



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



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

**MONDAY, MAY 10, 2021 at 6:00 PM**

Rusty Brockman, Mayor

Shane Hines, Councilmember (District 1)

Justin Meadows, Mayor Pro Tem (District 2)

Harry Bowers, Councilmember (District 3)

Matthew E. Hoyt, Councilmember (District 4)

Jason E. Hurta, Councilmember (District 5)

James Blakey, Councilmember (District 6)

Robert Camareno, City Manager

**Please click the link below to join the webinar:**

**<https://us02web.zoom.us/j/83369443180> or call**

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

***MISSION STATEMENT***

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

**AGENDA**

**CALL TO ORDER**

**CALL OF ROLL: CITY SECRETARY**

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

**INVOCATION: COUNCILMEMBER BOWERS**

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

**PROCLAMATIONS:**

- A) Teacher Appreciation Week [21-230](#)
- B) Economic Development Week [21-452](#)
- C) Small Business Week Proclamation [21-469](#)

**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, discussion, and possible direction for an [21-374](#)  
update to the Capital Improvements Plan (CIP) to support

the preparation and development of future bond programs.

Jennifer Cain, Capital Programs Manager

- B) Presentation, discussion, and possible direction to staff [21-377](#) regarding maintenance of sidewalks.

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

- C) Presentation and possible direction on the finalization of [21-470](#) the Veterans Memorial image selections.

Jennifer Cain, Capital Programs Manager

1. **MINUTES**

- A) Discuss and consider approval of the minutes of the April [21-445](#) 26, 2021 City Council Meeting.

Caitlin Krobot, City Secretary

2. **CONSENT AGENDA**

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

*Resolutions & Action Items*

- A) Approval of a resolution amending the language on the [21-465](#) ByLaws of the Arts Commission.

Caitlin Krobot, City Secretary

- B) Approval of a resolution amending the language on the [21-466](#) ByLaws of the Heritage Commission.

Caitlin Krobot, City Secretary

- C) Approval of a resolution amending the City of New [21-473](#) Braunfels Watershed Advisory Committee.

Mark Enders, Watershed Program Manager

- D) Approval of annual routine recurring expenditures for FY [21-420](#) 2021 in accordance with City Charter Section 9.17.

Barbara Coleman, Purchasing Manager

- E) Approval of a contract with 50 Foot Design for the [21-437](#) production of two virtual watershed educational games associated with the Dry Comal Creek and Comal River Watershed Protection Plan.

Mark Enders, Watershed Program Manager



*Ordinances*

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

- F) Approval of the second and final reading of an ordinance [21-442](#) regarding a proposed rezoning of approximately 2.3 acres out of the H. Foster Survey No. 34, Abstract No. 154, Comal County, Texas, addressed at 948 Broadway from "M-2" Heavy Industrial District to "MU-A" Low Intensity Mixed Use District.

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

- G) Approval of the second and final reading of an ordinance [21-456](#) regarding a proposed rezoning to amend an existing Special Use Permit to allow an addition to a non-conforming single-family residence in the "M-1" Light Industrial District, addressed at 394 North Market Avenue.

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

- H) Approval of the second and final reading of an ordinance [21-460](#) regarding a proposed rezoning to apply a Special Use Permit to allow multifamily residential use - up to 24 units per acre - in the "C-1A" Neighborhood Business District on approximately 10 acres out of the A. P. Fuquay Survey No. 35, Abstract No. 155, Comal County, Texas, located at the northwest corner of the intersection of E. Common Street and Old FM 306.

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

**3. INDIVIDUAL ITEMS FOR CONSIDERATION**

- A) Discuss and consider approval of an ordinance declaring [21-450](#) the canvass and result of the General Election held on May 1, 2021, to elect two members of the New Braunfels City Council; containing a savings clause; declaring an effective date; and declaring an emergency.

Caitlin Krobot, City Secretary

- B) Discuss and consider approval of an ordinance declaring [21-453](#) the canvass and result of the Special Election held on May 1, 2021 regarding 18 proposed charter amendments; Propositions A-R of the New Braunfels, Texas, City Charter; containing a savings clause;

declaring an effective date; and declaring an emergency.

Caitlin Krobot, City Secretary

- C) Discuss and consider the confirmation of the City [21-472](#)  
Manager's appointment of the Police Chief of the New  
Braunfels Police Department.

Robert Camareno, City Manager

- D) Administration of the Oath of Office to the Police Chief of [21-471](#)  
the New Braunfels Police Department.

Caitlin Krobot, City Secretary

- E) Discuss and consider approval of the appointment of 3 [21-454](#)  
individuals for a term ending May 31, 2024 and 1  
individual for an unexpired term ending May 31, 2022 to  
the Downtown Board.

Caitlin Krobot, City Secretary

- F) Discuss and consider the approval of the Heritage [21-443](#)  
Commission recommendations for allocating grant  
awards from hotel occupancy tax to various heritage  
organizations of the City and authorizing the City  
Manager to execute contracts with the aforementioned  
organizations for the purpose of disbursement and use of  
funding.

Caitlin Krobot, City Secretary

- G) Discuss and consider the approval of the Arts [21-444](#)  
Commission recommendations for allocating grant  
awards from hotel occupancy tax to various arts  
organizations of the City and authorizing the City  
Manager to execute contracts with the aforementioned  
organizations for the purpose of disbursement and use of  
funding.

Caitlin Krobot, City Secretary

- H) Discuss and consider approval of the second and final [21-441](#)  
reading of an ordinance regarding a proposed rezoning  
of approximately 4.3 acres out of the J.M. Veramendi  
Survey No. 1, Abstract 2, Comal County, Texas, located  
at the southeast corner of the intersection of Gruene  
Road and Ewelling Lane from "R-2" Single and  
Two-Family District to "C-O" Commercial Office District.

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

- I) Discuss and consider approval of the second and final [21-448](#) reading of an ordinance regarding a proposed rezoning of approximately 48 acres out of the O. Russell A-485 Survey 2, located in the 2200 block of FM 1102, from "M-1A" Light Industrial District to "MU-B" High Intensity Mixed Use District.  
Christopher J. Looney, AICP, Planning and Development Services Director
- J) Discuss and consider approval of the installation of [21-383](#) speed humps on Broadway Drive between Rusk Street and Flushing.  
Garry Ford, Jr., Assistant Public Works Director/City Engineer
- K) Discuss and consider approval of the installation of [21-384](#) speed humps on Daisy Way between Marigold Way and Hibiscus.  
Garry Ford, Jr., Assistant Public Works Director/City Engineer
- L) Public hearing and first reading of an ordinance [21-386](#) amending Section 126-354 of the City of New Braunfels Code of Ordinances to revise the effective time of Parking by Permit Areas A and B and amending Section 126-368 (m) of the City of New Braunfels Code of Ordinances to revise the reference to parking by permit areas in existing water recreation loading zones.  
Garry Ford, Jr., Assistant Public Works Director/City Engineer

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

## **ADJOURNMENT**

## **CERTIFICATION**

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

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Caitlin Krobot, City Secretary

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



## City Council Agenda Item Report

550 Landa Street  
New Braunfels, TX

**5/10/2021**

Agenda Item No. A)

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# Proclamation

THE STATE OF TEXAS §

COUNTY OF COMAL §

CITY OF NEW BRAUNFELS §

**WHEREAS**, through their dedicated efforts to ensure our children learn the knowledge and skills needed to be successful in college, careers, teachers are vital in their communities and in building the future; and

**WHEREAS**, teachers spend countless hours preparing lessons, creating safe and loving school cultures, building deep partnerships with families and communities, collaborating with colleagues, and reflecting on their craft; and

**WHEREAS**, teachers play a crucial role in shaping our children into the people they will become, supporting them through their youth and teaching lessons that have an impact that will carry through life; and

**WHEREAS**, there are over a thousand of dedicated educators working in the City of New Braunfels, putting in countless hours and extra effort to help students achieve, preparing them for further education, the workforce, and their civic duties;

**NOW, THEREFORE, I, RUSTY BROCKMAN**, Mayor of the City of New Braunfels, do hereby proclaim May 3-7 2021, as

**“TEACHER APPRECIATION WEEK”**

A time to recognize the efforts of educators in our City, encourage the young people who are training to become tomorrow’s teachers, and thank the many teachers who work with children in the City of New Braunfels.

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused the seal of the City of New Braunfels to be affixed this 10<sup>th</sup> day of May 2021.

**CITY OF NEW BRAUNFELS, TEXAS**

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



## City Council Agenda Item Report

550 Landa Street  
New Braunfels, TX

**5/10/2021**

Agenda Item No. B)

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# Proclamation

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

**WHEREAS**, the International Economic Development Council is the largest professional economic development organization dedicated to serving economic developers; and

**WHEREAS**, the International Economic Development Council provides leadership and excellence in economic development for communities, members, and partners through conferences, training courses, advisory services and research, in-depth publications, public policy advocacy, and initiatives such as the Accredited Economic Development Organization program and the Certified Economic Developer designation; and

**WHEREAS**, economic developers promote economic well-being and quality of life for their communities by creating, retaining, and expanding jobs that facilitate growth, enhance wealth, and provide a stable tax base; and

**WHEREAS**, economic developers stimulate and incubate entrepreneurship in order to help establish the next generation of new businesses, which is the hallmark of the American economy; and

**WHEREAS**, economic developers are engaged in a wide variety of settings including rural and urban, local, state, provincial, and federal governments, public-private partnerships, chambers of commerce, universities, and a variety of other institutions; and

**WHEREAS**, economic developers work in the City of New Braunfels within the State of Texas; and

**NOW, THEREFORE, I, RUSTY BROCKMAN**, Mayor of the City of New Braunfels, do hereby commend the International Economic Development Council and its officers, staff, and members, as we proclaim the week of May 9 – 15, 2021 as

## ECONOMIC DEVELOPMENT WEEK

**BE IT FURTHER RESOLVED** that the City Council is authorized and directed to transmit an appropriate copy of this resolution to the New Braunfels Economic Development Corporation and the International Economic Development Council.

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused the Seal of the City of New Braunfels to be affixed on this the 10<sup>th</sup> day of May, 2021.

**CITY OF NEW BRAUNFELS**

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**RUSTY BROCKMAN, Mayor**





## City Council Agenda Item Report

550 Landa Street  
New Braunfels, TX

**5/10/2021**

Agenda Item No. C)

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# Proclamation

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

**WHEREAS**, Small Businesses represent 99.7% of all employers in our Country; and

**WHEREAS**, Small Businesses account for the majority of new jobs; and

**WHEREAS**, Small Businesses are more flexible in responding to shifting markets and bring new products to market faster; and

**WHEREAS**, Small Businesses provide the first job for most entrants to the labor force; and

**WHEREAS**, the important role that Small Businesses play in building and maintaining a thriving economy is expected to remain constant throughout the Twenty-first century; and

**WHEREAS**, our Nation's economic health rests in the hands of small business men and women with bold ideas and the perseverance to keep the small business community growing, prospering, and looking toward the future.

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

**Glenn Griffin of Griffin Asset Management  
as "Small Business People of the Year"**

and urge all Citizens of New Braunfels to observe this week and recognize the small business men and women of New Braunfels for their achievement and contributions to the economy of New Braunfels as they lead America in the twenty-first century.

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused the Seal of the City of New Braunfels to be affixed this the 10<sup>th</sup> day of May 2021.

**CITY OF NEW BRAUNFELS**

**RUSTY BROCKMAN, MAYOR**

5/10/2021

Agenda Item No. A)

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**PRESENTER:**

Jennifer Cain, Capital Programs Manager

**SUBJECT:**

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

**DEPARTMENT:** Public Works, Capital Programs**COUNCIL DISTRICTS IMPACTED:** All, Citywide**BACKGROUND INFORMATION:**

In 2012, the City performed an update to the Capital Improvements Plan (CIP) which was adopted by the City Council. In advance of the 2013 and 2019 bond programs, the current CIP, along with various other master plans and studies were collectively utilized to assist in identifying and prioritizing capital investment projects. However, no other formal updates have been made to the plan since the 2012 update.

Staff is recommending the solicitation of requests for qualifications for a consultant to assist in the update of the CIP. The CIP update would include but is not limited to meeting with stakeholders to identify needs, reviewing current plans and documents, providing high level cost estimates, and assisting in the categorization and prioritization of all the identified projects. While we are in the middle of the 2019 bond program, initiating the CIP now is needed so that it would be available to support the preparation of a future bond program. The remaining bonds stemming from the 2019 bond program will be issued in FY 2021, FY 2022 and FY 2023. Therefore, the next ideal opportunity for a bond election is either May or November of 2023. Additional information on a draft timeline from development of the CIP to a potential bond election will be presented during the workshop.

**ISSUE:**

N/A

**FISCAL IMPACT:**

The costs for the CIP will be supported by General Fund reserves.

**RECOMMENDATION:**

Staff recommends the solicitation of requests for qualifications for a consultant to assist in the update of the CIP to support the preparation and development of future bond programs.

5/10/2021

Agenda Item No. B)

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**PRESENTER:**

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

**SUBJECT:**

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

**DEPARTMENT:** Public Works

**COUNCIL DISTRICTS IMPACTED:** Citywide

**BACKGROUND INFORMATION:**

Staff received questions during capital project development and right-of-way negotiations regarding the maintenance responsibility of sidewalks and shared-used paths constructed by the City of New Braunfels using local, state, or federal funds. Section 114-3 of the City of New Braunfels Code of Ordinances specifies that it shall be the duty and the obligation of all owners, occupants and users of real property upon which a sidewalk, driveway or other way is located and used by or which may be used by the public to keep and maintain such sidewalk, driveway or way in a safe condition for use.

Staff is considering amending the ordinance to specify that City will maintain sidewalks, driveways, or other pedestrian facilities in City right-of-way if they are initially constructed using city, state, or federal funds since 2013.

**ISSUE:**

Maintenance responsibility of sidewalks, driveways, or other pedestrian facilities if initially constructed using city, state, or federal funds.

**FISCAL IMPACT:**

Additional funds will be required.

**RECOMMENDATION:**

Recommendation will be determined by discussion and possible staff direction.

5/10/2021

Agenda Item No. C)

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**PRESENTER:**

Jennifer Cain, Capital Programs Manager

**SUBJECT:**

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

**DEPARTMENT:** Public Works/Capital Programs

**COUNCIL DISTRICTS IMPACTED:** District 1

**BACKGROUND INFORMATION:**

The concept for a new Veterans Memorial was approved by Council in 2015. Luck Design provided conceptual renderings and design work for free to keep original costs down. These designs were vetted through various groups in the following years.

In 2018, Luck Design was hired to provide preliminary design and cost estimating for this project for potential inclusion in the 2019 Bond Program. In May 2019, voters approved the Veterans Memorial as part of the new Police Department Facility Project. Luck Design was hired by the Police Department architect, PGAL, to provide Landscape Architecture and Veterans Memorial design. Joeris General Contractors was hired to construct the new facility and memorial.

Construction began on the new Police Department and Veterans Memorial in January 2021. Although the layout of the memorial has been finalized, the content (words/images) of the memorial is still under review. A committee was formed consisting of City of New Braunfels veteran staff, Gold Star family members, and members from the local VFW and American Legion posts to finalize the images and content of the memorial.

The presentation will provide renderings of the proposed layout, wording, and images for the Council to review and discuss.

**ISSUE:**

N/A

**FISCAL IMPACT:**

N/A

**RECOMMENDATION:**

N/A

**5/10/2021**

Agenda Item No. A)

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**PRESENTER:**

Caitlin Krobot, City Secretary

**SUBJECT:**

Discuss and consider approval of the minutes of the April 26, 2021 City Council Meeting.

**DEPARTMENT:** City Secretary's Office

# City of New Braunfels, Texas

## City Hall – Council Chambers Regular City Council Meeting Minutes Monday, April 26, 2021 6:00 p.m.

### City Council

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

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

### **PROCLAMATIONS:**

- A) Sexual Assault Awareness Month Proclamation

**Mayor Brockman presented the proclamation.**

- B) National Bike Month

**Mayor Brockman presented the proclamation.**

- C) Child Abuse Prevention and Awareness Month

**Mayor Brockman presented the proclamation.**

### **PRESENTATIONS:**

- A) Presentation of an Arts and Humanities Award from the Texas Recreation and Park Society recognizing "Recipes for the Soul" Cookbook.

**Mayor Brockman read the aforementioned caption.**

**Stacey Dicke presented this item.**

- B) Presentation of a Planning Excellence Award from the Texas Recreation and Recreation and Park Society honoring the Dry Comal Creek Greenway Master Plan.

**Mayor Brockman read the aforementioned caption.**

**Stacey Dicke presented this item.**

**1. MINUTES**

- A) Discuss and consider approval of the minutes of the April 12, 2021 City Council Meeting.

**Mayor Brockman read the aforementioned caption.**

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

**2. CITIZENS' COMMUNICATIONS**

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

**Linda Wolfe Freeb, George Green, Richard Zapata, and Jim Holster spoke during Citizen's Communications.**

**3. CONSENT AGENDA**

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

- A) Approval of the appointment of Mason Standley to the Landa Park Golf Course Advisory Board for a term ending December 31, 2022.
- B) Approval of a resolution consenting to the issuance of unlimited tax bonds by



Comal County Water Improvement District Number 1a (Veramendi), a water Improvement district located with the extraterritorial jurisdiction of the City.

- C) Approval to authorize the City Manager to execute an Interlocal Cooperative Purchasing Agreement with the City of Frisco in accordance with the Interlocal Cooperation Act, Chapter 791 of the Texas Government Code for goods and services.
- D) Approval of a purchase with August Industries Inc. for three Bauer Unicus Breathing Air Compressor Systems (BACS) for Fire Stations 2, 3, and 7.
- E) Approval of a Change Order with Acme Bridge Co. for the relocation of an NBU waterline in conjunction with the reconstruction and realignment of Elizabeth Avenue from Landa Park Drive to approximately Hinman Island Drive.
- F) Approval to issue professional services agreement with K Friese & Associates For 3<sup>rd</sup> party review for engineering development permit reviews as needed by The Engineering Division of the Public Works Department.
- G) Approval of a Budget Amendment in the FY 2020 General Fund.
- H) Approval of the issuance of Competitive Sealed Proposals (CSP) for a storm-Water treatment basin adjacent to the Elizabeth Ave. Realignment project since The City Council finds that this delivery method will provide the best value to the City.

#### *Ordinances*

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

- I) Approval of the second and final reading of an ordinance regarding a request from the Sophienburg Memorial Association to waive development related fees for platting and expansions to the Sophienburg Museum & Archives addressed at 401 West Coll Street.
- J) Approval of the second and final reading of an ordinance regarding a proposed rezoning of approximately 47 acres out of the O. Russell Survey No. 2, Abstract No. 485, located at the northeastern corner of the intersection of Orion Drive and the Union Pacific Railroad tracks, from "AFD" Agricultural/Pre-Development District to "R-1A-4" Single-Family Small Lot Residential.

- K) Approval of the second and final reading of an ordinance amending Chapter 2 of the Code of Ordinances of the City of New Braunfels, Texas establishing the rules and order of business of the New Braunfels City Council.
- L) Approval of the second and final reading of an ordinance regarding the creation of Child Safety Zones which would provide residency restrictions for Registered Sex Offenders residing within the city limits of New Braunfels.

**Mayor Brockman read the aforementioned captions.**

**Councilmember Bowers moved to approve the consent agenda.**

**Councilmember Hoyt seconded the motion which passed unanimously via roll call vote.**

**4. INDIVIDUAL ITEMS FOR CONSIDERATION**

- A) Discuss and consider the second and final reading of an ordinance regarding a proposed rezoning of approximately 21 acres out of the O. Russell Survey No. 2 Abstract No. 485, located at the northern corner of the intersection of Goodwin Lane and Orion Drive, from "APD" Agriculture/Pre-Development District to "ZH-A" Zero Lot Line Home District.

**Mayor Brockman read the aforementioned caption.**

**Christopher Looney presented this item.**

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

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

- B) Discuss and consider acceptance the FY 2020 Audit and Comprehensive Annual Financial Report performed by Belt Harris Pechacek, LLLP.

**Mayor Brockman read the aforementioned caption.**

**Sandy Paulos presented this item.**

**The following individual spoke on this item: Wayne Rudolph**

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

- C) Discuss and consider approval of the appointment of two individuals to the Airport Advisory Board for a term ending 05/12/2024.

**Mayor Brockman read the aforementioned caption.**

**Caitlin Krobot presented this item.**

**The following individuals spoke on this item: Shannon Dowling, and Kurt Andersen-Vie.**

**Councilmember Hines moved to approve Kurt Andersen-Vie and Allen Dowling to the Airport Advisory Board for terms ending 05-12-2024. Councilmember Bowers seconded the motion which was unanimous via roll call vote.**

- D) Discuss and consider approval of the appointment of one individual for a term ending 12-08-2023 to the River Advisory Committee.

**Mayor Brockman read the aforementioned caption.**

**Caitlin Krobot presented this item.**

**Councilmember Hines moved to approve Andy Powell to the River Advisory Committee for a term ending 12-08-2023. Councilmember Hoyt seconded the motion which was unanimous via roll call vote.**

- E) Discuss and consider approval of a resolution recommended by the New Braunfels Economic Development Corporation approving a project expenditure of up to \$400,000 to Frantic Holdings, LLC for a project that will promote or develop new or expanded businesses by delivering high speed broadband infrastructure and services to commercial customers in downtown and other areas of New Braunfels, an eligible project expenditure; and declaring an effective date.

