



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



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

MONDAY, JULY 12, 2021 at 6:00 PM

Rusty Brockman, Mayor	Lawrence Spradley, 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/83369443180> or call

(833) 926-2300 Webinar ID: 833 6944 3180

MISSION STATEMENT

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

AGENDA

CALL TO ORDER

CALL OF ROLL: CITY SECRETARY

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

INVOCATION: COUNCILMEMBER BLAKEY

PLEDGE OF ALLEGIANCE & SALUTE TO THE TEXAS FLAG

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.

PRESENTATIONS:

- A) Presentation and possible action directing staff to bring [21-666](#) forward amendments to various development-related ordinances to streamline processes that require certain items to appear before City Council for final decision.
Christopher J. Looney, AICP, Planning and Development Services Director
- B) Presentation regarding the alignment of City board and [21-685](#)

Commission terms to occur in the Fall and Spring.

Caitlin Krobot, City Secretary

1. **MINUTES**

- A) Discuss and consider approval of the minutes of the [21-679](#) Special City Council meeting of June 8, 2021, the City Council meeting of June 28, 2021, the Executive Session meeting of June 28, 2021 and the Special City Council meeting of June 30, 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. Citizens must be present to pull an item.

Resolutions & Action Items

- A) Approval for annual software maintenance renewal of [21-675](#) Cityworks PLL software through Azteca Systems, LLC.

Tony Gonzalez, Director of Information Technology

- B) Approval for the submission of the Community [21-678](#) Development Block Grant Annual Action Plan, and associated funding recommendations, for Program Year 2021 to the U.S. Department of Housing and Urban Development.

Jennifer Gates, Grants Coordinator

Ordinances

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

- C) Approval of the second and final reading of an ordinance [21-665](#) 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 218 South Peach Avenue.

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

- D) Approval of the second and final reading of an ordinance [21-664](#) regarding a proposed rezoning to apply a Type 2 Special

Use Permit to adopt a site plan and establish development standards for an RV Resort on approximately 29 acres consisting of Lot 1D-R Walnut Heights Subdivision and approximately 25 acres out of the J. M. Veramendi A-2 Survey, located in the 700 block of N. Walnut Avenue.

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

- E) Approval of the second and final reading of an ordinance [21-667](#) regarding the requested abandonment of a 0.366-acre portion of Tolle Street Right-of-Way, located between South Gilbert Avenue and the terminus of Tolle Street.

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

- F) Approval of the second and final reading of an ordinance [21-672](#) to revise sections 144 -1.3, Definitions, to define efficiency/studio apartments, and 144-5.1-3 Schedule of Required Spaces to identify parking standards for efficiency/studio apartments.

Jean Drew, AICP, CNU-A, Planning and Development Services Assistant Director

- G) Approval of the second and final reading of an Ordinance [21-694](#) of the City Council of the City of New Braunfels, Texas Amending the Project Plan and Reinvestment Zone Financing Plan for the Reinvestment Zone Number One, City of New Braunfels, Texas; Approving a Second Amendment to the Economic Development Agreement Between the City of New Braunfels, Texas and A-L 95 Creekside Town Center, L.P.; and Other Matters in Connection Therewith

Jared Werner, Chief Financial Officer

3. **INDIVIDUAL ITEMS FOR CONSIDERATION**

- A) Discuss and consider approval of a resolution naming an [21-668](#) alternate to the Alamo Area Council of Governments Board of Directors.

Caitlin Krobot, City Secretary

- B) Discuss and consider the second and final reading of an ordinance [21-686](#) regarding a proposed rezoning of approximately 60.1 acres out of the J. Thompson Survey, A-608 and William H. Pate Survey, A-259 located east of the intersection of FM 1044 and Michelson Lane, from

“APD” Agricultural/Pre-Development District to “ZH-A”
Zero Lot Line Home District.

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

- C) Discuss and consider approval of the installation of [21-601](#)
speed humps on Misty Acres Drive between SH 46 and
Lake Front Avenue.

Garry Ford, Assistant Public Works Director/City Engineer

- D) Discuss and consider approval of the first reading of an [21-584](#)
ordinance to install an all-way stop at the intersection of
W County Line Road and Chartwell Entry.

Garry Ford, Assistant Public Works Director/City Engineer

- E) Public hearing and first reading of an ordinance [21-617](#)
amending Section 126-346 of the City of New Braunfels
Code of Ordinances to restrict parking around the
landscaped islands on the outside edges of Main Plaza.

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

- F) Public hearing and first reading of an ordinance [21-660](#)
amending Section 126-136 and Section 126-137 of the
City of New Braunfels Code of Ordinances to create
school speed zones on West Klein Road and South
Walnut Avenue, respectively.

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

4. EXECUTIVE SESSIONS

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

- A) Deliberate the purchase, exchange, lease or value of [21-627](#)
real estate in accordance with Section 551.072 of the
Texas Government Code, specifically
•City Facilities
- B) Deliberate issues regarding economic development [21-696](#)
negotiations in accordance with section 551.087 of the
Texas Government Code.
•Project Hot Shots
•Taskus

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).

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

ADJOURNMENT

CERTIFICATION

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

Caitlin Krobot, City Secretary

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

7/12/2021

Agenda Item No. A)

PRESENTER:

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

SUBJECT:

Presentation and possible action directing staff to bring forward amendments to various development-related ordinances to streamline processes that require certain items to appear before City Council for final decision.

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

Several development-related processes require multiple steps that end with City Council consideration. Some are required by state statute to be considered and decided by City Council (rezoning, alcohol distance variances). But others are required to “go to” City Council simply by local ordinance. Staff is looking at these processes to identify any streamlining opportunities.

ISSUE:

It has been noted that some of these processes do not necessarily rise to a level requiring City Council scrutiny and, with appropriate criteria, could be addressed and finalized at an administrative or board/commission level. This would save staff, customers and citizens time by streamlining the review and consideration process. Staff is examining the currently adopted ordinances and thus far has identified a few processes for consideration:

- Zoning appeal processes: Temporary Mobile Storage Units, Off-site Parking Plans, Multi-family and Non-residential design standards, etc.
- Subdivision Platting: Alternative Pedestrian Plans, sidewalk waivers, sidewalk escrow requests
- Signs: Temporary Street Banner appeals, Conditional Sign Permits, Sign variances, Interpretation appeals

FISCAL IMPACT:

N/A

RECOMMENDATION:

Staff recommends moving forward with research to identify all streamlining opportunities, and bringing forward amendment recommendations.

7/12/2021

Agenda Item No. B)

PRESENTER:

Caitlin Krobot, City Secretary

SUBJECT:

Presentation regarding the alignment of City board and Commission terms to occur in the Fall and Spring.

DEPARTMENT: City Secretary's Office

COUNCIL DISTRICTS IMPACTED: City-wide

BACKGROUND INFORMATION:

The City of New Braunfels currently has 31 boards and commissions. Each board and commission have term dates, term lengths, and requirements for eligibility unique to the creating ordinance, state law or by-laws of the body. Currently, the City Secretary's Office brings board and commission appointments to City Council every month of the year but June and July.

In March of 2021, the City Secretary's Office began working on several improvements to the boards and commissions with three goals:

1. Implementation of board and commission management software
2. Application redesign
3. Term alignments

The City Secretary's Office launched Onboard in late March 2021 along with the redesigned application accomplishing the first two goals. The alignment of terms to a twice year process is the final step in the revamp of the City's boards and commissions.

The alignment of terms will allow city staff to work collaboratively to develop a more robust advertisement campaign that will better communicate information to the community regarding opportunities to serve on a board or commission. Additionally, the term alignment will streamline internal administrative processes.

ISSUE:

This item is for presentation purposes only.

FISCAL IMPACT:

No fiscal impact.

RECOMMENDATION:

This item is for presentation purposes only.

7/12/2021

Agenda Item No. A)

PRESENTER:

Caitlin Krobot, City Secretary

SUBJECT:

Discuss and consider approval of the minutes of the Special City Council meeting of June 8, 2021, the City Council meeting of June 28, 2021, the Executive Session meeting of June 28, 2021 and the Special City Council meeting of June 30, 2021.

DEPARTMENT: City Secretary's Office

City of New Braunfels, Texas

801 W. San Antonio St.

Minutes

Wednesday, June 30, 2021

9:00 AM

McKenna Events Center - Room A

Special City Council

Rusty Brockman, Mayor – arrived at 10:35 a.m.

Shane Hines, Councilmember (District 1)

Justin Meadows, Mayor Pro Tem (District 2)

Harry Bowers, Councilmember (District 3)

Lawrence Spradley (District 4)

Jason E. Hurta (District 5)

James Blakey (District 6)

The meeting was called to order by Mayor Pro Tem Meadows at 9:25 a.m. Mayor Pro Tem Meadows gave the Invocation and led the Pledge of Allegiance and Salute to the Texas Flag.

1. WORKSHOP

- A) Presentation and discussion regarding the establishment of the 2023 Bond Advisory Committee.
- B) Presentation and discussion regarding the City's American Rescue Plan Act allocation and establishment of an Ad-Hoc committee to Develop investment recommendation for City Council consideration.
- C) Presentation and discussion regarding the FY 2022 – FY 2026 Five Year Financial Forecast.
- D) Presentation and discussion regarding the development of an

Wednesday, June 30, 2021 New Braunfels Special City Council Regular Meeting

Ad-Hoc committee to develop a stormwater utility proposal.

- E) Presentation and discussion regarding the City council and City Management FY 2022 budget goals and priorities.
- F) Presentation and discussion regarding board and commission realignment.

Mayor Pro Tem Meadows read the aforementioned captions. Mr. Camareno opened the meeting by welcoming those present and giving an overview of the purpose of this meeting and the topics to be covered.

Mr. Camareno presented the Bond Advisory Committee by covering what would be involved in the process. Conversation ensued regarding the appointment process and appointments to the BAC – Mayor Pro Tem Meadows requested that we consider adding the WHAC and T&T as Boards and Commission appointments in lieu of some of the 2019 boards.

Mr. Werner provided an overview of the American Rescue Plan Act with additional remarks from Mr. Camareno. Mayor Pro Tem Meadow suggested that someone from the Ministerial Alliance or IDEA Forum serve on this Ad-Hoc Committee. Conversation ensued with Mr. Werner addressing questions and ideas from Council.

Mayor Pro Tem took a break at 10:28 a.m.

Mayor Brockman arrived at 10:35 a.m.

Mayor Brockman reconvened from the break at 10:46 a.m.

Mr. Camareno provided an overview of the upcoming Five -Year Financial Forecast. Ms. Matney provided Economic benchmarks and an outlook overview. Mr. Werner provided a general fund overview.

Break for lunch at 12:05 p.m.

Council reconvened at 12:35 p.m.

Mr. Werner continued with the Five – Year Financial Forecast moving into Debt Service and Enterprise Funds. Conversation ensued with Mr. Werner addressing questions from Council.

Mayor Brockman took a break at 2:07 p.m.

Mayor Brockman reconvened at 2:23 p.m.

Mr. Camareno presented an update on the Stormwater Utility proposal. Mr. Werner Presented the financial implications of the Stormwater Utility program. Mr. Ford presented Public Works Stormwater Management needs and Capital Programs/Projects. Conversation ensued and Mr. Ford addressed questions from Council.

Mr. Camareno presented budget goals for FY 2022 and addressed questions from Council.

Mrs. Krobot presented this item discussing the realignment of Boards and Commissions and the advantages of the proposed change. Mrs. Krobot addressed questions from Council.

The meeting was adjourned at 3:35 p.m.

Rusty Brockman, Mayor

Caitlin Krobot, City Secretary

City of New Braunfels, Texas

550 Landa Street

Minutes

Rusty Brockman, Mayor – Present
Shane Hines, Councilmember (District 1) – Present
Justin Meadows, Mayor Pro-Tem (District 2) – Present
Harry Bowers, Councilmember (District 3) – Present
Lawrence Spradley, Councilmember (District 4) – Present
Jason Hurta, Councilmember (District 5) – Present
James Blakey, Councilmember (District 6) – Present

Monday, June 28, 2021

5:00 PM

City Council - Executive Session

The meeting was called to order by Mayor Brockman at 5:05 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.

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).

- A) Deliberate pending/contemplated litigation, settlement offer(s), and matters concerning privileged and unprivileged client information deemed confidential by Rule 1.05 of the Texas Disciplinary Rules of Professional Conduct in

Monday, June 28, 2021 New Braunfels City Council - Executive Session Regular Meeting

accordance with Section 551.071, of the Texas Government Code, specifically:

- State Comptroller's rule amending the Texas Administrative Code, Section 3.334, relating to Local Sales and Use Taxes
- J3 Company's construction contract for Klein Road reconstruction project

- B) Deliberate issues regarding economic development negotiations in accordance with section 551.087 of the Texas Government Code.

Project Hot Shots
Taskus

Mayor Brockman read the aforementioned captions and recessed into Executive Session at 5:05 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 5:59 p.m.

No action was taken.

ADJOURNMENT

Mayor Brockman adjourned at 5:59 p.m.

Rusty Brockman, Mayor

Caitlin Krobot, City Secretary



CITY OF NEW BRAUNFELS, TEXAS

CITY COUNCIL MEETING MINUTES

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

MONDAY, JUNE 28, 2021 at 6:00 PM

***Rusty Brockman, Mayor – present
Shane Hines, Councilmember (District 1) – present
Justin Meadows, Mayor Pro Tem (District 2) – present
Harry Bowers, Councilmember (District 3) – present
Lawrence Spradley, Councilmember (District 4) – present
Jason Hurta, Councilmember (District 5) – present
James Blakey, Councilmember (District 6) – present***

The meeting was called to order by Mayor Brockman at 6:04 p.m. Councilmember Hines gave the invocation and Mayor Brockman led the Pledge of Allegiance and Salute to the Texas Flag.

PROCLAMATIONS:

- A) The International Year of Caves and Karst

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.

Valerie Tolbirt, Timothy Davis, David Gonzalez, Mark Hampton, Wayne Rudolph, Jim Holster, Kevin Robles, Thor Thornhill, and Chase Cochran spoke during Citizens Comments.

PRESENTATIONS:

- A) Notice of July 14th Meeting for Public Outreach for
Development of the FY 2022 Street Maintenance Plan.
Greg Malatek, Public Works Director

Greg Malatek spoke to this item.

The following individual spoke to this item: Jim Holster

1. MINUTES

- A) Discuss and consider approval of the minutes of the City
Council meeting of June 14, and the Executive Session
meeting of June 14.
Caitlin Krobot

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

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 an amendment to an existing Memorandum of Understanding
between the City and New Braunfels Utilities (NBU) for the for the payment of
funds to NBU for a temporary, part-time Watershed Educator position
at the Headwaters at the Comal.
Mark Enders, Watershed Program Manager
- B) Approval of the City of New Braunfels FY 2021 Second Quarter Investment
report.
Sandy Paulos, Assistant Chief Financial Officer
- C) Approval for a purchase through Siddons-Martin Emergency Group, LLC for a
new stock fire engine built by Pierce Manufacturing for an amount not to exceed
\$725,000 and the appropriate budget amendment.
Patrick O'Connell, Fire Chief

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) First reading of an ordinance regarding the requested abandonment of a 0.366-acre portion of Tolle Street Right-of-Way, located between South Gilbert Avenue and the terminus of Tolle Street.
Christopher J. Looney, AICP; Planning and Development Services Director
- E) Approval of the second and final reading of an ordinance establishing the number of positions in each classification in the New Braunfels Fire Department and Police Department pursuant to Local Government Code, Chapter 143 as well as an increase to FY 2021 Adopted Budget authorized position listing.
Robert Camareno, City Manager
- F) Approval of the second reading of an ordinance providing the right to New Braunfels Utilities Board of Trustees Members to waive annual compensation and to revoke such waiver and reinstate annual compensation at any time.
Ian Taylor, chief Executive Officer, New Braunfels Utilities (NBU)

Mayor Brockman read the aforementioned captions into record.

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

Councilmember Blakey made a motion to move individual item 3H to the beginning of individual items for consideration to accommodate family members present for the item. Councilmember Hines seconded the motion which was passed unanimously via roll call vote.

3. INDIVIDUAL ITEMS FOR CONSIDERATION

- A) Public hearing and first reading of an ordinance regarding the proposed rezoning of Lot 15 and a portion of Lot 14, Block A, Guada Coma Subdivision, addressed at 46 Guada Coma Drive, from "R-1A-6.6" Single-family District to "R-2A" Single-family and Two-family District.
Christopher J. Looney, AICP; Planning and Development Services Director

Mayor Brockman read the aforementioned caption.

Christopher Looney presented this item.

The following individuals spoke to this item: J.R. Berry, Penny Snell, Weldon Price, Nancy Ford, Karen Price, Jerry Ford, Kaia Schroeder, Gordon Schroeder, and Timothy Davis.

Councilmember Hines moved to postpone this item indefinitely and waive any fees to the property owner. Seconded by Councilmember

Bowers which passed unanimously via roll call vote.

- B) Public hearing and first reading of an ordinance regarding a proposed rezoning of approximately 60.1 acres out of the J. Thompson Survey, A-608 and William H. Pate Survey, A-259 located east of the intersection of FM 1044 and Michelson Lane, from “APD” Agricultural/Pre-Development District to “ZH-A” Zero Lot Line Home District.

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

Mayor Brockman read the aforementioned caption.

Christopher Looney presented this item.

The following individuals spoke to this item: David Ortiz, Sarah Ortiz, Barbara Cooper, William Rogers, Jeffery Martin, Tanner Hague, David Gonzalez, and Thor Thornhill.

Mayor ProTem Meadows moved to approve this item. Councilmember Hines seconded the motion which passed via roll call 6/1 with Councilmember Spradley in opposition.

Mayor Brockman took a break at 8:49 pm and reconvened at 9:00 p.m.

- C) Public hearing and first reading of an ordinance regarding a proposed rezoning to apply a Type 2 Special Use Permit to adopt a site plan and establish development standards for an RV Resort on approximately 29 acres consisting of Lot 1D-R Walnut Heights Subdivision and approximately 25 acres out of the J. M. Veramendi A-2 Survey, located in the 700 block of N. Walnut Avenue. Christopher J. Looney, AICP; Planning and Development Services Director

Mayor Brockman read the aforementioned caption.

Christopher Looney presented this item.

The following individuals spoke to this item: James Ingalls and William Rogers.

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

- D) Public hearing and first reading of an ordinance to revise sections 144 -1.3, Definitions, to define efficiency/studio apartments, and 144-5.1-3 Schedule of Required Spaces to identify parking standards for efficiency/studio apartments.

Jean Drew, AICP, CNU-A, Planning and Development Services Assistant Director.

Mayor Brockman read the aforementioned caption.

Jean Drew presented this item.

No individual spoke to this item.

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

- E) Discuss and consider approval of a resolution of the City of New Braunfels, Texas consenting to the creation of Comal County Water Improvement District, Number 3 located in the City's extraterritorial jurisdiction.
Jeff Jewell, Economic and Community Development Director

Mayor Brockman read the aforementioned caption.

Jeff Jewell presented this item.

No individual spoke to this item.

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

- F) Discuss and consider adoption of the Development Agreement and associated exhibits for Comal County Water Improvement District Number 3, which is in the Extraterritorial Jurisdiction of the City.
Jeff Jewell, Economic and Community Development Director

Mayor Brockman read the aforementioned caption.

Jeff Jewell presented this item.

No individual spoke to this item.

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

- G) Discuss and possible action of a sponsorship program for the new Westside

Branch of the New Braunfels Public Library.

Gretchen Pruett, Library Director

Mayor Brockman read the aforementioned caption.

Gretchen Pruett presented this item.

The following individual spoke to this item. William Rogers

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

- H) Second public hearing and possible direction to staff regarding the U.S. Department of Housing and Urban Development Community Development Block Grant Annual Action Plan and its associated funding recommendations for Program Year 2021.

Jennifer Gates, Grants Coordinator

Mayor Brockman read the aforementioned caption.

Jennifer Gates presented this item.

The following individual spoke to his item: William Rogers

No action needed at this time.

- I) Public Hearing and the first reading of an Ordinance of the City Council of the City of New Braunfels, Texas Amending the Project Plan and Reinvestment Zone Financing Plan for the Reinvestment Zone Number One, City of New Braunfels, Texas; Approving a Second Amendment to the Economic Development Agreement Between the City of New Braunfels, Texas, and A-L 95 Creekside in Town Center, L.P.; and Other Matters Connection Therewith
- Jared Werner, Chief Financial Officer

Mayor Brockman read the aforementioned caption.

Jared Werner presented this item.

No individual spoke to this item.

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

- J) Discuss and consider a waiver from Section 118-49(a) of the Subdivision Platting Ordinance to allow an alternative pedestrian access plan adjacent to existing Zipp Road for the Highland Ridge Subdivision.

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

Mayor Brockman read the aforementioned caption.

Christopher Looney presented this item.

The following individuals spoke to this item: Chris VanHerdee and William Rogers.

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

- K) 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 218 South Peach Avenue.

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

Mayor Brockman read the aforementioned caption.

Christopher Looney presented this item.

The following individual spoke to this item: Senaido Rodriguez Jr.

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

- L) Discuss and consider a resolution to remove a segment of the Minor Arterial identified in the City of New Braunfels Thoroughfare Plan that is the future extension of County Line Road from FM 1044 to Engel Road associated with the proposed 1845 Subdivision located at 1890 FM 1044.

Garry Ford, Assistant Public Works Director/City Engineer

Mayor Brockman read the aforementioned caption.

Garry Ford presented this item.

The following individuals spoke to this item: John McClish and William Rogers.

Item dies for lack of motion.

- M) Appeal hearing for relief from apportionment of municipal infrastructure costs associated with the proposed 1845 Subdivision located at 1890 FM 1044.
Garry Ford, Jr., Assistant Public Works Director/City Engineer

Mayor Brockman read the aforementioned caption.

Garry Ford presented this item.

No individual spoke to this item.

No action needed at this time. City Council shall consider this request after the appeal hearing. City Council shall consider the petition within 30 days of the submission of the study and any additional evidence submitted by Mr. McClish and the applicant. City Council shall make a decision within 30 days of the final submission. The target date is July 26, 2021.

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

Mayor Brockman adjourned at 11:14 p.m.

Rusty Brockman, Mayor

Caitlin Krobot, City Manager

DRAFT

**MINUTES
OF THE NEW BRAUNFELS SPECIAL CITY COUNCIL
MEETING OF TUESDAY, JUNE 8, 2021**

City Council

Rusty Brockman, Mayor-present

Shane Hines, Councilmember (District 1)-present

Justin Meadows, Mayor Pro Tem (District 2)-present

Harry Bowers, Councilmember (District 3)-present

Lawrence Spradley, Councilmember (District 4)-present

Jason Hurta, Councilmember (District)-present

James Blakey, Councilmember (District 6)-present

The meeting was called to order by Mayor Brockman at 3:02pm. Councilmember Hurta gave the invocation and Mayor Brockman led the Pledge of Allegiance and Salute to the Texas Flag.

1. WORKSHOP

- A) Interview applicants for the Planning Commission for terms ending May 31, 2024.

Mayor Brockman read the caption and recessed the meeting at 3:05pm to move to the Tejas Room. The meeting reconvened at 3:06pm.

Interviews began with Bill Biggadike. Following Mr. Biggadike's interview, Council recessed at 3:19pm to address technical difficulties in the room. The meeting reconvened at 3:36pm and interviews continued in the following order:

Steve Cornelius

Larry Johnson

Jason Layh

William Henry

Ron Reaves

James Vaughan

Lee Edwards

Johnnie Rosenauer

Tuesday, June 8, 2021 New Braunfels Special City Council Regular Meeting

**Thea French
Jessica Hille
Kurt Andersen-Vie
Daniel Oldani
Mark Goodner
David Lerch
Cutter Gonzalez
Drew Snider**

Mr. Lerch and Mr. Snider applied for both Planning Commission and Zoning Board of Adjustment and were interviewed for both at this time.

Ms. Krobot read a prepared statement on behalf of Katharina Perez.

During the interviews, Council recessed at 5:20pm and reconvened at 5:27pm and then recessed again at 7:03pm at the conclusion of the Planning Commission interviews and reconvened at 7:10pm to begin the Zoning Board of Adjustment Interviews.

- B) Discuss and consider approval of the appointment of three individuals to the Planning Commission for terms ending May 31, 2024.**
- C) Interview applicants for the Zoning Board of Adjustment for terms ending May 31, 2023 and an unexpired term ending May 31, 2022.**

In lieu of acting on the Planning Commission interviews, Council elected to continue with the Zoning Board of Adjustment interviews. The interviewees with interviewed in the following order:

**John Coker
Jenny Wilson
Cynthia Foster**

Ms. Krobot read a prepared statement on behalf of Katharina Perez.

Council recessed at 7:36pm to relocate to Council Chambers.

- D) 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.

Council reconvened at 7:42pm and considered items B and D at this time.

Council unanimously selected Mr. Reaves and Mr. Edwards. The third spot was tied between Mr. Snider and Mr. Andersen-Vie and with the tie breaker going to Mr. Andersen-Vie. Councilmember Hines made a motion to approve Mr. Reaves, Mr. Edwards, and Mr. Andersen-Vie to the Planning Commission for terms ending May 31, 2024 which was seconded by Councilmember Bowers and unanimously approved via roll call vote.

Next, Council considered the 2 regular members on the Zoning Board of Adjustment. Council unanimously selected Mr. Coker and Ms. Foster. Councilmember Hines made a motion to approve Mr. Coker and Ms. Foster for terms ending May 31, 2023 to the Zoning Board of Adjustment which was seconded by Councilmember Spradley and unanimously approved via roll call vote.

Then Council considered the 2 alternate members on the Zoning Board of Adjustment. Council unanimously selected Ms. Wilson and Mr. Snider. Councilmember Hines made a motion to approve Ms. Wilson and Mr. Snider for terms ending May 31, 2023 to the Zoning Board of Adjustment which was seconded by Councilmember Hurta and unanimously approved via roll call vote.

Lastly, Council considered 1 alternate member on the Zoning Board of Adjustment. Councilmember Hines made a motion to approve Mr. Lerch for an unexpired term ending May 31, 2022 to the Zoning Board of Adjustment which was seconded by Mayor Pro Tem Meadows and unanimously approved via roll call vote.

The meeting adjourned at 7:50pm.

7/12/2021

Agenda Item No. A)

PRESENTER:

Tony Gonzalez, Director of Information Technology

SUBJECT:

Approval for annual software maintenance renewal of Cityworks PLL software through Azteca Systems, LLC.

DEPARTMENT: Information Technology

COUNCIL DISTRICTS IMPACTED: All

BACKGROUND INFORMATION:

In 2018 the City purchased Cityworks PLL (Permits, Licensing and Land) software to replace the outdated Accela software. Over the last three years the City has implemented Cityworks for Planning, Engineering, Building, Solid Waste and New Braunfels Fire Department. Many other departments are planned to become users of Cityworks, where appropriate. The City has made a sizeable time and financial commitment in Cityworks, including the launch of the Customer Portal, digital plan submission, automated workflows, reports, etc.

ISSUE:

The current software maintenance agreement expires on 8/26/2021.

FISCAL IMPACT:

The Cityworks Annual Software Maintenance cost is budgeted in the Information Technology Department Budget in the amount of \$60,000. Therefore, sufficient funds are available for this purchase.

RECOMMENDATION:

Staff recommends approval of the purchase of the Cityworks Annual Software Maintenance.

Contact Information

Contact Name:	Tony Gonzalez	Prepared By Name:	Jenn Miya
Customer:	New Braunfels (TX), City of	Prepared By Phone:	(801) 872-9528
Contact Address:	550 Landa Street New Braunfels, TX 78130	Prepared By Email:	jmiya@cityworks.com

Quote Lines

Product Name	Quantity	Net Unit Price
Server PLL Standard ELA License	1.00	USD 60,000.00
PLL Native Mobile Apps ELA License	1.00	USD 0.00
eURL ELA License	1.00	USD 0.00
PLL Public Access License	1.00	USD 0.00
Workload	1.00	USD 0.00
Web Hooks	1.00	USD 0.00
Respond PLL ELA License	1.00	USD 0.00
Cityworks Analytics for PLL	1.00	USD 0.00
TOTAL:		USD 60,000.00

Maintenance Start Date: 8/27/2021 Maintenance End Date: 8/26/2022

Quote Notes:

Terms and Conditions

Payment Terms
Payment due within 30 days

All quotations are valid for ninety-days (90) from the date above, unless otherwise stated in this quotation form. All prices quoted are in USD, unless specifically provided otherwise, above. These prices and terms are valid only for items purchased for use and delivery for the Customers listed above.

Unless otherwise referenced, this quotation is for the Cityworks software products referenced above only. Pricing for implementation services (installation, configuration, training, etc.), or other software applications is provided separately and upon request.

The procurement, installation and administration of the Esri software or any other third-party software utilized in conjunction with Cityworks will be the responsibility of the Customer.

The procurement, installation and administration of the RDBMS utilized in conjunction with Cityworks will be the responsibility of the Customer. Currently, Cityworks supports Oracle and SQL Server. The procurement, installation and administration of the infrastructure (hardware and networking) utilized in conjunction with Cityworks will be the responsibility of the Customer.

This quotation and the pricing information herein is confidential and proprietary and may not be copied or released other than for the express purpose of the current system Software and Product selection and purchase. This information may not be given to outside parties or used for any other purpose without written consent from Azteca Systems, LLC or unless otherwise specifically permitted by law. If a "public access" or similar request is made, Customer, shall notify Azteca Systems, prior to any disclosure.

Software Licensing

All Azteca Systems software offered in this quotation are commercial off-the-shelf (COTS) software developed at private expense, and is subject to the terms and conditions of the signed "Cityworks Software License and Maintenance Agreement" ("Agreement") and any and all addendums or amendments thereto. A fully executed copy of the Agreement and any addendum(s) is required before delivery and installation and usage of the software is subject to the terms of the current license agreement.

The terms and conditions of the executed Cityworks Software License Agreement apply to this Quote unless otherwise specifically stated herein. Any additional or conflicting terms set forth in any purchase orders, invoices, or other standard form documents exchanged during the ordering process, other than product descriptions, quantities, pricing, and dates are void and of no effect.

Delivery method is by way of download through Azteca Systems, LLC. customer support web portal.

Taxes

Prices quoted do not include any applicable state, sales, local, or use taxes unless so stated. In preparing your budget and/or Purchase Order, please allow for any applicable taxes, including, sales, state, local or use taxes as necessary. Azteca Systems reserves the right to collect any applicable sales, use or other taxes tax assessed by or as required by law. Azteca Systems reserves the right to add any applicable tax to the invoice, unless proof with the order is shown that your organization or entity is tax exempt or if it pays any applicable tax directly.

International Customers

These items are controlled by the U.S. government and authorized for export only to the country of ultimate destination for use by the ultimate consignee or end-user(s) herein identified. They may not be resold, transferred, or otherwise disposed of, to any other country or to any person other than the authorized ultimate consignee or end-user(s), either in their original form or after being incorporated into other items, without first obtaining approval from the U.S. government or as otherwise authorized by U.S. law and regulations.

Your signature indicates your acceptance of this Quote, and that you have read and accepted the Terms and Conditions set forth above.

Accepted by:

Title

____/____/____
Date

7/12/2021

Agenda Item No. B)

PRESENTER:

Jennifer Gates, Grants Coordinator

SUBJECT:

Approval for the submission of the Community Development Block Grant Annual Action Plan, and associated funding recommendations, for Program Year 2021 to the U.S. Department of Housing and Urban Development.

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

The City of New Braunfels has been fortunate to receive annual grants from the U.S. Department of Housing and Urban Development (HUD) Community Development Block Grant (CDBG) Entitlement Program since 1994. The annual funding amount varies each year as it is determined on a formula basis and then provided to entitled cities, counties, and states to help develop viable urban communities. It is the City's standard practice to distribute funds throughout the community by providing eligible subrecipients with grant funding that can be used to revitalize neighborhoods, support affordable housing, provide economic opportunities, and improve community facilities and services intended for low- and moderate-income (LMI) residents. Of the total annual funding amount, specific percentages of the funding are eligible to be allocated to CDBG program administration (20% cap), public service activities (15% cap), and housing and public facility projects (65% minimum, 100% maximum). Any additional funds, including from previous Program Years, are held in reserve in the U.S. Treasury to be utilized by the City for housing/public facilities projects at a future date in accordance with timeliness requirements and project/program eligibility.

In accordance with Federal requirements for CDBG funding, the City is preparing to submit its Annual Action Plan (AAP) to HUD. The AAP, developed according to the City's Citizen Participation Plan, outlines the projects and programs the City will support with CDBG funds during the upcoming Program Year, thereby furthering the goals of the Consolidated Plan, a five-year strategic planning document, approved by City Council (Council) and HUD. After submission of the AAP to HUD for their review and approval, projects and programs are then implemented in accordance with the approved one-year budget for proposed activities.

The City's allocation for Program Year 2021 (PY21) is \$430,279, beginning on October 1, 2021 until September 30, 2022. Of the total funding amount, up to 15 percent (\$64,541.85) can be allocated for public service activities, up to 20 percent (\$86,055.80) is eligible for program administration, and a minimum of 65 percent (\$279,681.35) must be used for other activities such as housing and public facilities projects as per HUD CDBG requirements.

Consistent with the City's standard practice to distribute CDBG funding provided by HUD, a competitive

Request for Application (RFA) was available to nonprofit agencies and other eligible entities from February 10, 2021 to March 10, 2021. Applications were available for 3 categories: Public Services, Public Facilities, and Housing. The City subsequently received 12 applications from 10 local non-profit organizations for a variety of activities totaling \$364,454.28 within the Public Services category, and \$493,917 within the Public Facilities (\$369,667) and Housing (\$124,250) categories.

Due to being significantly oversubscribed for the competitive categories, if approved by Council, all unallocated funds from PY20 (\$56,460.30; eligible for public facilities and housing projects only) will be added to the PY21 grant award thereby providing a total of \$486,739.30 to be allocated for PY21 projects and programs.

Additionally, if approved by Council, the CDBG administration costs will be absorbed into the General Fund in FY 2022, providing additional support to eligible projects by allowing the public facilities and housing allocation to increase by \$86,055.80. Supporting the administrative costs in FY 2022 is a one-time initiative as it is contingent upon the number of applications that were received and the current financial capacity in the General Fund to support the administrative costs.

As such, it is the recommendation for that \$64,541.85 be awarded to activities for Public Services, and \$422,197.45 be awarded to Public Facilities and Housing projects.

In support of the City's standard competitive application process, the Community Development Advisory Committee (CDAC) is composed of nine citizens of New Braunfels who have applied and been approved by City Council to serve in an advisory capacity on matters relating to the CDBG Program. CDAC's responsibilities include reviewing the applications for funding, hosting agency presentations/interviews, and making recommendations for funding allocations to be considered and approved by City Council. After Council consideration, the funding allocations are included in the finalized Annual Action Plan that is submitted to HUD for their review and approval.

After prior extensive review and discussion, the CDAC members met on May 5 to publicly rank the applications and consider PY21 funding recommendations, including the reallocation of \$86,055.80 from eligible CDBG administrative costs for public facilities and housing projects and programs as advised by City Staff. CDAC recommendations were based upon factors such as overall HUD-eligibility of requested activities, how the program/project will benefit low to middle income residents, availability of funding, past/current performance for organizations who had previously received funding, the experience and capacity of the applicant in managing the proposed program/activity, and the direct support of the City's recently adopted CDBG 2020-2024 Consolidation Plan by the proposed activity.

Recommendations for PY21 funding are as follows, including the payment of CDBG Program Administration costs from the General Fund in FY 2022.

U.S. Department of Housing and Urban Development (HUD)
Community Development Block Grant (CDBG): Entitlement Program

PY 2021 TOTAL GRANT AMOUNT: \$430,279

Recommendations for Funding Distribution provided on May 5, 2021 and confirmed on June 2, 2021 by CDAC

PUBLIC SERVICES (15% Cap): \$64,541.85			
Name of Organization	Average CDAC Score (max: 100)	Funding Requested	Recommended Funding
Big Brothers Big Sisters of South Texas <i>BBBS Mentoring in New Braunfels</i>	86	\$ 4,576.00	\$ 4,576.00
CASA of Central Texas, Inc. <i>Court-Appointed Advocacy for New Braunfels Children</i>	86	\$ 50,000.00	\$ 12,000.00
Family Life Center <i>Benevolent Program</i>	83	\$ 15,000.00	\$ 8,128.00
Hope Hospice <i>COVID/Suicide Related Grief Support and Camp HavenHeart Grief Camps</i>	77	\$ 42,953.28	\$ 8,384.85
NB Housing Partners <i>Public Services application: First Footing Shelter</i>	79	\$ 56,076.00	\$ 8,337.00
River City Advocacy, Inc. <i>Community Counseling Program</i>	74	\$ 20,000.00	\$ 6,500.00
The Salvation Army Braunfels Corps <i>Sheltering Sheep Haus Program</i>	55	\$ 160,849.00	\$ 7,616.00
San Antonio Food Bank <i>New Braunfels Food Bank Distribution Program</i>	88	\$ 15,000.00	\$ 9,000.00
		\$ 364,454.28	\$ 64,541.85
HOUSING / PUBLIC FACILITIES: \$422,197.45			
Name of Organization	Average CDAC Score (max: 100)	Funding Requested	Recommended Funding
The Crisis Center of Comal County <i>Purchase and Development of a Building to Provide Transitional Housing for Survivors of Domestic and Sexual Violence and Women and Children Experiencing Houselessness</i>	87	\$ 128,000.00	\$ 105,310.00
* NB Housing Partners <i>Public Facilities application: First Footing Shelter and Coordinate Entry</i> NOTE: Funding recommendation is subject to change.	92	\$ 241,667.00	\$ 241,667.00
Comal County Habitat for Humanity <i>Home Program: Down Payment and Closing Cost Assistance</i>	88	\$ 19,500.00	\$ 13,434.38
Comal County Habitat for Humanity <i>Home Repair Program</i>	87	\$ 104,750.00	\$ 61,786.07
		\$ 493,917.00	\$ 422,197.45

HUD requires a 30-day comment period, and two public hearings prior to submission, allowing for citizens to comment on the information proposed in the Annual Action Plan. The comment period for the PY21 AAP was June 7 to July 6; a full draft of the plan was available for review at the City Secretary's Office and the New Braunfels Public Library, and information was also available on the City's Community Development - CDBG Program website during this timeframe. The first public hearing was on June 14 during the regular City Council meeting; the second public hearing was on June 28 during the regular City Council meeting.

Upon receipt of Council approval during the regular City Council meeting on July 12, the finalized Annual Action Plan, including all comments received during the public comment period, will be delivered to HUD no later than August 16, 2021.

ISSUE:

Not applicable.

FISCAL IMPACT:

There is no direct fiscal impact to the City for the CDBG-funded recommended awards as this is an allocation of federal funding. Costs associated with the administration of the CDBG PY21 Program will be incorporated into the City's FY 2022 Budget and will be paid from the General Fund.

RECOMMENDATION:

Staff recommends approval for the submission of the Community Development Block Grant Annual Action Plan, and associated funding recommendations, for Program Year 2021 to the U.S. Department of Housing and Urban Development.

7/12/2021

Agenda Item No. C)

PRESENTER:

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

SUBJECT:

Approval of the second and final reading of an ordinance regarding a proposed rezoning to apply a Special Use Permit to allow short term rental of a single-family dwelling in the "C-3" Commercial District, addressed at 218 South Peach Avenue.

DEPARTMENT: Planning and Development Services**COUNCIL DISTRICTS IMPACTED:** Council District 1**BACKGROUND INFORMATION:**

Applicant/Owner: Senaido Rodriguez, Jr.
1886 W. Mill Street
New Braunfels, TX 78130

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

City Council held a public hearing on June 28, 2021 and unanimously approved the first reading of the applicant's requested rezoning Special Use Permit ordinance with recommended conditions (7-0-0).

The subject property is located on the west side of Peach Avenue between Spur Street and S. Business IH 35, is zoned "C-3" Commercial District, and is occupied by a 1,152 square-foot single-family residence constructed in 1949 with an addition constructed in 1993. Nine lots out of the 20 lots on the neighborhood block are zoned the cumulative C-3 District, with one R-3 Lot and the remaining 10 lots zoned R-1A-6.6. The area has developed with a mix of commercial and residential uses. However, the subject block is mostly residential with the exception of the cemetery, which encompasses approximately half of the block.

ISSUE:

The applicant is requesting a Special Use Permit (SUP) to allow short term rental (STR) of the property. The house has 2 bedrooms and 2 bathrooms. Per the Zoning Ordinance, maximum occupancy of an STR with 2 bedrooms and 2 bathrooms is limited to 6 occupants.

The minimum off-street parking requirement for this proposed STR is 2 spaces, or one per sleeping room. The existing paved driveway can accommodate two stacked vehicles.

Short-term rental standards in the Zoning Ordinance are intended to help ensure proper measures are in place to protect public health, safety and neighboring properties and preserve the neighborhood character and tranquility. 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 - C-3 / Single-family dwellings

South - C-3 and R-1A-6.6 / Single-family dwellings and a cemetery

East - Across S. Peach Ave., R-1A-6.6 / Single-family residences

West - C-3 / A restaurant and single-family residences

Short term rental at this location 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 is within the New Braunfels Sub Area near a Transitional Mixed-Use Corridor. It lies near Existing Market, Civic, Education and Outdoor Recreation Centers and is in close proximity to a Future Market Center.

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 June 1, 2021 and recommended approval with staff recommended conditions. (8-0-0, with Commissioner Meyer absent)

While this would be the first introduction of lodging facilities in the subject block, a short-term rental on this property, following all the development 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 for short term rentals that are intended to protect the surrounding residential neighborhood, plus 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 6 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.

Mailed notification as required by state statute:

Public hearing notices were sent to 19 owners of property within 200 feet of the request. The City has received two responses (#16 & 18) in favor of the request.

