Christopher J. Looney, Planning and Development Services Director

- J) Public hearing and first reading of an ordinance [21-298](#) regarding a proposed rezoning to apply a Special Use Permit to allow outdoor music in the “C-1” Local Business District adjacent to residential use on approximately 1.2 acres consisting of Lot 5, Block 1, Rio Vista Addition, addressed at 1951 Gruene Road.

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

- K) Public hearing and consideration of a request for a [21-281](#) Conditional Sign Permit for Tree of Life Church to allow for the modification of an existing legally nonconforming freestanding pole sign to include an electronic message sign cabinet in the ‘M-1’ Light Industrial District, addressed at 5513 IH 35 South.

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

## 5. **EXECUTIVE SESSIONS**

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

- A) Deliberate the purchase, exchange, lease or value of [21-294](#) real estate in accordance with Section 551.072 of the Texas Government Code, specifically
- NBPD Site
  - New Braunfels Regional Airport RPZ Land

Acquisitions

- B) Deliberate the appointment, employment, evaluation, [21-330](#) reassignment, duties, discipline, or dismissal of the City Manager, City Attorney, and/or the Municipal Court Judge in accordance with Section 551.074 of the Texas Government Code.

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

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

7. **ADJOURNMENT**

**CERTIFICATION**

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

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Caitlin Krobot, City Secretary

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



## City Council Agenda Item Report

550 Landa Street  
New Braunfels, TX

**4/12/2021**

Agenda Item No. A)

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# Proclamation

THE STATE OF TEXAS §

COUNTY OF COMAL §

CITY OF NEW BRAUNFELS §

**WHEREAS**, autism spectrum disorders are a broad range of conditions characterized by challenges with social skills, repetitive behaviors, speech and nonverbal communication; and

**WHEREAS**, autism spectrum disorders affect at least 1 in 68 children and an unknown number of adults in the United States regardless of gender, race, ethnicity, or socioeconomic background; and

**WHEREAS**, early accurate diagnosis and appropriate education, intervention, and therapy are vital to the well-being of those with autism spectrum disorders; and

**WHEREAS**, persons with an autism spectrum disorder should have access to the care, services, and opportunities they need to be happy and to achieve their greatest potential; and

**WHEREAS**, the City of New Braunfels is honored to take part in the annual observance of World Autism Month and World Autism Awareness Day in the hope that it will lead to more research, better understanding, and acceptance of autism spectrum disorder.

**NOW, THEREFORE, I, RUSTY BROCKMAN**, Mayor of the City of New Braunfels, do hereby proclaim the month of April 2021 as

## **AUTISM AWARENESS MONTH**

to raise public acceptance and understanding of autism spectrum disorder, as well as to increase knowledge of the efforts that have been and are being made to support individuals with autism spectrum disorder and their families.

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused the Seal of the City of New Braunfels to be affixed on this the 12th day of April 2021.

**CITY OF NEW BRAUNFELS**

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**RUSTY BROCKMAN, Mayor**



## City Council Agenda Item Report

550 Landa Street  
New Braunfels, TX

**4/12/2021**

Agenda Item No. B)

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# Proclamation

THE STATE OF TEXAS           §  
COUNTY OF COMAL           §  
CITY OF NEW BRAUNFELS   §

**WHEREAS**, NBU, TXDOT, City and County Employees, along with both New Braunfels and Comal School District Maintenance and all of their Support Departments have always been mindful of the interest of the City of New Braunfels and all entities have worked vigorously during the crisis to ensure the safety and well-being of New Braunfels and Comal residents while working during and the recovery after the 2021 Winter Storm;

**WHEREAS**, NBU, TXDOT, City and County employees, along with New Braunfels and Comal School Districts, have provided outstanding leadership and guidance to help aid in the recovery of the City during and after the 2021 Winter Storm.

**WHEREAS**, NBU, TXDOT, City and County Employees, New Braunfels and Comal School Districts have faithfully and with honor, integrity and great distinction have served through and to this day after the 2021 Winter Storm;

**WHEREAS**, all these hardworking individuals of New Braunfels are an integral part of improving the quality of life in our city by being active and responsive to the needs of the City when crisis strikes,

**NOW, THEREFORE, I, RUSTY BROCKMAN**, Mayor of the City of New Braunfels, Texas, do hereby proclaim April 12th as

**“OUTSTANDING PUBLIC SERVICE DAY”**

In New Braunfels, Texas, and I do thereby call upon all citizens to recognize and express their appreciation for the vital contributions made daily by public employees and volunteers throughout the City of New Braunfels.

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused the seal of the City of New Braunfels to be affixed this 12<sup>th</sup> day of April, 2021.

**CITY OF NEW BRAUNFELS, TEXAS**

**BY:** \_\_\_\_\_  
**RUSTY BROCKMAN, Mayor**



## City Council Agenda Item Report

550 Landa Street  
New Braunfels, TX

**4/12/2021**

Agenda Item No. A)

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## City Council Agenda Item Report

550 Landa Street  
New Braunfels, TX

**4/12/2021**

Agenda Item No. B)

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4/12/2021

Agenda Item No. C)

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**PRESENTER:**

Julie Peak, Principal, Masterson Advisors

**SUBJECT:**

Presentation from Comal County Water Improvement District No. 1A (Veramendi) representatives regarding summary of proposed issuance of bonds.

**DEPARTMENT:** Economic and Community Development

**COUNCIL DISTRICTS IMPACTED:** N/A

**BACKGROUND INFORMATION:**

The Comal County Water Improvement District is an approximate 2,462 acre master planned community commonly known as Veramendi. The Development Agreement ("the Agreement") between the City of New Braunfels and Veramendi authorizes up to \$620 million in debt for eligible, designated purposes. The Agreement requires that the District provide a presentation to the City Council ahead of any new debt issuances. Bonds issued by the District are paid for by tax revenues secured by taxable assessed valuation within the boundaries of the WID. Section 8 of the Agreement outlines the requirements for the District (and subdistricts) and indebtedness, as well as the obligations of the District to the City.

**ISSUE:**

Presentation to discuss the proposed issuance of tax bonds by the Veramendi district

**FISCAL IMPACT:**

None

**RECOMMENDATION:**

N/A

4/12/2021

Agenda Item No. A)

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**PRESENTER:**

Caitlin Krobot, City Secretary

**SUBJECT:**

Discuss and consider approval of the minutes of the March 22, 2021 City Council Meeting.

**DEPARTMENT:** City Secretary

**COUNCIL DISTRICTS IMPACTED:** N/A

**BACKGROUND INFORMATION:**

N/A

**ISSUE:**

N/A

**FISCAL IMPACT:**

N/A

**RECOMMENDATION:**

Recommend Approval.

# City of New Braunfels, Texas

## City Hall – Council Chambers Regular City Council Meeting Minutes Monday, March 22, 2021 6:00 p.m.

### City Council

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

The meeting was called to order by Mayor Brockman at 6:03 p.m. Mayor Brockman gave the invocation and led the Pledge of Allegiance and Salute to the Texas Flag.

### PROCLAMATIONS:

- A) Theatre in Our Schools Month.

**Mayor Brockman presented the proclamation.**

### PRESENTATIONS:

- A) Presentation of the 2020 Achievement of Excellence in Libraries Award to the New Braunfels Public Library.

**Mayor Brockman read the aforementioned caption.**

**Gretchen Pruett presented this item.**

### 1. MINUTES

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

**Mayor Brockman read the aforementioned caption.**

**Councilmember Hines moved to approve the item. Councilmember**

**Monday, March 22, 2021 New Braunfels City Council Regular Meeting**

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

## **2. CITIZENS' COMMUNICATIONS**

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

**George Green spoke during Citizen's Communications.**

## **3. CONSENT AGENDA**

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

### *Resolutions & Action Items*

- A) Approval of a contract with Imperium Public Affairs to coordinate legislative support services during the 2021 legislature.
- B) Approval of a resolution of the City of New Braunfels consenting to the addition of certain land into Comal County Water improvement District Number 1A (Veramendi)
- C) Discuss and consider approval of naming new park property Timmermann Park.
- D) Approval for purchase of 3 prefabricated restroom-concession buildings from Restroom Facilities Ltd for placement at Zipp Family Sports Park In the amount of \$867,030 plus a 10% contingency and authority for the City Manager to execute any change orders up to the contingency amount.
- E) Approval of a professional services agreement with Vickrey & Associates, LLC. for preliminary design services of Alligator Creek Trail Master Plan.
- F) Approval of a resolution of the City Council of the City of New Braunfels, Texas approving a recommendation of the New Braunfels Economic Development Corporation to provide up to \$58,000 the City of New Braunfels to partially fund a professional services agreement with Vickrey & Associates, LLC, for preliminary design services of Alligator Creek Trail Master Plan for the Parks Department.

- G) Approval of a resolution of the City of New Braunfels, Texas, setting The public hearing on amending the Solms Landing Public Improvement District within the corporate boundaries of the City of The City of New Braunfels, Texas, pursuant to chapter 372 of the Texas Local Government Code; authorizing the mailing and publication Of the public hearing in accordance with chapter 372 of the Texas Local Government Code.
- H) Approval of issuance of contract modification with Freese & Nichols, Inc. to continue work on the technical assessment and adoption Support to the southeast sector of the City of New Braunfels Thoroughfare Plan.
- I) Approval of annual routine recurring expenditures for FY 2021 in Accordance with City Charter Section 9.17.

#### *Ordinances*

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

- J) Approval of the second and final reading of an ordinance regarding a request from the Humane Society of New Braunfels Area (HSNBA) to waive development related fees for their new, spay and neuter building.
- K) Approval of the second and final reading of proposed amendments to Chapter 6, Animals, related to tethering, keeping of rabbits, general standards of pet care, and penalties, as recommended by the Animal Services Advisory Board.

**Mayor Brockman read the aforementioned captions A through K.**

**Councilmember Hurta moved to approve consent agenda items A-K, Councilmember Hines seconded the motion which passed unanimously via roll call vote.**

#### **4. INDIVIDUAL ITEMS FOR CONSIDERATION**

- A) Approval of the appointment of two individuals for terms ending 3/11/2024 and one individual for an unexpired term ending 3/11/23 to the Heritage Commission.



**Mayor Brockman read the aforementioned caption.**

**Caitlin Krobot presented this item.**

**Caitlin Krobot asked for a vote for Council's preference for the two terms for the Heritage Commission ending 3-11-2024 and the unexpired term ending 3-11-2023.**

**Councilmember Hines moved to appoint Pamela Brandt and Lauren Strack for terms on the Heritage Commission ending 3/11/2024 and Kristi Joy Simmons for an unexpired term ending 3/11/2023. Councilmember Hoyt seconded the motion which passed unanimously via roll call vote.**

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

**Mayor Brockman read the aforementioned caption.**

**Christopher Looney presented this item.**

**The following individuals spoke on this item: James Ingalls, Cory Elrod, Ron Reaves, Tim Barker, Thor Thornhill, and Joe Turner.**

**Mayor Pro-Tem Meadows moved to approve the item. Councilmember Hines seconded the motion which passed 4-3 via roll call vote with Councilmember Bowers, Councilmember Blakey, and Mayor Brockman in opposition.**

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

**Mayor Brockman read the aforementioned caption.**

**Christopher Looney presented this item.**

**The following individuals spoke on this item: Molina Sanders, Jason Leach, Thor Thornhill, Rene Price, Karen Nussbaumer, and Ron Griffith.**

**Councilmember Hines moved to approve the item. Mayor Pro-Tem Meadows seconded the motion which passed**

**unanimously via roll call vote.**

**Mayor Brockman took a break at 8:17 p.m. and reconvened at 8:27 p.m.**

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

**Mayor Brockman read the aforementioned caption.**

**Christopher Looney presented this item.**

**Councilmember Hines moved to postpone the item to the April 12, 2021 Council meeting. Councilmember Hurta seconded the motion which passed unanimously via roll call vote.**

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

**Mayor Brockman read the aforementioned caption.**

**Christopher Looney presented this item.**

**The following individual spoke on the item: Chris Van Heerde.**

**Mayor Pro-Tem Meadows moved to approve the item. Councilmember Hines seconded the motion which passed unanimously via roll call vote.**

- F) Public hearing and first reading of an ordinance regarding a proposed rezoning to apply a Special Use Permit to allow short term rental of two single-family residences in the "C-2" General Business District, addressed at 274 and 290 East Bridge Street.

**Mayor Brockman read the aforementioned caption.**

**Christopher Looney presented this item.**

**Councilmember Hurta moved to approve the item. Councilmember Hines seconded the motion which passed 6-1 via roll call vote with Councilmember Hoyt in opposition.**

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

**Mayor Brockman read the aforementioned caption.**

**Christopher Looney presented this item.**

**The following individual spoke on this item: James Ingalls.**

**Mayor Pro-Tem Meadows moved to approve the item. No second was made, motion failed.**

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

**Mayor Brockman read the aforementioned caption.**

**Christopher Looney presented this item.**

**The following individuals spoke on this item: Nikki Barnett, and Mike Rusk.**

**Councilmember Hines moved to postpone the item to the April 26, 2021 Council meeting. Councilmember Bowers seconded the motion which passed unanimously via roll call vote.**

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

**Mayor Brockman read the aforementioned caption.**

**Gary Ford presented this item.**

**Councilmember Hines moved to approve the item. Council-Member Hurta seconded the motion which passed unanimously via roll call vote.**

- J) Discuss and consider approval of the installation of speed humps on Kowald Lane between Post Road and IH-35.

**Mayor Brockman read the aforementioned item.**

**Garry Ford presented this item.**

**No motion was made. Item died.**

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

**Mayor Brockman read the aforementioned item.**

**Mayor Brockman recused himself at 9:19 p.m. leaving Mayor Pro-Tem Meadows to preside over this item.**

**Garry Ford presented this item.**

**The following individual spoke on this item: Nan Duhan.**

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

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

**Mayor Brockman read the aforementioned item.**

**Garry Ford presented this item.**

**Councilmember Hurta moved to approve the item. Council-member Blakey seconded the motion which passed unanimously via roll call vote.**

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

**Mayor Brockman read the aforementioned item.**

**Garry Ford presented this item.**

**Councilmember Hurta moved to approve the item. Mayor Pro-Tem Meadows seconded the motion which unanimously passed via roll call vote.**

**5. EXECUTIVE SESSIONS**

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

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

**Mayor Brockman read the aforementioned caption and recessed into Executive Session at 9:35 p.m.**

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

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

**Mayor Brockman reconvened into open session at 10:43 p.m.**

**No action was taken.**

**7. ADJOURNMENT**

**Mayor Brockman adjourned at 10:43 p.m.**

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Rusty Brockman, Mayor

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Caitlin Krobot, City Secretary

DRAFT

4/12/2021

Agenda Item No. A)

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**PRESENTER:**

Caitlin Krobot, City Secretary

**SUBJECT:**

Approval of the Mayoral appointment of one individual as the Chair of the Watershed Advisory Committee for a term ending April 18, 2023.

**DEPARTMENT:** City Secretary's Office

**COUNCIL DISTRICTS IMPACTED:** City-wide

**BACKGROUND INFORMATION:**

The Watershed Advisory Committee is comprised of nine members serving three-year staggered terms, where the Committee Chair is appointed by the Mayor and confirmed by the City Council.

**ISSUE:**

This item requires City Council approval.

**FISCAL IMPACT:**

There is no fiscal impact.

**RECOMMENDATION:**

Staff recommends the appointment of the Mayoral appointment of the Chair for a term ending April 18, 2023.

4/12/2021

Agenda Item No. B)

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**PRESENTER:**

Caitlin Krobot, City Secretary

**SUBJECT:**

Approval of the reappointment of two individuals to the Central Texas Technology Center Advisory Board for a term ending April 26, 2024.

**DEPARTMENT:** City Secretary**COUNCIL DISTRICTS IMPACTED:** City-wide**BACKGROUND INFORMATION:**

The City of New Braunfels in partnership with the City of Seguin established the Central Texas Technology Center Board (CTTC) to assist in the administration of the CTTC and its programs. The CTTC Board is charged with the responsibility of oversight for the CTTC and with keeping both City Council's informed.

The board has a total of 10 members, five appointed from New Braunfels and five appointed from Seguin. The requirements are as follows: 1 4B Board member, 1 New Braunfels Chamber of Commerce representative, 1 New Braunfels Independent School District representative, 1 Comal Independent School District representative, and 1 City of New Braunfels resident.

The upcoming vacancies for the New Braunfels Chamber of Commerce representative, New Braunfels Independent School District Representative and Comal Independent School District representative were advertised from 1/19/2021-2/26/2021.

The City Secretary's Office received 3 applications. One application met the requirements to fill the New Braunfels Chamber of Commerce representative and one application met the requirements to fill the New Braunfels Independent School District representative. The other application did not meet the requirements to fill any of the vacancies.

The following applicants are eligible for reappointment:

- Rachel Behnke - New Braunfels Independent School District representative
- Alan Luke - New Braunfels Chamber of Commerce representative

**ISSUE:**

Central Texas Technology Center Advisory Board appointments requirement City Council approval.



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**FISCAL IMPACT:**

There is no fiscal impact.

**RECOMMENDATION:**

Staff recommends the approval of the two reappointments.

## CTTC - Term Expiration 4/26/2024

### Eligible - NBISD Representative

First Name	Last Name	Date Submitted	City Resident	City Council District	City University	City Board/Commission Experience
Rachel	Behnke	1/28/2021	Yes	District 4	Yes	Currently serving on CTTC; eligible for second term

### Eligible- NB Chamber Representative

First Name	Last Name	Date Submitted	City Resident	City Council District	City University	City Board/Commission Experience
Alan	Luke	2/11/2021	No	N/A	No	Currently serving on CTTC; eligible for second term

### Qualified - CISD Representative

No eligible applications received

### Not Eligible

First Name	Last Name	Date Submitted	City Resident	City Council District	City University	City Board/Commission Experience
Johnnie	Rosenauer	2/10/2021	Yes	District 4	No	Workforce Housing 2019-Present

4/12/2021

Agenda Item No. C)

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Presenter/Contact

Robert Camareno, City Manager  
(830) 221-4287 - [rcamareno@nbtexas.org](mailto:rcamareno@nbtexas.org)

**SUBJECT:**

Approval to renew and amend the Interlocal Agreement with the Alamo Area Council of Governments for demand response transit services, authorizing the City Manager to execute all contract documents associated with this agreement, and approval of an expenditure in the amount of \$489,380.

**BACKGROUND / RATIONALE:**

On January 13, 2014, the New Braunfels City Council approved an interlocal agreement with the Alamo Area Council of Governments (AACOG) for demand response transit services for fiscal year 2014. The City has continued to provide these services on an annual basis. The total cost to the City for the transit program for FY 2021 is \$489,380 to be paid in four quarterly payments. The total annual cost for FY 2021 (\$489,380) is equal to the contract for last fiscal year (FY 2020)

The current ART Transit services support quality of life for our residents who need public transit services. Without the City's continued support, these citizens may not have alternative access to transportation.

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

X	Yes	<b>City Plan/Council Priority:</b>	<b>Strategic Priorities:</b> Infrastructure Objective 1a-Use a variety of funding sources for operational and capital needs.
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**FISCAL IMPACT:**

As stated above, the City's required contribution is \$489,380. Comal County contributes \$70,000 towards this program as well; therefore, the net cost to the City of New Braunfels is \$419,380. Sufficient funds have been allocated in the FY 2021 General Fund budget to support this agreement.

**COMMITTEE RECOMMENDATION:**

N/A

**STAFF RECOMMENDATION:**

Staff is asking for City Council approval authorizing the City Manager to execute all renewal contract documents associated with this agreement, and for approval of the related expenditure in the amount of \$489,380.

ILA-20-209-ART-NB-UZA

**AMENDMENT TO INTERLOCAL AGREEMENT FOR**  
**City of New Braunfels Demand-response Route**

This amendment to the Interlocal Agreement for City of New Braunfels Demand-response Route (the "Agreement") is hereby entered into by and between the **City of New Braunfels** (the "City") and the **Alamo Area Council of Governments** ("AACOG"), to be effective October 1, 2020.

WITNESSETH:

WHEREAS, the City and AACOG entered into that certain interlocal agreement ("the Agreement"), dated October 1, 2013 in which the City agreed to provide a matching fund payment for demand-response services to AACOG and AACOG agreed to provide demand-response public transportation for the City; and

WHEREAS, the parties desire to amend and revise the Agreement as hereinafter set forth.

NOW, THEREFORE, the parties by mutually executing this Amendment, agree that the Agreement is amended as follows:

1. Add to Section 4.1 a subsection "a" to read as follows: "a. The City's Financial Contribution for Fiscal Year 2021 shall be \$489,380, payable in 4 payments, due as follows:

December 15, 2020:	\$122,345
March 15, 2021:	\$122,345
June 15, 2021:	\$122,345
September 15, 2021:	\$122.345

IT IS HEREBY AGREED BY THE PARTIES HERETO that with the exception of those terms and conditions specifically modified and amended herein, the herein referenced Interlocal Agreement shall remain in full force and effect in all its terms and conditions.

**EXECUTED** the day and year first above written.

**CITY OF NEW BRAUNFELS:**

**ALAMO AREA COUNCIL OF  
GOVERNMENTS:**

By: \_\_\_\_\_  
 Robert Camareno  
 City Manager

By:  \_\_\_\_\_  
 Diane Rath  
 Executive Director

Date: \_\_\_\_\_

Date: 9/8/2020

4/12/2021

Agenda Item No. D)

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Presenter/Contact

Sandy Paulos, Assistant Chief Financial Officer  
(830) 221-4387 - spaulos@nbtexas.org

**SUBJECT:**

Approval of a resolution amending the broker/dealer list of the investment policy for the City of New Braunfels adding an additional local government investment pool - Texas FIT.

**BACKGROUND / RATIONALE:**

This agenda item requests approval of a resolution amending the broker/dealer list of the City's current investment policy - adding Texas FIT - a local government investment pool. State of Texas statutes require cities to have investment policies and to review and approve those policies annually. The City last amended its policy, along with an updated broker/dealer list, in November 2020.

The approved investment policy with the broker/dealer list includes 3 local government investment pools - Texpool, Texas CLASS, and TexStar. Adding Texas FIT as an approved local government investment pool will give the City more diversification options, along with higher yield opportunities.

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

<input checked="" type="checkbox"/>	Yes	City Plan/Council Priority	Strategic Priorities: 8-Maintain fiscal stability of City Operations
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**FISCAL IMPACT:**

None

**COMMITTEE RECOMMENDATION:**

N/A

**STAFF RECOMMENDATION:**

Staff recommends approval of the resolution amending the broker/dealer list of the Investment Policy for the City of New Braunfels.



## INVESTMENT POLICY

### 1.0 POLICY

It is the policy of the City of New Braunfels to invest public funds in a manner which will provide the highest reasonable investment return with the maximum security while meeting the daily cash flow demands of the City and conforming to all state and local statutes governing the investment of public funds. The Policy complies with and incorporates the Public Funds Investment Act, (the “Act”), Chapter 2256, Texas Government Code and the Public Funds Collateral Act, Chapter 2257, Texas Government Code.

### 2.0 SCOPE

This Investment Policy applies to all financial assets of the City of New Braunfels. These funds are accounted for in the City’s Comprehensive Annual Financial Report and include:

#### **Funds**

- General Fund
- Special Revenue Funds
- Debt Service Funds
- Capital Project Funds
- Enterprise Funds
- Trust and Agency Funds
- Internal Service Funds

Any new funds created by the City will be incorporated under this Policy unless specifically exempted by Council action.

### 3.0 PRUDENCE

The standard of prudence to be used by investment officials shall be the “prudent person” standard and shall be applied in the context of managing an overall portfolio. The standard states:

Investments shall be made with judgment and care – under circumstances then prevailing – which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived.

Investment officers acting in accordance with written procedures and the investment policy and exercising due diligence shall be relieved of personal liability for an individual security’s credit risk or market price changes, provided deviations from expectations are reported in a timely fashion and appropriate action is taken to control adverse developments.

In determining whether the investment officers have exercised prudence with respect to an investment decision, the determination shall be made taking into consideration the investment of all funds over which the officer had responsibility rather than a consideration as to the prudence of a single investment, and whether the investment decision was consistent with the written investment policy.

## **4.0 OBJECTIVES**

The primary objectives, in priority order, of the City of New Braunfels' investment activities shall be:

### **4.1 Safety**

Safety of principal is the foremost objective of the investment program. Investments of the City shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio. To attain this objective, diversification is required in order that potential losses on individual securities do not exceed the income generated from the remainder of the portfolio. The City shall seek to control the risk of loss due to the failure of a security issuer or guarantor by investing in high credit quality securities, by qualifying and monitoring financial counter-parties, through adequate collateralization, through diversification, and by establishing maximum maturities and weighted average maturities.

### **4.2 Liquidity**

The City of New Braunfels' investment portfolio will remain sufficiently liquid to enable the City to meet all operating requirements which might be reasonably anticipated.

### **4.3 Diversification**

Whenever practical, assets held in the portfolio(s) shall be diversified to minimize the risk of loss resulting from the concentration of assets in a specific maturity, a specific issuer, or a specific market sector.

### **4.4 Return on Investments**

The City of New Braunfels' investment portfolio shall be designed with the objective of attaining a rate of return throughout budgetary and economic cycles, commensurate with the City's investment risk constraints and the cash flow characteristics of the portfolio.

## **5.0 INVESTMENT STRATEGY**

The City maintains one commingled portfolio for investment purposes which incorporates the specific investment strategy considerations and the unique characteristics of the fund groups represented in the portfolio:

- A. The investment strategy for operating, enterprise and special revenue funds has as its primary objective assurance that anticipated liabilities are matched and adequate investment liquidity provided. The secondary objective is to create a portfolio structure which will experience minimal volatility. This may be accomplished by purchasing high quality, short- to medium-term maturity securities which will complement each other in a laddered maturity structure permitting some extension for yield enhancement.
- B. The investment strategy for debt service funds shall have as its primary objective the assurance of available funds adequate to fund the debt service obligations on a timely basis. Successive debt service dates will be fully funded before extension.
- C. The investment strategy for debt service reserve funds shall have as its primary objective the ability to generate a revenue stream to the debt service funds from high quality securities with a low degree of volatility. Securities should be high credit quality and, except as may be required by the bond ordinance specific to an individual issue, be limited to short to intermediate-term maturities.
- D. The investment strategy for capital projects or capital project funds will have as its primary objective assurance that anticipated cash flows are match funded and that adequate liquidity is provided for unanticipated draws. The stated final maturity dates of securities held may not exceed the estimated project completion date.

The City shall pursue an active versus a passive portfolio management strategy. That is, securities may be sold before they mature if market conditions present an opportunity for the City to benefit from the trade.

## **6.0 DELEGATION OF AUTHORITY AND RESPONSIBILITIES**

Management responsibility for the investment program has been delegated by City Council primarily to the Chief Financial Officer, the Assistant Chief Financial Officer, and the Senior Accountant, who are designated by resolution as Investment Officers.

The Investment Officers shall establish written procedures for the operation of the investment program consistent with this Investment Policy. Procedures should include safekeeping controls, documentation, internal controls, repurchase agreements, wire transfers, banking service contracts and collateral/depository agreements. Such procedures shall include explicit delegation of authority to persons responsible for investment transactions. No person may engage in an investment transaction except as provided under the terms of this policy and the procedures established by the Chief Financial Officer. The Chief Financial Officer shall be responsible for all transactions undertaken and shall establish a system of controls to regulate the activities of subordinate officials.

Each Investment Officer shall attend 10 hours of training in the responsibilities of the position within 12 months of assuming those duties. In addition, Investment Officers shall attend an investment training session not less than once in a two-year period that begins on the first day of the fiscal year and consists of the two consecutive fiscal years after that date, and receive not less than eight hours of instruction relating to investment responsibilities from an independent source approved by the City.

The City may contract with an investment management firm registered under the Investment Advisers Act of 1940 (15 U.S.C. Section 80b-1 et seq.) or with the State Securities Board to provide for the investment and management of its public funds or other funds under its control. A contract may not be for a term longer than two years. A renewal or extension of the contract must be made by the City Council by order, ordinance, or resolution.

## **7.0 ETHICS AND CONFLICT OF INTEREST**

Officers and employees involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program, or which could impair their ability to make impartial investment decisions. Employees and investment officials shall disclose to the City Manager any material financial interests in financial institutions that conduct business within their jurisdiction, and they shall further disclose any personal financial/investment relationships that could impact the performance of the City of New Braunfels' investment portfolio. If an Investment Officer has a personal relationship as defined in the Act with a business organization engaging in investment transactions with the City, the Investment Officer must disclose the relationship and file a disclosure with the City Secretary and the Texas Ethics Commission.

## **8.0 AUTHORIZED FINANCIAL DEALERS AND INSTITUTIONS**

The Investment Officer(s) or adviser will maintain a list of authorized broker/dealers, financial institutions, money market mutual funds and local government investment pools offering to engage in an investment transaction with the City. An annual review of the services provided, financial condition and registrations of these firms will be conducted by the Chief Financial Officer and a list of firms submitted to Council for approval at least once a year. [2256.005]

Broker/dealers may include "primary" dealers as defined by the New York Federal Reserve or regional dealers.



All firms desiring to transact investment transactions with the City must complete the City's internal questionnaire and execute a Policy Certification (Appendix A) before any transaction. A current audited financial statement is required to be on file for each firm. Should the City contract with an external investment advisor to execute the City's investment strategy, including the negotiation and execution of investment transactions, the advisor shall be responsible for conducting appropriate due diligence and providing a list of its approved broker/dealers not less than annually. In addition, a managing officer of the investment advisory firm shall sign the City's written certification, which shall be included as part of the investment advisory contract.

## **9.0 AUTHORIZED INVESTMENTS**

Authorized investments shall be limited to the following, as further defined by the Act:

- 9.1** Obligations of the United States or its agencies and instrumentalities excluding mortgage backed securities;
- 9.2** Other obligations, the principal and interest of which are unconditionally guaranteed or insured by, or backed by the full faith and credit of, this state or the United States or their respective agencies and instrumentalities;
- 9.3** Interest bearing bank deposits or Certificates of deposit issued by banks doing business in Texas that are guaranteed or insured by the Federal Deposit Insurance Corporation, or its successor; or, secured by an FHLB Letter of Credit, or collateralized with eligible securities in accordance with Texas Government Code Chapter 2257;
- 9.4** Fully collateralized repurchase agreements having a defined termination date, placed through a primary government securities dealer or a bank doing business in Texas, and secured in accordance with this Policy, purchased under a master repurchase agreement which specifies the rights and obligations of both parties and requires that the securities involved in the transaction be held in a safekeeping account subject to the control of the City with a stated final maturity of one year, except flex repurchase agreements used for bond funds which may extend to match the expenditure plan of the bond proceeds.
- 9.5** AAA-rated SEC-registered money market mutual funds with a dollar-weighted average portfolio maturity of 60 days or fewer whose investment objectives include seeking to maintain a stable net asset value of \$1 per share.
- 9.6** Constant-dollar, AAA-rated Texas local government investment pools as defined by the Act.
- 9.7** Collateralized or insured demand deposit accounts in approved depositories approved by City Council under an executed depository agreement.
- 9.8** An SEC registered, no-load mutual fund with a weighted average maturity of less than two years, invested exclusively in obligations approved by the Policy, and continuously rated as to investment quality by at least one nationally recognized investment rating firm of not less than AAA or its equivalent.
- 9.9** Obligations of any US state or political subdivision rated AA or better by a nationally recognized rating agency not to exceed two years to maturity.
- 9.10** A certificate of deposit (CD), share certificate, or other interest bearing deposit is an authorized investment if issued by a depository institution that has its main office or a branch office in Texas and is 1) guaranteed or insured by the Federal Deposit Insurance Corporation or its successor or the National Credit Union Share Insurance Fund or its

successor, or; (2) collateralized with eligible securities in accordance with Texas Government Code Chapter 2257, or (3) secured by an FHLB letter of credit.

In addition, an investment in CDs or interest bearing deposits made in accordance with the following conditions is an authorized investment: (1) the funds are invested through: a broker that has its main office or a branch office in Texas and selected from a list adopted by the City, or a depository institution that has its main office or a branch office in Texas and is selected by the City; (2) the selected broker or the depository institution arranges for the deposit of the funds in CDs in one or more federally insured depository institutions, wherever located, for the account of the City; (3) the full amount of the principal and accrued interest of each deposit is insured by the United States or an instrumentality of the United States; and the City appoints the selected depository, any institution described in Section 2257.041(d) of the Public Funds Collateral Act or a clearing broker-dealer registered with the SEC and operating pursuant to SEC Rule 15c3-3 (17 C.F.R. Section 240.15c3-3) as custodian with respect to the deposits issued for the account of the City.

- 9.11** Commercial paper that has a stated maturity of 270 days or less from the date of issuance and is rated A-1 or P-1 or an equivalent rating by at least two nationally recognized credit rating agencies, or one nationally recognized credit rating agency and is fully secured by an irrevocable letter of credit.

#### **Competitive Bidding Requirement**

It is the policy of the City to require competitive bidding for all individual security purchases except for those transactions with money market mutual funds and local government investment pools which are deemed to be made at prevailing market rates. At least three bids/offers must be obtained. Bids may be solicited in any manner provided by law. For those situations where it may be impractical or unreasonable to receive three bids for a transaction due to a rapidly changing market environment or to secondary market availability, documentation of a competitive market survey of comparable securities or an explanation of the specific circumstance must be included with the bid document and retained for auditing purposes.

#### **Delivery versus Payment**

Transactions must be settled on a delivery versus payment (DVP) basis to a City approved depository except for transactions involving mutual funds, investment pool or collateralized bank CDs. This assures City control of all its funds and assets. No securities shall be held by the transaction counterparty.

#### **Change of Authorization or Rating**

The City will not be required to liquidate investments that were authorized investments at the time of purchase. The Investment Officer or investment adviser shall monitor, on no less than a weekly basis, the credit rating on all authorized investments in the portfolio based upon independent information from a nationally recognized rating agency. If any security falls below the minimum rating required by Policy, the Investment Officer or adviser shall notify the Chief Financial Officer of ratings change, conditions affecting the rating and possible loss of principal with liquidation options available, within two weeks after the ratings change.

#### **Monitoring FDIC Status**

The Investment Officer or Investment Adviser shall regularly monitor the status and ownership of all banks issuing brokered CDs owned by the City based upon information from the FDIC. If any bank has been acquired or merged with another bank in which brokered CDs are held, the Investment Officer or Adviser shall immediately liquidate any brokered CD which places the City above the FDIC insurance level.

## **10.0 COLLATERALIZATION**

### **10.1 Pledged Collateral**

The City of New Braunfels requires all time and demand deposits to be insured or collateralized at a minimum of 102%. City depositories will be required to execute tri-party depository agreements to include safekeeping agents. If the Federal Reserve acts as custodian, the Pledge Agreement of Circular 7 will be executed in lieu of the tri-party FRB signature. The agreement shall define the City's rights to collateral and shall establish a perfected security interest in compliance with federal and state regulations, including:

- A. The agreement shall be in writing;
- B. The agreement shall be executed by the Depository and the City contemporaneously with the acquisition of the asset;
- C. The agreement will include no listing of pledged collateral.
- D. The agreement must be approved by the Board of Directors or the Loan Committee of the Depository and a copy of the meeting minutes must be delivered to the City.

If the City's depository offers a collateral pooling program as defined by State Law (Local Government Code 2257) the investment officers will evaluate the program for cost efficiencies and risk before participation. Participation in a collateral pool will require Council approval.

### **10.2 Owned Repurchase Agreement Collateral**

Each counterparty to a repurchase transaction is required to execute the Securities Industry and Financial Markets Association (SIFMA) Master Repurchase Agreement. An executed copy of this Agreement must be on file before any transaction is initiated. Collateral will be evidenced by safekeeping receipts clearly denoting City ownership from the safekeeping agent.

### **10.3 Authorized Collateral**

#### **A. Time and Demand Deposits**

Deposits must be secured by FDIC deposit insurance, an FHLB Letter of Credit or any combination of cash and obligations in accordance with Texas Government Code Chapter 2257 that have a market value of not less than 102% of the principal amount of the deposits.

#### **B. Repurchase Agreements**

Securities bought and sold as part of a repurchase agreement are limited to:

- U.S. Government, Agencies and Instrumentalities obligations including mortgage backed securities

The eligibility of specific issues may at times be restricted or prohibited by the City because of current market conditions.

### **10.4 Collateral Substitution or Reduction**

Pledged collateral for deposits and repurchase agreements may be substituted or reduced at any time provided that the total market value of the collateral, plus FDIC insurance, remains equal to or greater than 102% of the deposit amount. The custodian, who shall be independent of the pledging bank, will be liable for monitoring and maintaining the collateral and collateral margins at all times.

### **10.5 Monitoring Collateral Adequacy for Certain Investments**

Monthly reports of the pledged securities with the full descriptions and market values are required to be sent directly to the City from the custodian for all time and demand deposits. The Investment Officers will review the adequacy of the collateral.

The Investment Officers will monitor the adequacy of all collateral underlying repurchase agreements on at least a weekly basis.

#### **10.6 Margin Calls**

If any collateral falls below 102%, the counterparty will be required to pledge additional securities no later than the end of the next business day.

#### **11.0 DELIVERY VERSUS PAYMENT**

All security transactions, including collateral for repurchase agreements, shall be conducted on a delivery-versus-payment (DVP) basis. Securities shall be held by a third-party custodian approved by the Chief Financial Officer and evidenced by original safekeeping receipts.

#### **12.0 DIVERSIFICATION**

The City of New Braunfels shall diversify its portfolio by security type and institution.. Risk of principal loss in the portfolio as a whole shall be minimized by diversifying investment types according to the following limitations.

<u>Investment Type</u>	<u>% of Portfolio</u>
U.S. Treasury Notes/Bonds/Bills	90%
U.S. Government Agencies	80%
Certificates of Deposit	50%
Limit per financial institution	25%
Repurchase Agreements	20%
Flex repurchase agreements by bond issue	100%
Money Market Mutual Funds	25%
Local Government Investment Pools	100%
Commercial Paper	20%
Limit per issuer	5%

#### **13.0 MAXIMUM MATURITIES**

To the extent possible, the City will attempt to match its investments with anticipated cash flow requirements. Unless matched to a specific cash flow, investment maturities beyond two (2) years from the date of purchase are limited to those with call options.

#### **14.0 PERFORMANCE STANDARDS**

The investment portfolio shall be designed with the objective of obtaining a reasonable yield throughout budgetary and economic cycles, commensurate with the investment risk constraint and the cash flow requirements. The benchmarks established for the portfolio in keeping with the cash flow requirements of the City shall be the six-month U.S. Treasury bill or the six month Constant Maturity Treasury (CMT) index.

#### **15.0 REPORTING**

The Investment Officers shall provide a report on investment activity and returns to the City Council on a quarterly basis. Investment performance will be monitored and evaluated by the Investment Officers on a monthly basis. This investment report shall be signed and in compliance with the Act and include, at a minimum:

- 1) detail on each investment position of the portfolio,
- 2) the beginning and ending amortized book and market value,
- 3) the change to market value during the period for each portfolio,
- 4) the beginning and ending amortized book and market value for each investment security by asset type and fund type,
- 5) the final stated maturity date of each investment security,
- 6) the dollar weighted average maturity of the portfolio,
- 7) a comparison of the portfolio's yield or return to an accepted benchmark, and

- 8) a statement of compliance of the investment portfolio with the Authority's Investment Policy and Strategy and the Act.

Prices used for the calculation of market values will be obtained from independent sources.

#### **16.0 INVESTMENT POLICY ADOPTION**

The Investment Policy shall be adopted by resolution of the City Council on no less than an annual basis. Any changes to the Policy shall be reflected in the approving resolution of Council.

**APPENDIX A:**

**CITY OF NEW BRAUNFELS**

**INVESTMENT POLICY CERTIFICATION**

Firm: \_\_\_\_\_  
Account Representative: \_\_\_\_\_  
Date of Completion: \_\_\_\_\_

This certification is executed on behalf of the City of New Braunfels (the “City”) and the “Firm” pursuant to the Public Funds Investment Act, Chapter 2256, Texas Government Code in relation to investment transactions conducted between the City and the Firm.

As the authorized representative of the Firm, I hereby acknowledge that I have received and reviewed the attached Investment Policy of the City of New Braunfels.

I hereby further acknowledge that the Firm has implemented reasonable procedures and controls in an effort to preclude investment transactions conducted between the City and the Firm not authorized by the Investment Policy, except to the extent that this authorization is dependent on analysis of the makeup of the City’s entire portfolio or requires an interpretation of subjective investment standards.

Firm Name: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Representative's Telephone (\_\_\_\_) \_\_\_\_\_

Representative's FAX (\_\_\_\_) \_\_\_\_\_

Representative's Email: \_\_\_\_\_

*Signature* \_\_\_\_\_

*Printed Name* \_\_\_\_\_

## APPENDIX B:

### AUTHORIZED BROKER/DEALERS AND COUNTERPARTIES

In accordance with the Texas Public Funds Investment Act, 2256.025 Selection of Authorized Brokers,

*The governing body of an entity subject to this subchapter or the designated investment committee of the entity shall, at least annually, review, revise, and adopt a list of qualified brokers that are authorized to engage in investment transactions with the entity.*

The authorized list of counterparties is:

**Bank of America Merrill Lynch**

BOK Financial

**Cantor Fitzgerald & Co**

**Citigroup Global Markets**

D.A. Davidson

**Daiwa Capital Markets**

FHN Financial

**Goldman, Sachs & Co**

INTL FCStone

**JP Morgan Securities**

KeyBanc Capital Markets

*Loop Capital Markets \*\**

Mesirow Financial

**Mizuho Securities**

**Morgan Stanley & Co**

*Multi-Bank Securities \*\**

Piper Jaffray & Co.

Raymond James

**RBC Capital Markets**

*Rice Financial \*\**

SunTrust Robinson Humphrey

Stifel, Nicolaus & Co.

**TD Securities**

**UBS Securities**

Vining Sparks

**Wells Fargo Securities**

*Williams Capital Group \*\**

\* **Bold face font indicates firm is a Primary Dealer.**

\*\* *Dark blue italics font indicates firm is an Historically Underutilized Business (HUB) or Minority/Women Owned Business (MWOB).*

Texpool Local Government Pool  
TexStar Local Government Pool  
Texas CLASS Local Government Investment Pool  
Investors Brokerage of Texas (Shared Deposits Programs)  
First Financial Equity Corporation (Shared Deposits Programs) JPMorgan Chase Money  
Market Mutual Fund – Government and Agency  
Invesco Government Money Market Funds  
    - Invesco Treasury Portfolio  
    - Invesco Government & Agency Portfolio  
    - Invesco Treasury Obligations Portfolio

Texas FIT Fixed Income Trust



## APPENDIX C:

### Glossary of Cash Management Terms

**Accretion** – common investment accounting entry in which the book value of securities purchased at a discount are gradually written up to the par value. The process has the effect of recording the discount as income over time.

**Accrued Interest** – Interest earned, but not yet paid, on a bond.

**Agency** – See Federal Agency

**Amortization** – common investment accounting entry in which the book value of securities purchased at a premium are gradually written down to the par value.

**Basis Point** - A unit of measurement used in the valuation of fixed-income securities equal to 1/100 of 1 percent of yield, e.g., "1/4" of 1 percent is equal to 25 basis points.

**Benchmark** – Index used to compare risk and performance to a managed portfolio.

**Bid** - The indicated price at which a buyer is willing to purchase a security or commodity.

**Book Value** – The original acquisition cost of an investment plus or minus the accrued amortization or accretion.

**Broker** – A financial firm that brings securities buyers and sellers together in return for a fee. The term “broker” is often used interchangeably with “dealer” to refer to a seller of investment securities.

**Callable Bond** - A bond issue in which all or part of its outstanding principal amount may be redeemed before maturity by the issuer under specified conditions.

**Cash Settlement** - A transaction which calls for delivery and payment of securities on the same day that the transaction is initiated.

**Collateralization** - Process by which a borrower pledges securities, property, or other deposits for the purpose of securing the repayment of a loan and/or security.

**Collateralized Mortgage Obligation (CMO)** – A derivative mortgage-backed security (MBS) created from pools of home mortgage loans. A single MBS is divided into multiple classes, each class containing a unique risk profile and security characteristics. A number of CMO classes are expressly prohibited by Texas State law.

**Commercial Paper** - An unsecured short-term promissory note issued by corporations, with maturities ranging from 1 to 270 days. Commercial paper must carry a minimum rating of A1P1 in order to be eligible under the Texas Public Funds Investment Act.

**Constant Maturity Treasury (CMT)** – A calculated average released by the Federal Reserve of all Treasury yields along a specific maturity point. This calculation is frequently used as a benchmark for conservative government portfolios.

**Coupon Rate** - The annual rate of interest received by an investor from the issuer of certain types of fixed-income securities. Also known as the "interest rate."

**Credit Risk** - The risk to an investor that an issuer will default in the payment of interest and/or principal on a security.

**Derivative** – Financial instruments whose value is derived from the movement of an underlying index or security.

**Dealer** – A dealer, as opposed to a broker, acts as a principal in all securities transactions, buying and selling for their own account. Often times, the terms “broker” and “dealer” are used interchangeably to refer to a seller of investment securities.

**Delivery Versus Payment (DVP)** - A type of securities transaction in which the purchaser pays for securities at the time of delivery either to the purchaser or his/her custodian.

**Derivative Security** - Financial instrument created from, or whose value depends upon, one or more underlying assets or indexes of asset values.

**Discount** - The amount by which the par value of a security exceeds the price paid for the security.

**Diversification** - A process of investing assets among a range of security types by sector, maturity, and quality rating.

**Dollar Weighted Average Maturity (WAM)** - The average maturity of all the securities that comprise a portfolio.

**Fair Market Rate** – A documented and verifiable rate of interest which approximates the average rate which could have been earned on similar investments at the time of the transaction.

**Federal Agency** – A debt instrument, either fully guaranteed or sponsored by the U.S. government. The typical definition of agency includes the government sponsored enterprises of Fannie Mae, Freddie Mac, the Federal Farm Credit Bank (FFCB) and the Federal Home Loan Bank (FHLB).

**Federal Deposit Insurance Corporation (FDIC)** - A federal agency that insures bank deposits, currently up to \$250,000 per account. Public deposits that exceed this amount must be properly collateralized with investment securities or insured through a surety bond.

**Interest Rate** - See "Coupon Rate."

**Internal Controls** - An internal control structure designed to ensure that the assets of the entity are protected from loss, theft, or misuse. The internal control structure is designed to provide reasonable assurance that these objectives are met.

**Interlocal Cooperation Act** –Law permitting joint participation by local governments providing one or more government functions within the State. This law (Section 791.001 et seq. of the Texas Government Code ("the Act")) has allowed for the creation of investment pools in Texas.

**Investment Advisors Act of 1940**- Law which requires all Investment Advisors to be registered with the SEC in order to protect the public from fraud.

**Investment Policy** - A concise and clear statement of the objectives and parameters formulated by an investor or investment manager for a portfolio of investment securities. The Texas Public Funds Investment Act requires that public entities have a written and approved investment policy.

**Investment Pool** – An entity created under the Interlocal Cooperation Act to invest public funds jointly on behalf of the entities that participate in the pool.

**Liquidity** – A liquid investment is one that can be easily and quickly converted to cash without substantial loss of value. Investment pools and money market funds, which allow for same day withdrawal of cash, are considered extremely liquid.

**Local Government Investment Pool (LGIP)** - An investment by local governments in which their money is pooled as a method for managing local funds.

**Market Risk** - The risk that the value of a security will rise or decline as a result of changes in market conditions.

**Market Value** - A security's par amount multiplied by its market price.

**Master Repurchase Agreement** – A written contract covering all future transactions between the two parties to a repurchase agreement.

**Maturity** - The date on which payment of a financial obligation is due. The final stated maturity is the date on which the issuer must retire a bond and pay the face value to the bondholder. See "Weighted Average Maturity."

**Money Market Mutual Fund** - Mutual funds that invest solely in money market instruments (short-term debt instruments, such as Treasury bills, commercial paper, bankers' acceptances, repos and federal funds).

**Mortgage-Backed Security (MBS)** – Security backed by pools of home loan mortgages.

**Financial Industry Regulatory Authority (FINRA) - formerly the National Association of Securities Dealers (NASD)** - A self-regulatory organization (SRO) of brokers and dealers in the over-the-counter securities business. Its regulatory mandate includes authority over firms that distribute mutual fund shares as well as other securities.

**Net Asset Value (NAV)** – The value of a mutual fund or investment pool at the end of the business day. NAV is calculated by adding the market value of all securities in a fund or pool, deducting expenses, and dividing by the number of shares in the fund or pool.

**Offer** - An indicated price at which market participants are willing to sell a security. Also referred to as the "Ask price."

**Par** - Face value or principal value of a bond, typically \$1,000 per bond. A security's par value is multiplied by its coupon rate to determine coupon payment amount.

**Premium** - The amount by which the price paid for a security exceeds the security's par value.

**Primary Government Securities Dealer (Primary Dealer)** – a pre-approved bank, broker-dealer, or other financial institution that is able to make business deals with the U.S. Federal Reserve, such as underwriting new government debt. These dealers must meet certain liquidity and quality requirements as well as provide a valuable flow of information to the Fed about the state of the worldwide markets.

**Principal** - The face value or par value of a debt instrument. Also may refer to the amount of capital invested in a given security.

**Prudent Person Rule** - An investment standard outlining the fiduciary responsibilities of public funds investors relating to investment practices.

**Regular Settlement** – The date that ownership of a security changes from seller to buyer. It also refers to the date that the buyer must pay for and the seller must deliver the securities to the broker-dealer. For U.S. Government securities have a regular settlement one business day following the trade date (T+1). Mutual funds are settled on a same day basis.

**Repurchase Agreement (repo or RP)** - An agreement by one party to sell securities at a specified price to a second party and a simultaneous agreement of the first party to repurchase the securities at a specified price or at a specified later date.

**Reverse Repurchase Agreement (Reverse Repo)** - An agreement of one party to purchase securities at a specified price from a second party and a simultaneous agreement by the first party to resell the securities at a specified price to the second party on demand or at a specified date.

**Safekeeping** - Holding of assets (e.g., securities) by a financial institution.

**Swap** - Trading one asset for another.

**Total Return** - The sum of all investment income plus changes in the capital value of the portfolio. For mutual funds, return on an investment is composed of share price appreciation plus any realized dividends or capital gains. This is calculated by taking the following components during a certain time period.  $(\text{Price Appreciation}) + (\text{Dividends paid}) + (\text{Capital gains}) = \text{Total Return}$

**Treasury Bills** - Short-term U.S. government non-interest bearing debt securities with maturities of no longer than one year and issued in minimum denominations of \$10,000. Auctions of three- and six-month bills are weekly, while auctions of one-year bills are monthly. The yields on these bills are monitored closely in the money markets for signs of interest rate trends.

**Treasury Notes** - Intermediate U.S. government debt securities with maturities of two- to 10-years and issued in denominations ranging from \$1,000 to \$1 million or more.

**Uniform Net Capital Rule** - SEC Rule 15C3-1- a rule created by the U.S. Securities and Exchange Commission ("SEC") in 1975 to regulate directly the ability of broker-dealers to meet their financial obligations to customers and other creditors.

**Volatility** - A degree of fluctuation in the price and valuation of securities.

**Yield** - The current rate of return on an investment security generally expressed as a percentage of the security's current price.

**Yield-to-call (YTC)** - The rate of return an investor earns from a bond assuming the bond is redeemed (called) prior to its nominal maturity date.

**Yield Curve** - A graphic representation that depicts the relationship at a given point in time between yields and maturity for bonds that are identical in every way except maturity. A normal yield curve may be alternatively referred to as a positive yield curve.

**Yield-to-maturity** - The rate of return yielded by a debt security held to maturity when both interest payments and the investor's potential capital gain or loss are included in the calculation of return.

**Zero-coupon Securities** – Securities issued at a discount which make no periodic interest payment. The rate of return consists of a gradual accretion of the principal of the security and is payable at par upon maturity.



# TEXAS FIXED INCOME TRUST

## GOVERNMENT POOL

December 31, 2020

### ABOUT THE POOL

The TX-FIT Government Pool provides Texas' public entities a conservatively managed, PFIA compliant, investment option with no corporate exposure. The TX-FIT Government Pool seeks the preservation of principal, a competitive yield and a stable NAV, while also providing same day liquidity to its participants.

For more information, visit  
[www.tx-fit.com](http://www.tx-fit.com)



### SERVICE PROVIDERS

**Investment Advisor**  
 Water Walker Investments

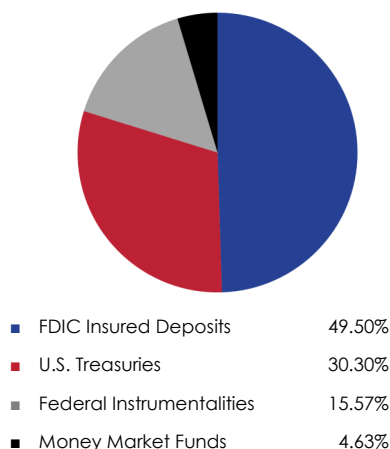
**Custodian**  
 U.S. Bank, N.A.

**Independent Auditor**  
 CliftonLarsonAllen

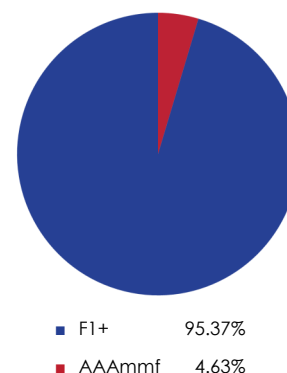
**Legal**  
 Practus, LLP

**Administration/Accounting/Transfer Agent Services**  
 U.S. Bank Global Fund Services

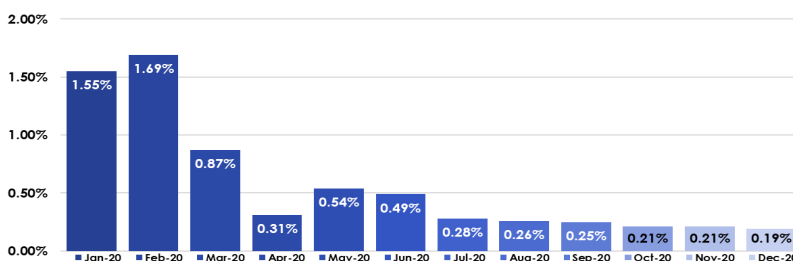
### Asset Allocation



### Credit Quality



### 30 Day SEC Yield



### TX-FIT Government Pool Facts

Fitch Rating <sup>1</sup>	AAmmf
7-Day SEC Yield	0.19%
WAM <sup>2</sup> to Reset	29 Days
WAM <sup>2</sup> to Final	31 Days
NAV <sup>3</sup>	\$1.00

#### Inception Date 1/30/20

<sup>1</sup> "AAmmf" Fitch Rating signifies that the fund's selection of portfolio holdings demonstrates an extremely strong capacity to achieve the investment objective of preserving principal and providing liquidity through limiting credit, market and liquidity risk. Please refer to [www.fitchratings.com/understandingcreditratings](http://www.fitchratings.com/understandingcreditratings) for further details. Fitch Rating as of 12/31/2020.

<sup>2</sup> WAM represents Weighted Average Maturity

<sup>3</sup> This product has a stable Net Asset Value (NAV).

Performance data quoted represents past performance; past performance does not guarantee future results. Current performance of the investment pools may be lower or higher than the performance quoted. Performance data current to the most recent month end may be obtained by calling (888) 909-9998. Complete performance history can be found at [www.tx-fit.com/yield-and-pool-characteristics](http://www.tx-fit.com/yield-and-pool-characteristics).

Investments in the FL-FIT investment pools are not insured or guaranteed by the FDIC or any other government agency. Certain securities in the pool may be FDIC insured through participating FDIC insured banks as part of a sponsored program by an affiliate bank. The FDIC insurance pertains only to the specific securities and not the entire pool. Programs, rates, and terms and conditions are subject to change at any time without notice.

TX-FIT may invest in fixed income securities, which are subject to risks including interest rate, credit and inflation.

*This communication is provided for informational purposes only and is not an offer to sell or a solicitation of an offer to buy any investments offered by Water Walker Investments, nor shall any such investments be offered or sold to any person in any jurisdiction in which such an offer, solicitation, purchase, or sale would be unlawful under the securities laws of such jurisdiction.*

**RESOLUTION NO. 2021-\_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEW  
BRAUNFELS, TEXAS, ADOPTING THE INVESTMENT POLICY FOR  
THE CITY OF NEW BRAUNFELS.**

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**WHEREAS**, the Public Funds Investment Act codified in Government Code Chapter 2256 governs local government investment; and

**WHEREAS**, the Public Funds Investment Act (Section 2256.005(a)) requires the City to adopt an investment policy and investment strategies by rule, order, ordinance or resolution governing the investment of funds under its control; and

**WHEREAS**, the City Council has chosen to make certain changes to the Policy as included in the attached Exhibit (Investment Policy) as summarized below:

- a) Added the following to Authorized Broker/Dealer and Counterparties List:
  - 1. Texas FIT Fixed Income Trust

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

**THAT**, the City has complied with the requirements of the Public Funds Investment Act and the Investment Policy and Strategy, as amended, attached hereto as Exhibit A, is hereby adopted as the Investment Policy of the City.

**PASSED, APPROVED AND ADOPTED** this 12th day of April, 2021.

CITY OF NEW BRAUNFELS, TEXAS

BY: \_\_\_\_\_  
RUSTY BROCKMAN, Mayor

ATTEST:

\_\_\_\_\_  
CAITLIN KROBOT, City Secretary

4/12/2021

Agenda Item No. E)

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**PRESENTER:**

Patrick O'Connell, Fire Chief

**SUBJECT:**

Approval of a contract with Heat Safety Equipment LLC to provide annual inspections and repairs to the New Braunfels Fire Department's Self-Contained Breathing Apparatus Equipment.

**DEPARTMENT:** Fire

**COUNCIL DISTRICTS IMPACTED:** Citywide

**BACKGROUND INFORMATION:**

The New Braunfels Fire Department has identified a need to procure a company to consistently make annual inspections and repairs as needed on their self-contained breathing apparatus equipment used by their staff. These inspections ensure their equipment is in good working condition for the safety of their staff. This service is very specialized and the technicians performing the services are licensed in this field. Additionally, Heat Safety Equipment LLC is also providing the City with a 15% discount off their annual pricing published catalog offered by 3M Scott Safety for repair parts.

This contract removes the need to solicit quotes each year for this repetitive service.

The initial contract term will be for three (3) years, with two (2) additional one year renewal options available to the City.

The contract is for an amount not to exceed \$40,000 over a three (3) year period.

**ISSUE:**

Strategic Priorities 9: Maintain fiscal stability of City operations.

**FISCAL IMPACT:**

Funds for these services will be paid out of the Fire Department's FY 2021 operating budget. Therefore, sufficient funds are available.

**RECOMMENDATION:**

Staff recommends approval of a contract with Heat Safety Equipment LLC to provide annual inspections and repairs to the New Braunfels Fire Department's Self-Contained Breathing Apparatus Equipment.



4/12/2021

Agenda Item No. F)

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**PRESENTER:**

Tony Gonzalez, Director, Information Technology Department

**SUBJECT:**

Approval of a contract with Chain Electric Company for construction of a single mode fiber optic infrastructure to connect seven (7) new City buildings and authorization for the City Manager to execute any change orders up to the contingency amount.

**DEPARTMENT:** Information Technology

**COUNCIL DISTRICTS IMPACTED:** Citywide

**BACKGROUND INFORMATION:**

On January 27, 2020, City Council approved the issuance of a contract to M & S Engineering to prepare fiber engineering design plans to allow for expansion of the City's existing fiber network.

On January 11, 2021, City Council approved the issuance of an invitation for competitive sealed proposals for construction of a fiber optic network to connect seven (7) new buildings as a part of the May 2019 Bond Election as the procurement method for this construction project.

On January 12, 2021, City staff released a competitive sealed bid to seek proposals from qualified vendors for the selection of a fiber optic cable construction contractor. The entire project is 19 plus miles of fiber optic cable, including 17 miles of overhead and two (2) miles of underground, terminating at seven (7) unique locations. The locations are Fire Station No. 2, Fire Station No. 3, Fire Station No. 7, Fire Training Facility, Police Department, Westside Library and Sports Complex. One (1) of the three (3) fire stations will be a reinstallation of existing fiber currently pulled back to the utility pole.

On February 23, 2021, four (4) proposals were received; however, one (1) of the four (4) proposals was rejected due to non-submittal of required bid bond. The proposals were evaluated based upon criteria specified in the bid, experience and qualifications, proposed project timeline, cost and availability in region for warranty work.

Based on the scoring criteria Chain Electric Company was selected as the best value bidder with a lump sum price of \$708,921. Staff recommends a 15% contingency of \$106,338, for a contract total not to exceed \$815,259.

**ISSUE:**

Strategic Priorities: Infrastructure: Use a variety of funding sources for operational and capital needs.

**FISCAL IMPACT:**

Funding for these services were included in the 2019 Bond Program project budget(s). Therefore, sufficient funds are available for this work. However, the portion of the project related to Fire Station No. 7 will be paid from capital proceeds supported entirely by the TIRZ.

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**RECOMMENDATION:**

Staff recommends approval of a contract with Chain Electric Company for construction of a single mode fiber optic infrastructure to connect seven (7) new City buildings and authorization for the City Manager to execute any change orders up to the contingency amount.

4/12/2021

Agenda Item No. G)

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**PRESENTER:**

Robert Lee, Airport Director

**SUBJECT:**

Approval of policy and procedures governing the leasing of city-owned T-Hangars at New Braunfels Regional Airport

**DEPARTMENT:** Airport**COUNCIL DISTRICTS IMPACTED:** City wide**BACKGROUND INFORMATION:**

New Braunfels Regional Airport owns and leases 97 t-hangars and hail-sheds to individuals and corporate users. T-hangars and hail-sheds are configured to provide storage for one general aviation aircraft and associated supplies and tools. Historically, demand has exceeded supply of the aircraft storage and there has been an extended waiting period to secure a spot in one of these hangars. The airport has traditionally maintained a waiting list of customers with no written policy. Airport administration would like to formalize the process and administration with a written policy. This will clarify the procedures by which individuals apply to be on the waiting for upcoming available hangars, as well as the process by which the airport notifies and ultimately leases a space to a customer. A draft of the policy was reviewed by a panel of airport t-hangar tenants and a prospective tenant before being presented to the New Braunfels Regional Airport Advisory Board on March 17, 2021. The Board unanimously approved proceeding with submitting the policy to City Council for adoption.

**ISSUE:**

Adoption of a written policy and procedures for the Airport t-hangar waiting list.

**FISCAL IMPACT:**

None.

**RECOMMENDATION:**

The New Braunfels Regional Airport Advisory Board and Staff recommend approval of the T-hangar Waiting List Policy.





## HANGAR WAITING LIST POLICY

Effective: D / M / 2021

### GENERAL

Hangars owned by the New Braunfels Regional Airport (NBRA) are intended for storage of registered and airworthy aircraft by the registered owner(s). This policy governs access and rental of NBRA-owned T-Hangars and Hail-sheds and the maintenance of the hangar waiting lists. The hangar waiting lists are the sole means by which airport management will fill upcoming vacancies.

Vacant hangars will only be offered to persons on any of the Hangar Waiting Lists (HWL). To be included on a HWL, a formal application must be completed and submitted with a non-refundable application fee. The application must be completed on the NBRA website. The date of application will not be approved until the application fee has been received by Airport Management. Upon signing a lease for any hangar, applicants must provide verification that they own or will own and will occupy the facility with a registered aircraft in airworthy condition within 60 days of hangar offer/acceptance.<sup>1</sup> Applications for additional registered and airworthy aircraft may be submitted separately.<sup>2</sup> Applicants are solely responsible for maintaining current contact information with Airport management to include address, phone number, and email. There are no exceptions.

### HANGAR WAITING LIST

1. Vacant hangars will be offered only to individuals on that respective HWL. There are four (4) types of hangars for which this policy applies to: A hangars, B hangars, T hangars and hail sheds. The Airport maintains a waiting list for each distinct hangar type.
2. Position on list: waiting list position rank is determined by date when application and fee were received and approved by Airport management. A confirmation receipt will be provided.
  - a. Application: Prospective hangar applicants must complete the online t-hangar waiting list application form. Receipt of the submission/approval date will be provided.
  - b. Application Fee: HWL applicants must submit a \$50.00 non-refundable application fee.

<sup>1</sup> – Owners of 'kit built' aircraft (aka homebuilders) may apply for a position on the hangar waiting list; however, to accept an offer for a vacant hangar, the project must be able to be completed and certified as an airworthy aircraft within 60 days of signing a hangar lease.

Individuals seeking to purchase or acquire an aircraft may apply for a position on the waiting list; however, they must take possession of aircraft within 60 days of signing a hangar lease.

<sup>2</sup> – Owners of multiple aircraft must submit a separate application and fee for each aircraft owned.

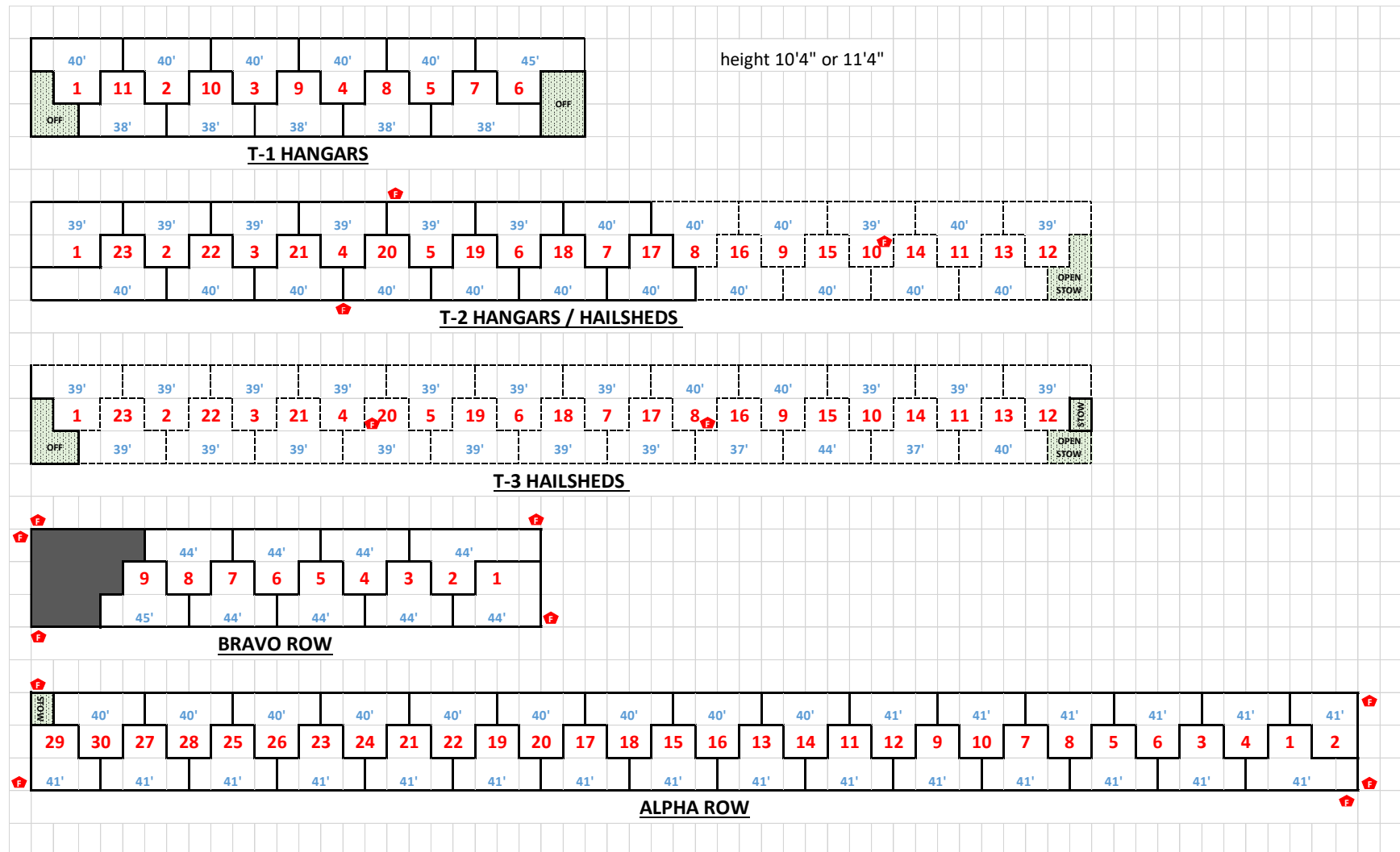
- c. Select Hangar Preference: **Prior to selecting a hangar type, please review the hangar dimensions included as Attachment A to ensure the hangar will accommodate the aircraft to your satisfaction.** Hangar preference can be changed at any time by filing a written request with Airport Administration via mail or e-mail. A request to change hangar type will place the individual at the bottom of the new list. **Multiple hangar preferences will require a separate application and fee.**
3. Positions on the hangar waiting list may not be transferred, traded, subletted , or sold.
4. Hangar offers shall be made chronologically (oldest date/time to the most recent). The Airport will not enter into a Hangar Lease Agreement with an applicant who is not able to meet the eligibility requirements at the time of the offer, unless the Applicant has indicated they will acquire and locate a registered airworthy aircraft within 60 days of signing the lease. Eligibility is determined by aircraft owner providing aircraft make/model and tail number information to NBRA staff. Staff will verify this information through the FAA aircraft database.

When a hangar matching an applicant's preference becomes available, an offer notification will be made by Airport Administration. To accept the offer, the applicant must:

- a. Provide a reply in the affirmative within 5 business days of the date when positive notification was made with the applicant and sign a lease within 10 business days of accepting the offer for a vacant hangar.
- b. Aircraft acquisition: Have an aircraft registered to the applicant in the hangar within sixty (60) days from the date Airport Administration received the applicant's acceptance and hangar rental payment. Payment is due upon entering lease with NBRA. Failure to have an airworthy aircraft registered to the applicant in the hangar within 60 days of acquiring the hangar may result in:
  1. Termination of rental agreement and removal from the hangar,
  2. Forfeiture of first and last month's rental payments, and
  3. Applicant's removal from the hangar waiting list.
5. The waiting list will be uploaded on the Airport website and posted on the Airport Terminal message board. Whenever a vacancy is filled, the waiting list will be updated and reposted.
6. Airport Administration Staff shall make every effort to contact the person in the first position of the hangar waiting list by certified mail, e-mail, and telephone when a hangar becomes available.
7. Non-contact, failure to respond, or a "not interested at this time" response to the hangar offer notification after 5 business days shall be considered a "Pass-Over," and the next individual on the list will be contacted. Contact attempt status will be documented.
8. Each hangar waiting list applicant is permitted three (3) refusals, or "Pass-Overs," for the hangar listed on their application without losing their current place on the list. After the third "pass-over," the applicant's name will be removed from the list unless there are mitigating circumstances (e.g. homebuilder has not finished his project). Note: Having an aircraft that does not fit in the offered vacant hangar will not be considered a pass-over.

9. Once an applicant has accepted an offer and entered into a hangar lease agreement, they may place their name on the bottom of the list for a hangar of a different size without paying the deposit fee. If they have previously requested a larger hangar and their name is currently on the list for the larger hangar, their position will remain unchanged.
10. Persons removed from the hangar waiting list may restore their names to the bottom of the waiting list by filling out a new application and paying a new application fee.

## Attachment A- Hangar Dimensions





4/12/2021

Agenda Item No. H)

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**PRESENTER:**

Valeria Acevedo, City Attorney

**SUBJECT:**

Approval to authorize an expenditure to the Law Offices of Charles S. Frigerio, P.C. for legal representation in a personnel matter pursuant to a professional services agreement.

**DEPARTMENT:** Legal

**COUNCIL DISTRICTS IMPACTED:** None

**BACKGROUND INFORMATION:**

This law firm was engaged on October 21, 2019 to represent the City of New Braunfels in connection to an evidentiary administrative hearing involving a civil service employee of the New Braunfels Police Department. The services have been completed and the total contract amount will be \$30,000, which exceeds the city manager's legal authority of \$25,000 per City Charter. Therefore, City Council authorization is required to expend these funds.

**ISSUE:**

N/A

**FISCAL IMPACT:**

There is currently funding allocated for outside legal services in the FY 2021 City Attorney's Office General Fund Budget

**RECOMMENDATION:**

Staff recommends approval to authorize an expenditure to the Law Offices of Charles S. Frigerio, P.C. for legal representation in a personnel matter pursuant to a professional services agreement.

4/12/2021

Agenda Item No. I)

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**PRESENTER:**

Debbie Kimball, Contract Administrator, Finance Department

**SUBJECT:**

Approval to renew the following annual contracts, as allowed for by their contract language: Fleet Services and Road Construction Materials.

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

On November 14, 2016, the City Council provided consent for a quarterly review and approval of renewals for various annual contracts that occur throughout the course of a fiscal year which are routine in nature and in accordance with the terms and conditions of the associated awarded contracts (which were originally approved by City Council). Quarterly approvals manage staff resources more efficiently as well as ensure compliance with the contracts' terms and conditions. Contract renewals that have any requested modifications, such as a significant increase or decrease in services or costs, will continue to be presented to City Council for individual consideration as needed.

The City Council has previously reviewed and approved the following annual contracts for various goods and services utilized for City operations; the contracts described below require Council authorization for contract renewal. All goods and services have been competitively vetted, and contracts have subsequently been executed on various dates in previous years. All awarded contractors have provided satisfactory performance during the term of their associated contract.

**Renewal of Annual Contract for Fleet Fuel Services:**

Goods/Services Provided: Fuel Card Services and Related Products

City Department: Finance

Solicitation Method: Request for Proposal (RFP) awarded through the Cooperative Purchasing Network (TCPN); now OMNIA Partners Cooperative Group

Contract Award Date: January 1, 2019

Awarded Contractors: FleetCor Technologies Operating Co., LLC dba Fuelman

Modified Contract Expiration Date: March 31, 2022, with no renewal options available.

Approximate Annual Cost of Services During Renewal Period: The City expended \$781,904 during FY 2020 and has spent \$367,965 so far in FY 2021.

**Renewal of Annual Contract for Road Construction Materials:**

Goods/Services Provided: Road Construction Materials handled by City staff.

City Department: Public Works

Solicitation Method: Competitive Sealed Proposals

Contract Award Date: June 1, 2019

Awarded Contractors: Brauntex Materials, Inc., Cemex Inc., Century Asphalt, Ltd., Colorado Materials, Ltd.,

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Ergon Asphalt & Emulsions, Green Dream International and LHoist North America  
Modified Contract Expiration Date: May 31, 2022, with two (2), 12-month renewal options remaining.  
Approximate Annual Cost of Services During Renewal Period: The Public Works Department expended \$733,623 during FY 2020 and has spent \$166,205 so far in FY 2021.

**ISSUE:**

Strategic Priorities: Maintain fiscal stability of City operations

**FISCAL IMPACT:**

Funding for all expenditures and contracts described above have been incorporated into the appropriate departmental budgets. Therefore, sufficient funds are available.

**RECOMMENDATION:**

Staff recommends approval to renew the following annual contracts, as allowed for by their contract language:  
Fleet Services and Road Construction Materials.

4/26/2021

Agenda Item No. J)

Presenter/ContactJennifer Cain, Capital Programs Manager  
(830) 221-4646 - jcain@nbtexas.org**SUBJECT:**

Approval of a Letter of Intent with New Braunfels Utilities for the installation of standalone solar powered generation projects at a series of distributed generation solar sites owned or controlled by the City on the terms and conditions specified in the letter.

**BACKGROUND / RATIONALE:**

NBU has worked with the City to identify sites owned or controlled by the City that may be suitable for solar development due to land characteristics and proximity to NBU's existing distribution lines.

NBU is issuing a request for proposal to solicit competitive proposals from professional, qualified, and experienced solar developers to develop cost effective distributed solar photovoltaic electric generating systems ("Solar PV Systems") connected to NBU's distribution system to be located at a series of distributed generation solar sites physically in or around the City. The awarded Developer shall finance, design, construct, own, operate, and maintain the Solar PV Systems and enter into an agreement with NBU.

NBU will oversee the awarded Developer's development, construction, interconnection and operation of Solar PV Systems on the sites selected for solar development; provided that (a) all plans and specifications for improvements and installations will be submitted to the City for approval, and (b) the City will have the right to inspect any Solar PV System installed on a site owned or controlled by the City.

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

N/A			
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**FISCAL IMPACT:**

Once implemented, the generation of solar power from infrastructure installed on city property will actually generate revenue for General Fund purposes.

**COMMITTEE RECOMMENDATION:**

N/A

**STAFF RECOMMENDATION:**

Staff recommends of a Letter of Intent with New Braunfels Utilities for the installation of standalone solar-powered generation projects at a series of distributed generation solar sites owned or controlled by the City on the terms and conditions specified in the letter.



4/12/2021

Agenda Item No. K)

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**PRESENTER:**

Matthew Eckmann, Facilities and Real Estate Manager

**SUBJECT:**

Approval for issuance of a contract modification with Civil Engineering Consultants to continue survey work supporting the Union Pacific Railroad Landa Street property purchase.

**DEPARTMENT:** Public Works

**COUNCIL DISTRICTS IMPACTED:**

**BACKGROUND INFORMATION:**

The City and Union Pacific Railroad (UPRR) have an agreement for the City to purchase a portion of Union Pacific Railroad right of way where Landa Street currently encroaches. The City entered into a Professional Services Agreement with Civil Engineering Consultants (CEC) on September 9, 2020 to perform necessary research and survey work to identify the parcel the City would need to acquire in the amount of \$13,750. UPRR is requiring additional survey work requiring a contract modification. Staff are asking to increase the project scope for additional amount of \$11,531. This will bring the project total to \$25,281, therefore requiring City Council approval. CEC is a City qualified vendor on the Professional Services IDIQ.

**ISSUE:**

N/A

**FISCAL IMPACT:**

The NB Chamber of Commerce pledged \$24,000 to cover the expenditures of this project. The remaining \$1,281 will be covered by the Professional Services line item in the Economic and Community Development Department budget therefore sufficient funds are available.

**RECOMMENDATION:**

Staff recommends approval for issuance of a contract modification with Civil Engineering Consultants to continue survey work supporting the Union Pacific Railroad property purchase.

4/12/2021

Agenda Item No. L)

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**PRESENTER:**

Christopher J. Looney, Planning and Development Services Director

**SUBJECT:**

First reading of an ordinance regarding a request from the Sophienburg Memorial Association to waive development related fees for platting and expansions to the Sophienburg Museum & Archives addressed at 401 West Coll Street.

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

**Owner/Applicant:** Sophienburg Memorial Association  
Andrew Noonan- President  
401 West Coll Street  
New Braunfels, TX 78130  
(830) 629-1572  
andrewtnoonan@gmail.com

The Sophienburg Memorial Association, a 501(c)3 corporation, is requesting a waiver of development fees associated with the replatting and expansion of the Sophienburg Museum & Archives.

**ISSUE:**

The Sophienburg Memorial Association has owned property on Coll Street since 1926 and operates the Museum & Archives to preserve the history of New Braunfels. The Association also owns a vacant lot at 391 Magazine Avenue adjacent to the museum, and would like to replat their properties into one lot to facilitate future expansions of the museum. This request for fee waivers would apply to all development related fees including the plat application fee, building permit and inspection fees, and roadway impact fees.

**FISCAL IMPACT:**

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

- Plat application fee: approximately \$1,100
- The Museum does not have a definite plan for expansion at this time so potential permit and review fees cannot be calculated.
- Roadway Impact Fees: \$195 per 1,000 square feet of additional gross floor area.

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**RECOMMENDATION:**

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

City Council has approved similar development fee waivers on individual projects for Hope Hospice (May 2015), The Food Bank (January 2016), NB Housing Partners (December 2016), Habitat for Humanity (March 2018) and Humane Society of New Braunfels Area (2021).

