



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



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

**MONDAY, MAY 24, 2021 at 6:00 PM**

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

**Please click the link below to join the webinar:  
<https://us02web.zoom.us/j/89332004990> or call (833) 926-2300 Webinar ID:  
893 3200 4990**

***MISSION STATEMENT***

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

**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 HOYT**

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

**ANNUAL ELECTION ACTIONS**

- A) Complete and issue Certificates of Election to the [21-504](#)  
Councilmember - incumbent Harry Bowers and  
Councilmember - elect Lawrence Spradley.  
Caitlin Krobot, City Secretary
- B) Administer the oath of office to District 3 Councilmember [21-501](#)  
Harry Bowers-incumbent and District 4  
Councilmember-elect Lawrence Spradley.  
Caitlin Krobot, City Secretary
- C) Presentation and recognition of the public service [21-519](#)  
rendered by Matthew Hoyt as District Councilmember

Four of the City of New Braunfels.

- D) Discuss and consider the election of a Mayor Pro Tem. [21-505](#)  
Caitlin Krobot, City Secretary

**PROCLAMATIONS:**

- A) Building Safety Month Proclamation [21-433](#)  
B) Community Action Month Proclamation [21-509](#)

**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.

**1. MINUTES**

- A) Discuss and consider approval of the minutes of the [21-498](#)  
Executive Session Meeting of May 10, 2021 and the City  
Council Meeting of May 10, 2021.  
Caitlin Krobot, City Secretary

**2. CONSENT AGENDA**

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

*Resolutions & Action Items*

- A) Approval of a Resolution of The City of New Braunfels, [21-493](#)  
Texas, Approving The Solms Landing Public  
Improvement District Reimbursement Agreement  
(Improvement Area #1 And Improvement Area #2)  
Between The City And Solms Landing Development,  
LLC  
Jared Werner, Chief Financial Officer
- B) Approval of a Resolution of The City of New Braunfels, [21-494](#)  
Texas, Approving The First Amendment To Agreement  
Regarding The Dissolution of The Solms Landing Public  
Improvement District Between The City And Solms  
Landing Development, LLC And The Jerome W.  
Timmermann Family Trust  
Jared Werner, Chief Financial Officer
- C) Confirmation of the appointment of Brian Martinez to the [21-515](#)



Civil Service Commission for an unexpired term ending August 10, 2022.

*Robert Camareno, City 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.)*

- D) Approval of the second and final reading of an ordinance [21-507](#) amending Section 126-354 of the City of New Braunfels Code of Ordinances to revise the effective time of Parking by Permit Areas A and B and amending Section 126-368 (m) of the City of New Braunfels Code of Ordinances to revise the reference to parking by permit areas in existing water recreation loading zones.

Garry Ford, Jr., Assistant Public Works Director/City Engineer

**3. INDIVIDUAL ITEMS FOR CONSIDERATION**

- A) Public Hearing and first reading of an ordinance by the [21-516](#) City Council of the City of New Braunfels, Texas incorporating the recently adopted charter amendments into a singular form.

Caitlin Krobot, City Secretary

- B) Discuss and consider the appointment of 1 individual for [21-508](#) a term ending April 18, 2024 to the Watershed Advisory Committee.

Caitlin Krobot, City Secretary

- C) Discuss and consider approval of the appointment of 2 [21-455](#) regular members and 2 alternate members for terms ending May 31, 2023, and 1 alternate member for an unexpired term ending May 31, 2022 to the Zoning Board of Adjustment.

Caitlin Krobot, City Secretary

- D) Public hearing and the first reading of an ordinance [21-490](#) regarding Youth Programs Standards of Care for the Parks and Recreation Department.

Stacey Dicke, Parks and Recreation Director

- E) Discuss and consider approval of the second and final [21-500](#) reading of an ordinance regarding a proposed rezoning of approximately 48 acres out of the O. Russell A-485

Survey 2, located in the 2200 block of FM 1102, from "M-1A" Light Industrial District to "MU-B" High Intensity Mixed Use District.

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

- F) Public hearing and first reading of an ordinance [21-484](#) regarding a proposed rezoning to apply a Special Use Permit to allow a variety of residential and non-residential development on approximately 49.5 acres out of the A-103, Sarah Dewitt Survey, addressed at 614 & 720 W. Zipp Road, from "R-1A-6.6" Single Family District to allow uses allowed in the following zoning districts: "MU-B" High Intensity Mixed Use, "R-1A-4" Single-Family Small Lot Residential, "ZH-A" Zero Lot Line Home and "R-2A" Single and Two-Family Residential.

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

- G) Public hearing and consideration of a variance request to [21-486](#) allow a proposed business, addressed at 494 North Seguin Avenue, to provide alcohol sales (wine and beer, on premises consumption) within 300 feet of a church.

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

- H) Public hearing and first reading of an ordinance [21-468](#) regarding a proposed rezoning to apply a Special Use Permit to allow residential use in the M-2 Heavy Industrial District and short term rental of a single-family residence on approximately 0.15 acres out of the AM Esnaurizar A-1 Survey No. 1, addressed at 747 Oasis Street.

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

- I) Public hearing and first reading of an ordinance [21-476](#) regarding a proposed rezoning to apply a Special Use Permit to allow short term rental of a single-family dwelling in the "C-3" Commercial District, addressed at 306 E. Faust Street.

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

*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).*

**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.

5/24/2021

Agenda Item No. A)

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**PRESENTER:**

Caitlin Krobot, City Secretary

**SUBJECT:**

Complete and issue Certificates of Election to the Councilmember - incumbent Harry Bowers and Councilmember - elect Lawrence Spradley.

**DEPARTMENT:** City Secretary's Office**COUNCIL DISTRICTS IMPACTED:** District 3 and 4.**BACKGROUND INFORMATION:**

**12.32 (a) Oath of elected and appointed officers and constitutional statement.** Article XVI, §1, Texas Constitution, prescribes a written statement that all officers must sign and an oath that all officers must take before they enter upon the duties of their offices. The statement and oath are required of all elected and appointed city officer, both in general law and in-home rule cities.

**ISSUE:**

Conforming with the Texas Constitution

**FISCAL IMPACT:**

No fiscal impact.

**RECOMMENDATION:**

Move forward with issuing Certificate of Elections.

5/24/2021

Agenda Item No. B)

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**PRESENTER:**

Caitlin Krobot, City Secretary

**SUBJECT:**

Administer the oath of office to District 3 Councilmember Harry Bowers-incumbent and District 4 Councilmember-elect Lawrence Spradley.

**DEPARTMENT:** City Secretary's Office

**COUNCIL DISTRICTS IMPACTED:** District 3 and District 4.

**BACKGROUND INFORMATION:**

**12.32 (a) Oath of elected and appointed officers and constitutional statement.** Article XVI, §1, Texas Constitution, prescribes a written statement that all officers must sign and an oath that all officers must take before they enter upon the duties of their offices. The statement and oath are required of all elected and appointed city officer, both in general law and in-home rule cities.

**ISSUE:**

Conforming with the Texas Constitution.

**FISCAL IMPACT:**

No fiscal impact.

**RECOMMENDATION:**

Move forward with administering the Oaths.



## City Council Agenda Item Report

550 Landa Street  
New Braunfels, TX

**5/24/2021**

Agenda Item No. C)

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5/24/2021

Agenda Item No. D)

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**PRESENTER:**

Caitlin Krobot, City Secretary

**SUBJECT:**

Discuss and consider the election of a Mayor Pro Tem.

**DEPARTMENT:** City Secretary's Office.

**COUNCIL DISTRICTS IMPACTED:** All districts.

**BACKGROUND INFORMATION:**

Pursuant to Code of Ordinances Section 3.05 (b) Election of Mayor Pro Tem: "At its first regular meeting following the meeting at which the official election returns are canvassed and the results are declared of each year, the City Council shall elect from among its members a Mayor Pro Tem who shall serve at the pleasure of the City Council, and he shall perform all the duties of Mayor in the absence or disability of the Mayor."

**ISSUE:**

Conforming with our City Charter.

**FISCAL IMPACT:**

No fiscal impact.

**RECOMMENDATION:**

Proceed with the election of a Mayor Pro Tem.



## City Council Agenda Item Report

550 Landa Street  
New Braunfels, TX

**5/24/2021**

Agenda Item No. A)

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# Proclamation

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

**WHEREAS**, New Braunfels is committed to recognizing that our growth and strength depends on the safety and economic value of the homes, buildings and infrastructure that serve our citizens, both in everyday life and in times of disaster; and

**WHEREAS**, our confidence in the resilience of these buildings that make up our community is achieved through the devotion of vigilant guardians—building safety and fire prevention officials, architects, engineers, builders, tradespeople, design professionals, laborers, plumbers and others in the construction industry—who work year-round to ensure the safe construction of buildings; and

**WHEREAS**, these modern building codes include safeguards to protect the public from hazards such as hurricanes, natural disasters, floods and earthquakes; and

**WHEREAS**, Building Safety Month is sponsored by the International Code Council to remind the public about the critical role of our communities’ largely unknown protectors of public safety—our local code officials—who assure us of safe, sustainable, energy efficient and livable buildings that are essential to America’s prosperity; and

**WHEREAS**, “Prevent, Prepare, Protect. Building Codes Save,” the theme for Building Safety Month 2021, encourages all Americans to raise awareness about the importance of safe and resilient construction; fire prevention; disaster mitigation, energy conservation; water safety; training the next generation; and new technologies in the construction industry; and

**WHEREAS**, each year, in observance of Building Safety Month, people all over the world are asked to consider the commitment to improve building safety, resilience and economic investment at home and in the community, and to acknowledge the essential service provided to all of us by local and state building departments, fire prevention bureaus and federal agencies in protecting lives and property.

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

## BUILDING SAFETY MONTH

and ask the citizens of New Braunfels to join with their communities in participation in Building Safety Month activities.

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused the seal of the City of New Braunfels to be affixed this 24<sup>th</sup> day of May 2021.

CITY OF NEW BRAUNFELS

**RUSTY BROCKMAN**, Mayor



## City Council Agenda Item Report

550 Landa Street  
New Braunfels, TX

**5/24/2021**

Agenda Item No. B)

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# Proclamation

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

**WHEREAS**, The Community Council of South-Central Texas, Inc. was established as a Community Action agency on May 11, 1965: and

**WHEREAS**, the service area encompasses the South Central and Southwest Texas Counties of Atascosa, Bandera, Bee, Comal, Dimmit, Edwards, Frio, Gillespie, Guadalupe, Karnes, Kendall, Kinney, Kerr, La Salle, Live Oak, Maverick, McMullen, Medina, Real, Uvalde, Val Verde, Wilson and Zavala, and

**WHEREAS**, Community Action has made essential contributions to individuals and families across this Nation by creating economic opportunities and strengthening communities; and

**WHEREAS**, Community Action is a robust state and local force connecting people to life changing services and creating pathways to prosperity in 99% of all American counties; and

**WHEREAS**, Community Action builds and promotes economic stability as an essential aspect of enabling and enhancing stronger communities and stable homes, it also promotes community-wide solutions to challenge throughout our cities, suburbs, and rural areas; and

**WHEREAS**, Community Action delivers innovative services and support that create greater opportunities for families and children to succeed, along with community participation and involvement ensuring that all sectors of the community have a voice and will be heard; and

**WHEREAS**, Community Action is celebrating 57 years of innovation, impact and providing proven results for Americans.

**NOW, THEREFORE I, RUSTY BROCKMAN**, by virtue of the authority vested in me as Mayor of the City of New Braunfels, Texas, do hereby proclaim the month of May as

**“COMMUNITY ACTION MONTH”**

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused the Seal of the City of New Braunfels to be affixed this the 24th day of May 2021.



**CITY OF NEW BRAUNFELS**

**RUSTY BROCKMAN, Mayor**

**5/24/2021**

Agenda Item No. A)

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**PRESENTER:**

Caitlin Krobot, City Secretary

**SUBJECT:**

Discuss and consider approval of the minutes of the Executive Session Meeting of May 10, 2021 and the City Council Meeting of May 10, 2021.

**MINUTES  
OF THE NEW BRAUNFELS CITY COUNCIL - EXECUTIVE SESSION  
REGULAR MEETING OF MONDAY, MAY 10, 2021**

**AGENDA**

Rusty Brockman, Mayor – Present  
Shane Hines, Councilmember (District 1) – Present  
Justin Meadows, Mayor Pro-Tem (District 2) – 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 (joined meeting at 5:06 p.m.)

The meeting was called to order by Mayor Brockman at 5:00 p.m.

**1. 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 pending/contemplated litigation, settlement offers, and matters Related to privileged and unprivileged client information deemed confidential by Rule 1.05 of the Texas Disciplinary Rules of Professional Conduct in accordance with Section 551.071 of the Texas Government Code, specifically:

- Project TxGLO/Southstar Communities (Mayfair Project)

**Mayor Brockman read the aforementioned caption and recessed into Executive Session at 5:02 p.m.**

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

**Mayor Brockman reconvened into open session at 5:43 p.m.**

**No action was taken.**

**3 ADJOURNMENT**

**Mayor Brockman adjourned at 5:47 p.m.**

### **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

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# City of New Braunfels, Texas

550 LANDA STREET

## Minutes

Monday, May 10, 2021

6:00 PM

### City Council

*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 Hurta, Councilmember (District 5)*

*James Blakey, Councilmember (District 6)*

The meeting was called to order by Mayor Brockman at 6:02 p.m. Councilmember Bowers gave the invocation and Mayor Brockman led the Pledge of Allegiance and Salute to the Texas Flag.

### **PROCLAMATIONS:**

A) Teacher Appreciation Week

**Mayor Brockman presented the proclamation.**

B) Economic Development Week

**Mayor Brockman presented the proclamation.**

C) Small Business Week Proclamation

**Mayor Brockman presented the proclamation.**

## **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.

**Kevin Robles, Steven Fikes, Timothy Davis, and Larry Wells.**

### **PRESENTATIONS:**

- A) Presentation, discussion, and possible direction for an update to the Capital Improvements Plan (CIP) to support the preparation and development of future bond programs.

**Mayor Brockman read the aforementioned caption.**

**Jennifer Cain presented this item.**

**The following individuals spoke on this item: Steven Fikes, Nicole Lawson, and William Rogers.**

**Mayor Brockman recommended staff move forward with the CIP process.**

- B) Presentation, discussion, and possible direction to staff regarding maintenance of sidewalks.

**Mayor Brockman read the aforementioned caption.**

**Gary Ford presented this item.**

**The following individuals spoke on this item: David Crabill and Leah Garcia.**

**Mayor Brockman recommended staff move forward with revision and review and provide feedback to Council to include cost and manpower.**

- C) Presentation and possible direction on the finalization of the Veterans Memorial image selections.

**Mayor Brockman read the aforementioned caption.**

**Jennifer Cain presented this item which included whether or not to include the United States Space Force in the design.**

**The following individuals spoke on this item: Don Ingram, Timothy Davis, Manny Gagliardi, Leah Garcia, Steven Fikes, Shawn Prestige, Joshua Braunig, Kevin Robles, Penny Farias, and Robert Camareno.**



**Councilmember Blakey moved to add the Space Force and to go with the current images as we continue processing forward. Councilmember Hurta seconded the motion which was approved unanimously by Council.**

## **1. MINUTES**

- A) Discuss and consider approval of the minutes of the April 26, City Council Meeting.

**Mayor Brockman read the aforementioned caption.**

**Councilmember Hoyt moved to approve the item. Councilmember Hines seconded the motion which was approved unanimously by Council.**

## **2. CONSENT AGENDA**

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

### *Resolutions & Action Items*

- A) Approval of a resolution amending the language on the ByLaws of the Arts Commission.
- B) Approval of a resolution amending the language on the ByLaws of the Heritage Commission.
- C) Approval of a resolution amending the City of New Braunfels Watershed Advisory Committee.
- D) Approval of annual routine recurring expenditures for FY 2021 in accordance with City Charter Section 9.17.
- E) Approval of a contract with 50 Foot Design for the production of two virtual watershed educational games associated with the Dry Comal Creek and Comal River Watershed Protection Plan.

## **Ordinances**

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

- F) Approval of the second and final reading of an ordinance regarding a proposed rezoning of approximately 2.3 acres out of the H. Foster Survey No. 34, Abstract No. 154, Comal County, Texas, addressed at 948 Broadway from "M-2" Heavy Industrial District to "MU-A" Low Intensity Mixed Use District.
- G) Approval of the second and final reading of an ordinance regarding a proposed rezoning to amend an existing Special Use Permit to allow an addition to a non-conforming single-family residence in the "M-1" Light Industrial District, addressed at 394 North Market Avenue.
- H) Approval of the second and final reading of an ordinance regarding a proposed rezoning to apply a Special Use Permit to allow multifamily residential use - up to 24 units per acre – in the "C-1A" Neighborhood Business District on approximately 10 acres out of the A. P. Fuquay Survey No. 35, Abstract No. 155, Comal County, Texas, located at the northwest corner of the intersection of E. Common Street and Old FM 306.

**Mayor Pro Tem Meadows left the dais at 6:40 p.m.**

**Mayor Brockman stated Consent items A, C, E, F, and H were pulled from the Consent Agenda for individual consideration.**

**Mayor Brockman read the aforementioned captions, Consent items B, D, and G.**

**Councilmember Bowers moved to approve Consent items B, D, and G. Seconded by Councilmember Hoyt which passed unanimously via roll call vote.**

**Mayor Brockman took a break at 7:50 p.m. and reconvened at 8:01.**

### **3. INDIVIDUAL ITEMS FOR CONSIDERATION**

- A) Approval of a resolution amending the language on the ByLaws of the Arts Commission.

**Mayor Brockman read the aforementioned Consent Agenda item A into record.**

**Caitlin Krobot presented this item.**

**The following individual spoke to this item. William Rogers.**

**Councilmember Hurta moved to approve the item. Councilmember Hoyt seconded the motion which was approved unanimously by Council.**

- C) Approval of a resolution amending the City of New Braunfels Watershed Advisory Committee.

**Mayor Brockman read the aforementioned Consent Agenda item C into record.**

**Greg Malatek presented this item.**

**The following spoke to this item: William Rogers and Angela Keller.**

**Councilmember Bowers moved to approve the item adding that no more than three (3) seats of the nine (9) can be residents from the ETJ. Councilmember Hoyt seconded the motion which was approved unanimously by Council.**

- E) Approval of a contract with 50 Foot Design for the production of two virtual watershed educational games associated with the Dry Comal Creek and Comal River Watershed Protection Plan.

**Mayor Brockman read the aforementioned Consent Agenda item E into record.**

**Greg Malatek presented this item.**

**The following individual spoke to this item: William Rogers.**

**Councilmember Hoyt moved to approve the item. Councilmember Hines seconded the motion which was approved unanimously by Council.**

- F) Approval of the second and final reading of an ordinance regarding a proposed rezoning of approximately 2.3 acres out of the H. Foster Survey No. 34, Abstract No. 154, Comal County, Texas, addressed at 948 Broadway from "M-2" Heavy Industrial District to "MU-A" Low Intensity Mixed Use District.

**Mayor Brockman read the aforementioned Consent Agenda item F into record.**

**Matt Greene presented this item.**

**The following spoke to this item: Chris Crim, Timothy Davis, Ashley Culpepper, William Rogers, Manny Gagliardi, Tiffany Mendoza, Shawn Prestridge, Manny Gagliardi, Tiffany Mendoza, Shawn Prestridge, David Crabill, Peyton Story, Robin Peyton Story, and Robyn Writz.**

**Mayor Pro Tem Meadows returned to the dais at 8:49 p.m.**

**No motion was made, item dies for lack of motion.**

- H) Approval of the second and final reading of an ordinance regarding a Proposed rezoning to apply a Special Use Permit to allow multifamily residential Use – up to 24 units per acre – in the “C-1A” Neighborhood Business District on approximately 10 acres out of the A. P. Fuquay Survey No. 35, Abstract No. 155, Comal County, Texas, located at the northwest corner of the intersection of E. Common Street and Old FM 306.

**Mayor Brockman read the aforementioned Consent Agenda item H into record.**

**Matt Greene present this item.**

**The following individuals spoke to this item: David Morin, David Crabill, Josh Braunig, William Rogers, Patricia Freer, Cheri Kimble, Coy Snider, Timothy Davis, Nicole Lawson, Trace Kimball, Stewart Wirebaugh, Melissa Murphy, Manny Gagliodi, Angela Keller, and David Morin.**

**Mayor Pro Tem Meadows moved to approve the item with the eleven items in the PowerPoint provided notated. Councilmember Hines seconded the motion which passed 5-2 via roll call vote with Councilmember Hurta and Councilmember Blakey in opposition.**

- A) Discuss and consider approval of an ordinance declaring the canvass and result of the General Election held on May 1, 2021, to elect two members of the New Braunfels City Council; containing a savings clause; declaring an effective date; and declaring an emergency

**Mayor Brockman read the aforementioned item into record.**

**Caitlin Krobot presented this item.**

**Councilmember Hoyt moved to approve the general canvass returns and results as recorded. Councilmember Hurta seconded the motion which passed unanimously via roll call vote.**

- B) Discuss and consider approval of an ordinance declaring the canvass and result of the Special Election held on May 1, 2021 regarding 18 proposed charter amendments; Propositions A-R of the New Braunfels, Texas, City Charter; containing a savings clause; declaring an effective date; and declaring an emergency.

**Mayor Brockman read the aforementioned item into record.**

**Caitlin Krobot presented this item.**

**Councilmember Hoyt moved to approve the May 1, 2021 Special Election canvass returns and reports as reported. Councilmember Hurta seconded the motion which passed unanimously via roll call vote.**

- C) Discuss and consider the confirmation of the City Manager's appointment of the Police Chief of the New Braunfels Police Department.

**Mayor Brockman read the aforementioned item into record.**

**Robert Camareno presented this item.**

**Mayor Pro Tem Meadows moved to approve the appointment of Keith Lane as the City of New Braunfels Chief of Police. Councilmember Bowers seconded the motion which passed unanimously by Council.**

- D) Administration of the Oath of Office to the Police Chief of the New Braunfels Police Department.

**Mayor Brockman read the aforementioned item into record.**

**Judge Zamora administered the oath of office to the newly appointed New Braunfels Police Chief, Keith Lane. After a moving ceremony and a standing ovation, Chief of Police Keith Lane addressed Council and those present with a speech of gratitude.**

- E) Discuss and consider approval of the appointment of 3 individuals for a term ending May 31, 2024 and 1 individual for an unexpired term ending May 31,

2022 to the Downtown Board.

**Mayor Brockman read the aforementioned item into record.**

**Caitlin Krobot presented this item.**

**Councilmember Hines moved to approve Tara Kohlenberg for a term ending May 31, 2022 and Angie Martinez, Matt Gandrud, and Jenny Wilson for terms ending May 31, 2024. Councilmember Hoyt seconded the motion which passed unanimously by Council.**

- F) Discuss and consider the approval of the Heritage Commission recommendations for allocating grant awards from hotel occupancy tax to various heritage organizations of the City and authorizing the City Manager to execute contracts with the aforementioned organizations for the purpose of disbursement and use of funding.

**Mayor Brockman read the aforementioned item into record.**

**Caitlin Krobot presented this item.**

**Mayor Pro Tem Meadows moved to approve the item. Councilmember Bowers seconded the motion which passed unanimously by Council.**

- G) Discuss and consider the approval of the Arts Commission recommendations for allocating grant awards from hotel occupancy tax to various art organizations of the City and authorizing the City Manager to execute contracts with the aforementioned organizations for the purpose of disbursement and use of funding.

**Mayor Brockman read the aforementioned item into record.**

**Caitlin Krobot presented this item.**

**Mayor Pro Tem Meadows moved to approve the proportionate recommendation presented to Council. Councilmember Blakey seconded the motion which failed 4-3 via roll call vote with Councilmember Hines, Councilmember Bowers, Councilmember Hoyt and Mayor Brockman in opposition.**

**Councilmember Hines moved to approve the High/Low removal recommendation. Councilmember Bowers seconded the motion which passed unanimously via roll call vote.**

- H) Discuss and consider approval of the second and final reading of an ordinance regarding a proposed rezoning of approximately 4.3 acres out of the J.M. Veramendi Survey No. 1, Abstract 2, Comal County, Texas, located at the southeast corner of the intersection of Gruene Road and Ewelling Lane from "R-2" Single and Two-Family District to "C-O" Commercial Office District.

**Mayor Brockman read the aforementioned item into record.**

**Matt Greene presented this item.**

**The following individuals spoke to this item: William Schutz, David Crabill, Timothy Davis, Kevin Robles, Tracy Gagliardi, Manny Gagliardi, Tiffany Mendoza, Peyton Story, Edward Omohundro, Rahul Bose, and Jamison Wyatt.**

**Councilmember Hines moved to approve the item. Councilmember Hurta Seconded the motion which passed unanimously via roll call vote.**

- I) Discuss and consider approval of the second and final reading of an ordinance regarding a proposed rezoning of approximately 48 acres out of the O. Russell A-485 Survey 2, located in the 2200 block of FM 1102, from "M-1A" Light Industrial District to "MU-B" High Intensity Mixed Use District.

**Mayor Brockman read the aforementioned item into record.**

**Holly Mullins informed Council the applicant of this item has asked to postpone this request. This will require approval of a motion from City Council. Mrs. Mullins recommended Council postpone with a date specific, noting the next Council date is May 24, 2021. Council requested a reason for the postponement.**

**The following individual spoke to this item: Chris Crimm informed Council the postponement is due to the new questions that have been asked since the two previous public meetings. They would like the opportunity to be able to answer any new questions and to make an informed decision for Council.**

**Councilmember Hines moved to postpone this item to the May 24, 2021 City Council meeting. Mayor Pro Tem Meadows seconded the motion which was approved unanimously by Council.**

- J) Discuss and consider approval of the installation of speed humps on Broadway Drive between Rusk Street and Flushing.

**Mayor Brockman read the aforementioned item into record.**

**Greg Malatek presented this item.**

**The following individuals spoke to this item: William Rogers, Timothy Davis, Ashley Culpepper, Peyton Story, and Eunice Alcala.**

**Councilmember Hoyt moved to approve the item. Councilmember Hurta seconded the motion which was approved unanimously by Council.**

- K) Discuss and consider approval of the installation of speed humps on Daisy Way between Marigold Way and Hibiscus.

**Mayor Brockman read the aforementioned item into record.**

**Greg Malatek presented this item.**

**The following individuals spoke to this item: Tyler Campbell, Darlyn Ward, Jesus Guterrez, and Todd Pendickson.**

**No motion was made, item dies for lack of motion.**

- L) Public hearing and first reading of an ordinance amending Section 126-354 of the City of New Braunfels Code of Ordinances to revise the effective time of Parking by Permit Areas A and B and amending Section 126-368 (m) of the City of New Braunfels Code of Ordinances to revise the reference to parking by permit areas in existing water recreation loading zones.

**Mayor Brockman read the aforementioned item into record.**

**Greg Malatek presented this item.**

**The following individual spoke to this item: Violet Tanneberger, David Crabill, and Patricia Freer.**

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

*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*

**Monday, May 10, 2021 New Braunfels City Council Regular Meeting**



*necessary and legally justified under the Open Meetings Act (Chapter 551 of the Texas Government Code).*

## **ADJOURNMENT**

**Mayor Brockman adjourned at 11:55 p.m.**

DRAFT

5/24/2021

Agenda Item No. A)

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**PRESENTER:**

Jared Werner, Chief Financial Officer

**SUBJECT:**

Approval of a Resolution of The City of New Braunfels, Texas, Approving The Solms Landing Public Improvement District Reimbursement Agreement (Improvement Area #1 And Improvement Area #2) Between The City And Solms Landing Development, LLC

**DEPARTMENT:** Finance

**COUNCIL DISTRICTS IMPACTED:** 5

**BACKGROUND INFORMATION:**

When the Solms Landing Public Improvement District (PID) was first established, it was initially proposed that the first PID Bonds would be issued in advance of the construction of the public improvements in Improvement Area #1.

As the land plan for the development evolved and as contracts were secured for end users in the first phase of this development, the first PID bond issuance was deferred. However, the developer continued to move forward with constructing the majority of the public infrastructure (roads, drainage, etc.). In fact, a small portion of the public infrastructure has already been dedicated to the City. State law, as historically applied by the Attorney General's Office, has not allowed PID bonds to be issued to pay for public infrastructure that has already been dedicated before a reimbursement agreement has been entered into between the City and the developer. Therefore, the attached acquisition and reimbursement agreement is presented for City Council consideration. If approved, the PID bonds, once issued can be utilized to support the existing infrastructure included in Improvement Area #1, even if it is conveyed to the city prior to the first PID bond issuance.

**ISSUE:**

[Enter Text Here]

**FISCAL IMPACT:**

There is no impact from the approval of the reimbursement agreement. As it relates to the potential PID bond issuance, the debt service will be paid exclusively from the property owners (residential and commercial) that reside within the development.

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**RECOMMENDATION:**

Approval of the reimbursement agreement

**CITY OF NEW BRAUNFELS**

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

**RESOLUTION OF THE CITY OF NEW BRAUNFELS, TEXAS,  
APPROVING THE SOLMS LANDING PUBLIC IMPROVEMENT  
DISTRICT REIMBURSEMENT AGREEMENT (IMPROVEMENT AREA  
#1 AND IMPROVEMENT AREA #2) BETWEEN THE CITY AND SOLMS  
LANDING DEVELOPMENT, LLC**

**WHEREAS**, the City of New Braunfels, Texas (the "City") has previously created the Solms Landing Public Improvement District (the "District") in accordance with the Texas Local Government Code, Chapter 372, as amended, (the "PID Act");

**WHEREAS**, the purpose of the District is to finance certain improvements authorized by the PID Act that promote the interests of the City and confer a special benefit on the Assessed Property within the District; and;

**WHEREAS**, in furtherance of such purpose, the City desires to enter into the Solms Landing Public Improvement District Reimbursement Agreement (Improvement Area #1 and Improvement Area #2) attached hereto as Exhibit A (the "Reimbursement Agreement") to be executed between the City and Solms Landing Development, LLC a Texas limited liability company (the "Developer");

**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 Reimbursement Agreement is hereby approved substantially in the form attached hereto as Exhibit A, with such modifications as may be determined to be necessary or advisable by the City Manager.

**SECTION 3.** 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  
**MAY 24, 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**

**Solms Landing Public Improvement District Reimbursement Agreement  
(Improvement Area #1 and Improvement Area #2)**

**SOLMS LANDING PUBLIC IMPROVEMENT DISTRICT  
REIMBURSEMENT AGREEMENT  
(IMPROVEMENT AREA #1 AND IMPROVEMENT AREA #2)**

This Solms Landing Public Improvement District Reimbursement Agreement (Improvement Area #1 and Improvement Area #2) (this “Reimbursement Agreement”) is executed between the City of New Braunfels, Texas (“City”) and Solms Landing Development, LLC a Texas limited liability company (the “Developer”) (each individually referred to as a “Party” and collectively as the “Parties”) effective as of \_\_\_\_\_, 2021.

**RECITALS**

**WHEREAS**, on January 14, 2019, the City Council (the "City Council") authorized the formation of the Solms Landing Public Improvement District (the "District" or "PID") pursuant to Resolution No. 2019-R09 (the "Creation Resolution") in accordance with the PID Act, covering approximately 97.97 acres of land described in the Creation Resolution (the “District Property”); and

**WHEREAS**, the City Council amended the District pursuant to Resolution No. 2021-\_\_\_\_\_ on April 12, 2021 for the sole purpose of increasing the estimated costs of improvements in the District; and

**WHEREAS**, the purpose of the District is to finance certain improvements authorized by Chapter 372, Texas Local Government Code (as may be amended, the “PID Act”) that promote the interests of the City and confer a special benefit on the Assessed Property within the District; and

**WHEREAS**, the District Property is currently contemplated to be developed in phases ("Improvement Areas") beginning with Improvement Area #1 ("Improvement Area #1"), and continuing with Improvement Area #2 (“Improvement Area #2”), each as shown on Exhibit "A" attached hereto , and the Developer intends that certain Authorized Improvements be constructed over time to serve District Property (or portions thereof); and

**WHEREAS**, following the approval of the Solms Landing Public Improvement District Financing Agreement by and between the Developer and City (as may be amended from time to time the “PID Financing Agreement”), it is intended that the City Council shall pass and approve one or more assessment ordinances determining, among other things, the estimated costs of the Authorized Improvements allocable to Improvement Area #1 and/or Improvement Area #2 (the “Improvement Area #1 Improvements”, and the “Improvement Area #2 Improvements”, respectively, both to be further defined in a Service and Assessment Plan or update or amendment

thereto (hereinafter defined), each being “Improvement Area Improvements”) and levy assessments against certain District Property within Improvement Area #1 (the “Improvement Area #1 Assessments”) and/or Improvement Area #2 (the “Improvement Area #2 Assessments”) and together with the Improvement Area #1 Assessments or individually, the “Assessments”) in accordance with the Assessment Roll (as defined herein) attached to a Service and Assessment Plan for the District (as the same may be amended or updated from time to time, the “Service and Assessment Plan”) or update or amendment thereto; and

**WHEREAS**, it is intended that the PID Bonds will be issued to finance a portion of the Actual Costs of, among other things, the Improvement Area #1 Improvements (the Actual Costs of the Improvement Area #1 Improvements being the “Improvement Area #1 Improvements Cost”) and the Improvement Area #2 Improvements (the Actual Costs of the Improvement Area #2 Improvements being the “Improvement Area #2 Improvements Cost”) (each an “Improvements Cost”); and

**WHEREAS**, it is anticipated that one or more series of PID Bonds will be issued pursuant to an Indenture of Trust (the “Indenture”) by and between the City and a legally qualified trustee selected by the City (the “Bond Trustee”); and

**WHEREAS**, it is anticipated that the City shall deposit the revenues received and collected by the City from each of the Improvement Area #1 Assessments and Improvement Area #2 Assessments, including foreclosure sale proceeds, first into its respective segregated fund held by the City (the “Operating Account”), and then further transferred pursuant to the respective Indenture when executed; and

**WHEREAS**, the Parties intend that all or a portion of the applicable Improvements Cost shall be paid for with the applicable hereinafter-defined Improvement Area Reimbursement Obligation pursuant to the terms of this Reimbursement Agreement, and as further described pursuant to the PID Financing Agreement; and

**WHEREAS**, following the issuance of a series of PID Bonds, the Pledged Revenues, as defined herein, will secure the PID Bonds, and then, on a subordinate basis, the applicable Improvement Area Reimbursement Obligation; and

NOW THEREFORE, FOR VALUABLE CONSIDERATION THE RECEIPT AND ADEQUACY OF WHICH ARE ACKNOWLEDGED, THE PARTIES AGREE AS FOLLOWS:

1. Recitals. The recitals to this Reimbursement Agreement are true and correct and are incorporated as part of this Reimbursement Agreement for all purposes.
2. Definitions. Terms not defined in this Reimbursement Agreement shall have the meaning given to them in the PID Financing Agreement.



- a. Actual Costs - means the following with respect to the Improvement Area Improvements: (a) the costs incurred by or on behalf of the Developer (either directly or through affiliates) for the design, planning, financing, administration/management, acquisition, installation, construction and/or implementation of such Improvement Area Improvements, (b) the fees paid for obtaining permits, licenses or other governmental approvals for such Improvement Area Improvements, (c) Construction Management Fee, (d) the costs incurred by or on behalf of the Developer for external professional costs, such as engineering, geotechnical, surveying, land planning, architectural landscapers, advertising, appraisals, legal, accounting and similar professional services, taxes (property and franchise) related to the Improvement Area Improvements; (e) all labor, bonds and materials, including equipment and fixtures, by contractors, builders and materialmen in connection with the acquisition, construction or implementation of the Improvement Area Improvements, (f) all related permitting, zoning and public approval expenses, architectural, engineering, and consulting fees, financing charges, taxes, governmental fees and charges, insurance premiums, and all payments for Administrative Expenses after the date of a resolution authorizing such reimbursement, plus Interest, if any, calculated from the respective dates of the expenditures until the date of reimbursement therefore. Actual Costs shall not include construction management fees in an amount that exceeds an amount equal to the construction management fee amortized in equal monthly installments over the term of the appropriate construction management agreement. The amounts expended on legal costs, taxes, governmental fees, insurance premiums, permits, financing costs, and appraisals shall be excluded from the base upon which the construction management fees are calculated.
- b. Assessment Roll – shall mean one or more assessment rolls for the assessed property within the District, as updated, modified or amended from time to time in accordance with the Service and Assessment Plan.
- c. Assessments – means either the Improvement Area #1 Assessments or the Improvement Area #2 Assessments, as applicable.
- d. Authorized Improvements – shall mean any authorized improvement listed in the PID Act.
- e. Improvement Area Reimbursement Obligations – shall mean either the Improvement Area #1 Reimbursement Obligation or the Improvement Area #2 Reimbursement Obligation, as applicable.
- f. PID Bonds – shall mean each series of special assessment revenue bonds issued by the City to finance the Actual Costs of the Improvement Area #1

Improvements and/or Improvement Area #2, and any bonds issued to refund all or a portion of any outstanding PID Bonds.

- g. Pledged Revenues- shall mean the sum of (i) revenues from special assessments from property owners within Improvement Area #1 and/or Improvement Area #2, as applicable, less (a) administrative expenses and (b) delinquent collection costs; (ii) the moneys held in any of the funds held by the City pursuant to the Indenture pledged for payment of debt service; and (iii) any additional revenues that the City may pledge to the payment of PID Bonds.
3. City Deposit of Revenue. Until a series of PID Bonds are issued, the City shall cause the Pledged Revenues to be deposited into the respective Operating Account. After a series of PID Bonds are issued, the City shall cause the Pledged Revenues to be deposited pursuant to the respective Indenture once executed.
4. Payment of Improvements Cost. Prior to the execution of an Indenture, the City shall pay the Improvements Cost pursuant to executed and approved Certifications for Payment in the manner provided for in the PID Financing Agreement from the Operating Account. Following the execution of an Indenture, the Bond Trustee shall pay the Improvements Cost pursuant to executed and approved certifications for payment in the manner provided for in the PID Financing Agreement and the Indenture for PID Bonds issued for the respective Improvement Area.
5. Improvement Area Reimbursement Obligation. Subject to the terms, conditions, and requirements contained herein, the City agrees to reimburse the Developer, and the Developer shall be entitled to receive from the City an amount not to exceed \$9,350,000.00 for the Actual Costs of Improvement Area #1 Improvements (the “Improvement Area #1 Reimbursement Obligation”), and in an amount not to exceed \$7,650,000.00 for the Actual Costs of Improvement Area #2 Improvements (the “Improvement Area #2 Reimbursement Obligation” and together with the Improvement Area #1 Reimbursement Obligation or individually, if the context suggests, the “Improvement Area Reimbursement Obligation”), in accordance with the terms of this Reimbursement Agreement, and subject to any further limitations in the PID Financing Agreement, until December 31, 2052 for Improvement Area #1 Reimbursement Obligation (the “Improvement Area #1 Maturity Date”) and until December 31, 2052 for the Improvement Area #2 Reimbursement Obligation (the “Improvement Area #2 Maturity Date”, and together with the Improvement Area #1 Maturity Date or individually, if the context suggest, the “Improvement Area Maturity Date”). It is hereby acknowledged that the City is not responsible hereunder for any amount of Improvements Cost in excess of the amount of the Improvement Area #1 Assessments, or Improvement Area #2 Assessments, as applicable, collected. The Improvement Area Reimbursement Obligations, including accrued and unpaid interest, shall be payable to the Developer, solely from the Pledged Revenues deposited in an

Operating Account or the reimbursement fund created by an Indenture. The Improvement Area Reimbursement Obligations are authorized by the PID Act, is hereby approved by the City Council, and represents the total allowable costs to be assessed against Improvement Area #1 for the Improvement Area #1 Improvements and Improvement Area #2 for the Improvement Area #2 Improvements. The interest rate paid to the Developer on the Improvement Area #1 Reimbursement Obligation shall be of 4.75% and the interest rate paid to the Developer on the Improvement Area #2 Reimbursement Obligation shall be 4.75%. The interest rates are hereby approved by the City Council and comply with the PID Act. Interest will accrue on the respective Improvement Area Reimbursement Obligation at the applicable interest rate stated above from the later to occur of: (i) the date that the applicable Assessment is levied by the City or (ii) the date a certificate for payment for the applicable Improvements Cost is approved by the City. Following the issuance of any series of PID Bonds, interest on the applicable Improvement Area Reimbursement Obligation will accrue from the date of delivery of such PID Bonds at the interest rate of such PID Bonds. Interest shall be calculated on the basis of a 360-day year, comprised of twelve 30-day months.

6. Obligated Payment Sources. The Improvement Area Reimbursement Obligations, plus accrued and unpaid interest as described above, are payable to the Developer and secured under this Reimbursement Agreement solely as described herein. No other City funds, revenue, taxes, income, or property shall be used even if either Improvement Area Reimbursement Obligation is not paid in full at the respective Improvement Area Maturity Date, and the Improvement Area Reimbursement Obligations are not a debt of the City, within the meaning of Article XI, Section 5, of the Constitution of the State of Texas. The City acknowledges and agrees that until the applicable Improvement Area Reimbursement Obligation and accrued and unpaid interest is paid in full, the obligation of the City to use amounts on deposit in the applicable Operating Account or the reimbursement fund created by an Indenture to pay the applicable Improvement Area Reimbursement Obligation and accrued and unpaid interest to the Developer is absolute and unconditional and the City does not have, and will not assert, any defenses to such obligation.
7. City Collection Efforts. The City will use all reasonable efforts to receive and collect, or cause to be received and collected by the Comal County Tax Assessor-Collector, Assessments (including the foreclosure of liens resulting from the nonpayment of the Assessments or other charges due and owing under the Service and Assessment Plan) and shall not permit a reduction, abatement, or exemption in the Assessments due on any portion of an Improvement Area until (i) any outstanding PID Bonds related to that particular portion of an Improvement Area are no longer outstanding, whether as a result of payment in full, defeasance, or otherwise, or (ii) the Developer has been reimbursed for the unreimbursed Actual Costs in accordance with this Reimbursement Agreement. The City shall use best efforts to collect the Assessments consistent with

the City's policies and standard practices applicable to the collection of City taxes and assessments.

8. Process for Payment for the Improvement Area Reimbursement Obligations. The Developer may submit to the City a written request for payment in the form and manner to be provided for in a PID Financing Agreement to be entered into before Assessments are levied (a "Payment Request") of any funds then available in the reimbursement fund created by an Indenture following February 1<sup>st</sup> of each year. Upon receipt of the Payment Request for any Improvement Area Improvements described in the respective Service and Assessment Plan with all required documentation attached, the City shall cause available funds within the appropriate account under the respective Indenture or the respective Operating Account to be disbursed to the Developer within thirty (30) days. This process will continue until the applicable Improvement Area Reimbursement Obligation for that Improvement Area and accrued and unpaid interest is paid in full, or until PID Bonds are issued in an amount sufficient to pay the unpaid Improvement Area Reimbursement Obligation for the applicable Improvement Area in full, less any amounts required for reserves and any other costs or expenses associated with issuing the PID Bonds.
9. Termination. As to each Improvement Area, upon either (i) all payments paid to the Developer under this Reimbursement Agreement equal to the Improvement Area Reimbursement Obligation plus any accrued and unpaid interest, (ii) the PID Bonds being issued for an Improvement Area that is equal to the respective Improvement Area Reimbursement Obligation, less any amounts required for reserves and any other costs or expenses associated with issuing the PID Bonds, less any payments made from the Bond Trustee pursuant to this Agreement, (iii) a combination of (i) and (ii) above that, collectively, is equal to the respective Improvement Area Reimbursement Obligation, or (iv) the respective Improvement Area Maturity Date is reached, this Reimbursement Agreement shall terminate as to the applicable Improvement Area; provided, however that if on an Improvement Area Maturity Date, any portion of the respective Improvement Area Reimbursement Obligation or accrued and unpaid interest remains unpaid, such Improvement Area Reimbursement Obligation shall be canceled and for all purposes of this Reimbursement Agreement shall be deemed to have been conclusively and irrevocably PAID IN FULL; provided further however that if any respective Assessments remain due and payable and are uncollected on the respective Maturity Date, such Assessments, when, as, and if collected after such Maturity Date, shall be applied, first, to any amounts due in connection with the applicable Improvement Area for any outstanding PID Bonds for such Improvement Area, and then paid to the Developer and applied to the respective Improvement Area Reimbursement Obligation. Under no circumstances will either payments made under

this Agreement or a series of PID Bonds equal more than the applicable Improvement Area Reimbursement Obligations.

10. Non-Recourse Obligation. The obligations of the City under this Reimbursement Agreement are non-recourse and payable only from Pledged Revenues and such obligations do not create a debt or other obligation payable from any other City revenues, taxes, income, or property. Neither the City nor any of its elected or appointed officials nor any of its employees shall incur any liability hereunder to the Developer or any other party in their individual capacities by reason of this Reimbursement Agreement or their acts or omission under this Reimbursement Agreement. Developer acknowledges that no appropriation of City funds has been or will be made to provide payments due under this Agreement. Further, Developer acknowledges that the only source of funds for payment under this Agreement is from an Operating Account or the reimbursement fund created by an Indenture to pay the applicable Improvement Area Reimbursement Obligation.
11. Mandatory Prepayments. Notwithstanding any provision of this Reimbursement Agreement to the contrary, the Parties hereby acknowledge and agree that to the extent a prepayment of an Assessment is due and owing pursuant to the provisions of a Service and Assessment Plan (including any requirement to provide notice to Developer pursuant to the provisions thereof) in effect as of the date of this Agreement and remains unpaid for ninety (90) days after such notice, the City, upon providing written notice to the Developer, may reduce the amount of the applicable Improvement Area Reimbursement Obligation by a corresponding amount provided, however, any reduction shall never result in a reduction in the amount of the Improvement Area Reimbursement Obligations to be less than zero.
12. No Waiver. Nothing in this Reimbursement Agreement is intended to constitute a waiver by the City of any remedy the City may otherwise have outside this Reimbursement Agreement against any person or entity involved in the design, construction, or installation of the Improvement Area Improvements.
13. Governing Law, Venue. This Reimbursement Agreement is being executed and delivered, and is intended to be performed in the State of Texas. Except to the extent that the laws of the United States may apply to the terms hereof, the substantive laws of the State of Texas shall govern the validity, construction, enforcement, and interpretation of this Reimbursement Agreement. In the event of a dispute involving this Reimbursement Agreement, venue for such dispute shall lie in any court of competent jurisdiction in Comal County, Texas.
14. Notice. Any notice required or contemplated by this Reimbursement Agreement shall be deemed given at the addresses shown below: (i) one (1) business day after deposit with a reputable overnight courier service for overnight delivery such as FedEx or UPS; or (ii) one (1) business day after deposit with the United States Postal Service, Certified

Mail, Return Receipt Requested. Any Party may change its address by delivering written notice of such change in accordance with this section.

If to City: City of New Braunfels  
Attn: Robert Camareno, City Manager  
550 Landa St.  
New Braunfels, TX 78130

With a copy to: City of New Braunfels  
Attn: City Attorney  
550 Landa Street  
New Braunfels, Texas 78130  
Facsimile: 830.626.5578

If to Developer: Solms Landing Development, LLC  
Attn: James Mahan III  
648 South Castell Avenue  
New Braunfels, Texas 78130

With a copy to: Metcalfe Wolff Stuart & Williams, LLP  
Attn: Talley J. Williams  
221 W. 6th, Suite 1300  
Austin, Texas 78701  
Facsimile: (512) 404-2234

15. Invalid Provisions; Severability. If any provision of this Reimbursement Agreement is held invalid by any court, such holding shall not affect the validity of the remaining provisions, and the remainder of this Reimbursement Agreement shall remain in full force and effect. If any provision of this Reimbursement Agreement directly conflicts with the terms of the Indenture the Indenture shall control.
16. Exclusive Rights of Developer. Developer's right, title and interest into the payments of the Improvement Area Reimbursement Obligations (including any accrued and unpaid interest thereon), as described herein, shall be the sole and exclusive property of Developer (or its Transferee) and no other third party shall have any claim or right to such funds unless Developer transfers its rights to either of its Improvement Area Reimbursement Obligations (including any accrued and unpaid interest thereon) to a Transferee in writing and otherwise in accordance with the requirements set forth herein. Developer has the right to convey, transfer, assign, mortgage, pledge, or otherwise encumber, in whole or in part, all or any portion of Developer's right, title, or interest under this Reimbursement Agreement including, but not limited to, any right, title or interest of Developer in and to payment of either of its Improvement Area Reimbursement Obligations plus any accrued and unpaid interest thereon (a "Transfer," and the person or entity to whom the transfer is made, a "Transferee"). Provided, however, that no such conveyance, transfer, assignment, mortgage, pledge

or other encumbrance shall be made without the prior written approval of the City Council if such conveyance, transfer, assignment, mortgage, pledge or other encumbrance would result in the payments hereunder being pledged to the payment of debt service on any security, including public securities issued by any other state of the United States or political subdivision thereof. Notwithstanding the foregoing, no Transfer shall be effective until written notice of the Transfer, including (A) the name and address of the Transferee and (B) a representation by the Developer that the Transfer does not and will not result in the issuance of municipal securities by any other state of the United States or political subdivision thereof is provided to the City. The Developer agrees that the City may rely conclusively on any written notice of a Transfer provided by Developer without any obligation to investigate or confirm the Transfer.

17. Assignment.

- a. Subject to subparagraph (b) below, Developer may, in its sole and absolute discretion, assign this Reimbursement Agreement with respect to all or part of the Project from time to time to any party in connection with the sale of the Project or any portion thereof and in connection with a corresponding assignment of the rights and obligations in a PID Financing Agreement entered into prior to the Levy of Assessments to any party, so long as the assignee has demonstrated to the City's satisfaction that the assignee has the financial, technical, and managerial capacity, the experience, and expertise to perform any duties or obligations so assigned and so long as the assigned rights and obligations are assumed without modifications to this Reimbursement Agreement or the PID Financing Agreement. Developer shall provide the City thirty (30) days prior written notice of any such assignment. Upon such assignment or partial assignment, Developer shall be fully released from any and all obligations under this Reimbursement Agreement and shall have no further liability with respect to this Reimbursement Agreement for the part of the Project so assigned.
- b. Any sale of a portion of the Property or assignment of any right hereunder shall not be deemed a sale or assignment to a Designated Successor or Assign unless the conveyance or transfer instrument effecting such sale or assignment expressly states that the sale or assignment is to a Designated Successor or Assign.
- c. Any sale of a portion of the Property or assignment of any right hereunder shall not be deemed a Transfer unless the conveyance or transfer instrument effecting such sale or assignment expressly states that the sale or assignment is deemed to be a Transfer.
- d. Provided, however, that no such conveyance, transfer, assignment, mortgage, pledge or other encumbrance shall be made without the prior written approval of the City Council if such conveyance, transfer, assignment, mortgage, pledge or other encumbrance would result in the payments hereunder being pledged to

the payment of debt service on public securities issued by any other state of the United States or political subdivision thereof.

- e. Notwithstanding anything to the contrary contained herein, this Section 17 shall not apply to Transfers which shall be governed by Section 16 above.
- f. It is hereby acknowledged that the limitations on the ability to make a Transfer as described in Section 16 above shall also apply to the Designated Successors and Assigns.

18. Failure; Default; Remedies.

- a. If either Party fails to perform an obligation imposed on such Party by this Reimbursement Agreement (a “Failure”) and such Failure is not cured after written notice and the expiration of the cure periods provided in this section, then such Failure shall constitute a “Default.” Upon the occurrence of a Failure by a non-performing Party, the other Party shall notify the non-performing Party in writing specifying in reasonable detail the nature of the Failure. The non-performing Party to whom notice of a Failure is given shall have at least 30 days from receipt of the notice within which to cure the Failure; however, if the Failure cannot reasonably be cured within 30 days and the non-performing Party has diligently pursued a cure within such 30-day period and has provided written notice to the other Party that additional time is needed, then the cure period shall be extended for an additional period (not to exceed 90 days) so long as the non-performing Party is diligently pursuing a cure.
- b. If the Developer is in Default, the City’s sole and exclusive remedy shall be to seek specific enforcement of this Reimbursement Agreement. No Default by the Developer, however, shall: (1) affect the obligations of the City to use the Pledged Revenues on deposit in the reimbursement fund as provided in Section 6 of this Reimbursement Agreement; or (2) entitle the City to terminate this Reimbursement Agreement. In addition to specific enforcement, the City shall be entitled to attorney’s fees, court costs, and other costs of the City to obtain specific enforcement.
- c. If the City is in Default, the Developer’s sole and exclusive remedies shall be to: (1) seek a writ of mandamus to compel performance by the City; or (2) seek specific enforcement of this Reimbursement Agreement.