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?nodeId=PTIICOR_CH144ZO_ARTIIIIZODI_S144-3.4ZODIREPRZOSUJU221987>
- Chapter 144, Sec. 3.6 Special Use Permits 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>
- 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=PTIICOR_CH144ZO_ARTVDEST_S144-5.17SHTEREOC>

Attachments:

Aerial Map

Site Plan

Floor Plan

Land Use Maps (Zoning, Existing, Future Land Use, Short Term Rental)

Notification List and Map

Photographs

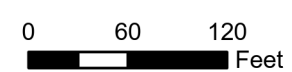
Draft Planning Commission Meeting Minutes

Ordinance

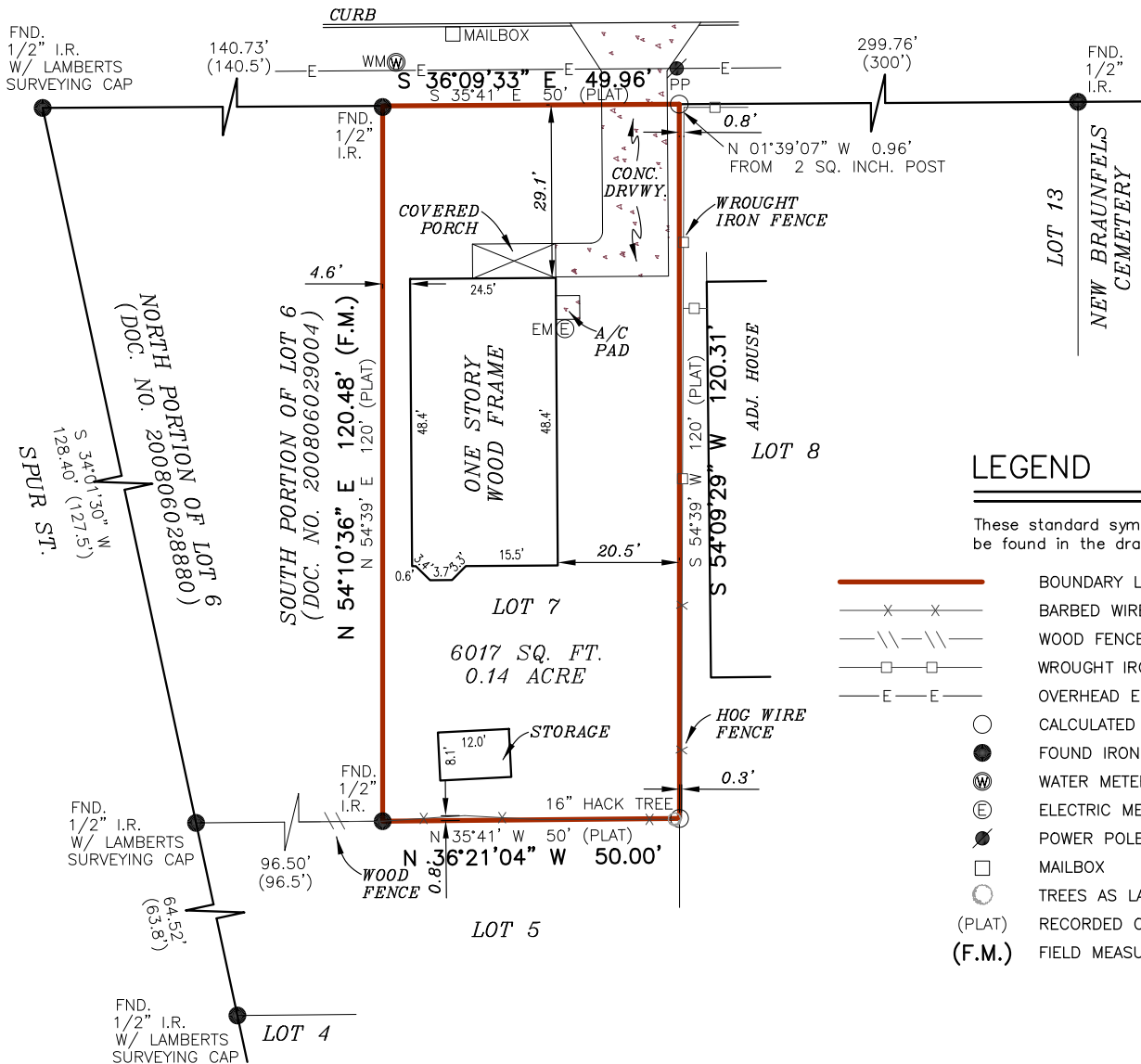


SUP21-156

Special Use Permit for Short Term Rental



S. PEACH AVE.
(60' R.O.W.-PER PLAT)



SITE PLAN

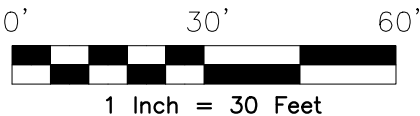
SURVEYOR'S NOTE(S):

BASIS OF BEARING, TEXAS SOUTH CENTRAL ZONE, NAD 83.

At date of this survey, the property is in FEMA designated
ZONE X as verified by FEMA map Panel No:
48091C 0445 F effective date of SEPTEMBER 2, 2009
Exact designations can only be determined by a Elevation
Certificate. This information is subject to change as a
result of future FEMA map revisions and/or amendments.

The survey is hereby accepted with the
discrepancies, conflicts, or shortages in area or
boundary lines, encroachments, protrusions, or
overlapping of Improvements shown.

GRAPHIC SCALE



I, **ROY JOHN RONNFELDT**, a Registered Professional Land Surveyor in the State of Texas,
do hereby certify to **FIRST WESTERN TITLE**

and
that the above map is true and correct according to an actual field survey, made by me on the ground or
under my supervision, of the property shown hereon or described by field notes accompanying this drawing. I further
certify that all easements and rights-of-way of which I have been advised are shown hereon and that, except
as shown, there are no visible encroachments, no visible overlapping of improvements and no apparent
discrepancies or conflicts in the boundary lines, and no visible physical evidence of easements or rights-of-way
as of the date of the field survey. I further certify that this survey meets or exceeds the
minimum standards established by the Texas Board of Professional Land Surveying (Section 663.18).

Borrower/Owner: **CARLOS MUGICA & SENAIDO RODRIGUEZ**
Address: **218 S. PEACH AVE.** GF No. **19-10861-300**

Legal Description of the Land:

LOT SEVEN (7) IN "SUBDIVISION OF WELSCH 4.29 ACRE BLOCK", CITY OF
NEWBRAUNFELS, COMAL COUNTY, TEXAS, ACCORDING TO MAP OR PLAT THEREOF
RECORDED IN VOLUME 91, PAGE 589, DEED RECORDS, COMAL COUNTY, TEXAS.

SUBJECT TO RESTRICTIVE COVENANTS AND/OR EASEMENTS RECORDED IN:
VOLUME 91, PAGE 589, DEED RECORDS, COMAL COUNTY, TEXAS

PROPERTY PHOTOGRAPH:



FINAL "AS-BUILT" SURVEY

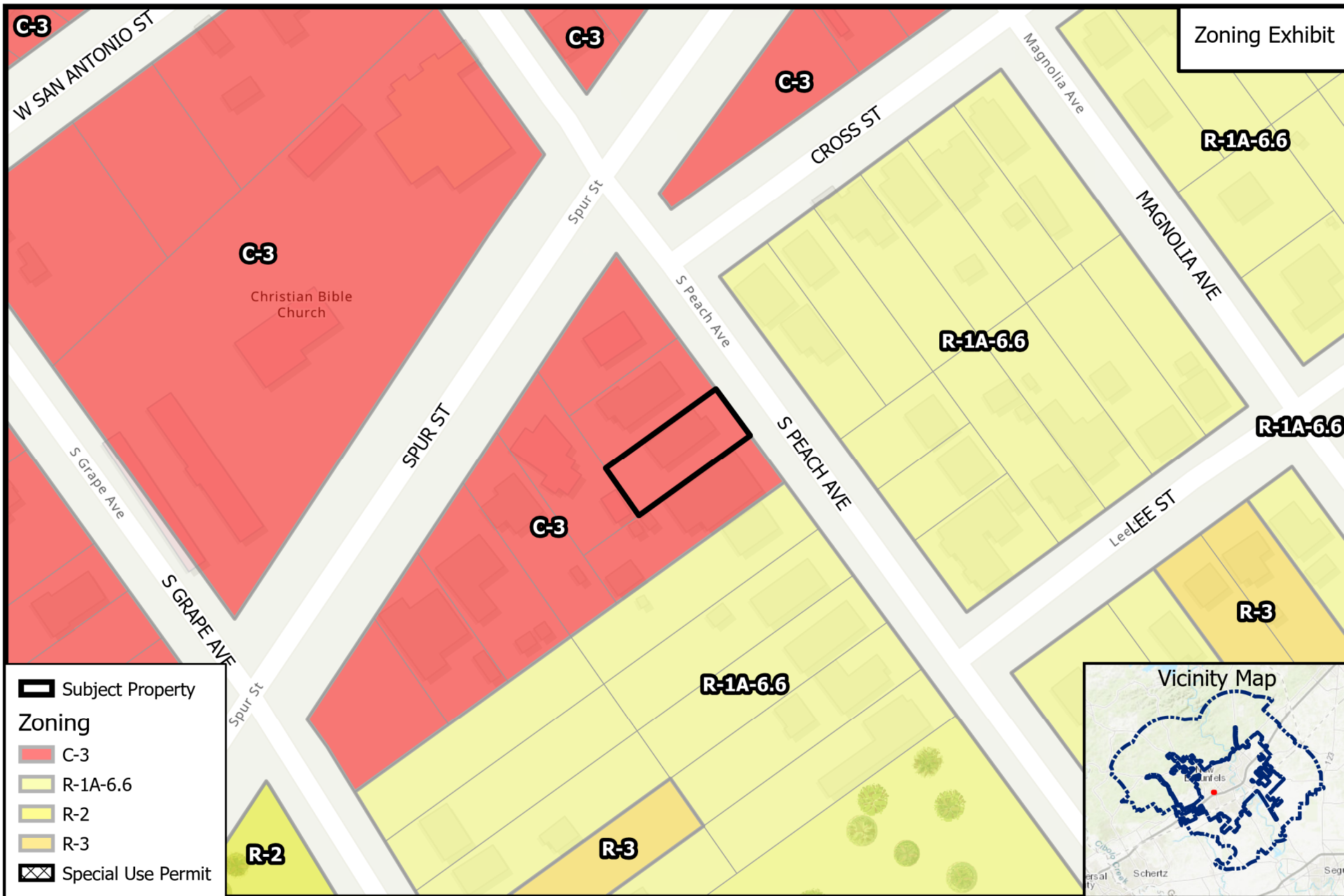
JOB NO.:	1905062373	NO.	REVISION	DATE
DATE:	05/16/19			
DRAWN BY:	MN/DT			
APPROVED BY:	RJR			



Roy John Ronnfeldt
ROY JOHN RONNFELDT, R.P.L.S.
Registered Professional Land Surveyor
Registration No. 3520



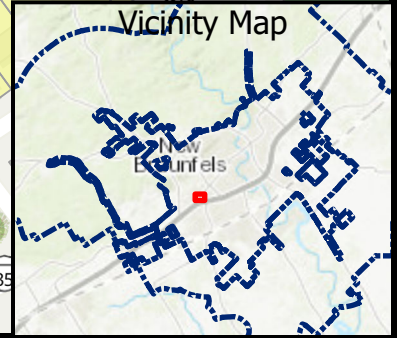
AMERISURVEYORS LLC
1100 NW Loop 410, Suite 546
Phone: (210) 572-1995
San Antonio, Texas 78213
Fax: (210) 572-1993



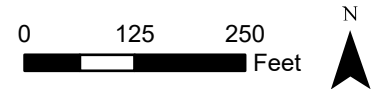
SUP21-156 Special Use Permit for Short Term Rental

0 60 120
Feet





SUP21-156 Special Use Permit for Short Term Rental



EXISTING CENTERS

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

EMPLOYMENT CENTER

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

MARKET CENTER

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

MEDICAL CENTER

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

CIVIC CENTER

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

OUTDOOR RECREATION CENTER

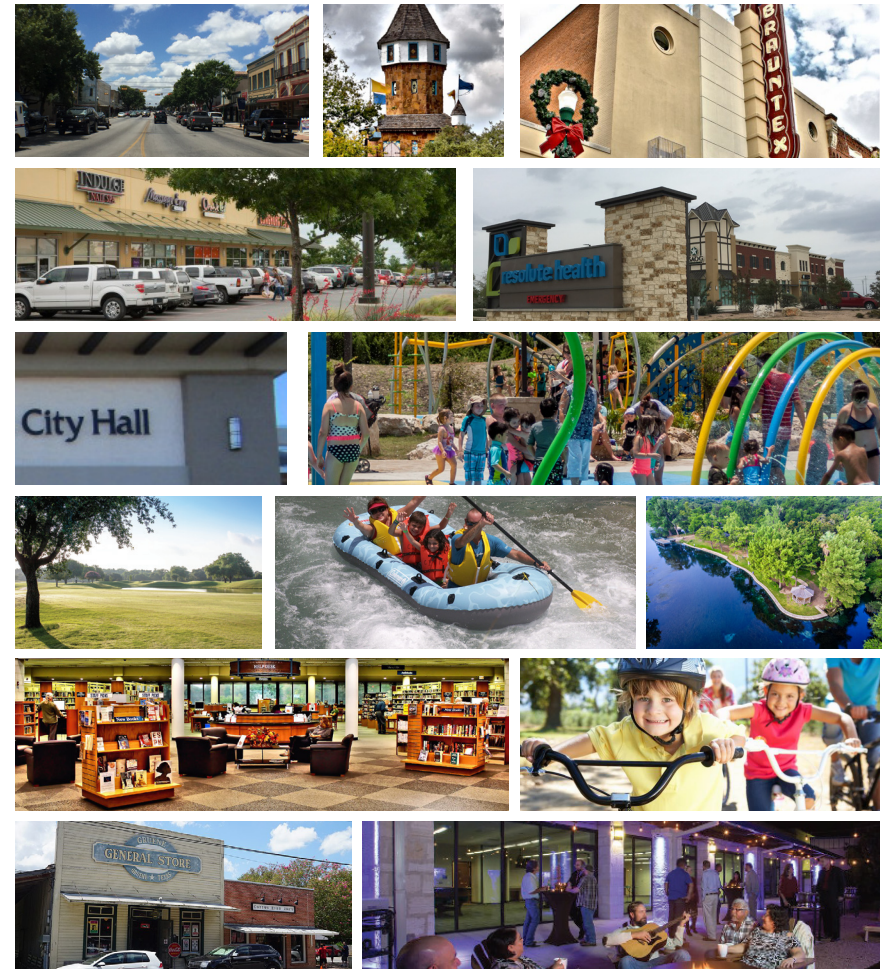
Outdoor Recreation Centers center around a public or private outdoor destination such as Landa Lake.

EDUCATION CENTER

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

TOURIST/ENTERTAINMENT CENTER

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



FUTURE LAND USE PLAN

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

TRANSITIONAL MIXED-USE CORRIDOR

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

OUTDOOR RECREATION CENTER

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

EMPLOYMENT CENTER

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

MARKET CENTER

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

CIVIC CENTER

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

SUB AREA 1

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

SUB AREA 2

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

SUB AREA 3

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

SUB AREA 4

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

SUB AREA 5

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

SUB AREA 6

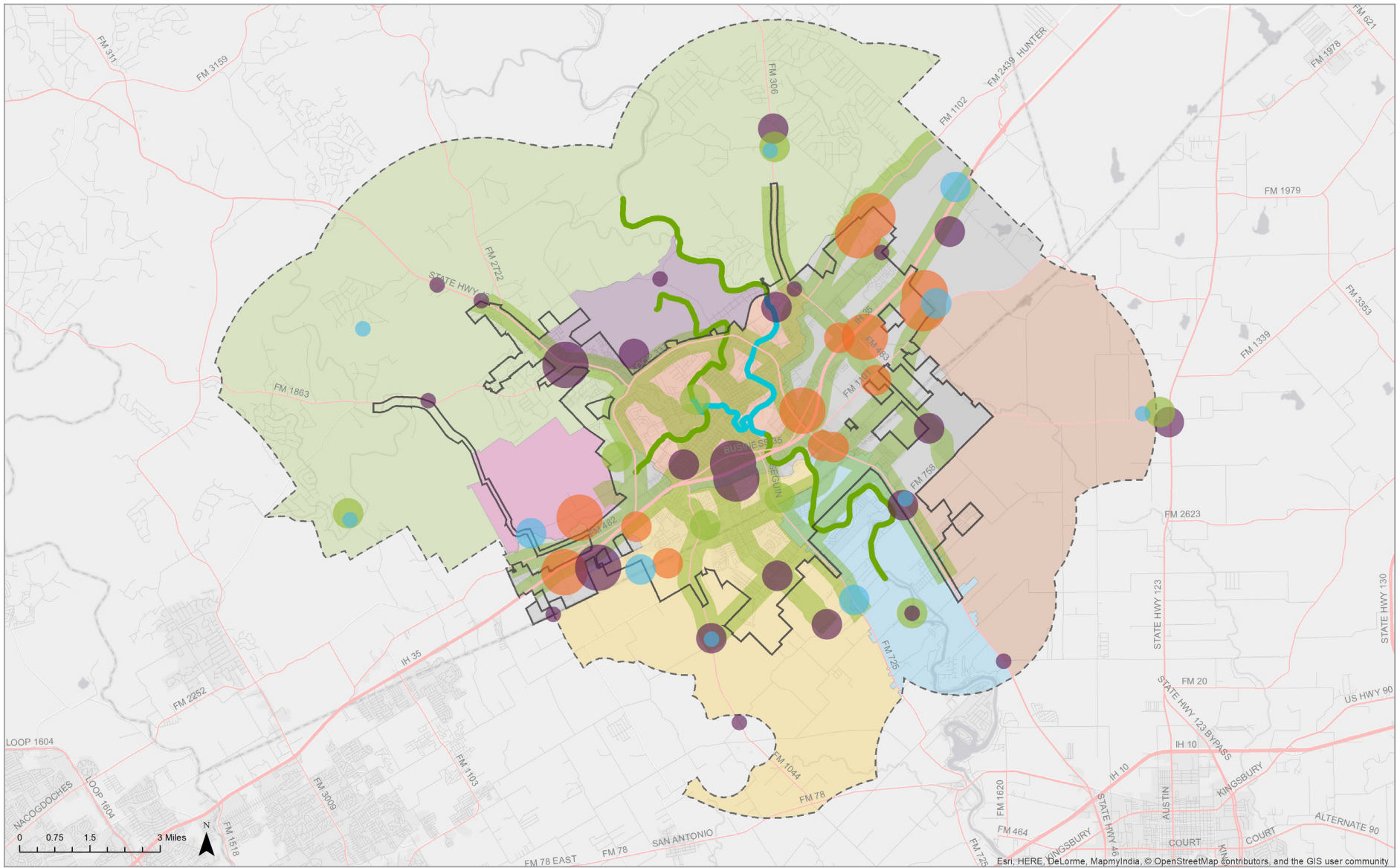
Sub Area 6 expresses an aspiration for conservation communities focused around maintaining and enhancing ecological integrity while allowing some level of development to occur.

SUB AREA 7

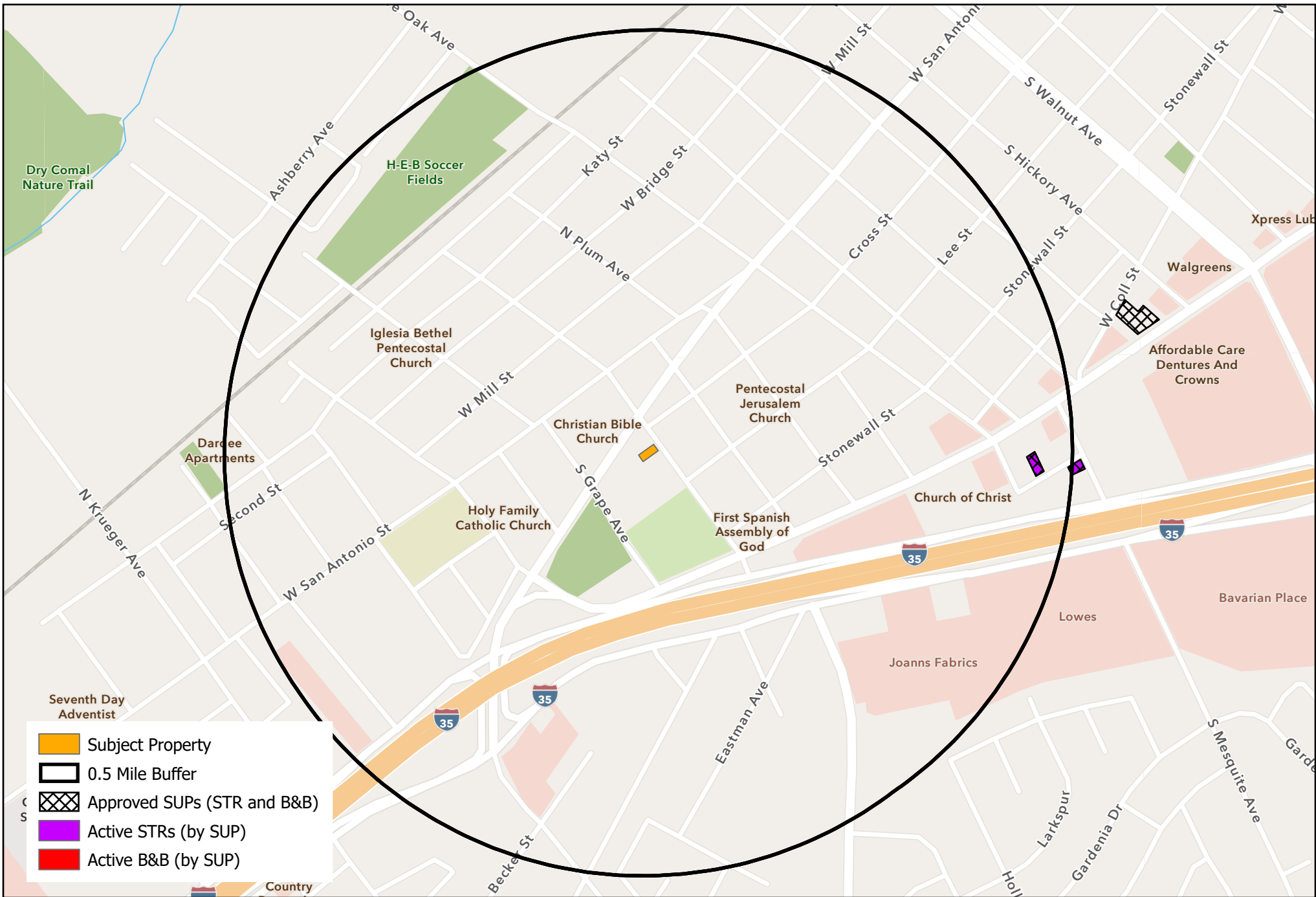
Sub Area 7 includes parts of the city currently being mined for natural resources. These sites may become parks and open space, mixed-use communities or new commercial or entertainment areas in the future.

SUB AREA 8

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



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



SUP21-156

SUP for STR - 218 S. Peach Avenue

PLANNING COMMISSION – JUNE 1, 2021 – 6:00PM

Zoom Meeting

Applicant/Owner: Senaido Rodriguez

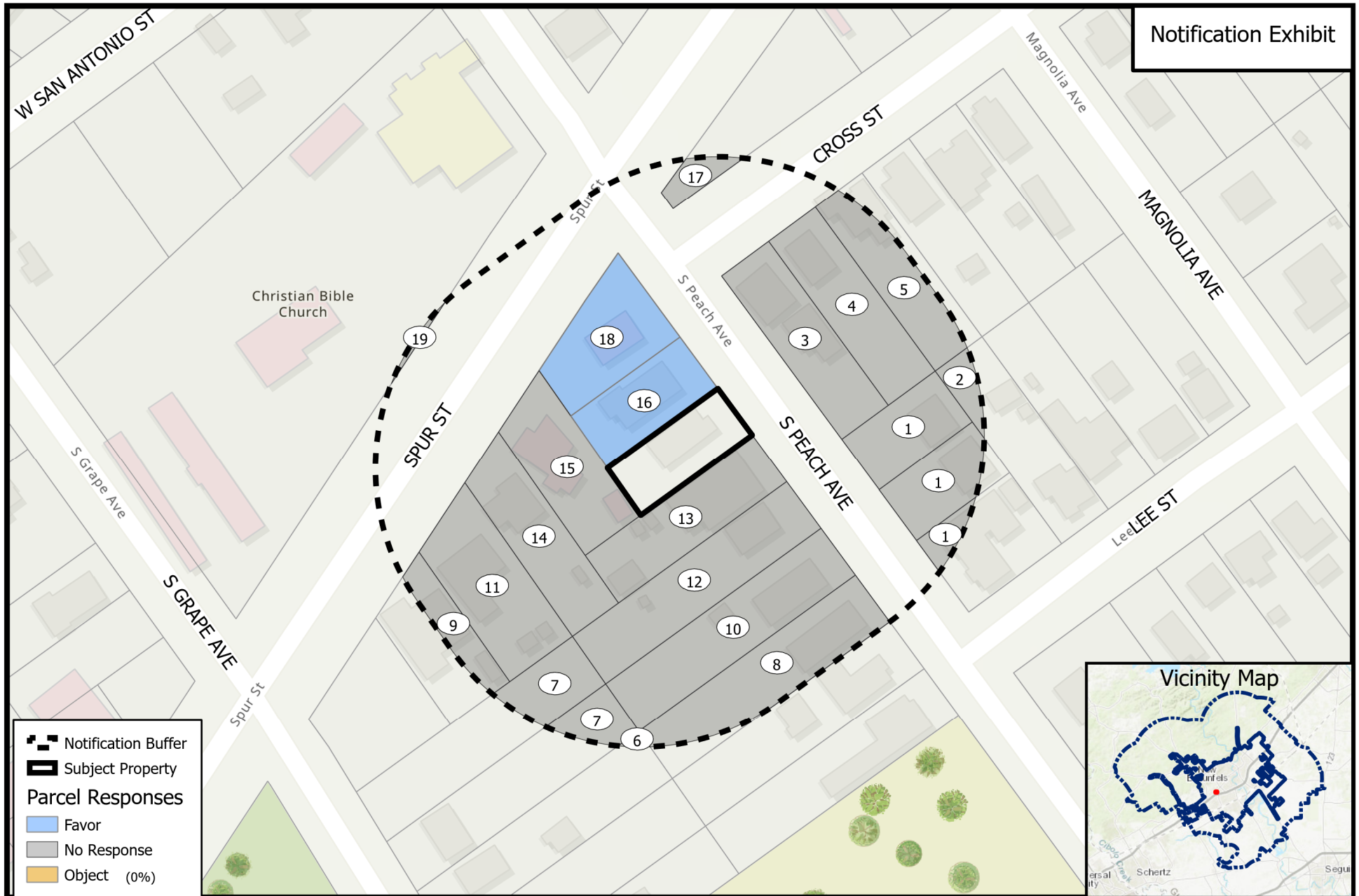
Address/Location: 218 S Peach Ave

PROPOSED SPECIAL USE PERMIT – CASE #SUP21-156

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. MARTINEZ GILBERTO L & MARIA S | 11. ORNES DANIEL E & CANDICE D |
| 2. MORENO LUIS | 12. GONZALES JUANITA V |
| 3. ROJAS RUBEN | 13. MIRANDA ANGEL & LOIS M |
| 4. RAMIREZ MICHAEL & ELISABETE | 14. CHAPA FRANCISCO R & RUTH |
| 5. GALLEGOS IRENE CABALLERO | 15. HARRISON LAURA A |
| 6. ROSALES PETRA D | 16. MORALES ROBERTO |
| 7. MUNOZ-GILL SONIA | 17. GALVAN DANIEL & RUTH |
| 8. MARTINEZ REGINA H | 18. ESTRADA DORA A ET AL |
| 9. MUNOZ SONIA C | 19. KERNER RANDAL S & CYNTHIA |
| 10. CANO JOSE S & NORMA | |

SEE MAP



YOUR OPINION MATTERS - DETACH AND RETURN

Case: #SUP21-156 mg

Name: Roberto Morales

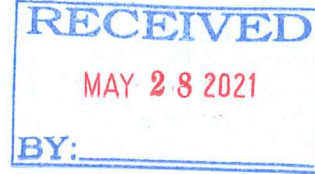
Address: 212 S. Peach Ave NB TX 76130

Property number on map: 16

I favor: Yes ✓

I object: _____ (State reason for objection)

Comments: (Use additional sheets if necessary)



YOUR OPINION MATTERS - DETACH AND RETURN

Case: #SUP21-156 mg

Name: Roberto Morales A ET AL

Address: 2007 Spru St

Property number on map: 18

I favor: Yes ✓

I object: _____ (State reason for objection)

Comments: (Use additional sheets if necessary)





Draft Minutes for the June 1, 2021 Planning Commission Regular Meeting

G) SUP21-156 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 218 South Peach Avenue. Applicant: Senaido Rodriguez, Jr.; Case Manager: Matt Greene.

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

Chair Edwards asked if there were any questions for staff.

Chair Edwards asked if the applicant would like to speak.

Senaido Rodriguez, 1886 Mill St, stated he is available to answer any questions.

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

No one spoke.

Chair Edwards asked if anyone wanted to speak in favor.

No one spoke.

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 Sonier 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 218 South Peach Avenue. 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 7, WELSCH ADDITION, ADDRESSED AT 218 SOUTH PEACH AVENUE; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SAVINGS CLAUSE; AND DECLARING AN EFFECTIVE DATE.

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

WHEREAS, in keeping with the spirit and objectives of 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 7, Welsch Addition, currently addressed at 218 South Peach Avenue, 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 7, Welsch Addition, currently addressed at 218 South Peach Avenue, 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 6 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 28th day of June, 2021.

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

CITY OF NEW BRAUNFELS

RUSTY BROCKMAN, Mayor

ATTEST:

CAITLIN KROBOT, City Secretary

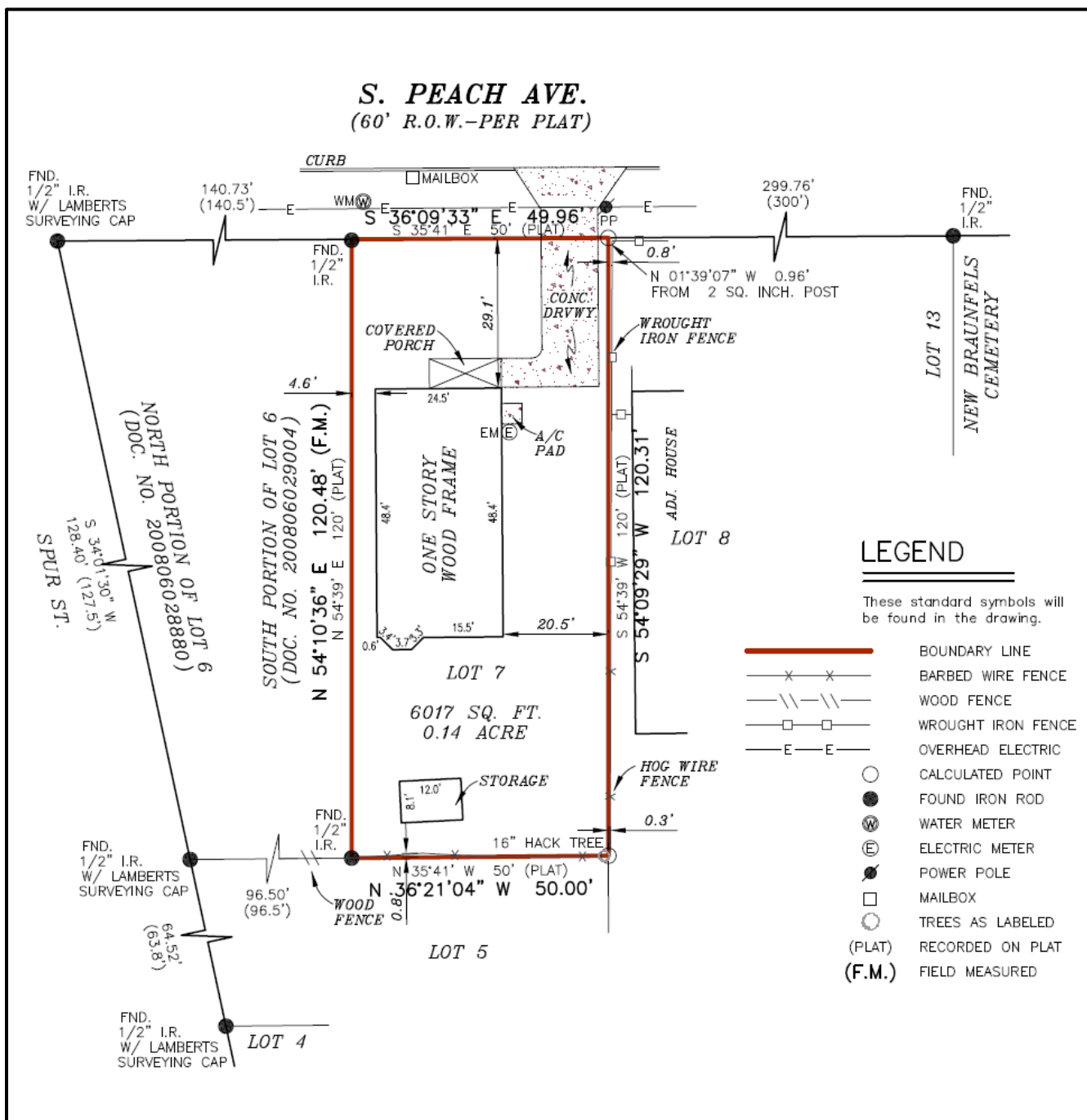
APPROVED AS TO FORM:

VALERIA M. ACEVEDO, City Attorney

EXHIBIT 'A'



EXHIBIT 'B'



7/12/2021

Agenda Item No. D)

PRESENTER:

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

SUBJECT:

Approval of the second and final reading of an ordinance regarding a proposed rezoning to apply a Type 2 Special Use Permit to adopt a site plan and establish development standards for an RV Resort on approximately 29 acres consisting of Lot 1D-R Walnut Heights Subdivision and approximately 25 acres out of the J. M. Veramendi A-2 Survey, located in the 700 block of N. Walnut Avenue.

DEPARTMENT: Planning and Development Services**COUNCIL DISTRICTS IMPACTED:** Council District 1**BACKGROUND INFORMATION:**

Applicant: James Ingalls, P.E.
INK Civil
2021 Highway 46 West
New Braunfels, TX 78132
(830) 358-7127 jamesingalls@ink-civil.com

Owner: Gary Henry
Liberty Partnership
604 N. Hickory Avenue
New Braunfels, TX 78130

Developer: Stuart Blythin
431 N. Hickory
New Braunfels, TX 78130
blythinstant@gmail.com

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

City Council held a public hearing on June 28, 2021 and unanimously approved the first reading of the requested rezoning ordinance. (7-0-0)

The subject property is located west of North Walnut Avenue, between the two sets of Union Pacific railroad tracks and adjacent to Dry Comal Creek. It consists of approximately 29 acres, zoned as follows:

- 18.5 acres zoned M-1 Light Industrial (unplatted);
- 5 acres zoned R-2 Single and Two-family (unplatted); and

-
- 5 acres of C-1 Local Business District (Lot 1D-R Walnut Heights plus 0.384 acres unplatted)

Most of the property sits over 750 feet from Walnut Avenue, and over 50% of it (approximately 16 acres) is located within the floodway and/or 1% annual chance floodplain. These conditions limit development options for retail uses where visibility is important, and for permanent residential or commercial structures in the flood prone areas.

In February 2021, City Council approved a Type 1 Special Use Permit (SUP) to allow the proposed use of the property as an RV resort/park with the stipulation that the applicant return with a detailed site plan and flood study for consideration of a Type 2 SUP.

The applicant's Type 2 SUP request includes a site plan, flood study and development standards proposed to address concerns from the Type 1 SUP. The applicant's proposed development standards include:

- A maximum of 180 RV pad sites with no long-term stays exceeding 6 months.
- All ingress/egress is from Walnut Avenue. The Bavarian Drive access will be gated for emergency use only.
- Proposed quiet hours are 10 pm to 6 am. The developer states no noise may leave the campsite during quiet hours. Music and TV must be inaudible to other campers. He will also enforce a reasonable level for music and TV during non-quiet hours.
- A portion of the Dry Comal Creek hike and bike trail is being constructed with the development, and once a connection is built extending it beyond this property the trail will be open for public use.
- A minimum 6-foot tall masonry wall will be constructed adjacent to residential and multifamily use where outside the floodplain. Within the floodplain, a vegetative buffer is proposed (see waiver request). No buffer is required in the floodway where permanent obstructions, including fences, are not permitted.

Waiver Request:

The Zoning Ordinance requires a residential buffer, consisting of a 6 to 8-foot tall masonry fence and the planting of trees, where non-residential development is adjacent to single or two-family use or zoning. The applicant is requesting a waiver to allow a vegetative buffer in lieu of the solid fence for the portion of the property boundary within the floodplain.

The current site plan shows the vegetative buffer along five properties on Creek Drive south of Bavarian Drive; however, only one of the five appears to be within the 1% annual chance (100-year) floodplain. **Note: At the Planning Commission public hearing, the applicant agreed to extend the masonry wall buffer along all residential lots up to the location of the floodplain. A revised site plan was provided and is attached.**

The applicant has not provided specific details on the proposed landscape buffer (plant type, size, etc.). If this waiver is approved, conditions may be included for height, density and speed of growth of the vegetative buffer to ensure an adequate noise and visual barrier at the time of planting. Any conditions will be reviewed for compliance during the plan review and building permitting process.

The residential buffer is the only deviation being requested with this SUP. All other aspects of the development will meet code standards, including but not limited to zoning, building, drainage, and floodplain, as well as supplemental standards for RV parks (tourist courts) in Appendix B of the code of ordinances.

The City's Public Works Department performed a preliminary review of the flood study submitted by the applicant. A full compliance review will be made with the floodplain development/commercial building permit

for the RV resort if this SUP is approved. Note that minor revisions to the site plan could be required with the floodplain development permit once grading and detailed engineering plans are submitted.

Due to the location in a flood prone area, staff recommends the developer make flash flood information and an evacuation map available to guests.

Surrounding Zoning and Land Use:

North - Across railroad, M-1, R-3/ Commercial, Multifamily

South - R-2, R-3, C-1/ Multifamily, Single-family residences

East - Across Walnut, M-1/ Commercial

West - M-1/ Undeveloped

ISSUE:

The subject property is currently zoned:

C-1 Local Business District, intended for professional offices, retail and light commercial uses which are suitable in close proximity to residential neighborhoods.

M-1 Light Industrial District, intended for light manufacturing, warehousing, research and development and other operations that do not depend on frequent customer visits, but may involve medium to heavy truck traffic for equipment deliveries and product shipping. It is generally located on major thoroughfares or railroad lines.

R-2 Single and Two-family District, intended for residential development.

SUP: a Type 1 Special Use Permit overlay was approved to use the property for an RV resort.

Given the irregular shape of the property, its limited access and floodplain constraints, the applicant chose a Special Use Permit rather than rezoning the entire 29 acres to a district that allows RV parks by right (C-1B or MU-B). With the SUP, City Council can add conditions to the use to achieve compatibility with surrounding land uses and neighboring properties. The use of the property as an RV park/resort was approved by City Council in February, with this Type 2 SUP as an added requirement to ensure compatibility with surrounding land uses and flood-related issues.

This site takes access from Walnut Avenue, a principal arterial. The proposed RV resort provides a use where the few permanent structures can be located outside the floodway/floodplain while allowing use and enjoyment of the majority of the property. The proposed SUP is consistent with the following actions from Envision New Braunfels:

- 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 1.14: Ensure regulations do not unintentionally inhibit the provision of a variety of flexible and innovative lodging options and attractions.

Future Land Use Plan: The subject property is located in the New Braunfels Sub-Area and along a Transitional Mixed-Use Corridor and a Scenic River Corridor.

FISCAL IMPACT:

N/A

RECOMMENDATION:

Committee Recommendation

The Planning Commission held a public hearing on June 1, 2021 and recommended approval of the Type 2 SUP with staff recommendations. (8-0-0 with Commissioner Meyer absent)

Staff Recommendation

Approval of the proposed Type 2 SUP with site plan, with a waiver to allow a vegetative buffer along residential properties within the floodplain and no buffer within the floodway, subject to the following conditions:

1. Revise the site plan to include the masonry wall/fence buffer for all adjacent single or two-family properties that are outside the floodplain, or provide a formal Masonry Wall Objection from the property owners. **(completed)**
2. The RV resort will comply with the approved site plan. Minor changes resulting from the floodplain development permit may be reviewed and approved administratively. Substantial revisions to the site plan will require approval of an amended SUP.
3. Add an explanation of the 10 pm to 6 am “quiet hours” to the list of development standards.
4. Prepare an information handout regarding flash flooding risks with an evacuation map, approved by the Fire Marshal, to be provided to guests.