**Attachments:**

1. Applicant's Request
2. Location Map
3. Photographs
4. Ordinance





March 10, 2021

**Officers**

Andrew Noonan  
*President*

Rob Johnson  
*Vice President*

Jessie Rahe  
*Treasurer*

Sarah Haag Harper  
*Secretary*

**Board of Directors**

Jay Brewer

Benno Engel

Stuart Hansmann

Stephen Hanz

Fred Heimer

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Thomas Matschek

Douglas Miller, II

Kimberly Wersterfer

Joyce Yannuzzi

Myra Zunker

**Executive Director**

Tara Kohlenberg

Chris Looney, Planning & Zoning  
Mayor Rusty Brockman  
City Council Members  
City of New Braunfels  
550 Landa Street  
New Braunfels, TX 78130

Re: City Block 4061, Lot 31-S 60'

Mr. Mayor and City Council Members,

The Sophienburg Memorial Association has owned the historic Sophienburg Hill site located at 401 West Coll, once the headquarters of Prince Carl and the city's first government building, since 1926 in order to preserve the history of New Braunfels. As the City grows, The Sophienburg Archives and Museum of History must plan for growth to maintain our history for future generations.

Some years ago, The Sophienburg Memorial Association, a 501(c)3 corporation, purchased a property located at 391 Magazine Avenue, adjacent to our other properties, for future museum expansion. The house on the property has since been removed due to disrepair, but the appraised value and property taxes for the vacant property continue to climb, putting quite a strain on our finances.

It is the desire of the Association to re-plat the property and take it into the rest of our non-profit campus, but the platting fees are exorbitant for a non-profit. It is with this intent that we humbly ask that you consider our request to waive the City of New Braunfels' fees for platting, permitting, and other development related processes for the Sophienburg Memorial Association.

Regards,

A handwritten signature in blue ink, appearing to read "A. T. Noonan".

Andrew T. Noonan  
President



## Sophienburg Memorial Association Fee Waiver Request





**ORDINANCE NO. 2021-**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS AUTHORIZING THE WAIVER OF DEVELOPMENT RELATED FEES ASSOCIATED WITH PLATTING AND EXPANSIONS TO THE SOPHIENBURG MUSEUM & ARCHIVES, LOCATED AT 401 W. COLL STREET; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SAVINGS CLAUSE; AND DECLARING AN EFFECTIVE DATE.**

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**WHEREAS**, the Sophienburg Memorial Association is a not-for-profit corporation with a commitment to serving our community by preserving the history of New Braunfels through the Sophienburg Museum & Archives ("Museum"); and

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

**WHEREAS**, the Sophienburg Memorial Association is planning to replat individual lots to facilitate future expansions of the Museum; and

**WHEREAS**, the City Council of the City of New Braunfels wishes to provide support to the Sophienburg Memorial Association because of their ongoing efforts to make New Braunfels a better place to live by preserving its rich history.

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

**SECTION 1**

**THAT** the City of New Braunfels City Council hereby waives and suspends all development related fees for platting, building permits (including application fees, plan review and inspections), and Roadway Impact Fees associated with expansion and improvements to the Museum. The fees waived are those development-related fees specifically enumerated in Chapter 100 and Appendix D of the City's Code of Ordinances. Further, the City of New Braunfels City Council adopts the above-mentioned findings and finds a valid public purpose exists for the waiver of the above described fees.

**SECTION 2**

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

**SECTION 3**

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

**SECTION 4**

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

**SECTION 5**

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

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

**PASSED AND APPROVED:** Second reading this 26th day of April, 2021.

**CITY OF NEW BRAUNFELS**

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**RUSTY BROCKMAN**, Mayor

**ATTEST:**

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**CAITLIN KROBOT**, City Secretary

**APPROVED AS TO FORM:**

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**VALERIA M. ACEVEDO**, City Attorney

4/12/2021

Agenda Item No. M)

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**PRESENTER:**

Caitlin Krobot, City Secretary

**SUBJECT:**

First reading of an ordinance amending Chapter 2 of the Code of Ordinances of the City of New Braunfels, Texas establishing the rules and order of business of the New Braunfels City Council.

**DEPARTMENT:** City Secretary

**COUNCIL DISTRICTS IMPACTED:** City-wide

**BACKGROUND INFORMATION:**

Chapter 2, Division 2 of the City's Code of Ordinances includes rules and order of business as it relates to City Council meetings. Additionally, the City Charter provides that the City Council is authorized to establish its own rules and order of business.

Staff conducted peer research and recommends the proposed amendments to Chapter 2, Division 2 of the Code of Ordinances which provide greater flexibility and increase efficiency in handling the business of the City during City Council meetings.

Section 2-36 includes a proposed amendment to add the flexibility for Executive Session to begin at 5:00 p.m. and that the official posted agenda shall specify the subjects and the order of each meeting. Additionally, it clarifies the way the presiding officer shall take a vote to be consistent with the City Charter. Section 2-37 adds that the order of the business shall list all items for consideration in a format recommended by the City Manager and removes the previous order of business listed. Section 2-38 clarifies the way the presiding officer shall take a vote to be consistent with the proposed revisions in Section 2-36 and the City Charter.

**ISSUE:**

The proposed amendments align with the City's strategic priority of effective management.

**FISCAL IMPACT:**

There is no fiscal impact.

**RECOMMENDATION:**

Staff recommends approval.

**ORDINANCE NO. 2021-**

**AN ORDINANCE AMENDING CHAPTER 2 OF THE CODE OF ORDINANCES OF THE CITY OF NEW BRAUNFELS, TEXAS, AMENDING CHAPTER 2, DIVISION 2, RULES AND ORDER OF BUSINESS OF THE NEW BRAUNFELS CITY COUNCIL MEETINGS, INCLUDING THE SETTING OF MEETING AGENDAS AND THE TIMES FOR MEETINGS; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.**

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**WHEREAS**, the New Braunfels City Charter provides that the City Council is authorized to establish its own rules and order of business and the City Council has determined that it would be beneficial to amend its current rules in order to provide more flexibility in handling the business of the City and how Council operates; and

**WHEREAS**, the City Council recognizes that allowing public participation at City Council meetings fosters useful communication between the Council and community and that greater flexibility would help to encourage dialogue with citizens; and

**WHEREAS**, a greater flexibility of the Council's rules of procedure can work to increase the efficiency with which city business is administered thereby benefiting all citizens.

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

**SECTION 1**

**THAT** Chapter 2 of the Code of Ordinances of the City of New Braunfels, Texas is hereby amended with additions as underlined and deletions as stricken:

Sec. 2-36. Procedure.

- (a) Regular meetings. Regular meetings of the council shall be held on the second and fourth Mondays of each month at 6:00 p.m., with Executive Sessions to be held at 5:00 p.m., and may be recessed from time to time. If a Monday falls on a holiday, the meeting for that day shall be held at 6:00 p.m. the next day or at a time and date set by the council. Except as otherwise provided in V.T.C.A., Local Government Code ch. 551, all official meetings of the council shall be held in public in the council chamber or at a location as designated by the council. The official posted agenda shall specify the subjects and the order of each meeting.
- (b) Quorum. Five of the members elected to the council shall constitute a quorum to do business, but any lesser number of members may have a call of the council or may adjourn or recess from time to time and may compel the attendance of absent members.
- (c) Special meetings. Special meetings of the council shall be called by the city secretary on the written request of the mayor or on the written request of any four members of the council. This provision does not govern the posting of emergency meetings as allowed pursuant to V.T.C.A., Local Government Code § 551.045.
- (d) Roll call and presentation of minutes. At the hour of the meeting, the mayor shall assume

the chair, call the council meeting to order and the city secretary shall then call the roll. A quorum being present, the city secretary, at each regular meeting, shall present to the council the minutes of all proceedings since the beginning of the last regular meeting and shall read such minutes if so required by a majority of the council, and after their correction, if any, and approval by the council, the minutes shall be signed by the mayor.

- (e) Rules of order. All meetings of the city council shall be conducted according to the rules in the latest edition of "Robert's Rules of Order Newly Revised," unless such rules are inconsistent with the City Charter or the rules adopted herein.
- (f) Presiding officer. The mayor shall serve as the presiding officer. As the presiding officer, the mayor shall have the primary duty for ensuring that the council's rules of procedure are followed and for maintaining dignity and order at all council meetings. The mayor shall call the meetings to order and confine the discussion to the published order of business. The mayor shall recognize council members and allow audience participation at appropriate times. The mayor shall see that speakers limit their remarks to the agenda item under consideration, when necessary, shall rule on motions or actions which are out of order. The mayor shall ensure that a ~~roll call is executed on all votes~~ vote is taken on all items. The mayor shall have the same rights as city council members and may make motions, second, participate in discussion and vote on all motions.
- (g) Absence of presiding officer. In the absence or disability of the mayor, the mayor pro tem shall preside over the council, or in the absence or inability of both, a quorum being present, the meeting shall be called to order by the senior council member present and the council shall elect one of its members upon nominations for the purpose of serving as the presiding officer for the meeting.

#### Sec. 2-37. - Meeting agendas.

- (a) Meeting agendas. The city manager shall be responsible for processing proposed agenda items, and the tentative agenda will be available for review by the mayor and city attorney before finalization. All members of council are authorized to request the placement of an item on an agenda. Matters requested to be placed on the agenda by city council members shall be submitted by 5:00 p.m. of the Tuesday prior to the council meeting. Any item placed on the agenda by a council member may not be placed on any future agenda for a period of 90 days, unless said item is submitted in writing and signed by at least two other council members.
- (b) Order of business. The order of business for regular council meetings, special meetings, and workshops shall list all items for consideration in a format recommended by the City Manager. be as follows:
  - ~~(1) Meeting called to order.~~
  - ~~(2) Roll call.~~
  - ~~(3) Invocation.~~
  - ~~(4) Pledge of allegiance/salute to the state flag.~~
  - ~~(5) Proclamations.~~
  - ~~(6) Presentation of minutes of previous meeting.~~
  - ~~(7) Citizens' communications.~~
  - ~~(8) Consent agenda.~~
  - ~~(9) All other business.~~
- (c) Suspension of rules. The rules of order may be suspended by unanimous consent, or by a two-thirds vote if one member objects, to allow agenda items to be taken up out of order, provided the individual(s) who are scheduled to speak to that specific agenda item are present and prepared to address the council.

#### Sec. 2-38. - Parliamentary rules.



- (a) Main motions. Main motions shall be offered as a formal proposal by a member that certain action be taken by the council, and shall be made only when no other business is pending. It requires a second, is debatable and amendable and requires a majority vote for adoption. The following six steps shall be in order when handling a main motion:

- (1) A member makes a motion. That member has a right to speak to the motion first. A member may not speak against his/her own motion, but that member may vote against it.
- (2) Another member seconds the motion. That member may speak and vote against the motion, since the second could be made in an effort to have the council go on record as having opposed that particular action.
- (3) The motion is debated. No council member shall speak more than once in debate to the same motion until all council members have had the opportunity to speak once to the issue under consideration. Each council member shall speak no longer than five minutes at a time to a motion, and debate shall be continued on an alternating basis until a vote is taken.
- (4) The motion is repeated by the mover, the mayor or the city secretary.
- (5) ~~The roll call vote is taken.~~ A vote is taken.
- (6) The result is announced.

(b) Withdrawal of motions. A motion may be withdrawn by the mover at any time before a decision is made on the motion, even though an amendment may have been offered and is pending. It cannot be withdrawn, however, if the motion has been amended. After the previous question has been ordered, a motion may not be withdrawn.

(c) Disposing of main motions. Subsidiary motions require a second and shall be used to dispose of a main motion, herein listed according to their rank, with the lowest ranking listed first:

- (1) Postpone indefinitely shall be used to decline taking action on the main motion. When adopted, by a majority vote, it kills the main motion for the remainder of the meeting at which it was introduced. (not amendable, debatable)
- (2) Amend modifies the wording of a pending motion before that pending motion itself is acted upon when adopted by a majority vote. A motion to substitute is offered to strike out an entire paragraph, section, article, main motion or resolution. All substitute motions of more than two sentences shall be in writing and distributed to each council member and the city secretary prior to discussion, unless such requirement is decided unnecessary by unanimous consent. (amendable, debatable)
- (3) Refer to a board, commission or committee shall include the specific body to which a proposition is referred if such body is in existence; otherwise, a committee may be appointed by the council or by the mayor upon a majority vote. (amendable, debatable)
- (4) Postpone to a certain time shall be used to defer action on a pending motion to a definite meeting date in the future when adopted by a majority vote. (amendable, debatable)
- (5) Limit on extend debate shall be used to lengthen or shorten the time for debate by each council member when adopted by a two-thirds vote. (amendable, not debatable)
- (6) Previous question shall be used to stop debate and to bring to immediate vote the pending main motion and/or any pending subsidiary motions when adopted by a two-thirds vote. (Not amendable, not debatable)
- (7) Lay on the table shall be used to temporarily lay aside an agenda item. It is not used to kill a motion or to delay action on a motion until some future date. Its purpose is to defer action on an issue when something more important arises. It is not amendable, not debatable and requires a majority vote for adoption.

(d) Motions to reconsider. The motion to reconsider shall be used to reopen discussion for

a vote on an item already acted upon. Reconsideration may only occur at the same meeting, or at the next meeting after the one at which the original action occurred. A motion to reconsider may only be made by a member who voted on the prevailing side of the original action. It requires a second, is not amendable, is debatable and requires a majority vote for adoption. The effect of the adoption of the motion to reconsider is immediately to place before the members again the item on which the vote was originally taken.

Reconsideration of an item at a subsequent meeting requires the item to be placed on the agenda for that meeting.

(e) Motions to rescind. The motion to rescind shall be used to change or countermand a previous action, as long as the result of that vote has not been executed. There is no time limit on making the motion to rescind and it can be moved by any member, regardless of how that member voted on the original motion. It requires a second, is amendable, is debatable and requires a two-thirds vote for adoption. Consideration of a motion to rescind a vote adopted at a previous meeting must be placed on the agenda at the subsequent meeting at which it is to be considered.

(f) Rulings. The mayor shall rule on all points of order, subject to the right of any member to appeal to the entire council. If any appeal is made, the question shall be, "shall the decision of the chair be sustained?" and a majority vote is required to sustain the decision of the chair. An appeal must be moved and seconded immediately after the ruling on the point of order that has been made by the presiding officer.

(g) Subject matter. No new motion or proposition shall be admitted under color of an amendment or of a substitute for the pending motion or proposition which does not relate to the subject matter in the original motion or proposition.

## **SECTION 2**

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

## **SECTION 3**

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

## **SECTION 4**

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

## **SECTION 5**

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

**PASSED AND APPROVED:** First reading this 12 day of April 2021.

**PASSED AND APPROVED:** Second reading this XX day of April 2021

**CITY OF NEW BRAUNFELS**

\_\_\_\_\_  
**RUSTY BROCKMAN**, Mayor

**ATTEST:**

\_\_\_\_\_  
**CAITLIN KROBOT**, City Secretary

**APPROVED AS TO FORM:**

\_\_\_\_\_  
**VALERIA M. ACEVEDO**, City Attorney

DRAFT

4/12/2021

Agenda Item No. N)

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Presenter/Contact

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

**SUBJECT:**

Approval of the second and final reading of an ordinance amending Section 126-354 of the City of New Braunfels Code of Ordinances to revise Parking by Permit Area G.

**BACKGROUND / RATIONALE:**

**Council District: 5**

City Council held a public hearing on March 22, 2021 and unanimously approved the first reading of the proposed ordinance.

Staff has received a request from a property owner along Guada Coma Drive to be included in the existing Parking by Permit Area G. The requested area consists of one single-family home.

A signed petition has been received from the property owner requesting addition into Parking by Permit Area G on the east side of Guada Coma Drive between Comal Avenue and Lindheimer Street. This request is for daily between 8:00 a.m. to 8:00 p.m., from May 1 to September 30, which is consistent with the existing Parking by Permit Area G ordinance.

The proposed designated parking by permit area is a contiguous residential area and matches the schedule of existing parking by permit areas. All of the affected residents have submitted a signed statement of the following for the initial requested area:

*We the undersigned are residents and/or property owners of the proposed designated permit area described in this application. We understand that: (i) if this area is designated, certain restrictions will be placed upon on-street parking within the area; (ii) residents and/or residential property owners of the area will be entitled to obtain a limited number of parking permits exempting their vehicles from such parking restrictions, but if a resident and/or property owner owns a vehicle without having a permit displayed, that vehicle will be subject to the parking restrictions; (iii) parking permits will be issued for a term of one year and require replacement each year; (iv) the cost of issuing the annual parking permits will be paid by the residents and/or property owners.*

The Council Meeting held on March 22, 2021 was a public hearing for this consideration. Notices of the public hearing were mailed to all property owners (as shown on the latest tax roll) within a 300-foot radius of the requested area.

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

Envision New Braunfels Strategy 1: Support Vibrant Centers: Action 1.2: Create plans for neighborhoods and transitional areas to maintain quality of life.

**FISCAL IMPACT:**

Traffic control signs cost approximately \$150 each. Sufficient funding is available in the FY 2021 approved streets and drainage budget.

**COMMITTEE RECOMMENDATION:**

The Transportation and Traffic Advisory Board unanimously recommended approval of amending Parking by Permit Area G to include the east side of Guada Coma Drive between Comal Avenue and Lindheimer Street at their meeting on February 11, 2021.

**STAFF RECOMMENDATION:**

Staff recommends approval of amending Parking by Permit Area G to include the east side of Guada Coma Drive between Comal Avenue and Lindheimer Street.

**ORDINANCE NO. 2021-\_\_\_\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW  
BRAUNFELS, TEXAS, AMENDING SECTION 126-354 (c) TO AMEND  
PARKING BY PERMIT AREA G.**

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WHEREAS, the City Council has determined that Section 126-354 (c) Parking by Permit Only, Designated Permit Areas be amended in order to protect the health, safety and welfare of the citizens.

WHEREAS, after engineering and field investigation, the City Engineer has recommended that traffic control signs be installed on certain streets, avenues, thoroughfares and boulevards within the corporate limits of the City of New Braunfels in order to protect the health, safety and welfare of the citizens.

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

**I.**

THAT Section 126-354 (c) is hereby amended to read:

(8) Area G, between the hours of 8:00 a.m. and 8:00 p.m. from May 1<sup>st</sup> through September 30th.

e. On the east side of Guada Coma Drive from the intersection with Comal Avenue to the intersection with Lindheimer Street.

**II.**

THAT the Public Works Department is directed to obtain and install the traffic control signs in the locations as set forth in this ordinance, and is directed to maintain the signs in a manner that provides for the health, welfare and safety of the citizens of New Braunfels.

**III.**

THAT all provisions hereof are hereby declared to be severable and if any provisions hereof is declared to be invalid or unconstitutional, such shall not invalidate or affect the remaining provisions hereof which will be and remain in full force and effect.

**IV.**

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

PASSED AND APPROVED: First reading this the \_\_\_\_\_ day of \_\_\_\_\_, 2021.

PASSED AND APPROVED: Second reading this the \_\_\_\_\_ day of \_\_\_\_\_, 2021.

CITY OF NEW BRAUNFELS, TEXAS

\_\_\_\_\_  
*RUSTY BROCKMAN, MAYOR*

ATTEST:

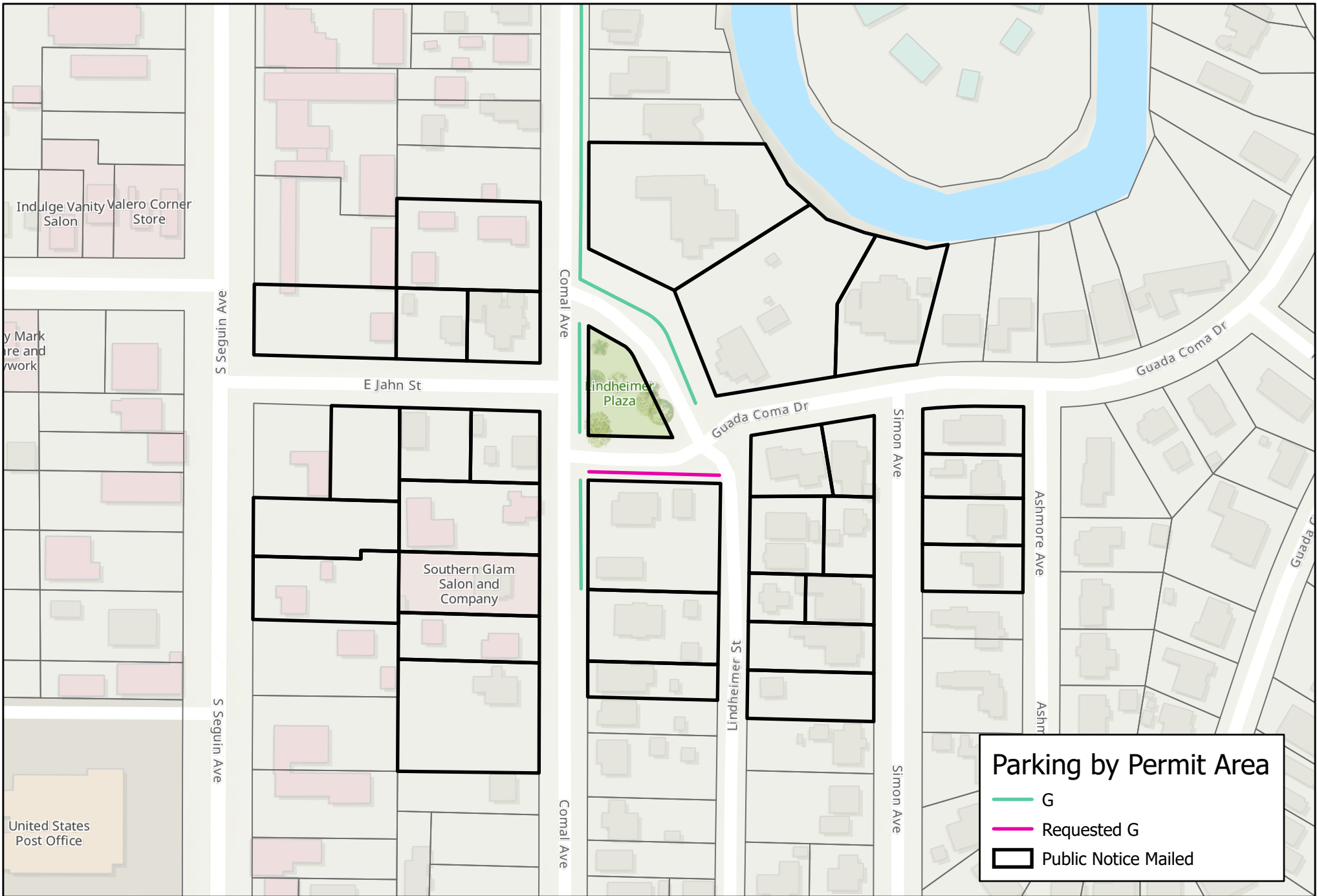
\_\_\_\_\_  
*CAITLIN KROBOT, CITY SECRETARY*

APPROVED AS TO FORM:

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*VALERIA M. ACEVEDO, CITY ATTORNEY*





## Parking by Permit Area G Public Notice Area

4/12/2021

Agenda Item No. O)

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Presenter/Contact

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

**SUBJECT:**

Approval of the second and final reading of an ordinance to amend Section 126-186 to restrict through truck traffic on Lake Front Avenue between the IH 35 Frontage Road and Freiheit Road and Freiheit Road between Lake Front Avenue and SH 46.

**BACKGROUND / RATIONALE:**

**Council District: 5**

City Council held a public hearing on March 22, 2021 and unanimously approved the first reading of the proposed ordinance.

City staff received a request to restrict through truck traffic on Lake Front Avenue between the IH 35 Frontage Road and Freiheit Road and Freiheit Road between Lake Front Avenue and SH 46. City staff completed a traffic study which included a site investigation, multiple observation periods of data collecting, and a review of the crash history in the study area. Using the results of the traffic study and taking into consideration the future striping plans for Lake Front Avenue and Freiheit Road, staff formed a recommendation to establish through truck traffic restrictions.

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

N/A

**FISCAL IMPACT:**

Traffic control signs cost approximately \$150 each. Sufficient funding is available in the FY2021 approved street and drainage budget.

**COMMITTEE RECOMMENDATION:**

The Transportation and Traffic Advisory Board unanimously recommended the creation of through truck traffic restrictions on Lake Front Avenue between the IH 35 Frontage Road and Freiheit Road and Freiheit Road between Lake Front Avenue and SH 46 at their meeting on February 11, 2021.

**STAFF RECOMMENDATION:**

Staff recommends through truck traffic restrictions on Lake Front Avenue between the IH 35 Frontage Road and Freiheit Road and Freiheit Road between Lake Front Avenue and SH 46.

## Traffic Study Summary

Date: February 11, 2021

Prepared By: Carly Farmer, E.I.T., Engineer

Request: Install “No Thru Trucks” signs on Lake Front Avenue between the IH 35 Frontage Road and Freiheit Road and Freiheit Road from Lake Front Avenue to SH 46.

Recommendation: “No Thru Trucks” signs are recommended

### Background

Lake Front Avenue is controlled by a two-way stop at the IH 35 Frontage Road and an all-way stop at Freiheit Road. The posted speed limit on Lake Front Avenue is 30 miles per hour (mph). Freiheit Road is controlled by an all-way stop at Lake Front Avenue and a traffic signal at SH 46. The posted speed limit on Freiheit Road is 30 mph.

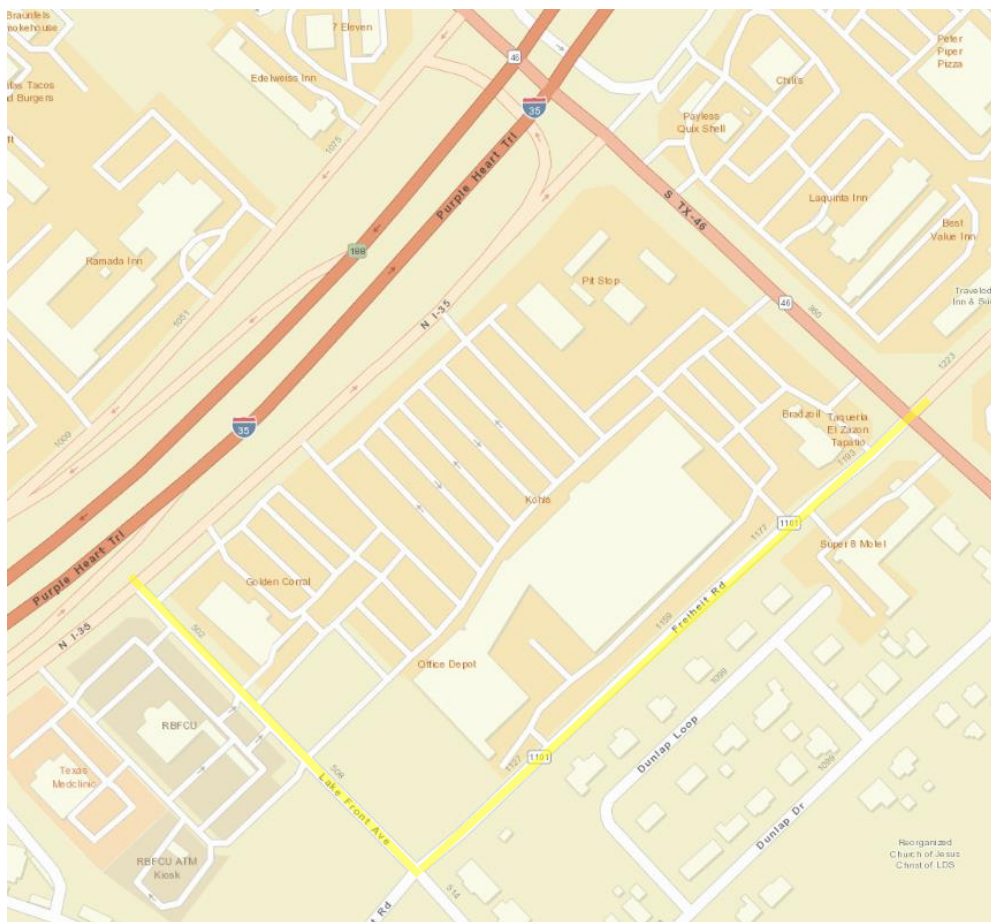


Figure 1. Traffic Study Area on Lake Front Avenue and Freiheit Road

There are plans to restripe both Lake Front Avenue and Freiheit Road in the study area in the future. The proposed striping plan is attached to this report.

An engineering study was completed in November 2020 and January 2021 to evaluate the installation of “No Thru Trucks” signs on Lake Front Avenue between the IH 35 Frontage Road and Freiheit Road and Freiheit Road between Lake Front Avenue and SH 46. The study was completed due to a complaint associated with through trucks. There is concern about large trucks turning onto Lake Front off of the IH 35 Frontage Road and using Freiheit Road to avoid the intersection of IH 35 and SH 46.

## Guidance

Sections 2B.39 and 5B.04 of the Texas Manual on Uniform Traffic Control Devices (TMUTCD) provide support and guidance for the application of “No Trucks” (R5-2) signs. “No Trucks” signs are used to give notice to road users that State or local statutes or ordinances exclude designated types of traffic from using particular roadways or facilities. There is no specific guidance for when this sign should be installed. Therefore, engineering judgment should be used.

Section 126-1 of the City of New Braunfels Code of Ordinances provides a definition for “trucks”:

*Truck means any motor vehicle designed, used or maintained primarily for the transport of property. For purposes of this section, the following are not included within the definition of a truck: (1)Light trucks, including any truck with a manufacturer's rated carrying capacity not to exceed 2,000 pounds and including those trucks commonly known as pickup trucks, panel delivery trucks, vans and carryall trucks.(2)Recreational vehicles and passenger buses.*

## Site Investigation

Vehicle classification data was collected on Wednesday, November 4, 2020 for both eastbound and westbound Lake Front Avenue between the IH 35 Frontage Road and Freiheit Road.

Multiple site investigations were conducted along Lake Front Avenue and Freiheit Road at multiple times throughout the day – during AM, midday and PM peak times – over the course of January 22-January 26, 2021. The investigation included a review of the road characteristics and through truck activity.

The segment of Lake Front Avenue in the study area is located within a commercial area with several driveways to various businesses and a shopping center. The segment of Freiheit Road in the study area borders a commercial and residential area. No homes front this segment of Freiheit Road but there are driveways for accessing the loading area of a shopping center, a hotel, and a restaurant.

## Crash History

Traffic crash data for 2018 through 2021 was found through TxDOT’s Crash Records Information System. There were zero crashes reported for both Lake Front Avenue and Freiheit Road in the study area.

## Data Collection

Traffic data was collected on Wednesday, November 4, 2020 for both eastbound and westbound Lake Front Avenue between the IH 35 Frontage Road and Freiheit Road. Vehicle classification was determined using the Federal Highway Administration vehicle classifications and the City of New Braunfels Code of Ordinances definition of a truck.

Through truck activity was observed during the timeframe of January 22-26, 2021 along Lake Front Avenue and Freiheit Road. Staff conducted observations for the morning peak (7:15-8:15 AM), the afternoon peak (12:00-1:00 PM), and the evening peak (4:30-5:30 PM). The data collection occurred during the Covid-19 pandemic, but otherwise represents typical traffic conditions.

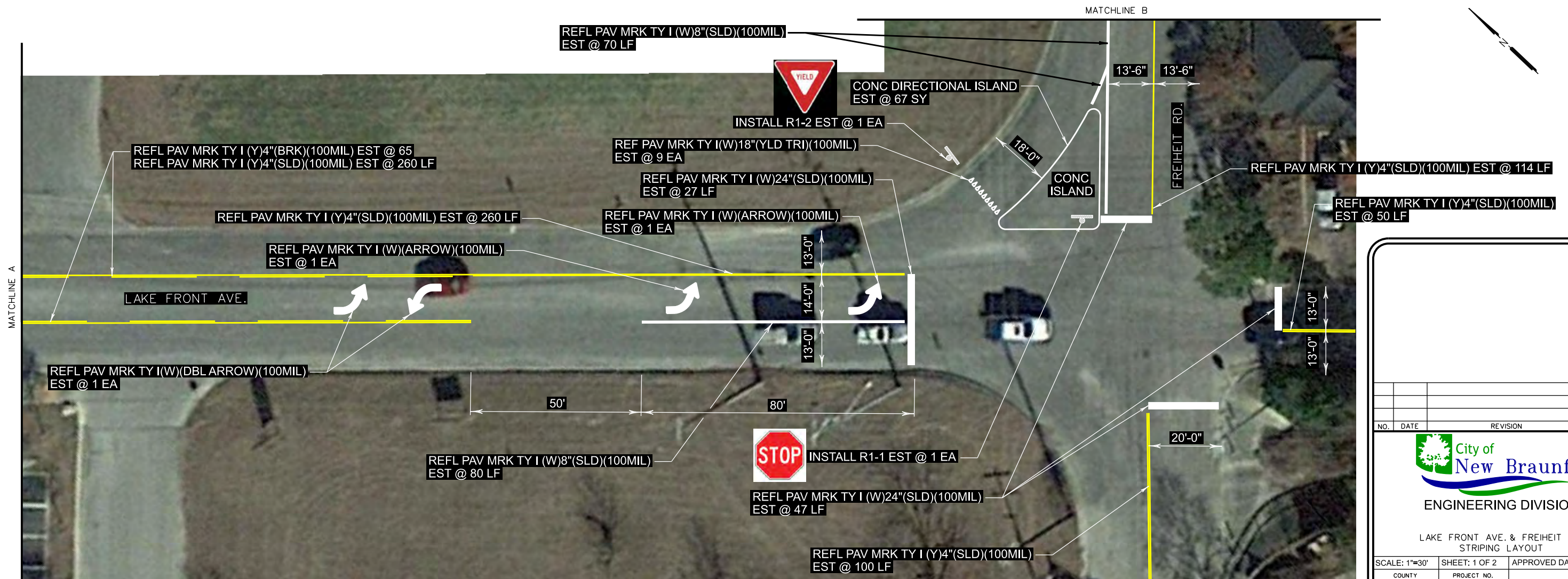
The average daily traffic (ADT) for Lake Front Avenue is 5855 vehicles per day, of which an average of 1% are trucks. Based on through truck observations, between 60%-100% of trucks on Lake Front Avenue during the three peak study periods are through trucks utilizing eastbound Lake Front Avenue and northbound Freiheit Road to bypass the intersection of IH 35 and SH 46.

The results of this study show that “No Trucks” or “No Thru Trucks” signs are warranted. The high ADT on Lake Front Avenue does not benefit from larger, slower trucks coming through the area, and the proposed striping plan on Lake Front Avenue and Freiheit Road will reduce the lane widths on Lake Front Avenue and reduce the size of the intersection of Lake Front Avenue and Freiheit Road. These improvements will not properly accommodate large through trucks.


## Recommendation

A thru truck restriction on Lake Front Avenue and Freiheit Road is recommended by staff at this time.





NO.	DATE	REVISION	APPROV.

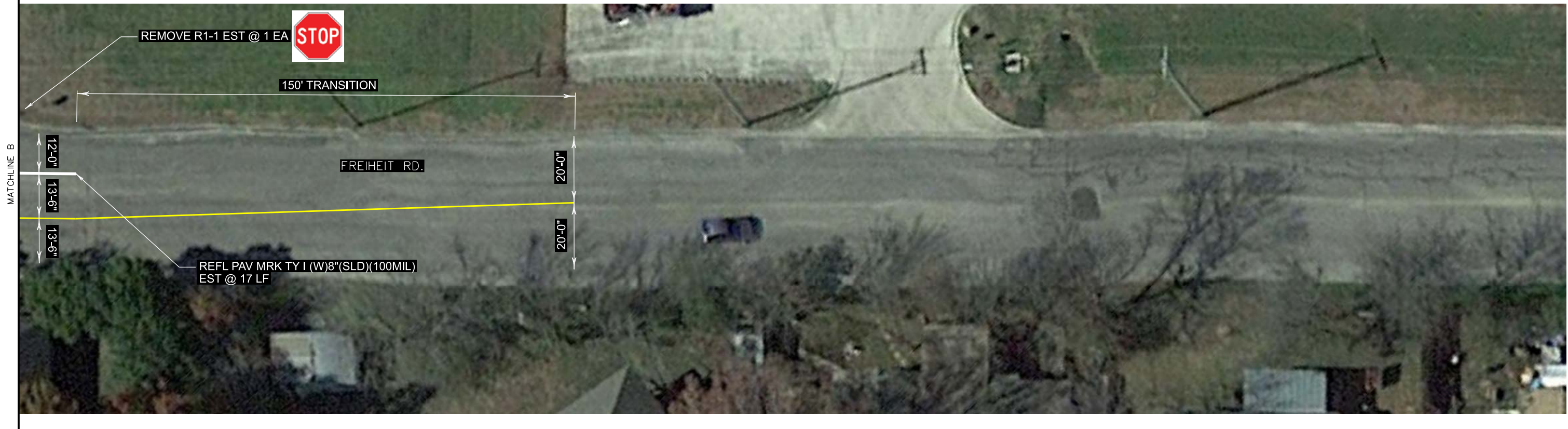
  
**City of New Braunfels**  
 ENGINEERING DIVISION

LAKE FRONT AVE. & FREIHEIT RD.  
STRIPING LAYOUT

SCALE: 1"=30' SHEET: 1 OF 2 APPROVED DATE: 10/2019


COUNTY	PROJECT NO.
COMAL	





ITEM DESCRIPTION	UNIT	EST	FINAL
CONC DIRECTIONAL ISLAND	SY	67	
REFL PAV MRK TY I(W)8"(SLD)(100MIL)	LF	167	
REFL PAV MRK TY I(W)24"(SLD)(100MIL)	LF	157	
REFL PAV MRK TY I(W)(ARROW)(100MIL)	EA	2	
REFL PAV MRK TY I(W)(DBL ARROW)(100MIL)	EA	3	
REF PAV MRK TY I(W)18"(YLD TRI)(100MIL)	EA	9	
REFL PAV MRK TY I(Y)4"(BRK)(100MIL)	LF	240	
REFL PAV MRK TY I(Y)4"(SLD)(100MIL)	LF	3350	
REFL PAV MRK TY I(Y)24"(SLD)(100MIL)	LF	64	
REFL PAV MRK TY I(Y)(MED NOSE)(100MIL)	EA	2	
INSTALL R1-1 (STOP SIGN)	EA	1	
INSTALL R1-2 (YIELD SIGN)	EA	1	
REMOVE SM RD SN SUP&AM (STOP SIGN)	EA	1	

NO.	DATE	REVISION	APPROV.
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ENGINEERING DIVISION

LAKE FRONT AVE. & FREIHEIT RD.  
STRIPING LAYOUT

SCALE: 1"=30'	SHEET: 2 OF 2	APPROVED DATE: 10/2019
COUNTY COMAL	PROJECT NO.	

**ORDINANCE NO. 2021-\_\_\_\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, AMENDING SECTION 126-186 OF THE CITY OF NEW BRAUNFELS CODE OF ORDINANCES TO RESTRICT THROUGH TRUCK TRAFFIC ON LAKE FRONT AVENUE BETWEEN THE IH 35 FRONTAGE ROAD AND FREIHEIT ROAD AND ON FREIHEIT ROAD BETWEEN LAKE FRONT AVENUE AND SH 46.**

---

WHEREAS, City Council has determined that traffic control signs be installed on certain streets, avenues, thoroughfares and boulevards within the corporate limits of the City of New Braunfels in order to protect the health, safety and welfare of the citizens.

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

**I.**

THAT Chapter 126 of the City of New Braunfels Code of Ordinances is hereby amended as follows:

Sec. 126-186. – Through trucks prohibited.

Through trucks are prohibited on the following roads:

(32) Lake Front Avenue between the IH-35 Frontage Road and Freiheit Road.

(33) Freiheit Road between Lake Front Avenue and SH 46

**II.**

All Ordinances or parts thereof in conflict herewith are repealed to the extent of such conflict only. All provisions of the Code of Ordinances of the City of New Braunfels not herein amended or repealed shall remain in full force and effect.

**III.**

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such



invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance.

**IV.**

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

PASSED AND APPROVED: First reading this the \_\_\_\_\_ day of \_\_\_\_\_, 2021.

PASSED AND APPROVED: Second reading this the \_\_\_\_\_ day of \_\_\_\_\_, 2021.

CITY OF NEW BRAUNFELS, TEXAS

\_\_\_\_\_  
*RUSTY BROCKMAN, MAYOR*

ATTEST:

\_\_\_\_\_  
*CAITLIN KROBOT, CITY SECRETARY*

APPROVED AS TO FORM:

\_\_\_\_\_  
*VALERIA M. ACEVEDO, CITY ATTORNEY*

4/12/2021

Agenda Item No. P)

---

Presenter/Contact

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

**SUBJECT:**

Approval of the second and final reading of an ordinance to amend Section 126-346 to establish a no parking zone on E. San Antonio Street at N. Gilbert Avenue.

**BACKGROUND / RATIONALE:**

**Council District: 5**

City Council held a public hearing on March 22, 2021 and unanimously approved the first reading of the proposed ordinance.

With the completion of the San Antonio Street Bridge, E. San Antonio Street was repaved and restriped, including the pavement markings of the downtown two-hour parking spaces. City staff recognized the need for wider clearance around the driveways of the ADM Milling Co. The mill has two driveways fronting E. San Antonio Street: (1) just west of the San Antonio Street Bridge and (2) at N. Gilbert Avenue. Due to the ingress and egress of large trucks at these two driveways, allowing parking poses a safety issue for both the parked vehicles and the trucks. With the recent restriping of downtown two-hour parking, staff excluded the area around the mill driveways for parking. Staff now recommends establishing this area as an official no parking zone in the Code of Ordinances and installing appropriate signage.

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

N/A

**FISCAL IMPACT:**

Traffic control signs cost approximately \$150 each. Sufficient funding is available in the FY2021 approved streets and drainage budget.

**COMMITTEE RECOMMENDATION:**

The Transportation and Traffic Advisory Board unanimously voted to recommend amending the city ordinance to establish a no parking zone on E. San Antonio Street at N. Gilbert Avenue at their meeting on February 11, 2021.

**STAFF RECOMMENDATION:**

Staff recommends amending the city ordinance to establish a no parking zone on E. San Antonio Street at N. Gilbert Avenue.



- Proposed No Parking
- Existing 2 HR Parking
- Mill Access

**ORDINANCE NO. 2021-\_\_\_\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW  
BRAUNFELS, TEXAS, AMENDING SECTION 126-346 TO RESTRICT  
PARKING ON A PORTION OF EAST SAN ANTONIO STREET.**

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WHEREAS, after engineering and field investigation, the City Engineer has recommended that traffic control signs be installed on certain streets, avenues, thoroughfares and boulevards within the corporate limits of the City of New Braunfels in order to protect the health, safety and welfare of the citizens.

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

**I.**

THAT the City of New Braunfels Code of Ordinances Section 126-346 (f) is hereby amended as follows:

- (129) On the north side of E San Antonio Street from 260 feet east of the intersection with North Market Avenue easterly to the San Antonio Street Bridge. Such no parking zone shall be designated as a tow away zone.

**II.**

THAT the Public Works Department is directed to obtain and install the traffic control signs in the locations as set forth in this ordinance, and is directed to maintain the signs in a manner that provides for the health, welfare and safety of the citizens of New Braunfels.

**III.**

THAT all provisions hereof are hereby declared to be severable and if any provisions hereof is declared to be invalid or unconstitutional, such shall not invalidate or affect the remaining provisions hereof which will be and remain in full force and effect.

**IV.**

This Ordinance shall become adopted and effective upon its second reading, signature required by City Charter, and filing with the City Secretary's Office. This

Ordinance must also be published in a newspaper of general circulation at least one time within ten (10) days after its final passage, as required by the City Charter of the City of New Braunfels.

PASSED AND APPROVED: First reading this the \_\_\_\_\_ day of \_\_\_\_\_, 2021.

PASSED AND APPROVED: Second reading this the \_\_\_\_\_ day of \_\_\_\_\_, 2021.

CITY OF NEW BRAUNFELS, TEXAS

\_\_\_\_\_  
*RUSTY BROCKMAN, MAYOR*

ATTEST:

\_\_\_\_\_  
*CAITLIN KROBOT, CITY SECRETARY*

APPROVED AS TO FORM:

\_\_\_\_\_  
*VALERIA M. ACEVEDO, CITY ATTORNEY*

4/12/2021

Agenda Item No. Q)

---

**PRESENTER:**

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

**SUBJECT:**

Approval of the second and final reading of an ordinance regarding a proposed revision to the Town Creek Planned Development (TCPD) concept plan and development standards, on approximately 66 acres located at North Academy and North Walnut Avenues.

**DEPARTMENT:** Planning and Development Services**COUNCIL DISTRICTS IMPACTED:** Council District 1**BACKGROUND INFORMATION:****Case No.:** PZ20-0332

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

**Owner:** TC Town Creek Texas LP  
David Wolters, General Partner  
979 N. Academy Avenue  
New Braunfels, TX 78130  
(512) 633-2245      david@towncreektexas.com

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

**City Council held a public hearing on March 22, 2021 and unanimously approved the first reading of this requested rezoning ordinance. (7-0-0)**

Town Creek is a 66-acre mixed use development located on Walnut Avenue between the Dry Comal Creek and Union Pacific Railroad tracks. The developer's planned development zoning was approved in 2006 to create a unique, walkable community with a range of housing and business opportunities.

**Street Network Revisions**

The proposed TCPD concept plan revision includes the addition of one new Neighborhood Connector street



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and two alleys (highlighted on Attachment 3) to accommodate residential development in Phase 4.

### **Fredericksburg Road**

The TCPD concept plan currently includes an extension of Fredericksburg Road from North Academy Avenue across the railroad tracks to Landa Street. The applicant's original request included removal of the Fredericksburg Road extension from the City's Regional Transportation Plan and from the concept plan. The applicant stated Union Pacific Railroad (UPRR) has not approved an at-grade crossing on Fredericksburg Road, and cited logistical constraints to constructing an over- or underpass. Following discussion at the Planning Commission meeting, and staff's recommendation that the extension remain on the Transportation Plan with further evaluation of the design requirements and constraints, the applicant withdrew this portion of their request.

### **ISSUE:**

The addition of one Neighborhood Connector street and two alleys is consistent with existing development patterns in Town Creek and with the TCPD intent to create a walkable community with alley-loaded residences. It is supported by the Envision New Braunfels Action 7.11 to allow for smaller/narrower streets and lot size variety within individual subdivisions.

### **FISCAL IMPACT:**

N/A

### **RECOMMENDATION:**

The Planning Commission held a public hearing on March 2, 2021 and recommended approval of the proposed revision to add a Neighborhood Connector street and alleys, without the removal of Fredericksburg Road. (8-0-0 with Commissioner Gibson absent)

### **Staff Recommendation:**

Staff recommends approval of the additional Neighborhood Connector street and alleys in Phase 4 of Town Creek.

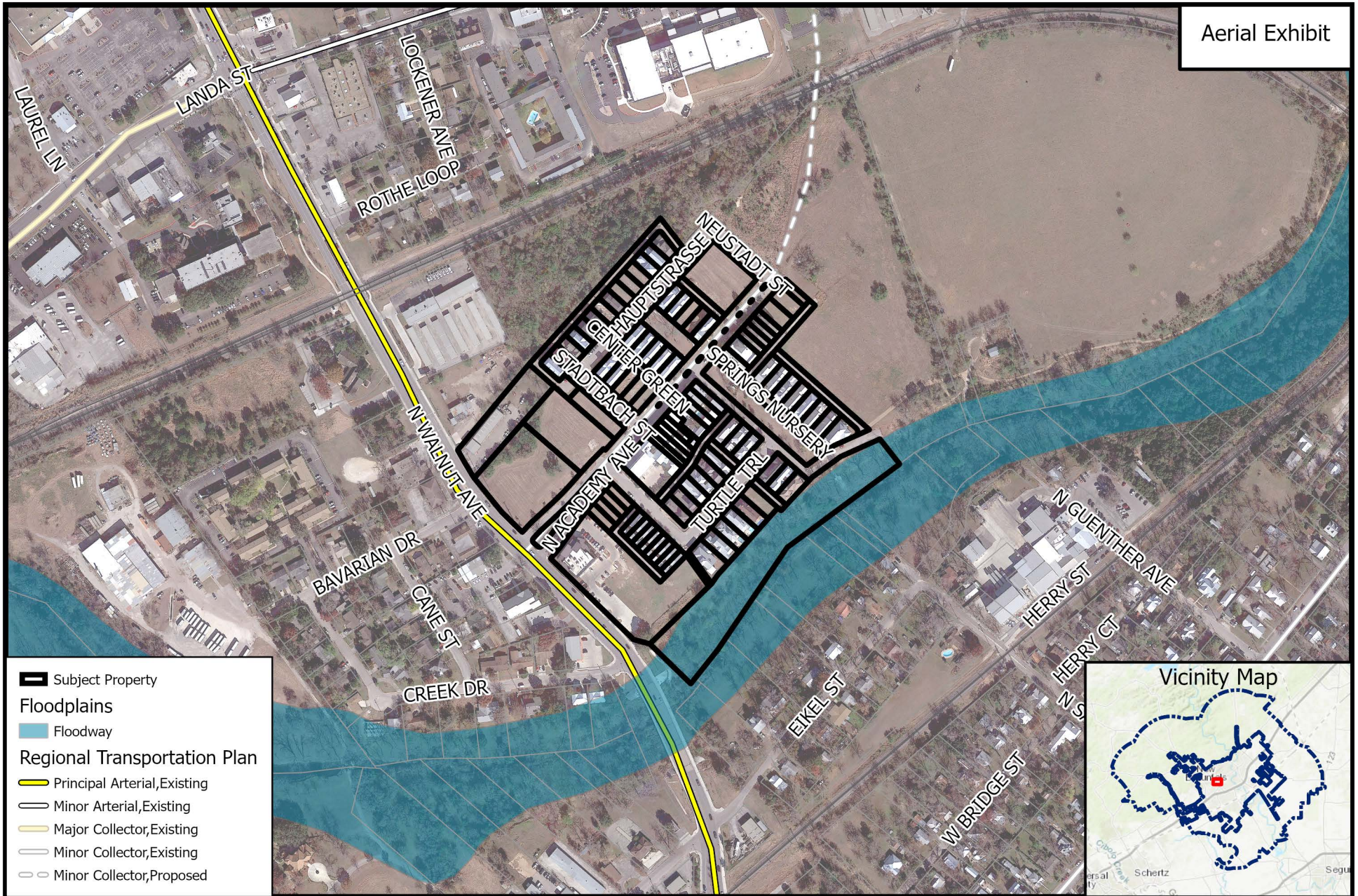
### **Notification:**

Public hearing notices were sent to 100 owners of property inside Town Creek and within 200 feet of the request. To date, the City has received three responses in favor (#15, 91, 96) and 23 in objection, representing 9% of the state-mandated notification area. Objection was primarily in response to the removal of the Fredericksburg Road extension.

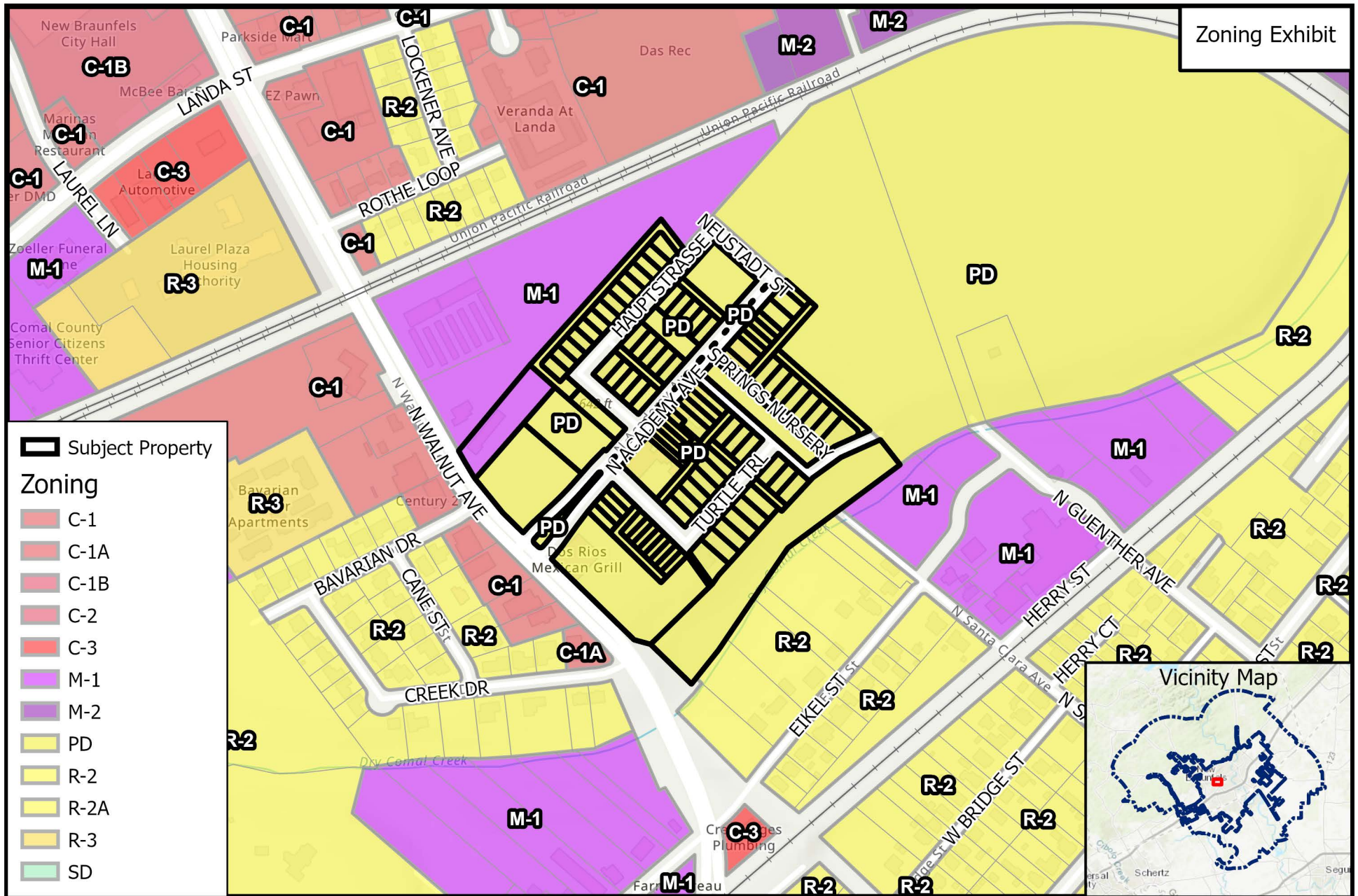
### **Attachments:**

1. Aerial Map
2. Land Use Maps (Zoning, Existing Land Use, Future Land Use)
3. Current and Proposed Concept Plan Exhibits B & C
4. Notification Map & Responses
5. Ordinance



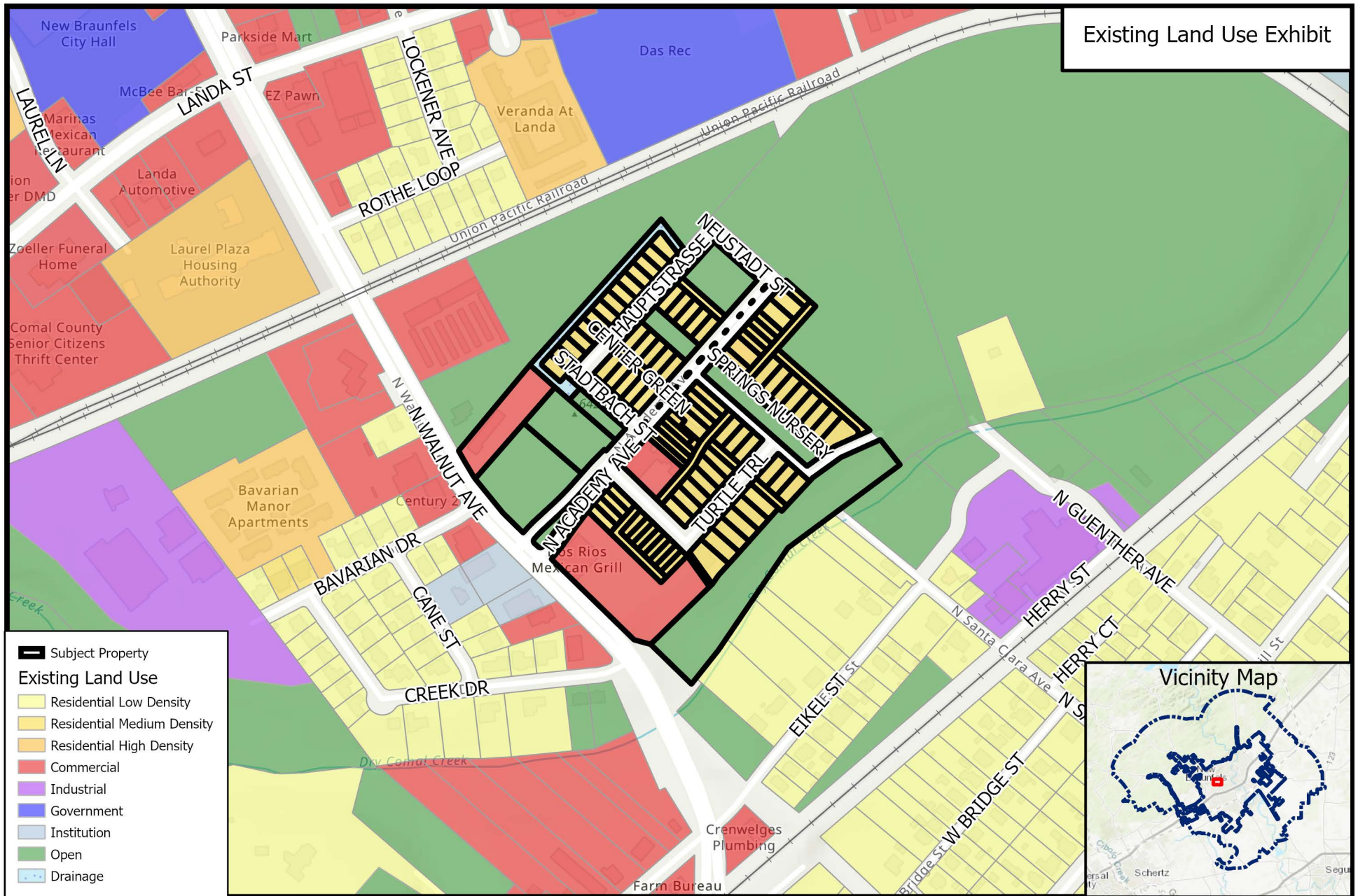






**PZ20-0332**  
**Amendment to Town Creek PD**







## EXISTING CENTERS

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

### EMPLOYMENT CENTER

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

### MARKET CENTER

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

### MEDICAL CENTER

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

### CIVIC CENTER

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

### OUTDOOR RECREATION CENTER

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

### EDUCATION CENTER

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

### TOURIST/ENTERTAINMENT CENTER

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





# FUTURE LAND USE PLAN

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

## TRANSITIONAL MIXED-USE CORRIDOR

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

## OUTDOOR RECREATION CENTER

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

## EMPLOYMENT CENTER

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

## MARKET CENTER

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

## CIVIC CENTER

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

## SUB AREA 1

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

## SUB AREA 2

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

## SUB AREA 3

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

## SUB AREA 4

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

## SUB AREA 5

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

## SUB AREA 6

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

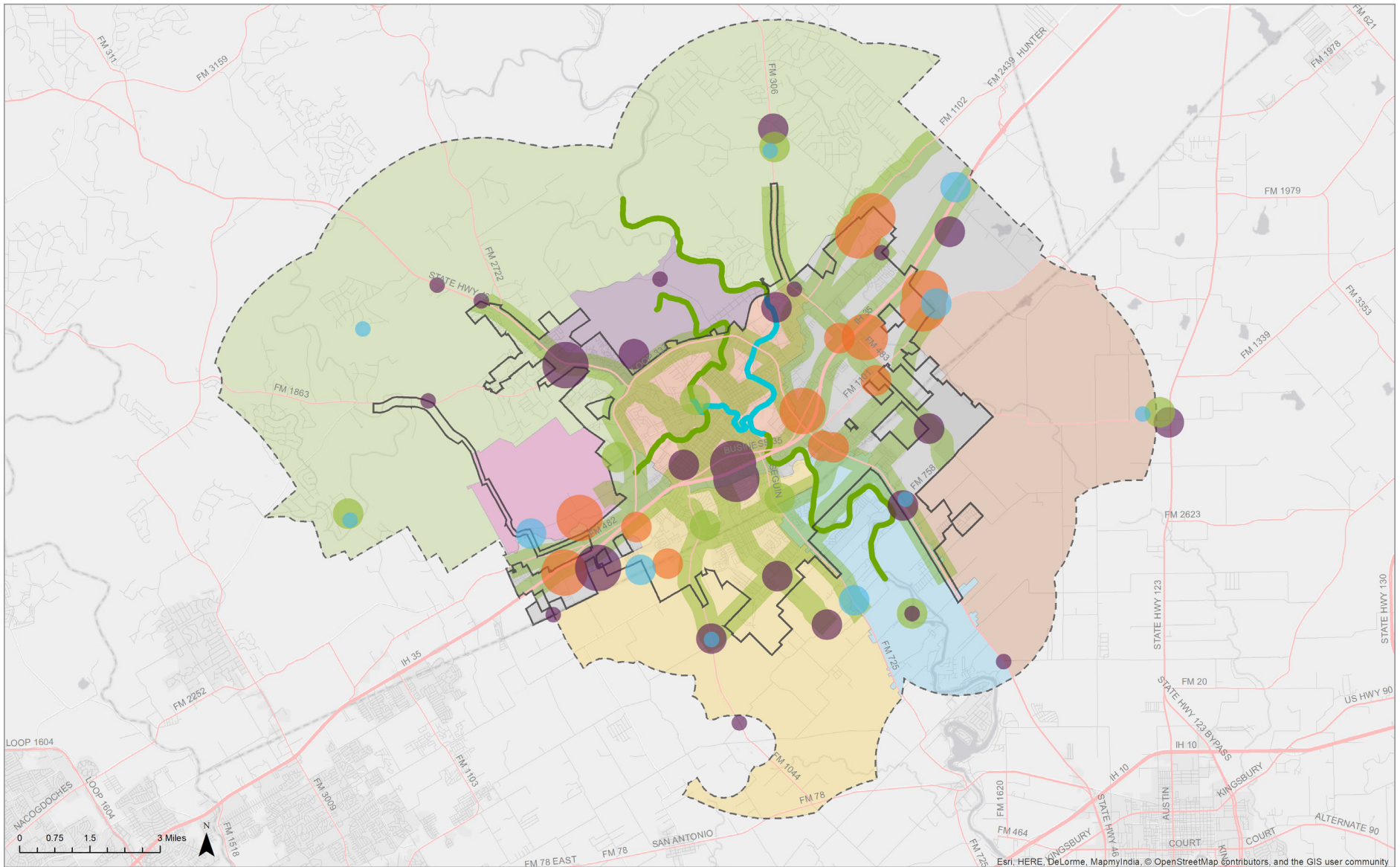
## SUB AREA 7

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

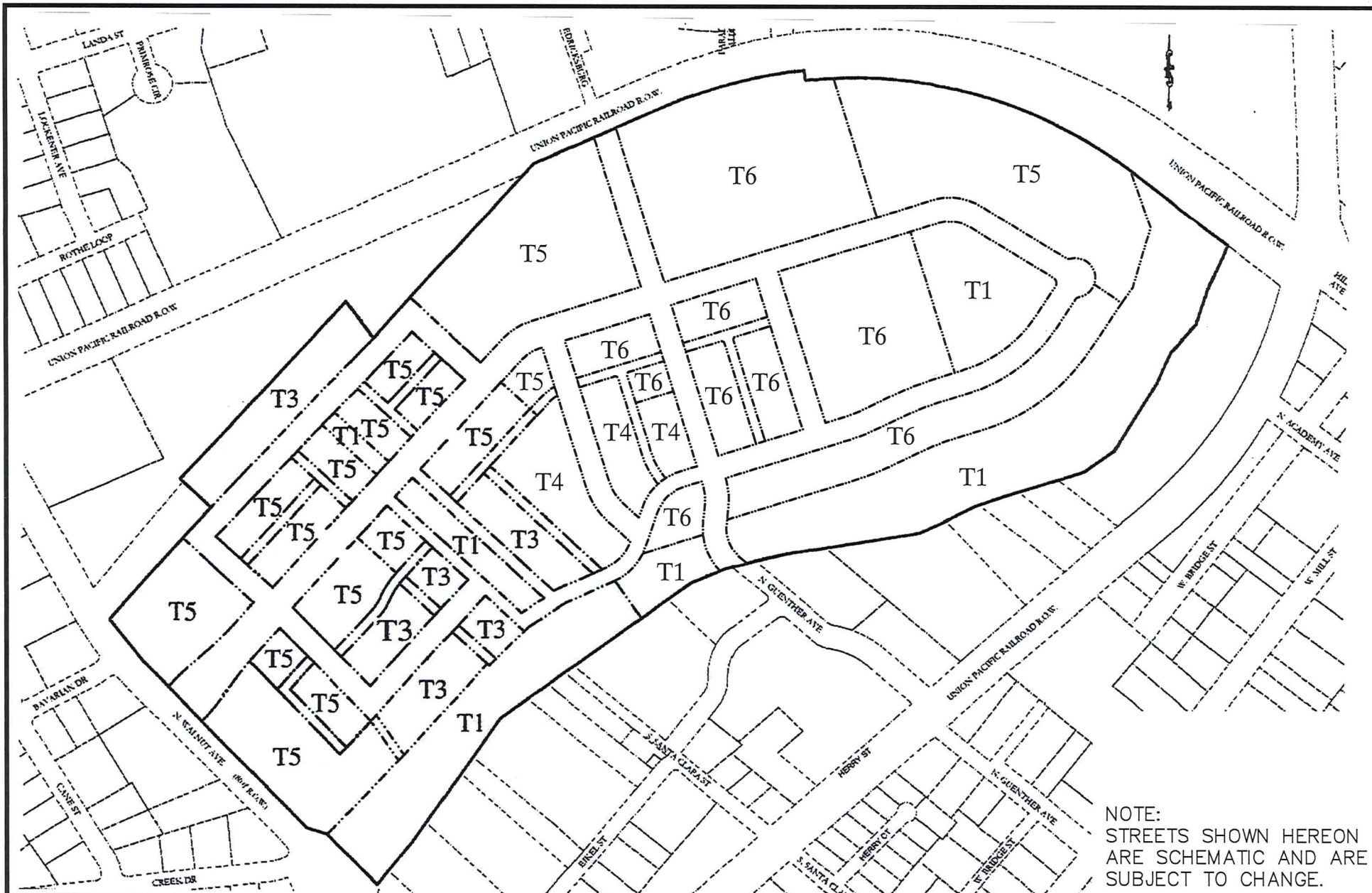
## SUB AREA 8

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





A Comprehensive Plan shall not constitute zoning regulations or establish zoning district boundaries. Preferred future growth scenario combines Scenarios A and C per recommendations of the Envision New Braunfels Steering Committee (February 2018). Exact boundaries of sub areas, centers, and corridors may be [zoomed and viewed online](#).



## EXHIBIT B TRANSECT MAP (AMENDED)



410 N. SEGUIN AVE.  
NEW BRAUNFELS,  
TEXAS, 78130  
PH: (830)625-8555  
FAX: (830)625-8556  
www.HMTNB.com  
TBPE FIRM F-10961

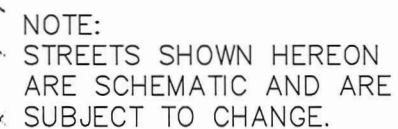
NOT TO SCALE

REVISED: FEB 21, 2017

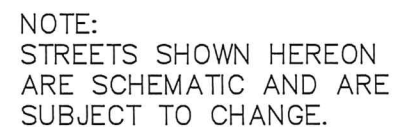
**Current**

SHT: 1 OF 1









**TOWN CREEK**  
NEW BRAUNFELS, TEXAS

EXHIBIT C  
MASTER STREET  
NETWORK  
(AMENDED)



410 N. SEGUIN AVE.  
NEW BRAUNFELS,  
TEXAS, 78130  
PH: (830)625-8555  
FAX: (830)625-8556  
www.HMTNB.com  
TBPE FIRM F-10961

NOT TO SCALE

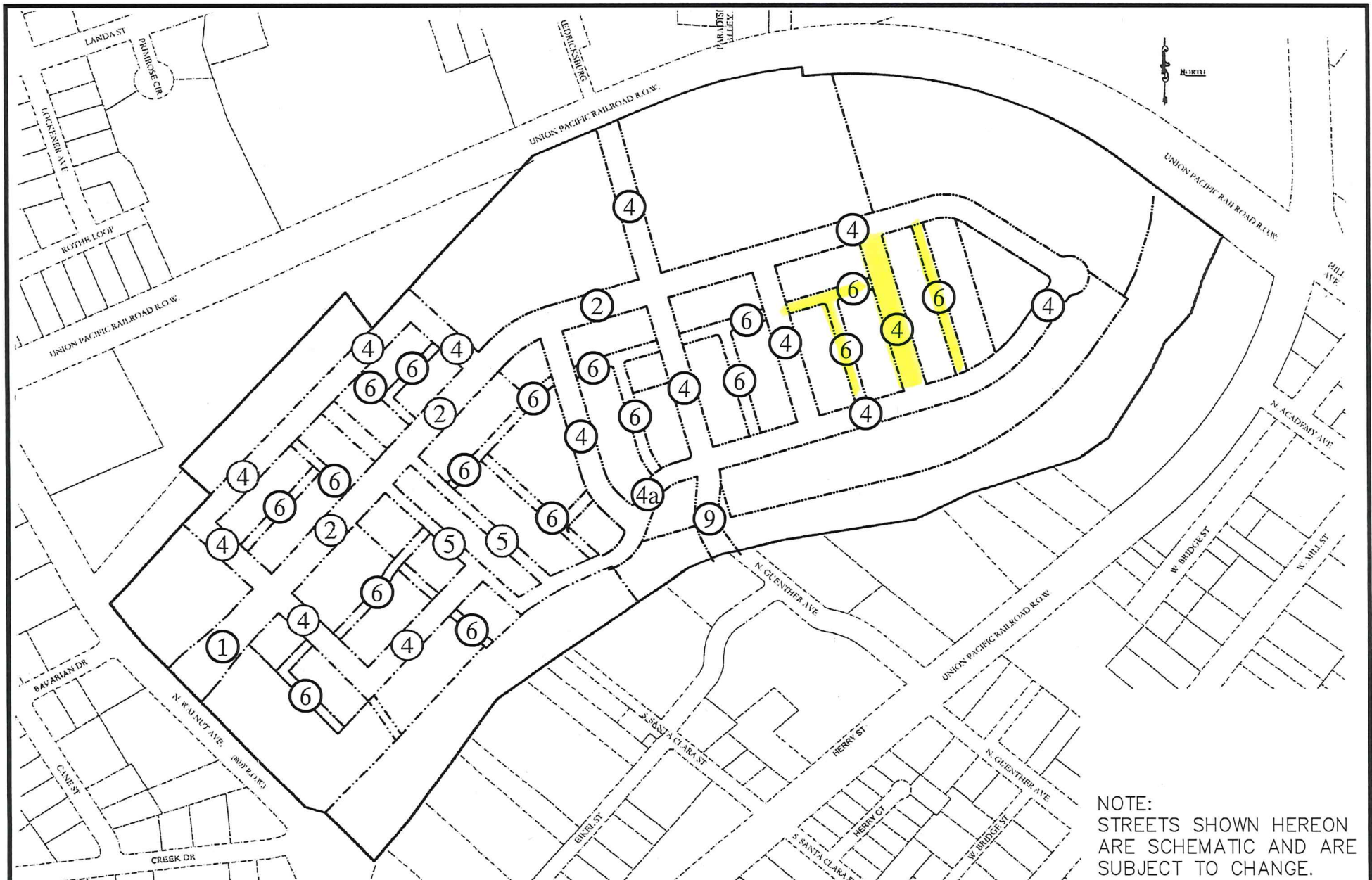
REVISÉ: FEB 21, 2017

REVISÉ: FEB 21, 2017

Current

SHT: 1 OF

SHT: 1 OF 1



NOTE:  
STREETS SHOWN HEREON  
ARE SCHEMATIC AND ARE  
SUBJECT TO CHANGE.



**TOWN CREEK**  
NEW BRAUNFELS, TEXAS

# EXHIBIT C MASTER STREET NETWORK (AMENDED)



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

NOT TO SCALE

REVISED: MAR 3, 2021

**PROPOSED**

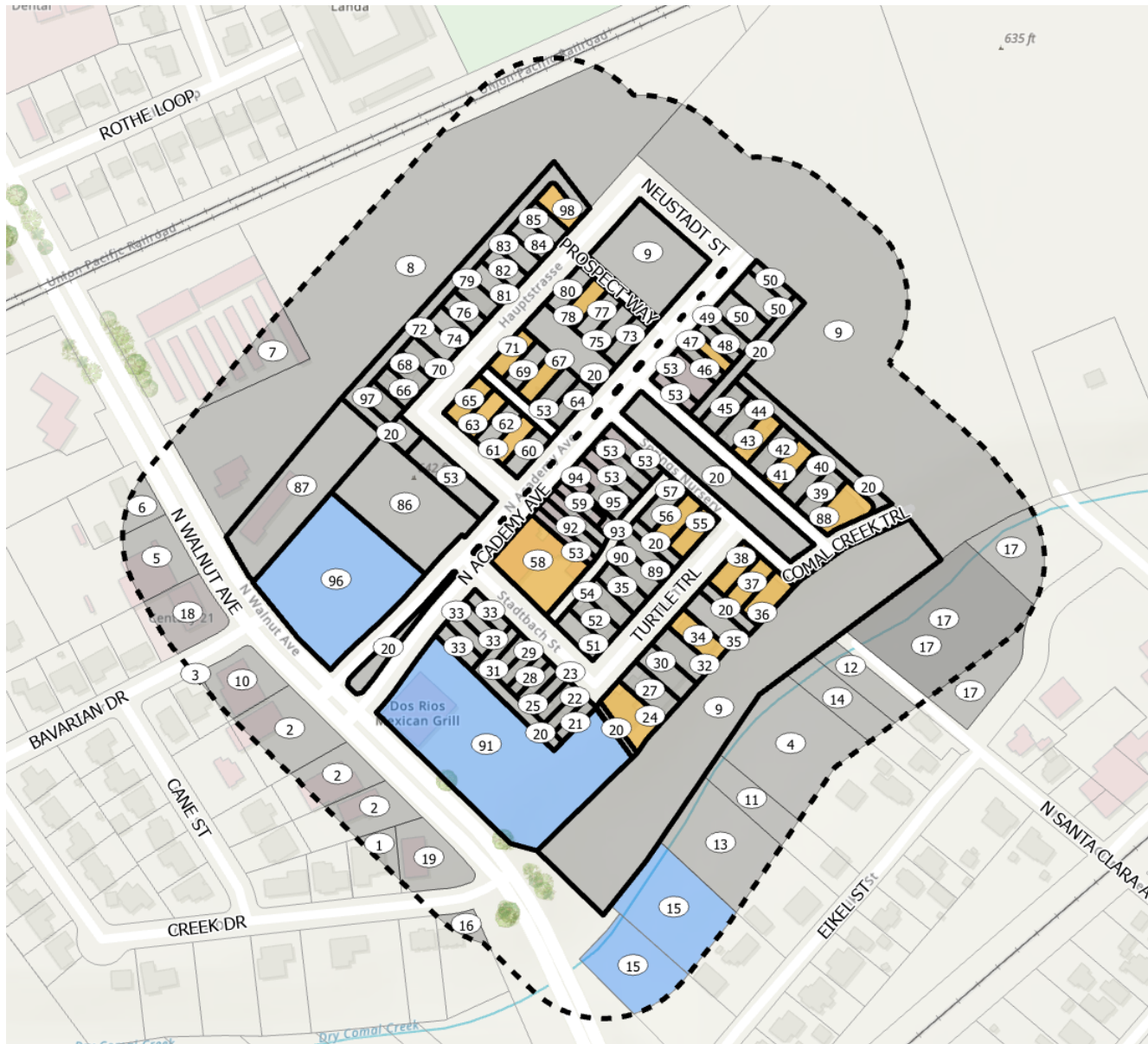
SHT: 1 OF 1

# **PLANNING COMMISSION – MARCH 2, 2021 CASE #PZ20-0332**

The circled numbers on the map correspond to the property owners listed below. All information is from the Comal County Appraisal District Records.

1. Morales Karlo & Nidia
2. Hope Hospice Foundation
3. Triesch Wayne E & Linda
4. King David R & Patricia
5. Hansmann Roy L et al
6. Sydenstricker Delores Jean
7. Schriewer Properties LLC
8. Walnut Centre LLC
9. TC Town Creek Texas LP
10. Twofold LLC
11. Kowalski Darren G & Tamara D
12. Lamm Michele
13. Neckar Milton Jr & Charlene
14. Machuca Patricia A
15. Turner Michael Scott & Pauline D
16. Creek Plaza LLC
17. New Braunfels Smokehouse Inc
18. KMNb LLC
19. Evans Paul Et Al
20. Town Creek Texas POA
21. Gilman Rebecca V
22. Shannon Kelly O & Diana Newell
23. Property Owner
24. Jewell Jeff & Alice
25. Peake Ronnie & Julianne
26. Hartung Phil & Nanette
27. Flores Paul & Sharla S
28. Keyser Mike T
29. Treadwell Jesselyn & Alan
30. Weichsel Elaine
31. Reynolds Martin
32. Neuhaus Joseph R Jr & Lisa K
33. TCRWSJ LLC
34. Lambert Gregory & Rosemary
35. Ashley Jennifer
36. Fogg Sharon
37. Jefferson Delbert R & Patricia J
38. Yarrito Fernando A
39. Bischoff James C & Patricia E
40. Gansle Richard C & Susan L
41. Nelson Barbara Lackner
42. Shannon Kathryn M
43. Rose James G & Nancy L
44. Henderson Marilyn
45. Petta James F & Sandra L
46. Sitz Peter
47. Slate-Schleicher Pamela
48. Vance Joel A & Terri D
49. Monacelli Kenneth & Alyssa L
50. Sierra Classic Homes Inc
51. Langenhahn Eric T
52. Dorrestijn Rob & Heather
53. 1778 Photography, Boulevard Townhomes LLC, Angela Marciniak
54. Pope Calen & Lydia Kimeli-Pope
55. Reitz J R & Pamela
56. Johnson Tara L
57. Espinal Judith A & Arlen
58. Town Creek Texas Properties LLC
59. Ackerson Rachel B & James D
60. Hughes William & Heidi
61. Vanoli Elizabeth J et al
62. Mangaraja Marihot & Rosalie
63. Herold Barbara A
64. Johnson J Mark & Amy R
65. Outlaw Rawley M & Cora W
66. Jurica William S & Lezlee B
67. Zanner Eddie
68. Brazee Khristian
69. Burgener Joseph & Barbara
70. Tatsch Roger Jr & Donna
71. Stephenson Glenn & Beverly
72. Wade Margaret S
73. Harris Julie N
74. Spencer Scott C
75. Hines Shane E & Mallory S
76. Rector Sarah E & Robert J
77. Wallace Bryant & Carl Heintz
78. Anderson Cindy
79. Merrill Nicholas
80. Liscar Mary & Eric
81. Devaney Brian & Laura
82. Hopkins Elizabeth
83. Jenkins Denise D
84. Watkins Gayle F
85. Wiedenfeld Kurt R
86. GBMC Holdings LLC
87. Vanstory Randy & Roxi
88. King Robert M & Julie A
89. McPheeters Janet S
90. Wallace Megan M
91. Comal Creek Retail LLC
92. Panagakos Elaina
93. Konecny Karen S
94. Mertink Sandra
95. Torluemke Douglas & Jennifer
96. 1280 North Academy LLC
97. Bertagnoli Chad
98. Peters Allen & Heather





**PZ20-0332**  
**Town Creek Planned Development**

## YOUR OPINION MATTERS - DETACH AND RETURN

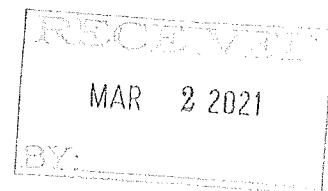
Case: #PZ20-0332 TCPD (hm)

Name: Paulina's mile TurnerI favor: XAddress: 940 Eiku St.