**Mayor Brockman read the aforementioned caption.**

**Jeff Jewell presented this item.**

**The following individuals spoke on this item: Richard Zapata, Kevin Robles, Al Kofman, Timothy Davis, Jim Holster, Timtxiomarz Sankey, Michael Meek, William Rogers, and Patty Larson.**

**Councilmember Hines moved to approve the item. Councilmember Blakey seconded the motion which was unanimous via roll call vote.**

**Mayor Brockman took a break at 8:00 p.m. and reconvened at 8:10 p.m.**

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

**Mayor Brockman read the aforementioned caption.**

**Christopher Looney presented this item.**

**The following Individuals spoke on this item: David Moran, and Timothy Davis.**

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

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

**Mayor Brockman read the aforementioned caption.**

**Christopher Looney presented this item.**

**The following individuals spoke on this item: Jamie Carr, Mike Rust, Carolyn Glasgow, and Libby Rust.**

**No motion was made. Item dies for lack of motion.**

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

**Mayor Brockman read the aforementioned caption.**

**Christopher Looney presented this item.**

**The following individuals spoke on this item: Chris Crim, and Timothy Davis.**

**Councilmember Hines moved to approve the item. Councilmember Hoyt seconded the motion which was unanimous via roll call vote.**

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

**Mayor Brockman read the aforementioned caption.**

**Christopher Looney presented this item.**

**The following individuals spoke on this item: Chris Crim, Ted Omohundro, Rahul Bose, and Will Shootz.**

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

- J) Public hearing and first reading of an ordinance regarding a proposed rezoning to amend an existing Special Use Permit to allow an addition to a non-conforming single-family residence in the “M-1” Light Industrial District, addressed at 394 North Market Avenue.

**Mayor Brockman read the aforementioned caption.**

**Christopher Looney presented this item.**

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

- K) Public hearing and first reading of an ordinance regarding a proposed rezoning of approximately 48 acres out of the O. Russell A-485 Survey 2, located in the 2200 block of FM 1102, from “M-1A” Light Industrial District to “MU-B” High Intensity Mixed Use District.

**Mayor Brockman read the aforementioned caption.**

**Christopher Looney presented this item.**

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

## **5. EXECUTIVE SESSIONS**

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

- A) Deliberate pending/contemplated litigation, settlement offers, and matters related to privileged and unprivileged client information deemed confidential by Rule 1.05 of the Texas Disciplinary Rules of Professional Conduct in accordance with Section 551.071 of the Texas Government Code, specifically:
- Carowest Land, Ltd. v. Yantis Company and City of New Braunfels (all cases, including appeal)
  - Yantis Company v. City of New Braunfels et. al. (2014 case)
- B) Deliberate issues regarding economic development negotiations in accordance with section 551.087 of the Texas Government Code.

- Project Reshore Icon

- C) Deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the City Manager, City Attorney, and/or the Municipal Court Judge in accordance with Section 551.074 of the Texas Government Code.

**Mayor Brockman read the aforementioned captions and recessed into Executive Session at 9:06 p.m.**

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

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

**Mayor Brockman reconvened into open session at 10:39 p.m.**

**No action was taken in Executive Session.**

**Under Executive Session 5. C**

**Mayor Pro-Tem Meadows moved to give a vote of confidence to Municipal Court Judge, Rose Zamora, continue her contract, and increase her salary to \$119,124.00 effective April 2, 2021. Councilmember Bowers seconded the motion which passed unanimously via roll call vote.**

**Mayor Pro-Tem Meadows moved to give a vote of confidence to City Attorney, Val Acevedo, continue her contract, and increase her salary to \$177,514.00 effective April 2, 2021. Councilmember Hines seconded the motion which passed unanimously via roll call vote.**

**Mayor Pro-Tem Meadows moved to give a vote of confidence to the City Manager, Robert Camareno, continue his contract, and increase his salary to \$257,291.00 effective April 2, 2021. Councilmember Hurta seconded the motion which passed unanimously via roll call vote.**

Mayor Brockman publicly thanked Mayor Pro-Tem Meadows for his work with Human Resources and Staff to help complete this part (Executive Session 5. C) of City business.

7. **ADJOURNMENT**

Mayor Brockman adjourned at 10:43 p.m.

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Rusty Brockman, Mayor

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Caitlin Krobot, City Secret



5/10/2021

Agenda Item No. A)

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**PRESENTER:**

Caitlin Krobot, City Secretary

**SUBJECT:**

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

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

On April 6, 2021 the Arts Commission voted to amend the language in their ByLaws.

The current ByLaws for the New Braunfels Arts Commission state in **ArticleV; Section 1. The regular meeting of the Commission shall be held in March of each year**, unless it is determined by the chairman that a specific meeting date and time must be changed due to the weather, lack of quorum or some other sufficient reason.

**The recommended change is as follows:**

**A regular meeting of the Commission shall be held Annually of the Commissions choosing or an agreed upon time**, unless it is determined by the chairman that a specific meeting date and time must be changed due to the weather, lack of quorum or some other sufficient reason.

The recommended changes also address typographical errors.

**ISSUE:**

This gives the Arts Commission the flexibility to move their annual meeting time without going against their ByLaws.

**FISCAL IMPACT:**

There is no fiscal impact.

**RECOMMENDATION:**

Staff recommends approval of this resolution.

# BYLAWS OF THE

## CITY OF NEW BRAUNFELS ARTS COMMISSION

New Braunfels, Texas

### ARTICLE I

#### Name

The name of this organization shall be The New Braunfels Arts Commission

### ARTICLE II

#### Object (or Purpose)

) The object (purpose) of this organization shall be to: To serve in an advisory capacity to the City Council on matters related to the arts activities, events and projects that will benefit the citizens of the City. The Commission shall advise the City Council on uses of funding that may be available from private and/or public sources that will benefit any local arts activity, project or organization serving the citizens of the City; such advice and/or recommendations on uses of funds shall not be restricted in any manner except by law.

### ARTICLE III

#### Members

#### *Section 1. Appointments*

The New Braunfels Arts Commission shall be composed of seven (7) citizens of the City, who are interested in the encouragement, promotion, improvement and application of the arts, including instrumental and vocal music, dance, drama, folk art, creative writing, architecture, design and allied fields, painting, sculpture, photography, graphic and craft arts, motion pictures, radio, television, tape and sound recording, and other arts related to the presentation, performance, execution, and exhibition of these major art forms. Such Commission shall consist of seven members, with staggered terms, at least four of whom shall be chosen from a list of names submitted by the Greater New Braunfels Arts Council, each serving ~~sa~~ three-year term on a rotating basis, with appointments being made by the City Council, staggered so that no more ~~that than~~ three members shall be appointed each year. Unexpired terms shall be filled by the City Council.

#### *Section 2. Resignations*

Any member resigning shall submit a letter of resignation to the Mayor, and the resignation shall be

) approved by the City Council at the next regularly scheduled meeting.

### *Section 3. Absenteeism*

A Commission member shall be assumed to have resigned his or her position, thereby forfeiting his or her unexpired term of office if, during the calendar year, he or she is absent three (3) consecutive times or a total of four (4) times including special meetings, provided at least five (5) ~~days~~ noticedays' notice has been given.

## **ARTICLE IV**

### **Officers**

A chairman, and vice-chairman shall be elected by the membership of the organization at the annual meeting, to serve a one-year term.

and

No member may hold more than one office at a time.

) The Chairman shall preside at all meetings of the Commission and shall be a voting member, shall appoint special and standing committee chairmen and shall have the authority to appoint special committees as deemed necessary by the membership. The chairman shall be an ex-officio member of all committees, without vote.

The Vice-Chairman shall assist the chairman as needed and shall serve as the presiding officer in the absence of the chairman. The vice-chairman shall have the right to vote on all issues that come before the membership.

Any vacancy in an office shall be filled by election of the Commission at its next regular or special meeting.

## **ARTICLE V**

### **Meetings**

*Section 1.* ~~The regular meeting of the Commission shall be held in March of each year~~ A regular meeting of the Commission shall be held annually of the Commissions choosing or an agreed upon time. unless it is determined by the chairman that a specific meeting date and time must be changed due to the weather, lack of a quorum or some other sufficient reason. The Commission has the authority to change the meeting day and date by a majority vote of those present and voting when a quorum is present.

*Section 2.* The Commission is empowered to hold and conduct public meetings, which must be open to the public in accordance with the Texas Open Meetings Act, Chapter 551, Texas Government

) Code.

| *Section 3.* The Commission or the Chairman shall have the authority to call special meetings with at least five (5) ~~days notice~~days' notice to all members. Only the business specified in the call of the meeting may be discussed.

*Section 4.* A majority of the members shall constitute a quorum.

#### **ARTICLE VI** Parliamentary Authority

The rules contained in the current edition of Robert's Rules of Order Newly Revised shall govern the Commission in all cases in which they are applicable and in which they are not inconsistent with these bylaws, any special rules, the City Charter or State law.

#### **ARTICLE VII** Amendment of Bylaws

These bylaws may be amended at any regular or special meeting of the commission, by a two-thirds (2/3) vote of those present and voting with a quorum in attendance, provided at least fifteen (15) days written notice has been given to all members. No amendment adopted by the commission shall become effective until after approval by the City Council.

Adopted March 15, 2001.

# **BYLAWS OF THE**

## **CITY OF NEW BRAUNFELS ARTS COMMISSION**

New Braunfels, Texas

### **ARTICLE I**

Name

The name of this organization shall be The New Braunfels Arts Commission.

### **ARTICLE II**

Object (or Purpose)

The object (purpose) of this organization shall be to: To serve in an advisory capacity to the City Council on matters related to the arts activities, events and projects that will benefit the citizens of the City. The Commission shall advise the City Council on uses of funding that may be available from private and/or public sources that will benefit any local arts activity, project or organization serving the citizens of the City; such advice and/or recommendations on uses of funds shall not be restricted in any manner except by law.

### **ARTICLE III**

Members

#### *Section 1. Appointments*

The New Braunfels Arts Commission shall be composed of seven (7) citizens of the City, who are interested in the encouragement, promotion, improvement and application of the arts, including instrumental and vocal music, dance, drama, folk art, creative writing, architecture, design and allied fields, painting, sculpture, photography, graphic and craft arts, motion pictures, radio, television, tape and sound recording, and other arts related to the presentation, performance, execution, and exhibition of these major art forms. Such Commission shall consist of seven members, with staggered terms, at least four of whom shall be chosen from a list of names submitted by the Greater New Braunfels Arts Council, each serving a three-year term on a rotating basis, with appointments being made by the City Council, staggered so that no more than three members shall be appointed each year. Unexpired terms shall be filled by the City Council.

## *Section 2. Resignations*

Any member resigning shall submit a letter of resignation to the Mayor, and the resignation shall be approved by the City Council at the next regularly scheduled meeting.

## *Section 3. Absenteeism*

A Commission member shall be assumed to have resigned his or her position, thereby forfeiting his or her unexpired term of office if, during the calendar year, he or she is absent three (3) consecutive times or a total of four (4) times including special meetings, provided at least five (5) days' notice has been given.

## **ARTICLE IV** Officers

A chairman, and vice-chairman shall be elected by the membership of the organization at the annual meeting, to serve a one-year term.

and

No member may hold more than one office at a time.

The Chairman shall preside at all meetings of the Commission and shall be a voting member, shall appoint special and standing committee chairmen and shall have the authority to appoint special committees as deemed necessary by the membership. The chairman shall be an ex-officio member of all committees, without vote.

The Vice-Chairman shall assist the chairman as needed and shall serve as the presiding officer in the absence of the chairman. The Vice-Chairman shall have the right to vote on all issues that come before the membership.

Any vacancy in an office shall be filled by election of the Commission at its next regular or special meeting.

## **ARTICLE V**

### **Meetings**

*Section 1.* A regular meeting of the Commission shall be held annually of the Commissions choosing or an agreed upon time, unless it is determined by the chairman that a specific meeting date and time must be changed due to the weather, lack of a quorum or some other sufficient reason. The Commission has the authority to change the meeting day and date by a majority vote of those present and voting when a quorum is present.

*Section 2.* The Commission is empowered to hold and conduct public meetings, which must be open to the public in accordance with the Texas Open Meetings Act, Chapter 551, Texas Government Code.

*Section 3.* The Commission or the Chairman shall have the authority to call special meetings with at least five (5) days' notice to all members. Only the business specified in the call of the meeting may be discussed.

*Section 4.* A majority of the members shall constitute a quorum.

## **ARTICLE VI**

### **Parliamentary Authority**

The rules contained in the current edition of Robert's Rules of Order Newly Revised shall govern the Commission in all cases in which they are applicable and in which they are not inconsistent with these ByLaws, any special rules, the City Charter or State law.

## **ARTICLE VII**

### **Amendment of ByLaws**

These ByLaws may be amended at any regular or special meeting of the commission, by a two-thirds (2/3) vote of those present and voting with a quorum in attendance, provided at least fifteen (15) days written notice has been given to all members. No amendment adopted by the commission shall become effective until after approval by the City Council.

Adopted May 10, 2021.

5/10/2021

Agenda Item No. B)

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**PRESENTER:**

Caitlin Krobot, City Secretary

**SUBJECT:**

Approval of a resolution amending the language on the ByLaws of the Heritage Commission.

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

On April 8, 2021 the Heritage Commission voted to amend the language in their ByLaws.

The current ByLaws for the New Braunfels Heritage Commission state in **Article III; Section I.** to remove - **at least four of whom shall be chosen from a list of names submitted by the New Braunfels Historic Museums Association, Inc.,** to match your Ordinance.

**The recommend change is as follows:**

To remove the aforementioned phrase (in red) from the New Braunfels Heritage Commission ByLaws.

The current ByLaws for the New Braunfels Heritage Commission state in **Article V; Section 1.** **The regular meeting of the Commission shall be held in March of each year,** unless it is determined by the chairman that a specific meeting date and time must be changed due to the weather, lack of quorum or some other sufficient reason.

**The recommended change is as follows:**

The current ByLaws for the New Braunfels Heritage Commission state in **Article V; Section 1.** A regular meeting of the Commission shall be held annually at a time agreed upon by the Commission, unless it is determined by the chairman that a specific meeting date and time must be changed due to the weather, lack of a quorum or some other sufficient reason.

The recommended changes also address typographical errors.

**ISSUE:**

The changes give the Heritage Commission the flexibility to move their annual meeting time without going against their ByLaws. It also makes their ByLaws line up with their Ordinance.



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**FISCAL IMPACT:**

There is no fiscal impact.

**RECOMMENDATION:**

Staff recommends approval of this resolution.

# **BYLAWS OF THE**

## **CITY OF NEW BRAUNFELS HERITAGE COMMISSION**

New Braunfels, Texas

### **ARTICLE I**

#### **Name**

The name of this organization shall be The New Braunfels Heritage Commission

### **ARTICLE II**

#### **Object (or Purpose)**

The object (purpose) of this organization shall be to: To serve in an advisory capacity to the City Council on matters relating to heritage and historic preservation activities, events and projects that will benefit the citizens of the City. The Commission shall advise the City Council on uses of any funding that may be available from private and/or public sources that will benefit any local heritage activity, project, or organization serving the citizens of the City; such advice and/or recommendations on uses of funds shall not be restricted in any manner except by law.

### **ARTICLE III**

#### **Members**

##### *Section 1. Appointments*

The New Braunfels Heritage Commission shall be composed of seven (7) citizens of the City, who are interested in historic preservation and heritage activities. Such Commission shall consist of seven members, ~~at least four of whom shall be chosen from a list of names submitted by the New Braunfels Historic Museums Association, Inc.,~~ with appointments being made by the City Council so that the terms of each member of such Commission shall be for three years, staggered so that no more than three members shall be appointed each year. Unexpired terms shall be filled by the City Council.

##### *Section 2. Resignations*

Any member resigning shall submit a letter of resignation to the Mayor, and the resignation shall be approved by the City Council at the next regularly scheduled meeting.

##### *Section 3. Absenteeism*

A Commission member shall be assumed to have resigned his or her position, thereby forfeiting his or her unexpired term of office if, during the calendar year, he or she is absent three (3) consecutive times or a total of four (4) times including special meetings, provided at least five (5) days notice has been given.

#### ARTICLE IV Officers

A chairman, and vice-chairman shall be elected by the membership of the organization at the annual meeting, to serve a one-year term.

and

No member may hold more than one office at a time.

The Chairman shall preside at all meetings of the Commission and shall be a voting member, shall appoint special and standing committee chairmen and shall have the authority to appoint special committees as deemed necessary by the membership. The chairman shall be an ex-officio member of all committees, without vote.

The Vice-Chairman shall assist the chairman as needed and shall serve as the presiding officer in the absence of the chairman. The vice-chairman shall have the right to vote on all issues that come before the membership.

Any vacancy in an office shall be filled by election of the Commission at its next regular or special meeting.

#### ARTICLE V Meetings

*Section 1.* ~~The regular meeting of the Commission shall be held in March of each year~~ A regular meeting of the Commission shall be held annually at a time agreed upon by the Commission, unless it is determined by the chairman that a specific meeting date and time must be changed due to the weather, lack of a quorum or some other sufficient reason. The Commission has the authority to change the meeting day and date by a majority vote of those present and voting, when a quorum is present.

*Section 2.* The Commission is empowered to hold and conduct public meetings, which must be open to the public in accordance with the Texas Open Meetings Act, Chapter 551, Texas Government Code.

*Section 3.* The Commission or the Chairman shall have the authority to call special meeting with at least five (5) ~~days notice~~ days' notice to all members. Only the business specified in the call of the meeting may



be discussed.

*Section 4.* A majority of the members shall constitute a quorum.

## **ARTICLE VI**

### **Parliamentary Authority**

The rules contained in the cU1Tent edition of Robert's Rules of Order Newly Revised shall govern the Commission in all cases in which they are applicable and in which they are not inconsistent with these bylaws, any special rules, the City Charter or State law.

## **ARTICLE VII**

### **Amendment of Bylaws**

These bylaws may be amended at any regular or special meeting of the commission by a two-third (2/3) vote of those present and voting with a quorum in attendance, provided at least fifteen (15) day written notice has been given to all members. No amendment adopted by the commission shall become effective until after approval by the City Council.

Adopted March 27, 2001.

A:\Bylaws\heritage.wpd

# **BYLAWS OF THE**

## **CITY OF NEW BRAUNFELS HERITAGE COMMISSION**

New Braunfels, Texas

### **ARTICLE I**

Name

The name of this organization shall be The New Braunfels Heritage Commission.

### **ARTICLE II**

Object (or Purpose)

The object (purpose) of this organization shall be to: To serve in an advisory capacity to the City Council on matters relating to heritage and historic preservation activities, events and projects that will benefit the citizens of the City. The Commission shall advise the City Council on uses of any funding that may be available from private and/or public sources that will benefit any local heritage activity, project, or organization serving the citizens of the City; such advice and/or recommendations on uses of funds shall not be restricted in any manner except by law.

### **ARTICLE III**

Members

#### *Section 1. Appointments*

The New Braunfels Heritage Commission shall be composed of seven (7) citizens of the City, who are interested in historic preservation and heritage activities. Such Commission shall consist of

seven members, with appointments being made by the City Council so that the terms of each member of such Commission shall be for three years, staggered so that no more than three members shall be appointed each year. Unexpired terms shall be filled by the City Council.

### *Section 2. Resignations*

Any member resigning shall submit a letter of resignation to the Mayor, and the resignation shall be approved by the City Council at the next regularly scheduled meeting.

### *Section 3. Absenteeism*

A Commission member shall be assumed to have resigned his or her position, thereby forfeiting his or her unexpired term of office if, during the calendar year, he or she is absent three (3) consecutive times or a total of four (4) times including special meetings, provided at least five (5) days' notice has been given.

## **ARTICLE IV**

### **Officers**

A chairman, and vice-chairman shall be elected by the membership of the organization at the annual meeting, to serve a one-year term.

and

No member may hold more than one office at a time.

The Chairman shall preside at all meetings of the Commission and shall be a voting member, shall appoint special and standing committee chairmen and shall have the authority to appoint special committees as deemed necessary by the membership. The chairman shall be an ex-officio member of all committees, without vote.

The Vice-Chairman shall assist the chairman as needed and shall serve as the presiding officer in the absence of the chairman. The vice-chairman shall have the right to vote on all issues that come before the membership.

Any vacancy in an office shall be filled by election of the Commission at its next regular or special meeting.

## ARTICLE V

### Meetings

*Section 1.* A regular meeting of the Commission shall be held annually at a time agreed upon by the Commission, unless it is determined by the chairman that a specific meeting date and time must be changed due to the weather, lack of a quorum or some other sufficient reason. The Commission has the authority to change the meeting day and date by a majority vote of those present and voting when a quorum is present.

*Section 2.* The Commission is empowered to hold and conduct public meetings, which must be open to the public in accordance with the Texas Open Meeting Act, Chapter 551, Texas Government Code.

*Section 3.* The Commission or the Chairman shall have the authority to call a special meeting with at least five (5) days' notice to all members. Only the business specified in the call of the meeting may be discussed.

*Section 4.* A majority of the members shall constitute a quorum.

## ARTICLE VI

### Parliamentary Authority

The rules contained in the current edition of Robert's Rules of Order Newly Revised shall govern the Commission in all cases in which they are applicable and in which they are not inconsistent with these bylaws, any special rules, the City Charter or State law.

## ARTICLE VII

### Amendment of ByLaws

These bylaws may be amended at any regular or special meeting of the commission by a two-third (2/3) vote of those present and voting with a quorum in attendance, provided at least fifteen (15) day written notice has been given to all members. No amendment adopted by the commission shall become effective until after approval by the City Council.

Adopted May 10, 2021



5/10/2021

Agenda Item No. C)

---

**PRESENTER:**

Mark Enders, Watershed Program Manager

**SUBJECT:**

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

**DEPARTMENT:** Public Works, Engineering & Watershed Mgmt**COUNCIL DISTRICTS IMPACTED:** All**BACKGROUND INFORMATION:**

Resolution No. 2011-R14 was approved by City Council in February 2011. The resolution established the Watershed Advisory Committee (WAC) and includes provisions related to the composition of the committee.

Amendments to the resolution are being proposed and the amendments include: 1) allowing WAC applicants/members to be either from the City limits or the City's Extraterritorial Jurisdiction (ETJ); 2) replacing the Agricultural landowner position with a second At-Large position; 3) including language to clarify that the committee will consist of nine (9) members and the Mayoral appointment for WAC chairperson will be selected from the nine person committee.

The WAC reviewed the proposed amendments to Resolution No. 2011-R14 at their April 22<sup>nd</sup>, 2021 meeting and made a recommendation that City Council approve the amendments.

A new resolution has been drafted that would supersede Resolution No. 2011-R14 pending Council approval of the revisions.