Mailed notification as required by state statute:

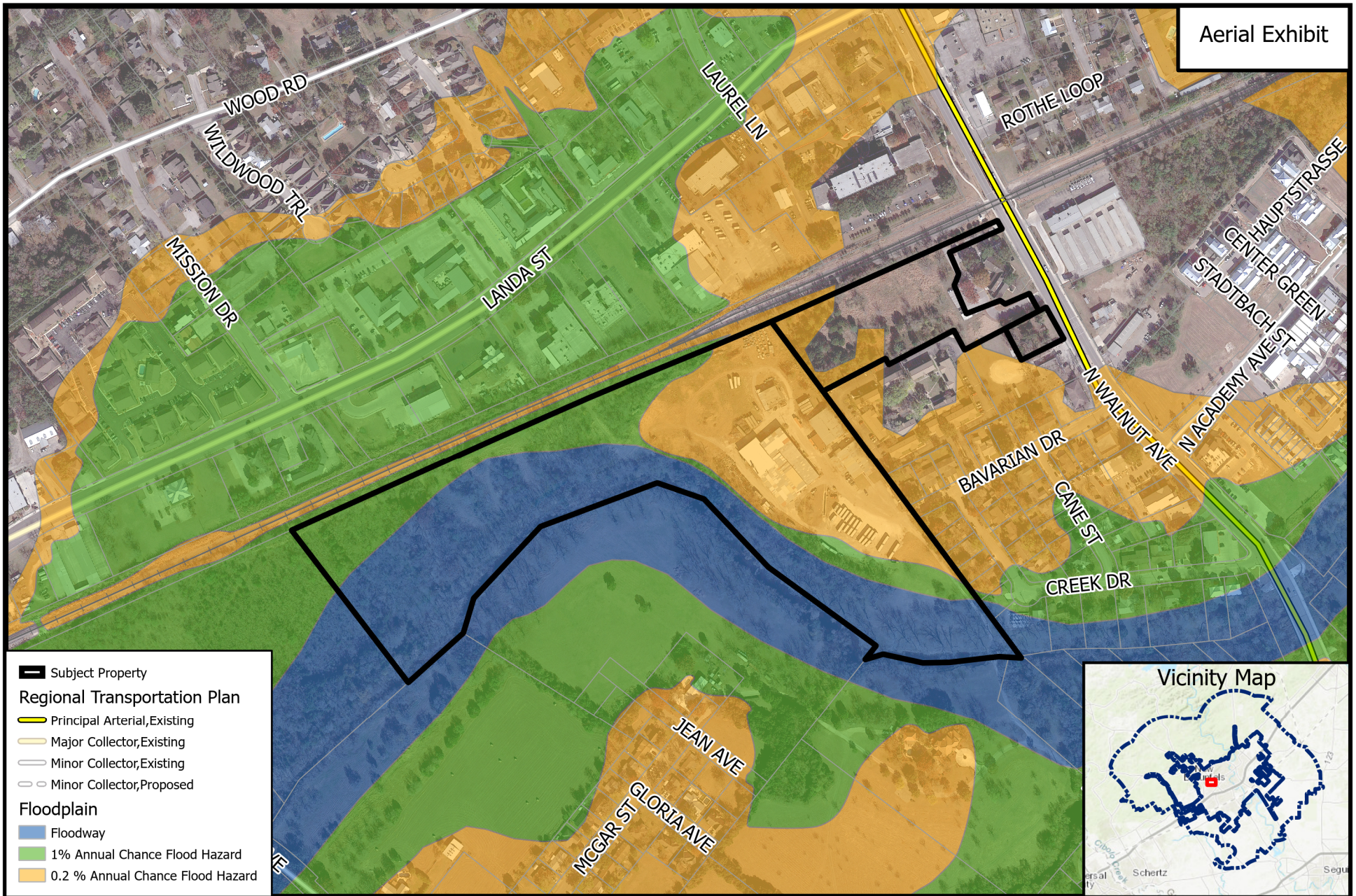
Public hearing notices were sent to owners of 44 properties within 200 feet of the request. To date the City has received 9 responses in favor (#1, 3, 9, 12, 20, 24, 26, 29, 39) and one in objection (#5).

Resource Links:

- Chapter 144, Sec. 3.3-7 (C-1) and 3.3-11 (M-1)
[Sec. 144-3.3. - Zoning districts and regulations for property zoned prior to June 22, 1987. | Code of Ordinances | New Braunfels, TX | Municode Library](#)
<https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?nodeId=PTIICOR_CH144ZO_ARTIIIZODI_S144-3.3ZODIREPRZOPRJU221987>
- Chapter 144, Sec. 3.6 (SUP) of the City’s Code of Ordinances:
<https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?nodeId=PTIICOR_CH144ZO_ARTIIIZODI_S144-3.6SPUSPE>

Attachments:

1. Aerial Map
2. Land Use Maps (Zoning, Existing and Future Land Use)
3. Site Plan (Revised 6-18-21)
4. Waiver Request
5. Notification Map
6. Draft Planning Commission Meeting Minutes
7. Ordinance



SUP21-126
Special Use Permit to allow for RV Park

EXISTING CENTERS

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

EMPLOYMENT CENTER

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

MARKET CENTER

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

MEDICAL CENTER

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

CIVIC CENTER

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

OUTDOOR RECREATION CENTER

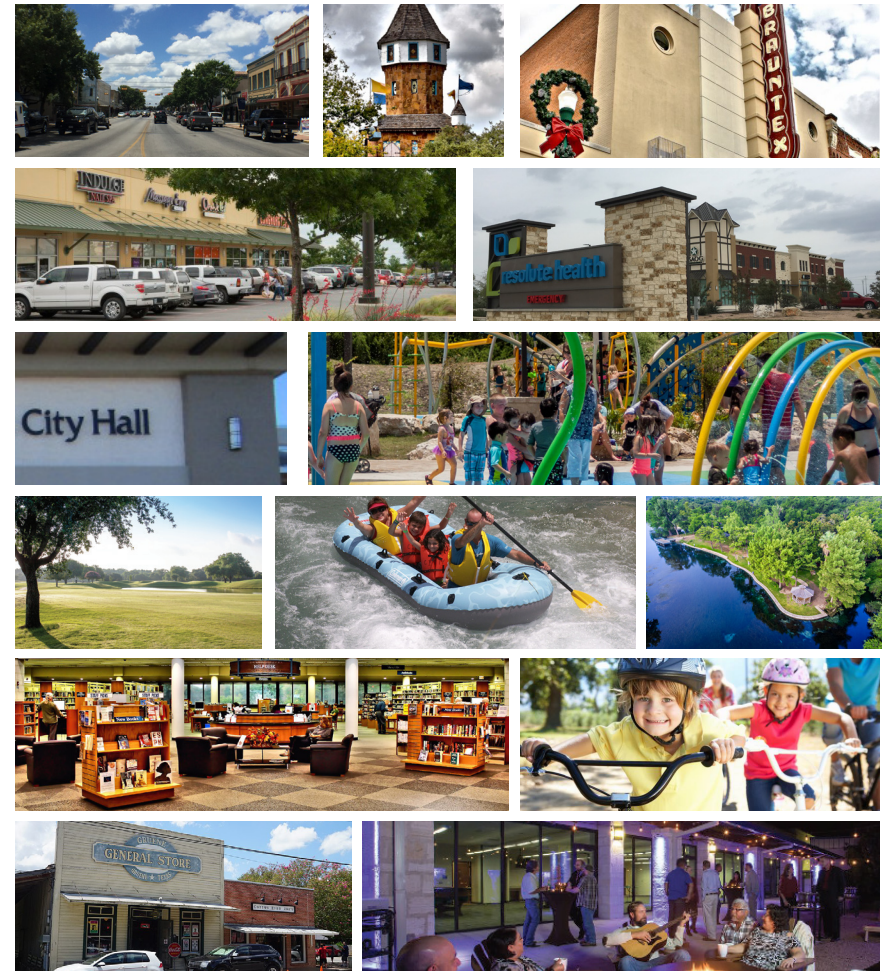
Outdoor Recreation Centers center around a public or private outdoor destination such as Landa Lake.

EDUCATION CENTER

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

TOURIST/ENTERTAINMENT CENTER

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



FUTURE LAND USE PLAN

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

TRANSITIONAL MIXED-USE CORRIDOR

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

OUTDOOR RECREATION CENTER

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

EMPLOYMENT CENTER

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

MARKET CENTER

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

CIVIC CENTER

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

SUB AREA 1

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

SUB AREA 2

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

SUB AREA 3

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

SUB AREA 4

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

SUB AREA 5

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

SUB AREA 6

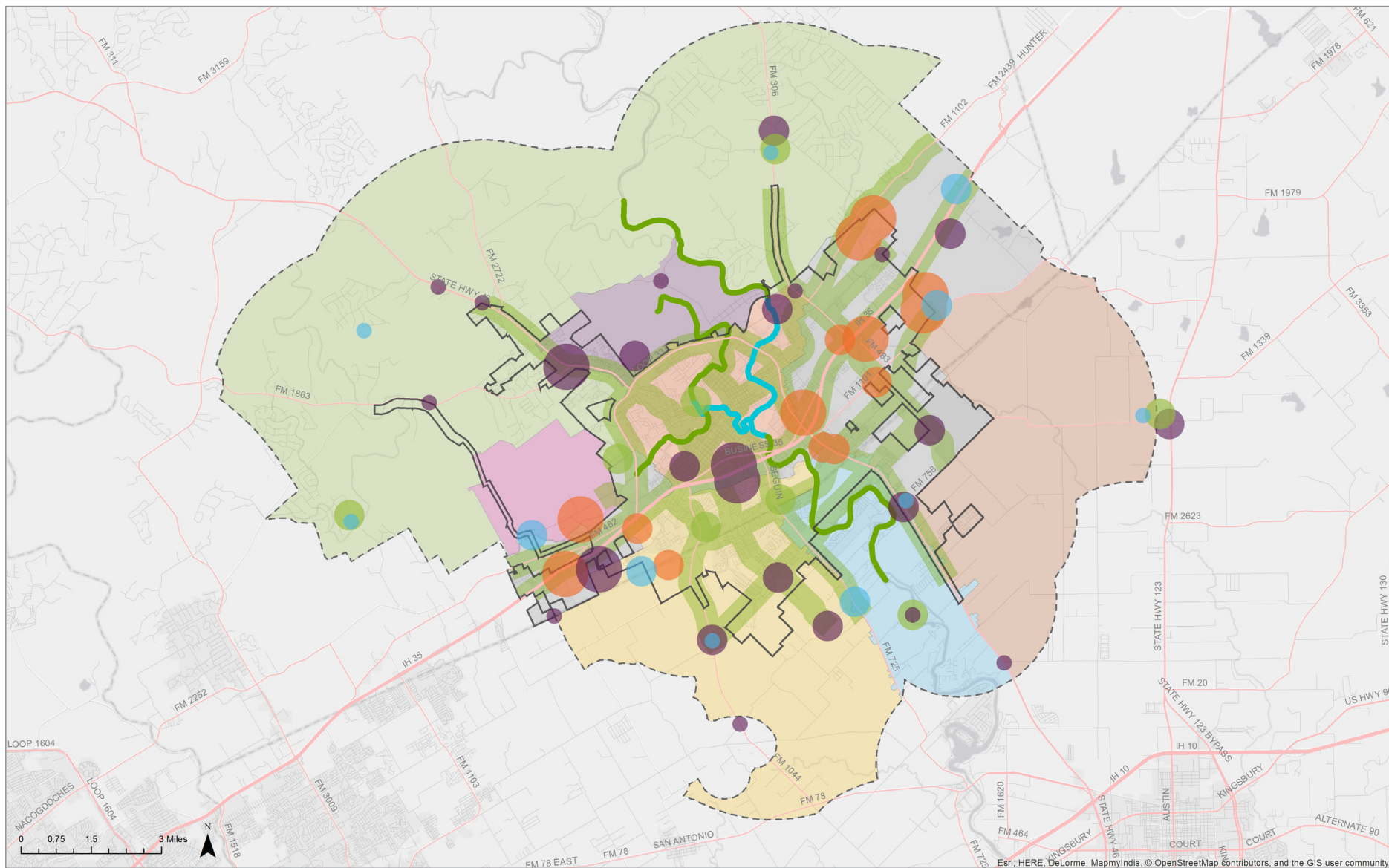
Sub Area 6 expresses an aspiration for conservation communities focused around maintaining and enhancing ecological integrity while allowing some level of development to occur.

SUB AREA 7

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

SUB AREA 8

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



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

DEVELOPMENT STANDARDS

1. MAXIMUM OF 180 RV PAD SITES.

2. THE PROJECT SITE IS LOCATED WITHIN THE FEMA FLOODPLAIN ACCORDING TO FIRMETTE 48091C0435F.

3. INTERNAL DRIVES ARE PRIVATE AND MAINTAINED BY DEVELOPMENT. AMENITY CENTER AND CLUBHOUSE TO BE CONSTRUCTED IN FIRST DEVELOPMENT PHASE.

4. DESIGNATED PARKING AREA IS FOR RV AND PASSENGER VEHICLES ONLY. NO BOAT STORAGE IS ALLOWED.

5. NO ON-STREET PARKING ALLOWED.

6. ALL INTERNAL DRIVES, UTILITIES AND DRAINAGE IMPROVEMENTS WILL BE CONSTRUCTED IN THE FIRST PHASE.

7. HIKE AND BIKE TRAIL WILL BE COMPLETED IN PHASE 1. HOWEVER, IT WILL NOT BE UTILIZED FOR PUBLIC ACCESS UNTIL THERE IS A CONNECTION FROM THE RESORT PROPERTY TO DOWNTOWN. ONCE THE CONNECTION IS COMPLETE, THE TRAIL WILL BE OPEN FOR PUBLIC USE.
8. MASONRY RESIDENTIAL BUFFER WALL - OUTSIDE FLOODPLAIN

9. VEGETATIVE RESIDENTIAL BUFFER WALL - INSIDE FLOODPLAIN ONLY

10. BAVARIAN DR - WILL BE GATED OFF FOR CITY/EMERGENCY VEHICLES ONLY

11. EXISTING DRIVE ON WALNUT AVE WILL BE USED

12. NO LONG TERM STAY TENANTS (OVER 6 MONTHS)

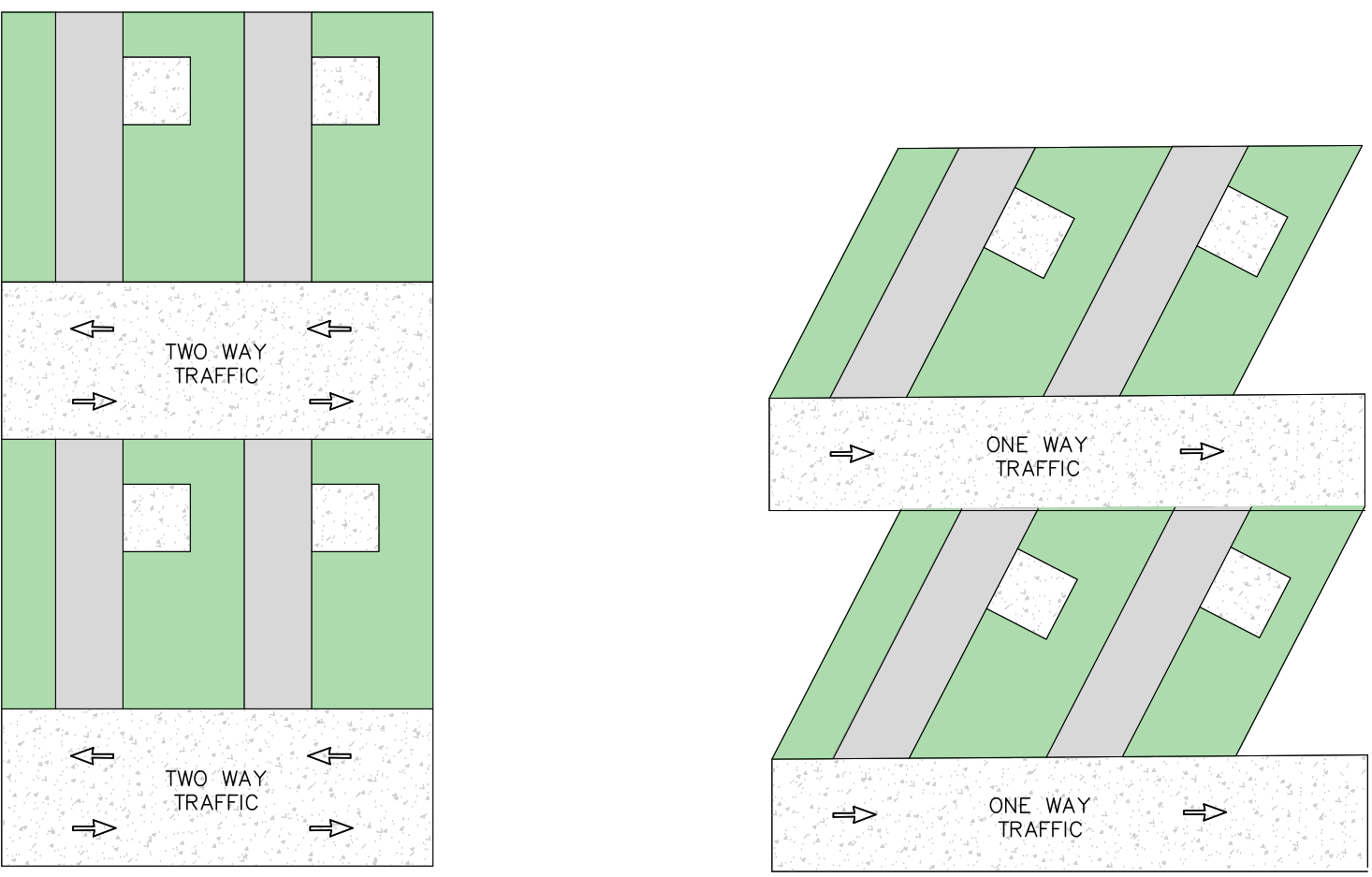
13. NO WASTE WATER DUMP STATIONS WILL BE PROVIDED. THE ONLY CONNECTIONS WILL BE AT THE RV SITES.

14. NO BOAT STORAGE

15. ALL DRIVES WILL BE TWO - WAY UNLESS OTHERWISE NOTED

ACREAGE SUMMARY (APPROX.)

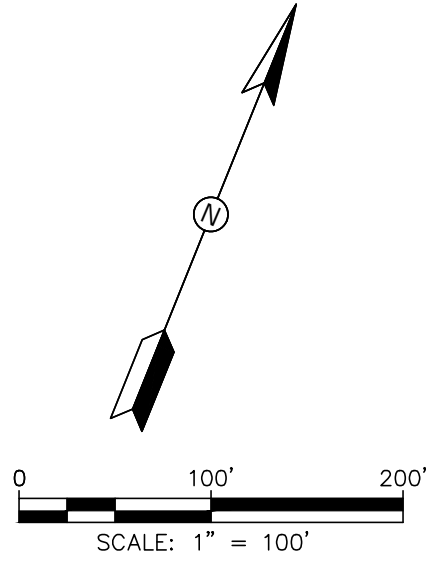
RV SPOTS AND STREETS	12.73 ACRES
AMENITY SPACE	1.35 ACRES
OPEN SPACE/DRAINAGE AREA	15.10 ACRES
TOTAL ACREAGE:	29.18 ACRES



RV SPACE TYPICAL LAYOUT

LEGEND

- AMENITY AREA
- PARKING / IMP COVER
- GREENSPACE
- DRIVES AND PATIO PADS
- RV SPACES
- TRAFFIC ARROW
- 100-YR FEMA FLOODWAY
- 500-YR FEMA FLOODPLAIN



THIS DOCUMENT IS RELEASED FOR THE PURPOSE OF INTERIM REVIEW UNDER THE AUTHORITY OF JAMES INGALLS, P.E. #107416 ON June 18, 2021. IT IS TO BE USED FOR BIDDING AND PERMITTING PURPOSES ONLY. NOT TO BE USED FOR CONSTRUCTION.

STUART BLYTHIN
431 N HICKORY AVE
NEW BRAUNFELS, TX 78130

WALNUT/BAVARIAN
RV RESORT

SUP SITE PLAN

SHEET
1 OF 1

NO	DATE	ISSUES AND REVISIONS
1	6-18-2021	SUP TYPE 2 SITE PLAN



2021 W SH46, STE 105
NEW BRAUNFELS, TX. 78132
PH: 830-358-7127 ink-civil.com
TBPE FIRM F-13351



May 13, 2021

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

Special Use Permit Type 2 (Bavarian RV) – Waiver Request

The intent of this letter is to request a waiver for the required Residential Buffer Wall between the planned non-residential project and the neighboring residential subdivision.

For background, it is the client's intent to develop these tracts of land into a luxury RV resort that will serve the City of New Braunfels' community and respect the neighboring residents. The client has applied for a Type 2 Special Use District zoning change application on March 29, 2021 to rezone from C-1, M-1 and R-2 to SUP.

As part of this rezoning process and due to the requested use for this development, it is required by section 144.-3.8 (Sub 5.3-2.H) of the New Braunfels Code of Ordinances that a 6' to 8' residential buffer wall be installed. This section of the code describes several impervious materials for this requirement.

However, the property in question is within both the 100-year FEMA floodplain (Panel No. 48091C0435F) and the 500-year floodway. It is our opinion that a large vegetative buffer wall would offer less impact to the floodplain and still meet the intent of the requirement. The vegetative buffer will be a minimum of 6 feet in height and will offer screening of the non-residential use parking areas on this site.

With this project summary, please accept our waiver request. If you need additional information or have any questions, please do not hesitate to contact myself or Shane Klar, P.E.

Sincerely,

A handwritten signature in blue ink, appearing to read "James Ingalls". The signature is fluid and cursive, with a large loop at the end.

James Ingalls, P.E.

PLANNING COMMISSION – JUNE 1, 2021 – 6:00PM

Council Chambers & Zoom

Applicant/Owner: James Ingalls, P.E., Moeller

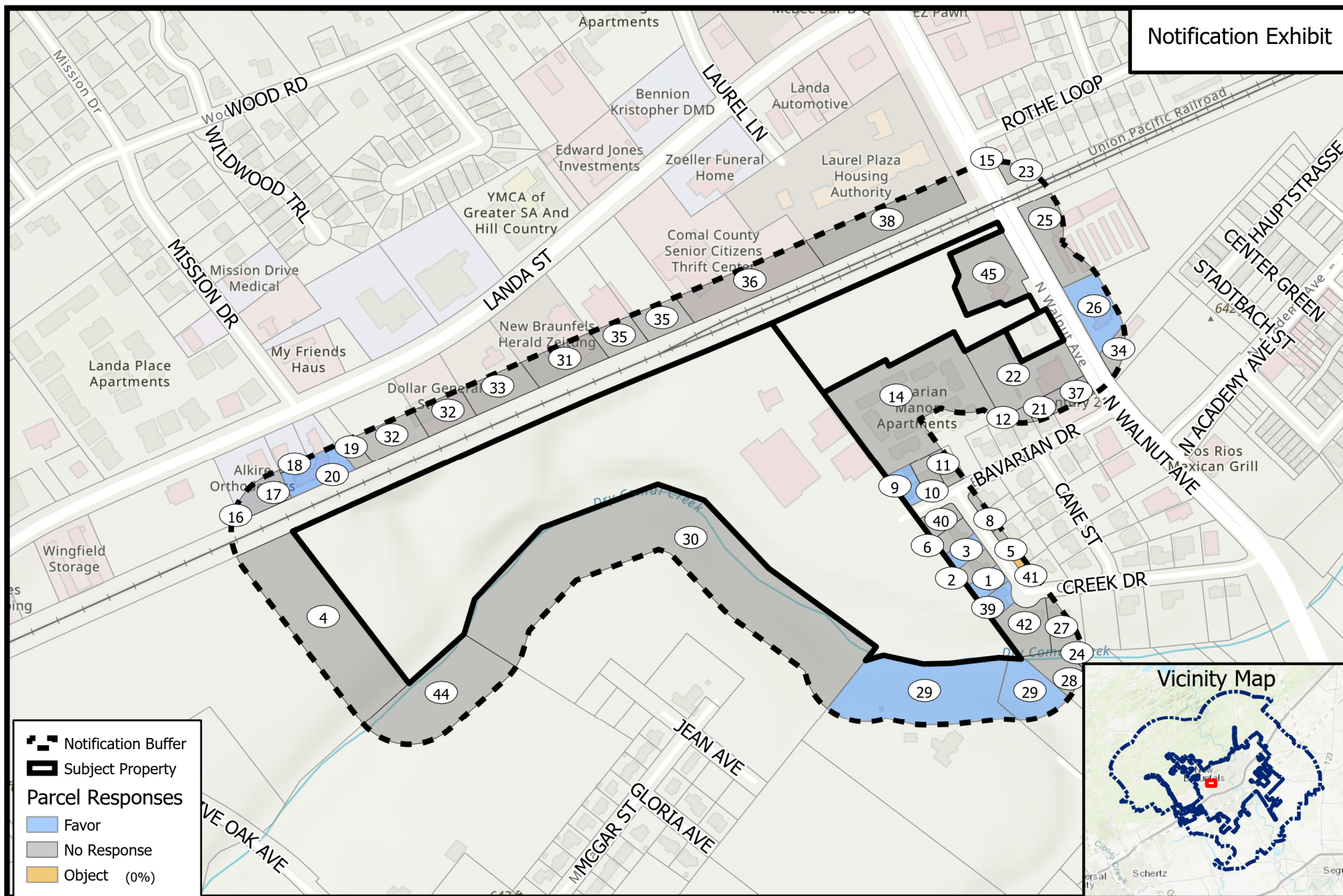
Address/Location: Bavarian Dr & Walnut Ave

PROPOSED SPECIAL USE PERMIT – CASE #SUP21-126

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. ARREDONDO GLORIA & ROBERTO | 24. TALCOTT THOMAS L & CATHY C |
| 2. ELIAS JESUS | 25. SCHRIEWER PROPERTIES LLC |
| 3. SODDERS PROPERTIES LLC | 26. WALNUT CENTRE LLC |
| 4. TRISTAN BRANDON & CLAUDIA | 27. WILLEFORD DWAYNE S |
| 5. DEAN BARBARA H | 28. NB 24 HOUR CLUB |
| 6. THOMAS MARILYN | 29. HENRY GARY L & JANA G |
| 7. PITTMAN JORDAN T | 30. RIEDEL BRANDON & AMBER H |
| 8. WOOLSEY ASHLEY N | 31. 7075PLS LP |
| 9. DUNLAP RUTH K | 32. ARC DGNBFTX001 LLC |
| 10. RENEAU SHAWN M | 33. SOGGY PESO INVESTMENTS LLC |
| 11. RENEAU NATHAN | 34. VANSTORY RANDY & ROXI |
| 12. FRITSCH JENS & KATIE M | 35. JLFH INVESTMENTS LLC |
| 13. DELAVAN SYLVIA A | 36. COMAL COUNTY SENIOR CITIZENS FOUNDATION |
| 14. T G 104 INC | 37. KMN B LLC |
| 15. NEWMAN JOEL | 38. HOUSING AUTHORITY OF CITY OF N B |
| 16. AGARITA PROPERTIES LTD | 39. WORD WILLIAM |
| 17. GATHANY FAMILY LTD PARTNERSHIP | 40. JENNY COX III LP |
| 18. KNEUPER S J & R R LIVING TRUST | 41. CINOTTO DAVID J & CHRISTINA M |
| 19. NEW BRAUNFELS CITY OF | 42. CRUZ J REFUGIO |
| 20. PROPERTY OWNERS | 43. WOOLSEY JULIE R |
| 21. WIEGEL BRANDEN CHUCK | 44. PFEFFER SHANE D & SHEILA M |
| 22. HANSMANN ROY L ET AL | 45. 731 NORTH WALNUT LLC |
| 23. CLASSEN WAYNE | |

SEE MAP



SUP21-126 **Special Use Permit to allow for RV Park**

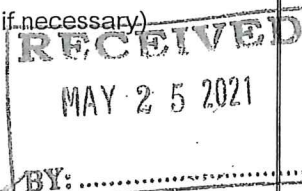


YOUR OPINION MATTERS - DETACH AND RETURN

Case: #SUP21-126 hm

Name: Roberto & Gloria Arredondo I favor: ☒Address: 627 Creek Dr., NB, TX 78130 I object: _____ (State reason for objection)Property number on map: 1

Comments: (Use additional sheets if necessary)

Signature: Roberto Arredondo

Gloria Arredondo

YOUR OPINION MATTERS - DETACH AND RETURN

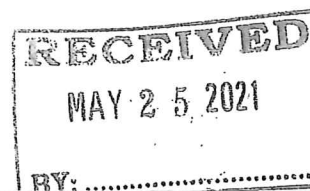
Case: #SUP21-126 hm

Name: Wanda J. Sodders I favor: ☒

Address: _____ I object: _____ (State reason for objection)

Property number on map: 3

Comments: (Use additional sheets if necessary)

Signature: Wanda J. Sodders

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #SUP21-126 hm

Name: Ruth K. DunlapI favor: yesAddress: 620 Bavarian Dr.

I object: _____ (State reason for objection)

Property number on map: #9

Comments: (Use additional sheets if necessary)

Signature: Ruth K. Dunlap

YOUR OPINION MATTERS - DETACH AND RETURN

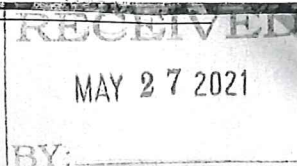
Case: #SUP21-126 hm

Name: Katie & Jens FritschI favor: ☒Address: 1010 Bavarian Dr

I object: _____ (State reason for objection)

Property number on map: 12

Comments: (Use additional sheets if necessary)

Signature: Katie Fritsch

My current concern is if Bavarian Dr is to be used as a construction entrance, if the road will be repaired after any wear from trucks passing.

Holly Mullins

Holly Mullins, AICP
Development Planning Division

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #SUP21-126 hm

Name: Donald B Bedford Jr.

Address: 831 Landa St Ste D

Property number on map: 20

I favor: ✓

I object: _____ (State reason for objection)

Comments: (Use additional sheets if necessary)

Signature: *Don Bedford*

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #SUP21-126 hm

Name: Thomas & Cathy Talcott

Address: Eikel

Property number on map: 34

I favor: ☒

I object: _____ (State reason for objection)

Comments: (Use additional sheets if necessary)

Low density, small footprint,
responsible clientele.
Will improve the neighborhood.
Capable owners.

Signature: Cathy Talcott

RECEIVED
MAY 2-8 2021
BY: _____

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #SUP21-126 hm

Name: Tom Huestadt

Address: 710 N. WALNUT

Property number on map: 26

I favor: ☒

I object: _____ (State reason for objection)

Comments: (Use additional sheets if necessary)

Signature: Will Word

RECEIVED
MAY 2-7-2021
BY: _____

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #SUP21-126 hm

Name: GARY HENRY, G.P. PARTNERSHIP, LTD. ^{LIBERTY}

Address: 600 N HICKORY AVE. NB, TX

Property number on map: 29

I favor: ☒

I object: _____ (State reason for objection)

Comments: (Use additional sheets if necessary)

Signature: Jeff Henry

RECEIVED
MAY 2-5 2021
BY: _____

I would like to respond in favor for the special permit.

Thanks,
Will Word
625 Creek Dr #39

RECEIVED
JUN 1 2021
BY: _____

YOUR OPINION MATTERS - DETACH AND RET

Case: #SUP21-126 hm

Name: Barbara Dean

Address: 616 Creek Rd.

Property number on map: 5

Signature: Barbara Dean

I favor: _____

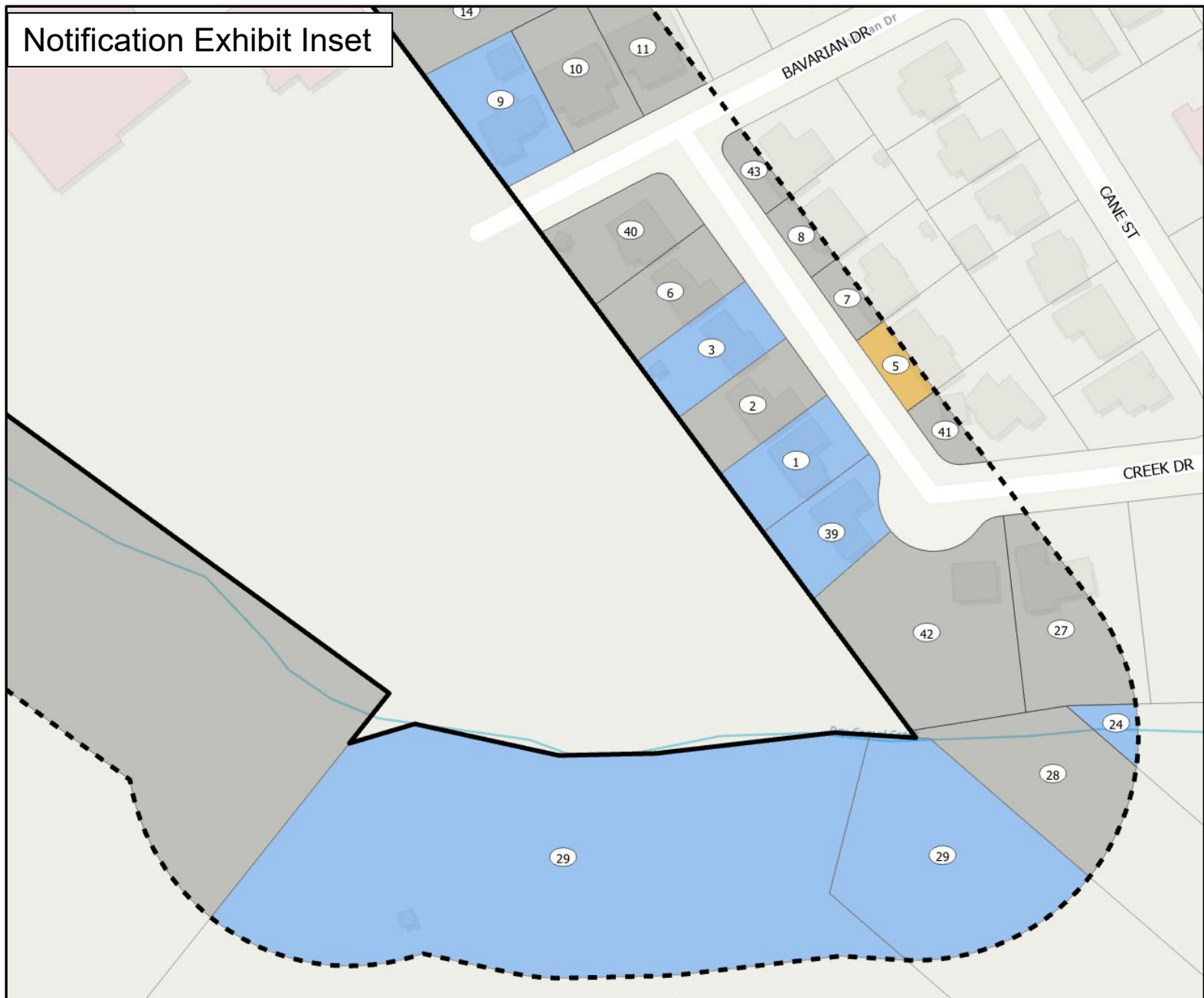
I object: ☒ (State reason for objection)

Comments: (Use additional sheets if necessary)

floodng issues, traffic,
home for wild life just to
name a few of the reasons

RECEIVED

JUN 03 2021



Draft Minutes for the June 1, 2021 Planning Commission Regular Meeting

F) SUP21-126 Public hearing and recommendation to City Council regarding a proposed rezoning to apply a Type 2 Special Use Permit to adopt a site plan and establish development standards for an RV Resort on approximately 29 acres consisting of Lot 1D-R Walnut Heights Subdivision and approximately 25 acres out of the J. M. Veramendi A-2 Survey, located in the 700 block of N. Walnut Avenue. Applicant: James Ingalls, INK Civil; Owner: Gary Henry; Case Manager: Holly Mullins.

Mrs. Mullins introduced the request and recommended approval with conditions as listed in the staff report.

Chair Edwards asked if there were any questions for staff.

Chair Edwards asked if the applicant would like to speak.

James Ingalls, 2021 W St Hwy 46, stated he is available to answer any questions.

Stewart Blythe, 431 Hickory Ave, presented and provided further context on the request and public outreach.

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

William Rogers, 16 La Mesa Dr, stated opposition to the request in regard to fire safety.

Chair Edwards asked if anyone wanted to speak in favor.

No one spoke.

Chair Edwards closed the public hearing.

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

Discussion followed on access to the property.

Motion by Commissioner Reaves, seconded by Commissioner Mathis, to recommend approval to City Council of the proposed rezoning to apply a Type 2 Special Use Permit to adopt a site plan and establish development standards for an RV Resort on approximately 29 acres consisting of Lot 1D-R Walnut Heights Subdivision and approximately 25 acres out of the J. M. Veramendi A-2 Survey, located in the 700 block of N. Walnut Avenue. 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 ADOPT A SITE PLAN AND ESTABLISH DEVELOPMENT STANDARDS FOR AN RV RESORT ON APPROXIMATELY 29 ACRES CONSISTING OF LOT 1D-R WALNUT HEIGHTS SUBDIVISION AND APPROXIMATELY 25 ACRES OUT OF THE J. M. VERAMENDI A-2 SURVEY, LOCATED IN THE 700 BLOCK OF N. WALNUT AVENUE; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SAVINGS CLAUSE; AND DECLARING AN EFFECTIVE DATE.

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

WHEREAS, in keeping with the spirit and objectives of 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 an RV resort; 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 Type 2 Special Use Permit on approximately 29 acres in the 700 block of N. Walnut Avenue to adopt a site plan and establish development standards for an RV resort in the M-1 Light Industrial, C-1 Local Business and R-2 Single and Two-family Districts; **now, therefore**;

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

SECTION 1

THAT pursuant to Section 1.2-3, Chapter 144 of the New Braunfels Code of

Ordinances, the Zoning Map of the City of New Braunfels is revised by adding the following tract of land as a "Type 2 Special Use Permit" for the uses and conditions herein described:

Being Lot 1D-R Walnut Heights Subdivision and approximately 25 acres out of the J. M. Veramendi A-2 Survey, located in the 700 block of N. Walnut Avenue, as depicted in Exhibit "A" and described in Exhibit "B" attached, to adopt a site plan and establish development standards for an RV resort in the M-1, C-1 and R-2 districts.

SECTION 2

THAT the Special Use Permit be subject to the following conditions:

1. The RV resort will comply with the approved site plan (Exhibit "C" attached). Minor changes resulting from the floodplain development permit may be reviewed and approved administratively. Substantial revisions to the site plan will require approval of an amended SUP.
2. Add an explanation of what activities are restricted during the 10 pm to 6 am "quiet hours" to the list of development standards.
3. Prepare an information handout regarding flash flooding risks with an evacuation map, approved by the City's Fire Marshal's Office, to be provided to guests

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 28th day of June, 2021.

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

CITY OF NEW BRAUNFELS

RUSTY BROCKMAN, Mayor

ATTEST:

CAITLIN KROBOT, City Secretary

APPROVED AS TO FORM:

VALERIA M. ACEVEDO, City Attorney

EXHIBIT "A"

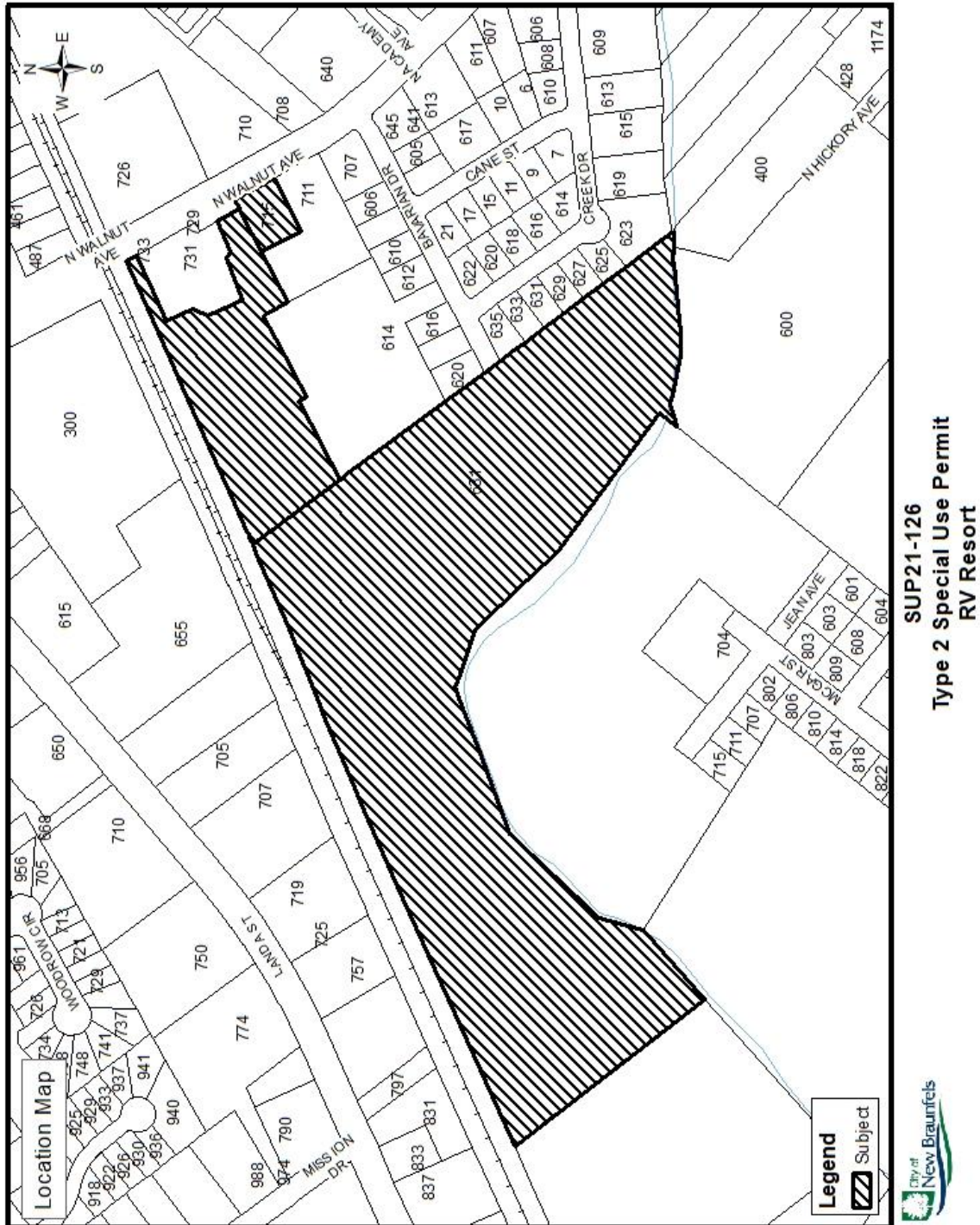


EXHIBIT "B"

ALL THAT CERTAIN TRACT, PIECE OR PARCEL OF LAND SITUATED IN COMAL COUNTY, TEXAS, AND BEING 23.582 ACRES OF LAND OUT OF THE J. M. VERAMENDI TWO LEAGUE SURVEY, ABSTRACT NO. 1, AND ALSO BEING THE SAME TRACTS OF LAND CALLED 4.46 ACRES, RECORDED IN VOLUME 97, PAGES 452,-453, OF THE DEED RECORDS, AND A 20.0 ACRE TRACT RECORDED IN VOLUME 95, PAGES 580-581 OF THE DEED RECORDS OF COMAL COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON PIN FOUND IN THE SOUTH R.O.W. LINE OF MISSOURI-PACIFIC RAILROAD, SAID POINT BEING THE WEST CORNER OF ABOVE REFERENCED 4.46 ACRE TRACT, FOR THE WEST CORNER OF THIS TRACT;

THENCE NO. 67° 04' 44" E. 1613.82 FEET ALONG SAID R.O.W. LINE TO A FENCE CORNER IN SAME, SAID POINT BEING THE NORTH CORNER OF SAID 20.0 ACRE TRACT, FOR THE NORTH CORNER OF THIS TRACT;

THENCE S. 35° 48' 53" E. 514.02 FEET AND S. 35° 26' 43" E. 843.20 FEET ALONG THE NORTHEAST FENCE LIEN OF ABOVE REFERENCED 20.0 ACRE TRACT TO A POINT ON THE NORTH BANK OF COMAL CREEK FOR THE EAST CORNER OF THIS TRACT;

THENCE UPSTREAM ALONG THE MEANDER OF COMAL CREEK AS FOLLOWS:

S. 84° 18' 42" W. 236.74 FEET;
S. 81° 31' 31" W. 30.03 FEET;
N. 80° 14' 57" W. 186.61 FEET;
S. 76° 14' 03" W. 22.74 FEET;
S. 69° 06' 21" W. 38.77 FEET;
N. 58° 47' 46" W. 17.87 FEET;
N. 10° 07' 22" W. 81.82 FEET;
N. 54° 47' 12" W. 464.02 FEET;
N. 17° 48' 45" W. 85.98 FEET;
N. 46° 13' 12" W. 200.80 FEET;
N. 75° 17' 12" W. 101.09 FEET;
S. 70° 11' 02" W. 420.64 FEET;
S. 42° 03' 48" W. 328.95 FEET;
S. 19° 47' 50" W. 109.94 FEET;
S. 45° 31' 14" W. 119.44 FEET; TO A POINT ON THE NORTH BANK OF COMAL CREEK FOR A CORNER OF THIS TRACT;

THENCE N. 37° 23' 47" W. 580.10 FEET TO THE PLACE OF BEGINNING AND CONTAINING 23.582 ACRES OF LAND, MORE OR LESS, ACCORDING TO A SURVEY MADE ON THE GROUND IN MARCH, 1978, UNDER THE SUPERVISION OF S. CRAIG HOLLMIG, REGISTERED PROFESSIONAL ENGINEER, REFERENCE TO WHICH IS HERE MADE FOR ALL PURPOSES.