I object: \_\_\_\_\_ (State reason for objection)

Property number on map: 15

Comments: (Use additional sheets if necessary)

Signature: PW Turner

## YOUR OPINION MATTERS - DETACH AND RETURN

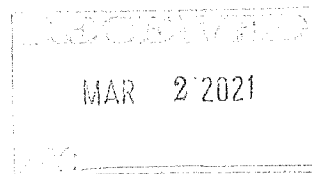
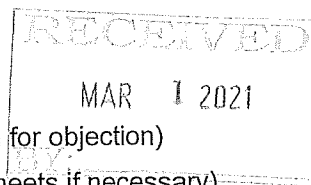
Case: #PZ20-0332 TCPD (hm)

Name: Comal Creek Retail, LLCI favor: ✓Address: 701 Richmond Ave #250

I object: \_\_\_\_\_ (State reason for objection)

Property number on map: # 90

Comments: (Use additional sheets if necessary)

Signature: [Signature]

## YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ20-0332 TCPD (hm)

Name: Elton ReneauI favor: ✓Address: 352 LANDA

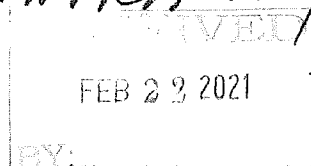
I object: \_\_\_\_\_ (State reason for objection)

Property number on map: 96

Comments: (Use additional sheets if necessary)

Signature: [Signature]

1280 NORTH FICKS BLVD, LLC



## YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ20-0332 TCPD (hm)

Name: Alice + Jeff JewellAddress: 1165 Turtle TrailProperty number on map: 24

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

I object: ☒ (State reason for objection)

Comments: (Use additional sheets if necessary)

Signature: *Alice + Jeff*

## YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ20-0332 TCPD (hm)

Name: Rosemary LambertAddress: 1149 Turtle TrailProperty number on map: 34

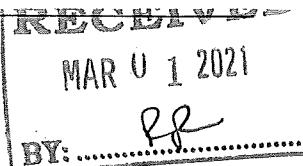
I favor: \_\_\_\_\_

I object: ☒ (State reason for objection)

Comments: (Use additional sheets if necessary)

I believe that we need another entrance/exit to the subdivision as promised in 2011-2012

Signature: *Rosemary Lambert*



## YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ20-0332 TCPD (hm)

Name: SHARON FOGGAddress: 585 Springs NurseryProperty number on map: #36

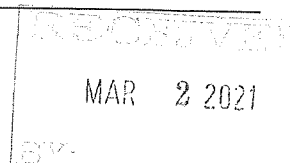
I favor: \_\_\_\_\_

I object: ☒ (State reason for objection)

Comments: (Use additional sheets if necessary)

Consideration for increased homes/cars when phase 4 starts. Currently entrance on Walnut is very close to residences + businesses. Second entrance + another will not be enough for the planned growth + SAFETY.

Signature: *Sharon Fogg*



## YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ20-0332 TCPD (hm)

Name: Delbert & Patricia JEFFERSON I favor: \_\_\_\_\_Address: 509 Springs NurseryI object: ☒ (State reason for objection) ReProperty number on map: 37Comments: (Use additional sheets if necessary) attached

We object to Removal of Fredericksburg Rd. extension across RR.  
Believe it's in resident's best interest to retain the ROW for any  
possibility for 3<sup>rd</sup> access to TC as density greatly increases -

Signature: DN J

RECEIVED

FEB 22 2021

RECEIVED

FEB 3 2 2021

BY: RT

Additional comment: It seems to be similar to an ERCOT situation: Engineering firm doesn't think a third access to TC could be needed; doesn't seem to be a possibility given the RR's position. But they do not live in Town Creek and are not sensitive to streets blocked by the Railroad in both directions on Landa and also at Guenther by one of the same trains. In time, things can happen and we very probably will need a third access. Unimaginable things can and do happen as we have recently witnessed. We need to maintain the option of a third access for TC.

#37

Pat &amp; Richard Jefferson

## YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ20-0332 TCPD (hm)

Name: Fernando Yarrito

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

Address: 593 Springs NurseryI object: ☒ (State reason for objection) ReProperty number on map: 38

Comments: (Use additional sheets if necessary)

The planned Phase 3 & 4 additions to Town Creek will triple the size of the neighborhood (TC). Single and multifamily structures as well as businesses will significantly increase the number of vehicles entering and leaving the neighborhood. To lock us in with only two points of entry forever creates connectivity issues and impacts the safety of residents. Future access to Fredericksburg Road is needed for the viability of Town Creek. To eliminate it is short sighted.

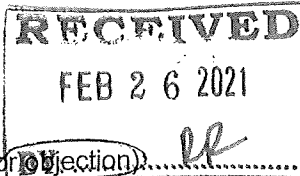
Signature: Fernando Yarrito

RECEIVED

FEB 26 2021

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ20-0332 TCPD (hm)



Name: Barbara Nelson

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

Address: 598 SPRINGS NURSERY

I object: ☒ (State reason for objection) RR

Property number on map: 41

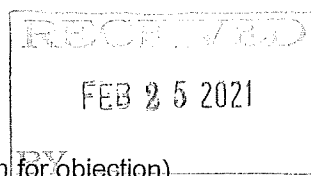
Comments: (Use additional sheets if necessary)

Supporting this change eliminates future possibility for an additional access point to Town Creek. I strongly object to eliminating a potential access @ Fredericksburg Rd. to Town Creek. The RR may change its position on a new crossing in the future

Signature: [Signature]

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ20-0332 TCPD (hm)



Name: James & Nancy Rose

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

Address: 606 Springs Nursery

I object: ☒ (State reason for objection) \_\_\_\_\_

Property number on map: 43

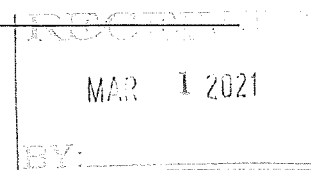
Comments: (Use additional sheets if necessary)

When Town Creek is fully developed (Ph. 3 & 4) the additional access should be considered; it will be critical to the SAFETY of all the residents. DO NOT ELIMINATE THIS POTENTIAL ACCESS POINT at FREDERICKSBURG ROAD into TOWN CREEK!

Signature: James P. Rose

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ20-0332 TCPD (hm)



Name: Pamela Slate-Schleicher

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

Address: 955 N. Academy Ave NB TX

I object: ☒ (State reason for objection) \_\_\_\_\_

Property number on map: 47 78130

Comments: (Use additional sheets if necessary)

Signature: [Signature]

I think it is a safety concern that there will not be another entrance to/exit from Town Creek. Walnut exit is not sufficient



YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ20-0332 TCPD (hm)

Name: J.R. (Rick) & Pam Reitz

Address: 605 Springs Nursery

Property number on map: 55

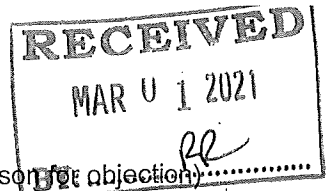
I favor: \_\_\_\_\_

I object: ☒ (State reason for objection) RE

Comments: (Use additional sheets if necessary)

*It would eliminate a potential future entrance/exit to Town Creek that may be needed by the City for traffic flow.*

Signature: [Signature]



YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ20-0332 TCPD (hm)

Name: Tara Johnson

Address: 609 Springs Nursery

Property number on map: 56

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

I object: ☒ (State reason for objection)

Comments: (Use additional sheets if necessary)

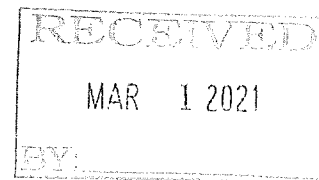
*I want <sup>in/out</sup> access for emergency vehicles*

Signature: [Signature]

While I understand what the development team wants to do, and I would likely benefit financially from supporting the amendment as a limited partner in the development itself, I do not support shutting the door permanently to the Fredericksburg connection. I feel doing so is shortsighted and not in the long term interest of Town Creek or New Braunfels.

Therefore I do not support this case.

Trace Jurica #58  
SKYHOUSE collection  
[www.skyhousecollection.com](http://www.skyhousecollection.com)  
830.237.6771



## YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ20-0332 TCPD (hm)

Name: Elizabeth VanoleAddress: 645 Center GreenProperty number on map: 61Signature: Elizabeth Vanole

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

I object: ☒ (State reason for objection)

Comments: (Use additional sheets if necessary)

Do you have a more detailed map to show? Will there be streets other than Academy to drive thru? My issue is traffic + congestion. Thank you.

RECEIVED

MAR 2 2021

## YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ20-0332 TCPD (hm)

Name: Barbara HeroldAddress: 653 Center GrnProperty number on map: 63

Object to removal of the Fredericksburg Rd extension across railroad tracks

Signature: Barbara Herold

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

I object: ☒ (State reason for objection)

Comments: (Use additional sheets if necessary)

RECEIVED

MAR 1 2021

BY:

## YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ20-0332 TCPD (hm)

Name: Cora & Rawley OutlawAddress: 657 Center GreenProperty number on map: 65Signature: Cora Outlaw

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

I object: ☒ (State reason for objection)

Comments: (Use additional sheets if necessary)

Strongly object. We know RR Com does not want to work with us but we need another access into TC and that would eliminate any chance.

RECEIVED

MAR 2 2021

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ20-0332 TCPD (hm)

RECEIVED  
MAR 2 2021

Name: EDDIE ZANNER

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

Address: 650 CENTER GREEN

I object: X (State reason for objection)

Property number on map: 67

Comments: (Use additional sheets if necessary)

*\*PLEASE SEE ATTACHED SHEET*

Signature: \_\_\_\_\_

I don't believe Fredericksburg, or an Academy access, has to be a complete roadway or nothing. How about a pedestrian/bicycle access? Facilities such as Das Rec and Landa Park blend well with walking or riding a bike. Also, not using a car reduces traffic in our neighborhood and city streets (not to mention less parking needed at the destination). For me, a major draw of our development is the ability to "not" use a car to get to nearby destinations.

Thank you, Eddie Zanner

#67

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ20-0332 TCPD (hm)

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MAR 1 2021

Name: Glenn LYNN STEPHENSON

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

Address: 568 CENTER GREEN

I object: V (State reason for objection)

Property number on map: 71

Comments: (Use additional sheets if necessary)

*Should stay the way it is in the original plat.*

Signature: \_\_\_\_\_

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ20-0332 TCPD (hm)

Name: Cynthia Anderson  
Address: 655 Prospect Way  
Property number on map: 78

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

I object: ☒ (State reason for objection)

Comments: (Use additional sheets if necessary)

I do not want the removal of Fredericksburg Road Extension across the railroad tracks. I feel it is necessary for the safety of all of us.

Signature: Cynthia J. Anderson

MAR 1 2021

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YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ20-0332 TCPD (hm)

Name: Julie & Bob King  
Address: 586 Springs Nursery  
Property number on map: 88

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

I object: ☒ (State reason for objection)

Comments: (Use additional sheets if necessary)

My husband and I purchased our lot in 2004 and I currently serve as President of the POA. I was involved in the initial discussions with the railroad for egress. With the additional density planned for the final 2 phases, we may have need for a back access point. I am in FAVOR of the change in roads but OPPOSED Phase 4.

Signature: Julie King

RECEIVED

FEB 25 2021

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ20-0332 TCPD (hm)

Name: Allen + Heather Peters  
Address: 1108 Hauptstrasse  
Property number on map: 98

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

I object: ☒ (State reason for objection)

Comments: (Use additional sheets if necessary)

We feel the option for addition entrance/exit into Town Creek will be necessary as the community grows. The Fredericksburg Road would allow this option.

Signature: Heather Peters

MAR 2 2021

RECEIVED

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ20-0332 TCPD (hm)

Name: Greg & Renee Young

Address: 1145 N. Academy Ave. (Front Unit)

Property number on map: \_\_\_\_\_

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

I object: ☒ (State reason for objection)

Comments: (Use additional sheets if necessary)

Want to leave more options open for the community later.

Signature: Renee Anne Young

MAR 2 2021

119

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ20-0332 TCPD (hm)

Name: Wade and Kathy Sinclair

Address: 1145 N. Academy #102 OR Rear

Property number on map: \_\_\_\_\_

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

I object: ☒ (State reason for objection)

Comments: (Use additional sheets if necessary)

\* We would like to keep our options open for a future third entry into Town Creek.

Signature: Kathy Sinclair

\* We are not sure our property number on map.

MAR 1 2021

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ20-0332 TCPD (hm)

Name: Matt Kyle / KNNB LLC

Address: 702 N. Walnut Ave

Property number on map: 18

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

I object: \_\_\_\_\_ (State reason for objection)

Comments: (Use additional sheets if necessary)

I can't object or favor. I will attend zoom to see what they are specifically wanting. I'm glad this area has developed. It's too bad the Academy Pass couldn't get approved. Historic preservation is key, but that could be achieved.

Signature: Matt Kyle

MAR 2 2021

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

**B) PZ20-0332 Public hearing and recommendation to City Council regarding proposed revisions to the Town Creek Planned Development (TCPD) concept plan and development standards, on approximately 66 acres located at N. Academy Avenue and N. Walnut Avenue. Applicant: Chris Van Heerde, HMT Engineering & Surveying; Case Manager: Holly Mullins**

Chris Van Heerde, 290 S Castell Ave, asked to proceed without the proposed removal of the Fredericksburg connection.

Mrs. Mullins presented and recommended approval without removal of the Fredericksburg thoroughfare.

Chair Edwards asked if there were any questions for staff.

Chair Edwards asked if the applicant would like to speak.

Chris Van Heerde, 290 S Castell, elaborated on the intent behind the request.

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

No one spoke.

Chair Edwards closed the public hearing.

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

Motion by Vice Chair Laskowski, seconded by Commissioner Sonier, to recommend approval to City Council of the proposed revisions to the Town Creek Planned Development (TCPD) concept plan and development standards, on approximately 66 acres located at N. Academy Avenue and N. Walnut Avenue with staff recommendations. Motion carried (8-0-0).

**ORDINANCE NO. 2021-**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS APPROVING REVISIONS TO THE TOWN CREEK PLANNED DEVELOPMENT (“TCPD”) CONCEPT PLAN AND DEVELOPMENT STANDARDS, ON APPROXIMATELY 66 ACRES LOCATED AT N. ACADEMY AVENUE AND N. WALNUT AVENUE; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SAVINGS CLAUSE; AND DECLARING AN EFFECTIVE DATE.**

---

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

**WHEREAS**, in keeping with the spirit and objectives of the “PDD” Planned Development District, the City Council has given due consideration to all components of said district; and

**WHEREAS**, it is the intent of the City Council to provide harmony between existing zoning districts and proposed land uses; and

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

**WHEREAS**, the City Council desires to approve revisions to the Town Creek Planned Development (“TCPD”) concept plan and development standards, specifically the Transect Map Exhibit B and Street Network Exhibit C contained therein, as adopted by City Council in Ordinance 2017-41; **now, therefore**;

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

**SECTION 1**

**THAT** the Transect Map Exhibit B and Street Network Exhibit C of the Town Creek Planned Development (“TCPD”) Concept Plan and Development Standards adopted by City Council in Ordinance 2017-41 are hereby revised by adopting the Concept Plan and Development Standards as attached in Exhibit “A”.

**SECTION 2**

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

### **SECTION 3**

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

### **SECTION 4**

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

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

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

**CITY OF NEW BRAUNFELS**

\_\_\_\_\_  
**RUSTY BROCKMAN**, Mayor

**ATTEST:**

\_\_\_\_\_  
**CAITLIN KROBOT**, City Secretary

**APPROVED AS TO FORM:**

\_\_\_\_\_  
**VALERIA M. ACEVEDO**, City Attorney



## **EXHIBIT “A”**

### **Town Creek Concept Plat and Development Standards**

## **Town Creek Planned Development District Concept Plan**

### **Table of Contents**

- I. Relation to the Development Plan**
- II. Acreage**
- III. Survey**
- IV. Land Uses**
- V. General Thoroughfare Layout**
- VI. Development Standards**
- VII. Definitions**

### **Exhibits**

- A. Survey**
- B. Transect Map**
- C. Street Network**
- D. Street Cross-Sections**
- E. Building Type Matrix**
- F. Transect Matrix**
- G. Preferred Plant Pallet**

#### **I. Relation to the Development Plan**

Town Creek is a mixed use walk able neighborhood complementing the historic downtown of the City and is planned to be consistent with the New Braunfels Comprehensive Plan. The Town Creek Concept Plan is based on the vision created during the Community Design Charrette held June 7 -9, 2006. Town Creek finds its roots in the enduring qualities of New Braunfels —its small-town ambience, its traditional downtown and its strong heritage. Town Creek will promote walk ability, providing a range of housing opportunities, protect and enhance existing surrounding neighborhoods, promote economic growth through a positive fiscal impact, enhance the visual environment of the City, enhance the green appearance and the parks system of the City, improve connectivity, encourage use of transit and walking, link major surrounding destinations, promote a lively downtown, and expand market opportunities for the core of New Braunfels.

#### **II. Acreage**

The total Acreage of the project is 65.9 acres.

#### **III. Survey**

A survey of the project is attached hereto as Exhibit A.

#### **IV. Land Uses**

##### **A. Relationship to Development Standards**

Land Uses allowed herein shall conform to the development standards set forth in Section VI below according to the Transect Map attached hereto as Exhibit B.

##### **B. The following residential land uses shall be allowed:**

1. Single Family House (Large, Medium, Small, Cottage)
2. Multi-Unit House (2 to 6 Units)
3. Town House
4. Courtyard Apartment
5. Loft/Commercial Building
6. Live-Work

See the Building Type Matrix attached hereto as Exhibit E for complete description of these building types.

##### **C. Total Residential Units**

Total residential units shall not exceed 1,500.

##### **D. The following non-residential uses shall be allowed in any building except Single Family Houses, Multi-Unit Houses, and Courtyard Apartments:**

1. Retail services
2. Pharmacy
3. Dry cleaners
4. Retail goods sales
5. Art, antique, furniture or electronics studio (retail, repair or fabrication)
6. Restaurant, café, deli or coffee shop (beer, wine or other alcoholic beverage on premises sales shall be allowed)
7. Coffee roasting
8. Bakery
9. Beer, wine or other alcoholic beverage on premises sales
10. Movie theater
11. Performance theater
12. Museum, philanthropic, civic or governmental institutions
13. Fraternal or other private social club (beer, wine or other alcoholic beverage on premises sales shall be allowed provided that no more than 25 percent of the total floor area of any building may be utilized for the exclusive sale of alcoholic beverages)
14. Surface parking
15. Structured parking garage provided that the frontage on the ground floor addressing the primary street is not parking
16. Hotel (beer, wine or other alcoholic beverage on premises sales shall be allowed)
17. Single-room rental bed & breakfast (beer, wine or other alcoholic beverage on premises sales shall be allowed)
18. Professional offices

19. Health services office, clinic, hospital or laboratory
20. Government/civic offices
21. Transit
22. Farmer's market, parade, cultural events (requires special use permit)
23. Home occupation
24. Church or other places of worship
25. Greenhouse (e.g. – retail nursery)
26. School (public or private, any level)
27. Studio (dance, athletic, performance, etc.)
28. Indoor showroom (wholesale or retail)
29. Drive-through services (parcels adjacent to Walnut Avenue only)

#### **E. Similar and Prohibited Uses**

Uses not specifically enumerated in the Town Creek District, but are substantially similar, may be permitted upon the approval of the Planning Director, subject to appeal to the Zoning Board of Adjustment. All other uses shall be prohibited including but not limited to the following:

1. Daily house rentals
2. Vehicular services/repair
3. Heavy manufacturing
4. Drive-through services (except parcels adjacent to Walnut Avenue)
5. Warehousing
6. Automotive & machinery repair (as primary use)
7. Automotive & machinery washes
8. Automotive rental
9. Automotive sales
10. Boat sales
11. Bulk distribution centers (provided that this shall not prohibit warehouse use that is ancillary to a permitted primary use)
12. Camper sales
13. Campgrounds
14. Donation centers
15. Eating establishment with drive-through services
16. Flea markets
17. Heavy equipment sales, rental & leasing
18. Industrial building sales
19. Kennels, manufactured home sales
20. Mini warehouses
21. Portable building sales (as a primary use)
22. Recreational vehicle parks
23. Recycling centers (provided that this prohibition shall not prevent use of temporary collection and storage bins for recyclable materials generated by a permitted use during the ordinary course of business)
24. Self-Storage
25. Shooting ranges
26. Truck service or repair
27. Truck stops
28. Wholesale nurseries (as a primary use)
29. Wrecking yards

#### **F. Outdoor Displays**

Outdoor displays for non-residential uses shall be limited to no more than 50% of the building's private frontage. Displays shall be allowed with functional restrictions within the building's public frontage (i.e., the public right-of-way) by license upon the approval of the Planning Director, subject to appeal to the Zoning Board of Adjustment.

#### **G. Café Seating**

Outdoor café seating for restaurant, café, deli or coffee shop uses shall be limited to the building's private frontage unless café seating is approved by the Planning Director within the building's public frontage (i.e., the public right-of-way), subject to appeal to the Zoning Board of Adjustment.

## **H. Open Spaces/Parks**

Town Creek shall provide (i) no less than 9.0 acres of dedicated contiguous land for the Dry Comal Creek Trail Park within the flood plain of Dry Comal Cree. Town Creek shall dedicate to the City the land for the Dry Comal Creek Trail Park. The City shall hold and maintain that park.

Town Creek shall also provide no less than 6.5 acres total (10% of the gross site area) of the following elements: community gardens, pocket parks, greens, squares, plazas and playgrounds dispersed throughout the remainder of the neighborhood. These open spaces shall be held privately for public access, unless a written request from the City is made and accepted for a particular space to be dedicated to the City. The open spaces held privately shall be maintained either by a foundation or homeowners association, or by a Special District if created by the City for the purpose of maintaining the open space.

## **V. General Thoroughfare Layout**

### **A. The Street Network**

The Street layout shall be based on the Street Network attached hereto as Exhibit C. Upon request by the applicant, street locations, street cross-section type and intersection design may be modified to a reasonable extent with approval of staff and without amendment to the Concept Plan or a prior Detail Plan (if applicable), in order to (i) accommodate configuration of open space, (ii) save specimen trees, (iii) maintain the integrity and vision of the charrette plan, (iv) accommodate drainage, or (v) facilitate the design of the station area if a commuter rail transit stop is implemented adjacent to Town Creek. Additional streets shall be designed and constructed according to the street cross-sections below.

All residential and commercial buildings within Phase 3 and 4 will be required to be sprinkled if a secondary means of access is not in place at the time of construction. Potential access locations include Guenther Road, Fredericksburg Road, or Paradise Alley.

1. Guenther bridge access will be required to meet all city requirements
2. Fredericksburg and Paradise Alley must have a signed access agreement with Union Pacific Railroad and all property owners involved. Improvements to Paradise Alley to facilitate access will be the responsibility of the Town Creek Development.

### **B. Street Cross-Sections**

The "Arterial," "Collector," and "Local" Streets allowed are delineated in the respective Street Types Cross-Sections attached hereto as Exhibit D and referenced on the Master Street Network, Exhibit C. Street types and cross-sections are established herein to facilitate an integrated set of transportation choices – driving, walking, cycling and transit, as well as to form a place bounded by building facades creating "street walls."

### **C. Additional Streets Not Shown on General Plan**

1. Based on the concept plan, additional streets shall be located so that all streets terminate at other streets unless constrained by natural or perimeter site conditions. Cul-de-sacs shall be permitted only when warranted by natural site conditions.
2. All lots regardless of use may be served by alleys. Alleys are required for all single-family houses unless the building utilizes a pull through garage.

### **D. Curb Return Radii**

Curb return radii shall be from 10 feet to 15 feet, unless required to be larger due to public safety considerations as determined by the City Engineer for a specific location; in which case, the radius shall not exceed 25 feet.

## **VI. Development Standards**

### **A. General**

#### **1. Walkability**

In order to facilitate walkability and livability, all streets (excluding alleys) shall provide accessible sidewalks with "street" trees or adjacent trails, and carefully designed civic spaces such as greens, squares, plazas and trails shall be integrated within the neighborhood. Sidewalks shall have a minimum width as shown in the Street Cross Sections, Exhibit D. Furthermore, pedestrian bulbouts shall be allowed at all intersections if the bulb does not interfere with required turn lanes.

**2. Subdivision Standards**

The Town Creek PD shall establish the street network, street cross-section, and intersection design criteria as well as lot standards for subdivision platting within the PD area.

**3. PD Standards Supersede**

If conflicts arise with the New Braunfels Code of Ordinances for zoning, subdivision or other development standards, the Town Creek PD shall control unless stated otherwise herein.

**B. Transect Standards and Building Types**

1. The Building Types allowed are delineated in the Building Type Matrix attached hereto as Exhibit E. The development standards not contained in the Building Type Matrix are established in the Transect Matrix attached hereto as Exhibit F, including those standards for primarily non-residential buildings. The Building Type Matrix, Exhibits E, and the Transect Matrix, Exhibit F, shall be used in conjunction with the Transect Map, Exhibit B.
2. Buildings intended for all non-residential use, located T5 and T6 Zones, may be constructed with zero side and rear yards and such that the side yard requirement shall adhere to the particular build-to-line established for the street facing the side.

**C. Parking Standards**

**1. Off-Street Parking Requirements**

**a. Residential**

The Building Type Matrix attached hereto as Exhibit E establishes the off-street parking requirements for residential uses.

**b. Non-Residential**

Off-street parking requirements for all non-residential uses shall be no less than 1 space per 500 square feet of gross office or retail floor space in the T6 Zone and no less than 1 space per 333 square feet of gross office or retail floor space in all other T-Zones.

**2. Off-Street Parking Location**

- a. Off-street parking for uses on lots with the T4, T5, and T6 Zones shall not be located between the front of the building and the public right-of-way, except along Walnut Avenue.
- b. In the T5 and T6 Zones, surface parking lots located on the side of a building shall be configured such that the side of the parking bays closest to the street shall be screened by a wall or landscaped ornamental metal fence no less than 3 feet and no more than 4.5 feet in height or in accordance with existing ordinances.

**3. On-Street Parking**

As on-street parking promotes walkable mixed-use neighborhoods, including entertainment, retail, restaurants and live-work housing, subject to public safety considerations for a particular location, on-street parking shall be allowed as shown on the Street Cross Sections, Exhibit D, and will not be allowed within alleys.

**4. Promotion of Neighborhood Business – Entertainment, Retail and Restaurant Uses**

The number of off-street parking spaces required for neighborhood businesses, including retail services, retail goods sales; pharmacies; dry cleaners; art, antique, furniture or electronic studios (retail, repair or fabrication); restaurants, cafes, delis or coffee shops; and retail bakeries shall be waived for the first 1000 square feet of gross use space in all buildings.

**5. Promotion of Live-Work**

For all non-residential uses allowed, the first 500 square feet of gross use space shall be exempt from off-street parking requirements in Live-Work Units.

**6. Shared Parking**

Off-street parking requirements for uses permitted in the Town Creek Planned District may be reduced or waived subject to a shared parking agreement or a coordinated parking plan in accordance with the ULI Protocol, or any other accepted industry standard, and as approved by the Planning Director, subject to appeal to the Zoning Board of Adjustment.

#### **D. Architectural Standards**

1. Except for detached single family houses, an expression line shall delineate divisions between floors of all buildings, and a cornice shall delineate the tops of facades that do not utilize a pitched roof, for retail storefronts, a transom, display window area and bulkhead at the base shall be utilized.
2. Rooftop mechanical equipment shall be screened by a parapet, or by a screen on pitched roofs.
3. Ground floor retail building plate heights shall be at least 12 feet in height except for live-work units.
4. Windows shall be oriented vertically, windows on single family or townhouse residential buildings shall also utilize surrounds or shutters, as well as mullions between grouped windows.
5. Columns and piers visible from the street shall be spaced no farther apart than they are tall, unless approved in writing by the Town Creek Architectural Control Committee.
6. Transparency: Each floor of any building façade, except for houses, facing a park, plaza or street shall contain transparent windows covering from 15 percent of the façade area. In order to provide clear views of merchandise and to provide natural surveillance of exterior street spaces, the street-level floor along streets in T5 and T6 zones shall have transparent windows covering no less than 25% of the façade area.
7. Permitted finishes for commercial or mixed use buildings – At least 80% of the exterior of all new buildings (excluding doors and windows) shall be finished in one or more of the following materials:
  - a. Brick, stone, cast stone, rock, marble, granite, glass block, tile or stucco
  - b. Exterior Insulating Finishing System (EIFS) as an accent (abuse resistant EIFS shall be utilized below 8 feet above grade)
  - c. Cementitious-fiber siding (no Visible seams) with at least a 50-year warranty
  - d. Split face concrete block, poured-in-place concrete, and tilt-wall concrete (only adjacent to Walnut Street). Any use of concrete products shall have an integrated color and be textured or patterned. Tilt-wall concrete structures shall include reveals, punch-outs, or other similar surface characteristics to enhance the façade on at least 25 percent of each façade.
8. The following permitted finishes for residential buildings and live/work units shall be allowed: Cementitious-fiber siding (no visible seams); corrugated metal; brick' stone; man-made stone and stucco. The following shall be allowed up to 30% as an accent material: wood, Exterior Insulated Finishing System (EIFS) (abuse resistant EIFS below 8 feet above grade) or similar material over a cementitious base, rock, glass block and tile.
9. Architectural elements, including porches, roof overhangs, verandas, stoops, bay windows, window shutters, balconies, masonry clad chimneys, picket fences or other decorative nonopaque front-yard fence, attached pergolas or colonnades. On single-family residences, parches and at least two additional elements from the preceding list

shall be utilized. Balconies, verandas and roof overhangs may encroach beyond the build-to-line into the public sidewalk, provided the encroachment is less than 9 feet, and any support columns do not come within 4 feet of the curb or otherwise obstruct the view of drivers. Balconies, verandas, and roof overhangs shall provide at least 8 feet of clearance and shall not protrude over paved roadway. Single-family houses on corner lots shall have porches facing onto both street sides, whether two separate porches or wrap-around porch. Encroachment beyond the “build to” line where the permanent building structure, as specified above, can extend into the UE will be allowed with Town Creek Phases 1 and 2 if coordinated with NBU, but will not be allowed in subsequent phases.

10. Plate Heights for single-family residential homes shall be no less than 10 feet for the first floor and 9 feet for the second or higher floors.
11. All garage doors facing the street shall be divided into single bays separated by at least an 18-inch column.
12. All buildings shall be designed such that no mechanical equipment (HVAC, etc.), except vents or stacks, is visible from the public right-of-way or open space, whether the equipment is located on the ground, exterior walls or the roof.

## **E. Landscape**

### **1. General**

- a. The landscape will complement the urban design and architecture in defining the character of Town Creek. The functional role of the landscape is to identify and define view corridors and sightlines, major open spaces, pedestrian movement patterns and gathering spaces; to create and control microclimates and reduce energy consumption; to screen unsightly features; and to help provide an appropriate sense of scale for all phases of the built environment. The ecological role of the landscape is to ensure the seamless integration of the built environment into the natural environment, while minimizing impacts of development on the local ecosystem.

### **2. Trees**

- a. Landscapes shall emphasize large shade tree canopy coverage, particularly in open spaces and pedestrian walks and gathering spaces such as plazas and exterior courtyards. Year-round visual interest shall be attained through the use of approved species per the Preferred Plant Pallet, Exhibit G.
- b. Trees shall be planted in a continuous strip adjacent to all public streets, spaced approximately 30 feet on center in order to create a full canopy effect at mature height. Trees shall either be planted in a green space strip no less than 5 feet in width or within an irrigated tree grate consistent with the architectural character of the campus or adjacent development. Street trees shall be located no closer than 3 feet from the back of curb. Root containment technology, as approved by the City Engineer, shall be used if the species and location pose a potential hazard to curb and sidewalk infrastructure.
- c. Trees shall be planted in a continuous pattern where feasible within all street medians.
- d. All trees shall be selected from the tree list contained in Exhibit G attached hereto.

### **3. Shrubs and Other Plants**

- a. Shrubs shall be selected from the plant list contained in Exhibit G attached hereto.

### **4. Beds and Turf**

- a. The use of St. Augustine turf grass shall not be permitted.
- b. Grasses and turf shall be selected from Exhibit G attached hereto.

### **5. Buffers and Screening**

- a. Trash and dumpster screening shall be provided in accordance with Section 191.7.B of the New Braunfels Code of Ordinances.
- b. Residential Buffer between multi-family or non-residential development and single or two family development, per Section 191.7.A.5 of the New Braunfels Code of Ordinances, does not apply to the Town Creek Planned Development because adequate buffers are already accounted for in the design and added buffers would degrade the mixed-use, walkable aspects of the project.



## **6. Maintenance**

- a. Landscapes maintenance shall be in accordance with Section 191.9 of the New Braunfels Code of Ordinances.

## **7. Parking**

- a. A minimum of 15 square feet of landscaping per surface parking space, including tree islands, shall be provided within the paved boundaries of a surface parking lot.
- b. Any portion of each surface parking space shall be located within 60 feet of the trunk of a tree, and pavement shall not be allowed within 3 feet of the trunk of trees.
- c. The landscaped areas shall be protected by raised curbs except where wheel stops are utilized as the front of parking spaces along a landscaped median between parking bays.
- d. Landscaped islands of a minimum of 8 feet in width and extending the entire length of the parking stall shall be located at the terminus of all rows of surface parking and shall contain at least one tree consistent with Exhibit G.
- e. The requirements in this section shall be waived for structured parking and for temporary (less than one year) parking lots in undeveloped areas of the Town Creek Planned Development area.

## **F. Signage**

1. One address number shall be attached to the building in proximity to the principal entrance or at a mailbox according to city specifications.
2. One blade sign for each business may be permanently installed perpendicular to the façade and may extend over the sidewalk with 8 feet of clearance. Such a sign shall not exceed a total of 6 square feet.
3. Signage may be lit externally only with full-spectrum source.
4. Business signs attached to buildings may be a maximum of 4'x8'. The signs may be lighted, and neon is permitted or signs within shop front windows.
5. Pole signs shall not be allowed.
6. Group signs for 2-10 businesses shall be allowed upon approval of the Planning Director, subject to appeal to the Zoning Board of Adjustment. The size of such signs shall be a maximum of 6 feet in height and 60 square feet.
7. Monument signs shall be allowed at Walnut Street, Academy Street and Fredericksburg Street at the perimeter of the district, and shall not exceed 6 feet in height and 60 square feet.
8. For Lots within Block 2 and Block 6 that front onto Walnut Street, one 64 foot blade sign is allowed with frontage on Walnut Avenue and sign must be attached to the building façade facing Walnut Avenue.

## **VII. Definitions**

### **Accessory or Ancillary Building**

A building that is a separate 400 to 800 square foot dwelling unit connected to the garage with cooking facilities and bathroom, but shall not require a separate water meter or additional off street parking; or a building that serves for recreation, utilities or maintenance support in a park or civic space

### **Blade Sign**

Tenant identification sign that uses letterforms, logo, and /or graphic elements, projects at right angle from the face of the building, is located on a pier adjacent to the transom windows, and has a maximum height equal to the height of the transom windows. Blade signs can be aluminum, stainless steel, painted wood, sandblasted glass, or translucent acrylic. A blade sign identifies a tenant on a pedestrian level.

### **Build -to -Line**

The line to which the primary building shall be constructed as opposed to a set -back line; the build -to -line is established on the applicable street type cross - section and may have a range such as " 10 to 15 feet" from the right -of -way line. A side of a building on a corner lot may encroach the build -to -line.

### **Full Spectrum Source**

Incandescent or fluorescent lights that emit white light, as opposed to another color.

**Home Occupation**

A residential unit providing for a combination of uses in which home occupation activity can occur. The occupation function shall be incidental to the primary function of the building as residence. No person outside the residence may be employed unless the residence is a Live -Work unit. There shall be no exterior display, no exterior storage of materials and no other variation from the residential character of the principal building, unless the residential unit is a Live -Work Unit

**Live Work Lot**

Lots in T5 or T6, of the size required by the Building Type Matrix, and as specified by the owner at time of building permit.

**Live Work Unit**

A unit on a Live Work Lot. One upstairs residential unit and one street -level commercial unit required on each lot. Additional units on the lot may be residential or commercial, and separate entrances shall be provided for the residential and commercial components. The maximum number of units allowed on a lot is determined by the Transect Matrix Exhibit F.

**Loft**

A dwelling unit contained in an office, retail or other commercial building with interior entrances into the living units or common interior or exterior corridor entrances.

**Off Street Parking**

A requirement for parking a vehicle in a space not within the public right- off -way, and which can be satisfied with or without a covered parking space.

**Pergola**

An arbor or passageway of columns supporting a roof of trelliswork on which climbing plants are trained to grow.

**Plate Height**

The height of the horizontal member capping exterior wall studs, as measured at the bottom of the horizontal member.

**Pull Through Garage**

A garage set back behind a house that is either a separate structure or connected by breezeway, accessory building or ancillary building, and which is accessed by a driveway from the front address.

**Raised Basement**

A building level whose floor level is partly below grade, but which is much higher than usual so that its ceiling is well above ground level.

**Stacked Townhouse**

A townhouse with an additional living unit above.

**Story**

A constructed horizontal division of a building providing habitable space or structured parking. Attics (including improved attics with slanted ceilings), rooftop decks, rooftop solariums, and raised basements are not considered stories for the purposes of determining building height based on stories.

**Surround**

A continuous concrete, wooden, brick, or stone border around a window, door or other opening that is designed to complement the style of the building.

**Townhouse**

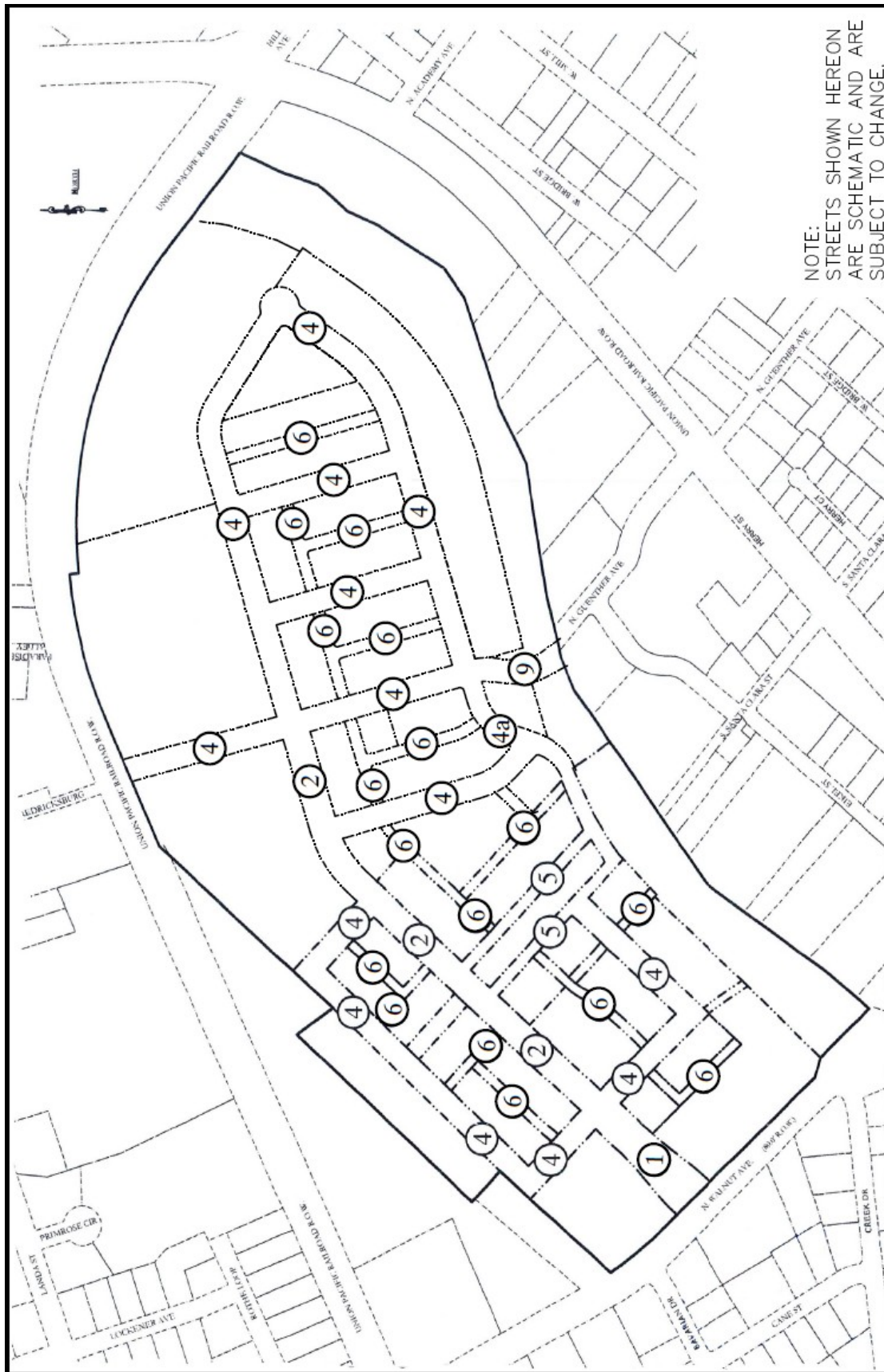
A single - family house of two or more stories that is connected to a similar house by a common.

**Unit**

A residential unit.








NOTE:  
STREETS SHOWN HEREON  
ARE SCHEMATIC AND ARE  
SUBJECT TO CHANGE.

NOT TO SCALE  
REVISED: MAR 3, 2021  
SHT: 1 OF 1

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



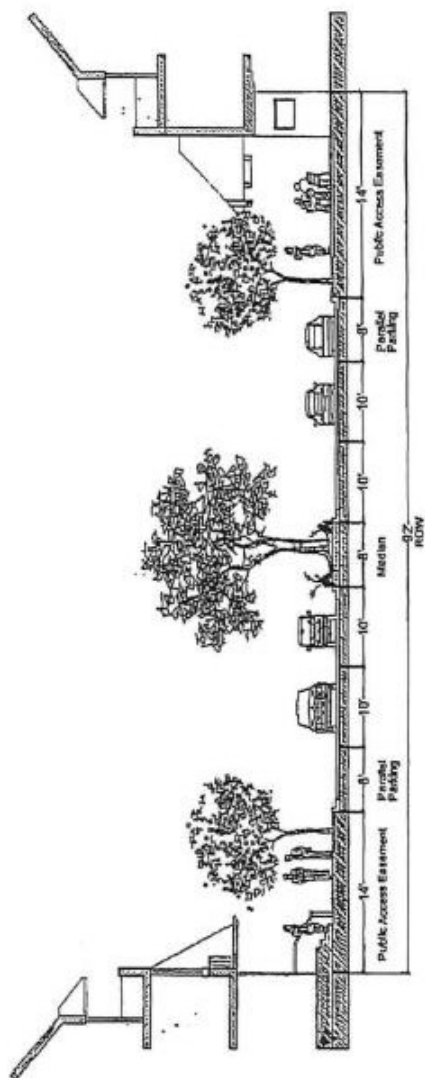
**HMT**  
ENGINEERING & SURVEYING

**EXHIBIT C**  
**MASTER STREET**  
**NETWORK**  
**(AMENDED)**

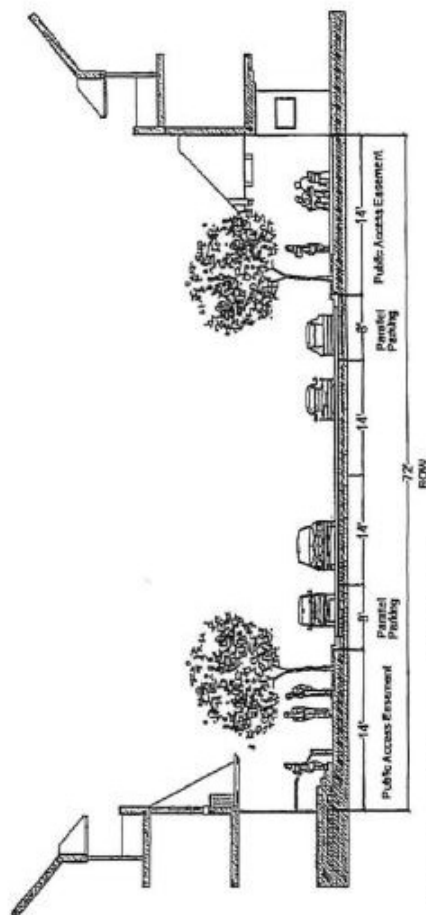


**TOWN CREEK**  
NEW BRAUNFELS, TEXAS





① Boulevard (Commercial Collector)



② Boulevard (Commercial Collector)



**EXHIBIT D**  
**STREET CROSS**  
**SECTIONS**  
**(AMENDED)**

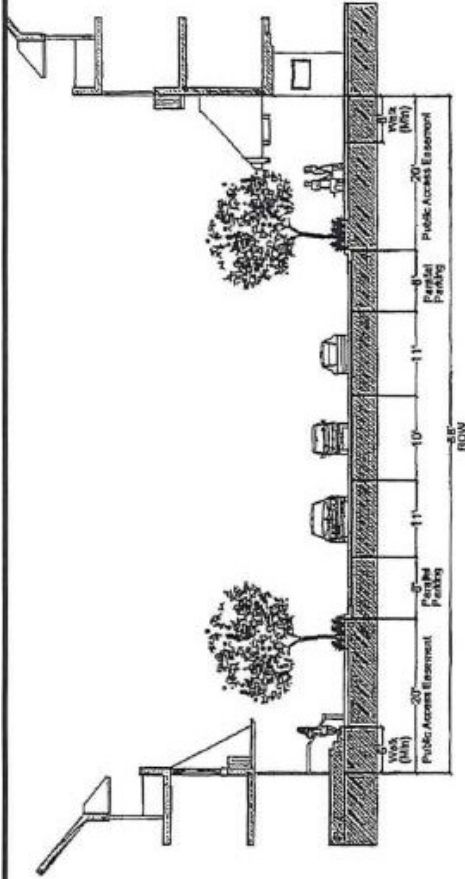


410 N. SEQUIN AVE.  
NEW BRAUNFELS,  
TEXAS, 78130  
PH: (830)625-8555  
FAX: (830)625-8556  
www.HMTNB.com  
TPE FIRM F-10961

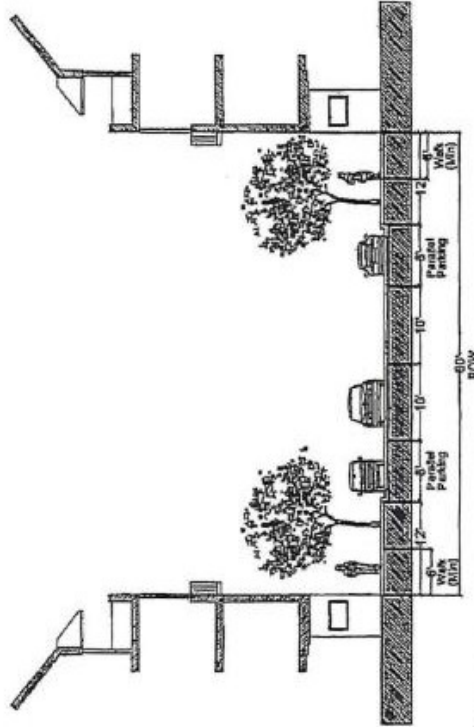
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REVISED: FEB 21, 2017

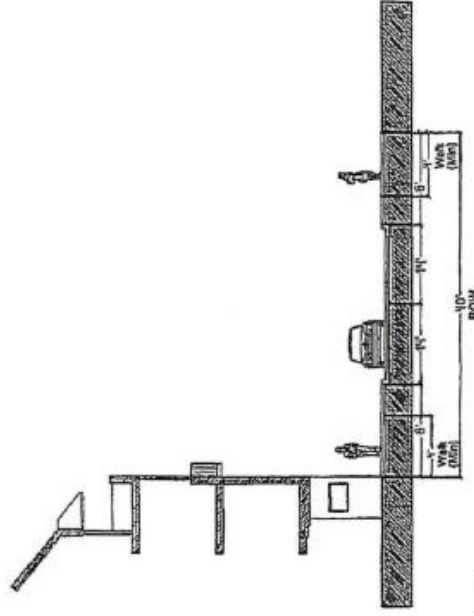
SHT: 1 OF 4



③ Town Center Streets (Commercial Collector)



④ Neighborhood Connector (Commercial Collector)



④⑤ Neighborhood Connector (Commercial Collector)



**EXHIBIT D**  
**STREET CROSS**  
**SECTIONS**  
**(AMENDED)**



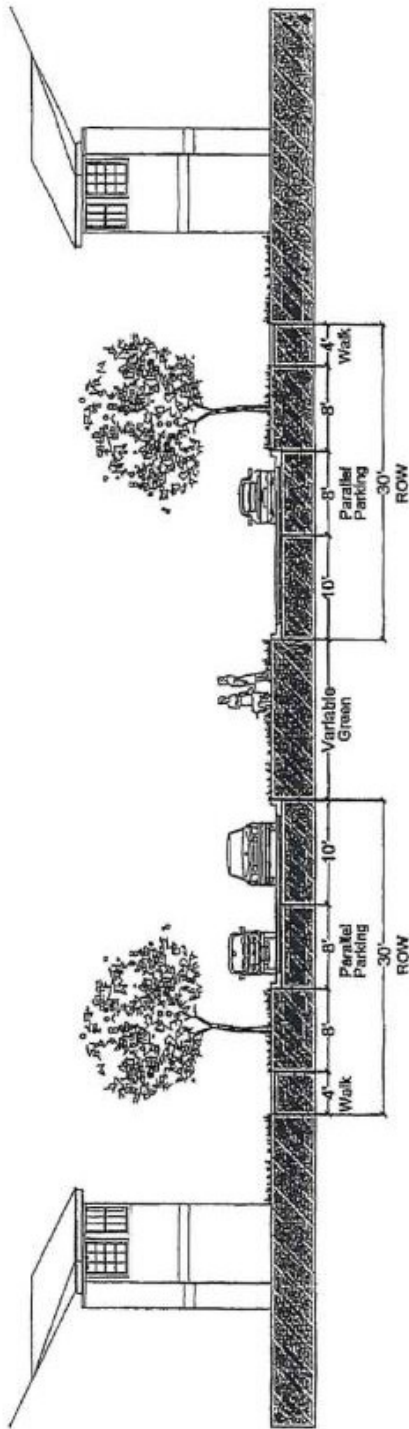
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FAX: (830)625-8556  
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TBE FIRM F-10961

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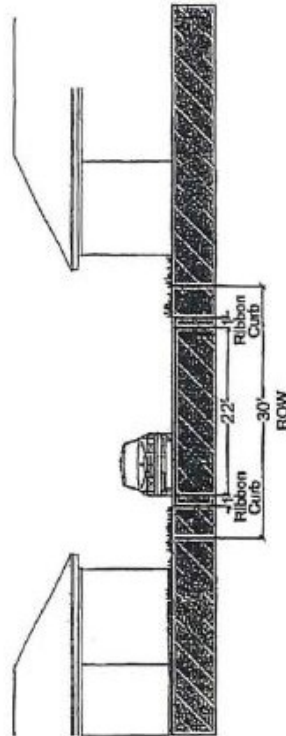
REVISED: APR 18, 2017

SHT: 2 OF 4





⑤ Lane (One Way Paired)



⑥ Alley (Alley - Residential)



EXHIBIT D  
STREET CROSS  
SECTIONS  
(AMENDED)

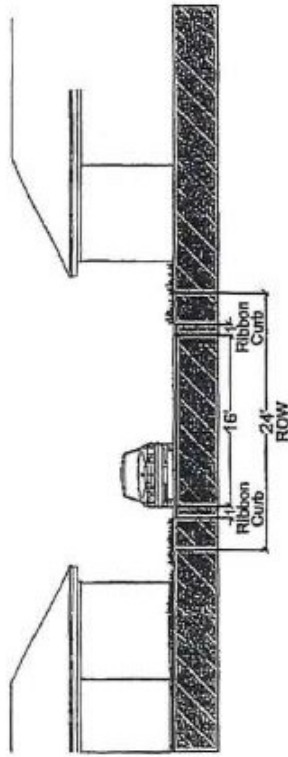


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TBE FIRM F-10961

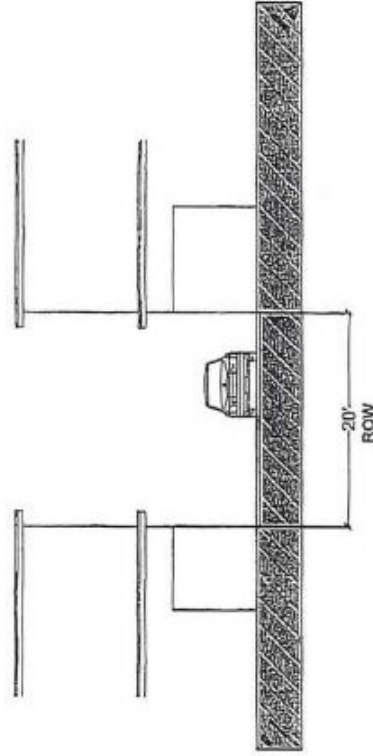
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REVISED: FEB 21, 2017

SHT: 3 OF 4



⑦ Alley (Alley - Residential)



⑧ Alley (Alley - Commercial)



⑨ Local Street



**EXHIBIT D**  
**STREET CROSS**  
**SECTIONS**  
**(AMENDED)**



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NEW BRAUNFELS,  
TEXAS, 78130  
PH: (830) 625-8555  
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TBE FIRM F-10961

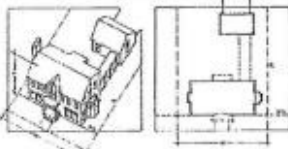
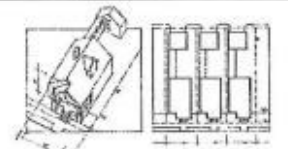
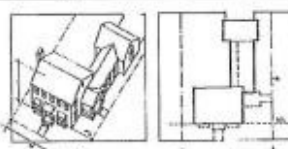

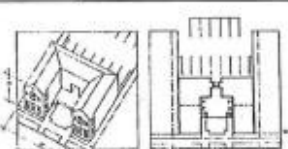



NOT TO SCALE

REVISED: APR 18, 2017

SHT: 4 OF 4

Exhibit E

Building Types  
Town Creek PD

Types	Lot Width Minimum (ft)	Lot Depth Minimum (ft)	Build-to-Line (BTL)	Minimum Side Yard (ft)	Minimum Rear Yard	Minimum Lot Area	Allowed Traveled Zones	Covered Parking (ft)	Off Street Parking Spaces Minimum Per Dwelling Unit	Accessory Building	Prototypical Building Configurations	
Large House	50'-	100'	See Forward Maps (Exhibit F) for Build-to-Line Standards	5'	5'	6000'	T3	R	2	A R60		
Medium House	30'-35'	50'		5'	5'	4500'	T3, T4	R	2	A R100		
Small House	40'-45'	50'		0-4' (H)	5'	3500'	T3, T4, T5, T6	R	2	A R110		
Cottage	20'-30'	60'		0-4' (H)	5'	1800'	T3, T4, T5, T6	R	2	A R120		
Multi-Unit House (7)	30'-100'	100'		5'	5'	6000'	T4, T5, T6	A	1.5	A R40		
Townhouse or Stacked Townhouse	20'-30'	30'		0'	5'	1800'	T4, T5, T6	R	2	A R11		
Courtyard Apartment (8)	100'	100'		5'	0'	10,000'	T4, T5	A	1	H		
Loft Commercial Building (11)(9)	100'	100'		5'	0'	10,000'	T5, T6	A	1	H		
Live/Work (11)	20'-30'	60'		5'	0'	1000'	T5, T6	A	1	A R11		
A - Allowed      H - Not Allowed      R - Required												

A-Allowed

H-Not Allowed

R-Required

Explanatory Regulations:

- (1) For attached buildings, side yard minimum requirement shall apply to exterior side of center lots only; for side of buildings on corner lots, the side yard requirement may adhere to the particular build-to-line established for the street facing the side.
- (2) An enclosed garage or a carport shall be constructed of same material as main residential structure. Rear-located garages may be attached at side property line. Carports shall not be allowed for front-loaded parking. "Put-through" garages shall be allowed if the front facade of the garage is set back behind the rear facade of the house. Covered breezeways connecting the garage and the house shall be allowed, with only up to 150 square feet constructed to enable air-conditioned space.
- (3) Accessory units above the garage shall be required for all single-family houses on corner lots.
- (4) Accessory unit is a separate 400 to 800 square foot dwelling unit connected to or above the garage with cooking facilities and bathroom, but shall not require a separate water meter or additional off street parking.
- (5) Side yard 4'; but it can be shifted up to 0' if the total distance between buildings is at least 5'.
- (6) Side yard 2'; but it can be shifted up to 0' if the total distance between buildings is at least 6'.
- (7) 2 to 4 units shall be allowed; the design of the building shall make the multi-unit structure appear as a large single-family house.
- (8) Courtyard(s) shall face street and provide at least 100 square feet of courtyard space per unit.
- (9) All live-residential uses shall be allowed on any floor.
- (10) Structured Parking shall be allowed within the building if enclosed on at least 3 sides on the ground floor.
- (11) Non-residential uses allowed on ground floor level with separate outside entrances for residential and non-residential uses.

## Town Creek Transect Zoning

<b>T-Zone:</b>	<b>T1</b>	<b>T3</b>	<b>T4</b>	<b>T5</b>	<b>T6</b>
<b>Standard:</b>	<b>Green Space</b>	<b>Residential</b>	<b>Residential</b>	<b>Vertical mixed use</b>	<b>Vertical mixed use</b>
<b>Build-to-Line</b>	n/a	10 to 30 feet	5 to 20 feet	0 to 15 feet	0 to 15 feet
<b>Building Height</b>	1 story max for ancillary buildings	2 story (max.)	1 to 3 stories	2 (min.) to 4 (max.)	2 (min.) to 5 (max.)
<b>Maximum Floor to Area Ratio (non-res.)</b>	n/a	1.5	3.0	4.0	5.0
<b>Maximum Lot Coverage</b>	n/a	70%	80%	100%	100%
<b>Parking -- Minimum Off-Street per 1000 sq. ft (non-res.)</b>	n/a	3.0	3.0	3.0	2.0
<b>Maximum Residential Density per acre</b>	n/a	20 units	30 units	40 units	60 units

### ALLOWED USES IN TOWN CREEK

The permitted uses within Town Creek were chosen for their neighborhood and pedestrian-friendly character. Here are the permitted uses within Town Creek:

- |   |  |
|---|--|
| <ol style="list-style-type: none"> <li>1. retail services</li> <li>2. pharmacy</li> <li>3. dry cleaners</li> <li>4. retail goods sales</li> <li>5. art, antique, furniture or electronics studio (retail)</li> <li>6. restaurant, café, deli or coffee shop</li> <li>7. coffee roasting</li> <li>8. bakery</li> <li>9. beer, wine or other alcoholic beverage on premises sales</li> <li>10. movie theater</li> <li>11. performance theater</li> <li>12. museum, philanthropic, civic or governmental institutions</li> <li>13. fraternal or other private social club</li> </ol> | <ol style="list-style-type: none"> <li>14. surface parking</li> <li>15. structured parking garage</li> <li>16. hotel</li> <li>17. single-room rental bed &amp; breakfast</li> <li>18. professional offices</li> <li>19. health services office, clinic, hospital or laboratory</li> <li>20. government/civic offices</li> <li>21. transit</li> <li>22. farmer's market, cultural events (special permit)</li> <li>23. home occupation</li> <li>24. church or other places of worship</li> <li>25. greenhouse (e.g. -- retail nursery)</li> <li>26. school (public or private, any level)</li> <li>27. studio (dance, athletic, performance, etc.)</li> </ol> |
|---|--|

**Town Creek New Braunfels, Texas**

**EXHIBIT G – Preferred Plant Pallet**

		T1	T2	T3	T4	T5	T6	Street
<b>Shade Trees:</b>								
Bigtooth Maple	<i>Acer grandidentatum</i>		x	x	x	x	x	x
River Birch	<i>Betula nigra</i>	x	x	x	x			x
Osage Orange	<i>Bois d'arc</i>		x	x	x	x		
Pecan	<i>Carya illinoensis</i>	x	x	x	x			
Texas Ash	<i>Fraxinus texensis</i>	x	x	x	x	x		
Arizona Walnut	<i>Juglans major</i>	x	x	x	x			
Black Walnut	<i>Juglans nigra</i>	x	x	x	x			
Magnolia	<i>Magnolia grandiflora</i>	x	x	x	x	x		
Texas Pistache	<i>Pistacia texana</i>	x	x	x	x			
Texas Sycamore	<i>Platanus occidentalis</i>		x	x	x	x		
Cottonwood	<i>Populus deltoides</i>	x	x	x				
Candy's Oak	<i>Quercas canbyi</i>							
Burr Oak	<i>Quercas macrocarpa</i>	x	x	x	x	x	x	x
Chinquapin Oak	<i>Quercas muhlenbergii</i>	x	x	x	x	x	x	x
Mexican White Oak	<i>Quercas polymorpha</i>	x	x	x	x	x	x	x
Shin Oak	<i>Quercas mohriana</i>	x	x	x	x	x		
Shumard Red Oak	<i>Quercas shumardii</i>			x	x			
Texas Red Oak	<i>Quercas texana</i>			x	x			
Live Oak	<i>Quercas virginiana</i>			x	x	x	x	x
Western Soapberry	<i>Sapindus drummondii</i>				x	x	x	
Montezuma Cypress	<i>Taxodium mucronatum</i>	x	x	x				
American Elm	<i>Ulmus americana</i>	x	x	x	x	x	x	x
Cedar Elm	<i>Ulmus crassifolia</i>	x	x	x	x	x	x	x
Lacebark Elm	<i>Ulmus parvifolia</i>		x	x	x	x	x	x
Drake Elm	<i>Ulmus parvifolia "Drake"</i>			x	x	x	x	x
Lacey Oak	<i>Quercas glaucoides</i>	x	x	x	x	x	x	x
Bald Cypress	<i>Taxodium distichum</i>	x	x	x	x			
<b>Ornamental Trees:</b>								
Guajillo	<i>Acacia berlandieri</i>	x	x	x	x			
Roemer's Acacia	<i>Acacia roemeriana</i>	x	x	x	x			
Wright Acacia	<i>Acacia wrightii</i>	x	x	x	x			
Texas Madrone	<i>Arbutulus xalapensis</i>	x	x	x				
Anacacho Orchid Tree	<i>Bauhinia congesta</i>	x	x	x				
Paloverde Tree	<i>Cercidium macrum</i>	x	x					
Texas Redbud	<i>Cercis canadensis 'texana'</i>	x	x	x	x	x	x	x
Desert Willow	<i>Chilopsis linearis</i>	x	x	x	x	x	x	x
Condalia	<i>Condalia hookeri</i>	x	x	x	x			
Smoke Tree	<i>Gontinus obovatus</i>	x	x	x	x			
Wild Olive	<i>Cordia boissieri</i>	x	x	x	x			
Roughleaf Dogwood	<i>Cornus drummondii</i>		x	x	x	x	x	x
American Smoketree	<i>Cotinus obovatus</i>	x	x	x				
Texas Persimmon	<i>Diospyros texana</i>	x	x	x				
Sandpaper Tree	<i>Ehretia anacua</i>	x	x	x				
Kidneywood	<i>Eysenhardtia texana</i>	x	x	x	x			



Soapbush	<i>Guajacum angustifolium</i>	x	x	x				
Witch Hazel	<i>Hamamelis virginiana</i>	x	x	x				
Possumhaw Holly	<i>Ilex decidua</i>	x	x	x	x	x	x	
Yaupon Holly	<i>Ilex vomitoria</i>	x	x	x	x	x	x	
Little Texas Walnut	<i>Juglans microcarpa</i>	x	x	x				
Coyotillo	<i>Karwinskia humboldtiana</i>	x	x	x				
Crepe Myrtle	<i>Lagerstroemia indica</i>		x	x	x	x	x	x
Golden Leadball Tree	<i>Leucaena retusa</i>	x	x	x	x	x		
Blanco Crabapple	<i>Malus ioensis</i> var. <i>texana</i>	x	x	x	x	x	x	
Wax Myrtle	<i>Myrica cerifera</i>		x	x	x	x	x	x
Arroyo Sweetwood	<i>Myrospermum sousanum</i>	x	x	x	x			
Retama	<i>Parkinsonia aculeate</i>	x	x					
Cherry Laurel	<i>Prunus caroliniana</i>		x	x	x	x	x	
Mexican Plum	<i>Prunus mexicana</i>	x	x	x	x	x	x	x
Chokeberry	<i>Prunus virginiana</i>	x	x	x				
Carolina Buckthorn	<i>Rhamnus Carolinian</i>	x	x	x	x	x		
Lanceleaf Sumac	<i>Rhus lanceolata</i>	x	x	x	x			
Evergreen Sumac	<i>Rhus virens</i>	x	x	x				
Weeping Willow	<i>Salix babylonica</i> *			x	x	x		
Eve's Necklace	<i>Sophora affinis</i>	x	x	x	x	x	x	
Texas Mountain Laurel	<i>Sophora secundiflora</i>	x	x	x	x	x	x	x
Mexican Buckeye	<i>Ungnadia speciosa</i>	x	x	x	x	x	x	x
Rusty Blackhaw Viburnum	<i>Viburnum rufidulum</i>	x	x	x	x			
Vitex	<i>Vitex agnus-castus</i>		x	x	x	x	x	
Toothache Tree	<i>Zanthoxylum hirtum</i>	x	x	x				
<b>Shrubs:</b>								
Glossy Abelia	<i>Abelia grandiflora</i>			x	x	x	x	
Flame Acanthus	<i>Anisacanthus quadrifidus 'wrightii'</i>	x	x	x	x	x	x	
Agarita	<i>Berberis trifoliata</i>	x	x	x				
Bougainvillea	<i>Bougainvillea</i> spp.				x	x	x	
Butterfly Bush	<i>Buddleia</i> spp.		x	x	x	x		
American Beautyberry	<i>Callicarpa americana</i>	x	x	x	x	x	x	
Bottlebrush	<i>Callistemon citrinus</i>	x	x	x	x	x	x	
Chile Pequin	<i>Capsicum annuum 'aviculare'</i>	x	x	x	x			
Candlestick Tree	<i>Cassia alata</i>		x	x	x			
Bird of Paradise	<i>Ceaselpinia gilliesi</i>				x	x	x	
Pride of Barbados	<i>Ceaselpinia pulcherrima</i>	x	x	x	x	x		
Snakewood	<i>Colubrina texensis</i>	x	x	x				
Cotoneaster	<i>Cotoneaster</i> spp.	x	x	x	x	x	x	
Crinum Lily	<i>Crinum</i> spp.			x	x	x	x	
Cigar Plant	<i>Cuphea</i> spp.	x	x	x	x	x	x	
Black Dalea	<i>Dalea frutescens</i>	x	x	x	x	x	x	
Sotol	<i>Dasylirion</i> spp.	x	x	x				
Silverberry	<i>Eleagnus pungens</i>				x	x		
Eleagnus	<i>Eleagnus</i> spp.				x	x	x	
Coral Bean	<i>Erythia cisti-galli</i>	x	x	x	x	x	x	
Coralbean	<i>Erythrina herbacea</i>	x	x	x	x	x	x	
Texas Elbow Bush	<i>Foresteria pubescens</i>	x	x	x	x	x		
Silk Tassel	<i>Garrya ovata</i>	x	x	x	x	x	x	
Red Yucca	<i>Hesperaloe parvifolia</i>	x	x	x	x			

Texas Star Hibiscus	<i>Hibiscus coccineus</i>			x	x	x	x	
Burford Holly	<i>Ilex cornuta 'Burfordii'</i>				x	x	x	
Primrose Jasmine	<i>Jasminum mesneyi</i>			x	x	x	x	
Dwarf Crepe Myrtle	<i>Lagerstroemia indica</i>			x	x	x	x	
Texas Sage	<i>Leucophyllum frutescens</i>	x	x	x	x	x	x	
Green Cloud Sage	<i>Leucophyllum frutescens 'green cloud'</i>			x	x	x	x	
Silverado Sage	<i>Leucophyllum frutescens 'silverado'</i>		x	x	x	x	x	
White Honeysuckle	<i>Lonicera albiflora var. albiflora</i>	x	x	x	x	x	x	
Barbados Cherry	<i>Malpighia glabra</i>	x	x	x	x	x	x	
Turk's Cap	<i>Malvaviscus drummondii</i>	x	x	x	x	x	x	
Dwarf Wax Myrtle	<i>Myrica pusilla</i>	x	x	x	x	x	x	
Nandina	<i>Nandina domestica</i>				x	x	x	
Oleander	<i>Nerium oleander</i>			x	x	x	x	
Nolina	<i>Nolina texana</i>	x	x	x	x			
Prickly Pear	<i>Opuntia engelmannii 'lindheimeri'</i>	x	x	x				
Pavonia	<i>Pavonia lasiopetala</i>	x	x	x	x	x	x	
Texas Mock Orange	<i>Philadelphus texensis</i>	x	x	x	x	x	x	
Yew	<i>Podocarpus macrophyllum</i>		x	x	x	x		
Mexican Oregano	<i>Poliomintha longiflora</i>	x	x	x	x	x	x	
Pyracantha	<i>Pyracantha spp.</i>	x	x	x				
Indian Hawthorne	<i>Raphiolepis indica</i>				x	x	x	
Aromatic Sumac	<i>Rhus aromatica</i>	x	x	x	x			
Smooth Sumac	<i>Rhus glabra</i>	x	x	x	x	x	x	
Evergreen Sumac	<i>Rhus virens</i>	x	x	x	x			
Rosemary	<i>Rosmarinus officinalis</i>	x	x	x	x	x	x	
Trailing Rosemary	<i>Rosmarinus prostrata</i>	x	x	x	x	x	x	
Dwarf palmetto	<i>Sabal minor</i>	x	x	x	x	x	x	
Autumn Sage	<i>Salvia greggii</i>	x	x	x	x	x	x	
Elderberry	<i>Samucus canadensis</i>	x	x	x	x	x	x	
Coralberry	<i>Symphoricarpos orbiculatus</i>	x	x	x	x	x	x	
Blackhaw Viburnum	<i>Viburnum prunifolium</i>				x	x	x	
Buckley Yucca	<i>Yucca constricta</i>	x	x	x	x			
Twisted-Leaf Yucca	<i>Yucca rupicola</i>	x	x	x	x			
Softleaf Yucca	<i>Yucca rupicola</i>	x	x	x				
Spanish Dagger	<i>Yucca spp.</i>	x	x	x				
<b>Ornamental Grasses:</b>								
Western Wheatgrass	<i>Agropyron smithii</i>	x	x	x	x			
Big Bluestem	<i>Andropogon gerardi</i>	x	x	x	x	x		
Brushy Bluestem	<i>Andropogon glomeratus</i>	x	x	x	x	x		
Sideoats Grama	<i>Bouteloua curtipendula</i>	x	x	x	x	x	x	
Inland Seaoats	<i>Chasmanthium latifolium</i>	x	x	x	x	x	x	
Umbrella Grass	<i>Cyperus alternifolius</i>		x	x	x	x	x	
Sugarcane Plume Grass	<i>Erianthus giganteus</i>	x	x	x	x	x	x	
Curly Mesquite	<i>Hilaria belangeri</i>	x	x	x				
Monky Grass	<i>Liriope muscari</i>				x	x	x	
Miscanthus	<i>Miscanthus spp.</i>				x	x	x	
Ear Muhly	<i>Muhlenbergia arenacea</i>	x	x	x	x	x		
Gulf Muhly	<i>Muhlenbergia capillaris</i>	x	x	x	x	x	x	
Lindheimer Muhly	<i>Muhlenbergia lindheimeri</i>	x	x	x	x	x	x	
Weeping Muhly	<i>Muhlenbergia duboides</i>	x	x	x	x	x	x	



Seep Muhly	<i>Muhlenbergii reverchonii</i>	x	x	x	x	x		
Deer Muhly	<i>Muhlenbergii rigens</i>	x	x	x	x	x	x	
Beargrass	<i>Nolina spp.</i>	x	x	x	x	x	x	
Switchgrass	<i>Panicum virgatum</i>	x	x	x	x	x	x	
Little Bluestem	<i>Schizachyium scoparium</i>	x	x	x	x	x	x	
Green Lily	<i>Schoenocaulon texanum</i>		x	x	x	x		
Indiangrass	<i>Sorghastrum nutans</i>	x	x	x	x	x		
Mexican Feathergrass	<i>Stipa tenuissima</i>	x	x	x	x	x	x	
Eastern Grama Grass	<i>Tripsacum dactyloides</i>	x	x	x	x	x	x	
<b>Vines:</b>								
Crossvine	<i>Bignonia capreolata</i>	x	x	x	x	x	x	
Trumpet Vine	<i>Campsis radicans</i>	x	x	x	x	x	x	
Carolina jessamine	<i>Gelsemium sempervirens</i>	x	x	x	x	x	x	
English Ivy	<i>Hedera helix</i>				x	x	x	
Morning Glory	<i>Ipomoea spp.</i>	x	x	x	x	x	x	
Coral Honeysuckle	<i>Lonicera sempervirens</i>	x	x	x	x	x	x	
Virginia Creeper	<i>Parthenocissus quinquefolia</i>	x	x	x	x	x		
Boston Ivy	<i>Parthenocissus tricuspidata</i>				x	x	x	
Passionflower	<i>Passiflora alata caerulea</i>			x	x	x	x	
Cypress Vine	<i>Quamoclit pennata</i>		x	x	x			
Lady Banksia Rose	<i>Rosa banksiae 'Lutea'</i>				x	x	x	
Santolina	<i>Santolina virens</i>				x	x	x	
Dwarf periwinkle	<i>Vinca major</i>	x	x	x	x	x	x	
Texas Wisteria	<i>Wisteria macrostachya</i>	x	x	x	x	x	x	
<b>Turf Grasses:</b>								
Buffalograss	<i>Buchloe dactyloides</i>	x	x	x	x	x	x	
Bermuda Grass	<i>Cynodon dactylon</i>	x	x	x	x	x	x	
Zoysiagrass	<i>Zoysia spp.</i>	x	x	x	x	x	x	

4/12/2021

Agenda Item No. A)

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**PRESENTER:**

Robert Camareno, City Manager

**SUBJECT:**

Discuss and consider possible direction to staff regarding whether to continue to require the use of face coverings by the public while at city facilities.

**DEPARTMENT:** City Manager's Office

**COUNCIL DISTRICTS IMPACTED:** City-wide

**BACKGROUND INFORMATION:**

On March 2, 2021 Governor Abbott issued Executive Order GA-34 which ends Texas' statewide mask mandate and allows businesses to operate at full capacity effective March 10, 2021. The executive order allows businesses and other establishments to require employees and/or customers to follow additional measures, including the wearing of a face covering and limiting their operational capacity. Cities fall under the category of "other establishments" and thus staff is looking for direction from the Mayor and City Council on whether to require customers wear masks at city facilities and whether to operate city facilities at 100% occupancy.

**ISSUE:**

On March 8, 2021 City Council voted to revisit the direction of requiring face masks in City facilities.

**FISCAL IMPACT:**

There is no fiscal impact.

**RECOMMENDATION:**

Staff recommends discussion and direction to staff from Mayor and City Council.

4/12/2021

Agenda Item No. B)

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Presenter/Contact

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

**SUBJECT:**

Discuss and consider approval of the installation of speed humps on River Acres Drive between 1255 River Acres Drive and Fair Lane.

**BACKGROUND / RATIONALE:**

**Council District: 4**

Residents submitted a request for the installation of speed humps on River Acres Drive between 1255 River Acres Drive and Fair Lane. River Acres Drive is a residential street with a posted speed limit of 30 mph. The request was evaluated based on petition, operational and geometric requirements established in the City of New Braunfels Speed Hump Policy approved in 1999.

Twelve signatures were required to meet the two-thirds requirement, and twelve signatures were received. An operational requirement in the policy is that the 85<sup>th</sup> percentile speed must be at least 5 miles per hour over the regulatory speed limit of 30 mph. Traffic data collected over 24 hours on Wednesday, February 10, 2021 showed the 85<sup>th</sup> percentile speed of 33 miles per hour which does not meet the speed criteria in the Speed Hump Policy. Additionally, the volume requirement in the approved speed hump policy is a daily traffic volume of at least 800 vehicles per day. The traffic data collected measured only 347 vehicles per day. These requirements are listed in the attachment to this report.

The Speed Hump Policy also requires proposed speed humps on a street to be approved by the emergency services departments. The New Braunfels Fire Department and the New Braunfels Police Department approve of the installation of speed humps on the requested street.

If the request is approved, the street will be placed on the list of streets eligible for speed hump installation for up to three years. Speed hump projects will be prioritized according to the criteria established in the Speed Hump Policy.

The Speed Hump Policy also states that the alteration or removal of speed humps requires the same petition process as the installation request, with at least two-thirds of all adjacent households and businesses in favor of speed hump removal. The city will not provide any funding for the removal of speed humps if it is requested.

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

Envision New Braunfels Strategy 7: Connect All: Action 7.16: Develop a program and process for consideration of citizen requests for neighborhood traffic calming.

**FISCAL IMPACT:**

The City has specific funding for the installation of traffic calming. This is the second speed hump request

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submitted for the 2020-2021 fiscal year. Speed hump installation cost including speed cushions, signing and pavement markings at two locations cost approximately \$14,000 to \$18,000, depending on location.

**COMMITTEE RECOMMENDATION:**

This item was considered and discussed by the Transportation and Traffic Advisory Board at their meeting on March 11, 2021. The Board unanimously passed a motion in favor of the installation of speed humps on River Acres Drive between 1255 River Acres Drive and Fair Lane.

**STAFF RECOMMENDATION:**

Staff does not recommend approval of speed humps on River Acres Drive between 1255 River Acres Drive and Fair Lane as it does not meet the speed or volume criteria established in the Speed Hump Policy.