19. Estoppel Certificate. Within thirty (30) days after the receipt of a written request by Developer or any Transferee, the City will certify in a written instrument duly executed and acknowledged to any person, firm or corporation specified in such request as to (i) the validity and force and effect of this Reimbursement Agreement in accordance with its terms, (ii) modifications or amendments to this Reimbursement Agreement and the substance of such modification or amendments; (iii) the existence of any default to the best of the City’s knowledge; and (iv) such other factual matters that may be reasonably requested.



20. Anti-Boycott Verification, No business with Sanctioned Countries. The Developer hereby verifies that it and its parent company, wholly- or majority-owned subsidiaries, and other affiliates, if any, do not boycott Israel and, to the extent this Agreement is a contract for goods or services, will not boycott Israel during the term of this Agreement. The foregoing verification is made solely to comply with Section 2271.002, Texas Government Code, and to the extent such Section does not contravene applicable State or federal law. As used in the foregoing verification, ‘boycott Israel’ means refusing to deal with, terminating business activities with, or otherwise taking any action that is intended to penalize, inflict economic harm on, or limit commercial relations specifically with Israel, or with a person or entity doing business in Israel or in an Israeli-controlled territory, but does not include an action made for ordinary business purposes. The Developer understands ‘affiliate’ to mean an entity that controls, is controlled by, or is under common control with the Developer and exists to make a profit.

The Developer represents that neither it nor any of its respective parent companies, wholly- or majority-owned subsidiaries, and other affiliates, if any, is a company identified on a list prepared and maintained by the Texas Comptroller of Public Accounts under Section 2252.153 or Section 2270.0201, Texas Government Code, and posted on any of the following pages of such officer’s internet website:

<https://comptroller.texas.gov/purchasing/docs/sudan-list.pdf>,

<https://comptroller.texas.gov/purchasing/docs/iran-list.pdf>, or

<https://comptroller.texas.gov/purchasing/docs/fto-list.pdf>.

The foregoing representation is made solely to comply with Section 2252.152, Texas Government Code, and to the extent such Section does not contravene applicable Federal law and excludes the Developer and any of its respective parent companies, wholly- or majority-owned subsidiaries, and other affiliates, if any, that the United States government has affirmatively declared to be excluded from its federal sanctions regime relating to Sudan or Iran or any federal sanctions regime relating to a foreign terrorist organization. The Developer understands “affiliate” to mean any entity that controls, is controlled by, or is under common control with the Developer and exists to make a profit.

21. Form 1295. Submitted herewith is a completed Form 1295 in connection with the Developer’s participation in the execution of this Reimbursement Agreement generated by the Texas Ethics Commission’s (the “TEC”) electronic filing application in accordance with the provisions of Section 2252.908 of the Texas Government Code and the rules promulgated by the TEC (the “Form 1295”). The City hereby confirms receipt of the Form 1295 from the Developer, and the City agrees to acknowledge such form with the TEC through its electronic filing application not later than the 30th day after the receipt of such form. The Developer and the City understand and agree that, with the exception of information identifying the City and the contract identification number, neither the City nor its consultants are responsible for the information contained in the Form 1295; that the information contained in the Form 1295 has been provided solely by the Developer; and, neither the City nor its consultants have verified such information.

22. Miscellaneous.

- a. The City does not waive or surrender any of its governmental powers, immunities, or rights except to the extent permitted by law and necessary to allow the Developer to enforce its remedies under this Reimbursement Agreement.
- b. Nothing in this Reimbursement Agreement, expressed or implied, is intended to or shall be construed to confer upon or to give to any person or entity other than the City and the Developer any rights, remedies, or claims under or by reason of this Reimbursement Agreement, and all covenants, conditions, promises, and agreements in this Reimbursement Agreement shall be for the sole and exclusive benefit of the City and the Developer.
- c. This Reimbursement Agreement may be amended only by written agreement of the Parties.
- d. This Reimbursement Agreement may be executed in counterparts, each of which shall be deemed an original.

[Signature pages to follow]

IN WITNESS WHEREOF, the Parties have executed this Reimbursement Agreement to be effective as of the date written on the first page of this Reimbursement Agreement.

**CITY OF NEW BRAUNFELS, TEXAS**

By: \_\_\_\_\_  
Name: Robert Camareno  
Title: City Manager  
Date: \_\_\_\_\_

ATTEST:

By: \_\_\_\_\_

STATE OF TEXAS                   §  
  §  
COUNTY OF COMAL           §

BEFORE ME, a Notary Public, on this day personally appeared, Robert Camareno, City Manager of The City of New Braunfels, Texas known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed on behalf of that municipal corporation.

GIVEN UNDER MY HAND AND SEAL of office this \_\_\_\_ day of \_\_\_\_\_, 2021.

(SEAL)

\_\_\_\_\_

Notary Public, State of Texas

[Signatures Continue on Next Page]

**SOLMS LANDING DEVELOPMENT, LLC**  
a Texas limited liability company

By: \_\_\_\_\_

Name:

Title:

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

STATE OF TEXAS                   §

§

COUNTY OF COMAL           §

This instrument was acknowledged before me on the \_\_\_\_ day of \_\_\_\_, 2021 by \_\_\_\_\_, \_\_\_\_\_, of Solms Landing Development, LLC, a Texas limited liability company, on behalf of said limited liability company.

\_\_\_\_\_  
Notary Public, State of Texas

(SEAL)

\_\_\_\_\_  
Name printed or typed  
Commission Expires: \_\_\_\_\_

**Exhibit “A”**  
**Improvement Area #1 and Improvement Area #2**





5/24/2021

Agenda Item No. B)

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**PRESENTER:**

Jared Werner, Chief Financial Officer

**SUBJECT:**

Approval of a Resolution of The City of New Braunfels, Texas, Approving The First Amendment To Agreement Regarding The Dissolution of The Solms Landing Public Improvement District Between The City And Solms Landing Development, LLC And The Jerome W. Timmermann Family Trust

**DEPARTMENT:** Finance

**COUNCIL DISTRICTS IMPACTED:** 5

**BACKGROUND INFORMATION:**

The Solms Landing Public Improvement District was initially created of January 14, 2019. The modifications to the land plan, among other factors delayed the various additional steps in fully establishing the PID such as levying the assessments and approval of the financing agreement.

As a result of the modified timeline, the developer has requested an amendment to the dissolution agreement between the City and Solms Landing. Per the attached amendment, the date for dissolution of the PID is changed to January 14, 2023.

**ISSUE:**

[Enter Text Here]

**FISCAL IMPACT:**

N/A

**RECOMMENDATION:**

Approval of the amendment to the Dissolution Agreement

**CITY OF NEW BRAUNFELS**

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

**RESOLUTION OF THE CITY OF NEW BRAUNFELS, TEXAS,  
APPROVING THE SOLMS LANDING PUBLIC IMPROVEMENT  
DISTRICT REIMBURSEMENT AGREEMENT (IMPROVEMENT AREA  
#1 AND IMPROVEMENT AREA #2) BETWEEN THE CITY AND SOLMS  
LANDING DEVELOPMENT, LLC**

**WHEREAS**, the City of New Braunfels, Texas (the "City") has previously created the Solms Landing Public Improvement District (the "District") in accordance with the Texas Local Government Code, Chapter 372, as amended, (the "PID Act");

**WHEREAS**, the purpose of the District is to finance certain improvements authorized by the PID Act that promote the interests of the City and confer a special benefit on the Assessed Property within the District; and;

**WHEREAS**, in furtherance of such purpose, the City desires to enter into the Solms Landing Public Improvement District Reimbursement Agreement (Improvement Area #1 and Improvement Area #2) attached hereto as Exhibit A (the "Reimbursement Agreement") to be executed between the City and Solms Landing Development, LLC a Texas limited liability company (the "Developer");

**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 Reimbursement Agreement is hereby approved substantially in the form attached hereto as Exhibit A, with such modifications as may be determined to be necessary or advisable by the City Manager.

**SECTION 3.** 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  
**MAY 24, 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**

Solms Landing Public Improvement District Reimbursement Agreement  
(Improvement Area #1 and Improvement Area #2)

**FIRST AMENDMENT TO**  
**AGREEMENT REGARDING THE DISSOLUTION OF THE SOLMS LANDING**  
**PUBLIC IMPROVEMENT DISTRICT**

THIS FIRST AMENDMENT TO AGREEMENT REGARDING THE DISSOLUTION OF THE SOLMS LANDING PUBLIC IMPROVEMENT DISTRICT (this “**Amendment**”) is made by and between Solms Landing LLC, a Texas limited liability company, and The Jerome W. Timmermann Family Trust (collectively the “**Owner**”) and the City of New Braunfels, Texas, a home rule city organized under the laws of the State of Texas (“**City**”), EFFECTIVE on May 24, 2021.

**RECITALS:**

- A. City and Owner are parties to that certain Agreement Regarding the Dissolution of the Solms Landing Public Improvement District dated January 14, 2019 (the “**Dissolution Agreement**”).
- B. Section 3 of the Dissolution Agreement provides that the Dissolution Agreement may be amended by written instrument executed by the City and Owner.
- C. City and Owner desire to amend the Dissolution Agreement.
- D. All capitalized terms used in this Amendment shall have the meanings given to them in the Development Agreement, unless otherwise defined herein.

**AGREEMENT:**

NOW, THEREFORE, in consideration of the premises and the mutual covenants herein contained, the parties hereby amend the Development Agreement as following effective as of the date hereof:

1. **Recitals.** The recitals of the Dissolution Agreement are deleted and replaced with the following:

“WHEREAS, the Owner requested the City establish the Solms Landing Public Improvement District (the “**District**”) in that certain Petition for the Creation of a Public Improvement District to Finance Improvements to Solms Landing dated August 9, 2018 (the “**Petition**”);

WHEREAS, on January 14, 2019, the City approved the formation of the District over the property described in Exhibit A (the “**Property**”) attached hereto and incorporated herein for all purposes, by Resolution No. 2019-R09 (the “**Resolution**”);

WHEREAS, the Owner submitted an Amended and Restated Petition For The Creation Of A Public Improvement District To Finance Improvements To Solms Landing Development (the “**Amended and Restated Petition**”) for the sole purpose of modifying the estimated cost of the proposed construction;

WHEREAS, on April 12, 2021, the City, after holding a duly noticed public hearing, approved the Amended and Restated Petition, and authorized the modification of the estimated cost of the proposed construction (the **“Modification Resolution”**);

WHEREAS, the Owner owns fee simple title to land within the Property constituting more than 50 percent of all record owners of property that is liable for assessment and who own taxable real property that constitutes more than 50 percent of the area of all taxable real property that is liable for assessment under the Petition and the Amended and Restated Petition in compliance with Texas Local Government Code Chapter 372; and

WHEREAS, the Parties desire to provide for the dissolution of the District if special assessments are not levied or the PID Bonds are not issued by the deadline set forth herein; “

2. Section 1 of the Dissolution Agreement is hereby amended to replace the date of “January 14, 2021” with “January 14, 2023”

3. A new Section 6 is hereby added as follows:

“6. It is acknowledged by the Parties that this Agreement survives the amendment/modification of the District on April 12, 2021 and the modified District is subject to this Agreement.”

4. Except as modified by this Amendment, the Dissolution Agreement shall remain unchanged and shall continue in full force and effect. This Amendment may be executed in multiple counterparts, and electronic signatures (including fax, copy, pdf) shall be deemed originals.

*[Signatures follow on next page]*

IN WITNESS WHEREOF, City and Owner have executed and delivered this Amendment as of the date and year first above written.

**CITY:**

**City of New Braunfels, Texas**

a Texas home-rule municipal corporation

Attest:

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: City Secretary

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: Mayor

**STATE OF TEXAS           §**  
**COUNTY OF COMAL           §**

This instrument was acknowledged before me on this \_\_\_\_ day of \_\_\_\_\_, 2021, by \_\_\_\_\_, Mayor of the City of New Braunfels, Texas, a Texas home-rule municipal corporation, on behalf of said municipal corporation.

(SEAL)

\_\_\_\_\_  
Notary Public, State of Texas

**OWNERS:**

**Solms Landing Development, LLC,**  
a Texas limited liability company

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

**THE STATE OF TEXAS**  
**COUNTY OF \_\_\_\_\_**

This instrument was acknowledged before me on this \_\_\_\_\_ day of \_\_\_\_\_, 2021, by \_\_\_\_\_, \_\_\_\_\_ of Solms Landing Development, LLC a Texas limited liability company, on behalf of said limited liability company.

(SEAL)

\_\_\_\_\_  
Notary Public, State of Texas

**The Jerome W. Timmermann Family Trust**

By: \_\_\_\_\_  
Betty M. Timmermann  
Trustee

**THE STATE OF TEXAS**  
**COUNTY OF \_\_\_\_\_**

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

[SEAL]

\_\_\_\_\_  
Notary Public, State of Texas

Chupik Properties & Design, Inc.  
a Texas corporation

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

By: \_\_\_\_\_

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

Title: \_\_\_\_\_

THE STATE OF TEXAS  
COUNTY OF \_\_\_\_\_

THIS INSTRUMENT is acknowledged before me on this \_\_\_\_ day of \_\_\_\_\_, 2021, by  
\_\_\_\_\_ as \_\_\_\_\_ of Chupik Properties & Design, Inc., a Texas  
corporation on behalf of said corporation.

[SEAL]

\_\_\_\_\_  
Notary Public, State of Texas

5/24/2021

Agenda Item No. C)

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Presenter/Contact

*Robert Camareno, City Manager*  
(830) 221-4280 - [rcamareno@nbtexas.org](mailto:rcamareno@nbtexas.org)

**SUBJECT:**

Confirmation of the appointment of Brian Martinez to the Civil Service Commission for an unexpired term ending August 10, 2022.

**BACKGROUND / RATIONALE:**

The Civil Service Commission is governed by Texas Local Government Code, Chapter 143, which states that the members are appointed by the City Manager and confirmed by the City Council.

The City Manager has appointed Brian Martinez to the City's Civil Service Commission for an unexpired term ending August 10, 2022.

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

N/A

**FISCAL IMPACT:**

N/A

**COMMITTEE RECOMMENDATION:**

N/A

**STAFF RECOMMENDATION:**

Staff recommends the confirmation of the appointment of Brian Martinez to the Civil Service Commission for an unexpired term ending August 10, 2022.



5/24/2021

Agenda Item No. D)

**PRESENTER:**

Garry Ford, Jr., Assistant Public Works Director/City Engineer

**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 the effective time of Parking by Permit Areas A and B and amending Section 126-368 (m) of the City of New Braunfels Code of Ordinances to revise the reference to parking by permit areas in existing water recreation loading zones.

**DEPARTMENT:** Public Works**COUNCIL DISTRICTS IMPACTED:** 5**BACKGROUND INFORMATION:**

City Council unanimously approved the first reading of an ordinance amending Section 126-354 of the City of New Braunfels Code of Ordinances to revise the effective time of Parking by Permit Areas A and B and amending Section 126-368 (m) of the City of New Braunfels Code of Ordinances to revise the reference to parking by permit areas in existing water recreation loading zones on May 10, 2021.

Staff received a request to clarify the existing posted signs for Parking by Permit Area A and the collocated area with a restriction on water recreation loading covered in Sec. 126-368 (m). The existing effective time for the restriction on water recreation loading in Sec. 126-368 (m) is between the hours of 8:00 a.m. and 12:00 a.m. (midnight) from March 1 to October 31 and for Parking by Permit Area A is between the hours of 8:00 a.m. and 8:00 p.m. from May 1 to September 30.

Section 126-368 (m) provides an exception to allow water recreation loading for vehicles with a valid parking permit for Designated Permit Area A. However, the times that are currently outside of the effective times for Parking by Permit Area A in Sec. 126-354 cause a potential conflict for Parking by Permit Area A permit holders because the current ordinance does not provide an exception for permit holders to load/unload during these times.

During the review of Sec. 126-354 and Sec. 126-368, staff noted that Sec. 126-368 only referenced Parking by Permit Area A in subsection (m) when the existing restriction on water recreation loading in subsection (m) also included a portion of Parking by Permit Area B. Therefore, this request will clarify that the restriction on water recreation loading in Sec. 126-368 (m) includes areas in Parking by Permit Areas A and B.

The proposed amendment to the effective times for Parking by Permit Areas A and B will resolve this potential conflict. No changes are proposed to the location of either Parking by Permit Area A or Parking by Permit Area B with this amendment. Additionally, no changes are proposed to the location of the restriction on water

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recreation loading currently in Sec. 126-368 (m).

The May 10, 2021 Council Meeting 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 Parking by Permit Areas A and B.

**ISSUE:**

The proposed amendment will address a conflict between the effective times for Parking by Permit Areas A and B in Sec. 126-354 and the restriction on water recreation loading in Sec. 126-368 (m). It will also clarify that Sec. 126-368 (m) includes a water recreation loading in Parking by Permit Areas A and B.

**FISCAL IMPACT:**

The cost for updating the dates and times on the existing signs is approximately \$700. Sufficient funding is available in the FY 2021 approved streets and drainage budget.

**RECOMMENDATION:**

Staff recommends approval of amending Parking by Permit Area A and Parking by Permit Area B to change the effective time from 8:00 a.m. through 8:00 p.m. on May 1 through September 30 to 8:00 a.m. through 12:00 a.m. (midnight) on March 1 through October 31. Staff also recommends approval of amending Sec. 126-368 (m) to reference both Parking by Permit Areas A and B.

## Sec. 126-354. Parking by permit only.

- (c) *Designated permit areas.* No person shall park and leave standing any vehicle whether attended or unattended between the times listed and locations designated below without first having obtained a valid parking permit for the designated permit area from the city. Said designated permit area shall be designated as a tow-away zone:

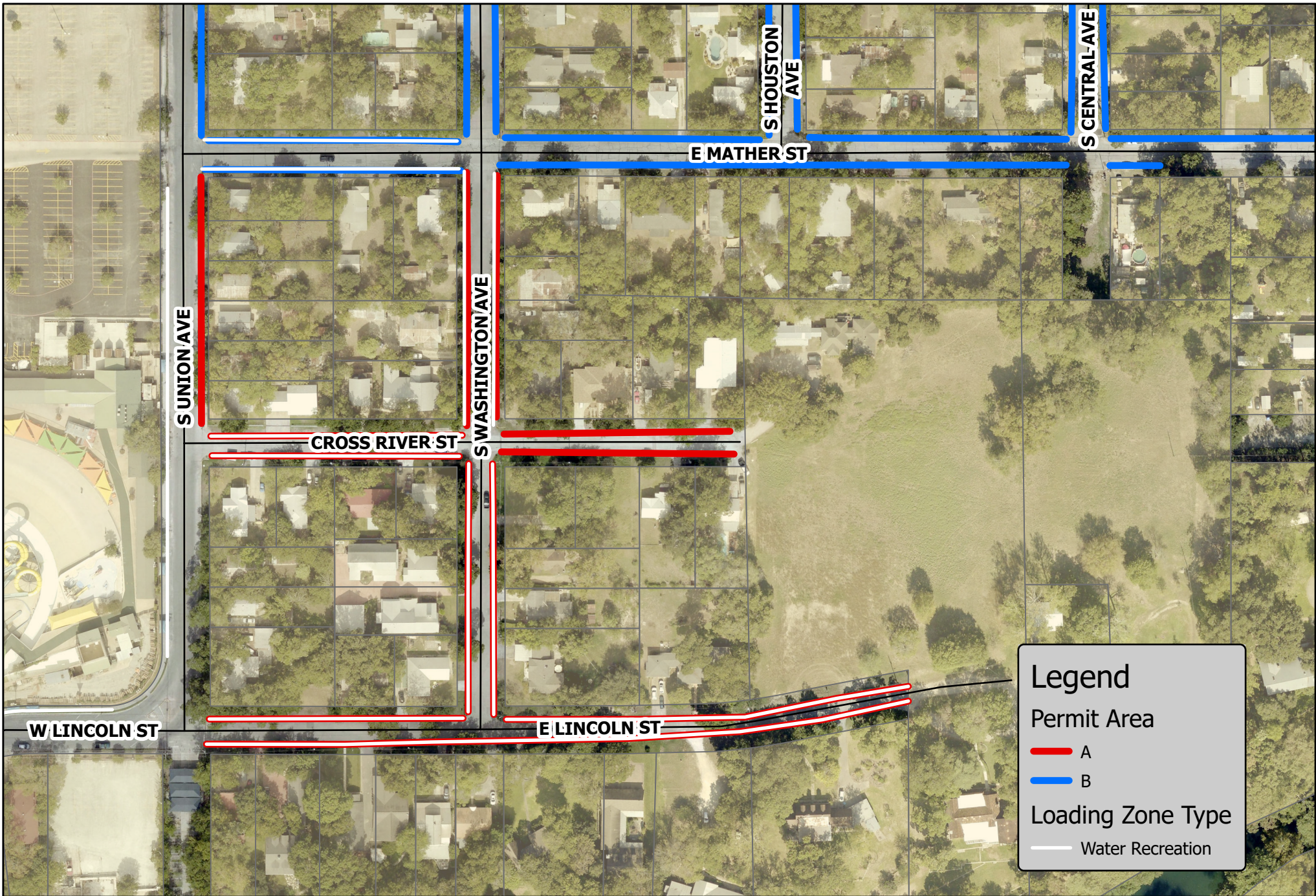
- (1) Area A, between the hours of 8:00 a.m. and ~~8~~12:00 ~~pa~~. (midnight) from ~~May-March~~ 1st through ~~September 30th~~October 31st.
  - a. On both side of E. Lincoln Street from its intersection with S. Union Avenue easterly to the end of the street.
  - b. On both sides of S. Washington Avenue from its intersection with E. Lincoln Street to its intersection with E. Mather Street.
  - c. On both sides of Cross River Street from S. Union Avenue to the end of the street.
  - d. On east side of S. Union Avenue from the intersection of E. Mather Street to Cross River Street.
- (2) Area B, between the hours of 8:00 a.m. and ~~8~~12:00 ~~pa~~. (midnight) from ~~May-March~~ 1st through ~~September 30th~~October 31st.
  - a. On both sides of E. Mather Street from the intersection of S. Union Avenue to S. Central Avenue.
  - b. On both sides of E. Basel Street from the intersection of S. Union Avenue to S. Central Avenue.
  - c. On both sides of E. Dittlinger Street from the intersection of S. Washington Avenue to S. Central Avenue.
  - d. On both sides of Heinen Lane from the intersection of S. Union Avenue to S. Washington Avenue.
  - e. On both sides of E. South Street from the intersection of Union Avenue to S. Central Avenue.
  - f. On both sides of Central Avenue from the intersection of E. Common Street to E. Mather Street.
  - g. On both sides of S. Houston Avenue from the intersection of E. Common Street to E. South Street and from E. Dittlinger Street to E. Mather Street.
  - h. On both sides of S. Washington Avenue from the intersection of E. Common Street to E. Mather Street.
  - i. On east side of S. Union Avenue from the intersection of E. Basel Street to E. Mather Street.
  - j. On east side of S. Liberty Avenue from the intersection of W. Common Street to E. San Antonio Street.
  - k. On the north side of E. San Antonio Street from the intersection of S. Liberty Avenue to S. Union Avenue.
  - l. On the north side of E. Mather Street from S. Central Avenue to Labor Avenue.
  - m. On the west side of S. Grant Avenue from E. Basel Street to Cross River Street.
  - n. On the east side of S. Grant Avenue from 333 S. Grant Avenue to E. Mather Street.
  - o. On the east side of S. Veramendi Avenue from E. Mather Street to Cross River.
  - p. On the north side of Cross River from S. Veramendi Avenue to S. Grant Avenue.
  - q. On the south side of Cross River Street from 490 to 590 Cross River Street (inclusive).
  - r. On the south side of E. Mather Street at 416 E. Mather Street.
  - s. On both sides of S. Veramendi Avenue from E. Basel Street to E. Mather Street.

- t. On both sides of E. South Street from the intersection of Liberty Avenue to S. Union Avenue.
- u. On the west side of S. Union Avenue from 410 to 418 S. Union Avenue, inclusive.

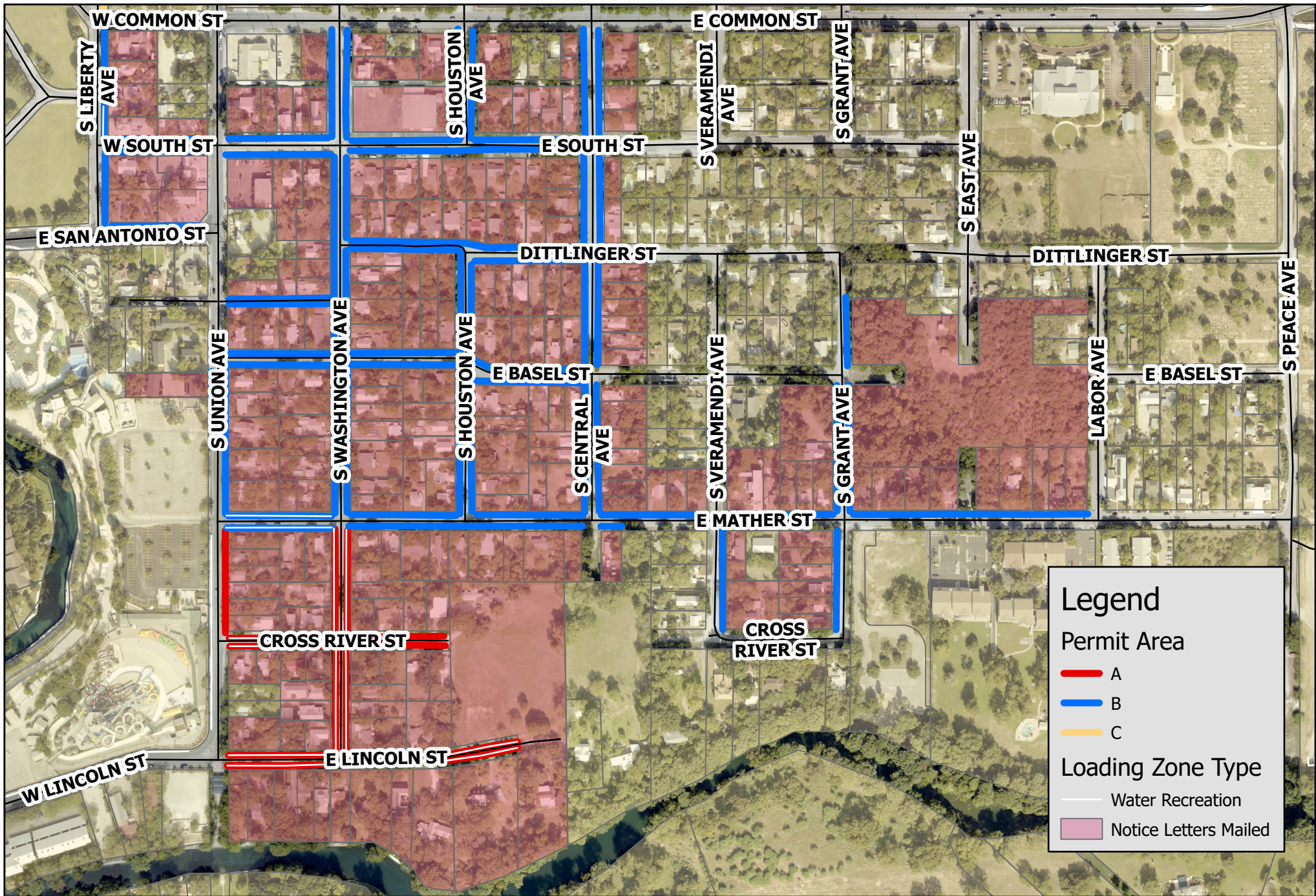
**Sec. 126-368. Water recreation zones; time limit.**

- (m) It shall be unlawful for any operator to stop, stand or park any vehicle (other than vehicles with valid parking permits for Designated Permit Areas A or B) in his possession or under his control to load or unload passengers and water-oriented recreational equipment between the hours of 8:00 a.m. and 12:00 a.m. (midnight) from March 1 to October 31 at the following locations:
  - (1) On both sides of E. Lincoln Street from the intersection of S. Union Avenue in a easterly direction to the end of E. Lincoln Street.
  - (2) On both sides of S. Washington Street from E. Lincoln Street to E. Mather Street.
  - (3) On both sides of Cross River Street from S. Union Avenue to S. Washington Avenue.
  - (4) On both sides of E. Mather Street from S. Union Avenue to S. Washington 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 AREAS A AND B AND AMENDING SECTION  
126-368 (m) TO AMEND WATER RECREATION LOADING ZONES.**

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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, Section 126-368 (m) Water Recreation Loading Zones; Time Limit will be updated to reference Parking by Permit Areas A and B.

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:

- (1) Area A, between the hours of 8:00 a.m. and 12:00 a.m. (midnight) from March 1st through October 31st.
- (2) Area B, between the hours of 8:00 a.m. and 12:00 a.m. (midnight) from March 1st through October 31st.

**II.**

THAT Section 126-368 (m) is hereby amended to read:

- (m) It shall be unlawful for any operator to stop, stand or park any vehicle (other than vehicles with valid parking permits for Designated Permit Areas A or B) in his possession or under his control to load or unload passengers and water-oriented recreational equipment between the hours of 8:00 a.m. and 12:00 a.m. (midnight) from March 1 to October 31 at the following locations:

- (1) On both sides of E. Lincoln Street from the intersection of S. Union Avenue in a easterly direction to the end of E. Lincoln Street.
- (2) On both sides of S. Washington Street from E. Lincoln Street to E. Mather Street.
- (3) On both sides of Cross River Street from S. Union Avenue to S. Washington Avenue.
- (4) On both sides of E. Mather Street from S. Union Avenue to S. Washington Street.

### **III.**

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.

### **IV.**

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.

### **V.**

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

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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*

5/24/2021

## Agenda Item No. A)

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**PRESENTER:**

Caitlin Krobot, City Secretary

**SUBJECT:**

Public Hearing and first reading of an ordinance by the City Council of the City of New Braunfels, Texas incorporating the recently adopted charter amendments into a singular form.

**DEPARTMENT:** City Secretary

**COUNCIL DISTRICTS IMPACTED:** All districts impacted.

**BACKGROUND INFORMATION:**

The City Council of the City of New Braunfels officially declared that the election was duly and properly ordered, that proper legal notice of such election was duly given in the English language and the Spanish language, that proper election officers were duly appointed prior to the election, that the election was duly and legally held, that all required preclearance submissions were made and that no objections were interposed; that all qualified voters of the City were permitted to vote at the election, that due returns of the results of the election have been made and delivered, and that the City Council of the City has duly canvassed such returns, all in accordance with the laws of the State of Texas and of the United States of America and the order calling the election.

**ISSUE:**

Whether to approve the ordinance that incorporates the recently adopted charter amendments into a singular form.

**FISCAL IMPACT:**

No impact at this time.

**RECOMMENDATION:**

Staff recommends the approval of Ordinance No 2021-39 first reading on May 24, 2021.

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

**AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS INCORPORATING THE RECENTLY ADOPTED CHARTER AMENDMENTS INTO A SINGULAR FORM.**

**WHEREAS**, Chapter 9 of the Texas Local Government Code governs the adoption or amendment of a Home-Rule Charter as authorized by Article XI, Section 5 of the Texas Constitution; and

**WHEREAS**, pursuant to Section 9.003 of the Texas Local Government Code, on May 1, 2021 the proposed city charter amendments for the City of New Braunfels, Texas were submitted to the voters of New Braunfels in a special election; and

**WHEREAS**, on May 1, 2021, the voters of the City of New Braunfels voted to adopt each the proposed city charter amendments; and

**WHEREAS**, the City Council has reviewed and investigated all matters pertaining to this election, including the ordering, notices, election officers, holding, and returns thereof; and

**WHEREAS**, the City Council canvassed the returns of this election on Monday, May 10, 2021, wherein City Council adopted the charter amendments and said amendments became effective immediately; and

**WHEREAS**, the City Council of the City of New Braunfels desires to have a single, incorporated form of the Charter for its citizens and the public.

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

**SECTION 1.** The City Council of the City of New Braunfels officially declared that the election was duly and properly ordered, that proper legal notice of such election was duly given in the English language and the Spanish language, that proper election officers were duly appointed prior to the election, that the election was duly and legally held, that all required preclearance submissions were made and that no objections were interposed; that all qualified voters of the City were permitted to vote at the election, that due returns of the results of the election have been made and delivered, and that the City Council of the City has duly canvassed such returns, all in accordance with the laws of the State of Texas and of the United States of America and the order calling the election.

**SECTION 2.** A majority of the qualified voters of the City of New Braunfels, Texas, voting in the election voted FOR the adoption of the listed Charter Amendments.

**SECTION 3.** The Mayor of the City was authorized to perform any and all acts necessary to implement the provisions of this canvass in the manner prescribed by law. The Mayor caused

this ordinance, as an appropriate order regarding the charter to be entered into the records of the municipality declaring the charter amendments adopted as prescribed by Section 9.005(b) of the Texas Local Government Code and such shall constitute an authenticated copy of the incorporated charter amendments.

**SECTION 4.** The City Council of the City of New Braunfels hereby adopts Exhibit A, incorporated herein to this ordinance, as the fully incorporated charter amendments into the City's home-rule charter.

**DULY PASSED ON FIRST READING**, on the \_\_\_\_\_ day of \_\_\_\_\_, 2021 at a regular meeting of the City Council of the City of New Braunfels, Texas, which was held in compliance with the Texas Open Meetings Act, codified in the Texas Government Sections 551.001 *et seq.*, at which meeting a quorum was present and voting.

**DULY PASSED AND APPROVED**, on the \_\_\_\_\_ day of \_\_\_\_\_, 2021 at a regular meeting of the City Council of the City of New Braunfels, Texas, which was held in compliance with the Open Meetings Act, Gov't. Code §551.001, *et. Seq.* at which meeting a quorum was present and voting.

CITY OF NEW BRAUNFELS, TEXAS

\_\_\_\_\_  
Rusty Brockman, Mayor

**ATTEST:**

\_\_\_\_\_  
Caitlin Krobot, City Secretary

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Valeria M. Acevedo, City Attorney

## **PART I - HOME RULE CHARTER<sup>11</sup>**

### **ARTICLE I. - FORM OF GOVERNMENT AND BOUNDARIES**

#### **Sec. 1.01. - Preamble.**

All the inhabitants of the City of New Braunfels, Comal County, Texas, residing within the boundaries and limits of said City as are herein established or may hereafter be established, shall be a political subdivision of the State of Texas, incorporated under and to be known by the name and style of the "City of New Braunfels" with such powers, rights and duties as provided in this Home Rule Charter in accordance with the statutes of the State of Texas. Within this charter, a word importing the masculine gender only shall extend and be applied to females and to firms, partnerships and corporations as well as to males. A word importing the singular number only may extend and be applied to several persons and things as well as to one person and thing. Words used in the present or past tense include the future as well as the present or past.

#### **Sec. 1.02. - Form of government.**

The municipal government provided by this Charter shall be known as the "Council-Manager Government." Pursuant to its provisions and subject only to the limitations imposed by the state constitution, the statutes of this state, and this Charter, all powers of the City shall be vested in an elective council, hereinafter referred to as the "City Council," which shall enact local legislation, adopt budgets, determine policies and appoint the City Manager, who in turn shall be held responsible to the City Council for the execution of the laws and the administration of the government of the City. All powers of the City shall be exercised in the manner prescribed by this Charter, or if the manner be not prescribed, then in such manner as may be prescribed by ordinance, the State constitution or the statutes of the State.

#### **Sec. 1.03. - The boundaries.**

The boundaries of the City of New Braunfels are hereby established by the official map which is on file in the office of the City Secretary.

The boundaries of the city have been extended by Charter amendment on August 25, 1947, by ordinance granting a petition to annex on September 24, 1951, and by ordinances extending the limits of the city under authority of Art. I, § 3, of the 1944 Charter on December 6, 1954, June 13, 1955, September 19, 1955, January 30, 1956, February 6, 1956, February 27, 1956, June 20, 1960, and October 31, 1960. For the official and original legal description the user is directed to the official ordinance books of the city and to the Book of City Charters and amendments in the office of the Secretary of State in the City of Austin, where certified copies are recorded.

#### **Sec. 1.04. - Extension of boundaries.**

The City Council shall have the power by ordinance to fix the boundaries of the City of New Braunfels. Without limiting the previous sentence, this power includes the ability to annex and to disannex territory, when permitted, to the extent, in the manner, and subject to any restrictions or limitations, provided by the constitution and laws of the State of Texas.

#### **Sec. 1.05. - Reserved.**

## **ARTICLE II. - POWERS OF THE CITY**

### **Sec. 2.01. - General.**

The City shall have all powers possible for a home rule city to have under the constitution and laws of the State of Texas as fully and completely as though they were specifically enumerated in this charter.

### **Sec. 2.02. - Construction.**

The powers of the City under this Charter shall be construed liberally in favor of the City, and the specific mention of particular powers in this Charter shall not be construed as limiting in any way the general power granted in this article.

### **Sec. 2.03. - Eminent domain.**

The City shall have the full power and right to exercise the power of eminent domain when necessary or desirable to carry out any of the powers conferred upon it by this Charter or by the constitution and laws of the State of Texas. The City may exercise the power of eminent domain of any manner authorized or permitted by the constitution and laws of this State. The power of eminent domain hereby conferred shall include the right of the City to take the fee in land so condemned and such power and authority shall include the right to condemn public property for such purposes. The City shall have and possess the power of condemnation for any municipal or public purposes even though not specifically enumerated in this Charter.

## **ARTICLE III. - THE CITY COUNCIL**

### **Sec. 3.01. - Number, selection and term.**

The legislative and governing body of the City shall consist of seven (7) Councilpersons and shall be known as the "Council of the City of New Braunfels," and who shall each serve a term of three (3) years.

The City of New Braunfels shall by ordinance be divided into six (6) districts. Each district shall to the extent reasonably possible be equally populated and the City Council shall maintain such equality of population, as from time to time deemed necessary, by ordinance. The districts shall be designated Number 1, 2, 3, 4, 5 and 6. The qualified voters of each district shall elect one (1) Councilmember for each of the six (6) districts. The six (6) Councilmembers so elected from each district shall have been a resident of the district from which the Councilmember is elected for no less than six (6) months prior to filing for office and must continue to reside in said district for his or her entire term of office.

The Mayor of the City of New Braunfels shall be elected by the qualified voters of the City at large and elections for the Mayor shall be held pursuant to Article IV, Elections, of the City Charter of New Braunfels, Texas.

Each Councilperson shall hold office until his or her successor is elected and qualified. Candidates elected at the municipal election shall take office at the regular City Council meeting,

the same being at the first regular meeting held after the meeting in which the election returns are canvassed and the result of the election is officially declared.

No elected official shall serve more than three (3) consecutive three (3) year terms of office and no more than three (3) terms during lifetime. However, years or time of service that an elected official may serve in filling an unexpired term or a partial term of office shall not be counted toward the above limitations.

#### **Sec. 3.02. - Qualifications.**

Each member of the City Council shall be a resident citizen of the City of New Braunfels, shall be a qualified voter of the State of Texas, shall have been such resident citizen of the City of New Braunfels for a period of not less than twelve (12) months immediately prior to election day, and shall not be indebted to the City of New Braunfels; provided, however, that any person with the above qualifications, except as to residence, who shall have been a resident for a period of not less than twelve (12) months immediately preceding his or her election of any of the territory not formerly within the corporate limits of said city, but which is annexed under the provisions of section 1.04 of this charter, shall be eligible for said office. An elected officer must continue to reside in the City of New Braunfels for his or her entire term. If any elected officer fails to maintain the foregoing qualifications, or shall be absent from three (3) consecutive regularly scheduled meetings without valid excuse, the City Council must at its next regular meeting declare a vacancy to exist and shall fill said vacancy as set forth in section 3.06 of this charter.

#### **Sec. 3.03. - Council to be judge of election, qualification.**

The City Council shall be the judge of the election and qualification of its own members.

#### **Sec. 3.04. - Compensation.**

Each Councilmember shall be paid fifty dollars (\$50.00) per meeting, and the Councilmember serving as mayor shall be paid seventy-five dollars (\$75.00) per meeting. In addition, each Councilmember shall be entitled to reimbursement for his/her actual and necessary expenses incurred in the performance of his/her specific official duties of office. Said expenses shall be subject to the approval of the council.

#### **Sec. 3.05. - Mayor and Mayor Pro Tem.**

- (a) *Election of Mayor.* The Mayor of the City of New Braunfels shall be elected in accordance with Article III, Section 3.01 and Article IV, Section 4.05 of the Charter of the City of New Braunfels, Texas. The Mayor shall preside at meetings of the City Council, shall be recognized as head of the City government for all ceremonial purposes and by the Governor for purposes of military law, but shall have no administrative duties.
- (b) *Election of Mayor Pro Tem.* At its first regular meeting following the meeting at which the official election returns are canvassed and the results are declared of each year, the City Council shall elect from among its members a Mayor Pro Tem who shall serve at the pleasure of the City Council, and he/she shall perform all the duties of Mayor in the absence or disability of the Mayor. Mayor Pro Tem shall have the duty to implement, coordinate, and strive for completion of the annual evaluations of the City Manager, City Attorney, and

Municipal Court Judge unless directed otherwise by resolution. The City Council may, by resolution, provide standards, procedures, and instruction on such annual evaluations.

- (c) *Emergency powers of Mayor.* Whenever the Mayor shall deem it necessary in order to enforce the laws of the City, or to avert danger, or to protect life or property, in case of riot, outbreak, calamity or public disturbance, or when he/she has reason to fear any serious violation of law or order, outbreak, or any other danger to the City of New Braunfels or the inhabitants thereof, he/she shall proclaim the emergency and shall utilize such powers and authorizations as permitted by local, state, and federal law needed to keep the peace and respond to such emergency. During such emergency, the police department of the City of New Braunfels, and such other keepers of the peace and emergency responders as shall be appointed, deputized, or enlisted by the Mayor shall be subject to the orders of the Mayor, and shall perform such duties as he/she may require, and shall have the same power while on duty as the regular police of the City of New Braunfels. The Mayor shall have authority during the continuance of such emergency to make and enforce such rules, regulations, and orders as are necessary to preserve the public health, safety, and welfare from the threatened danger. During such emergency, such rules, regulations and orders shall have the force and effect of law.

The Mayor shall have authority in case of riot or other unlawful assemblage, to order and enforce the closing of any theater, picture show, or other place of public amusement or entertainment, ballroom, barroom, or other place of resort, or public room or building, and may order the arrest of any person violating in his presence any of the penal laws of the State, or any ordinances of the City; and he shall perform such other duties and possess and exercise such other power and authority as may be prescribed by law or by ordinance.

### **Sec. 3.06. - Vacancies.**

All vacancies on City Council, regardless of cause, with unexpired terms more than twelve (12) months shall be filled by special election pursuant to state law. All vacancies with unexpired terms of twelve (12) months or less may be filled, at the discretion of City Council, by appointment of the City Council upon a majority vote, may be left vacant for the remainder of the unexpired term or filled by a special election pursuant to state law. An office holder who has forfeited the office under this Charter is ineligible to be appointed to fill an unexpired term created by such forfeiture.

### **Sec. 3.07. - Powers of the City Council.**

All powers and authority which are expressly or impliedly conferred on or possessed by the City shall be vested in and exercised by the City Council.

### **Sec. 3.08. - Prohibitions.**

- (a) *Holding other office.* Except where authorized by law, no Councilperson shall hold any other City office or employment by the City during the term for which he/she was elected to the City Council, and no former Councilperson shall hold any compensated appointive city office or employment until one (1) year after the expiration of the term for which he/she was elected to the City Council.
- (b) *Appointments and removals.* Neither the City Council nor any of its members shall in any manner dictate the appointment or removal of any city administrative officers or employees



whom the City Manager or any of his/her subordinates are empowered to appoint, unless otherwise provided in this Charter, but the City Council may express its views and fully and freely discuss with the City Manager anything pertaining to appointment and removal of such officers and employees.

- (c) *Interference with administration.* Except for the purpose of inquiries and investigations, unless otherwise provided in this Charter or as authorized in writing by the City Manager prior to action, the City Council or its members shall deal with City officers and employees who are subject to the direction and supervision of the City Manager solely through the City Manager, and neither the City Council nor its members shall give orders to any such officer or employee, either publicly or privately.
- (d) *Admission of liability.* Neither the City Council nor any of its members shall accept or admit liability or pay any claim for damages asserted against the City without first obtaining a written opinion from the City Attorney regarding the City's liability therein.

Sec. 3.09. - City Council meetings and procedure.

- (a) *Meetings.* City Council meetings shall be held at the city hall, or at any other public place designated by the City Council, and the City Council shall meet regularly at least once in every month at such time as the City Council may prescribe by rule. Special meetings may be held on the call of the Mayor or four (4) members and, whenever practicable, upon not less than twelve (12) hours notice to each member; provided, however, that all meetings shall be open to the public except for closed and/or executive meetings and sessions as provided and authorized by the statutes of the State of Texas, as now or hereafter amended, and written public notice thereof of all meetings shall be given as required by the statutes of Texas, as now or hereafter amended.
- (b) *Minutes and rules.* The City Council shall determine its own rules and order of business and shall provide for keeping minutes of its proceedings. These minutes shall be a public record.
- (c) *Voting.* Voting on final readings of ordinances shall be by roll call and the ayes and nays shall be recorded in the minutes. All other voting may be by voice without the need for a roll call. Five (5) members of the City Council shall constitute a quorum, but a smaller number may adjourn from time to time and may compel the attendance of absent members in the manner and subject to the penalties prescribed by the rules of the City Council. No action of the City Council, except as otherwise provided in the preceding sentence and in Section 3.02, shall be valid or binding unless adopted by the affirmative vote of a majority of the entire City Council.
- (d) In the event that a legal quorum of the elected City Council cannot be convened due to a disaster resulting in multiple injuries, deaths, or incapacity of officers, the surviving City Council members and the chairs and vice-chairs, or president and vice-president of the following boards, shall constitute an interim City Council for purposes of meeting in numbers sufficient to constitute an interim City Council quorum, within fifteen (15) days of such disaster, or as provided in the Texas Election Code, and shall call for an election to fill vacant City Council positions. Such constituted interim City Council shall serve until the requested election occurs and shall possess all powers possessed by the elected City Council. Such qualifying boards, in order of succession, shall be the (1) New Braunfels Economic Development Corporation, (2) Planning Commission, (3) Transportation and Traffic Advisory

Board, (4) Zoning Board of Adjustment, and (5) Parks and Recreation Advisory Board. The elected City Council may pass, by ordinance, such succession procedures and authorizations as it deems necessary.

### **Sec. 3.10. - Ordinances in general.**

The City Council shall legislate by ordinance only, and the enacting clause of every ordinance shall be, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, before any ordinance shall be adopted.

Each proposed ordinance or resolution shall be introduced in written or printed form and shall not contain more than one subject, but general appropriation ordinances may contain various subjects and accounts for which monies are to be appropriated. Unless authorized for single reading by this charter, all ordinances shall be read in open meeting of the City Council on two (2) separate days provided that all readings of any ordinance may be by descriptive caption only except that one (1) member of the council may require a complete reading of any ordinance upon first reading thereof. All ordinances, unless otherwise provided by law or by the terms of such ordinance, shall take effect immediately upon final passage thereof. An ordinance imposing any criminal penalty for any violation of its provisions shall take effect ten (10) days after publication. Any ordinance necessary to protect the public's peace, health, safety and general welfare, may be passed as an emergency and become effective at once upon one (1) reading of the City Council, upon the approval of a majority vote of the City Council members at said reading. Further, any ordinance calling or canvassing an election, ordinances required by state law to approve a contract, annexation ordinances where such annexation first requires at least two (2) public hearings, ordinances setting tax rate as required by state law, and ordinances adopting a budget if at least two (2) budget workshops or public hearings have occurred to discuss the pending budget may be passed and become effective upon one (1) reading of the City Council.

The City Attorney shall approve each ordinance in writing or shall file with the City Secretary his/her written legal objections thereto. Every ordinance enacted by the City Council shall be signed by the Mayor, Mayor Pro Tem, or by two (2) council members, and shall be filed with and recorded by the City Secretary before the same shall become effective.

Except as otherwise provided by law or this Charter, the City Secretary shall give notice of the enactment of every penal ordinance and of every other ordinance required by law or this Charter to be published, by causing the descriptive title or caption and summary of the penalty of the same to be published at least one time within ten (10) days after final passage thereof in some newspaper of general circulation in the City or to be submitted to City's publisher for codified ordinances. The City Secretary shall note on every ordinance and on the record thereof, the dates and medium of its publication, and such notation shall be prima facie evidence of compliance with the requirements of this section.

### **Sec. 3.11. - Official bonds for City employees.**

The City Manager and the City Secretary and such other City officers and employees as the City Council may require, shall, before entering upon the duties of their offices, enter into a good and sufficient fidelity bond in a sum to be determined by the City Council, payable to the City of New Braunfels and conditioned upon a faithful discharge of the duties of such persons and upon a faithful accounting for all monies, credits, and things of value coming into the hands of such persons, and such bonds shall be signed as surety by some company authorized to do business

under the laws of the State of Texas, and the premium on such bonds shall be paid by the City of New Braunfels, and such bonds must be acceptable to the City Council.

**Sec. 3.12. - Investigation by the City Council.**

The City Council shall have power to inquire into the conduct of any office, department, agency, officer or employee of the City and to make investigations as to municipal affairs, and for that purpose may subpoena witnesses, administer oaths and compel the production of books, papers, and other evidence. Failure to obey such subpoena or to produce books, papers or other evidence as ordered under the provision of this section shall constitute a misdemeanor and shall be punishable by fine not to exceed two hundred dollars (\$200.00) and/or cancellation of a faithful performance bond.

**Sec. 3.13. - Audit and examination of City books and accounts.**

The City Council shall cause an annual audit to be made of the books and accounts of each and every department of the City. A complete audit shall be made at the end of each fiscal year, and at such other times as may be necessary, by an Independent Certified Public Accountant who shall be selected by the City Council. The audit report shall be filed with the City Council and shall be available for public inspection and a summary thereof shall be published in a newspaper in the City of New Braunfels. The auditor selected shall not maintain or keep any of the City accounts or records.

**ARTICLE IV. - ELECTIONS**

**Sec. 4.01. - Elections.**

Regular City elections shall be held annually on the uniform election date in May of each year as determined by future legislatures of the State of Texas, at which time officers will be elected to fill those offices which become vacant that year. The City Council may, by ordinance or resolution, order a special election, fix the date and place for holding same, and provide all means for holding such special election. Notice of the election shall be published in a newspaper published in the City of New Braunfels, such publication to be not earlier than the thirtieth (30th) day nor later than the tenth (10th) day before the election date or otherwise as provided by law. The same notice shall be published on the City Website. In the order, ordinance or resolution of the City Council calling any election at which a Councilperson shall be elected, the City Council shall, in calling such election, designate the place on the ballot for each vacancy to be filled at such election. A regular election is defined as an election other than a primary election that regularly occurs at fixed dates. A special election is defined as an election that is not a regular election or a primary election.

**Sec. 4.02. - Regulation of elections.**

All elections shall be held in accordance with the laws of the State of Texas regulating the holding of municipal elections and in accordance with the ordinances adopted by the City Council for the conduct of elections. The City Council shall appoint the election judges and other election officials. Voting precincts shall be established by ordinance.

**Sec. 4.03. - Filing for office.**

Any person having the qualifications set forth for Councilmember under Section 3.02 of this Charter shall have the right to file an application to have his/her name placed on the official ballot as a candidate for any elective office, and such application in writing signed by such candidate and accompanied by his/her loyalty affidavit as prescribed by the Election Code of the Revised Civil Statutes of the State of Texas, filed with the City Secretary no later than 5:00 o'clock p.m. of the forty-fifth (45th) day before the election day. An application may not be filed earlier than the thirtieth (30th) day before the date of the filing deadline. Timely filing [of] such application shall entitle such applicant to a place on the official ballot. Each such person filing his/her application to have his/her name placed on the official ballot shall, in his/her application, specify the place for which he/she desires to become a candidate.

#### **Sec. 4.04. - The official ballot.**

The names of all candidates for office, except such as may have withdrawn, died, or become ineligible, shall be printed on the official ballots for designated place without party designations in the order determined in a drawing of lots (for each position) conducted by the City Secretary. All official ballots shall be printed at least twenty (20) days prior to the date of any general or special election, and absentee voting shall be governed by the general election laws of the State of Texas.

#### **Sec. 4.05. - Election by majority.**

At any regular or special municipal election the candidates in each of the six (6) districts on the ballot as required in Section 3.01, who shall have received the majority of votes cast in such election for such district shall be declared elected. In the event no such candidate for a designated district on the City Council receives a majority of the votes cast for that district in the regular or special election, a runoff election shall be held between the two (2) candidates who received the greatest number of votes for such district. Such runoff election shall be held in accordance with the laws of the State of Texas regulating the holding of municipal elections. At any regular or special municipal election for the election of the Mayor at large pursuant to Section 3.01, the candidate on the ballot who shall have received the most number of votes cast in such election shall be declared elected. In the event of a tie between or among any of the candidates for Mayor receiving the most votes, then a runoff election shall be held in accordance with the laws of the State of Texas regulating the holding of municipal elections, except such vote shall be by plurality.