**ISSUE:**

The revisions to the Resolution are being proposed for several reasons. The City's Drainage Design Criteria, which are considered by the WAC, extend to new developments in the City's ETJ. As such, it is recommended that the committee allow for representation from persons residing in the ETJ. The City Secretary has had a lack of qualified applicants for to fill the Agriculture Landowner position, resulting in a prolonged vacancy on the WAC. Replacing the Agricultural Landowner position with a second At-Large position will allow for a larger pool of applicants from which City Council can consider serving on the committee. The WAC to date has had ten (10) members which is problematic for the purpose of voting from the committee. Ensuring an odd number of members will allow for a majority vote. It is recommended that the current WAC chairperson fill the second At-large position that this amendment would create.

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**FISCAL IMPACT:**

None

**RECOMMENDATION:**

Staff recommends approval of amendments to Resolution No. 2011-R14, which establishes the City of New Braunfels Watershed Advisory Committee

## RESOLUTION NO. 2011-R14

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, CREATING A WATERSHED ADVISORY COMMITTEE OF NINE (9) MEMBERS FOR THE CITY; PROVIDING FOR APPOINTMENT OF COMMITTEE MEMBERS, TERMS OF OFFICE AND DUTIES; AND DECLARING AN EFFECTIVE DATE.**

WHEREAS, the City of New Braunfels has a population in excess of 50,000; and

WHEREAS, the mandated federal stormwater regulations apply to cities with populations in excess of 50,000; and

WHEREAS, the federal regulations require the appointment of an advisory committee to assist the City in developing stormwater regulations for the City; NOW, THEREFORE,

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

SECTION 1: That a New Braunfels Watershed Advisory Committee of nine (9) members is hereby created and the members of said Committee shall be appointed by the City Council. The Mayor shall appoint a ~~the~~ chairperson from the nine (9) member committee to for=serve a three-year term.

- a. Composition: The Committee shall consist of the following representatives from within the City limits or the City's Extraterritorial Jurisdiction: one (1) engineer; one (1) developer; one (1) landscape planner, architect or arborist; one (1) member representing the business community; one (1) member representing biological or environmental interests; one two (12) ~~one two (12)~~ citizens-at-large; ~~one (1) agricultural landowner within the watershed~~; and two (2) representatives from different home owners associations.
- b. Term: Each member shall serve a ~~three year~~ three-year term and the terms will be staggered. At the first meeting of the Committee, the members shall draw for terms so that three (3) members shall serve a one-year term, three (3) members shall serve a two-year term, and three (3) members shall serve a three-year term. Thereafter, any member appointed or reappointed to the Committee shall serve a three-year term unless the appointment is to fill an unexpired vacant term.
- c. Duties: The Committee shall review information and material with regard to stormwater and watershed management issues and provide advice to the City Council concerning the same. Specifically, the Committee will:

- (1) Serve as the federally mandated stormwater advisory committee and perform the functions of such committee pursuant to the federal stormwater regulations;
- (2) Provide advice to the Council on capital improvement projects involving stormwater and watershed matters;
- (3) Provide advice in the development or review of a drainage criteria manual;
- (4) Provide advice to the Council on regional watershed issues; and
- (5) Distribute information to the public and keep it informed and involved on watershed matters and issues.

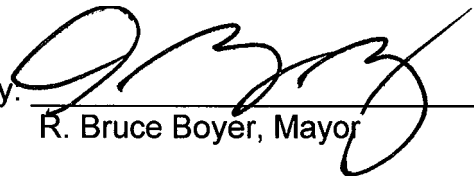
d. Miscellaneous: The members of the Committee shall serve at the pleasure of the City Council and a majority of the Council may remove a member from the Committee for any reason or no reason at all; and the Council may terminate the Committee at any time that it deems appropriate.

SECTION 2: That this Resolution shall become effective from and after the date of its passage.


PASSED, ADOPTED AND APPROVED this 28<sup>th</sup> day of February, 2011.



CITY OF NEW BRAUNFELS, TEXAS

By:   
R. Bruce Boyer, Mayor

ATTEST:

  
~~Patrick D. Aten, City Secretary~~  
Ann Smith, Interim Deputy City Secretary

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

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, CREATING A WATERSHED ADVISORY COMMITTEE OF NINE (9) MEMBERS FOR THE CITY; PROVIDING FOR APPOINTMENT OF COMMITTEE MEMBERS, TERMS OF OFFICE AND DUTIES; AND DECLARING AN EFFECTIVE DATE.**

WHEREAS, the City of New Braunfels has a population in excess of 50,000; and

WHEREAS, the mandated federal stormwater regulations apply to cities with populations in excess of 50,000; and

WHEREAS, the federal regulations require the appointment of an advisory committee to assist the City in developing stormwater regulations for the City; NOW, THEREFORE,

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

**SECTION 1:** That a New Braunfels Watershed Advisory Committee of nine (9) members is hereby created and the members of said Committee shall be appointed by the City Council. The Mayor shall appoint a chairperson from the nine (9) member committee to serve a three-year term.

- a. **Composition:** The Committee shall consist of the following representatives from within the City limits or the City's Extraterritorial Jurisdiction: one (1) engineer; one (1) developer; one (1) landscape planner, architect or arborist; one (1) member representing the business community; one (1) member representing biological or environmental interests; two (2) citizens-at-large; and two (2) representatives from different home owner associations.
- b. **Term:** Each member shall serve a three-year term and the terms will be staggered. At the first meeting of the Committee, the members shall draw for terms so that three (3) members shall serve a one-year term, three (3) members shall serve a two-year term, and three (3) members shall serve a three-year term. Thereafter, any member appointed or reappointed to the Committee shall serve a three-year term unless the appointment is to fill an unexpired vacant term.
- c. **Duties:** The Committee shall review information and material with regard to stormwater and watershed management issues and provide advice to the City Council concerning the same. Specifically, the Committee will:

- (1) Serve as the federally mandated stormwater advisory committee and perform the functions of such committee pursuant to the federal stormwater regulations;
- (2) Provide advice to the Council on capital improvement projects involving stormwater and watershed matters;
- (3) Provide advice in the development or review of a drainage criteria manual;
- (4) Provide advice to the Council on regional watershed issues; and
- (5) Distribute information to the public and keep it informed and involved on watershed matters and issues.

- d. Miscellaneous: The members of the Committee shall serve at the pleasure of the City Council and a majority of the Council may remove a member from the Committee for any reason or no reason at all; and the Council may terminate the Committee at any time that it deems appropriate.

SECTION 2: That this Resolution shall become effective from and after the date of its passage.

PASSED, ADOPTED AND APPROVED this \_\_\_\_ day of May 2021.

**CITY OF NEW BRAUNFELS**

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

**ATTEST:**

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

**APPROVED AS TO FORM:**

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

5/10/2021

Agenda Item No. D)

**PRESENTER:**

Barbara Coleman, Purchasing Manager

**SUBJECT:**

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

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

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

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

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

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

Vendor Source	Service	Contract Value
Taylormade Golf Company Inc.	Golf supplies and equipment for in-stock merchandise for Landa Park Golf Store. Supplies include golf balls, gloves, headwear, golf bags, golf clubs. Requesting an increase from \$25,000 to \$32,000 for additional custom materials to support the Rotary Golf Tournament. - Funding is incorporated into the Land Park Golf Enterprise fund.	\$32,000

**ISSUE:**

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Strategic Priorities: Maintain fiscal stability of City operations

**FISCAL IMPACT:**

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

**RECOMMENDATION:**

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



5/10/2021

Agenda Item No. E)

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**PRESENTER:**

Mark Enders, Watershed Program Manager

**SUBJECT:**

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

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

The Dry Comal Creek and Comal River Watershed Protection Plan (WPP) is being implemented to reduce bacteria loading to the Comal River and Dry Comal Creek to meet State water quality standards for bacteria. The WPP includes a host of education and outreach measures to inform the community of non-point source pollution, bacteria sources and general watershed stewardship. One education and outreach format is the production of online educational games that will be focused towards children and schools in order to extend WPP education to those groups.

City staff reached out to three game and software development firms to solicit quotes for the development of the educational games. Staff has selected 50 Foot Design for this effort. The scope of work is valued at \$26,000.

**ISSUE:**

The Dry Comal Creek and Comal River WPP is intended to address the water (bacteria) impairment of the Dry Comal Creek and Comal River.

**FISCAL IMPACT:**

The City has a grant contract in place with the Texas Commission of Environmental Quality (TCEQ) for the implementation of the WPP. All funds expended by the City to support the development of the educational games will be reimbursed to the City by TCEQ.

**RECOMMENDATION:**

Staff recommends approval of a contract with 50 Foot Design for the production of two virtual watershed educational games associated with the Dry Comal Creek and Comal River Watershed Protection Plan.



5/10/2021

Agenda Item No. F)

**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 of approximately 2.3 acres out of the H. Foster Survey No. 34, Abstract No. 154, Comal County, Texas, addressed at 948 Broadway from "M-2" Heavy Industrial District to "MU-A" Low Intensity Mixed Use District.

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

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

**Owner:** Robert Culpepper  
948 Broadway St.  
New Braunfels, TX 78130  
(830) 743-3058      culpepperplumbing@satx.rr.com

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

**City Council held a public hearing on April 26, 2021 and unanimously approved the first reading of the applicant's requested rezoning ordinance (7-0-0).**

The subject property is located on the south side of Broadway between Rusk St. and Flushing. The property fronts Broadway, a 60-foot wide Collector, and abuts a 115-foot wide City drainage right-of-way to the rear of the property, just north of the Union Pacific Railroad track. The 2.3-acre property is currently developed with a single-family home constructed in 1920 and two accessory buildings.

The owner would like to subdivide the property and keep the ability to utilize the property for residential and is requesting a zoning change to "MU-A" Low Intensity Mixed Use District, which allows a mixture of residential and commercial uses. The MU-A District does not include the more intense manufacturing and industrial uses permitted in the current M-2 District and is intended to provide for a mixture of retail, service, office, and residential uses in close proximity to enable people to live, work and shop in a close location.

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*Surrounding Zoning and Land Use:*

North - Across Broadway, R-3 / Single-family residences and agricultural use

South - M-2 / City Drainage Right-of-way and Union Pacific Railroad track

East - M-2 / Single-family residence

West - M-2 / single-family residence

**ISSUE:**

The proposed rezoning to "MU-A" Low Intensity Mixed Use District is consistent with the following actions from Envision New Braunfels:

Action 1.3: Encourage balanced and fiscally responsible land use patterns.

Action 3.2: Plan for healthy jobs/housing balance.

Action 3.3: Balance commercial centers with stable neighborhoods.

The property lies within the New Braunfels Sub Area near existing Employment, Market, Civic, Outdoor Recreation and Tourist/Entertainment Centers, and near a future Employment Center.

**FISCAL IMPACT:**

N/A

**RECOMMENDATION:**

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

Staff recommends approval as this area is transitioning from heavy industrial to less intense mixed use. MU-A would be consistent with the mix of commercial and residential uses in the vicinity as well as planned development nearby.

*Notification:*

Public hearing notices were sent to 11 owners of property within 200 feet. One response has been received in favor from property owner #4 and none opposed.

*Resource Links:*

Chapter 144-3.3-12 "M-2" Heavy Industrial District, of the City's Code of Ordinances:

[https://library.municode.com/tx/new\\_braunfels/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH144ZO\\_ARTIII\\_ZODI\\_S144-3.3ZODIREPRZOPRJU221987](https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?nodeId=PTIICOOR_CH144ZO_ARTIII_ZODI_S144-3.3ZODIREPRZOPRJU221987)

Chapter 144, Sec. 3.4-10 "MU-A" Low Intensity Mixed Use District:

[https://library.municode.com/tx/new\\_braunfels/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH144ZO\\_ARTIII\\_ZODI\\_S144-3.4ZODIREPRZOSUJU221987](https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?nodeId=PTIICOOR_CH144ZO_ARTIII_ZODI_S144-3.4ZODIREPRZOSUJU221987)

*Attachments:*

1. Aerial Map
2. Land Use Maps (Zoning, Existing and Future Land Use)
3. TIA Worksheet
4. M-2 District and MU-A District Comparison Table
5. Notification List and Map
6. Excerpt of minutes from the April 6, 2021 Planning Commission regular meeting

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## 7. Ordinance

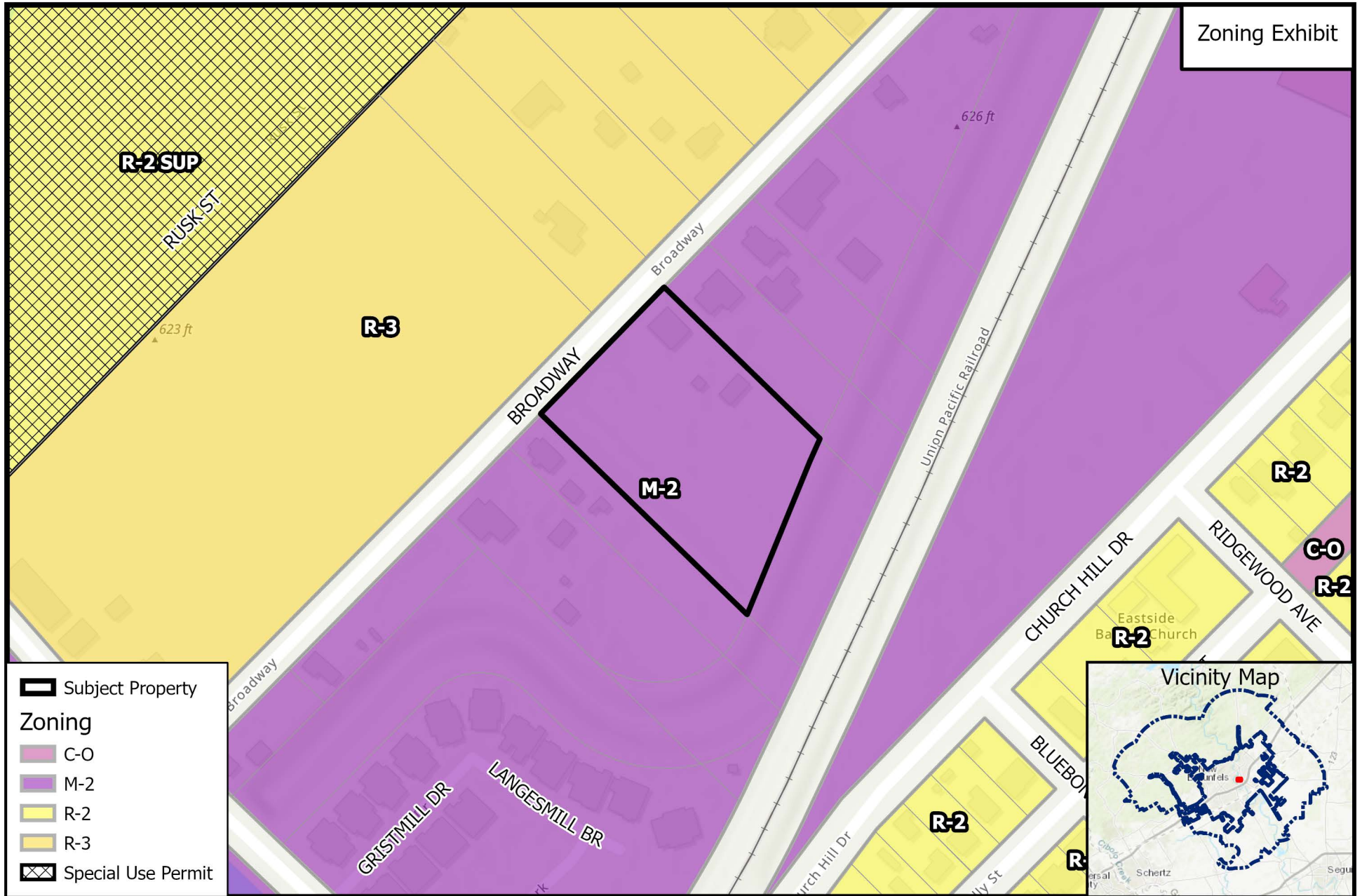


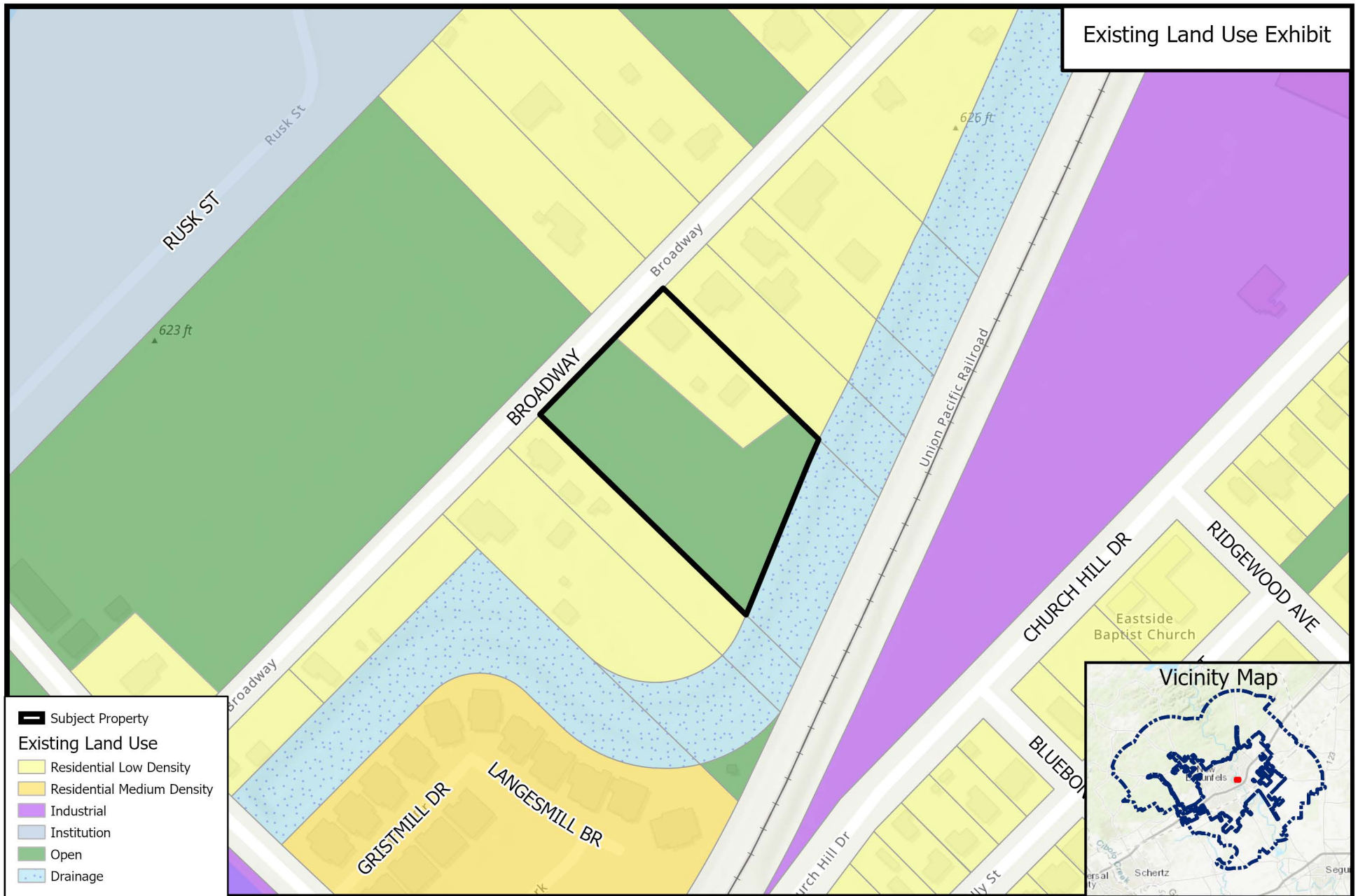


**PZ21-0083**  
**Rezoning from M-2 to MU-A**









**PZ21-0083**  
**Rezoning from M-2 to MU-A**





## EXISTING CENTERS

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

### EMPLOYMENT CENTER

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

### MARKET CENTER

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

### MEDICAL CENTER

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

### CIVIC CENTER

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

### OUTDOOR RECREATION CENTER

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

### EDUCATION CENTER

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

### TOURIST/ENTERTAINMENT CENTER

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





# FUTURE LAND USE PLAN

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

## TRANSITIONAL MIXED-USE CORRIDOR

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

## OUTDOOR RECREATION CENTER

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

## EMPLOYMENT CENTER

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

## MARKET CENTER

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

## CIVIC CENTER

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

## SUB AREA 1

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

## SUB AREA 2

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

## SUB AREA 3

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

## SUB AREA 4

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

## SUB AREA 5

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

## SUB AREA 6

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

## SUB AREA 7

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

## SUB AREA 8

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





## CITY OF NEW BRAUNFELS TRAFFIC IMPACT ANALYSIS (TIA) WORKSHEET

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

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

### Section 1: General Information

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

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

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

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

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

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

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

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

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

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

## M-2 District & MU-A District Comparison Chart

P = Permitted Use	Existing	Proposed
	M-2	MU-A
Accessory building/structure (see section 144-5.4)		P
Accessory dwelling (one accessory dwelling per lot, no kitchen)		P
Accounting, auditing, bookkeeping, and tax preparations	P	P
Acid manufacture		
Adult day care (no overnight stay)		P
Adult day care (with overnight stay)		P
Aircraft support and related services	P	
Airport	P	
All-terrain vehicle (ATV) dealer/sales	P	
Ambulance service (private)	P	
Amphitheaters (outdoor live performances)	P	
Amusement devices/arcade (four or more devices)	P	P
Amusement services or venues (indoors) (see section 144-5.13)	P	
Amusement services or venues (outdoors)	P	
Animal grooming shop	P	P
Answering and message services	P	P
Antique shop	P	P
Appliance repair	P	P
Archery range	P	
Armed services recruiting center	P	P
Art dealer/gallery	P	P
Artist or artisans studio	P	P
Assembly/exhibition hall or areas	P	
Assisted living facility/retirement home		P
Athletic fields	P	
Auction sales (non-vehicle)	P	
Auto body repair, garages (see section 144-5.11)	P	
Auto glass repair/tinting (see section 144-5.11)	P	
Auto interior shop/upholstery (see section 144-5.11)	P	
Auto leasing	P	P
Auto muffler shop (see section 144-5.11)	P	
Auto or trailer sales rooms or yards (see section 144-5.12)	P	
Auto or truck sales rooms or yards—Primarily new (see section 144-5.12)	P	
Auto paint shop	P	
Auto repair as an accessory use to retail sales	P	
Auto repair garage (general) (see section 144-5.11)	P	
Auto supply store for new and factory rebuilt parts	P	P
Auto tire repair/sales (indoor)	P	P
Auto wrecking yards		
Automobile driving school (including defensive driving)	P	
Bakery (retail)	P	P
Bank, savings and loan, or credit union	P	P
Bar/tavern (no outdoor music)	P	P
Bar/tavern	P	P