## Petition

Requirement		Satisfied?
1.	A petition from the residents and business owners documenting that at least two-thirds support the installation of speed humps.	Yes
2.	Verification statement from contact person confirming signatures are valid and represent at least two-thirds support.	Yes
3.	A statement from the neighborhood association endorsing speed hump installation.	N/A

## Operational and Geometric Characteristics of the Street

Requirement		Satisfied?
1.	The street shall provide access to abutting residential and/or commercial properties.	Yes
2.	The street shall not have more than one lane of traffic in each direction.	Yes
3.	The street shall have a regulatory speed limit of 30 mph or less as determined in accordance with State Law.	Yes: 30 mph
4.	The 85 <sup>th</sup> percentile speed on the street must be at least 35 mph or 5 mph over the regulatory speed limit.	No: 33 mph
5.	The speed humps should not be located on a horizontal curve, on vertical curves where visibility of the hump is restricted, or on approaches to these curves.	Yes
6.	The street should have curb and gutter. Considerations may be given to street without curb and gutter to accommodate drainage and prevent vehicle run-arounds.	Yes
7.	The street must be approved by the emergency services departments.	Yes <sup>a</sup>
8.	The street must have a 24-hour traffic volume of at least 800 vehicles.	No: 347 vpd average

<sup>a</sup> Parking may be restricted at speed hump locations to maintain emergency response

## Speed and Volume Data

	≤25 mph	26-30 mph	31-35 mph	36-40 mph	41+ mph
Average vpd (2/10)	129	129	68	14	7

## Project Prioritization Criteria

Criteria		Points Assigned
1. Crash	0 reported crashes over a period of 3 consecutive years	0
2. Speed	3 mph difference between 85 <sup>th</sup> percentile speed and regulatory speed limit	0
3. Traffic Volume	Two-way peak hour volume of 40 vph	0
4. Type of Neighborhood	1. Schools within a ½ mile radius of the project street	0
	2. Absence of sidewalks on the project street	1
<b>Total:</b>		<b>1</b>







4/12/2021

Agenda Item No. C)

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Presenter/Contact

Mike Penshorn, Captain and Greg Walker, Sergeant, Police Department  
mpenshorn@nbtexas.org and gwalker@nbtexas.org

**SUBJECT:**

First reading of an ordinance regarding the creation of Child Safety Zones which would provide residency restrictions for Registered Sex Offenders residing within the city limits of New Braunfels.

**BACKGROUND / RATIONALE:**

Currently, the City of New Braunfels has no residency restrictions for Registered Sex Offenders who live within the city limits of New Braunfels. There is only an ordinance that restricts registered sex offenders from receiving a permit to operate a food truck. The New Braunfels Police Department is regularly contacted by sex offenders who are looking to move to New Braunfels due specifically to this lack of residency restrictions. The Police Department is also frequently contacted by citizens inquiring as to what restrictions are in place to prevent sex offenders from living near or visiting schools, playgrounds, or other places children gather. As for the State of Texas, the state laws provide limited restrictions on sex offenders who are currently on probation or parole. Registered sex offenders are also restricted from being able to operate a bus, taxi, amusement park ride or non-supervised in-home services, and this is only if the victim is a child under 14 year of age. The only state law restriction regarding residency is the offender cannot live on a school campus.

Due to the very nature of the offenses committed by registered sex offenders, it is in the City of New Braunfels' best interest to enact a Child Safety Zone ordinance that will restrict where such individuals may reside. Generally, the proposed ordinance will prohibit a registered sex offender from going in, on, or within 1,000 feet of a Child Safety Zone in the city limits. The term Child Safety Zone is defined as a premises where children commonly gather. The term includes a public or private school, public or private day-care facility, playground, public or private youth center, public swimming pool, video arcade facility, city or state park, or any other facility that regularly holds events primarily for children.

The State of Texas gives each municipality the authority to create their own restrictions on sex offenders. The creation of this ordinance would help to provide greatly needed protections to our most vulnerable population: our children.

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

<input checked="" type="checkbox"/>	YES	Strategic Priority	Continue to ensure the protection of citizens' lives and property
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**FISCAL IMPACT:**

None

**COMMITTEE RECOMMENDATION:**



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Non-Applicable

**STAFF RECOMMENDATION:**

Staff recommends the creation of Child Safety Zones which would provide additional residency restrictions for Registered Sex Offenders residing within the city limits of New Braunfels.

ORDINANCE NO. 2021-\_\_\_\_\_

**AMENDING THE CITY OF NEW BRAUNFELS, TEXAS, CODE OF ORDINANCES CHAPTER 82, OFFENSES AND MISCELLANEOUS PROVISIONS BY ADOPTING RESTRICTIONS APPLICABLE TO SEX OFFENDERS INCLUDING RESIDENCY AND DISTANCE REQUIREMENTS FROM CHILD SAFETY ZONES AND AN EXEMPTION HEARING PROCESS; SETTING A PENALTY OF NOT MORE THAN \$2000.00; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SEVERABILITY REPEALER AND ESTABLISHING AN EFFECTIVE DATE.**

WHEREAS, sex offenders are a serious threat to public safety; and

WHEREAS, neither the State of Texas nor the City of New Braunfels currently imposes restrictions on where registered sex offenders may reside; and

WHEREAS, while some sex offenders do rehabilitate, the recidivism rate for released sex offenders is alarmingly high, particularly for those who commit sex crimes against children; and

WHEREAS, restricting registered sex offenders from accessing areas where children often congregate will provide better protection for the City's children.

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

**Section 1**

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

**Section 2**

That Chapter 82 is amended by adding Article 2, Sex Offender Restrictions, beginning with section 82-29 as follows:

**ARTICLE 2 – SEX OFFENDER RESTRICTIONS**

**Sec. 82-29. Definitions**

For the purposes of this ordinance, the following terms, words, and the derivations thereof shall have the meanings given herein.

*Child safety zone.* A premises where children commonly gather. The term includes a public or private school, public or private day-care facility, playground, public or private youth center, public swimming pool, video arcade facility, city or state park, or any other facility that regularly holds events primarily for children.

Permanent residence. A place where a person abides, lodges, or resides for 14 or more consecutive days.

Playground. Any outdoor facility that is not on the premises of a school and that:

- (1) Is intended for recreation;
- (2) Is open to the public or is open to a neighborhood or multi-family residential property containing more than two families; and
- (3) Contains at least one play station intended for the recreation of children, such as slides, swing sets, and teeterboards.

Premises. Real property and all buildings and appurtenances pertaining to the real property.

Registered sex offender. An individual who is required to register as a sex offender under chapter 62, Texas Code of Criminal Procedure.

School. A private or public elementary or secondary school or a day-care center, as defined by section 42.002, Texas Human Resources Code.

Temporary residence. A place where a person abides, lodges, or resides for a period of 14 or more days in the aggregate during any calendar year and which is not the person's permanent address, or a place where a person routinely abides, resides, or lodges for a period of four or more consecutive or nonconsecutive days in any month and which is not the person's permanent residence.

Video arcade facility. Any facility that:

- (1) Is open to the public, including persons who are 17 years of age or younger;
- (2) Is intended primarily for entertainment or recreational purposes; and
- (3) Contains at least three pinball or video machines.

Youth center. Any recreational facility or gymnasium that:

- (1) Is intended primarily for use by persons who are 17 years of age or younger; and
- (2) Provides athletic, civic, or cultural activities.

## **Sec. 82-30. Offense**

(a) Generally. A registered sex offender may not go in, on, or within 1,000 feet of a child safety zone in the city.

(b) Evidentiary matters; measurements.

(1) It shall be prima facie evidence that this ordinance applies to a person if that person's information appears on the central database maintained by the Texas Department of Public Safety as required by article 62.005 of the Texas Code of Criminal Procedure.

(2) For the purposes of determining the minimum distance separation, the requirement shall be measured by following a straight line from the outer property line of the child safety zone.

(c) Culpable mental state not required. Neither allegation nor evidence of a culpable mental state is required for the offense defined under this section.

(d) Affirmative defenses. It is an affirmative defense to prosecution that any of the following conditions apply:

(1) The registered sex offender entered into a residential lease, rental agreement, or purchase of a residence in a child safety zone prior to the date of the adoption of this ordinance.

(2) The registered sex offender was a minor when he or she committed the offense requiring such registration and was not convicted as an adult.

(3) The registered sex offender is a minor or a ward under guardianship.

(4) The child safety zone, as specified herein, within 1000 feet of the permanent or temporary residence of the registered sex offender was opened after the person established the permanent or temporary residence and complied with all sex offender registration laws of the state.

(5) The registered sex offender maintains a permanent or temporary residence at a jail, prison, juvenile facility or other correctional institution or facility.

(6) The information on the sex offender registry database is incorrect, and, if corrected, this ordinance would not apply to the person who was erroneously listed on the database.

(7) The registered sex offender was in, on, or within a specified distance of a child safety zone for a legitimate purpose, including transportation of a child that the registered sex offender is legally permitted to be with, transportation to and from work, and other work-related purposes.

(8) The registered sex offender was in, on, or within a specified distance of a child safety zone for purposes of attending a religious service, education, counseling, volunteering, or working at a church as defined by section 544.251, Texas Insurance Code.

(e) Exemption hearing.

(1) A registered sex offender may petition the police chief or the police chief's designee, in writing, for an exemption from the requirements of this ordinance.

(2) The police chief or the police chief's designee shall exempt a registered sex offender who established residency in a residence located within the specified distance of a child safety zone before the date this ordinance is adopted. This exemption applies only to:

(A) Areas necessary for the registered sex offender to have access to and to live in the residence; and

(B) The period the registered sex offender maintains residency in the residence.

(3) The police chief or the police chief's designee may authorize an exemption from this ordinance when, in their opinion, undue hardship will result from compliance or an individualized recidivist assessment indicates an exemption should be granted. In granting an exemption, the police chief or the police chief's designee shall consider the probable effect the exemption will have upon the public health, safety, and welfare of the community.

(4) No exemption shall be granted under subsection (e)(3) above without first having held a public hearing on the exemption petition and unless the police chief or the police chief's designee makes written findings regarding the petitioner's criminal and personal history as well as the petitioner's current circumstances requiring the exemption.

(5) Such findings of the police chief or the police chief's designee, together with the specific facts upon which such findings are based, shall be incorporated into the official minutes of the hearing at which such exemption is granted. Exemptions may be granted only when in harmony with the general purpose and intent of this ordinance so that the public health, safety, and welfare may be secured, and that substantial justice may be done.

### **Sec. 82-31. Prohibition against renting or leasing**

(a) It shall be unlawful for the owner, lessee or occupant (collectively referred to as "lessor") of any place, residence, structure, dwelling, or other conveyance, with knowledge that it will be used as a temporary or permanent residence of such person, to rent or lease the same, or any part thereof, to a registered sex offender, if such place, residence, structure, dwelling, manufactured dwelling, mobile home, camping trailer or other conveyance is located within 1000 feet of any child safety zone.

(b) An owner, lessee, or occupant (collectively referred to as "lessor") of any place, residence, structure, dwelling, or other conveyance, shall be deemed to have knowledge that another person is a registered sex offender if such person's record appears on the central database maintained by the Texas Department of Public Safety on the earlier of:

(1) The date of receipt of a lease application, rental application or similar document by lessor or lessor's officers, agents, employees, or volunteers; or

(2) The date the person first occupies lessor's place, residence, structure, dwelling, manufactured dwelling, mobile home, camping trailer or other conveyance.

### **Sec. 82-32. Penalties**

(a) The City shall have the power to administer and enforce the provisions of this ordinance as may be required by governing law. Any person violating any provision of this ordinance shall be liable for prosecution for criminal violations.

(b) Criminal prosecution. Except as may otherwise be provided herein, any person violating any provision of this ordinance shall, upon conviction, be fined a sum not exceeding \$2000.00. Except as may otherwise be provided herein, each day that a provision of this ordinance is violated shall constitute a separate offense. An offense under this ordinance is a class C misdemeanor.

### **Section 3. Severability**

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

### **Section 4. Repealer**

All provisions of the Code of Ordinances of the City of New Braunfels not herein amended or repealed shall remain in full force and effect and all ordinances or parts thereof in conflict herewith are repealed to the extent of such conflict only.

### **Section 5. Effective Date**

This Ordinance shall become adopted and effective upon its second reading, signature required by City Charter, publication in a newspaper of general circulation, and filing with the City Secretary's Office. The City Secretary shall cause the published notice to include the caption of the ordinance at least once within ten (10) days after final passage by City Council.

**PASSED AND APPROVED:** First reading this \_\_\_\_\_ day of \_\_\_\_\_, 2021

**PASSED AND APPROVED:** Second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

**CITY OF NEW BRAUNFELS, TEXAS**

By: \_\_\_\_\_  
**Rusty Brockman, Mayor**

**ATTEST:**



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**Caitlin Krobot, City Secretary**

**APPROVED AS TO FORM:**

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**Valeria M. Acevedo, City Attorney**

4/12/2021

Agenda Item No. D)

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**PRESENTER:**

Jared Werner, Chief Financial Officer

**SUBJECT:**

Public hearing, consideration, and possible action on a resolution approving an amendment to the Solms Landing Public Improvement District ("PID") that will adjust the amount of public improvements that are eligible for reimbursement, pursuant to Ch. 372 of the Texas Local Government Code.

**DEPARTMENT:** All

**COUNCIL DISTRICTS IMPACTED:** District 5

**BACKGROUND INFORMATION:**

In 2019, the City Council approved the formation of the public improvement district known as Solms Landing. Since that time, the master plan and overall direction of the development has evolved. To support that change, the developer filed a petition to increase the costs of improvement eligible for reimbursement to \$17,000,000.

Since 2019, the developer has made substantial investments in the land. If the amendment is approved by City Council, the developer will request that the City move forward with a bond issuance to support a portion of the public infrastructure costs. The bonds will be supported entirely by the property owners within the PID. Property taxes or any other City revenue source(s) are not pledged against the issuance in any way whatsoever.

**ISSUE:**

Approval of a resolution amending the amount of public improvements eligible for reimbursement by the public improvement district.

**FISCAL IMPACT:**

The creation of the Public Improvement District does not have a direct impact on the City of New Braunfels. Any future costs of the district will be fully supported by the property owners within the district.

**RECOMMENDATION:**

Approval of the resolution

**CITY OF NEW BRAUNFELS**

**RESOLUTION NO. - \_\_\_\_\_**

**RESOLUTION OF THE CITY OF NEW BRAUNFELS, TEXAS,  
APPROVING AN AMENDMENT TO THE SOLMS LANDING PUBLIC  
IMPROVEMENT DISTRICT WITHIN THE CITY OF NEW BRAUNFELS  
PURSUANT TO CHAPTER 372 OF THE TEXAS LOCAL GOVERNMENT  
CODE**

**WHEREAS**, on August 9, 2018, the City Council (the “City Council”) of the City of New Braunfels, Texas (the “City”) received a petition (the “Petition”) requesting creation of a public improvement district (the “District”) under Chapter 372 of the Texas Local Government Code (the “Act”), from the record owners of taxable real property representing more than 50% of the appraised value of the real property liable for assessment (as determined by the most recent certified appraisal roll for Comal County) in the District and the record owners of taxable real property that constitute more than 50% of all of the area of all taxable real property that is liable for assessment under the proposal; and

**WHEREAS**, on January 14, 2019, the City Council authorized the formation of the District known as Solms Landing Public Improvement District pursuant to Resolution No. 2019-R09 (the “*Creation Resolution*”) in accordance with the PID Act;

**WHEREAS**, following the adoption of Resolution No. 2019-R09, the City published notice of its authorization of the District in the New Braunfels Herald-Zeitung on June 6, 2019, a newspaper of general circulation in the City; and

**WHEREAS**, no written protests of the District from any owners of record of property within the District were filed with the City Secretary within 20 days after the date of publication of such notice; and

**WHEREAS**, on March 22, 2021 the City Council received a petition (the “Amended Petition”) requesting an amendment to the District to increase the costs of improvements up to \$17,000,000 from the record owners of taxable real property representing more than 50% of the appraised value of the real property liable for assessment (as determined by the most recent certified appraisal roll for Comal County) in the District and the record owners of taxable real property that constitute more than 50% of all of the area of all taxable real property that is liable for assessment under the proposal; and

**WHEREAS**, the Amended Petition has been examined, verified, found to meet the requirements of Section 372.005(b) of the Act, and found to be sufficient for consideration by the City Council; and

**WHEREAS**, the boundaries of the District are described in Exhibit A attached hereto and have not changed since the creation of the District, said area for the District being within the boundaries and/or the extraterritorial jurisdiction of the City;

**WHEREAS**, after providing all notices required for the original creation of the District by the Act were given for the amendment requested by the Amended Petition, the City conducted a public hearing on the advisability of the improvements and services described in the Amended Petition; and

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

**SECTION 1:** The findings set forth in the recitals of this Resolution are hereby found to be true and correct.

**SECTION 2:** The Amended Petition submitted to the City was filed with the City Secretary and complies with Subchapter A of the Act.

**SECTION 3.** Pursuant to the requirements of the Act, the City Council, after considering the Amended Petition and the evidence and testimony presented at the public hearing, hereby finds and declares:

- (a) Confirmation of the Advisability of the Proposed Improvements. The advisability and creation of the District to provide the Authorized Improvements (defined below) described in the Petition and this Resolution is hereby confirmed. The Authorized Improvements will promote the interests of the City and will confer a special benefit on the District.
- (b) General Nature of the Improvements. The public improvements for the District (the “Authorized Improvements”) have not changed since the District's creation and may consist of one or more of the public improvements included in Section 372.003(b) of the Act. The general nature of the Authorized Improvements are: (i) the establishment of parks and open space, together with the design, construction and maintenance of any ancillary structures, features or amenities such as trails, pavilions, community facilities, irrigation, walkways, lighting, benches, trash receptacles and any similar items located therein; (ii) landscaping; (iii) acquisition, construction, and improvement of water, wastewater and drainage facilities; (iv) acquisition, construction and improvement of streets, roadways, rights-of-way and related facilities; (v) entry monumentation and features; (vi) signage; (vii) projects similar to those listed in subsections (i) – (vi) above; and (viii) payment of costs associated with constructing and financing the public improvements listed in subparagraphs (i) – (vii) above, including costs of establishing, administering and operating the District.
- (c) Estimated Cost of the Authorized Improvements. The estimated cost to design, acquire and construct the Authorized Improvements is \$17,000,000.00 (including issuance and other financing costs).
- (d) Boundaries. The boundaries of the District have not changed since the District's creation and are set forth in Exhibit A.

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

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

- (f) Apportionment of Cost between the City and the District. The creation of the District and approval of the amendment requested by the Amended Petition will not obligate the City to provide any funds to finance the proposed Authorized Improvements. All of the costs of the proposed Authorized Improvements will be paid by issuance of bonds secured, directly or indirectly by, assessments of the property within the District and from other sources of funds, if any, available to the owner or owners of the real property in the District.
- (g) Management of the District. The District is managed by the City. Currently, the City contracts with a third-party administrator, who, from time to time, advises the City regarding certain operations of the District.
- (h) Advisory Body. The District is managed without the creation of an advisory body. The City Council reserves the right to appoint an advisory body in the future.

**SECTION 4.** The District is hereby amended as requested in the Amended Petition in accordance with the findings as to the advisability of the Authorized Improvements contained in this Resolution.

**SECTION 5.** The City's staff is directed to give notice of the amendment to the District by publishing a copy of this Resolution once in a newspaper of general circulation within the City. Such authorization shall take effect and the amendment shall be deemed to be established effective upon the publication of such notice. The District exists until dissolved or terminated as provided by law.

**SECTION 6.** This Resolution shall take effect immediately from and after its passage and it is accordingly so resolved.

[Signature page to follow]

**PASSED & APPROVED** by the **CITY COUNCIL** of the **CITY OF NEW BRAUNFELS** on  
April 2, 2021 on vote of \_\_\_\_ **AYES**; \_\_\_\_ **NAYS**; \_\_\_\_ **ABSTENTIONS**.

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**MAYOR**  
**CITY OF NEW BRAUNFELS**

**ATTEST:**

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**CITY SECRETARY**  
**CITY OF NEW BRAUNFELS**



**EXHIBIT A  
BOUNDARIES**

[attached]



**FIELD NOTES  
FOR  
A 97.97 ACRE TRACT**

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

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

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

**THENCE:** N 45° 03' 35" E, along and with the northwest line of the 4.225 acre tract and the 96.26 acre tract, and the southeast line of Lot 6, a distance of 369.73 feet to a found  $\frac{1}{2}$ " iron rod for the an interior corner of Lot 6, the north corner of said 4.225 acre tract and 96.26 acre tract, and a north exterior corner of the tract described herein;

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

Page 1 of 3

200606042905 of the Official Public Records of Comal County, Texas, the most northerly corner of Lot 14R1, of the Amending Plat of lots 8R, 14R, and 32R of Creekside Wellness Center Establishing Lots 8R1, 14R1 and 32R of Creekside Wellness Center of record in Document no. 201306033846 of the Map and Plat Records of Comal County, Texas, for the east corner of the 96.26 acre tract and the tract described herein, from which a found ½" iron rod with a plastic cap stamped "TEAM" bears, S 38° 38' 50" E, a distance of 0.16 feet;

**THENCE:** S 45° 01' 44" W, along and with the westerly line of said Lot 14R1, a distance of 369.20 feet to a found ½" iron rod with a plastic cap stamped "Hollmig" for an interior corner of said Lot 14R1 and an exterior corner of the tract described herein;

**THENCE:** S 45° 29' 57" W, along and with the northwest lines of Lot 14R1, at a distance of 912.00 feet, a found ½" iron rod with a plastic cap stamped "HMT" for the west corner of said Lot 14R1 and the north corner of a called 82.76 acre tract of land as conveyed to KB Home Lone Star Inc., of record in Document No. 201406004602 of the Official Public Records of Comal County, Texas, continuing along and with the northwest line of the 82.76 acre tract, at a distance of 2001.79 feet, a found ½" iron rod with a plastic cap stamped "HMT" for the west corner of said 82.76 acre tract and a northwest exterior corner of a called 36.90 acre tract of land as conveyed to KB Home Lone Star Inc., of record in Document No. 201606006903 of the Official Public Records of Comal County, Texas, and continuing along and with the northwest line of said 36.90 acre tract, a total distance of 3694.97 feet to a set ½" iron rod with a blue plastic cap stamped "KFW SURVEYING" in the northeast right-of-way line of South Kowald Road (also being the northeast line of a called 0.295 acre tract of land as conveyed to the County of Comal of record in Volume 140 Page 563 of the Deed Records of Comal County, Texas), at the most westerly corner of said 36.90 acre tract, in the southeast line of said 96.26 acre tract and for the most southerly corner of the tract described herein;

**THENCE:** N 43° 16' 27" W, along and with the northeast right-of-way line of South Kowald Road and the 0.295 acre tract, a distance of 793.41 feet to a set ½" iron rod with a blue plastic cap stamped "KFW SURVEYING" for the north corner of said 0.295 acre tract, the most southerly corner of Comal Farms Subdivision, Unit One, a plat of record in Volume 12 Pages 217-218 of the Map and Plat Records of Comal County, Texas, in the northwest line of said 96.26 acre tract and for the most westerly corner of the tract described herein;

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

1. N 45° 21' 50" E, a distance of 2719.37 feet to a found ½" iron rod for the most easterly corner of said Comal Farms Subdivision, an interior corner of the 96.26 acre tract and the tract described herein, and
2. N 44° 29' 27" W, a distance of 703.79 feet to a found ½" iron rod with a blue plastic cap stamped "KFW SURVEYING" for the south corner of Lot 1 of the New Braunfels Storage Subdivision Plat of record in Volume 13 Page 101 of the Map and Plat Records of Comal County, Texas, a southwest exterior corner of the 96.26 acre tract and the tract described herein;

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

Page 2 of 3



corner of the 4.225 acre tract, the east corner of said Lot 3, the south corner of the 2.028 acre tract and an interior corner of the tract described herein, from which a found 1/2" iron rod (leaning) bears, N 19° 09' 21" W, a distance of 0.45 feet;

**THENCE: N 43° 30' 05" W**, along and with the northeast line of Lot 3 and Lot 1, both of said Richter Estates Subdivision, and the southwest line of the 2.028 acre tract, a distance of **1458.50 feet** to a set 1/2" iron rod in the current southeast right-of-way line of I.H. 35, for the south corner of the 0.020 acre tract, the most easterly corner of a called 0.076 acre tract of land as conveyed to the State of Texas of record in Document No. 200106035524 of the Official Public records of Comal County, Texas and for a southwest exterior corner of the tract described herein, from which a found 1/2" iron rod in the current southeast right-of-way line of I.H. 35 and for the south corner of said 0.076 acre tract bears, S 45° 22' 17" W, a distance of 227.32 feet;

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

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



4/12/2021

Agenda Item No. E)

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**PRESENTER:**

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

**SUBJECT:**

Discuss and consider approval of the second and final reading of an ordinance regarding a proposed rezoning of approximately 19.963 acres out of the Sarah DeWitt Survey No. 48, Abstract No. 103, in Guadalupe County, Texas, located at the northeast corner of the intersection of FM 725 and East Klein Road, from "R-1" Single-Family District and "APD" Agricultural/Pre-Development District to "REAPD" River's Edge Apartments Planned Development District.

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

**Applicant:** Herman Kittle Properties, Inc. (Elena Sanders, Director of Development)  
500 East 96<sup>th</sup> Street, Ste 300  
Indianapolis, IN 46240  
(925) 586-7619 - [esanders@hermankittle.com](mailto:esanders@hermankittle.com)

**Owner:** Margaret Denise Kosko  
2655 FM 725  
New Braunfels, TX 78130  
(830) 624-6330

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

**City Council held a public hearing on March 22, 2021 and unanimously approved the first reading of the applicant's request with a modification to the development standard pertaining to measuring the height of a building.**

The subject property is comprised of 19.963 acres on the northeast corner of the intersection of FM 725 and East Klein Road abutting FM 725 and Lake Dunlap and is developed with a single-family residence and some accessory buildings. The front 300 feet of depth of the subject property adjacent to FM 725 is zoned "R-1" Single-Family District and the remainder of the property is zoned "APD" Agricultural-Pre/Development District.

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The area around the subject property includes a mix of residential and non-residential uses including single-family residential neighborhoods, four churches, two self-storage facilities, two convenience stores with fuel sales, a bingo hall, a restaurant, and the site of a future IDEA Public School. Properties to the east, across Lake Dunlap, as well as most properties to the south, across East Klein Road, are outside the city limits.

The applicant is requesting a zoning change from R-1 and APD to a Planned Development District (PD) for multifamily with a maximum density of 20 units per acre. If approved, the PD will be known as “River’s Edge Apartments”. PD is a customizable zoning district with which the property owner can craft their own set of development standards to accommodate innovative development options, and address unique issues such as access, terrain, lot shape, mixed use, etc. The PD process includes two steps:

1. *Concept plan.* This first step in the planned development process establishes the most general guidelines for the district by identifying the land use types, development standards, approximate road locations and project boundaries, and illustrates the integration of these elements into a master plan for the whole district.
2. *Detail plan.* This final step includes the details of development in a site plan drawing.

If this rezoning request (Concept Plan) is approved, a follow-up Detail Plan will be required to be submitted to the City and approved by the Planning Commission prior to issuing a building permit for the construction of the multifamily development. The property will also need to be platted prior to obtaining a building permit.

The applicant is proposing the base zoning to be “R-3H” Multifamily High Density District, which is intended for development of multiple-family residences at not more than 24 units per acre, located on arterials and state roads and not to be accessed through single-family and duplex areas. In general, the applicant proposes more restrictive development standards than the R-3H district pertaining to permitted uses, maximum density, minimum lot area, minimum setbacks, maximum building height and maximum lot coverage (see the attached Comparison Table).

TXDOT has indicated access from FM 725 would be restricted due to its location near the intersection with Klein Road and the traffic signal. The applicant proposes access from Klein Road, a Minor Arterial roadway, but will need to negotiate with the adjacent property owner for access.

#### *Surrounding Zoning and Land Use:*

North - R-1 & APD / Single-family residence and agricultural use

South - APD & R-1, Across E. Klein Rd, C-3 & outside City Limits / Undeveloped parcels, across E. Klein Rd., single-family residences, a church and undeveloped parcels

East - Across Lake Dunlap, outside City Limits / Undeveloped parcels

West - Across FM 725, R-2A / A church

#### **ISSUE:**

The proposed rezoning to “REAPD” River’s Edge Apartments Planned Development District for multifamily use up to 20 units per acre is consistent with the following actions from Envision New Braunfels:

- Action 1.3: Encourage balanced and fiscally responsible land use patterns.
- Action 3.1: Plan for healthy jobs/housing balance.
- Action 3.18: Encourage multifamily to disperse throughout the community rather than to congregate in masse.

- 
- Action 3.13: Cultivate an environment where a healthy mix of different housing products at a range of sizes, affordability, densities, amenities, and price points can be provided across the community as well as within individual developments.
  - Future Land Use Plan: The property lies within the Dunlap Sub Area on a Transitional Mixed-Use Corridor (FM 725) and is in close proximity to existing and proposed Outdoor Recreation and Civic Centers.

**FISCAL IMPACT:**

N/A

**RECOMMENDATION:**

The Planning Commission held a public hearing on February 2, 2021. A motion to approve with staff recommendations failed (3-6-0).

Staff recommends approval and concurs with City Council's motion at the first reading to require building height to meet the same standard for measurement of the R-3H District (measured at the peak of the roof).

*Notification:*

Public hearing notices were sent to 7 owners of property within 200 feet of the request and inside the City Limits of New Braunfels. The City has received one response in favor from property owner number 2, and three opposed from property owners of numbers 4, 5 and 7 on the notification map. Opposition currently represents more than 20% of the land within the state-mandated 200-foot notification area. Pursuant to state statute, a  $\frac{3}{4}$  majority of City Council (6 votes) will be required for approval of the applicant's request, unless that opposition changes before the City Council hearing.

(The City received 8 additional objections from outside the 200-foot notification area and/or outside of the city limits. Four of these responses came from four different residents occupying the same address.)

*Resource Links:*

- Chapter 144, Sec. 3.3-1 "R-1" Single Family District, of the City's Code of Ordinances:  
[https://library.municode.com/tx/new\\_braunfels/codes/code\\_of\\_ordinances?](https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?_ga=2.182111211.1582111211.1582111211-1582111211.1582111211)
- Chapter 144, Secs. 3.4-1 "APD" Agricultural/Pre-Development District, of the City's Code of Ordinances:  
[https://library.municode.com/tx/new\\_braunfels/codes/code\\_of\\_ordinances?](https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?_ga=2.182111211.1582111211.1582111211-1582111211.1582111211)
- Chapter 144, Secs. 3.5 Planned Development Districts, of the City's Code of Ordinances:  
[https://library.municode.com/tx/new\\_braunfels/codes/code\\_of\\_ordinances?](https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?_ga=2.182111211.1582111211.1582111211-1582111211.1582111211)

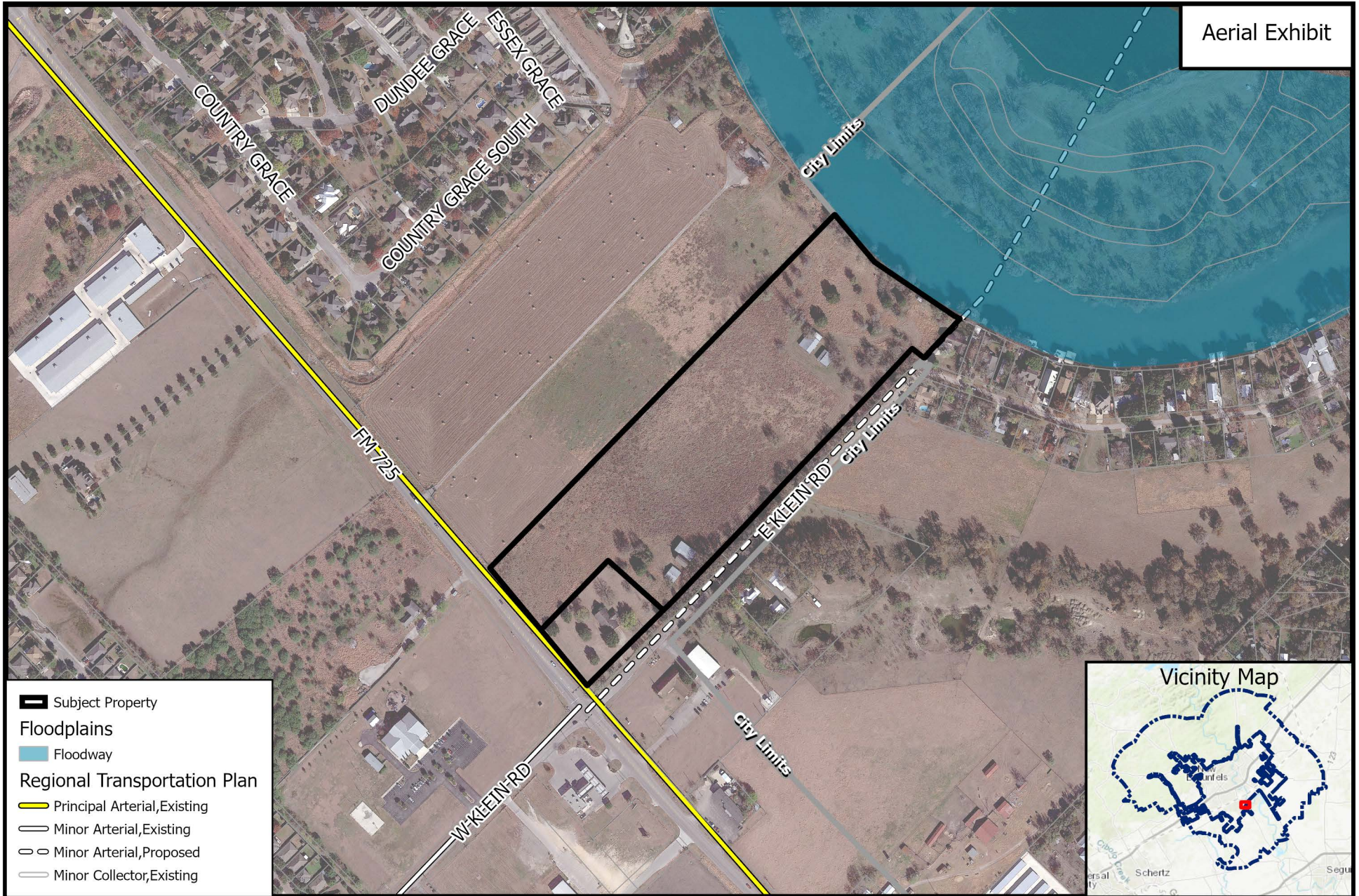
*Attachments:*

1. Aerial Map
2. Land Use Maps (Zoning, Existing and Future Land Use)
3. "R-3H" Multifamily High Density District and "River's Edge Apartments" Planned Development District Development Standards Comparison Table
4. Notification List, Map and Responses

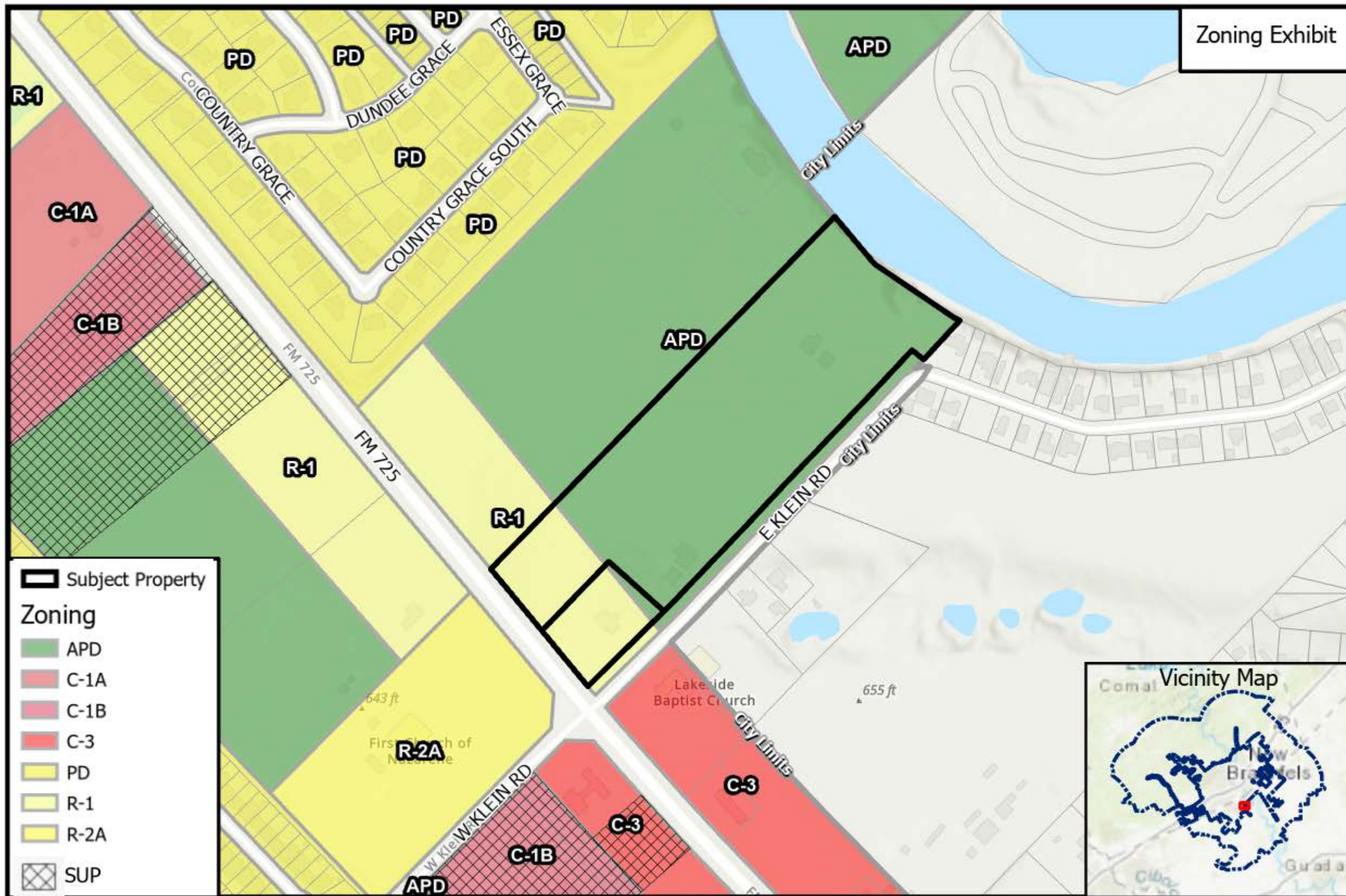


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5. Excerpt of minutes from the February 2, 2021 Planning Commission Regular Meeting
  6. Ordinance









DCP20-327

R-1 and APD to "REAPD" River's Edge Apartments Planned Development District

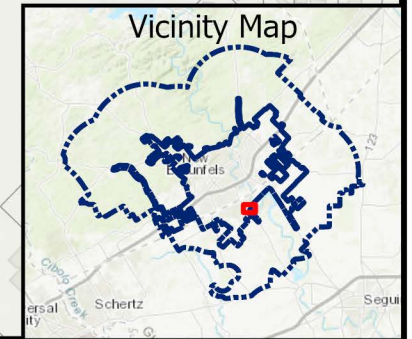
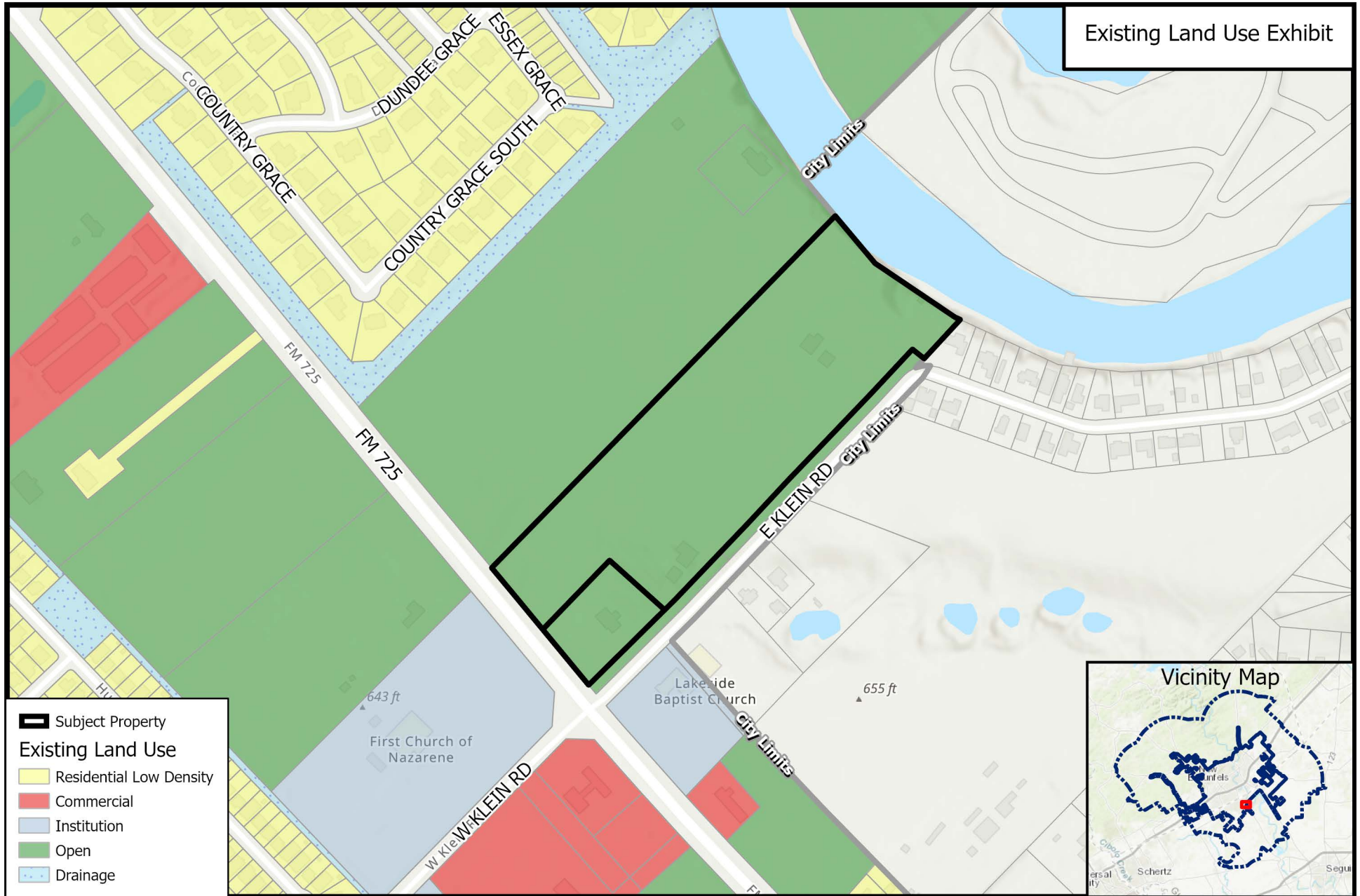
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Source: City of New Braunfels Planning  
Date: 3/15/2021

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 or its officials or employees for any discrepancies, errors, or variances which may exist.





**DCP20-327**  
**R-1 and APD to "REAPD" River's Edge Apartments Planned Development District**



## EXISTING CENTERS

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

### EMPLOYMENT CENTER

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

### MARKET CENTER

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

### MEDICAL CENTER

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

### CIVIC CENTER

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

### OUTDOOR RECREATION CENTER

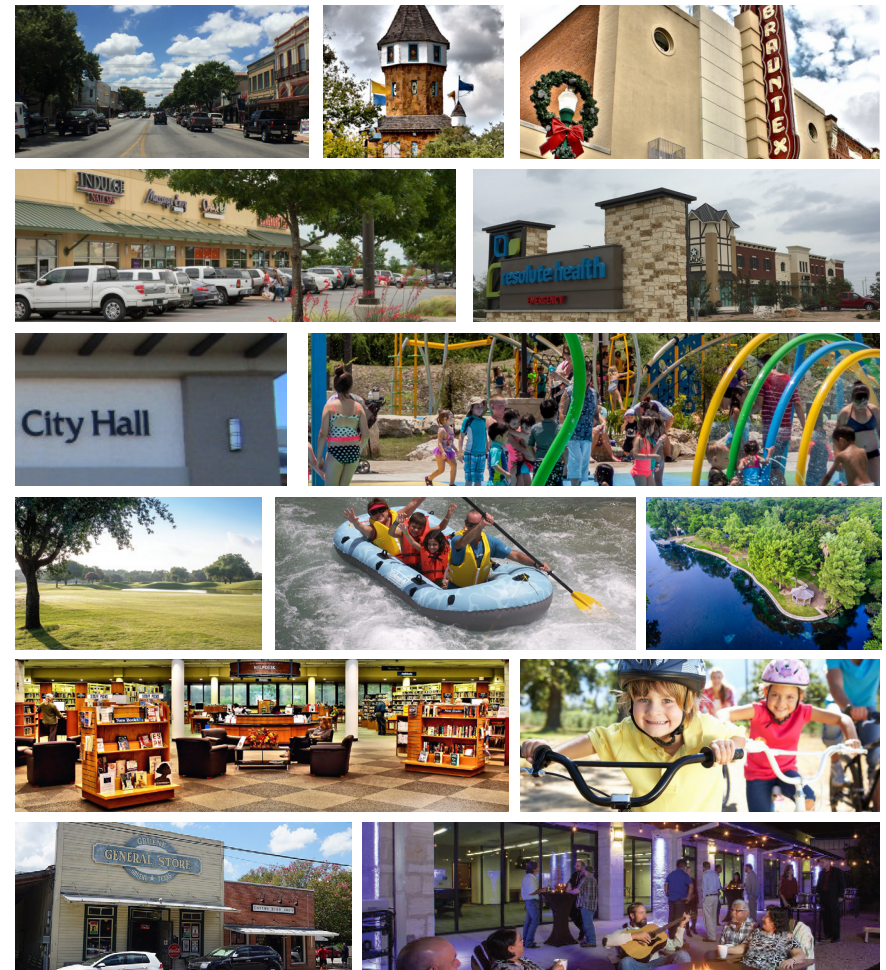
Outdoor Recreation Centers center around a public or private outdoor destination such as Landa Lake.

### EDUCATION CENTER

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

### TOURIST/ENTERTAINMENT CENTER

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









# FUTURE LAND USE PLAN

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

## TRANSITIONAL MIXED-USE CORRIDOR

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

## OUTDOOR RECREATION CENTER

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

## EMPLOYMENT CENTER

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

## MARKET CENTER

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

## CIVIC CENTER

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

## SUB AREA 1

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

## SUB AREA 2

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

## SUB AREA 3

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

## SUB AREA 4

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

## SUB AREA 5

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

## SUB AREA 6

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

## SUB AREA 7

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

## SUB AREA 8

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



## “R-3H” Multifamily High Density District and “River’s Edge Apartments” Planned Development District Development Standards Comparison Table

\* = Development Standard that is more restrictive than the R-3H District

Development Standard	R-3H District	“River’s Edge Apartments” PD
Permitted Uses	<p><u>Residential:</u></p> <ul style="list-style-type: none"> <li>• Accessory building/structure</li> <li>• Bed and breakfast inn</li> <li>• Boardinghouse/lodging house</li> <li>• Community home</li> <li>• Dormitory</li> <li>• Family home adult care</li> <li>• Family home child care</li> <li>• Hospice</li> <li>• Multifamily apartments/condominiums</li> <li>• Rental or occupancy for less than 1 month</li> <li>• Residential use in buildings with the following non-residential uses:</li> </ul> <p><u>Non Residential Uses:</u></p> <ul style="list-style-type: none"> <li>• Adult day care (no overnight)</li> <li>• Art dealer/gallery</li> <li>• Barns and farm equipment storage (related to agricultural uses)</li> <li>• Cemetery and/or mausoleum</li> <li>• Church/place of religious assembly</li> <li>• Community building (associated with residential uses)</li> <li>• Contractors temporary on-site construction office</li> <li>• Electrical substation</li> <li>• Farms, general (crops)</li> <li>• Farms, general (livestock/ranch)</li> <li>• Golf course, public or private</li> <li>• Governmental building or use with no outside storage</li> <li>• Museum</li> <li>• Nursing/convalescent home/sanitarium</li> <li>• Park and/or playground (public or private)</li> </ul>	<p>*</p> <ul style="list-style-type: none"> <li>• Accessory building/structures</li> <li>• Community home</li> <li>• Multifamily (apartments/condominiums)</li> <li>• Park and/or playground (public or private)</li> <li>• Public or private recreation/services building for public park/playground areas</li> <li>• Recreation buildings (private or public)</li> <li>• Water storage (surface, underground or overhead), water wells and pumping stations that are part of a public or municipal system</li> </ul> <p>This PD does not allow for mixed use development. All non-residential buildings must serve a use as it directly relates to the multifamily housing (i.e. clubhouse, maintenance buildings(s) and garages)</p>

## “R-3H” Multifamily High Density District and “River’s Edge Apartments” Planned Development District Development Standards Comparison Table

\* = Development Standard that is more restrictive than the R-3H District

	<ul style="list-style-type: none"> <li>• Public recreation/services building for public park/playground areas</li> <li>• Recreation buildings (public)</li> <li>• Retirement home/home for the aged (public)</li> <li>• School, K-12 (public or private)</li> <li>• Telephone exchange buildings (office only)</li> <li>• University or college (public or private)</li> <li>• Water storage (surface, underground or overhead), water wells and pumping stations that are part of a public or municipal system</li> </ul>	
<b>Maximum Density</b>	24 units per acre	*20 units per acre
<b>Minimum Lot Area</b>	20,000 square feet	20,000 square feet *plus an additional 2,250 square feet of lot area for each unit over ten
<b>Minimum Lot Width</b>	Interior lot = 60 feet Corner lot = 72 feet	Interior lot = 60 feet Corner lot = 72 feet
<b>Minimum Lot Depth</b>	100 feet	100 feet
<b>Minimum Front Building Setback</b>	25 feet	25 feet
<b>Minimum Rear Building Setback</b>	25 feet	25 feet
<b>Minimum Side Building Setback</b>	20 feet. Corner lots shall have 15-foot side building setback adjacent the street where rear lot line abuts rear lot line of adjacent lot; 25-foot side building setback adjacent the street where rear lot line abuts side lot line of adjacent lot	*25 feet. Corner lots shall have 15-foot side building setback adjacent the street where rear lot line abuts rear lot line of adjacent lot; 25-foot side building setback adjacent the street where rear lot line abuts side lot line of adjacent lot
<b>Minimum Distance Between Structures</b>	Minimum of 10 feet between structures side by side; minimum of 20 feet between structures side by front or rear; minimum of 40 feet between structures front to front; minimum of 20 feet between structures backing rear to rear, and a minimum of 20 feet between structures front to rear	*Minimum of 20 feet between structures side by side; *minimum of 30 feet between structures side by front or rear; minimum of 40 feet between structures front to front; minimum of 20 feet between structures backing rear to rear, and a *minimum of 30 feet between structures front to rear

## “R-3H” Multifamily High Density District and “River’s Edge Apartments” Planned Development District Development Standards Comparison Table

\* = Development Standard that is more restrictive than the R-3H District

<b>Minimum Garage Setback</b>	20 feet where driveway is located in front of garage attached to a public right-of-way	20 feet where driveway is located in front of garage attached to a public right-of-way
<b>Minimum Residential Setback</b>	Minimum 20-foot setback from an adjacent property line zoned or used for 1 or 2-family use plus 1 foot for each foot of building height over 20 feet	Minimum 20-foot setback from an adjacent property line zoned or used for 1 or 2-family use plus 1 foot for each foot of building height over 20 feet *Where a multifamily dwelling abuts a 1 or 2 family use or zoning district, no multifamily building will be within 60 feet of a 1 or 2 family residential structure certified for occupancy
<b>Maximum Height</b>	45 feet or 60 feet when a pitched roof is used (minimum 4:12)	45 feet or *50 feet when a pitched roof is used (minimum 4:12 pitch)
<b>Maximum Building Coverage</b>	N/A	*30% of the total lot or tract
<b>Maximum Lot Coverage</b>	The combined area of all yards shall be at least 50% of the total lot or tract; provided however, in the event enclosed or covered parking is provided, the minimum total yard area requirement shall be 40% of the total lot or tract	*The maximum impervious cover for the development shall be 65% of the total lot or tract ★
<b>Minimum Parking Requirement</b>	1-bedroom unit = 1.5 spaces 2-bedroom unit = 2 spaces Each additional bedroom =1/2 space	1-bedroom unit = 1.5 spaces 2-bedroom unit = 2 spaces Each additional bedroom =1/2 space



Though maximum lot coverage is proposed to be addressed through a different method with the development standards, it is more restrictive than the maximum lot coverage allowed in the R-3H District. The development standards utilize a combination of both a maximum building coverage of 30% and a maximum impervious coverage of 65%. This will give the ability to limit both building coverage to (30%) and impervious cover (65%) whereas the R-3H District only requires a minimum open yard area of 50%, or, 40% if covered parking is provided. Open yard area does include parking lots and any other areas that are not occupied by buildings. In addition, R-3H does not have a maximum impervious cover restriction, allowing as much of the lot or parcel to be developed with asphalt, concrete or other improvements that are not buildings.

**PLANNING COMMISSION – FEBRUARY 2, 2021 – 6:00PM**

Zoom Meeting

**Applicant/Owner:** Elena Sanders

**Address/Location:** 2655 FM 725

**PROPOSED ZONE CHANGE – CASE #DCP20-327**

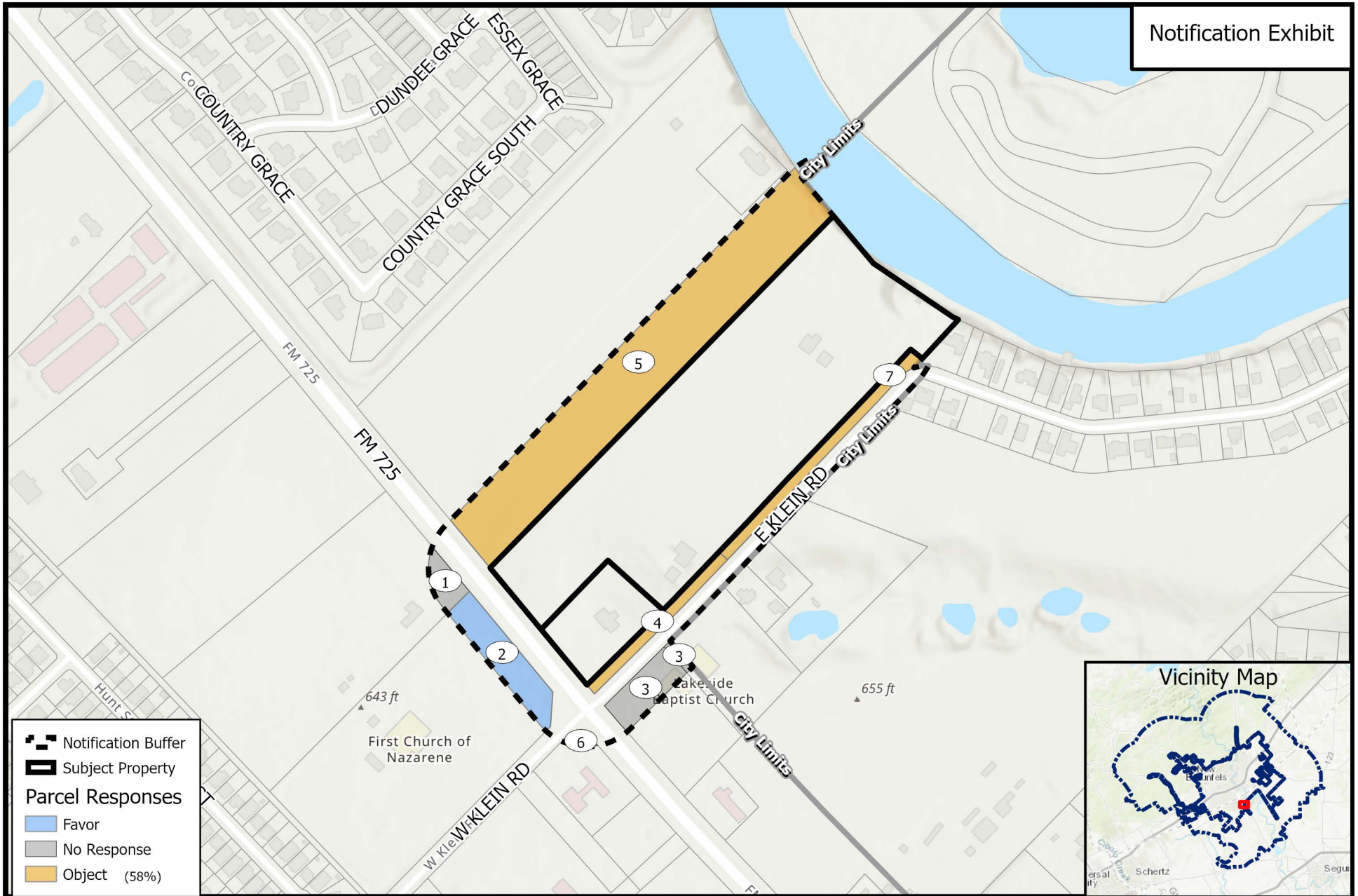
The circled numbers on the map correspond to the property owners listed below. All information is from the Appraisal District Records. The property under consideration is marked as “Subject Property”.

1. THE BHALLA FAMILY LIMITED PARTNERSHIP LP
2. FIRST CHURCH OF NAZARENE
3. NEW GENERATIONS FELLOWSHIP OF NEW BRAUNFELS TEXAS
4. DUELM PARTNERS LTD
5. HITZFELDER MARGYLINE & LEONARD HITZFELDER FAMILY TRUST
6. JUNIPER VENTURES OF TEXAS LLC
7. DUELM PARTNERS LTD

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**SEE MAP**





## YOUR OPINION MATTERS – PLEASE RETURN THIS FORM COMPLETED

Case: #DCP20-327 (MG)

Name: NB Church of the NazareneI favor: XAddress: 210 W. Klein Road, NB, 78130Property number on map: 2

I object: \_\_\_\_\_

(State reason for objection)

Comments: (Use additional sheets if necessary)

~~NO~~

MAR 10 2021

We will go on record as supporting this new apartment development, and welcoming new families to our neighborhood in New Braunfels! It's exciting to see that vacant lot put to use!

Thank you for notifying us of this

We would like to talk about the possibility of an ingress/egress to our property, directly across the street from the potential entryway to the apartments, if there is an ingress/egress to their property along FM 725. Thank you

Signature: 

January 26, 2021

JAN 27 2021

Case: #DCP20-327 (MG)

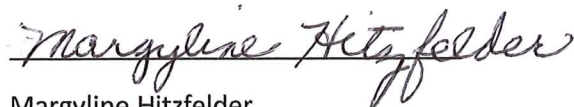
Name Margyline Hitzfelder

Mailing Address 2553 FM 725, New Braunfels, TX 78130

Property number on map 5

I object to this high-density multi-family development because it would totally disrupt my life. I have lived here in my home over 3 decades and enjoy my peaceful and quiet neighborhood. This large development right next door to me would cause me stress and grief which I do not need or deserve at this time in my life. Please help me maintain the sanctity of my home.

Thank you,

A handwritten signature in cursive script that reads "Margyline Hitzfelder". The signature is written in dark ink and is positioned above the printed name.

Margyline Hitzfelder

YOUR OPINION MATTERS - DETACH AND RETURN

186

Case: #DCP20-327 (MG)

Name:

Duelm Partners Ltd

Address:

2867 FM 725 NB TX

Property number on map:

7 and 4

I favor:

I object:

(State reason for objection)

Comments: (Use additional sheets if necessary)

Signature:

Merlyn Duelm

Merlyn Duelm

The proposed rezoning change  
for this proposed development  
is a great safety concern.

(continued on back)

The traffic situation on  
FM 725 would increase causing  
more of a major traffic problem  
than the currently existing  
issues.

Merlyn Duelm

2-01-2021

January 26, 2021

JAN 27 2021

Case: #DCP20-327 (MG)


Name Marilyn Kadlecek

Mailing Address 305 E Klein Rd, New Braunfels, TX 78130

Property number on map – within 70 feet of property

I object to this high-density multi-family development because it would totally disrupt my life. I am retired and have lived within 70 feet of this property for over 35 years. I am old, can't afford to move and don't want to move. I want to keep my neighborhood a quiet and peaceful place.

Thank you,

A handwritten signature in cursive script that reads "Marilyn Kadlecek". The signature is written in dark ink and is positioned above the printed name.

Marilyn Kadlecek

January 26, 2021

JAN 27 2021

Case: #DCP20-327 (MG)

Name Karen Nussbaumer

Mailing Address 2323 Bretzke Ln, New Braunfels, TX 78132

Affected Property Address 433 E Klein

Property number on map 75 feet from property

I object to this high-density multi-family development. An apartment complex in the middle of an old established neighborhood does not make sense. The increased noise, traffic and light pollution would ruin a quaint area. I realize development is a given in a community such as this but please keep this area low density.

Sincerely,

A handwritten signature in cursive script that reads "Karen Nussbaumer". The signature is written in dark ink and is positioned above a horizontal line.

Karen Nussbaumer



**From:** [Gina Griffith](#)  
**To:** [Matt Greene](#)  
**Subject:** Case # DCP20-327  
**Date:** Wednesday, January 27, 2021 8:50:43 PM

---

**Caution: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Mr. Greene,

I am writing regarding the proposed re-zoning for case # DCP20-327. My home is directly across the street from the property requesting the zone change. I am greatly opposed to this change. That beautiful piece of land means so much more to me than just a quiet neighborhood that we love and an open view with wildlife. It has become part of our home as it belonged to someone very special to me that was adamant that it never be developed. The sense of peace that we get on our dead end road is very much due to the open land on two sides of us which was a very important in our decision to buy what we thought would be our forever home. More people and apartments comes with inevitable noise and crime. The wildlife that inhabits the property will be forced out with construction and our peaceful home in the country becomes just another city street. We have already had to fight against having power lines come through our neighborhood along with the previous owner of the property and will continue to try to uphold Al's last wishes for his beloved land. Please consider what this change means for the people that already make their home here and help us to preserve the way of life we have chosen as well as keep the legacy of a real American hero alive.

Sincerely,

Gina Griffith  
[306 E Klein Rd.](#)  
[New Braunfels, TX 78130](#)

Sent from my iPad

**From:** [Ron Griffith](#)  
**To:** [Matt Greene](#)  
**Cc:** [Ron Griffith](#)  
**Subject:** Case number Case #DCP20-327  
**Date:** Sunday, March 21, 2021 6:37:43 PM

---

**Caution: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Matt Greene,

My Name is Ron Griffith

My address is Address 306 E Klein Rd, New Braunfels, TX 78130

Good morning. I am writing this regarding Case #DCP20-327. I live directly across the street from the property, approximately thirty-five feet from the fence line.

I oppose this proposed rezoning for the following reasons.

We bought our home about eight years ago, with intention of it being our forever home, as well as my retirement and inheritance for my children. This is where my grandkids are supposed to come and enjoy quality time with me and my wife.

I strongly feel the addition of an apartment complex and community would greatly impact my peace and quiet as well as adversely affect the long-term value of my home. With the development of apartments across the street from my house, crime and noise are inevitable, and my view will no longer be of the beautiful Texas sunset.

I live here, and I feel very safe here with the addition of apartments my sense of safety and security will be abruptly taken away.

Several factors assisted in the decision to purchase where we did. One of the biggest reasons is that we knew Grandpa Al Kosko, the previous owner of the land, would never sell or develop. He absolutely loved the property with all he had. Until his death, he and I discussed what he wanted to do with the property. His adamancy to keep the property open land was a point he was always certain to make. I have been taking care of the property for eight years, as long we have lived on Klein road. Grandpa Al and I visited almost daily for years. I was the closed person to him as he had no biological relatives left in this world. When he passed away so did his lineage and now this proposal will change his legacy, his long-spoken wishes, and the treasured value of the open property.

As close as we were, he knows that I loved this land as much as he did, he believed we were the only two people in the world who would not develop or deface the property he worked so hard to

maintain and preserve for many years.

He asked me many times throughout the years to make sure nothing happened to the property. I have many videos of his requests and I honestly believe that he felt confident that I would execute his last wishes.

I know deep in my heart Grandpa Al would be devastated to see the place he loved be destroyed with apartments. I ask you to please deny the proposal to rezone the area.

I do not want to lose value on my home, and I do not wish to be pushed out by new developments. I do not want to lose the safe and secure feeling of my home. And most of all, I do not want to see Grandpa Al's legacy disappear.

I would like to add that the church we have been attending for 8 years is directly across the street on the corner of Klein and 725.

For this and the reasons listed above I strongly oppose this proposed zoning change because it would greatly impact us with the increased traffic.

Sincerely,

Ron Griffith

307-217-3332

P.S Please add Name #3. NEW GENERATIONS FELLOWSHIP OF NEW BRAUNFELS TEXAS  
Address 2719 [FM 725, New Braunfels, TX 78130](#)

**From:** [Kyla Griffith](#)  
**To:** [Matt Greene](#)  
**Subject:** Regarding Case #DCP20-327  
**Date:** Saturday, January 30, 2021 7:51:26 PM

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**Caution: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

To whom it may concern,

Good afternoon, I am writing in regards to case #DCP20-327. My name is Kyla Griffith and my family owns the house across the street from the property, 306 E. Klein. This house is special. Being a nomadic family, growing up I had never lived in a house longer than two years. This home has been a home for me for seven. This home has been a place to return after college, a place to bring friends and enjoy the serenity that Klein road holds. My family moved from Wyoming, and didn't plan on staying in Texas; but when my parents found this house our lives took a different and wonderful turn. The calm street with nothing but fields in all lines of sight, reminded us all of back home. It was like the stars had aligned as they had been eyeballing the property for months. They bought it, they poured blood, sweat, and tears into making it ours. The location of this house played, and still plays, a significant role in the love for our home. While low income housing is crucial, there is other land for that. This land that has been protected for years and years by Grandpa Al, the previous owner of the property, and my father holds a level of sentimentality that I wish I could put in to words. Grandpa Al's dying wish was to never see the property developed. I know it's a lot to ask considering I can only briefly explain to you the amount of financial, physical, and emotional ties that my family and I have to this beautiful piece of untouched property, but I do so humbly. I ask you to please reconsider developing this property. Our happy and established lives would flip upside down.

Thank you for your time.

With respect,  
Kyla Griffith

**From:** [Amy Erickson](#)  
**To:** [Matt Greene](#)  
**Subject:** Opposed to Proposed Zoning Change  
**Date:** Friday, January 29, 2021 3:05:19 PM

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**Caution: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Case number Case #DCP20-327

Name: Amy Erickson  
Address 306 E Klein Rd, New Braunfels, TX 78130

My home is located across the street to the property currently requesting a zone change. I strongly and passionately oppose this proposed zoning change.

Not only would it impact my peace of mind, but it would also greatly impact the neighborhood, quality of life, and joy from the entire community.

I have lived at this location for nearly 5 years, transplanted from Nebraska. After living in San Antonio and experiencing the hectic noise and rush of city life, I came here specifically to enjoy the peace, quiet, and beauty of this home and location. I have finally found somewhere to call "home" and have loved and found peace here. This home is everything I wanted, and even more so NEEDED. The trees, pasture, animals, and especially the QUIET called out to me and why I chose to live here. Not having loud neighbors and incessant traffic has been extremely important. These things are what I love about my home here.

We moved here with the understanding that the land would not be commercialized and that our quality of life here would be enjoyed for years to come. This is our community and it needs to stay as it was intended.

Sincerely,  
Amy Erickson  
210.331.1208  
[amy.erickson.tx@gmail.com](mailto:amy.erickson.tx@gmail.com)

--

**Thank you,**

**Amy Erickson**  
**210.331.1208**  
[amy.erickson.tx@gmail.com](mailto:amy.erickson.tx@gmail.com)  
[www.linkedin.com/in/amy-ericksontrng/](https://www.linkedin.com/in/amy-ericksontrng/)

**From:** [David Mueller](#)  
**To:** [Matt Greene](#)  
**Subject:** #DCP20-327  
**Date:** Friday, January 29, 2021 8:24:01 AM

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Caution: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Mr Green

I am David Mueller and live on 301 E Klein Rd, New Braunfels ,Tx 78130.

My house is adjacent to the property requesting a zone change. I oppose this proposed zoning change because a high density development would greatly impact my piece and quiet. Thank you for hearing my objection.

Sincerely

David Mueller

830-237-2311

dmueller@nbsid.org

Sent from my iPhone

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CONFIDENTIALITY NOTICE: This email & attached documents may contain confidential information. All information is intended only for the use of the named recipient. If you are not the named recipient, you are not authorized to read, disclose, copy, distribute or take any action in reliance on the information and any action other than immediate delivery to the named recipient is strictly prohibited. If you have received this email in error, do not read the information and please immediately notify sender by telephone to arrange for a return of the original documents. If you are the named recipient you are not authorized to reveal any of this information to any other unauthorized person. If you did not receive all pages listed or if pages are not legible, please immediately notify sender by phone.



**From:** [rsmitchan](#)  
**To:** [Matt Greene](#)  
**Subject:** Case #DCP20-327  
**Date:** Sunday, January 31, 2021 9:28:49 AM

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**Caution: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Case #DCP20-327

Name: Scott and Rose Mitchan  
Address: 310 East Klein Road, New Braunfels, TX 78130

My house is a couple of houses from the property requesting zone change. I oppose this proposed zoning change because it would greatly impact my peace and quiet.

Sincerely,  
Scott and Rose Mitchan  
830-237-5190  
[rsmitchan@gmail.com](mailto:rsmitchan@gmail.com)  
[mitchansplumbing@gmail.com](mailto:mitchansplumbing@gmail.com)

Hello,

My name is Margaret Kosko – address: 2655 FM 725


I wanted to say thank you for the opportunity to speak with you with regards to the proposed zoning change of my property at E Klien Road and FM 725.

I was left this property by Albert Kosko who was my father.

Owning this land was a privilege and an investment for my father. I have had the opportunity to read the letters of opposition to this zoning change and overall I am disappointed. New Braunfels is a beautiful and quickly growing community, but many of the letters essentially boil down to one thing: county residents not wanting to share the City community with future residents, because they cannot see a benefit to them. This was most evident from the address 306 E Klien, where letters from one household outside of the city make up nearly half of the letters of opposition. In particular it was painful to read the countless false claims made in the Griffith letter. These falsehoods I would like to address. My father was an intelligent man who made an investment in his homestead and family's future when he purchased this land, he knowingly did not leave the property to Mr. Griffith to maintain, nor did he want him to be the person to decide what should be done with the property, it has been my responsibility to take care of the property and decide its future, no promises were made that the land would never be developed although the Griffith's may have hoped so, and finally Mr. Griffith certainly was not the closest person to him as he wasn't aware he did have a living relative – ME. My father's legacy lives on through me, and I truly believe he would be hurt to see his neighbors come out to try and hinder the rights of use and enjoyment of the property he left me.

Please know I didn't not come to the decision to sell for development hastily, but it was the best decision for me, with the added benefit of helping reach goals set out in a city initiative. Owning this property is no cheap undertaking, the maintenance is more than I can reasonably continue to endure, and the trespassing is a liability I cannot bear. So instead, I choose a developer who had thought about the City's comprehensive plans, workforce initiatives, and integrating the development into an existing community. The developer choose to limit the density to a level lower than would be allowed by the city's code, a preliminary site plan which keeps taller multifamily building further away from single family residents than required by the city's code, and a layout that would have no entry's/exit's for the residents near the existing neighbors on E Klien, adding no new traffic to the dead end county road.

I am here as the land owner and as a constituent of New Braunfels. I truly hope that, instead of limiting purposeful growth and my right to the use and enjoyment of land through economic loss, this council will approve the zoning change, thereby benefitting the City and while providing high quality housing for people such as our civil servants, and other residents.

DocuSigned by:  
  
03F59036E20345E...

## Draft Minutes for the February 2, 2021 Planning Commission Regular Meeting

**D) Public hearing and recommendation to City Council regarding a proposed rezoning of approximately 19.963 acres out of the Sarah DeWitt Survey No. 48, Abstract No. 103, in Guadalupe County, Texas, located at the northeast corner of the intersection of FM 725 and East Klein Road, from “R-1” Single-Family District and “APD” Agricultural/Pre-Development District to “REAPD” River’s Edge Apartments Planned Development District. Applicant: Herman Kittle Properties, Inc. (Elena Sanders, Director of Development); Owner: Margaret Denise Kosko; Case Manager: Matt Greene.**

Mr. Greene presented and recommended approval with conditions as listed in the staff report.

Chair Edwards asked if there were any questions for staff.

Discussion followed on access to FM 725 and Klein Rd.

Chair Edwards asked if the applicant would like to speak.

Elena Sanders, Herman & Kittle Properties, 500 East 96<sup>th</sup> Street STE 300, addressed various concerns brought up previously and additional concerns brought up with public notice responses.

Discussion followed on height, access, surrounding properties, setbacks, and topography.

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

Karen Nussbaumer, 2323 Bretzke Ln, stated opposition to the request citing traffic and noise.

Ron Griffith, 306 E Klein, stated opposition to the request citing neighborhood character.

Chair Edwards closed the public hearing.

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

Motion by Commissioner Meyer, seconded by Commissioner Sonier, to recommend approval to City Council of the proposed rezoning of approximately 19.963 acres out of the Sarah DeWitt Survey No. 48, Abstract No. 103, in Guadalupe County, Texas, located at the northeast corner of the intersection of FM 725 and East Klein Road, from “R-1” Single-Family District and “APD” Agricultural/Pre-Development District to “REAPD” River’s Edge Apartments Planned Development District. Motion failed (3-0-6) with Vice Chair Laskowski, Commissioner Gibson, Commissioner Reaves, Commissioner Mathis, Commissioner Nolte, and Commissioner Sonier in opposition.

**ORDINANCE NO. 2021-**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS REZONING APPROXIMATELY 19.963 ACRES OUT OF THE SARAH DEWITT SURVEY NO. 48, ABSTRACT 103, GUADALUPE COUNTY, TEXAS, LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF FM 725 AND EAST KLEIN ROAD, FROM “R-1” SINGLE FAMILY DISTRICT AND “APD” AGRICULTURAL/PRE-DEVELOPMENT DISTRICT TO “REAPD” RIVER’S EDGE APARTMENTS PLANNED DEVELOPMENT DISTRICT; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SAVINGS CLAUSE; AND DECLARING AN EFFECTIVE DATE.**

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

**WHEREAS**, in keeping with the spirit and objectives of the “PDD” Planned Development District, the City Council has given due consideration to all components of said district; and

**WHEREAS**, it is the intent of the City Council to provide harmony between existing zoning districts and proposed land uses; and

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

**WHEREAS**, the City Council desires to amend the Zoning Map by rezoning approximately 19.963 acres out of the Sarah DeWitt Survey No. 48, Abstract No. 103, Guadalupe County, Texas, located at the northeast corner of the intersection of FM 725 and East Klein Road, from “R-1” Single Family District and “APD” Agricultural/Pre-Development District to “REAPD” River’s Edge Apartments Planned Development District, **now, therefore;**

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

**SECTION 1**

**THAT** pursuant to Section 1.2-3, Chapter 144 of the New Braunfels Code of Ordinances, the Zoning Map of the City of New Braunfels is revised by rezoning the following described tract of land from “R-1” Single Family District and “APD” Agricultural/Pre-Development District to “REAPD” River’s Edge Apartments Planned Development District:

Approximately 19.963 acres out of the Sarah DeWitt Survey No. 48, Abstract No. 103, Guadalupe County, Texas, located at the northeast corner of the intersection of FM 725 and East Klein Road, as described in Exhibit "A" and delineated in Exhibit "B" attached, and adopting the "REAPD" River's Edge Apartments Planned Development District Concept Plan as depicted on Exhibit "C" and the Development Standards as stated in Exhibit "D".

## **SECTION 2**

**THAT** approval of the "REAPD" River's Edge Apartments Planned Development District is subject to the following condition:

1. A Detail Plan application must be submitted to the City and approved by the Planning Commission prior to approval of any City issued permits to begin construction of the proposed development.

## **SECTION 3**

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

## **SECTION 4**

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

## **SECTION 5**

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

## **SECTION 6**

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

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

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

**CITY OF NEW BRAUNFELS**

**RUSTY BROCKMAN**, Mayor

**ATTEST:**

**CAITLIN KROBOT**, City Secretary

**APPROVED AS TO FORM:**

**VALERIA M. ACEVEDO**, City Attorney



## **METES & BOUNDS DESCRIPTION OF A 19.963 ACRE TRACT OF LAND**

DESCRIPTION of a 19.963 acre tract of land located in the Sarah Dewitt Survey No. 48, Abstract Number 103, City of New Braunfels, Guadalupe County, Texas, said tract being all of that certain 20 acre tract described in an Executor's Deed to Margaret Denise Kosko recorded in File Number 201999018632 in the Official Public Records of Guadalupe County, Texas (O.P.R.G.C.T.), said 19.963 acre parcel being more fully described as follows (Bearing system for this survey is based on the Texas Coordinate System of 1983 (2011 adjustment), South Central Zone 4204):

BEGINNING, at a 1/2 inch iron rod found for the south corner of said 20 acre tract, same being the intersection of the northwest right-of-way line of County Road No. 368 (aka East Klein Road) and the northeast right-of-way line of Farm to Market Road 725;

THENCE, North 39 degrees, 29 minutes, 08 seconds West, with the southwest line of said 20 acre tract and the northeast right-of-way line of said Farm to Market Road 725, a distance of 535.89 feet to a 1/2 inch iron rod found for the west corner of said 20 acre tract, same being the south corner of that certain 25.000 acre tract described in a Special Warranty Deed to Margyline Hitzfelder, Trustee of the Leonard Hitzfelder Family Trust recorded in File Number 2012011260, O.P.R.G.C.T.;

THENCE, North 44 degrees, 18 minutes, 09 seconds East, departing the northeast right-of-way line of said Farm to Market Road 725 and with the northwest line of said 20 acre tract and the southeast line of said 25.000 acre tract, a distance of 1,586.70 feet to a point for the north corner of said 20 acre tract, the east corner of said 25.000 acre tract and on the southwest bank of Lake Dunlap, from which a nail with shiner in a fence post bears South 51 degrees, 26 minutes East, a distance of 0.6 feet;

THENCE, South 51 degrees, 26 minutes, 20 seconds East, with the northeast line of said 20 acre tract and the southwest bank of said Lake Dunlap, a distance of 528.21 feet to a 1/2 inch iron rod found for the east corner of said 20 acre tract, same being on the northwest line of that certain 0.404 acre tract described in a Warranty Deed with Vendor's Lien to David W. Mueller recorded in File Number 1997008184, O.P.R.G.C.T.;

THENCE, South 43 degrees, 51 minutes, 37 seconds West, departing the southwest bank of said Lake Dunlap and with the southeast line of said 20 acre tract and the northwest line of said 0.404 acre tract, at 195.80 pass the west corner of said 0.404 acre tract and the intersection of the northeast right-of-way line of said East Klein Road, continuing with the southeast line of said 20 acre tract and with the northwest right-of-way line of said East Klein Road a distance of 413.34 feet to a 1/2 inch iron rod found for an angle point;

THENCE, South 44 degrees, 10 minutes, 23 seconds West, continuing with the southeast line of said 20 acre tract and the northwest right-of-way line of said East Klein Road, a distance of 1,055.30 feet to a 1/2 inch iron rod found for an angle point;

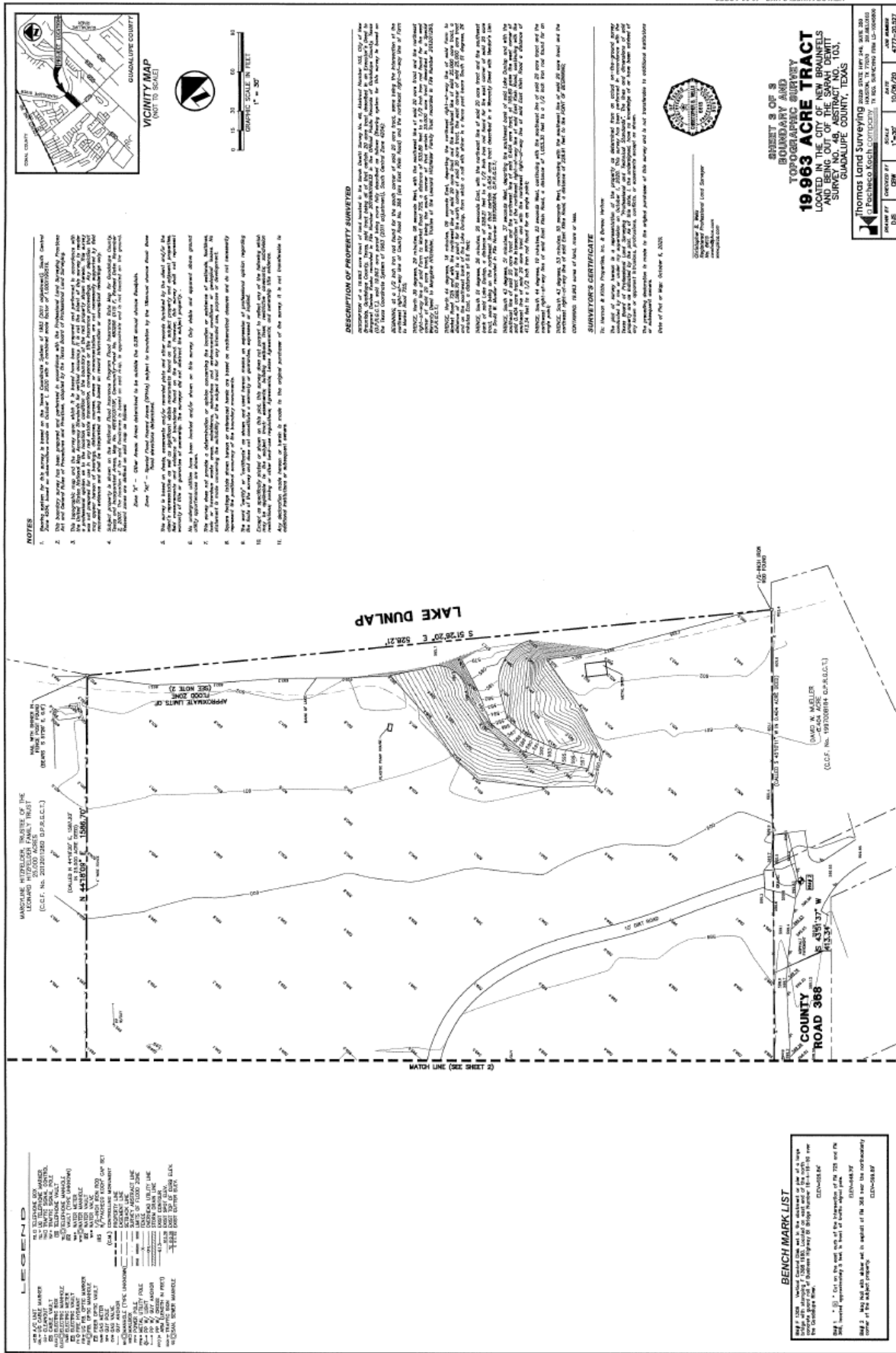
THENCE, South 43 degrees, 53 minutes, 55 seconds West, continuing with the southeast line of said 20 acre tract and the northwest right-of-way line of said East Kline Road, a distance of 228.91 feet to the POINT OF BEGINNING;

CONTAINING: 19.963 acres of land, more or less.