Filed and Recorded
Official Public Records
Joy Streater, County Clerk
Comal County, Texas
07/29/2014 01:08:24 PM
TERRI 3 Page(s)
201406025695



Joy Streater

METES AND BOUNDS DESCRIPTION
FOR A
0.384 acre TRACT OF LAND

Being a 0.384 acre tract of land out of the J.M. Veramendi Survey No. 1, Abstract No. 2, Comal County, Texas, being the remainder of a called 0.396 acre tract recorded in Document No. 201706031440, Official Public Records, Comal County, Texas, same being all of a called 0.4 acre tract (calculated to be 0.396 acre) described in Volume 85, Page 145, Deed Records, Comal County, Texas, Less a called 508.75 Sq. Ft. Parcel (calculated to 0.012 acre) conveyed to the City of New Braunfels in Volume 167, Page 551, Deed Records, Comal County, Texas, said 0.384 acre tract of land being more particularly described as follows:

BEGINNING at a 1/2" iron pin found for the East corner of Lot 1, Block 1, Walnut Heights, Unit 1, plat of which is recorded in Volume 5, Page 112, Map and Plat Records, Comal County, Texas and being in the Northwestern line of the herein described tract:

THENCE N 62°55'18" E, along the Northwest line of the herein described tract, a distance of 41.19 feet to an "X" cut in concrete for the North corner of the herein described tract and the West corner of said 508.75 Sq. Ft. Parcel and being the Westerly right-of-way of Walnut Avenue;

THENCE along the Northeast line of the herein described tract, common with the Southwesterly line of said 508.75 Sq. Ft. Parcel and right-of-way of Walnut Avenue the following 2 (two) calls:

1. S 27°03'35" E a distance of 70.00 feet to 1/2" iron pin (with cap stamped "HMT") set for and angle point;
2. S 34°02'04" E a distance of 45.34 feet to a 1/2" iron pin (with cap stamped "HMT") set for the East corner of the herein described tract and being the North corner of Lot 2, Block 1, of said Walnut Heights;

THENCE departing said 508.75 SF Parcel and Walnut Avenue and along the Northwest and Northeast lines of said Lot 2, the following 2 (two) calls:

1. S 62°55'35" W a distance of 150.00 feet to a PK Nail set for the South corner of the herein described tract;
2. N 27°04'02" W a distance of 115.00 feet to a 1/2" iron pin (with cap stamped "HMT") set for the West corner of the herein described tract and being a North corner of said Lot 2, Block 1, and being in the Southeast line of the aforementioned Lot 1, Block 1, Walnut Heights, from which a 1/2" iron pin found bears S 62°55'18" W a distance of 155.43 feet:

THENCE N 62°55'18" E a distance of 103.32 feet to the POINT OF BEGINNING and containing 0.384 acre of land in Comal County, Texas.

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

Surveyed this the 26th day of January, 2021.

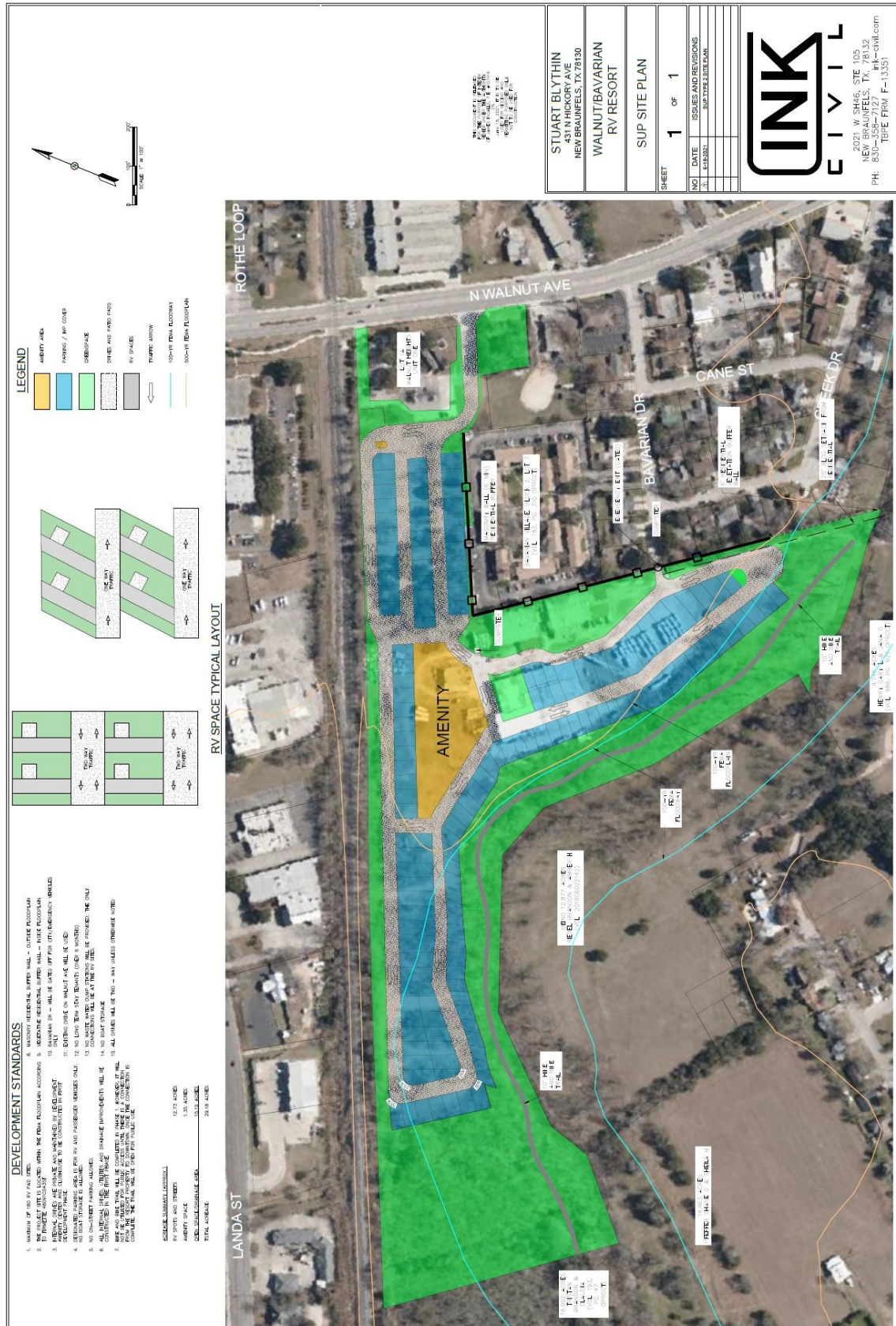
Reference survey of said 0.384 acre tract of land prepared this same date.


Douglas B. Cottle
Registered Professional Land Surveyor No. 6149

S:\Projects\Title Surveys\Veramendi, J.M\0.396 ac - 715 N Walnut Ave\21-0037 Title\
Veramendi JM 0.384ac Bndy_715 Walnut Ave_21-0037.docx



EXHIBIT "C"



7/12/2021

Agenda Item No. E)

PRESENTER:

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

SUBJECT:

Approval of the second and final reading of an ordinance regarding the requested abandonment of a 0.366-acre portion of Tolle Street Right-of-Way, located between South Gilbert Avenue and the terminus of Tolle Street.

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

Owner/Applicant: IAKOBO Four LP (Monique Weston)
690 Laurel Lane
New Braunfels, TX 78130
(830) 237-3220 moniquetweston@gmail.com

Agent: NBS Real Estate Consulting (Todd Olson)
4949 Meadows Road, Suite 490
Lake Oswego, OR 97035
(210) 913-0860 toolson@nbsreconsulting.com

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

City Council held a public hearing on June 28, 2021 and unanimously approved the first reading of the applicant's request with recommended conditions (7-0-0).

The subject right-of-way is located east of the intersection of Tolle Street and South Gilbert Avenue, consists of 0.366 of an acre with improved street pavement and curbs, and is abutting property zoned "C-4" Resort Commercial District. All adjacent properties, with the exception of 515 Napoleon Street (the condominiums), are owned by the applicant. The applicant is requesting to purchase the right-of-way to incorporate it into her adjacent properties. She intends to provide a 24-foot wide vehicular access easement and fire lane and a 10-foot wide pedestrian access easement to the condominium property. Most of the pedestrian access easement will be located on the applicant's adjacent property to the southeast. The greater part of the subject right-of-way is currently encumbered with several easements including sanitary sewer, water, electric, gas and communication easements.

The City's Comprehensive Plan, Envision New Braunfels, includes goals/strategies requiring environmentally sound development utilizing tools such as but not limited to low impact development (LID). Due to the subject

property's proximity to the Comal River, staff is recommending any development of the property include LID techniques to address water quality and stormwater runoff. Effective LID designs attempt to make use of natural landscape features to best manage runoff and maximize onsite storage and infiltration and can reduce the need for downstream structural practices that concentrate stormwater flows and contaminants into the river at the end of a pipe or ditch.

An appraisal was conducted at the City's request and the appraiser valued the property at \$115,000, which accounted for the multiple easements and encumbrances within the right-of-way. The applicant did not concur with the City's appraisal and hired their own appraiser. The applicant's appraiser valued the land at \$60,955. Staff agreed to use the value indicated by the applicant's appraiser, however, did not agree with the appraiser's adjustments. After modifying the adjustments, staff proposed a counteroffer of \$102,000, which the applicant has agreed to pay if the abandonment is approved by City Council.

Surrounding Zoning and Land Use:

North - C-4 / Condominiums

South - Across S. Gilbert Ave., C-4 and C-2 / Offices and single-family residences

East - C-4 / Parking lot and single-family residence

West - C-4 / 44Tubing Company, a vacant commercial building and parking lot

ISSUE:

The proposed abandonment is consistent with the following actions from the Envision New Braunfels Comprehensive Plan:

- Action 7.38: Identify possible additional parking areas for Downtown, Gruene, tourist areas and high demand events such as Wurstfest.
- Action 7.43: Consider locating parking on underutilized parcels city-wide and within core attraction corridors through collaboration with private property owners, including but not limited to areas along Mill Street as well as areas behind buildings on Seguin Avenue.
- Action 7.47: Increase parking to improve access to the Comal River and Guadalupe River.

FISCAL IMPACT:

The sale of improved right-of-way, addition of 0.366 of an acre to the tax rolls, and less asphalt and curb for the taxpayers to maintain.

RECOMMENDATION:

Committee Recommendation

On June 1, 2021, the Planning Commission recommended approval of the proposed right-of-way abandonment with staff recommendations. (8-0-0 with Commissioner Meyer absent)

Staff Recommendation

Multiple City departments reviewed the request and have no objections with the dedication of the identified easements to continue to provide necessary utilities and access. Staff recommends approval with the following conditions:

1. The subject property must be included within a plat with at least one of the adjacent properties owned by the applicant in compliance with the City's Subdivision Platting standards.

-
2. The plat shall include the following easements:
 - a. Provide a minimum 15-foot wide Utility Easement along the southeast side of Tolle Street from Gilbert Avenue to the condominiums for electric infrastructure;
 - b. A 20-foot wide Utility Easement for the existing water infrastructure;
 - c. A 20-foot wide Utility Easement for the existing wastewater infrastructure;
 - d. A minimum 24-foot wide vehicular access easement from South Gilbert Avenue to the condominium project (Lot 1R, Summer Home Subdivision) and 454 Tolle Street (North 62 feet of Lots 4 and 5, City Block 1044); and
 - e. A minimum 10-foot wide pedestrian access easement from Gilbert Avenue to the condominium property. To be included on the plat or by separate instrument if located outside the plat boundary.
 3. Ownership transfer will occur after the final plat has been approved by a Deed Without Warranty, which must be executed within 120 days of the second and final reading of this ordinance.
 4. Recordation of the final plat will occur subsequent to the transfer of ownership of the property.
 5. Amend the Parking by Permit Ordinance to delete this street section once abandoned.
 6. Provide signage at the new terminus of Tolle Street stating “City maintenance ends here” unless otherwise authorized by staff through the permitting process for the reconstruction of the abandoned roadway into a parking lot.
 7. The applicant shall utilize low impact development (LID) techniques in the water quality control treatment to minimize stormwater runoff as part of the redevelopment of the right-of-way into a parking lot.
 8. New development, including a parking lot, shall be developed in compliance with development standards in place at the time of permit issuance.

Resource Links:

Chapter 118-56 Closure, abandonment, and sale of public right-of-way of the City’s Code of Ordinances:

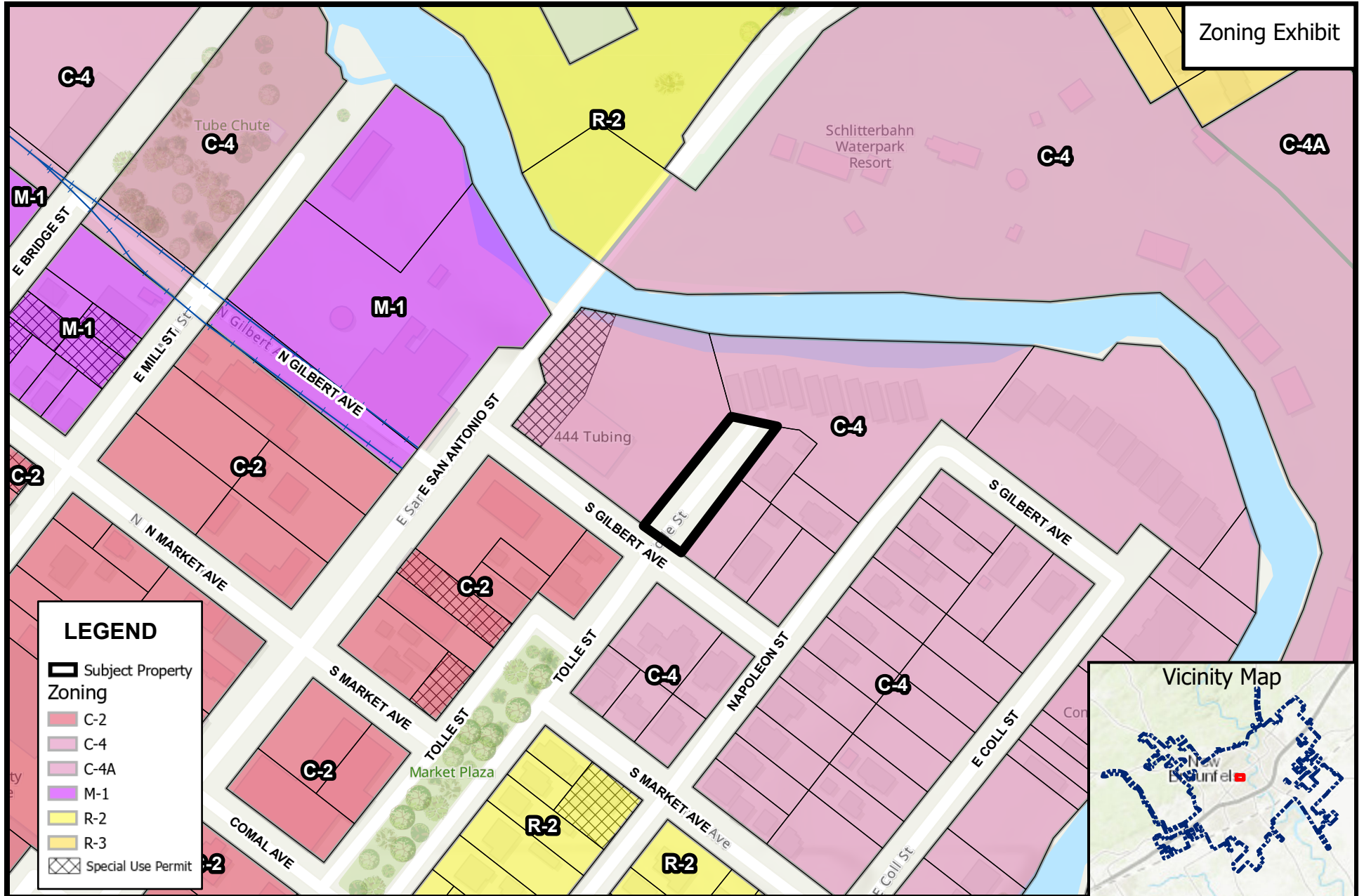
https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?nodeId=PTIICOOR_CH118SUPL_ARTIVDEST_S118-56CLABSAPURI-W

Attachments:

Aerial Map
Land Use Maps (Zoning, Existing and Future Land Use)
Survey of Subject Property
Photographs of Subject Property
Easement Exhibit
Appraisal Summary Sheet
Staff’s Counteroffer Adjustments Exhibit
Draft Planning Commission Meeting Minutes
Ordinance



PZ-20-0001
ROW Abandonment - Tolle St



PZ-20-0001

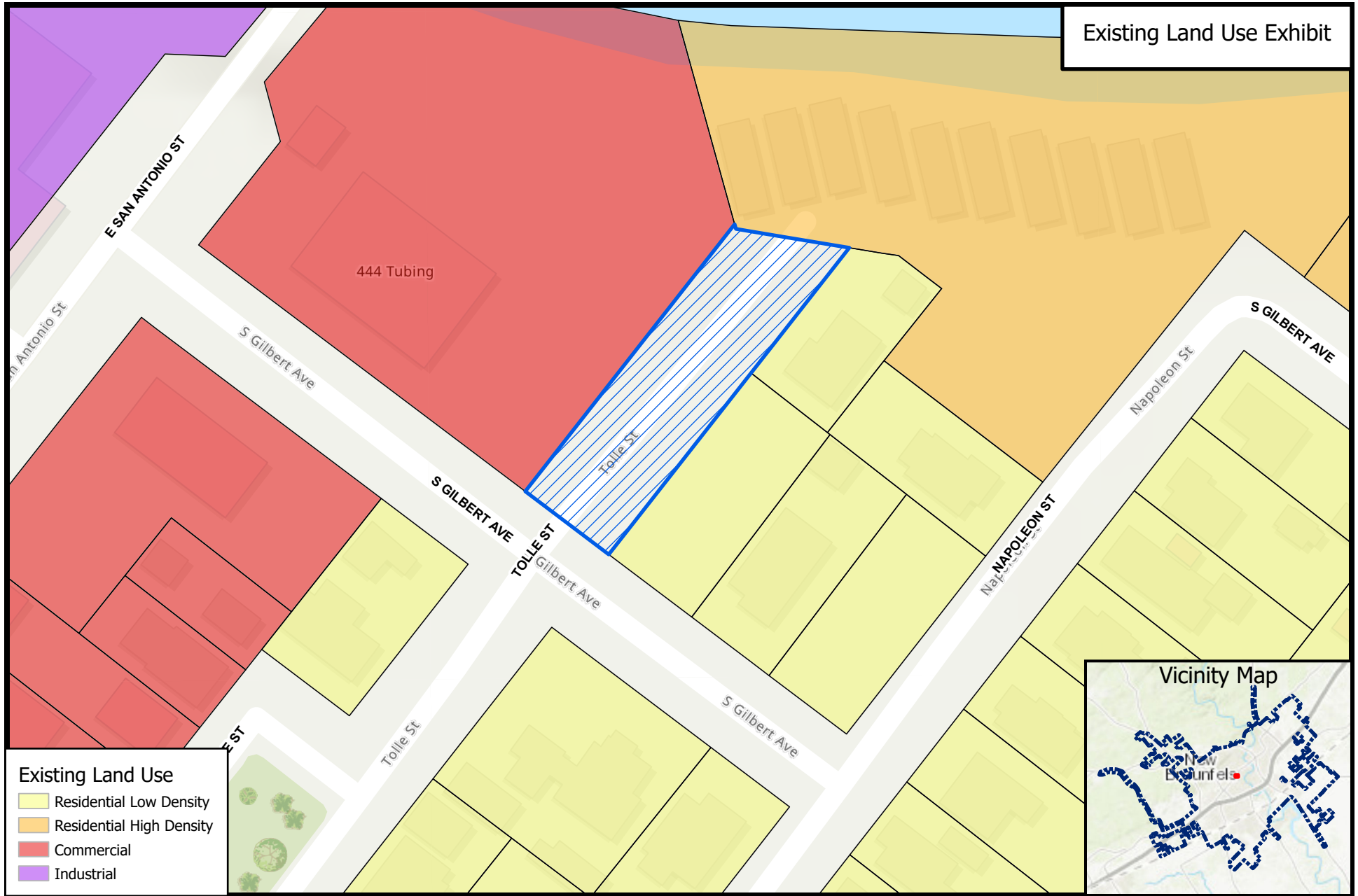
ROW Abandonment - Tolle St

0 120 240 Feet



Source: City of New Braunfels Planning
Date: 5/21/2021

DISCLAIMER: This map and information contained in it were developed exclusively for use by the City of New Braunfels. Any use or reliance on this map by any other party is at that party's risk and without liability to the City of New Braunfels, its officials or employees for any discrepancies, errors, or variances which may exist.



PZ-20-0001
ROW Abandonment - Tolle St

EXISTING CENTERS

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

EMPLOYMENT CENTER

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

MARKET CENTER

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

MEDICAL CENTER

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

CIVIC CENTER

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

OUTDOOR RECREATION CENTER

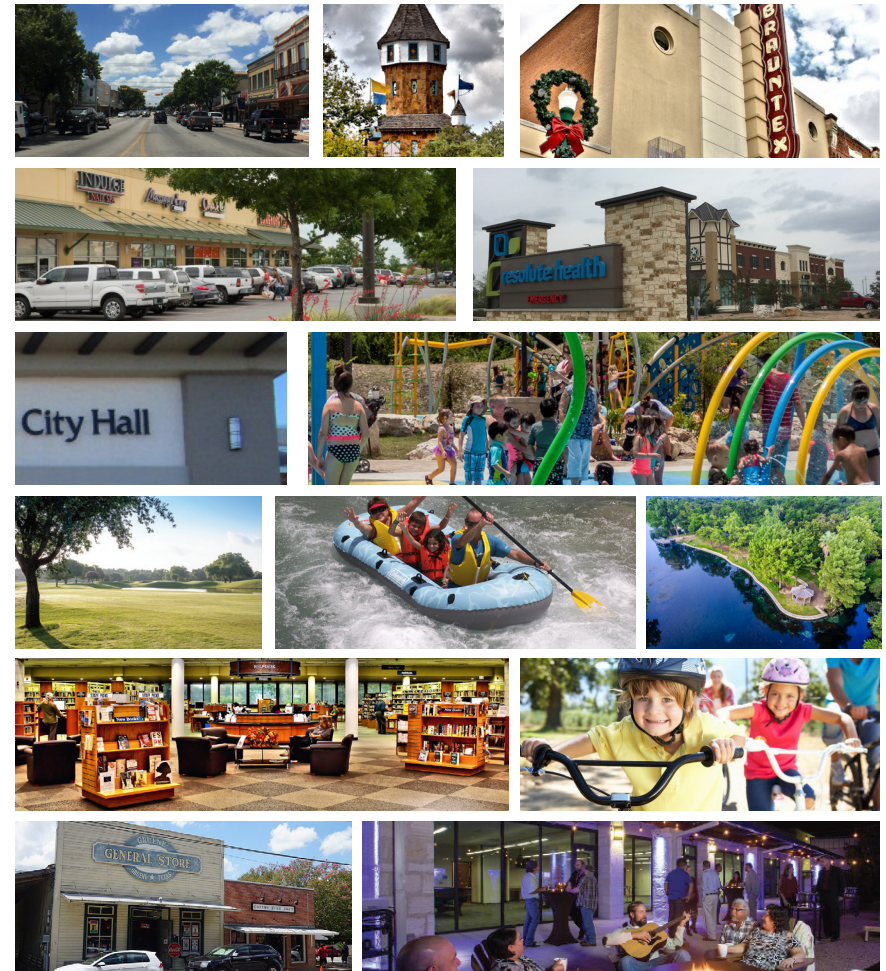
Outdoor Recreation Centers center around a public or private outdoor destination such as Landa Lake.

EDUCATION CENTER

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

TOURIST/ENTERTAINMENT CENTER

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



FUTURE LAND USE PLAN

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

TRANSITIONAL MIXED-USE CORRIDOR

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

OUTDOOR RECREATION CENTER

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

EMPLOYMENT CENTER

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

MARKET CENTER

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

CIVIC CENTER

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

SUB AREA 1

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

SUB AREA 2

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

SUB AREA 3

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

SUB AREA 4

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

SUB AREA 5

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

SUB AREA 6

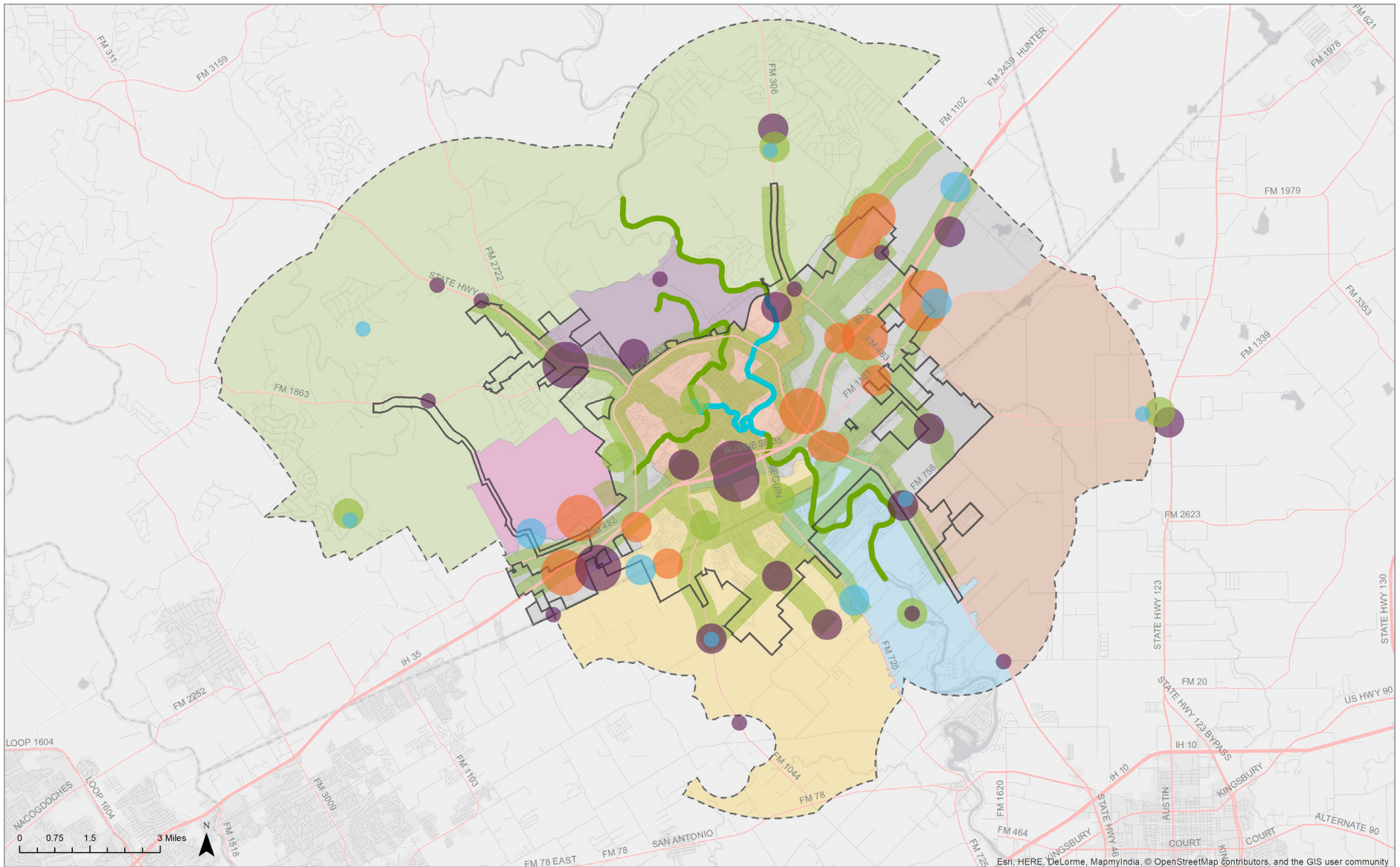
Sub Area 6 expresses an aspiration for conservation communities focused around maintaining and enhancing ecological integrity while allowing some level of development to occur.

SUB AREA 7

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

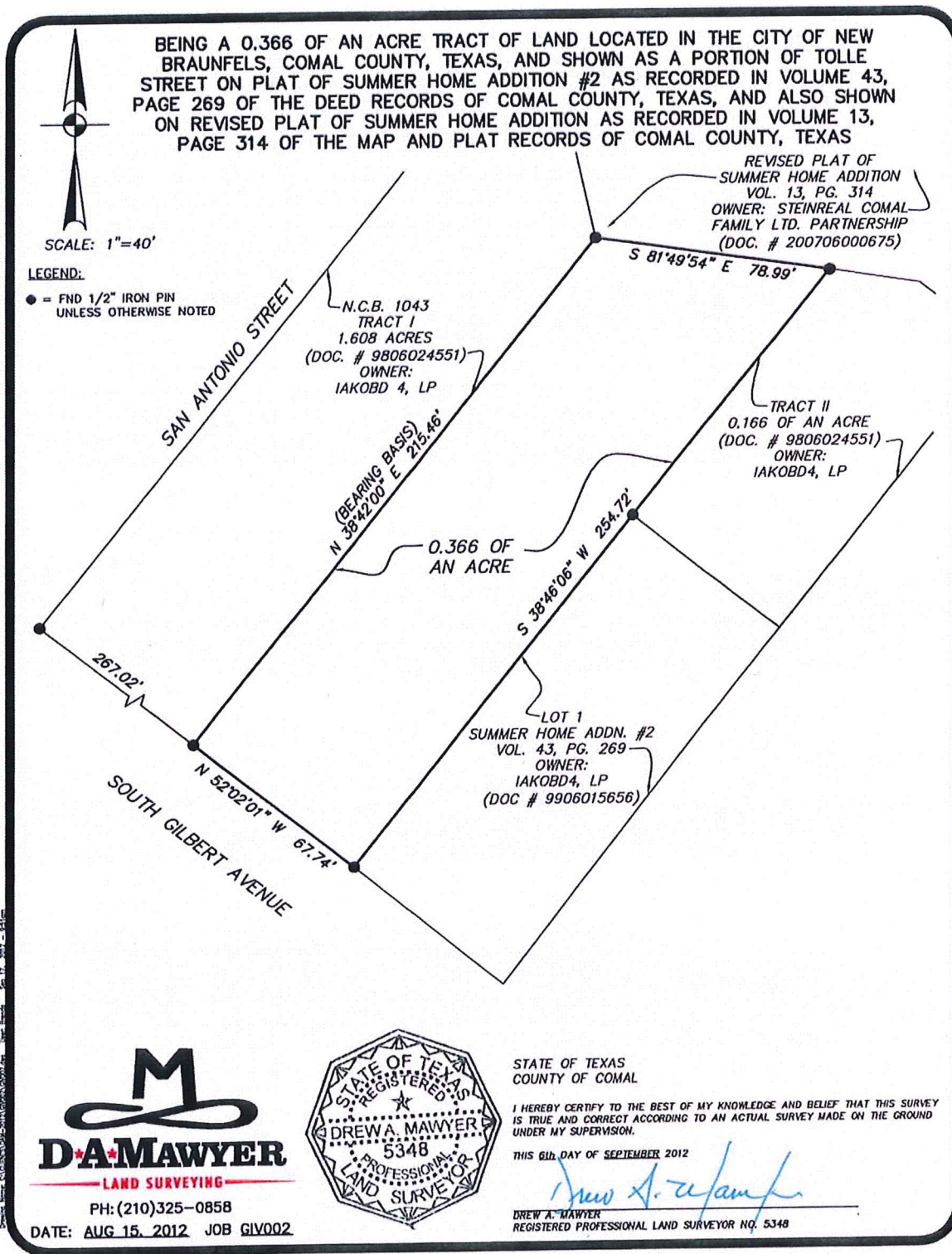
SUB AREA 8

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



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

SURVEY PLAT





S. Gilbert Ave.

Subject
(Tolle St.)



S. Gilbert Ave.

Subject
(Tolle St.)





Subject
(Tolle St.)

217 S. Gilbert Ave.

S. Gilbert Ave.



454 Tolle St.

Subject
(Tolle St.)

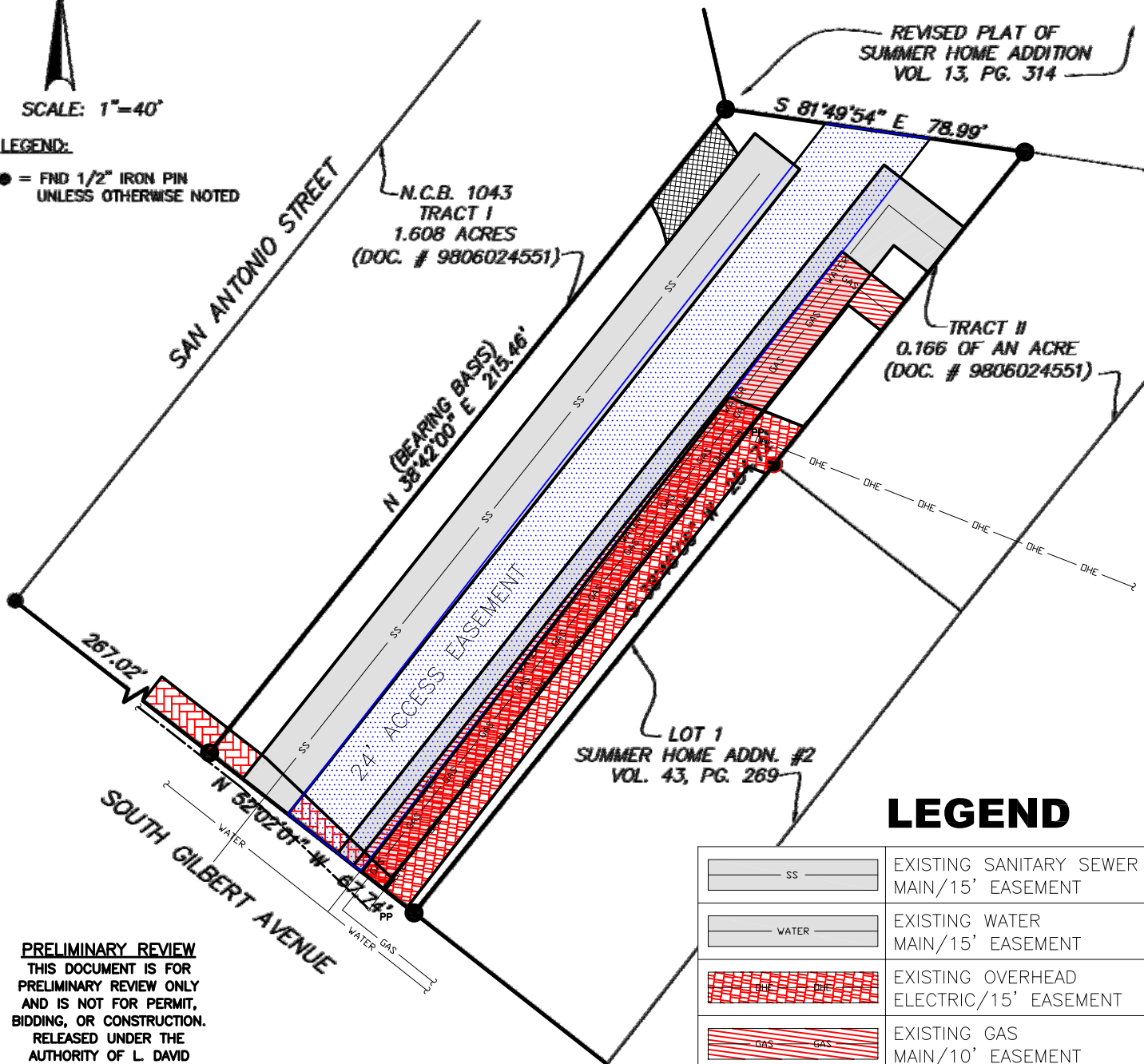


SCALE: 1"=40'

LEGEND:

- = FND 1/2" IRON PIN
UNLESS OTHERWISE NOTED

BEING A 0.366 OF AN ACRE TRACT OF LAND LOCATED IN THE CITY OF NEW BRAUNFELS, COMAL COUNTY, TEXAS, AND SHOWN AS A PORTION OF TOLLE STREET ON PLAT OF SUMMER HOME ADDITION #2 AS RECORDED IN VOLUME 43, PAGE 269 OF THE DEED RECORDS OF COMAL COUNTY, TEXAS, AND ALSO SHOWN ON REVISED PLAT OF SUMMER HOME ADDITION AS RECORDED IN VOLUME 13, PAGE 314 OF THE MAP AND PLAT RECORDS OF COMAL COUNTY, TEXAS



LEGEND

SS	EXISTING SANITARY SEWER MAIN/15' EASEMENT
WATER	EXISTING WATER MAIN/15' EASEMENT
DHE	EXISTING OVERHEAD ELECTRIC/15' EASEMENT
GAS	EXISTING GAS MAIN/10' EASEMENT
AT&T	EXISTING AT&T COMM. LINE/10' EASEMENT
24'	24' ACCESS EASEMENT
26'	26' FIRE LANE ACCESS

PRELIMINARY REVIEW
THIS DOCUMENT IS FOR
PRELIMINARY REVIEW ONLY
AND IS NOT FOR PERMIT,
BIDDING, OR CONSTRUCTION.
RELEASED UNDER THE
AUTHORITY OF L. DAVID
GIVLER, TEXAS P.E. NO.
73842

THE BASE MAP DATED SEPTEMBER 6, 2012 WAS
PROVIDED BY D.A. MAWYER LAND SURVEYING.

EASEMENT ENCUMBRANCE	0.2857 ACRES
FIRE LANE ENCUMBRANCE	0.0065 ACRES
UNENCUMBERED	0.0738 ACRES
TOTAL ABANDONMENT	0.3660 ACRES



Texas Registration #F-002573
1901 NW Military Hwy, Suite 201
San Antonio, Texas 78213
Phone: (210) 342-3991
Fax: (210) 342-6065

Tolle Street Abandonment
444 East San Antonio Street
New Braunfels, Texas 78130

PROJECT NO.	WESTON-001
CHECKED BY	LDG
DRAWN BY	TJN
DATE	NOVEMBER 2, 2012
SHEET	1 OF 1

UTILITY EASEMENTS

The appraisal, subject to the assumptions and limiting conditions as expressed herein and conducted according to the Uniform Standards of Professional Appraisal Practice, led us to develop the following opinion of market value:

VALUE CONCLUSION		
Interest	Date	Value
Fee Simple	June 14, 2020	\$115,000

Support and explanation for our value conclusion is explained in detail in the contents of the attached report. It has been a pleasure to assist you, and if we can be of service to you in the future, please let us know.

Lowery Property Advisors, LLC



MARIO CARO, MAI, AI-GRS, SR/WA
Texas State Certified General Real Estate Appraiser
 Certificate No. TX1334889-G
mario@lowerypa.com



PHILLIP COURCHESNE
Texas Appraiser Trainee
 Certification No. TX1341511 Trainee
phillip@lowerypa.com

STAFF'S COUNTEROFFER ADJUSTMENTS EXHIBIT

			Landowner Appraisal		City Counteroffer	
Encumbrance	Size (SF)	Land Value	% of Fee	Adjustment	% of Fee	Adjustment
15' Electric Easement	2,467	\$11.00	95%	\$25,780	50%	\$13,569
24' Access Easement	5,709	\$11.00	95%	\$59,659	50%	\$31,400
26' Fire Lane Access	266	\$11.00	90%	\$2,633	50%	\$1,463
10' Gas Easement	970	\$11.00	55%	\$5,869	55%	\$5,869
15' Sewer Easement	3,236	\$11.00	50%	\$17,798	50%	\$17,798
15' Water Easement	406	\$11.00	50%	\$2,233	50%	\$2,233
10' AT&T Easement	81	\$11.00	50%	\$446	50%	\$446
Total Land Value:				\$175,373		\$175,373
Less Adjustment:				\$114,418		\$72,776
Reconciled Value:				\$60,955		\$102,597

Draft Minutes for the June 1, 2021 Planning Commission Regular Meeting

H) PZ-20-001 Discuss and consider a recommendation to City Council regarding the proposed abandonment of a 0.366-acre portion of Tolle Street Right-of-Way, located between South Gilbert Avenue and the terminus of Tolle Street. Applicant/Owner: IAKOBO Four LP (Monique Weston); Case Manager: Holly Mullins.