#### **Sec. 4.06. - Conducting and canvassing elections.**

The returns of every municipal election shall be delivered forthwith by the election judges to the City Secretary. The City Council shall comply with state law regarding the conducting and canvassing of elections. Candidates elected at the municipal election shall take office at the regular City Council meeting, the same being at the first regular meeting held after the meeting in which the election returns are canvassed and the result of the election is officially declared.

#### **Sec. 4.07. - Oath of office.**

Every officer of the City shall, before entering upon the duties of his office, take and subscribe to the following oath or affirmation to be filed and kept in the office of the City Secretary.

"I, \_\_\_\_\_, do solemnly swear (or affirm), that I will faithfully execute the duties of the office of (Councilmember/Mayor) of the City of New Braunfels of the State of Texas,

and will to the best of my ability preserve, protect, and defend the Constitution and laws of the United States and of this State, so help me God."

## **ARTICLE V. - RECALL OF OFFICERS**

### **Sec. 5.01. - Scope of recall.**

Any elected City official shall be subject to recall and removal from office by the qualified voters of the City on grounds of incompetency, misconduct of [or] malfeasance in office.

### **Sec. 5.02. - Petitions for recall.**

Before the question of recall of such officer shall be submitted to the qualified voters of the City, a petition demanding such questions to be so submitted shall first be filed with the person performing the duties of City Secretary. As to the Councilpersons elected at large, said petition shall be signed by qualified voters of the city equal in number to at least thirty (30) percent of the number of votes cast in the last regular city-wide municipal election of the City, but in no event less than four hundred (400) such petitioners. As to the Councilpersons elected by District, said petition shall be signed by qualified voters in such District equal in number to at least thirty (30) percent of the number of votes cast in the last regular district council municipal election in such District, excluding any special elections or run-off elections, but in no event less than one hundred fifty (150) such petitioners. Each signer of such recall petition shall personally sign his name thereto in ink or indelible pencil, and shall write after his signature his printed name, his place of residence, giving name of street and number, his county of residence, his voter registration number, and shall also write thereon the day, the month and year his signature was affixed. A separate petition shall be circulated with respect to each elected City official whose removal is sought.

### **Sec. 5.03. - Form of recall petition.**

The recall petition mentioned above must be addressed to the City Council of the City of New Braunfels, must distinctly and specifically point out the ground or grounds upon which such petition for removal is predicated. If there be more than one (1) ground, such as for incompetency, misconduct or malfeasance in office, the petition shall specifically state each ground with such certainty as to give the officer sought to be removed, notice of the matters and things with which he/she is charged. The signature shall be verified by oath in the following form:

"State of Texas) (County of Comal)

I, \_\_\_\_\_, being first duly sworn, on oath depose and say that I am one (1) of the signers of the above petition and that the statements made therein are true and each signature appearing thereto was made in my presence on the day and date it purports to have been made, and I solemnly swear that the same is the genuine signature of the person whose name it purports to be.

Sworn and subscribed to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Notary Public in and for Comal County, Texas."

**Sec. 5.04. - Various papers constituting petition.**

The petition may consist of one (1) or more copies, or subscription lists, circulated separately, and the signatures thereon may be upon the paper or papers containing the form of petition, or upon other papers attached thereto. Verifications provided for in the next preceding section of this article may be made by one (1) or more petitioners; and the several parts of copies of the petition may be filed separately and by different persons; but no signatures to such petition shall remain effective or be counted which were placed thereon more than forty-five (45) days prior to the filing of such petition or petitions with the person performing the duties of City Secretary. All papers comprising a recall petition shall be filed with the person performing the duties of City Secretary [and,] on the same day, the said Secretary shall immediately notify, in writing, the officer so sought to be removed, by mailing such notice to his New Braunfels address.

**Sec. 5.05. - Presentation of petition to City Council.**

Within twenty (20) days after the date of filing of the papers constituting the recall petition, the person performing the duties of City Secretary shall present such petition to the City Council of the City of New Braunfels at a special meeting called for this purpose.

**Sec. 5.06. - Public hearing to be held.**

The officer whose removal is sought may, within five (5) days after such recall petition has been presented to the City Council, request that a public hearing to be held to permit him to present facts pertinent to the charges specified in the recall petition. In this event, the City Council shall order such public hearing to be held, not less than five (5) days nor more than fifteen (15) days after receiving such request for a public hearing.

**Sec. 5.07. - Election to be called.**

If an officer whose removal is sought does not resign, then it shall become the duty of the City Council to order a special election and fix a date for holding such recall election, the date of which election shall be on the next available uniform election date prescribed by State Law that is not less than sixty (60) days from the date such petition was presented to the City Council, or from the date of the public hearing if one was held. If the election pertains to a Councilmember elected at large, the election shall take place on a city-wide basis. If the election to be called pertains to a Councilmember elected from a district, the election shall be held within that particular district.

**Sec. 5.08. - Ballots in recall election.**

Ballots used at recall elections shall conform to the following requirements:

- (a) With respect to each person whose removal is sought, the question shall be submitted:

"Shall (Name of Person) be removed from the office of (Name of Office) by recall?"

- (b) Immediately below each such question there shall be printed the following words, one above the other, in the order indicated:

"YES"

"NO"

**Sec. 5.09. - Result of recall election.**

If the majority of the votes cast at a recall election shall be "NO[.]" that is[,] against the recall of the person named on the ballot, he shall continue in office for the remainder of his unexpired term, subject to recall as before. If a majority of the votes cast at such an election be "YES[.]" that is[,] for the recall of the person named on the ballot, he shall, regardless of any technical defects in the recall petition, be deemed removed from office and the vacancy be filled as vacancies in the City Council are filled, as provided in Section 3.06 of this Charter.

**Sec. 5.10. - Recall restrictions thereon.**

No recall petition shall be filed against any officer of the City of New Braunfels within six (6) months after his election, nor within six (6) months after an election for such officer's recall. Nothing herein shall prevent impeachment of an officer of the City of New Braunfels nor removal for other causes as provided for herein.

**ARTICLE VI. - LEGISLATION BY THE PEOPLE, INITIATIVE AND REFERENDUM**

**Sec. 6.01. - General power.**

The qualified voters of the City of New Braunfels, in addition to the method of legislation hereinbefore provided, shall have the power of direct legislation by initiative and referendum.

**Sec. 6.02. - Initiative.**

Qualified voters of the City of New Braunfels may initiate legislation by submitting a petition addressed to the City Council which requests the submission of a proposed ordinance to a vote of the qualified voters of the City. Said petition must be signed by qualified voters of the City equal in number to five (5) percent of the number of registered voters in the City. Each copy of the petition shall have attached to it a copy of the proposed legislation in ordinance form. The petition shall be signed in the same manner as recall petitions are signed, as provided in Section 5.02 of this Charter, and shall be verified by oath in the manner and form provided by recall petitions in Section 5.03 of this Charter. The petition may consist of one (1) or more copies as permitted for recall petitions in Section 5.04 of this Charter. Such petition shall be filed with the person performing the duties of City Secretary. Within five (5) business days after the filing of such petition, the person performing the duties of the City Secretary shall present such petition and proposed ordinance to the City Council at a special meeting called for this purpose. Upon presentation of the petition and draft of the proposed ordinance, it shall become the duty of the City Council, within ten (10) business days after the receipt thereof, to pass and adopt such ordinance without alteration as to meaning or effect in the opinion of the persons filing the petition, or to call a special election, to be held on the next uniform election date prescribed by State Law which is no less than sixty (60) days after the date at which the election is called, at which the

qualified voters of the City of New Braunfels shall vote on the question of adopting or rejecting the proposed legislation.

**Sec. 6.03. - Referendum.**

Qualified voters of the City of New Braunfels may require that any ordinance or resolution, with the exception of ordinances or resolutions levying taxes, or appropriating money, passed by the City Council be submitted to the voters of the City for approval or disapproval, by submitting a petition for this purpose within ninety (90) days after final passage of said ordinance or resolution, or within ninety (90) days after its publication. Said petition shall be addressed, prepared, signed and verified as required for petitions initiating legislation as provided in Section 6.02 of this Charter and shall be submitted to the person performing the duties of City Secretary. Immediately upon the filing of such petition, the person performing the duties of City Secretary shall present said petition to the City Council. Thereupon the City Council shall immediately reconsider such ordinance or resolution and, if it does not entirely repeal the same, shall submit it to popular vote as provided in Section 6.02 of this Charter. Until such ordinance or resolution is approved by the voters as herein provided, the ordinance or resolution specified in the petition shall not go into effect, or further action thereunder shall be suspended if it shall have gone into effect.

**Sec. 6.04. - Voluntary submission of legislation by the City Council.**

The City Council, upon its own motion and by a majority vote of its members, may submit to popular vote at any election for adoption or rejection any proposed ordinance or resolution or measure, or may submit for repeal any existing ordinance, resolution or measure, in the same manner and with the same force and effect as provided in this Article for submission on petition, and may in its discretion call a special election for this purpose.

**Sec. 6.05. - Form of ballots.**

The ballots used when voting upon such proposed and referred ordinances, resolutions or measures, shall set forth their nature sufficiently to identify them and shall also set forth upon separate lines the words:

"FOR the ORDINANCE," and

"AGAINST the ORDINANCE," or

"FOR the RESOLUTION," and

"AGAINST the RESOLUTION."

**Sec. 6.06. - Publication of proposed and referred ordinances.**

The person performing the duties of City Secretary shall publish at least once in a newspaper in the City the proposed or referred ordinance or resolution within fifteen (15) days before the date of the election, and shall give such other notices and do such other things relative to such election as are required in general municipal elections or by the ordinance or resolution calling said election.

**Sec. 6.07. - Adoption of ordinances.**



If a majority of the qualified voters voting on any proposed ordinance or resolution or measure shall vote in favor thereof, it shall thereupon, or at any time fixed therein, become effective as a law or as a mandatory order to the City Council.

**Sec. 6.08. - Inconsistent ordinances.**

If the provisions of two (2) or more proposed ordinances or resolutions approved at the same election are inconsistent, the ordinance or resolution receiving the highest total number of votes "FOR" and "AGAINST" shall prevail.

**Sec. 6.09. - Ordinances passed by popular vote, repeal or amendment.**

An ordinance passed by the City Council as a result of popular vote under the provision of this article may be repealed or amended at any time after the expiration of two years by initiative under section 6.02 of this Article. A referred ordinance that is rejected by a majority of the legal votes cast in a referendum election shall be deemed repealed when the result of the election is declared.

**Sec. 6.10. - Franchise ordinances.**

Nothing contained in this article shall be construed to be in conflict with any of the provisions of Article XI of this Charter, pertaining to ordinances granting franchises when valuable rights have accrued thereunder.

**ARTICLE VII. - ADMINISTRATIVE SERVICES**

**Sec. 7.01. - City Manager.**

- (a) *Appointment and qualifications.* The City Council shall appoint a City Manager who shall be the chief administrative and executive officer of the City and shall be responsible to the City Council for the administration of all the affairs of the City. He/She shall be chosen by the City Council solely on the basis of his/her executive and administrative training, experience, ability, and character, and need not when appointed, be a resident of the City of New Braunfels; however, the City Manager must be a resident of the City within one hundred twenty (120) days of his/her appointment and shall have his/her principal residence in the City continuously while holding that office. No member of the City Council shall during the time of which he/she is elected and for one (1) year thereafter, be appointed City Manager.
- (b) *Terms and salary.* The City Manager shall not be appointed for a definite term but may be removed at the will and pleasure of the City Council by a vote of the majority of the entire Council. The action of the City Council in suspending or removing the City Manager shall be final; it being the intention of this Charter to vest all authority and fix all responsibility of such suspension or removal in the City Council. In case of the absence or disability of the City Manager, the City Council may designate some qualified person to perform the duties of the office during such absence or disability. The City Manager shall receive such compensation as may be fixed by the City.
- (c) *Powers and duties.* The powers herein conferred upon the City Manager by the City Council shall be the following:

- (1) To appoint and remove any officer or employee of the City except those officers and employees whose appointment or election is otherwise provided for by law or the Charter.
  - (2) Prepare and submit the annual budget and a five (5) year capital improvement program to the City Council.
  - (3) Submit to the City Council monthly a report on the finances and administrative activities of the City and a complete report as of the end of each fiscal year.
  - (4) To perform such other duties as may be prescribed by this Charter or required of him/her by the City Council, not inconsistent with the provisions of this Charter.
- (d) The City Manager shall prepare and submit annually to the City Council a five (5) year financial forecast and a five (5) year capital improvement program with appropriate timing ahead of the submission of the “proposed budget” to Council as referenced in Section 9.02.

#### **Sec. 7.02. - City Secretary.**

The City Secretary shall also be the City Clerk, and the City Secretary and such assistant secretaries as the City Council shall deem advisable, shall be appointed by the City Manager, and may be removed from office by the City Manager.

The City Secretary, or Assistant City Secretary, shall give notice of City Council meetings, keep the minutes of the proceedings of such meetings, and shall perform such other duties as the City Manager shall assign to the City Secretary, and those elsewhere provided for in this Charter.

#### **Sec. 7.03. - Department of Police.**

There shall be established and maintained a Department of Police to preserve order within the City and to secure the residents of said City from violence and the property therein from injury or loss.

- (a) *Chief of Police.* The Chief of Police shall be the Chief Administrative Officer of the Department of Police. The Police Chief shall be appointed by the City Manager, and he/she may be removed from office by the City Manager.
- (b) *Special Police.* No person except as otherwise provided by general law or the Charter or the ordinances passed pursuant thereto shall act as Special Police or Special Detective.

#### **Sec. 7.04. - Fire Department.**

There shall be established and maintained a Fire Department to provide means for protection against conflagrations and other disaster services and for the establishment, maintenance, support, and regulations of a Fire Department and for the guarding against fires.

- (a) *Fire Chief.* The Fire Chief shall be the Chief Administrative Officer of the Fire Department. The Fire Chief shall be appointed by the City Manager and may be removed from office by the City Manager.
- (b) *Volunteer Fire Department.* Authority is hereby granted to establish a Volunteer Fire Department.

**Secs. 7.05—7.08. - Reserved.**

## **ARTICLE VIII. - LEGAL AND JUDICIAL SERVICES**

### **Sec. 8.01. - Municipal Court.**

There shall be established and maintained a court designated as the Municipal Court of the City of New Braunfels for the trial of misdemeanor offenses, with all such powers and duties as are now or hereafter may be prescribed by laws of the State of Texas relative to municipal courts.

### **Sec. 8.02. - Judge of the Municipal Court.**

- (a) The City Council shall appoint a presiding judge for the Municipal Court. The Presiding Judge of the Municipal Court shall be a licensed attorney appointed for a term set by ordinance, but for not less than two years. Any municipal court judge must reside within the City of New Braunfels, or becomes a resident within one hundred twenty (120) days of his/her appointment. All judges shall receive such compensation as may be fixed by the City Council.
- (b) The presiding judge may appoint a temporary judge in case of absence. The City Council may, by ordinance, adopt authorizations and procedures for the appointment, compensation, and qualifications of any associate judges.
- (c) Removal of the Judge. The City Council shall have authority to remove the presiding judge and any associate judges. All judges may be removed with or without cause. The City Council may, by ordinance, provide for procedures pertaining to any removal.

### **Sec. 8.03. - Clerk of the Municipal Court.**

The City Manager shall appoint the Clerk of the Municipal Court. The clerk of said court and his or her deputies shall have the power to administer oaths and affidavits, make certificates, affix the seal of said court thereto, and generally do and perform any and all acts usual and necessary by the clerk of the court in issuing process of said court and conducting the business thereof.

### **Sec. 8.04. - City Attorney.**

The City Council shall appoint a licensed attorney of the State of Texas to be the City Attorney. He/She shall receive for his/her services such compensation as may be fixed by the City Council for regular and special duties and shall hold his/her office at the pleasure of the City Council. The City Attorney or such other attorney selected by him/her with the approval of the City Council shall represent the City in all litigations and prosecutions in Municipal Court. There may be such Assistant City Attorneys as may be authorized by the City Council. Such Assistant City Attorneys shall be authorized to act for and on behalf of the City Attorney, including representing the City in all litigations and prosecutions in Municipal Court. The City Attorney

shall reside within the City Limits of the City of New Braunfels or become a resident of the City within one hundred twenty (120) days of his/her appointment.

**Sec. 8.05. - Reserved.**

**ARTICLE IX. - MUNICIPAL FINANCE**

**Sec. 9.01. - Fiscal year.**

The fiscal year of the City of New Braunfels shall begin on the first day of October and shall end on the last day of September of each calendar year. Such fiscal year shall also constitute the budget and accounting year.

**Sec. 9.02. - Preparation and submission of budget.**

The City Manager, at least forty-five (45) days prior to the beginning of each fiscal year, shall submit to the City Council a proposed budget, which budget shall provide a complete financial plan for the fiscal year and shall contain the following:

- (a) A budget message, explanatory of the budget, which message shall contain an outline of the proposed financial policies of the City for the fiscal year, shall set forth the reasons for salient changes from the previous fiscal year in expenditure and revenue items, and shall explain any major changes in financial policy.
- (b) A consolidated statement of anticipated receipts and proposed expenditures for all funds.
- (c) An analysis of property valuations.
- (d) An analysis of property tax rate.
- (e) Tax levies and tax collections by years for the last five (5) years.
- (f) General fund resources in detail.
- (g) Special fund resources in detail.
- (h) Summary of proposed expenditures by fund, function, department, and activity.
- (i) Detailed estimates of expenditures shown separately for each activity to support summary (h) above.
- (j) A statement of expenditures of the proceeds of all bond issues.
- (k) A description of all bond issues outstanding, showing rate of interest[,], date of issue, maturity date, amount authorized, amount issued, and the amount outstanding.
- (l) A schedule of requirements for the principal and interest of each issue of bonds.
- (m) The appropriate ordinance.
- (n) The tax levying ordinance.
- (o) A provision for financing the current capital improvement program.

**Sec. 9.03. - Anticipated revenues compared with other years in budget.**

In preparing the budget, the City Manager shall place in parallel columns opposite the several items of revenue: the actual amount of each item for the last completed fiscal year, the estimated amount for the current fiscal year, and the proposed amount for the ensuing fiscal year.

**Sec. 9.04. - Proposed expenditures compared with other years.**

The City Manager in the preparation of the budget shall place in parallel columns opposite the various items of expenditures: the actual amount of such items of expenditures for the last completed fiscal year, the estimated amount for the current fiscal year, and the proposed amount for the ensuing fiscal year.

**Sec. 9.05. - Budget a public record.**

The budget and all supporting schedules shall be filed with the person performing the duties of City Secretary, submitted to the City Council and shall be a public record. The City Manager shall provide copies for distribution to all interested persons requesting same.

**Sec. 9.06. - Notice of public hearing on budget.**

At the meeting of the City Council at which the budget is submitted, the City Council shall fix the time and place of a public hearing on the budget and shall cause to be published in a newspaper in the City of New Braunfels and on the City's website a summary of the proposed budget and a notice of the hearing setting forth the time and place thereof at least ten (10) days before the date of such hearing, which hearing shall be set not later than thirty (30) days prior to the beginning of the next fiscal year.

**Sec. 9.07. - Public hearing on budget.**

At any time and place set forth in the notice required by Section 9.06, or any time and place to which such public hearing shall from time to time be adjourned, the City Council shall hold a public hearing on the budget submitted and all interested persons shall be given an opportunity to be heard for or against any item or the amount of any item therein contained.

**Sec. 9.08. - Proceedings on budget after public hearing.**

After the conclusion of such public hearing, the City Council may increase or decrease the items of the budget as a result of such hearings, except items in proposed expenditures fixed by law. If the City Council increases the total proposed expenditures, it shall also provide for an increase in the total anticipated revenue to at least equal such proposed expenditures.

**Sec. 9.09. - Adoption of budget.**

The budget shall be adopted by the favorable vote of a majority of all the members of the City Council.

**Sec. 9.10. - Date of final adoption [of budget].**

The budget shall be finally adopted not later than ten (10) days prior to the beginning of the fiscal year, and should the City Council fail to so adopt a budget, the then existing budget together with its tax levying ordinance and its appropriation ordinance, shall be deemed adopted for the ensuing fiscal year.

**Sec. 9.11. - Effective date of budget, certification, copies made available.**

Upon final adoption, the budget shall be in effect for the next ensuing fiscal year. From the effective date of the budget, the several amounts stated therein as proposed expenditures shall be and become appropriated to the several objects and purposes therein named. A copy of the budget, as finally adopted, shall be filed with the person performing the duties of City Secretary and the County Clerk of Comal County. The final budget shall be reproduced so that such copies shall be permanent copies, and the copies shall be made available for the use of all offices, departments and agencies and for the use of interested persons and civic organizations. A digital copy of the final budget shall be made available on the City's website.

**Sec. 9.12. - Budget establishes amount to be raised by taxation.**

From the effective date of the budget, the amount stated therein as the amount to be raised by taxation shall constitute a determination of the amount of levy for the purposes of the City in the corresponding tax year; provided, however, that in no event shall such levy exceed the legal limit provided by the laws and constitution of the State of Texas.

**Sec. 9.13. - Reserved.**

**Sec. 9.14. - Emergency appropriations.**

In the event it is necessary to meet a public emergency affecting life, health, property or the public peace, the City Council may make emergency appropriations by emergency ordinance in accordance with the provisions hereinafter provided. To the extent that there are no available unappropriated revenues to meet such appropriations, the City Council may by such emergency ordinance authorize the issuance of emergency notes, which may be renewed from time to time, but the emergency notes and renewals of any fiscal year shall be paid not later than the last day of the next fiscal year after the emergency appropriation was made.

**Sec. 9.15. - Estimated expenditures shall not exceed estimated resources.**

The total estimated expenditures of the general fund and debt service fund shall not exceed the total estimated resources of each fund (prospective revenue plus cash on hand). The classification of revenue and expenditure accounts shall conform as nearly as local conditions will permit to the uniform classification as promulgated by the American Institute of Certified Public Accountants.

**Sec. 9.16. - Budget amendments.**

The City budget may be amended and appropriations altered in accordance therewith in cases of public necessity, the actual fact of which shall have been declared by the City Council. Funds within a given department may be reallocated within that department by the City Manager.

**Sec. 9.17. - Purchases, Sales and Contracts.**

All purchases made, and contracts entered into, by the City, and all sales, exchanges or other dispositions of property of any kind or character owned by the City, shall be accomplished pursuant to the requirements and procedures of the constitution and laws of the State of Texas, and any ordinance, resolution or motion by the City Council not inconsistent with such constitution and

laws. The City Manager shall have the authority to contract for expenditures without further approval of the City Council for all budgeted items that do not equal or exceed the minimum amount required for mandatory competitive bidding/purchasing set by state law. At the time this charter provision was amended, state law defined such minimum as any amount over fifty thousand dollars (\$50,000.00).

**Sec. 9.18.- Repealed.**

**Sec. 9.19. - Power to tax.**

The City Council shall have the power under the provisions of state law to levy, assess and collect an annual tax upon taxable property within the City, and to establish a tax on sales within the City, to the maximum extent provided by the Constitution and general laws of the State of Texas.

**Sec. 9.20. - Implementation of Power to Tax.**

The City Council shall prescribe by ordinance the methods, procedures, rules and regulations by which its power to tax may be implemented, and by which any taxes thereby imposed may be enforced and collected.

**Secs. 9.21—9.24. - Reserved.**

**Sec. 9.25. - Taxes, when due and payable.**

All taxes due to the City of New Braunfels shall be payable at a location designated by the City Council of the City of New Braunfels. Taxes shall be due and shall become delinquent as provided in the Texas Tax Code, as amended, which code further provides for delinquent taxes, interest, penalty and procedures for the collection of taxes.

**Sec. 9.26. - Tax liens.**

The City shall have all the rights granted by State Law to collect taxes and to enforce collection by lien foreclosures and other procedures set forth by State Law pertaining to Real and Personal property.

**Sec. 9.27. - General obligation bonds.**

The City shall have the power to borrow money on the credit of the City and to issue general obligation bonds for permanent public improvements or for any other public purpose not prohibited by the Constitution and Laws of the State of Texas, and to issue refunding bonds to refund outstanding bonds of the City previously issued. All such bonds shall be issued in conformity with the Laws of the State of Texas.

**Sec. 9.28. - Revenue bonds.**

The City shall have power to borrow money for the purpose of constructing, purchasing, improving, extending or repairing of public utilities, recreational facilities or any other self-liquidating municipal function not prohibited by the constitution and laws of the State of Texas, and to issue revenue bonds to evidence the obligation created thereby. Such bonds shall be a charge upon and payable solely from the properties, or interest therein pledged, or the income therefrom,

or both, and shall never be a debt of the City. All such bonds shall be issued in conformity with the laws of the State of Texas.

**Sec. 9.29. - [Reserved.]**

**ARTICLE X. - PLANNING AND DEVELOPMENT<sup>[2]</sup>**

**Sec. 10.01. - Planning Commission.**

There shall be a City Planning Commission and it shall consist of nine (9) members, of which at least seven (7) members shall be citizens of the City of New Braunfels and of which not more than two (2) members may live in the Extraterritorial Jurisdiction of the City of New Braunfels. The members of said commission shall be appointed by the City Council for a term of three (3) years.

**Sec. 10.02. - Platting of property.**

Every tract of land situated within the corporate limits of the City of New Braunfels and its Extraterritorial Jurisdiction shall be platted pursuant to the requirements and procedures of the constitution and laws of the State of Texas, and any ordinance, resolution or motion by the City Council not inconsistent with such constitution and laws.

**Sec. 10.03. - Development of property.**

The City Council shall cooperate in every manner possible with persons interested in the development of property within or beyond the City limits. No expenditure of public funds, however, shall be authorized for the development of privately-owned subdivisions within or beyond the corporate limits of the City, except for the extension of utilities or services to such areas.

**Sec. 10.04. - Comprehensive City Plan.**

The Comprehensive City Plan for the physical development of the City of New Braunfels shall contain the [Planning] Commission's recommendations for growth, development and beautification of the City. A copy of the Comprehensive City Plan, or any part thereof, shall be forwarded to the City Manager who shall thereupon submit such Plan, or part thereof, to the City Council with his recommendations thereon. The City Council may adopt this plan as a whole or in parts and may adopt any amendment thereto, after at least one (1) public hearing on the proposed action. The City Council shall act on such Plan, or part thereof, within sixty (60) days following its submission by the City Manager. If such Plan, or part thereof, should be rejected by the City Council, the Planning Commission may modify such Plan, or part thereof, and again forward it to the City Manager for submission to the City Council. All amendments to the Comprehensive City Plan recommended by the Planning Commission shall be submitted in the same manner as that outlined above to the City Council for approval, and all recommendations to the City Council from any City department affecting the Comprehensive City Plan must be accompanied by a recommendation from the Planning Commission. Any Comprehensive City Plan approved by City Council shall be reviewed by the Planning Commission every five (5) years and any recommended



changes shall be submitted in the same manner as that outlined above to the City Council for approval.

**Sec. 10.05. - Legal effect of Comprehensive City Plan.**

The Comprehensive City Plan adopted by the City Council shall be used as a guide by the City Council to establish codes and ordinances determined to be essential in providing for the public health, safety, and welfare of the citizens of new Braunfels, Texas, and by the Planning Commission to facilitate development and master plans that the City deems necessary and appropriate for systemic growth and development. The Comprehensive City Plan shall not be nor be considered a zoning map nor constitute zoning regulations or establish zoning boundaries and shall not be site nor parcel specific and shall be used to illustrate generalized locations. The depiction of thoroughfare alignments in the Comprehensive City Plan is subject to modification by the Planning Commission and City Council to fit local conditions and is subject to refinement as development occurs.

**Sec. 10.06. - [Reserved.]**

**ARTICLE XI. - FRANCHISE AND PUBLIC UTILITIES<sup>[3]</sup>**

**Sec. 11.01. - Powers of the City.**

In addition to the City's power to buy, construct, lease, maintain, operate, and regulate public utilities and to manufacture, distribute, and sell the output of such utility operations, the city shall have further powers as may now or hereafter be granted under the constitution and laws of the State of Texas.

**Sec. 11.02. - Franchise, power of council.**

The City Council shall have power by ordinance to grant, amend, renew and extend, all franchise of all public utilities of every character operating within the City of New Braunfels. All ordinances granting, amending, renewing, or extending franchises for public utilities shall be read at two (2) separate regular meetings of the City Council, and shall not be finally passed until thirty (30) days after the first reading; and no such ordinance shall take effect until thirty (30) days after its final passage; and pending such time, the full text of such ordinance shall be published once each week for four (4) consecutive weeks in a newspaper in the City of New Braunfels, and the expense of such publication shall be born [borne] by the proponent of the franchise. No public utility franchise shall be granted for a term of more than twenty (20) years nor be transferable except with the approval of the City Council expressed by ordinance.

**Sec. 11.03. - Franchise value not to be allowed.**

No value shall be assigned to any franchise granted by the City of New Braunfels under this Charter in fixing reasonable rates and charges for utility service within the City and in determining the just compensation to be paid by the City for public utility property which the City may acquire by condemnation or otherwise.

**Sec. 11.04. - Right of regulation.**

All grants, removals, extensions, or amendments of public utility franchises, whether it be so provided in the ordinance or not, shall be subject to the right of the City Council of the City of New Braunfels:

- (a) To repeal the same ordinance at any time upon the failure of the grantee to comply with any provision of the ordinance, the franchise, the Charter of the City of New Braunfels, any applicable statute of the State of Texas or the rule of any applicable governmental body,
- (b) To require proper and adequate extension of plant and service, and the maintenance of the plant and fixtures at the highest reasonable standard of efficiency,
- (c) To establish reasonable standards of service and quality of products and prevent unjust discrimination in service or rates,
- (d) At any time to examine and audit the accounts and other records of any such utility and to require annual and other reports, including reports on operations within the City of New Braunfels; and shall have the power to prescribe the accounts and accounting system to be used by a public utility,
- (e) To impose such reasonable regulations and restrictions as may be deemed desirable or conducive to the safety, welfare, and accommodation of the public,
- (f) To require such compensation and rental as may be permitted by the laws of the State of Texas,
- (g) To require a utility to repair at its expense public property, streets, and ways which are destroyed or damaged in the process of laying or maintaining their lines.

**Sec. 11.05. - Grant not to be exclusive.**

No grant or franchise to construct, maintain or operate a public utility and/or renewal or extension of such grant shall be exclusive.

**Sec. 11.06. - Consent of property owners.**

The consent of abutting and adjacent property owners shall not be required for the construction, extension, maintenance or operation of any public utility, but nothing in this Charter or in any franchise granted thereunder shall ever be construed to deprive any such property owner of any right of action for damage or injury to his property as now or hereafter provided by law.

**Sec. 11.07. - Extensions.**

All extensions of public utilities within the City limits shall become a part of the aggregate property of the public utility, shall be operated as such, and shall be subject to all the obligations and reserved rights contained in this Charter and in any original grant hereafter made. The right to use and maintain any extension shall terminate with the original grant and shall be terminable as provided in Section 11.04 of this Charter. In case of an extension of a public utility operated under a franchise hereafter granted, such right shall be terminable at the same time and under the same conditions as the original grant.

**Sec. 11.08. - Other conditions.**

All franchises heretofore granted are recognized as contracts between the City of New Braunfels and the grantee, and the contractual rights as contained in any such franchise shall not be impaired by the provisions of this Charter, except that the power of the City of New Braunfels to exercise the right to eminent domain in the acquisition of utility property is in all things reserved, and except the general power of the City heretofore existing and herein provided for, to regulate the rates and services of a grantee which shall include the right to require proper and adequate extension of plant and service and in the maintenance of the plant and fixtures at the highest reasonable standard of efficiency. Every public utility franchise hereafter granted shall be held subject to all the terms and conditions contained in the various sections of this article whether or not such terms are specifically mentioned in the franchise. Nothing in this Charter shall operate to limit in any way, as specifically stated, the discretion of the City Council or voters of the City in imposing terms and conditions as may be reasonable in connection with any franchise grant.

**Sec. 11.09. - Public utilities board.**

So far as not inconsistent with the terms and provisions of any existing encumbrance, or the general laws of the State of Texas, the City Council shall have the power and may at any time create by ordinance to such effect, a public utilities board, for the purpose of managing, controlling, and operating any or all of any such system or systems or properties at any time acquired or owned or held by said City, and which shall be known as the public utilities board of said City, and consist of five (5) freeholders of said City, one of whom shall be the mayor of said City, and the compensation of the members of such board, their terms of office, the powers and duties of such board and the members thereof, the manner of exercising same, the appointment or election of their successors, and all matters pertaining to their organization and duties, shall be as prescribed by the City Council in the ordinance creating such board; all as the City Council may deem best; and such City Council may thereafter at any time by ordinance to such effect, amend, modify, or change the terms and provisions of any such ordinance creating any such board, and may abolish such board or modify or change the duties of such board or of the members thereof, all as the City Council may deem best.

**Sec. 11.10. - Accounts of municipally owned utilities.**

Accounts shall be kept for each public utility owned or operated by the City, in such manner as to show the true and complete financial results of such City ownership and operation, including all assets and all liabilities, appropriately subdivided by classes, depreciation reserve, other reserves and surplus, also revenues, operating expenses including depreciation, interest payments, rental, and other disposition of annual income. The accounts shall show actual capital cost to the City of each public utility owned, also the costs of all extensions, additions, and improvements and the source of funds expended for such capital purposes. They shall show as nearly as possible the cost of any service furnished to or rendered by any such utility to any City government department. The City Council shall cause an annual audit report to be made by a Certified Public Accountant and shall publish a summary of such report showing the financial results of such City ownership and operation, giving the information specified in this section and such other data as the City Council shall deem expedient.

**Sec. 11.11. - Sales of electricity, water and sewer services.**

- (a) The City Council shall have the power and authority to sell and distribute electricity and water and to sell and provide for sewer services and any other utilities to any person, firm or

corporation outside the limits of the City of New Braunfels, and to permit them to connect with said system under contract with the City, under such terms and conditions as may appear to be for the best interests of the City.

- (b) The City Council shall have the power and authority to prescribe the kind of materials used within or beyond the limits of the City of New Braunfels where it furnishes the service, and to inspect the same and require them to be kept in good order and condition at all times and to make such rules and regulations as shall be necessary and proper, and prescribe penalties for noncompliance with same.

#### **Sec. 11.12. - Regulation of rates and service.**

The City Council shall have full power after notice and hearing to regulate by ordinance the rates, charges and fares of every public utility franchise holder operating in the city, provided that no such ordinance shall be passed as an emergency measure. Any franchise holder requesting an increase in its rate, charges, or fares shall have, at the hearing on such request, the burden of establishing by clear and convincing evidence the value of its investments and the amount and character of its expenses and revenues. No franchise holder shall institute any legal action to contest any rate, charge, or fare fixed by the City Council until such franchise holder has filed a motion for rehearing with the City Council specifically setting out each ground of its complaint against the rate, charge or fare fixed by the City Council, and until the City Council shall have acted upon such motion. The City of New Braunfels shall [have the] power to employ at the expense of the grantee, expert assistance and advice in determining a reasonable rate and equitable profit to the grantee.

### **ARTICLE XII. - GENERAL PROVISIONS**

#### **Sec. 12.01. - Availability of Records.**

The public records of the City shall be available to the public subject to the procedures and exceptions of the Texas Open Records Act. The City Council may provide, by ordinance, regulations and procedures for the implementation and enforcement of said Act.

#### **Sec. 12.02. - Personal Interest.**

All members of the City Council, and all officers and employees of the City, shall be subject to and shall comply with the provisions of general state law regarding personal, financial or conflicting interests in transactions with the City, including but not limited to Chapter 171 of the Texas Local Government Code. The City Council shall provide, by ordinance, regulations and procedures for the implementation and enforcement of said Chapter.

#### **Sec. 12.03. - Prohibitions.**

##### **(a) *Activities prohibited.***

- (1) In appointments to and removal from any City office or employment, persons shall not be favored or discriminated against because of race, sex, political or religious opinions, or religious affiliations, color, national origin, age, disability, veteran status, genetic information, or any other protected classification which state or federal law prohibits as a basis for such appointment or removal.

- (2) No person who seeks appointment or promotion with respect to any City position or appointive City administrative office shall directly or indirectly give, render or pay any money, service or other valuable thing to any person for or in connection with his test, appointment, proposed appointment, promotion or proposed promotion.
  - (3) No City official or employee, elected or appointed, shall orally, by letter, or otherwise solicit or assist in soliciting any assessment, subscription, or contribution for any political party or political purpose whatever from any subordinate city official or employee holding any compensated City position.
  - (4) No person who holds any compensated City position shall participate in political campaigning or related activities during work hours, while otherwise representing the City or their position. The City will not generally restrict or regulate employees off-duty political participation, unless the City Manager believes such participation will cause an unreasonable disruption to the City's operations. The City Council may adopt ordinances consistent with this section.
  - (5) Neither the Mayor nor any other member of the City Council, nor any elective or appointive officer of the City, shall be directly or indirectly in the employ of any person, company or corporation, holding or seeking to hold any franchise from the City of New Braunfels, or shall receive directly or indirectly any wage, commission, fee, gift, favor or payment from such franchise holder, and any violation of this section shall ipso facto render vacant the office held by the person violating it.
  - (6) No member of the City Council may knowingly or intentionally attempt to circumvent an adopted term limited by resigning or forfeiting their position in order to avoid the established term limit of three (3) year terms.
- (b) *Penalties.* Any person who by himself or with others violates any of the provisions of paragraphs (1) through (3) of the preceding subsection (a) shall be guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine of not more than one hundred dollars (\$100.00). Any person who by himself or with others violates any of the provisions of paragraphs (4) through (6) of the preceding subsection (a) shall be guilty of an offense and upon conviction thereof shall be punishable by a fine of not more than one hundred dollars (\$100.00). Any person convicted under this section shall be ineligible for a period of five (5) years thereafter to hold any City office or position and, if an officer or employee of the City, shall immediately forfeit his office or position.

#### **Sec. 12.04. - Nepotism.**

All members of the City Council, and all officers and employees of the City, shall be subject to and shall comply with the provisions of general state law regarding nepotism, including but not limited to Chapter 573 of the Texas Government Code. The City Council shall provide, by ordinance, regulations and procedures for the implementation and enforcement of said Chapter.

#### **Sec. 12.05. - Provisions relating to assignment, execution and garnishment.**

The property, real and personal, belonging to the City shall not be liable to be sold or appropriated under any writ of execution or cost bill. The funds belonging to the City, in the hands of any person, firm or corporation, shall not be liable to garnishment, attachment, or sequestration; nor shall the City be liable to garnishment on account of any debt it may owe or funds or property

it may have on hand or owing to any person. Neither the City nor any of its officers or agents shall be required to answer any such writ of garnishment or any account whatever. The City shall not be obligated to recognize any assignment of wages or funds by its employees, agents, or contractors.

**Sec. 12.06. - City not required to give security or execute bond.**

It shall not be necessary in any action, suit, or proceeding in which the City of New Braunfels is a party, for any bond, undertaking, or security to be demanded or executed by or on behalf of said City in any of the State Courts, but in all such actions, suits, appeals, or proceedings same shall be conducted in the same manner as if such bond, undertaking or security had been given as required by law.

**Sec. 12.07. - Special provisions covering damage suits.**

Before the City shall be liable to damage claim or suit for personal injury, or damage to property, the person who is injured or whose property is damaged or someone in his behalf shall give notice to the City in the manner and within the time frame prescribed by City ordinance. No action at law for damages shall be brought against the City for personal injury or damage to property unless timely notice has been given to the City prior to the filing of a lawsuit in the manner prescribed by the applicable ordinance. Nothing herein contained shall be construed to mean that the City of New Braunfels waives any rights, privileges, defenses or immunities in tort actions which are provided under the common law, the constitution and the general laws of the State of Texas.

**Sec. 12.08. - Welfare and/or pension plan for City employees.**

The City Council shall have the power exercisable in its discretion, and subject to such limitations and regulations as it shall deem proper to create, operate, amend, and contract for a welfare and/or pension plan for any or all City employees.

**Sec. 12.09. - Separability clause.**

If any section or part of section of this Charter shall be held invalid by a court of competent jurisdiction, such holdings shall not affect the remainder of this Charter nor the context in which such section or part of section so held invalid may appear, except to the extent that an entire section or part of section may be inseparably connected in meaning and effect with the section or part of section to which such holding shall directly apply.

**Sec. 12.10. - Effect of Charter on existing law.**

All ordinances, resolutions, rules, regulations and contracts now in force under the city government to New Braunfels and not in conflict with the provisions of this Charter shall remain in force under this Charter until altered, amended, or repealed by the City Council after this Charter takes effect. All rights of the City under existing franchises and contracts and all existing authority for the issuance of bonds, not in conflict with the provisions of any amendment of this Charter, shall be preserved in full force and effect.

**Sec. 12.11. - Interim municipal government.**

- (a) Upon the adoption of this Charter the seven (7) Councilmen elected shall take office on January 1, 1967. Those Councilmen elected to places 1, 2, and 3 will serve as Councilmen through October 31, 1969; those Councilmen elected to places 4 and 5 will serve as Councilmen through October 31, 1968; and those Councilmen elected to places 6 and 7 will serve as Councilmen through October 31, 1967. Thereafter, the City Council shall be elected as provided in Section 3.01 of this Charter.
- (b) During such interim, persons who on the date this Charter is adopted are employed or filling appointive positions with the City of New Braunfels which are retained under this Charter, may continue to fill these positions for the term for which they were employed or appointed.
- (c) All rights, claims, actions, orders, contracts, and legal or administrative proceedings shall continue except as modified pursuant to the provisions of this Charter and in each case shall be maintained, carried on or dealt with by the City department, office or agency appropriate under this Charter.
- (d) The budget in effect immediately preceding the adoption of this Charter shall remain in effect for the balance of the fiscal year and until such time as a new budget is adopted for the next succeeding year.

**Sec. 12.12. - Applicability of general laws.**

The Constitution of the State of Texas, the statutes of said State applicable to home ruled municipal corporations, as now or hereafter enacted, this Charter and ordinances enacted pursuant hereto shall, in the order mentioned, be applicable to the City of New Braunfels. The City shall also have the power to exercise any and all powers conferred by the laws of the State of Texas upon any other kind of city, town, or village, not contrary to the provisions of said home-rule statutes, Charter, and ordinances. The exercise of any such powers by the City of New Braunfels shall be optional with it, and it shall not be required to conform to the law governing any other cities, towns, or villages unless and until by ordinance it adopts same.

**Sec. 12.13. - Amending the Charter.**

This Charter may be amended by any method permitted by general state law regarding the amendment of charters of home rule municipalities, including but not limited to Chapter 9 of the Local Government Code. The City Council may provide, by ordinance, regulations and procedures for the implementation and enforcement of this Charter. In order to preserve coherency, the City Council shall have the power, by ordinance, to renumber and rearrange all articles, sections, and paragraphs of the Charter, or any amendments thereto, create and adjust a table of contents, or to correct minor grammar or spelling errors, and upon the passage of any such ordinance, a copy thereof, certified by the City Manager, shall be forwarded to the Secretary of State for filing.

**Sec. 12.14. - Construction of Charter.**

The Charter shall not be construed as a mere grant of enumerated powers, but shall be construed as a general grant of power and as a limitation of power on the government of the City of New Braunfels in the same manner as the Constitution of Texas is construed as a limitation on the powers of the Legislature. Except where expressly prohibited by this Charter, each and every power under Article XI, Section 5 of the Constitution of Texas, which it would be competent for

the people of the City of New Braunfels to expressly grant to the City, shall be construed to be granted to the City by this Charter.

**Sec. 12.15. - Judicial notice.**

This Charter shall be deemed a public act, may be read in evidence without pleading or proof, and judicial notice shall be taken thereof in all courts and places.

**CHARTER COMPARATIVE TABLE**

This table shows the location of the sections of the basic Charter and any amendments thereto.

Ordinance Number	Adoption Date	Approval Date	Section	Section this Charter
	11-22-66(Ord.)	11-28-66	1.01—12.15	1.01—12.15
71-19 Amd. 2	10- 4-71	11- 9-71	1	3.01
71-19 Amds. 3, 4	10- 4-71	11- 9-71	1	3.05
71-19 Amd. 5	10- 4-71	11- 9-71	1	3.09, 3.10
71-19 Amd. 7	10- 4-71	11- 9-71	1	7.03
71-19 Amd. 8	10- 4-71	11- 9-71	1	9.17
74-17 Amd. 5	5-28-74	7- 9-74	1	3.09, 3.10
74-17 Amd. 7	5-28-74	7- 9-74	1	7.02
74-17 Amd. 8	5-28-74	7- 9-74	1	8.01—8.03
74-17 Amd. 11	5-28-74	7- 9-74	1	8.05
74-17 Amd. 12	5-28-74	7- 9-74	1	9.02
74-17 Amd. 13	5-28-74	7- 9-74	1	9.06
74-17 Amd. 14	5-28-74	7- 9-74	1	9.10
74-17 Amd. 15	5-28-74	7- 9-74	1	9.17



80-4 Amd. 2		8- 9-80	2	3.05
80-24 Amd. 1		8- 9-80	1	3.06
80-24 Amd. 2		8- 9-80	2	3.01
				4.01
80-24 Amd. 3		8- 9-80	3, 4	4.05, 4.06
80-24 Amd. 5	8- 9-80	8-11-80	5	7.05
83-4 Amd. 1	2-14-83	4- 2-83		3.01
				4.01
83-4 Amd. 2	2-14-83	4- 2-83		3.06
83-4 Amd. 3	2-14-83	4- 2-83		9.17
87-11 Amd. 1	2- 9-87	4- 4-87		4.01
87-11 Amd. 2	2- 9-87	4- 4-87		4.06
87-11 Amds. 3, 4	2- 9-87	4- 4-87		3.05
93-22 Amds. 1—3		5- 3-93		3.01
93-22 Amd. 5		5- 3-93		3.04
93-22 Amd. 6		5- 3-93		4.01
93-22 Amd. 7		5- 3-93		4.03
93-22 Amd. 8		5- 3-93		4.06, 4.07
93-22 Amd. 10		5- 3-93		5.02
93-22 Amd. 11		5- 3-93		5.07

93-22 Amd. 12		5- 3-93		6.02
93-22 Amd. 13		5- 3-93		7.05
93-22 Amd. 14		5- 3-93		7.07
93-22 Amd. 15		5- 3-93		9.11
93-22 Amd. 18		5- 3-93		12.07
95-6 Amd. 1	2-13-95	5- 6-95		3.01
				3.05
				4.05
95-6 Amd. 2	2-13-95	5- 6-95		3.02
95-6 Amd. 3	2-13-95	5- 6-95		9.20
05-45 Amd. 1	5- 7-05	5-16-05	I	1.04
05-45 Amd. 1	5- 7-05	5-16-05	I Rpld	1.05
05-45 Amd. 2	5- 7-05	5-16-05	I	2.01
05-45 Amd. 3	5- 7-05	5-16-05	I	2.02
05-45 Amd. 4	5- 7-05	5-16-05	I	3.01
05-45 Amd. 6	5- 7-05	5-16-05	I	3.02
05-45 Amd. 7	5- 7-05	5-16-05	I	3.04
05-45 Amd. 8	5- 7-05	5-16-05	I	3.09(c)
05-45 Amd. 9	5- 7-05	5-16-05	I	3.10
05-45 Amd. 10	5- 7-05	5-16-05	I	4.04

05-45 Amd. 11	5- 7-05	5-16-05	I	4.06
05-45 Amds. 12—14	5- 7-05	5-16-05	I	6.02
05-45 Amd. 15	5- 7-05	5-16-05	I	6.09
05-45 Amds. 16, 17	5- 7-05	5-16-05	I	7.02
05-45 Amd. 18	5- 7-05	5-16-05	I	7.03(a)
05-45 Amd. 19	5- 7-05	5-16-05	I	7.04(a)
05-45 Amd. 20	5- 7-05	5-16-05	I Rpld	7.05—7.08
05-45 Amd. 21	5- 7-05	5-16-05	I	8.02
05-45 Amd. 23	5- 7-05	5-16-05	I	8.04
05-45 Amd. 24	5- 7-05	5-16-05	I	9.01
05-45 Amd. 25	5- 7-05	5-16-05	I Rpld	9.13
05-45 Amd. 26	5- 7-05	5-16-05	I	9.17
05-45 Amd. 27	5- 7-05	5-16-05	I	9.19
05-45 Amd. 28	5- 7-05	5-16-05	I	9.20
05-45 Amd. 29	5- 7-05	5-16-05	I	9.25
05-45 Amd. 30	5- 7-05	5-16-05	I	9.26
05-45 Amd. 31	5- 7-05	5-16-05	I	10.01
05-45 Amd. 32	5- 7-05	5-16-05	I	10.02
05-45 Amd. 33	5- 7-05	5-16-05	I	10.04
05-45 Amd. 34	5- 7-05	5-16-05	I	10.05

05-45 Amd. 35	5- 7-05	5-16-05	I	12.01
05-45 Amd. 36	5- 7-05	5-16-05	I	12.02
05-45 Amd. 37	5- 7-05	5-16-05	I Added	12.03(a)(5)
05-45 Amd. 38	5- 7-05	5-16-05	I	12.04
05-45 Amd. 39	5- 7-05	5-16-05	I	12.13

5/24/2021

## Agenda Item No. B)

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**PRESENTER:**

Caitlin Krobot, City Secretary

**SUBJECT:**

Discuss and consider the appointment of 1 individual for a term ending April 18, 2024 to the Watershed Advisory Committee.

**DEPARTMENT:** City Secretary's Office

**COUNCIL DISTRICTS IMPACTED:** City-wide

**BACKGROUND INFORMATION:**

The Watershed Advisory Committee is responsible for reviewing information and material regarding stormwater, water, and watershed issues and making recommendations to City Council.

The Watershed Advisory Committee is comprised of 9 members and consists of the following representatives within the City limits or the City's Extraterritorial Jurisdiction (ETJ): one ( 1) engineer; one ( 1) developer; one ( 1) landscape planner, architect or arborist; one ( 1) member representing the business community; one ( 1) member representing biological or environmental interests; two ( 2) citizens-at-large; and two ( 2) representatives from different home owners associations. The ETJ membership of the committee is limited to 3 total members.

The City Secretary's Office accepted applications from 1/19/21 to 3/26/21. The City Secretary's Office received five (5) qualified applicants to fill the at-large position:

- Rebecca Bergan
- Dr. Larry Johnson
- Ron Reaves (incumbent)
- Stephen Risinger
- Craig Wilson

**ISSUE:**

Watershed Advisory Committee appointments require City Council approval.

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**FISCAL IMPACT:**

No fiscal impact.

**RECOMMENDATION:**

Staff recommends the appointment of 1 individual for a term ending April 18, 2024 to the Watershed Advisory Committee.

# WAC 4/18/2024

## At-Large Eligible

First Name	Last Name	Date Submitted	City Resident	City Council District	City University	City Board/Commission Experience
Ron	Reaves	1/27/2021	Yes	D3	Yes	WAC 2010-Present; Planning Commission 2018-Present; City Council 2012-2018
Rebecca	Bergan	3/19/2021	Yes	D3	No	N/A
Stephen	Risinger	8/26/2020	Yes	D1	No	N/A
Dr. Larry	Johnson	3/23/2021	No	ETJ	No	N/A
Craig	Wilson	3/25/2021	No	ETJ	No	N/A

## Not Eligible

First Name	Last Name	Date Submitted	City Resident	City Council District	City University	City Board/Commission Experience
Ryan	Roberts	3/22/2021	No	San Antonio ETJ	No	N/A

5/24/2021

Agenda Item No. C)

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**PRESENTER:**

Caitlin Krobot, City Secretary

**SUBJECT:**

Discuss and consider approval of the appointment of 2 regular members and 2 alternate members for terms ending May 31, 2023, and 1 alternate member for an unexpired term ending May 31, 2022 to the Zoning Board of Adjustment.

**DEPARTMENT:** City Secretary's Office

**COUNCIL DISTRICTS IMPACTED:** City-wide

**BACKGROUND INFORMATION:**

The Zoning Board of Adjustment (ZBA) hears and decides variances, appeals and special exemptions to the Zoning Ordinance. It consists of 5 members and 4 alternate members serving two-year staggered terms. Alternate members serve as needed, such as when a regular member is unavailable, because most items considered by the ZBA can only be approved by a super-majority vote.

The City Secretary's Office accepted applications from January 19, 2021 to March 26, 2021. During that time frame the City Secretary's Office received 8 qualified applicants:

- Lynn Norvell (Alternate Incumbent)
- Katharina Perez
- Drew Snider
- John Coker (Incumbent)
- Cynthia Foster (Incumbent)
- Angela Keresztury
- David Lerch (Alternate Incumbent)
- Jenny Wilson



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**ISSUE:**

Zoning Board of Adjustment appointments require City Council approval.