**EXHIBIT "A"**















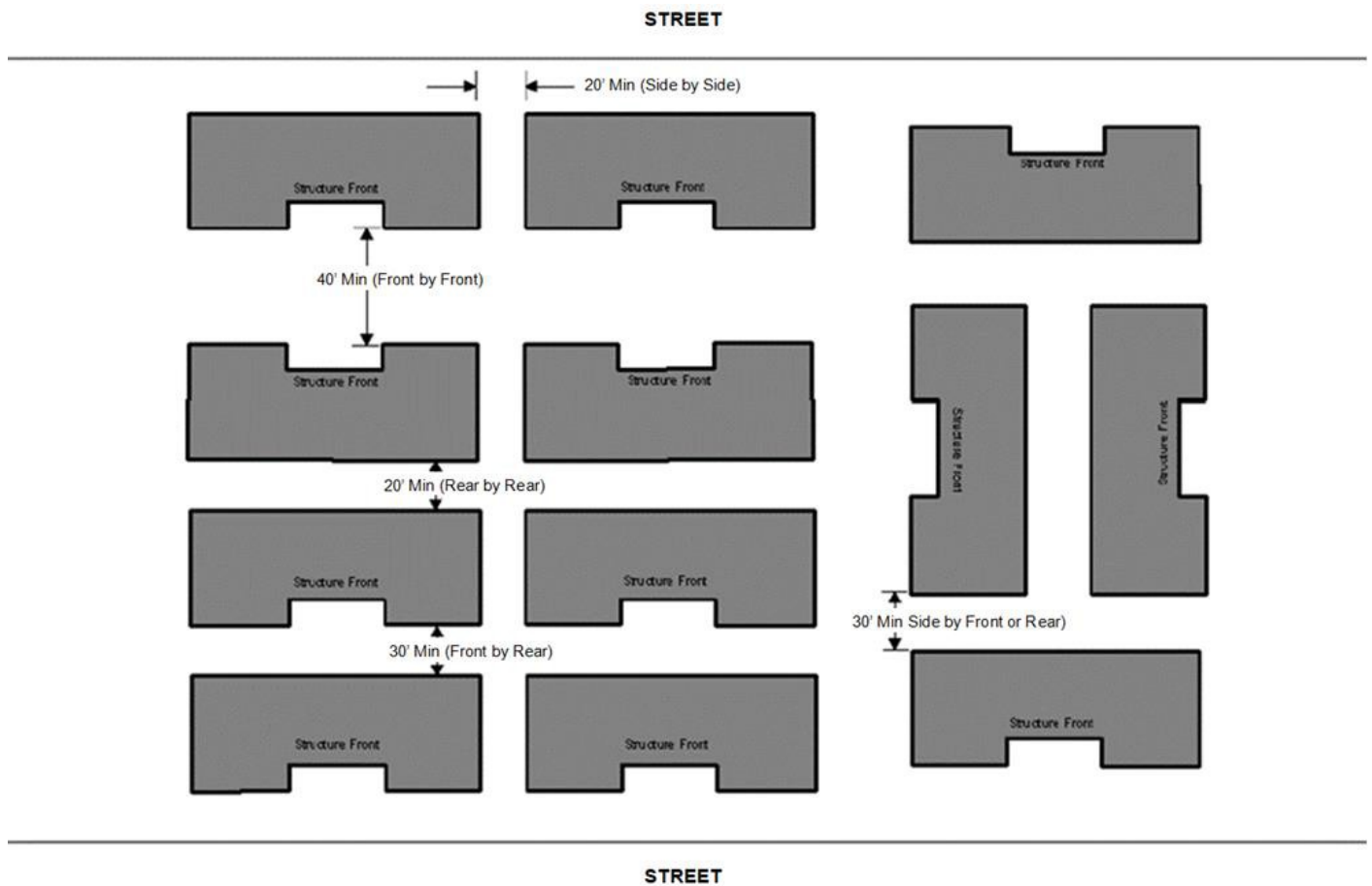
# **"River's Edge Apartments" Planned Development District**

## **Development Standards**

- 1) *Base Zoning.*
  - i) "R-3H" Multifamily High Density District as defined by the City of New Braunfels Code of Ordinances Chapter 144, Article III, Section 144-3.4-5.
- 2) *Minimum lot area.*
  - i) Lot area. The minimum lot area for a multifamily dwelling shall be 20,000 square feet; for each unit over ten an additional 2,250 square feet of lot area shall be required.
- 3) *Minimum lot width and depth.*
  - i) Width of lot. The minimum width of an interior lot shall be 60 feet and the minimum width of a corner lot shall be 70 feet.
  - ii) Lot depth. The minimum depth of the lot shall be 100 feet.
- 4) *Minimum front, side, and rear building setback areas.*
  - i) Front building setback. 25 feet
  - ii) Rear building setback. 25 feet
  - iii) Side building setback. There shall be a side building setback on each side of a building not less than 25 feet in width. Buildings on corner lots shall have 15-foot side building setbacks adjacent to the street where the rear lot lines of the corner lots coincide with the rear lot lines of the adjacent lots. Buildings on corner lots shall have 25-foot side building setbacks adjacent to the street where the rear lot lines of the corner lots coincide with the side lot lines of the adjacent lots
  - iv) Garage setback. Where a driveway is located in front of a garage, the garage shall be setback 20 feet from public the right-of-way to the garage, if attached to a public right of way, shall be at least 20 feet long to provide enough space for a vehicle to park without overhanging into the right-of-way, if the garage door is closed.
  - v) Residential setback.
    - (1) Where a multifamily dwelling abuts a one- or two-family use or zoning district, a multifamily building's average setback from the one- or two-family property line shall be at least 20 feet plus one foot for each foot of building height over 20 feet. A building's height for this requirement is to be measured from grade to eve. A building's average setback is to be determined by averaging the distance a building's closest and furthest corners on the side of the building facing the property line.
    - (2) Where a multifamily dwelling abuts a one or two-family use or zoning district, no multifamily building will be within 60 feet of a one or two-family residential structure certified for occupancy.
- 5) *Maximum height of buildings.*
  - i) 45 feet, 50 feet when a pitched roof is used (minimum 4:12 pitch).
- 6) *Maximum building coverage.*
  - i) Lot coverage. The maximum building coverage shall be 30% percent of the total lot or tract.
- 7) *Maximum Lot Coverage*
  - i) Impervious Coverage: The maximum impervious cover for the development shall be 65% of the total lot or tract.

- 8) *Minimum parking standards for each general land use.*
- i) One-bedroom apartment or unit: One and one-half spaces.
  - ii) Two-bedroom apartment or unit: Two spaces.
  - iii) Each additional bedroom: One-half space.
- 9) *Distance between structures.*
- i) For multifamily structures, there shall be a minimum of 20 feet between structures side by side; a minimum of 30 feet between structures side by front or rear; a minimum of 40 feet between structures front to front; and a minimum of 20 feet between structures backing rear to rear, and a minimum of 30 feet front to rear. (See Illustration 1.)

Illustration  
1



4/12/2021

Agenda Item No. F)

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

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**SUBJECT:**

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

**BACKGROUND / RATIONALE:**

**Case No.:** SUP21-036

**Council District:** 5

**Applicant:**

James Ingalls, P.E.

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

**Owner:**

Westpointe Commercial, Ltd. (Mark

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

**Staff Contact:**

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

**City Council held a public hearing on March 22, 2021 and approved the first reading of the applicant's requested rezoning (4-3).**

The subject property is situated between the future Mission Hill Park and Westpointe Self-Storage. The site is currently zoned MU-A, Low Intensity Mixed-Use District. A Special Use Permit (SUP) was approved in January 2017 that prohibited multifamily and assisted living facility/retirement home uses, restricted the maximum height on this tract to 960 feet above mean sea level (msl), and limited townhouse (attached) or duplex/two-family dwelling/duplex condominium development to one story.

To preserve the views from the top of Mission Hill Park (summit is 974 feet above msl), a maximum building height of 960 feet above msl was set with the approval of the 2017 SUP. Additionally, the base zoning district of MU-A sets a maximum building height of 35 feet for this property. Building height is measured from the finished grade, while the msl elevation will maintain a constant height

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since excavation and backfill of the site is not restricted. Currently, the property generally slopes downward from west to east with a maximum grade elevation of approximately 930 feet above msl along the proposed Mission Hill Park property down to approximately 900 feet above msl along Independence Drive.

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

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

*Surrounding Zoning and Land Use:*

North - MU-A/ Westpointe Self-Storage

South - MU-A/ Proposed Mission Hill Park and Elan Westpointe (Senior Living)

East - Across Independence Dr., C-1B / Westpointe Village Shopping Center

West - MU-A/ Proposed Mission Hill Park

*Determination Factors:*

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

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

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

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<p><b>City Plan/Council</b>  <b>Priority:</b> Envision New Braunfels Comprehensive Plan Workforce Housing Study</p>	<p><b>Action 3.13:</b> 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.</p> <p><b>Future Land Use Plan:</b> The property is situated in the Hoffmann Lane Sub-Area (6), near an intersection of two Transitional Mixed-Use Corridors and is within existing Market, Outdoor Recreation, Civic and Education Centers. • Ensure through city zoning and other required legal entitlements related to housing construction that new types of housing products (small-lot, duplex, townhome, etc.) are allowed by regulations. • Create or adjust city regulations that allow for multi-unit owned/rented mix like two and three-flats where the owners earn rental income.</p>
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**FISCAL IMPACT:**

N/A

**COMMITTEE RECOMMENDATION:**

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

**STAFF RECOMMENDATION:**

Approval with the following conditions:

1. No direct vehicle access shall be permitted from the subject property to the adjacent Mission Hill Park property.
2. Site development shall be in compliance will all other standards of the City's Code of Ordinances.
3. All other restrictions associated with the existing SUP shall remain in effect.

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

**Notification:**

Public hearing notices were sent to 7 owners of property within 200 feet. The City has received 2 responses (#1 & 2) in favor of the request.

**RESOURCE LINKS:**

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

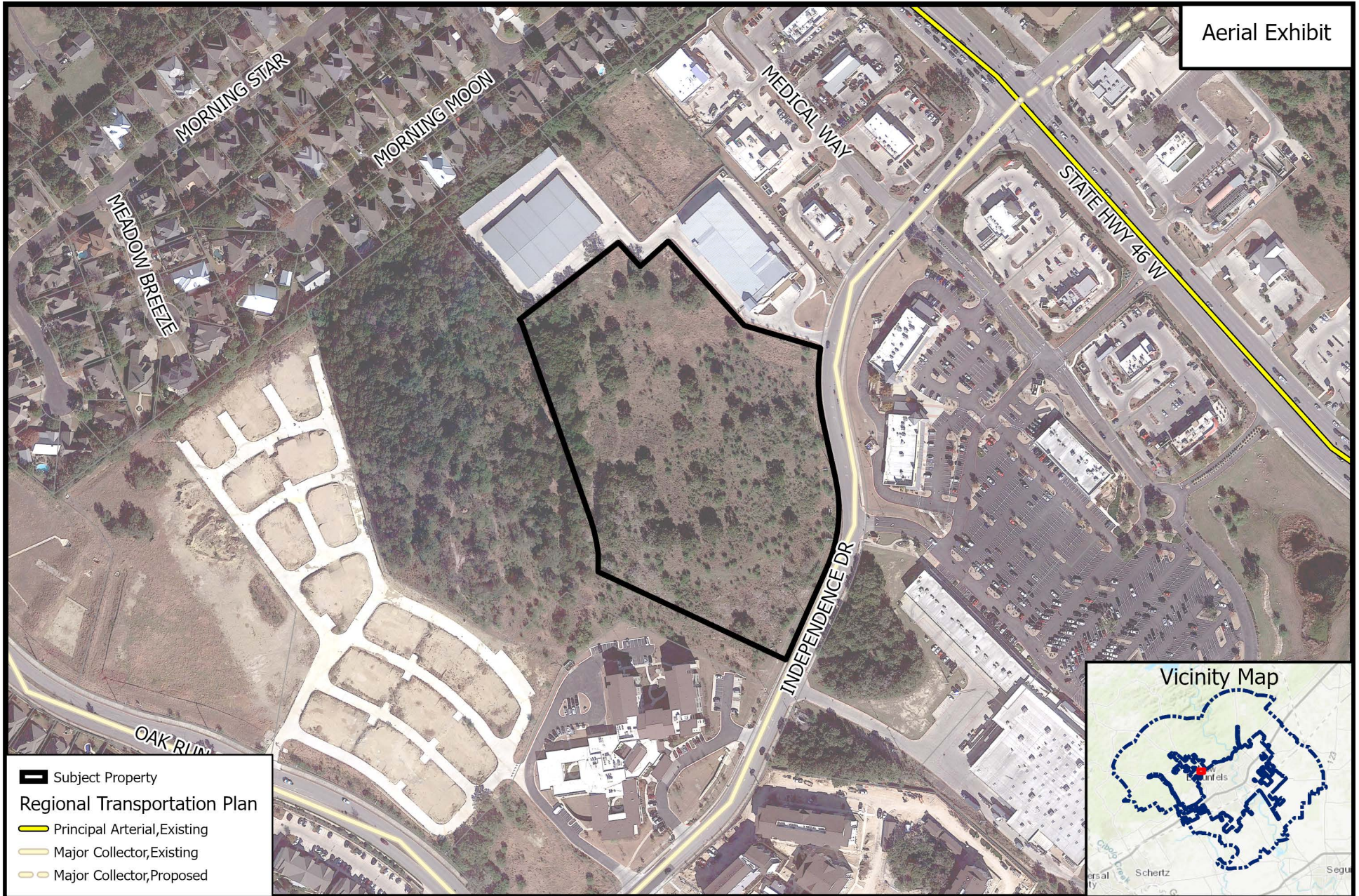


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**ATTACHMENTS:**

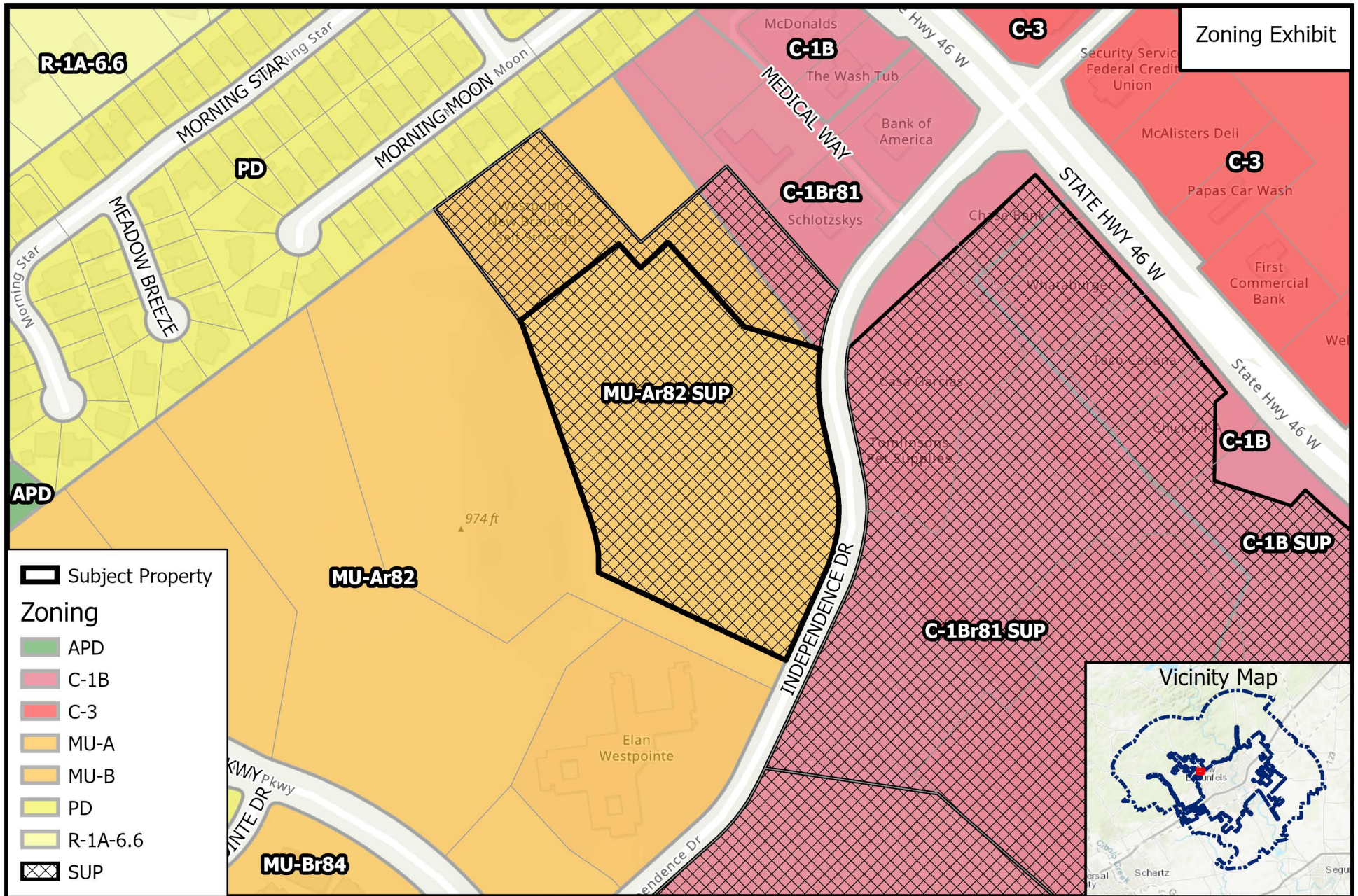
1. Aerial Map
2. Land Use Maps (Zoning, Existing Land Use, Future Land Use Plan)
3. Ordinance 2017-15 (SUP proposed to be amended)
4. Traffic Impact Analysis (TIA) Worksheet
5. Notification List, Map and Responses
6. Draft Planning Commission Meeting Minutes
7. Ordinance





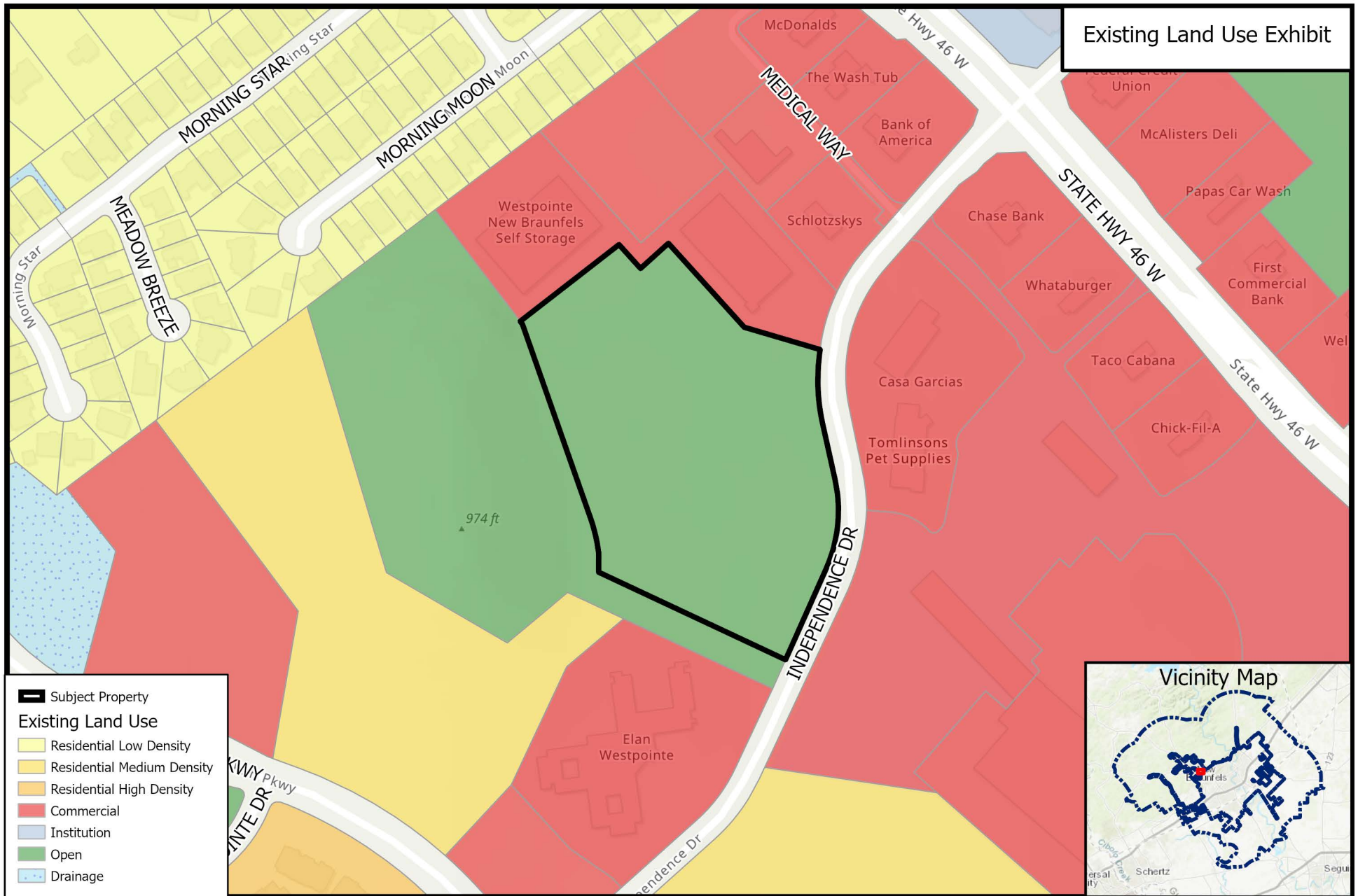
**SUP21-036**  
**Request to allow two-story townhouse development**





**SUP21-036**  
**Request to allow two-story townhouse development**





**SUP21-036**

**Request to allow two-story townhouse development**



## EXISTING CENTERS

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

### EMPLOYMENT CENTER

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

### MARKET CENTER

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

### MEDICAL CENTER

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

### CIVIC CENTER

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

### OUTDOOR RECREATION CENTER

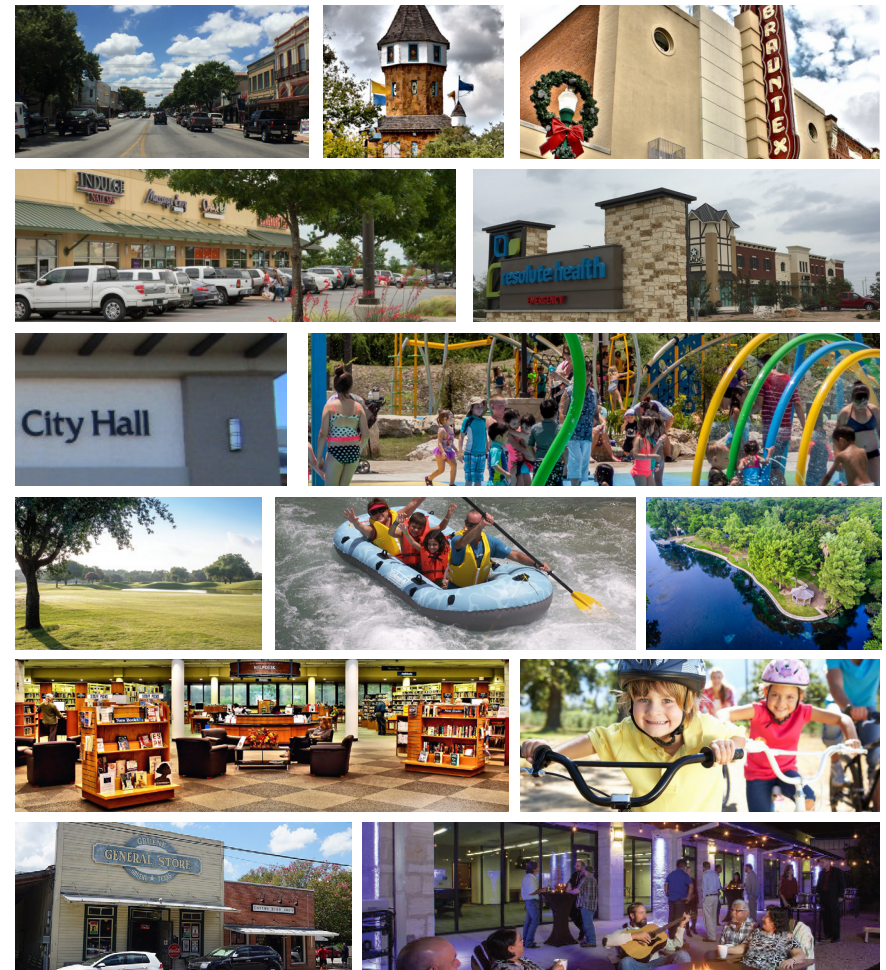
Outdoor Recreation Centers center around a public or private outdoor destination such as Landa Lake.

### EDUCATION CENTER

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

### TOURIST/ENTERTAINMENT CENTER

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









# FUTURE LAND USE PLAN

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

## TRANSITIONAL MIXED-USE CORRIDOR

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

## OUTDOOR RECREATION CENTER

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

## EMPLOYMENT CENTER

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

## MARKET CENTER

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

## CIVIC CENTER

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

## SUB AREA 1

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

## SUB AREA 2

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

## SUB AREA 3

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

## SUB AREA 4

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

## SUB AREA 5

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

## SUB AREA 6

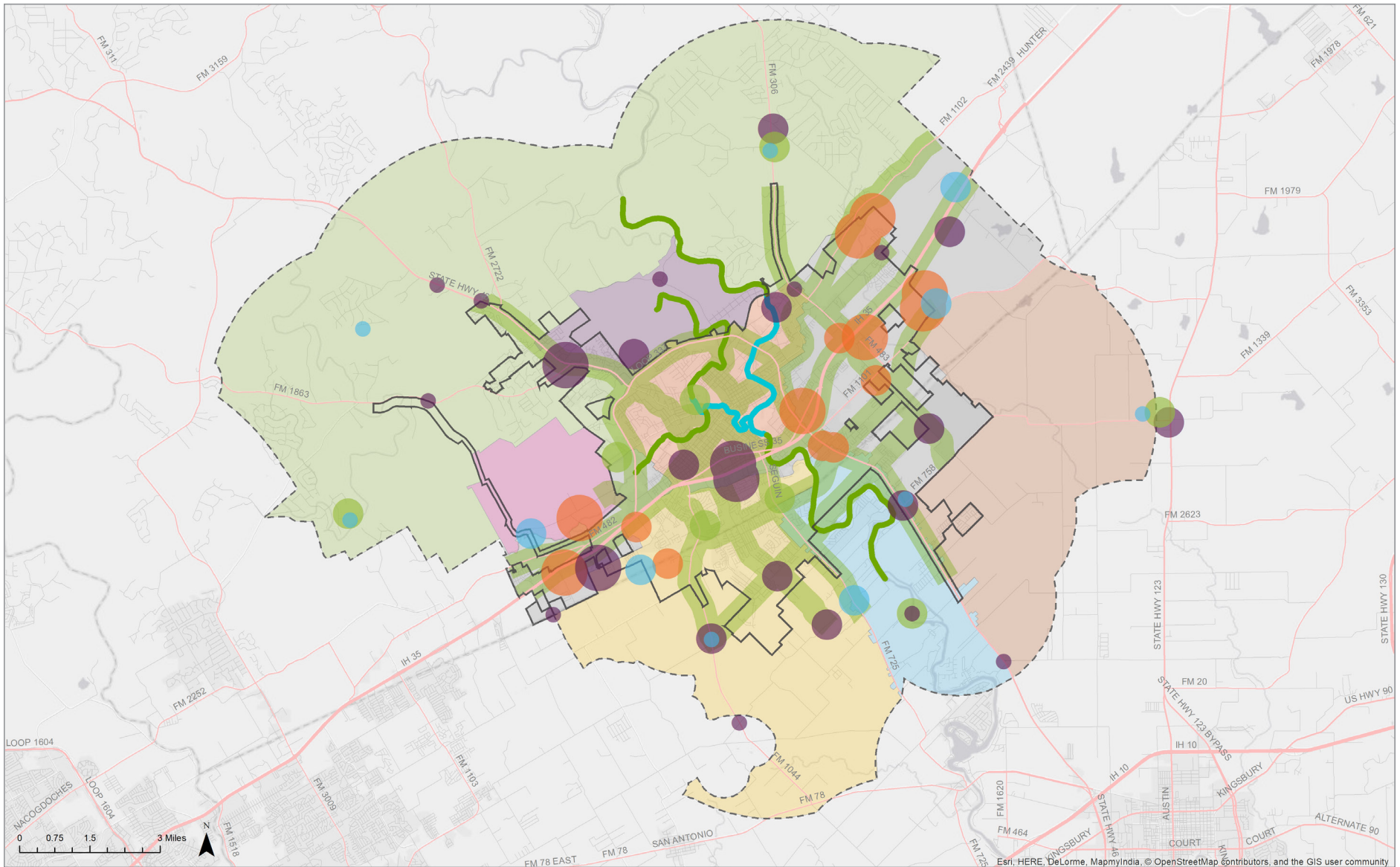
Sub Area 6 expresses an aspiration for conservation communities focused around maintaining and enhancing ecological integrity while allowing some level of development to occur.

## SUB AREA 7

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

## SUB AREA 8

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



A Comprehensive Plan shall not constitute zoning regulations or establish zoning district boundaries. Preferred future growth scenario combines Scenarios A and C per recommendations of the Envision New Braunfels Steering Committee (February 2018). Exact boundaries of sub areas, centers, and corridors may be [zoomed and viewed online](#).

ORDINANCE NO. 2017- 15

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

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

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

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

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

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

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



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

### **SECTION 1**

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

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

### **SECTION 2**

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

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

### **SECTION 3**

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

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

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

## SECTION 4

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

(1) Duplexes.

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

(2) Multifamily dwelling.

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

(3) Townhouses.

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



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

## SECTION 5

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

## SECTION 6

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

## SECTION 7

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

**PASSED AND APPROVED:** First Reading this the 9<sup>th</sup> day of January, 2017.

**PASSED AND APPROVED:** Second Reading this the 23<sup>rd</sup> day of January, 2017.

CITY OF NEW BRAUNFELS

  
BARRON CASTEEL, Mayor

ATTEST:

  
PATRICK D. ATEN, City Secretary

APPROVED AS TO FORM:

  
VALERIA M. ACEVEDO, City Attorney



# BURY

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

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

## Field Note Description

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

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

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

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

EXHIBIT "A"



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

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

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

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

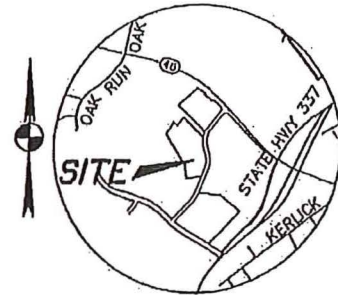
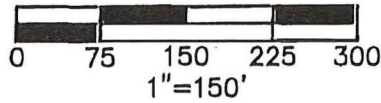
*"This document was prepared under 22 TAC §663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political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

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

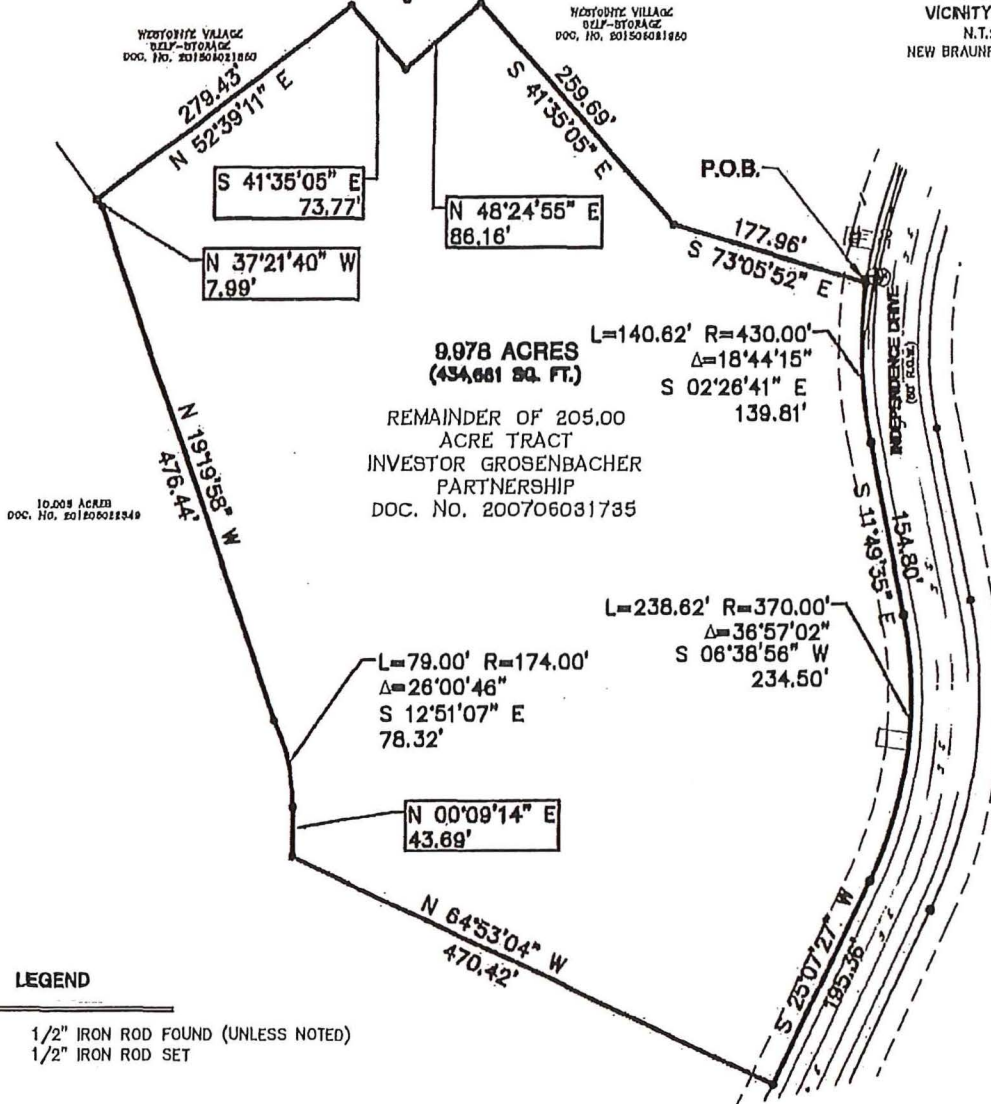
 10/19/16

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





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



**BURY**

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

INVESTOR GROSENBACHER PARTNERSHIP

PAGE 4 OF 4

DATE: 1-20-16

SCALE: 1" = 150'

DRAWN BY: HBL

FILE: H:\110729\_WESTPOINTE PLAT APP REMAIN

PROJECT No. R0110729-50003.97

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

EXHIBIT "B"





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

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

### FIELD NOTE DESCRIPTION

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

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

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

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

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

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

EXHIBIT "C"

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

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

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

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

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

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

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

*Hal B. Lane III*

9/21/16

DATE

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







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

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

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

### Section 1: General Information

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

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

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

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

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

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

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

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

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

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



**PLANNING COMMISSION – MARCH 2, 2021– 6:00PM**

Zoom Meeting

**Applicant/Owner:** Moeller & Associates (James Ingalls P.E.), agent for Westpointe Commercial, Ltd. (Mark Wauford), owner

**Address/Location:** Approximately 10 acres located on the west side of Independence Drive, approximately 1,300 feet north of its intersection with Oak Run Parkway

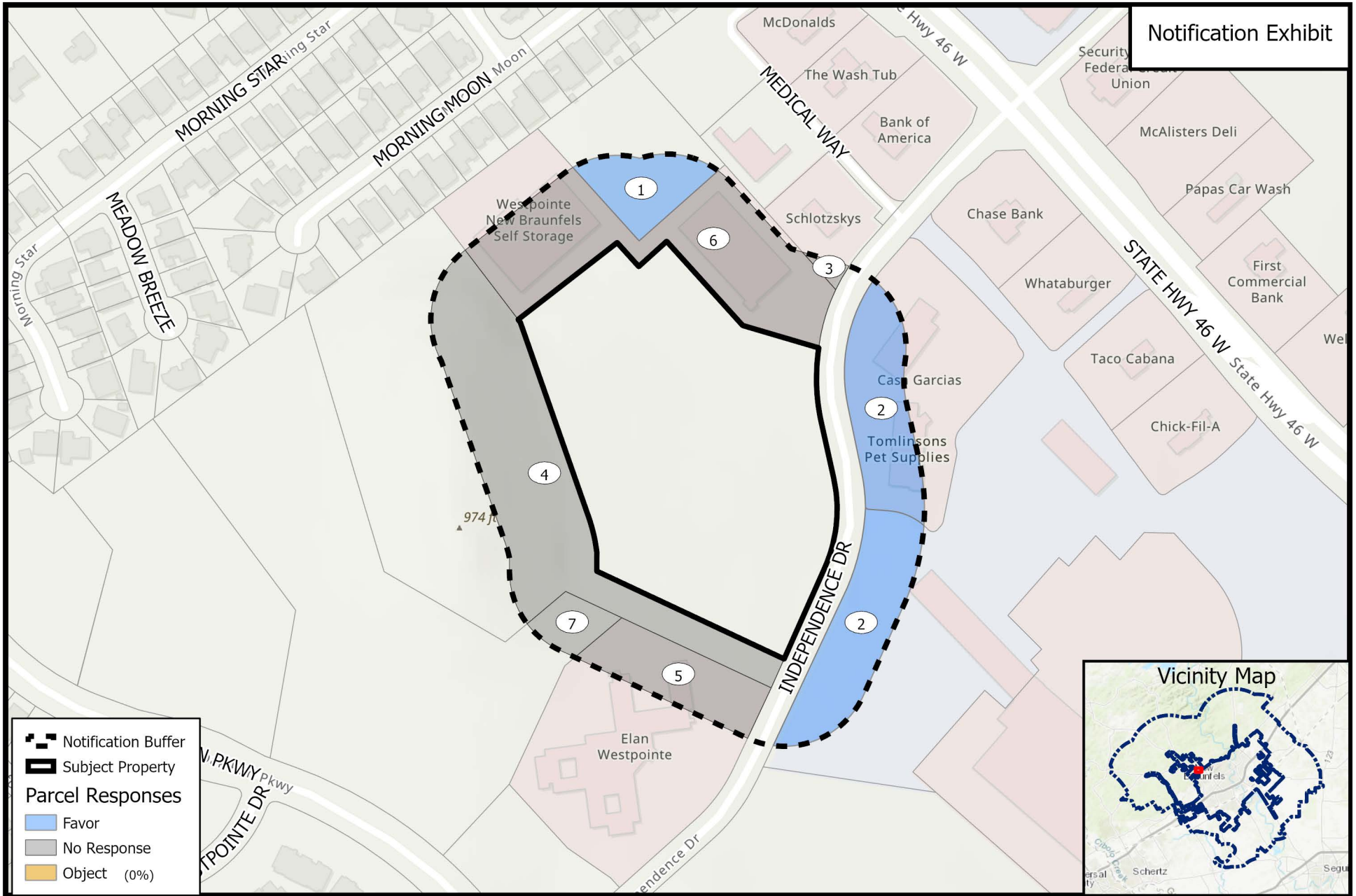
**PROPOSED SUP – CASE #SUP21-036**

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. WESTPOINTE COMMERCIAL POA INC
2. LPF WESTPOINTE LLC
3. NEW BOOTS NEW BRAUNFELS LLC
4. NEW BRAUNFELS PARKS FOUNDATION
5. SABRA TEXAS HOLDINGS LP
6. NEW BRAUNFELS SELF STORAGE LLC
7. EMERALD COTTAGES OF NEW BRAUNFELS LTD

---

**SEE MAP**



**SUP21-036**  
**Request to allow two-story townhouse development**



YOUR OPINION MATTERS - DETACH AND RETURN

Case: #SUP21-036 ms

Name: MARK WAUFORD

Address: 1864 Independence Drive

Property number on map: 72835

#1 + 2

I favor: ✓

I object: \_\_\_\_\_ (State reason for objection)

Comments: (Use additional sheets if necessary)

Signature: Mark Wauford



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

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

Mr. Simmont presented and recommended approval of the request.

Chair Edwards asked if there were any questions for staff.

Chair Edwards asked if the applicant would like to speak.

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

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

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

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

Chair Edwards closed the public hearing.

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

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

Discussion followed.

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

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

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

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

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

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

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

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

Discussion followed on the conditions of the amended motion.

DRAFT

**ORDINANCE NO. 2021-**

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

---

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

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

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

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

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

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

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



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

**SECTION 1**

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

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

**SECTION 2**

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

1. No direct vehicular access shall be permitted from the subject property, as described in Exhibit "1A" and delineated in Exhibit "1B" to the adjacent Mission Hill Park property.
2. Site development shall be in compliance with all other standards of the City's Code of Ordinances.
3. All other restrictions associated with Ordinance Number 2017-15, Section 3, shall remain in effect, Exhibit "1C".

**SECTION 3**

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

**SECTION 4**

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

**SECTION 5**

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

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

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

**CITY OF NEW BRAUNFELS**

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**RUSTY BROCKMAN**, Mayor

**ATTEST:**

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**CAITLIN KROBOT**, City Secretary

**APPROVED AS TO FORM:**

---

**VALERIA M. ACEVEDO**, City Attorney

**EXHIBIT "1A"**  
**Page 1 of 3**

# BURY

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

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

## Field Note Description

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

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

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

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

**EXHIBIT "1A"**  
**Page 2 of 3**

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

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

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

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

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

**EXHIBIT "1A"**  
**Page 3 of 3**

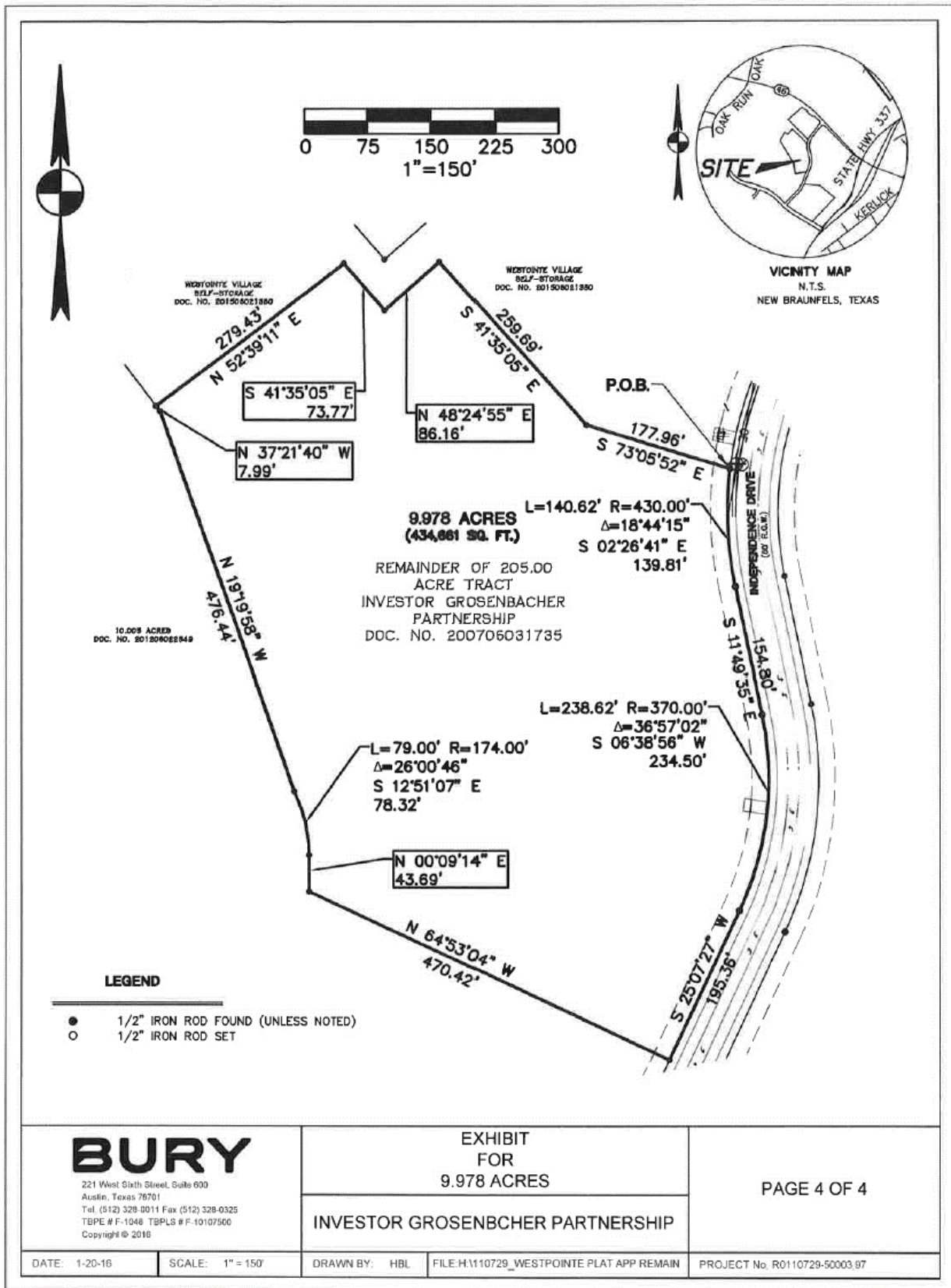
**Note:** Survey plat of even date to accompany this Field Note Description.

*Hal B. Lane III* 10/19/16

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



**EXHIBIT "1B"**  
**Page 1 of 1**



11/11/16/22 Westpointe Plat Application\110129-50003\set.dwg modified by Nave on: Jan 20, 15 9:49 AM



**EXHIBIT “1C”**  
**Page 1 of 14**

**ORDINANCE NO. 2017- 15**

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

---

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

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

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

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

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

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

**EXHIBIT "1C"**  
**Page 2 of 14**

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

**SECTION 1**

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

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

**SECTION 2**

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

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

**SECTION 3**

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

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

**EXHIBIT “1C”**  
**Page 3 of 14**

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

**SECTION 4**

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

(1) Duplexes.

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

**EXHIBIT "1C"**  
**Page 4 of 14**

(2) Multifamily dwelling.

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

(3) Townhouses.

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

**EXHIBIT "1C"**  
**Page 5 of 14**

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

**SECTION 5**

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

**EXHIBIT "1C"**  
**Page 6 of 14**

**SECTION 6**

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

**SECTION 7**

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

**PASSED AND APPROVED:** First Reading this the 9<sup>th</sup> day of January, 2017.

**PASSED AND APPROVED:** Second Reading this the 23<sup>rd</sup> day of January, 2017.

**CITY OF NEW BRAUNFELS**

  
**BARRON CASTEEL, Mayor**

**ATTEST:**

  
**PATRICK D. ATEN, City Secretary**

**APPROVED AS TO FORM:**

  
**VALERIA M. ACEVEDO, City Attorney**





EXHIBIT "1C"  
Page 7 of 14

# BURY

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

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

## Field Note Description

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

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

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

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

EXHIBIT "A"

**EXHIBIT "1C"**  
**Page 8 of 14**

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

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

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

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

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

**EXHIBIT "1C"**  
**Page 9 of 14**

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

 10/19/16

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



**EXHIBIT "1C"**  
**Page 10 of 14**

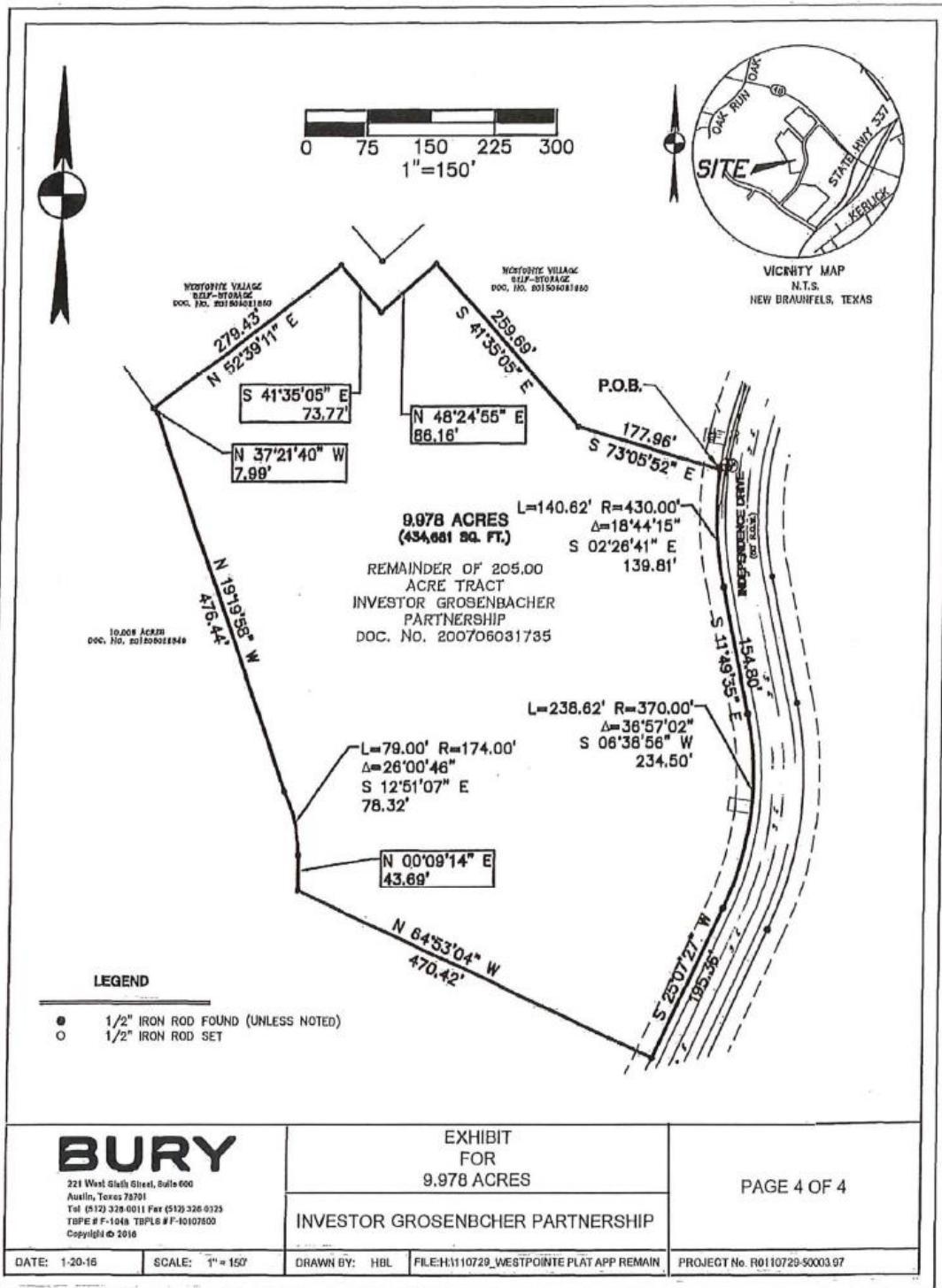


EXHIBIT "B"



EXHIBIT "1C"  
Page 11 of 14



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

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

FIELD NOTE DESCRIPTION

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

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

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

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

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

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

EXHIBIT "C"

**EXHIBIT "1C"**  
**Page 12 of 14**

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

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

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

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

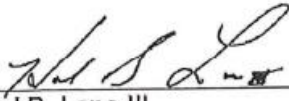
- N 47° 28' 39" E, 461.02 feet, along the Southeasterly right-of-way line of Independence Drive, to a found "PK" nail at point of compound curvature for corner;
- Along the arc of a curve to the left, having a chord of N 36° 23' 10" E, 166.94 feet, a radius of 430.00 feet and a central angle of 22° 23'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

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

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



EXHIBIT "1C"  
Page 13 of 14

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

9/21/16

DATE



ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 03-14-2008 BY 60322 UCBAW/STP/STP

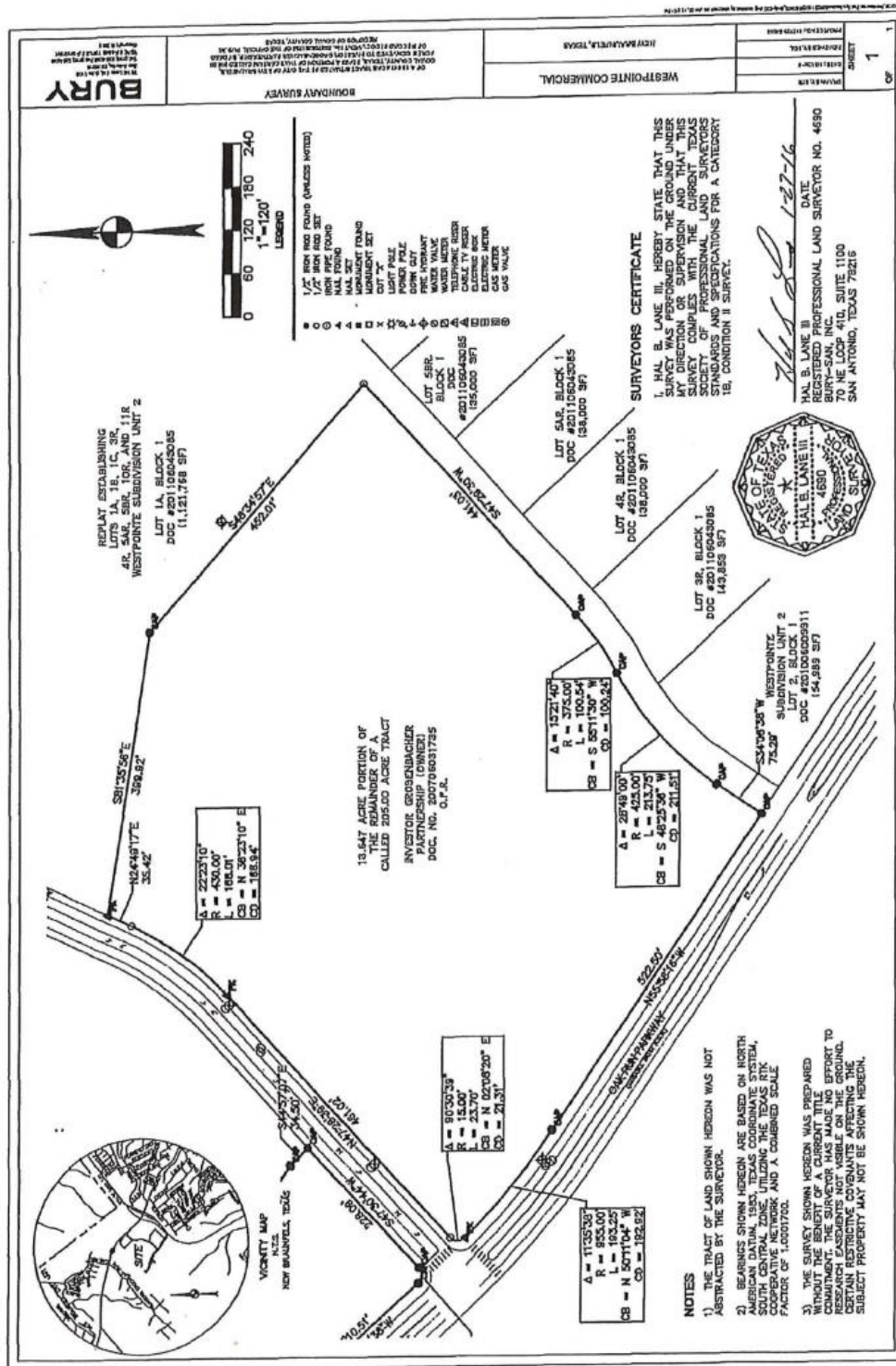


EXHIBIT "D"

4/12/2021

Agenda Item No. G)

**PRESENTER:**

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

**SUBJECT:**

Discuss and consider approval of the second and final reading of an ordinance regarding a proposed rezoning to apply a Special Use Permit to allow short term rental of two single-family residences in the "C-2" General Business District, addressed at 274 and 290 East Bridge Street.

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

Applicant/Owner: Morgan & Jay Behrens  
290 E. Bridge Street  
New Braunfels, TX 78130  
(214) 232-2380      morgan.behrens10@gmail.com

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

**City Council held a public hearing on March 22, 2021 and approved the first reading of the requested rezoning ordinance. (6-1)**

The subject property consists of one parcel with two residences, located at the south corner of East Bridge Street and North Market Avenue near Downtown New Braunfels. The applicants are requesting a Special Use Permit (SUP) to allow short term rental (STR) of both houses.

**274 E. Bridge:** This house has two bedrooms and one bathroom. Per the Zoning Ordinance, maximum occupancy of an STR with one bathroom is 5 occupants, and minimum off-street parking is 2 spaces. There is adequate space in the asphalt driveway to accommodate at least two vehicles.

**290 E. Bridge:** The larger house contains three bedrooms with two bathrooms, for maximum occupancy of 8 occupants. A concrete driveway was recently constructed to meet the minimum parking requirement of 3 spaces.

*Surrounding Zoning and Land Use:*

North - Across Bridge Street, C-2/ Single-family residence

South - C-2/ Commercial offices

East - Across Market Avenue, M-1/ Single-family residence with STR SUP

West - C-2/ Single-family residence with STR SUP

**ISSUE:**

---

The proposed SUP meets the Zoning Ordinance requirements for a short-term rental, and is consistent with the following actions from the Envision New Braunfels Comprehensive Plan:

- Action 1.3 Encourage balanced and fiscally responsible land use patterns.
- Action 1.14 Ensure regulations do not unintentionally inhibit the provisions of a variety of flexible and innovative lodging options and attractions.
- Future Land Use: The property is situated within the New Braunfels Sub-Area, in close proximity to the Central Business District, Tourist/Entertainment Centers, and Outdoor Recreation Centers.

The site is centrally located near Downtown, within a short drive to many visitor attractions, and in a transitional area characterized by a mix of residential and commercial uses including several existing STRs. The Zoning Ordinance includes standards for all short-term rentals that help ensure proper measures are in place to protect public health, safety, and neighboring properties, and that help STRs blend into neighborhoods. If the SUP is approved, a separate Short-Term Rental Permit will be required. This permit ensures the property owner meets these aforementioned standards and inspections processes.

**FISCAL IMPACT:**

If approved, the property will be subject to local and state hotel occupancy tax (HOT).

**COMMITTEE RECOMMENDATION:**

The Planning Commission held a public hearing on March 2, 2021 and recommended approval 7-0-0 with Commissioner Nolte recused and Commissioner Gibson absent.

**STAFF RECOMMENDATION:**

Approval with the following conditions:

1. The residential character of the property must be maintained.
2. The property will remain in compliance with the approved site plan. Any significant changes to the site plan will require a revision to the SUP.
3. Occupancy is limited to a maximum of 5 guests at 274 E. Bridge and 8 guests at 290 E. Bridge.
4. All other standards of the Zoning Ordinance will be met and a Short-Term Rental Permit is required.

**Notification:**

Public hearing notices were sent to 19 owners of property within 200 feet of the request. The City received two responses in favor (#3, 13) and none in objection.

**Resource Links:**

- Chapter 144, Sec. 3.3-7 (C-2) of the City's Code of Ordinances:  
[https://library.municode.com/tx/new\\_braunfels/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_C H144ZO\\_ARTIII ZODI\\_S144-3.3ZODIREPRZOPRJU221987](https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?nodeId=PTIICOOR_C H144ZO_ARTIII ZODI_S144-3.3ZODIREPRZOPRJU221987)
- Chapter 144, Sec. 3.6 (SUP) of the City's Code of Ordinances:  
[https://library.municode.com/tx/new\\_braunfels/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_C H144ZO\\_ARTIII ZODI\\_S144-3.6SPUSPE](https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?nodeId=PTIICOOR_C H144ZO_ARTIII ZODI_S144-3.6SPUSPE)
- Chapter 144, Sec. 5.17 (Short-term Rental) of the City's Code of Ordinances:  
[https://library.municode.com/tx/new\\_braunfels/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_C H144ZO\\_ARTVDEST\\_S144-5.17SHTEREOC](https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?nodeId=PTIICOOR_C H144ZO_ARTVDEST_S144-5.17SHTEREOC)

**ATTACHMENTS:**

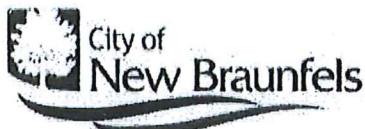
1. Aerial Map

- 
2. Application, Site Plan and Floor Plan
  3. Land Use Maps (Zoning, Existing, Future Land Use, Short Term Rental)
  4. Notification Map
  5. Photograph
  6. Ordinance









**Planning & Community Development Department  
Planning Division**

550 Landa St. New Braunfels, Tx 78130  
(830) 221-4050 www.nbtexas.org

CC/Cash/Check No.:	Case No.:
Amount Recd. \$	
Receipt No.:	
50P21-041	
BY: <u>RR</u> Submittal Date office use only	

## Special Use Permit Application to Allow Short Term Rental

Any application that is missing information will be considered incomplete and will not be processed.

1. Applicant - If owner(s), so state; If agent or other type of relationship, a letter of authorization must be furnished from owner(s) at the time submitted.

Name: Morgan + Jay Behrens  
 Mailing Address: 290 E Bridge St. New Braunfels, Tx 78130  
 Telephone: 214 232 2580 Fax: \_\_\_\_\_ Mobile: \_\_\_\_\_  
 Email: morgan.behrens@gmail.com

2. Property Address/Location: 274 E Bridge St. New Braunfels, Tx 78130  
290 E Bridge St. "

3. Legal Description:  
 Name of Subdivision: City Block 2008, N95 of LT 139, Acres. 209  
 Lot(s): \_\_\_\_\_ Block(s): \_\_\_\_\_ Acreage: .209

4. Existing Use of Property: Long term rental

5. Current Zoning: C2

\*Please note Short Term Rentals are prohibited in the following residential districts, & a Special Use Permit could not be requested:

- R-1 • ZH • TH • R-1A-43.5 • R-1A-8 • R-2A • B-1B
- R-2 • ZH-A • B-1 • R-1A-12 • R-1A-6.6 • B-1A • TH-A

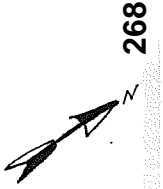
6. Proposed Special Use Permit\*: Type 1 X OR Type 2 \_\_\_\_\_

\*see page 4 for information regarding Type 1 and Type 2 Special Use Permits

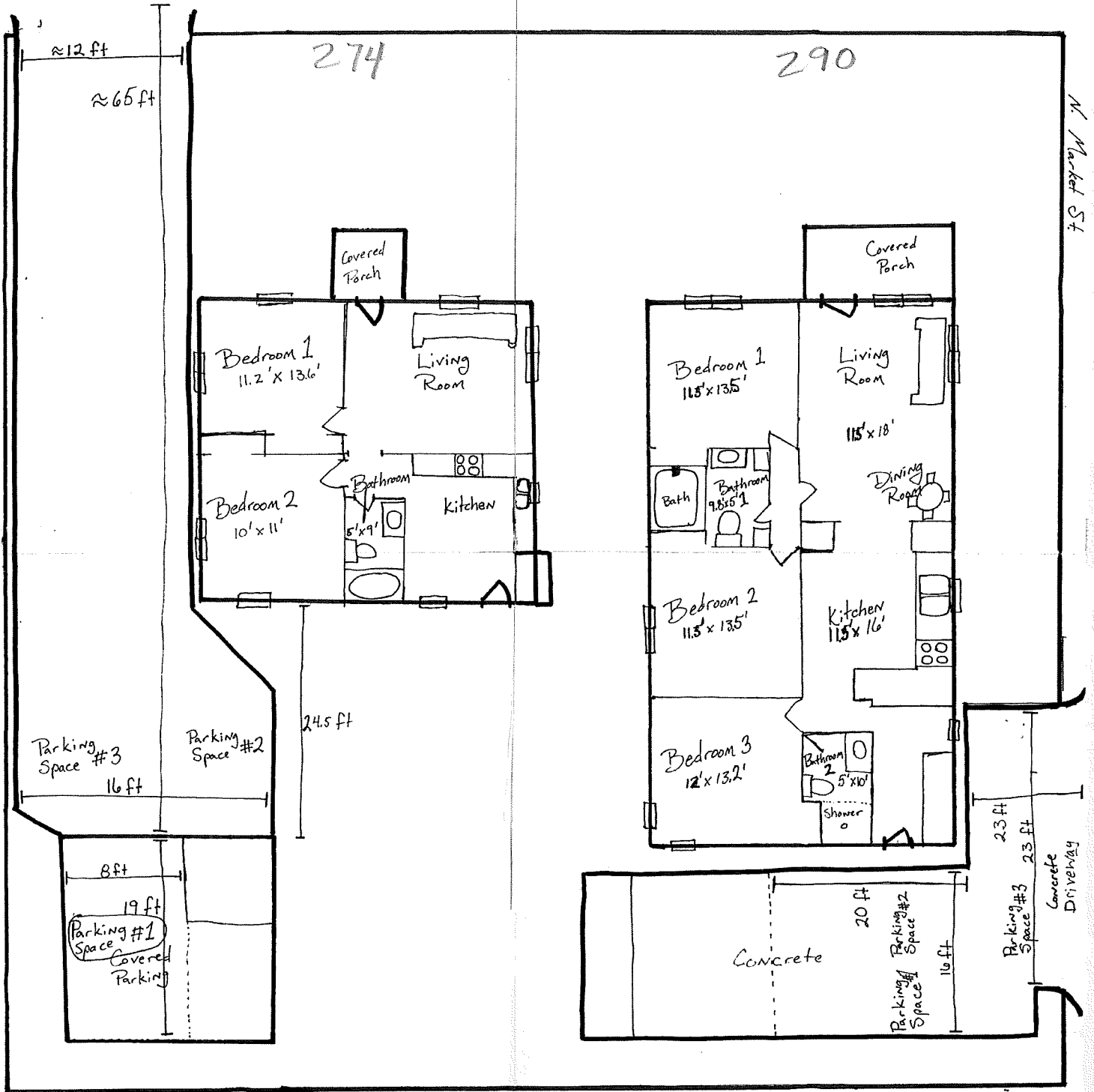
7. Explain how the proposed Short Term Rental use will be well suited for the neighborhood (attach additional or supporting information if necessary): This property is already located next to and in the neighborhood of multiple other properties that are currently doing short term rental. Additionally, because we plan to live onsite, we hope to offer a greater level of quality control to the neighborhood. Addresses listed on VRBO/Airbnb:

288 N. Market, 264 E Bridge, 343 E Mill, 353 E Mill, 341 N. Market, 258 E Mill

E. Bridge St.

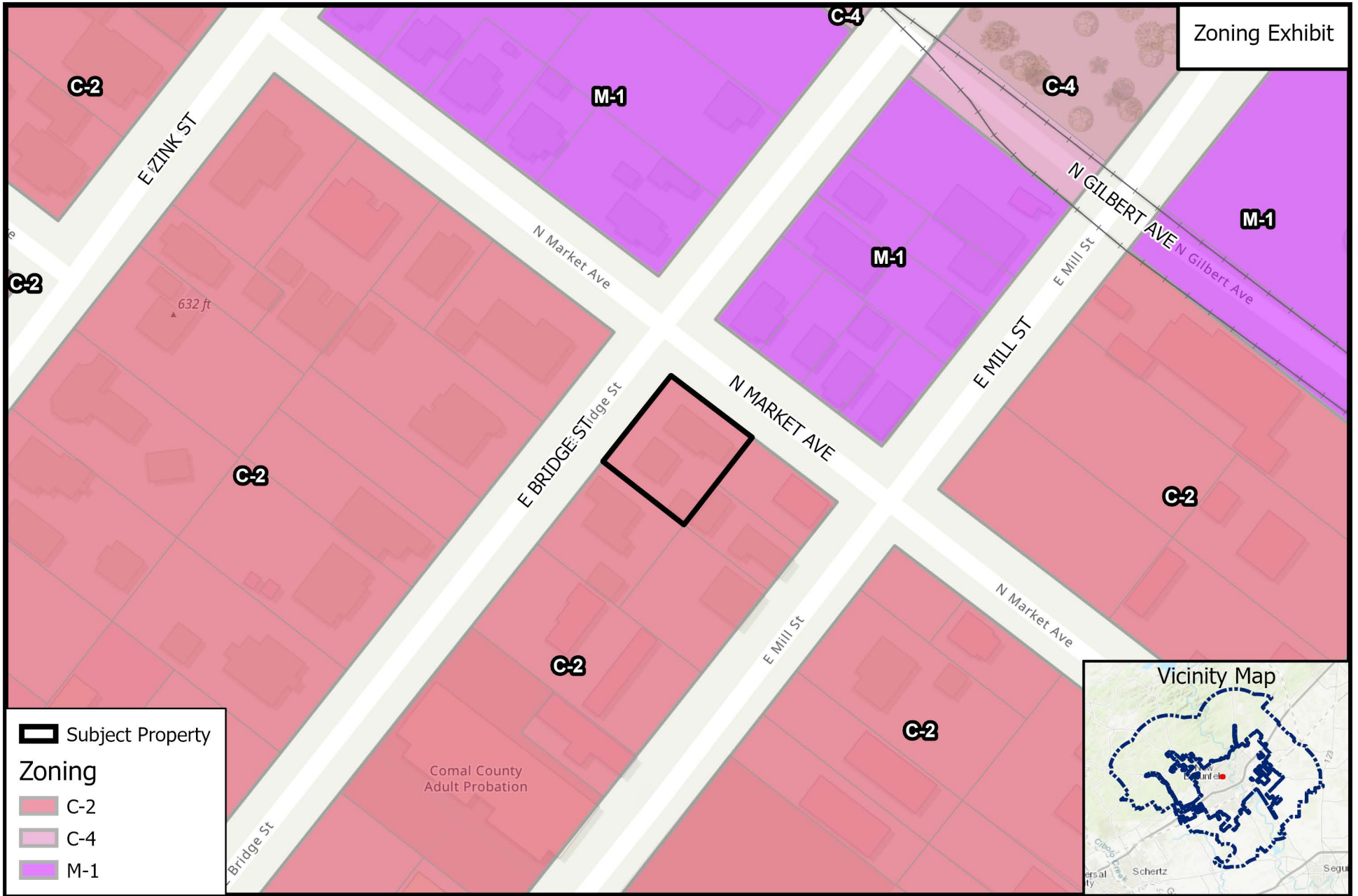


268



Minimum dimensions for 1 parking space

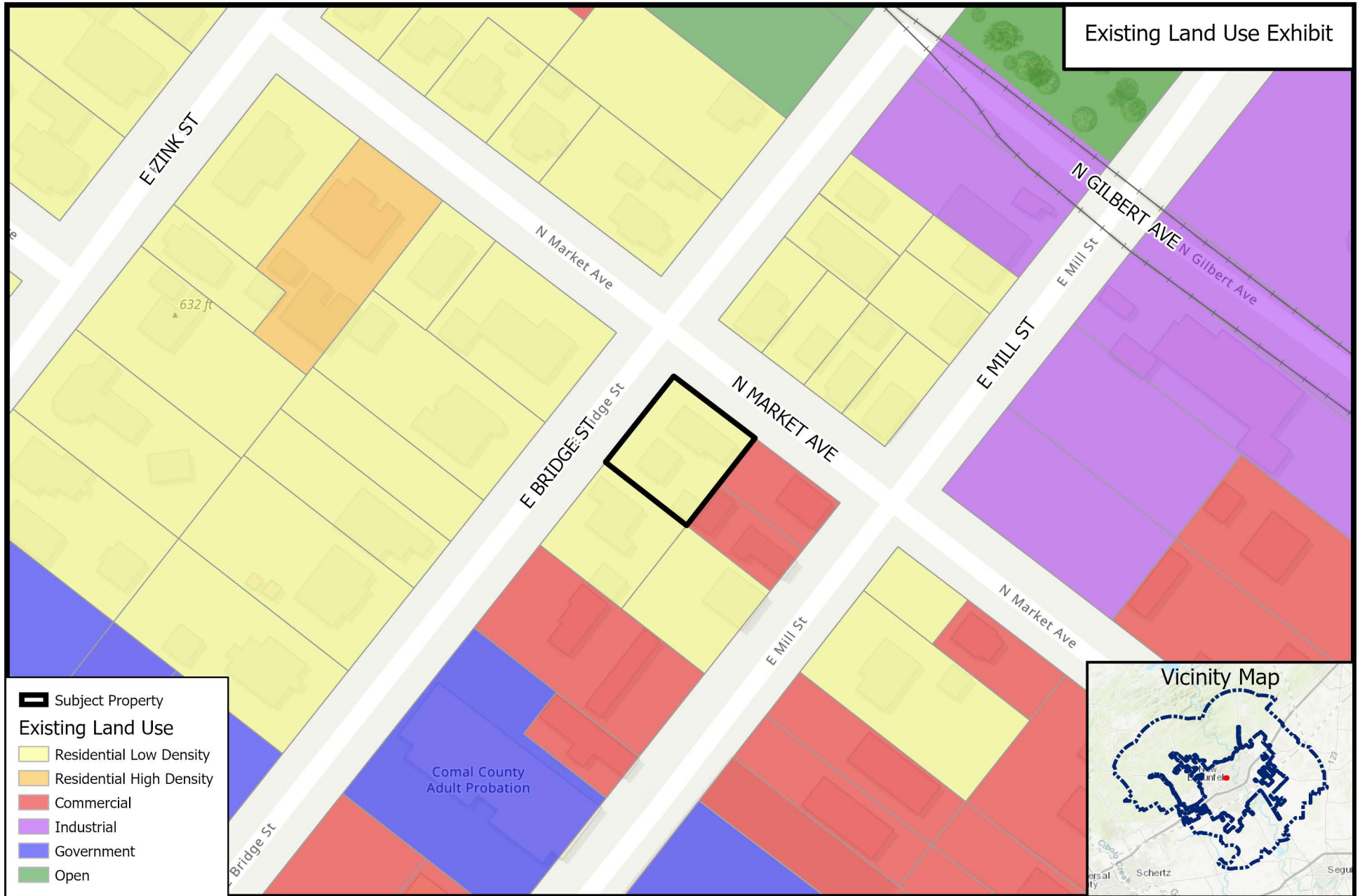
8 ft wide  
19 ft deep



## SUP21-041 SUP for two STRs







## SUP21-041 SUP for two STRs

0 60 120 Feet



## EXISTING CENTERS

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

### EMPLOYMENT CENTER

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

### MARKET CENTER

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

### MEDICAL CENTER

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

### CIVIC CENTER

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

### OUTDOOR RECREATION CENTER

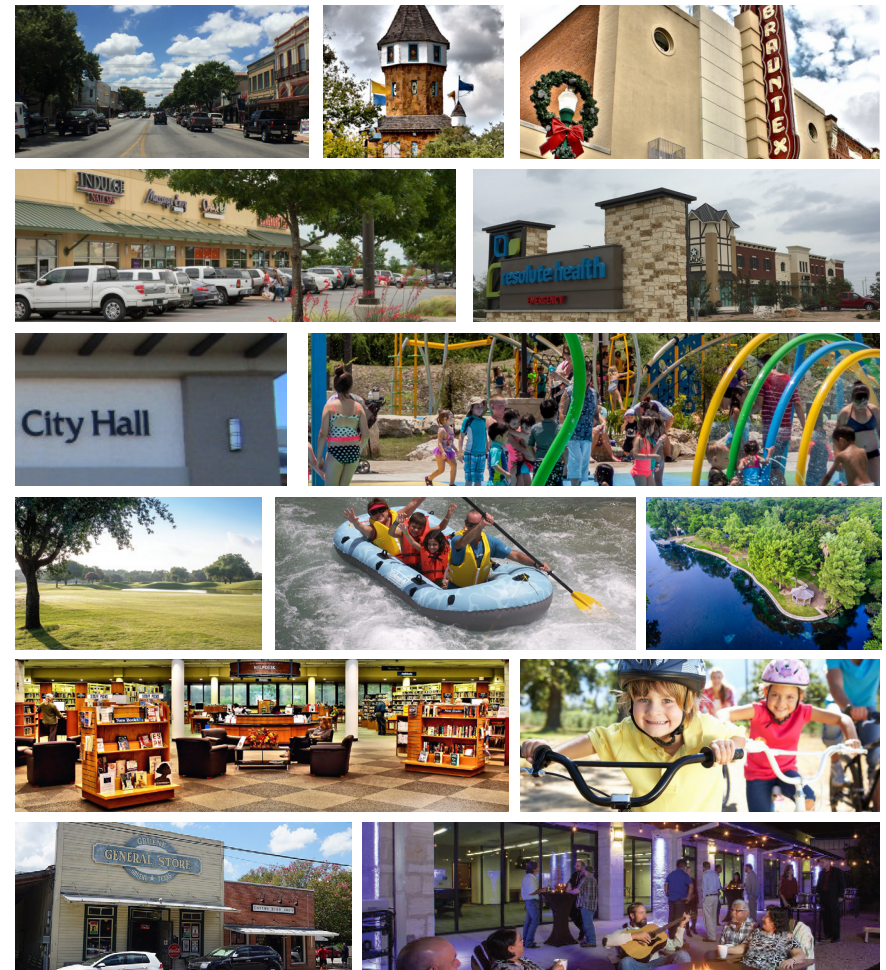
Outdoor Recreation Centers center around a public or private outdoor destination such as Landa Lake.