Mrs. Mullins introduced the request and recommended approval with conditions as listed in the staff report.

Chair Edwards asked if there were any questions for staff.

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

Motion by Commissioner Vice Chair Laskowski, seconded by Commissioner Tubb, to recommend approval to City Council of the proposed abandonment of a 0.366-acre portion of Tolle Street Right-of-Way, located between South Gilbert Avenue and the terminus of Tolle Street. Motion carried (8-0-0).

DRAFT

ORDINANCE NO. 2021 - _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, ABANDONING 0.366 ACRES OF PUBLIC STREET RIGHT-OF-WAY LOCATED BETWEEN SOUTH GILBERT AVENUE AND THE TERMINUS OF TOLLE STREET, ACCORDING TO THE PROVISIONS OF CHAPTER 253, SECTION 253.001 OF THE TEXAS LOCAL GOVERNMENT CODE; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SAVINGS CLAUSE; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the City of New Braunfels, Texas, has street rights to a 0.366 acre tract of land, more or less, being public street right-of-way, located between South Gilbert Avenue and the terminus of Tolle Street, and said street right-of-way being in the City of New Braunfels, Texas; and

WHEREAS, the City of New Braunfels, having received a request from IAKOBO Four LP petitioning the City of New Braunfels to consider the abandonment of said right-of-way; and

WHEREAS, after determining that there is no need for the City of New Braunfels or any other surrounding property owners to retain the street right-of-way, it is the decision of the City Council of the City of New Braunfels that action be taken to release same to IAKOBO Four LP in the proper and legal manner; and

WHEREAS, the fair market value of the land is determined to be ONE HUNDRED TWO THOUSAND DOLLARS and NO CENTS (\$102,000.00), and

WHEREAS, after considering adjustments to the appraised value, the City of New Braunfels and IAKOBO Four LP accepted the fair market value of the land to be ONE HUNDRED TWO THOUSAND DOLLARS and NO CENTS (\$102,000.00) and thus by making the sale of the land to the abutting property owner, the City of New Braunfels will be complying with all sections of said Chapter 253, Section 253.001, and that the sale of said land in this particular instance has been determined by a fair appraisal and is conclusive of the fair market value thereof; **now, therefore:**

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

SECTION 1

That the City of New Braunfels, acting by and through its City Manager shall execute a Deed Without Warranty to IAKOBO Four LP, conveying all of its right, title and interest in and to the public right-of-way and all rights in and to a 0.366 acre tract of land, more or less, being public street right-of-way located between South Gilbert Avenue and the terminus of Tolle Street, and said street right-of-way being in the City of New Braunfels, Texas. A survey of the property to be conveyed is attached as Exhibit 'A' and is described in the attached Exhibit 'B'. If said Deed Without Warranty is not executed within one hundred and twenty (120) days of the second and final reading of this ordinance, this ordinance shall become null and void and a new application for abandonment shall be required.

SECTION 2

That the following conditions apply to the said abandonment:

1. The subject property must be included within a plat with at least one of the adjacent properties owned by the applicant in compliance with the City's Subdivision Platting standards.
2. The plat shall include the following easements:
 - a. A minimum 15-foot wide Utility Easement along the southeast side of Tolle Street from Gilbert Avenue to the condominiums for electric infrastructure;
 - b. A 20-foot wide Utility Easement for the existing water infrastructure;
 - c. A 20-foot wide Utility Easement for the existing wastewater infrastructure;
 - d. A minimum 24-foot wide vehicular access easement from South Gilbert Avenue to the condominium project (Lot 1R, Summer Home Subdivision) and 454 Tolle Street (North 62 feet of Lots 4 and 5, City Block 1044); and
 - e. A minimum 10-foot wide pedestrian access easement from Gilbert Avenue to the condominium property. To be included on the plat or by separate instrument if located outside the plat boundary.
3. Ownership transfer will occur after the final plat has been approved by a Deed Without Warranty, which must be executed within 120 days of the second and final reading of this ordinance.
4. Recordation of the final plat will occur subsequent to the transfer of ownership of the property.
5. Amend the Parking by Permit Ordinance to delete this street section once abandoned.

6. Provide signage at the new terminus of Tolle Street stating “City maintenance ends here” unless otherwise authorized by staff through the permitting process for the reconstruction of the abandoned roadway into a parking lot.
7. The applicant shall utilize low impact development (LID) techniques in the water quality control treatment to minimize stormwater runoff as part of the redevelopment of the right-of-way into a parking lot.
8. New development, including a parking lot, shall be developed in compliance with development standards in place at the time of permit issuance.

SECTION 3

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

SECTION 4

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

SECTION 5

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

SECTION 6

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

PASSED AND APPROVED: First reading this 28th day of June, 2021.

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

CITY OF NEW BRAUNFELS

RUSTY BROCKMAN, Mayor

ATTEST:

CAITLIN KROBOT, City Secretary

APPROVED AS TO FORM:

VALERIA M. ACEVEDO, City Attorney

\\CHFS-1\Departments\Planning\Abandon ROW Vacation Closure\PZ-20-001 - Tolle Street Abandonment - Weston\Tolle St Ordinance 6-2021.docx

SURVEY PLAT

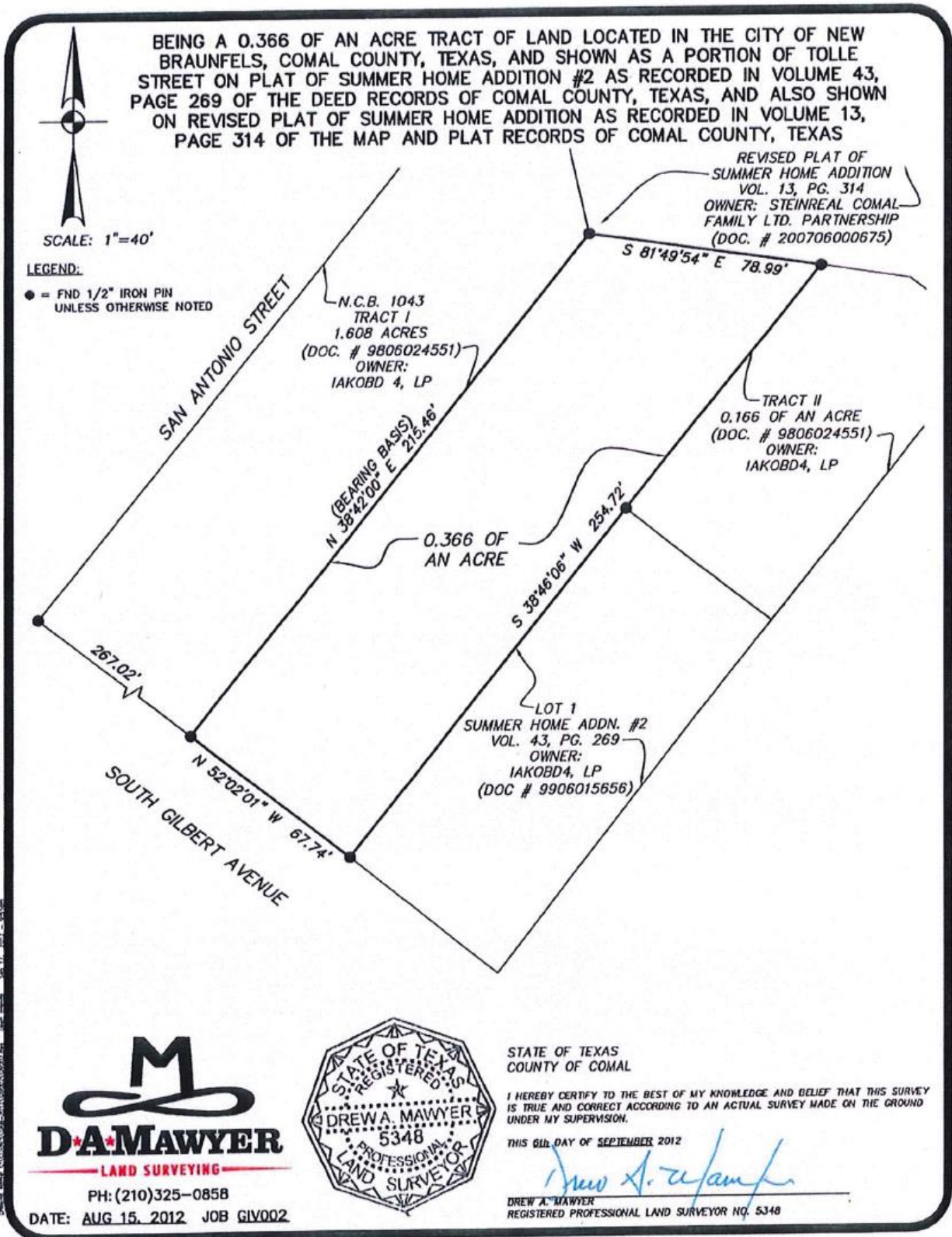


EXHIBIT 'A'



METES AND BOUNDS DESCRIPTION
FOR A
0.366 OF AN ACRE TRACT OF LAND

Being a 0.366 of an acre tract of land located in the City of New Braunfels, Comal County, Texas, and shown as a portion of Tolle Street on plat of Summer Home Addition #2 as recorded in Volume 43, Page 269 of the Deed Records of Comal County, Texas, and also shown on Revised Plat of Summer Home Addition as recorded in Volume 13, Page 314 of the Map and Plat Records of Comal County, Texas, and said 0.366 of an acre portion of Tolle Street being more particularly described as follows:

Beginning at a ½" iron pin found for the Southerly corner of a 1.608 acre tract of land described as Tract I, and recorded in Document No. 9806024551 of the Official Public Records of Comal County, Texas, and being in the Northeasterly line of South Gilbert Avenue, the Northwestern line of existing Tolle Street, for the Point Of Beginning of this herein described 0.366 of an acre tract of land;

Thence departing South Gilbert Avenue, and with the Southeasterly line of said 1.608 acre tract of land,

N 38° 42' 00" E, a distance of 215.46 feet to a ½" iron pin found for an Easterly corner of said 1.608 acre tract of land, a Southwesterly corner of said Revised Plat of Summer Home Addition, and a Northwestern corner of said Tolle Street for the Northwestern corner of this herein described 0.366 of an acre tract of land;

Thence departing said 1.608 acre tract of land, and with a Southerly line of said Revised Plat of Summer Home Addition, S 81° 49' 54" E, a distance of 78.99 feet to a ½" iron pin found for the Northwestern corner of a 0.166 of an acre tract of land described as Tract II and recorded in Document No. 9806024551 of the Official Public Records of Comal County, Texas, and being the Northeasterly corner of this herein described 0.366 of an acre tract of land;

Thence departing said Southerly line of Revised Plat of Summer Home Addition, and with the Northwestern line of said 0.166 of an acre of land, passing the Westerly corner of said 0.166 acre tract of land, the Northerly corner of Lot 1 of said Summer Home Addition #2 at 104.70 feet, and continuing with the Northwestern line of Lot 1, a total distance of 254.72 feet to a ½" iron pin found for the Southwesterly corner of said Lot 1, and being in the Northeasterly line of said South Gilbert Avenue for the most Southerly corner of this herein described 0.366 of an acre tract of land;

Thence departing the Southwesterly corner of Lot 1, and crossing said Tolle Street with the Northeast line of South Gilbert Avenue, N 52° 02' 01" W, a distance of 67.74 feet to the Point of Beginning and containing a 0.366 of an acre tract of land.

Bearings based on the Southeasterly line of a 1.608 acre tract of land as described in Document No. 9806024551 of the Official Public Records of Comal County, Texas.

Survey drawing prepared this 17th day of September, 2012.


Drew A. Mawyer
Registered Professional Land Surveyor No. 5348
CA_PROJECTS\GIV002-Tolle Strett M&B 0.366 Ac.doc



2700 Rolling Creek, Spring Branch, TX 78070 | T: 210.325.0858

EXHIBIT 'B'

7/12/2021

Agenda Item No. F)

Presenter

Jean Drew, AICP, CNU-A, Planning and Development Services Assistant Director

Approval of the second and final reading of an ordinance to revise sections *144 -1.3, Definitions*, to define efficiency/studio apartments, and *144-5.1-3 Schedule of Required Spaces* to identify parking standards for efficiency/studio apartments.

DEPARTMENT: Planning and Development Services Department

COUNCIL DISTRICTS IMPACTED: This would be a city-wide revision, thus potentially impacting all City Council Districts.

BACKGROUND INFORMATION:

City Council held a public hearing on June 28, 2021, and unanimously approved the first reading of this ordinance (7-0-0).

A need has been identified to determine the appropriate parking standard for efficiency/studio apartments. These units consist of one common room for living, cooking, eating, and sleeping, with a separate room allowed only for the bathroom. These limitations are restrictive and are significantly different from a one-bedroom apartment, warranting revisiting their parking needs.

Interest has been identified by owners of several existing hotels regarding the potential to convert their use from hotel to efficiency apartments. Redevelopment of property is highly desirable from many perspectives. Adaptive re-use to meet current market needs prior to the existing use going into disrepair is desirable; it is a luxury for a community to have such opportunities as not many communities have an economic climate that supports adaptive reuse. Utilizing existing infrastructure lowers the cost of service, providing economic and environmental benefits for the community.

The proposed use of efficiency apartments would help address New Braunfels' need for workforce housing, while both maintaining an active use for properties and addressing the housing needs of a growing city. Discussions of the potential for redevelopment identified that our zoning ordinance does not currently have a standard for efficiency/studio apartments, only for a one-bedroom apartment (1.5 per unit). Benchmarking was performed with other Texas cities to understand their parking requirements for efficiency/studio apartments as opposed to one-bedroom apartments, and to aid in identifying the appropriate parking standard for this use.

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

- **Action 1.6:** Incentivize infill development and redevelopment to take advantage of existing infrastructure.

-
- **Action 1.11:** Update policies and codes to achieve development patterns that implement the goals of Envision New Braunfels.
 - **Action 3.1:** Change zoning/land use and platting rules and create tax and permit fee incentives in under-utilized neighborhoods, nodes and corridors to encourage redevelopment.
 - **Action 3.16:** Review and revise regulations that inadvertently inhibit creative housing options or workforce housing alternatives.
 - **Action 3.18:** Encourage multifamily to disperse throughout the community rather than to congregate en masse.
 - **Action 3.30:** Encourage and incentivize workforce/affordable housing to attract new workforce entrants and young families.
 - **Action 3.31:** Adopt policies and ordinances supportive of workforce housing, creating opportunities that make investment in workforce housing more feasible for private and nonprofit developers.

ISSUE:

To identify the number of parking spaces appropriate for efficiency/studio apartments. No parking standards currently exist for an efficiency apartment, and the requirement of 1.5 spaces used for a one-bedroom apartment is excessive when comparing the rate to that used by other Texas cities for efficiency units. Both Seguin and Schertz, two comparable nearby Texas cities, require only 1 space per unit for efficiency/studio apartments.

FISCAL IMPACT:

N/A

RECOMMENDATION:

Based on benchmarking research conducted, staff recommends to define efficiency/studio apartments so no ambiguity arises as to the use, and to define a parking standard of 1.1 spaces per unit be established, to provide adequate parking for both residents and visitors, as included in the final ordinance provided for your review.

Planning Commission held a public hearing on June 1, 2021 and voted to recommend this ordinance revision 8-0, with Commissioner Meyer absent.

ORDINANCE NO. 2021-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, AMENDING THE NEW BRAUNFELS CODE OF ORDINANCES, CHAPTER 144 ZONING SECTION 1.4 and SECTION 5.1; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; CONTAINING A SAVINGS CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, Chapter 211 of the Texas Local Government Code empowers a city to enact zoning regulations and provide for their administration, enforcement and amendment; and

WHEREAS, the City Council of the City of New Braunfels, Texas, deems it necessary and desirable to establish zoning regulations to provide for the orderly development of property within the City by governing the use of land in order to promote the public health, safety, morals and general welfare of the residents of the City; and

WHEREAS, the Comprehensive Plan, Envision New Braunfels, has multiple action items supporting updates that improve regulations, including Action Item 3.10 Change zoning/land use and platting rules and create permit and tax fee incentives in underutilized neighborhoods, nodes and corridors to encourage redevelopment, 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, and 3.16 Review and revise regulations that inadvertently inhibit creative housing options or workforce housing alternatives.

WHEREAS, the City Council has directed that regulations dealing with the use and development of land be reviewed by the Planning Commission to make recommendations concerning improving those regulations; and

WHEREAS, the Planning Commission held a public hearing on June 1, 2021 and recommended approval of the proposed amendments; and

WHEREAS, the City Council held a public hearing on said amendments on June 28, 2021; and

WHEREAS, the City Council hereby finds and determines that regularly updating the code for clarification provides improved customer service and is in the best interest of the citizens of New Braunfels.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE

CITY OF NEW BRAUNFELS, TEXAS:

SECTION 1

THAT Chapter 144, Zoning, Section 1.4 Definitions, is hereby amended with additions as underlined and deletions as stricken:

Sec. 144-1.4. - Definitions.

For the purpose of this chapter, certain words and terms as used herein are defined as follows:

Words used in the present tense include the future; words in the singular number include the plural, and vice versa; the word "building" includes the word "structure;" the word "shall" is mandatory and not directory; the term "used for" includes the meaning "designed for" or "Intended for"

Efficiency apartment or unit means a dwelling unit consisting of a single room for cooking, eating, sleeping and living, and a separate room for bath and toilet facilities, also referred to as a studio apartment or unit.

(Ord. No. 2012-49, § 1(Exh. A), 9-10-12; Ord. No. 2016-75, § 1, 12-12-16; Ord No. 2017-06, § 1, 1-9-17; Ord. No. 2017-77, § 1, 10-23-17; Ord. No. 2017-78, § 1, 10-23-17; Ord. No. 2018-21, § 2, 3-26-18; Ord. No. 2018-76, § 1, 11-12-18; Ord. No. 2019-78, § 1, 11-11-19; Ord. No. 2020-20, § 1, 3-9-20; Ord. No. 2020-78, § 1, 12-14-20)

Editor's note— Ord. No. 2018-21, § 2, adopted March 26, 2018, redesignated the former section 144-1.3 as section 144-1.4. The historical notation has been preserved for reference purposes.

SECTION 2

THAT Chapter 144, Zoning, Section 5.1, Parking, loading, stacking and vehicular circulation is hereby amended with additions as underlined and deletions as stricken:

5.1-3. Schedule of required spaces.

- (c) For each structure designed for any of the following uses, or for any like use, no less than the number of parking spaces required shall be provided according to the following schedule:

PERMITTED USE	MINIMUM VEHICLE SPACES
Adult care facility	One for each two employees or staff members, PLUS One space for each five adults for which the facility is licensed by the state
Ambulance service	One for each 400 sq. ft. of gross floor area
Amphitheaters	One for each four persons based on maximum occupancy capacity
Amusement parks	One for each 600 sq. ft. of outdoor recreation area, and 1 for each 400 sq. ft. of indoor recreation area
Amusement services	One for each 200 sq. ft. of gross floor area
Animal grooming shops	One for each 400 sq. ft. of gross floor area
Antique shops	One for each 400 sq. ft. of gross floor area
Apartments	Two-bedroom apartment or unit Two
	One-bedroom apartment or unit One and one-half
	Efficiency/ Studio Apartment or unit One and one-tenth
	Each additional bedroom One-half
	Each dwelling unit provided exclusively for low income elderly occupancy Three-fourths ("Low income elderly" is defined as any person 55 years of age or older with low or moderate income, according to HUD standards)
Archery ranges	One for each 600 sq. ft. of outdoor recreation area, and One for each 400 sq. ft. of indoor recreation area
Arenas	One for each four persons based on maximum occupancy capacity
Art dealer/gallery	One for each 400 sq. ft. of gross floor area
Artist or artisans studio	One for each 400 sq. ft. of gross floor area
Assisted living/retirement homes	One for each four employees, and One for each four patient beds, and One for each staff doctor

(Ord. No. 2012-49, § 1(Exh. A), 9-10-12; Ord. No. 2016-75, § 2, 12-12-16; Ord. No. 2017-80, § 2, 10-23-17; Ord. No. 2018-21, § 2, 3-26-18; Ord. No. 2019-78, § 3, 11-11-19)

SECTION 3

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

SECTION 4

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 5

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

SECTION 6

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

SECTION 7

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

PASSED AND APPROVED: First reading this,June 28, 2021

PASSED AND APPROVED: Second reading this the.....July 12, 2021

CITY OF NEW BRAUNFELS

RUSTY BROCKMAN, Mayor

ATTEST:

CAITLIN KROBOT, City Secretary

APPROVED AS TO FORM:

VALERIA M. ACEVEDO, City Attorney

Benchmarking Results

TEXAS CITY	Required Parking	TEXAS CITY	Required Parking
Selma Tx	1 space per efficiency unit	N Richland Hills Tx (Ft Worth)	1 space per efficiency unit
Seguin Tx	1 space per efficiency unit	Haltom City Tx (Ft Worth)	1 space per efficiency unit
San Marcos Tx	1.05 spaces per bedroom	Midland Tx	1 space per efficiency unit
Addison Tx (Dallas area)	1 space per efficiency unit	Pharr Tx	1 space per efficiency unit
Watauga Tx (Ft Worth area)	1 space per efficiency unit	El Paso Tx	1 space per efficiency unit
Waco Tx	1 space per efficiency unit	Nacadoches Tx	1.05 spaces per bedroom

Draft Minutes for the June 1, 2021 Planning Commission Regular Meeting

M) Public hearing and recommendation to City Council of an ordinance to revise sections 144 -1.3, Definitions, to define efficiency/studio apartments, and to 144-5.1-3 Schedule of Required Spaces to identify parking standards for efficiency/studio apartments. Case Manager: Jean Drew.

Mrs. Drew presented the proposed code amendments.

Chair Edwards asked if there were any questions for staff.

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

Chris Van Heerde, 290 S Castell Ave, stated he is in favor of the proposed ordinance revisions.

William Rodgers, 16 La Mesa Dr, asked for clarification.

Chair Edwards closed the public hearing.

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

Motion by Vice Chair Laskowski, seconded by Commissioner Sonier, to recommend approval to City Council of the proposed ordinance to revise sections 144 -1.3, Definitions, to define efficiency/studio apartments, and to 144-5.1-3 Schedule of Required Spaces to identify parking standards for efficiency/studio apartments. Motion carried (8-0-0).

7/12/2021

Agenda Item No. G)

PRESENTER:

Jared Werner, Chief Financial Officer

SUBJECT:

Approval of the second and final reading of an Ordinance of the City Council of the City of New Braunfels, Texas Amending the Project Plan and Reinvestment Zone Financing Plan for the Reinvestment Zone Number One, City of New Braunfels, Texas; Approving a Second Amendment to the Economic Development Agreement Between the City of New Braunfels, Texas and A-L 95 Creekside Town Center, L.P.; and Other Matters in Connection Therewith

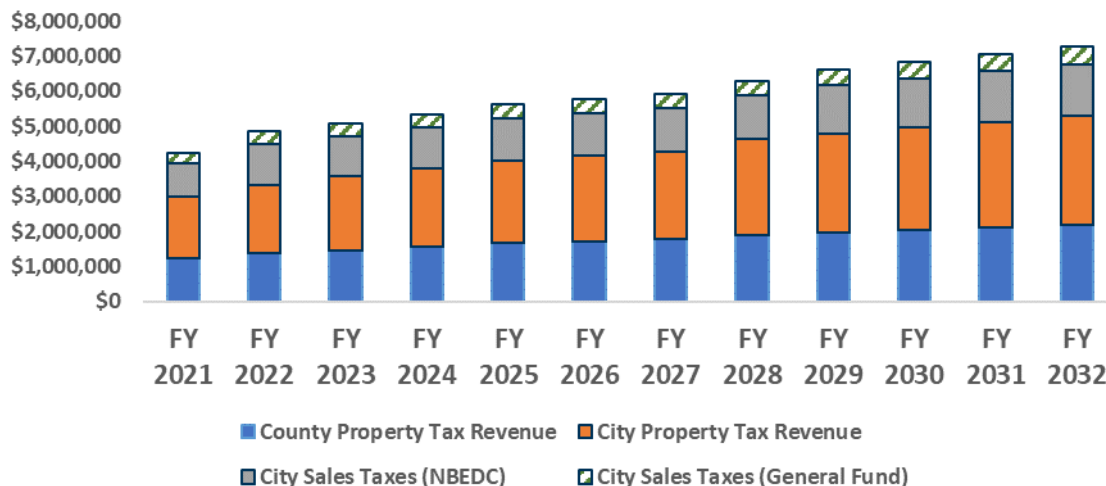
DEPARTMENT: Finance

COUNCIL DISTRICTS IMPACTED: All

BACKGROUND INFORMATION:

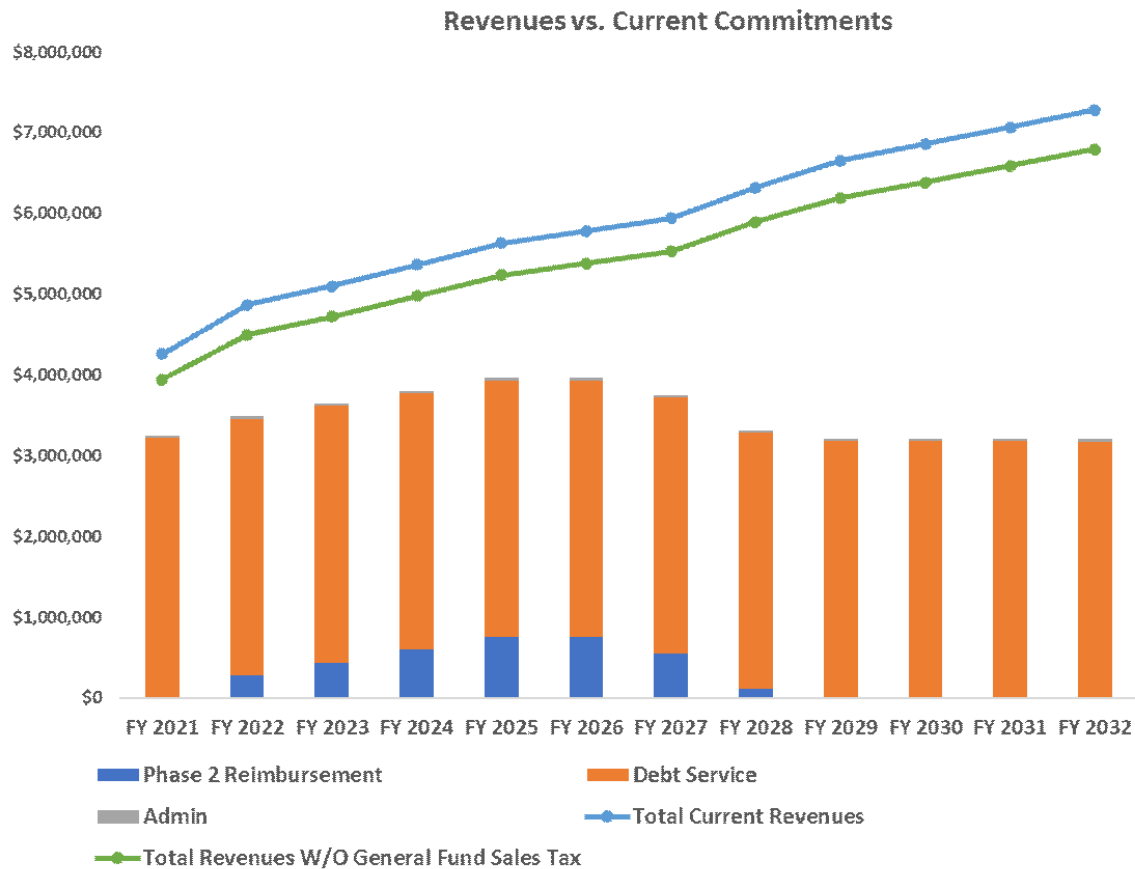
At the end of FY 2020, staff began evaluating the potential to reduce a portion of the sales tax increment that has been pledged to the Creekside Tax Increment Reinvestment Zone (TIRZ), specifically the 1/8 cent General Fund portion. As the graph below indicates, the majority of the revenue for the Creekside TIRZ comes from property taxes.

Creekside TIRZ Revenue Projections



By removing the 1/8 cent contribution to the TIRZ, at least \$370,000 in additional sales taxes would be returned to the General Fund. These funds could be used for any discretionary expenditure, such as the multi-year budget initiatives established by City Council (completion of the NBPD power shift and phased staffing for fire station #7).

The financial success of the Creekside TIRZ is what provides the financial viability to make this shift. As the graph below, with the removal of the 1/8 cent contribution, the TIRZ still has adequate capacity to make additional investments if/when they are needed.



This information was presented to the TIRZ Board/NBDA on three occasions to discuss and consider the action needed to remove the increment. Ultimately, the TIRZ/NBDA approved unanimously to amend the various documents needed to modify the contribution.

BBVA is the sole bondholder of the outstanding TIRZ debt obligations. They have also agreed to release the 1/8 cent sales tax as security against the annual debt service payments.

Council Action - Attached for City Council consideration is an ordinance that encompasses the amendments to the Project and Financing Plan as well as the Economic Development Agreement. These documents need to be amended to remove the 1/8 cent revenue pledge. If approved, the change to the contribution would take effect on October 1, 2021.

A public hearing was held on this item at the regular City Council meeting on June 28, 2021. The first reading of the ordinance was approved unanimously by City Council.

ISSUE:

N/A

FISCAL IMPACT:

As mentioned above, removing the 1/8 cent sales tax contribution will generate at least \$370,000 in additional sales tax revenue to the General Fund. By doing so, the TIRZ Fund will still have adequate capacity for future investments.

RECOMMENDATION:

Approval of the ordinance

ORDINANCE NO. 2021-[__]

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS AMENDING THE PROJECT PLAN AND REINVESTMENT ZONE FINANCING PLAN FOR THE REINVESTMENT ZONE NUMBER ONE, CITY OF NEW BRAUNFELS, TEXAS; APPROVING A SECOND AMENDMENT TO THE ECONOMIC DEVELOPMENT AGREEMENT BETWEEN THE CITY OF NEW BRAUNFELS, TEXAS AND A-L 95 CREEKSIDE TOWN CENTER, L.P.; AND OTHER MATTERS IN CONNECTION THEREWITH.

WHEREAS, the City Council (the "Council") of the City of New Braunfels, Texas (the "City") adopted Ordinance No. 2007-45 on May 29, 2007, which designated Reinvestment Zone Number One, City of New Braunfels, Texas (the "Zone") pursuant to Section 311.005(a) of the Tax Increment Finance Act, Texas Tax Code, Chapter 311, as amended (the "Act"); and

WHEREAS, the Board of Directors of the Zone (the "Zone Board") prepared and adopted a Project Plan and Reinvestment Zone Financing Plan (the "Project and Financing Plan") for the Zone in Reinvestment Zone Number One Resolution 2007-R01 pursuant to Section 311.011 of the Act; and

WHEREAS, the Council adopted Ordinance No. 2007-59 on July 9, 2007, which approved the Project and Financing Plan for the Zone pursuant to Section 311.011(d) of the Act; and

WHEREAS, the Council adopted Ordinance No. 2010-85 on November 22, 2010, which enlarged the boundaries of the Zone by approximately 18 acres and approved an amendment to the Project and Financing Plan for the Zone adopted to reflect the addition of such land and the amendment of certain exhibits in connection therewith; and

WHEREAS, the Board of Directors of the New Braunfels Development Authority (the "Corporation") previously authorized the issuance of two series of obligations designated, respectively, as "New Braunfels Development Authority Tax Increment Contract Revenue Improvement and Refunding Bonds, Series 2012", dated December 1, 2012, in the original principal amount of \$11,670,000, currently stated to mature on June 15 in each of the years 2021 through 2032, in the aggregate principal amount outstanding of \$7,920,000 (the "2012 Obligations") and "New Braunfels Development Authority Tax Increment Contract Revenue Notes, Series 2014", dated June 1, 2014, in the original principal amount of \$17,000,000, currently stated to mature on June 15 in each of the years 2021 through 2032, in the aggregate principal amount outstanding of \$12,460,000 (the "2014 Obligations"); and

WHEREAS, the Council adopted Ordinance No. 2019-10 on January 28, 2019, which enlarged the boundaries of the Zone by approximately 4.5 acres for the purpose of constructing the City's fire station and fire training facility thereon and approved an amendment to the Project and Financing Plan for the Zone to reflect the addition of such land and include the Phase II Project Improvements and estimates of the Phase II Project Costs with an aggregate reimbursement to A-

L 95 Creekside Town Center, L.P., a Texas limited partnership (the "Developer") from lawfully available Zone revenues held within the Phase II Tax Increment Fund in an amount not to exceed \$3,500,000 (the "Phase II Project") pursuant to the Amendment to Economic Development Agreement by and between the City and the Developer entered into on February 11, 2019 (the "Amendment to Economic Development Agreement"); and

WHEREAS, the Council adopted Ordinance No. 20-533 on August 10, 2020, which enlarged the boundaries of the Zone by approximately 35.452 acres for the purpose of constructing the City's fire station and fire training facility thereon after determining such site was more appropriately suited for those purposes and approved an amendment to the Project and Financing Plan for the Zone to reflect the addition of such land and include the anticipated costs and estimates associated with the relocation of the City's fire station and fire training facility and other related facilities; and

WHEREAS, the City desires to modify its sales and use tax contribution collected within the Zone from $\frac{1}{2}$ of 1% to $\frac{3}{8}$ of 1% (which includes 100% of the New Braunfels Economic Development Corporation sales tax contribution within the Zone) and expects to offset any reimbursements owed to the Developer for costs related to the Phase II Project with certain unrestricted funds held within the Tax Increment Fund for the Zone, all as set forth in an amendment to the Economic Development Agreement attached hereto as Exhibit B (the "Second Amendment to Economic Development Agreement") to be executed by and between the City and the Developer; and

WHEREAS, on May 13, 2021, the Zone Board adopted an amendment to the Project and Financing Plan decreasing the percentage of sales tax increment to be contributed by the City as a taxing unit within the Zone from $\frac{1}{2}$ of 1% to $\frac{3}{8}$ of 1% (which includes 100% of the New Braunfels Economic Development Corporation sales tax contribution within the Zone) pursuant to Section 311.011(e) of the Act and amend certain exhibits showing the projected Zone revenues in connection therewith as set forth and further described in the amended Project and Financing Plan (the "Amended Project and Financing Plan") attached as Exhibit A and recommended that the City approve the Amended Project and Financing Plan; and

WHEREAS, on June 1, 2021, pursuant to Section 14.5 of the Corporation's Resolutions authorizing the 2012 Obligations and 2014 Obligations (the "Authorizing Resolutions"), the Corporation, after receiving the consent to reduce the sales tax contribution from BBVA Mortgage Corporation f/k/a Compass Mortgage Corporation, an Alabama Corporation, as the sole owner of all of the 2012 Obligations and 2014 Obligations, amended the Authorizing Resolutions to reference the sales tax reduction as provided in the Second Amendment to Economic Development Agreement and recommended that the City approve the Amended Project and Financing Plan all as set forth in the Resolutions by the Board of Directors of the Corporation attached hereto as Exhibit C; and

WHEREAS, the City desires to approve the Amended Project and Financing Plan pursuant to Section 311.011(e) of the Act attached as Exhibit A; and

WHEREAS, pursuant to the Act, the City must approve the Amended Project and Financing Plan by ordinance; and

WHEREAS, notice of a public hearing to be held on June 28, 2021, was duly published in the *New Braunfels Herald-Zeitung* in its issue dated June 16, 2021, in compliance with Section 311.003€ of the Act; and

WHEREAS, a public hearing was held on June 28, 2021, at 6:00 p.m. in City Hall, New Braunfels, Texas (the "Hearing") to consider the Amended Project and Financing Plan at which time the City provided a reasonable opportunity for protest in accordance with Section 311.003(d) of the Act; and

WHEREAS, in connection with the modification of the City's sales and use tax contribution in the Zone, the City desires to amend the Economic Development Agreement between the City and the Developer to decrease the percentage of sales tax increment to be contributed by the City as a taxing unit within the Zone from $\frac{1}{2}$ of 1% to $\frac{3}{8}$ of 1% and to provide that the Developer is entitled to reimbursement from unrestricted funds held in the Tax Increment Fund as needed to fully reimburse the Developer for the Phase II Project Costs as a result of the decreased percentage of sales tax increment, as set forth and further described in the Second Amendment to Economic Development Agreement attached as Exhibit B; and

WHEREAS, the Council hereby finds and determines that the adoption of this Ordinance is in the best interests of the citizens of New Braunfels, Texas; and

WHEREAS, it is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and public notice of the time, place and purpose of said meeting was given, all as required by Chapter 551, Texas Government Code.

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

SECTION 1. The City, after conducting the Hearing and having heard such evidence and testimony, has made the following findings and determinations based upon the testimony presented:

- (a) That the Hearing on the proposed Amended Project and Financing Plan has been properly called, held and conducted and that notices of the Hearing have been published at least seven (7) days before the Hearing in a newspaper of general circulation in the City.
- (b) The percentage of sales tax increment to be contributed by the City as a taxing unit within the Zone should be decreased from $\frac{1}{2}$ of 1% to $\frac{3}{8}$ of 1% (which includes 100% of the New Braunfels Economic Development Corporation sales tax contribution within the Zone) pursuant to Section 311.011€ of the Act and certain exhibits showing the projected Zone revenues in connection therewith should be amended as set forth and further described in the Amended Project and Financing Plan attached as Exhibit A.

SECTION 2. The Project and Financing Plan is hereby amended to decrease the percentage of sales tax increment to be contributed by the City as a taxing unit within the Zone from $\frac{1}{2}$ of 1% to $\frac{3}{8}$ of 1% (which includes 100% of the New Braunfels Economic Development Corporation sales tax contribution within the Zone) pursuant to Section 311.011 of the Act and to amend certain exhibits showing the projected Zone revenues in connection therewith as set forth and further described in the Amended Project and Financing Plan attached as Exhibit A.

SECTION 3. The Council hereby approves the Amended Project and Financing Plan attached as Exhibit A.

SECTION 4. The Economic Development Agreement is hereby amended to decrease the percentage of sales tax increment to be contributed by the City as a taxing unit within the Zone from $\frac{1}{2}$ of 1% to $\frac{3}{8}$ of 1% and to provide that the Developer is entitled to reimbursement from unrestricted funds held in the Tax Increment Fund as needed to fully reimburse the Developer for the Phase II Project Costs as a result of the decreased percentage of sales tax increment, as set forth and further described in the Second Amendment to Economic Development Agreement attached as Exhibit B.

SECTION 5. The Council hereby approves the Second Amendment to Economic Development Agreement attached as Exhibit B and the execution of the same by the City is hereby authorized.

SECTION 6. The officers of the City are authorized to take any and all action necessary to carry out and consummate the transactions described in or contemplated by the documents approved hereby or otherwise to give effect to the actions authorized hereby and the intent hereof.

SECTION 7. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the Council.

SECTION 8. All ordinances and resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters resolved herein.

SECTION 9. This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

SECTION 10. If any provision of this Ordinance or the application thereof to any circumstance shall be held to be invalid, the remainder of this Ordinance and the application thereof to other circumstances shall nevertheless be valid, as if such invalid provision had never appeared herein, and this governing body hereby declares that this Ordinance would have been enacted without such invalid provision.

SECTION 11. It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given, all as required by Chapter 551, as amended, Texas Government Code.

SECTION 12. This Ordinance shall be in force and effect from and after its final passage and it is so ordained.

[The remainder of this page intentionally left blank.]

FIRST READING on the 28th day of June, 2021.

SECOND AND FINAL READING, PASSED, AND ADOPTED on the ___ day of _____, 2021.

CITY OF NEW BRAUNFELS

Rusty Brockman, Mayor

ATTEST:

Caitlin Krobot, City Secretary
(City Seal)

APPROVED AS TO FORM:

Valeria Acevedo, City Attorney

EXHIBIT A

[Amended Project and Financing Plan]

**Amended Project Plan & Reinvestment Zone Financing Plan
Tax Increment Reinvestment Zone No.1
City of New Braunfels, Texas**

**Amended Project Plan and Reinvestment Zone
Financing Plan**

1. Summary of Amendment

2. Exhibits

Summary of Amendment

Pursuant to Section 311.011(e), Texas Tax Code, an Amended Project Plan and Reinvestment Zone Financing Plan (the "Amended Project and Financing Plan") was adopted by the City of New Braunfels, Texas (the "City") on June 28, 2021 to reduce the City's participation of its sales and use tax collected within the Tax Increment Reinvestment Zone No. 1, City of New Braunfels, Texas (the "TIRZ"), from $\frac{1}{2}$ of 1% to $\frac{3}{8}$ of 1% (which includes 100% of the New Braunfels Economic Development Corporation sales tax contribution within the TIRZ). The City will offset the decrease in any tax increments that would have otherwise been available to make reimbursement payments owed to A-L 95 Creekside Town Center, L.P. (the "Developer") for the Phase II Project Improvements with unrestricted reserves held in the Tax Increment Fund for the TIRZ. The reduction in the City's sales tax contribution will have no material impact on the current debt obligations or any potential future debt obligations of the TIRZ.

A Second Amendment to Economic Development Agreement was executed by and between the City and the Developer dated June [], 2021 (the "Second Amended Development Agreement"), which is hereby incorporated by reference. The Second Amended Development Agreement amends the City's sales and use tax participation as noted above and provides that the Developer will be reimbursed for the Phase II Project Improvements from unrestricted reserves held in the Tax Increment Fund to offset any tax increments that would have otherwise been generated by the City's additional $\frac{1}{8}$ cent sales tax previously collected within the boundaries of the Phase II Project to the extent such funds are lawfully available.

In connection with the decrease in the City's sales and use tax contribution, the exhibits attached hereto shall be incorporated into the Amended Project and Financing Plan. Except as amended by the revised exhibits attached hereto, the Project Plan and Reinvestment Zone Financing Plan for the TIRZ remains unchanged and in full force and effect.

EXHIBIT A

[Supplements Participating Jurisdictions on Page 19]

	Tax Rate	Tax Rate Dedicated	% Dedicated	Term
Sales Tax*				
City of New Braunfels	1.125%	0.000%	0%	10 (2022-2032)
Economic Development Corporation	0.375%	0.375%	100%	10 (2022-2032)

*Sales tax participation in the TIRZ for Collection Years 2022-2033 are adjusted for removal of the City of New Braunfels' ⅛ cent sales tax contribution pursuant to the Second Amendment to Economic Development Agreement as further detailed herein in the Summary of Amendment.