Barber/beauty college (barber or cosmetology school or college)	P	
Barber/beauty shop, haircutting (non-college)	P	P
Barns and farm equipment storage (related to agricultural uses)	P	P
Battery charging station	P	P
Bed and breakfast inn (see section 144-5.6)		P
Bicycle sales and/or repair	P	P
Billiard/pool facility	P	
Bingo facility	P	P
Bio-medical facilities	P	
Blacksmith or wagon shops	P	
Blooming or rolling mills	P	
Boarding house/lodging house		
Book binding	P	P
Book store	P	P
Bottling or distribution plants (milk)	P	
Bottling works	P	
Bowling alley/center (see section 144-5.13)	P	
Breweries/distilleries and manufacture of alcohol and alcoholic beverages	P	
Broadcast station (with tower) (see section 144-5.7)	P	
Bulk storage of gasoline, petroleum products, liquefied petroleum and flammable liquids (see section 5.27)		
Bus barns or lots	P	
Bus passenger stations	P	
Cabin or cottage (rental)		
Cabin or cottage (rental for more than 30 days)		
Cafeteria/cafe/delicatessen	P	P
Campers' supplies	P	P
Campgrounds		
Canning/preserving factories	P	
Car wash (self-service; automated)	P	
Car wash, full service (detail shop)	P	
Carpenter, cabinet, or pattern shops	P	
Carpet cleaning establishments	P	
Caterer	P	P
Cement, lime, gypsum or plaster of Paris manufacture		
Cemetery and/or mausoleum	P	P
Check cashing service	P	P
Chemical laboratories (e.g., ammonia, bleaching powder)	P	
Chemical laboratories (not producing noxious fumes or odors)	P	
Child day care/children's nursery (business)		P
Church/place of religious assembly	P	P
Cider mills	P	
Civic/conference center and facilities	P	
Cleaning, pressing and dyeing (non-explosive fluids used)	P	P
Clinic (dental)		P
Clinic (emergency care)		P
Clinic (medical)		P



Club (private)	P	
Coffee shop	P	P
Cold storage plant	P	
Commercial amusement concessions and facilities	P	
Communication equipment—Installation and/or repair	P	P
Community building (associated with residential uses)	P	P
Community home (see definition)		P
Computer and electronic sales	P	P
Computer repair	P	P
Concrete or asphalt mixing plants—Permanent	P	
Concrete or asphalt mixing plants—Temporary	P	
Confectionery store (retail)	P	P
Consignment shop	P	P
Contractor's office/sales, with outside storage including vehicles	P	
Contractor's temporary on-site construction office	P	P
Convenience store with gas sales	P	
Convenience store without gas sales	P	P
Cotton ginning or baling works	P	
Country club (private)	P	
Credit agency	P	P
Crematorium	P	
Curio shops	P	P
Custom work shops	P	P
Dance hall/dancing facility (see section 144-5.13)	P	
Day camp		
Department store	P	P
Distillation of bones		
Dormitory (in which individual rooms are for rental)		
Drapery shop/blind shop	P	P
Driving range	P	
Drug store/pharmacy	P	P
Duplex/two-family/duplex condominiums		P
Electrical generating plant	P	
Electrical repair shop	P	P
Electrical substation	P	P
Electronic assembly/high tech manufacturing	P	
Electroplating works	P	
Enameling works	P	
Engine repair/motor manufacturing re-manufacturing and/or repair	P	
Explosives manufacture or storage		
Exterminator service	P	
Fairground	P	
Family home adult care		P
Family home child care		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
Feed and grain store	P	
Fertilizer manufacture and storage		
Filling station (gasoline tanks must be below the ground)	P	
Florist	P	P
Flour mills, feed mills, and grain processing	P	
Food or grocery store with gasoline sales	P	
Food or grocery store without gasoline sales	P	P
Food processing (no outside public consumption)	P	
Forge (hand)	P	
Forge (power)	P	
Fraternal organization/civic club (private club)	P	
Freight terminal, rail/truck (when any storage of freight is wholly outside an enclosed building)	P	
Freight terminal, truck (all storage of freight in an enclosed building)	P	
Frozen food storage for individual or family use	P	P
Funeral home/mortuary	P	
Furniture manufacture	P	
Furniture sales (indoor)	P	
Galvanizing works	P	
Garbage, offal or dead animal reduction or dumping		
Garden shops and greenhouses	P	P
Gas manufacture		
Gas or oil wells		
Golf course (public or private)	P	P
Golf course (miniature)	P	
Government building or use with no outside storage (outside storage allowed in M-2 and M-2A)	P	P
Grain elevator	P	
Greenhouse (commercial)	P	P
Handicraft shop	P	P
Hardware store	P	P
Hay, grain, and/or feed sales (wholesale)		
Health club (physical fitness; indoors only)	P	P
Heating and air-conditioning sales/services	P	P
Heavy load (farm) vehicle sales/repair (see section 144-5.14)	P	
Heavy manufacturing	P	
Heliport	P	
Hides/skins (tanning)	P	
Home occupation (see section 144-5.5)		P
Home repair and yard equipment retail and rental outlets	P	
Hospice		P
Hospital, general (acute care/chronic care)	P	
Hospital, rehabilitation	P	P
Hotel/motel	P	
Hotels/motels—Extended stay (residence hotels)		
Ice delivery stations (for storage and sale of ice at retail only)	P	

Ice plants	P	
Indoor or covered sports facility		
Industrial laundries	P	
Iron and steel manufacture		
Junkyards, including storage, sorting, baling or processing of rags		
Kiosk (providing a retail service)	P	P
Laboratory equipment manufacturing	P	
Laundromat and laundry pickup stations	P	P
Laundry, commercial (without self-serve)	P	
Laundry/dry cleaning (drop off/pick up)	P	P
Laundry/washateria (self-serve)	P	P
Lawnmower sales and/or repair	P	P
Leather products manufacturing	P	
Light manufacturing	P	
Limousine/taxi service	P	
Livestock sales/auction	P	
Locksmith	P	P
Lumber mill	P	
Lumberyard (see section 144-5.15)	P	
Lumberyard or building material sales (see section 144-5.15)	P	
Machine shop	P	
Maintenance/janitorial service	P	
Major appliance sales (indoor)	P	
Manufacture of carbon batteries		
Manufacture of paint, lacquer, oil, turpentine, varnish, enamel, etc.		
Manufacture of rubber, glucose, or dextrin		
Manufactured home—HUD Code compliant (see Texas Occupations Code ch. 1201)		
Manufactured home park—HUD Code compliant (see Texas Occupations Code ch. 1201)		
Manufactured home subdivision—HUD Code compliant (see Texas Occupations Code ch. 1201)		
Manufactured home sales	P	
Manufacturing and processes	P	
Manufacturing processes not listed		
Market (public, flea)	P	
Martial arts school	P	P
Meat or fish packing/storage plants	P	
Medical supplies and equipment	P	
Metal fabrication shop	P	
Micro brewery (onsite mfg. and/or sales)	P	
Mini-warehouse/self-storage units (no boat and RV storage permitted)	P	
Mini-warehouse/self-storage units with outside boat and RV storage	P	
Monument, gravestone, or marble works (manufacture)		
Motion picture studio, commercial film	P	
Motion picture theater (indoors)	P	
Motion picture theater (outdoors, drive-in)	P	

Motorcycle dealer (primarily new/repair)	P	
Moving storage company	P	
Moving, transfer, or storage plant	P	
Multifamily (apartments/condominiums)		P
Museum	P	P
Natural resource extraction and mining		
Needlework shop	P	P
Nonbulk storage of gasoline, petroleum products and liquefied petroleum	P	
Nursing/convalescent home/sanitarium		P
Offices, brokerage services	P	P
Offices, business or professional	P	P
Offices, computer programming and data processing	P	P
Offices, consulting	P	P
Offices, engineering, architecture, surveying or similar	P	P
Offices, health services	P	P
Offices, insurance agency	P	P
Offices, legal services, including court reporting	P	P
Offices, medical offices	P	P
Offices, real estate	P	P
Offices, security/commodity brokers, dealers, exchanges and financial services	P	P
Oil compounding and barreling plants		
One-family dwelling, detached		P
Outside storage (as primary use)	P	
Paint manufacturing	P	
Paper or pulp manufacture		
Park and/or playground (private and public)	P	P
Parking lots (for passenger car only) (not as incidental to the main use)	P	P
Parking structure/public garage	P	P
Pawn shop	P	P
Personal watercraft sales (primarily new/repair)	P	
Pet shop/supplies (less than 10,000 sq. ft.)	P	P
Pet store (over 10,000 sq. ft.)	P	
Petroleum or its products (refining of)		
Photo engraving plant	P	
Photographic printing/duplicating/copy shop or printing shop	P	P
Photographic studio (no sale of cameras or supplies)	P	P
Photographic supply	P	P
Plant nursery (no retail sales on site)	P	P
Plant nursery (retail sales/outdoor storage)	P	P
Plastic products molding/reshaping	P	
Plumbing shop	P	
Portable building sales	P	
Poultry killing or dressing for commercial purposes	P	
Propane sales (retail)	P	
Public recreation/services building for public park/playground areas	P	P

Publishing/printing company (e.g., newspaper)	P	
Quick lube/oil change/minor inspection	P	P
Radio/television shop, electronics, computer repair	P	P
Railroad roundhouses or shops		
Rappelling facilities	P	
Recreation buildings (private)	P	P
Recreation buildings (public)	P	P
Recycling kiosk	P	P
Refreshment/beverage stand	P	P
Rental or occupancy for less than one month (see section 144-5.17)		
Research lab (non-hazardous)	P	
Residential use in buildings with non-residential uses permitted in the district		P
Restaurant/prepared food sales	P	P
Restaurant with drive-through service	P	P
Retail store and shopping center without drive-through service (50,000 sq. ft. bldg. or less)	P	P
Retail store and shopping center with drive-through service (50,000 sq. ft. bldg. or less)	P	P
Retail store and shopping center (more than 50,000 sq. ft. bldg.)	P	
Retirement home/home for the aged		P
Rock crushers and rock quarries		
Rodeo grounds	P	
RV park		
RV/travel trailer sales	P	
Sand/gravel sales (storage or sales)	P	
School, K-12 public or private	P	P
School, vocational (business/commercial trade)	P	P
Security monitoring company (no outside storage or installation)	P	P
Security systems installation company	P	P
Sexually oriented business (see chapter 18)		
Sheet metal shop	P	
Shoe repair shops	P	P
Shooting gallery—Indoor (see section 144-5.13)	P	
Shooting range—Outdoor (see section 144-5.13)		
Shopping center	P	P
Sign manufacturing/painting plant	P	
Single-family industrialized home (see section 144-5.8)		P
Smelting of tin, copper, zinc or iron ores		
Specialty shops in support of project guests and tourists	P	P
Stables (as a business) (see chapter 6)		
Stables (private, accessory use) (see chapter 6)		
Steel furnaces		
Stockyards or slaughtering		
Stone/clay/glass manufacturing	P	
Storage—Exterior storage for boats and recreational vehicles	P	
Storage in bulk	P	
Structural iron or pipe works		

Studio for radio or television, without tower (see zoning district for tower authorization)	P	
Studios (art, dance, music, drama, reducing, photo, interior decorating, etc.)	P	P
Sugar refineries		
Tailor shop (see home occupation)	P	P
Tar distillation or manufacture		
Tattoo or body piercing studio	P	P
Taxidermist	P	
Telecommunications towers/antennas (see section 144-5.7)		
Telemarketing agency	P	P
Telephone exchange buildings (office only)	P	P
Tennis court (commercial)	P	
Theater (non-motion picture; live drama)	P	P
Tire sales (outdoors)	P	
Tool rental	P	P
Townhouse (attached)		P
Transfer station (refuse/pick-up)	P	
Travel agency	P	P
Truck or transit terminal	P	
Truck stop		
Tuber entrance and takeout facilities (see section 144-5.13)		
University or college (public or private)	P	P
Upholstery shop (non-auto)	P	
Used or second hand merchandise/furniture store	P	
Vacuum cleaner sales and repair	P	P
Vehicle storage facility		
Veterinary hospital (no outside animal runs or kennels)	P	P
Veterinary hospital (with outdoor animal runs or kennels that may not be used between the hours of 9:00 p.m. and 7:00 a.m.)	P	
Video rental/sales	P	P
Warehouse/office and storage/distribution center	P	
Waterfront amusement facilities—Berthing facilities sales and rentals	P	
Waterfront amusement facilities—Boat fuel storage/dispensing facilities	P	
Waterfront amusement facilities—Boat landing piers/launching ramps	P	
Waterfront amusement facilities—Swimming/wading pools/bathhouses	P	
Water storage (surface, underground or overhead), water wells and pumping stations that are part of a public or municipal system	P	P
Welding shop	P	
Wholesale sales offices and sample rooms	P	
Wire or rod mills		
Wood distillation plants (charcoal, tar, turpentine, etc.)		
Woodworking shop (ornamental)	P	P
Wool scouring		
Zero lot line/patio homes		P

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

Zoom Meeting

**Applicant/Owner:** HMT Engineering & Surveying, Bill Ball

**Address/Location:** 2.3 acres out of the H. Foster Survey No. 34, Abstract No. 154, Comal County, Texas, addressed at 948 Broadway

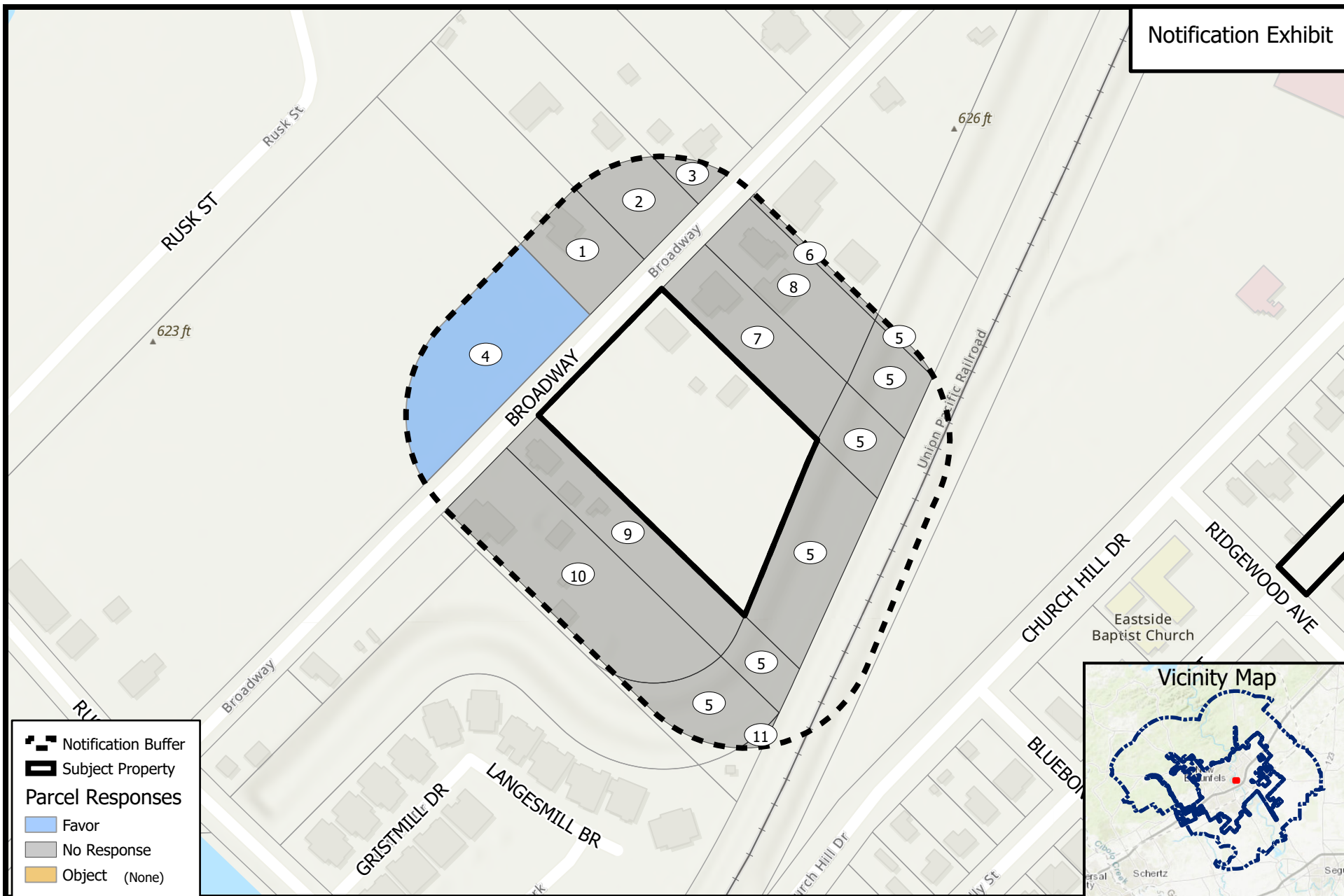
**PROPOSED ZONE CHANGE – CASE #PZ21-0083**

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”.

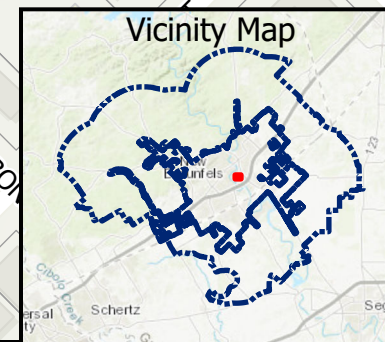
- |                                |                              |
|--------------------------------|------------------------------|
| 1. JOHN ANTHONY L & MARIE      | 7. MEYER MARTIN D & BETTIE A |
| 2. HANZ CRAIG E & NITA         | 8. LEWIS COREY & TABITHA J   |
| 3. WATKINS RITZIE N            | 9. CULPEPPER TRAVIS          |
| 4. MYRTLE MARIE PROPERTIES LLC | 10. CELLI ANTHONY & ANN      |
| 5. NEW BRAUNFELS CITY OF       | 11. PROPERTY OWNER           |
| 6. ZGABAY STEPHEN C & TAMMY T  |                              |

---

**SEE MAP**



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







Department of Planning and Development Services

## NOTICE OF PUBLIC HEARING

View details here:

[nbtexas.org/PublicNotice](http://nbtexas.org/PublicNotice)

The New Braunfels Planning Commission will hold a public hearing at the request of **HMT Engineering & Surveying, agent for, Robert Culpepper, owner**, to consider a recommendation to City Council on the following rezoning request:

**Property:** Approximately 2.3 acres out of the H. Foster Survey No. 34, Abstract No. 154, Comal County, Texas, addressed at 948 Broadway

**From:** "M-2" Heavy Industrial District

**To:** "MU-A" Low Intensity Mixed Use District. Additional information can be found at the following website: [nbtexas.org/PublicNotice](http://nbtexas.org/PublicNotice)

Because your property is located within 200 feet of the request, State law requires that we notify you of the public hearing. **However, the zoning of your property will not be changed.** The public hearing process allows an opportunity for you to provide comments on the request. This aids the Commission in making a recommendation to City Council.

Public hearings for this request are scheduled before the Planning Commission on **Tuesday, April 6, 2021**, at 6:00 p.m. virtually via **Zoom Meeting**. Information on how to join the meeting is included with this notice. The Planning Commission's recommendation will be considered by City Council in another public hearing, tentatively scheduled for **Monday, April 26, 2021**. Both meetings are open to the public. All interested persons are invited to join these meetings.

If you wish to submit written comments, please complete ALL of the information below and return to:

Mail: City of New Braunfels  
Planning Commission  
550 Landa Street  
New Braunfels, TX 78130

Email: [mgreene@nbtexas.org](mailto:mgreene@nbtexas.org)

**If you have questions, please call Matt Greene at (830) 221-4053**

Matt Greene

-----  
**YOUR OPINION MATTERS - DETACH AND RETURN**

**Case: #PZ21-0083 (MG)**

Name: Myrtle Marie Properties, LLC  
Address: 27725 Legacy Wds, Boerne, TX 78015  
Property number on map: A  
(705 Broadway)

Comments: (Use additional sheets if necessary)

I favor: ✓

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

Signature: Danny K. Crawford  
managing member

## **ORDINANCE NO. 2021-**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS REZONING APPROXIMATELY 2.3 ACRES OUT OF THE H. FOSTER SURVEY NO. 34, ABSTRACT NO. 154, COMAL COUNTY, TEXAS, ADDRESSED AT 948 BROADWAY, FROM “M-2” HEAVY INDUSTRIAL DISTRICT TO “MU-A” LOW INTENSITY MIXED USE DISTRICT; 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 “MU-A” Low Intensity Mixed-Use District, the City Council has given due consideration to all components of said district; and

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

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

**WHEREAS**, the City Council desires to amend the Zoning Map by rezoning approximately 2.3 acres out of the H. Foster Survey No. 34, Abstract No. 154, Comal County, Texas, addressed at 948 Broadway from “M-2” Heavy Industrial District to “MU-A” Low Intensity Mixed-Use District, **now, therefore**;

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

### **SECTION 1**

**THAT** pursuant to Section 1.2-3, Chapter 144 of the New Braunfels Code of Ordinances, the Zoning Map of the City of New Braunfels is revised by rezoning the following described tract of land from “M-2” Heavy Industrial District to “MU-A” Low Intensity Mixed-Use District:

Approximately 2.3 acres out of the H. Foster Survey No. 34, Abstract No. 154, Comal County, Texas, addressed at 948 Broadway as described in

Exhibit "A" and delineated in Exhibit "B" attached.