### EDUCATION CENTER

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

### TOURIST/ENTERTAINMENT CENTER

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









# FUTURE LAND USE PLAN

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

## TRANSITIONAL MIXED-USE CORRIDOR

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

## OUTDOOR RECREATION CENTER

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

## EMPLOYMENT CENTER

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

## MARKET CENTER

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

## CIVIC CENTER

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

## SUB AREA 1

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

## SUB AREA 2

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

## SUB AREA 3

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

## SUB AREA 4

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

## SUB AREA 5

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

## SUB AREA 6

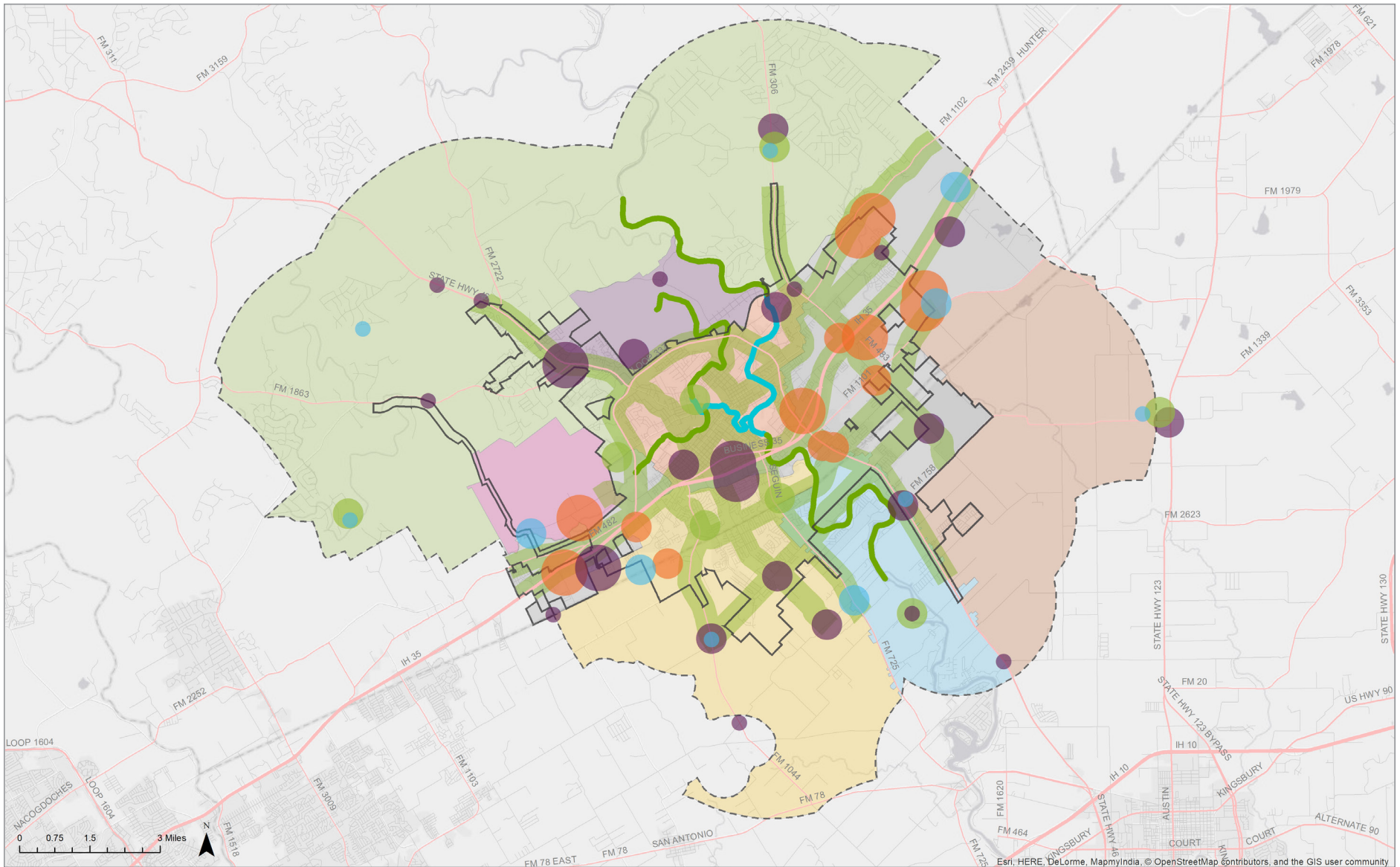
Sub Area 6 expresses an aspiration for conservation communities focused around maintaining and enhancing ecological integrity while allowing some level of development to occur.

## SUB AREA 7

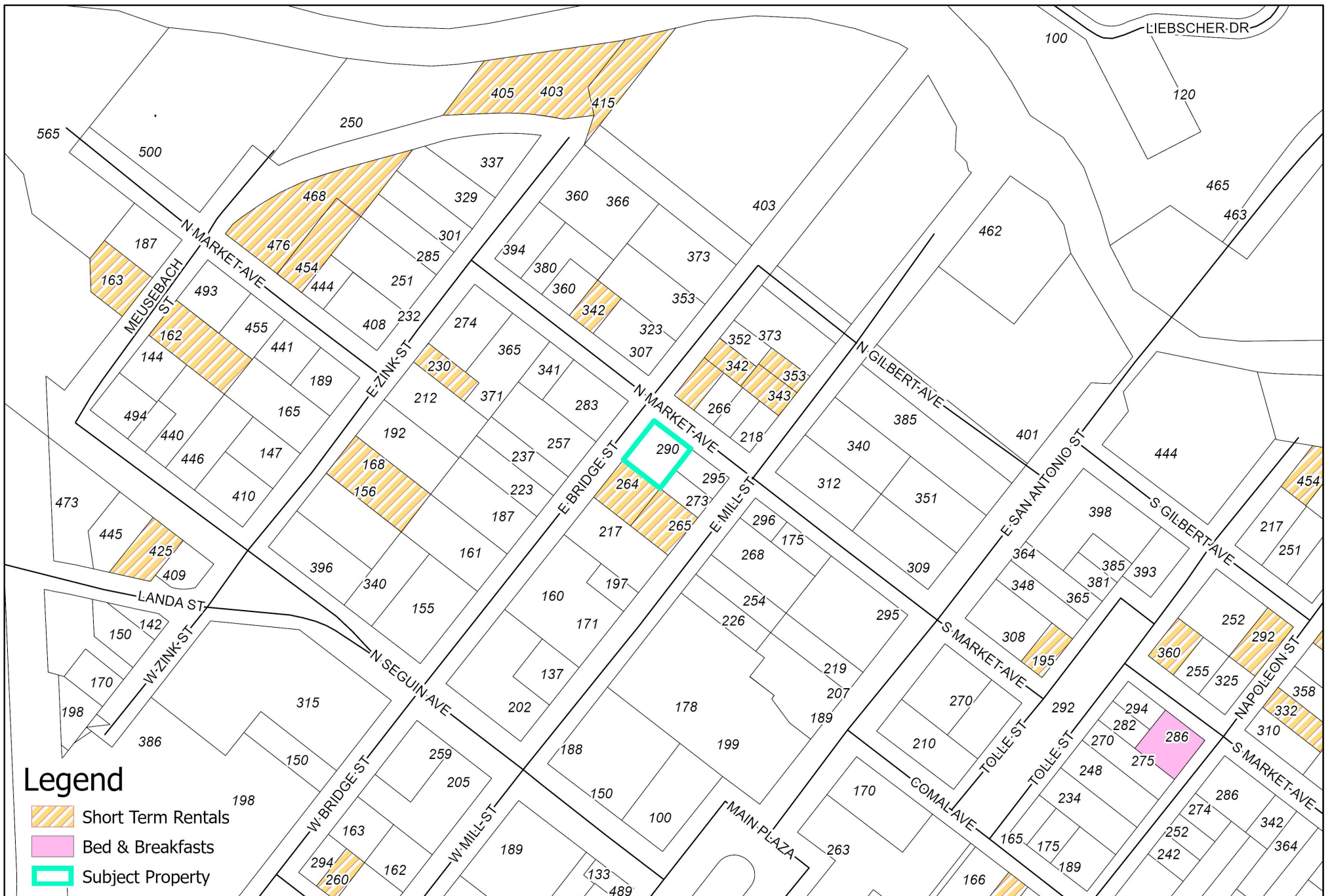
Sub Area 7 includes parts of the city currently being mined for natural resources. These sites may become parks and open space, mixed-use communities or new commercial or entertainment areas in the future.

## SUB AREA 8

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



A Comprehensive Plan shall not constitute zoning regulations or establish zoning district boundaries. Preferred future growth scenario combines Scenarios A and C per recommendations of the Envision New Braunfels Steering Committee (February 2018). Exact boundaries of sub areas, centers, and corridors may be [zoomed and viewed online](#).



# Short Term Rental Vicinity Map





290 and 274 E. Bridge

**PLANNING COMMISSION – MARCH 2, 2021– 6:00PM**

Zoom Meeting

**Applicant/Owner:** Morgan & Jay Behrens

**Address/Location:** 274 & 290 E. Bridge Street

**PROPOSED SPECIAL USE PERMIT – CASE #SUP21-041**

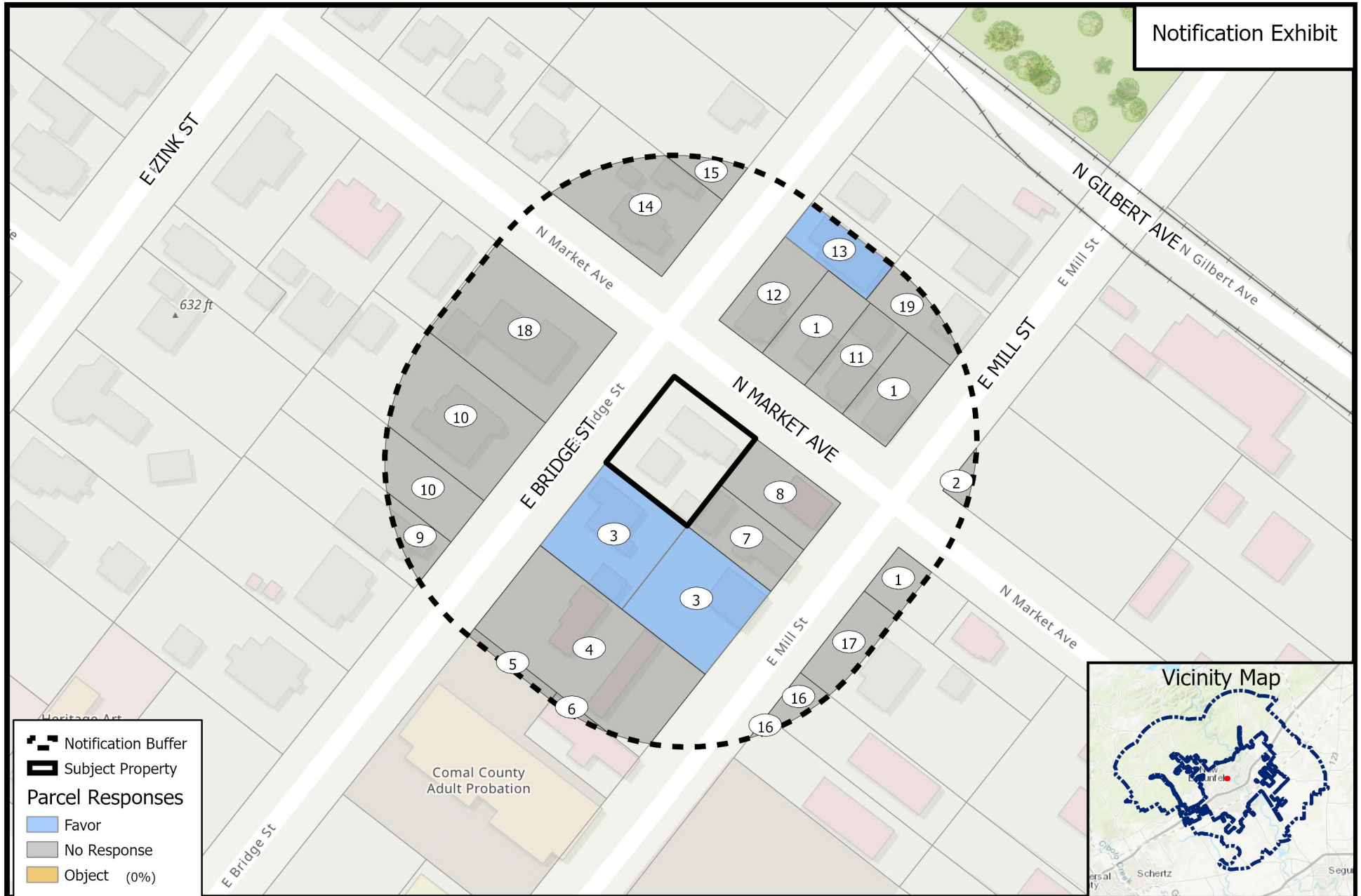
The circled numbers on the map correspond to the property owners listed below. All information is from the Appraisal District Records. The property under consideration is marked as “Subject Property”

- |                                     |   |
|-------------------------------------|---|
| 1. NOLTE MELVIN JR                  | 11. NOLTE MELVIN JR ET AL                 |
| 2. ADM MILLING CO                   | 12. LAMMERS LESLIE J & THOMAS E TUMLINSON |
| 3. TAMEZ INVESTMENTS LLC            | 13. ZUNKHOUSE RENTALS                     |
| 4. CAPITOL BANKSHARES INC           | 14. LEATHERWOOD PAUL W                    |
| 5. COMAL COUNTY OF                  | 15. RODRIGUEZ SANTIAGO                    |
| 6. KINGDOM TRUST COMPANY & MLAI LLC | 16. CASTEEL PARTNERS LTD                  |
| 7. CASTEEL PARTNERS LP              | 17. CASTEEL CARTER ET AL                  |
| 8. MOZELEY-JACQUES RENTALS LLC      | 18. SIPPEL NOREEN                         |
| 9. REEVES JAMES E                   | 19. QDREAM LLC                            |
| 10. SAEGERT JOEL & MERRY            |   |

---

**SEE MAP**





YOUR OPINION MATTERS - DETACH AND RETURN

Case: #SUP21-041 Behrens (hm)

Name: Daniel + Anna Tamer

I favor: ☒

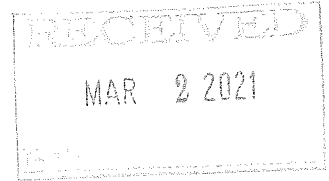
Address: 264 East Bridge

I object: \_\_\_\_\_ (State reason for objection)

Property number on map: next door  
#3

Comments: (Use additional sheets if necessary)

Signature: Anna Tamer



YOUR OPINION MATTERS - DETACH AND RETURN

Case: #SUP21-041 Behrens (hm)

Name: Lunkhouse Rentals Joey Whitehouse

I favor: ☒

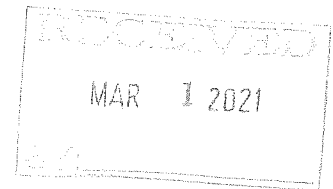
Address: 342 E Bridge St

I object: \_\_\_\_\_ (State reason for objection)

Property number on map: B

Comments: (Use additional sheets if necessary)

Signature: Joey Whitehouse



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

**E) SUP21-041 Public hearing and recommendation to City Council regarding a proposed rezoning to apply a Special Use Permit to allow short term rental of two single-family residences in the “C-2” General Business District, addressed at 274 and 290 East Bridge Street. Applicant/Owner: Morgan and Jay Behrens; Case Manager: Holly Mullins.**

Mrs. Mullins presented and recommended approval with conditions as listed in the staff report.

Chair Edwards asked if there were any questions for staff.

Chair Edwards asked if the applicant would like to speak.

Jay & Morgan Behrens, 290 E Bridge, stated they will be living at the 290 E Bridge St address but wanted to have the ability to do Short Term Rental for both addresses on the property.

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

No one spoke.

Chair Edwards closed the public hearing.

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

Motion by Commissioner Sonier, seconded by Vice Chair Laskowski, to recommend approval to City Council of the proposed rezoning to apply a Special Use Permit to allow short term rental of two single-family residences in the “C-2” General Business District, addressed at 274 and 290 East Bridge Street with staff recommendations. Motion carried (7-0-0) with Commissioner Nolte recused.

**ORDINANCE NO. 2021-**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS GRANTING A SPECIAL USE PERMIT TO ALLOW THE SHORT-TERM RENTAL OF TWO SINGLE-FAMILY DWELLINGS IN THE “C-2” GENERAL BUSINESS DISTRICT, ON A PORTION OF LOT 139 CITY BLOCK 2008, ADDRESSED AT 274 AND 290 E. BRIDGE STREET; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SAVINGS CLAUSE; AND DECLARING AN EFFECTIVE DATE.**

---

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

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

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

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

**WHEREAS**, the property is located in an area suitable for short term rentals; and

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

**WHEREAS**, the City Council desires to grant a Special Use Permit at 274 and 290 E. Bridge Street, to allow short term rental of two single-family dwellings in the “C-2” General Business District; **now, therefore;**

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

**SECTION 1**

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

Being a portion of Lot 139 City Block 2008, addressed at 274 and 290 E. Bridge Street, as depicted in Exhibit “A” attached, to allow a short-term rental in the “C-2” General Business District.

## **SECTION 2**

**THAT** the Special Use Permit be subject to the following conditions:

1. The residential character of the property must be maintained.
2. The property will remain in compliance with the approved site plan illustrated in Exhibit "B". Any significant changes to the site plan will require a revision to the SUP.
3. Occupancy of the short-term rental is limited to five (5) guests at 274 E. Bridge and 8 guests at 290 E. Bridge.
4. All other standards of the Zoning Ordinance will be met, and a separate Short-Term Rental Permit is required.

## **SECTION 3**

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

## **SECTION 4**

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

## **SECTION 5**

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

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

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

**CITY OF NEW BRAUNFELS**

\_\_\_\_\_  
**RUSTY BROCKMAN**, Mayor

**ATTEST:**

\_\_\_\_\_  
**CAITLIN KROBOT**, City Secretary

**APPROVED AS TO FORM:**

\_\_\_\_\_  
**VALERIA M. ACEVEDO**, City Attorney



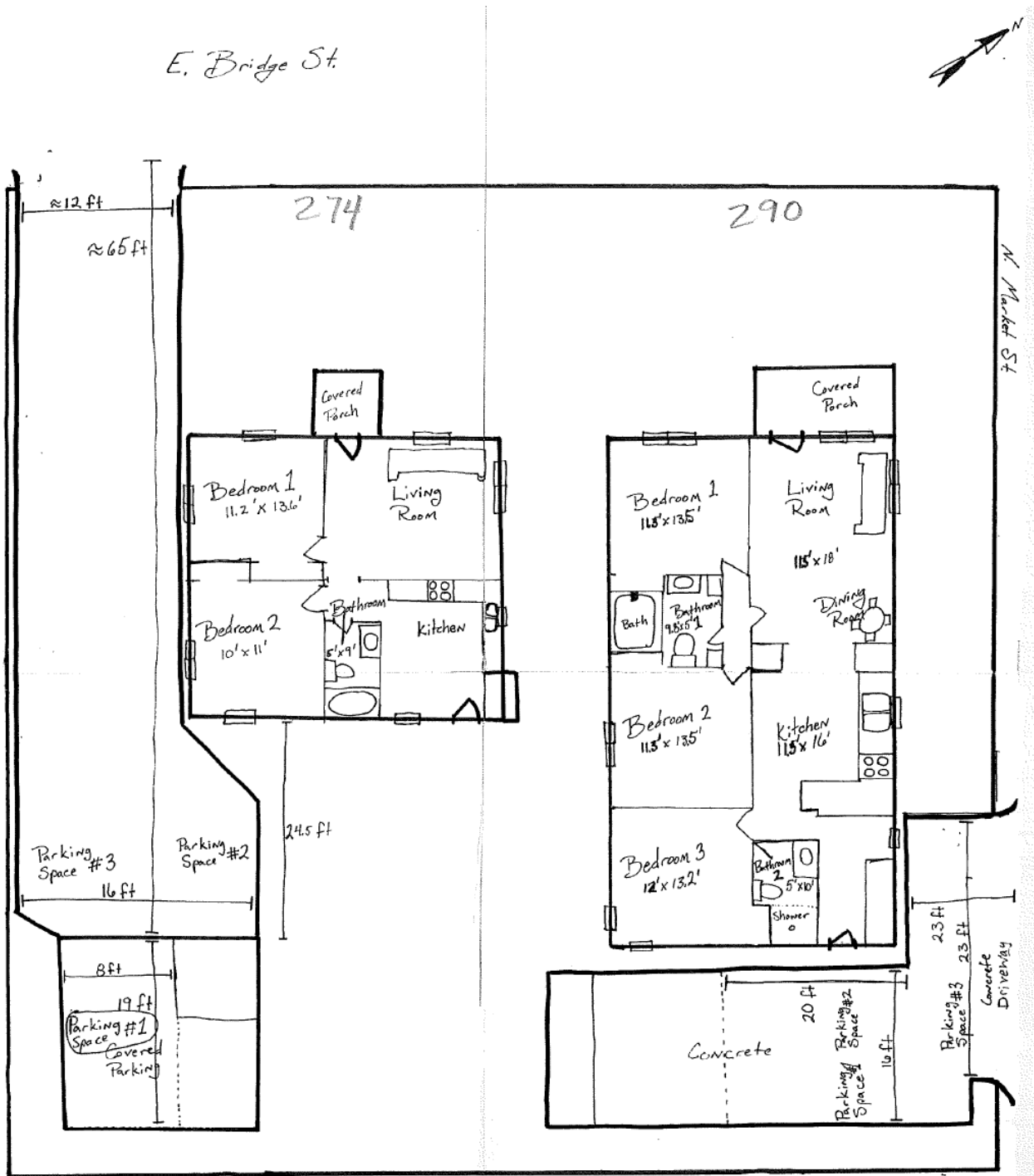
[illegible]

**SUP21-041**  
**274 & 290 E. Bridge Street**  
**SUP for Short Term Rental**



EXHIBIT "A"

# EXHIBIT "B"



Site Plan

4/12/2021

Agenda Item No. H)

**PRESENTER:**

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

**SUBJECT:**

Public hearing and first reading of an ordinance regarding a proposed rezoning of approximately 21 acres out of the O. Russell Survey No. 2, Abstract No. 485, located at the northern corner of the intersection of Goodwin Lane and Orion Drive, from "APD" Agricultural/Pre-Development District to "R-3H" Multifamily High Density District.

**DEPARTMENT:** Planning and Development Services**COUNCIL DISTRICTS IMPACTED:** Council District 4**BACKGROUND INFORMATION:**

Case # PZ20-0329

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

Owner: EB Industries  
Richard Byrd  
(251) 510-1118 rbyrd@aspengroverrealty.com

Staff Contact: Matthew Simmont  
(830) 221-4058 msimmont@nbtexas.org

**At their regular meeting on March 8, 2021, City Council authorized the reconsideration of this requested rezoning at this meeting to allow adequate time to meet the state-mandated notification requirements. The original rezoning request encompassed a larger, 68-acre property (see attachments) with two proposed zoning districts (from APD to R-1A-4 and R3-H). The applicant has divided the proposed rezoning of the 68 acres into two separate agenda items for individual consideration. This is one of them.**

The approximately 21-acre tract is located north of the intersection of Goodwin Lane and Orion Drive. The unimproved property is in agricultural production, a portion of which lies within the Alligator Creek floodplain. The applicant has indicated they are making this request to allow for a 300-unit, multifamily residential development.

*Surrounding Zoning and Land Use:*

North - Alster, Wasser Ranch PD / Local street and railroad

South - Across Goodwin Ln., Oak Creek Estates PD and ZH-A / Single family residences (Creekside Farms and Oak Creek Estates) and Alligator Creek

---

East - Wasser Ranch PD / Single-family residence and Alligator Creek  
West - Across Orion Drive, M-1A, MU-B and APD / Duplex residences and a planned manufactured home community

### **ISSUE:**

The proposed zoning change is consistent with the following actions from the Workforce Housing Study and Envision New Braunfels (the community's Comprehensive Plan):

- Ensure through city zoning and other required legal entitlements related to housing construction that new types of housing products (small-lot, duplex, townhome, etc.) are allowed by regulations.
- Create or adjust city regulations that allow for multi-unit owned/rented mix like two and three-flats where the owners earn rental income.
- Action 1.3 Encourage balanced and fiscally responsible land use patterns.
- Action 3.13 Cultivate an environment where a healthy mix of different housing products at a range of sizes, affordability, densities, amenities and price points can be provided across the community as well as within individual developments.
- Future Land Use: The property is situated within the Oak Creek Sub-Area, in close proximity to Employment, Market and Education Centers.

The permitted uses within the proposed zoning district create opportunities for encouraged housing variety and density which is generally compatible with the expanding neighborhood of residential use.

### **FISCAL IMPACT:**

N/A

### **RECOMMENDATION:**

The Planning Commission held a public hearing on February 2, 2021 and recommended approval (9-0).

The applicants' proposal to create a multifamily residential development is consistent with ongoing development and market trends in the area, which is transitioning from available industrial opportunities to residential. Staff recommends approval.

### **Notification:**

Public hearing notices were sent to 34 owners of property within 200 feet. The City has received no responses in favor and 5 responses in objection (# 16, 20, 21, 22, 32). The City has also received 11 responses in objection from owners of property outside of the 200-foot notification area.

### **Resource Links:**

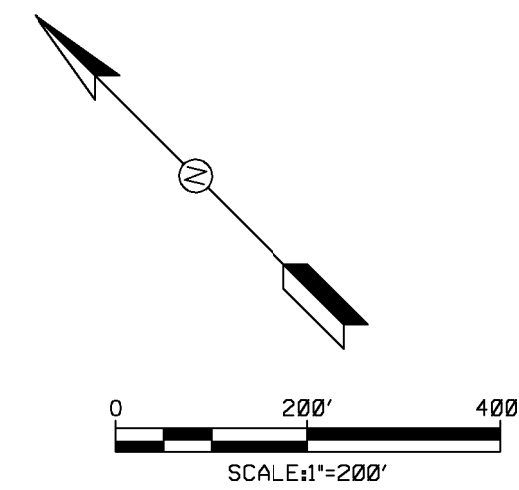
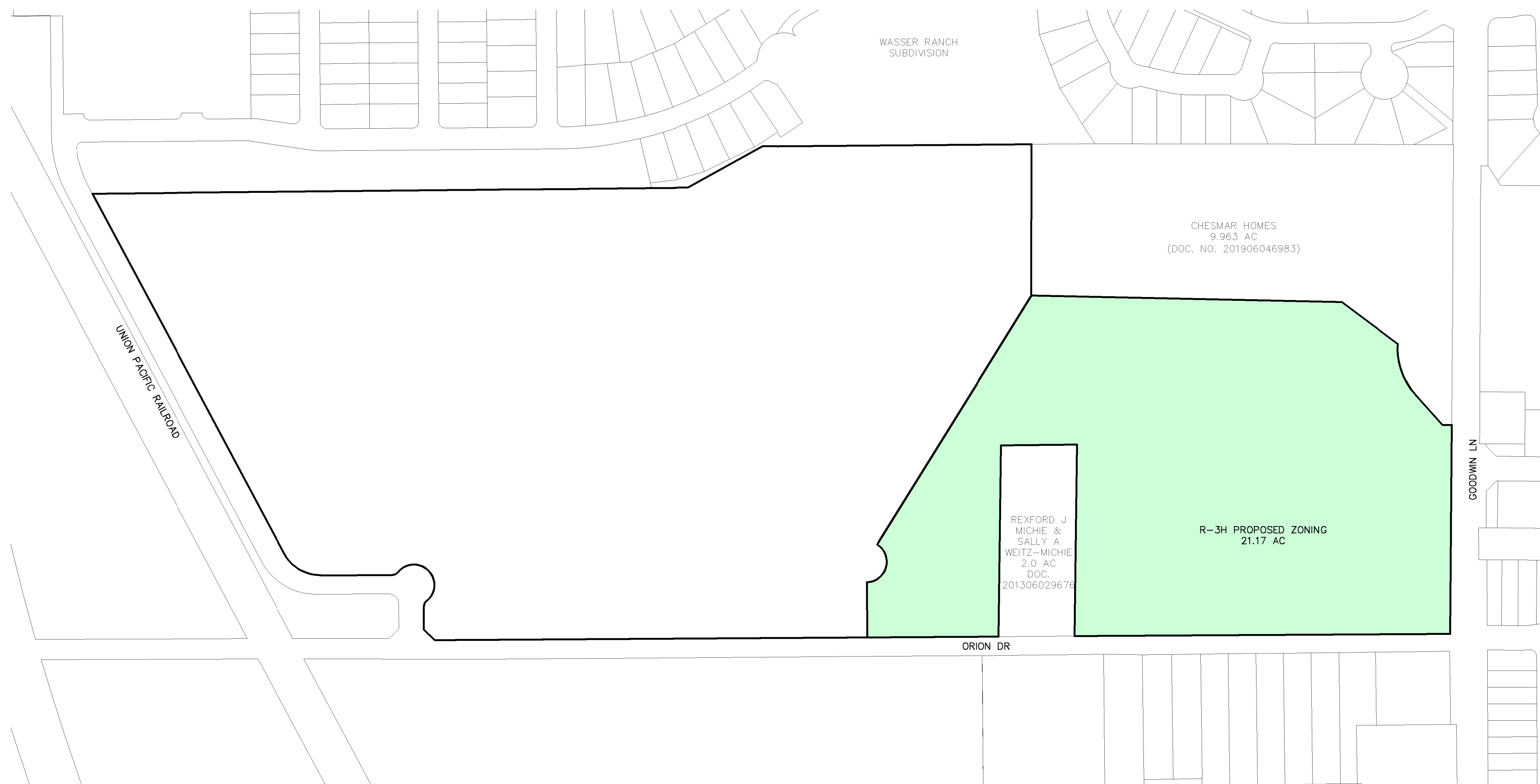
- Chapter 144, Sec. 3.4-1 (APD) of the City's Code of Ordinances:  
[https://library.municode.com/tx/new\\_braunfels/codes/code\\_of\\_ordinances?nodeId=PTIICOR\\_CH144ZO\\_ARTIIIIZODI\\_S144-3.4ZODIREPRZOSUJU221987](https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?nodeId=PTIICOR_CH144ZO_ARTIIIIZODI_S144-3.4ZODIREPRZOSUJU221987)
- Chapter 144, Sec. 3.4-5 (R-3H) of the City's Code of Ordinances:  
[https://library.municode.com/tx/new\\_braunfels/codes/code\\_of\\_ordinances?nodeId=PTIICOR\\_CH144ZO\\_ARTIIIIZODI\\_S144-3.4ZODIREPRZOSUJU221987](https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?nodeId=PTIICOR_CH144ZO_ARTIIIIZODI_S144-3.4ZODIREPRZOSUJU221987)

### **Attachments:**

1. Aerial Map
2. Land Use Maps (Zoning, Existing, Future Land Use, Short Term Rental)

- 
3. Proposed Zoning Exhibit
  4. Traffic Impact Analysis (TIA) Worksheet
  5. Notification List, Map and Responses
  6. Excerpt of Minutes from the February 2, 2021 Planning Commission Meeting
  7. Draft Ordinance





### LEGEND

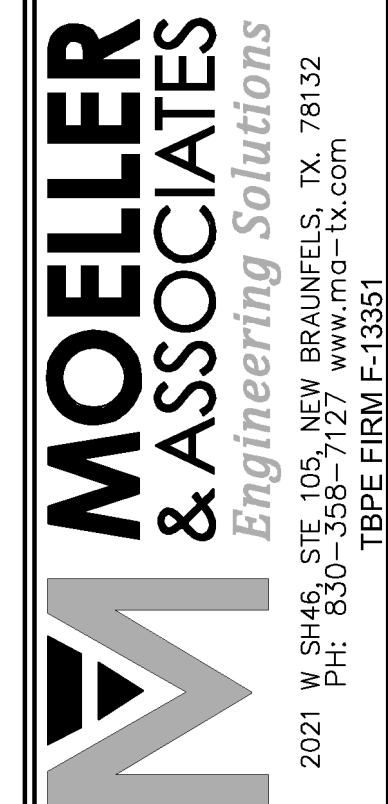
Page 10

R-3H PROPOSED ZONING



Know what's **below**.  
**Call** before you dig.

THIS DOCUMENT IS RELEASED  
FOR THE PURPOSE OF INTERIM  
REVIEW UNDER THE AUTHORITY  
OF JAMES INGALLS, P.E. #107416  
ON  
March 22, 2021. IT IS TO BE  
USED FOR BIDDING AND  
PERMITTING PURPOSES ONLY.  
NOT TO BE USED FOR  
CONSTRUCTION.

[illegible]R-3H  
ZONING EXHIBIT

**GOODWIN LN 69 AC TRACT**

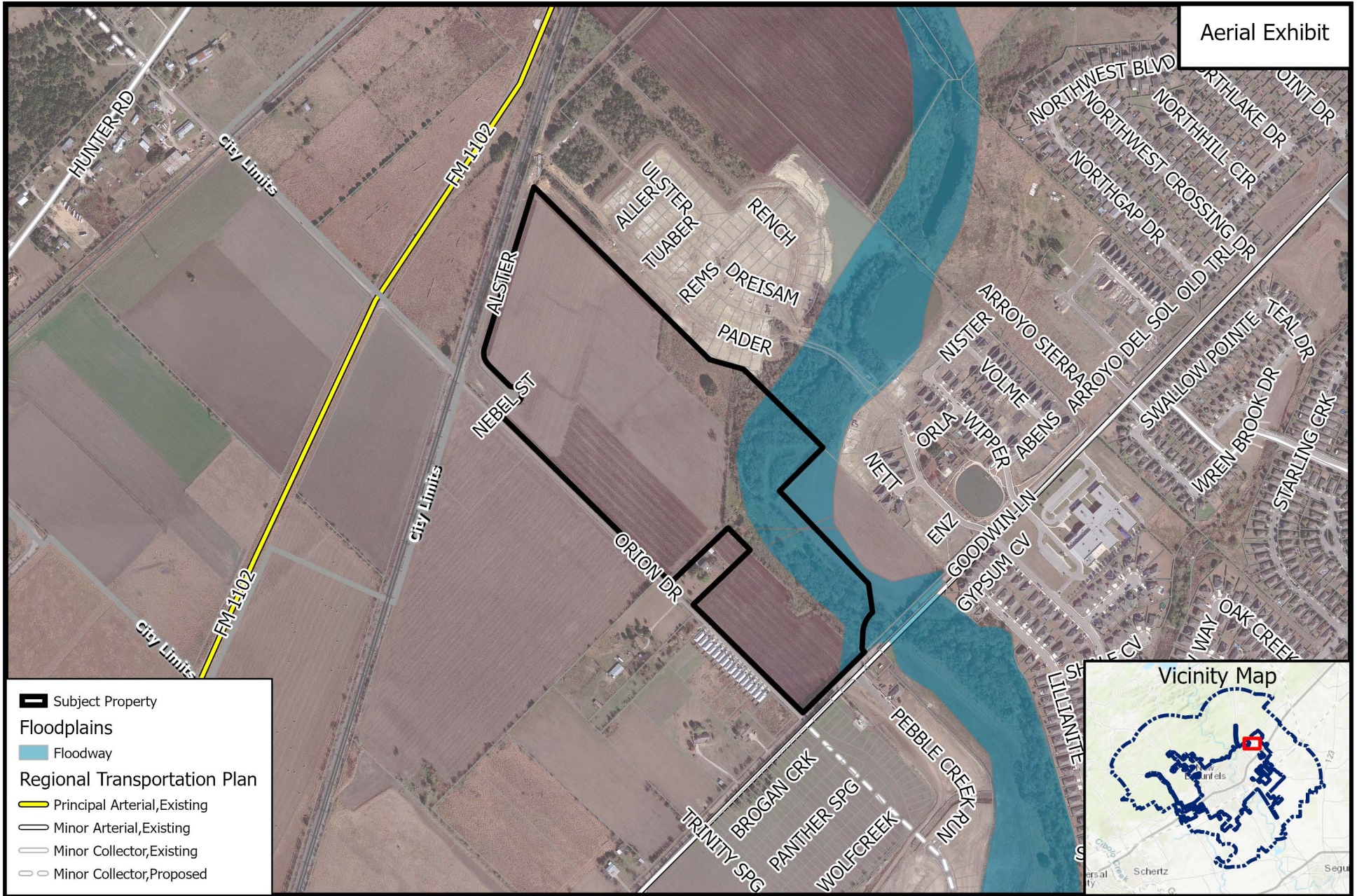
NEW BRAUNFELS, TEXAS

SHEET

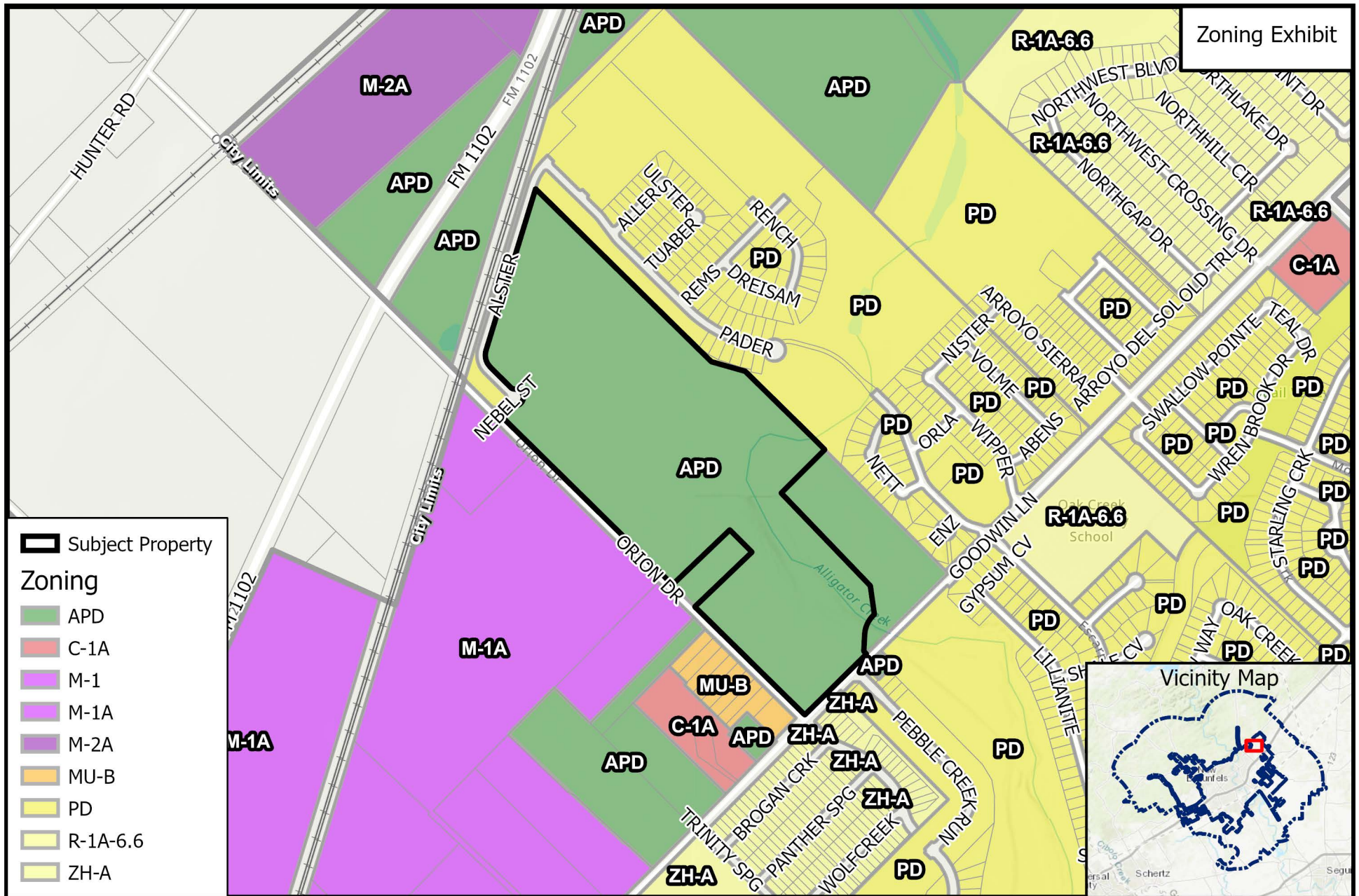
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OF 1

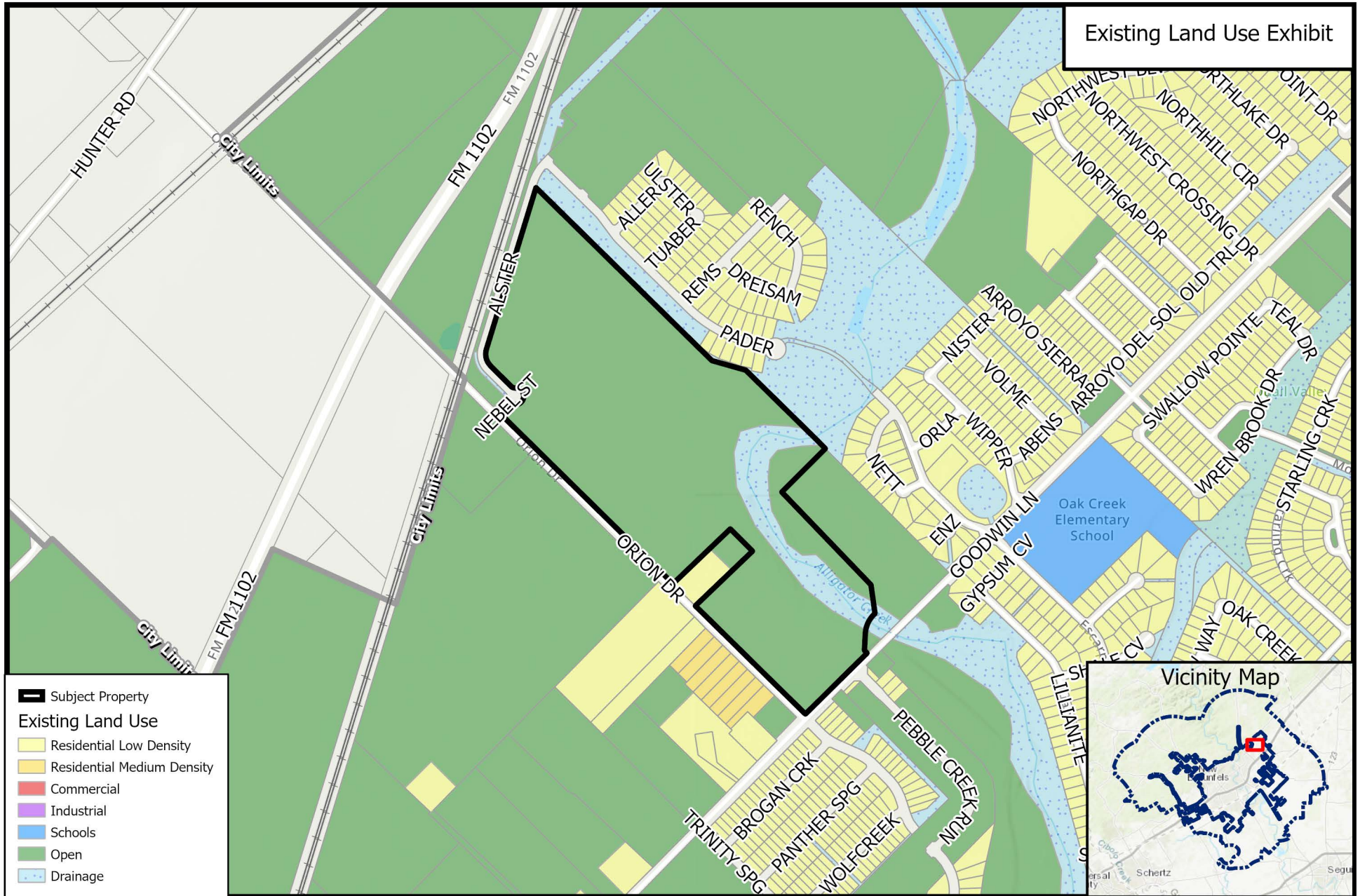














## EXISTING CENTERS

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

### EMPLOYMENT CENTER

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

### MARKET CENTER

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

### MEDICAL CENTER

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

### CIVIC CENTER

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

### OUTDOOR RECREATION CENTER

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

### EDUCATION CENTER

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

### TOURIST/ENTERTAINMENT CENTER

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







# FUTURE LAND USE PLAN

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

## TRANSITIONAL MIXED-USE CORRIDOR

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

## OUTDOOR RECREATION CENTER

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

## EMPLOYMENT CENTER

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

## MARKET CENTER

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

## CIVIC CENTER

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

## SUB AREA 1

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

## SUB AREA 2

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

## SUB AREA 3

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

## SUB AREA 4

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

## SUB AREA 5

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

## SUB AREA 6

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

## SUB AREA 7

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

## SUB AREA 8

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



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

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

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

### Section 1: General Information

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

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

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

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

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

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

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

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

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

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



**CITY COUNCIL – APRIL 12, 2021 – 6:00PM**

**Applicant/Owner:** Moeller & Associates, agent for EB Industries, owner

**Address/Location:** Approximately 68 acres located out of the O. Russell Survey No. 2, Abstract No. 485, located at the northern corner of the intersection of Goodwin Lane and Orion Drive (see exhibit).

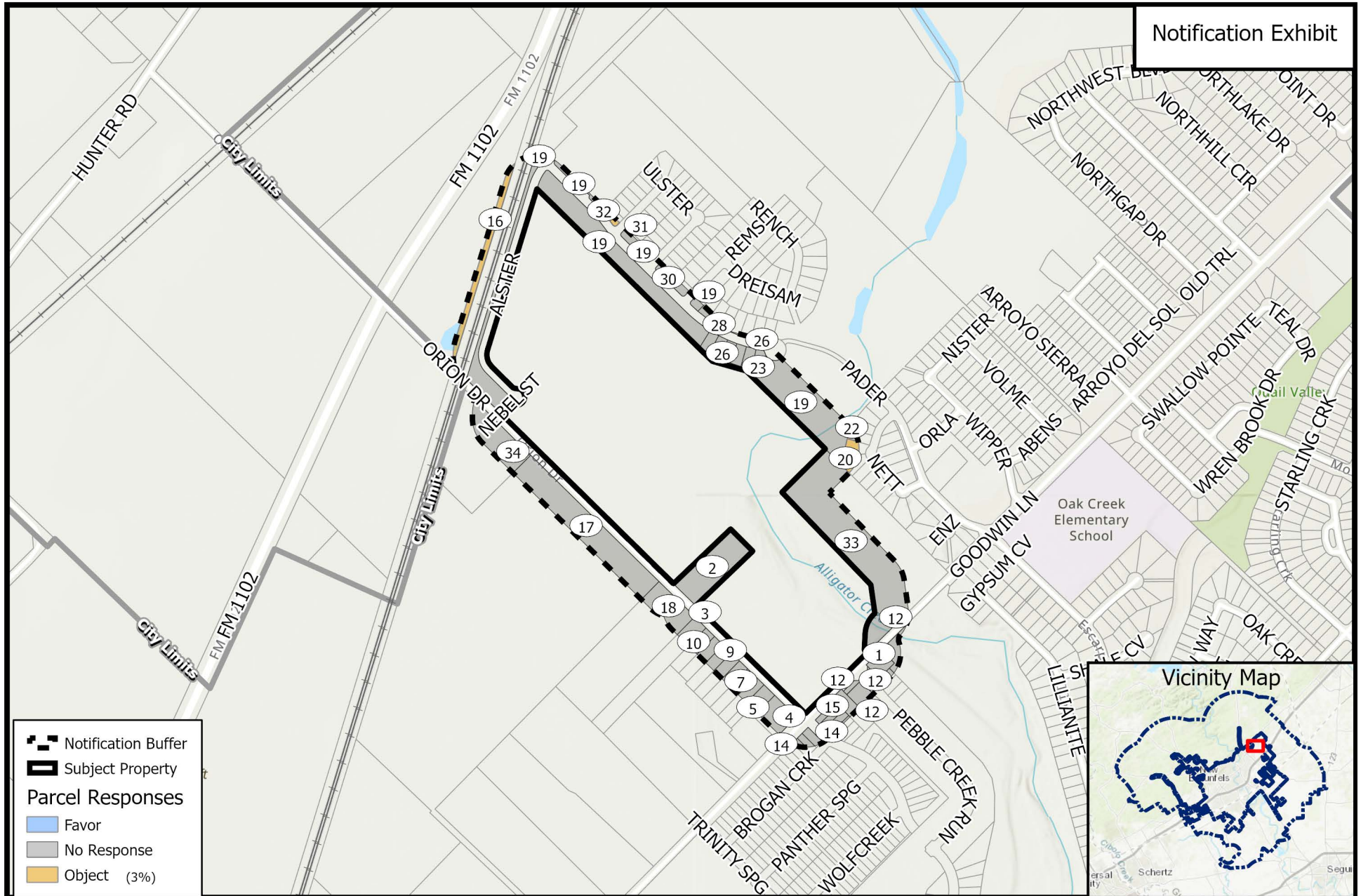
**PROPOSED ZONE CHANGE – CASE #PZ20-0329**

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. MARIPOSA HOLDINGS LLC                      | 18. WHIPKEY ROBERT D & PAULA J            |
| 2. MICHIE REXFORD J & SALLY A WEITZ-MICHIE    | 19. CHESMAR HOMES CT LTD                  |
| 3. SEBA PETER E                               | 20. FEATHERSTON DONALD C                  |
| 4. REVIVE NEW BRAUNFELS MINISTRIES            | 21. ROGERS MELISSA J & CHRISTOPHER N      |
| 5. KOCH WAYLON                                | 22. RICHARDSON NANCY C                    |
| 6. WILLIAMS MARK E & TERRY K                  | 23. DENMAN WILLIAM R III & JULIEE D       |
| 7. JMH FAMILY HOLDINGS LLC                    | 24. MOORE JAEMI D & CRYSTAL M             |
| 8. SCHEEL SHAWN                               | 25. HARRIS MIDORI E                       |
| 9. KOEHN N MICAH                              | 26. HORTON CAPITAL PROPERTIES LLC         |
| 10. SADDLER DAVID L & CRYSTAL M SADDLER       | 27. CASARES PAUL & CASANDRA R             |
| 11. IVY B SCHLICHTING PROP II LTD             | 28. ELLSWORTH MICHAEL J & BONNIE A M      |
| 12. CONTINENTAL HOMES OF TEXAS LP             | 29. PENA ABEL JR                          |
| 13. FRECH MARY E                              | 30. TRUESDELL ESSENCE M & NOLAN A         |
| 14. FORESTAR USA REAL ESTATE GROUP INC        | 31. ENGEL RYAN T                          |
| 15. CREEKSIDE FARMS RESIDENTIAL COMMUNITY INC | 32. DE LA CRUZ CHRISTOPHER M & MICHELLE F |
| 16. ROW JOHNNIE F                             | 33. CHESMAR HOMES LLC                     |
| 17. YES ACQUISITIONS LLC                      | 34. SCHMIDT KENNETH W                     |

---

**SEE MAP**



**PZ20-0329**  
**APD to R-1A and R-3H**



DISCLAIMER: This map and information contained in it were developed exclusively for use by the City of New Braunfels. Any use or reliance on this map by any other party is at that party's risk and without liability to the City of New Braunfels. The City of New Braunfels and its officials or employees for any discrepancies, errors, or variances which may exist.

## YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ20-0329 ms

RECEIVED

FEB 12 2021

Name: Johnnie F Row

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

Address: 1383 Hillcrest DrI object: ☒ (State reason for objection) PRProperty number on map: 16

Comments: (Use additional sheets if necessary)

2. I don't like the small lot word! Most small lots have no room for cars, children area. Some on Goodwin Lane are a good example. Also there is the possibility of floods in this area. No playgrounds or trails for children or adults!

Signature: Johnnie F Row

P.S. I have picture of past flooding!

#16



**From:** [Chris Featherston](#)  
**To:** [Matthew E. Hoyt](#)  
**Cc:** [Jason Hurta](#); [Matthew W. Simmont](#); [Christopher J. Looney](#)  
**Subject:** Rezoning on Orion and Goodwin Lane Case #PZ20-0329  
**Date:** Sunday, March 7, 2021 10:49:29 AM

# 20

**Caution: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Mr. Hoyt,

I am Donald Featherston my wife Karen and I live at 2977 Zaber New Braunfels, TX 78130 in the Wasser Ranch Community. It has been brought to my attention that the City Council has on its agenda for the city council meeting on 8 March 2021 at 1800, to reconsider the Rezoning request of Mr. Ray who is the owner of the land and who has hired Mr. James Ingalls to develop the property at Orion and Goodwin Lane. It also has been brought to my attention that my in person objection at the last council meeting on 22 February 2021 at 1800 hours was not sufficient to be counted as an objection and that the council must have it in writing as I was one of the 26 homeowners that received the notice in the mail as my property line is with in 200 feet of the property up for rezoning.

It was my understanding when I spoke to Mr. Simmont that me showing up would have counted as an objection, but that does not seem to be the case now. I also can tell you from speaking to my closest neighbors that should have received a notice in the mail there are 3 who did not and if not for me letting them know they would not have been at the last meeting or sent emails to the council.

me and my wife strongly object to the rezoning for High Density Multi Family Housing (aka. Apartments). As I stated in the 5 mins I was allowed to speak on 22 February 2021, there are many reasons this should not be approved.

1st, Goodwin Lane can not handle the traffic. I understand that the 2019 Bond that was voted on and approved by the city was designed to handle growth for our neighborhoods in this area of district 4, but it is not due to even begin construction until 2023 and to my understanding will take 2 years to complete. This means that a HDMFH community would cause major issues as it would be developed and the infrastructure built long before the construction on Goodwin Lane would be completed, not to mention that there are not any plans for the enhancement of Orion.

There have already been at least 3 Dirt Trucks pulling trailers that have turned over trying to turn from Goodwin Lane on to Orion, causing hours of delay because they had to get a crane or wrecker to pull the truck back up and onto the road. Then add that a train is constantly stopped on the track on Orion does now and would cause anyone living on Orion to be forced to use Goodwin Lane to exit the community, add that there are no gate guards for that track and make it a big safety issue.

Now let us talk about when Alligator Creek Floods and the low crossing at Kolenburg Road, if that train is stopped on the track not only will all the the traffic from Orion have to go right on

Goodwin Lane and we here at Wasser Ranch, Oak Creek, Quail Valley, Arroyo Verde, to have to go through Oak Creek and/or Quail Valley to get out and if it happens. Lets now address when school is either starting or ending at Oak Creek Elementary that causes even more issues. Lastly let's talk about the construction on IH 35 and Kolenberg Road that is not due to be completed until 2025 and we know from history TxDot that we can add 2 years to that.

The amount of cars that would be added when apartments go up almost triple what single family housing would, not to mention the potential for the school to be well above capacity (Yes I am aware this is not y'all issue as was stated at the last meeting) but does not mean that it can't/shouldn't be used as information when deciding on the decision.

3rd, It has been statically proven many times that when HDMFH goes up so does crime in that area.

We have so much going on in our community, the state and our country that we all are having to deal with and this is just one more added stress put on us, that we should not have to endure, I am not a political man and I have very conservite values, but I also use the brain that the lord gave me to make good sound decisions. My wife and I understand that no one person or community is perfect and you can't please everyone. With that said we are asking you sir and the others on this city council to please disapprove the HDMFH portion of this rezoning request. As those of us that came to the council meeting on 22 February set until after 9pm to voice our objections we have no problem with single family homes as long as they are not MFH type homes and we are not trying to stop growth in New Braunfels or District 4 we just want responsible growth that makes sense for everyone.

Lastly, the potential for our home values to drop is a real concern.

Mr. Hoyt, Myself and my wife and as you will see on Monday your community over here would ask that you come and drive through our neighborhoods over here and then ask yourself this question "If I lived here would I want apartments built and can my community handle this much growth so fast".

Thank you for your time and willingness to listen to me and all of the neighbors here in your part of District 4.

Have a Blessed Day!

Donald "Chris" Featherston  
Ret, USAF  
[chris.featherston2015@gmail.com](mailto:chris.featherston2015@gmail.com)  
210-777-0450



#21

**From:** [f567270](#)  
**To:** [Christopher J. Looney](#); [Matthew W. Simmont](#); [Matthew E. Hoyt](#); [Jason Hurta](#)  
**Subject:** No To Goodwin/Orion Multi Housing CASE #PZ20-0329  
**Date:** Sunday, March 7, 2021 5:11:25 PM

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**Caution: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Case #PZ20-0329 ms

Name: Christopher N and Melissa J Rogers  
Address: 2981 Zaber  
Property #on Map: 19

I OBJECT!!!!

Reason:

Lack of current infrastructure to support High Density housing in the area. Road improvements need to be made first on Goodwin Lane and Orion Dr to support the additional traffic. School overcrowding will also become an issue unless additional schools are built in the area.

Another concern is the affect this rezoning will have on current property values. We invested a lot into our new home and it would be very disappointing to see an adverse affect on the value based on the decision of the planning committee.

Strongly object

Melissa and Christopher Rogers

#22

**From:** [Nancy Richardson](#)  
**To:** [Matthew W. Simmont](#)  
**Subject:** No to multi family apartment complex on Orion and Goodwin  
**Date:** Monday, March 8, 2021 9:24:02 AM

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**Caution: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

I implore you to not approve a proposal to build a multi family apartment complex on Orion and Goodwin. First of all the roads simply can't handle the traffic. Orion is a road so narrow that 2 cars can't pass each other safely- not to mention trains block the road daily by stopping on the tracks allowing only one way in and out which is Goodwin. Goodwin has its own issues as well. Presently a new subdivision is being built off Goodwin which will bring significantly more traffic to the already congested area. Between the hours of [2:45](#) and [3:25](#) it is almost impossible to get to my subdivision Wasser Ranch due to the cars lined up on Goodwin waiting to pick up their children from the school and there is no way to safely get around them. I bought my lot and built my dream home to enjoy the beautiful scenery and privacy. I am beyond saddened and upset that this could all change. Not only would an apartment complex change the dynamics of the area but it will most likely bring crime and lower the value of my house. I am from New Braunfels and I understand that our city is developing at a record pace but please do not approve this proposal- show the residents of this area that you care and support us and our livelihoods.

Thank you,

Nancy Richardson

[2989 Zaber](#)

[New Braunfels, Tx, 78130](#)

Sent from my iPad Sent from my iPad

#32

**From:** [Delacruz, Michelle](#)  
**To:** [Christopher J. Looney](#); [Matthew E. Hoyt](#); [Matthew W. Simmont](#); [Jason Hurta](#)  
**Subject:** Proposed rezoning on Orion & Goodwin road  
**Date:** Monday, March 8, 2021 10:05:49 AM

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**Caution: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Good Morning,

My name is Michelle Delacruz and I live in the Wasser Ranch subdivision at 2907 Aller New Braunfels, TX 78130. The city council is taking another look at a proposed rezoning request for 13 acres at the corner of Goodwin and Orion to build multi-family housing. This was voted down at the last council. I strongly disapprove of the rezoning request. We paid a premium for our lot as our oversized windows face the fields and not other houses, certainly not a rental neighborhood. The road infrastructure is lacking as it is on Goodwin, which is too narrow and there's already new homes going up across the street. In addition, multi-family homes, which are rental apartments or duplexes, will bring crime to this area and will hurt the market value of my newly purchased home along with the others in this area. Prior to buying our home, we rented at a supposed luxury apartment complex and the crime was unreal. I emphatically implore you to not approve this request. Thank you for your time and consideration.

Sincerely,  
Michelle Delacruz

**From:** [chris.delacruz](#)  
**To:** [Christopher J. Looney](#); [Matthew E. Hoyt](#); [Matthew W. Simmont](#); [Jason Hurta](#)  
**Subject:** Proposed rezoning on Orion & Goodwin road  
**Date:** Sunday, March 7, 2021 4:27:23 PM

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**Caution: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Hello,

My name is Chris Delacruz and I live in the Wasser Ranch subdivision at 2907 Aller New Braunfels, TX 78130. The city council is taking another look at a proposed rezoning request for 13 acres at the corner of Goodwin and Orion to build multi-family housing. I was at the last council meeting and this was voted down. I strongly disapprove of the rezoning request. The road infrastructure is lacking as it is in Goodwin, too narrow and there's already new homes going up across the street. In addition, multi-family homes AKA, rental apartments or duplexes will likely hurt the market value of my newly purchased home along with others. I emphatically implore you to not approve this request. Thank you for your time and consideration.

Sincerely,  
Chris Delacruz

**The following responses are from property owners that are outside of the 200-foot notification area, unlisted with the County Appraisal District, or did not provide an address.**



**From:** [Cristine Barger](#)  
**To:** [Jason Hurta](#); [Christopher J. Looney](#); [Matthew W. Simmont](#); [Matthew E. Hoyt](#)  
**Subject:** No To Goodwin/Orion Multi Housing  
**Date:** Sunday, March 7, 2021 2:34:06 PM

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**Caution: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

To whom it may concern,

I live in the Wasser Ranch subdivision off Goodwin Lane. I have been made aware that there is a proposed zoning change to lots that are off Orion Drive. I believe this issue is item D on the docket for Monday, March 8th.

This area of New Braunfels is growing rapidly while the infrastructure in this area has largely been ignored. Goodwin Lane, Orion Drive, and Conrads Road are all in subpar condition, traffic on both FM 306 and at the Conrads Road exit is heavy, and construction on 35 in this area has made it hard to efficiently make it through town.

There is a large apartment complex being built off FM 306 new Tri-City Distributors currently that will have a large impact on an already busy intersection (where 306 and Goodwin meet). Additional multi-family housing in this area should wait until the infrastructure in this area can support it.

In addition, Justin Meadows mentioned in the meeting when this was previously discussed, that this proposed multi-family housing unit would be closer than is standard in New Braunfels and would not have barriers that are typically seen when multi-family butts up to single-family living.

Furthermore, there is a train crossing on Orion Dr near 1102 that does not have crossing arms. Not only do trains stop here for hours (sometimes days) at a time, it is a safety hazard to have so many people going over those tracks with no arms.

The pushing through of this issue so quickly and despite many residents (and council members) disagreeing with it is puzzling. Why is this area of town being ignored when it comes to safe and responsible growth? I can imagine that those serving on the City Council, the Mayor, as well as the developer would not want an apartment complex being built in their backyard, their children's school overcrowded, and their roadways congested because of someone else's short-sighted decision.

While I appreciate and understand the City's goal to build more affordable housing, I do not believe this particular area is a good fit for a multi-family housing unit. Houses or a park would fit in beautifully- especially with the trail that is to extend along Alligator Creek.

Thank you for your time and service,

Cristine Barger

**From:** [Jonathan Barger](#)  
**To:** [Matthew W. Simmont](#)  
**Cc:** [Cristine Barger](#)  
**Subject:** Goodwin Lane & Orion Rezoning Proposal  
**Date:** Monday, February 22, 2021 8:16:32 AM

---

**Caution: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Good morning Matt,

We have never spoken but the recent rezoning request near Goodwin Lane and Orion has sparked my interest. I live in Wasser Ranch, so this rezoning request has close proximity to my home. My initial thought was "*I don't want my property values to decrease*" so I went down the rabbit hole of finding research that fit my narrative. I found the exact opposite and that MDU's (multi-dwelling units) have no statistically significant effect on property values even when comparing to a control group.

My next concern is on infrastructure and I am hoping that you could answer my questions.

- What is the total capacity of students for Oak Creek Elementary?
- What is the total student count at Oak Creek Elementary?
- What is the model for how many students per MDU unit/ SDU unit is the City forecasting will be students?

I have three children - one of which is currently at Oak creek and two that will shortly follow, so my immediate concern is that Oak Creek will be packed to the brim and this will lead to a less than optimal learning experience.

- When will construction commence on Goodwin Lane

I don't have traffic statistics but it seems that the flow of traffic on Goodwin is starting to back up during peak traffic hours and there is a new Neighborhood that has already broken ground right off of Goodwin. These backup issues happen from Conrad all the way to 306 and I feel that adding an additional 1,000 MDU/SDU will only further contribute to the traffic issue. (BTW, my 1,000 is an approximation between the SDU plan for zero lot lines and the MDU plan - please correct me if this total number is incorrect).

- Orion Dr has a train crossing that does not have safety arms. Is the developer going to pay to have safety arms placed at this train crossing and will the City of New Braunfels be able to do anything with Union Pacific regarding trains stopping on the tracks?

Thanks for your time in your response. I believe the real discussion should be on infrastructure capabilities and forecasts versus the "Not In My Backyard" mentality and will be happy to share your responses with the neighborhood.

Sincerely,

Jon Barger  
908 Ulster  
New Braunfels, TX 78130

c - 210-317-2404

e - [jonathanwbarger@gmail.com](mailto:jonathanwbarger@gmail.com)

**From:** [Amanda Barker](#)  
**To:** [Matthew W. Simmont](#)  
**Subject:** Objection to pending rezoning  
**Date:** Sunday, March 7, 2021 8:53:36 PM

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**Caution: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Dear Mr. Simmont,

I live in Wasser Ranch and am very concerned about the apartment complex right in our back yard ("High Density Multi Fmaily Housing") on Goodwin Lane & Orion Drive

There are many reasons why this is a very bad idea from the roads are not designed for this much traffic to the school issue it will cause and statically when places such as duplex's and apartments go up so does crime. Not to mention our home values taking a big hit. I did my research when buying where I did and this is a slap in the face and many of us are now feeling the need to move if this passes. Let's grow this city responsibility without penalizing the neighborhoods in our area!

I OBJECT TO THIS REZONING!!!

Thank you for your time!

Sincerely,

Amanda Barker  
627 Wipper, NB 78130

**From:** [Cassi Coble](#)  
**To:** [Jason Hurta](#); [Christopher J. Looney](#); [Matthew W. Simmont](#); [Matthew E. Hoyt](#)  
**Subject:** Opposed to apartments on Goodwin, Wasser Ranch resident  
**Date:** Sunday, March 7, 2021 1:30:21 PM

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Caution: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I am a resident in Wasser Ranch and am emailing you in regards to the zoning change for apartments and/or small lot home proposal for Goodwin and Orion. The residents at several neighborhoods along Goodwin are opposed to this for many reasons.

First, Goodwin lane has seen a significant increase in the traffic that comes thru already and the road is already not wide enough. With increased traffic from apartments this will likely lead to accidents and unsafe conditions for the school located within less than a mile of said zoning changes.

Second, I understand that there is already an apartment complex going in next to Tri City distribution center at 306 and Goodwin less than 2 miles away from this proposed zoning change. Why are we trying to bombard this area with apartments in an already heavily trafficked area with roads that cannot handle the current traffic flow we have.

Lastly, as I'm sure you can understand the impact having apartments next to your neighborhood we would likely see a decrease in our property values, most of which have been built in the last 5 years. I'm not sure what the strategy is in bombarding Goodwin lane with rental properties when there are already nice neighborhoods being built with homes starting in the high 200s and 300s. The builders have had no problems selling homes in this area and could likely be a potential property for more homes similar to what is already in the area.

While I can understand a need to have more housing options for people moving to the area but with the recent rental home neighborhood that was built on Goodwin, the newly approved apartments at 306 and Goodwin, and all the expansions happening within Oak Creek, Wasser Ranch, and Cloud Country adding this zoning change would just cause more issues to the already heavy congestion we have within this area. This zoning change would also cause a lot of unhappy residents to what can be a flourishing area for the City.

As a single parent I am not able to attend the meeting in person but wanted to express my deep concern and complete opposition to the zoning change proposal next to my neighborhood.

Sincerely,  
Cassi Deleon

Sent from my iPhone



**From:** [Janet Coble](#)  
**To:** [jhurta@nbtexas.or](mailto:jhurta@nbtexas.or); [Christopher J. Looney](#); [Matthew W. Simmont](#); [Matthew E. Hoyt](#)  
**Subject:** NO TO GOODWIN/ORION MULTI HOUSING  
**Date:** Sunday, March 7, 2021 1:37:05 PM

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**Caution: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

I am a homeowner in Wasser Ranch and would like to adamantly **OBJECT** to approving a multi housing complex at the location of Goodwin/Orion for many reasons:

#1 - The homes in Wasser Ranch have current values of \$300,000+ with new builds being considerably over this amount. As you well know, putting in multi housing, which we all know will be rental units, drastically reduces property values. We already have an entire subdivision on Goodwin that is strictly rent/lease. So far, that development is maintained very well and since these are individual homes, does not have quite the impact that apartments or duplexes have.

#2 - Goodwin Lane and Orion both, but most especially Goodwin, **CAN NOT** stand up to the current traffic load, let alone any increased traffic load. With new homes being built not only in Wasser but also Oak Creek Estates and Cloud Country, this area will steadily have an increase in traffic. I moved into my home in August 2019 and that November I saw a survey crew on Goodwin and when asked what they were doing, they informed me they were surveying as Goodwin was going to be widened with a turn lane all the way down to accommodate the traffic entering the various subdivisions. As to date, **NOTHING** has been done about that. This should be a priority for right now. Hopefully you realize that Alligator Creek floods very easily therefore closing Goodwin. What happens then? Oak Creek Elementary was closed from March 2020 till August 2020 and not a single thing was done except some asphalt repair work.

#3 - From what I have been able to find out, there already is an apartment complex going up on FM 306 between NBU and the beer distributor. With that being built, we DEFINITELY do not need another complex less than a mile away.

#4 - Your priority for the city right now should be focused on finishing up all the road repairs and construction before summer tourism hits. The 306/I-35 location is a disaster and now has a completion date of next March, which is one year from what was originally planned. Why? A Whole year behind? How about putting some pressure on that contractor? And the Conrads/Kohlenberg interchange is another train wreck.

Take care of the projects that are out there right now and not being completed in timely manners.

Remember, you are elected by the people that actually live here to do what is in the best interest for your constituents, not the commercial developers who come in and out of here after they have made their millions. **We LIVE here and SUPPORT this city with out taxes, spending and volunteering. KEEP THAT IN MIND WHEN YOU MAKE ANY LIFELONG DECISIONS.**

Janet Coble  
Wasser Ranch Subdivision

**From:** [Kelly Garza](#)  
**To:** [Matthew W. Simmont](#)  
**Subject:** Apartments at Goodwin & Orion  
**Date:** Sunday, March 7, 2021 9:51:14 AM

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**Caution: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Good morning,

I hope this email finds you well. It has come to my attention that at tomorrow's city council meeting a discussion will be held regarding apartments at Goodwin & Orion roads. As a resident of the surrounding area, I would like to strongly oppose this re-zoning and the proposed construction. Apartments in that area would cause so many issues for current homeowners on this side of town, such as additional traffic congestion, property value decreases, and overpopulation of OCES. We moved to this end of town 8 years ago because it was less congested than other areas. It has since grown and the increase of homes and population have already caused so much traffic congestion and accidents. Between the growth of Creekside, the DPS office being relocated over here, and the TA truck stop it has become a nightmare. Adding more homes would only cause the existing issues to become exacerbated. The city council needs to say "no" to further construction requests in order to help preserve the few green areas of this once beautiful town and to maintain quality of life for current tax paying citizens.

I would prefer to be making my request in person tomorrow evening, but can not attend due to family commitments. I know many of my neighbors will be in attendance and hope to have their voices heard.

Thank you in advance for your consideration in this matter.

Sincerely,

Kelly O'Neal  
New Braunfels resident  
Cloud Country Subdivision

**From:** [Glenda Harrison](#)  
**To:** [Matthew W. Simmont](#)  
**Subject:** Re zone at Goodwin and Orion  
**Date:** Sunday, March 7, 2021 3:30:23 PM

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**Caution: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

I am a new homeowner in the Wasser Ranch subdivision and am writing to convey my objection to the re zoning as it is currently proposed. My address is 817 Pader. Thank you for your attention to matter  
GetOutlook [for Android](#)

**From:** [Debra Howell](#)  
**To:** [Jason Hurta](#); [Christopher J. Looney](#); [Matthew W. Simmont](#); [Matthew E. Hoyt](#)  
**Subject:** Orion and Goodwin  
**Date:** Saturday, March 6, 2021 2:18:09 PM

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Item D on the agenda for  
Monday night.

The last city council Meeting it was rejected by a 5-2 vote. I've always thought it was tabled if it was rejected.  
Will this really be on the agenda Monday night?

Thank you

Debra

**From:** [Debra Howell](#)  
**To:** [Christopher J. Looney](#); [Matthew W. Simmont](#); [Matthew E. Hoyt](#)  
**Subject:** Goodwin Orion subdivision  
**Date:** Sunday, February 21, 2021 8:22:46 PM

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Caution: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I am so opposed for the rezoning of the land at the corner of Orion and Goodwin. This will add so many more people and families to our already crowded little area. These lots are way smaller than any of the others in the area and if I counted right it is 363 homes plus an apartment complex. That's adds well over 1,000 more cars. Yes our bond passed and we are getting better roads but if y'all are waiting for all these subdivisions to build on Goodwin it will take forever.

I really hope no one gets killed on that small road on Goodwin and especially no child. And the roads in the older subdivisions are already failing. Drive the roads in Quail Valley and northwest crossing, especially the section of Starling Creek toward the Oak Creek side. These roads are failing and soon the sewer system will too. It's like riding a roller coaster up and down. That is going to be a nice costly fix.

Also I was watching the NBU electric grids this week. There were times when there was 10 areas of outages. Of all those areas including Morningside area, our Goodwin area had the largest amount of 1738 customers. Let's add a couple more hundred customers when we already have water pressure issues.

And what about a park or some other things for all our neighbors. And not just the walking track that they are working on. An actual park for the kids and families.

Please pass this to all the city council members for the vote tomorrow night.

Please do not vote to add all these small lots and apartments to our way to fast growing area.

Thank you

Debra Howell



**From:** [Tony Killough](#)  
**To:** [Matthew W. Simmont](#)  
**Subject:** Goodwin Ln & Orion Rezoning  
**Date:** Monday, February 22, 2021 6:47:57 PM

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**Caution: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Hello Mr. Simmont,

My name is Tony Killough and I live in the Wasser Ranch subdivision along Goodwin Lane, just across from Goodwin Elementary. I'm reaching out regarding the proposed rezoning of the almost 14 acres along Goodwin Ln and Orion. My understanding from available documents is that this land is in the process of being rezoned to accommodate multi-unit (apartment) homes. I'm writing to let you know that I strongly oppose this for a few reasons.

First, I'd like to point out Goodwin Lane. Already packed beyond reason, this road cannot handle the traffic that 500+ units would bring to the area. While many northern subdivisions are already filled out, there are some that have broken ground already and are not filled. For example, across the road is the Oak Creek subdivision, which recently opened their new section, bringing many homes and vehicles to the area. Wasser Ranch opened their new section just a couple months back, that is much larger than the front part of the neighborhood. Furthermore, a rent-to-own community is quickly building and selling homes just past Oak Creek when headed toward 306. This issue extends along Goodwin Ln from Conrads to FM306. This area simply cannot handle 500+ more inhabitants along with what is already broken ground in single family homes.

Secondly, Oak Creek Elementary does not have the capacity for an additional 500+ units worth of children.

Thirdly, the train crossing along the railroad and Orion will cause significant traffic buildup as the train frequently stops over those tracks. This will force everyone to go to 306 or drive down to Conrads and cut around, a huge hassle, and a huge traffic builder.

Lastly, as a homeowner in Wasser Ranch, an apartment building so close will of course lower my property values. Additionally, apartments *usually* bring high levels of crime, which is not what our small community of single family homes along Goodwin Lane is meant for. This is a strong community. One who has grown together through the years in a structured, sustainable, manner. I fear that adding this apartment complex will ruin what we have here. For that reason, I'd like to strongly voice my opposition for the rezoning of this land.

Thank you,

**Tony Killough**  
[tony922@me.com](mailto:tony922@me.com)  
(832) 477-3516

**From:** [Mary K Lopez](#)  
**To:** [Matthew E. Hoyt](#); [jurta@nbtexas.org](mailto:jurta@nbtexas.org); [clooney@bntexas.org](mailto:clooney@bntexas.org); [Matthew W. Simmont](#); [Rusty Brockman](#)  
**Subject:** Please vote no for 21-231 (re-zoning at Goodwin and Orion)  
**Date:** Monday, March 8, 2021 8:30:40 AM

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**Caution: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Good Morning,

I am writing this email as a homeowner who will be directly affected by the re-zoning you will be voting on tonight. I will list my objections below. I appreciate your time on this and would ask that you vote no to this development.

1. Apartments lower property value and bring crime - plus we already two apartment complexes within a mile of us right now.
2. The developer is not from here - does not have our interest in mind and will cause problems for those of us who have paid good money to live here and invest in New Braunfels
3. The roads are already so overwhelmed. Everyday is a fight with all the big trucks and cars not to fall into the ditch off Goodwin In.
4. The school is already becoming crowded - we have pulled our Kindergartener out and will send him to a charter school in Schertz because the classes are getting too big for him to receive a good education.

I know that development is a good thing and needs to happen but on the website you say

" Wise and healthy planning will certainly be important during this time of fast growth..."

To us this is not wise or healthy planning. The amount of traffic and crowding this will bring is not good or healthy for our community.

Thank you,  
Mary Kathryn Lopez  
822 Rensch  
New Braunfels, Texas 78130  
Wasser Ranch Subdivision

**From:** [Brittany Parbs](#)  
**To:** [Jason Hurta](#); [Christopher J. Looney](#); [Matthew W. Simmont](#); [Matthew E. Hoyt](#)  
**Subject:** Proposed High Density Multifamily Housing  
**Date:** Saturday, March 6, 2021 6:24:12 PM

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**Caution: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Good Evening,

To whom this may concern,

We are writing to you to firmly suggest our ***opposition*** to any proposed high density multi-family housing (apartments/duplex's etc) near the Goodwin /Orion area. We reside in section 17 (Chesmar homes Wasser Ranch subdivision). Please consider this email a request to vote **NO** on this proposal.

Thank you for your consideration

The Fajardo Family

Sent from my iPhone

**From:** [Thomas Coss](#)  
**To:** [Matthew W. Simmont](#)  
**Subject:** Regarding high density housing in Orion/Goodwin area  
**Date:** Thursday, March 11, 2021 11:34:45 AM

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**Caution: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

New Braunfels City Council

3/11/21

We are new (8 months) residents of Texas and Wasser Ranch, retired married couple, and have a new home here. Personally, I have no problem with high density housing (it has to go somewhere). I have the usual concerns about not wanting the area to develop into an undesirable area but willing to leave it to the city to deal with that.

That aside, I have concerns about infrastructure, as follows:

1. Access in and out of our development is pretty bad. The school on Goodwin causes traffic blockage morning and evening on weekdays. The other exit via Orion Drive is often blocked by a stopped train. Goodwin itself is a very poor street, especially considering the many housing units in process along Goodwin, in Wasser Ranch and probably others. Goodwin is a two lane in terrible shape with an excessively high crown which makes for difficult and dangerous driving. Adding more housing units to the Goodwin/Orion area will cause intolerably congested traffic.
2. We recently experienced a serious power outage, which of course could happen again. I am concerned with the need for additional weatherproof generation to provide for additional housing demand, but I have not been able to find that additional capacity is being developed.
3. I have the same concerns about water. Again, we had an outage where demand exceeded supply (in an admittedly unusual situation), but I have not learned of any additional water supply being developed. Apparently current demand is already straining the Edwards aquifer and one has to wonder where the water will come from to supply all the new housing that is currently on the books.

As a newcomer, I am very careful not to complain before learning the facts, and maybe the different ways of operating in this state vs. where I came from. Nevertheless, it APPEARS that our city does not have a policy that growth should pay for itself, making provision for additional infrastructure to accommodate that (inevitable) growth.

For these reasons, I am against any additional new housing construction in this immediate area until appropriate infrastructure is put in place.