EXHIBIT B

[Supplements Zone Increment Revenue on Page 19]

Tax Year	Collection Year (fiscal year)	Zone Increment Revenue				
		City Zone Revenue (Real Property and BPP&I)	County Zone Revenue (Real Property and BPP&I)	City/EDC Zone Revenue (Sales Tax)	Total Annual Zone Revenue	
2008	2009	\$ -		\$ 184,323	\$ 184,323	ACTUALS
2009	2010	\$ 160,709		\$ 338,815	\$ 499,524	
2010	2011	\$ 270,799		\$ 417,065	\$ 687,864	
2011	2012	\$ 320,677		\$ 498,108	\$ 818,785	
2012	2013	\$ 394,370		\$ 608,854	\$ 1,003,224	
2013	2014	\$ 527,042		\$ 904,236	\$ 1,431,278	
2014	2015*	\$ 1,071,265	\$ 1,081,543	\$ 938,817	\$ 3,091,625	
2015	2016	\$ 1,318,493	\$ 845,491	\$ 955,583	\$ 3,119,567	
2016	2017	\$ 1,477,982	\$ 972,789	\$ 941,067	\$ 3,391,838	
2017	2018	\$ 1,579,977	\$ -	\$ 1,016,149	\$ 2,596,126	
2018	2019*	\$ 1,532,619	\$ 2,157,308	\$ 1,498,943	\$ 5,188,870	
2019	2020	\$ 1,635,169	\$ 1,148,237	\$ 1,406,463	\$ 4,189,869	
2020	2021	\$ 1,748,229	\$ 1,230,015	\$ 1,450,000	\$ 4,428,244	PROJECTIONS
2021	2022*	\$ 1,954,186	\$ 1,374,922	\$ 1,150,985	\$ 4,480,093	
2022	2023	\$ 2,089,901	\$ 1,470,407	\$ 1,138,476	\$ 4,698,784	
2023	2024	\$ 2,227,831	\$ 1,567,452	\$ 1,161,245	\$ 4,956,528	
2024	2025	\$ 2,368,056	\$ 1,666,111	\$ 1,184,470	\$ 5,218,637	
2025	2026	\$ 2,438,271	\$ 1,715,513	\$ 1,208,159	\$ 5,361,943	
2026	2027	\$ 2,510,943	\$ 1,766,643	\$ 1,232,323	\$ 5,509,909	
2027	2028	\$ 2,713,625	\$ 1,909,245	\$ 1,256,969	\$ 5,879,839	
2028	2029	\$ 2,808,602	\$ 1,976,069	\$ 1,386,606	\$ 6,171,277	
2029	2030	\$ 2,906,903	\$ 2,045,231	\$ 1,414,338	\$ 6,366,472	
2030	2031	\$ 3,008,644	\$ 2,116,815	\$ 1,442,625	\$ 6,568,084	
2031	2032	\$ 3,113,947	\$ 2,190,903	\$ 1,471,477	\$ 6,776,327	
2032	2033*	\$ -	\$ -	\$ -	\$ -	
Totals		\$ 40,178,240	\$ 27,234,694	\$ 25,206,096	\$ 92,619,030	
* 2015 Collection Year - County Zone Real Property and BPP&I revenue represents the 2013 & 2014 tax year payments						
* 2019 Collection Year - County Zone Real Property and BPP&I revenue represents the 2017 & 2018 tax year payments						
*2022 Collection Year - City/EDC Zone Revenues (Sales Tax) adjusted for removal of 1/8 cent sales tax						
*2033 Collection Year - No revenue projections are provided as zone is set to terminate on December 31, 2032, or the date when all project costs are paid and all debt is retired. Given that all outstanding obligations will be paid by the end of the 2022 Collection Year, the projections do not go beyond this year.						

The supplement to the Zone Increment Revenue table attached hereto as **Exhibit B** is provided to show (i) the actual collections within the TIRZ from Collection Years 2009-2020 and (ii) the estimated projected collections for Collection Years 2021-2033. The City/EDC Zone Revenue (Sales Tax) projections for Collection Years 2022-2033 are based on the amended sales tax participation rates shown in **Exhibit A**.

Due to property values in the TIRZ increasing beyond the estimated property values included in the Project and Financing Plan approved in June of 2007 (the "Original Project and Financing Plan"), which are anticipated to continue to exceed such estimated values, this supplement to the Zone Increment Revenue table shows estimated Zone Revenue for the City and County Real Property and BPP&I that are greater than those included in the Original Project and Financing Plan. Further, due to economic retail trends, the City/EDC Zone Revenue (Sales Tax) amounts shown in this supplement are lower than the estimates included for the same in the Original Project and Financing Plan.

EXHIBIT C

[Supplements Schedule G Projected Zone Revenue (Sales Tax) on Page 26]

REVISED SCEHDULE G - Projected Zone Revenue (Sales Tax)

Collection Year	Gross Sales	City Tax 1.125%	EDC Sales Tax Revenue .375% Tax	County Sales Tax Revenue .5% Tax	Total Sales Tax Revenue	Sales Tax Revenue Available for Zone Projects*	
2009	\$ 27,648,450	\$ 311,045	\$ 103,682	\$ 138,242	\$ 552,969	\$ 184,323	ACTUALS
2010	\$ 50,822,250	\$ 571,750	\$ 190,583	\$ 254,111	\$ 1,016,445	\$ 338,815	
2011	\$ 62,559,750	\$ 703,797	\$ 234,599	\$ 312,799	\$ 1,251,195	\$ 417,065	
2012	\$ 74,716,200	\$ 840,557	\$ 280,186	\$ 373,581	\$ 1,494,324	\$ 498,108	
2013	\$ 91,328,100	\$ 1,027,441	\$ 342,480	\$ 456,641	\$ 1,826,562	\$ 608,854	
2014	\$ 135,635,400	\$ 1,525,898	\$ 508,633	\$ 678,177	\$ 2,712,708	\$ 904,236	
2015	\$ 140,822,550	\$ 1,584,254	\$ 528,085	\$ 704,113	\$ 2,816,451	\$ 938,817	
2016	\$ 143,337,450	\$ 1,612,546	\$ 537,515	\$ 716,687	\$ 2,866,749	\$ 955,583	
2017	\$ 141,160,050	\$ 1,588,051	\$ 529,350	\$ 705,800	\$ 2,823,201	\$ 941,067	
2018	\$ 152,422,350	\$ 1,714,751	\$ 571,584	\$ 762,112	\$ 3,048,447	\$ 1,016,149	
2019	\$ 224,841,450	\$ 2,529,466	\$ 843,155	\$ 1,124,207	\$ 4,496,829	\$ 1,498,943	
2020	\$ 210,969,450	\$ 2,373,406	\$ 791,135	\$ 1,054,847	\$ 4,219,389	\$ 1,406,463	PROJECTIONS
2021	\$ 217,500,000	\$ 2,446,875	\$ 815,625	\$ 1,087,500	\$ 4,350,000	\$ 1,450,000	
2022*	\$ 230,197,000	\$ 2,589,716	\$ 863,239	\$ 1,150,985	\$ 4,603,940	\$ 1,150,985	
2023	\$ 227,695,200	\$ 2,561,571	\$ 853,857	\$ 1,138,476	\$ 4,553,904	\$ 1,138,476	
2024	\$ 232,249,000	\$ 2,612,801	\$ 870,934	\$ 1,161,245	\$ 4,644,980	\$ 1,161,245	
2025	\$ 236,894,000	\$ 2,665,058	\$ 888,353	\$ 1,184,470	\$ 4,737,880	\$ 1,184,470	
2026	\$ 241,631,800	\$ 2,718,358	\$ 906,119	\$ 1,208,159	\$ 4,832,636	\$ 1,208,159	
2027	\$ 246,464,600	\$ 2,772,727	\$ 924,242	\$ 1,232,323	\$ 4,929,292	\$ 1,232,323	
2028	\$ 251,393,800	\$ 2,828,180	\$ 942,727	\$ 1,256,969	\$ 5,027,876	\$ 1,256,969	
2029	\$ 277,321,200	\$ 3,119,864	\$ 1,039,955	\$ 1,386,606	\$ 5,546,424	\$ 1,386,606	
2030	\$ 282,867,600	\$ 3,182,261	\$ 1,060,754	\$ 1,414,338	\$ 5,657,352	\$ 1,414,338	
2031	\$ 288,525,000	\$ 3,245,906	\$ 1,081,969	\$ 1,442,625	\$ 5,770,500	\$ 1,442,625	
2032	\$ 294,295,400	\$ 3,310,823	\$ 1,103,608	\$ 1,471,477	\$ 5,885,908	\$ 1,471,477	
Totals	\$ 4,483,298,050	\$ 50,437,103	\$ 16,812,368	\$ 22,416,490	\$ 89,665,961	\$ 25,206,096	

*2022 Collection Year - City/EDC Zone Revenues (Sales Tax) adjusted for removal of 1/8 cent sales tax

The supplement to Schedule G attached hereto as **Exhibit C** is provided to show (i) the actual sales tax collections within the TIRZ from Collection Years 2009-2020 and (ii) the estimated projected collections for Collection Years 2021-2033. The Total Sales Tax Revenue projections for Collection Years 2022-2033 are based on the amended sales tax participation rates shown in **Exhibit A**.

Due to economic retail trends, the Total Sales Tax Revenue amounts shown in this supplement to Schedule G are lower than the estimates included Schedule G of the Original Project and Financing Plan.

EXHIBIT B

[Second Amendment to Economic Development Agreement]

**SECOND AMENDMENT TO ECONOMIC DEVELOPMENT AGREEMENT
BY AND BETWEEN NEW BRAUNFELS, TEXAS
AND
A-L 95 CREEKSIDE TOWN CENTER, L.P.**

THIS SECOND AMENDMENT TO ECONOMIC DEVELOPMENT AGREEMENT (the "Second Amendment") by and between the City of New Braunfels, Texas, a Texas home-rule municipal corporation (the "City") and A-L 95 Creekside Town Center, L.P., a Texas limited partnership (the "Developer"), (collectively referred to as the "Parties") is entered into on this [___] day of [____], 2021 (the "Effective Date").

RECITALS

WHEREAS, Developer and the City entered into an Economic Development Agreement dated March 12, 2007 (the "Original Agreement") for the purpose of enhancing and stimulating business and commercial activity in the City, and promoting economic development in the City; and

WHEREAS, the Developer completed the Project and the Project Improvements as defined in the Original Agreement and was reimbursed the full Reimbursement Amount from TIRZ revenues in accordance with the Project Plan and Plan of Finance and the terms of the Original Agreement; and

WHEREAS, the Developer and the District entered into an Amendment to Economic Development Agreement dated February 11, 2019 (the "First Amendment" and, together with the Original Agreement, the "Agreement") for the purpose of increasing the Reimbursement Amount from TIRZ revenues to include the Phase II Project Costs as defined in the First Amendment in order to further such economic development purposes within the City and the TIRZ; and

WHEREAS, pursuant to the First Amendment, the Developer will be reimbursed for the Phase II Project Costs by the New Braunfels Development Authority for the Phase II Developer Reimbursement through TIRZ revenues only from the Phase II Tax Increment collected in the Phase II Tax Increment Fund; and

WHEREAS, the Council adopted Ordinance No. 2019-10 on January 28, 2019, which approved an amended Project Plan and Plan of Finance for the TIRZ that included the Phase II Project Improvements and estimates of Phase II Project Costs; and

WHEREAS, the City desires to amend the Agreement and the Project Plan and Plan of Finance to decrease the percentage of sales tax increment to be contributed by the City as a taxing unit within the TIRZ from $\frac{1}{2}$ of 1% to $\frac{3}{8}$ of 1% (which includes 100% of the New Braunfels Economic Development Corporation sales tax contribution within the TIRZ) pursuant to Section 311.011(e) of the Tax Increment Finance Act, Texas Tax Code, Chapter 311, as amended (the "Act") and amend certain exhibits showing the projected TIRZ revenues in connection therewith as set forth and further described in the amended Project Plan and Plan of Finance (the "Amended Project Plan and Plan of Finance"); and

WHEREAS, the City expects to supplement any reimbursements owed to the Developer for costs related to the Phase II Project pursuant to the First Amendment with certain unrestricted funds held within the Tax Increment Fund for the TIRZ to the extent the decrease in the percentage of sales tax increment affects the Phase II Developer Reimbursement and such funds are lawfully available as set forth herein; and

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

AGREEMENT

1. The Agreement is amended by amending the fifth sentence in Article II, Section 1, Designation of Tax Increment Reinvestment Zone:

The City shall participate in the TIRZ during the term of the TIRZ in an amount equal to 85% of its real and personal property ad valorem taxes actually collected and $\frac{3}{8}$ of 1% of sales and use taxes actually collected within the TIRZ (which may include the New Braunfels EDC sales taxes) from fiscal year 2022 until the expiration of the TIRZ.

2. The Agreement is amended by amending the last sentence of Article IV, Section 4, Phase II Developer Reimbursement:

The Phase II Developer Reimbursement shall be paid solely from the Phase II Tax Increment Fund (defined below), except as described in subsection (a) below.

3. The Agreement is amended by amending the last sentence to Article IV, Section 4(a), Phase II Tax Increment Fund:

The Developer is entitled to reimbursement herein only from the Phase II Tax Increment collected in the Phase II Tax Increment Fund unless

additional unrestricted funds held in the Tax Increment Fund are needed to fully reimburse the Developer the Phase II Developer Reimbursement owed to the Developer for the Phase II Projects Costs as a result of the decreased percentage of sales tax increment from $\frac{1}{2}$ of 1% to $\frac{3}{8}$ of 1% to be contributed by the City for fiscal year 2022 until the expiration of the TIRZ as set forth herein.

4. Except as explicitly set forth in this Second Amendment, no other terms of the Agreement are modified or amended, and except as otherwise modified herein, the terms of the Agreement are in full force and effect.

5. The provisions of this Second Amendment and the Agreement should be read together and construed as one agreement provided that, in the event of any conflict or inconsistency between the provision of this Second Amendment and the Agreement, the provisions of this Second Amendment shall control.

6. The Agreement (including the Second Amendment) shall remain in force and effect until the Phase II Developer Reimbursement is paid in full or until the expiration date of the TIRZ, whichever is earlier.

7. Unless otherwise exempt, the Developer has delivered to the City, a Certificate of Interested Parties Form 1295 ("Form 1295") and certification of filing generated by the Texas Ethics Commission's (the "TEC") electronic portal, signed by an authorized agent of each respective entity prior to the execution of this Amendment by the Parties. The Parties understand and agree that, with the exception of information identifying the City, and the contract identification number in each Form 1295, with respect to an exemption from the filing requirement of a Form 1295, the Developer is solely responsible for its claim of exemption, and the City, nor its consultants, is responsible for a determination made by the Developer that the Developer is exempt from filing a Form 1295, or for the information contained in any Form 1295 and the City, nor its consultants, has verified such information.

8. The Developer represents and warrants, for purposes of Chapter 2271 of the Texas Government Code that at the time of execution and delivery of this Second Amendment, neither the Developer nor any parent company, wholly- or majority-owned subsidiaries or affiliates of the same, if any, boycotts Israel or will boycott Israel. 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 Federal law. As used in the foregoing verification, "boycotts Israel" and "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.

9. The Developer represents that, neither the Developer, nor any parent company, wholly- or majority-owned subsidiaries or affiliates of the same, if any, are companies 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/sudanlist.pdf>; <https://comptroller.texas.gov/purchasing/docs/iran-list.pdf>, or <https://comptroller.texas.gov/purchasing/docs/ftolist.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 each parent company, wholly- or majority-owned subsidiaries, and other affiliates of the same, 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.

IN WITNESS WHEREOF, the parties hereto may execute this Second Amendment in multiple copies, each of equal dignity, as of the date and year set forth on the first page hereof.

CITY:

CITY OF NEW BRAUNFELS, a Texas home-
rule municipal corporation

By: _____
Mayor

Attest:

City Secretary

DEVELOPER:

A-L 95 CREEKSIDE TOWN CENTER, L.P.,
a Texas limited partnership

By: A-L 95, L.C., a Texas limited liability
company, General Partner

By: _____
Name: _____
Title: _____

EXHIBIT C

[Resolutions by the Board of Directors of the New Braunfels Development Authority Approving
Amendments to the Authorizing Resolutions]

NEW BRAUNFELS DEVELOPMENT AUTHORITY RESOLUTION 2021-[]

**RESOLUTION BY THE BOARD OF DIRECTORS OF THE NEW
BRAUNFELS DEVELOPMENT AUTHORITY APPROVING AN
AMENDMENT TO THE RESOLUTION AUTHORIZING THE
ISSUANCE OF \$11,670,000 NEW BRAUNFELS DEVELOPMENT
AUTHORITY TAX INCREMENT CONTRACT REVENUE
IMPROVEMENT AND REFUNDING OBLIGATIONS, SERIES 2012**

WHEREAS, the City Council (the "Council") of the City of New Braunfels, Texas (the "City") adopted Ordinance No. 2007-45 on May 29, 2007, which designated Reinvestment Zone Number One, City of New Braunfels, Texas (the "Zone") pursuant to Section 311.005(a) of the Tax Increment Finance Act, Texas Tax Code, Chapter 311, as amended (the "Act"); and

WHEREAS, the Board of Directors of the New Braunfels Development Authority (the "Corporation") previously authorized the issuance of two series of obligations designated, respectively, as "New Braunfels Development Authority Tax Increment Contract Revenue Improvement and Refunding Bonds, Series 2012", dated December 1, 2012, in the original principal amount of \$11,670,000, currently stated to mature on June 15 in each of the years 2021 through 2032, in the aggregate principal amount outstanding of \$7,920,000 (the "2012 Obligations") and "New Braunfels Development Authority Tax Increment Contract Revenue Notes, Series 2014", dated June 1, 2014, in the original principal amount of \$17,000,000, currently stated to mature on June 15 in each of the years 2021 through 2032, in the aggregate principal amount outstanding of \$12,460,000 (the "2014 Obligations"); and

WHEREAS, the City desires to modify its sales and use tax contribution collected within the Zone from $\frac{1}{2}$ of 1% to $\frac{3}{8}$ of 1% (which includes 100% of the New Braunfels Economic Development Corporation sales tax contribution within the Zone) as set forth in an amendment to the Economic Development Agreement between the City and A-L 95 Creekside Town Center, L.P., a Texas limited partnership (the "Developer"), to be executed by and between the City and the Developer (the "Second Amendment to Development Agreement") attached hereto as Exhibit A; and

WHEREAS, such sales tax is part of the security for the 2012 Obligations; and

WHEREAS, pursuant to Section 14.5 of the Corporation's Resolution authorizing the 2012 Obligations (the "2012 Resolution"), the Corporation may adopt an amendment to the Resolution affecting the security of the 2012 Obligations only upon the consent of all holders of the outstanding 2012 Obligations; and

WHEREAS, on May 10, 2021 the Corporation received the consent attached hereto as Exhibit B to the reduction of the sales tax contributions described herein of BBVA Mortgage

Corporation f/k/a Compass Mortgage Corporation, an Alabama Corporation (the "Holder"), which is the sole owner of all of the 2012 Obligations; and

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF NEW BRAUNFELS DEVELOPMENT AUTHORITY:

SECTION 1. INCORPORATION OF RECITALS. The Corporation Board hereby finds that the statements set forth in the recitals of this Resolution are true and correct, and the Corporation Board hereby incorporates such recitals as part of this Resolution.

SECTION 2. DEFINITIONS. If a capitalized term is used herein but not defined, it shall have the meaning ascribed to it in the Second Amendment to Development Agreement.

SECTION 3. AMENDING THE 2012 RESOLUTION. The Corporation Board hereby adopts the following amendment to the 2012 Resolution with any such further modifications needed to give full affect to the actions contemplated by this Resolution and to conform to the final business terms as agreed to by the City Manager and directs its submission to the Council for approval:

The sixth recital to the 2012 Resolution is deleted in its entirety and hereby replaced with the following:

"WHEREAS, the City and A-L95 Creekside Town Center, L.P. and its lawful successors or assigns (the "Developer") entered into a Development Agreement dated March 12, 2007, as amended by resolution of the Corporation on June 24, 2014 and by resolution on May 13, 2021 (collectively, the "Development Agreement") establishing that the City would contribute certain funds as described in the Project and Financing Plan and the Development Agreement into the Pledged Revenue Fund (as hereinafter defined) to further the purposes of the Project (as defined in the Development Agreements) and the TIRZ Act; and"

SECTION 4. RECOMMENDING THE CITY APPROVE THE AMENDMENT TO THE 2012 RESOLUTION. The Corporation Board recommends that the City approve the amendment contemplated herein to reflect the decrease in the percentage of sales tax increment to be contributed by the City as a taxing unit within the Zone from ½ of 1% to ⅜ of 1% and any other revisions to any other agreement necessary to give full effect to the actions contemplated herein.

SECTION 5. FURTHER PROCEEDINGS. The Corporation Board is authorized to take any and all action necessary to carry out and consummate the transactions described in or contemplated by the documents approved hereby or otherwise to give effect to the actions authorized hereby and the intent hereof including revising any necessary documents to conform to the terms hereof or State law.

SECTION 6. SEVERABILITY. If any provision of this Resolution or the application thereof to any circumstance shall be held to be invalid, the remainder of this Resolution and the application thereof to other circumstances shall nevertheless be valid, as if such invalid provision had never appeared herein, and the Corporation Board hereby declares that this Resolution would have been enacted without such invalid provision.

[The remainder of this page intentionally left blank.]

PASSED AND APPROVED THIS 1ST DAY OF JUNE, 2021.

By: _____
Chairperson, Board of Directors

EXHIBIT A

[Second Amendment to Development Agreement]

**SECOND AMENDMENT TO ECONOMIC DEVELOPMENT AGREEMENT
BY AND BETWEEN NEW BRAUNFELS, TEXAS
AND
A-L 95 CREEKSIDE TOWN CENTER, L.P.**

THIS SECOND AMENDMENT TO ECONOMIC DEVELOPMENT AGREEMENT (the "Second Amendment") by and between the City of New Braunfels, Texas, a Texas home-rule municipal corporation (the "City") and A-L 95 Creekside Town Center, L.P., a Texas limited partnership (the "Developer"), (collectively referred to as the "Parties") is entered into on this [__] day of [____], 2021 (the "Effective Date").

RECITALS

WHEREAS, Developer and the City entered into an Economic Development Agreement dated March 12, 2007 (the "Original Agreement") for the purpose of enhancing and stimulating business and commercial activity in the City, and promoting economic development in the City; and

WHEREAS, the Developer completed the Project and the Project Improvements as defined in the Original Agreement and was reimbursed the full Reimbursement Amount from TIRZ revenues in accordance with the Project Plan and Plan of Finance and the terms of the Original Agreement; and

WHEREAS, the Developer and the District entered into an Amendment to Economic Development Agreement dated February 11, 2019 (the "First Amendment" and, together with the Original Agreement, the "Agreement") for the purpose of increasing the Reimbursement Amount from TIRZ revenues to include the Phase II Project Costs as defined in the First Amendment in order to further such economic development purposes within the City and the TIRZ; and

WHEREAS, pursuant to the First Amendment, the Developer will be reimbursed for the Phase II Project Costs by the New Braunfels Development Authority for the Phase II Developer Reimbursement through TIRZ revenues only from the Phase II Tax Increment collected in the Phase II Tax Increment Fund; and

WHEREAS, the Council adopted Ordinance No. 2019-10 on January 28, 2019, which approved an amended Project Plan and Plan of Finance for the TIRZ that included the Phase II Project Improvements and estimates of Phase II Project Costs; and

WHEREAS, the City desires to amend the Agreement and the Project Plan and Plan of Finance to decrease the percentage of sales tax increment to be contributed by the City as a taxing unit within the TIRZ from $\frac{1}{2}$ of 1% to $\frac{3}{8}$ of 1% (which includes 100% of the New Braunfels Economic Development Corporation sales tax contribution within the TIRZ) pursuant to Section 311.011(e) of the Tax Increment Finance Act, Texas Tax Code, Chapter 311, as amended (the "Act") and amend certain exhibits showing the projected TIRZ revenues in connection therewith as set forth and further described in the amended Project Plan and Plan of Finance (the "Amended Project Plan and Plan of Finance"); and

WHEREAS, the City expects to offset any reimbursements owed to the Developer for costs related to the Phase II Project pursuant to the First Amendment with certain unrestricted funds held within the Tax Increment Fund for the TIRZ to the extent such funds are lawfully available as set forth herein; and

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

AGREEMENT

1. The Agreement is amended by amending the fifth sentence in Article II, Section 1, Designation of Tax Increment Reinvestment Zone:

The City shall participate in the TIRZ during the term of the TIRZ in an amount equal to 85% of its real and personal property ad valorem taxes actually collected and $\frac{3}{8}$ of 1% of sales and use taxes actually collected within the TIRZ (which may include the New Braunfels EDC sales taxes) from fiscal year 2022 until the expiration of the TIRZ.

2. The Agreement is amended by amending the last sentence to Article IV, Section 4(a), Phase II Tax Increment Fund:

The Developer is entitled to reimbursement herein only from the Phase II Tax Increment collected in the Phase II Tax Increment Fund unless additional unrestricted funds held in the Tax Increment Fund are needed to offset any reimbursements owed to the Developer for the Phase II Projects Costs due to the decreased percentage of sales tax increment from $\frac{1}{2}$ of 1% to $\frac{3}{8}$ of 1% to be contributed by the City for fiscal year 2022 until the expiration of the TIRZ as set forth herein.

3. Except as explicitly set forth in this Second Amendment, no other terms of the Agreement are modified or amended, and except as otherwise modified herein, the terms of the Agreement are in full force and effect.

4. The provisions of this Second Amendment and the Agreement should be read together and construed as one agreement provided that, in the event of any conflict or inconsistency between the provision of this Second Amendment and the Agreement, the provisions of this Second Amendment shall control.

5. The Agreement (including the Second Amendment) shall remain in force and effect until the Phase II Developer Reimbursement is paid in full or until the expiration date of the TIRZ, whichever is earlier.

6. Unless otherwise exempt, the Developer has delivered to the City, a Certificate of Interested Parties Form 1295 ("Form 1295") and certification of filing generated by the Texas Ethics Commission's (the "TEC") electronic portal, signed by an authorized agent of each respective entity prior to the execution of this Amendment by the Parties. The Parties understand and agree that, with the exception of information identifying the City, and the contract identification number in each Form 1295, with respect to an exemption from the filing requirement of a Form 1295, the Developer is solely responsible for its claim of exemption, and the City, nor its consultants, is responsible for a determination made by the Developer that the Developer is exempt from filing a Form 1295, or for the information contained in any Form 1295 and the City, nor its consultants, has verified such information.

7. The Developer represents and warrants, for purposes of Chapter 2271 of the Texas Government Code that at the time of execution and delivery of this Second Amendment, neither the Developer nor any parent company, wholly- or majority-owned subsidiaries or affiliates of the same, if any, boycotts Israel or will boycott Israel. 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 Federal law. As used in the foregoing verification, "boycotts Israel" and "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.

8. The Developer represents that, neither the Developer, nor any parent company, wholly- or majority-owned subsidiaries or affiliates of the same, if any, are companies 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/sudanlist.pdf>; <https://comptroller.texas.gov/purchasing/docs/iran-list.pdf>, or

<https://comptroller.texas.gov/purchasing/docs/ftolist.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 each parent company, wholly- or majority-owned subsidiaries, and other affiliates of the same, 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.

IN WITNESS WHEREOF, the parties hereto may execute this Second Amendment in multiple copies, each of equal dignity, as of the date and year set forth on the first page hereof.

CITY:

CITY OF NEW BRAUNFELS, a Texas home-
rule municipal corporation

By: _____
Mayor

Attest:

City Secretary

DEVELOPER:

A-L 95 CREEKSIDE TOWN CENTER, L.P.,
a Texas limited partnership

By: A-L 95, L.C., a Texas limited liability
company, General Partner

By: _____
Name: _____
Title: _____

EXHIBIT B

[Waiver and Consent of Sole Holder of 2012 Obligations]

WAIVER AND CONSENT OF SOLE BONDHOLDER

WHEREAS, the Board of Directors of the New Braunfels Development Authority (the *Corporation*) previously authorized the issuance of two series of obligations designated, respectively, as "New Braunfels Development Authority Tax Increment Contract Revenue Improvement and Refunding Bonds, Series 2012", dated December 1, 2012, in the original principal amount of \$7,920,000, currently stated to mature on June 15 in each of the years 2021 through 2032, in the aggregate principal amount outstanding of \$10,950,000 and "New Braunfels Development Authority Tax Increment Contract Revenue Notes, Series 2014", dated June 1, 2014, in the original principal amount of \$17,000,000, currently stated to mature on June 15 in each of the years 2021 through 2032, in the aggregate principal amount outstanding of \$12,460,000 (collectively, the *Original Obligations*); and

WHEREAS, BBVA Mortgage Corporation f/k/a Compass Mortgage Corporation, an Alabama Corporation (the *Holder*), is the sole owner of all of the Original Obligations; and

WHEREAS, the Corporation and the City of New Braunfels, Texas (the *City*) desires to decrease the percentage of sales tax increment to be contributed by the City as a taxing unit within the TIRZ from $\frac{1}{2}$ of 1% to $\frac{3}{8}$ of 1% (which includes 100% of the New Braunfels Economic Development Corporation sales tax contribution within the TIRZ) pursuant to Section 311.011(e) of the Tax Increment Finance Act, Texas Tax Code, Chapter 311, as amended (the "Act") and amend certain exhibits to the Project and Finance Plan for the TIRZ showing the projected TIRZ revenues in connection therewith as set forth and further described in the amended Project Plan and Plan of Finance (the "Amended Project Plan and Plan of Finance"); and

WHEREAS, the Corporation, acting through its authorized representatives, has communicated directly with the Holder and has expressed its desire to obtain the Holder's consent, and the Holder has consented to the Corporation's request, to the actions described in the preceding paragraph as well as any corresponding amendments to the resolutions authorizing the Original Obligations to give effect to the decrease in the percentage of sales tax increment to be contributed by the City; and

WHEREAS, the Corporation must receive the consent of the Holder in order to amend, add to, or rescind any portion of the resolutions authorizing the Original Obligations; and

WHEREAS, this Waiver and Consent is executed by the authorized representative of the Holder, now, therefore,

BE IT RESOLVED BY THE UNDERSIGNED HOLDER THAT:

SECTION 1: The undersigned is the authorized representative of BBVA Mortgage Corporation f/k/a Compass Mortgage Corporation, an Alabama Corporation, and is duly authorized to execute this Waiver and Consent.

SECTION 2: The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Waiver and Consent for all purposes.

SECTION 3: This Waiver and Consent may be relied upon the by Texas Attorney General in his review and approval of the Notes.

[The remainder of this page intentionally left blank.]

2021. IN WITNESS WHEREOF, I have signed my name officially, this 10th day of May,

BBVA MORTGAGE CORPORATION F/K/A
COMPASS MORTGAGE CORPORATION,
an Alabama Corporation

BY: 
Jerret Krouse

TITLE: Authorized Signatory

NEW BRAUNFELS DEVELOPMENT AUTHORITY RESOLUTION 2021-[]

**RESOLUTION BY THE BOARD OF DIRECTORS OF THE NEW
BRAUNFELS DEVELOPMENT AUTHORITY APPROVING AN
AMENDMENT TO THE RESOLUTION AUTHORIZING THE
ISSUANCE OF \$17,000,000 NEW BRAUNFELS DEVELOPMENT
AUTHORITY TAX INCREMENT CONTRACT REVENUE NOTES,
SERIES 2014**

WHEREAS, the City Council (the "Council") of the City of New Braunfels, Texas (the "City") adopted Ordinance No. 2007-45 on May 29, 2007, which designated Reinvestment Zone Number One, City of New Braunfels, Texas (the "Zone") pursuant to Section 311.005(a) of the Tax Increment Finance Act, Texas Tax Code, Chapter 311, as amended (the "Act"); and

WHEREAS, the Board of Directors of the New Braunfels Development Authority (the "Corporation") previously authorized the issuance of two series of obligations designated, respectively, as "New Braunfels Development Authority Tax Increment Contract Revenue Improvement and Refunding Bonds, Series 2012", dated December 1, 2012, in the original principal amount of \$11,670,000, currently stated to mature on June 15 in each of the years 2021 through 2032, in the aggregate principal amount outstanding of \$7,920,000 (the "2012 Obligations") and "New Braunfels Development Authority Tax Increment Contract Revenue Notes, Series 2014", dated June 1, 2014, in the original principal amount of \$17,000,000, currently stated to mature on June 15 in each of the years 2021 through 2032, in the aggregate principal amount outstanding of \$12,460,000 (the "2014 Obligations"); and

WHEREAS, the City desires to modify its sales and use tax contribution collected within the Zone from $\frac{1}{2}$ of 1% to $\frac{3}{8}$ of 1% (which includes 100% of the New Braunfels Economic Development Corporation sales tax contribution within the Zone) as set forth in an amendment to the Economic Development Agreement between the City and A-L 95 Creekside Town Center, L.P., a Texas limited partnership (the "Developer"), to be executed by and between the City and the Developer (the "Second Amendment to Development Agreement") attached hereto as Exhibit A; and

WHEREAS, such sales tax is part of the security for the 2014 Obligations; and

WHEREAS, pursuant to Section 14.5 of the Corporation's Resolution authorizing the 2014 Obligations (the "2014 Resolution"), the Corporation may adopt an amendment to the Resolution affecting the security of the 2014 Obligations only upon the consent of all holders of the outstanding 2014 Obligations; and

WHEREAS, on May 10, 2021 the Corporation received the consent attached hereto as Exhibit B to the reduction of the sales tax contributions described herein of BBVA Mortgage

Corporation f/k/a Compass Mortgage Corporation, an Alabama Corporation (the "Holder"), which is the sole owner of all of the 2014 Obligations; and

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF NEW BRAUNFELS DEVELOPMENT AUTHORITY:

SECTION 1. INCORPORATION OF RECITALS. The Corporation Board hereby finds that the statements set forth in the recitals of this Resolution are true and correct, and the Corporation Board hereby incorporates such recitals as part of this Resolution.

SECTION 2. DEFINITIONS. If a capitalized term is used herein but not defined, it shall have the meaning ascribed to it in the Second Amendment to Development Agreement.

SECTION 3. AMENDING THE 2014 RESOLUTION. The Corporation Board hereby adopts the following amendment to the 2014 Resolution with any such further modifications needed to give full affect to the actions contemplated by this Resolution and to conform to the final business terms as agreed to by the City Manager and directs its submission to the Council for approval:

The sixth recital to the 2014 Resolution is deleted in its entirety and hereby replaced with the following:

"WHEREAS, the City and A-L95 Creekside Town Center, L.P. and its lawful successors or assigns (the "Developer") entered into a Development Agreement dated March 12, 2007, as amended by resolution of the Corporation on June 24, 2014 and by resolution on May 13, 2021 (collectively, the "Development Agreement") establishing that the City would contribute certain funds as described in the Project and Financing Plan and the Development Agreement into the Pledged Revenue Fund (as hereinafter defined) to further the purposes of the Project (as defined in the Development Agreements) and the TIRZ Act; and"

SECTION 4. RECOMMENDING THE CITY APPROVE THE AMENDMENT TO THE 2014 RESOLUTION. The Corporation Board recommends that the City approve the amendment contemplated herein to reflect the decrease in the percentage of sales tax increment to be contributed by the City as a taxing unit within the Zone from $\frac{1}{2}$ of 1% to $\frac{3}{8}$ of 1% and any other revisions to any other agreement necessary to give full effect to the actions contemplated herein.

SECTION 5. FURTHER PROCEEDINGS. The Corporation Board is authorized to take any and all action necessary to carry out and consummate the transactions described in or contemplated by the documents approved hereby or otherwise to give effect to the actions authorized hereby and the intent hereof including revising any necessary documents to conform to the terms hereof or State law.

SECTION 6. SEVERABILITY. If any provision of this Resolution or the application thereof to any circumstance shall be held to be invalid, the remainder of this Resolution and the application thereof to other circumstances shall nevertheless be valid, as if such invalid provision had never appeared herein, and the Corporation Board hereby declares that this Resolution would have been enacted without such invalid provision.

[The remainder of this page intentionally left blank.]

PASSED AND APPROVED THIS 1ST DAY OF JUNE, 2021.

By: _____
Chairperson, Board of Directors

EXHIBIT A

[Second Amendment to Development Agreement]

**SECOND AMENDMENT TO ECONOMIC DEVELOPMENT AGREEMENT
BY AND BETWEEN NEW BRAUNFELS, TEXAS
AND
A-L 95 CREEKSIDE TOWN CENTER, L.P.**

THIS SECOND AMENDMENT TO ECONOMIC DEVELOPMENT AGREEMENT (the "Second Amendment") by and between the City of New Braunfels, Texas, a Texas home-rule municipal corporation (the "City") and A-L 95 Creekside Town Center, L.P., a Texas limited partnership (the "Developer"), (collectively referred to as the "Parties") is entered into on this [__] day of [____], 2021 (the "Effective Date").

RECITALS

WHEREAS, Developer and the City entered into an Economic Development Agreement dated March 12, 2007 (the "Original Agreement") for the purpose of enhancing and stimulating business and commercial activity in the City, and promoting economic development in the City; and

WHEREAS, the Developer completed the Project and the Project Improvements as defined in the Original Agreement and was reimbursed the full Reimbursement Amount from TIRZ revenues in accordance with the Project Plan and Plan of Finance and the terms of the Original Agreement; and

WHEREAS, the Developer and the District entered into an Amendment to Economic Development Agreement dated February 11, 2019 (the "First Amendment" and, together with the Original Agreement, the "Agreement") for the purpose of increasing the Reimbursement Amount from TIRZ revenues to include the Phase II Project Costs as defined in the First Amendment in order to further such economic development purposes within the City and the TIRZ; and

WHEREAS, pursuant to the First Amendment, the Developer will be reimbursed for the Phase II Project Costs by the New Braunfels Development Authority for the Phase II Developer Reimbursement through TIRZ revenues only from the Phase II Tax Increment collected in the Phase II Tax Increment Fund; and

WHEREAS, the Council adopted Ordinance No. 2019-10 on January 28, 2019, which approved an amended Project Plan and Plan of Finance for the TIRZ that included the Phase II Project Improvements and estimates of Phase II Project Costs; and

WHEREAS, the City desires to amend the Agreement and the Project Plan and Plan of Finance to decrease the percentage of sales tax increment to be contributed by the City as a taxing unit within the TIRZ from $\frac{1}{2}$ of 1% to $\frac{3}{8}$ of 1% (which includes 100% of the New Braunfels Economic Development Corporation sales tax contribution within the TIRZ) pursuant to Section 311.011(e) of the Tax Increment Finance Act, Texas Tax Code, Chapter 311, as amended (the "Act") and amend certain exhibits showing the projected TIRZ revenues in connection therewith as set forth and further described in the amended Project Plan and Plan of Finance (the "Amended Project Plan and Plan of Finance"); and

WHEREAS, the City expects to offset any reimbursements owed to the Developer for costs related to the Phase II Project pursuant to the First Amendment with certain unrestricted funds held within the Tax Increment Fund for the TIRZ to the extent such funds are lawfully available as set forth herein; and

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

AGREEMENT

1. The Agreement is amended by amending the fifth sentence in Article II, Section 1, Designation of Tax Increment Reinvestment Zone:

The City shall participate in the TIRZ during the term of the TIRZ in an amount equal to 85% of its real and personal property ad valorem taxes actually collected and $\frac{3}{8}$ of 1% of sales and use taxes actually collected within the TIRZ (which may include the New Braunfels EDC sales taxes) from fiscal year 2022 until the expiration of the TIRZ.

2. The Agreement is amended by amending the last sentence to Article IV, Section 4(a), Phase II Tax Increment Fund:

The Developer is entitled to reimbursement herein only from the Phase II Tax Increment collected in the Phase II Tax Increment Fund unless additional unrestricted funds held in the Tax Increment Fund are needed to offset any reimbursements owed to the Developer for the Phase II Projects Costs due to the decreased percentage of sales tax increment from $\frac{1}{2}$ of 1% to $\frac{3}{8}$ of 1% to be contributed by the City for fiscal year 2022 until the expiration of the TIRZ as set forth herein.

3. Except as explicitly set forth in this Second Amendment, no other terms of the Agreement are modified or amended, and except as otherwise modified herein, the terms of the Agreement are in full force and effect.

4. The provisions of this Second Amendment and the Agreement should be read together and construed as one agreement provided that, in the event of any conflict or inconsistency between the provision of this Second Amendment and the Agreement, the provisions of this Second Amendment shall control.

5. The Agreement (including the Second Amendment) shall remain in force and effect until the Phase II Developer Reimbursement is paid in full or until the expiration date of the TIRZ, whichever is earlier.

6. Unless otherwise exempt, the Developer has delivered to the City, a Certificate of Interested Parties Form 1295 ("Form 1295") and certification of filing generated by the Texas Ethics Commission's (the "TEC") electronic portal, signed by an authorized agent of each respective entity prior to the execution of this Amendment by the Parties. The Parties understand and agree that, with the exception of information identifying the City, and the contract identification number in each Form 1295, with respect to an exemption from the filing requirement of a Form 1295, the Developer is solely responsible for its claim of exemption, and the City, nor its consultants, is responsible for a determination made by the Developer that the Developer is exempt from filing a Form 1295, or for the information contained in any Form 1295 and the City, nor its consultants, has verified such information.

7. The Developer represents and warrants, for purposes of Chapter 2271 of the Texas Government Code that at the time of execution and delivery of this Second Amendment, neither the Developer nor any parent company, wholly- or majority-owned subsidiaries or affiliates of the same, if any, boycotts Israel or will boycott Israel. 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 Federal law. As used in the foregoing verification, "boycotts Israel" and "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.

8. The Developer represents that, neither the Developer, nor any parent company, wholly- or majority-owned subsidiaries or affiliates of the same, if any, are companies 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/sudanlist.pdf>; <https://comptroller.texas.gov/purchasing/docs/iran-list.pdf>, or

<https://comptroller.texas.gov/purchasing/docs/ftolist.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 each parent company, wholly- or majority-owned subsidiaries, and other affiliates of the same, 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.