## **SECTION 2**

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

## **SECTION 3**

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

## **SECTION 4**

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

## **SECTION 5**

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

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

**PASSED AND APPROVED:** Second reading this 10th day of May, 2021.

**CITY OF NEW BRAUNFELS**

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

**ATTEST:**

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

**APPROVED AS TO FORM:**

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

**EXHIBIT "A"**  
**METES & BOUNDS DESCRIPTION**

**BEING A 2.31 ACRE TRACT OF LAND OUT OF THE HENRY FOSTER SURVEY NO. 34, ABSTRACT NO. 154, SITUATED IN NEW BRAUNFELS COMAL COUNTY, TEXAS, SAME BEING OUT OF THE REMAINING PORTION OF A CALLED 3.08 ACRE TRACT OF LAND DESCRIBED IN WARRANTY DEED, VOLUME 97, PAGE 56, OFFICIAL PUBLIC RECORDS COMAL COUNTY, TEXAS, SAME BEING CONVEYED TO MYRTLE MARIE PROPERTIES, LLC. KNOWN AS TRACT 2, IN DOCUMENT NUMBER 201806047340, OFFICIAL PUBLIC RECORDS COMAL COUNTY, TEXAS SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:**

**BEGINNING** at a found pipe, a point on the east R.O.W. Broadway Drive (Variable Width A.K.A. Broadway), marking the westerly corner of a remaining portion of a called 0.997 acre tract described in a deed to Myrtle Hanz in Document No. 200506016535, Official Public Records of Comal County, Texas, and being the most northerly corner of said 3.08 acre tract, same being the north corner of herein described tract;

**THENCE**, along the common line of said 0.997 acre tract, said 3.08 acre tract, and the herein described tract, S 45°54'51" E, 330.95 feet (called S 45°), to a found ½" iron rod, marking the south corner of the remaining portion of said 0.997 acre tract, the west corner of a called 0.278 acre tract in a deed to the City of New Braunsfels, Texas and described in Document No. 200506040889, Official Public Records of Comal County, Texas, the north corner of a called 0.730 acre tract in a deed to the City of New Braunsfels, Texas, and described in Document No. 200606018364, Official Public Records of Comal County, Texas, same being the east corner of herein described tract;

**THENCE**, across and into said 3.08 acre tract, along the common boundary of said 0.730 acre tract, and herein described tract, S 24°29'29"W, 276.96 feet (S 24°27'49"E), to a found ½" iron rod with "yellow" cap, marking the west corner of said 0.730 acre tract, the north corner of a called 0.207 acre tract in a deed to the City of New Braunsfels, Texas, and described in Document No. 200606001671, Official Public Records of Comal County, Texas, the east corner of the remaining portion of a called 0.89 acre tract in a deed to Robert M. Culpepper described in Document No. 9806004370, Official Public Records of Comal County, Texas, also being a point along the southwest boundary line of said 3.08 acre tract, same being the south corner of herein described tract;

**THENCE**, along the common boundary line of said 0.89 acre tract, and said 3.08 acre tract, same being the herein described tract, N 47°08'00" W, 426.20 feet (N 44° W), to a set ½" iron rod with cap, on the said east R.O.W. of Broadway Drive, marking the north corner of said 0.89 acre tract, the west corner of said 3.08 acre tract, same being the west corner of herein described tract;

**THENCE**, continuing along said east R.O.W. of Broadway Drive, same the being the common boundary line of said 3.08 acre tract and herein described tract, N 44°34'02" E, 270.00 feet (N 45° E), to the **POINT OF BEGINNING** and containing 2.31 acres, more or less.

Basis of Bearing: Texas South Central NAD 83  
ALL SET ½" IRON RODS CAPPED WITH "AMERISURVEYORS" CAP

**EXHIBIT "A"**

2.296 ACRES OF LAND LOCATED IN THE HENRY FOSTER SURVEY NO. 34, ABSTRACT NO. 154, COMAL COUNTY, TEXAS, BEING THAT SAME LAND CLLED 2.31 ACRES, RECORDED IN DOCUMENT NO. 201906017583, OFFICIAL PUBLIC RECORDS, COMAL COUNTY, TEXAS.

TITLE COMMITMENT:  
CHICAGO TITLE INSURANCE COMPANY  
OF# SCT-49-4300121903921  
POLICY DATE: 5-23-19

#### SCHEDULE B

NO ITEMS WERE FOUND ON PAGE 1 AND 2 OF SCHEDULE B PROVIDED.

THIS SURVEYOR HAS NOT CONDUCTED A TITLE SEARCH TO DEPICT OTHER MATTERS OF RECORD, SUCH AS EASEMENTS, SETBACKS, RESTRICTIONS OR OTHER ENCUMBRANCES THAT MAY AFFECT THIS PROPERTY.

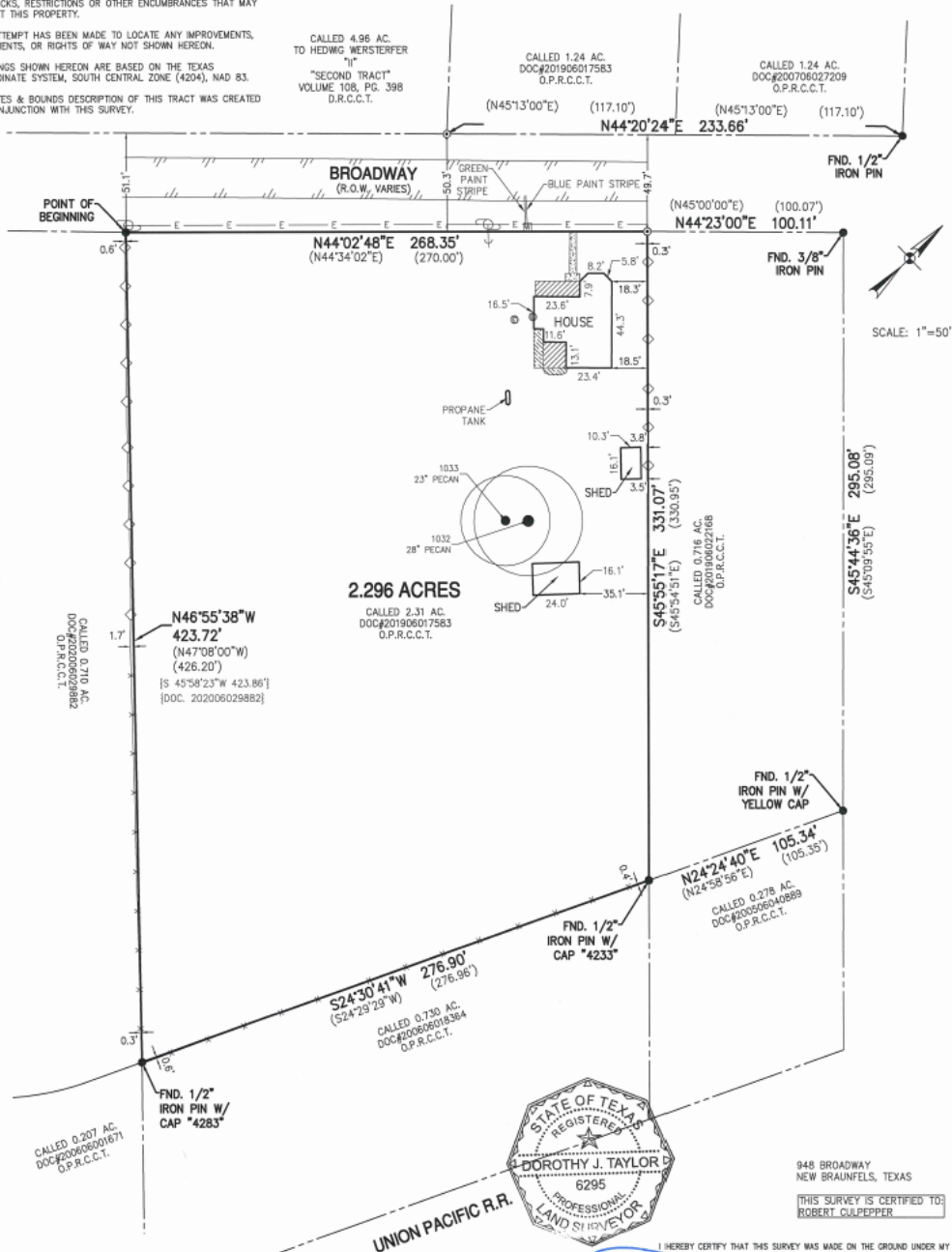
NO ATTEMPT HAS BEEN MADE TO LOCATE ANY IMPROVEMENTS, EASEMENTS, OR RIGHTS OF WAY NOT SHOWN HEREON.

BEARINGS SHOWN HEREON ARE BASED ON THE TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE (4204), NAD 83.

A METES & BOUNDS DESCRIPTION OF THIS TRACT WAS CREATED IN CONJUNCTION WITH THIS SURVEY.

#### LEGEND:

- = FND 1/2" IRON PIN W/ CAP STAMPED "4907" UNLESS OTHERWISE NOTED
- = FND 1" PIPE
- B.L. = BUILDING SETBACK LINE
- U.E. = UTILITY EASEMENT
- D.E. = DRAINAGE EASEMENT
- R.O.W. = RIGHT-OF-WAY
- ( ) = RECORD CALLS
- ⊕ = WATER METER
- ⊙ = CLEAN OUT
- ⌵ = GUY ANCHOR
- ⌋ = POWER POLE
- E — = OVERHEAD ELECTRIC
- X — = BARBED WIRE FENCE
- ◊ — = CHAIN LINK FENCE
- / — = EDGE OF ASPHALT
- ▭ = CONCRETE
- ▨ = COVERED WOOD DECK
- ▩ = WOOD DECK
- O.P.R.C.C.T. = OFFICIAL PUBLIC RECORDS OF COMAL COUNTY, TEXAS
- D.R.C.C.T. = DEED RECORDS OF COMAL COUNTY, TEXAS



**HMT**  
ENGINEERING & SURVEYING

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

DRAWN BY: JAF  
FIELD CREW: JG

12-23-20

I HEREBY CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUND UNDER MY SUPERVISION  
THIS 17TH DAY OF DECEMBER 2020  
DOROTHY J. TAYLOR  
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 6295  
PLT160

EXHIBIT "B"



5/10/2021

Agenda Item No. G)

**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 amend an existing Special Use Permit to allow an addition to a non-conforming single-family residence in the "M-1" Light Industrial District, addressed at 394 North Market Avenue.

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

Applicant/Owner: Leonard & Kay Kobeski  
394 N. Market Avenue  
New Braunfels, TX 78130  
(832) 372-2733 kobeski@att.net

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

**City Council held a public hearing on April 26, 2021 and approved the first reading of this requested rezoning ordinance. (7-0-0)**

The subject property is located at the intersection of North Market Avenue and East Zink Street, in a predominantly residential block that is currently zoned M-1 (Light Industrial District). Residential is not allowed by right in industrial zoning districts, therefore in 2020, the applicants requested an SUP to make the existing home a conforming use, allowing them to obtain building permits for a planned addition to the house. That SUP was approved by City Council on January 11, 2021.

**ISSUE:**

The existing residence was constructed in 1896. While the use is now conforming, the structure remains legally non-conforming because it does not meet current building setbacks for a corner lot. The house encroaches 9 feet into the 25-foot front setback along Market Avenue, and almost 20 feet into the 25-foot street side setback along Zink Street. Non-conforming structures are allowed to remain but may not be enlarged without approval of a variance or SUP.

This SUP is being requested to authorize additions to the non-conforming structure. As proposed, a new sun porch at the rear of the house will continue the existing 5'-3" street side setback. The new two-story garage will meet the required 25-foot street side and 20-foot rear setbacks; however, a second floor deck is proposed to be 10 feet from the property line along Zink Street, an encroachment of 15 feet into the building setback.

Right-of-way from the property line to the edge of Zink Street pavement is shown to be 12'-9", which is not included in the setback measurement but does increase the separation between the structures and the roadway.

---

Surrounding Zoning and Land Use:

North - Across Zink Street, C-2/ Single-family residence

South - M-1 / Single-family residence

East - M-1/ Commercial

West - Across Market Ave, C-2/ Single-family residence with short-term rental

**FISCAL IMPACT:**

N/A

**RECOMMENDATION:**

**Commission Recommendation:**

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

**Staff Recommendation:**

Approval. Most of the residential structures in this area were constructed between 1890 and 1950, prior to implementation of zoning and setback standards, therefore building setbacks vary. Allowing improvements to a nonconforming structure in an established neighborhood is consistent with strategies of Envision New Braunfels to encourage fiscally responsible land use that takes advantage of existing infrastructure and discourages sprawl. The setback encroachment along Zink Street does not appear to pose a public safety or traffic visibility issue.

Notification:

Public hearing notices were sent to owners of 17 properties within 200 feet of the request. To date, the City has received 9 responses in favor and 0 in opposition.

Resource Links:

Chapter 144, Sec. 2-3 (Non-conforming Uses) of the City's Code of Ordinances:

[Nonconforming uses and structures. | Code of Ordinances | New Braunfels, TX | Municode Library](https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?nodeId=PTIICOOR_CH144ZO_ARTIIIZOPRAD_S144-2.3NOUSST)  
<[https://library.municode.com/tx/new\\_braunfels/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH144ZO\\_ARTIIIZOPRAD\\_S144-2.3NOUSST](https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?nodeId=PTIICOOR_CH144ZO_ARTIIIZOPRAD_S144-2.3NOUSST)>

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

<[https://library.municode.com/tx/new\\_braunfels/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH144ZO\\_ARTIIIZODI\\_S144-3.6SPUSPE](https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?nodeId=PTIICOOR_CH144ZO_ARTIIIZODI_S144-3.6SPUSPE)>

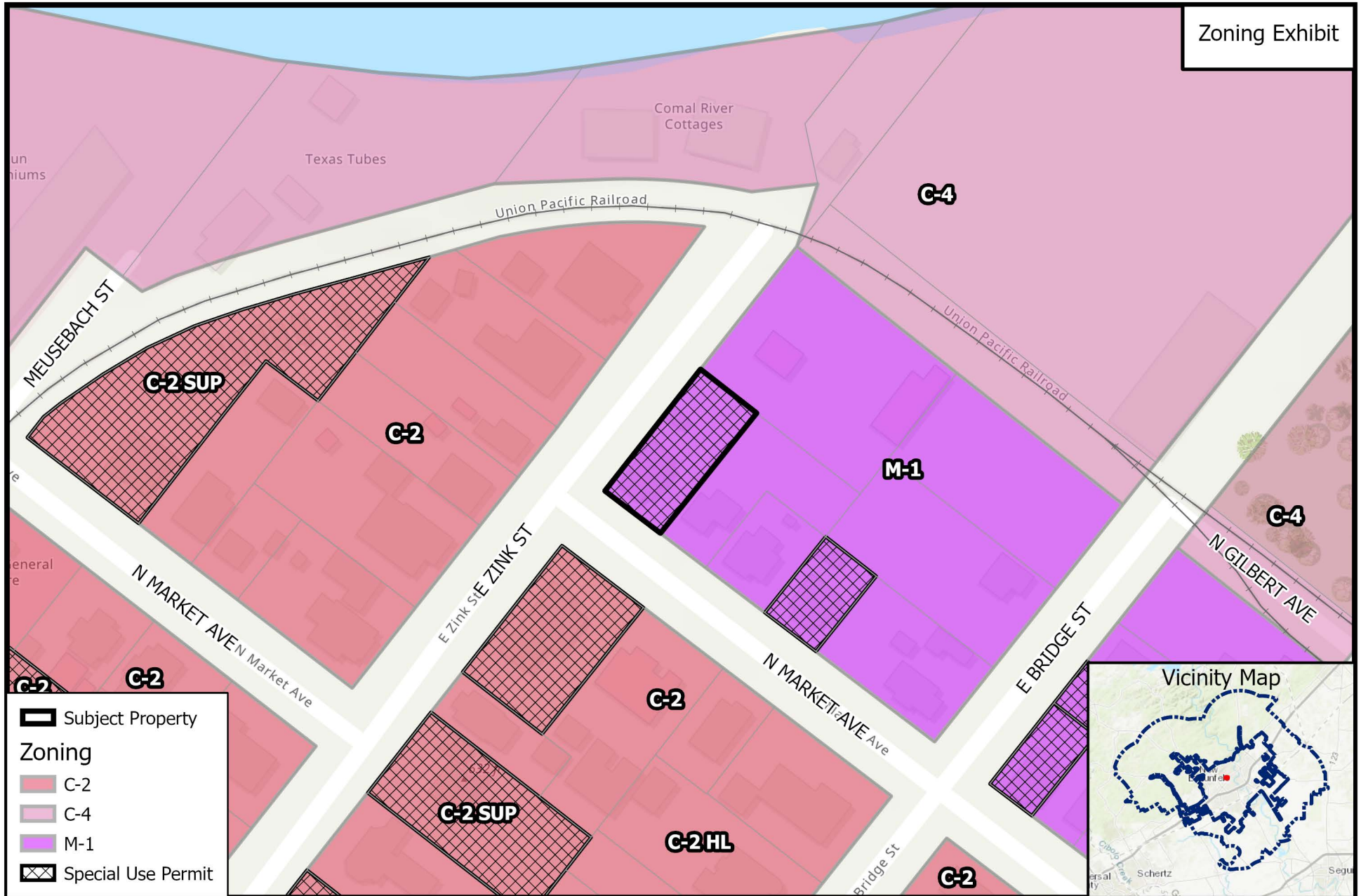
Attachments:

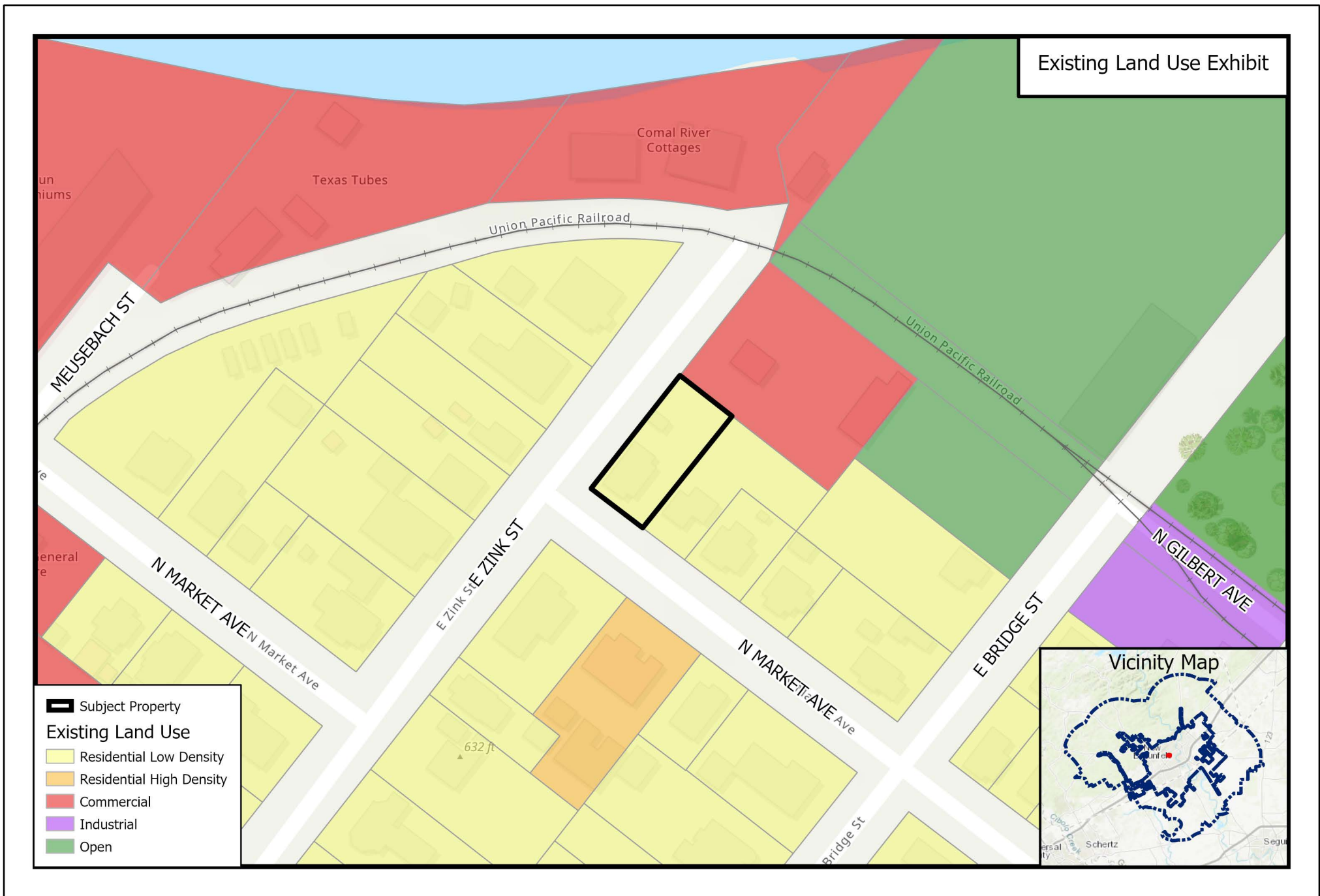
1. Aerial Map
2. Land Use Maps (Zoning, Existing, Future Land Use)
3. Application
4. Notification Map
5. Photographs
6. Ordinance









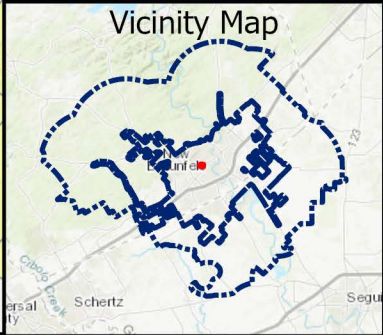


Existing Land Use Exhibit

**Subject Property**

**Existing Land Use**

- Residential Low Density
- Residential High Density
- Commercial
- Industrial
- Open



**SUP21-088**  
**Amendment to existing SUP**





## EXISTING CENTERS

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

### EMPLOYMENT CENTER

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

### MARKET CENTER

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

### MEDICAL CENTER

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

### CIVIC CENTER

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

### OUTDOOR RECREATION CENTER

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

### EDUCATION CENTER

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

### TOURIST/ENTERTAINMENT CENTER

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





# FUTURE LAND USE PLAN

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

## TRANSITIONAL MIXED-USE CORRIDOR

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

## OUTDOOR RECREATION CENTER

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

## EMPLOYMENT CENTER

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

## MARKET CENTER

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

## CIVIC CENTER

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

## SUB AREA 1

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

## SUB AREA 2

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

## SUB AREA 3

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

## SUB AREA 4

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

## SUB AREA 5

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

## SUB AREA 6

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

## SUB AREA 7

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

## SUB AREA 8

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







City of  
**New Braunfels**

**Planning & Community Development Department  
Planning Division**

550 Landa St. New Braunfels, TX 78130  
(830) 221-4050 [www.nbtexas.org](http://www.nbtexas.org)

CC/Cash/Check No. 7498

Case No. SUP21-088

Amount Recd. \$ 1,798.00

Receipt No. 29781

Submittal date – office use only



## Special Use Permit Application

Any application that is missing information will be considered incomplete and will not be processed.