**FISCAL IMPACT:**

No fiscal impact.

**RECOMMENDATION:**

Staff recommends the appointment of 2 regular members and 2 alternate members for a term ending May 31, 2023 and 1 alternate member for an unexpired term ending May 31, 2022 to the Zoning Board of Adjustment.

## Zoning Board of Adjustment

Eligible						
First Name	Last Name	Date Submitted	City Resident	City Council District	City University	Notes
Lynn	Norvel	1/28/2021	Yes	5	Yes	Currently serving as alternate; only wants to be considered for alternate role
Katharina	Perez	3/23/2021	Yes	5	No	
Drew	Snider	2/8/2021	Yes	2	No	
John	Coker	1/28/2021	No	ETJ	No	Current Chair of Zoning Board of Adjustment
Cynthia	Foster	3/3/2021	Yes	4	Yes	Current Vice Chair of Zoning Board of Adjustment
Angela	Keresztury	3/20/2021	Yes	6	No	
David	Lerch	3/24/2021	Yes	5	No*	Current alternate; *Was set to go through City University in 2020 but cancelled due to COVID
Jenny	Wilson	3/26/2021	Yes	4	No	

5/24/2021

Agenda Item No. D)

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**PRESENTER:**

Stacey Dicke, Parks and Recreation Director

**SUBJECT:**

Public hearing and the first reading of an ordinance regarding Youth Programs Standards of Care for the Parks and Recreation Department.

**DEPARTMENT:** Parks and Recreation**COUNCIL DISTRICTS IMPACTED:** All**BACKGROUND INFORMATION:**

The Parks and Recreation Department plans to offer elementary-age day camp programs for children ages 5-13, as has been done for many years. The Texas Legislature requires municipal day camp programs for these ages to meet day care licensing requirements or file for an exemption (Section 42.041 (b) (14) of the Human Resources Code). To receive exempt status, a municipality must submit a copy of program standards, a notice of a public hearing for the program and a copy of the ordinance adopting the standards.

Youth Programs Standards of Care will provide basic childcare regulations for day camp activities operated by the New Braunfels Parks and Recreation Department. This will allow the department to qualify as exempt from requirements of the Texas Human Resources Code.

The Standards of Care will include:

Staff ratios

Minimum staff qualifications

Minimum facility, health, and safety standards

Mechanisms for monitoring and enforcing the adopted local standards

Provide notice to parents that the day camp program is not licensed by the state

The Standards of Care will apply to all locations where programs are offered including Das Rec, Landa Recreation Center, and Fischer Park Nature Center.

**ISSUE:**

N/A

**FISCAL IMPACT:**

N/A

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**RECOMMENDATION:**

Staff recommends approval of the first reading of an ordinance regarding Youth Program Standards of Care.

**ORDINANCE NO. 2021 - \_\_\_\_**  
**AN ORDINANCE OF THE CITY OF NEW BRAUNFELS, TEXAS,**  
**ADOPTING DAY CARE STANDARDS FOR 2019; PROVIDING A**  
**SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE**  
**DATE.**

**WHEREAS**, the State of Texas Human Resources Code, Chapter 42 requires elementary age (5-13 years) recreation programs operated by a municipality annually adopt standards of care by ordinance after a public hearing in order to be exempt from childcare licensing;

**WHEREAS**, the City Council of the City of New Braunfels has determined that Youth Programs Standards of Care will be beneficial to the City of New Braunfels and should be modified as recommended by Staff; and

**WHEREAS**, the City Council of the City of New Braunfels, Texas has the authority under its Home Rule Charter and under the laws of the State of Texas to adopt regulations aimed to protect the health, safety, and general welfare of its citizens.

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

**The following standards of care are adopted by ordinance**

**Youth Programs Standards of Care**

**I. GENERAL INFORMATION/ADMINISTRATION**

- A. Purpose: To provide basic childcare regulations for recreation activities operated by the New Braunfels Parks and Recreation Department. This will allow the department to qualify as exempt from requirements of the Texas Human Resources Code.
- B. Implementation: Program will be the responsibility of the New Braunfels Parks and Recreation Department, with Programs Supervisors and Coordinators supervising the overall program and Assistant Recreation Supervisors, Camp Coordinator, Assistant Coordinator, Recreation Instructors, KinderCare Leads and Kinder Care Attendants administering the program on-site.
- C. Programs: Regulations apply to on-going recreational programs:
  - Holiday Adventure Camp
  - Spring Break Camp
  - Summer Day Camp
  - Day Off Day Camp
  - Nature Camps
  - Partial Sports, Nature and Hobby Camps
  - KinderCare- Das Rec
- D. Other: Each site will make available for the public and staff a current copy of the

Standards of Care. Standards of Care will also be made available on the Parks and Recreation Website at [www.nbtexas.org/parks](http://www.nbtexas.org/parks).

E. Program Sites:

Fischer Park Nature Education Center	1946 Monarch Way
Landa Aquatic Complex	350 Aquatic Circle
Landa Rec Center	164 Landa Park Drive
Landa Park	110 Golf Course Road
Das Rec, New Braunfels Recreation Center	345 Landa Street

F. Day Camp Objectives

1. To offer a program wide in scope and varied in activities of different recreational activities: sports, games, arts and crafts, nature education and discovery, etc.
2. To provide a pleasant and memorable experience in an engaging atmosphere.
3. To provide a safe environment always promoting good health and welfare for all.
4. To teach children how to spend their leisure time wisely, in an effort to meet several needs: emotional, physical and social.

G. Exemption Status: Once an exempt status is established, the Licensing Division will not monitor the recreational program. The Licensing Division will be responsible for investigating complaints of unlicensed childcare and for referring other complaints to the municipal authorities or, in the case of abuse/neglect allegation, to the local police authorities.

H. Standards of Care Review: Standards will be reviewed annually and approved by the City Council after a public hearing is held to pass an ordinance regarding section 42.041(b)(14) of the Human Resources Code.

I. Child Care Licensing will not regulate these programs nor be involved in any complaint investigation related to the program.

J. Any parent, visitor or staff may register a complaint by calling New Braunfels Parks and Recreation Administration Offices at 830-221-4350, Monday through Friday, 8:00 a.m. to 5:00 p.m.

## II. STAFFING

A. **Day Camp Coordinator**-Job Descriptions and Essential Job Functions

Essential Job Functions:

1. Directs and supervises a day camp program for elementary aged children under the Supervision of the Programs Supervisor.
2. Develops and implements a daily camp curriculum under Parks and Recreation guidelines.
3. Responsible for ensuring camp activities are conducted in a safe, cost-efficient, professional manner.
4. Responsible for procurement of camp supplies, equipment and food items.
5. Responsible for all camp related record keeping.

6. Schedules all day camp counselors at appropriate levels to maintain established camper to staff ratios.
7. Interacts with parents, children and program staff to resolve disciplinary issues; evaluates and determines the enforcement of discipline guidelines; documents counseling sessions and prepares related reports.
8. Communicates daily with Programs Supervisor and holds weekly meetings with camp staff to monitor program during summer.
9. Supervises a staff of 4 -11-day camp leaders.
10. Is assisted by Assistant Camp Coordinator.

Qualifications:

1. Required knowledge of operational characteristics, services and activities of summer day camp management and program planning and coordination and principles and practices of customer service.
2. Must possess a high school diploma or GED equivalent; AND one (1) year experience working with children required, with supervisory experience in a school or camp environment; one-year college preferred.
3. Must possess a valid Texas Driver's License.
4. Must be able to successfully complete within two (2) weeks of employment: First Aid and Safety/Cardiopulmonary Resuscitation (CPR) / Automated External Defibrillator (AED) training.
5. Must possess skill in:
  - a. Interpreting customer and facility needs and solving customer service and public relations issues.
  - b. Demonstrating the ability to make sound decisions regarding the enforcement of disciplinary guidelines.
  - c. Analyzing problems, providing alternatives, and identifying solutions in support of established goals.
  - d. Responding to emergencies and determining corrective actions using available resources.

**B. Day Camp Counselor-Job Descriptions and Essential Job Functions**

Essential Job Functions:

1. Implements and monitors a day camp program for elementary aged children under the Supervisor of the Day Camp Coordinator and Assistant Coordinator.
2. Supervises and interacts with camp participants in a wide variety of recreational activities.
3. Responsible for ensuring daily camp activities are conducted in a safe, professional manner.
4. Responsible for communicating camp needs (equipment, supplies) to camp supervisor.
5. Responsible for interacting with camp participants, parents and supervisors to provide a high-quality program.
6. Responsible for maintaining facility appearance during and after camp activities.
7. Responsible for reporting any camp incidents to camp supervisor.

Minimum Qualifications:

1. Must be mature, responsible and able to complete duties with minimal supervision.
2. Must be able to communicate well with the public, and skilled at interacting with children.
3. Must be sixteen (16) years of age AND one (1) year customer service/public interaction experience and experience working with children preferred.
4. Must have First Aid and CPR certification within two weeks of employment.
5. Must complete departmental day camp staff training.
6. Must pass city criminal background check prior to hiring.
7. Knowledge of recreational games, crafts and activities.
8. Prefer completion of at least 1 year of college.

**C. Recreation Instructor- Job Descriptions and Essential Job Functions**

Essential Job Functions

1. Assists in ensuring the delivery of high quality and consistent recreation programs and services.
2. Develops, plans, organizes, promotes, facilitates, and instructs programs as approved by the Supervisor to meet community needs; coordinated in alignment with the City's strategic objectives, policies and procedures, and State and Federal laws.
3. Maintains attendance and class records, including but not limited to program and participant surveys, accident and incident reports and league rosters; monitors course enrollment and reports deficiencies in inventory of supplies to supervisor for ordering.
4. Answers incoming calls and provides program information in person and via the telephone; greets facility and program guests and provides prompt, courteous and friendly customer services to the public, in order to maintain positive customer relations.
5. When necessary, handles minor disciplinary issues or rules interpretation at City facilitated programs and venues according to Parks and Recreation Department policies and procedures.
6. Assists in promoting and coordinating city-wide special events, including event setup and tear down.
7. Assists in managing a variety of administrative activities including computer records and cash management; operate computer registration/reservation system.
8. Facilitates and manages use of park amenities and facilities such as kayaks/paddle boats, trails, ponds, picnic facilities and miniature golf.
9. Maintains facility cleanliness and is active in presenting a clean, comfortable and safe environment; responsible for reporting potential and existing safety issues or concerns to supervisors to ensure patron safety.
10. Performs other duties as assigned or required

Minimum Qualifications:

1. High school diploma or GED equivalent; AND one (1) year customer service/public interaction experience required, with recreation, nature education or athletic instruction experience preferred.



2. Must possess a valid Texas Driver's License.
3. Must possess or be able to obtain within six months of employment: Community First Aid and Safety/Cardiopulmonary Resuscitation (CPR) / Automated External Defibrillator (AED) certification.
4. Operational characteristics, services and activities of nature education, recreation and athletic facilities.
5. Principles and practices of recreation, nature education and athletic program and/or league and special event planning and coordination.
6. Principles and practices of customer service.
7. Federal and State safety laws and regulations.

**D. Attendant (Seasonal)- Job Descriptions and Essential Job Functions**

Essential Job Functions:

1. Assists in ensuring the delivery of high quality and consistent programs and services to the community.
2. Facilitates nature programs, activities and special events for park guests and program participants.
3. Acts as a sales assistant and cashier in the Nature Education Center gift shop and manages cash transactions.
4. Prepares and assists in maintaining facilities at Fischer Park and the Nature Education Center including the boathouse, ponds, gardens and trails, etc. to ensure safe conditions and to meet community needs; must be in compliance with the City's strategic objectives, policies and procedures, and State and Federal laws.
5. Assists staff with special events programming and crowd control measures.
6. Assists in promoting recreation programs, City facilities and city-wide special events coordination and setup including guest party facilitation.
7. Performs basic administrative activities including accident/injury and work activity reports.
8. Monitors facility and equipment use by the public.
9. Performs basic grounds keeping and janitorial tasks.
10. Performs other duties as assigned or required.

Minimum Qualifications:

1. Must be sixteen (16) years of age AND one (1) year customer service/public interaction experience preferred.
2. Must possess or be able to obtain within two (2) weeks of employment: Community First Aid and Safety/Cardiopulmonary Resuscitation (CPR) / Automated External Defibrillator (AED) certification.
3. Required Knowledge of:
  - Principles and practices of customer service.
  - Federal and State safety laws and regulations.

**E. KinderCare Lead – Job Description and Essential Job Functions**

Essential Job Functions:

1. Assists in ensuring the delivery of high quality and consistent programs and services to the community.
2. Assists in managing a variety of administrative activities including computer records, employee scheduling, accident/injury reports and work activity reports.

3. Assists in supervising Kinder Care area tasks.
4. Serving as a liaison between the Kinder Care staff and the Guest Services and Marketing Supervisor (report any problems).
5. Assisting with training and orientation of new staff and leading staff meetings.
6. Responsibilities of Kinder Care Attendants are also expected of Kinder Care Leads.
7. Maintains order and organization of facility's child care operations, programs, and processes.
8. Prepares and assists in maintaining facilities including but not limited to DAS REC, New Braunfels Recreation Center to ensure a safe condition and to meet community needs; must be in compliance with the City's strategic objectives, policies and procedures, and State and Federal laws.
9. Ensure safety and hygienic environment in the child care facility.
10. Be responsive to parents to fulfill their child care service needs.
11. Plan, organize and lead children in a range of interesting and enjoyable activities and games.
12. Set up and "clean as you go" during activity sessions to create a pleasant, attractive and sanitary environment for participants.
13. Assists with training and evaluating assigned staff; developing staff skills; meets regularly with staff to discuss and resolve workload and technical issues; reviews the work of assigned staff to assure the quality of assigned duties and responsibilities.
14. Assists with the development of procedures, forms, guidelines, and training programs for all assigned staff members
15. Develops, maintains and trains staff on records, systems, and procedures.
16. Monitors inventory of equipment and supplies and innates orders when needed.
17. Performs basic administrative activities including accident/injury and work activity reports.
18. Monitors facility and equipment use by the public.
19. Performs basic janitorial tasks.
20. Performs other duties as assigned or required.

Minimum Qualifications:

1. Must be at least sixteen (16) years of age AND one (1) year customer service/public interaction experience preferred. Must have one (1) year experience working with children in a childcare setting.
2. Must possess or be able to obtain within two (2) weeks of employment: Community First Aid and Safety/Cardiopulmonary Resuscitation (CPR) / Automated External Defibrillator (AED) certification.
3. Required skill in principles and practices of customer service.
4. Required skill in Federal and State safety laws and regulations.
5. Required skill in interpreting customer and facility needs and solving customer service and public relations issues.
6. Required skill in analyzing problems, providing alternatives, and identifying solutions in support of established goals.
7. Required skill in responding to emergencies and determining corrective actions using available resources.
8. Required skill in establishing and maintaining cooperative and effective working relationships with City employees, facility lessees and guests, event sponsors and vendors, and the general public.

9. Required skill in effective, clear and concise communication, both verbally and in writing.

**F. KinderCare Attendant – Job Description and Essential Job Functions**

Essential Job Functions:

1. Assists in ensuring the delivery of high quality and consistent programs and services to the community.
2. Maintains order and organization of facility's child care operations, programs, and processes.
3. Prepares and assists in maintaining facilities including but not limited to DAS REC, New Braunfels Recreation Center to ensure a safe condition and to meet community needs; must be in compliance with the City's strategic objectives, policies and procedures, and State and Federal laws.
4. Ensure safety and hygienic environment in the child care facility.
5. Be responsive to parents to fulfill their child care service needs.
6. Plan, organize and lead children in a range of interesting and enjoyable activities and games.
7. Set up and "clean as you go" during activity sessions to create a pleasant, attractive and sanitary environment for participants.
8. Assists in promoting recreation programs, City facilities and city-wide special events coordination and setup.
9. Performs basic administrative activities including accident/injury and work activity reports.
10. Monitors facility and equipment use by the public.
11. Performs basic janitorial tasks.
12. Performs other duties as assigned or required.

Minimum Qualifications:

10. Must be at least sixteen (16) years of age AND one (1) year customer service/public interaction experience preferred.
11. Required Licenses or Certifications:
12. Must possess or be able to obtain within two (2) weeks of employment: Community First Aid and Safety/Cardiopulmonary Resuscitation (CPR) / Automated External Defibrillator (AED) certification.
13. Required skill in principles and practices of customer service.
14. Required skill in Federal and State safety laws and regulations.
15. Required skill in interpreting customer and facility needs and solving customer service and public relations issues.
16. Required skill in analyzing problems, providing alternatives, and identifying solutions in support of established goals.
17. Required skill in responding to emergencies and determining corrective actions using available resources.
18. Required skill in establishing and maintaining cooperative and effective working relationships with City employees, facility lessees and guests, event sponsors and vendors, and the general public.
19. Required skill in effective, clear and concise communication, both verbally and in writing.

**G. Other Requirements**

1. Staff must complete the mandatory training program of at least 12 hours, in addition to planning hours with site staff prior to the start of camp. This training

includes a departmental orientation, customer service, behavioral issues and discipline, as well as practical skills on activities for children in games, songs and crafts.

2. Staff must exhibit competency, good judgment and self-control throughout the duration of the camp.
3. Staff should relate to the children and parents with courtesy, respect, acceptance and patience.
4. Staff will be evaluated at least once during the summer, and visited with before program is over, to discuss any areas that should be addressed to insure employment in a following camp.
5. Staff shall not abuse or neglect children.

H. **Criminal Background Checks and Drug Testing:** Criminal background checks will be conducted on prospective employees. Applicants may be disqualified if they have a job related criminal conviction. A prospective employee will be subject to a drug test prior to hiring.

I. Before being hired, applicants must successfully complete a qualifying interview, clear a criminal history background check and pass a drug test.

J. **Staffing Ratios:**

**Youth Programs:**

The number of children may not exceed staff by a minimum ratio of 1 staff per 15 children, ages 5-13.

The number of children may not exceed staff by a minimum ratio of 1 staff per 10 children, ages 3-4.

**Kinder Care:**

The number of children may not exceed staff by a minimum ratio of 1 staff per 10 children, ages 1-10.

The number of children may not exceed staff by a minimum ratio of 1 staff per 3 children, ages 6-12 months.

### III. FACILITY STANDARDS

- A. Emergency evacuation and relocation plans will be posted at each facility.
- B. Program employees will inspect sites frequently for any sanitation or safety concerns. Those concerns should be passed on to the Programs Supervisor immediately.
- C. Each camp must have a fully stocked first aid kit. This shall be checked and stocked on a weekly basis by the Camp Coordinator.
- D. In a situation where evacuation is necessary, the first priority of staff is to make sure all participants are in a safe location.
- E. Program sites will be inspected annually by the Fire Marshall. Each Facility Coordinator is responsible for compliance with Fire Marshall's directives.

- F. The recommended number of fire extinguishers shall be inspected quarterly and available for use.
- G. Fire drills should be conducted once a month during the summer camp.
- H. Medication will only be administered with written parental consent. Prescription medications shall be left with staff in their original container, labeled with the child's name, date, directions and physician's name. Medication shall be dispensed only as stated on the bottle, and not past the expiration date.
- I. Non-prescription medicine with the child's name and date on the medication may be brought if in the original container. Non-prescription medication will only be administered with written parental consent.
- J. Each site shall have adequate toilets and sinks located such that children can use them independently and program staff can supervise as needed.
- K. All participants must wear tennis shoes daily. Sandals will not be allowed.

#### **IV. SERVICE STANDARDS-Day Camp Staff**

This information will be provided to each staff as a part of the day camp manual:

- A. Camp staff shirts, shorts and tennis shoes are to be worn at all times.
- B. City issued employee identification should be worn and clearly visible.
- C. Camp participants and parents will be treated with respect at all times.
- D. Camp staff will take it upon themselves to resolve complaints. Do not refer customer to another staff person. If you are unable to resolve the complaint on the spot, take the customer's name and phone number, investigate complaint resolution and then follow up with the customer. A Customer Comment Form should be filled out whenever a complaint or compliment is received.
- E. Camp staff will keep parents continuously informed of camp activities. A daily schedule of activities will be available and kept with the sign in log.
- F. Camp staff will note details of behavior of campers (accomplishments, discipline problems, general activities, etc.) and update parents as much as possible.
- G. Camp staff will monitor the sign in/out log at all times.
- H. Camp staffs will clean rooms and activity areas daily.
- I. Camp staff will spend 100% of their time actively involved with campers and/or parents.

## **V. OPERATIONAL ISSUES**

- A. Emergency Phone numbers are kept at the front desk of the facilities. Those numbers include fire, police, and ambulance services as well as participant guardian contact numbers.
- B. All staff will stay in contact at all times with the front desk and other camp staff through wireless, 2-way radios and cell phones.
- C. A Day Camp Manual is given to every staff member, which outlines the following:
  - 1. Discipline Issues
  - 2. City Rules and Regulations
  - 3. Forms that must be filled out
  - 4. Service Standards
  - 5. Game/activity leadership
  - 6. Ways to interact with children
- D. Sign in-sign out sheets will be used every day. Only adults listed on sign-in/out release will be allowed to pick up children. An authorized person must enter the building and sign the sheet in order for staff to release the child.
- E. Emergency evacuation and relocation plans will be posted at each facility.
- F. Enrollment information will be kept and maintained on each child and shall include:
  - 1. Child's name, birth date, home address, home telephone number and phone numbers where parents may be reached during the day.
  - 2. Names and telephone numbers of persons to whom the child can be released.
    - To be verified by the showing of photo ID upon pickup.
  - 3. Liability waiver and photo release.
  - 4. Parental consent to administer medication, medical information and release on participant.
- G. Staff shall immediately notify the parent or other person authorized by the parent when the child is injured or has been involved in any situation that placed the child at risk.
- H. Staff shall notify parents or authorized persons of children in the facility when there is an outbreak of a communicable disease in the facility that is required to be reported to the County Department of Health. Parents will also be notified of an occurrence of head lice.
- I. Discipline:
  - 1. Discipline and guidance of children must be consistent and based on an understanding of individual needs and development.
  - 2. There shall be no harsh, cruel, or unusual treatment.
    - a. Corporal punishment in any form will not be tolerated.
    - b. Children shall not be shaken, bit, hit, or have anything put in or on their mouth as punishment.
    - c. Children shall not be humiliated, yelled at or rejected.

- d. Children shall not be subjected to abusive or profane language.
  - e. Punishment shall not be associated with food.
  - f. Staff may use brief, supervised separation from the group if necessary, but staff shall not place children in a locked room or in a dark room with the door closed.
- 3. Incident reports will be filled out on any disciplinary cases, and information is to be shared with parents when picking up the child or sooner, when extreme cases occur.
  - 4. Children who show patterns of endangerment to themselves, other participants or staff will be asked to leave the program.

**J. Illness or Injury**

- 1. Parents shall be notified in cases of illness or injury.
- 2. An ill child will not be allowed to participate if the child is suspected of having a temperature and/or accompanied by behavior changes or other signs or symptoms until medical evaluation indicates that the child can be included in the activities. In the event an injury cannot be administered through basic first aid, staff will call 911.
- 3. When an injury occurs, an incident report shall be filled out immediately. The form shall be filled out completely with the original sent to the Programs Supervisor and forwarded to the Recreation Manager and a copy kept in the Day Camp files.

## **VI. CAMP RULES**

The rules of camp are designed to help create a positive and safe environment for both campers and staff. The rules are presented to campers in a positive way and focus on what campers should do rather than what they should not do. Camp rules are used to help teach our campers to make good, positive choices.

- 1. Be Respectful
- 2. Be a Good Friend
- 3. Be Polite
- 4. Be a Good Listener
- 5. Be Kind
- 6. Be a Good Follower of Directions
- 7. Be Helpful
- 8. Be Responsible

Passive and active camp activities are planned according to the participants' ages, interests and abilities. The activities should be flexible and promote social and educational advancement.

## **VII. MONITORING AND ENFORCEMENT**

Standards of care established by the City of New Braunfels will be monitored and enforced by city departments responsible for their respective areas as identified:

- A. Health and safety standards will be monitored and enforced by the City's Police, Fire, Health and Code Enforcement Departments.
- B. Staff and program issues will be monitored and enforced by the New Braunfels Parks and Recreation Department. The Recreation Manager shall visit each site on a bi-monthly basis. Programs Supervisors are responsible for visually checking the camp activities on a daily basis. When this staff is not available, another full-time staff person is responsible for the daily check.

**SECTION 2: 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 3. EFFECTIVE DATE:**

This Ordinance shall become adopted and effective upon its second reading and compliance with the City Charter.

PASSED AND APPROVED: First reading this 24th day of May, 2021.

PASSED AND APPROVED: Second reading this 14th day of June, 2021.

CITY OF NEW BRAUNFELS, TEXAS

\_\_\_\_\_  
Rusty Brockman, Mayor

ATTEST:

\_\_\_\_\_  
Caitlin Krobot, City Secretary

APPROVED AS TO LEGAL FORM:

\_\_\_\_\_  
Valeria M. Acevedo, City Attorney



5/24/2021

Agenda Item No. E)

**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 48 acres out of the O. Russell A-485 Survey 2, located in the 2200 block of FM 1102, from "M-1A" Light Industrial District to "MU-B" High Intensity Mixed Use District.

**DEPARTMENT:** Planning and Development Services**COUNCIL DISTRICTS IMPACTED:** Council District 4**BACKGROUND INFORMATION:**

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

**Owner:** Mary Ann Hollmig  
112 Texas Avenue  
New Braunfels, TX 78130

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

**The second reading was postponed from the May 10th City Council meeting at the request of the applicant.**

**City Council held a public hearing on April 26, 2021 and approved the first reading of the property owner's requested rezoning ordinance (6-1-0) with a request to clarify text in the agenda memo regarding highlights in the use comparison chart.**

The subject property is located on FM 1102 approximately 1,500 feet northeast of the intersection with FM 306. The property is between FM 1102 and the Union Pacific Railroad tracks, on the edge of the City limits.

The applicant is requesting a zoning change of the base zoning district from "M-1A" Light Industrial to "MU-B" High Intensity Mixed Use District, retaining the "AH" Airport Hazard Overlay. A district comparison chart (attached) shows the allowed uses are similar between the two districts. **MU-B allows most of the light industrial uses with a few exceptions marked on the chart in gray, while making other use opportunities**

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available. Uses not currently allowed in M-1A that would be allowed with the zoning change are highlighted in yellow.

**Surrounding Zoning and Land Use:**

North - Outside city limits / Undeveloped

South - M-1 / Light industrial

East - M-1A / Railroad, undeveloped

West - Across FM 1102, M-1A/ Undeveloped

**ISSUE:**

The current M-1A zoning district is intended for light manufacturing and assembly, warehousing, research and development, and other operations that do not typically depend on frequent customer visits. These uses generally require access to major thoroughfares or railroad transportation.

The proposed MU-B district provides for (but does not require) a mix of retail, office and industrial uses in close proximity to enable people to live, work and shop in a single location. This district also allows for multifamily development and other uses with a “residential” component such as assisted living and RV parks.

MU-B at this location is consistent with Envision New Braunfels. The subject property is in close proximity to future employment and market centers which would support the proposed mixed-use zoning, and FM 1102 is identified as a Transitional Mixed Use Corridor. While the existing M-1A zoning is not inconsistent with the Future Land Use Plan, the proposed MU-B zoning maintains most of the lighter industrial uses that would be appropriate for this area while providing opportunities for desired mixed-use.

**FISCAL IMPACT:**

N/A

**RECOMMENDATION:**

The Planning Commission held a public hearing on April 6, 2021 and voted to recommend approval (6-0-0) with Commissioners Tubb, Mathis and Sonier absent.

**Staff Recommendation:**

Approval.

**Notification:**

Public hearing notices were sent to owners of 6 properties within 200 feet of the request. To date, no responses have been received.

**Resource Links:**

Chapter 144, Sec. 3.4-11 MU-B High Intensity Mixed Use District

[Sec. 144-3.4. - Zoning districts and regulations | Code of Ordinances | New Braunfels](https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?nodeId=PTIICOR_CH144ZO_ARTIIIZODI_S144-3.4ZODIREPRZOSUJU221987)  
<[https://library.municode.com/tx/new\\_braunfels/codes/code\\_of\\_ordinances?nodeId=PTIICOR\\_CH144ZO\\_ARTIIIZODI\\_S144-3.4ZODIREPRZOSUJU221987](https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?nodeId=PTIICOR_CH144ZO_ARTIIIZODI_S144-3.4ZODIREPRZOSUJU221987)>

**Attachments:**

1. Aerial Map
2. Land Use Maps (Zoning, Existing, Future Land Use)
3. District Comparison Chart

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4. Notification Map
  5. Photograph
  6. Ordinance

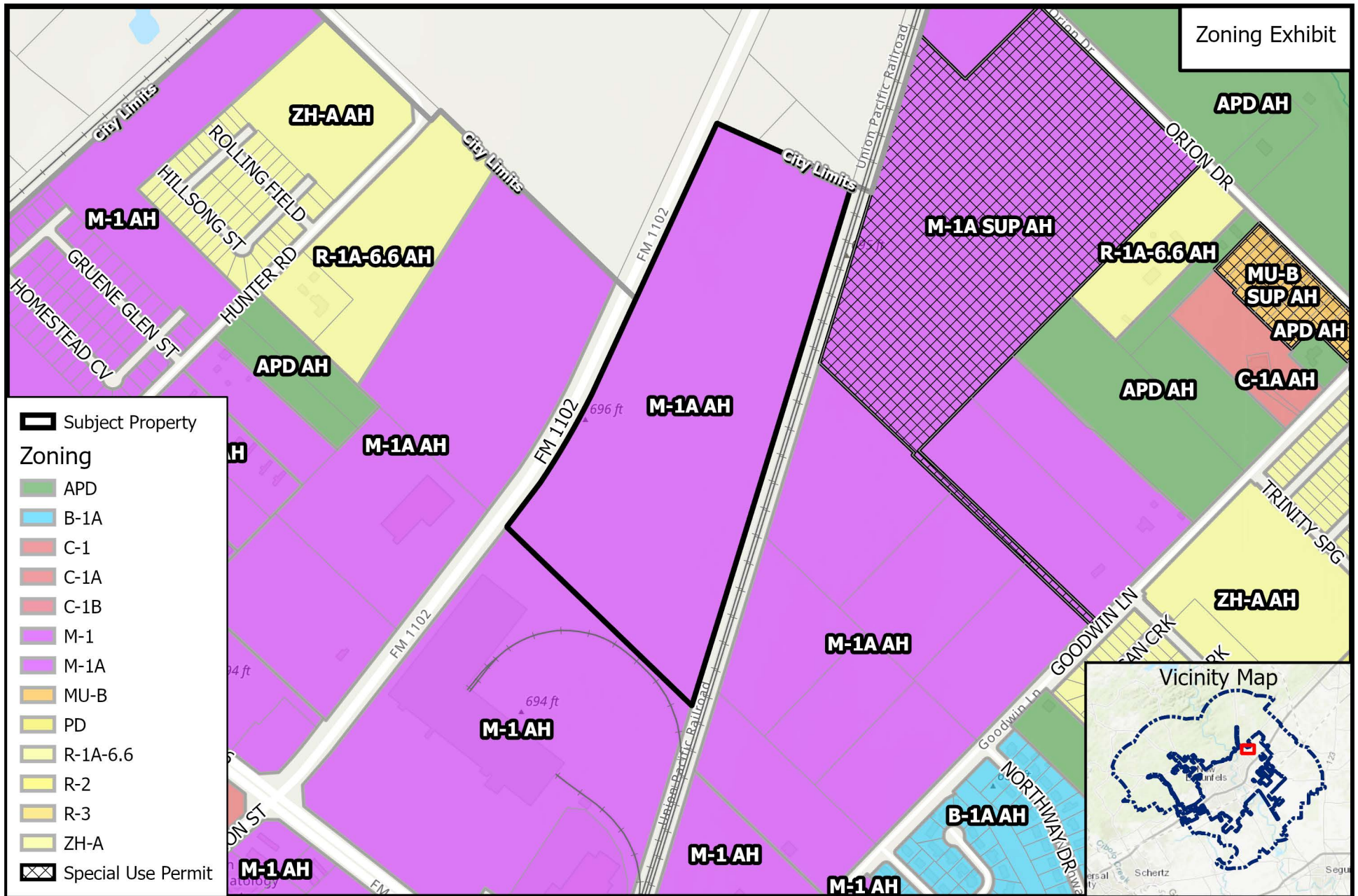




**PZ21-0082**  
**Rezoning from M-1A to MU-B**



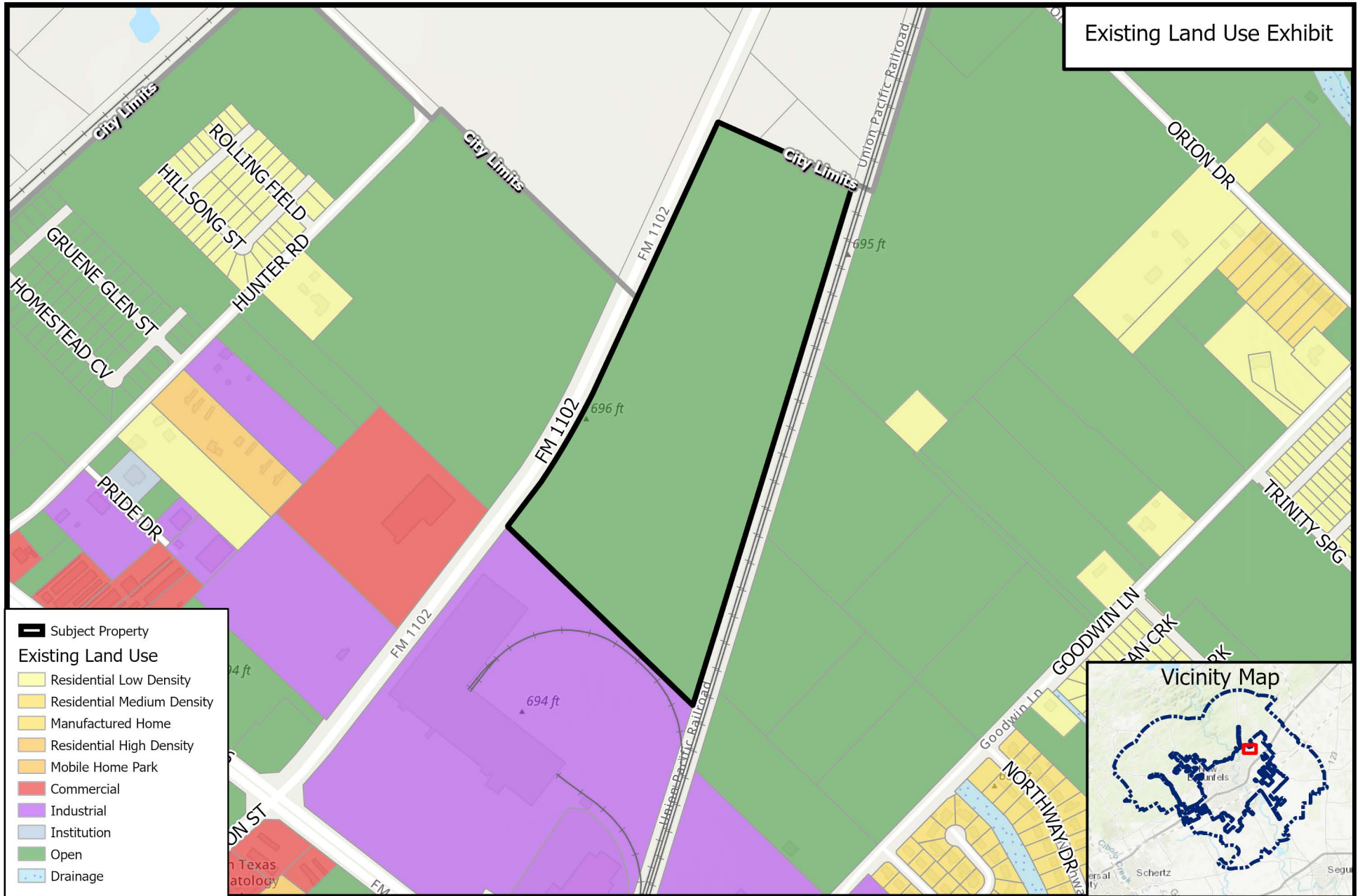




**PZ21-0082**  
**Rezoning from M-1A to MU-B**

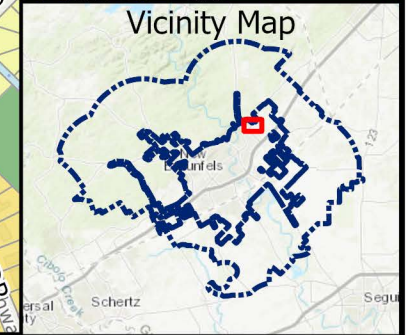






Existing Land Use Exhibit

Vicinity Map



**PZ21-0082**  
**Rezoning from M-1A to MU-B**

0 360 720  
 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

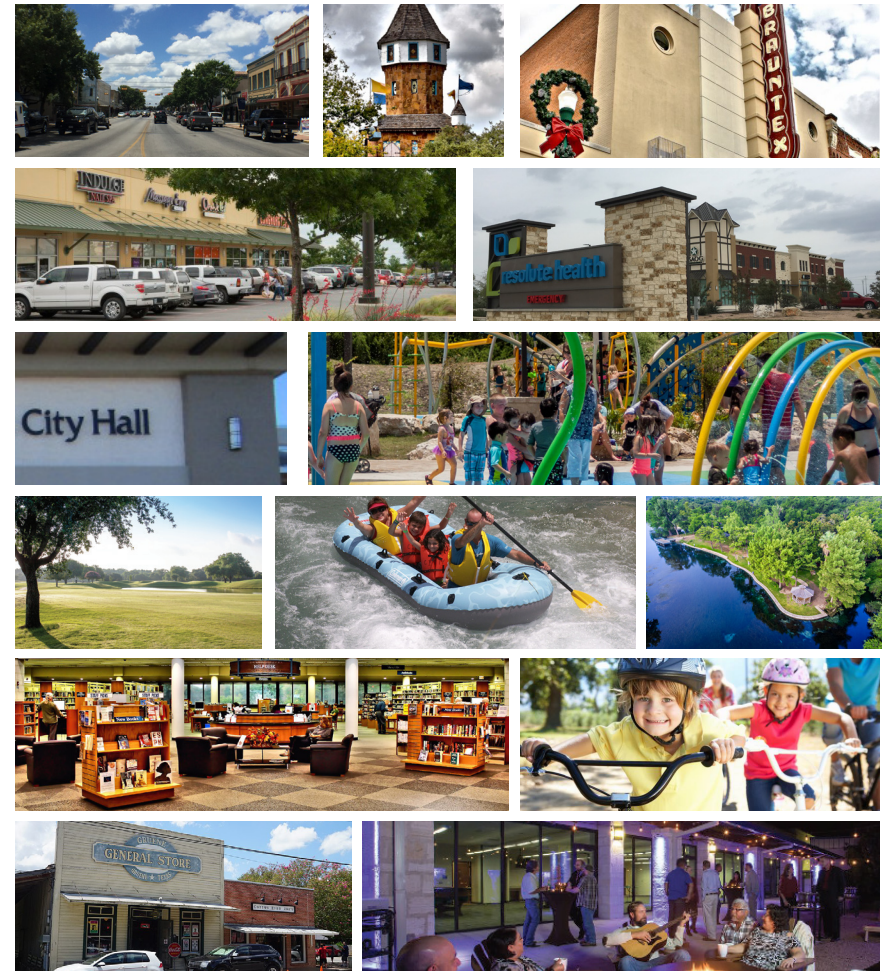
Outdoor Recreation Centers center around a public or private outdoor destination such as Landa Lake.

### 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.



	Existing	Proposed
	M-1A	MU-B
Accessory building/structure (see section 144-5.4)		P
Accounting, auditing, bookkeeping, and tax preparations	P	P
Adult day care (no overnight stay)		P
Adult day care (with overnight stay)		P
Aircraft support and related services	P	P
Airport	P	P
All-terrain vehicle (ATV) dealer/sales	P	P
Ambulance service (private)	P	P
Amphitheaters (outdoor live performances)	P	P
Amusement devices/arcade (four or more devices)	P	P
Amusement services or venues (indoors) (see section 144-5.13)	P	P
Amusement services or venues (outdoors)	P	P
Animal grooming shop	P	P
Answering and message services	P	P
Antique shop	P	P
Appliance repair	P	P
Archery range	P	P
Armed services recruiting center	P	P
Art dealer/gallery	P	P
Artist or artisans studio	P	P
Assembly/exhibition hall or areas	P	P
Assisted living facility/retirement home		P
Athletic fields	P	P
Auction sales (non-vehicle)	P	P
Auto body repair, garages (see section 144-5.11)	P	P
Auto glass repair/tinting (see section 144-5.11)	P	P
Auto interior shop/upholstery (see section 144-5.11)	P	P
Auto leasing	P	P
Auto muffler shop (see section 144-5.11)	P	P
Auto or trailer sales rooms or yards (see section 144-5.12)	P	P
Auto or truck sales rooms or yard - Primarily New	P	P
Auto paint shop	P	P
Auto repair as an accessory use to retail sales	P	P
Auto repair garage (general) (see section 144-5.11)	P	P
Auto supply store for new and factory rebuilt parts	P	P
Auto tire repair/sales (indoor)	P	P
Automobile driving school (including defensive driving)	P	P
Bakery (retail)	P	P
Bank, savings and loan, or credit union	P	P
Bar/tavern (no outdoor music)	P	P
Bar/tavern	P	P
Barber/beauty college (barber or cosmetology school or college)	P	P
Barber/beauty shop, haircutting (non-college)	P	P
Barns and farm equipment storage (related to agricultural uses)	P	P
Battery charging station	P	P

Bed and breakfast inn (see section 144-5.6)		P
Bicycle sales and/or repair	P	P
Billiard/pool facility	P	P
Bingo facility	P	P
Bio-medical facilities	P	P
Blacksmith or wagon shops	P	P
Boarding house/lodging house		P
Book binding	P	P
Book store	P	P
Bottling or distribution plants (milk)	P	P
Bottling works	P	P
Bowling alley/center (see section 144-5.13)	P	P
Broadcast station (with tower) (see section 144-5.7)	P	P
Bus barns or lots	P	P
Bus passenger stations	P	P
Cafeteria/cafe/delicatessen	P	P
Campers' supplies	P	P
Car wash (self-service; automated)	P	P
Car wash, full service (detail shop)	P	P
Carpenter, cabinet, or pattern shops	P	P
Carpet cleaning establishments	P	P
Caterer	P	P
Cemetery and/or mausoleum	P	P
Check cashing service	P	P
Chemical laboratories (not producing noxious fumes or odors)	P	P
Child day care/children's nursery (business)		P
Church/place of religious assembly	P	P
Civic/conference center and facilities	P	P
Cleaning, pressing and dyeing (non-explosive fluids used)	P	P
Clinic (dental)	P	P
Clinic (emergency care)	P	P
Clinic (medical)	P	P
Club (private)	P	P
Coffee shop	P	P
Cold storage plant	P	P
Commercial amusement concessions and facilities	P	P
Communication equipment—Installation and/or repair	P	P
Community building (associated with residential uses)	P	
Community home (see definition)		P
Computer and electronic sales	P	P
Computer repair	P	P
Confectionery store (retail)	P	P
Consignment shop	P	P
Contractor's office/sales, with outside storage including vehicles	P	P
Contractor's temporary on-site construction office	P	P
Convenience store with gas sales	P	P
Convenience store without gas sales	P	P

Country club (private)	P	P
Credit agency	P	P
Crematorium	P	
Curio shops	P	P
Custom work shops	P	P
Dance hall/dancing facility (see section 144-5.13)	P	P
Day camp	P	P
Department store	P	P
Dormitory (in which individual rooms are for rental)		P
Drapery shop/blind shop	P	P
Driving range	P	P
Drug store/pharmacy	P	P
Electrical repair shop	P	P
Electrical substation	P	P
Electronic assembly/high tech manufacturing	P	P
Electroplating works	P	P
Engine repair/motor manufacturing re-manufacturing and/or repair	P	P
Exterminator service	P	P
Fairground	P	P
Farmers market (produce market—wholesale)	P	P
Farms, general (crops) (see chapter 6 and section 144-5.9)	P	P
Farms, general (livestock/ranch) (see chapter 6 and section 144-5.9)	P	P
Feed and grain store	P	P
Filling station (gasoline tanks must be below the ground)	P	P
Florist	P	P
Food or grocery store with gasoline sales	P	P
Food or grocery store without gasoline sales	P	P
Food processing (no outside public consumption)	P	P
Forge (hand)	P	P
Forge (power)	P	P
Fraternal organization/civic club (private club)	P	P
Freight terminal, rail/truck (outside storage of freight)	P	P
Freight terminal, truck (all storage of freight in an enclosed building)	P	P
Frozen food storage for individual or family use	P	P
Funeral home/mortuary	P	P
Furniture manufacture	P	P
Furniture sales (indoor)	P	P
Galvanizing works	P	P
Garden shops and greenhouses	P	P
Golf course (public or private)	P	P
Golf course (miniature)	P	P
Government building or use with no outside storage	P	P
Greenhouse (commercial)	P	P
Handicraft shop	P	P
Hardware store	P	P
Health club (physical fitness; indoors only)	P	P
Heating and air-conditioning sales/services	P	P

Heavy load (farm) vehicle sales/repair (see section 144-5.14)	P	P
Heliport	P	P
Home occupation (see section 144-5.5)		P
Home repair and yard equipment retail and rental outlets	P	P
Hospice		P
Hospital, general (acute care/chronic care)	P	P
Hospital, rehabilitation	P	P
Hotel/motel	P	P
Hotels/motels—Extended stay (residence hotels)		P
Ice delivery stations (for storage and sale of ice at retail only)	P	P
Ice plants	P	P
Industrial laundries	P	P
Kiosk (providing a retail service)	P	P
Laboratory equipment manufacturing	P	P
Laundromat and laundry pickup stations	P	P
Laundry, commercial (without self-serve)	P	P
Laundry/dry cleaning (drop off/pick up)	P	P
Laundry/washateria (self-serve)	P	P
Lawnmower sales and/or repair	P	P
Leather products manufacturing	P	P
Light manufacturing	P	P
Limousine/taxi service	P	P
Locksmith	P	P
Lumberyard (see section 144-5.15)	P	P
Lumberyard or building material sales (see section 144-5.15)	P	P
Machine shop	P	P
Maintenance/janitorial service	P	P
Major appliance sales (indoor)	P	P
Manufactured home sales	P	P
Manufacturing and processes	P	P
Manufacturing processes not listed	P	
Market (public, flea)	P	P
Martial arts school	P	P
Medical supplies and equipment	P	P
Metal fabrication shop	P	P
Micro brewery (onsite mfg. and/or sales)	P	P
Mini-warehouse/self-storage units (no boat and RV storage permitted)	P	P
Mini-warehouse/self-storage units with outside boat and RV storage	P	P
Motion picture studio, commercial film	P	P
Motion picture theater (indoors)	P	P
Motion picture theater (outdoors, drive-in)	P	P
Motorcycle dealer (primarily new/repair)	P	P
Moving storage company	P	P
Moving, transfer, or storage plant	P	P
Multifamily (apartments/condominiums)		P
Museum	P	P
Needlework shop	P	P

Nonbulk storage of gasoline, petroleum products and LP	P	P
Nursing/convalescent home/sanitarium		P
Offices, brokerage services	P	P
Offices, business or professional	P	P
Offices, computer programming and data processing	P	P
Offices, consulting	P	P
Offices, engineering, architecture, surveying or similar	P	P
Offices, health services	P	P
Offices, insurance agency	P	P
Offices, legal services, including court reporting	P	P
Offices, medical offices	P	P
Offices, real estate	P	P
Offices, commodity brokers, dealers, exchanges and financial services	P	P
Outside storage (as primary use)	P	P
Park and/or playground (private and public)	P	P
Parking lots (for passenger car only) (not as incidental to the main use)	P	P
Parking structure/public garage	P	P
Pawn shop	P	P
Personal watercraft sales (primarily new/repair)	P	P
Pet shop/supplies (less than 10,000 sq. ft.)	P	P
Pet store (over 10,000 sq. ft.)	P	P
Photo engraving plant	P	P
Photographic printing/duplicating/copy shop or printing shop	P	P
Photographic studio (no sale of cameras or supplies)	P	P
Photographic supply	P	P
Plant nursery (no retail sales on site)	P	P
Plant nursery (retail sales/outdoor storage)	P	P
Plastic products molding/reshaping	P	P
Plumbing shop	P	P
Portable building sales	P	P
Propane sales (retail)	P	P
Public recreation/services building for public park/playground areas	P	P
Publishing/printing company (e.g., newspaper)	P	P
Quick lube/oil change/minor inspection	P	P
Radio/television shop, electronics, computer repair	P	P
Rappelling facilities	P	P
Recreation buildings (private)	P	P
Recreation buildings (public)	P	P
Recycling kiosk	P	P
Refreshment/beverage stand	P	P
Rental or occupancy for less than one month (see section 144-5.17)		P
Research lab (non-hazardous)	P	P
Residential use in buildings with permitted non-residential uses	P	P
Restaurant/prepared food sales	P	P
Restaurant with drive-through service	P	P
Retail store/shopping center no drive-through service (<50,000 sq. ft.)	P	P

Retail store/shopping center with drive-through service (<50,000 sq. ft.)	P	P
Retail store and shopping center (more than 50,000 sq. ft. bldg.)	P	P
Retirement home/home for the aged		P
Rodeo grounds	P	P
RV park		P
RV/travel trailer sales	P	P
School, K-12 public or private	P	P
School, vocational (business/commercial trade)	P	P
Security monitoring company (no outside storage or installation)	P	P
Security systems installation company	P	P
Sheet metal shop	P	P
Shoe repair shops	P	P
Shooting gallery—Indoor (see section 144-5.13)	P	P
Shopping center	P	P
Sign manufacturing/painting plant	P	P
Specialty shops in support of project guests and tourists	P	P
Stone/clay/glass manufacturing	P	
Storage—Exterior storage for boats and recreational vehicles	P	P
Storage in bulk	P	P
Studio for radio or television, without tower	P	P
Studios (art, dance, music, drama, photo, interior decorating, etc.)	P	P
Tailor shop (see home occupation)	P	P
Tattoo or body piercing studio	P	P
Taxidermist	P	P
Telemarketing agency	P	P
Telephone exchange buildings (office only)	P	P
Tennis court (commercial)	P	P
Theater (non-motion picture; live drama)	P	P
Tire sales (outdoors)	P	P
Tool rental	P	P
Transfer station (refuse/pick-up)	P	P
Travel agency	P	P
Truck or transit terminal	P	P
University or college (public or private)	P	P
Upholstery shop (non-auto)	P	P
Used or second hand merchandise/furniture store	P	P
Vacuum cleaner sales and repair	P	P
Veterinary hospital (no outside animal runs or kennels)	P	P
Veterinary hospital (with outdoor animal runs or kennels that may not be used between the hours of 9:00 p.m. and 7:00 a.m.)	P	P
Video rental/sales	P	P
Warehouse/office and storage/distribution center	P	P
Waterfront amusement facilities—Berthing facilities sales and rentals	P	P
Waterfront amusement facilities—Boat fuel storage/dispensing facilities	P	P
Waterfront amusement facilities—Boat landing piers/launching ramps	P	P
Waterfront amusement facilities—Swimming/wading pools/bathhouses	P	P



Water storage (surface, underground or overhead), water wells and pumping stations that are part of a public or municipal system	P	P
Welding shop	P	P
Wholesale sales offices and sample rooms	P	P
Woodworking shop (ornamental)	P	P

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

Zoom Meeting

**Applicant/Owner:** HMT Engineering & Surveying, Chris Van Heerde

**Address/Location:** 48 acres in the 2200 block of FM 1102

**PROPOSED ZONE CHANGE – CASE #PZ21-0082**

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”.