Thomas and Susan Coss  
820 Dreisam  
New Braunfels, TX 78130

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## Draft Minutes for the February 2, 2021 Planning Commission Regular Meeting

**E) PZ20-0329 Public hearing and recommendation to City Council regarding a proposed rezoning of approximately 68.05 acres out of the O. Russell Survey No. 2, Abstract No. 485, located at the northern corner of the intersection of Goodwin Lane and Orion Drive, from “APD” Agricultural/Pre-Development District to “R-1A” Single-Family Small Lot Residential and “R3-H” Multifamily High Density District. Applicant: James Ingalls, P.E.; Owner: EB Industries (Richard Byrd); Case Manager: Matthew Simmont.**

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

Chair Edwards asked if there were any questions for staff.

Chair Edwards asked if the applicant would like to speak.

James Ingalls, 2021 St Hwy 46, Moeller and Associates, provided clarification on the request.

Richard Byrd, CRE Analyst, 8309 Chadbourne Rd, stated they can answer any further questions or concerns from the Commission.

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

Amy Gusman, 3015 Shell Cove, asked how many units are proposed in the multifamily area and stated concerns over the character of the neighborhood.

Discussion followed.

Chair Edwards closed the public hearing.

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

Motion by Commissioner Gibson, seconded by Vice Chair Laskowski, to recommend approval to City Council of the proposed rezoning of approximately 68.05 acres out of the O. Russell Survey No. 2, Abstract No. 485, located at the northern corner of the intersection of Goodwin Lane and Orion Drive, from “APD” Agricultural/Pre-Development District to “R-1A” Single-Family Small Lot Residential and “R3-H” Multifamily High Density District with staff recommendations.

Discussion followed on clarification of the purview being considered.

Motion carried (9-0-0).

**ORDINANCE NO. 2021-**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS REZONING APPROXIMATELY 21 ACRES OUT OF THE ORILLA RUSSELL SURVEY NO. 2, ABSTRACT 485, FROM “APD” AGRICULTURAL / PRE-DEVELOPMENT DISTRICT TO “R-3H” MULTIFAMILY HIGH DENSITY DISTRICT; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SAVINGS CLAUSE; AND DECLARING AN EFFECTIVE DATE.**

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

**WHEREAS**, in keeping with the spirit and objectives of the “R-3H” Multifamily High Density District, the City Council has given due consideration to all components of said districts; and

**WHEREAS**, it is the intent of the City Council to provide harmony between existing zoning districts and proposed land uses; and

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

**WHEREAS**, the City Council desires to amend the Zoning Map by rezoning approximately 21 acres out of the Orilla Russell Survey No. 2, Abstract 485, from “APD” Agricultural / Pre-Development District to “R-3H” Multifamily High Density District; **now, therefore;**

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

**SECTION 1**

**THAT** pursuant to Section 1.2-3, Chapter 144 of the New Braunfels Code of Ordinances, the Zoning Map of the City of New Braunfels is revised by rezoning the following described tract of land from “APD” to:

“R-3H” Multifamily High Density District: 21.173 acres out of the Orilla Russell Survey No. 2, Abstract 485, as illustrated in Exhibit “A” and described in Exhibit “B”, attached.

**SECTION 2**

**THAT** all provisions of the Code of Ordinances of the City of New Braunfels not

herein amended or repealed shall remain in full force and effect.

### **SECTION 3**

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

### **SECTION 4**

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

### **SECTION 5**

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

**PASSED AND APPROVED:** First reading this 12<sup>th</sup> day of April, 2021.

**PASSED AND APPROVED:** Second reading this 26th day of April, 2021.

**CITY OF NEW BRAUNFELS**

\_\_\_\_\_  
**RUSTY BROCKMAN**, Mayor

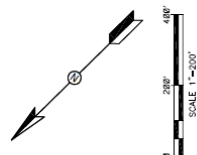
**ATTEST:**

\_\_\_\_\_  
**CAITLIN KROBOT**, Assistant City Secretary

**APPROVED AS TO FORM:**

\_\_\_\_\_  
**VALERIA M. ACEVEDO**, City Attorney

## EXHIBIT “A”



CURVE TABLE				
	CHORD RADIUS	DELTA	CHORD LENGTH	CHORD BEARING
C1	13.93'	15.60'	7.51'	N79.43°37"E
C2	170.86'	50.00'	360.45'	N00°07'09"W
C3	13.85'	15.00'	7.45'	N71°38'21"W
C4	109.67'	101.01'	134.35'	N1°02'21"W
C5	128.10'	50.00'	98.11'	N65.60°08"E

LINE TABLE		BEARING
LINE	LENGTH	
L1	36.82'	N00°00'48"W
L2	57.57'	N44°39'26"E
L3	176.47'	N45°11'03"W
L4	208.23'	S74°08'39"E
L5	107.27'	S43°31'11"E
L6	80.68'	S44°46'50"E
L7	136.30'	N04°38'16"E
L8	171.03'	S07°26'57"E
L9	12.39'	S45°08'56"W
L10	101.05'	S03°00'11"W
L11	22.63'	S44°33'47"E

**MOELLER & ASSOCIATES**  
*Engineering Solutions*



METES AND BOUNDS DESCRIPTION  
FOR A  
21.173 ACRE TRACT OF LAND  
"ZONING"

BEING a 21.173 acre tract of land situated in the Orilla Russell Survey No. 2, Abstract No. 485, in the City of New Braunfels, Comal County, Texas, being a portion of the remaining portion of a called 100.0 acre tract of land, as conveyed to EB Industries, Inc., and recorded in Document No. 202006000300, of the Official Public Records of Comal County, Texas, and said 21.173 acre tract of land being more particularly described by metes and bounds as follows:

BEGINNING at a ½" iron pin with yellow cap found in the Northeasterly Right-of-Way (R.O.W.) line of Orion Drive (a variable width R.O.W.), being the most Southwesterly corner of a called 2.00 acre tract of land, as conveyed to Rexford J. Michie, and recorded in Document No. 201306029676, of the Official Public Records of Comal County, Texas, and being a Southwesterly corner of this herein described tract of land;

THENCE with the Northeasterly R.O.W. line of said Orion Drive, and with the Southwesterly line of the remaining portion of said 100.0 acre tract of land, N 45° 17' 21" W, a distance of 322.14 feet to a point in the Northeasterly R.O.W. line of said Orion Drive, being in the Southwesterly line of the remaining portion of said 100.0 acre tract of land, and being the most Westerly corner of this herein described tract of land;

THENCE departing the Northeasterly R.O.W. line of said Orion Drive, same being the Southwesterly line of the remaining portion of said 100.0 acre tract of land, and across and through the remaining portion of said 100.0 acre tract of land, the following courses:

N 44° 38' 16" E, a distance of 136.35 feet to a point for a Northwesterly corner, and being at the beginning of a curve to the left;

With said curve to the left, having an arc length of 129.10 feet, a radius of 50.00 feet, a delta angle of 147° 56' 21", a tangent length of 174.02 feet, and a chord bearing and distance of N 60° 40' 06" E, 96.11 feet to a point for a Northwesterly corner;

THENCE continuing across and through the remaining portion of said 100.0 acre tract of land, N 76° 51' 00" E, a distance of 716.18 feet to a point for the most Westerly corner of a called 9.963 acre tract of land, as conveyed to Chesmar Homes, LLC, and recorded in Document No. 201906046983, of the Official Public Records of Comal County, Texas, being a Southeasterly corner of the remaining portion of said 100.0 acre tract of land and being the most Northerly corner of this herein described tract of land;

THENCE with the common line between the remaining portion of said 100.0 acre tract of land and said 9.963 acre tract of land, the following courses:

S 43° 45' 18" E, a distance of 761.50 feet to a point for an Easterly corner;

S 07° 58' 57" E, a distance of 171.03 feet to a point for an Easterly corner, and being at the beginning of a curve to the left;

**EXHIBIT "B"**



With said curve to the left, having an arc length of 121.86 feet, a radius of 165.02 feet, a delta angle of  $42^{\circ} 18' 35''$ , a tangent length of 63.86 feet, and a chord bearing and distance of  $S 24^{\circ} 12' 27'' W$ , 119.11 feet to a point for an Easterly corner;

$S 03^{\circ} 00' 11'' W$ , a distance of 101.05 feet to a point for an Easterly corner;

THENCE continuing with the common line between the remaining portion of said 100.0 acres and said 9.963 acre tract of land,  $S 44^{\circ} 33' 47'' E$ , a distance of 22.63 feet to a point in the Northwestern R.O.W. line of Goodwin Lane (a variable width R.O.W.), being the most Southerly corner of said 9.963 acre tract of land, and being the most Easterly Southeast corner of the remaining portion of said 100.0 acre tract of land and this herein described tract of land;

THENCE with the Northwestern R.O.W. line of said Goodwin Lane, and with the Southeasterly line of the remaining portion of said 100.0 acre tract of land,  $S 45^{\circ} 33' 48'' W$ , a distance of 512.24 feet to a point at the intersection of the Northwestern R.O.W. line of said Goodwin Lane and the Northeasterly R.O.W. line of said Orion Drive, and being the most Southerly Southeast corner of the remaining portion of said 100.0 acre tract of land and this herein described tract of land;

THENCE with the Northeasterly R.O.W. line of said Orion Drive, and with the Southwesterly line of the remaining portion of said 100.0 acre tract of land,  $N 45^{\circ} 14' 27'' W$ , a distance of 920.16 feet to a point in the Northeasterly R.O.W. line of said Orion Drive, being the most Southerly Southwest corner of aforementioned 2.00 acre tract of land, and being a Southwesterly corner of the remaining portion of said 100.0 acre tract of land and this herein described tract of land;

THENCE departing the Northeasterly R.O.W. line of said Orion Drive, and with the common line between the remaining portion of said 100.0 acre tract of land and said 2.00 acre tract of land, the following courses:

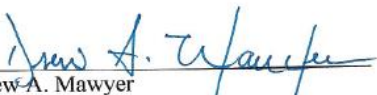
$N 45^{\circ} 46' 05'' E$ , a distance of 469.04 feet to a point for a Northwestern interior corner;

$N 45^{\circ} 26' 35'' W$ , a distance of 185.80 feet to a point for a Northwestern interior corner;

THENCE continuing with the common line between the remaining portion of said 100.0 acre tract of land and said 2.00 acre tract of land,  $S 45^{\circ} 48' 08'' W$ , a distance of 468.61 feet to the POINT OF BEGINNING, and containing 21.173 acres of land, more or less.

Bearings based on the Texas State Plane Coordinate System, Texas South Central Zone (4204), North American Datum 1983.

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

  
Drew A. Mawyer  
Registered Professional Land Surveyor No. 5348  
TBPLS Firm Registration #10191500  
5151 W. SH 46, NEW BRAUNFELS, TX 78132  
MOE426-ORION 1102-21.173 AC- 020121



4/12/2021

Agenda Item No. I)

**PRESENTER:**

Christopher J. Looney, Planning and Development Services Director

**SUBJECT:**

Public hearing and first reading of an ordinance regarding a proposed rezoning of approximately 47 acres out of the O. Russell Survey No. 2, Abstract No. 485, located at the northern corner of the intersection of Goodwin Lane and Orion Drive, from “APD” Agricultural/Pre-Development District to “R-1A-4” Single-Family Small Lot Residential.

**DEPARTMENT:** Planning and Development Services**COUNCIL DISTRICTS IMPACTED:** Council District 4**BACKGROUND INFORMATION:**

Case # PZ20-0329

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

Owner: EB Industries  
Richard Byrd  
(251) 510-1118      rbyrd@aspengroverrealty.com

Staff Contact: Matthew Simmont  
(830) 221-4058      msimmont@nbtexas.org

**At their regular meeting on March 8, 2021, City Council authorized the reconsideration of this requested rezoning at this meeting to allow adequate time to meet the state-mandated notification requirements. The original rezoning request encompassed a larger, 68-acre property (see attachments) with two proposed zoning districts (from APD to R-1A-4 and R3-H). The applicant has divided the proposed rezoning of the 68 acres into two separate agenda items for individual consideration. This is one of them.**

The approximately 47-acre tract is located north of the intersection of Goodwin Lane and Orion Drive. The unimproved property is in agricultural production, a portion of which lies within the Alligator Creek floodplain. The applicant has indicated they are making this request to allow for a 220-unit, single-family residential development.

*Surrounding Zoning and Land Use:*

North - Alster, Wasser Ranch PD / Local street and railroad

South - Across Goodwin Ln., Oak Creek Estates PD and ZH-A / Single family residences (Creekside Farms and Oak Creek Estates) and Alligator Creek

---

East - Wasser Ranch PD / Single-family residence and Alligator Creek  
West - Across Orion Drive, M-1A, MU-B and APD / Duplex residences and a planned manufactured home community

### **ISSUE:**

The proposed zoning change is consistent with the following actions from the Workforce Housing Study and Envision New Braunfels (the community's Comprehensive Plan):

- Ensure through city zoning and other required legal entitlements related to housing construction that new types of housing products (small-lot, duplex, townhome, etc.) are allowed by regulations.
- Create or adjust city regulations that allow for multi-unit owned/rented mix like two and three-flats where the owners earn rental income.
- Action 1.3 Encourage balanced and fiscally responsible land use patterns.
- Action 3.13 Cultivate an environment where a healthy mix of different housing products at a range of sizes, affordability, densities, amenities and price points can be provided across the community as well as within individual developments.
- Future Land Use: The property is situated within the Oak Creek Sub-Area, in close proximity to Employment, Market and Education Centers.

The permitted uses within the proposed zoning district create opportunities for encouraged housing variety and density which is generally compatible with the expanding neighborhood of residential use.

### **FISCAL IMPACT:**

N/A

### **RECOMMENDATION:**

The Planning Commission held a public hearing on February 2, 2021 and recommended approval (9-0).

The applicants' proposal to create a small-lot, single family residential development is consistent with ongoing development in the area, which is transitioning from available industrial opportunities to residential. Staff recommends approval.

### **Notification:**

Public hearing notices were sent to 34 owners of property within 200 feet. The City has received no responses in favor and 5 responses in objection (# 16, 20, 21, 22, 32). The City has also received 11 responses in objection from owners of property outside of the 200-foot notification area.

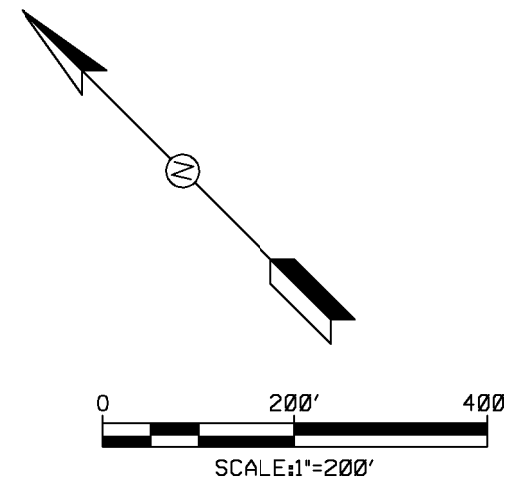
### **Resource Links:**

- Chapter 144, Sec. 3.4-1 (APD) of the City's Code of Ordinances:  
[https://library.municode.com/tx/new\\_braunfels/codes/code\\_of\\_ordinances?nodeId=PTIICOR\\_CH144ZO\\_ARTIIIIZODI\\_S144-3.4ZODIREPRZOSUJU221987](https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?nodeId=PTIICOR_CH144ZO_ARTIIIIZODI_S144-3.4ZODIREPRZOSUJU221987)
- Chapter 144, Sec. 3.4-2 (R-1A-4) of the City's Code of Ordinances:  
[https://library.municode.com/tx/new\\_braunfels/codes/code\\_of\\_ordinances?nodeId=PTIICOR\\_CH144ZO\\_ARTIIIIZODI\\_S144-3.4ZODIREPRZOSUJU221987](https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?nodeId=PTIICOR_CH144ZO_ARTIIIIZODI_S144-3.4ZODIREPRZOSUJU221987)

### **Attachments:**

1. Aerial Map
2. Land Use Maps (Zoning, Existing, Future Land Use, Short Term Rental)

- 
3. Proposed Zoning Exhibit
  4. Traffic Impact Analysis (TIA) Worksheet
  5. Notification List, Map and Responses
  6. Excerpt of Minutes from the February 2, 2021 Planning Commission Meeting
  7. Draft Ordinance



R-1A-4 PROPOSED ZONING



Know what's **below**.  
**Call** before you dig.

THIS DOCUMENT IS RELEASED  
FOR THE PURPOSE OF INTERIM  
REVIEW UNDER THE AUTHORITY  
OF JAMES INGALLS, P.E. #107416  
ON  
March 22, 2021. IT IS TO BE  
USED FOR BIDDING AND  
PERMITTING PURPOSES ONLY.  
NOT TO BE USED FOR  
CONSTRUCTION.

[illegible]

2021 W SH46, STE 105, NEW BRAUNFELS, TX. 78132  
PH: 830-358-7127 [www.ma-tx.com](http://www.ma-tx.com)  
TBPE FIRM F-13351

TBPE FIRM F-13351

**GOODWIN LN 69 AC TRACT**

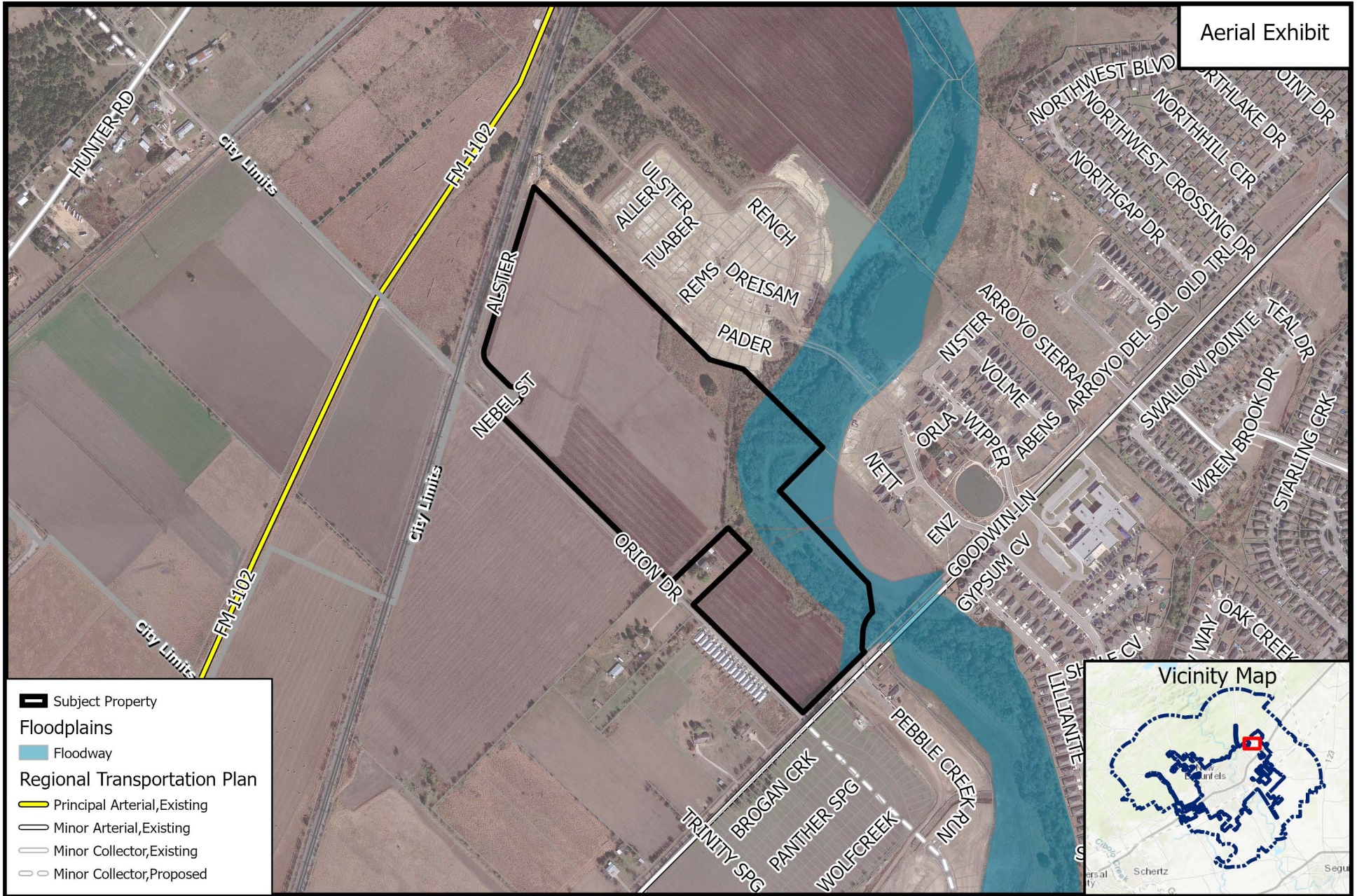
NEW BRAUNFELS, TEXAS

SHEET

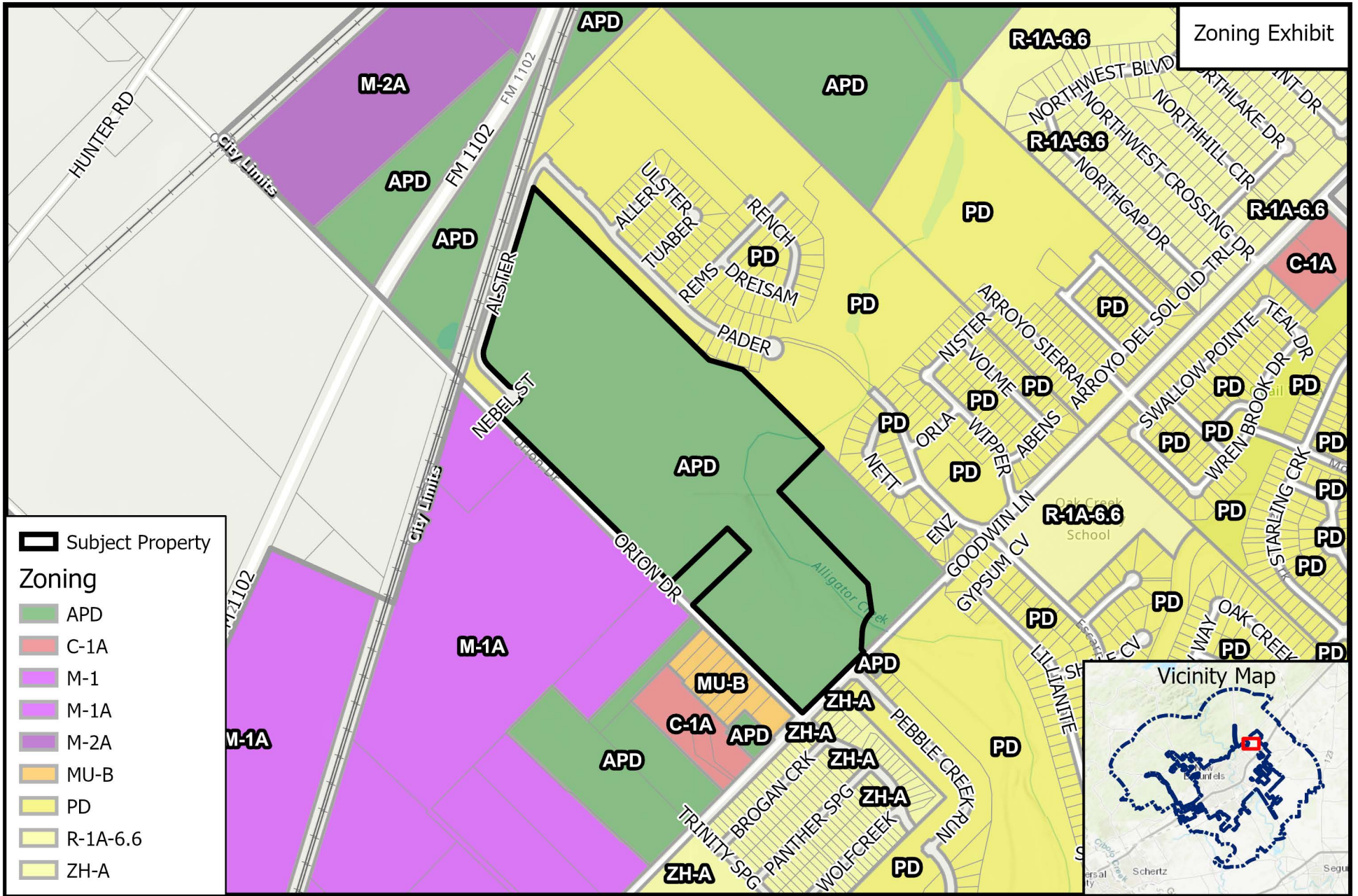
EX

OF 1









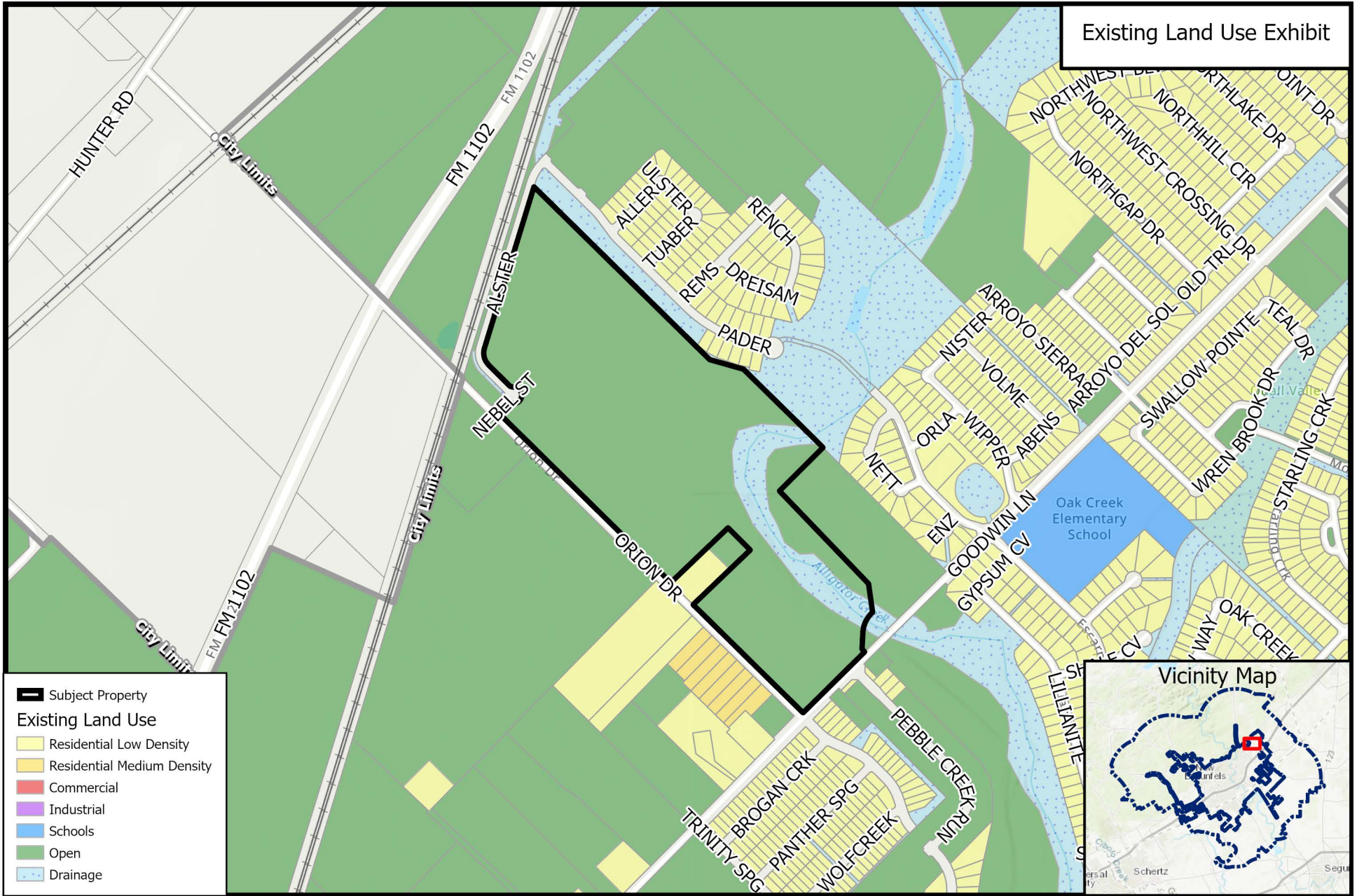
**PZ20-0329**  
**APD to R-1A-4 and R-3H**



Source: City of New Braunfels Planning  
 Date: 1/15/2021

DISCLAIMER: This map and information contained in it were developed exclusively for use by the City of New Braunfels. Any use or reliance on this map by any other party is at that party's risk and without liability to the City of New Braunfels. The City of New Braunfels and its officials or employees for any discrepancies, errors, or variances which may exist.







## EXISTING CENTERS

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

### EMPLOYMENT CENTER

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

### MARKET CENTER

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

### MEDICAL CENTER

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

### CIVIC CENTER

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

### OUTDOOR RECREATION CENTER

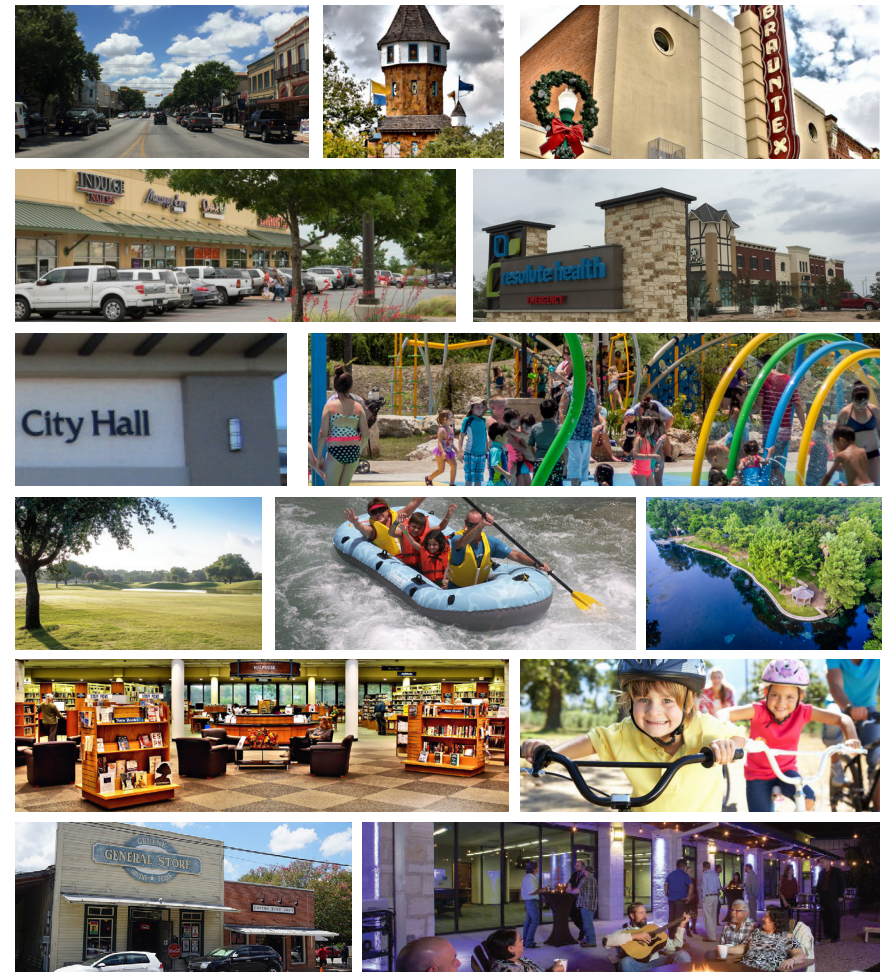
Outdoor Recreation Centers center around a public or private outdoor destination such as Landa Lake.

### EDUCATION CENTER

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

### TOURIST/ENTERTAINMENT CENTER

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







# FUTURE LAND USE PLAN

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

## TRANSITIONAL MIXED-USE CORRIDOR

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

## OUTDOOR RECREATION CENTER

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

## EMPLOYMENT CENTER

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

## MARKET CENTER

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

## CIVIC CENTER

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

## SUB AREA 1

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

## SUB AREA 2

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

## SUB AREA 3

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

## SUB AREA 4

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

## SUB AREA 5

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

## SUB AREA 6

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

## SUB AREA 7

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

## SUB AREA 8

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



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

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

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

### Section 1: General Information

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

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

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

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

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

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

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

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

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

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

**CITY COUNCIL – APRIL 12, 2021 – 6:00PM**

**Applicant/Owner:** Moeller & Associates, agent for EB Industries, owner

**Address/Location:** Approximately 68 acres located out of the O. Russell Survey No. 2, Abstract No. 485, located at the northern corner of the intersection of Goodwin Lane and Orion Drive (see exhibit).

**PROPOSED ZONE CHANGE – CASE #PZ20-0329**

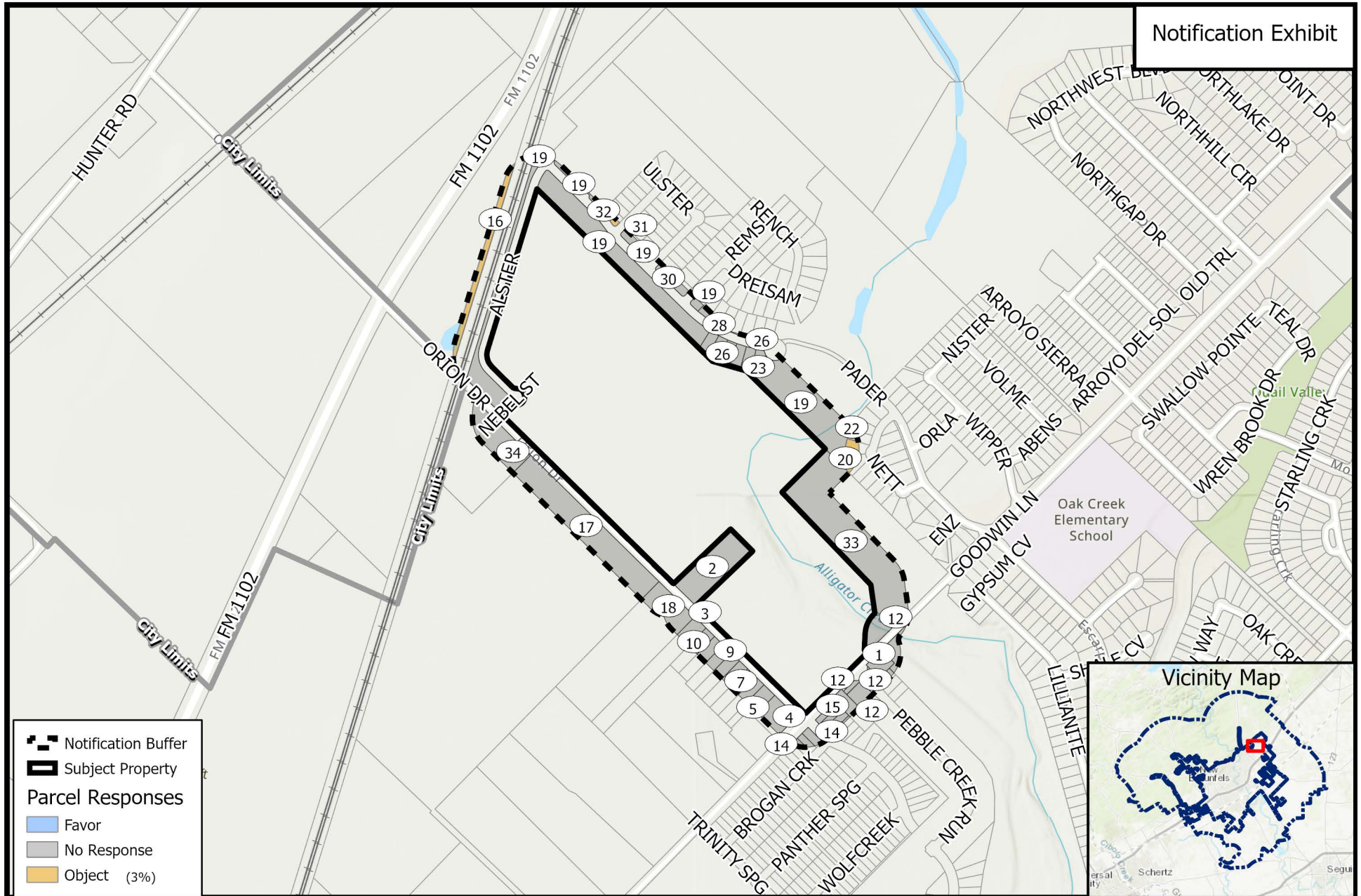
The circled numbers on the map correspond to the property owners listed below. All information is from the Appraisal District Records. The property under consideration is marked as “Subject Property”.

- |   |   |
|---|---|
| 1. MARIPOSA HOLDINGS LLC                      | 18. WHIPKEY ROBERT D & PAULA J            |
| 2. MICHIE REXFORD J & SALLY A WEITZ-MICHIE    | 19. CHESMAR HOMES CT LTD                  |
| 3. SEBA PETER E                               | 20. FEATHERSTON DONALD C                  |
| 4. REVIVE NEW BRAUNFELS MINISTRIES            | 21. ROGERS MELISSA J & CHRISTOPHER N      |
| 5. KOCH WAYLON                                | 22. RICHARDSON NANCY C                    |
| 6. WILLIAMS MARK E & TERRY K                  | 23. DENMAN WILLIAM R III & JULIEE D       |
| 7. JMH FAMILY HOLDINGS LLC                    | 24. MOORE JAEMI D & CRYSTAL M             |
| 8. SCHEEL SHAWN                               | 25. HARRIS MIDORI E                       |
| 9. KOEHN N MICAH                              | 26. HORTON CAPITAL PROPERTIES LLC         |
| 10. SADDLER DAVID L & CRYSTAL M SADDLER       | 27. CASARES PAUL & CASANDRA R             |
| 11. IVY B SCHLICHTING PROP II LTD             | 28. ELLSWORTH MICHAEL J & BONNIE A M      |
| 12. CONTINENTAL HOMES OF TEXAS LP             | 29. PENA ABEL JR                          |
| 13. FRECH MARY E                              | 30. TRUESDELL ESSENCE M & NOLAN A         |
| 14. FORESTAR USA REAL ESTATE GROUP INC        | 31. ENGEL RYAN T                          |
| 15. CREEKSIDE FARMS RESIDENTIAL COMMUNITY INC | 32. DE LA CRUZ CHRISTOPHER M & MICHELLE F |
| 16. ROW JOHNNIE F                             | 33. CHESMAR HOMES LLC                     |
| 17. YES ACQUISITIONS LLC                      | 34. SCHMIDT KENNETH W                     |

---

**SEE MAP**





**PZ20-0329**  
**APD to R-1A and R-3H**



Source: City of New Braunfels Planning  
 Date: 3/29/2021

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## YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ20-0329 ms

RECEIVED

FEB 1 2 2021

Name: Johnnie F Row

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

Address: 1383 Hillcrest DrI object: ☒ (State reason for objection) PRProperty number on map: 16

Comments: (Use additional sheets if necessary)

2. I don't like the small lot word! Most small lots have no room for cars, children area. Some on Goodwin Lane are a good example. Also there is the possibility of floods in this area. No playgrounds or trails for children or adults!

Signature: Johnnie F Row P.S. I have picture of past flooding!

#16



**From:** [Chris Featherston](#)  
**To:** [Matthew E. Hoyt](#)  
**Cc:** [Jason Hurta](#); [Matthew W. Simmont](#); [Christopher J. Looney](#)  
**Subject:** Rezoning on Orion and Goodwin Lane Case #PZ20-0329  
**Date:** Sunday, March 7, 2021 10:49:29 AM

# 20

**Caution: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Mr. Hoyt,

I am Donald Featherston my wife Karen and I live at 2977 Zaber New Braunfels, TX 78130 in the Wasser Ranch Community. It has been brought to my attention that the City Council has on its agenda for the city council meeting on 8 March 2021 at 1800, to reconsider the Rezoning request of Mr. Ray who is the owner of the land and who has hired Mr. James Ingalls to develop the property at Orion and Goodwin Lane. It also has been brought to my attention that my in person objection at the last council meeting on 22 February 2021 at 1800 hours was not sufficient to be counted as an objection and that the council must have it in writing as I was one of the 26 homeowners that received the notice in the mail as my property line is with in 200 feet of the property up for rezoning.

It was my understanding when I spoke to Mr. Simmont that me showing up would have counted as an objection, but that does not seem to be the case now. I also can tell you from speaking to my closest neighbors that should have received a notice in the mail there are 3 who did not and if not for me letting them know they would not have been at the last meeting or sent emails to the council.

me and my wife strongly object to the rezoning for High Density Multi Family Housing (aka. Apartments). As I stated in the 5 mins I was allowed to speak on 22 February 2021, there are many reasons this should not be approved.

1st, Goodwin Lane can not handle the traffic. I understand that the 2019 Bond that was voted on and approved by the city was designed to handle growth for our neighborhoods in this area of district 4, but it is not due to even begin construction until 2023 and to my understanding will take 2 years to complete. This means that a HDMFH community would cause major issues as it would be developed and the infrastructure built long before the construction on Goodwin Lane would be completed, not to mention that there are not any plans for the enhancement of Orion.

There have already been at least 3 Dirt Trucks pulling trailers that have turned over trying to turn from Goodwin Lane on to Orion, causing hours of delay because they had to get a crane or wrecker to pull the truck back up and onto the road. Then add that a train is constantly stopped on the track on Orion does now and would cause anyone living on Orion to be forced to use Goodwin Lane to exit the community, add that there are no gate guards for that track and make it a big safety issue.

Now let us talk about when Alligator Creek Floods and the low crossing at Kolenburg Road, if that train is stopped on the track not only will all the the traffic from Orion have to go right on

Goodwin Lane and we here at Wasser Ranch, Oak Creek, Quail Valley, Arroyo Verde, to have to go through Oak Creek and/or Quail Valley to get out and if it happens. Lets now address when school is either starting or ending at Oak Creek Elementary that causes even more issues. Lastly let's talk about the construction on IH 35 and Kolenberg Road that is not due to be completed until 2025 and we know from history TxDot that we can add 2 years to that.

The amount of cars that would be added when apartments go up almost triple what single family housing would, not to mention the potential for the school to be well above capacity (Yes I am aware this is not y'all issue as was stated at the last meeting) but does not mean that it can't/shouldn't be used as information when deciding on the decision.

3rd, It has been statically proven many times that when HDMFH goes up so does crime in that area.

We have so much going on in our community, the state and our country that we all are having to deal with and this is just one more added stress put on us, that we should not have to endure, I am not a political man and I have very conservite values, but I also use the brain that the lord gave me to make good sound decisions. My wife and I understand that no one person or community is perfect and you can't please everyone. With that said we are asking you sir and the others on this city council to please disapprove the HDMFH portion of this rezoning request. As those of us that came to the council meeting on 22 February set until after 9pm to voice our objections we have no problem with single family homes as long as they are not MFH type homes and we are not trying to stop growth in New Braunfels or District 4 we just want responsible growth that makes sense for everyone.

Lastly, the potential for our home values to drop is a real concern.

Mr. Hoyt, Myself and my wife and as you will see on Monday your community over here would ask that you come and drive through our neighborhoods over here and then ask yourself this question "If I lived here would I want apartments built and can my community handle this much growth so fast".

Thank you for your time and willingness to listen to me and all of the neighbors here in your part of District 4.

Have a Blessed Day!

Donald "Chris" Featherston  
Ret, USAF  
[chris.featherston2015@gmail.com](mailto:chris.featherston2015@gmail.com)  
210-777-0450

#21

**From:** [f567270](#)  
**To:** [Christopher J. Looney](#); [Matthew W. Simmont](#); [Matthew E. Hoyt](#); [Jason Hurta](#)  
**Subject:** No To Goodwin/Orion Multi Housing CASE #PZ20-0329  
**Date:** Sunday, March 7, 2021 5:11:25 PM

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**Caution: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Case #PZ20-0329 ms

Name: Christopher N and Melissa J Rogers  
Address: 2981 Zaber  
Property #on Map: 19

I OBJECT!!!!

Reason:

Lack of current infrastructure to support High Density housing in the area. Road improvements need to be made first on Goodwin Lane and Orion Dr to support the additional traffic. School overcrowding will also become an issue unless additional schools are built in the area.

Another concern is the affect this rezoning will have on current property values. We invested a lot into our new home and it would be very disappointing to see an adverse affect on the value based on the decision of the planning committee.

Strongly object

Melissa and Christopher Rogers



#22

**From:** [Nancy Richardson](#)  
**To:** [Matthew W. Simmont](#)  
**Subject:** No to multi family apartment complex on Orion and Goodwin  
**Date:** Monday, March 8, 2021 9:24:02 AM

---

**Caution: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

I implore you to not approve a proposal to build a multi family apartment complex on Orion and Goodwin. First of all the roads simply can't handle the traffic. Orion is a road so narrow that 2 cars can't pass each other safely- not to mention trains block the road daily by stopping on the tracks allowing only one way in and out which is Goodwin. Goodwin has its own issues as well. Presently a new subdivision is being built off Goodwin which will bring significantly more traffic to the already congested area. Between the hours of [2:45](#) and [3:25](#) it is almost impossible to get to my subdivision Wasser Ranch due to the cars lined up on Goodwin waiting to pick up their children from the school and there is no way to safely get around them. I bought my lot and built my dream home to enjoy the beautiful scenery and privacy. I am beyond saddened and upset that this could all change. Not only would an apartment complex change the dynamics of the area but it will most likely bring crime and lower the value of my house. I am from New Braunfels and I understand that our city is developing at a record pace but please do not approve this proposal- show the residents of this area that you care and support us and our livelihoods.

Thank you,

Nancy Richardson

[2989 Zaber](#)

[New Braunfels, Tx, 78130](#)

Sent from my iPad Sent from my iPad

#32

**From:** [Delacruz, Michelle](#)  
**To:** [Christopher J. Looney](#); [Matthew E. Hoyt](#); [Matthew W. Simmont](#); [Jason Hurta](#)  
**Subject:** Proposed rezoning on Orion & Goodwin road  
**Date:** Monday, March 8, 2021 10:05:49 AM

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**Caution: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Good Morning,

My name is Michelle Delacruz and I live in the Wasser Ranch subdivision at 2907 Aller New Braunfels, TX 78130. The city council is taking another look at a proposed rezoning request for 13 acres at the corner of Goodwin and Orion to build multi-family housing. This was voted down at the last council. I strongly disapprove of the rezoning request. We paid a premium for our lot as our oversized windows face the fields and not other houses, certainly not a rental neighborhood. The road infrastructure is lacking as it is on Goodwin, which is too narrow and there's already new homes going up across the street. In addition, multi-family homes, which are rental apartments or duplexes, will bring crime to this area and will hurt the market value of my newly purchased home along with the others in this area. Prior to buying our home, we rented at a supposed luxury apartment complex and the crime was unreal. I emphatically implore you to not approve this request. Thank you for your time and consideration.

Sincerely,  
Michelle Delacruz

**From:** [chris.delacruz](#)  
**To:** [Christopher J. Looney](#); [Matthew E. Hoyt](#); [Matthew W. Simmont](#); [Jason Hurta](#)  
**Subject:** Proposed rezoning on Orion & Goodwin road  
**Date:** Sunday, March 7, 2021 4:27:23 PM

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**Caution: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Hello,

My name is Chris Delacruz and I live in the Wasser Ranch subdivision at 2907 Aller New Braunfels, TX 78130. The city council is taking another look at a proposed rezoning request for 13 acres at the corner of Goodwin and Orion to build multi-family housing. I was at the last council meeting and this was voted down. I strongly disapprove of the rezoning request. The road infrastructure is lacking as it is in Goodwin, too narrow and there's already new homes going up across the street. In addition, multi-family homes AKA, rental apartments or duplexes will likely hurt the market value of my newly purchased home along with others. I emphatically implore you to not approve this request. Thank you for your time and consideration.

Sincerely,  
Chris Delacruz

**The following responses are from property owners that are outside of the 200-foot notification area, unlisted with the County Appraisal District, or did not provide an address.**

**From:** [Cristine Barger](#)  
**To:** [Jason Hurta](#); [Christopher J. Looney](#); [Matthew W. Simmont](#); [Matthew E. Hoyt](#)  
**Subject:** No To Goodwin/Orion Multi Housing  
**Date:** Sunday, March 7, 2021 2:34:06 PM

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**Caution: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

To whom it may concern,

I live in the Wasser Ranch subdivision off Goodwin Lane. I have been made aware that there is a proposed zoning change to lots that are off Orion Drive. I believe this issue is item D on the docket for Monday, March 8th.

This area of New Braunfels is growing rapidly while the infrastructure in this area has largely been ignored. Goodwin Lane, Orion Drive, and Conrads Road are all in subpar condition, traffic on both FM 306 and at the Conrads Road exit is heavy, and construction on 35 in this area has made it hard to efficiently make it through town.

There is a large apartment complex being built off FM 306 new Tri-City Distributors currently that will have a large impact on an already busy intersection (where 306 and Goodwin meet). Additional multi-family housing in this area should wait until the infrastructure in this area can support it.

In addition, Justin Meadows mentioned in the meeting when this was previously discussed, that this proposed multi-family housing unit would be closer than is standard in New Braunfels and would not have barriers that are typically seen when multi-family butts up to single-family living.

Furthermore, there is a train crossing on Orion Dr near 1102 that does not have crossing arms. Not only do trains stop here for hours (sometimes days) at a time, it is a safety hazard to have so many people going over those tracks with no arms.

The pushing through of this issue so quickly and despite many residents (and council members) disagreeing with it is puzzling. Why is this area of town being ignored when it comes to safe and responsible growth? I can imagine that those serving on the City Council, the Mayor, as well as the developer would not want an apartment complex being built in their backyard, their children's school overcrowded, and their roadways congested because of someone else's short-sighted decision.

While I appreciate and understand the City's goal to build more affordable housing, I do not believe this particular area is a good fit for a multi-family housing unit. Houses or a park would fit in beautifully- especially with the trail that is to extend along Alligator Creek.

Thank you for your time and service,

Cristine Barger



**From:** [Jonathan Barger](#)  
**To:** [Matthew W. Simmont](#)  
**Cc:** [Cristine Barger](#)  
**Subject:** Goodwin Lane & Orion Rezoning Proposal  
**Date:** Monday, February 22, 2021 8:16:32 AM

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**Caution: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Good morning Matt,

We have never spoken but the recent rezoning request near Goodwin Lane and Orion has sparked my interest. I live in Wasser Ranch, so this rezoning request has close proximity to my home. My initial thought was "*I don't want my property values to decrease*" so I went down the rabbit hole of finding research that fit my narrative. I found the exact opposite and that MDU's (multi-dwelling units) have no statistically significant effect on property values even when comparing to a control group.

My next concern is on infrastructure and I am hoping that you could answer my questions.

- What is the total capacity of students for Oak Creek Elementary?
- What is the total student count at Oak Creek Elementary?
- What is the model for how many students per MDU unit/ SDU unit is the City forecasting will be students?

I have three children - one of which is currently at Oak creek and two that will shortly follow, so my immediate concern is that Oak Creek will be packed to the brim and this will lead to a less than optimal learning experience.

- When will construction commence on Goodwin Lane

I don't have traffic statistics but it seems that the flow of traffic on Goodwin is starting to back up during peak traffic hours and there is a new Neighborhood that has already broken ground right off of Goodwin. These backup issues happen from Conrad all the way to 306 and I feel that adding an additional 1,000 MDU/SDU will only further contribute to the traffic issue. (BTW, my 1,000 is an approximation between the SDU plan for zero lot lines and the MDU plan - please correct me if this total number is incorrect).

- Orion Dr has a train crossing that does not have safety arms. Is the developer going to pay to have safety arms placed at this train crossing and will the City of New Braunfels be able to do anything with Union Pacific regarding trains stopping on the tracks?

Thanks for your time in your response. I believe the real discussion should be on infrastructure capabilities and forecasts versus the "Not In My Backyard" mentality and will be happy to share your responses with the neighborhood.

Sincerely,

Jon Barger  
908 Ulster  
New Braunfels, TX 78130

c - 210-317-2404

e - [jonathanwbarger@gmail.com](mailto:jonathanwbarger@gmail.com)

**From:** [Amanda Barker](#)  
**To:** [Matthew W. Simmont](#)  
**Subject:** Objection to pending rezoning  
**Date:** Sunday, March 7, 2021 8:53:36 PM

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**Caution: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Dear Mr. Simmont,

I live in Wasser Ranch and am very concerned about the apartment complex right in our back yard ("High Density Multi Fmaily Housing") on Goodwin Lane & Orion Drive

There are many reasons why this is a very bad idea from the roads are not designed for this much traffic to the school issue it will cause and statically when places such as duplex's and apartments go up so does crime. Not to mention our home values taking a big hit. I did my research when buying where I did and this is a slap in the face and many of us are now feeling the need to move if this passes. Let's grow this city responsibility without penalizing the neighborhoods in our area!

I OBJECT TO THIS REZONING!!!

Thank you for your time!

Sincerely,

Amanda Barker  
627 Wipper, NB 78130

**From:** [Cassi Coble](#)  
**To:** [Jason Hurta](#); [Christopher J. Looney](#); [Matthew W. Simmont](#); [Matthew E. Hoyt](#)  
**Subject:** Opposed to apartments on Goodwin, Wasser Ranch resident  
**Date:** Sunday, March 7, 2021 1:30:21 PM

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Caution: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I am a resident in Wasser Ranch and am emailing you in regards to the zoning change for apartments and/or small lot home proposal for Goodwin and Orion. The residents at several neighborhoods along Goodwin are opposed to this for many reasons.

First, Goodwin lane has seen a significant increase in the traffic that comes thru already and the road is already not wide enough. With increased traffic from apartments this will likely lead to accidents and unsafe conditions for the school located within less than a mile of said zoning changes.

Second, I understand that there is already an apartment complex going in next to Tri City distribution center at 306 and Goodwin less than 2 miles away from this proposed zoning change. Why are we trying to bombard this area with apartments in an already heavily trafficked area with roads that cannot handle the current traffic flow we have.

Lastly, as I'm sure you can understand the impact having apartments next to your neighborhood we would likely see a decrease in our property values, most of which have been built in the last 5 years. I'm not sure what the strategy is in bombarding Goodwin lane with rental properties when there are already nice neighborhoods being built with homes starting in the high 200s and 300s. The builders have had no problems selling homes in this area and could likely be a potential property for more homes similar to what is already in the area.

While I can understand a need to have more housing options for people moving to the area but with the recent rental home neighborhood that was built on Goodwin, the newly approved apartments at 306 and Goodwin, and all the expansions happening within Oak Creek, Wasser Ranch, and Cloud Country adding this zoning change would just cause more issues to the already heavy congestion we have within this area. This zoning change would also cause a lot of unhappy residents to what can be a flourishing area for the City.

As a single parent I am not able to attend the meeting in person but wanted to express my deep concern and complete opposition to the zoning change proposal next to my neighborhood.

Sincerely,  
Cassi Deleon

Sent from my iPhone

**From:** [Janet Coble](#)  
**To:** [jhurta@nbtexas.or](mailto:jhurta@nbtexas.or); [Christopher J. Looney](#); [Matthew W. Simmont](#); [Matthew E. Hoyt](#)  
**Subject:** NO TO GOODWIN/ORION MULTI HOUSING  
**Date:** Sunday, March 7, 2021 1:37:05 PM

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**Caution: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

I am a homeowner in Wasser Ranch and would like to adamantly **OBJECT** to approving a multi housing complex at the location of Goodwin/Orion for many reasons:

#1 - The homes in Wasser Ranch have current values of \$300,000+ with new builds being considerably over this amount. As you well know, putting in multi housing, which we all know will be rental units, drastically reduces property values. We already have an entire subdivision on Goodwin that is strictly rent/lease. So far, that development is maintained very well and since these are individual homes, does not have quite the impact that apartments or duplexes have.

#2 - Goodwin Lane and Orion both, but most especially Goodwin, **CAN NOT** stand up to the current traffic load, let alone any increased traffic load. With new homes being built not only in Wasser but also Oak Creek Estates and Cloud Country, this area will steadily have an increase in traffic. I moved into my home in August 2019 and that November I saw a survey crew on Goodwin and when asked what they were doing, they informed me they were surveying as Goodwin was going to be widened with a turn lane all the way down to accommodate the traffic entering the various subdivisions. As to date, **NOTHING** has been done about that. This should be a priority for right now. Hopefully you realize that Alligator Creek floods very easily therefore closing Goodwin. What happens then? Oak Creek Elementary was closed from March 2020 till August 2020 and not a single thing was done except some asphalt repair work.

#3 - From what I have been able to find out, there already is an apartment complex going up on FM 306 between NBU and the beer distributor. With that being built, we DEFINITELY do not need another complex less than a mile away.

#4 - Your priority for the city right now should be focused on finishing up all the road repairs and construction before summer tourism hits. The 306/I-35 location is a disaster and now has a completion date of next March, which is one year from what was originally planned. Why? A Whole year behind? How about putting some pressure on that contractor? And the Conrads/Kohlenberg interchange is another train wreck.

Take care of the projects that are out there right now and not being completed in timely manners.

Remember, you are elected by the people that actually live here to do what is in the best interest for your constituents, not the commercial developers who come in and out of here after they have made their millions. **We LIVE here and SUPPORT this city with out taxes, spending and volunteering. KEEP THAT IN MIND WHEN YOU MAKE ANY LIFELONG DECISIONS.**

Janet Coble  
Wasser Ranch Subdivision



**From:** [Kelly Garza](#)  
**To:** [Matthew W. Simmont](#)  
**Subject:** Apartments at Goodwin & Orion  
**Date:** Sunday, March 7, 2021 9:51:14 AM

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**Caution: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Good morning,

I hope this email finds you well. It has come to my attention that at tomorrow's city council meeting a discussion will be held regarding apartments at Goodwin & Orion roads. As a resident of the surrounding area, I would like to strongly oppose this re-zoning and the proposed construction. Apartments in that area would cause so many issues for current homeowners on this side of town, such as additional traffic congestion, property value decreases, and overpopulation of OCES. We moved to this end of town 8 years ago because it was less congested than other areas. It has since grown and the increase of homes and population have already caused so much traffic congestion and accidents. Between the growth of Creekside, the DPS office being relocated over here, and the TA truck stop it has become a nightmare. Adding more homes would only cause the existing issues to become exacerbated. The city council needs to say "no" to further construction requests in order to help preserve the few green areas of this once beautiful town and to maintain quality of life for current tax paying citizens.

I would prefer to be making my request in person tomorrow evening, but can not attend due to family commitments. I know many of my neighbors will be in attendance and hope to have their voices heard.

Thank you in advance for your consideration in this matter.

Sincerely,

Kelly O'Neal  
New Braunfels resident  
Cloud Country Subdivision

**From:** [Glenda Harrison](#)  
**To:** [Matthew W. Simmont](#)  
**Subject:** Re zone at Goodwin and Orion  
**Date:** Sunday, March 7, 2021 3:30:23 PM

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**Caution: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

I am a new homeowner in the Wasser Ranch subdivision and am writing to convey my objection to the re zoning as it is currently proposed. My address is 817 Pader. Thank you for your attention to matter  
GetOutlook [for Android](#)

**From:** [Debra Howell](#)  
**To:** [Jason Hurta](#); [Christopher J. Looney](#); [Matthew W. Simmont](#); [Matthew E. Hoyt](#)  
**Subject:** Orion and Goodwin  
**Date:** Saturday, March 6, 2021 2:18:09 PM

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Item D on the agenda for  
Monday night.

The last city council Meeting it was rejected by a 5-2 vote. I've always thought it was tabled if it was rejected.  
Will this really be on the agenda Monday night?

Thank you

Debra

**From:** [Debra Howell](#)  
**To:** [Christopher J. Looney](#); [Matthew W. Simmont](#); [Matthew E. Hoyt](#)  
**Subject:** Goodwin Orion subdivision  
**Date:** Sunday, February 21, 2021 8:22:46 PM

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Caution: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I am so opposed for the rezoning of the land at the corner of Orion and Goodwin. This will add so many more people and families to our already crowded little area. These lots are way smaller than any of the others in the area and if I counted right it is 363 homes plus an apartment complex. That's adds well over 1,000 more cars. Yes our bond passed and we are getting better roads but if y'all are waiting for all these subdivisions to build on Goodwin it will take forever.

I really hope no one gets killed on that small road on Goodwin and especially no child. And the roads in the older subdivisions are already failing. Drive the roads in Quail Valley and northwest crossing, especially the section of Starling Creek toward the Oak Creek side. These roads are failing and soon the sewer system will too. It's like riding a roller coaster up and down. That is going to be a nice costly fix.

Also I was watching the NBU electric grids this week. There were times when there was 10 areas of outages. Of all those areas including Morningside area, our Goodwin area had the largest amount of 1738 customers. Let's add a couple more hundred customers when we already have water pressure issues.

And what about a park or some other things for all our neighbors. And not just the walking track that they are working on. An actual park for the kids and families.

Please pass this to all the city council members for the vote tomorrow night.

Please do not vote to add all these small lots and apartments to our way to fast growing area.

Thank you

Debra Howell

**From:** [Tony Killough](#)  
**To:** [Matthew W. Simmont](#)  
**Subject:** Goodwin Ln & Orion Rezoning  
**Date:** Monday, February 22, 2021 6:47:57 PM

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**Caution: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Hello Mr. Simmont,

My name is Tony Killough and I live in the Wasser Ranch subdivision along Goodwin Lane, just across from Goodwin Elementary. I'm reaching out regarding the proposed rezoning of the almost 14 acres along Goodwin Ln and Orion. My understanding from available documents is that this land is in the process of being rezoned to accommodate multi-unit (apartment) homes. I'm writing to let you know that I strongly oppose this for a few reasons.

First, I'd like to point out Goodwin Lane. Already packed beyond reason, this road cannot handle the traffic that 500+ units would bring to the area. While many northern subdivisions are already filled out, there are some that have broken ground already and are not filled. For example, across the road is the Oak Creek subdivision, which recently opened their new section, bringing many homes and vehicles to the area. Wasser Ranch opened their new section just a couple months back, that is much larger than the front part of the neighborhood. Furthermore, a rent-to-own community is quickly building and selling homes just past Oak Creek when headed toward 306. This issue extends along Goodwin Ln from Conrads to FM306. This area simply cannot handle 500+ more inhabitants along with what is already broken ground in single family homes.

Secondly, Oak Creek Elementary does not have the capacity for an additional 500+ units worth of children.

Thirdly, the train crossing along the railroad and Orion will cause significant traffic buildup as the train frequently stops over those tracks. This will force everyone to go to 306 or drive down to Conrads and cut around, a huge hassle, and a huge traffic builder.

Lastly, as a homeowner in Wasser Ranch, an apartment building so close will of course lower my property values. Additionally, apartments *usually* bring high levels of crime, which is not what our small community of single family homes along Goodwin Lane is meant for. This is a strong community. One who has grown together through the years in a structured, sustainable, manner. I fear that adding this apartment complex will ruin what we have here. For that reason, I'd like to strongly voice my opposition for the rezoning of this land.

Thank you,

**Tony Killough**  
[tony922@me.com](mailto:tony922@me.com)  
(832) 477-3516



**From:** [Mary K Lopez](#)  
**To:** [Matthew E. Hoyt](#); [jurta@nbtexas.org](mailto:jurta@nbtexas.org); [clooney@bntexas.org](mailto:clooney@bntexas.org); [Matthew W. Simmont](#); [Rusty Brockman](#)  
**Subject:** Please vote no for 21-231 (re-zoning at Goodwin and Orion)  
**Date:** Monday, March 8, 2021 8:30:40 AM

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**Caution: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Good Morning,

I am writing this email as a homeowner who will be directly affected by the re-zoning you will be voting on tonight. I will list my objections below. I appreciate your time on this and would ask that you vote no to this development.

1. Apartments lower property value and bring crime - plus we already two apartment complexes within a mile of us right now.
2. The developer is not from here - does not have our interest in mind and will cause problems for those of us who have paid good money to live here and invest in New Braunfels
3. The roads are already so overwhelmed. Everyday is a fight with all the big trucks and cars not to fall into the ditch off Goodwin In.
4. The school is already becoming crowded - we have pulled our Kindergartener out and will send him to a charter school in Schertz because the classes are getting too big for him to receive a good education.

I know that development is a good thing and needs to happen but on the website you say

" Wise and healthy planning will certainly be important during this time of fast growth..."

To us this is not wise or healthy planning. The amount of traffic and crowding this will bring is not good or healthy for our community.

Thank you,  
Mary Kathryn Lopez  
822 Rench  
New Braunfels, Texas 78130  
Wasser Ranch Subdivision

**From:** [Brittany Parbs](#)  
**To:** [Jason Hurta](#); [Christopher J. Looney](#); [Matthew W. Simmont](#); [Matthew E. Hoyt](#)  
**Subject:** Proposed High Density Multifamily Housing  
**Date:** Saturday, March 6, 2021 6:24:12 PM

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**Caution: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Good Evening,

To whom this may concern,

We are writing to you to firmly suggest our ***opposition*** to any proposed high density multi-family housing (apartments/duplex's etc) near the Goodwin /Orion area. We reside in section 17 (Chesmar homes Wasser Ranch subdivision). Please consider this email a request to vote **NO** on this proposal.

Thank you for your consideration

The Fajardo Family

Sent from my iPhone

**From:** [Thomas Coss](#)  
**To:** [Matthew W. Simmont](#)  
**Subject:** Regarding high density housing in Orion/Goodwin area  
**Date:** Thursday, March 11, 2021 11:34:45 AM

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**Caution: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

New Braunfels City Council

3/11/21

We are new (8 months) residents of Texas and Wasser Ranch, retired married couple, and have a new home here. Personally, I have no problem with high density housing (it has to go somewhere). I have the usual concerns about not wanting the area to develop into an undesirable area but willing to leave it to the city to deal with that.

That aside, I have concerns about infrastructure, as follows:

1. Access in and out of our development is pretty bad. The school on Goodwin causes traffic blockage morning and evening on weekdays. The other exit via Orion Drive is often blocked by a stopped train. Goodwin itself is a very poor street, especially considering the many housing units in process along Goodwin, in Wasser Ranch and probably others. Goodwin is a two lane in terrible shape with an excessively high crown which makes for difficult and dangerous driving. Adding more housing units to the Goodwin/Orion area will cause intolerably congested traffic.
2. We recently experienced a serious power outage, which of course could happen again. I am concerned with the need for additional weatherproof generation to provide for additional housing demand, but I have not been able to find that additional capacity is being developed.
3. I have the same concerns about water. Again, we had an outage where demand exceeded supply (in an admittedly unusual situation), but I have not learned of any additional water supply being developed. Apparently current demand is already straining the Edwards aquifer and one has to wonder where the water will come from to supply all the new housing that is currently on the books.

As a newcomer, I am very careful not to complain before learning the facts, and maybe the different ways of operating in this state vs. where I came from. Nevertheless, it APPEARS that our city does not have a policy that growth should pay for itself, making provision for additional infrastructure to accommodate that (inevitable) growth.

For these reasons, I am against any additional new housing construction in this immediate area until appropriate infrastructure is put in place.

Thomas and Susan Coss  
820 Dreisam  
New Braunfels, TX 78130

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## Draft Minutes for the February 2, 2021 Planning Commission Regular Meeting

**E) PZ20-0329 Public hearing and recommendation to City Council regarding a proposed rezoning of approximately 68.05 acres out of the O. Russell Survey No. 2, Abstract No. 485, located at the northern corner of the intersection of Goodwin Lane and Orion Drive, from “APD” Agricultural/Pre-Development District to “R-1A” Single-Family Small Lot Residential and “R3-H” Multifamily High Density District. Applicant: James Ingalls, P.E.; Owner: EB Industries (Richard Byrd); Case Manager: Matthew Simmont.**

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

Chair Edwards asked if there were any questions for staff.

Chair Edwards asked if the applicant would like to speak.

James Ingalls, 2021 St Hwy 46, Moeller and Associates, provided clarification on the request.

Richard Byrd, CRE Analyst, 8309 Chadbourne Rd, stated they can answer any further questions or concerns from the Commission.

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

Amy Gusman, 3015 Shell Cove, asked how many units are proposed in the multifamily area and stated concerns over the character of the neighborhood.

Discussion followed.

Chair Edwards closed the public hearing.

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

Motion by Commissioner Gibson, seconded by Vice Chair Laskowski, to recommend approval to City Council of the proposed rezoning of approximately 68.05 acres out of the O. Russell Survey No. 2, Abstract No. 485, located at the northern corner of the intersection of Goodwin Lane and Orion Drive, from “APD” Agricultural/Pre-Development District to “R-1A” Single-Family Small Lot Residential and “R3-H” Multifamily High Density District with staff recommendations.

Discussion followed on clarification of the purview being considered.

Motion carried (9-0-0).



**ORDINANCE NO. 2021-**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS REZONING APPROXIMATELY 47 ACRES OUT OF THE ORILLA RUSSELL SURVEY NO. 2, ABSTRACT 485, FROM “APD” AGRICULTURAL / PRE-DEVELOPMENT DISTRICT TO “R-1A-4” SINGLE FAMILY SMALL LOT RESIDENTIAL DISTRICT; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SAVINGS CLAUSE; AND DECLARING AN EFFECTIVE DATE.**

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

**WHEREAS**, in keeping with the spirit and objectives of the “R-1A-4” Single Family Small Lot Residential District, the City Council has given due consideration to all components of said districts; and

**WHEREAS**, it is the intent of the City Council to provide harmony between existing zoning districts and proposed land uses; and

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

**WHEREAS**, the City Council desires to amend the Zoning Map by rezoning approximately 47 acres out of the Orilla Russell Survey No. 2, Abstract 485, from “APD” Agricultural / Pre-Development District to “R-1A-4” Single Family Small Lot Residential District; **now, therefore;**

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

**SECTION 1**

**THAT** pursuant to Section 1.2-3, Chapter 144 of the New Braunfels Code of Ordinances, the Zoning Map of the City of New Braunfels is revised by rezoning the following described tract of land from “APD” to:

“R-1A-4” Single Family Small Lot Residential District: 46.871 acres out of the Orilla Russell Survey No. 2, Abstract 485, as illustrated in Exhibit “A” and described in Exhibit “B”, attached.

**SECTION 2**

**THAT** all provisions of the Code of Ordinances of the City of New Braunfels not

herein amended or repealed shall remain in full force and effect.

### **SECTION 3**

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

### **SECTION 4**

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

### **SECTION 5**

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

**PASSED AND APPROVED:** First reading this 12<sup>th</sup> day of April, 2021.

**PASSED AND APPROVED:** Second reading this 26th day of April, 2021.

**CITY OF NEW BRAUNFELS**

\_\_\_\_\_  
**RUSTY BROCKMAN**, Mayor

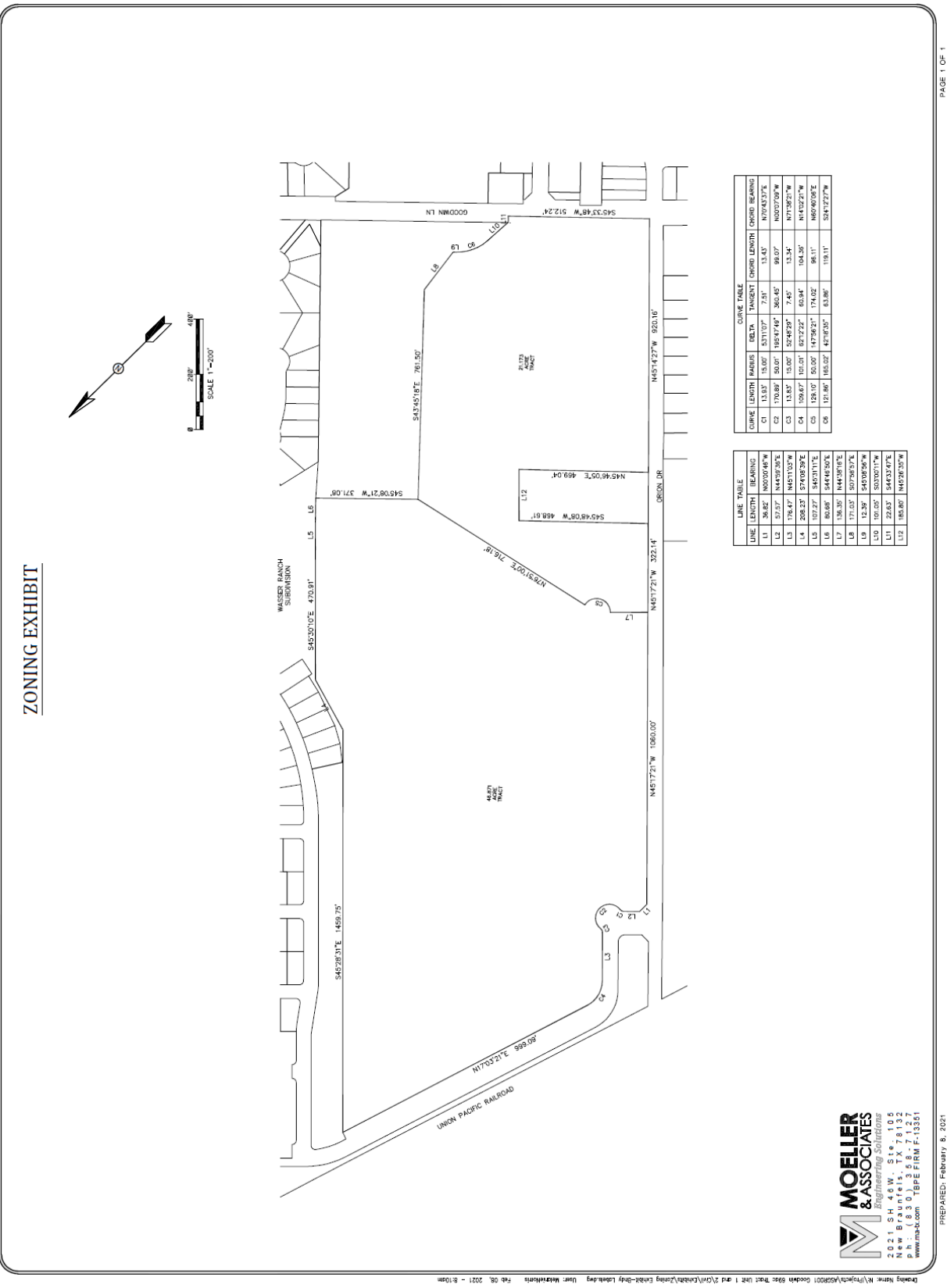
**ATTEST:**

\_\_\_\_\_  
**CAITLIN KROBOT**, Assistant City Secretary

**APPROVED AS TO FORM:**

\_\_\_\_\_  
**VALERIA M. ACEVEDO**, City Attorney

EXHIBIT "A"



ZONING EXHIBIT

**MOELLER & ASSOCIATES**  
Surveyors  
2021, S.W. 46th  
New Braunfels, TX 78132  
P: (830) 258-7127  
www.moad.com TBE FIRM F-13351

PREPARED: February 5, 2021



METES AND BOUNDS DESCRIPTION  
FOR A  
46.871 ACRE TRACT OF LAND  
“ZONING”

BEING a 46.871 acre tract of land situated in the Orilla Russell Survey No. 2, Abstract No. 485, in the City of New Braunfels, Comal County, Texas, being a portion of the remaining portion of a called 100.0 acre tract of land, as conveyed to EB Industries, Inc., and recorded in Document No. 202006000300, of the Official Public Records of Comal County, Texas, and said 46.871 acre tract of land being more particularly described by metes and bounds as follows:

COMMENCING at a ½” iron pin with yellow cap found in the Northeasterly Right-of-Way (R.O.W.) line of Orion Drive (a variable width R.O.W.), being the most Southwesterly corner of a called 2.00 acre tract of land, as conveyed to Rexford J. Michie, and recorded in Document No. 201306029676, of the Official Public Records of Comal County, Texas, and being a Southwesterly corner of the remaining portion of said 100.0 acre tract of land;

THENCE with the Northeasterly R.O.W. line of said Orion Drive, and with the Southwesterly line of the remaining portion of said 100.0 acre tract of land, N 45° 17' 21" W, a distance of 322.14 feet to a point in the Northeasterly R.O.W. line of said Orion Drive, being in the Southwesterly line of the remaining portion of said 100.0 acre tract of land, and being the most Southerly corner of this herein described tract of land and the POINT OF BEGINNING;

THENCE continuing with the Northeasterly R.O.W. line of said Orion Drive, and with the Southwesterly line of the remaining portion of said 100.0 acre tract of land, N 45° 17' 21" W, a distance of 1,060.00 feet to a point at the Southerly end of a cutback line between the Northeasterly R.O.W. line of said Orion Drive and the Southeasterly R.O.W. line of Nebel Street (a 50' wide R.O.W.), and being a Westerly corner of the remaining portion of said 100.0 acre tract of land and this herein described tract of land;

THENCE departing the Northeasterly R.O.W. line of said Orion Drive, with the cutback line between the Northeasterly R.O.W. line of said Orion Drive and the Southeasterly R.O.W. line of said Nebel Street, and with the Westerly line of the remaining portion of said 100.0 acre tract of land, N 00° 00' 46" W, a distance of 36.82 feet to a point in the Southeasterly R.O.W. line of said Nebel Street, and being a Westerly corner of the remaining portion of said 100.0 acre tract of land and this herein described tract of land;

THENCE continuing with the Southeasterly R.O.W. line of said Nebel Street, and with the Westerly line of the remaining portion of said 100.0 acre tract of land, N 44° 59' 36" E, a distance of 57.57 feet to a point in the Southeasterly R.O.W. line of said Nebel Street, being at the beginning of a curve to the right, and being a Westerly corner of the remaining portion of said 100.0 acre tract of land and this herein described tract of land;

THENCE continuing with the Southeasterly R.O.W. line of said Nebel Street, same being the Westerly line of the remaining portion of said 100.0 acre tract of land, and with said curve to the right, having an arc length of 13.93 feet, a radius of 15.00 feet, a delta angle of 53° 11' 07", a tangent length of 7.51 feet, and a chord bearing and distance of N 70° 43' 37" E, 13.43 feet to a point at the beginning of a reverse transition cul-de-sac curve to the left between the Southeasterly R.O.W. line of said Nebel Street and the Northeasterly R.O.W. line of Alster (a 50' wide R.O.W.), and being a Westerly corner of the remaining portion of said 100.0 acre tract of land and this herein described tract of land;

**EXHIBIT “B”**

THENCE with the Northwestern line of the remaining portion of said 100.0 acre tract of land, and with said transition cul-de-sac curve to the left, between the Southeasterly R.O.W. line of said Nebel Street and the Northeasterly R.O.W. line of said Alster, having an arc length of 170.89 feet, a radius of 50.00 feet, a delta angle of  $195^{\circ} 47' 49''$ , a tangent length of 360.45 feet, and a chord bearing and distance of  $N 00^{\circ} 07' 09'' W$ , 99.07 feet to a point in the Northeasterly R.O.W. line of said Alster, being a Westerly corner of the remaining portion of said 100.0 acre tract of land, and being at the beginning of a reverse curve to the right;

THENCE with the Northeasterly R.O.W. line of said Alster, same being a Westerly line of the remaining portion of said 100.0 acre tract of land, and with said curve to the right, having an arc length of 13.83 feet, a radius of 15.00 feet, a delta angle of  $52^{\circ} 48' 29''$ , a tangent length of 7.45 feet, and a chord bearing and distance of  $N 71^{\circ} 38' 21'' W$ , 13.34 feet to a point in the Northeasterly R.O.W. line of said Alster, and being a Westerly corner of the remaining portion of said 100.0 acre tract of land and this herein described tract of land;

THENCE continuing with the Northeasterly R.O.W. line of said Alster, and with the Westerly line of the remaining portion of said 100.0 acre tract of land,  $N 45^{\circ} 11' 03'' W$ , a distance of 176.47 feet to a point in the Northeasterly R.O.W. line of said Alster, being a Westerly corner of the remaining portion of said 100.0 acre tract of land, and being at the beginning of a curve to the right;

THENCE continuing with the Northeasterly R.O.W. line of said Alster, same being the Westerly line of the remaining portion of said 100.0 acre tract of land, and with said curve to the right, having an arc length of 109.67 feet, a radius of 101.01 feet, a delta angle of  $62^{\circ} 12' 22''$ , a tangent length of 60.94 feet, and a chord bearing and distance of  $N 14^{\circ} 02' 21'' W$ , 104.36 feet to a point in the Easterly R.O.W. line of said Alster, and being a Westerly corner of the remaining portion of said 100.0 acre tract of land and this herein described tract of land;

THENCE with the Easterly R.O.W. line of said Alster, and with the Westerly line of the remaining portion of said 100.0 acre tract of land,  $N 17^{\circ} 03' 21'' E$ , a distance of 999.09 feet to a point in the Easterly R.O.W. line of said Alster, being the most Westerly Northwest corner of Lot 900 (Private Open Space/ Drainage/ Public Utility Easement), Block 15, Wasser Ranch, Unit-2 Subdivision, as recorded in Document No. 201906036500, of the Map and Plat Records of Comal County, Texas, and being the most Northerly Northwest corner of the remaining portion of said 100.0 acre tract of land and this herein described tract of land;

THENCE departing the Easterly R.O.W. line of said Alster, with the Southwesterly line of said Lot 900, the Southwesterly line of Lot 902 (Private Open Space/ Drainage/ Pedestrian Access Easement), Block 5, of said Wasser Ranch, Unit-2 Subdivision, and with the Northeasterly line of the remaining portion of said 100.0 acre tract of land,  $S 45^{\circ} 28' 31'' E$ , a distance of 1,459.75 feet to a point for a Southwesterly corner of said Lot 902, and being a Northeasterly corner of the remaining portion of said 100.0 acre tract of land and this herein described tract of land;

THENCE with the common line between said Lot 902 and the remaining portion of said 100.0 acre tract of land,  $S 74^{\circ} 08' 39'' E$ , a distance of 208.23 feet to a point for a Southwesterly corner of said Lot 902, and being a Northeasterly corner of the remaining portion of said 100.0 acre tract of land and this herein described tract of land;

THENCE continuing with the common line between said Lot 902 and the remaining portion of said 100.0 acre tract of land, the following courses:

$S 45^{\circ} 30' 10'' E$ , a distance of 470.91 feet to a point for a Southeasterly corner;

$S 45^{\circ} 31' 11'' E$ , a distance of 107.27 feet to a point for a Southeasterly corner;

THENCE continuing with the common line between said Lot 902 and the remaining portion of said 100.0 acre tract of land,  $S 44^{\circ} 46' 50'' E$ , a distance of 80.68 feet to a point in the Southwesterly line of said Lot 902, being the most Northerly corner of a called 9.963 acre tract of land, as conveyed to Chesmar Homes, LLC, and recorded in Document No. 201906046983, of the Official Public Records of Comal County, Texas, and being a Southeasterly corner of the remaining portion of said 100.0 acre tract of land and this herein described tract of land;



THENCE departing the Southwesterly line of said Lot 902, and with the common line between said 9.963 acre tract of land and the remaining portion of said 100.0 acre tract of land, S 45° 08' 21" W, a distance of 371.08 feet to a point for the most Westerly corner of said 9.963 acre tract of land, being a Southeasterly corner of the remaining portion of said 100.0 acre tract of land, and being a Southeasterly corner of this herein described tract of land;

THENCE departing the common line between said 9.963 acre tract of land and the remaining portion of said 100.0 acre tract of land, and across and through the remaining portion of said 100.0 acre tract of land, the following courses:

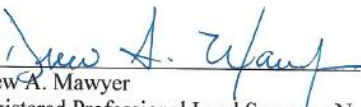
S 76° 51' 00" W, a distance of 716.18 feet to a point for a Southerly corner, and being at the beginning of a curve to the right;

With said curve to the right, having an arc length of 129.10 feet, a radius of 50.00 feet, a delta angle of 147° 56' 21", a tangent length of 174.02 feet, and a chord bearing and distance of S 60° 40' 06" W, 96.11 feet to a point for a Southerly corner;

THENCE continuing across and through the remaining portion of said 100.0 acre tract of land, S 44° 38' 16" W, a distance of 136.35 feet to the POINT OF BEGINNING, and containing 46.871 acres of land, more or less.