1. **Applicant - If owner(s), so state; If agent or other type of relationship, a letter of authorization must be furnished from owner(s) at the time submitted.**

Leonard and Kay Kobeski

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

Mailing Address: 394 N. Market Ave. New Braunfels, Texas

Telephone: 832 656-6436 Fax: \_\_\_\_\_ Mobile: \_\_\_\_\_

Email: kobeski@att.net

2. **Property Address/Location:** 394 N. Market Ave.

3. **Legal Description:** A 0.221 of an acre tract of land, being out of lots 240 & 241, N.C.B. 2014, City of New Braunfels, Comal County, Texas.

Name of Subdivision: \_\_\_\_\_

Lot(s): 240 & 241 Block(s): \_\_\_\_\_ Acreage: 0.221 of an acre

4. **Existing Use of Property:** \_\_\_\_\_

5. **Current Zoning:** M1 district

6. **Proposed Special Use Permit\*: Type 1 \_\_\_\_\_ OR Type 2 \_\_\_\_\_** yes

\*see page 4 for information regarding Type 1 and Type 2 Special Use Permits

7. **Proposed Use of Property and/or Reason for Request (attach additional or supporting information)**

Proposed addition to an existing single family residence circa 1896. The existing residence has nonconforming setbacks adjacent to both N. Market Ave. and E. Zink Street. We are requesting that the **Sun Porch Addition (A) & Second floor deck addition (B)** deviate from the 25' building setback along E. Zink St., as indicated on the Site & Roof Plan. The first and second floors of the primary addition will conform to the 25' front building setback along E. Zink St., the 20' back building setback and the 5' side building setback. Also, reference supplemental exhibits A1 & A2 for details showing front, back and side building setbacks.

Drawings submitted:

Property survey (dated 02-13-14)

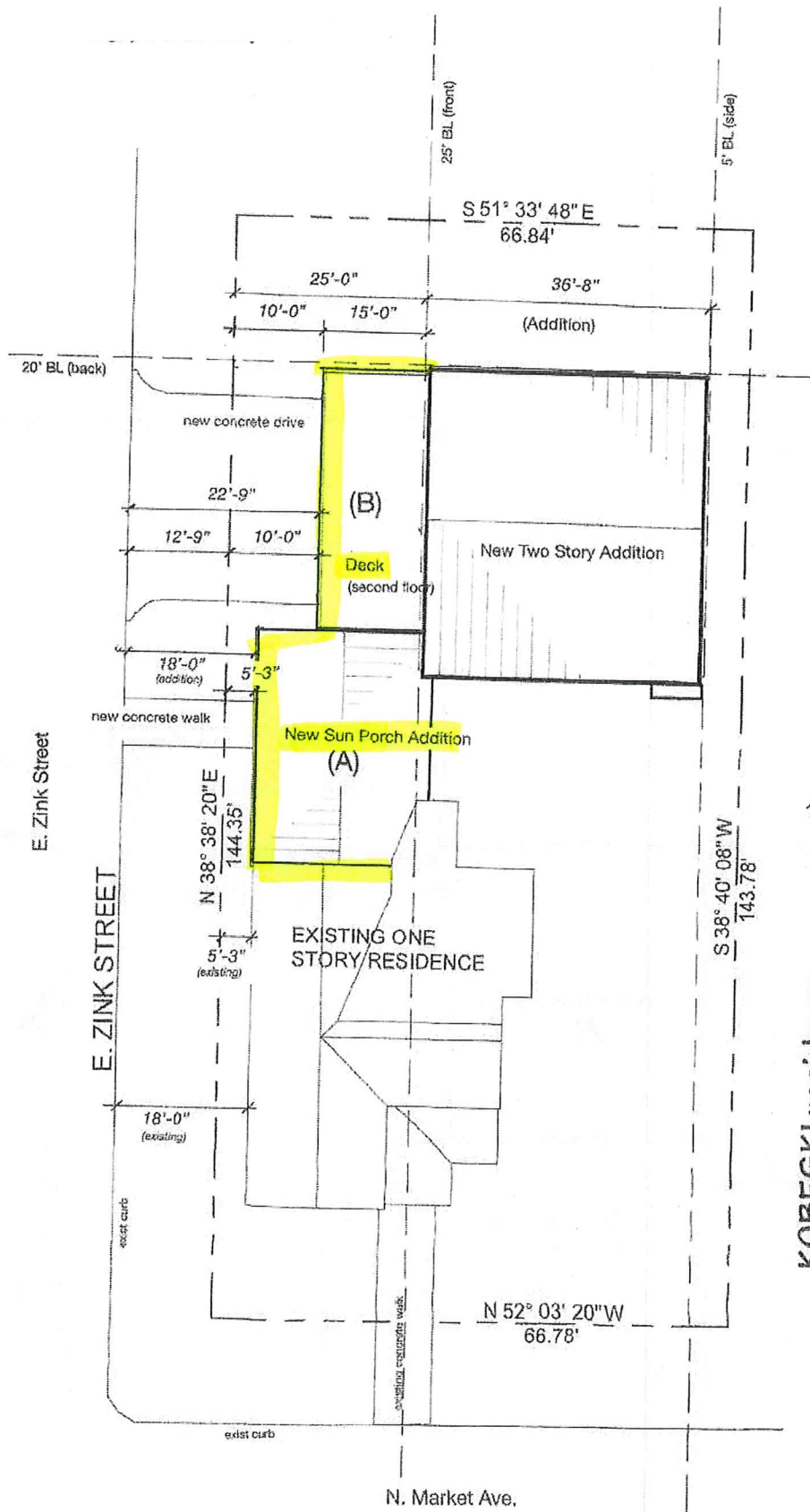
S1 Site & Roof Plan (as required)

A1 1st Floor Plan (supplemental exhibit)

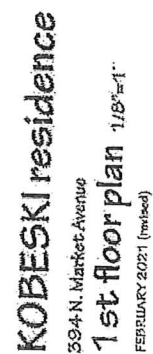
A2 2nd Floor Plan (supplemental exhibit)



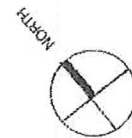
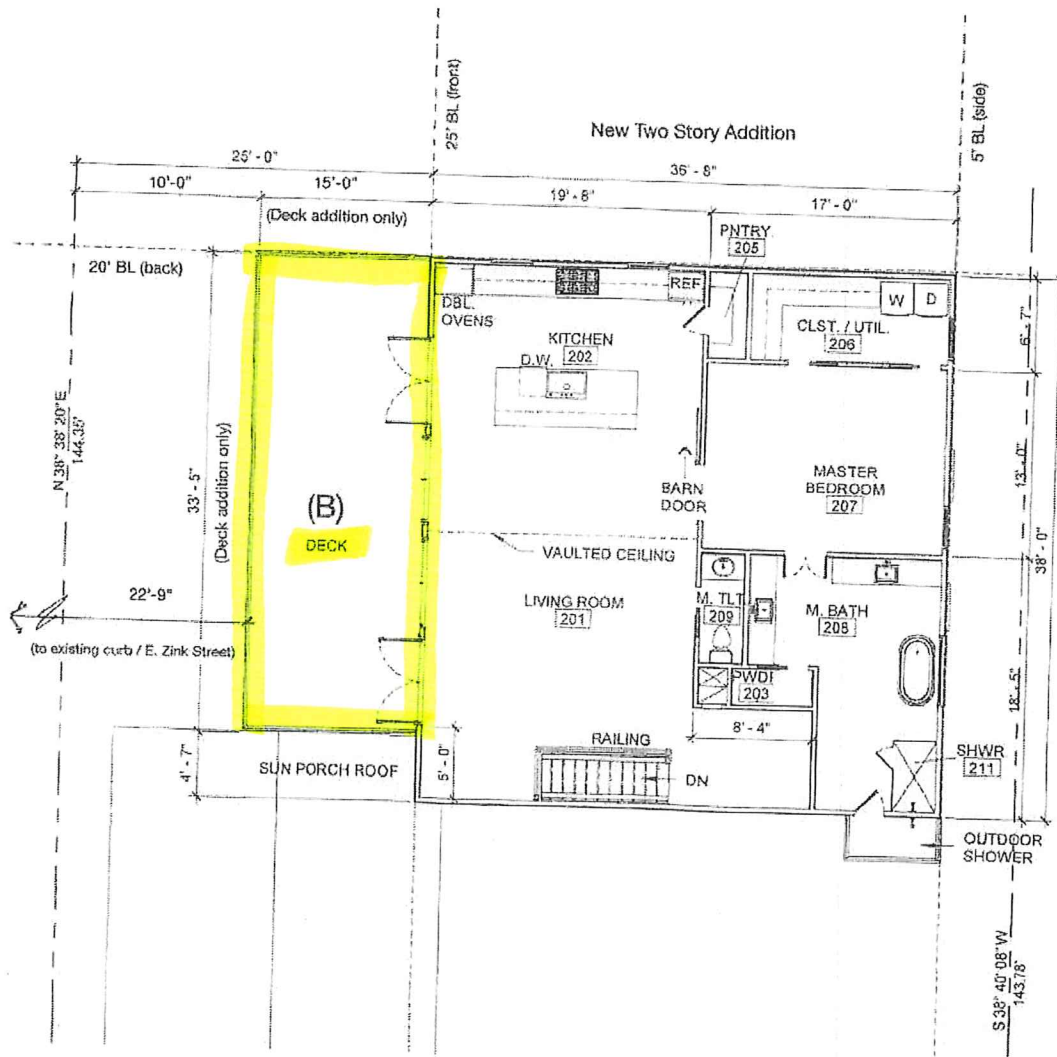
S1







Zink St.



KOBESKI residence

394 N. Market Avenue

2nd floor plan 1/8"=1'

FEBRUARY 2021 (revised)

A2

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

Zoom Meeting

**Applicant/Owner:** Leonard & Kay Kobeski

**Address/Location:** 394 N Market Ave

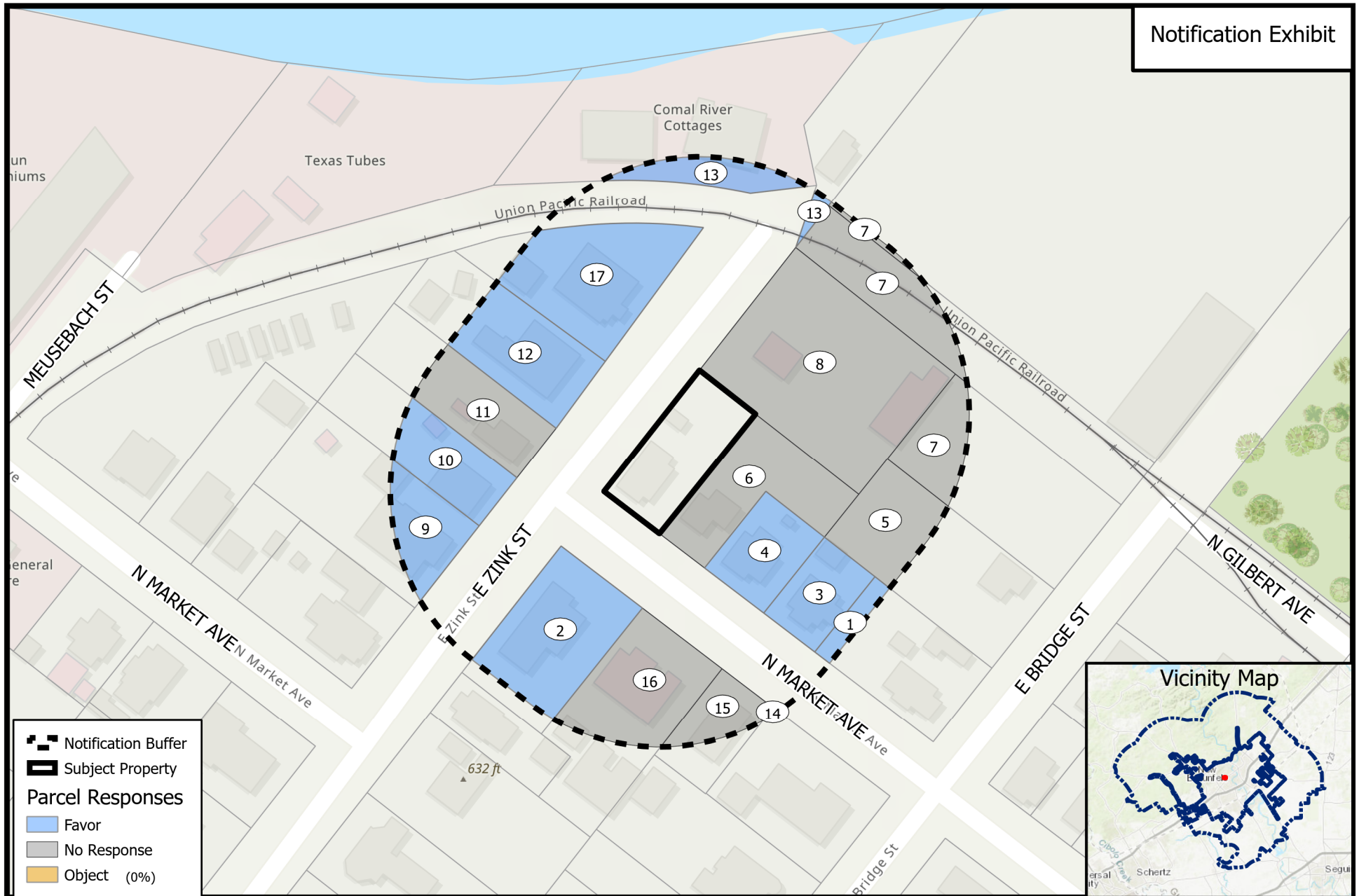
**PROPOSED SPECIAL USE PERMIT – CASE #SUP21-088**

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. LEATHERWOOD PAUL W        | 10. BOWMAN CRAIG A & KRISTY D   |
| 2. BUNNY & EDS ZINK HAUS LLC | 11. NORMAS LAGNIAPPE LLC        |
| 3. RIZZATTO JAMES            | 12. HURTA JASON E               |
| 4. MORALES ELEANOR A         | 13. OAKWOOD PROPERTIES          |
| 5. RODRIGUEZ SANTIAGO        | 14. SIPPEL NOREEN               |
| 6. CAMPOS ATANACIO           | 15. TIMMERMANN PAMELA HIGHTOWER |
| 7. ADM MILLING CO            | 16. PROPERTY OWNER              |
| 8. HERBELIN CARL B           | 17. GLADDEN MICHAEL W           |
| 9. GOMEZ IGNACIO G & LOUISA  |                                 |

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**SEE MAP**



## YOUR OPINION MATTERS - DETACH AND RETURN

Case: #SUR26 (394 Market) hm

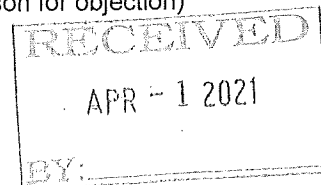
Name: Paul LeatherwoodAddress: 307 E. Bridge St.Property number on map: 1

Comments: (Use additional sheets if necessary)

I favor: yes

I object: \_\_\_\_\_

(State reason for objection)

Signature: Paul Leatherwood

## YOUR OPINION MATTERS - DETACH AND RETURN

Case: (394 Market) hm

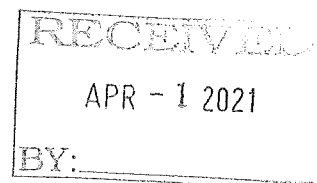
Name: Harry & Betty PhillipsAddress: 274 E. 21st StProperty number on map: 2

Comments: (Use additional sheets if necessary)

I favor: X

I object: \_\_\_\_\_

(State reason for objection)

Signature: Betty Phillips

## YOUR OPINION MATTERS - DETACH AND RETURN

Case: (394 Market) hm

Name: James Rizzato

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

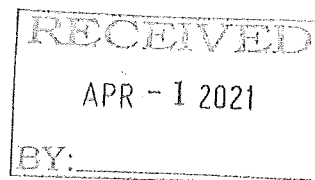
Property number on map: 3

Comments: (Use additional sheets if necessary)

I favor: ✓

I object: \_\_\_\_\_

(State reason for objection)

Signature: Jim Rizzato

## YOUR OPINION MATTERS - DETACH AND RETURN

Case: , (394 Market) hm

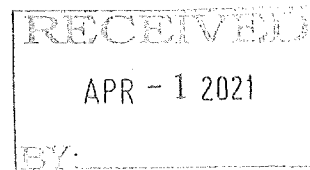
Name: Eleanor MoralesAddress: 360 N. Market St.Property number on map: 4

Comments: (Use additional sheets if necessary)

I favor: ☒

I object: \_\_\_\_\_

(State reason for objection)

Signature: Eleanor Morales

## YOUR OPINION MATTERS - DETACH AND RETURN

Case: (394 Market) hm

Name: Ignacio Garza

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

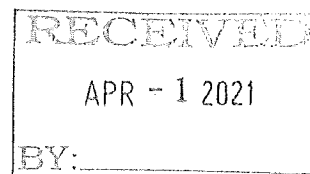
Property number on map: 9

Comments: (Use additional sheets if necessary)

I favor: ☒

I object: \_\_\_\_\_

(State reason for objection)

Signature: Ignacio Garza

## YOUR OPINION MATTERS - DETACH AND RETURN

Case: 394 Market) hm

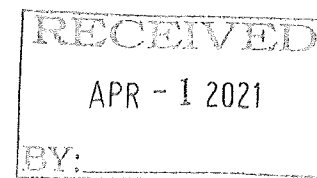
Name: Kristy and Craig BowmanAddress: 285 E. Zink St.Property number on map: 10

Comments: (Use additional sheets if necessary)

I favor: ☒

I object: \_\_\_\_\_

(State reason for objection)

Signature: Kristy Bowman

## YOUR OPINION MATTERS - DETACH AND RETURN

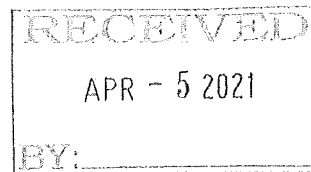
Case: (394 Market) hm  
 Name: JASON HURTA  
 Address: 329 E. ZINK ST  
 Property number on map: 12

I favor: ☒

I object: \_\_\_\_\_

(State reason for objection)

Comments: (Use additional sheets if necessary)

Signature: [Signature]

## YOUR OPINION MATTERS - DETACH AND RETURN

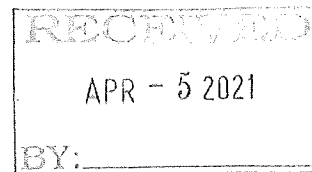
Case: (394 Market) hm  
 Name: WEB STUPPARD  
 Address: 405 E Zink  
 Property number on map: 13

I favor: ☒

I object: \_\_\_\_\_

(State reason for objection)

Comments: (Use additional sheets if necessary)

Signature: [Signature]

## YOUR OPINION MATTERS - DETACH AND RETURN

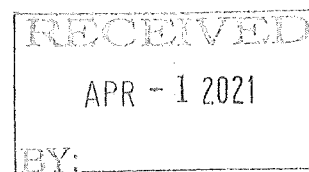
Case: (394 Market) hm  
 Name: Michael W Gladden  
 Address: \_\_\_\_\_  
 Property number on map: 17

I favor: ☒

I object: \_\_\_\_\_

(State reason for objection)

Comments: (Use additional sheets if necessary)

Signature: Mike + Martha Gladden





Subject Property from Market Avenue



Subject Property from Zink Street



**ORDINANCE NO. 2021-**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS AMENDING AN EXISTING SPECIAL USE PERMIT TO ALLOW AN ADDITION TO A NON-CONFORMING SINGLE-FAMILY RESIDENCE IN THE “M-1” LIGHT INDUSTRIAL DISTRICT, ON 0.22 ACRES OUT OF LOTS 240 AND 241 NCB 2014, ADDRESSED AT 394 N. MARKET AVENUE; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SAVINGS CLAUSE; AND DECLARING AN EFFECTIVE DATE.**

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

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

**WHEREAS**, the City 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 of homes constructed from 1890 to 1940 where setbacks vary; and

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

**WHEREAS**, the City Council desires to grant a Special Use Permit at 394 N. Market Avenue, to allow an addition to a non-conforming single-family residence in the “M-1” Light Industrial District; **now, therefore;**

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

**SECTION 1**

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

Being 0.22 acres out of Lots 240 and 241 NCB 2014, addressed at 394 N. Market Avenue, as depicted in Exhibit "A" attached, to allow an addition to a non-conforming single-family residence in the "M-1" Light Industrial District, in accordance with the approved site plan in Exhibit "B" attached.