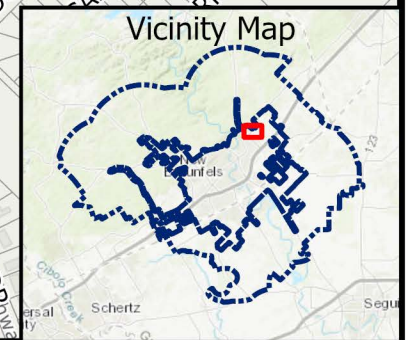
1. CENTURION INDUSTRIES INC
2. KOONTZ MCCOMBS 1 LTD
3. 2577 GOODWIN LANE LLC
4. YES ACQUISITIONS LLC
5. HOUSE GEORGE W JR
6. COLEMAN COMPANY INC

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**SEE MAP**



- Notification Buffer
- Subject Property
- Parcel Responses**
- Favor
- No Response
- Object (None)



**PZ21-0082**  
**Rezoning from M-1A to MU-B**





Subject Property from FM 1102

## **ORDINANCE NO. 2021-**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS REZONING APPROXIMATELY 47.7 ACRES OUT OF THE O. RUSSELL A-185 SURVEY 2, COMAL COUNTY, TEXAS, LOCATED IN THE 2200 BLOCK OF FM 1102, FROM “M-1A” LIGHT INDUSTRIAL DISTRICT TO “MU-B” HIGH INTENSITY MIXED USE 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 “MU-B” High Intensity Mixed-Use 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 47.7 acres out of the O. Russell A-185 Survey 2, located in the 2200 block of FM 1102, from “M-1A” Light Industrial District to “MU-B” High Intensity Mixed-Use 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 “M-1A” Light Industrial District to “MU-B” High Intensity Mixed-Use District:

Approximately 47.78 acres out of the O. Russell A-485 Survey 2, Comal County, Texas, located in the 2200 block of FM 1102, as described in Exhibit “A” and delineated 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 26th day of April, 2021.

**PASSED AND APPROVED:** Second reading this 24th day of May, 2021.

# CITY OF NEW BRAUNFELS

**RUSTY BROCKMAN**, Mayor

**ATTEST:**

**CAITLIN KROBOT, City Secretary**

**APPROVED AS TO FORM:**

**VALERIA M. ACEVEDO**, City Attorney

METES AND BOUNDS DESCRIPTION

FOR TRACT 2

A 47.708 ACRE TRACT OF LAND

Being a 47.708 acre tract of land out of the Orilla Russell League No. 2, Abstract No. 485, Comal County, Texas, and being a portion of a 89.655 acre tract of land recorded in Volume 293, Page 94, of the Deed Records of Comal County, Texas, said 47.708 acre tract of land being more particularly described as follows:

Beginning At a 1/2" iron pin found in the Southeasterly right-of-way line of F.M. 1102, for the North corner of a 1.254 acre tract of land recorded in Volume 662, Pg. 18, Official Public Records, Comal County, Texas, for the North Corner and Point of Beginning of this herein described 47.708 acre tract of land;

Thence, departing the Easterly right-of-way line of F.M. 1102, along the Northerly line of said 1.254 acre tract, and along the Southerly line of a 1.769 acre tract of land recorded in Doc. #200506019928, Official Public Records, Comal County, Texas, S 64°18'49" Ea distance of 695.75 feet to a 1/2" iron pin found in the Westerly right-of-way line of the Missouri Pacific Rail Road, for the Southerly corner of said 1.769 acre tract, for the Northeasterly corner of this herein described 47.708 acre tract of land;

Thence, along the Westerly line of said Missouri Pacific Rail Road, S 17°00'55" W a distance of 2587.00 feet to a 1/2" iron pin found for the Easterly corner of Lot 1, Coleman Industrial Park, Unit Two, recorded in Volume 10, Pg. 42, Map and Plat Records, Comal County, Texas, for the Southerly corner of said 89.655 acre tract of land, for the Southerly corner of this herein described 47.708 acre tract of land;

Thence, along the common Line of said Lot 1, and this herein described 47.708 acre tract of land,

N 46°20'50" W a distance of 1212.56 feet to a 1/2" iron pin stamped "HMT PROP. COR." set in the Southeasterly right-of-way line of F.M. 1102, for the Northerly corner of said Lot 1, for the Westerly corner of this herein described 47.708 acre tract of land;

Thence, along the Southeasterly right-of-way line of F.M. 1102, the following calls:

N 37°34'30" Ea distance of 133.77 feet to a Tx. Dot. Type I monument found for a corner;

N 35°22'30" Ea distance of 217.11 feet to a Tx. Dot. Type II monument found for a corner;

N 31°16'05" Ea distance of 217.02 feet to a Tx. Dot. Type II monument found for a corner;

N 26°51'01" Ea distance of 216.74 feet to a Tx. Dot. Type I monument found for a corner;

N a distance of 1405.97 to to the Point of and containing 47.708 acres of land.

Bearings are based on the Texas State Plane Coordinate System, South Central Zone (4204), North American Datum 1983.

**EXHIBIT "A"**





PZ21-0082  
FM 1102  
M-1A to MU-B

EXHIBIT "B"

EXHIBIT "B"



5/24/2021

Agenda Item No. F)

**PRESENTER:**

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

**SUBJECT:**

Public hearing and first reading of an ordinance regarding a proposed rezoning to apply a Special Use Permit to allow a variety of residential and non-residential development on approximately 49.5 acres out of the A-103, Sarah Dewitt Survey, addressed at 614 & 720 W. Zipp Road, from "R-1A-6.6" Single Family District to allow uses allowed in the following zoning districts: "MU-B" High Intensity Mixed Use, "R-1A-4" Single-Family Small Lot Residential, "ZH-A" Zero Lot Line Home and "R-2A" Single and Two-Family Residential.

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

Owner &amp;

Applicant: HMT Engineering & Surveying (Thor Thornhill)  
290 S. Castell Avenue, Suite 100  
New Braunfels, TX 78130  
(830) 625-8555      plats@hmtnb.com

Owner: Gregory Family Revocable Trust (Rosemarie L. Gregory)  
436 Lakeview Boulevard  
New Braunfels, TX 78130

Staff Contact: Matthew Simmont  
(830) 221-4058      msimmont@nbtexas.org

The approximately 50-acre tract is located south of the intersection of South Walnut Avenue and West Klein Road. The subject property is approximately 871 feet wide and extends southeast to West Zipp Road. A portion of the property is currently improved with two single-family residences with most of the property being undeveloped.

**ISSUE:**

The subject property is currently zoned R-1A-6.6; a zoning district that is intended for development of primarily detached, single-family residences and accessory uses on lots of at least 6,600 square feet in size. The zoning districts that are included in the applicant's proposal would allow for a wider array of uses to include the following:

- *R-1A-4* - smaller scale single family residences and accessory uses on lots of at least 4,000 square feet in size.
- *R-2A* - single-family residences and accessory uses on lots of at least 6,600 square feet in size and two-family residences on lots of at least 8,000 square feet in size.
- *ZH-A* single-family residences on compact lots (4,000 square feet minimum) having one side building setback reduced to zero feet or requiring five-foot setbacks on both sides.

- 
- *MU-B* - provides for a mixture of more intense retail, office, and industrial uses in close proximity to enable people to live, work and shop in a single location. This district also allows for multifamily development (apartments & condominiums).

The applicant's proposed Type 2 Special Use Permit (SUP) would allow for a wide variety of residential and non-residential development to occur on the property, subject to proposed development standards and site plan restrictions.

Development of the property will include the extension of South Walnut Avenue, a Principal Arterial on the City's thoroughfare plan (up to 120 feet of right-of-way width), along the northeastern boundary of the property.

The applicant has indicated the intent of this request is to bring together an assortment of compatible commercial and residential uses to take advantage of the arterial intersection.

*Surrounding Zoning and Land Use:*

North - Across W. Klein Rd., C-1B & APD / Single-family residence and undeveloped  
South - Across W. Zipp Rd., Outside City Limits / Single family residences  
East - APD / Single family residences  
West - R-1A-6.6 / Ridgemont Subdivision - single family residences

The proposed Special Use Permit is consistent with the following actions from Envision New Braunfels:

*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.

*Action 3.22:* Encourage venues within walking distance of neighborhoods and schools.

The property is situated in the Walnut Springs Sub-Area, at an intersection of two Transitional Mixed-Use Corridors, is within an Existing Employment Center, near an Existing Education Center, and within a Future Market Center.

**FISCAL IMPACT:**

N/A

**RECOMMENDATION:**

The Planning Commission held a public hearing on May 4, 2021 and recommended approval (7-1) with Commissioner Tubb objecting and with the following conditions:

1. The 125-foot-wide area restricted to R-1A-4, ZH-A and R-2A Zoning is extended to the north corner of Lot 6, Block 4, Ridgemont Unit 1.
2. A drainage facility is to be located adjacent to Unit 1 of the Ridgemont Subdivision and W. Klein Road.
3. No windows or balconies on the second story of residences abutting Ridgemont, Units 1, 2B and 4 are permitted to face Ridgemont, Units 1, 2B and 4.

Staff recommends approval as proposed by the applicant, with a condition that during the design phase of the extension of Walnut Avenue, if it is determined that the developer is to install landscaped medians, the medians

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will include code- and city spec-compliant irrigation for the City's long-term maintenance. The applicant's proposal to create a mixed-use development with a variety of residential opportunities is consistent with ongoing development in the area and is supported and encouraged by Envision New Braunfels.

Use of the identified zoning districts is intended to provide flexibility with the type and variety of uses allowed on the property. It will encourage an integrated mix of uses that are beneficial to the neighborhood and Existing Education and Employment Centers, and will assist with buildout of the Future Market Center to serve the neighborhood. The proposed development standards and site plan help to ensure that the type and scale of development is appropriate with existing and future adjacent land uses, along with the added flexibility of having multiple land uses available creating opportunities for walkable scale development which is consistent with current trends as well as Envision New Braunfels. In addition, the development standards will serve to increase pedestrian mobility and enhance the streetscape along the extension of Walnut Avenue.

#### Notification:

Public hearing notices were sent to owners of 46 properties within 200 feet of the request. The City has received one neutral response and eight responses in objection (#2, 10-13, 24, 37 & 39) to the re-notification of the request. Responses received from outside of the notification area with the original version of the SUP request are included in Attachment 4.

#### Resource Links:

- Chapter 144, Section 3.4-2. "*R-1A-4*" *Single-Family Small Lot Residential District* 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, Section 3.4-3. "*R-2A*" *Single-Family and Two-Family District* 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, Section 3.4-9. "*ZH-A*" *Zero Lot Line Home District* 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, Section 3.4-11. "*MU-B*" *High Intensity Mixed Use District* 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, Section 3.6 (SUP) of the City's Code of Ordinances:

[https://library.municode.com/tx/new\\_braunfels/codes/code\\_of\\_ordinances?nodeId=PTIICOR\\_CH144ZO\\_ARTIIIIZODI\\_S144-3.6SPUSPE](https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?nodeId=PTIICOR_CH144ZO_ARTIIIIZODI_S144-3.6SPUSPE)

#### Attachments:

1. Aerial Map
2. Land Use Maps (Zoning, Existing Land Use, Future Land Use Plan)
3. Proposed Development Standards and Site Plan
4. Notification List, Map and Responses
5. Draft Planning Commission Meeting Minutes from May 4, 2021

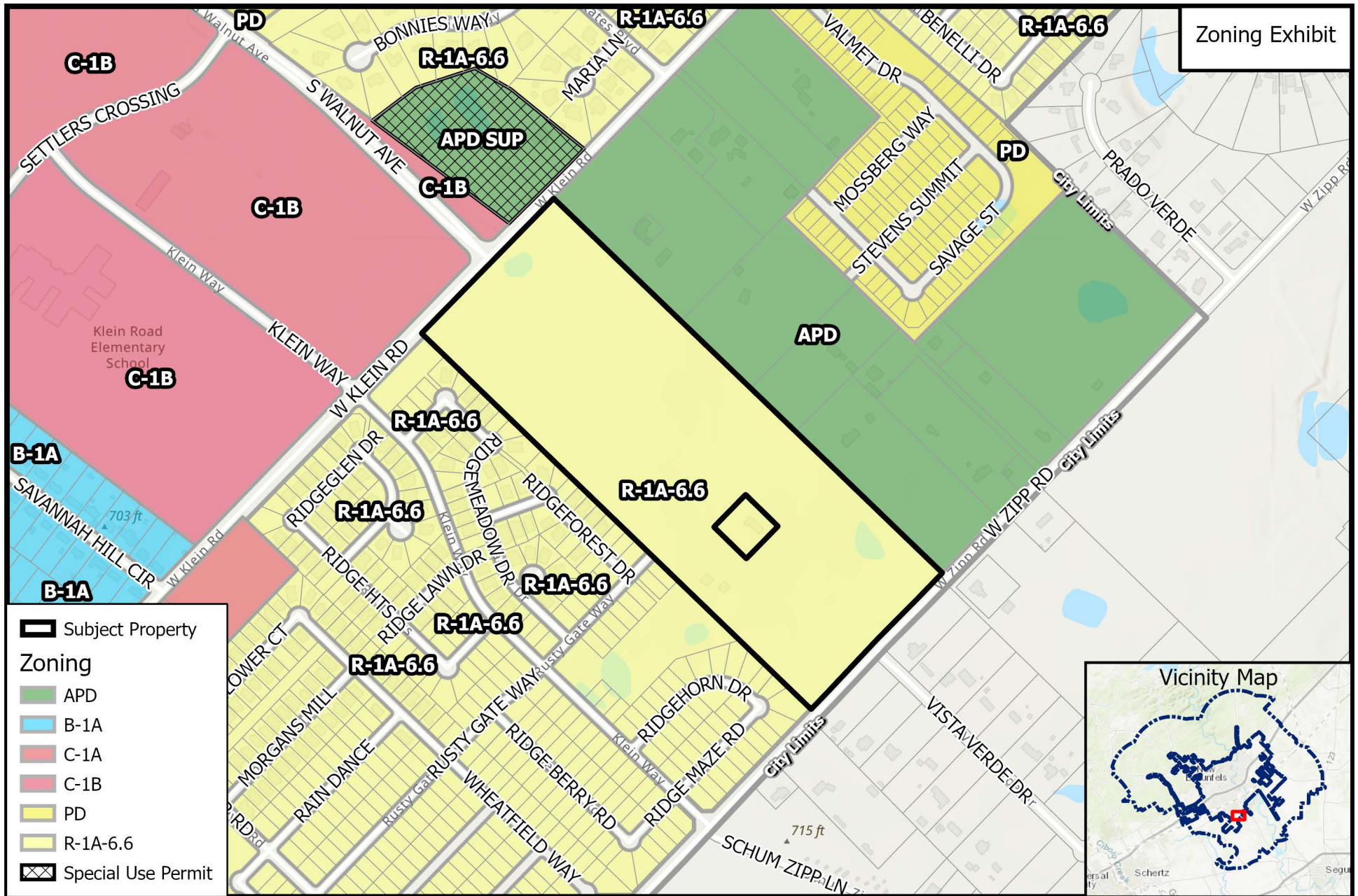
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6. Draft Ordinance





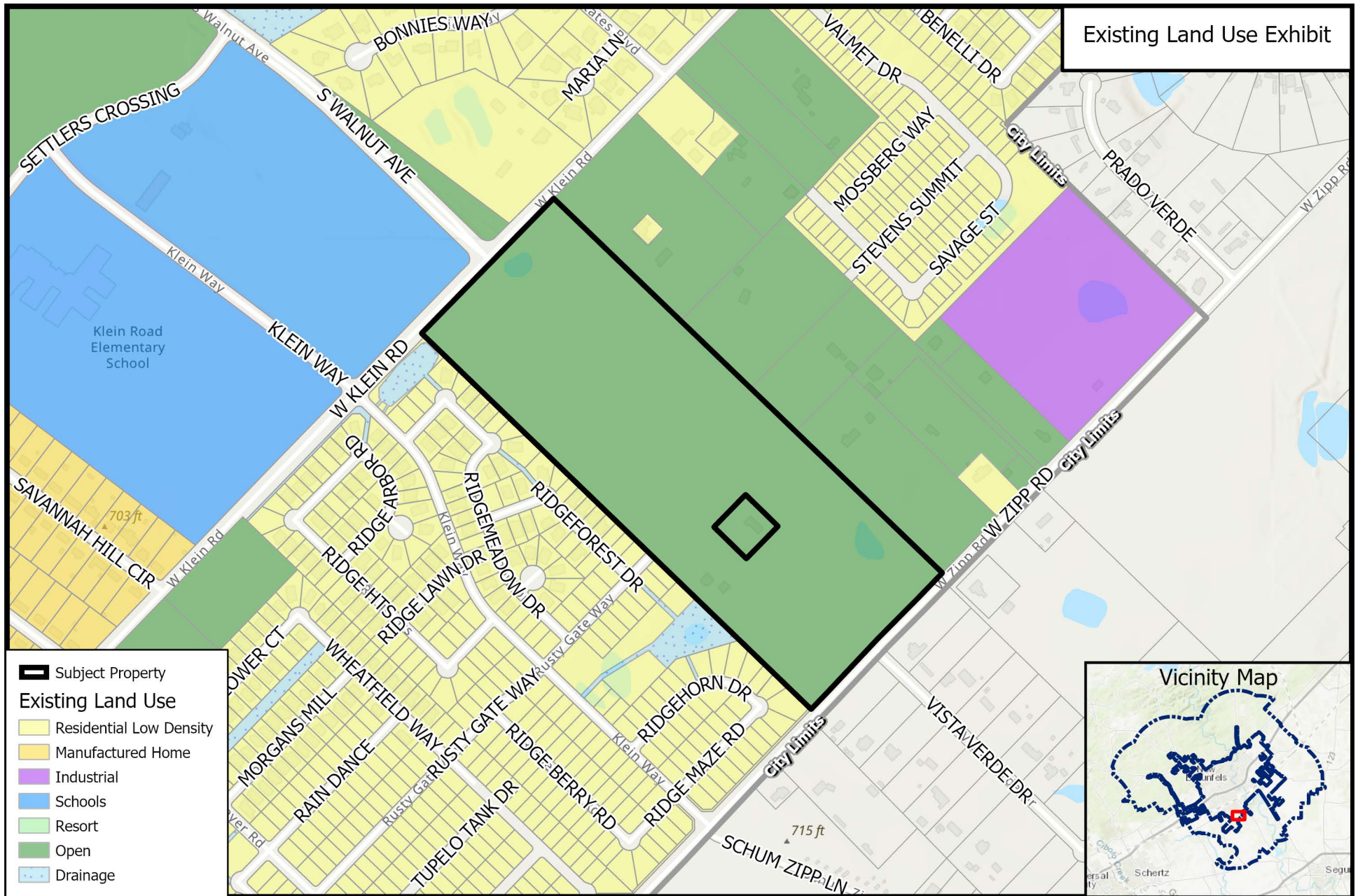




## SUP20-267

### SUP to allow mixed-use and residential development





## SUP20-267

### SUP to allow mixed-use and residential development

0 350 700 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

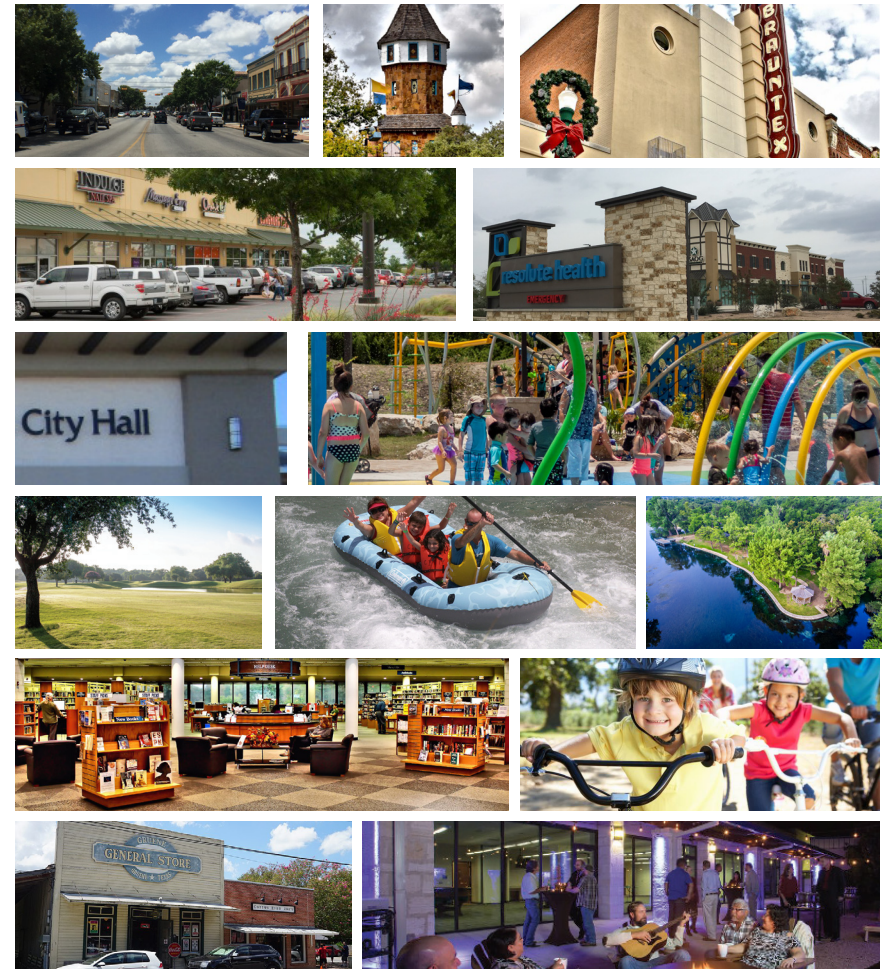
Outdoor Recreation Centers center around a public or private outdoor destination such as Landa Lake.

### EDUCATION CENTER

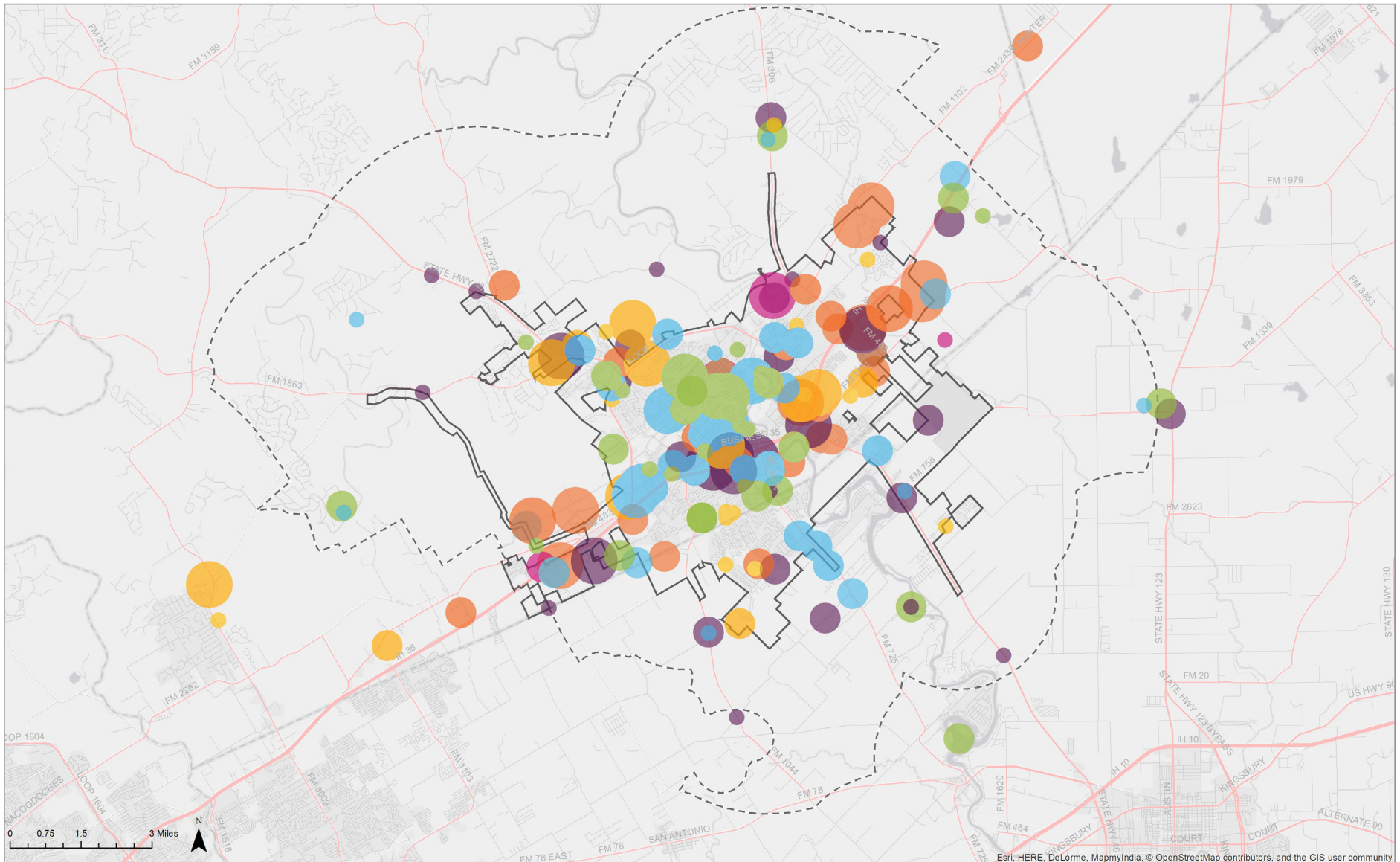
Education Centers are mixed-use areas centered around an educational destination such as a K-12 school or university/college.

### 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.







The location of existing centers was determined through the analysis of previous studies and background documents, windshield surveys, and reviewed by City staff, Steering Committee members, and Plan Element Advisory Group members during a public workshop.

# FUTURE LAND USE PLAN

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

## TRANSITIONAL MIXED-USE CORRIDOR

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

## OUTDOOR RECREATION CENTER

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

## EMPLOYMENT CENTER

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

## MARKET CENTER

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

## CIVIC CENTER

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

## SUB AREA 1

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

## SUB AREA 2

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

## SUB AREA 3

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

## SUB AREA 4

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

## SUB AREA 5

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

## SUB AREA 6

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

## SUB AREA 7

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

## SUB AREA 8

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



**PLANNING COMMISSION – MAY 4, 2021 – 6:00PM**

Zoom Meeting

**Applicant/Owner:** Thor Thornhill

**Address/Location:** 614 & 720 W Zipp Rd

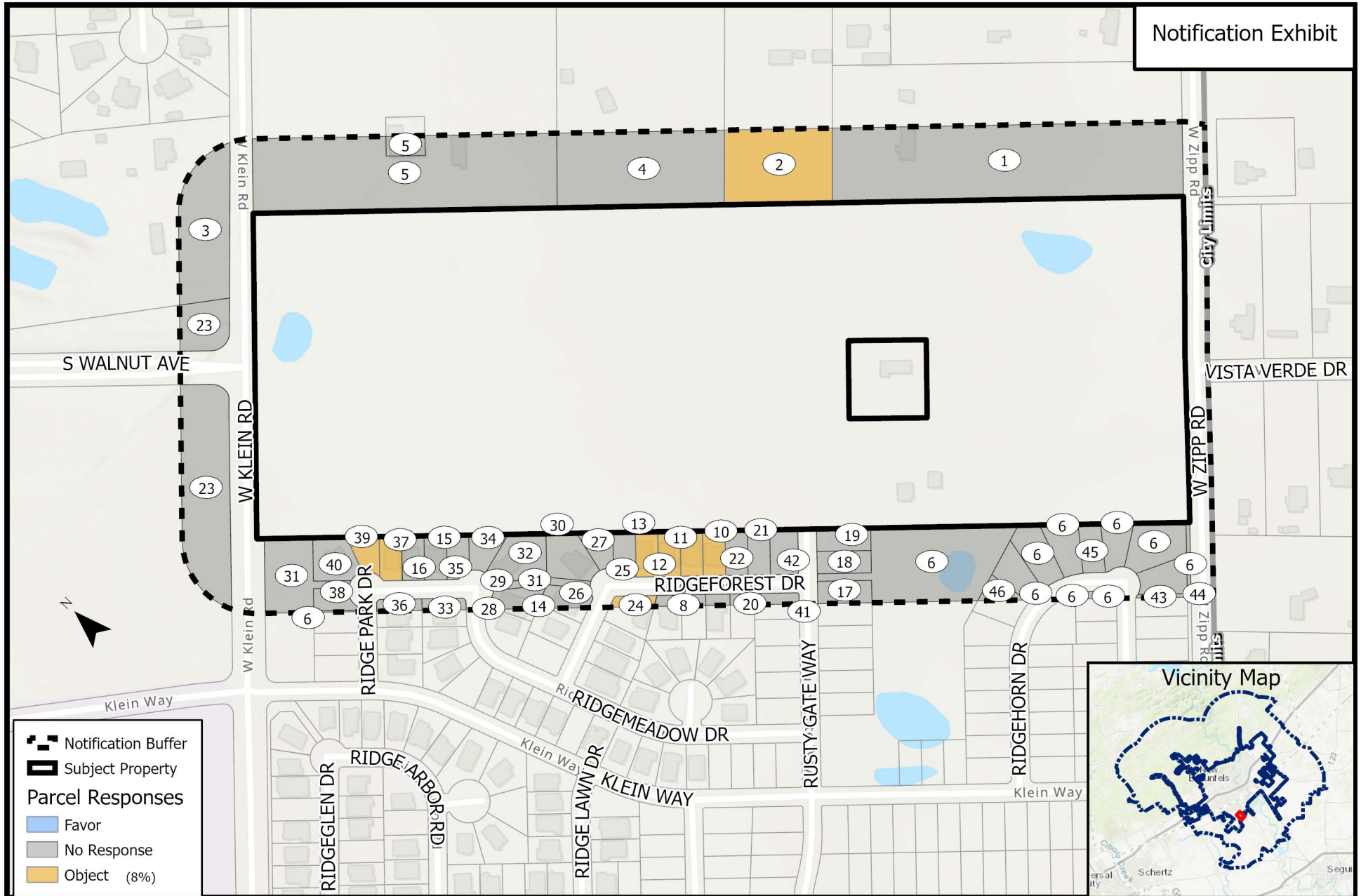
**PROPOSED SPECIAL USE PERMIT – CASE #SUP20-267**

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. ELLIS BRENDA                               | 24. KOKKEBY SEAN & STEPHANIE                      |
| 2. KRETZMEIER PAUL H                          | 25. PROFFITT ROBERT S & JENNIFER M                |
| 3. SCRIBNER TERI                              | 26. CAVAZOS JESUS ELI & MELISSA DENISE            |
| 4. ZAVALA JUAN F & LINDA S                    | 27. KLEIN JANET WALL                              |
| 5. HAMBRICK GRACE                             | 28. GUILLEN KRISTEN                               |
| 6. PULTE HOMES OF TEXAS LP                    | 29. HAHN AARON                                    |
| 7. SCHOENHERR DUANE & GLORIA                  | 30. MARES EILEEN R                                |
| 8. WILLIAMS JASON & DANNALYN                  | 31. RIDGEMONT HOME OWNERS ASSOCIATION INC         |
| 9. MASON JERMAINE S & TONYA S                 | 32. ROBLES TOM R & PAULA MERRILL ROBLES           |
| 10. YANEZ ROBERT JR & KELLI-ANNE P BARROW     | 33. GUERRA-TREVINO NORMA & RUBEN TREVINO          |
| 11. AMESCUA KRISTIN M & CODY J YORK           | 34. SCOTT RANDY J & LISA M                        |
| 12. HARRISON MATTHEW T & SANDRA V             | 35. BRAY DEBORAH E                                |
| 13. YOUNG GLEN & JAMIE                        | 36. PRIORITY RELOCATION COMPANY LLC               |
| 14. CRISSY ANGELA G & JOANN M HOLLIDAY        | 37. CANTON CHRISTOPHER MICHAEL & JYOTI KAY CANTON |
| 15. WOLF ANDREW S & DALLAS                    | 38. ESCOBAR DANIEL SANTOS                         |
| 16. PROPERTY OWNER                            | 39. STEVENSON RICHARD ROY & LAUREN MAE            |
| 17. GERELL-STILES APRIL R & GREGORY E STILES  | 40. STONE GREG                                    |
| 18. BUSHBY FRANCIS RUSSELL & SYLVIA LEA       | 41. GUNN BARBARA                                  |
| 19. MOORE ROBERT EUGENE & MONICA C            | 42. RITSON BARBARA S & GREGG E                    |
| 20. WARD LEE ALAN & KIMBERLEY MARIE           | 43. RODRIGUEZ ROBERT LEE & NAISHCA MARIE MOODY    |
| 21. MELVIN LISA D                             | 44. RUNDELL BRENDON M & LOURDES                   |
| 22. SOLIS HECTOR JR & CLAUDIA R               | 45. RAYGOZA BRENDAN C                             |
| 23. NEW BRAUNFELS INDEPENDENT SCHOOL DISTRICT | 46. DAVIS MEGAN L & TEXAS J                       |

**SEE MAP**





YOUR OPINION MATTERS - DETACH AND RETURN

Case: #SUP20-267 ms

Name: Paul H. Kretzmeier

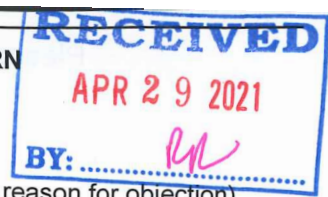
Address: 546 W. Zipp Rd.

Property number on map: # 2

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

I object: ☒ (State reason for objection)

Comments: (Use additional sheets if necessary)



Remove 2H-A then I would  
be for it.

Signature: Paul H. Kretzmeier

#2

**#10**

**From:** [Kelli-Anne Barrow](#)  
**To:** [Matthew W. Simmont](#)  
**Subject:** Notice of Public Hearing - 614 & 720 W. Zipp Road  
**Date:** Thursday, May 6, 2021 4:25:59 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.

Name: Kelli-Anne Barrow  
Address: 2761 Ridgeforest Drive  
Property number on map: 10

I object to the development of this property. I do not want apartments to be constructed on this land. We bought here for the peace and quiet and if apartments are built it will disrupt what we currently enjoy which is a beautiful view and quiet. In addition, I don't want restaurants or a strip mall. It makes no sense to build restaurants in the middle of a community. There are residential homes all around. They would look so out of place. Not sure if this is true but had to object if they are thinking about constructing restaurants.

Thank you for your time and consideration.

Sent from my iPhone

From: [Kristin York](#)  
To: [Planning Division](#); [Justin Meadows](#); [Matthew W. Simmont](#)  
Subject: SUP20-267- Notice of Public Hearing  
Date: Monday, April 26, 2021 10:32:14 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.**

All,

I am still in **objection** to the proposed mixed-use between walnut, Klein, and Zipp. I have many concerns as to what this can do to our neighborhood.

My first concern is HMT Engineering not listing to Planning and Zoning suggestions to meet with our community to hear our objections/concerns. This has not been done. We have requested this and will again from Justin Meadows.

My second concern: We used to have an easement room behind our home between our fence and theirs (10 feet or more). That then disappeared and there wasn't any fence for a while. Now there is a fence, but again very close to ours. What happened to our 10 feet behind the fence that is supposed to be our property. Where are the boundaries and are they being crossed? We need a barrier and should have that 10 feet back no matter what.

My third concern: The infrastructure can not withstand the new apartment complex at 725 that was approved or these new mixed-use requests. Some cities are able to complete the water, electricity, etc prior to the overload. It seems in New Braunfels the city wants these buyers to add that into their costs at the expense of those that live here. The traffic in the last 5 years since I have lived in this house has tripled. 725 Needs to be larger and Klein to help us get around prior to this being approved. Wireless antennas need to be added to help with the lack of service we already have issues with prior to approval. With three schools right here the traffic is a nightmare. The risk for more accidents through our fences could allow someone hurt or killed. The kids walking home or bus stop at Kelin, again, can allow for someone to get hurt with all the traffic. Now we want to add to that? We want to add an apartment complex, gas station, or Labor ready to create more congestion?

Can someone answer my questions and help us all understand to possibly come to some kind of agreement?

Sincerely,  
Kristin York  
210-843-7953  
2757 Ridgeforest Drive

My previous objections are below.

We were told when we purchased this home that the landowner behind us was not planning to ever sell that plot of land. That is what drew us to this area. We wanted to be away from the



hustle of the city, but close enough if we needed anything. This area is already very congested with three schools and we are about to add another. Then a sports complex and possibly a market, library, gas stations, along with labor centers. How can this current infrastructure and emergency services handle the new capacity of people/traffic? The roads even though being improved will not be enough, water drainage is always an issue, and more lights are needed. The current road improvements always have huge holes and bumps.

We already have communication issues for phones, the internet, and cable. We have been told a tower was going to be installed close, but four years later and it's still an issue.

Some neighbors find some objections could be the following: families moving out of the neighborhood, lower home values, homes being on the market for an extended time, the traffic congestion being increased, raised crime, less security, resident population, school crowdedness, additional traffic issues, utility issues, impacts of communication structure, parking, services interrupted, sunlight reduced, privacy concerns, light from new area, obstructed views, noise, rain runoff issues, damage to roads, construction for a few years, interference with emergency services for our area, and the environmental impact to the animals that are still in this area.

What analysis has been done for traffic, congestion, communication, emergency, and environmental?

Some neighbors feel the city will do what they want and their vision, not what the community wants or needs. How do we know our voices will be heard and matter?

We are all for New Braunfels growing, but not in our backyard. Not affecting our life's hard work to reflect in our property value. Please help us!

Sincerely,  
Kristin York  
210-843-7953  
2757 Ridgeforest Drive

**From:** [Matt Harrison](#)  
**To:** [Matthew W. Simmont](#)  
**Subject:** Re: Case SUP20-267 May 4 2021  
**Date:** Tuesday, May 4, 2021 1:15:09 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.**

Still in opposition to this rezoning. Developer was encouraged to work with residents to come to an agreement for both parties. Developer did not make any attempt to do so which tells me they do not care about our thoughts. More should be done by developer to protect residents.

Thank you.

Matt Harrison  
2753 Ridge Forest Dr

Sent from my iPhone

On Jan 28, 2021, at 10:24 AM, Matthew W. Simmont <MSimmont@nbtexas.org> wrote:

Good morning Mr. Harrison,

Thank you for your input. I will provide your email to the Planning Commission for consideration.

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 | [www.nbtexas.org/planning](http://www.nbtexas.org/planning)

#OneCityOneTeam

<facebook\_e078b806-932a-4345-a222-52843c4a2a78.png>

<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) and liking our [facebook page](#).

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Please take a moment to complete the City of New Braunfels [Customer Satisfaction Survey](#).

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**From:** Matt Harrison <matt.t.harrison@gmail.com>  
**Sent:** Wednesday, January 27, 2021 8:58 PM  
**To:** Matthew W. Simmont <MSimmont@nbtexas.org>  
**Subject:** Case SUP20-267 Feb 2 CC. Feb 22

**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, please let this email serve as my objection to the zoning change for the above case. My residence is #11 on the notification map. My opposition to this zoning change is the reduction of residential property resale values that occur with a MU-B zoning change along with safety / security and noise concerns for all newly built residential properties in the surrounding area. I feel that this property if developed should remain as a R-1A 6.6 to fit with the current developments in the surrounding the property and the area.

Matt Harrison  
2753 Ridge Forest Dr  
New Braunfels Tx 78130

Case: #SUP20-267 ms

Name: Jamie YoungAddress: 2749 Ridge Forest Dr.Property number on map: 13

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

MAY - 3 2021

I object: X (State reason for objection)

Comments: (Use additional sheets if necessary)

Please see previous objections and letter submitted via email, as this is now the third time we have had to submit objections for the same request.

Signature: Jamie Young

#13

New Braunfels Planning Commission;

I am writing in response to the special use permit request for the 49.5 acres addressed at 614 & 720 W. Zipp Road. My family lives in the adjacent neighborhood, Ridgemont, with our backyard directly bordering the subject property.

When my family was deciding on a lot to build our house on, one of the main selling points for us was the large field behind our lot and the serenity of the neighborhood and its surrounding areas. We were told by our builder that the person who owned the field behind our house had no intention of selling their land.

Fast forward four years and now there are almost 30 homeowners surrounding the subject property who are being confronted by the reality that we could have apartments or commercial buildings staring in at us over our back fences. After talking to many of my neighbors, I can confidently say that many of us would not have bought homes in this neighborhood if we would've had knowledge of this special use permit. For us, apartment or commercial buildings on the other side of our fence means increased noise, bright streetlights, and smelly dumpsters. It means that we can no longer enjoy the privacy of our homes or our backyards. It means that, for years, we will have to tolerate the noise and pollution of excavators, plumbers, electricians, and roofers in our own backyards. Then, once completed, the proposed apartments, shopping centers or convenience market will bring traffic and noise at all hours of the day and night.

The negative impact of apartments or commercial buildings on the subject property will reach further than just the homeowners directly surrounding the property. The traffic impact analysis for this project estimates that the daily trips in this area will increase by over 10,000. Walnut Avenue and Highway 725 are already incredibly congested. Even with the widening of Klein Road, the infrastructure in this area cannot support a new middle school, a new sports complex, *and* the 10,000 additional daily trips that the proposal for the subject property will bring. In addition, increased traffic and transient neighbors will likely increase crime levels in this area.

A study performed by the University of Nebraska shows a decrease in selling price of single-family dwellings with increasing numbers of surrounding apartment complexes. If my neighbors' feelings on having an apartment complex or commercial building behind them is any indication of the feelings of the general public, I see no scenario where our home values won't suffer if this permit is approved. Without a doubt, other people won't want to buy houses in this neighborhood if those who are already living here are wanting to leave.

I would like to ask the Planning Commission to put themselves in the shoes of the residents of the Ridgemont and other surrounding neighborhoods. Picture your own backyard for a moment. If an apartment complex, gas station or convenience market was erected 57 feet, less than 20 yards, from your fence line, would you be happy?

I believe that the city of New Braunfels cares about their residents and I appreciate being given the opportunity to submit written comment on this matter. The notice of public hearing that I received said "Your opinion matters" and I hope that's true.

Thank you,

Jamie Young  
(Last 4 digits of phone number – 0845)

## YOUR OPINION MATTERS - DETACH AND RETURN

Case: #SUP20-267 ms

RECEIVED

Name: Stephanie Kokkeby

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

Address: 2750 Ridgeforest DriveI object: X (State reason for objection)

MAY - 3 2021

Property number on map: 24

Comments: (Use additional sheets if necessary)

Please do not rezone our area for apartments, low income housing, gas stations, or any other development that will bring unwanted riff raff to our neighborhood.

Signature: S. Kokkeby

Thank you for your time. God Bless.

#24

Christopher & Jyoti Canton  
2713 Ridge Path Drive  
New Braunfels, Texas  
Parcel 37

April 27, 2021

To the New Braunfels Planning Commission:

Thank you for taking the time to read this objection to the plans that HMT Engineering & Surveying submitted for the 49.5 acres addressed at 614 & 720 W. Zipp Road.

First off, I want to reiterate from our last objection that HMT Engineering needs to be more transparent about what is going to be placed within these zones. When we bought this property, it was zoned agricultural and the fact that there could be commercial property and potentially 4-5 story apartment overlooking our backyards is very unfair. We'll object every time until there is more transparency.

My wife and I **OBJECT** to the proposal to rezone the land behind our property for a variety of reasons:

1. At the last Planning Commission meeting:
  - A. The Planning Commission urged HMT Engineering to schedule a town hall, Zoom Meeting, or any type of forum to have a dialogue with the the Ridgemont neighborhood. NO EFFORTS were made on their part to reach out to any of us.
  - B. The Planning Commission urged HMT Engineering to provide enough information in advance so that we could have at least 2 weeks notice on these potential grand sweeping changes to our neighborhood. We received the notice of a Public Hearing plus the new, barely proposed changes ONLY 9 DAYS BEFORE THE MEETING.
2. Once again there is a pattern of HMT Engineering trying to ram something through without talking to any of us. Our home values are subject to plummet based upon these vague and hardly disclosed, zoning changes. Their refusal to communicate with us is really disappointing. When we bought the property it was zoned agricultural, and to make such a quick proposed change with very little notification is not fair to tax-paying residents of New Braunfels. More transparency is needed before moving forward on anything!
3. We do not need a bunch of commercial businesses off a street that is purely residential, and is essentially a street with essentially no outlet beyond Zipp Road! This property should NOT be used for any commercial businesses.
4. 125 feet is way too close to our homes, and is barely enough room for another neighborhood.
5. I think having a mix of residential homes and condominiums makes a lot more sense in the grand scheme of things, when looking at the make-up of all the properties in between Klein Road and Zipp Road. And I think it would be something that many of the residents of the Ridgemont neighborhood and other adjacent properties can get behind. Why tweak the schematics of these neighborhoods just because HMT Engineering had some neat idea to bring in a couple commercial tenants? Please remove the **"MU-B" High Intensity Mixed Zoning from the proposal**. That is the most controversial piece in this whole proposal.
6. If this was the intent to bring in some more affordable housing/apartments to the area, make it housing alone, then don't saddle them next to a gas station or another mini-mart of which New Braunfels has enough.
7. Please keep the power lines out of our backyards and keep them near the newly extended Walnut Road, in between Klein & Zipp Road



Please take these objections to heart. We understand that the agricultural zone behind us won't stay that way forever as our wonderful city is growing so rapidly. But rather than radically changing the complexion of our neighborhoods and throwing up a couple of commercial properties that are unwanted and truly not needed on Klein, Walnut & Zipp, reject the usage of **"MU-B" High intensity Mixed Use Zoning** and allow this property to be a solution to what is so desperately needed in New Braunfels as you noted in a previous planning meeting: quality housing.

Sincerely,

Christopher & Jyoti Canton

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #SUP20-267 ms

Name: Christopher & Jyoti Canton

Address: 2713 Ridge Path Drive, NB TX 78130

Property number on map: 37

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

I object: X (State reason for objection) ee

Comments: (Use additional sheets if necessary)

Please read Comments on Attached sheet of paper

Signature: [Signature]

CEIVED

APR 30 2021



**From:** [Lauren Stevenson](#)  
**To:** [Matthew W. Simmont](#)  
**Subject:** Objection to Klien and zip road rezone  
**Date:** Tuesday, May 4, 2021 5:40:29 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.**

I reside at 2709 Ridge Path Dr, New Braunfels, TX 78130p with my husband Richard Stevenson. We had a death in the family this weekend and have not been able to send our objection in for the rezone for the lot near the Ridgemont subdivision. We are objecting to this new SUP due to the fact that the 125 foot buffer does not continue to Klein and leaves the back of our fence exposed to the the high intensity mixed use zone. We understand that walnut will be extended to zip and it need to have commercial front so we could get behind the deal IF the buffer extended behind our fence to Klein. It's very strange that this buffer left out two homes in the new proposal. We would also like to have the buffer extended to allow two rows of homes to be built in this buffer area. One hundred and twenty five feet is barely enough room for one row of houses.

Thank you,

Lauren Stevenson

From: [GRITSON@satx.rr.com](mailto:GRITSON@satx.rr.com)  
To: [Matthew W. Simmont](mailto:Matthew W. Simmont)  
Cc: ["britson@satx.rr.com"](mailto:britson@satx.rr.com)  
Subject: Public Hearing SUP20-267 614 & 720 W. Zipp Road  
Date: Friday, April 30, 2021 9:23:07 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 Day Mr. Simmont,

We do not oppose the current SUP20-267 as proposed where the 125 feet along the Ridgemont subdivision would be zoned for R-1A-4, ZH-A, R-2A housing. We would oppose the change if the area is changed to add MU-B housing in the 125 feet zone.

We still have concerns that even having the change to MU-B in this area would affect our home values and along with country fell of this area.

Thank you.

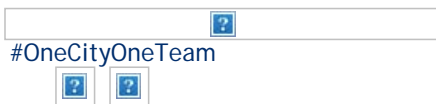
v/r Gregg & Barb Ritson  
2773 Ridge Forest Drive  
Map Property Number 42  
210-542-4825

-----  
From: "Matthew W. Simmont"R  
To: "GRITSON@satx.rr.com"  
Cc: "britson@satx.rr.com"  
Sent: Tuesday April 27 2021 10:19:00AM  
Subject: RE: Public Hearing SUP20-267 614 & 720 W. Zipp Road

Good morning,

Thank you for your questions. You are correct. If approved as requested, the area shown as hatched would not allow the MU-B zoning district (which does include apartments as an allowed use). Only the single-family or two-family zoning districts could be allowed in that area adjacent to your property.

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](http://www.nbtexas.org)

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).

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---

**From:** GRITSON@satx.rr.com <GRITSON@satx.rr.com>  
**Sent:** Monday, April 26, 2021 8:17 PM  
**To:** Matthew W. Simmont <MSimmont@nbtexas.org>  
**Cc:** 'britson@satx.rr.com' <britson@satx.rr.com>  
**Subject:** Public Hearing SUP20-267 614 & 720 W. Zipp Road

**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 Day Mr. Simmont,

We received the latest announcement for Public Hearing for 614&720 W. Zipp Road.

We were looking at the Type 2 SUP Site Plan. There is a 125' Proposed R1A-4, ZH-A, and R-2A Zoning along the fence line of our house (Spot 42).

Does this mean that the developer can only place R1A-4, ZH-A, and R-2A housing in that area? No MU-B apartments can go in that area?

Wanted to know prior to submitting comments for the meeting scheduled for 4 May 2021.

Thank you,

Gregg and Barb Ritson  
2773 Ridge Forest Drive

-----  
From: "Matthew W. Simmont"  
To: "GRITSON@satx.rr.com"  
Cc: "britson@satx.rr.com"  
Sent: Thursday January 28 2021 11:21:58AM  
Subject: RE: Public Hearing SUP20-267 614 & 720 W. Zipp Road

Mr. Ritson,

Thank you for your input. I will provide your email to the Planning Commission for consideration.

Thank you,



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

[Citizen Portal](#).

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---

**From:** GRITSON@satx.rr.com <GRITSON@satx.rr.com>  
**Sent:** Wednesday, January 27, 2021 5:52 PM  
**To:** Matthew W. Simmont <MSimmont@nbtexas.org>  
**Cc:** 'britson@satx.rr.com' <britson@satx.rr.com>  
**Subject:** Public Hearing SUP20-267 614 & 720 W. Zipp Road

**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 Mr. Simmont,

My name is Gregg Ritson. I live at 2773 Ridgemoor Forest Drive, in the Ridgemoor Subdivision our property number is 42 Ritson Barbara S. & Gregg E. in the reference notice sent out.

In response to the Notice of Public Hearing for address 614 & 720 W Zipp Road we object to the change request.

We have read the latest Notice of Public Hearing SUP20-267, while we applaud the owners for addressing concerns and eliminating categories under MU-B High Intensity Mixed Use District, we still object to allowing non residential and residential multifamily heights that reach 60 feet. These type facilities would lead to a decrease in our home values. Also the added traffic on Zipp would make that road almost unusable. Currently the road is pretty much a county road with asphalt. Since the work on Klein our subdivision in the other subdivisions on East side of Klein have used this road more often. Additionally the Bella Vista and Armadillo subdivision next us also added an exit road to Zipp Road adding traffic to this road.

We have moved to this area in 2018 to have a more of country feel to living not to have a high intensity business/industrial next door to us.

Thank you for your time and consideration.

v/r Gregg and Barb Ritson

gritson@satx.rr.com

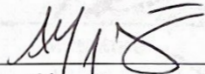
CP210-542-4825

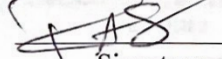
**The following petition and responses were received as a result of the original SUP request and are located outside of the 200 foot notification area.**

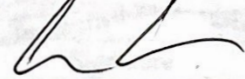
Dear Elected City Council:

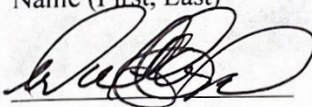
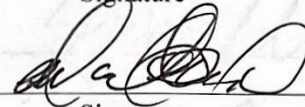
This is to inform you that residence of the Ridgemont and Legend Pong Community strongly oppose a zoning change hearing for SUP 20-267 as we DO NOT need another CONVENIENCE/MARKET STORE WITH GAS PUMPS on Klein Rd. We have serious concerns regarding the potential C-Store allowing for alcohol /tobacco product of such within distance of Klein Road Elementary. Enclosed here is a list of concern parents/residence that strongly OPPOSE SUP 20-267. Please take our input into consideration when making the decision, it affect our children!

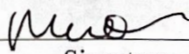
If you are opposed to the location selling tobacco and alcohol, please let us know. We represent parties interested in preventing tobacco and alcohol sales near your school. Below are the signatures of families who DO NOT want a C-store/Gas station allowing the sale of tobacco and alcohol.