IN WITNESS WHEREOF, the parties hereto may execute this Second Amendment in multiple copies, each of equal dignity, as of the date and year set forth on the first page hereof.

CITY:

CITY OF NEW BRAUNFELS, a Texas home-
rule municipal corporation

By: _____
Mayor

Attest:

City Secretary

DEVELOPER:

A-L 95 CREEKSIDE TOWN CENTER, L.P.,
a Texas limited partnership

By: A-L 95, L.C., a Texas limited liability
company, General Partner

By: _____
Name: _____
Title: _____

EXHIBIT B

[Waiver and Consent of Sole Holder of 2014 Obligations]

WAIVER AND CONSENT OF SOLE BONDHOLDER

WHEREAS, the Board of Directors of the New Braunfels Development Authority (the *Corporation*) previously authorized the issuance of two series of obligations designated, respectively, as "New Braunfels Development Authority Tax Increment Contract Revenue Improvement and Refunding Bonds, Series 2012", dated December 1, 2012, in the original principal amount of \$7,920,000, currently stated to mature on June 15 in each of the years 2021 through 2032, in the aggregate principal amount outstanding of \$10,950,000 and "New Braunfels Development Authority Tax Increment Contract Revenue Notes, Series 2014", dated June 1, 2014, in the original principal amount of \$17,000,000, currently stated to mature on June 15 in each of the years 2021 through 2032, in the aggregate principal amount outstanding of \$12,460,000 (collectively, the *Original Obligations*); and

WHEREAS, BBVA Mortgage Corporation f/k/a Compass Mortgage Corporation, an Alabama Corporation (the *Holder*), is the sole owner of all of the Original Obligations; and

WHEREAS, the Corporation and the City of New Braunfels, Texas (the *City*) desires to decrease the percentage of sales tax increment to be contributed by the City as a taxing unit within the TIRZ from $\frac{1}{2}$ of 1% to $\frac{3}{8}$ of 1% (which includes 100% of the New Braunfels Economic Development Corporation sales tax contribution within the TIRZ) pursuant to Section 311.011(e) of the Tax Increment Finance Act, Texas Tax Code, Chapter 311, as amended (the "Act") and amend certain exhibits to the Project and Finance Plan for the TIRZ showing the projected TIRZ revenues in connection therewith as set forth and further described in the amended Project Plan and Plan of Finance (the "Amended Project Plan and Plan of Finance"); and

WHEREAS, the Corporation, acting through its authorized representatives, has communicated directly with the Holder and has expressed its desire to obtain the Holder's consent, and the Holder has consented to the Corporation's request, to the actions described in the preceding paragraph as well as any corresponding amendments to the resolutions authorizing the Original Obligations to give effect to the decrease in the percentage of sales tax increment to be contributed by the City; and

WHEREAS, the Corporation must receive the consent of the Holder in order to amend, add to, or rescind any portion of the resolutions authorizing the Original Obligations; and

WHEREAS, this Waiver and Consent is executed by the authorized representative of the Holder, now, therefore,

BE IT RESOLVED BY THE UNDERSIGNED HOLDER THAT:

SECTION 1: The undersigned is the authorized representative of BBVA Mortgage Corporation f/k/a Compass Mortgage Corporation, an Alabama Corporation, and is duly authorized to execute this Waiver and Consent.

SECTION 2: The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Waiver and Consent for all purposes.

SECTION 3: This Waiver and Consent may be relied upon the by Texas Attorney General in his review and approval of the Notes.

[The remainder of this page intentionally left blank.]

IN WITNESS WHEREOF, I have signed my name officially, this 10th day of May, 2021.

BBVA MORTGAGE CORPORATION F/K/A
COMPASS MORTGAGE CORPORATION,
an Alabama Corporation

BY: Jerret A. Krouse
Jerret Krouse

TITLE: Authorized Signatory

7/12/2021

Agenda Item No. A)

PRESENTER:

Caitlin Krobot, City Secretary

SUBJECT:

Discuss and consider approval of a resolution naming an alternate to the Alamo Area Council of Governments Board of Directors.

DEPARTMENT: City Secretary's Office

COUNCIL DISTRICTS IMPACTED: City-wide

BACKGROUND INFORMATION:

The City of New Braunfels needs an alternate representative on the Alamo Area Council of Governments (AACOG) Board of Directors due to the alternative no longer serving on City Council. This resolution will designate the City's alternate representative to the AACOG Board of Directors.

ISSUE:

The City needs to fill the alternate representative on the AACOG Board of Directors.

FISCAL IMPACT:

There is no fiscal impact.

RECOMMENDATION:

Staff recommends City Council select an alternate representative from among City Council to serve on the AACOG Board of Directors.

RESOLUTION NO. 2021-R_____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEW
BRAUNFELS, TEXAS, APPOINTING A REGULAR MEMBER AND AN
ALTERNATE TO THE ALAMO AREA COUNCIL OF GOVERNMENTS
BOARD OF DIRECTORS.**

WHEREAS, the City of New Braunfels is classified as 'Urbanized' situated outside of Bexar County; and

WHEREAS, the City of New Braunfels does not have an alternate at this time.

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

THAT the following elected official of New Braunfels is hereby appointed to serve as an alternate representative on the Alamo Area Council of Governments Board of Directors.

PASSED AND APPROVED this 12th day of July 2021.

CITY OF NEW BRAUNFELS, TEXAS

Rusty Brockman, Mayor

Attest:

Caitlin Krobot, City Secretary

7/12/2021

Agenda Item No. B)

PRESENTER:

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

SUBJECT:

Discuss and consider the second and final reading of an ordinance regarding a proposed rezoning of approximately 60.1 acres out of the J. Thompson Survey, A-608 and William H. Pate Survey, A-259 located east of the intersection of FM 1044 and Michelson Lane, from “APD” Agricultural/Pre-Development District to “ZH-A” Zero Lot Line Home District.

DEPARTMENT: Planning and Development Services**COUNCIL DISTRICTS IMPACTED:** Council Districts 2 and 6**BACKGROUND INFORMATION:**

Owner &

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

Owner: Sandra Wunderlich
1440 Cross Street
New Braunfels, TX 78130

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

City Council held a public hearing on June 28, 2021 and approved the first reading of the applicant’s requested rezoning (6-1).

The approximately 60-acre tract is located southwest of the intersection of FM 1044 and County Line Road. The subject property has about 980 feet of frontage along FM 1044, is approximately 760 feet wide and extends southeast until it abuts the Laubach, Unit 1 and Voss Farms, Unit 5 residential subdivisions. The property is currently undeveloped.

The applicant is requesting a zoning change of the base zoning district from “APD” Agricultural/Pre-Development to “ZH-A” Zero Lot Line Home District. A district comparison chart (attached) shows the proposed zoning will allow for the development of a residential subdivision.

Surrounding Zoning and Land Use:

North - Across FM 1044, C-1B & APD / Single-family residence and undeveloped
South - Outside City Limits / Single family residences
East - APD and R-1A-6.6 / Single family residences and undeveloped
West - Across Michelson Lave, APD / Single family residences

ISSUE:

The current APD zoning district is intended for newly annexed areas, agricultural, farm and ranch uses and for areas where development is premature because a lack of utilities, capacity, or service, or where ultimate use has not been determined.

The proposed ZH-A district is intended for development of detached single-family residences on minimum 4,000 square-foot lots. Homes in ZH-A can have minimum 5-foot side setbacks on both sides of each lot, or may be zero-lot line (a.k.a. patio/garden homes) having one side building setback reduced to zero feet with a minimum 10-foot setback on the opposite side and accompanying maintenance easement for the neighbor.

The proposed rezoning is consistent with the following actions from Envision New Braunfels and the Workforce Housing Study:

- *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.
- *Workforce Housing Study Recommendation:* Ensure through city zoning and other required legal entitlements related to housing construction that new types of housing products (small lot, duplex, townhome, etc.) are allowed by regulations.

The property is situated in the Walnut Springs Sub-Area, along a Transitional Mixed-Use Corridor and is near a Future Outdoor Recreation Center.

FISCAL IMPACT:

N/A

RECOMMENDATION:

The Planning Commission held a public hearing on June 1, 2021 and recommended approval (7-1) with Chair Edwards in opposition.

Staff recommends approval. The applicant's rezoning would facilitate a single-family residential development which is consistent with ongoing development in the area and is supported by the Envision New Braunfels Comprehensive Plan and Workforce Housing Study.

Mailed notification pursuant to state statute:

Public hearing notices were sent to owners of 40 properties within 200 feet of the request. The City has received six responses in objection (#20, 21, 24, 26, 28 & 41).

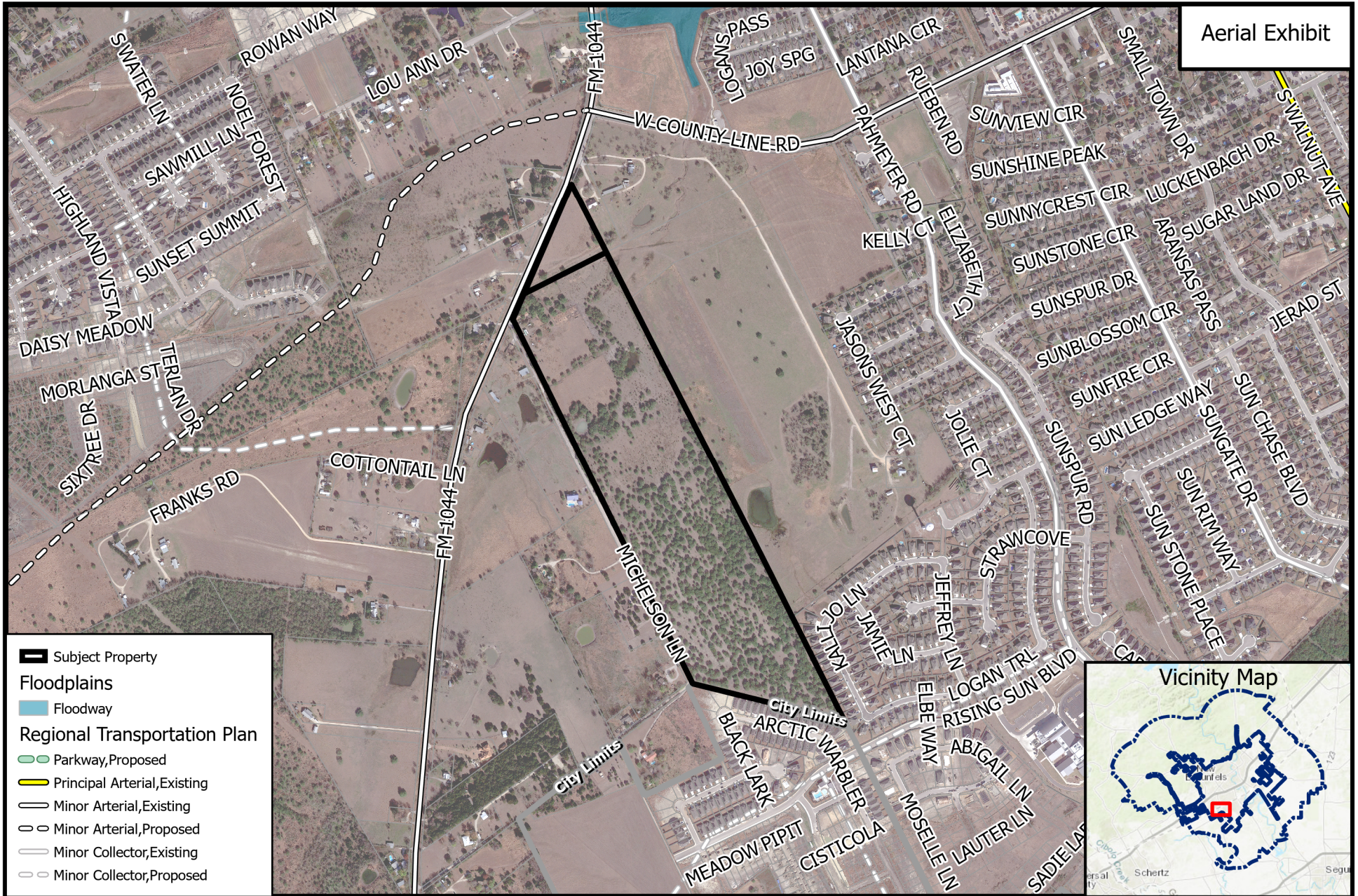
Resource Links:

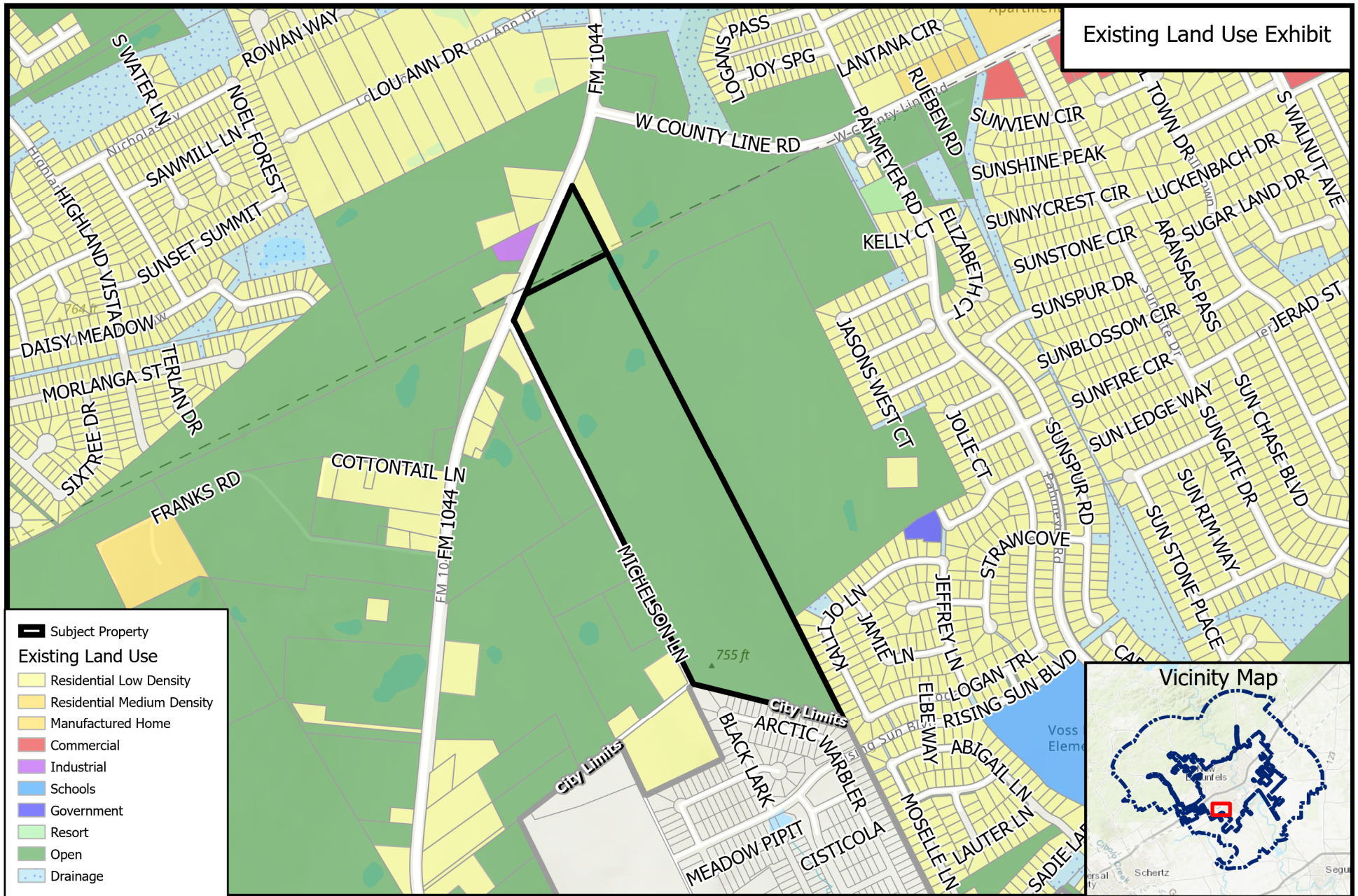
- Chapter 144, Section 3.4-9. "ZH-A" Zero Lot Line Home District of the City's Code of Ordinances: https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?nodeId=PTIICOOR_CH144ZO_ARTIIIZODI_S144-3.4ZODIREPRZOSUJU221987

Attachments:

1. Aerial Map

-
2. Land Use Maps (Zoning, Existing Land Use, Future Land Use Plan)
 3. District Comparison Chart
 4. TIA Worksheet
 5. Notification List, Map and Responses
 6. Draft Planning Commission Meeting Minutes
 7. Ordinance





PZ21-0150
Zone change from APD to ZHA

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

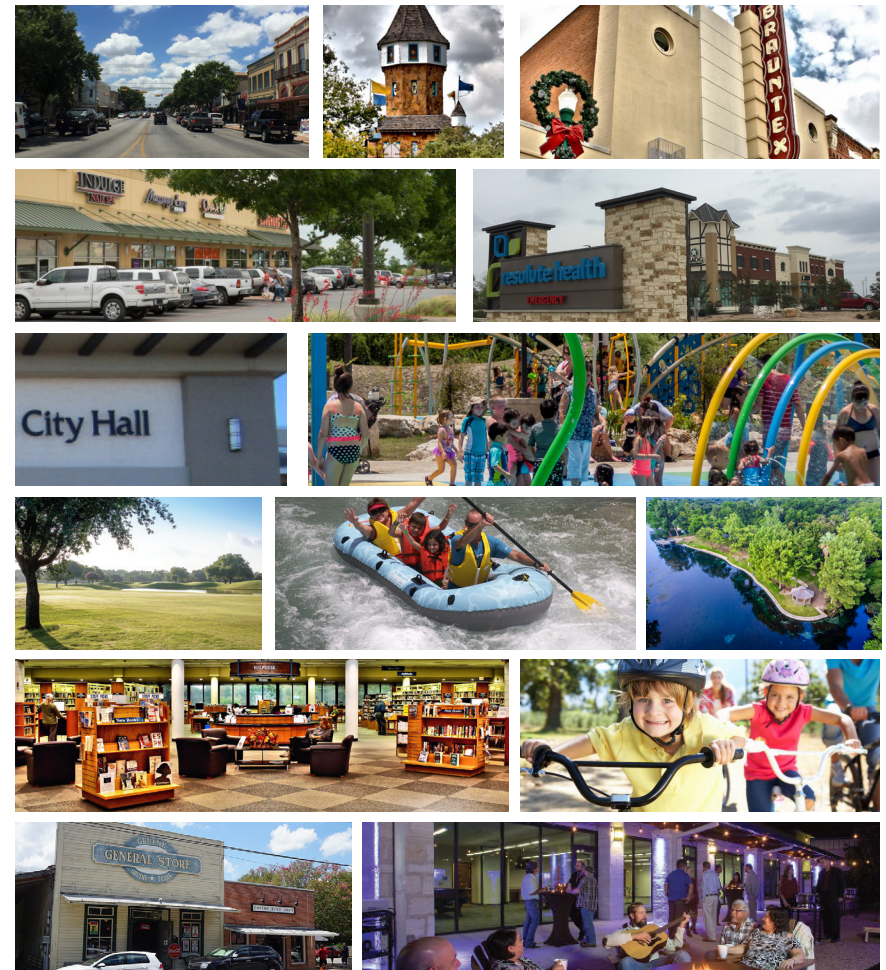
Outdoor Recreation Centers center around a public or private outdoor destination such as Landa Lake.

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
	APD	ZH-A
Accessory building/structure (see section 144-5.4)	P	P
Accessory dwelling (one accessory dwelling per lot, no kitchen)	P	P
Barns and farm equipment storage (related to agricultural uses)	P	P
Cemetery and/or mausoleum	P	
Church/place of religious assembly	P	P
Community building (associated with residential uses)		P
Community home (see definition)	P	P
Contractor's temporary on-site construction office	P	P
Country club (private)	P	
Family home adult care	P	P
Family home child care	P	P
Farmers market (produce market—wholesale)	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
Flour mills, feed mills, and grain processing	P	
Golf course (public or private)	P	P
Government building or use with no outside storage (outside storage allowed in M-2 and M-2A)	P	P
Grain elevator	P	
Hay, grain, and/or feed sales (wholesale)	P	
Home occupation (see section 144-5.5)	P	P
Livestock sales/auction	P	
One-family dwelling, detached	P	
Park and/or playground (private and public)	P	P
Plant nursery (no retail sales on site)	P	
Recreation buildings (public)	P	P
Rodeo grounds	P	
School, K-12 public or private	P	P
Single-family industrialized home (see section 144-5.8)	P	P
Stables (as a business) (see chapter 6)	P	
Stables (private, accessory use) (see chapter 6)	P	
Water storage (surface, underground or overhead), water wells and pumping stations that are part of a public or municipal system	P	P
Zero lot line/patio homes		P

CITY OF NEW BRAUNFELS TRAFFIC IMPACT ANALYSIS (TIA) WORKSHEET

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

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

Section 1: General Information

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

Section 2: Proposed Land Use and Trip Information for Application

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

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

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

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

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

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

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

Mitigation Measures	Unit
1.	
2.	
3.	
4.	

PLANNING COMMISSION – JUNE 1, 2021 – 6:00PM

Council Chambers

Applicant/Owner: HMT Engineering & Surveying

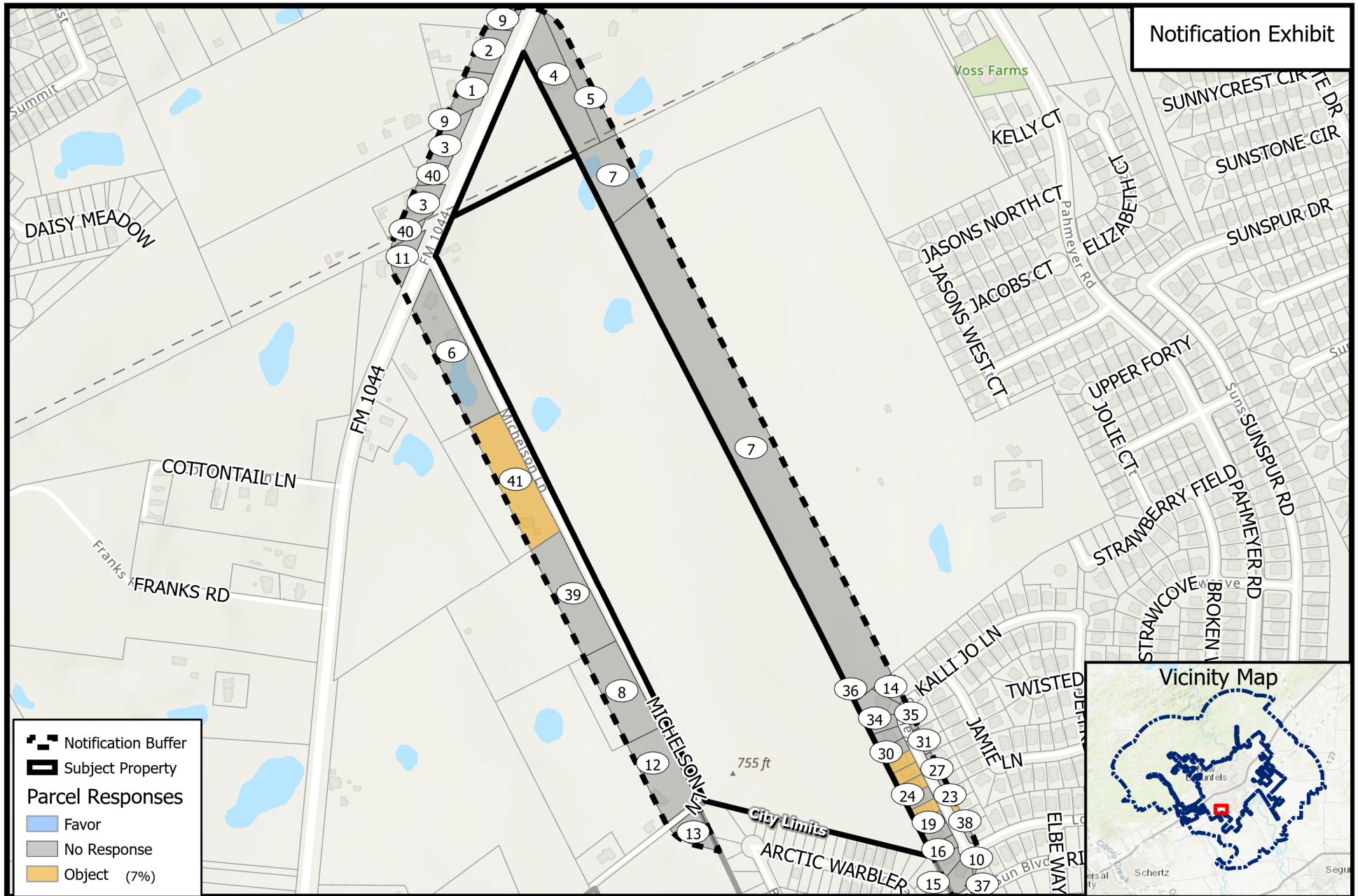
Address/Location: NE corner of FM 1044 & Michelson Ln

PROPOSED ZONE CHANGE – CASE #PZ21-0150

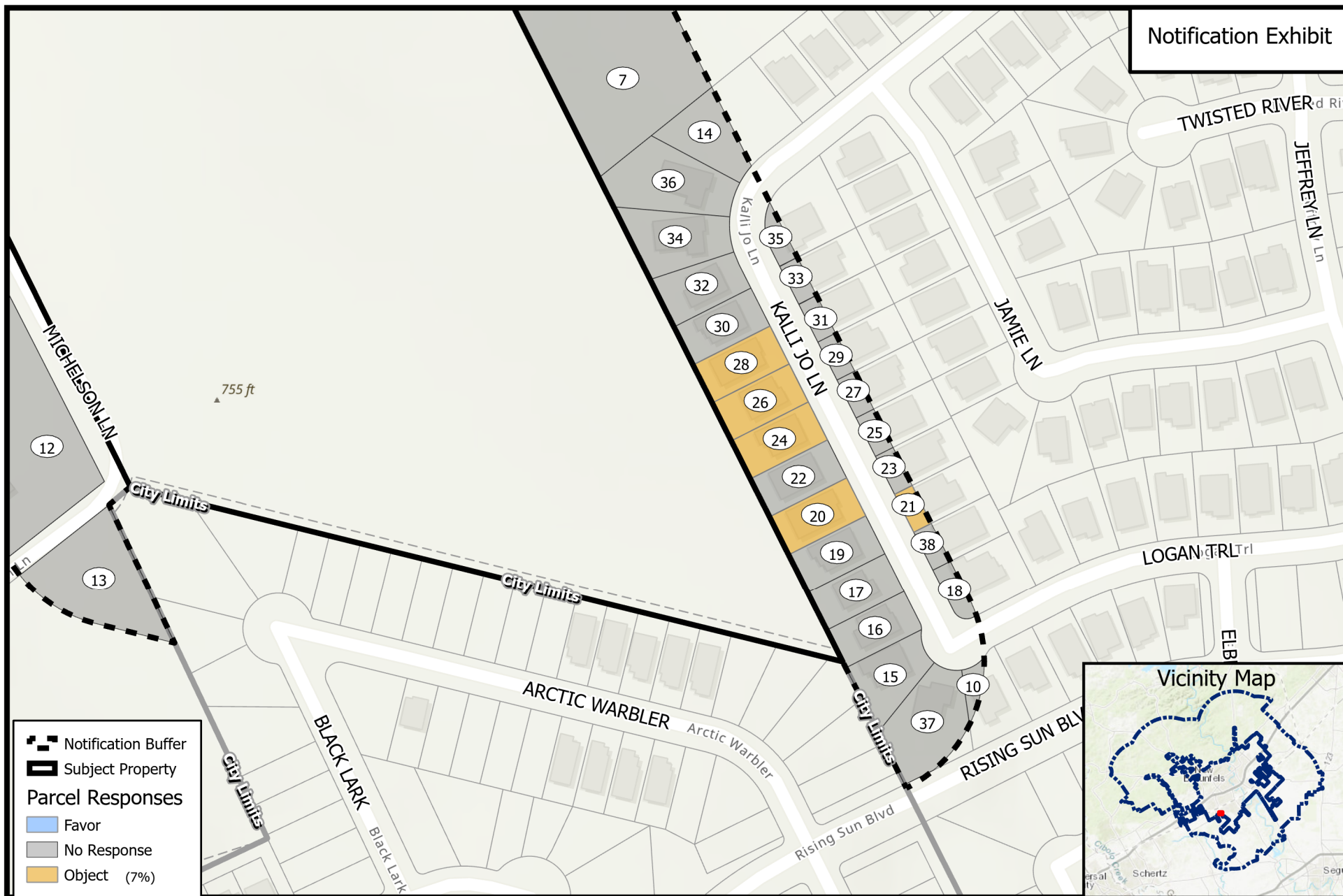
The circled numbers on the map correspond to the property owners listed below. All information is from the Appraisal District Records. The property under consideration is marked as “Subject Property”.

- | | |
|---|---|
| 1. CHRISTOPHERSON CRAIG & ALEXIS A PEREZ | 22. DITTER RYAN & KRYSTLE |
| 2. DOYAL RODNEY & VIRGINIA R MCGOWEN | 23. GARZA KACE & KATIE GARZA |
| 3. WOHLFAHRT RODGER W | 24. COOPER BARBARA M & NICHOLAS L |
| 4. VOSS MATTHEW P | 25. MEHL MICHAEL G & ALICIA M |
| 5. HENK ERWIN TESTAMENTARY TRUST | 26. QUINONES ALBERTO & AMY ALEMANY |
| 6. LANGEN MARGARET J | 27. ROJO ELIZABETH DEEGAN |
| 7. ERWIN PAUL HENK TESTAMENTARY TRUST | 28. WHALEN ELEANOR E |
| 8. GOMEZ CHRISTOPHER & LEAH A GOMEZ | 29. BATCHELOR BRADY M |
| 9. FEY CORRIE L M ET AL | 30. UGOLETTI ENRICO A |
| 10. CLAWSON CARLA | 31. MCDOW NICHOLAS A |
| 11. AGUILAR JOSE A & LAURA D | 32. ATKINSON ELOY JR & CASSANDRA J FOX |
| 12. KNUDSON ROBERT C & AZENETH | 33. HANGER GEORGE WILLIAM & KIMBERLY L RHYMER |
| 13. FREDERIKSEN RANDOLPH W & PENNY C | 34. RAY MICHAEL J & CANDACE K |
| 14. VOSS FARMS HOMEOWNERS ASSOCIATION INC | 35. SCROGGIN KIM T & JAMES H |
| 15. WITCRAFT DAVID & JESSICA | 36. FORD RICHIE ARMON & REBECCA PHELPS FORD |
| 16. KOON DIANNA LYNN | 37. BRODEUR MEGAN |
| 17. HERRERA KRISTEN V & GEORGE E | 38. WATKINS JOYCE A |
| 18. SCROGGIN TYLER & SHASTA R | 39. ALBA JORGE & CHRISTOPHER J GOMEZ |
| 19. SCHLOMACH BENJAMIN MICHAEL | 40. WALSH FM 1044 DEVELOPMENT LLC |
| 20. MARTIN MYRA R & JEFFREY L | 41. SARAH & DAVID ORTIZ |
| 21. MURPHY CARYN MARIE & JARED LOUIS | |

SEE MAP



PZ21-0150
Zone change from APD to ZHA



PZ21-0150 (Zoomed In) **Zone change from APD to ZHA**

0 100 200
 Feet



YOUR OPINION MATTERS - DETACH AND RETURN

RECEIVED

Case: #SUP21-0150 ms

Name: Jeffrey L & Myra Martin I favor: _____

JUN - 1 2021

Address: 1994 Kalli Jo LnI object: X (State reason for objection)Property number on map: Across from

Comments: (Use additional sheets if necessary)

tip of map ~~#14~~ that
is directly behind our housePlease move line of
triangle of property line
out of housing area to
allow for more flood
plane and privacy toSignature: Myra Martinhome owners.
No property zone crossing
onto ours — more taxes!

#20

YOUR OPINION MATTERS - DETACH AND RETURN

RECEIVED

Case: #SUP21-0150 ms

Name: Jared & Caryn Murphy

I favor: _____

Address: 1997 Kalli Jo LnI object: X (State reason for objection)Property number on map: 12

Comments: (Use additional sheets if necessary)

#21

Signature: Caryn Murphy

- Increased Traffic
- Increased light & noise pollution.
- decrease in Property values
- over crowding for such
a small area / over crowd schools
- zero privacy for already built homes
on street backing up to zoning area.

MAY 25 2021

From: Barbara Cooper
To: Matthew W. Simmont
Subject: Zoning change Information
Date: Tuesday, May 25, 2021 10:38:42 AM
Attachments: Scan May 25, 2021.pdf

Caution: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good morning,

Attached is the required documentation for opposing the zoning change for the 60 acres at the corner of FM 1044 and Michelson Lane. We are opposing, as our property directly backs up to this property. This zoning change will affect our property value in a negative way. When we bought our home in Voss Farms 4 + years ago, we were told by the builder that the adjoining farm property was being held in trust for at least 10-12yrs, and the land couldn't be sold because the trustee was a minor. Obviously, the builder lied to us, as well as other families in the Voss Farms subdivision who purchased homes adjacent to this farm. This has nothing to do with the farm owner, but we need to let you know why you will be seeing a lot of resistance to this zoning change. Aside from losing our views of the lovely pasture and cows, which were a huge selling point for us purchasing our home. We fully did not expect to see any change with the farm property for 10-12yrs. We bought it because of its proximity to VFE and the middle and future high schools. If the zoning is changed, we will have light and noise pollution coming from the "O" lot line properties. Loss of privacy and the addition of what will probably will some type of abatement wall will be an issue. We **DO NOT** want HUD housing or lower-income housing in our neighborhood either. We don't want a large concrete wall to look at or really bright lights from parking lots. We specifically moved to an area that had a low or no crime rate. There has been no information given as to the specific type of housing, only that it might be townhomes, or apartments. All of which encourage crime or lower-income residents. (this can be proven by statistics). If what was proposed were homes similar to what exists in Voss Farms already, we would be agreeable to that. But not multi-family, "O" lot line additions. We strongly oppose this zoning change. We are a family with 2 children, one 10 and one 6. The 10year old is on the Autism Spectrum and has ADHD as well. This change would be very detrimental & difficult for him, and the change is something we all would have a very difficult time with. Please take this into consideration.

Barbara & Nicholas Cooper
1986 Kalli Jo Lane
New Braunfels, TX 78130

YOUR OPINION MATTERS - DETACH AND RETURN

RECEIVED

Case: #SUP21-0150 ms

MAY 25 2021

Name: Barbara & Nicholas Cooper

I favor: _____

Address: 1986 Kalli Jo Lane

I object: X (State reason for objection) initial

Property number on map: #15

Comments: (Use additional sheets if necessary)

(see attached)

Signature: Barbara Cooper
Nicholas P. Cooper

From: Clark Williams
To: Matthew W. Simmont
Subject: Rezoning at 1044 and Michelson Lane
Date: Monday, May 31, 2021 10:07:03 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.

Hi Matthew, I've included my response below:

Clark and Crystal Williams
1982 Kalli Jo Lane
New Braunfels, TX 78130

Property #17 *#26 new property owner*

I object: Likely to decrease our property value, increase traffic and noise, decrease privacy, and affect the sale of my property in the future.

Thank you,

Clark Williams
956-444-2267

From: [Betsy Whalen](#)
To: [Matthew W. Simmont](#)
Subject: Case number SUP21--0150
Date: Tuesday, June 1, 2021 3:01:07 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.

Reference Case #SUP21-0150

Name: Eleanor E. Whalen

Address: 1978 Kalli Jo Lane, New Braunfels, TX 78130

Property number on map: 28

I object to the proposed rezoning of said property for the following reasons:

1. Devaluation of my property
 - a. How many units are being proposed?
 - b. Will there be streetlights in the parking lot? What is the solution for light pollution for existing homeowners?
 - c. What is the plan for water runoff ?
 - d. Are federal, state or local dollars being used to provide for low income housing for all or any portion of the units?
 - e. If not all, what is the percentage?
 - f. [\[EW1\]](#) Has the City of New Braunfels reached out to Guadalupe County Sheriffs office in regard to crime prevention?
 - g. Will there be an increase in either property taxes or ISD taxes because of this?
2. Who is the proposed buyer?
3. Is it the same buyer for the property in question off of Seguin Ave (725)?
 - a. Will there be a study done in regard to the impact for every neighborhood in between FM 1044 and FM 725?

- b. How come every household in between these two major arteries have not been made aware of these plans?
 - 4. Ongoing problems with the lack of water
 - 5. Does NBU and GVEC have the infrastructure to accommodate this proposal?
-

[\[EW1\]](#)

Reason for Objection – Sarah Ortiz

Case# SUP21-0150 – 60 acres at intersection of FM 1044 & Michelson Ln

I object to this rezoning case because the applicant made mention at the June 1, 2021 public hearing that there was only going to be one entrance/exit to the neighborhood on FM 1044 and that they wanted to put a gated emergency access point into the development on Michelson Ln. I object to this emergency access point on Michelson Ln because Michelson Ln. is a private road owned by the homeowners in the Knudson Subdivision along the eastern side of Michelson Ln. Michelson Ln is not a publicly accessible road and is not owned by the City of New Braunfels or Guadalupe County. Only the homeowners can grant permission for this emergency access and as far as I am aware, permission has not been granted.

Michelson Ln. is a one lane road with a small, weak bridge over the draining creek. It is not suitable for access by large emergency vehicles like firetrucks. Large vehicles would likely compromise the road and the bridge. Additionally, the applicant made no mention that the developer would make any financial contribution to the maintenance of Michelson Ln, in fact the applicant specifically said, "Michelson Ln would not be touched." Currently the homeowners in the Knudson Subdivision have the sole responsibility for financing and maintaining the road. The use of Michelson Ln for emergency vehicle access to the new subdivision would increase the need for maintenance on Michelson Ln. and would financially burden the homeowners who own and maintain the road.

I object to the rezoning of this property into a residential home district until proper entrance and exits and emergency access that do not involve the use of Michelson Ln have been proposed.

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #SUP21-0150 ms

Name: Sarah Ortiz

I favor: _____

Address: 217 Michelson Ln., NB, TX 78130

I object: ☒ (State reason for objection)

Property number on map: 4

Comments: (Use additional sheets if necessary)

#41

RECEIVED

JUN - 3 2021

Signature: _____

Initial: _____

Draft Minutes for the June 1, 2021 Planning Commission Regular Meeting

C) PZ21-0150 Public hearing and recommendation to City Council regarding a proposed rezoning of approximately 60.1 acres out of the J. Thompson Survey, A-608 and William H. Pate Survey, A-259 located east of the intersection of FM 1044 and Michelson Lane, from “APD” Agricultural/Pre-Development District to “ZH-A” Zero Lot Line Home District. Applicant: Chris Van Heerde, P.E., HMT Engineering & Surveying; Owner: Sandra Wunderlich.

Mr. Simmont presented and recommended approval.

Chair Edwards asked if there were any questions for staff.

Discussion followed on surrounding Residential zoning districts, land uses, and lot sizes.

Chair Edwards asked if the applicant would like to speak.

Thor Thornhill, 290 S Castell, provided further clarification on the surrounding land uses and lot sizes.

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

Barbara Cooper, 1986 Kalli Jo Ln, stated opposition to the request citing concerns over density and land use.

Rico Ugoletti, 1974 Kalli Jo Ln, stated opposition to the request citing concerns over more affordable housing, noise, and property values.

Benjamin Schlomach, 1998 Kalli Jo Ln, stated opposition in line with previous comments.

Chair Edwards asked for a show of hands for residences in Voss Farms that are in opposition of the request.

11 in-person public participants raised their hands that they agree with the previous comments made in opposition.

Robert Knudson, 355 Michelson Ln, stated concerns over the drainage area and construction within the subdivision.

Angelina Camet, 1917 Sunspur Rd, stated concerns over traffic and density.

David Ortiz, 217 Michelson Ln, asked about access to the property and cited traffic concerns.

Kristen Coker, 1762 Jacobs Court, stated concerns over rapid growth, land use, and nearby school capacity.

Jeffrey Martin, 1994 Kalli Jo Ln, stated opposition in line with previous comments.

Dakota Pacheco, 2328 Arctic Warbler, stated opposition to the request in line with previous comments and concerns about crime, and mentioned a petition in opposition of the request.

Sarah Ortiz, 217 Michelson Ln, stated opposition in line with previous comments.

William Rodgers, 16 La Mesa Dr, stated opposition to the request citing concerns over flooding, emergency access,

Leah Gomez, 1319 Michelson, stated opposition to the request in line with previous concerns.

John Malik, 1927 Lou Ann Dr, stated opposition to the request in line with previous concerns.

Harley Miller, 1918 Kalli Jo Ln, stated opposition to the request in line with previous concerns.

Tanner Davis, 2325 Arctic Warbler, stated opposition to the request citing concerns over environmental impacts to the area, and emergency response.

Jose Sandoval, 1929 Bluethroat, stated opposition to the request in line with previous concerns.

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

Thorn Thornhill, 290 S Castell, addressed concerns from the public comment such as drainage, access, traffic concerns, and lot size.

Discussion followed on the density, building contractors, access, Michelson Ln, and surrounding lot sizes.

Mark Hampton, 2836 Meadow Breeze, stated he is in favor of the request and provided statistics to show how property values will not decrease.

Casey Lee, 936 Gruene Rd, stated he is in favor of the request as a realtor citing concerns over housing shortages in the city.

Chair Edwards closed the public hearing.

Discussion followed on access to 1044, potential for waivers during platting, and Michelson Ln.

Robert Knudson, 355 Michelson Ln, stated his father owned property in this area and Michelson Ln was primarily a tractor road and the road was dedicated to Guadalupe County, but the county did not follow through with maintenance and/or acceptance of the property.

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

Motion by Commissioner Mathis, seconded by Chair Edwards, to recommend approval to City Council of the proposed rezoning of approximately 60.1 acres out of the J. Thompson Survey, A-608 and William H. Pate Survey, A-259 located east of the intersection of FM 1044 and Michelson Lane, from "APD" Agricultural/Pre-Development District to "ZH-A" Zero Lot Line Home District. Motion carried (7-1) with Chair Edwards opposed.