## **SECTION 2**

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

## **SECTION 3**

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

## **SECTION 4**

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

## **SECTION 5**

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

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

**PASSED AND APPROVED:** Second reading this 10th day of May, 2021.

**CITY OF NEW BRAUNFELS**

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

**ATTEST:**

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

**APPROVED AS TO FORM:**

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

# EXHIBIT "A"

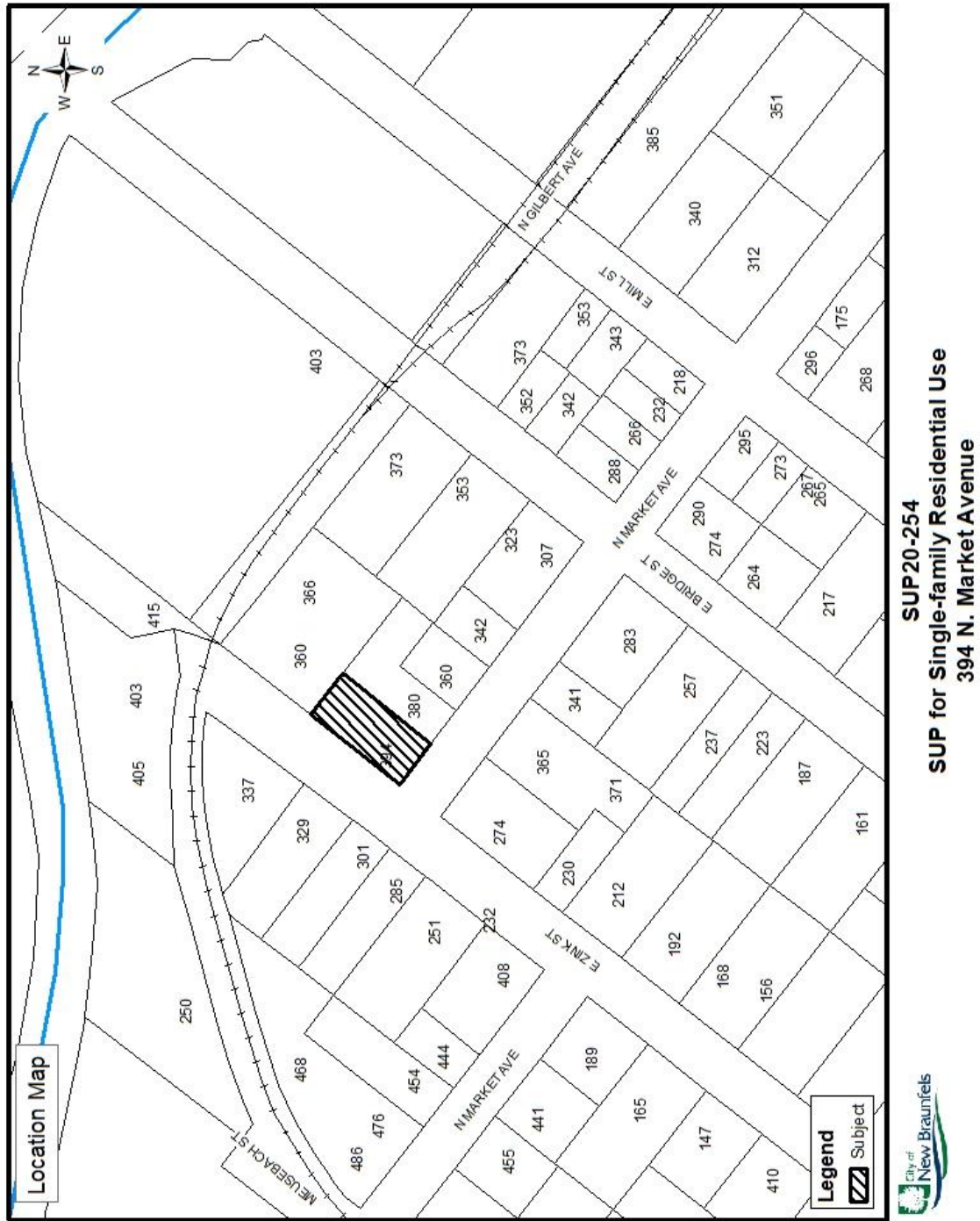
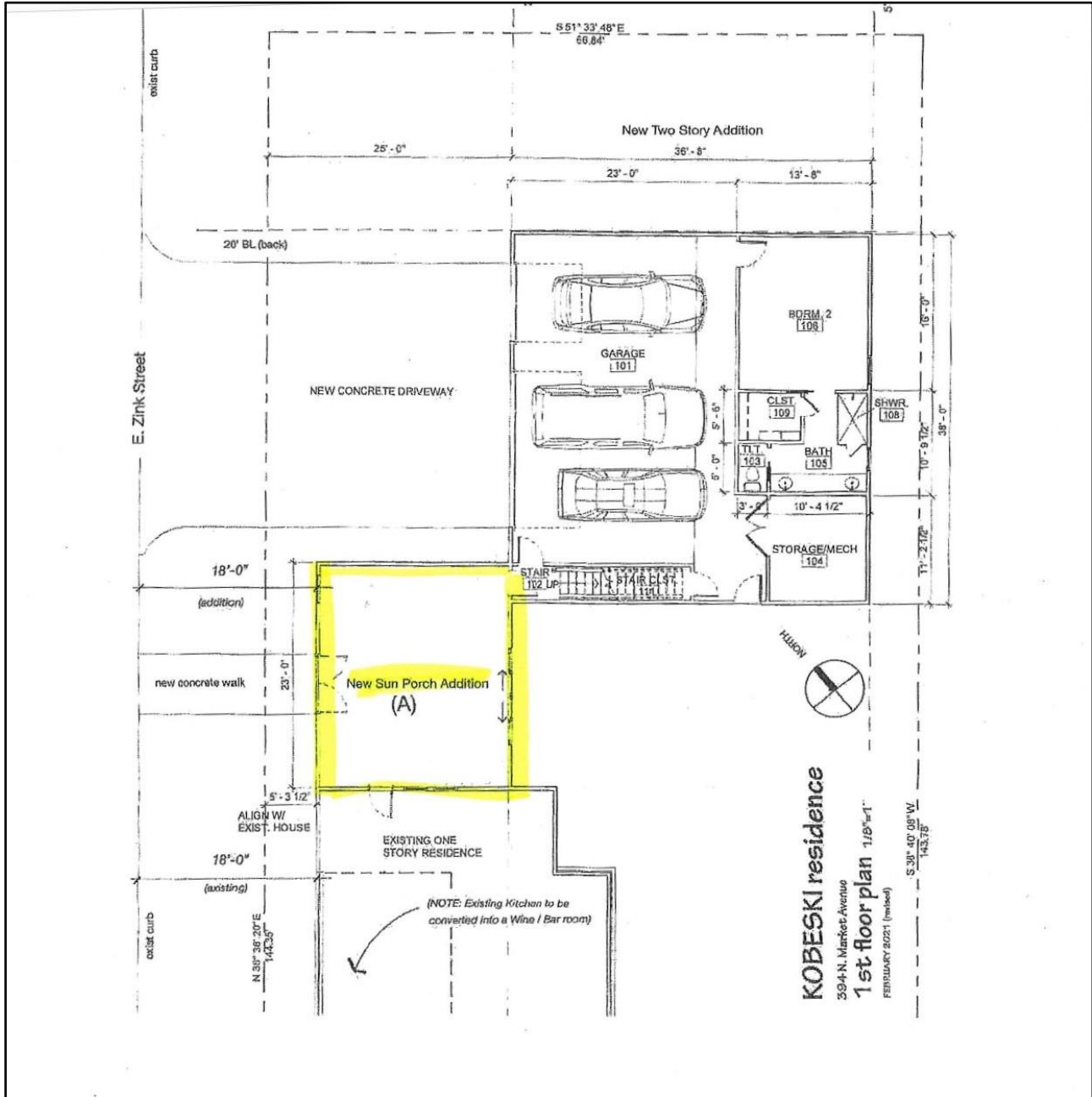


EXHIBIT "A"

# EXHIBIT "B"





5/10/2021

Agenda Item No. H)

**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 multifamily residential use - up to 24 units per acre - in the "C-1A" Neighborhood Business District on approximately 10 acres out of the A. P. Fuquay Survey No. 35, Abstract No. 155, Comal County, Texas, located at the northwest corner of the intersection of E. Common Street and Old FM 306.

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

**Applicant:** MNO Partners (David Morin)  
2028 E. Ben White Blvd., 240-4700  
Austin, TX 78741  
(210) 3030-7858 david@mnoinvestments.com

**Owner:** Noland and Vera Koepp, Ltd. Partnership  
2755 Hunter Rd.  
New Braunfels, TX 78132  
(830) 608-4658 debbie@fapcollc.com

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

**City Council held a public hearing on April 26, 2021 and unanimously approved the first reading of the applicant's requested rezoning to add an SUP overlay (7-0-0) with the following conditions as presented:**

- 1. Minimum 100-foot setback for 3 story buildings**
- 2. 3 story buildings max height of 45 feet; 2 story buildings max height of 35 feet**
- 3. 10-foot tall masonry residential buffer fence required**
- 4. Clearwater Drive will not be extended to Common Street**
- 5. Dumpsters will be at least 50 feet from adjacent single-family residential properties**
- 6. Will provide 105% of the required storm water storage capacity**
- 7. Will follow the Zoning Ordinance's requirements for lighting**

The subject approximate 10-acre ag tract is situated on the northwest corner of the intersection of East Common Street and Old FM 306, bordering two single-family detached residential neighborhoods. The applicant is requesting approval of a Type 2 Special Use Permit (SUP) to allow development of multifamily residential at up to 24 units per acre with a general site plan and development standards of the "R-3H" Multifamily High Density Residential District. As the base C-1A zoning would remain, non-residential uses

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would also continue to be allowed on the site.

The applicant indicated they have held multiple meetings and had door-to-door contact with neighbors to discuss their proposal in an effort to alleviate many concerns and opposition. The applicant has made modifications to the SUP request in an attempt to satisfy neighborhood concerns and requests as described below:

- Increased setback for 3-story buildings: The SUP proposes a minimum setback of 100 feet from any adjacent property used or zoned for single or two-family use for portions of buildings within the multifamily development that are 3 stories in height, whereas the R-3H District only requires a minimum 20-foot setback plus an additional foot for each foot of building height over 20 feet.
- Additional height restrictions: Three-story units will not exceed 45 feet in height and two-story units will not exceed 35 feet in height, including the roof lines. The R-3H District permits a maximum building height of 45 feet or 60 feet when a pitched roof is used (minimum 4:12).
- A taller masonry residential buffer wall: The SUP proposes a 10-foot tall CMU buffer wall between the multifamily property and adjacent single and two-family residential properties, whereas the Zoning Ordinance requires only a 6-foot to 8-foot tall masonry wall. The buffer wall will be constructed before framing of any buildings commence and will be required to be designed to comply with sight distance and visibility standards at the intersection of East Common Street and Gruene Vineyard Crossing.
- No extension of Clearwater Drive to East Common Street: The SUP proposes an easement for emergency vehicular and pedestrian access only from the terminus of Clearwater Drive, whereas the Subdivision Platting Ordinance would require the extension of Clearwater Drive, whether it be a cul-de-sac or through street, if the property were to be subdivided into more than one lot. Some of the neighbors have voiced their concern about through-traffic going to or coming from Gruene should there be a public right-of-way extension of Clearwater Drive to East Common Street.
- Dumpster locations: Dumpsters will be required to be placed a minimum of 50 feet away from any single-family residential properties.
- Storm water/drainage: Storm water mitigation will be provided on the site in accordance to the City of New Braunfels Drainage and Erosion Control Design Manual. The site will provide 105% of the required storm water storage capacity for any required storm water detention. Storm water detention will be provided above ground, below ground, or in any other acceptable form as required by the City of New Braunfels.

*Surrounding Zoning and Land Use:*

North - R-1 & R-2 / Single-family residential neighborhood and duplexes  
South - Across E. Common St., C-1 & M-1 with an SUP for multifamily  
development up to 24 units per acre / Agricultural  
East - Across Old FM 306, C-1 & C-1B / Church  
West - ZH-A and across Gruene Vineyard Crossing, "Vineyard at Gruene"  
Planned Development District / Single-family neighborhood

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**ISSUE:**

The proposed SUP for multifamily residential use up to 24 units per acre is consistent with the following actions in Envision New Braunfels:

Action 1.3: Encourage balanced and fiscally responsible land use patterns.

Action 3.1: Plan for healthy jobs/housing balance.

The proposed SUP is inconsistent with the following actions in Envision New Braunfels:

Action 3.18: Encourage multifamily to disperse throughout the community rather than to congregate in masse.

Action 7.10: Require more street connectivity/adopt connectivity ratios.

The property lies within the New Braunfels Sub Area near Existing Employment, Market, Tourist/Entertainment and Education Centers and in the vicinity of proposed Future Market Centers along a Transitional Mixed-Use Corridor.

**FISCAL IMPACT:**

N/A

**RECOMMENDATION:**

The Planning Commission held a public hearing on April 6, 2021 and unanimously recommended approval with the applicant's proposed standards, staff recommended conditions, plus a condition that the applicant provide proposed low lighting metrics prior to City Council consideration. (Commissioners Sonier, Tubb and Mathis were absent). The applicant has indicated they will meet current lighting restrictions of the Zoning Ordinance and will provide a photometric plan with the building permit application.

The proposed multifamily use is consistent with the mixture of zoning districts and residential and commercial uses in the area and has direct access to Common Street, a Principal Arterial, which is the type of roadway classification where multifamily use is intended to be located. The applicant's SUP request also includes more restrictive development standards than the City's multifamily zoning districts that will add additional buffering between the adjacent neighborhoods. Therefore, staff recommends approval with the following conditions:

1. Development of the site for multifamily use must comply with the development standards of the "R-3H" Multifamily High-Density District, if a particular development standard is not specifically addressed in the development standards of the Special Use Permit.
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.

Staff notes the driveway locations on the proposed Special Use Permit site plan are approximate. Final driveway locations will comply with Chapter 114 of the City of New Braunfels Code of Ordinances.

In addition, the applicant is proposing storm water mitigation be designed at 105% of the required storm water storage capacity for any required storm water detention. Staff supports this proposed development standard for the Special Use Permit as this condition was negotiated between the developer and neighbors and is a standard that can easily be reviewed and enforced by city staff. This proposed element of the Special Use Permit has been incorporated into Section 2 of the attached draft of the ordinance.

**Notification:**

Public hearing notices were sent to 46 owners of property within 200 feet of the request. Staff has received



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11 responses in favor from numbers 3, 9, 12, 14, 16, 18, 19, 20, 26, 39 and 43 (some of which responded with conditions of approval) and 2 additional responses in favor from outside the notification area; 17 responses have been submitted in opposition from numbers 4, 6, 21, 22, 23, 25, 27, 28, 32, 33, 35, 36, 37, 38, 40, 42 and 44, with an additional 47 objections received from outside the 200-foot notification area, and two neutral responses from #7 and #34.

*Resource Links:*

Chapter 144, Sec. 3.4-12 “C-1A” Neighborhood Business District of the City’s Code of Ordinances:

[<https://library.municode.com/tx/new\\_braunfels/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH144ZO\\_ARTIIIZODI\\_S144-3.3ZODIREPRZOPRJU221987>](https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?nodeId=PTIICOOR_CH144ZO_ARTIIIZODI_S144-3.3ZODIREPRZOPRJU221987)

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=PTIICOOR\\_CH144ZO\\_ARTIIIZODI\\_S144-3.3ZODIREPRZOPRJU221987>](https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?nodeId=PTIICOOR_CH144ZO_ARTIIIZODI_S144-3.3ZODIREPRZOPRJU221987)

Chapter 144, Secs. 3.4-5 “R-3H” Multifamily High-Density 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>](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 and Future Land Use)
3. TIA Worksheet
4. R-3H District and Proposed SUP Development Standards Comparison Table
5. Notification List, Map and Responses
6. Excerpt of minutes from the April 6, 2021 Planning Commission Regular Meeting
7. Ordinance



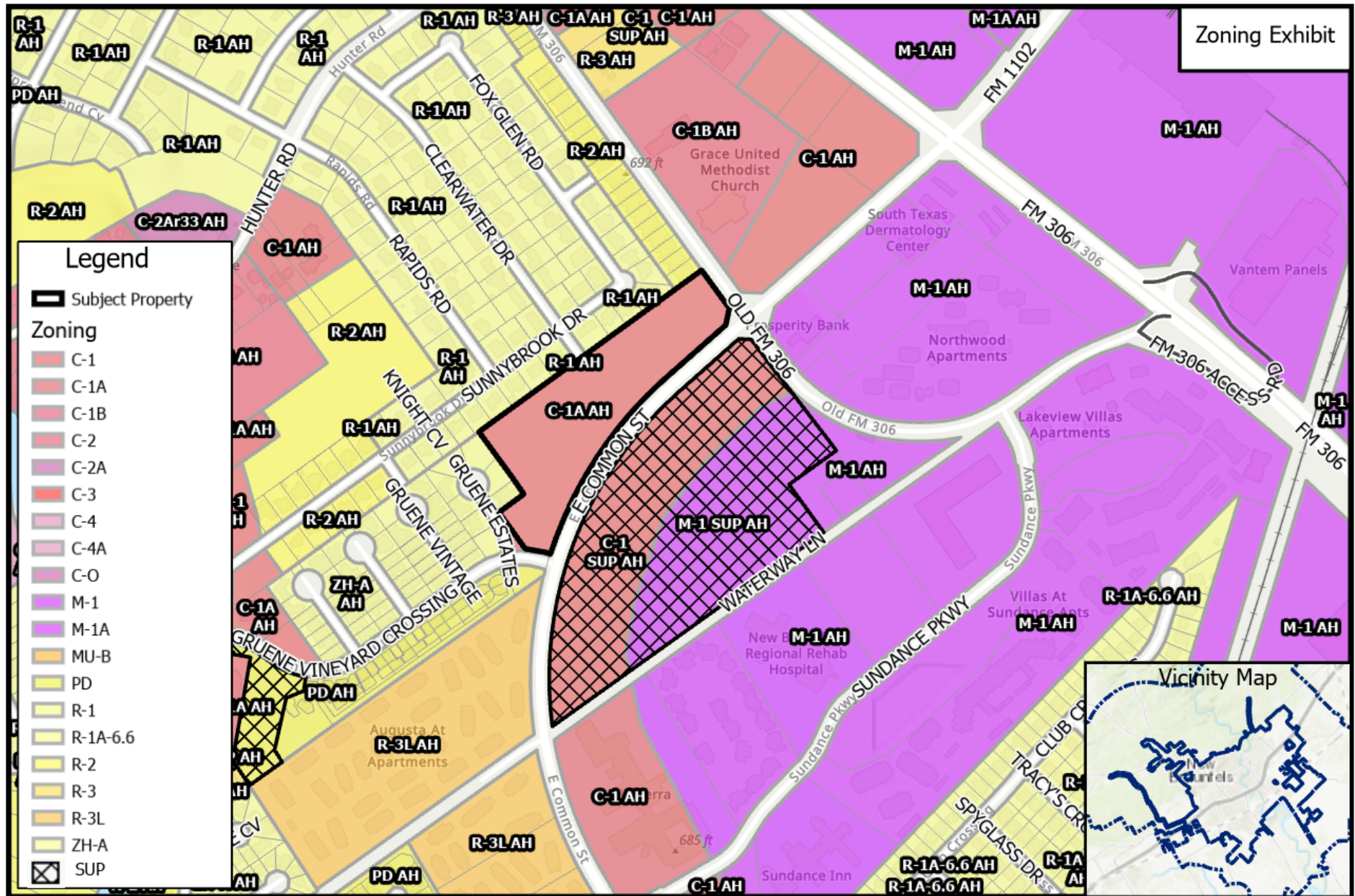


## SUP21-037

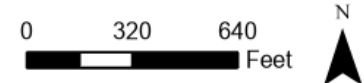
### Request to allow for multifamily use