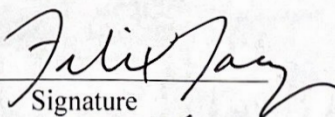
Alfred Soto Cuern	729 Rain Dance	
Name (First, Last)	Address	Signature

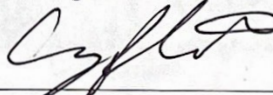
Russell A Sosa	3834 Legend Hill	
Name (First, Last)	Address	Signature

Charles Cochran	3934 Legend Woods	
Name (First, Last)	Address	Signature

	2450 Dimmitt Dr.	
Name (First, Last)	Address	Signature

DAVID COOPER Michelle Salazar	3945 Legend Pond	
Name (First, Last)	Address	Signature

Felix Tamez	2743 Wheatfield Way	
Name (First, Last)	Address	Signature

Cesar Pansiel	2838 Silo Turn	
Name (First, Last)	Address	Signature



Sean Lalley  
Name (First, Last)

162 Meadow Path  
Address

[Signature]  
Signature

Josh Reynolds  
Name (First, Last)

3925 Legend Hill  
Address

[Signature]  
Signature

Joe Ramos  
Name (First, Last)

4632 Klein Meadows  
Address

[Signature]  
Signature

Steven Kurfels  
Name (First, Last)

3930 Legend Woods  
Address

[Signature]  
Signature

Adrianna Ioya  
Name (First, Last)

4632 Klein Meadows  
Address

[Signature]  
Signature

Denise Mills  
Name (First, Last)

4062 Legend Pond  
Address

[Signature]  
Signature

GABRIEL LOERA  
Name (First, Last)

135 BASS LAKE  
Address

[Signature]  
Signature

Blake Bochmann  
Name (First, Last)

2458 McCrae  
Address

[Signature]  
Signature

Tammi Herbert  
Name (First, Last)

3912 Gentle meadow  
Address

[Signature]  
Signature

Levi Daniel  
Name (First, Last)

4531 Legend Trl  
Address

[Signature]  
Signature

Jason Wooten  
Name (First, Last)

2578 MCKEE  
Address

[Signature]  
Signature

Joshua Stewart  
Name (First, Last)

3830 Legend Hill  
Address

[Signature]  
Signature

AUGGIE OLmos  
Name (First, Last)

3932 GENTLE MEADOW  
Address

[Signature]  
Signature

Holly Andersen  
Name (First, Last)

3941 Legend Meadows  
Address

[Signature]  
Signature



<u>Lauren Anderson</u> Name (First, Last)	<u>3947 Legend Meadows</u> Address	<u>[Signature]</u> Signature
<u>Isaiah Soto</u> Name (First, Last)	<u>1841 Sunspur Rd.</u> Address New Braunfels, TX 78130	<u>[Signature]</u> Signature
<u>JOSH MAKIN</u> Name (First, Last)	<u>3838 LEGEND HILL</u> Address ND TX 78130	<u>[Signature]</u> Signature
<u>April Hessenthaler</u> Name (First, Last)	<u>3960 Legend Rock</u> Address New Braunfels TX 78130	<u>[Signature]</u> Signature
<u>Eric Pawlak</u> Name (First, Last)	<u>2826 Ridge Berry Rd</u> Address NB, TX 78130	<u>[Signature]</u> Signature
<u>Ana Belisle</u> Name (First, Last)	<u>3996 Gentle Meadows</u> Address	<u>[Signature]</u> Signature
<u>Pratay Chatter</u> Name (First, Last)	<u>3988 Legend Meadows</u> Address 78130	<u>[Signature]</u> Signature
<u>Scotty ybarra</u> Name (First, Last)	<u>111 Landing Lane</u> Address	<u>[Signature]</u> Signature
<u>Jared Pinson</u> Name (First, Last)	<u>Loussome Creek</u> Address	<u>[Signature]</u> Signature
<u>Jocelyn Pankas</u> Name (First, Last)	<u>Bulversie Rd</u> Address	<u>[Signature]</u> Signature
<u>Luis Martinez</u> Name (First, Last)	<u>Corona Ridge</u> Address	<u>[Signature]</u> Signature
<u>Anthony Santora</u> Name (First, Last)	<u>3993 Legend Pond</u> Address	<u>[Signature]</u> Signature
<u>Stephanie Stevens</u> Name (First, Last)	<u>3830 Legend HL</u> Address	<u>[Signature]</u> Signature
<u>Keith Schwaerke</u> Name (First, Last)	<u>2457 Arctic Warbler</u> Address	<u>[Signature]</u> Signature



Alexandria Schwoerke 2457 Arctic Warbler Ali Sue  
Name (First, Last) Address Signature

Lillian White 2619 Savannah Hill Lillian White  
Name (First, Last) Address Signature

Jerome Davis 2619 Savannah Hill Jerome Davis  
Name (First, Last) Address Signature

Green David 2709 Ridgeberry David Green  
Name (First, Last) Address Signature

Alecia Fite 1754 Rain Dance Alecia Fite  
Name (First, Last) Address Signature

Josh Anderson 2162 N Ranch Estate Blvd Josh Anderson  
Name (First, Last) Address Signature

Samuel Gonzalez 3926 Legends Pond Samuel Gonzalez  
Name (First, Last) Address Signature

Brandon Crim 1955 Jamie Ln Brandon Crim  
Name (First, Last) Address Signature

Crystal Wooler 2678 Lonesome Creek Trl. Crystal Wooler  
Name (First, Last) Address Signature

ROBERT NORIEGA 103 Landing Ln. Robert Noriega  
Name (First, Last) Address Signature

Daniel Keresky 2676 Pohmeyer Rd. Daniel Keresky  
Name (First, Last) Address Signature

Name (First, Last) Address Signature

Name (First, Last) Address Signature

Name (First, Last) Address Signature

**From:** [Sindy Alvarado](#)  
**To:** [Matthew W. Simmont](#)  
**Subject:** Klein and Walnut  
**Date:** Monday, February 1, 2021 9:37:44 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.**

It is with great concern that I write this email. I am opposed to YET another convenience store at Klein and Walnut. I am also opposed to multiple dwelling homes such as apartments, condos etc. As it is, our new subdivision deals with non residents using our subdivision as a short cut to pick up students from the schools. Once the sporting complex is built, we will have heavier traffic. As my city counsel member, I ask that you vote AGAINST this zoning.

Sincerely  
Senaida Alvarado  
3814 Legend Hill  
830-358-0429

**From:** [Planning Division](#)  
**To:** [Matthew W. Simmont](#)  
**Subject:** FW: SUP20-267  
**Date:** Monday, February 1, 2021 10:02:18 AM

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Please see below.

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**From:** Connie Doerr <cgdoerr@sbcglobal.net>  
**Sent:** Sunday, January 31, 2021 7:34 PM  
**To:** Planning Division <Planning@nbtexas.org>  
**Subject:** SUP20-267

**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.**

Although we do not live within 200 ft of this proposed project we do live in the Ridgemont subdivision close to this project and will be affected by it. We are an older couple that are long term residents of New Braunfels, and moved out here to support the area and the economy and infrastructure of New Braunfels. We have some concerns about what the SUP-267 will do to this area.

1. How will the developer of project access the project to build it? Will construction traffic access the property by a direct extension of Walnut across Klein Rd.? If not by direct extension of Walnut, I trust that you will not allow construction traffic to use Klein Way to Rusty Gate as the access route. That would be unacceptable to Ridgemont residents as the school uses Klein Way to pick up and return numbers of students twice a day. Our neighborhood pool amenity is also on that intersection. Klein Way is now being used by cut thru traffic from Zipp Rd. and beyond, I believe as an example, when the Veramendi Project began, the developer was only allowed to use Oak Run Parkway as an entry route to start construction of the Veramendi elementary school.

2. In looking at the on-line zoning of New Braunfels, there appears to be very few MU-B districts in New Braunfels. It seems a shame to allow one right next to the Ridgemont Subdivision in an area that is heavily residential.

We trust that you will give our concerns serious consideration and not approve this project as the developer currently requests. Thank you for your consideration.

Sincerely,  
Kermit and Connie Doerr 830-837-4184  
644 Ridgemoor Drive,  
New Braunfels, TX. 78130

**From:** [amanda garza](#)  
**To:** [Matthew W. Simmont](#)  
**Subject:** Opposition  
**Date:** Monday, February 1, 2021 8:35:32 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:

My family moved out to the area off of Klein Road to move away from the noise and congestion of downtown, the traffic, trains and etc.... We are strongly opposed to having a third gas station built on our main road behind our house. Having the Shell Station at the end of Klein Road and the Select Stop Station halfway down Klein is sufficient enough for the area. There is absolutely not a dire need for a third gas station.

Please rethink this plan as most families in our neighborhoods chose to live in the area to get away from all the “gas station at every corner” type of life. My family, neighbors and I appreciate your time and efforts in considering the thoughts of all the families surrounding the S. Walnut and Klein Road area.

Respectfully,  
Amanda Garza

Sent from my iPhone

**From:** [Shelly Hillesheim](#)  
**To:** [Matthew W. Simmont](#)  
**Subject:** Opposition to Zoning Change for SUP 20-267  
**Date:** Tuesday, February 2, 2021 9:57:36 AM

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**Caution: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Hello Matthew,

I am emailing to object to the proposed zoning change near the intersection of S. Walnut Avenue and W. Klein Road.

Please let me know if you have any questions or concerns.

Thank you,

Shelly Hillesheim  
775.340.2694

**From:** [Jessica Hillesheim](#)  
**To:** [Matthew W. Simmont](#)  
**Subject:** Objection to Zone Change SUP 20-267  
**Date:** Tuesday, February 2, 2021 11:09:10 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.**

Hello,

I object to the proposed zoning change near South Walnut and West Klein Road.

Thank you,  
Jessica Hillesheim

**From:** [Morgan Lakinske](#)  
**To:** [Matthew W. Simmont](#); [Planning Division](#)  
**Subject:** #SUP20-267  
**Date:** Wednesday, January 27, 2021 10:57:25 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.**

Hello,

My name is Morgan Lakinske and I live at 632 Ridge Maze rd, new braunfels tx, 78130. We recently moved in and have not received the notice by mail yet so thought we would make contact here. My household would like to submit our objection for the rezoning case# SUP20-267. We believe that this area should continue to be single family homes and ranches/land. The roads surrounding are not suitable to be adding apartments or businesses. also the klein road is currently being redone and a new construction on this road will damage what improvements are already underway.

Thank you,  
Morgan Lakinske



**From:** [Albert Martinez](#)  
**To:** [Matthew W. Simmont](#)  
**Subject:** Proposal of gas station on Walnut/Klein  
**Date:** Monday, February 1, 2021 8:34:37 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.**

I oppose this proposal, so many other options, the community doesn't need a third gas station.

**From:** [ricky.minjares](#)  
**To:** [Matthew W. Simmont](#)  
**Subject:** Rezoning of SUP20-267  
**Date:** Monday, February 1, 2021 7:09:53 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.

Concerning the rezoning, I am the owner of 2848 Klein way, in the ridgemont community. And object to have construction of an apartment community next door. With concerns of traffic, light pollution, and possible future builds, does not fit will with the area. And I do not want this to have an impact on my property.

**From:** [Krissy Mora](#)  
**To:** [Matthew W. Simmont](#)  
**Subject:** Objection for Re-Zoning  
**Date:** Monday, February 1, 2021 9:25:46 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.**

Good Evening Mr. Simmont,

My family and I were referred to you by Morgan Renaud regarding the re-zoning of the land on the corner of Klein and Walnut. We are absolutely against the re-zoning and happy to help with whatever we can to ensure that this does not go through. Please let me know how we can help. Thank you.

Warm Regards,  
Kristine Morales

144 Bass Lane  
New Braunfels, TX 78130

(201) 208-5721

[Sent from Yahoo Mail for iPhone](#)

**From:** [Molly Peterson](#)  
**To:** [Matthew W. Simmont](#)  
**Subject:** Convenience Store  
**Date:** Monday, February 1, 2021 8:56:44 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,

I live in Preston Estates and oppose the building of another convenience store. Klein has to much traffic as it is.

Thank you,  
Molly Peterson

**From:** [Lindsey Purchase](#)  
**To:** [Matthew W. Simmont](#)  
**Subject:** Lot proposal  
**Date:** Monday, February 1, 2021 7:25:22 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.**

The Purchase Family of 2766 Ridgeforest Drive (Ridgemont Development)

I object to the the proposed lot rezoning SUP20-267 due to the decrease in home value it would cause, the distribution of an apartment complex type of lifestyle, cars driving in and out all times during the day, increased traffic around our quiet area, school crowdedness, security, construction for a few years, and the lack of knowing if the environment will be safe and secure for our son. We didn't want to live by apartments which is why we bought in this quiet area.

Thank you for your time,

The Purchases

**From:** [John Robertson](#)  
**To:** [Matthew W. Simmont](#)  
**Subject:** OPPOSE SUP 20-267  
**Date:** Monday, February 1, 2021 10:13:53 AM  
**Attachments:** OPPOSE 20-267.pdf

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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 Sir,

I wanted to email you to let you know that communities and both Ridemont and Legend Pond are strongly OPPOSE SUP 20-267 to allow another C-store on Klein Rd. This is a major blow to our community and to the safety of our children that attend Klein Road Elementary. We have spoken to the School principal, school board members, and other levels of management to ensure the school understands the immediate concerns we have with this SUP 20-267. They oppose it as well! Enclosed are signatures of FAMILIES that DO NOT WANT ANOTHER C-STORE NEAR OUR KIDS SCHOOL!!

Hope you take your citizens' feedback in making your decision. This impacts our families and well being of our children.

JR.

**From:** [Jessi Smallwood](#)  
**To:** [Matthew W. Simmont](#); [Planning Division](#); [Justin Meadows](#)  
**Subject:** Objection to Case: #SUP20-267 ms  
**Date:** Saturday, January 30, 2021 1:23:21 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.**

**Case: #SUP20-267 ms**

Name: Jessi Smallwood  
Address: 2804 Klein Way, New Braunfels, TX 78130

**I OBJECT to this proposal** for the following reasons: The negative impact it would have on our community's safety, property values, peace, privacy, schools, and traffic flow.

There is no need for 3 gas stations on the same road within .5 mile of eachother. It is a breech of privacy and it will have a negative impact on our property values for multi-level housing to overlook our backyards in a \$300,000+ neighborhood, and our community pool area. A small 6 foot wall would not even remotely bring privacy our property value security to our homeowners. It is also incredibly dangerous and disruptive to have so much more traffic in this area, especially considering the conditions of our small roads, and all of the school children walking and riding the bus to/from school. All surrounding roads (S Walnut, Klein, Zipp, etc.) are very small, and they in horrible shape as it is. Our schools in this area are BUSTING AT THE SEAMS! Children are being transferred to other schools because there is no room for them at their zoned schools. Just call and ask anyone at NBISD. It is a mess, and has been for some time now.

The list truly goes on and on. This proposal does not benefit anyone living or working in this area, and we really hope you listen to the people and all of our rightful concerns.

Thank you,  
Jessi Smallwood  
Ridgemont Homeowner



**From:** [Daycon Smallwood](#)  
**To:** [Matthew W. Simmont](#)  
**Subject:** Case: #SUP20-267 ms  
**Date:** Monday, February 1, 2021 7:24:28 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: #SUP20-267 ms**

Name: Daycon Smallwood  
Address: 2804 Klein Way, New Braunfels, TX 78130

**I OBJECT to this proposal** for the following reasons: The negative impact it would have on our community's safety, lower property values, peace, privacy concerns, traffic flow, families moving out of the neighborhood, homes being on the market for extended time, raised crime, less security, resident population, school crowdedness, additional traffic issues, utility issues, impacts of communication structure, parking, services interrupted, sunlight reduced, light from new area, obstructed views, noise, rain runoff issues, damage to roads, construction for a few years, interference with emergency services for our area, and the environment impact to the animals that are still in this area.

This proposal does not benefit anyone living or working in this area, and we really hope you listen to the people and our concerns.

Thank you,  
Daycon Smallwood  
Ridgemont Homeowner

**From:** [Tracy Sparks](#)  
**To:** [Matthew W. Simmont](#)  
**Subject:** SUP 20-267  
**Date:** Monday, February 1, 2021 8:38:35 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, Tracy Sparks, home owner at 3932 Gentle Meadow am opposition to the zoning change for SUP 20-267.

If you have an questions please feel free to contact me.

Thank you,  
Tracy Sparks

**From:** [Christopher Tuch](#)  
**To:** [Matthew W. Simmont](#)  
**Subject:** Walnut/Klein Rezoning  
**Date:** Monday, February 1, 2021 9:47:22 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, I'm writing you to voice my objection to the rezoning plans for the land where Walnut St and Klein Rd meet. As someone who was born and raised in New Braunfels, I have seen my home town grow exponentially without the proper amount of land set aside for parks and green spaces. For a city this size, there should be far more parks and undeveloped areas. Also, as a resident of the neighboring Ridgemont neighborhood, I'm concerned about the type and amount of businesses and houses that may go up. This will only add to the amount of overcrowding our city already experiences.

Chris Tuch  
647 Ridgehorn Dr  
NB 78130

**From:** [Matthew Vestal](#)  
**To:** [Matthew W. Simmont](#)  
**Subject:** SUP 20-267 Zoning Change Support  
**Date:** Monday, February 1, 2021 9:18:38 PM

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Caution: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

My name is Matthew Vestal, I live at 132 Bass Lane, and I support the above mentioned Special Use Permit. The owner of the Valero directly behind my house is trying to gather neighborhood support to oppose this zoning change, but I support it. The current gas station has a full monopoly for Legend Point, The Silos, Highland Ridge, South Point, Park Place, Walnut Grove, etc. if other gas stations are not allowed to come in and develop. I support this zoning change to bring more opportunity to the area.

Thank you.

## Draft Minutes for the May 4, 2021 Planning Commission Regular Meeting

**B) SUP20-267 Public hearing and recommendation to City Council regarding a proposed rezoning to apply a Special Use Permit to allow a variety of residential and non-residential development on approximately 49.5 acres out of the A-103, Sarah Dewitt Survey, addressed at 514 & 720 W. Zipp Road, from “R-1A-6.6” Single Family District to allow uses allowed in the following zoning districts: “MU-B” High Intensity Mixed Use, “R-1A-4” Single-Family Small Lot Residential, “ZH-A” Zero Lot Line Home and “R-2A” Single and Two-Family Residential. Applicant: Thor Thornhill, HMT Engineering & Surveying; Owner: Gregory Family Revocable Trust, Rosemarie L Gregory; Case Manager: Matthew Simmont.**

Mr. Simmont presented and recommended approval.

Chair Edwards asked if there were any questions for staff.

Discussion followed on additional information provided prior to the meeting.

Chair Edwards asked if the applicant would like to speak.

Caren Williams-Murch, 144 Sage Meadows, provided clarification on the project to address concerns from surrounding residents and the city.

Discussion followed on two story structures, the type of housing allowed, and proposed Walnut alignment.

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

Chris Canton, 2713 Ridge Path Dr, stated opposition to the request citing transportation, land use.

William Rodgers, 16 La Mesa Dr, stated opposition to the request in line with prior comments.

Jyoti Canton, 2713 Ridge Path Dr, stated opposition to the request in line with prior comments.

Lauren Stevenson, 2709 Ridge Path Dr, stated they are not opposed to the request so long as the residential buffer is maintained and cited concerns with the development.

Kristen York, 2757 Ridgeforest Dr, asked about a pre-existing easement along the rear of the residential development.

Glen Young, 2749 Ridgeforest, stated opposition to the request citing surrounding neighborhood context and in line with prior comments.

Robert & Kelly Yanez, 2761 Ridgeforest Dr, stated opposition in line with prior comments.

Chair Edwards closed the public hearing.

Discussion followed on the difference between a Planned Development District and SUP and further clarification on lot dimensions and easements.

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

Motion by Vice Chair Laskowski, seconded by Commissioner Meyer, to recommend approval to City Council of the proposed rezoning to apply a Special Use Permit to allow a variety of residential and non-residential development on approximately 49.5 acres out of the A-103, Sarah Dewitt Survey, addressed at 514 & 720 W. Zipp Road, from “R-1A-6.6” Single Family District to allow uses allowed in the following zoning districts: “MU-B” High Intensity Mixed Use, “R-1A-4” Single-Family Small Lot Residential, “ZH-A” Zero Lot Line Home and “R-2A” Single and Two-Family Residential with conditions to extend the 125-foot wide R-

1A-4, ZH-A, and R-2A residential to the North East corner of 2705 Ridge Path Dr, and include a detention pond adjacent to the Ridgemont Subdivision and W Klein Rd, and to not allow windows or balconies on second story residences facing the Ridgemont subdivision. Motion carried (7-0-1) with Commissioner Tubb in opposition.

DRAFT

P = Permitted Use	Existing	Proposed	Proposed	Proposed	Proposed
	R-1A-6.6	R-1A-4	R-2A	ZH-A	MU-B
Accessory building/structure (see section 144-5.4)	P	P	P	P	P
Accessory dwelling (one accessory dwelling per lot, no kitchen)	P	P	P	P	
Accounting, auditing, bookkeeping, and tax preparations					P
Acid manufacture					
Adult day care (no overnight stay)					P
Adult day care (with overnight stay)					P
Aircraft support and related services					
Airport					
All-terrain vehicle (ATV) dealer/sales					
Ambulance service (private)					P
Amphitheaters (outdoor live performances)					
Amusement devices/arcade (four or more devices)					P
Amusement services or venues (indoors) (see section 144-5.13)					P
Amusement services or venues (outdoors)					P
Animal grooming shop					P
Answering and message services					P
Antique shop					P
Appliance repair					P
Archery range					
Armed services recruiting center					P
Art dealer/gallery					P
Artist or artisans studio					P
Assembly/exhibition hall or areas					P
Assisted living facility/retirement home					P
Athletic fields					
Auction sales (non-vehicle)					P
Auto body repair, garages (see section 144-5.11)					
Auto glass repair/tinting (see section 144-5.11)					
Auto interior shop/upholstery (see section 144-5.11)					
Auto leasing					P
Auto muffler shop (see section 144-5.11)					
Auto or trailer sales rooms or yards (see section 144-5.12)					
Auto or truck sales rooms or yards—Primarily new (see section 144-5.12)					
Auto paint shop					
Auto repair as an accessory use to retail sales					P
Auto repair garage (general) (see section 144-5.11)					
Auto supply store for new and factory rebuilt parts					P
Auto tire repair/sales (indoor)					P
Auto wrecking yards					
Automobile driving school (including defensive driving)					P
Bakery (retail)					P
Bank, savings and loan, or credit union					P
Bar/tavern (no outdoor music)					P
Bar/tavern					P



Barber/beauty college (barber or cosmetology school or college)					P
Barber/beauty shop, haircutting (non-college)					P
Barns and farm equipment storage (related to agricultural uses)	P	P	P	P	P
Battery charging station					P
Bed and breakfast inn (see section 144-5.6)					P
Bicycle sales and/or repair					P
Billiard/pool facility					P
Bingo facility					P
Bio-medical facilities					P
Blacksmith or wagon shops					P
Blooming or rolling mills					
Boarding house/lodging house					P
Book binding					P
Book store					P
Bottling or distribution plants (milk)					
Bottling works					
Bowling alley/center (see section 144-5.13)					
Breweries/distilleries and manufacture of alcohol and alcoholic beverages					
Broadcast station (with tower) (see section 144-5.7)					
Bulk storage of gasoline, petroleum products, liquefied petroleum and flammable liquids (see section 5.27)					
Bus barns or lots					
Bus passenger stations					
Cabin or cottage (rental)					
Cabin or cottage (rental for more than 30 days)					
Cafeteria/cafe/delicatessen					P
Campers' supplies					P
Campgrounds					
Canning/preserving factories					
Car wash (self-service; automated)					P
Car wash, full service (detail shop)					P
Carpenter, cabinet, or pattern shops					P
Carpet cleaning establishments					P
Caterer					P
Cement, lime, gypsum or plaster of Paris manufacture					
Cemetery and/or mausoleum			P		P
Check cashing service					P
Chemical laboratories (e.g., ammonia, bleaching powder)					
Chemical laboratories (not producing noxious fumes or odors)					P
Child day care/children's nursery (business)					P
Church/place of religious assembly	P	P	P	P	P
Cider mills					
Civic/conference center and facilities					P
Cleaning, pressing and dyeing (non-explosive fluids used)					P
Clinic (dental)					P
Clinic (emergency care)					P
Clinic (medical)					P

Club (private)					P
Coffee shop					P
Cold storage plant					P
Commercial amusement concessions and facilities					
Communication equipment—Installation and/or repair					P
Community building (associated with residential uses)	P	P	P	P	
Community home (see definition)	P	P	P	P	P
Computer and electronic sales					P
Computer repair					P
Concrete or asphalt mixing plants—Permanent					
Concrete or asphalt mixing plants—Temporary					
Confectionery store (retail)					P
Consignment shop					P
Contractor's office/sales, with outside storage including vehicles					
Contractor's temporary on-site construction office	P	P	P	P	P
Convenience store with gas sales					P
Convenience store without gas sales					P
Cotton ginning or baling works					
Country club (private)					P
Credit agency					P
Crematorium					
Curio shops					P
Custom work shops					P
Dance hall/dancing facility (see section 144-5.13)					
Day camp					P
Department store					P
Distillation of bones					
Dormitory (in which individual rooms are for rental)					P
Drapery shop/blind shop					P
Driving range					
Drug store/pharmacy					P
Duplex/two-family/duplex condominiums			P		
Electrical generating plant					
Electrical repair shop					P
Electrical substation					P
Electronic assembly/high tech manufacturing					
Electroplating works					
Enameling works					
Engine repair/motor manufacturing re-manufacturing and/or repair					
Explosives manufacture or storage					
Exterminator service					P
Fairground					
Family home adult care	P	P	P	P	
Family home child care	P	P	P	P	
Farmers market (produce market—wholesale)					P
Farms, general (crops) (see chapter 6 and section 144-5.9)	P	P	P	P	P

Farms, general (livestock/ranch) (see chapter 6 and section 144-5.9)	P	p	P	p	P
Feed and grain store					P
Fertilizer manufacture and storage					
Filling station (gasoline tanks must be below the ground)					P
Florist					P
Flour mills, feed mills, and grain processing					
Food or grocery store with gasoline sales					P
Food or grocery store without gasoline sales					P
Food processing (no outside public consumption)					P
Forge (hand)					
Forge (power)					
Fraternal organization/civic club (private club)					P
Freight terminal, rail/truck (when any storage of freight is wholly outside an enclosed building)					
Freight terminal, truck (all storage of freight in an enclosed building)					
Frozen food storage for individual or family use					P
Funeral home/mortuary					P
Furniture manufacture					
Furniture sales (indoor)					P
Galvanizing works					
Garbage, offal or dead animal reduction or dumping					
Garden shops and greenhouses					P
Gas manufacture					
Gas or oil wells					
Golf course (public or private)	P	P	P	P	
Golf course (miniature)					
Government building or use with no outside storage (outside storage allowed in M-2 and M-2A)	P	P	P	P	P
Grain elevator					
Greenhouse (commercial)					P
Handicraft shop					P
Hardware store					P
Hay, grain, and/or feed sales (wholesale)					
Health club (physical fitness; indoors only)					P
Heating and air-conditioning sales/services					P
Heavy load (farm) vehicle sales/repair (see section 144-5.14)					
Heavy manufacturing					
Heliport					
Hides/skins (tanning)					
Home occupation (see section 144-5.5)	P	P	P	P	P
Home repair and yard equipment retail and rental outlets					
Hospice					P
Hospital, general (acute care/chronic care)					P
Hospital, rehabilitation					P
Hotel/motel					P
Hotels/motels—Extended stay (residence hotels)					P
Ice delivery stations (for storage and sale of ice at retail only)					P

Ice plants					P
Indoor or covered sports facility					
Industrial laundries					
Iron and steel manufacture					
Junkyards, including storage, sorting, baling or processing of rags					
Kiosk (providing a retail service)					P
Laboratory equipment manufacturing					
Laundromat and laundry pickup stations					P
Laundry, commercial (without self-serve)					P
Laundry/dry cleaning (drop off/pick up)					P
Laundry/washateria (self-serve)					P
Lawnmower sales and/or repair					P
Leather products manufacturing					
Light manufacturing					
Limousine/taxi service					P
Livestock sales/auction					
Locksmith					P
Lumber mill					
Lumberyard (see section 144-5.15)					
Lumberyard or building material sales (see section 144-5.15)					
Machine shop					
Maintenance/janitorial service					P
Major appliance sales (indoor)					P
Manufacture of carbon batteries					
Manufacture of paint, lacquer, oil, turpentine, varnish, enamel, etc.					
Manufacture of rubber, glucose, or dextrin					
Manufactured home—HUD Code compliant (see Texas Occupations Code ch. 1201)					
Manufactured home park—HUD Code compliant (see Texas Occupations Code ch. 1201)					
Manufactured home subdivision—HUD Code compliant (see Texas Occupations Code ch. 1201)					
Manufactured home sales					
Manufacturing and processes					
Manufacturing processes not listed					
Market (public, flea)					P
Martial arts school					P
Meat or fish packing/storage plants					
Medical supplies and equipment					P
Metal fabrication shop					
Micro brewery (onsite mfg. and/or sales)					P
Mini-warehouse/self-storage units (no boat and RV storage permitted)					P
Mini-warehouse/self-storage units with outside boat and RV storage					P
Monument, gravestone, or marble works (manufacture)					
Motion picture studio, commercial film					P
Motion picture theater (indoors)					P
Motion picture theater (outdoors, drive-in)					P

Motorcycle dealer (primarily new/repair)					
Moving storage company					P
Moving, transfer, or storage plant					
Multifamily (apartments/condominiums)					P
Museum					P
Natural resource extraction and mining					
Needlework shop					P
Nonbulk storage of gasoline, petroleum products and liquefied petroleum					P
Nursing/convalescent home/sanitarium					P
Offices, brokerage services					P
Offices, business or professional					P
Offices, computer programming and data processing					P
Offices, consulting					P
Offices, engineering, architecture, surveying or similar					P
Offices, health services					P
Offices, insurance agency					P
Offices, legal services, including court reporting					P
Offices, medical offices					P
Offices, real estate					P
Offices, security/commodity brokers, dealers, exchanges and financial services					P
Oil compounding and barreling plants					
One-family dwelling, detached	P	P	P		
Outside storage (as primary use)					
Paint manufacturing					
Paper or pulp manufacture					
Park and/or playground (private and public)	P	P	P	P	P
Parking lots (for passenger car only) (not as incidental to the main use)					P
Parking structure/public garage					P
Pawn shop					P
Personal watercraft sales (primarily new/repair)					P
Pet shop/supplies (less than 10,000 sq. ft.)					P
Pet store (over 10,000 sq. ft.)					P
Petroleum or its products (refining of)					
Photo engraving plant					P
Photographic printing/duplicating/copy shop or printing shop					P
Photographic studio (no sale of cameras or supplies)					P
Photographic supply					P
Plant nursery (no retail sales on site)					P
Plant nursery (retail sales/outdoor storage)					P
Plastic products molding/reshaping					P
Plumbing shop					P
Portable building sales					
Poultry killing or dressing for commercial purposes					
Propane sales (retail)					P
Public recreation/services building for public park/playground areas	P	P	P		P

Publishing/printing company (e.g., newspaper)					P
Quick lube/oil change/minor inspection					P
Radio/television shop, electronics, computer repair					P
Railroad roundhouses or shops					
Rappelling facilities					
Recreation buildings (private)					P
Recreation buildings (public)	P	P	P	P	P
Recycling kiosk					P
Refreshment/beverage stand					P
Rental or occupancy for less than one month (see section 144-5.17)					P
Research lab (non-hazardous)					P
Residential use in buildings with non-residential uses permitted in the district					P
Restaurant/prepared food sales					P
Restaurant with drive-through service					P
Retail store and shopping center without drive-through service (50,000 sq. ft. bldg. or less)					P
Retail store and shopping center with drive-through service (50,000 sq. ft. bldg. or less)					P
Retail store and shopping center (more than 50,000 sq. ft. bldg.)					P
Retirement home/home for the aged					P
Rock crushers and rock quarries					
Rodeo grounds					P
RV park					
RV/travel trailer sales					
Sand/gravel sales (storage or sales)					
School, K-12 public or private	P	P	P	P	P
School, vocational (business/commercial trade)					P
Security monitoring company (no outside storage or installation)					P
Security systems installation company					P
Sexually oriented business (see chapter 18)					
Sheet metal shop					
Shoe repair shops					P
Shooting gallery—Indoor (see section 144-5.13)					
Shooting range—Outdoor (see section 144-5.13)					
Shopping center					P
Sign manufacturing/painting plant					
Single-family industrialized home (see section 144-5.8)	P	P	P	P	
Smelting of tin, copper, zinc or iron ores					
Specialty shops in support of project guests and tourists					P
Stables (as a business) (see chapter 6)					
Stables (private, accessory use) (see chapter 6)					
Steel furnaces					
Stockyards or slaughtering					
Stone/clay/glass manufacturing					
Storage—Exterior storage for boats and recreational vehicles					
Storage in bulk					
Structural iron or pipe works					

Studio for radio or television, without tower (see zoning district for tower authorization)					
Studios (art, dance, music, drama, reducing, photo, interior decorating, etc.)					P
Sugar refineries					
Tailor shop (see home occupation)					P
Tar distillation or manufacture					
Tattoo or body piercing studio					P
Taxidermist					P
Telecommunications towers/antennas (see section 144-5.7)					
Telemarketing agency					P
Telephone exchange buildings (office only)					P
Tennis court (commercial)					P
Theater (non-motion picture; live drama)					P
Tire sales (outdoors)					
Tool rental					P
Townhouse (attached)					P
Transfer station (refuse/pick-up)					P
Travel agency					P
Truck or transit terminal					
Truck stop					
Tuber entrance and takeout facilities (see section 144-5.13)					
University or college (public or private)					P
Upholstery shop (non-auto)					P
Used or second hand merchandise/furniture store					
Vacuum cleaner sales and repair					P
Vehicle storage facility					
Veterinary hospital (no outside animal runs or kennels)					P
Veterinary hospital (with outdoor animal runs or kennels that may not be used between the hours of 9:00 p.m. and 7:00 a.m.)					
Video rental/sales					P
Warehouse/office and storage/distribution center					
Waterfront amusement facilities—Berthing facilities sales and rentals					P
Waterfront amusement facilities—Boat fuel storage/dispensing facilities					P
Waterfront amusement facilities—Boat landing piers/launching ramps					P
Waterfront amusement facilities—Swimming/wading pools/bathhouses					P
Water storage (surface, underground or overhead), water wells and pumping stations that are part of a public or municipal system	P	P	P	P	P
Welding shop					
Wholesale sales offices and sample rooms					
Wire or rod mills					
Wood distillation plants (charcoal, tar, turpentine, etc.)					
Woodworking shop (ornamental)					P
Wool scouring					
Zero lot line/patio homes				P	



## Special Use Permit Conditions / Development Standards

1. A master plan of the subject property shall include the location and extent of the base zoning district areas for its entirety.
2. The maximum building height within the “MU-B” High Intensity Mixed Use zoning district shall be 60 feet for non-residential and multifamily use.
3. A sidewalk that is at least 10 feet in width is required on the southwest side of Walnut Avenue. The sidewalk is to be separated from the roadway by a landscaping area of at least 7 feet in width (furnishing zone).
4. Street trees (1, minimum 3-inch diameter for every 40 feet of roadway frontage) are required to be planted in the furnishing zone. If street trees are not permitted within the furnishing zone due to utility easement restrictions, they must be planted no more than 10 feet from the edge of the required sidewalk. The street trees requirement fulfills the landscaping requirements under Section 144-5.3-1(b)(7)(i)(2), City of New Braunfels Code of Ordinances – *Street Frontage Trees and Shrubs*.
5. During the design phase of the extension of Walnut Avenue, if it is determined that the developer is to install landscaped medians, the medians will include code- and city spec-compliant irrigation for the City’s long-term maintenance.
6. No balconies will be allowed to face Ridgemont, Units 1, 2B or 4 on the second story of any structure located on property abutting Ridgemont, Units 1, 2B or 4.
7. Only translucent or clerestory window types will be allowed to face Ridgemont, Units 1, 2B or 4 on the second story of any structure located on property abutting Ridgemont, Units 1, 2B or 4.
8. All other zoning standards and requirements in Chapter 144, City of New Braunfels Code of Ordinances shall apply independently to each base zoning district.
9. The following list of uses, normally allowed in the “MU-B” High Intensity Mixed Use District, are removed from the base zoning district “MU-B” High Intensity Mixed Use:

Aircraft support and related services	manufacturing and/or repair
Airport	Fairground
All terrain vehicle (ATV) dealer/sales	Forge (hand)
Amphitheater	Forge (power)
Archery range	Freight terminal, rail/truck
Athletic fields	Freight terminal, truck
Auto body repair, garages	Furniture manufacture
Auto glass repair/tinting	Galvanizing works
Auto interior shop / upholstery	Golf course (public, private or miniature)
Auto muffler shop	Heavy load (farm) vehicle sales/repair
Auto or trailer sales rooms or yards	Heliport
Auto or truck sales rooms or yards – new	Home repair and yard equipment retail and rental outlets
Auto paint shop	Industrial laundries
Auto repair garage (general)	Laboratory equipment manufacturing
Bottling or distribution plants (milk)	Leather products manufacturing
Bottling works	Light manufacturing
Bowling alley/center	Lumberyard
Broadcast station (with tower)	Lumberyard or building material sales
Bus barns or lots	Machine shop
Bus passenger stations	Manufactured home sales
Commercial amusement concessions and facilities	Manufacturing and processes
Contractor’s office/sales, with outside storage including vehicles	Metal fabrication shop
Dance hall / dancing facility (not to include a dancing studio for students)	Motorcycle dealer (primarily new/repair)
Driving range	Moving, transfer, or storage plant
Electronic assembly / high tech manufacturing	Outside storage (as primary use)
Electroplating works	Portable building sales
Engine repair/motor manufacturing re-	Rappelling facilities
	Rodeo grounds
	RV park

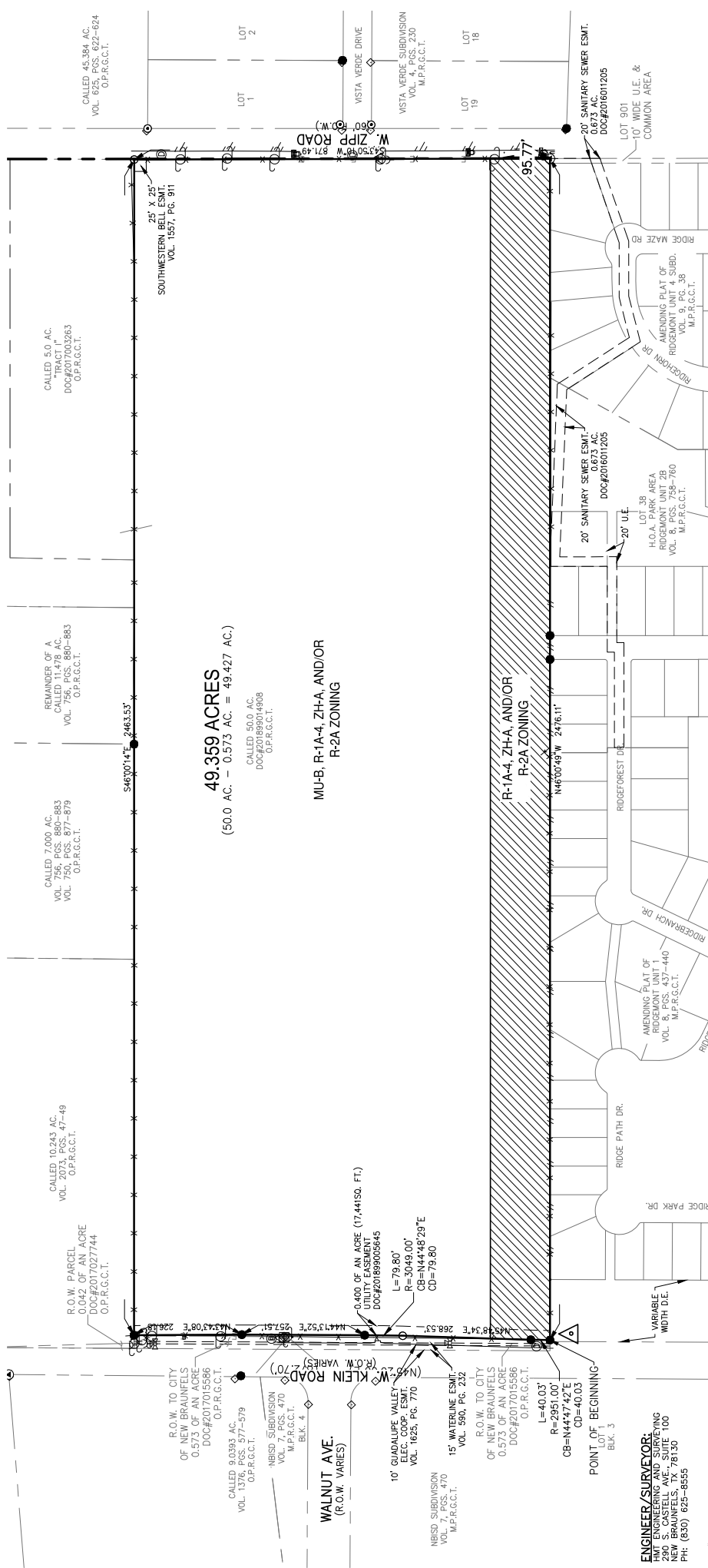
RV/travel trailer sales  
Sheet metal shop  
Shooting gallery - Indoor  
Sign manufacturing/painting plant  
Storage – Exterior storage for boats and recreational vehicles  
Storage in bulk  
Studio for radio or television (with tower)  
Tire sales (outdoors)

Truck or transit terminal (with outside storage)  
Used or second hand merchandise/furniture store  
Veterinary hospital with outside animal runs or kennels  
Warehouse/office and storage/distribution center  
Welding shop  
Wholesale sales offices and sample room

# LEGEND

- = FND 1/2" IRON PIN W/ CAP "RPLS 4907"
- = UNLESS OTHERWISE NOTED
- = SET 1/2" IRON PIN W/ CAP STAMPED "HMT"
- = FND. NAIL
- = FND. 1" PIPE
- B.L. = BUILDING SETBACK LINE
- U.E. = UTILITY EASEMENT
- D.E. = DRAINAGE EASEMENT
- R.O.W. = RIGHT-OF-WAY
- ( ) = RECORD CALLS
- E — = OVERHEAD ELECTRIC
- W — = WIRE FENCE
- X — = WOOD FENCE
- / — = EDGE OF ASPHALT
- = CONCRETE
- = GRAVEL
- = TRANSFORMER
- △ = TELEPHONE PEDESTAL
- △ = CABLE PEDESTAL
- △ = POWER POLE W/ CONDUIT
- △ = POWER POLE
- △ = GUY ANCHOR
- △ = FIRE HYDRANT
- △ = STORM DRAIN MANHOLE
- △ = MAILBOX
- △ = OFFICIAL PUBLIC RECORDS OF GUADALUPE COUNTY, TEXAS
- △ = MAP & PLAT RECORDS OF GUADALUPE COUNTY, TEXAS

## TYPE 2 SUP SITE PLAN



**ENGINEER/SURVEYOR:**  
HMT  
290 S. CASTELL AVE., STE. 100  
NEW BRAUNFELS, TX 78130  
TYPE FIRM F-10961  
PH: (830) 625-8555

**HMT**  
ENGINEERING & SURVEYING  
290 S. CASTELL AVE., STE. 100  
NEW BRAUNFELS, TX 78130  
TYPE FIRM F-10961  
IBPLS FIRM 10153800

**ORDINANCE NO. 2021-**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS GRANTING A TYPE 2 SPECIAL USE PERMIT TO ALLOW A VARIETY OF RESIDENTIAL AND NON-RESIDENTIAL DEVELOPMENT ON APPROXIMATELY 49.5 ACRES OUT OF THE A-103, SARAH DEWITT SURVEY, ADDRESSED AT 614 & 720 WEST ZIPP 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 a variety of residential and non-residential development; 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 614 & 720 W. Zipp Road, to allow uses allowed in the following zoning districts: "MU-B" High Intensity Mixed Use. "R-1A-4" Single-Family Small Lot Residential, "ZH-A" Zero Lot Line Home and "R-2A" Single and Two-Family Residential; **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:

Approximately 49.5 acres out of the A-103 Sarah Dewitt Survey, addressed at 614 & 720 West Zipp Road, as delineated on Exhibit "A" and described in Exhibit "B", attached.

## SECTION 2

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

1. A master plan of the subject property shall include the location and extent of the base zoning district areas for its entirety.
2. The maximum building height within the “MU-B” High Intensity Mixed Use zoning district shall be 60 feet for non-residential and multifamily use.
3. A sidewalk that is at least 10 feet in width is required on the southwest side of Walnut Avenue. The sidewalk is to be separated from the roadway by a landscaping area of at least 7 feet in width (furnishing zone).
4. Street trees (1, minimum 3-inch diameter for every 40 feet of roadway frontage) are required to be planted in the furnishing zone. If street trees are not permitted within the furnishing zone due to utility easement restrictions, they must be planted no more than 10 feet from the edge of the required sidewalk. The street trees requirement fulfills the landscaping requirements under Section 144-5.3-1(b)(7)(i)(2), City of New Braunfels Code of Ordinances – *Street Frontage Trees and Shrubs*.
5. During the design phase of the extension of Walnut Avenue, if it is determined that the developer is to install landscaped medians, the medians will include code- and city spec-compliant irrigation for the City's long-term maintenance.
6. No balconies will be allowed to face Ridgemoor, Units 1, 2B or 4 on the second story of any structure located on property abutting Ridgemoor, Units 1, 2B or 4.
7. Only translucent or clerestory window types will be allowed to face Ridgemoor, Units 1, 2B or 4 on the second story of any structure located on property abutting Ridgemoor, Units 1, 2B or 4.
8. Development is to be allowed in compliance with the approved site plan, Exhibit “C”. All other zoning standards and requirements in Chapter 144, City of New Braunfels Code of Ordinances shall apply independently to each base zoning district.
9. The following list of uses, normally allowed in the “MU-B” High Intensity Mixed Use District, are removed from the base zoning district “MU-B” High Intensity Mixed Use:

Aircraft support and related services  
Airport  
All terrain vehicle (ATV) dealer/sales  
Amphitheater  
Archery range  
Athletic fields  
Auto body repair, garages  
Auto glass repair/tinting  
Auto interior shop / upholstery  
Auto muffler shop  
Auto or trailer sales rooms or yards  
Auto or truck sales rooms or yards – new  
Auto paint shop  
Auto repair garage (general)  
Bottling or distribution plants (milk)  
Bottling works  
Bowling alley/center  
Broadcast station (with tower)  
Bus barns or lots  
Bus passenger stations  
Commercial amusement concessions and facilities  
Contractor's office/sales, with outside storage including vehicles

Dance hall / dancing facility (not to include a dancing studio for students)  
Driving range  
Electronic assembly / high tech manufacturing  
Electroplating works  
Engine repair/motor manufacturing re-manufacturing and/or repair  
Fairground  
Forge (hand)  
Forge (power)  
Freight terminal, rail/truck  
Freight terminal, truck  
Furniture manufacture  
Galvanizing works  
Golf course (public, private or miniature)  
Heavy load (farm) vehicle sales/repair  
Heliport  
Home repair and yard equipment retail and rental outlets  
Industrial laundries  
Laboratory equipment manufacturing  
Leather products manufacturing  
Light manufacturing  
Lumberyard

Lumberyard or building material sales  
Machine shop  
Manufactured home sales  
Manufacturing and processes  
Metal fabrication shop  
Motorcycle dealer (primarily new/repair)  
Moving, transfer, or storage plant  
Outside storage (as primary use)  
Portable building sales  
Rappelling facilities  
Rodeo grounds  
RV park  
RV/travel trailer sales  
Sheet metal shop

Shooting gallery - Indoor  
Sign manufacturing/painting plant  
Storage – Exterior storage for boats and recreational vehicles  
Storage in bulk  
Studio for radio or television (with tower)  
Tire sales (outdoors)  
Truck or transit terminal (with outside storage)  
Used or second hand merchandise/furniture store  
Veterinary hospital with outside animal runs or kennels  
Warehouse/office and storage/distribution center  
Welding shop  
Wholesale sales offices and sample room

### **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 24<sup>th</sup> day of May, 2021.

**PASSED AND APPROVED:** Second reading this 14<sup>th</sup> day of June, 2021.

**CITY OF NEW BRAUNFELS**

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

**ATTEST:**

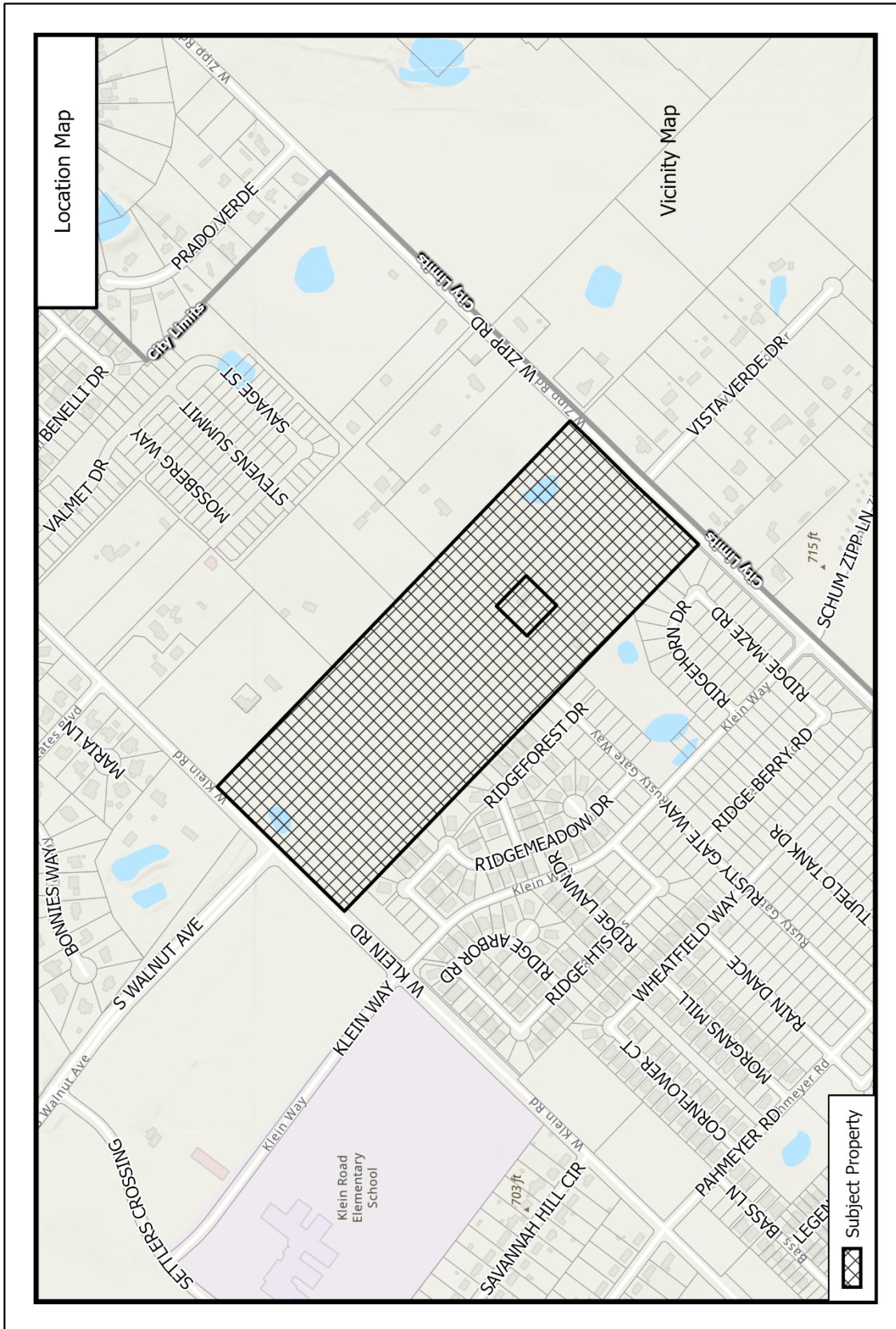
\_\_\_\_\_  
**CAITLIN KROBOT**, City Secretary

**APPROVED AS TO FORM:**

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



# EXHIBIT "A"



## SUP20-267 SUP to allow mixed-use and residential development

Source: City of New Braunfels Planning  
Date: 5/7/2021



DISCLAIMER: This map and information contained in it were developed exclusively for use by the City of New Braunfels. Any use or reliance on this map by anyone else is at that party's risk and without liability to the City of New Braunfels, its officials or employees for any discrepancies, errors, or variances which may exist.