ORDINANCE NO. 2021-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS REZONING APPROXIMATELY 60 ACRES OUT OF THE J. THOMPSON SURVEY, ABSTRACT 608 AND THE WILLIAM H. PATE SURVEY, ABSTRACT 259, FROM “APD” AGRICULTURAL / PRE-DEVELOPMENT DISTRICT TO “ZH-A” ZERO LOT LINE HOME DISTRICT; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SAVINGS CLAUSE; AND DECLARING AN EFFECTIVE DATE.

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

WHEREAS, in keeping with the spirit and objectives of the “ZH-A” Zero Lot Line Home District, the City Council has given due consideration to all components of said districts; and

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

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

WHEREAS, the City Council desires to amend the Zoning Map by rezoning approximately 60 acres out of the J. Thompson Survey, Abstract 608 and the William H. Pate Survey, Abstract 259 from “APD” Agricultural / Pre-Development District to “ZH-A” Zero Lot Line Home District; **now, therefore**;

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

SECTION 1

THAT pursuant to Section 1.2-3, Chapter 144 of the New Braunfels Code of Ordinances, the Zoning Map of the City of New Braunfels is revised by rezoning the following described tract of land from “APD” to:

“ZH-A” Zero Lot Line Home District: 60.102 acres out of the J. Thompson Survey, Abstract 608 and the William H. Pate Survey, Abstract 259, as illustrated in Exhibit “A” and described in Exhibit “B”, attached.

SECTION 2

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

SECTION 3

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

SECTION 4

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

SECTION 5

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

PASSED AND APPROVED: First reading this 28th day of June, 2021.

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

CITY OF NEW BRAUNFELS

RUSTY BROCKMAN, Mayor

ATTEST:

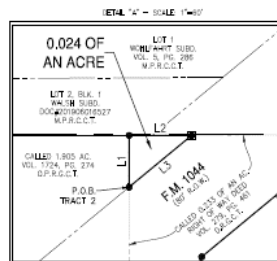
CAITLIN KROBOT, Assistant City Secretary

APPROVED AS TO FORM:

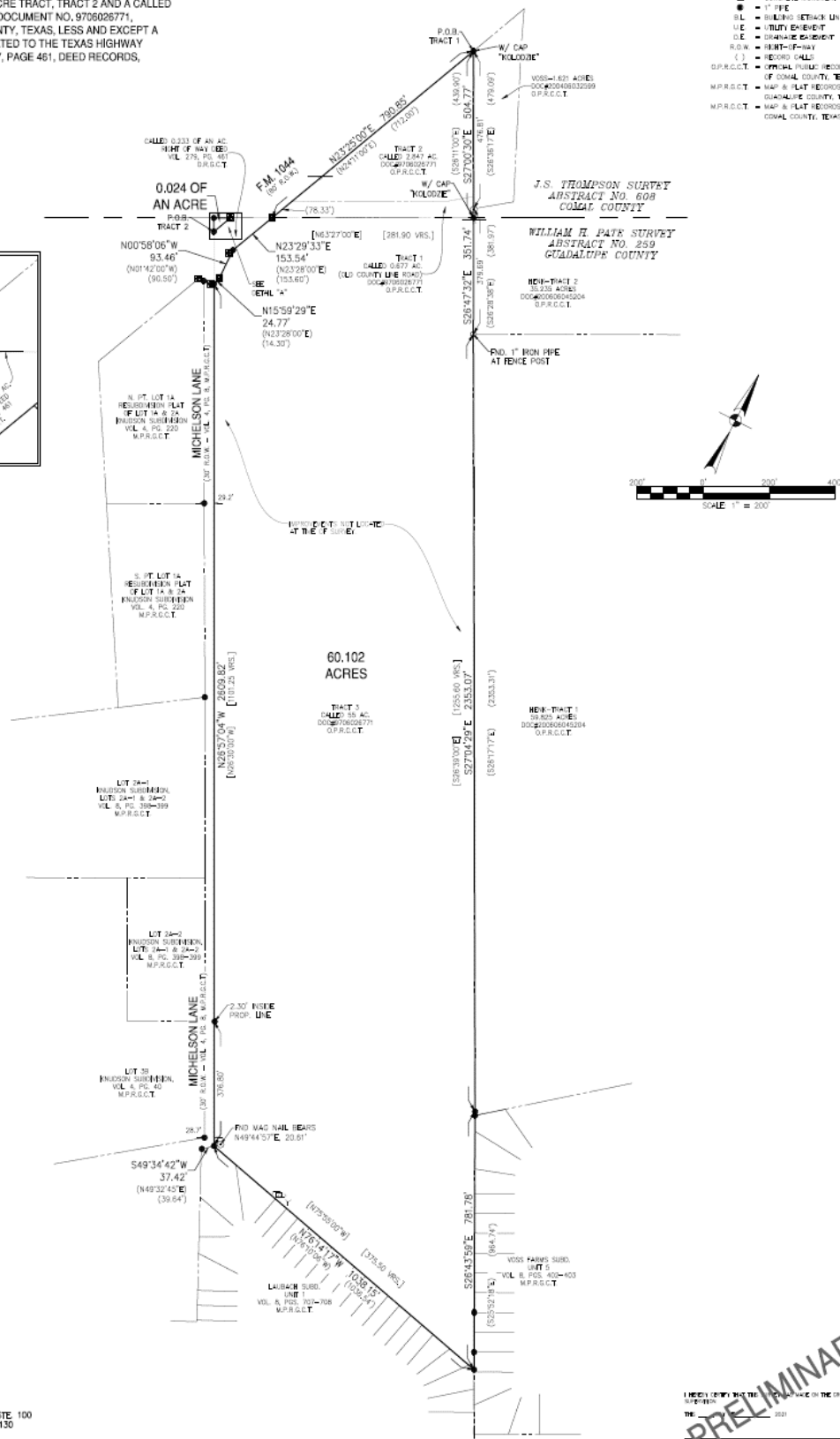
VALERIA M. ACEVEDO, City Attorney

LEGEND:

- - FIND 1/2" IRON PIN
- - CONCRETE MONUMENT
- - 1" PIPE
- B.L - BUILDING SETBACK LINE
- U.E - UTILITY EASEMENT
- D.E - DRAINAGE EASEMENT
- R.O.W - RIGHT-OF-WAY
- { } - RECORD CALLS
- D.P.R.C.C.T. - OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS
- M.P.R.C.C.T. - MAP & PLAT RECORDS OF QUADRAULE COUNTY, TEXAS
- M.P.R.C.C.T. - MAP & PLAT RECORDS OF COVAL COUNTY, TEXAS



LINE TABLE		
LINE #	BEARING	LENGTH
L1	N26°50'17"W	41.40
L2	N63°04'45"E	50.04
L3	S23°30'34"W	64.99



DRAWN BY	AL
IN CHARGE	JP



I HEREBY CERTIFY THAT THE ABOVE IS MADE ON THE GROUND UNDER MY SUPERVISION

THIS _____ DAY OF _____ 2021

DEPUTY ATTORNEY GENERAL
(OFFICE OF THE ATTORNEY GENERAL, LAND SUBDIVISION NO. 6025)

EXHIBIT “A”

**METES AND BOUNDS DESCRIPTION
OF 60.102 ACRE TRACT**

A 60.102 acre tract of land being out of the J. Thompson Survey, Abstract No. 608 and William H. Pate Survey, A-259, in both Comal and Guadalupe County, Texas, also being comprised of the following three tracts of land, Tract 1 – called 0.677 of an acre, Tract 2 – called 2.847 acres, and the residue of Tract 3 – called 55 acres, in a deed to Sandra Wunderlich, recorded in Document No. 9706026771 of the Official Public Records of Comal County, Texas. Said 60.102 acre tract being more fully described as follows:

BEGINNING: At a ½" iron rod with cap "Kolodzie" in the Southeast R.O.W. of FM 1044 found for the Northeast corner of said Tract 2 and the Northwest corner of a called 1.621 acre tract, recorded in Document No. 200406032599 of the Official Public Records of Comal County, Texas;

THENCE with the East line of said Tract 2 and Tract 1 and the West line of said 1.621 acre tract, South 27°00'30" East, a distance of 504.77 feet to a mag nail found for the Southwest corner of said 1.621 acre tract and a Northeast corner of a called 35.235 acre tract "Tract 2", recorded in Document No. 200606045204 of the Official Public Records of Comal County, Texas;

THENCE with the West line of said 35.235 acre tract, South 26°47'32" East, a distance of 351.74 feet to a 1" iron pipe found at a cedar fence corner post for the Southwest corner of said 35.235 acre tract and a Northeast corner of a called 59.825 acre tract, "Tract 1", recorded in Document No. 200606045204 of the Official Public Records of Comal County, Texas;

THENCE with the East line of said "Tract 3" called 55 acre tract and the West line of said 59.825 acre tract, South 27°04'29" East, a distance of 2353.07 feet to ½" iron rod found for the Southwest corner of said 59.825 acre tract and the Northwest corner of Voss Farms, Unit 5, a subdivision recorded in Volume 8, Page 402-403 of the Guadalupe County Map Records;

THENCE continuing with the East line of said 55 acre tract and with the West line of said Voss Farms, Unit 5, South 26°43'59" East, a distance of 781.78 feet to a ½" iron rod found for the Southeast corner of said 55 acre tract, lying in the North line of Laubach Unit 1, subdivision recorded in Volume 8, Page 707 of the Map Records of Guadalupe County, Texas;

THENCE with the South line of said 55 acre tract and the North line of said Laubach, Unit 1, North 76°14'17" West, a distance of 1038.15 feet to a ½" iron rod found for the Southwest corner of said 55 acre tract and the East line of Michelson Lane, a 30' wide road, dedicated in Volume 4, Page 8 of the Map Records of Comal County, Texas;

THENCE with the East line of said Michelson Lane and the West line of said 55 acre tract, North 26°57'04" West, a distance of 2609.82 feet to a ½" iron rod found in the West line of said 55 acre tract and the East line of Michelson Lane at the intersection with FM 1044, lying in the South line of a

EXHIBIT "B"



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

called 0.233 of an acre tract of land dedicated for right of way in Volume 279, Page 561 of the Deed Records of Comal County, Texas;

THENCE with the South line of FM 1044 and the 0.233 of an acre tract, into and across said 55 acre tract, the following three calls:

1. North 15°59'29" East, a distance of 24.77 feet to a concrete monument found;
2. North 00°58'06" West, a distance of 93.46 feet to a ½" iron rod found;
3. North 23°29'33" East, a distance of 153.54 feet to a concrete monument found in the North line of said 55 acre tract and the South line of said 0.677 of an acre tract;

THENCE with the South line of FM 1044 and the Northwest line of said 0.677 acre tract and said 2.647 acre tract, North 23°25'00" East, a distance of 790.85 feet to POINT OF BEGINNING and containing 60.102 acres of land in Comal and Guadalupe Counties, Texas.

Bearings shown hereon are based on the Texas Coordinate System, South Central Zone (4204), NAD 83. Reference exhibit of 60.102 acres tract prepared this same date.

Dorothy J. Taylor

Registered Professional Land Surveyor No.6295

S:\Projects\032 - Fred Heimer\032.049 - Wunderlich\M&B\032.049 Wunderlich 60.102 acres.docx

7/12/2021

Agenda Item No. C)

PRESENTER:

Garry Ford, Assistant Public Works Director/City Engineer

SUBJECT:

Discuss and consider approval of the installation of speed humps on Misty Acres Drive between SH 46 and Lake Front Avenue.

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

Residents submitted a request for the installation of speed humps on Misty Acres Drive between SH 46 and Lake Front Avenue. Misty Acres Drive is a residential street with a posted speed limit of 30 mph. The request was evaluated based on petition, operational and geometric requirements established in the City of New Braunfels Speed Hump Policy approved in 1999.

44 signatures were required to meet the two-thirds requirement, and 44 signatures were received. An operational requirement in the policy is that the 85th percentile speed must be at least 5 miles per hour over the regulatory speed limit of 30 mph. Traffic data collected over 24 hours on Wednesday, May 19, 2021 showed the 85th percentile speed of 37 miles per hour which meets the speed criteria in the Speed Hump Policy. Additionally, the volume requirement in the approved speed hump policy is a daily traffic volume of at least 800 vehicles per day. The traffic data collected measured 1497 vehicles per day. These requirements are listed in the attachment to this report.

The Speed Hump Policy also requires proposed speed humps on a street to be approved by the emergency services departments. The New Braunfels Fire Department and the New Braunfels Police Department approve of the installation of speed humps on the requested street.

Misty Acres has a vertical curve near the intersection with Lake Front Avenue. The Speed Hump Policy provides guidance that speed humps should not be located on vertical curves where visibility of the speed hump is restricted or on the approaches to these curves. The proposed locations of the speed humps shown in the attached diagram meet this location criteria.

If the request is approved, the street will be placed on the list of streets eligible for speed hump installation for up to three years. Speed hump projects will be prioritized according to the criteria established in the Speed Hump Policy.

The Speed Hump Policy also states that the alteration or removal of speed humps requires the same petition

process as the installation request, with at least two-thirds of all adjacent households and businesses in favor of speed hump removal. The city will not provide any funding for the removal of speed humps if it is requested.

ISSUE:

Consideration of the requested speed humps is consistent with the following action from Envision New Braunfels:

Action 7.16: Develop a program and process for consideration of citizen requests for neighborhood traffic calming.

FISCAL IMPACT:

The City has specific funding for the installation of traffic calming. This is the fifth speed hump request submitted for the 2020-2021 fiscal year. Speed hump installation cost including speed cushions, signing and pavement markings at three locations cost approximately \$25,500 to \$31,500, depending on location.

RECOMMENDATION:

Transportation and Traffic Advisory Board

This item was considered and discussed by the Transportation and Traffic Advisory Board at their meeting on June 10, 2021. The Board voted unanimously to recommend the installation of speed humps on Misty Acres Drive between SH 46 and Lake Front Avenue.

Staff

Staff recommends approval of speed humps on Misty Acres Drive between SH 46 and Lake Front Avenue as it meets both the speed and volume criteria established in the Speed Hump Policy.

Petition

Requirement	Satisfied?
1. A petition from the residents and business owners documenting that at least two-thirds support the installation of speed humps.	Yes
2. Verification statement from contact person confirming signatures are valid and represent at least two-thirds support.	Yes
3. A statement from the neighborhood association endorsing speed hump installation.	N/A

Operational and Geometric Characteristics of the Street

Requirement	Satisfied?
1. The street shall provide access to abutting residential and/or commercial properties.	Yes
2. The street shall not have more than one lane of traffic in each direction.	Yes
3. The street shall have a regulatory speed limit of 30 mph or less as determined in accordance with State Law.	Yes: 30 mph
4. The 85 th percentile speed on the street must be at least 35 mph or 5 mph over the regulatory speed limit.	Yes: 37 mph
5. The speed humps should not be located on a horizontal curve, on vertical curves where visibility of the hump is restricted, or on approaches to these curves.	Yes
6. The street should have curb and gutter. Considerations may be given to street without curb and gutter to accommodate drainage and prevent vehicle run-arounds.	Yes
7. The street must be approved by the emergency services departments.	Yes ^a
8. The street must have a 24-hour traffic volume of at least 800 vehicles.	Yes: 1497 vpd average

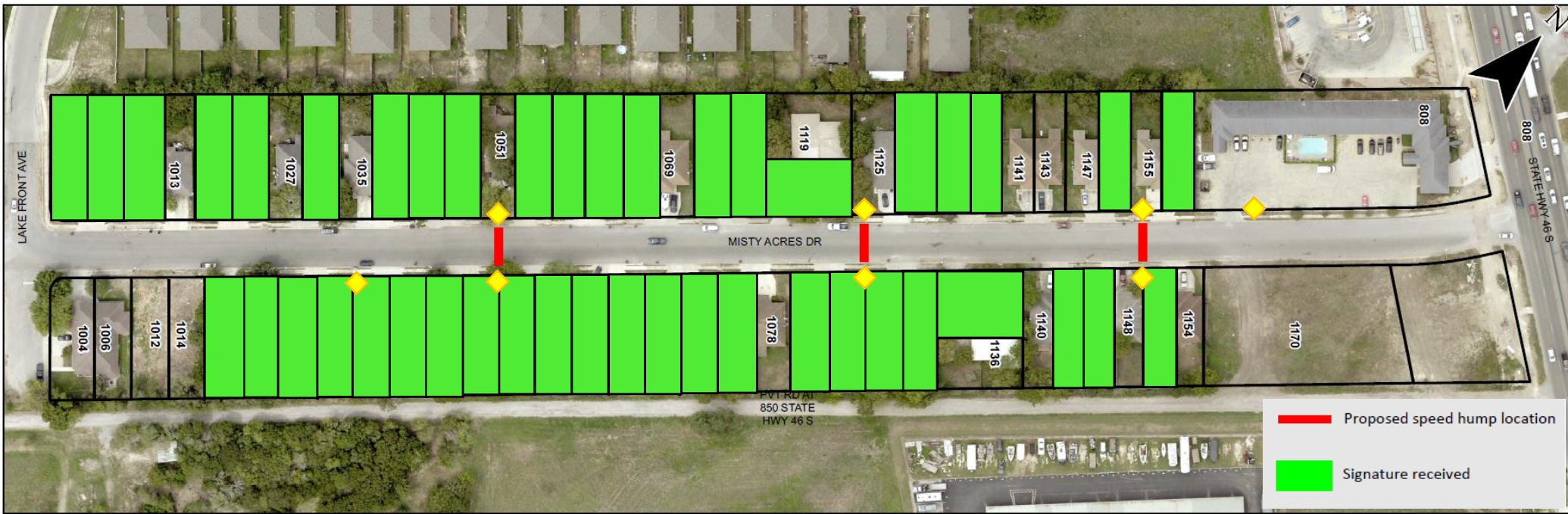
^a Parking may be restricted at speed hump locations to maintain emergency response.

Speed and Volume Data

	≤25 mph	26-30 mph	31-35 mph	36-40 mph	41+ mph
Average vpd (5/19)	182	383	561	292	79

Project Prioritization Criteria

Criteria	Points Assigned
1. Crash	1 reported crashes over a period of 3 consecutive years
2. Speed	7 mph difference between 85 th percentile speed and regulatory speed limit
3. Traffic Volume	Two-way peak hour volume of 208 vph
4. Type of Neighborhood	1. Schools within a ½ mile radius of the project street 2. Absence of sidewalks on the project street
Total:	
	7



7/12/2021

Agenda Item No. D)

PRESENTER:

Garry Ford, Assistant Public Works Director/City Engineer

SUBJECT:

Discuss and consider approval of the first reading of an ordinance to install an all-way stop at the intersection of W County Line Road and Chartwell Entry.

DEPARTMENT: Public Works**COUNCIL DISTRICTS IMPACTED:** 2**BACKGROUND INFORMATION:**

The Engineering Division received a request for an all-way stop at the intersection of W County Line Road and Chartwell Entry at the entry of the Castle Ridge subdivision. The intersection has three approaches and is currently controlled by a stop on Chartwell Entry. W County Line Road has a speed limit of 35 mph and is classified as a minor collector in the 2012 Regional Thoroughfare Plan. Chartwell Entry has a speed limit of 30 mph and is a residential street.

An engineering review with traffic counts was conducted in accordance with the Texas Manual on Uniform Traffic Control Devices (TMUTCD). Additionally, the intersection crash history was reviewed.

Based on the result of these investigations, an all-way stop is not warranted at this intersection at this time. Traffic volumes representing the average of 8 hours on an average day on Chartwell Entry represents only 4% of the total traffic through the intersection. In addition, there are plans to install traffic signals at the intersection of County Line Road and McQueeney Road and the intersection of County Line Road and Dove Crossing Drive. It is not recommended to install an all-way stop in a signalized corridor.

The upcoming 2019 Bond project on County Line Road between FM 725 and FM 1044 will install left turn lanes on County Line Road at multiple intersections, including the intersection with Chartwell Entry. This project is scheduled to begin in 2022.

ISSUE:

Envision New Braunfels Strategy 7: Connect All: Action 7.16: Develop a program and process for consideration of citizen requests for neighborhood traffic calming.

FISCAL IMPACT:

Traffic control signs cost approximately \$150 each. Sufficient funding is available in the FY20-21 approved streets and drainage budget.

RECOMMENDATION:

Staff does not recommend installation of an all-way stop at the intersection of W County Line Road and Chartwell Entry this time.

Multi-way Stop Application Evaluation

County Line Road at Chartwell Entry – October 2020

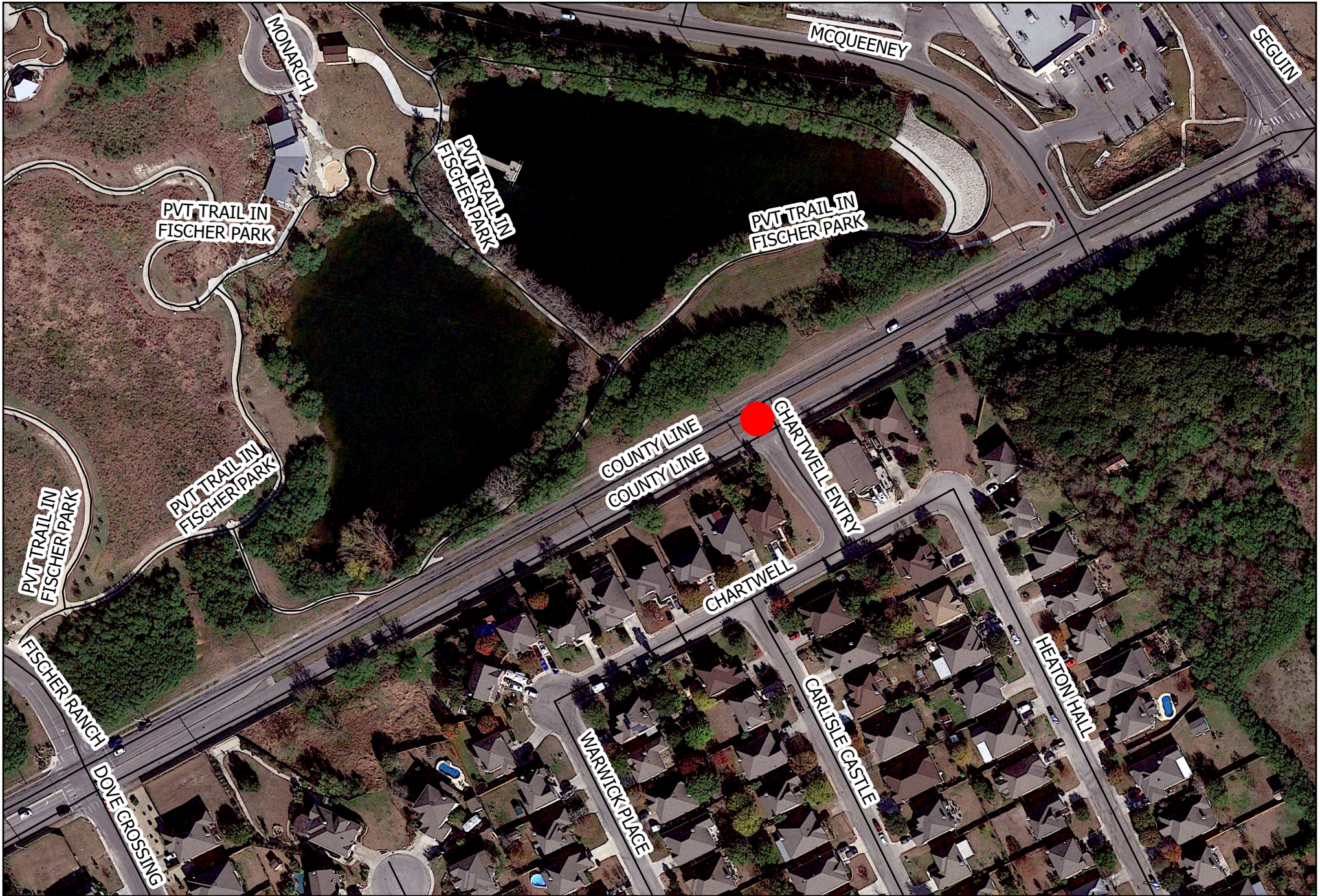
Section 2B.07 of the Texas Manual on Uniform Traffic Control Devices (TMUTCD) provides support and guidance for the application of multi-way (all-way) stop applications. Table 1 provides the guidance criteria and current traffic data and Table 2 provides other criteria that may be considered in the engineering study.

Table 1. Multi-way Stop Guidance Criteria (TMUTCD Section 2B.07)

Criteria	Minimum Values	Current Values	Criteria Met?
A. Traffic signal <ul style="list-style-type: none">Interim measure for the installation of a traffic signal.	-	-	No
B. Crashes <ul style="list-style-type: none">Right- and left-turn and right-angle collisions12-month period	5	0	No
C.1. Major street volume <ul style="list-style-type: none">Total of both approachesAverage of any 8 hours of an average day; and	300	893	No
C.2. Minor street volume <ul style="list-style-type: none">Total of both approachesAverage of same 8 hours of major street with an average delay of at least 30 seconds per vehicle during the highest hour; but	200	35	
C.3. High-speed criteria <ul style="list-style-type: none">85th-percentile approach speed of the major-street traffic exceeds 40 mph.	Major street 85 th -percentile approach speed = 35 mph		
<ul style="list-style-type: none">70 percent of major street volume	210	893	No
<ul style="list-style-type: none">70 percent of minor street volume	140	35	
D. Combination crash/volume criteria <ul style="list-style-type: none">Where no single criterion is satisfied	Criteria B, C.1 and C.2 Met? No		
80 percent of crashes	4	0	No
80 percent of major street volume	240	893	No
80 percent of minor street volume	160	35	

Table 2. Multi-way Stop Other Criteria (TMUTCD Section 2B.07)

Criteria	Criteria Met?
A. The need to control left-turn conflicts;	No
B. The need to control vehicle/pedestrian conflicts near locations that generate high pedestrian volumes;	No
C. Locations where a road user, after stopping, cannot see conflicting traffic and is not able to negotiate the intersection unless conflicting cross traffic is also required to stop; and	No
D. An intersection of two residential neighborhood collector (through) streets of similar design and operating characteristics where multi-way stop control would improve traffic operational characteristics of the intersection.	No



ORDINANCE NO. 2021-_____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, TO APPROVE INSTALLATION OF TRAFFIC CONTROL DEVICES ON COUNTY LINE ROAD AT CHARTWELL ENTRY.

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

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

I.

THAT the installation of additional traffic control sign at the following location in the corporate limits of the City of New Braunfels, Texas authorizes:

STOP SIGNS:

1. On County Line Road, east-bound at Chartwell Entry.
2. On County Line Road, west-bound at Chartwell Entry.

II.

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

III.

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

IV.

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

PASSED AND APPROVED: First reading this the ____ day of _____,
2021.

PASSED AND APPROVED: Second reading this the ____ day of _____,
2021.

CITY OF NEW BRAUNFELS, TEXAS

RUSTY BROCKMAN, MAYOR

ATTEST:

CAITLIN KROBOT, CITY SECRETARY

APPROVED AS TO FORM:

VALERIA M. ACEVEDO, CITY ATTORNEY

7/12/2021

Agenda Item No. E)

PRESENTER:

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

SUBJECT:

Public hearing and first reading of an ordinance amending Section 126-346 of the City of New Braunfels Code of Ordinances to restrict parking around the landscaped islands on the outside edges of Main Plaza.

DEPARTMENT: Public Works

COUNCIL DISTRICTS IMPACTED: 5

BACKGROUND INFORMATION:

Staff received a request from the Parks and Recreation Department to restrict parking around the landscaped islands on the outside edges of Main Plaza. The attached photo shows vehicles parked along the landscaped islands in the west side of Main Plaza, obstructing the flow of traffic in these areas as well as preventing the Parks employees from accessing the landscaping and downtown public restrooms to perform cleaning and maintenance. This parking around the landscaped island on the west side of Main Plaza has also been a concern from business owners downtown, per the Economic and Community Development Coordinator.

Engineering staff reached out to the Police Department to confirm that this request for restricted parking was not already covered under an existing ordinance. The Police Department did confirm this and requested that the parking restriction be extended to all four landscaped islands around Main Plaza to avoid confusion for drivers on where parking is allowed.

Because Main Plaza is on the Texas Department of Transportation (TxDOT) system, staff reached out to TxDOT with the proposed parking restriction; TxDOT does not have any concerns.

ISSUE:

Proposed parking restriction around the landscaped islands on the outside edges of Main Plaza to ensure safety and accessibility in these areas for the drivers utilizing the angled parking and Parks employees.

FISCAL IMPACT:

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

RECOMMENDATION:

Transportation and Traffic Advisory Board

This item was considered and discussed by the Transportation and Traffic Advisory Board at their meeting on June 10, 2021. The Board unanimously voted to recommend the creation of no parking zones around the outside edges of the landscaped islands on the outside of Main Plaza.

Staff

Staff recommends creating no parking zones around the outside edges of the landscaped islands on the outside of Main Plaza.



Proposed Main Plaza No Parking Zones





ORDINANCE NO. 2021-_____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW
BRAUNFELS, TEXAS, AMENDING SECTION 126-346 TO RESTRICT
PARKING AROUND THE OUTSIDE EDGES OF THE LANDSCAPED
ISLANDS ON THE OUTSIDE OF MAIN PLAZA.**

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

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

I.

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

- (130) On the outside edges of the landscaped islands on the outside of Main Plaza. Such no parking zone shall be designated as a tow away zone.

II.

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

III.

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

IV.

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

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

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

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

CITY OF NEW BRAUNFELS, TEXAS

RUSTY BROCKMAN, MAYOR

ATTEST:

CAITLIN KROBOT, CITY SECRETARY

APPROVED AS TO FORM:

VALERIA M. ACEVEDO, CITY ATTORNEY

7/12/2021

Agenda Item No. F)

PRESENTER:

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

SUBJECT:

Public hearing and first reading of an ordinance amending Section 126-136 and Section 126-137 of the City of New Braunfels Code of Ordinances to create school speed zones on West Klein Road and South Walnut Avenue, respectively.

DEPARTMENT: Public Works**COUNCIL DISTRICTS IMPACTED:** 2**BACKGROUND INFORMATION:**

The new New Braunfels Middle School on Settlers Crossing will open in Fall 2021. Two separate school speed zones are proposed to be created at this time for this new school as well as the existing Klein Road Elementary. A school zone is a section of roadway adjacent to a school or a school crosswalk where signs designating a school are present. A school speed zone is a special reduced speed zone for schools allowed by ordinance and defined by school speed signs. Ideally, school speed zones should be kept short to enhance driver compliance. School speed zones are intended for pedestrian safety and not to facilitate vehicle movements.

A 20 mph school speed zone on South Walnut Avenue is proposed to begin at a point 250 feet northwest of the intersection with Settlers Crossing and extend southeast to 250 feet southeast of the intersection with Settlers Crossing. A separate 20 mph school zone on West Klein Road is proposed to begin 325 feet southwest of the intersection with Klein Way and extend northeast to 300 feet northeast of the intersection with Klein Way. The proposed school zones and associated traffic control are based on a school route plan serving the existing elementary and proposed middle school.

ISSUE:

Consideration of the requested speed humps is consistent with the following action from Envision New Braunfels:

Action 7.21: Ensure that there is connected multi-modal access to all public facilities and from all parts of town.

FISCAL IMPACT:

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

The school zone signs on South Walnut Avenue will be installed by the contractor for the New Braunfels Middle School and will be funded by New Braunfels ISD.

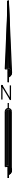
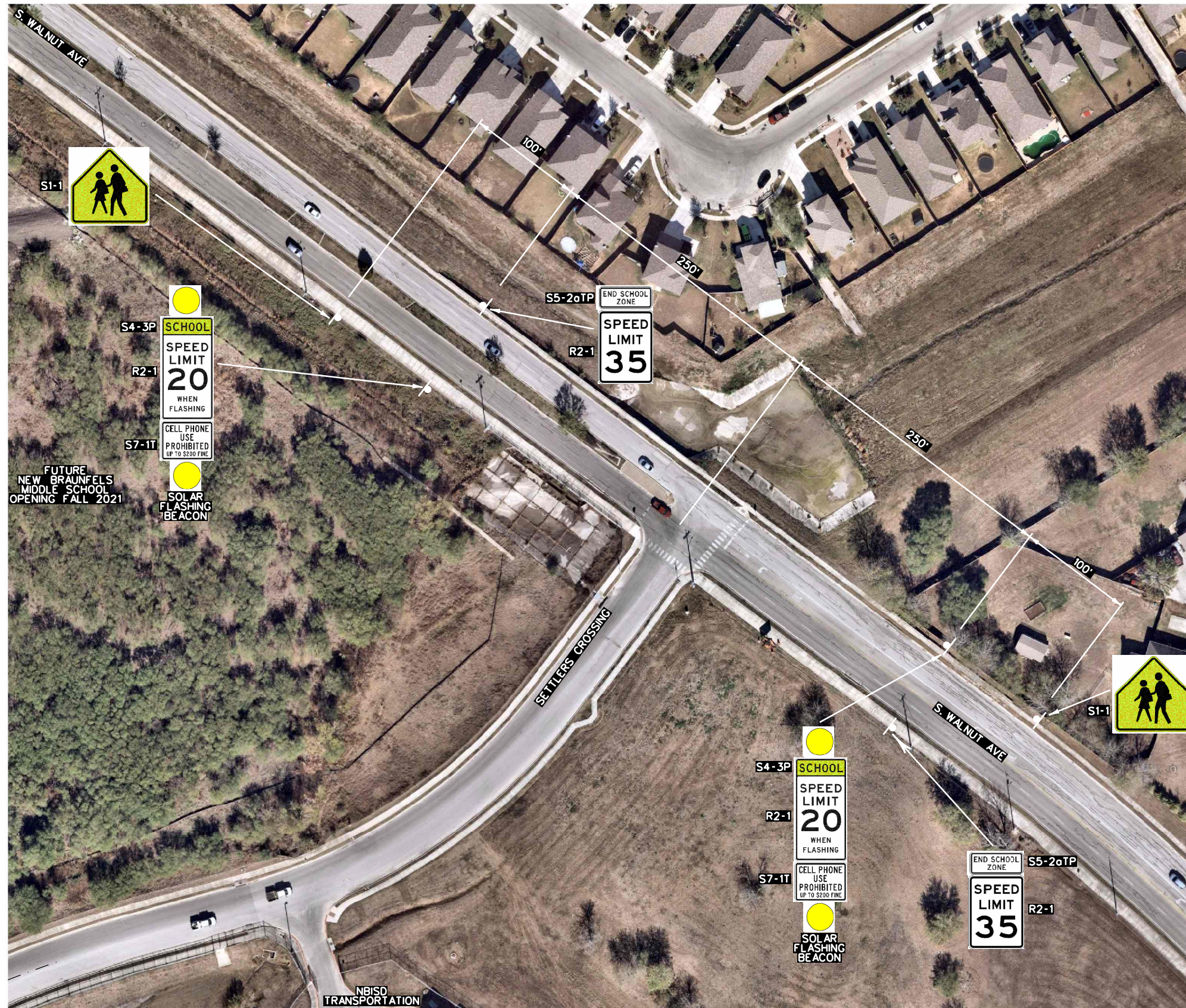
RECOMMENDATION:**Transportation and Traffic Advisory Board**

This proposed amendment was presented to the Transportation and Traffic Advisory Board at their July 8, 2021 meeting.

Staff

Staff recommends establishing two 20 mph school speed zones: (1) on South Walnut Avenue to begin at a point 250 feet northwest of the intersection with Settlers Crossing and extending southeast to 250 feet southeast of the intersection with Settlers Crossing and (2) on West Klein Road to begin 325 feet southwest of the intersection with Klein Way and extending northeast to 300 feet northeast of the intersection with Klein Way

6/17/2021 1:11:52 PM ***File-02User s**Public Works**forrowDocuments**Layouts**Power of att**Klein Elementary**Prop-Klein-Elementary_001.dgn



NOTE:
TO BE INSTALLED BY NBISD.

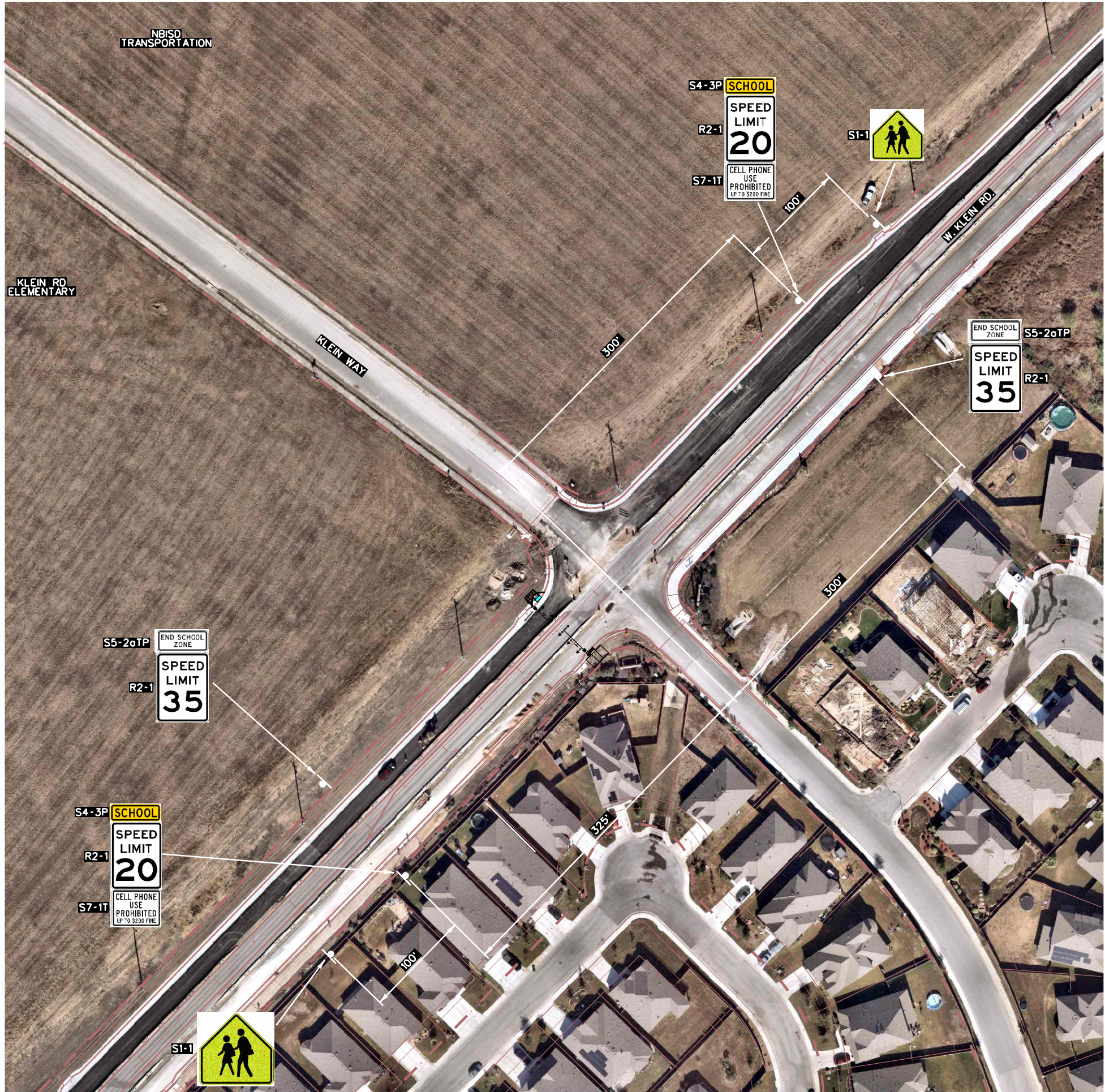
NO.	DATE	REVISION	APPROV.

 **City of
New Braunfels**
ENGINEERING DIVISION


KLEIN ELEMENTARY
PROPOSED SIGNING LAYOUT

SCALE: 1"=100'	SHEET: 1 OF 2	
COUNTY	PROJECT NO.	
GUADALUPE		

6/17/2021 1:24:57 PM
\\f11e-02\user\ss\Public\Works\for\row\Documents\Layouts\Power\dr\of\Klein Elementary\Authorization\Prop-Klein-Elementary_002.dgn



NO.	DATE	REVISION	APPROV.



City of
New Braunfels

ENGINEERING DIVISION

KLEIN ELEMENTARY
PROPOSED SIGNING LAYOUT

SCALE: 1"=100'	SHEET: 2 OF 2
COUNTY	PROJECT NO.
GUADALUPE	

ORDINANCE NO. 2021-_____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, AMENDING SECTIONS 126-136 (a) AND 126-137 (a) OF THE CITY OF NEW BRAUNFELS CODE OF ORDINANCES TO CREATE SCHOOL SPEED ZONES ON SOUTH WALNUT AVENUE AND WEST KLEIN ROAD.

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

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

I.

THAT the City of New Braunfels Code of Ordinances Section 126-136 (a) is hereby amended as follows:

- (a) No person shall drive any vehicle on the following streets within the areas designated in this subsection during the posted hours or when the school zone flashing lights are operating from 7:00 a.m. to 5:00 p.m. on each scheduled school day during every authorized school term, in excess of 20 miles per hour; and 30 miles per hour at every other time:

West Klein Road from 325 feet southwest of the intersection with Klein Way to a point 300 feet northeast of the intersection with Klein Way.

II.

THAT the City of New Braunfels Code of Ordinances Section 126-137 (a) is hereby amended as follows:

- (a) No person shall drive any vehicle on the following streets within the areas designated in this subsection during the posted hours or when the school zone flashing lights are operating from 7:00 a.m. to 5:00 p.m. on each scheduled school day during every authorized school term, in excess of 20 miles per hour; and 35 miles per hour at every other time:

S. Walnut Avenue from 250 feet northwest of the intersection with Settlers Crossing to a point 250 feet southeast of the intersection with Settlers Crossing.

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

RUSTY BROCKMAN, MAYOR

ATTEST:

CAITLIN KROBOT, CITY SECRETARY

APPROVED AS TO FORM:

VALERIA M. ACEVEDO, CITY ATTORNEY



City Council - Executive Session Agenda Item Report

550 Landa Street
New Braunfels, TX

7/12/2021

Agenda Item No. A)



City Council - Executive Session Agenda Item Report

550 Landa Street
New Braunfels, TX

7/12/2021

Agenda Item No. B)