Bearings based on the Texas State Plane Coordinate System, Texas South Central Zone (4204), North American Datum 1983.

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

  
Drew A. Mawyer  
Registered Professional Land Surveyor No. 5348  
TBPLS Firm Registration #10191500  
5151 W. SH 46, NEW BRAUNFELS, TX 78132  
MOE426- ORION 1102- 46.871 AC- 020121



4/12/2021

Agenda Item No. J)

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Presenter

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

**SUBJECT:**

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

**BACKGROUND / RATIONALE:**

**Case No.:** SUP20-298

**Council District:** 4

**Applicant:**

Ross Wilkinson, Managing Member  
Roger Rocket Real Estate LLC  
422 Elmwood Drive  
New Braunfels, TX 78130  
(713) 446-9793  
rfwilkinson@gmail.com

**Owner:**

Rosemary R.C. Nunez (Phillips)  
1951 Gruene Road  
New Braunfels, TX 78130

**Staff Contact:**

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

**City Council postponed the first reading of this proposed rezoning (7-0) upon request from the applicant.**

The 1.185-acre subject property is located south of Loop 337 on the east side of Gruene Road. The 1,216 square-foot residence on the site was constructed in 1968. The applicant would like to convert the house into a restaurant and is requesting approval of a Special Use Permit (SUP) to allow live outdoor music.

Their plan is to extend a covered outdoor patio from the rear of the building. The conceptual site plan shows a total of 20 tables arranged with six tables within the enclosed dining room and restaurant, nine tables under the covered patio, and five open air tables with space for live music performances.

To protect residential tranquility, Section 5.3-4 of the City's Zoning Ordinance prohibits outdoor

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music when adjacent to single-family or duplex residential use or zoning. The subject property is adjacent to single-family residences to the south and east. In addition, the site is adjacent to the 124-unit Ranch at the Guadalupe apartment complex that was constructed in 2017.

Neighboring C-1 zoned property to the south with frontage on Gruene Road is developed with similar era single-family homes on large lots that were platted as the Rio Vista Addition in 1934. The surrounding neighborhood is well-established and stable. Property to the east is also part of the Rio Vista Addition. This area is zoned R-2 (Single-family and Two-family) and is developed with single-family homes. Property to the north is zoned C-1 and developed with a large apartment complex.

While the Zoning Ordinance includes the aforementioned residential protection provision, the purpose of the SUP process is to provide an opportunity for site-specific consideration of certain uses or activities that might otherwise be incompatible with adjacent uses or existing land use patterns. As SUPs are conditional zoning overlays, they can be approved with conditions to achieve compatibility and protect neighboring properties.

*Surrounding Zoning and Land Use:*

North - C-1 / Multifamily

South - C-1 / Single-family and two-family dwellings

East - R-2 / Single-family and two-family dwellings

West - Across Gruene Road and Union Pacific Railroad, M-1 / Commercial and agricultural

*Determination Factors:*

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

- Whether the permitted use will be appropriate in the immediate area and the relationship of the use to the surrounding area and to the City as a whole. *(The subject property is at the perimeter of an established residential area of single- and multi-family homes. Without sound mitigation measures, allowing outdoor music could introduce an incompatible land use to adjacent residents. The site appears capable of accommodating the required number of parking spaces. Parking, landscaping, and other site development standards will be reviewed for compliance during site plan review of the necessary commercial permit.)*
- Whether the zoning change is in accord with any existing or proposed public schools, streets, water supply, sanitary sewers, and other utilities to the area. *(The proposed use does not appear to conflict with any of these elements. Although, site utility upgrades may be identified during the house conversion and permitting process.)*
- How other areas designated for similar development will be affected. *(Allowing outdoor music would not likely affect nearby areas designated for similar development.)*
- Any other factors that will substantially affect the public health, safety, morals, or general welfare. *(The use of outdoor music could negatively impact the health, residential enjoyment, and general welfare of the public in neighboring residential areas.)*
- Whether the request is consistent with the Comprehensive Plan: *see below*

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

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<b>City Plan/Council</b> <b>Priority:</b> Envision New Braunfels Comprehensive Plan	<b>Action 3.3:</b> Balance commercial centers with stable neighborhoods. <b>Action 3.6:</b> Proactively provide a regulatory environment that remains business and resident friendly. <b>Future Land Use Plan:</b> The property is situated in the New Braunfels Sub-Area near a Recreational River Corridor.
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### **FISCAL IMPACT:**

1. If approved, the City's Code Compliance Team might be frequently called to enforce compliance with the SUP, due to the numerous homes in close proximity.
2. If approved, the City's Police Department might be called to investigate noise complaints and frequently measure decibel levels pursuant to the City's Noise Ordinance (Section 82-9).

### **COMMITTEE RECOMMENDATION:**

The Planning Commission held a public hearing on March 2, 2021 and recommended denial (7-0-1) with Commissioner Gibson absent; Commissioner Mathis abstained.

### **STAFF RECOMMENDATION:**

Outdoor live music appears inappropriate at this location for the following reasons:

1. The property is surrounded on three sides by existing, stable residential uses. The conceptual site plan shows the music stage oriented toward the apartment complex. Given the difficulty of controlling noise trespass, it is anticipated that the use may create a nuisance for surrounding residents.
2. The applicant has not yet provided information regarding noise mitigation, or specific measures to minimize disruptions to neighbors. Per Section 82-9 of the City's Code of Ordinances, the maximum decibel level permissible for any type of sound emitted from a property that is located within 100 feet of a residential district is 85 decibels between 10:00 AM to 10:00 PM and 75 decibels at all other times.

Therefore, staff recommends denial. However, if City Council is inclined to approve, staff recommends the SUP include conditions. Examples of noise mitigation measures that have been suggested for similar projects and appropriate for consideration at this location include:

1. Require an acoustic shell for the stage that directs sound away from residences.
2. Set a size limit for the stage.
3. Limit live music to acoustic performances.
4. Limit performance hours.
5. Limit the days of the week that performances occur.
6. Specify rules for playing recorded music through outdoor speakers.
7. Increase site screening and landscaping requirements.
8. Require onsite monitoring and record keeping of decibel levels by the business owner.

### **Notification:**

Public hearing notices were sent to 10 owners of property within 200 feet. The City has received no responses in favor and seven responses in objection (# 1, 2, 3, 4, 6, 7, 8) to the request. Opposition represents more than 20% of the notification area. Pursuant to state statute, a  $\frac{3}{4}$  majority of City Council (6 votes) will be required for approval of the applicant's request unless that opposition changes. (Staff received an additional 4 written responses from outside the state-mandated 200-foot notification area.)

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## **RESOURCE LINKS:**

- Chapter 82, Section 9. *Noise Regulations* of the City's Code of Ordinances:

[https://library.municode.com/tx/new\\_braunfels/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH82OFMIPR\\_S82-Chapter\\_144\\_Section\\_3.3-7\\_\"C-1\"\\_Local\\_Business\\_District](https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?nodeId=PTIICOOR_CH82OFMIPR_S82-Chapter_144_Section_3.3-7_\) of the City's Code of Ordinances:  
[https://library.municode.com/tx/new\\_braunfels/codes/code\\_of\\_ordinances?](https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?)

- Chapter 144, Section 3.6 (SUP) of the City's Code of Ordinances:  
[https://library.municode.com/tx/new\\_braunfels/codes/code\\_of\\_ordinances?](https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?)
- Chapter 144, Section 5.3-4 *Additional Residential Buffering Requirements* of the City's Code of Ordinances:

[https://library.municode.com/tx/new\\_braunfels/codes/code\\_of\\_ordinances?](https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?)

## **ATTACHMENTS:**

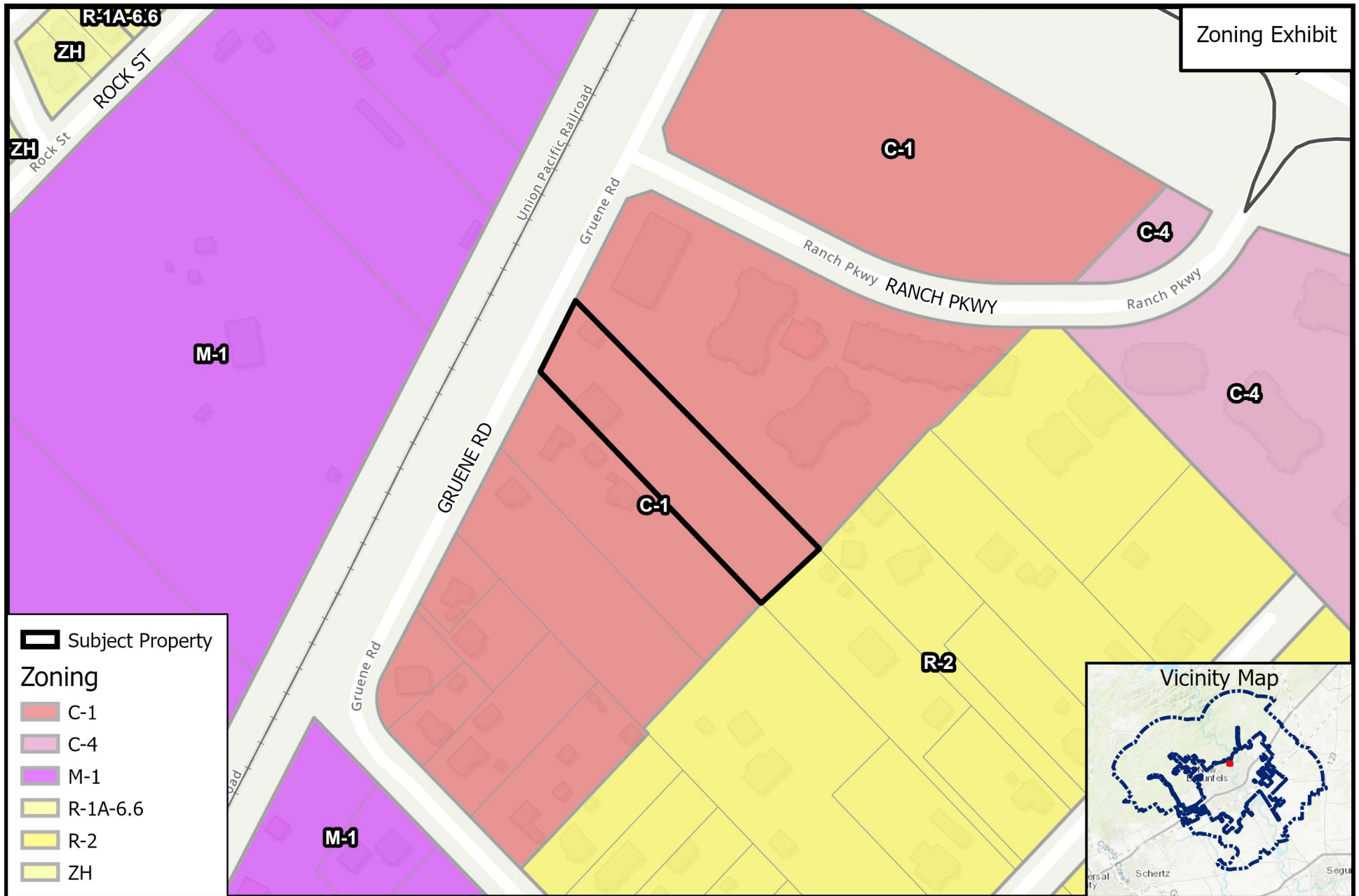
1. Aerial Map
2. Land Use Maps (Zoning, Existing Land Use, Future Land Use Plan)
3. Request Letter and Conceptual Site Plan
4. Email Correspondence with Applicant
5. Notification List, Map and Responses
6. Draft Planning Commission Meeting Minutes
7. Ordinance





**SUP20-298**  
**SUP to allow for live music**

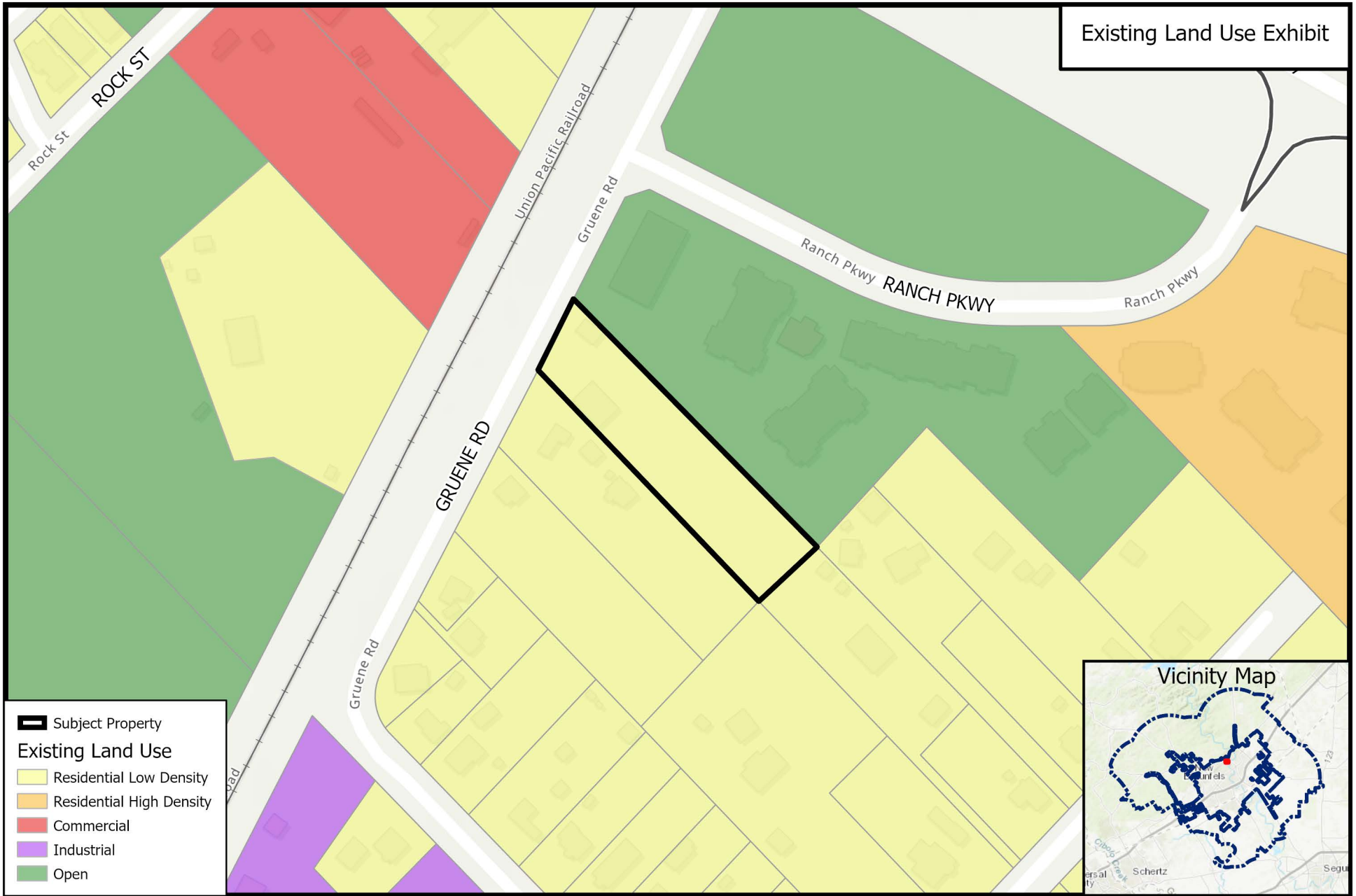




## SUP20-298 SUP to allow for live music

0 100 200  
Feet





**SUP20-298**  
**SUP to allow for live music**



## EXISTING CENTERS

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

### EMPLOYMENT CENTER

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

### MARKET CENTER

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

### MEDICAL CENTER

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

### CIVIC CENTER

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

### OUTDOOR RECREATION CENTER

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

### EDUCATION CENTER

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

### TOURIST/ENTERTAINMENT CENTER

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







# FUTURE LAND USE PLAN

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

## TRANSITIONAL MIXED-USE CORRIDOR

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

## OUTDOOR RECREATION CENTER

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

## EMPLOYMENT CENTER

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

## MARKET CENTER

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

## CIVIC CENTER

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

## SUB AREA 1

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

## SUB AREA 2

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

## SUB AREA 3

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

## SUB AREA 4

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

## SUB AREA 5

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

## SUB AREA 6

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

## SUB AREA 7

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

## SUB AREA 8

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





# THE LYONS GROUP

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November 29, 2020

City of New Braunfels  
Building, Planning & Zoning  
550 Landa Street  
New Braunfels, Texas 78130

Re: 1951 Gruene Road, Zoned C-1  
Special Use Permit Application

On behalf of my client Ross Wilkinson, Managing Member of Roger Rocket Real Estate LLC, please find attached the Special Use Permit (SUP) Application and attachments for filing with the City Building, Planning & Zoning and appropriate fees.

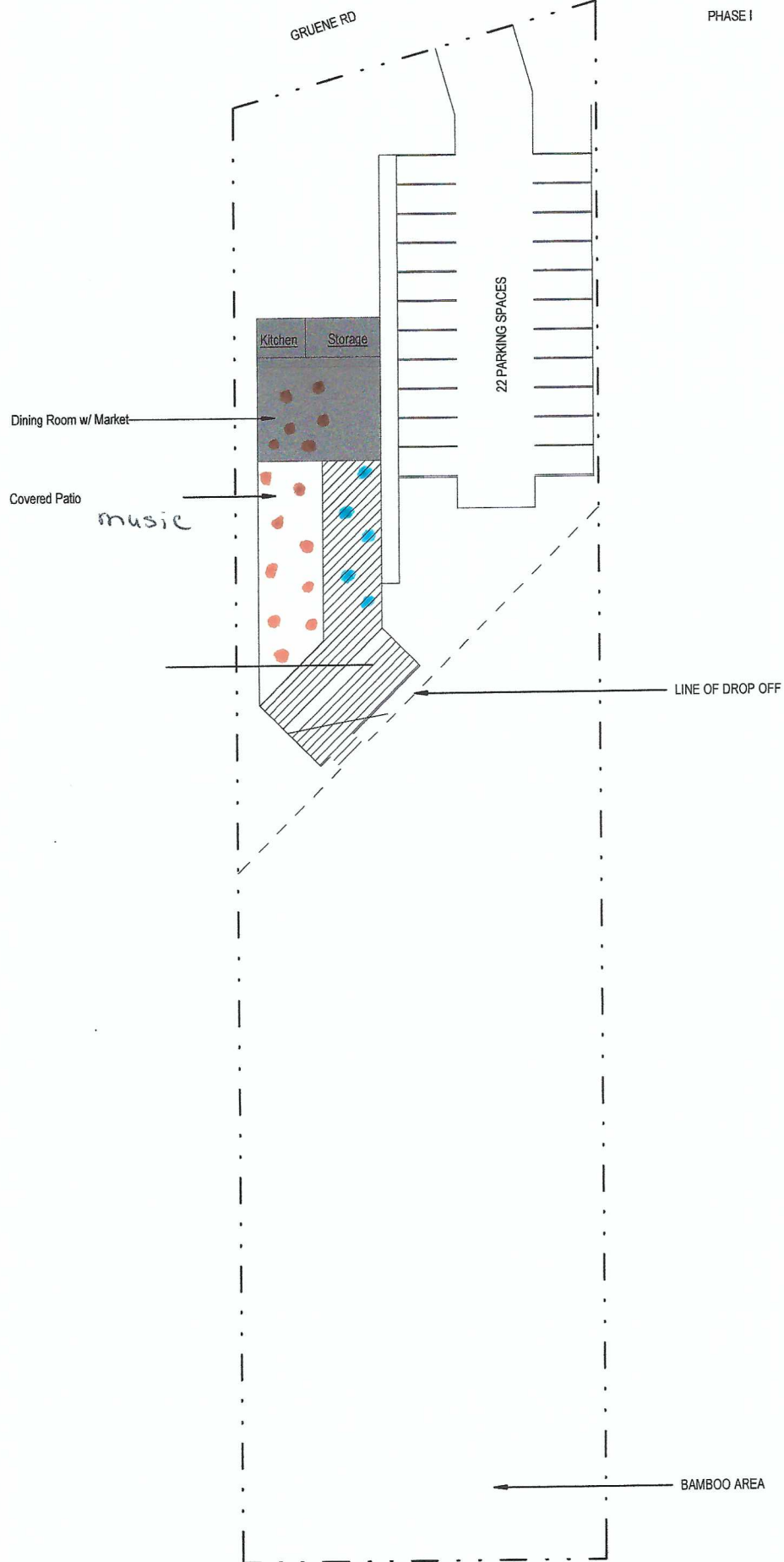
The purpose of this application is for the approval and acceptance by the Board and City Council for live music on the patio of his "to be built" restaurant at 1951 Gruene Road.

If you have any questions, comments or corrections please contact me at your earliest possible opportunity at the phone number listed below.

Thank you for your attention and cooperation in this matter.

Sincerely,

Michelle Lyons  
/ml  
attachments



**From:** [Matthew W. Simmont](#)  
**To:** [Ross Wilkinson](#)  
**Cc:** [Michelle Lyons](#)  
**Subject:** RE: 1951 Gruene Road SUP request  
**Date:** Friday, February 12, 2021 4:14:58 PM  
**Attachments:** Surrounding Addresses.docx  
SUP20-298.xls

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Thank you for the update Ross,

We will not need to send out a new property owner notification for this SUP request. I would encourage you to reach out to the surrounding property owners to discuss some of the details and provide the additional information that you outlined in your email. The surrounding owners can send in updated/additional responses up until City Council consideration of the request. There will also be opportunity for further discussion on the specifics of your request during the Planning Commission and City Council meetings.

In case it might be helpful, I have attached an address listing and mail merge of the surrounding property owners. Feel free to use this information to reach out to the neighbors so that you may communicate with them directly on the request.

Please let me know if you have any questions.

Thank you,

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

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**From:** Ross Wilkinson <[rossfwilkinson@icloud.com](mailto:rossfwilkinson@icloud.com)>  
**Sent:** Friday, February 12, 2021 3:01 PM  
**To:** Matthew W. Simmont <[MSimmont@nbtexas.org](mailto:MSimmont@nbtexas.org)>  
**Cc:** Michelle Lyons <[marymmathis4@gmail.com](mailto:marymmathis4@gmail.com)>  
**Subject:** Re: 1951 Gruene Road SUP request

**Caution: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Hi Matthew,

Thank you again for reaching out to me on this reminder. Below please find a message I would like to pass on to our new neighbors and anyone else of whom it may concern.

Hello,

My name is Ross Wilkinson and I have owned a restaurant in New Braunfels for nearly 6 years by The Name, The River House. Over the last year, as many would imagine, we have had to stay on our toes and do all we could to survive the covid-19 crisis. Over the last year I found myself looking for a location I could purchase to expand our market, catering and to go business while staying in Gruene. I came across 1951 Gruene Rd and saw enormous potential for the concept that I am planning on bringing to this location.

That brings me to the purpose of this letter. I wanted to explain to my future neighbors what I feel was a big misunderstanding as far as "outdoor music" goes. I was able to read many of the responses from those who received notice and the overwhelmingly common theme was that neighbors did not want a live music venue opening up here and they certainly didn't want music playing loud and late. This I completely understand and fully agree with so I was motivated me to make sure that we were able to explain that we were not looking to open a live music venue or play music loud or late on this property. The reason for the SUP aka "Special Use Provision" letter was that we wanted to be able to offer an acoustic solo keyboard or guitar during a Sunday brunch or Valentine's dinner. We do acoustic dinners and brunches at our current location and we have never played anymore than a duet at a time and never have we ever had anyone play later than 9pm. My intentions behind making sure we had the "all clear" for what is called outdoor music were for scenarios such as this. We are not looking to be a live music venue.

We would like to make an agreement with our neighbors and neighborhood that would promise no music after 9pm. No full bands. No drums or loud crash symbols. We are a food and beverage concept first and foremost and in this business of hospitality the ambiance can be a big element that enhances the guest experience....and that has a lot to do with lights, food, service, atmosphere and sometimes music...especially in New Braunfels. This is an "as needed" type of situation and not what I would consider routine. We are excited to come to the area and get to



work. I'm looking forward to providing what I feel is a much needed product in an underserved area and I'm looking forward to getting to know you all as neighbors and hopefully customers.  
I appreciate the time you have taken to read this.  
Thank you,  
Ross Wilkinson

On Feb 11, 2021, at 10:27 AM, Matthew W. Simmont <[MSimmont@nbtexas.org](mailto:MSimmont@nbtexas.org)> wrote:

That sounds great Ross. Thank you for getting back to me!

<EmailLogo-Small\_c6d86cff-0062-47bb-89b0-351933562e2d.png> Matthew W. Simmont, AICP  
Planner | Planning and Development Services  
550 Landa St | New Braunfels, TX 78130  
830-221-4058 | [MSimmont@nbtexas.org](mailto:MSimmont@nbtexas.org) | [www.nbtexas.org/planning](http://www.nbtexas.org/planning)

#OneCityOneTeam

<twitter\_18db307e-2a37-41c2-b4fd-1376bcb3dfd4.png>

<instagram\_59f46ed4-523c-47da-a034-86de8a4782fc.png>

Do you have a question about a permit? Check out the [Citizen Portal](#).  
We encourage you to keep up with the progress on our new comprehensive plan by visiting [www.envisionnewbraunfels.org](http://www.envisionnewbraunfels.org).

This email, plus any attachments, may constitute a public record of the City of New Braunfels and may be subject to public disclosure under the [Texas Public Information Act](#).

Please take a moment to complete the City of New Braunfels [Customer Satisfaction Survey](#).

---

**From:** RF Wilkie <[rfwilkinson@gmail.com](mailto:rfwilkinson@gmail.com)>  
**Sent:** Thursday, February 11, 2021 10:14 AM  
**To:** Matthew W. Simmont <[MSimmont@nbtexas.org](mailto:MSimmont@nbtexas.org)>  
**Cc:** Michelle Lyons <[marymathis4@gmail.com](mailto:marymathis4@gmail.com)>  
**Subject:** Re: 1951 Gruene Road SUP request

**Caution: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Matthew,  
Thank you so much for the follow up. Hope you are well. I'm sorry for the slow reply as I have been in Houston dealing with a family matter. We are busy with all sorts of things these days. I'm sorry I have not got this to you yet. I have an emailed drafted that I have not yet sent. When I get back to my office this afternoon I will take moment to finalize and send over.  
Appreciate it.  
Ross

On Feb 11, 2021, at 9:28 AM, Matthew W. Simmont <[MSimmont@nbtexas.org](mailto:MSimmont@nbtexas.org)> wrote:

Hello Mr. Wilkinson,

I haven't heard back from you on this request so I wanted to make sure you received my message. Please let me know if you have any updates.

Thank you,

<EmailLogo-  
Small\_c6d86cff-0062-  
47bb-89b0-  
351933562e2d.png>

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

#OneCityOneTeam

<twitter\_18db307e-2a37-  
41c2-b4fd-  
1376bcb3dfd4.png>

<instagram\_59f46ed4-  
523c-47da-a034-  
86de8a4782fc.png>

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the [Texas Public Information Act](#).

Please take a moment to complete the City of New Braunfels [Customer Satisfaction Survey](#).

---

**From:** Matthew W. Simmont <[MSimmont@nbtexas.org](mailto:MSimmont@nbtexas.org)>

**Sent:** Tuesday, February 9, 2021 8:26 AM

**To:** RF Wilkie <[RFWilkinson@gmail.com](mailto:RFWilkinson@gmail.com)>

**Subject:** 1951 Gruene Road SUP request

Good morning Mr. Wilkinson,

I am sending you a reminder to please provide me with any additional information and/or adjustments to your request to allow outdoor music with the planned restaurant on this property. I will need the information no later than lunchtime on Friday 2/13, so that it can be included in the updated notices sent to surrounding property owners. Feel free to let me know if you have any questions.

Thank you,

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

**PLANNING COMMISSION – JANUARY 5, 2021– 6:00PM**

Zoom Meeting

**Applicant:** Ross Wilkenson – Roger Rocket Real Estate, LLC

**Address/Location:** 1951 Gruene Road (see included map)

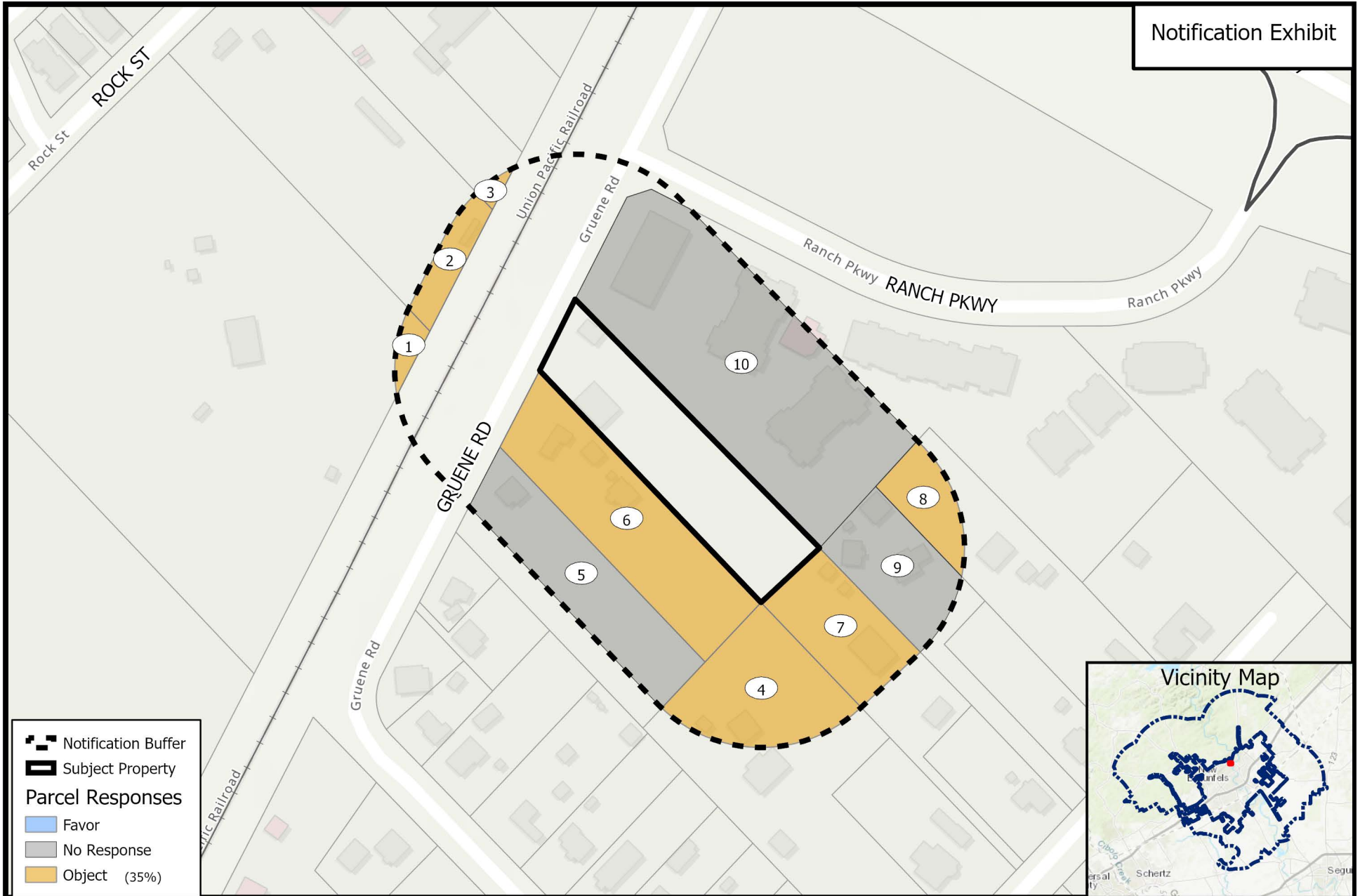
**PROPOSED SPECIAL USE PERMIT – CASE #SUP20-298**

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

- |   |                                |
|---|--------------------------------|
| 1. JOLLY WILLIAM E                            | 6. SPARKMAN FAMILY RVCBL TRST  |
| 2. REICHERT KENNETH & MARINDA RVCBL LVNG TRST | 7. SHARP SYDNEY C              |
| 3. PALM MARTIN W & DIANE                      | 8. GRAVES SUSANN D             |
| 4. GUERRERO OMAR D & CECILIA                  | 9. ROOM 8 LLC                  |
| 5. GARZA MAURO JR                             | 10. LODGE AT THE GUADALUPE LLC |

---

**SEE MAP**



YOUR OPINION MATTERS - DETACH AND RETURN

Case: #SUP20-298 ms

Name: Bill Jolly

Address: 1958 Gruene Rd 78130

Property number on map: 1

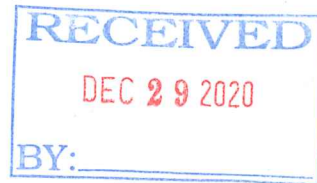
I favor: \_\_\_\_\_

I object: ☒ (State reason for objection)

Comments: (Use additional sheets if necessary)

concerned with NOISE, traffic,

Signature: \_\_\_\_\_



YOUR OPINION MATTERS - DETACH AND RETURN

Case: #SUP20-298 ms

Name: Kenneth & Miranda Reicher

Address: 1950 Gruene Rd. NBTX

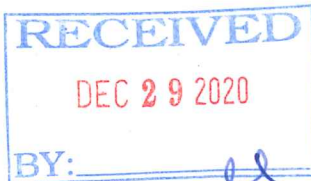
Property number on map: 2

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

I object: ☒ (State reason for objection)

Comments: (Use additional sheets if necessary)

(Gary Kraft)



Signature: \_\_\_\_\_

I sleep during the Day  
I have health Issues.  
I object to the noise

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #SUP20-298 ms

Name: Martin Palmy

Address: 768 Rock Street

Property number on map: 3

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

I object: ☒ (State reason for objection)

Comments: (Use additional sheets if necessary)

opposed to Music & Noise near my Home

Signature: \_\_\_\_\_





YOUR OPINION MATTERS - DETACH AND RETURN

Case: #SUP20-298 ms

Name: Omar & Cecilia Guerrero

Address: 825 E Torrey ST.

Property number on map: 4

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

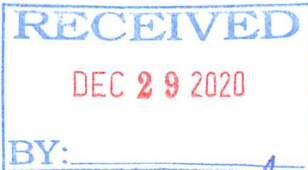
I object: ☒ (State reason for objection)

Comments: (Use additional sheets if necessary)

See Letter

We object to the sound of constant music in our neighborhood without the right to turn the music off at any given moment.

In support of our neighbor Beth Sparkman who is ill and needs constant rest & sleep.



Signature: Cecilia Guerrero

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #SUP20-298 ms

Name: BETH SPARKMAN

Address: 1959 Gruene Rd

Property number on map: Lot #4 Block #1

#6 Rio Vista addition

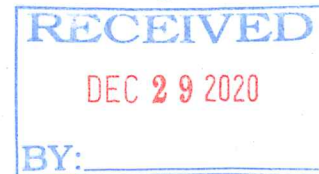
I favor: \_\_\_\_\_

I object: ☒ (State reason for objection)

Comments: (Use additional sheets if necessary)

I am next door and do not want the noise

Signature: Beth Sparkman



YOUR OPINION MATTERS - DETACH AND RETURN

Case: #SUP20-298 ms

Name: Sydney C. Sharp

Address: 845 E Torrey St.

Property number on map: 7

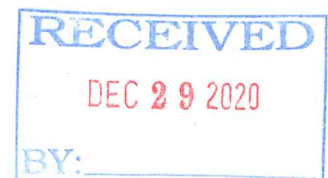
I favor: \_\_\_\_\_

I object: ☒ (State reason for objection)

Comments: (Use additional sheets if necessary)

no outdoor music in our residential neighborhood. I have renters directly behind the property who would be directly affected. The festaurant is welcome.

Signature: Sydney Sharp



YOUR OPINION MATTERS - DETACH AND RETURN

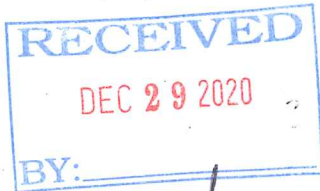
Case: #SUP20-298 ms

Name: Susann Graves  
Address: 875 E. Torrey St.  
Property number on map: 8

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

I object: ☒ (State reason for objection)

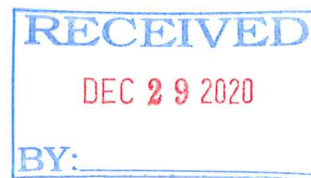
Comments: (Use additional sheets if necessary)



Signature: Susann Graves

My family has owned this property since 1968 and purchased because of the dead end street and quiet neighborhood. Would not want loud music at night. This would also make it difficult to rent the property!

Omar D and Cecilia Guerrero  
825 East Torrey Street  
New Braunfels, Texas 78130  
(830)221-8600



#4

December 26, 2020

City of New Braunfels  
Building, Planning and Zoning Division  
c/o Matthew Simmont  
550 Landa Street  
New Braunfels, Texas 78130

Re: 1951 Gruene Road, Zoned C-1  
Special Use Permit Application  
Case: # SUP20-298 ms

On behalf of myself and the neighborhood members listed below, in the Rio Vista Subdivision, and affected surrounding neighborhood, we adamantly object to an issuance of a Special Use Permit to **Ross Wilkenson, Managing Member of Rocket Real Estate LLC, agent for Rosemary Philips, owner.**

We oppose the issuance of a Special Use Permit to allow **Outdoor Music** in or around our neighborhood.

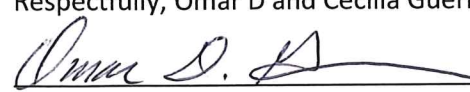
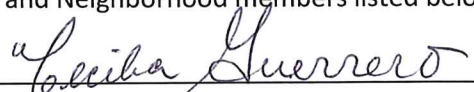
The reason for this objection is that we do not want the constant sound of music in our neighborhood without the right to turn it off at any moment.

We purchased our property with much thought and methodical planning as to the future of our lives in our forever home. We researched to make sure that we lived near all the amenities of the city but were not IN the city, as to not have to deal with the noise and sounds that come with city living.

We understand the need for expansion, and we want to support all small businesses, especially during this critical time, but we do not want any additional noise in our neighborhood.

Thank you for understanding.

Respectfully, Omar D and Cecilia Guerrero and Neighborhood members listed below.

  Dec. 26, 2020  
Omar D and Cecilia Guerrero -Property number: Lot 10 A, Block 1, Rio Vista Addition

Continued Page 2



Page 2

William E Jolly-

1958 Gruene Rd 78130  
210-888-9289

Kenneth and Miranda Reicher-

1950 GROENE RD.  
830-302-0044

Martin and Diane Palm-

mwpalm 830-832-3328

768 Rock St, NB TX / Map # 3

Mauro Jr. Garza-

Sparkman Family Trust-

Beth Sparkman - 210 355 1877  
lot #4 Rio Vista Addition Block #1

Sydney C Sharp-

Sydney Sharp 291 E. Lincoln St., NB 78130 (979) 676-0202

Susan D, Graves

Susann Graves, owner 875 E. Torrey St.  
Madison Johnson (830) 624-5889 opposed to live music  
would create difficulty  
sleeping for my children

Room 8 LLC

Lodge At the Guadalupe LLC

— Leroy E. Zimmerman Jr. 784 Rock St. 830-302-9451

— Martin Rene Arango (512) 665-0995 845 E Torrey St.  
\* WE OPPOSE THE CONSTANT NOISE FROM LIVE MUSIC IN OUR RESIDENTIAL AREA.— MELVIN NORTE, JR 830 624 0243 849 E. Torrey St.  
ESTER NORTE  
— NO LOUD MUSIC IN RESIDENTIAL AREA

— Don Robert Cass

881 E. Torrey 830 221 5170

donrobertcass@gmail.com Please No Loud Music.

Page 2

Pg 3

Uma Lisa Tamez

830 237 30 83

524 Rock Street

bluntzer2000@yahoo.com

No loud music please

Dana D Tamez

210 3878539

524 Rock St.

dtamez@pasate.com

Restaurant OK - no loud music on patio

Sodalis Senior Living  
550 Rock Street  
Diane Lewis Exec. Director  
830-624-7703Alice Williams  
806 E. TORREY  
830-660-0558



**Matthew W. Simmont**

---

**From:** Cece Guerrero <ccgrrr@yahoo.com>  
**Sent:** Monday, March 1, 2021 1:16 PM  
**To:** Matthew W. Simmont  
**Subject:** Public Hearing March 2, 2021 RE: Case # SUP20-298 ms

**Caution: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Omar D. and Cece Guerrero

825 E Torrey St.

New Braunfels TX. 78130

*4 M.S.*  
**LOT # 10 on Property Map**

March 1, 2021

City of New Braunfels  
 Building, Planning and Zoning Division  
 c/o Mathew Simmont  
 550 Landa Street  
 New Braunfels TX. 78130

**RE: Case # SUP20-298 ms**

Dear Mr. Chairman,

This letter is regarding the public hearing held on January 5, 2021 and the upcoming hearing to be held on March 2, 2021.

Mr. Ross Wilkerson is requesting a special permit for live outdoor music in the C – 1 local business district adjacent to our neighborhood located at 1951 Greene Rd.

On the January 5 meeting, Mr. Wilkerson commented that his restaurant would play live outdoor music on the patio and would close said patio at 9 pm daily. On the application there is no clarification of either time to begin or end the music or what days of music would be played. We would like clarification of that information.

He also mentions that he tries to do with the client requests be it for a rehearsal dinner or birthday party, so we are not sure what type of music he would be complying to play. All this is very vague, and we would like to point that out.

We are concerned that as it stands, and the city Council agrees to Mr. Wilkinson's request for a permit, you are basically giving him a "CART BLANC" to do as he pleases when he pleases.

Having worked as an event attendant at the Civic Center, Cece recalls that very few live bands adhered to the rule of 85 dB. We are concerned that it would be exceedingly difficult for Mr. Wilkinson to control the volume of a live band.

Mr. Wilkinson also brought up an elderly neighbor who wrote that she liked to sleep in late and that the noise would bother her. To which Mr. Wilkerson responded that in that case, even a garbage truck would bother the sleeping person. I do not believe we can compare a garbage truck that only comes once a week for a brief two to five minutes, to having a constant noise like the one that will be coming from his restaurant. What we would like to point out, is that besides the live music we would also have to put up with noise from food delivery trucks, the constant work being done at his place while it is being built and patron noise.

We understand that these may seem like petty details, but we believe they are important details when it comes down to peaceful and quiet enjoyment of this neighborhood.

We are not opposed to a restaurant in our neighborhood, and would like to make that truly clear, but we do not want anyone to create or suffer any nuisances in the premises affecting the rights of others.

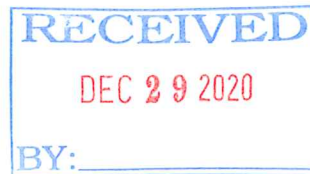
We thank you for your time, understanding and consideration to what we have stated here.

Sincerely,

Omar and Cece Guerrero (830) 221 – 8600 or (830) 660 – 8438 Please call if you have any questions.

December 28, 2020

City of New Braunfels  
Planning Commission  
Case #SUP20-298 ms – 1951 Gruene RD  
Public Hearing Date: January 5, 2021



#8

To Whom It May Concern:

I object to the request for a special use permit to allow outdoor music in the C-1 Local Business District and adjacent to residential use.

I own the property shown as property #8 on your map. My parents purchased this 1-1/3 acres of land in 1968 when my father was transferred from Beeville, TX, where he worked with Southwestern Bell, to fill an opening in New Braunfels. They loved the size of the lot and the quiet, peaceful neighborhood. The dead end street was a real plus. My mother passed in 1995 and after my father passed in 2009, I inherited the property and have maintained ever since. I rent out the house in front part of property and I use the workshop in the back portion of the property. When I go to the workshop in the back of my property, I enjoy the peace and quiet and would hate to lose that to loud music at all hours. My current renter is a nurse who works at night and has 3 young children. As you know music echoes and would disturb her as she tries to sleep during the day and would disturb her children at night. Having this noise would definitely be a deterrent to future renters. If the quietness of this area is lost with loud music, renters will not want to stay long or not rent in this area at all, causing hardships for all affected landlords. Then there is the issue of trying to sell property. A home purchase is the most important purchase that people make and I truly feel the loud music at all hours would keep away potential buyers, also causing a hardship for the owners trying to sell. So many people will be seriously affected by this noise – for various medical reasons, there are owners who can't sleep at night, but only during the day, so the music during day will affect them too.

I have been told by others in this vicinity, that they can hear the music coming from Harley Davidson dealership across Loop 337 and Gruene Hall which is further away!! Can you even imagine how loud this music will be for all surrounding neighbors even past the 200 feet you indicated on the map. Many of which have owned and lived in their homes for many, many years. Their daily lives will change forever.

I respectfully ask that you please deny this special use permit request to allow outdoor music in the C-1 Local Business District and adjacent to residential use.

Sincerely,

Susann Graves  
Property #8

Responses received from outside of the 200-foot Notification Area.

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #SUP20-298 ms

Name: Anna Lisa + Daniel Tamy I favor: \_\_\_\_\_

Address: 524 Rock Street I object: ☒ (State reason for objection)

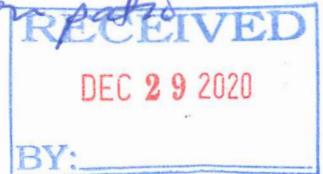
Property number on map: not on the Comments: (Use additional sheets if necessary)

map but nearby

Restaurant O.K  
No loud music  
on patio

Signature: \_\_\_\_\_

Anna Lisa Tamy  
Daniel D Tamy



YOUR OPINION MATTERS - DETACH AND RETURN

Case: #SUP20-298 ms

Name: Alice Williams

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

Address: 806 E. TORREY

I object: ☒ (State reason for objection)

Property number on map: \_\_\_\_\_

Comments: (Use additional sheets if necessary)

I don't want the noise.

Signature: \_\_\_\_\_

Alice Williams



YOUR OPINION MATTERS - DETACH AND RETURN

Case: #SUP20-298 ms

Name: Robert Wynne

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

Address: 890 E Torrey

I object: ☒ (State reason for objection)

Property number on map: \_\_\_\_\_

Comments: (Use additional sheets if necessary)

Too much music noise  
for my old ears

Signature: \_\_\_\_\_

Bob Wynne

There was a reason for  
noise abatement in the first  
place.





YOUR OPINION MATTERS - DETACH AND RETURN

Case: #SUP20-298 ms

JAN 05 2021

Name: Elizabeth Wynne

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

BY: PR

Address: 890 E. Torrey St

I object: ✓ (State reason for objection)

Property number on map: \_\_\_\_\_

Comments: (Use additional sheets if necessary)

Signature: Elizabeth Wynne

If there is a microphone  
used we will hear it here.  
The County Fair music comes  
in loud and clear every Sept.



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

**H) SUP20-298 Public hearing and recommendation to City Council regarding a proposed rezoning to apply a Special Use Permit to allow outdoor music in the “C-1” Local Business District adjacent to residential use on approximately 1.2 acres consisting of Lot 5, Block 1, Rio Vista Addition, addressed at 1951 Gruene Road. Applicant: Ross Wilkinson; Owner: Rosemary Phillips; Case Manager: Matthew Simmont.**

Mr. Simmont presented and recommended denial citing proximity to adjacent Residential properties, and orientation of the music towards adjacent multifamily, or approval with conditions as listed in the staff report.

Chair Edwards asked if there were any questions for staff.

Discussion followed on if there were any changes to the proposed Special Use Permit from the prior meeting it was presented, if the special use permit is tied to the land, and the status of public outreach by the applicant.

Chair Edwards asked if the applicant would like to speak.

Ross Wilkinson, 1951 Gruene Rd, provided further context on the intent behind the request and public outreach.

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

Michelle Lyons, 1820 Cypress Rapid, stated her support for the request and reiterated points made previously.

Mel Nolte, 849 E Torrey, stated opposition to the request due to noise concerns affecting outdoor enjoyment of adjacent residential properties.

Discussion followed on if there is a potential conflict of interest.

Commissioner Nolte stated he does not meet the legal criteria for a conflict of interest.

Susann, 875 E Torrey St, stated her opposition to the request in line with previous concerns.

Omar & Cecilia Guerrero, 825 E Torrey St, stated opposition to the request in line with previous concerns.

Beth Sparkmann, 1959 Gruene Rd, stated opposition to the request in line with previous concerns.

Sydney, 291 E Lincoln, stated opposition to the request in line with previous concerns and stated additional concerns with land use.

Renee Arroyo, 845 E Torrey, stated opposition to the request in line with previous concerns.

Chair Edwards closed the public hearing.

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

Motion by Vice Chair Laskowski, seconded by Commissioner Sonier, to recommend denial to City Council of the proposed rezoning to apply a Special Use Permit to allow outdoor music in the “C-1” Local Business District adjacent to residential use on approximately 1.2 acres consisting of Lot 5, Block 1, Rio Vista Addition, addressed at 1951 Gruene Road.

Discussion followed on concerns with the request.

Motion carried (7-0-1) with Commissioner Mathis abstained.

DRAFT

**ORDINANCE NO. 2021-**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS GRANTING A SPECIAL USE PERMIT TO ALLOW OUTSIDE MUSIC IN THE “C-1” LOCAL BUSINESS DISTRICT, ON APPROXIMATELY 1.2 ACRES CONSISTING OF LOT 5, BLOCK 1, RIO VISTA ADDITION, ADDRESSED AT 1951 GRUENE ROAD; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SAVINGS CLAUSE; AND DECLARING AN EFFECTIVE DATE.**

---

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

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

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

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

**WHEREAS**, the property is located in an area suitable for outside music; and

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

**WHEREAS**, the City Council desires to grant a Special Use Permit at 1951 Gruene Road, to allow outside music in the “C-1” Local Business District; **now, therefore;**

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

**SECTION 1**

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

Being approximately 1.2 acres consisting of Lot 5, Block 1, Rio Vista Addition, addressed at 1951 Gruene Road, as depicted in Exhibit “A” attached, to allow outside music in the “C-1” Local Business District.

**SECTION 2**

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

### **SECTION 3**

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

### **SECTION 4**

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

**PASSED AND APPROVED:** First reading this 22<sup>nd</sup> day of March, 2021.

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

**CITY OF NEW BRAUNFELS**

\_\_\_\_\_  
**RUSTY BROCKMAN**, Mayor

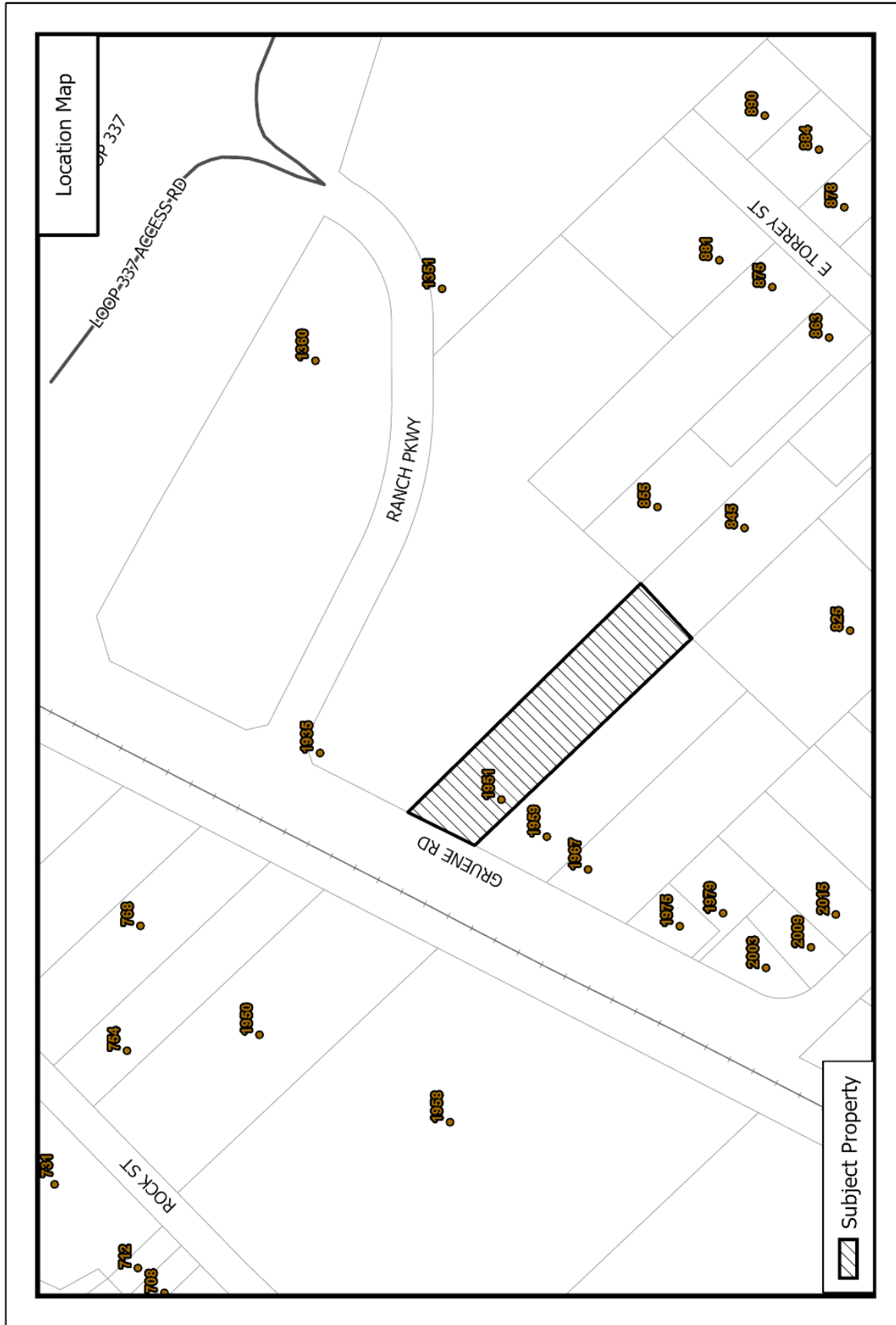
**ATTEST:**

\_\_\_\_\_  
**CAITLIN KROBOT**, City Secretary

**APPROVED AS TO FORM:**

\_\_\_\_\_  
**VALERIA M. ACEVEDO**, City Attorney

# EXHIBIT "A"



## SUP20-298 SUP to allow for live music

DISCLAIMER: This map and information contained in it were developed exclusively for use by the City of New Braunfels. Any use or reliance on this map by anyone else is at that party's risk and without liability to the City of New Braunfels, its officials or employees for any discrepancies, errors, or variances which may exist.

Source: City of New Braunfels Planning  
Date: 3/5/2021

Path: \\cifs-1\Departments\Planning\ZoneChange-SUP-Replats\2020\SUP20-298 - 1951 Grune



4/12/2021

Agenda Item No. K)

---

Presenter

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

**SUBJECT:**

Public hearing and consideration of a request for a Conditional Sign Permit for Tree of Life Church to allow for the modification of an existing legally nonconforming freestanding pole sign to include an electronic message sign cabinet in the 'M-1' Light Industrial District, addressed at 5513 IH 35 South.

**BACKGROUND / RATIONALE:**

**Case No.:** CS21-0077

**Council District:** 1

**Applicant:** Lydell Toye (U.S. Signs)  
258 Trade Center Drive  
New Braunfels, TX 78130  
ussignsnb@gmail.com

**Staff Contact:** Maddison O'Kelley, Assistant Planner  
(830) 221-4056  
MOKelley@nbtexas.org

The subject property is approximately 39 acres and has approximately 625 feet of frontage along Interstate 35 South. The front where the sign is located is zoned 'M-1' Light Industrial District. The remainder of the property is zoned 'C-1B' General Business District and is currently used for a church.

New Braunfels' Sign Ordinance allows sign types and sizes based upon the zoning district and specific street frontage. Due to the property's frontage on IH 35, the subject property is allowed the following signage:

- One pole sign up to 40 feet in height and 400 square feet in area, with a 5-foot minimum setback; **or**
- One electronic message pole or monument sign up to 40 feet in height and 200 square feet in area with a maximum of 100 square feet per sign face, with a 15-foot minimum setback.

**Proposal**

There is currently a legally nonconforming pole sign on the property. Likely erected before the City had a sign ordinance, the sign is considered legally nonconforming due to the sign's area and height:

- The overall sign face area exceeds the maximum area of 400 square feet by approximately 613 square feet; and
- The overall sign height exceeds the maximum height of 40 feet by 17 feet.

A 120 square foot marquee sign cabinet was removed from the existing sign; however, with its removal the sign

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still exceeded the maximum allowable area. The applicant is requesting a conditional sign permit to allow a 100 square foot electronic message sign cabinet to be constructed in the same location as the former marquee sign cabinet.

By installing an electronic message sign cabinet to the existing sign, the sign type changes to an electronic message pole sign. The required dimensional standards for the sign change from the dimensional standards for a pole sign to the dimensional standards for electronic message signs, which are more restrictive regarding sign face area and setbacks. Furthermore, the Sign Ordinance states that a nonconforming sign may not be enlarged to include larger supporting structures, sign face area, or height. This provision is intended to result in eventual sign compliance across the community. Because the marquee sign has already been removed, the electronic message sign is considered an enlargement of an existing legally non-conforming sign.

The sign as proposed by the applicant would be:

- A proposed overall sign face measuring approximately 913.60 square feet in area, exceeding the maximum sign area of 100 square feet per sign face for an electronic message pole sign by 813.60 square feet; and
- An overall sign height that measures 57 feet in height, exceeding the maximum height of 40 feet for an electronic message pole sign by 17 feet.

The Conditional Sign Permit process is intended to:

1. allow an applicant flexibility in creating alternative signage designs to complement a development's unique characteristics.
2. increase sign area and/or height in lieu of multiple signs they would otherwise be allowed; and/or
3. allow additional signage due to unusual constraints associated with the property.

Through this process, City Council can consider such requests within the context of a specific location.

#### **Surrounding Zoning and Land Use:**

North - Across Interstate 35, M-1

South - C-1B

East - Across Doeppenschmidt Road, APD

West - M-1A

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

<b>City Plan/ Council</b> <b>Priority:</b> Chapter 106 of the City's Code of Ordinances	<b>Sec. 106-2 Purposes and Objectives.</b> Encourage the effective use of signs as a means of communication in the City; maintain and enhance the community's overall aesthetic environment and the City's ability to attract sources of economic development and growth; improve pedestrian and traffic safety; minimize the possible adverse effects of signs on nearby public and private property; enable effective outdoor advertising.
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#### **FISCAL IMPACT:**

N/A

#### **COMMITTEE RECOMMENDATION:**

N/A

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### **STAFF RECOMMENDATION:**

Staff recommends approval of the request with the following conditions:

1. The electronic message cabinet must be used to solely advertise for the existing church use (not for off-premise advertising).
2. The electronic message cabinet must abide by the additional restrictions set forth in Sec.106-14(c)(10) to ensure the electronic display does not create a distracting or hazardous nuisance.

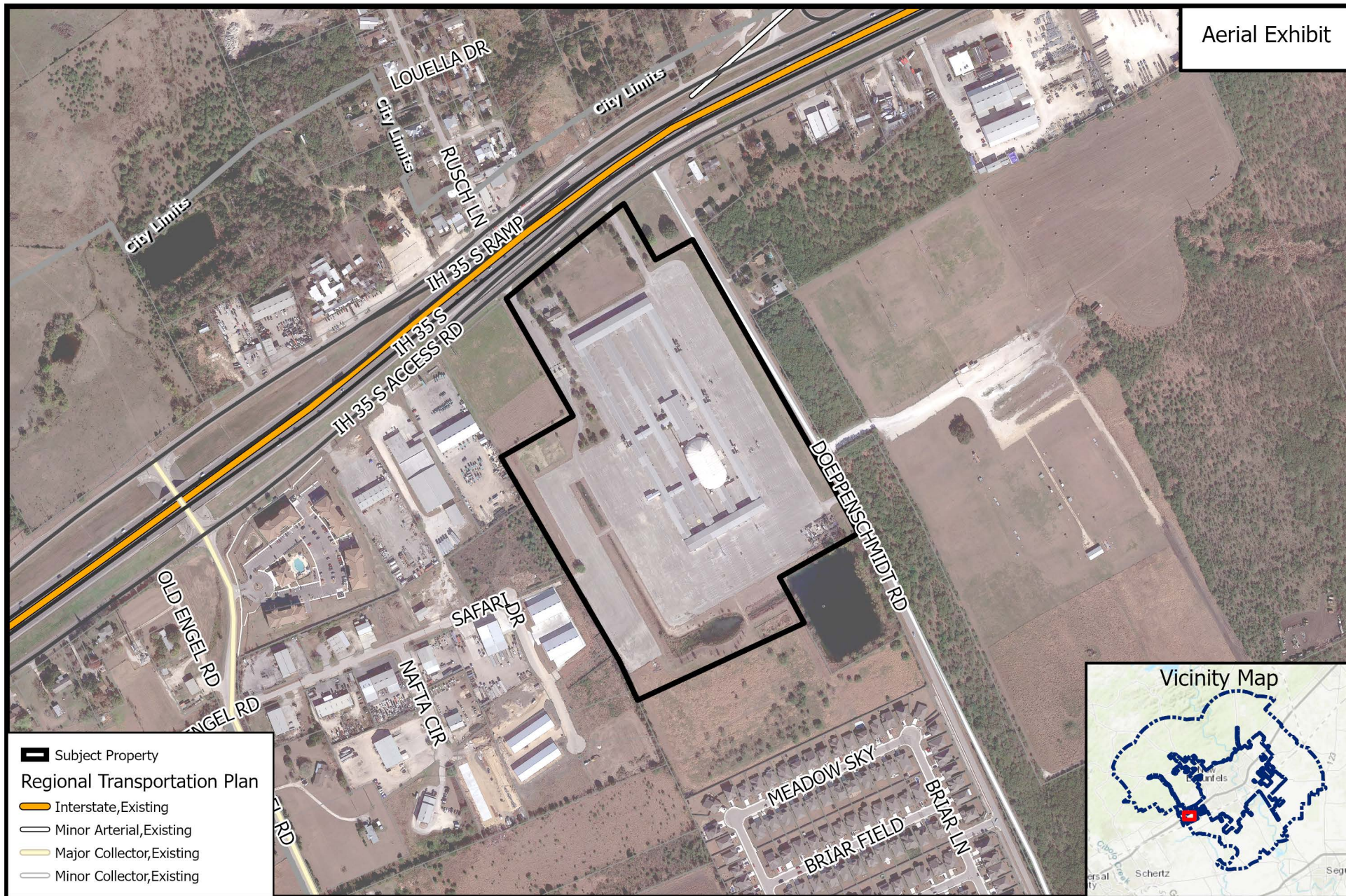
### **RESOURCE LINKS**

- Chapter 106 Sign Ordinance, Sec 106-8(d) Conditional Sign Permit:  
[https://library.municode.com/tx/new\\_braunfels/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH106SI\\_S106-](https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?nodeId=PTIICOOR_CH106SI_S106-)
- Chapter 106 Sign Ordinance, Sec 106-14(a) Sign Dimensional Standards:  
[https://library.municode.com/tx/new\\_braunfels/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH106SI\\_S106-](https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?nodeId=PTIICOOR_CH106SI_S106-)
  - Chapter 106 Sign Ordinance, Sec 106-7(2) Nonconforming sign standards  
[https://library.municode.com/tx/new\\_braunfels/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH106SI\\_S106-](https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?nodeId=PTIICOOR_CH106SI_S106-)

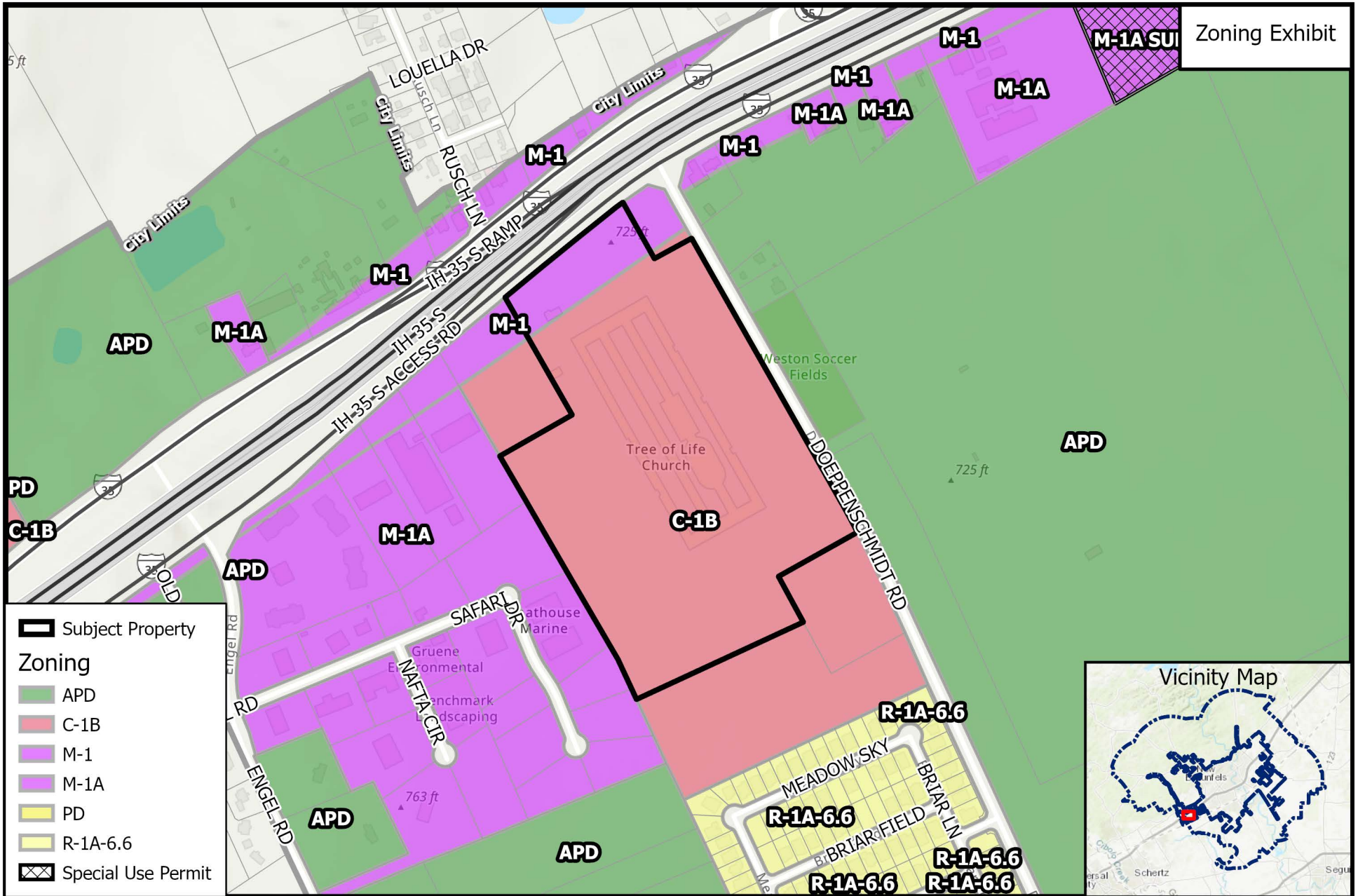
### **Attachments:**

1. Aerial Map
2. Zoning Map
3. Application
4. Proposed Sign Elevation Plan
5. Site Plan
6. Comparison Table Showing Allowable Sign vs. Requested Sign













**Planning & Development Services Department**  
550 Landa Street  
New Braunfels, Texas 78130  
(830) 221-4050 [www.nbtexas.org](http://www.nbtexas.org)

CC/Cash/Check No.: \_\_\_\_\_  
Amount Recd. \$ \_\_\_\_\_  
Receipt No.: \_\_\_\_\_  
Case No.: \_\_\_\_\_ - \_\_\_\_\_

*Submittal date – office use only*

## Conditional Sign Permit Application

**Any application that is missing information will be considered incomplete and will not be processed.**

1. **Applicant - If business owner or coordinator of special event, so state. If agent or other relationship, a letter of authorization must be furnished from owner when application is submitted.**

**Name:** U.S. Signs Lydell Toye

**Mailing Address:** 258 Trade Center Drive New Braunfels 78130

**Email Address:** ussignsnb@gmail.com

**Telephone:** 830-629-4411

**Mobile:** 830-743-1599

2. **Property Address/Location:** 5513 IH 35

3. **Existing signs on property:** yes

4. **Number of requested signs:** One additional sign to existing structure

5. **Dimension & height of sign(s):** Top Oval cabinet 20' x 48' Lower cabinet 3'x 20' Proposed message center will be 5' x 20'

6. **Business or event to be advertised:** Tree of Life Church

7. **Reason for request (please explain in detail and attach additional pages if needed):**  
Removed existing manual marquee sign cabinet & would like to install same size LED message center  
that has a full color display for church events & public service announcements

8. **ATTACHMENTS:** (The following items must be submitted with the application)

**For review purposes electronic submittal of plans in PDF format and photographs is preferred.**

- ☐ A \$772.00 fee. (\$750 application fee + \$22.00 technology fee (3%))
- ☐ A scaled site plan showing the proposed location of the sign(s) on the property.
- ☐ A map showing the distance from sign(s) to business or event if signs are off-premise.
- ☐ A sketch showing the contents, dimensions and construction materials of the sign(s).
- ☐ Photographs of the property where the sign(s) will be located.
- ☐ Photographs of the property depicting the proposed sign(s) superimposed/photoshopped in their proposed locations.
- ☐ Agent letter (if applicable).

**The undersigned hereby requests a conditional sign permit for the location(s) described above.**

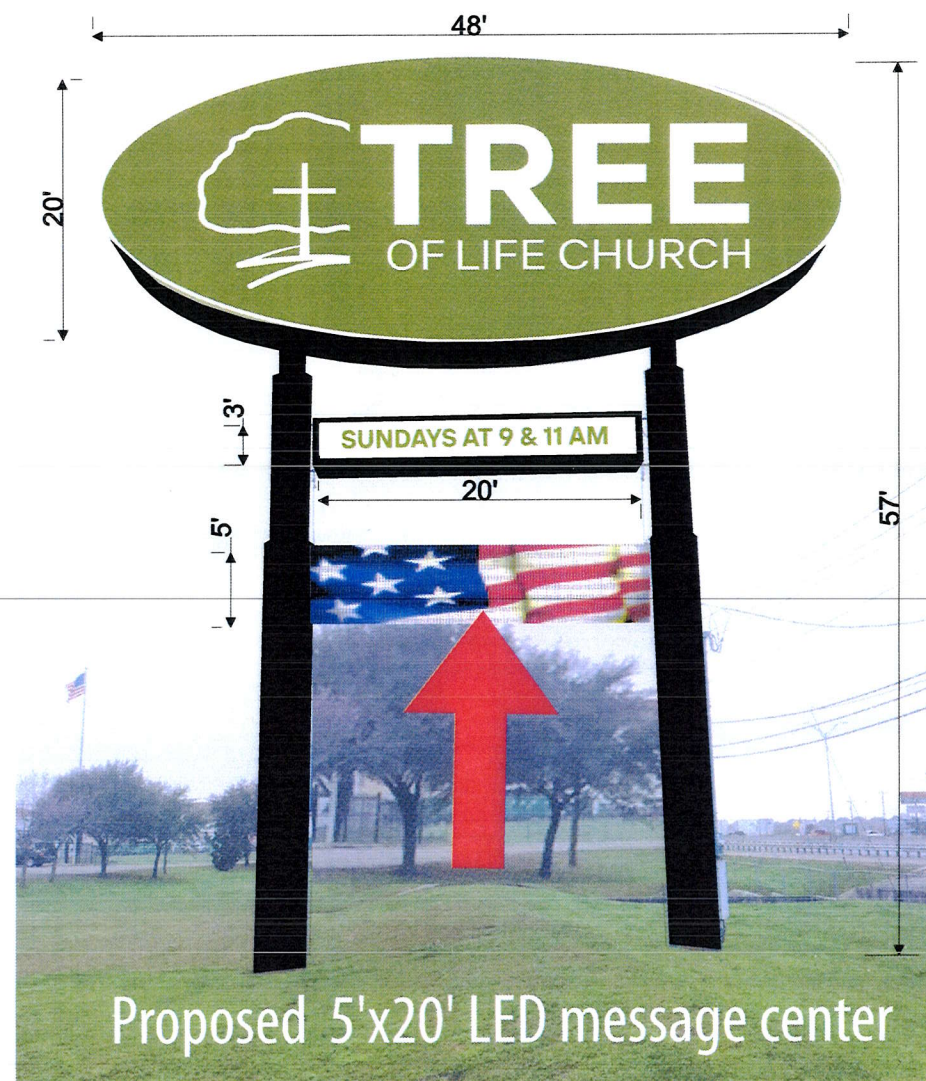
  
Signature of Owner(s)/Agent

Feb 19th 2021  
Date



Existing 6'x20' marquee sign  
that has been removed

Remove existing 6'x20' manual changeable copy  
sign cabinet & install 5' x20' LED message center  
on existing sign structure as per rendering.



Proposed 5'x20' LED message center



State License TSCL 18159  
Registered by The Texas Dept. of Licensing & Regulation, P.O. Box 12191, Austin, TX 78711  
1-800-451-5322 www.business.sos.state.tx.us/licensing

258 TRADE CENTER DRIVE  
NEW BRAUNFELS, TEXAS 78130  
830.629.4411 FAX 830.629.8099  
ussigns@sbcglobal.net • www.ussignsnb.com



Client **Tree of Life Church 5513 IH 35**

Approval

Date

All drawings submitted are property of U.S. Signs  
until purchased by The Client. No alterations  
or distributions can be made without written  
consent from U.S. Signs

THIS SIGN IS INTENDED TO BE INSTALLED IN  
ACCORDANCE WITH THE REQUIREMENTS OF  
ARTICLE 600 OF THE NATIONAL ELECTRICAL  
CODE AND/OR OTHER APPLICABLE LOCAL  
CODES. THIS INCLUDES PROPER GROUNDING  
AND BONDING OF THE SIGN.





State License TSCL 18159

Required by The Texas Dept. of Licensing & Regulation, P.O. Box 12151, Austin, TX 78711  
1-800-853-5032 www.ussignsnb.com

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Client **Tree of Life Church 5513 IH 35**

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## COMPARISON CHART OF ALLOWED AND PROPOSED SIGNAGE

Allowed per Sign Ordinance Along IH 35			Conditional Sign Permit
SIGN TYPE	<b>Pole Sign</b> <i>(Current sign type of existing sign/required dimensions without electronic message cabinet)</i>	<b>Electronic Message Pole Sign</b> <i>(Requested sign type/required dimensions with electronic message cabinet)</i>	<b>Electronic Message Pole Sign</b> <i>(As proposed with electronic message cabinet)</i>
AREA	400 sq. ft.	200 sq. ft. total area with a maximum 100 sq. ft. area per sign face	913.60 sq. ft.
HEIGHT	40 ft.	40 ft.	57 ft.

ATTACHMENT 6

**4/12/2021**

Agenda Item No. A)

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Deliberate the purchase, exchange, lease or value of real estate in accordance with Section 551.072 of the Texas Government Code, specifically

- NBPD Site
- New Braunfels Regional Airport RPZ Land Acquisitions



**4/12/2021**

Agenda Item No. B)

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Deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the City Manager, City Attorney, and/or the Municipal Court Judge in accordance with Section 551.074 of the Texas Government Code.