Path: \\chfs-1\Departments\Planning\ZoneChange-SUP-Replats\2020\SUP20-267 - 614 & 720 W



## EXHIBIT "B"



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

### METES AND BOUNDS DESCRIPTION FOR A 49.359 ACRE TRACT OF LAND

Being a 49.359 acre tract of land located in the Sarah DeWitt Survey No. 48, Abstract No. 103, Guadalupe County, Texas, being the residue of a called 50.00 acre tract, recorded in Document No. 201899014908, Official Public Records, Guadalupe County, Texas, said 49.359 acre tract of land being more particularly described as follows:

BEGINNING at a found 1/2" iron pin with cap stamped "RPLS 4907" in the Southeast right of way line of W. Klein Road, for the Southernmost corner of a called 0.573 of an acre right of way tract to the city of New Braunfels, recorded in Document No. 2017015586 Official Public Records of Guadalupe County, Texas, same point lying in the Northeast line of Lot 1, Amending Plat of Ridgemont Unit 1, recorded in Volume 8, Pages 437-440, Map and Plat Records, Guadalupe County, Texas, and the Southwestern line of said 50.00 acre tract;

THENCE departing the Northeast line of Lot 1, Amending Plat of Ridgemont Unit 1, with the Southeastern line of said 0.573 of an acre tract and the Southeast right of way line of W. Klein Road, the following five (5) calls:

1. Along the arc of a curve to the right, having a radius of 2951.00 feet, an arc length of 40.03 feet and a chord bearing of N 44°47'42" E, a distance of 40.03 feet to a found 1/2" iron pin with cap stamped "RPLS 4907" for a corner;
2. N 45°48'34" E, a distance of 268.53 feet to a set 1/2" iron pin with cap stamped "HMT" for a corner, and the beginning of a curve;
3. Along the arc of a curve to the left, having a radius of 3049.00 feet, an arc length of 79.80 feet and a chord bearing of N 44°48'29" E, a distance of 79.80 feet to a found 1/2" iron pin with cap stamped "RPLS 4907" for a corner;
4. N 44°13'52" E, a distance of 257.51 feet to a found 1/2" iron pin with cap stamped "RPLS 4907" for a corner;
5. N 43°43'08" E, a distance of 226.18 feet to a found 1/2" iron pin with cap stamped "RPLS 4907" in the Southeast right of way line of W. Klein Road, same point lying in the Southwest line of a called 10.243 acre tract, recorded in Volume 2073, Pages 47-49, Official Public Records, Guadalupe County, Texas, same point being the Northeastern corner of the aforementioned 0.573 of an acre tract, and the Northernmost corner of the herein described tract;

THENCE departing the Southeast right of way line of W. Klein Road, with the Southwest line of said 10.243 acre tract, continuing with the Southwest lines of a called 7.00 acre tract recorded in Volume 756, Pages 880-883, and in Volume 750, Pages 877-879, Official Public Records, Guadalupe County, Texas, the remainder of a called 11.478 acre tract recorded in Volume 756, Pages 880-883, Official Public Records, Guadalupe County, Texas, a called 2.84 acre tract, known as "Tract II", recorded in Document No. 2017003263, Official Public Records, Comal County, Texas, and a called 5.0 acre tract, known as "Tract I", recorded in Document No. 2017003263, Official Public Records, Comal County, Texas, S 46°00'14" E, passing a found 1/2" iron pin (no cap) at 1238.50, continuing a total distance of 2463.53 feet to a found 1" iron pipe in the Northwest right of way line of W. Zipp Road for the Southernmost corner of said 5.0 acre tract, and the Easternmost corner of the herein described tract;

## EXHIBIT "B"



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


THENCE with the Northwest right of way line of W. Zipp Road, S 43°50'10" W, a distance of 871.49 feet to a found 60D nail for an Eastern corner of Lot 901, Amending Plat of Ridgemont Unit 4, recorded in Volume 9, Page 38, Map and Plat Records, Guadalupe County, Texas, same point being the Southernmost corner of the herein described tract;

THENCE departing the Northwest right of way line of W. Zipp Road, with the Northeast line of the said Amending Plat of Ridgemont Unit 4, continuing with the Northeast line of Ridgemont Unit 2B, recorded in Volume 8, Pages 758-760, Map and Plat Records, Guadalupe County, Texas, and the Northeast line of the aforementioned Amending Plat of Ridgemont Unit 1, recorded in Volume 8, Pages 437-440, Map and Plat Records, Guadalupe County, Texas, N 46°00'49" W, a distance of 2476.11 feet to the POINT OF BEGINNING, containing 49.539 acres of land in Guadalupe County, Texas.

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

Written October 22, 2020.

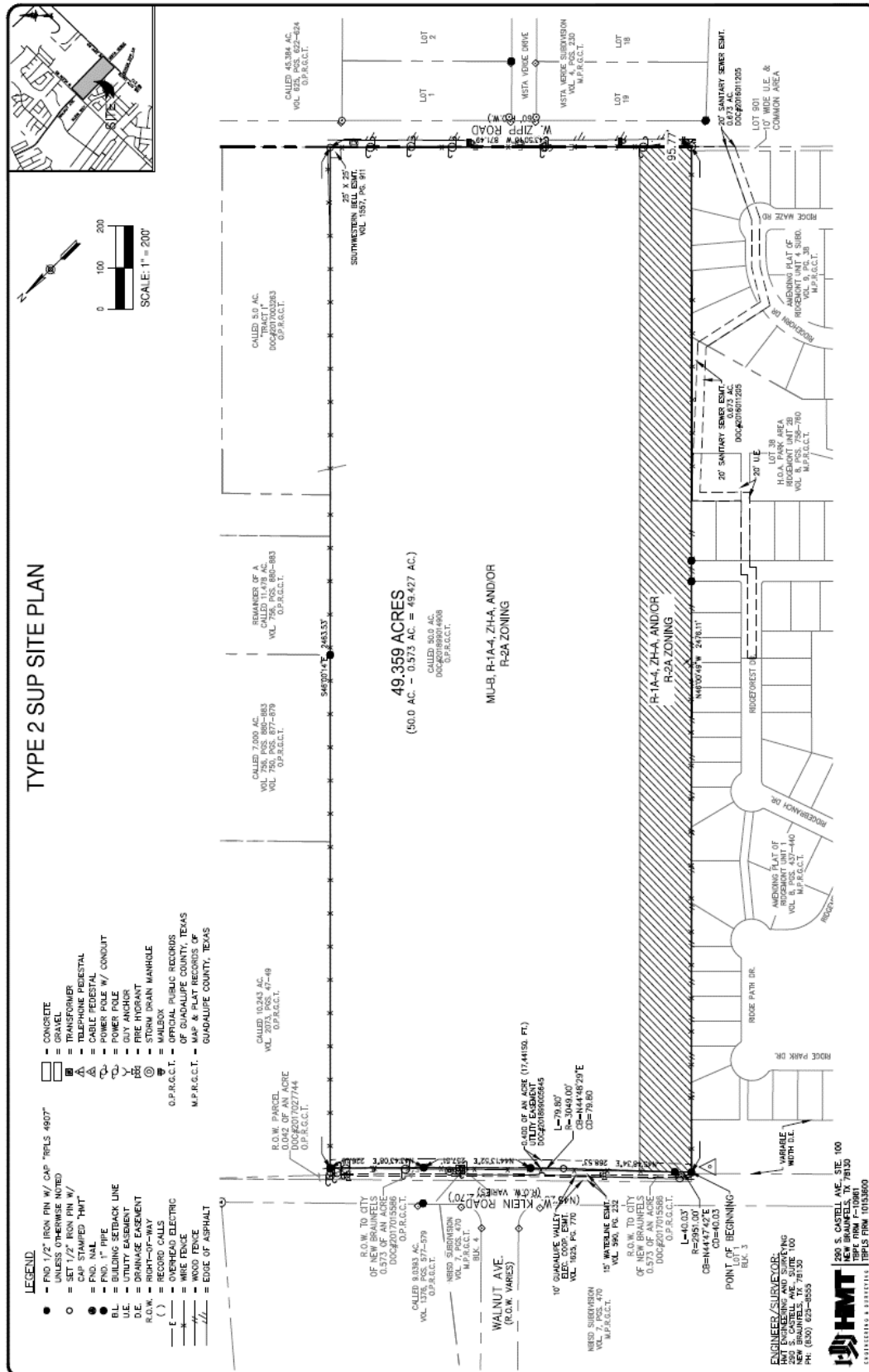
Reference survey of said 49.359 acre tract of land prepared this same date.

  
Dorothy J. Taylor  
Registered Professional Land Surveyor No. 6295

S:\Projects\Title Surveys\Gregory Tract\20-1068 BNDY - 614 W Zipp Road\20-1068 BNDY\M&B\49.539 AC..docx

10-22-20





5/24/2021

Agenda Item No. G)

**PRESENTER:**

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

**SUBJECT:**

Public hearing and consideration of a variance request to allow a proposed business, addressed at 494 North Seguin Avenue, to provide alcohol sales (wine and beer, on premises consumption) within 300 feet of a church.

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

Case # CS21-0139

Applicant: Rashmi Bhat  
7 Monks Café  
494 N Seguin Avenue  
New Braunfels, TX 78130  
(270) 556-4129; [info@bonjourtexas.com](mailto:info@bonjourtexas.com) <<mailto:info@bonjourtexas.com>>

Staff Contact: Maddison O'Kelley, Assistant Planner  
(830) 221-4056; [mokelley@nbtexas.org](mailto:mokelley@nbtexas.org)

The subject property is located on the corner of Meusebach Street and North Seguin Avenue south of the railroad, and is zoned "C-2" Central Business District. The applicant currently occupies the existing commercial structure on the property as a café and intends to expand the current menu to offer beer and wine for consumption on-site.

The applicable Texas Alcoholic Beverage Commission (TABC) permit type for this business is considered a "Wine and Beer Retailer's On-Premise Permit (BG)" under which the permit holder can sell for consumption beer and wine not more than 14% or 17% alcohol by volume on or off the premises where the product is sold. The applicant also intends to obtain a Food and Beverage Certificate (FB) under which alcoholic beverage sales cannot exceed 60% of the total gross receipts of the licensed premise. The applicant does not anticipate sales from alcohol to exceed 20% of projected gross revenue. The proposed use is considered a restaurant land use under New Braunfels' Zoning Ordinance and is allowed within the C-2 zoning district.

Title 4, Chapter 109, Subchapter C, Section 109.33(a)(1) of the Texas Local Government Code (TxLGC) states cities may enact regulations prohibiting the sale of alcoholic beverages within a specified distance of protected land uses such as churches, schools, and hospitals. There are different distance requirements dependent on the type of protected use.

In 2012, City Council adopted amendments to the Zoning Ordinance to establish Sec. 144-5.18 Sale of Alcoholic Beverages. The ordinance mirrored the authorized distance requirements set forth in Section 109.33

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of the Texas Local Government Code. Sec. 144-5.1.8 states “a place of business where alcoholic beverages are sold shall be prohibited within 300 feet of a church, private or public school, daycare center or child-care facility or public hospital. The measurement of this distance shall be along the property lines of the street fronts and from front door to front door, and in direct line across intersections.”

The front door of the subject structure is measured as 194.62 feet from the front door of the St. Joseph’s Anglican Church, addressed at 446 N. Seguin Avenue. This distance was measured from the front door of each structure to their respective front property lines and along N Seguin Avenue, as required by the Zoning Ordinance. Therefore, the proposed business is not permitted to sell wine and beer for on-site consumption, because it is within 300 feet of a church.

The applicant is requesting a variance to allow the sale of alcohol at the subject property. Section 109.33(e) of the same subchapter of the Local Government Code states the governing board of a city or town that has enacted required distances between businesses that sell alcohol and protected uses may also allow variances from the regulations, if the governing body determines that enforcement of the regulation in a particular instance is:

- not in the best interest of the public;
- constitutes waste or inefficient use of land or other resources;
- creates an undue hardship on an applicant for a license or permit;
- does not serve its intended purpose, is not effective or necessary;
- or for any other reason the governing board, after consideration of the health, safety, and welfare of the public and the equities of the situation, determines is in the best interest of the community.

Because the TxLGC authorizes the governing body of a city to grant a variance from this requirement, the City Council is the authorized body to approve or deny the request.

*Surrounding Zoning and Land Use:*

North - Across railroad, C-4/ Industrial

South - C-2 / Church

East - C-2/ Residential

West - Across N. Seguin Ave, M-2/ Industrial Warehouse

**ISSUE:**

The proposed variance is consistent with the following actions from Envision New Braunfels (the community’s Comprehensive Plan):

- Action 1.3: Encourage balanced and fiscally responsible land use patterns.
- Action 1.6: Incentivize infill development and redevelopment to take advantage of existing infrastructure.
- Action 3.6: Pro actively provide a regulatory environment that remains business and resident friendly.
- Future Land Use: The property is situated within the New Braunfels Sub-Area. It is located within

Existing Civic, Market, Employment, Education, Tourist/Entertainment, Outdoor Recreation, and Medical Centers and in Planned Civic, Education, and Outdoor Recreation Centers.

### FISCAL IMPACT:

N/A

### RECOMMENDATION:

The Planning Commission held a public hearing May 4, 2021 and voted to recommend approval of the request (8-0-0) with Commissioner Gibson absent.

**NOTIFICATION:**

Public hearing notices were sent to owners of 15 properties within 200 feet of the request, including the property owner of the protected use. To date, the City has received no responses.

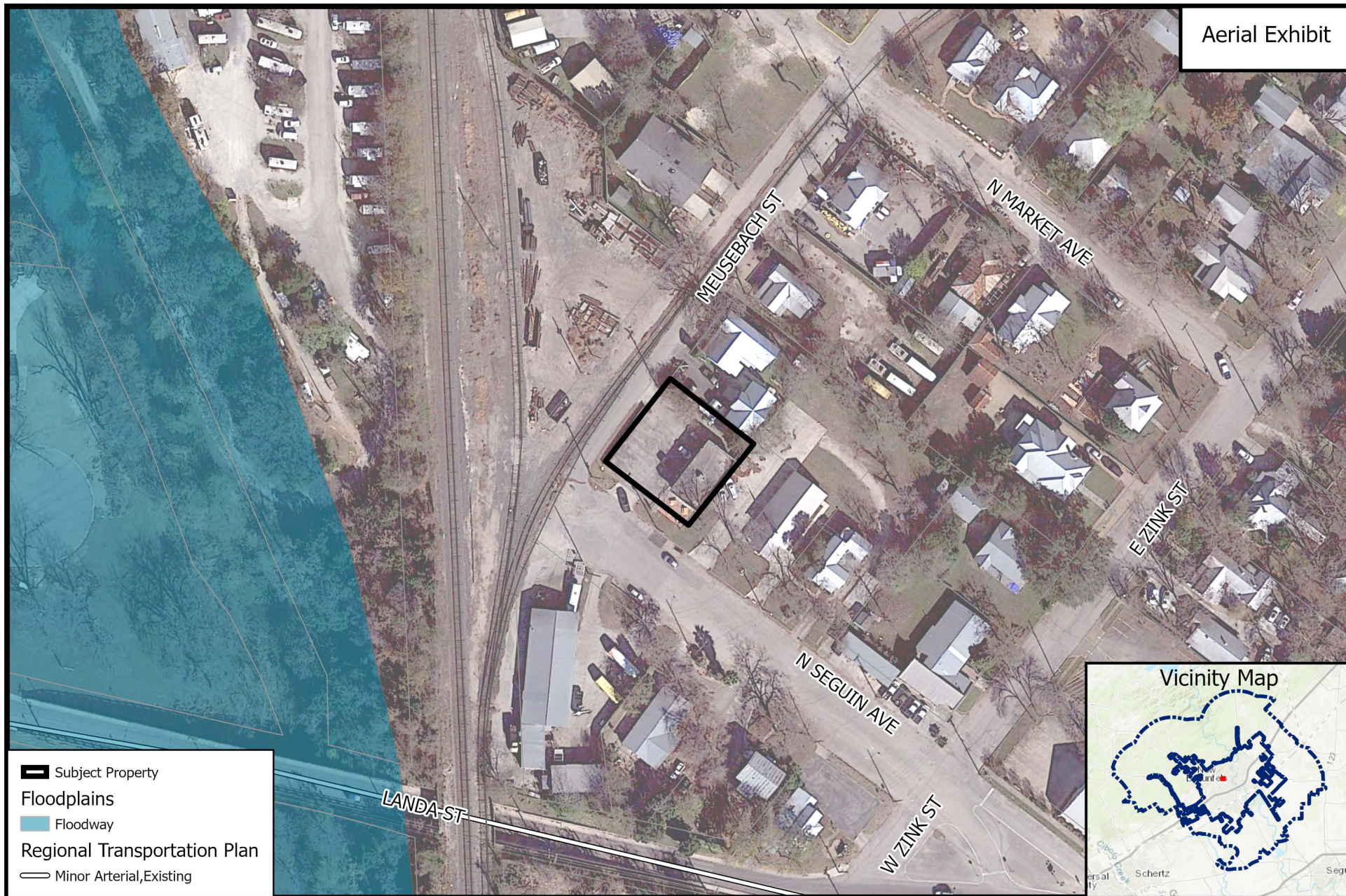
### RESOURCE LINKS:

- Chapter 144, Sec. 3.3-7 (C-1) of the City’s Code of Ordinances:  
[https://gismaps.nbtexas.org/ZoningOrdinance/Sec. 3.3-7 C-1 \(2012\).pdf](https://gismaps.nbtexas.org/ZoningOrdinance/Sec. 3.3-7 C-1 (2012).pdf)
- Sec. 144-5.18 Sale of Alcoholic Beverages 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?)
- Texas Local Government Code, Title 4, Chapter 109 (Alcoholic Beverage Code)  
<https://statutes.capitol.texas.gov/Docs/AL/htm/AL.109.htm>

**ATTACHMENTS:**

1. Aerial Map
2. Map Exhibit of Distance to Church
3. Applicant Request Letter
4. Notification Map and List
5. Excerpt of Minutes from the May 4th Planning Commission Regular Meeting











## 7 Monks Cafe - Wine & Beer Permitting Variance Letter

Rashmi Bhat - 7 Monks Cafe  
(270) 556-4129  
494 N Seguin Ave, New Braunfels, TX 78130

6th April 2021

Dear Planning Department & City Council,

First of all, thank you for representing our city; this town we call home has really blossomed over the past few years and I look forward to helping realize your vision for the city in the coming years.

My name is Rashmi Bhat - my family and I have lived in New Braunfels for over 9 years now. In our time here, we've become US citizens, founded multiple businesses, and opened New Braunfels' first Indian & Mediterranean restaurant, 7 Monks Cafe.

I'm writing to you today because, as part of our plans to grow our business, we are applying for a wine & beer permit. However, we're facing an obstacle from one of the local ordinances mandating that liquor licences not be granted within 300 ft of a church. In this variance request letter, I would like to explain our position and I hope you'll grant our little, women-run family restaurant an exception to this ordinance.

The Texas Alcohol and Beverage Commission (TABC) allows the City Council to grant variances to alcohol distance rules if "Enforcement of the regulation in particular instance is not in the best interest of the public, constitutes waste or inefficient use of land or other resources, creates an undue hardship on an applicant for a license or permit, does not serve its intended purpose, is not effective or necessary, or for any other reasons the city council determines is in the best interest of the community"<sup>1</sup>. We will show that multiple points in this list apply to our specific case.

"Does not serve its intended purpose" and "is not.. necessary": We're located at 494 N Seguin Ave; it's a commercially-zoned spot just by the railroad tracks. Normally alcohol sales would be permitted for this zoning, but one of our neighbors is St. Joseph's Anglican Church which happens to fall slightly within the 300 ft line specified by ordinance (we're at 200 ft). While the letter of the law would disallow serving alcohol, we believe it's clear that the *spirit* of the ordinance is not to prevent mom and pop restaurants from offering patrons a beer or glass of wine with their dinner.

One evidence for this is that, per TABC rules<sup>2</sup>, a business with a food and beverage certificate (i.e. restaurant with <50% of sales from alcohol) is exempt from the 300 foot spacing from private schools, day-care, and child-care facilities. While that exemption doesn't apply perfectly to our scenario (due to the entity in question being a church) I believe it speaks volumes about the intent of the rule being to prevent noisy bars and clubs rather

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<sup>1</sup> Tex. Alco. Bev. Code Ann. §109.33 (e).

<sup>2</sup> Tex. Alco. Bev. Code Ann. §109.33(h)(1) (private schools) and §109.331(a) (day-care centers and child-care facilities).

than restaurants who want to serve drinks. In our case, we're definitely not planning to become a bar; 7 Monks' focus has been and will continue to be serving high-quality food, and once the license is granted we don't anticipate alcohol sales exceeding 20% of gross revenue. We have no plans to be open late (our latest hours are 8pm currently) and have never even been open on Sunday - ultimately we're a fairly quiet spot that has never gotten complaints from our neighbors and this relationship won't change just because we serve drinks with our meals.

"Undue hardship for applicant" - I'm sure I don't need to explain why the past year was challenging. We're not a major chain, we really are a family-run venture (we were actually voted "Best Mom & Pop Restaurant" by *The Herald* last year!) so the pandemic posed significant adversity for us. The support of our community (and a ton of work!) has helped us stay afloat and rebuild after Covid took us back to square one in many ways. We're getting back to where we were pre-pandemic, and with the wine & beer license we're looking to continue this progress and increase the restaurant's profitability. We believe as the economy begins to fully re-open, the citizens of New Braunfels will be excited to resume in-restaurant dining and we hope that offering drinks with our meals will attract new customers and provide our existing customers new ways to experience our cuisine. We would survive without the variance, but it makes it more challenging to run our business as efficiently.

"is in the best interest of the community" - At 7 Monks, fewer things give us more pride than introducing new patrons to our cuisine and making an impact on our community. We currently employ numerous workers in town and expect this to increase once we're serving alcohol; so this decision will have a small but tangible impact on the amount of jobs offered in downtown New Braunfels. In addition, we plan to serve some local beers and wines when permitted which will also keep money being spent in New Braunfels.

Finally, 7 Monks Cafe brings people to New Braunfels. As very nearly the only Indian restaurant between Austin and San Antonio, 7 Monks has become a bit of a draw for the town. We were recently featured in the December issue of *Texas Highways Magazine*<sup>3</sup> and have heard from many people that they drove an hour or more to check us out. We get over 100,000 website views per month and we expect this to increase even further once we're able to build the experience we want at our restaurant.

I hope we've made a compelling case for why this variance is so important to us and our community. From all of us at 7 Monks, thanks for reading.

Sincerely,



**Rashmi Bhat**

Founder, 7 Monks Cafe - Indian & Mediterranean

Founder, Bonjour Texas! - Wholesale Sandwiches & Salads

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<sup>3</sup><https://texashighways.com/eat-drink/dining/7-monks-cafe-in-new-braunfels-dishes-inclusive-authentic-indian-food/>

**PLANNING COMMISSION – MAY 4TH, 2021– 6:00PM**

Zoom Webinar

**Applicant/Owner:** Rashmi Bhat

**Address/Location:** 494 N. Seguin Avenue

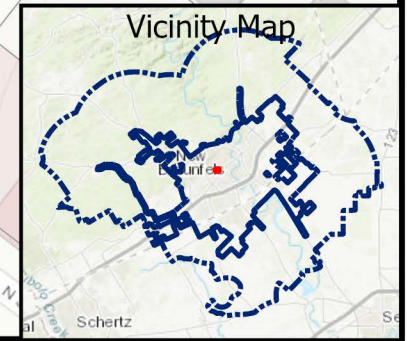
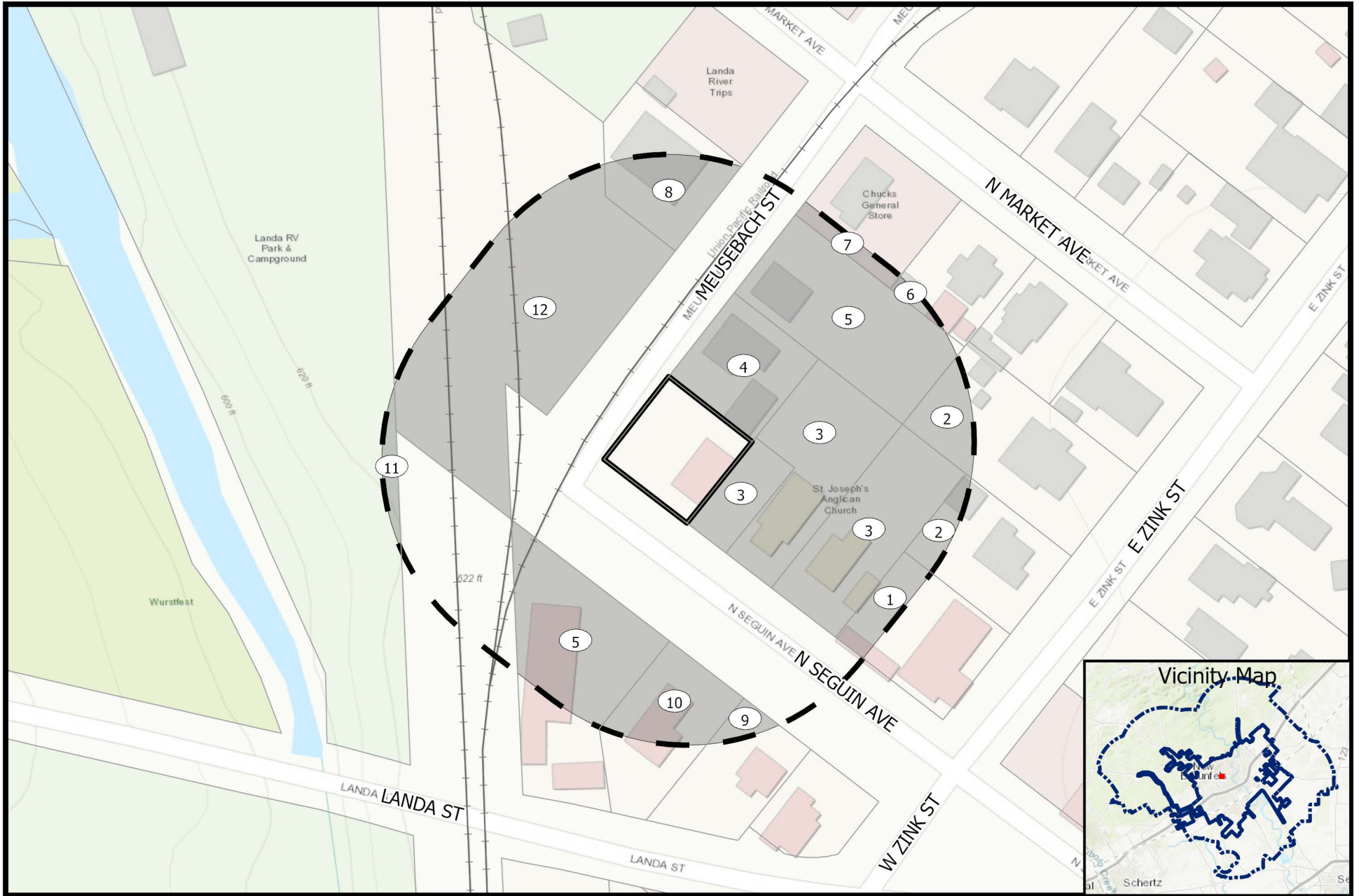
**CASE #CS21-0139**

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. HOLLMIG FAMILY PTNRSH LP          | 7. PUSATERI MATTHEW & KATHERINE LYNCH |
| 2. WILSON MARK B & LISA W            | 8. BATEY ONR LLC                      |
| 3. ST JOSEPHS ANGLICAN CHURCH        | 9. WHITE JONATHAN                     |
| 4. REGER CHARLES W & CATHERINE REGER | 10. J A WAYMER PRTNRSH LP             |
| 5. HAYES & RENO LLC                  | 11. BELL TEXAS INVESTMENTS LLC        |
| 6. SCHABACKER VICTOR & ELISA F       |                                       |

**SEE NOTIFICATION MAP**





**CS21-0139**  
**Variance to allow alcohol sales within 300-feet of a church**

## Draft Minutes for the May 4, 2021 Planning Commission Regular Meeting

**F) CS21-0139 Discuss and consider a recommendation to City Council regarding a variance request to allow a proposed business, addressed at 494 North Seguin Avenue, to provide alcohol sales (wine and beer, on premises consumption) within 300 feet of a church. Applicant: ; Case Manager: \_.**

Ms. O'Kelley presented the request.

Chair Edwards asked if there were any questions for staff.

Discussion followed on the public notice.

Chair Edwards asked if the applicant would like to speak.

Rashmi Bhat, 224 Limestone Creek, stated they are available to answer any questions.

Discussion followed on if the church was contacted by the applicant.

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

William Rodgers, 16 La Mesa Dr, asked for clarification of the request.

Discussion followed for clarification.

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

Motion by Commissioner Sonier, seconded by Commissioner Mathis, to recommend approval to City Council of the proposed variance request to allow a proposed business, addressed at 494 North Seguin Avenue, to provide alcohol sales (wine and beer, on premises consumption) within 300 feet of a church. Motion carried (8-0-0).

5/24/2021

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 to apply a Special Use Permit to allow residential use in the M-2 Heavy Industrial District and short term rental of a single-family residence on approximately 0.15 acres out of the AM Esnaurizar A-1 Survey No. 1, addressed at 747 Oasis Street.

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

Applicant: Kathleen Lund  
256 Bristol Road  
Buda, TX 78610  
(512) 775-0152 freestyliskat@gmail.com

Owner: Holly Jaynes Gardner  
747 Oasis Street  
New Braunfels, TX 78130

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

The subject property is located in the Old Mill neighborhood, just behind the Marketplace shopping center. The existing single-family residence was constructed in the late 1920s and the current zoning is M-2 Heavy Industrial. The applicant is requesting approval of a Special Use Permit (SUP) to allow short term rental (STR) of the property.

**Residential Use**

As a pre-1987 “cumulative” zoning district, residential uses were allowed in M-2 when this neighborhood was developed. In 2019, City Council approved amendments to the Zoning Ordinance removing residential as an allowed use in all industrial zoning districts. This action preserved land for industrial development and mitigated compatibility concerns for both residential and industrial property owners.

Existing residential uses in M-2 are now non-conforming, and City Council directed staff to facilitate the rezoning of such residential neighborhoods as appropriate. This will be accomplished on a large scale with neighborhood-wide rezoning cases, potentially following sub-area, community or neighborhood plans adopted as part of implementing Envision New Braunfels our Comprehensive Plan. In the meantime, properties that want to pursue alterations, reconstruction, or expansion of use (such as STR) will be brought into compliance through the rezoning/SUP process at no application cost to the property owner.

---

## **Short Term Rental**

The house has three bedrooms and two bathrooms. Per the Zoning Ordinance, maximum occupancy of the STR is eight occupants and the minimum off-street parking requirement is three spaces. A site plan provided by the applicant indicates a driveway to accommodate at least three vehicles.

Historically, most homes in this neighborhood did not have actual driveways. The applicant will need to construct a new driveway to meet ordinance requirements, and those improvements will be reviewed and approved through the building permit process.

### *Surrounding Zoning and Land Use:*

North - M-2/ Single-family residence

South - Across Oasis Street, M-2/ Commercial shopping center

East - M-2/ Single-family residence

West - M-2/ Single-family residence

## **ISSUE:**

With the addition of off-street parking, the proposed SUP meets all Zoning Ordinance requirements for a short-term rental, and is consistent with the following actions from Envision New Braunfels:

- 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 Market and Employment Centers and the Recreational River Corridor.

The site is centrally located inside Loop 337, within a short drive to many visitor attractions, and in a transitional area around the Old Mill that contains a mix of residential and commercial uses. There are no other STR residences in the immediate area.

Short term rental standards in the Zoning Ordinance help to ensure proper measures are in place to protect public health, safety and neighboring properties. If the SUP is approved, a registration of the short-term rental and online payment of hotel occupancy taxes are required.

## **FISCAL IMPACT:**

If approved, the property will be subject to local and state hotel occupancy tax (HOT).

## **RECOMMENDATION:**

### **Commission Recommendation**

The Planning Commission held a public hearing on May 4, 2021 and voted to recommend approval (8-0-0) with Commissioner Gibson absent.

### **Staff Recommendation**

Staff recommends approval with the following conditions:

1. Provide off-street parking for at least 3 vehicles in accordance with City standards.
2. The residential character of the property must be maintained.
3. 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.



- 
4. Occupancy of the short term rental is limited to a maximum of 8 guests.
  5. The applicant will register the short-term rental and create an account for online payment of hotel occupancy taxes.
  6. All other standards of the Zoning Ordinance will also be met.

**Notification:**

Public hearing notices were sent to 14 owners of property within 200 feet of the request. To date, the City has received one response in favor (#13) and none in objection.

**Resource Links:**

- Chapter 144, Sec. 3.3-12 (M-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)
4. Notification & Response
5. Photograph
6. Ordinance





## SUP21-115

### SUP to allow Residential use and Short Term Rental in M-2

0 60 120 Feet







**Planning & Community Development Department  
Planning Division**

550 Landa St. New Braunfels, TX 78130  
(830) 221-4050 [www.nbtexas.org](http://www.nbtexas.org)

CC/Cash/Check No. 119

Case No. SUPAT-115

Amount Recd. \$ 1,804.00

Receipt No. 31342

Submittal date – office use only

3/29/21

### Special Use Permit for Short Term Rental Application

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: Kathleen Lund

Mailing Address: 256 Bristol Rd. Buda TX 78610

Telephone: 512-775-0152

Fax:

Mobile:

512 775 0152

Email: freestylistkat@gmail.com

2. Property Address/Location: 747 Oasis St.

3. Legal Description:

Name of Subdivision: Milltown, (A-1 Sor-1 AMESnaurizar)

Lot(s): \_\_\_\_\_ Block(s): \_\_\_\_\_ Acreage: 1.52

4. Existing Use of Property:

Vacant

5. Current Zoning:

M2

\*Please note Short Term Rentals are **prohibited** in the following residential districts, & a Special Use Permit could **not** be requested:

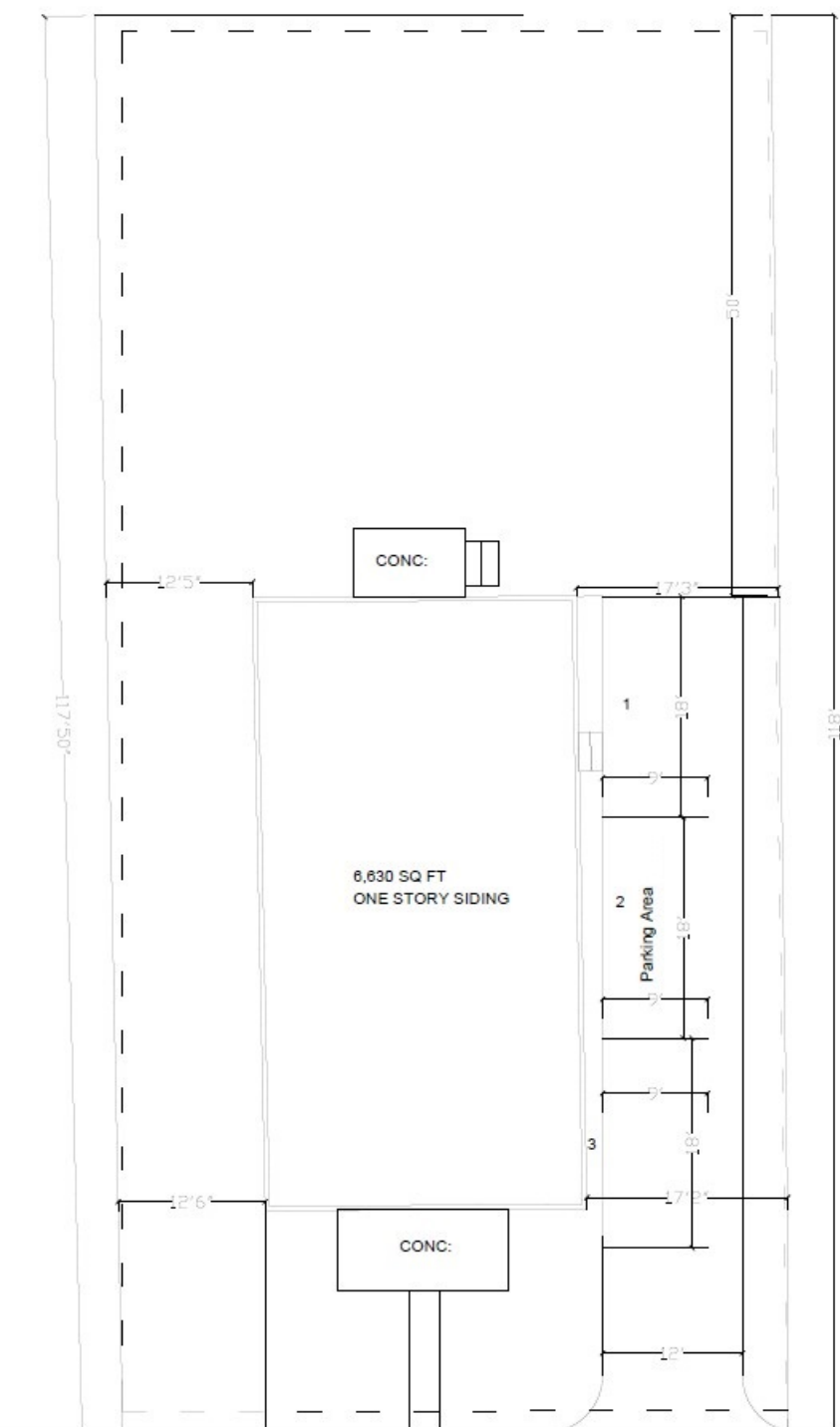
- R-1 • ZH • TH • R-1A-43.5 • R-1A-8 • R-2A • B-1B
- R-2 • ZH-A • B-1 • R-1A-12 • R-1A-6.6 • B-1A • TH-A

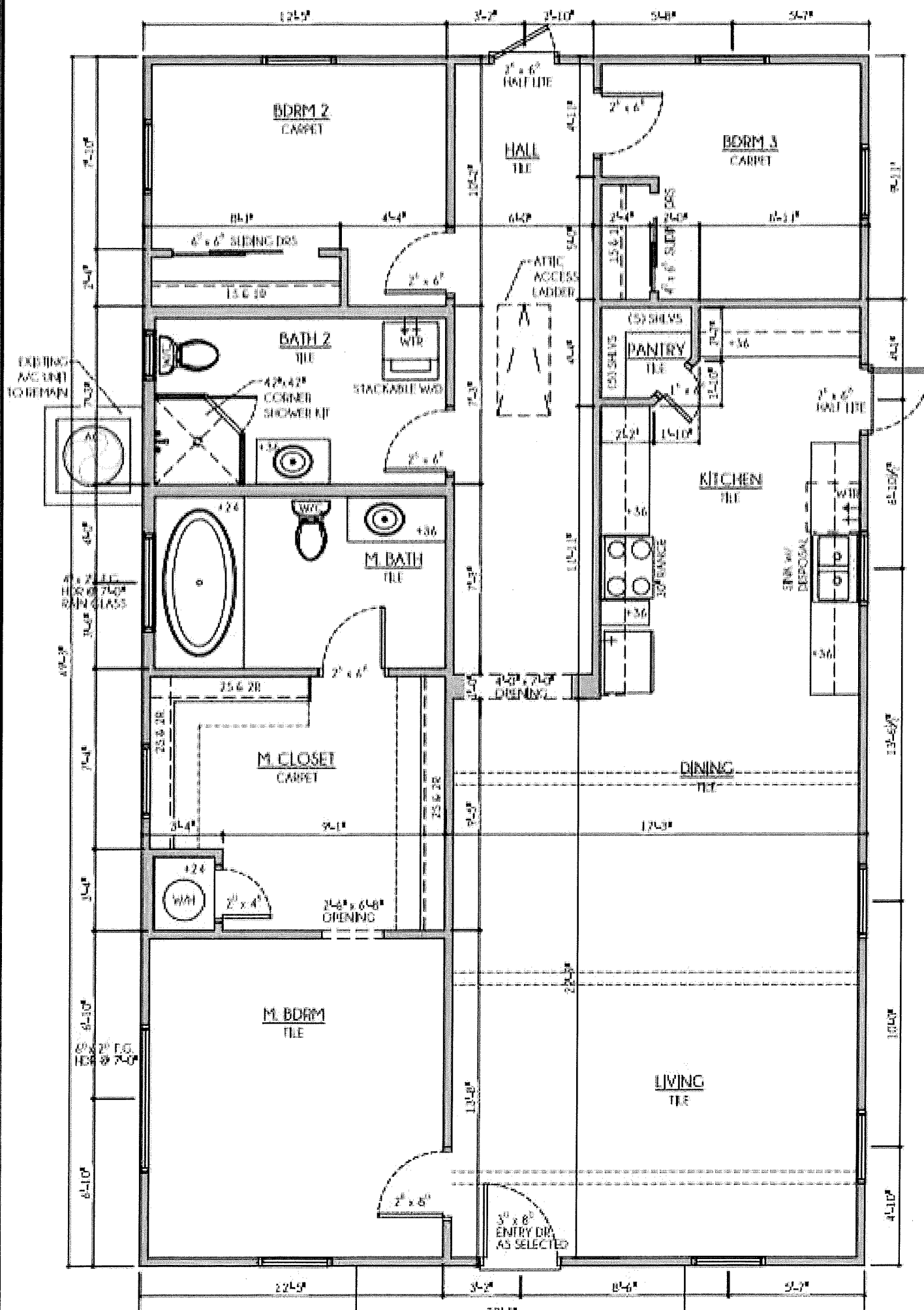
6. Proposed Special Use Permit\*: Type 1 \_\_\_\_\_ OR Type 2 ☒

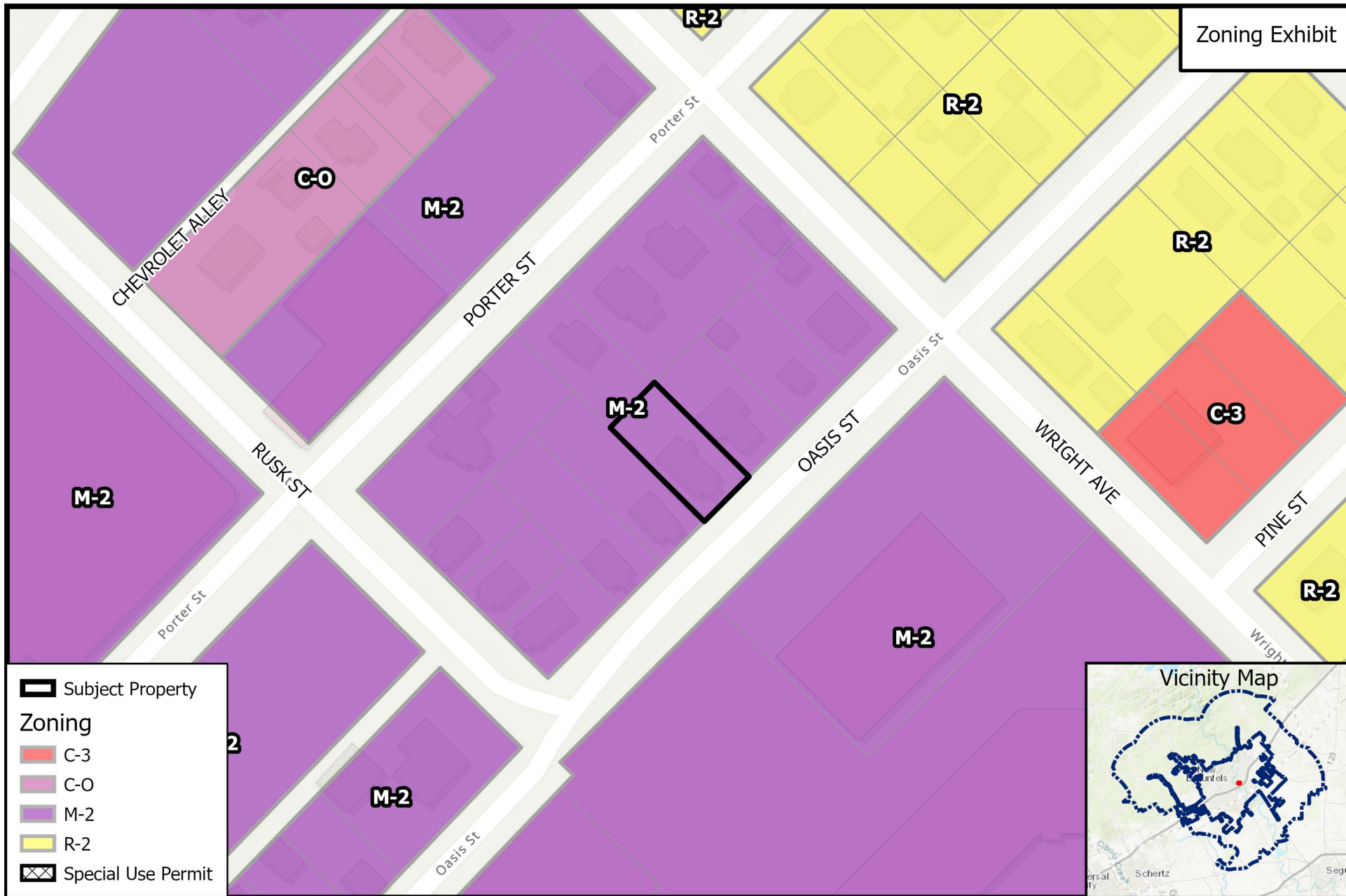
\*see page 4 for information regarding Type 1 and Type 2 Special Use Permits

7. Explain how the proposed Short-Term Rental use will be well suited for the neighborhood

(attach additional or supporting information if necessary): Short term rental  
two blocks from the river, close to shopping,  
an event venue and the famous Faust St. bridge.  
Also requesting residential use in M2  
zoning.





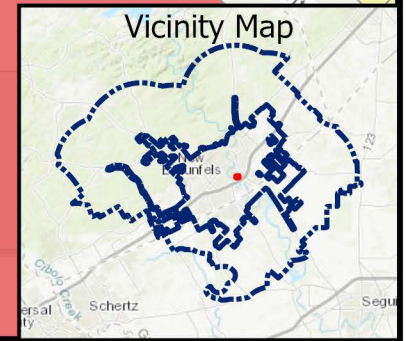
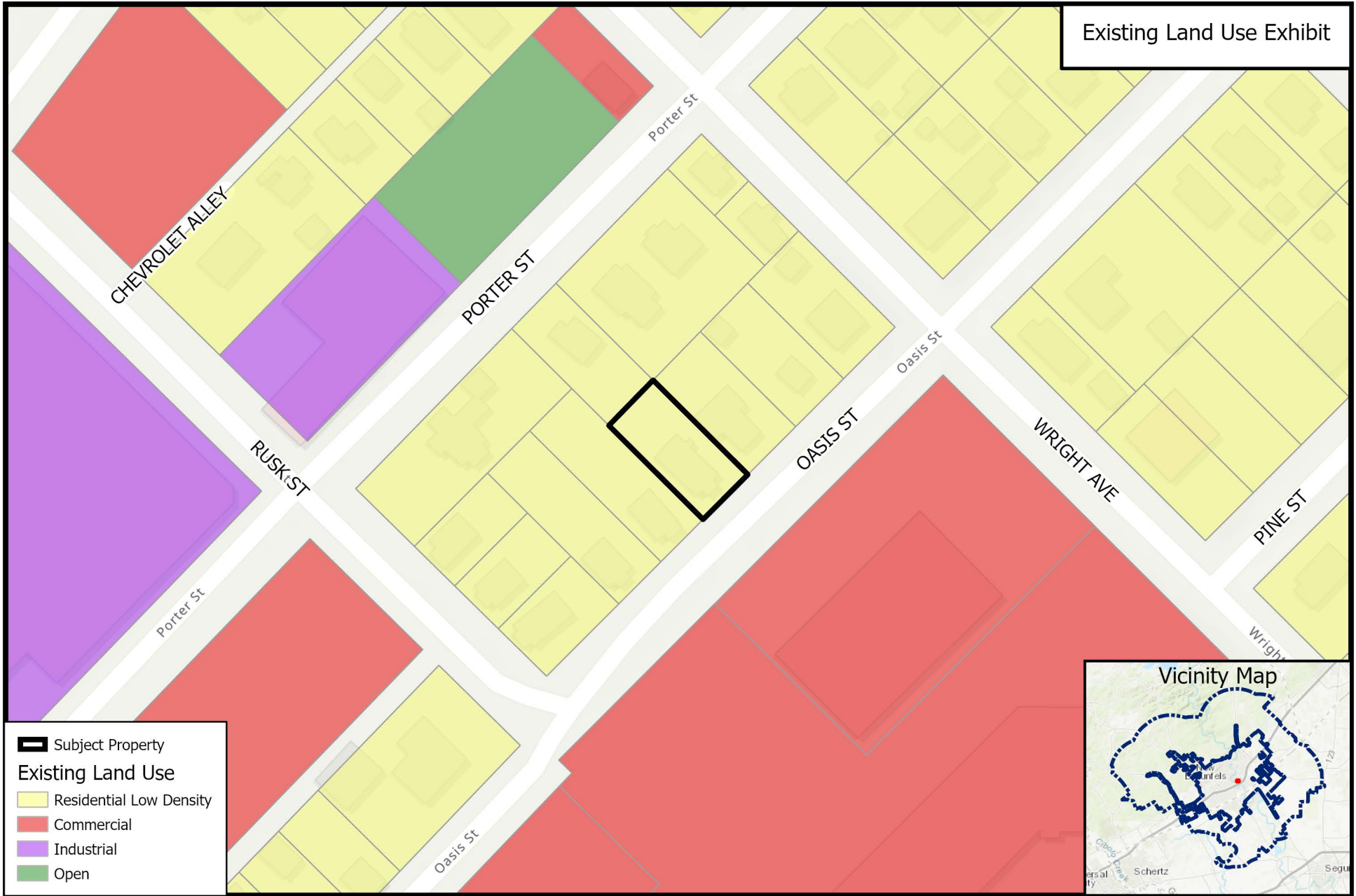


**SUP21-115**  
**SUP to allow Residential use and Short Term Rental in M-2**

0 60 120  
 Feet







**SUP21-115**  
**SUP to allow Residential use and Short Term Rental in M-2**

0 60 120  
 Feet





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**PLANNING COMMISSION – APRIL 20, 2021 – 6:00PM**

Zoom Meeting

**Applicant/Owner:** Kathleen Lund

**Address/Location:** 747 Oasis St

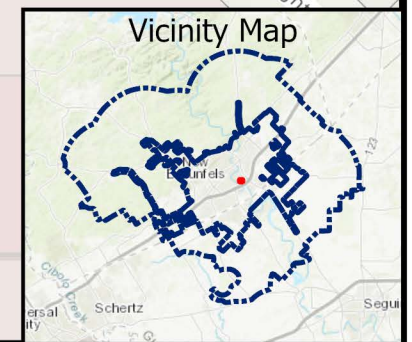
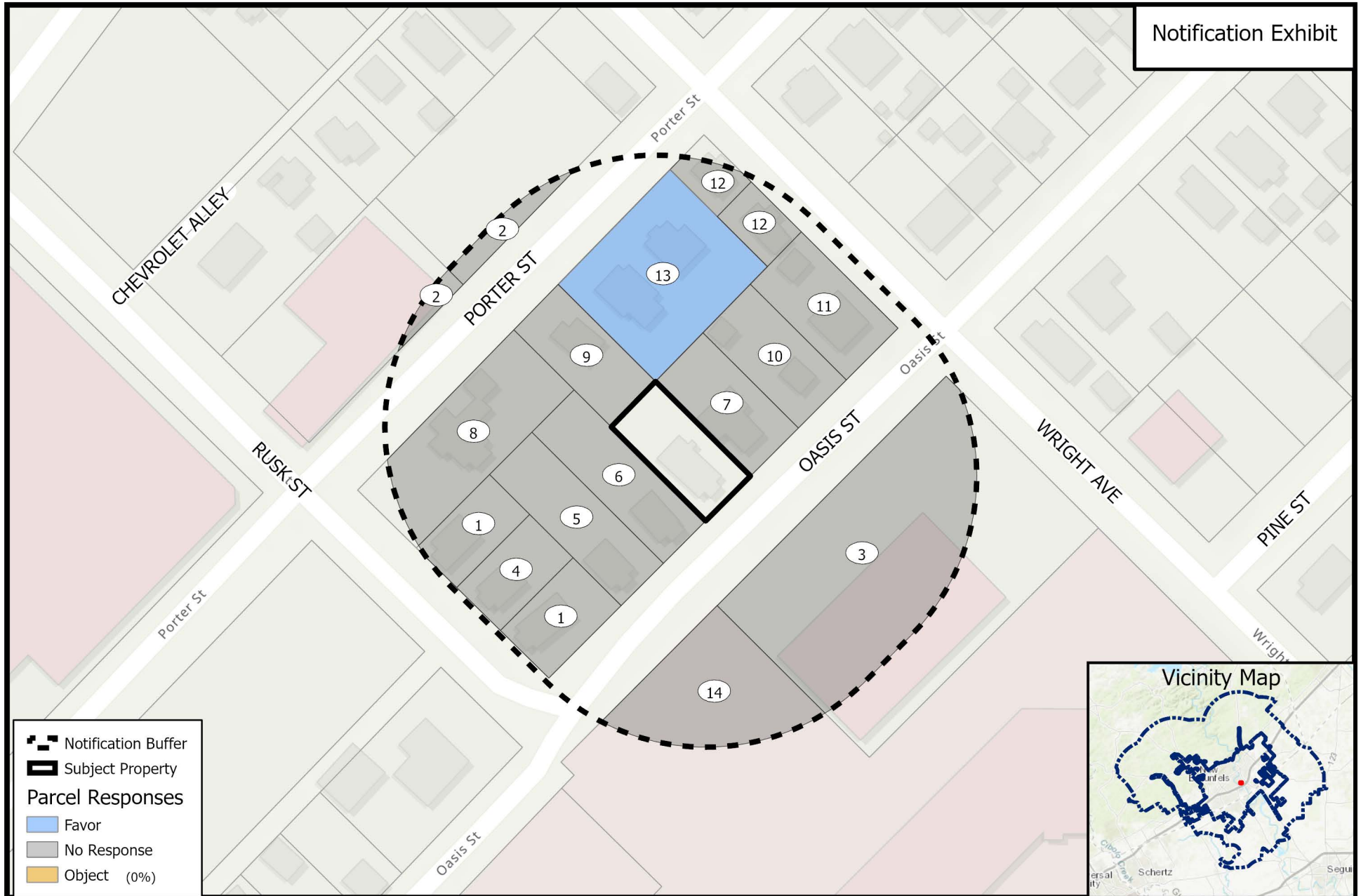
**PROPOSED SPECIAL USE PERMIT – CASE #SUP21-115**

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. ROSS LARRY & HOLLY                  | 8. MOORE ROLF E                 |
| 2. SPECKMAN FAMILY LTD & STADT CORP    | 9. MOORE ROLF EDWARD            |
| 3. B & C WILLIAMS PROPERTIES LTD ET AL | 10. MARTINEZ RODOLFO E & JOSEFA |
| 4. ROSS LARRY E & HOLLY R              | 11. URIAS FRANCISCO JR          |
| 5. REGER CHARLES W                     | 12. DORRANCE CRAIG R & LINDA    |
| 6. BRUSH JOHN P                        | 13. SPECKMAN FAMILY LTD         |
| 7. ACRELONG INVESTMENTS LTD CO         | 14. N B MARKETPLACE LP          |

---

**SEE MAP**



## YOUR OPINION MATTERS - DETACH AND RETURN

Case: #SUP21-115 Lund (hm)

Name: Mike SpeckmanAddress: 49 Hunters Club NBProperty number on map: 13I favor: ☒

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

Comments: (Use additional sheets if necessary)

Signature: Speckman





**Current photograph of Subject Property**

**ORDINANCE NO. 2021-**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS GRANTING A SPECIAL USE PERMIT TO ALLOW RESIDENTIAL USE IN THE “M2-“ HEAVY INDUSTRIAL DISTRICT AND THE SHORT TERM RENTAL OF A SINGLE-FAMILY DWELLING, ON APPROXIMATELY 0.15 ACRES OUT OF THE A M ESNAURIZAR A-1 SURVEY NO. 1, ADDRESSED AT 747 OASIS 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 residential use and 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 747 Oasis Street, to allow residential use and short term rental of a single-family dwelling in the “M-2” Heavy Industrial 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 0.15 acres out of the A M Esnaurizar A-1 Survey No. 1, addressed at 747 Oasis Street, as described in Exhibit “A” and depicted in Exhibit “B” attached, to allow residential use and short term rental in the “M-2” Heavy Industrial District.

## **SECTION 2**

**THAT** the Special Use Permit be subject to the following conditions:

1. Provide off-street parking for at least 3 vehicles in accordance with City standards.
2. The residential character of the property must be maintained.
3. The property will remain in compliance with the approved site plan illustrated in Exhibit "C". Any significant changes to the site plan will require a revision to the SUP.
4. Occupancy of the short term rental is limited to eight (8) guests.
5. The applicant will register the short term rental and create an account for online payment of hotel occupancy taxes.
6. All other standards of the Zoning Ordinance will be met.

## **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 24th day of May, 2021.

**PASSED AND APPROVED:** Second reading this 14th day of June, 2021.

**CITY OF NEW BRAUNFELS**

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

**ATTEST:**

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

**APPROVED AS TO FORM:**

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

## EXHIBIT "A"

### METES AND BOUNDS

Being 0.152 acres of land, more or less, situated in the AM Esnaurizar Survey Number 1, Abstract 1, Comal County, Texas, being that same tract of land conveyed by General Warranty Deed recorded in Document Number 201706036594, Official Public Records, Comal County, Texas, said 0.152 acres being more particularly described by metes and bounds as follows:

BEGINNING at 1/2 inch iron rod found for the lower southeast corner of this 0.152 acres, same being on the northwest Right-of-Way line of Oasis Street and the upper southeast corner of Lot 5, Oasis Heights (Volume 8, Page 337), same also being the POINT OF BEGINNING;

THENCE along the line common to this 0.152 acres and said Lot 5, North 45 degrees 43 minutes 39 seconds West (called North 45 degrees 05 minutes West), a distance of 117 .50 feet to a point for the lower northwest corner of this 0.152 acres, same being on the northeast line of said Lot 5 and the lower southeast corner of the Rolf Edward Moore tract (Document Number 200106036242);

THENCE along the line common to this 0.152 acres and said Moore tract, North 44 degrees 29 minutes 54 seconds East (called North 44 degrees 25 minutes East), a distance of 56.30 feet (called 56.1 feet) to a point for the upper northwest corner of this 0.152 acres, same being the upper southeast corner of said Moore tract and on the southwest line of Lot 3, Milltown Extension One (Volume 4, Page 29);

THENCE along the line common to this 0.152 acres and said Lot 3, South 45 degrees 43 minutes 59 seconds East (called South 45 degrees 05 minutes East), a distance of 118.00 feet to a 1/2 inch iron rod found for the upper southeast corner of this 0.152 acres, same being the lower southeast corner of said Lot 3 and on the northwest Right-of-Way line of said Oasis Street;

THENCE along the northwest Right-of-Way line of said Oasis Street, South 45 degrees 00 minutes 26 seconds West (called South 45 degrees 17 minutes West), a distance of 56.31 feet (called 56.1 feet) to the POINT OF BEGINNING, and containing 0.152 acres of land, more or less.

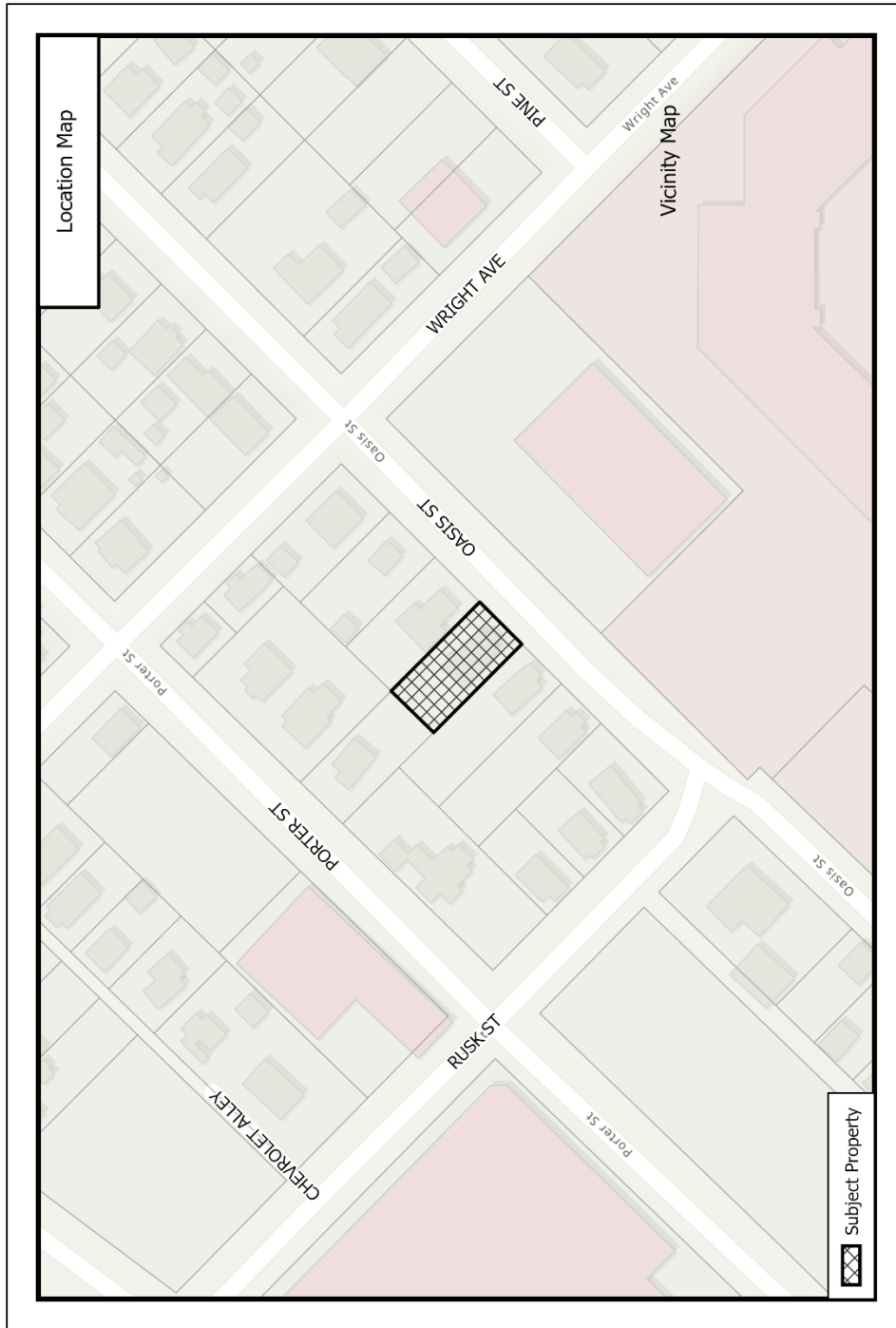
I hereby certify that these field notes were prepared from an actual survey made on the ground under my supervision and are true and correct to the best of my knowledge and belief. A survey plat of the above described tract prepared this day is hereby attached to and made a part hereof. Bearings shown hereon are based on actual GPS Observations, Texas State Plane Coordinates, South Central Zone, Grid.



Mark J. Ewald  
Registered Professional Land Surveyor  
Texas Registration No. 5095  
August 2, 2017



# EXHIBIT "B"





**SUP21-115**  
**SUP to allow Residential use and Short Term Rental in M-2**

Source: City of New Braunfels Planning  
Date: 4/28/2021

0 60 120 Feet



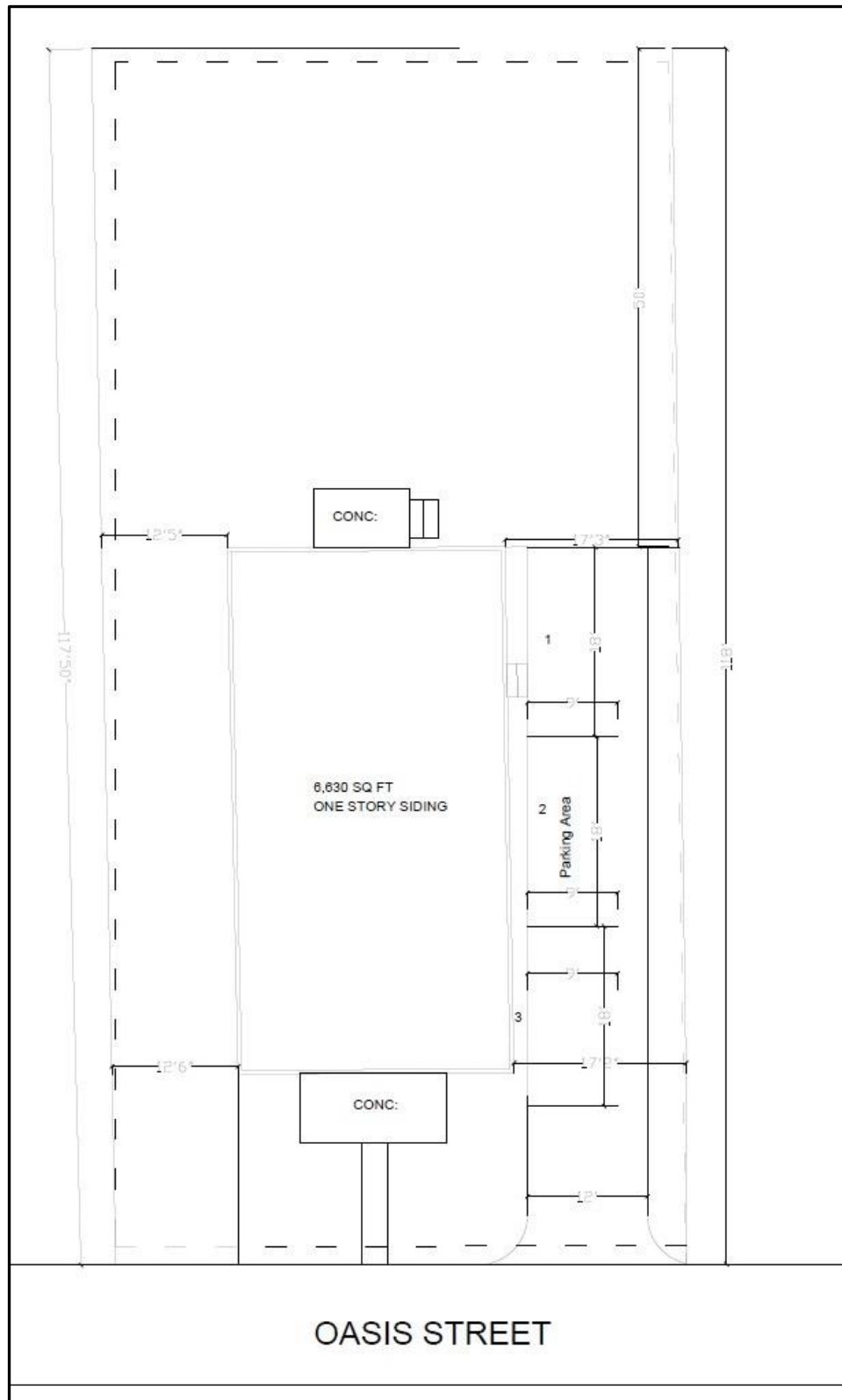
N



DISCLAIMER: This map and information contained in it were developed exclusively for the City of New Braunfels and are not to be used for any other purpose without the prior written consent of the City of New Braunfels. The City of New Braunfels and its officials or employees for any discrepancies, errors, or variances which may exist.

Path: Y:\ZoneChange-SUP-Repairs\2021\SUP21-115 - 747 Oasis St - Lund\NPH\SUP21-115.aprx

**EXHIBIT "C"**



**Site Plan**

5/24/2021

Agenda Item No. I)

---

**PRESENTER:**

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

**SUBJECT:**

Public hearing and first reading of an ordinance regarding a proposed rezoning to apply a Special Use Permit to allow short term rental of a single-family dwelling in the “C-3” Commercial District, addressed at 306 E. Faust Street.

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

Applicant/Owner: Jeffrey A. Coultas  
306 E. Faust St.  
New Braunfels, TX 78130

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

The subject property is located on the southeast corner of the intersection of East Faust Street and Kuehler Avenue, is zoned “C-3” Commercial District, and contains a 1,286 square-foot single-family residence constructed in 1931 with a detached carport. The entire subject neighborhood is zoned the cumulative/pyramidal C-3 District, therefore the area is developed with a mix of commercial and residential uses. However, the subject block is mostly residential.

The applicant is requesting a Special Use Permit (SUP) to allow short term rental (STR) of the property. The house has 2 bedrooms and 1 bath. Per the Zoning Ordinance, maximum occupancy of an STR with one bathroom is limited to 5 occupants.

The minimum off-street parking requirement for this proposed STR is 2 spaces, or one per sleeping room. The existing paved driveway can accommodate two tandem parked vehicles.

Short-term rental standards in the Zoning Ordinance help to ensure proper measures are in place to protect public health, safety and neighboring properties. If the SUP is approved, short-term rental registration and online payment of hotel occupancy taxes are also required.

*Surrounding Zoning and Land Use:*

North - Across E. Faust St., C-3 / Two-family detached dwellings



---

South - C-3 / Barber shop and single-family residence  
East - C-3 / Single-family residence  
West - Across Kuehler Ave., C-3 / Single-family residence

**ISSUE:**

Short term rental would be consistent with the following actions in the Comprehensive Plan:

Action 1.3: Encourage balanced and fiscally responsible land use patterns.

Action 1.14: Ensure regulations do not unintentionally inhibit the provision of a variety of flexible and innovative lodging options and attractions.

The property lies within the New Braunfels Sub Area near existing Market and Employment Centers and is in close proximity to future Market and Employment Centers and Recreational River, Scenic River and Transitional Mixed-Use Corridors.

**FISCAL IMPACT:**

If approved, short term rental of the property will be subject to local and state hotel occupancy tax.

**RECOMMENDATION:**

The Planning Commission held a public hearing on May 4, 2001 and unanimously recommended approval with staff recommendations (8-0-0, with Commissioner Gibson absent).

While this would be the first introduction of lodging facilities in the block, a short-term rental on this property, following all the standards of the Zoning Ordinance, would complement the overall mix of uses in this area. The location would allow easy access to main thoroughfares and visitor destinations without extensive vehicular traffic through the interior of the neighborhood. Staff recommends approval in accordance with the Zoning Ordinance requirements, including the following conditions:

1. The residential character of the property must be maintained.
2. The property will remain in compliance with the approved site plan. Any significant changes to the site plan will require a revision to the SUP.
3. Occupancy is limited to a maximum of 5 guests.
4. The applicant will register the short-term rental and create an account for online payment of hotel occupancy taxes.
5. All other standards of the Zoning Ordinance will also be met.

*Notification:*

Public hearing notices were sent to 15 owners of property within 200 feet of the request. Three responses have been received in favor from owners of numbers 3, 16 and 17, and 2 opposed from owners of numbers 12 & 13 on the map.

*Resource Links:*

- Chapter 144, Sec. 3.3-9 “C-3” Commercial District of the City’s Code of Ordinances:

[https://library.municode.com/tx/new\\_braunfels/codes/code\\_of\\_ordinances?](https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?_ga=2.181111111.1581111111.1581111111-1581111111.1581111111)

- Chapter 144, Sec. 3.6 Special Use Permits of the City’s Code of Ordinances:

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[<https://library.municode.com/tx/new\\_braunfels/codes/code\\_of\\_ordinances?](https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?)

- 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?](https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?)

*Attachments:*

- Aerial Map
- Site Plan
- Floor Plan
- Lane Use Maps (Zoning, Existing, Future Lane Use, Short Term Rental)
- Notification List, Map and Responses
- Photographs
- Excerpt of Minutes from the May 4, 2021 Planning Commission Regular Meeting
- Ordinance







LOT 15

LOT 16

(S 60°58' W 60')  
S 60°38'38" W 59.82'

LOT 1  
BLOCK 1055  
8,967 SQ. FT.  
0.206 ACRES

INSIDE EDGE OF WALL OUT 0.3'

12.7'

30.0'

43 Feet total

SIDING BLDG. ON CONC.

23.4'

COV. BRICK

BRICK

2 Year Parking

STONE

WOOD STEPS

COV. AREA

WOOD STEPS

A/C PAD

ONE STORY SIDING

COV. WOOD

STONE STEPS

STONE WALK

25.1'

11.7'

8.2'

INSIDE EDGE OF WALL IN 1.0'

CONC. WALL

LOT 2

(S 29°02' E 150')  
S 29°02'36" E 149.66'

N 29°03'52" W 150.00'  
(N 29°02' W)

EDGE OF PAVEMENT

Kuehler Ave

(60' R.O.W.)

SCALE: 1"=20'

NOTE: BEARINGS SHOWN HEREON ARE BASED ON RECORD PLAT INDICATED BELOW.

NOTE: THIS PROPERTY IS SUBJECT TO RESTRICTIVE COVENANTS, EASEMENTS, AGREEMENTS, AND/OR SETBACK LINES (IF ANY) AS FOLLOWS: NONE

R.D. N 60°58'00" E 299.30' (300')

N 60°58'00" E 59.87' (60') (BEARING BASIS)

R.D.

FAUST STREET (60' R.O.W.)

THIS SURVEY IS ACKNOWLEDGED AND IS ACCEPTED:

FLOOD ZONE INTERPRETATION: IT IS THE RESPONSIBILITY OF ANY INTERESTED PERSONS TO VERIFY THE ACCURACY OF FEMA FLOOD ZONE DESIGNATION OF THIS PROPERTY WITH FEMA AND STATE AND LOCAL OFFICIALS, AND TO DETERMINE THE EFFECT THAT SUCH DESIGNATION MAY HAVE REGARDING THE INTENDED USE OF THE PROPERTY. The property made the subject of this survey appears to be included in a FEMA Flood Insurance Rate Map (FIRM), identified as Community No. 48091C, Panel No. 0455 F, which is Dated 09/02/2009. By scaling from that FIRM, it appears that all or a portion of the property may be in Flood Zone(s) X. Because this is a boundary survey, the survey did not take any actions to determine the Flood Zone status of the surveyed property other than to interpret the information set out on FEMA's FIRM, as described above. THIS SURVEYOR DOES NOT CERTIFY THE ACCURACY OF THIS INTERPRETATION OF THE FLOOD ZONES, which may not agree with the interpretations of FEMA or state or local officials, and which may not agree with the tract's actual conditions. More information concerning FEMA's Special Flood Hazard Areas and Zones may be found at <https://msc.fema.gov/portal>.

Property Address:  
306 E. FAUST STREET

Property Description:  
LOT 1, BLOCK 1055, KUEHLER ADDITION, AN ADDITION TO THE CITY OF NEW BRAUNFELS, COMAL COUNTY, TEXAS, ACCORDING TO THE MAP THEREOF RECORDED IN VOLUME 46, PAGES 430-431, MAP AND PLAT RECORDS, COMAL COUNTY, TEXAS.

Owner:  
JEFFREY ALLEN COULTAS

FIRM REGISTRATION NO.  
1011700

**Westar Alamo**  
LAND SURVEYORS, L.L.C.  
P.O. BOX 1645 BOERNE, TEXAS 78006  
PHONE (210) 372-9500 FAX (210) 372-9999

**LEGEND**

- △ FIND 60D NAIL
- △ FIND 1/2" IRON ROD
- △ FIND MAG NAIL IN POST
- ( ) RECORD INFORMATION
- BUILDING SETBACK
- R.D. RECORD DIGNITY MONUMENT
- ⊙ POWER POLE
- OVERHEAD ELECTRIC
- WOOD FENCE
- ⊙ WATER METER
- ⊙ ELECTRIC METER
- ⊙ GAS METER

DRAWN BY: TS

STATE OF TEXAS  
REGISTERED  
MARK J. EWALD  
5095  
PROFESSIONAL  
LAND SURVEYOR

I, MARK J. EWALD, Registered Professional Land Surveyor, State of Texas, do hereby certify that the above plat represents an actual survey made on the ground under my supervision, and there are no discrepancies, conflicts, shortages in area or boundary lines, or any encroachment or overlapping of improvements, to the best of my knowledge and belief, except as shown herein.

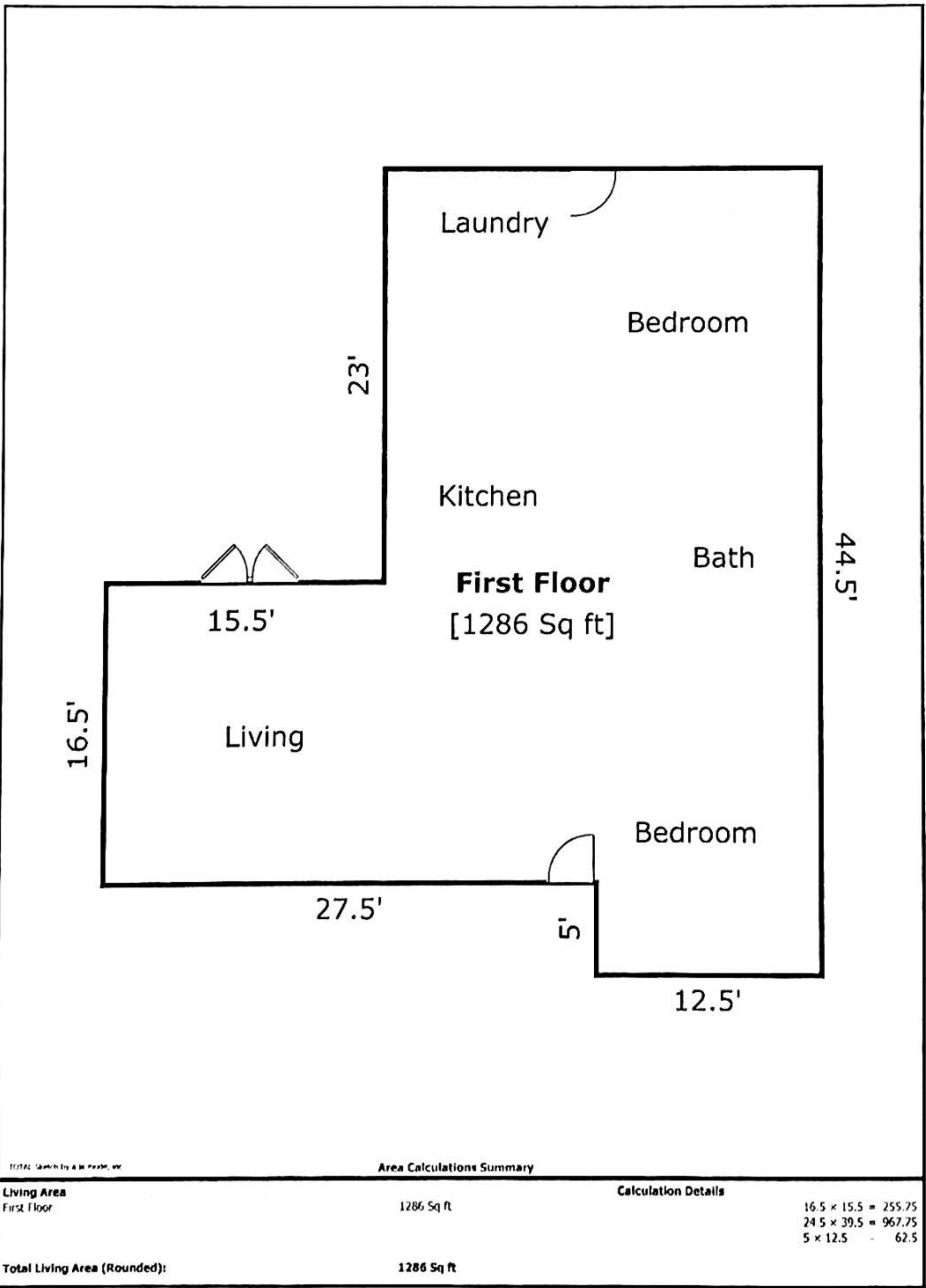
MARK J. EWALD  
Registered Professional Land Surveyor  
Texas Registration No. 5095

G.F. NO. SAT-14-4000142000572-SH JOB NO. 98928 TITLE COMPANY: ALAMO TITLE DATE: 07/01/2020

### Building Sketch

Borrower/Client				
Property Address 306 E Faust St				
City	New Braunfels	County	State TX	Zip Code 78130
Lender				

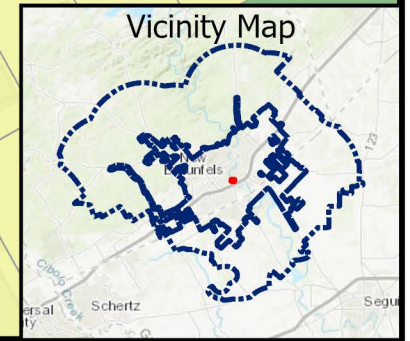
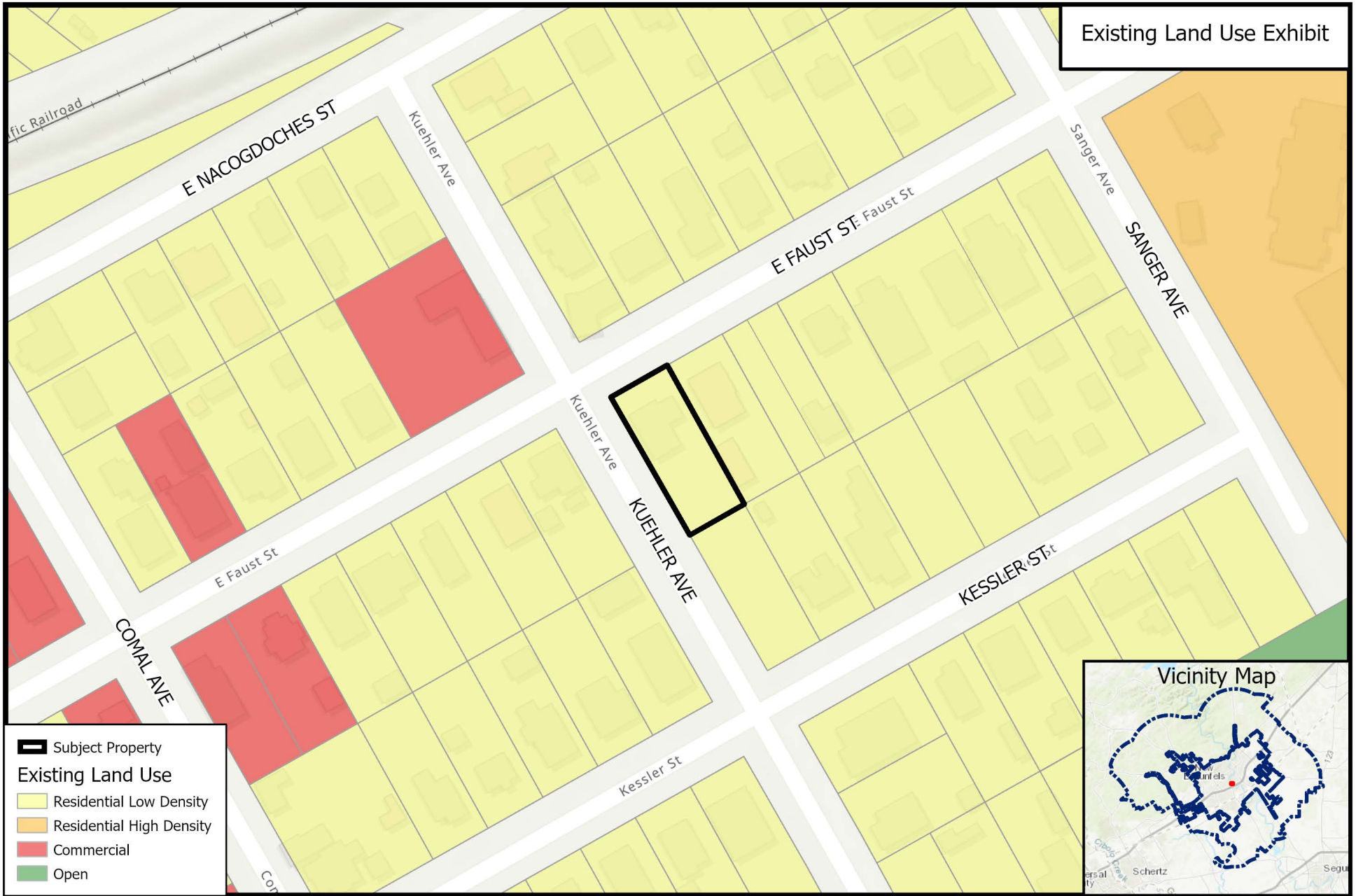
## FLOOR PLAN







## SUP21-122 SUP for Short Term Rental in C-3



**SUP21-122**  
**SUP for Short Term Rental in C-3**



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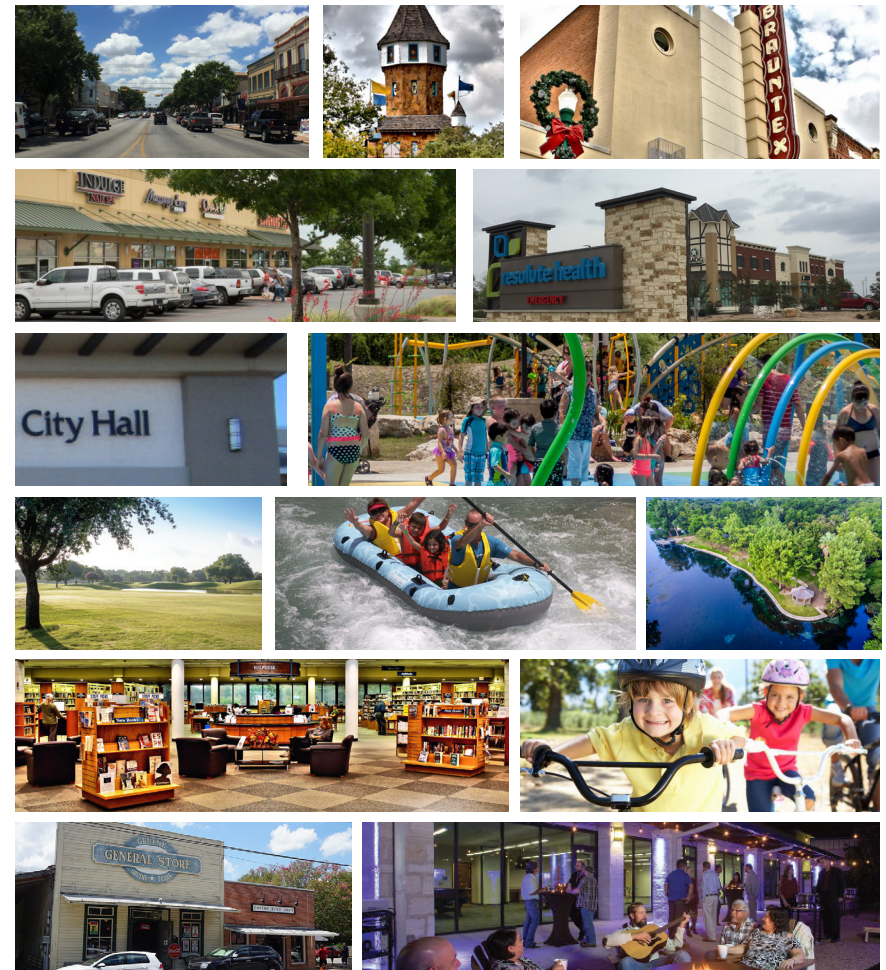
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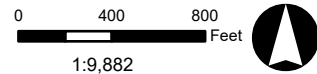
This fast-growing Sub Area includes many neighborhoods offering affordable places for young families to live.







## Approved Special Use Permits for Short-Term Rental of Bed & Breakfast Use



**PLANNING COMMISSION – APRIL 20, 2021 – 6:00PM**

Zoom Meeting

**Applicant/Owner:** Jeff Coultas

**Address/Location:** 306 E Faust St

**PROPOSED SPECIAL USE PERMIT – CASE #SUP21-122**

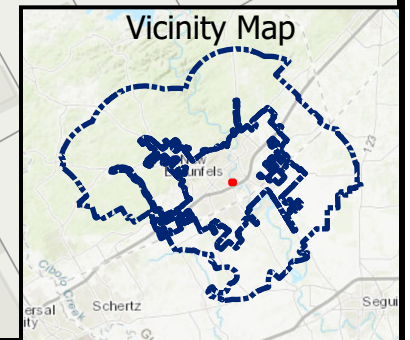
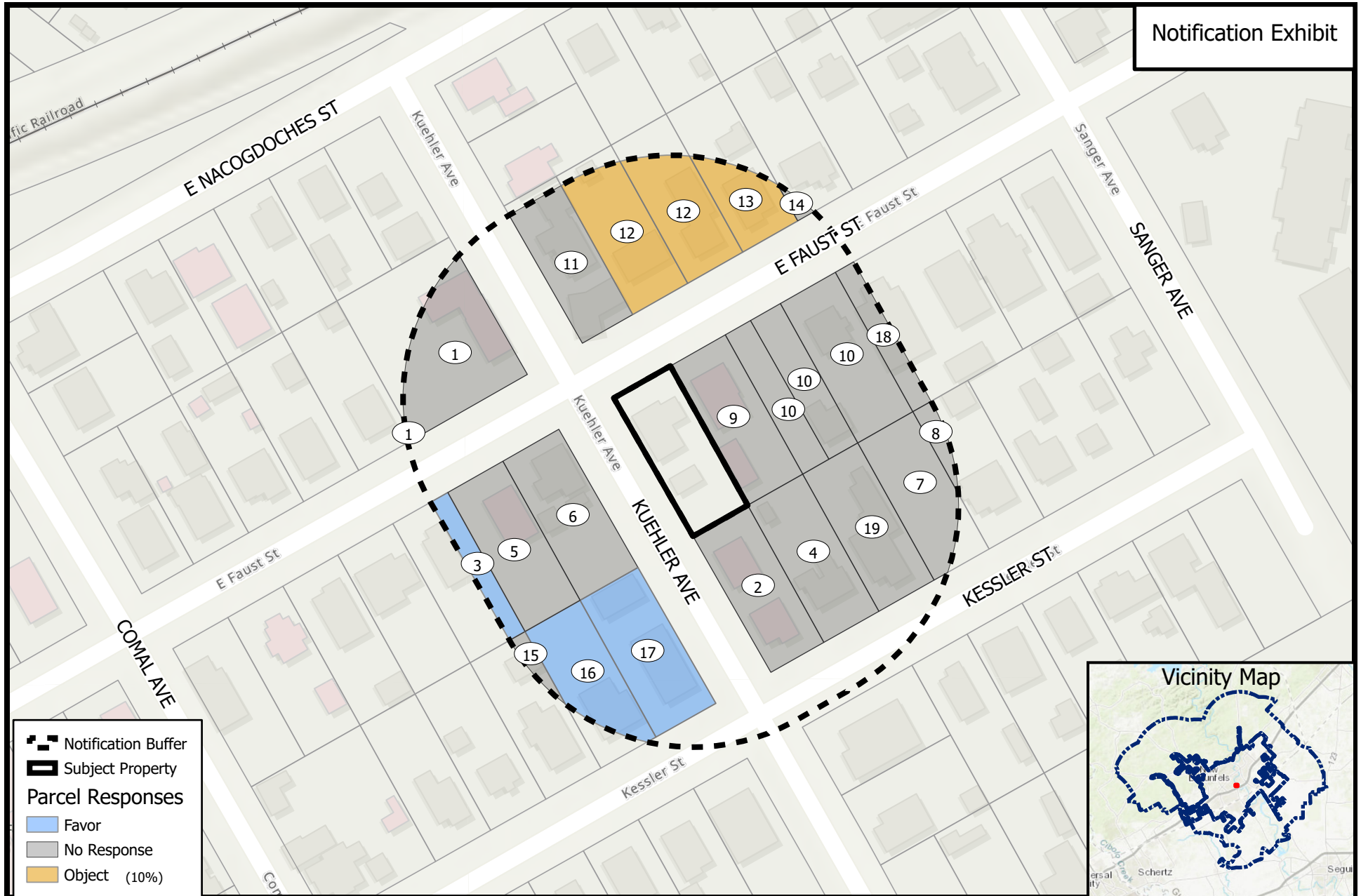
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- |   |  |
|---|--|
| 1. DOYLE FRANCIS W & MARGARET J RVCBL LVNG TRST   | 10. PAWLIK DEBORAH K                         |
| 2. KOEHLER LUCILLE HANZ                           | 11. GRIMM DORIS M                            |
| 3. NAUMANN ROBERT W & DINAH L LOVEJOY-<br>NAUMANN | 12. WUNDERLICH PROPERTIES LLC                |
| 4. SMILEY CYNTHIA A                               | 13. NOWAK JUDY                               |
| 5. BLINDER LARRY & JENNIFER                       | 14. GARRISON CLYDE A & KAREN S               |
| 6. 296 E FAUST AP LAND TRUST                      | 15. FISHER SHANE B                           |
| 7. NUCKELS RICHARD JOHN JR                        | 16. MILLER ANNE L & DOUGLAS R II             |
| 8. MAXWELL SYLVIA J                               | 17. COULTAS JEFFREY A & LAURA A              |
| 9. ALVAREZ KARINA                                 | 18. CAST PROPERTIES LLC                      |
|   | 19. NUCKELS RICHARD JOHN JR & MARY KATHERINE |

---

**SEE MAP**





YOUR OPINION MATTERS - DETACH AND RETURN

Case: #SUP21-122 mg

Name: Robert & Dinah Naumann

Address: 264 E. Faust Street

Property number on map: 3

I favor: X

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

Comments: (Use additional sheets if necessary)

MAY 04 2021

Signature: Dinah Naumann

**From:** [Douglas Miller II](#)  
**To:** [Matt Greene](#)  
**Subject:** Special Use Permit-SUP21-122  
**Date:** Monday, May 3, 2021 6:27:38 PM  
**Importance:** High

---

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Mr. Greene,

I am in favor of SUP21-122 at 306 E. Faust Street being approved. I feel that this will improve the mixed use of the area. This is a commercial zoned area that allows this type of use and it will enrich the overall appeal. I am property #16 on the map.

Thank you,



Douglas Miller II  
Miller & Miller Insurance Agency  
400 W. San Antonio Street  
New Braunfels, TX 78130



O – 830.625.3000  
F – 830.625.3299

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YOUR OPINION MATTERS - DETACH AND RETURN

Case: #SUP21-122 mg

Name:

Laura Coultas

Address:

295 Kessler St. 78130

Property number on map:

#17

I favor:

X

MAY 04 2021

I object:

(State reason for objection)

Comments: (Use additional sheets if necessary)

Signature:

Laura Coultas

I'm in favor for the SUP because it will add to the mixed use of the area. I also feel it will help support the commerce of the small, locally owned business establishments within the neighborhood.

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #SUP21-122 mg

Name: Kenneth W. Wunderlich

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

MAY 08 2021

Address: 608 ACORN, New Braunfels, TX

I object: X (State reason for objection)

Property number on map: #12

78130

Comments: (Use additional sheets if necessary)

Reduces the quality of residential living & subsequently the value of ~~my~~ property as a residence for families.

Signature: Kenneth W. Wunderlich

Wunderlich Properties LLC,  
Chair



YOUR OPINION MATTERS - DETACH AND RETURN

Case: #SUP21-122 mg



Name: Judy Nowak

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

Address: 357 E Faust

I object: ☒ (State reason for objection)

Property number on map: 13

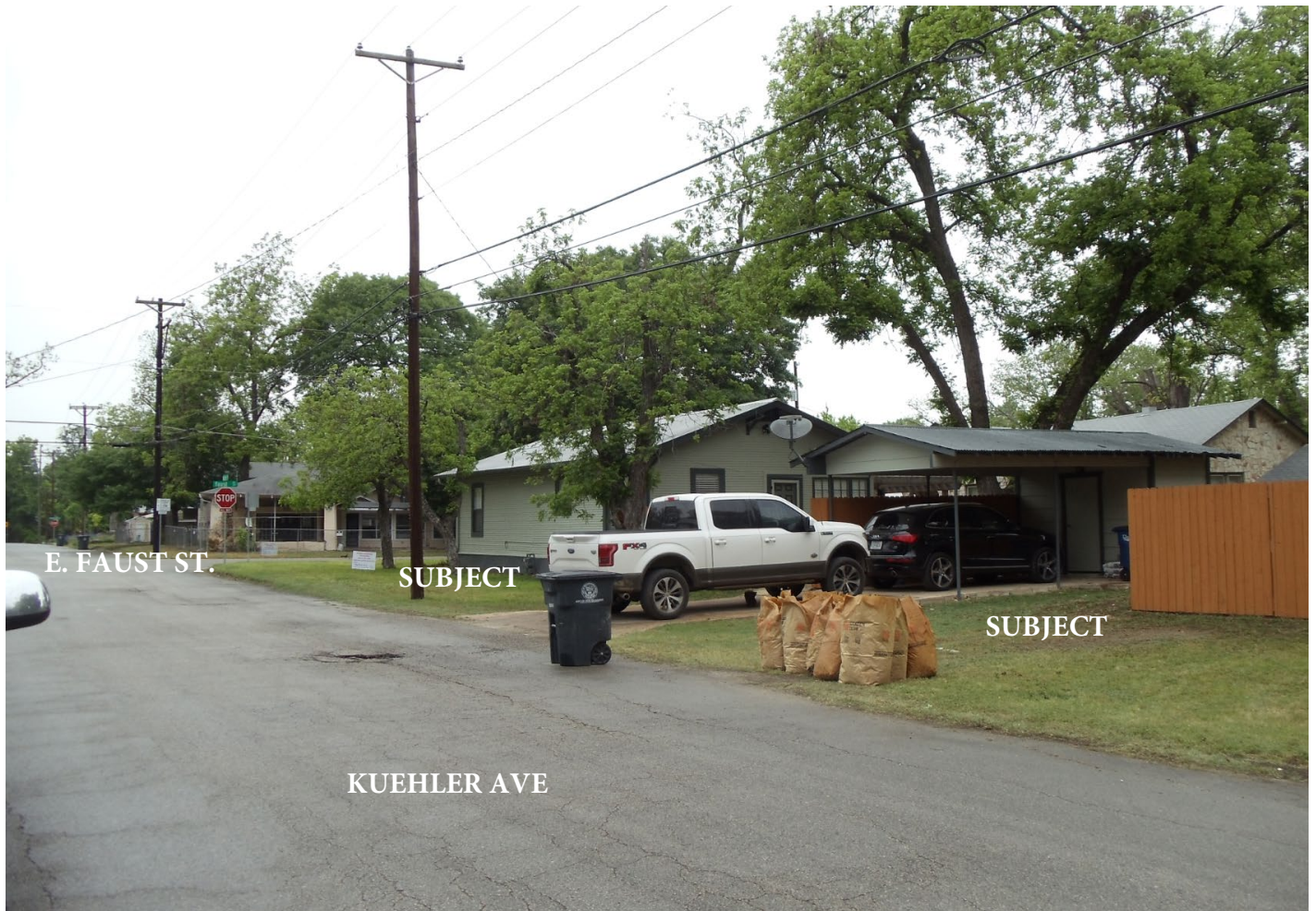
Comments: (Use additional sheets if necessary)

with short term rental, we do not know our neighbors (as we do now). Most properties are long term rental or privately owned.

We have enough strangers in our neighborhood due to volume of people at river below Faust St. bridge.

Signature: Judy Nowak









SUBJECT

E. FAUST ST.

## **Draft Minutes for the May 4, 2021 Planning Commission Regular Meeting**

**D) SUP21-122 Public hearing and recommendation to City Council regarding a proposed rezoning to apply a Special Use Permit to allow short term rental of a single-family dwelling in the “C-3” Commercial District, addressed at 306 E. Faust Street. Applicant/Owner: Jeffrey A Coultas; 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 for clarification of the request.

Chair Edwards asked if the applicant would like to speak.

Jeff Coultas, 306 E Faust, provided intent and context behind the request.

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

Douglas Miller, 1735 Canyon Way, stated he is the property owner of number 16 and cited support for the request.

William Rodgers, 16 La Mesa, asked for clarification of the request and asked about ADA compliance.

Discussion followed on ADA standards.

Darrel Panozzo, 219 E Faust, stated he is in favor of the request in line with prior comments.

Chair Edwards closed the public hearing.

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

Motion by Commissioner Reaves, seconded by Commissioner Meyer, to recommend approval to City Council of the proposed rezoning to apply a Special Use Permit to allow short term rental of a single-family dwelling in the “C-3” Commercial District, addressed at 306 E. Faust Street. Motion carried (8-0-0).

**ORDINANCE NO. 2021-**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS GRANTING A TYPE 2 SPECIAL USE PERMIT TO ALLOW SHORT TERM RENTAL OF A SINGLE FAMILY DWELLING IN THE “C-3” COMMERCIAL DISTRICT ON LOT 1, CITY BLOCK 1055, ADDRESSED AT 306 EAST FAUST 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 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 short term rentals; and

**WHEREAS**, the City Council desires to grant a Type 2 Special Use Permit for Lot 1, City Block 1055, currently addressed at 306 East Faust Street, to allow the short-term rental of single-family dwelling in the “C-3” Commercial 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 described tract of land as a “Special Use Permit” for the uses and conditions herein described:

Lot 1, City Block 1055, currently addressed at 306 East Faust Street, as delineated in Exhibit “A”.

## **SECTION 2**

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

1. The residential character of the property must be maintained.
2. The property will remain in compliance with the approved site plan (Exhibit 'B', attached). Any significant changes to the site plan will require a revision to the SUP.
3. Occupancy is limited to a maximum of 5 guests
4. The applicant will register the short-term rental and create an account for online payment of hotel occupancy taxes
5. All standards of the Zoning Ordinance will be met.

## **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 24th day of May, 2021.

**PASSED AND APPROVED:** Second reading this 14th day of June, 2021.

**CITY OF NEW BRAUNFELS**

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

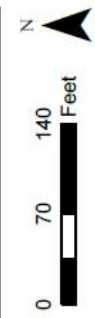
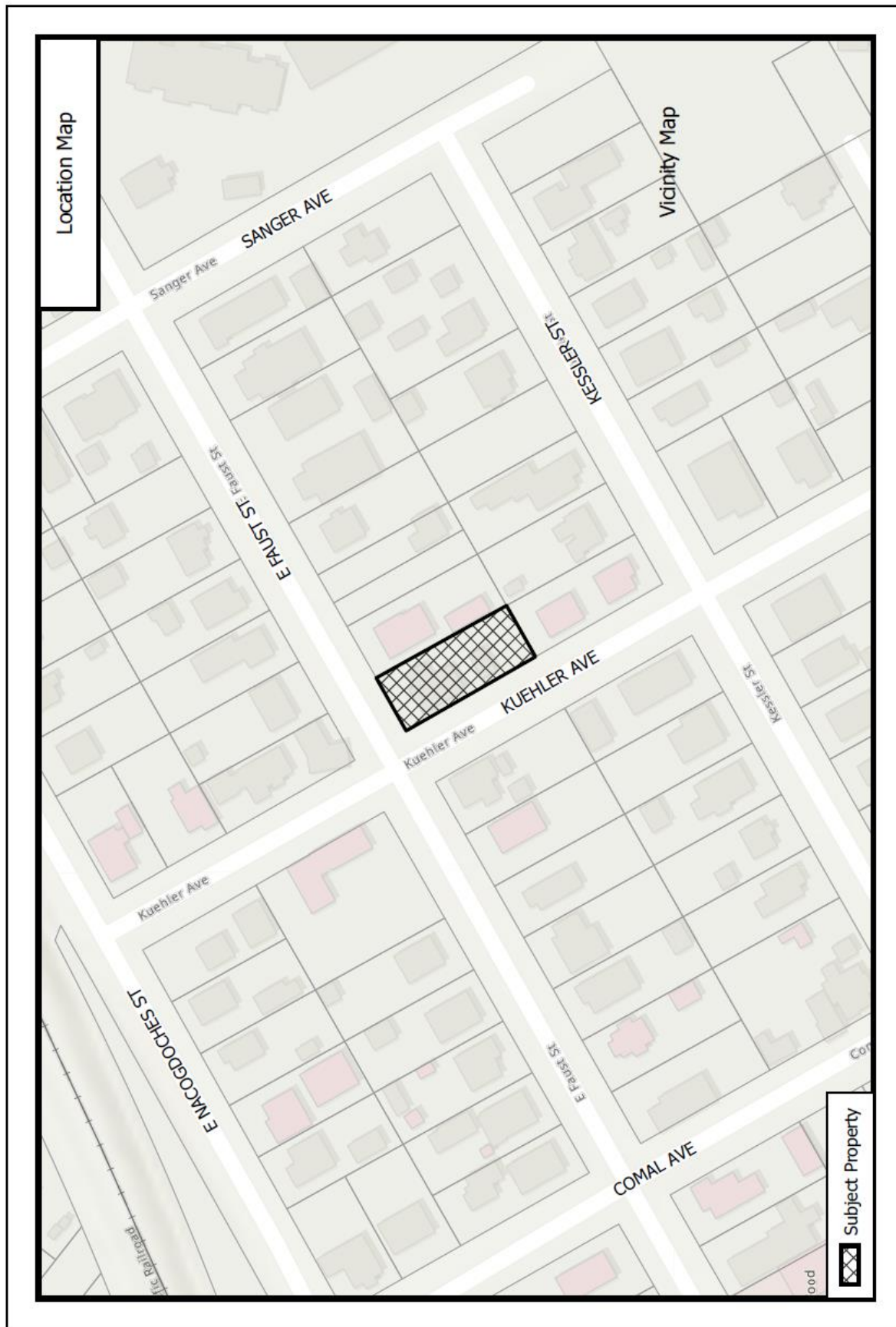
**ATTEST:**

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

**APPROVED AS TO FORM:**

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





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.

**SUP21-122**  
**SUP for Short Term Rental in C-3**  
**306 E. Faust St.**

Source: City of New Braunfels Planning  
 Date: 5/4/2021



Path: \\CHFS-1\Departments\Planning\ZoneChange-SUP-Rep\2021\SUP21-122 - 306 E Faust -

EXHIBIT 'A'

**EXHIBIT 'B'**