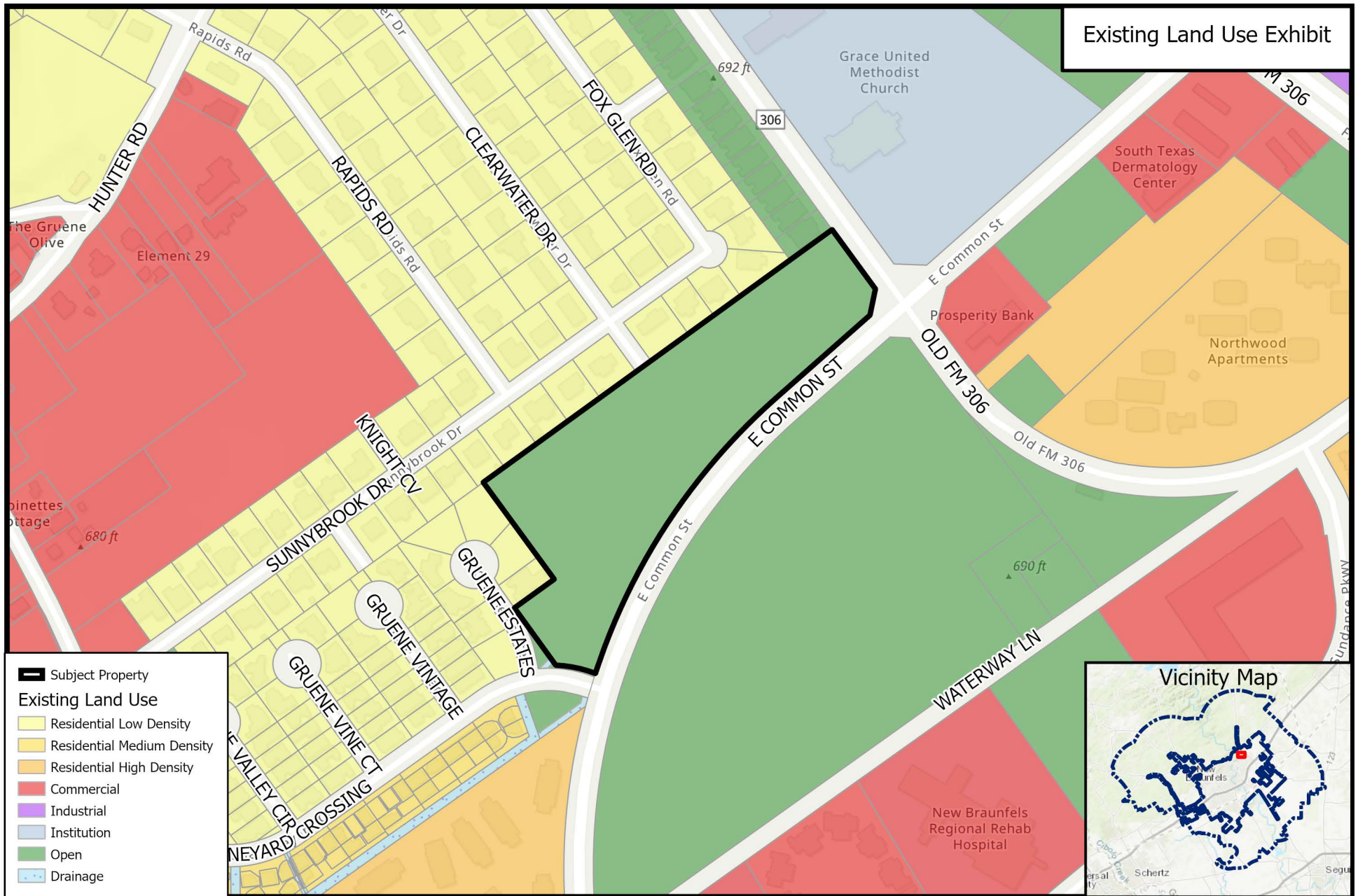




**SUP21-037**  
**Request to allow for multifamily use**







## SUP21-037

### Request to allow for multifamily use

0 200 400  
Feet



## EXISTING CENTERS

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

### EMPLOYMENT CENTER

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

### MARKET CENTER

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

### MEDICAL CENTER

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

### CIVIC CENTER

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

### OUTDOOR RECREATION CENTER

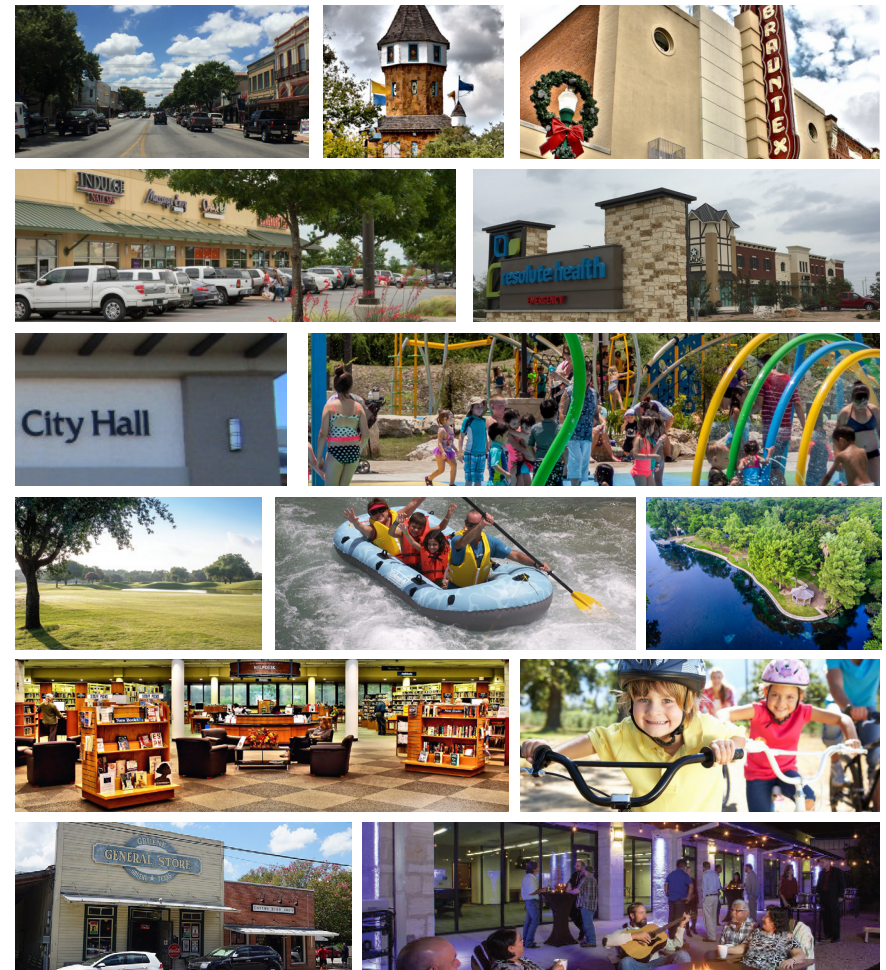
Outdoor Recreation Centers center around a public or private outdoor destination such as Landa Lake.

### EDUCATION CENTER

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

### TOURIST/ENTERTAINMENT CENTER

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







# FUTURE LAND USE PLAN

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

## TRANSITIONAL MIXED-USE CORRIDOR

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

## OUTDOOR RECREATION CENTER

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

## EMPLOYMENT CENTER

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

## MARKET CENTER

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

## CIVIC CENTER

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

## SUB AREA 1

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

## SUB AREA 2

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

## SUB AREA 3

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

## SUB AREA 4

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

## SUB AREA 5

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

## SUB AREA 6

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

## SUB AREA 7

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

## SUB AREA 8

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





## 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

<b>General Information</b>																	
Project Name:										Date:							
Subdivision Plat Name:						Project Address/Location:											
<b>Location?</b>		<input type="checkbox"/> City of New Braunfels		<input type="checkbox"/> New Braunfels ETJ		<input type="checkbox"/> Comal County				<input type="checkbox"/> Guadalupe County							
Owner Name:						Owner Email:											
Owner Address:						Owner Phone:											
Preparer Company:																	
Preparer Name:						Preparer Email:											
Preparer Address:						Preparer Phone:											
TIA 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.	
<b>Application Type or Reason for TIA Worksheet/Report</b>																	
<input type="checkbox"/> Zoning/Concept Plan/Detail Plan		<input type="checkbox"/> Master Plan		<input type="checkbox"/> Preliminary Plat		<input type="checkbox"/> Final Plat		<input type="checkbox"/> Permit		<input type="checkbox"/> Other							
<b>TIA Submittal Type</b> (A TIA Worksheet is required with all zoning, plan, plat and permit applications)																	
<input type="checkbox"/> TIA Worksheet Only (100 peak hour trips or less)						<input type="checkbox"/> Level 1 TIA Report (101-500 peak hour trips)											
<input type="checkbox"/> TIA Worksheet Only – Previous TIA Report Approved						<input type="checkbox"/> Level 2 TIA Report (501-1,000 peak hour trips)											
<input type="checkbox"/> TIA Worksheet Only – Previous TIA Report not required (supporting documentation may be required)						<input type="checkbox"/> Level 3 TIA Report (1,001 or more peak hour trips)											

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

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

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

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

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

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

Approved TIA Conformance	AM Peak Hour Trips	PM Peak Hour Trips	WKD Peak Hour Trips	Daily Trips
Approved development total:				
Updated development total:				
Difference development total:				
<b>New TIA Report Required?</b>				
Increase in Peak Hour Trips 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.	

## “R-3H” Multifamily High Density District and Proposed Special Use Permit Development Standards Comparison Table

\* = Development Standard that is more restrictive than the R-3H District

Development Standard	R-3H District	Proposed SUP
<b>Maximum Density</b>	24 units per acre	24 units per acre
<b>Minimum Lot Area</b>	20,000 square feet (0.46 acres)	421, 356 square feet (9.673 acres)
<b>Minimum Lot Width</b>	Interior lot = 60 feet Corner lot = 72 feet	1,230 feet
<b>Minimum Lot Depth</b>	100 feet	265 feet
<b>Minimum Front Building Setback</b>	25 feet	25 feet
<b>Minimum Rear Building Setback</b>	25 feet	25 feet; *100 feet for any portion of a building that is 3 stories in height
<b>Minimum Side Building Setback</b>	20 feet. Corner lots shall have 15-foot side building setback adjacent the street where rear lot line abuts rear lot line of adjacent lot; 25-foot side building setback adjacent the street where rear lot line abuts side lot line of adjacent lot	20 feet. Corner lots shall have 15-foot side building setback adjacent the street where rear lot line abuts rear lot line of adjacent lot; 25-foot side building setback adjacent the street where rear lot line abuts side lot line of adjacent lot. *100 feet for any portion of a building that is 3-stories in height
<b>Minimum Distance Between Structures</b>	Minimum of 10 feet between structures side by side; minimum of 20 feet between structures side by front or rear; minimum of 40 feet between structures front to front; minimum of 20 feet between structures backing rear to rear, and a minimum of 20 feet between structures front to rear	Minimum of 10 feet between structures side by side; minimum of 20 feet between structures side by front or rear; minimum of 40 feet between structures front to front; minimum of 20 feet between structures backing rear to rear, and a minimum of 20 feet between structures front to rear
<b>Minimum Garage Setback</b>	20 feet where driveway is located in front of garage attached to a public right-of-way	20 feet where driveway is located in front of garage attached to a public right-of-way
<b>Minimum Residential Setback</b>	Minimum 20-foot setback from an adjacent property line zoned or used for 1 or 2-family use plus 1 foot for each foot of building height over 20 feet	Minimum 20-foot setback from an adjacent property line zoned or used for 1 or 2-family use plus 1 foot for each foot of building height over 20 feet. *100 feet for any portion of a building that is 3-stories in height
<b>Maximum Height</b>	45 feet or 60 feet when a pitched roof is used (minimum 4:12)	45 feet or 60 feet when a pitched roof is used (minimum 4:12 pitch)
<b>Maximum Building Coverage</b>	N/A	N/A
<b>Maximum Lot Coverage</b>	The combined area of all yards shall be at least 50% of the total lot or tract; provided however, in the event enclosed or covered parking is provided, the minimum total yard area	The combined area of all yards shall be at least 50% of the total lot or tract; provided however, in the event enclosed or covered parking is provided, the minimum total yard area

## “R-3H” Multifamily High Density District and Proposed Special Use Permit Development Standards Comparison Table

**\* = Development Standard that is more restrictive than the R-3H District**

	requirement shall be 40% of the total lot or tract	requirement shall be 40% of the total lot or tract
<b>Minimum Parking Requirement</b>	1-bedroom unit = 1.5 spaces 2-bedroom unit = 2 spaces Each additional bedroom =1/2 space	1-bedroom unit = 1.5 spaces 2-bedroom unit = 2 spaces Each additional bedroom =1/2 space
<b>Residential Buffer Masonry Wall</b>	Minimum of 6 to 8 feet in height	<b>*10 feet in height</b>

## **PLANNING COMMISSION – MARCH 2, 2021– 6:00PM**

Zoom Meeting

**Applicant/Owner:** David Morin, MNO Partners, agent for Noland and Vera Koepp, Ltd Partnership, owner

**Address/Location:** Approximately 10 acres located at the northwest corner of the intersection of E. Common Street and Old FM 306 (see map).

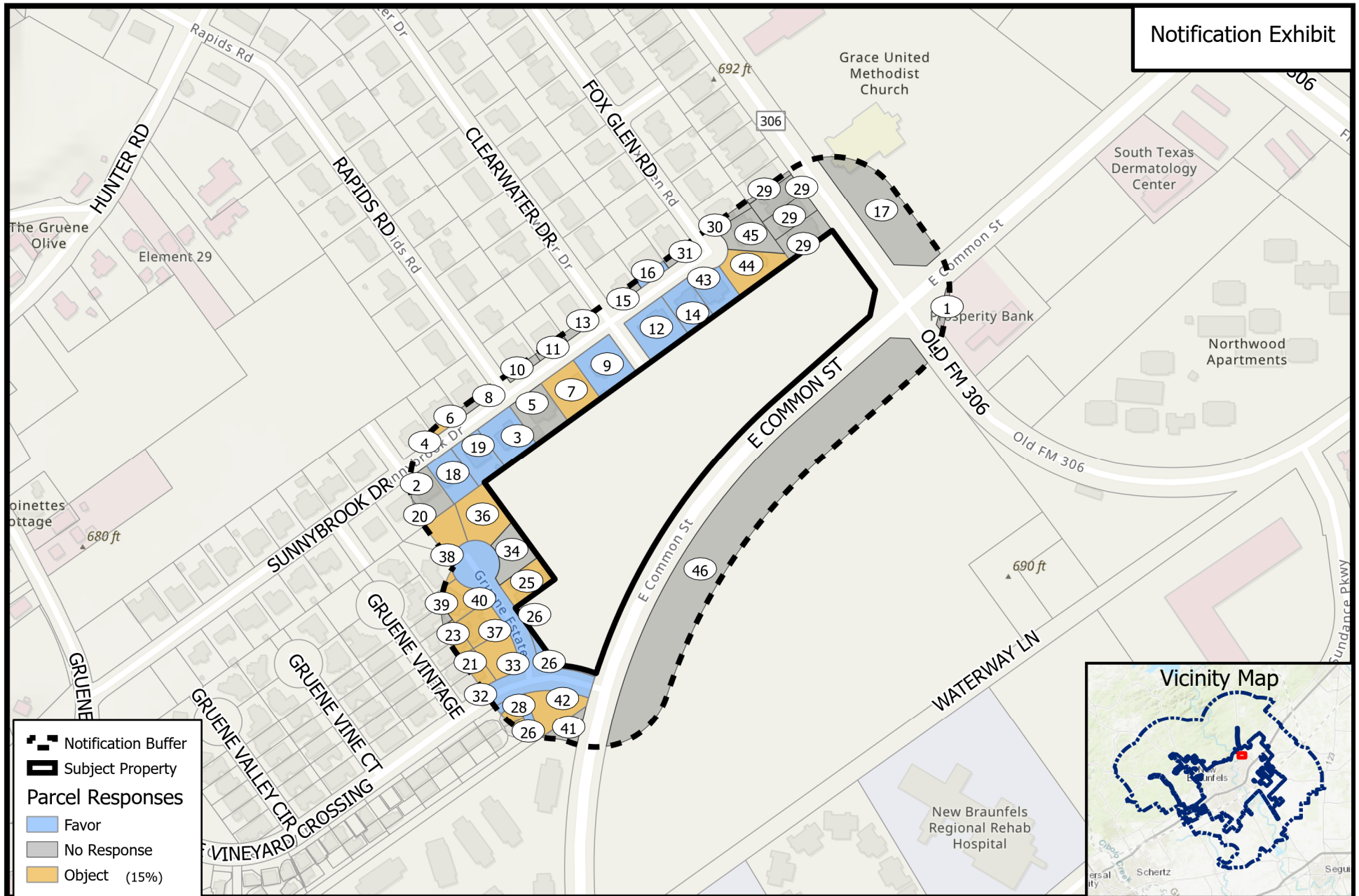
### **PROPOSED SUP – CASE #SUP21-037**

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. FIRST VICTORIA NATIONAL BANK        | 24. SIMECEK TIMOTHY D & CYNTHIA A         |
| 2. DELEON FELIPE JR                    | 25. KIMBLE TRACE N                        |
| 3. MORGAN LEE S & ELLEN                | 26. VINEYARD AT GRUENE POA                |
| 4. WEST BERT & HARRIET LIVING TRUST    | 27. WRIGHT MATTHEW                        |
| 5. CLOVER MARGARET G ESTATE OF         | 28. HOLTZCLAW DON & DENISE                |
| 6. REICHERT TERRANCE E & LINDA M       | 29. GRUENE NB LLC                         |
| 7. SCHEEL CLARENCE A                   | 30. BAUER JENNIFER W & SHANNON L          |
| 8. HENDRIKSEN JAMES J                  | 31. CARRINGTON NATHAN T & AMANDA J MARTIN |
| 9. QUINTERO BRIAN K & JENNIFER M       | 32. ABBOTT DAVID W & EMILY JO             |
| 10. BENAVIDEZ DANIEL & DIANA           | 33. MAI TAIS & YAHTZEE LLC                |
| 11. LEHR JOHN JR                       | 34. JAMES HARRISON SEE LLC                |
| 12. DUERKSEN KENNETH & NIKKI           | 35. SNIDER COY & MICHELLE                 |
| 13. ARNOLD AMANDA M & CARL B           | 36. KIMBLE BRADY & DIANA                  |
| 14. DESTEFANO RON W & BRENDA D         | 37. JORGENSEN JEFFREY C & TERESA J        |
| 15. VILLARREAL GIAN C                  | 38. FEHNER KAREN SUZANNE                  |
| 16. GOGGANS JASON W & BRENDA F         | 39. ANDREWS FAMILY TRUST 5-11-2007        |
| 17. GRUENE UNITED METHODIST CHURCH     | 40. RKL LLC                               |
| 18. EBBESEN MARLECE                    | 41. AUGUSTA GRUENE APARTMENTS LP          |
| 19. EDMONDSON JAMES T & STEPHANIE      | 42. NEW DAY CUSTOM HOMES LLC              |
| 20. JAMESON DEAN C & KRISTYN           | 43. HOWARD LORRAINE M                     |
| 21. ANDREWS WESLEY & GINA              | 44. MARTIN EDWARD V III                   |
| 22. VARDEMAN JESS D & LARRY K VARDEMAN | 45. PHELPS LARRY                          |
| 23. WILKINS PETER J                    | 46. KOEPP NOLAND & VERA LTD PRTNRSHLP LTD |

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**SEE MAP**



**SUP21-037**

**Request to allow for multi-family use**



0 200 400 Feet



## SUP for MNO Development Multifamily Project at Common Street and FM 306

First Name:

Scott

Last Name:

Morgan

Address:

1742 Sunnybrook Dr.

#3

Email:

plummorgan@yahoo.com

Phone:

210-710-7524

Please indicate support or opposition for the project based on the parameters below:

Units adjacent to single family use are no more than two stories

Units not adjacent to single family use are no more than three stories

Dumpsters are at least 50 feet away from single family use

Privacy wall built along all adjacent single family use prior to the start of vertical construction

Storm water detention will include 5% excess over city requirements

Vehicular access to Clearwater Driver restricted to <sup>Emergency</sup> vehicles only☒ I Support The Project☐ I Oppose The Project☐ I Do Not Support or Oppose The Project

Additional Comments: As they arise

Signature:

Scott Morgan

Date:

3-31-2021

Thank you for taking the time to meet with us. All information provided on this form is confidential and will only be used by the development team and the City of New Braunfels in order to collect and assess neighborhood feedback.



## SUP for MNO Development Multifamily Project at Common Street and FM 306

First Name: Brian

Last Name: Quintaro

Address: 1766 Sunnybrook Dr  
NB, TX 78150

# 9

Email: brian.quintero@yahoo.com

Phone: 972.814.8744

Please indicate support or opposition for the project based on the parameters below:

Units adjacent to single family use are no more than two stories

Units not adjacent to single family use are no more than three stories

Dumpsters are at least 50 feet away from single family use

Privacy wall built along all adjacent single family use prior to the start of vertical construction

Storm water detention will include 5% excess over city requirements

Vehicular access to Clearwater Driver restricted to <sup>Emergency</sup> vehicles only

Will support with ADDITIONS IN COMMENTS SECTION

☒ I Support The Project☐ I Oppose The Project☐ I Do Not Support or Oppose The Project

Additional Comments:

#1 Developer promises to build a <sup>4-5'</sup> fence  
from Driveway to Clearwater Suburb#2 Balconies will not face property's  
backyard

Signature:



Date:

5/31/21

Thank you for taking the time to meet with us. All information provided on this form is confidential and will only be used by the development team and the City of New Braunfels in order to collect and assess neighborhood feedback.

SUP for MNO Development Multifamily Project at Common Street and FM 306

First Name:

Kenneth

Last Name:

Duerksen

Address:

1808 Sunnybrook Dr

#12

Email:

kend123@yahoo.com

Phone:

512 917 2269

Please indicate support or opposition for the project based on the parameters below:

Units adjacent to single family use are no more than two stories

Units not adjacent to single family use are no more than three stories

Dumpsters are at least 50 feet away from single family use

Privacy wall built along all adjacent single family use prior to the start of vertical construction

Storm water detention will include 5% excess over city requirements

Vehicular access to Clearwater Driver restricted to vehicles only

Emergency (FN)

☒ I Support The Project

☐ I Oppose The Project

☐ I Do Not Support or Oppose The Project

Additional Comments:

The emergency vehicles only on Clearwater  
is very important.  
Privacy wall is very important.

Signature:

*[Handwritten Signature]*

Date:

3-30-2021

Thank you for taking the time to meet with us. All information provided on this form is confidential and will only be by the development team and the City of New Braunfels in order to collect and assess neighborhood feedback.

123

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #SUP21-037 (MG)

Name: Ron W. & Brenda D. DeStefano

Address: 1816 Sunnybrook Drive, NBT

Property number on map: 14

Comments: (Use additional sheets if necessary)

Signature: 

I favor: X

I object: \_\_\_\_\_

(State reason for objection)



## SUP for MNO Development Multifamily Project at Common Street and FM 306

First Name:

Ron + Brenda

Last Name:

DeStefano

Address:

1816 Sunnysbrook Dr.

#14

Email:

destefanotire@netscape.net

Phone:

830-625-2010

Please Indicate Support or Opposition for the Project:



I Support The Project



I Oppose The Project



I Do Not Support or Oppose The Project

Additional Comments:

We've loved the farm field behind us for thirty years. The reality is that New Braunfels is growing leaps + bounds and it won't stay as it is forever. Having commercial property behind us and Clearwater being extended to Common St. is the worst possible scenario.

This group is working with us to address our concerns and keep our quality of life and property values considered and respected.

Signature:

Brenda + Ron DeStefano

Date:

3/23/21

Thank you for taking the time to meet with us. All information provided on this form is confidential and will only be used by the development team and the City of New Braunfels in order to collect and assess neighborhood feedback.

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #SUP21-037 (MG)

Jason Goggans  
1815 Sunnybrook Dr.  
New Braunfels, TX  
78130-3023

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

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

Property number on map: 16

Comments: (Use additional sheets if necessary)

Signature: Jason Goggans



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

I object: \_\_\_\_\_

(State reason for objection)

as long as  
Clearwater dr.  
remains  
closed to  
thru  
traffic.

MAR 02 2021



**SUP for MNO Development Multifamily Project at Common Street and FM 306**

First Name:

MARLece

Last Name:

Ebbesen

Address:

1734 Sunnybrook Dr.

#18

Email:

MARlece7777@sbcglobal.net

Phone:

210 885-3722

**Please indicate support or opposition for the project based on the parameters below:**

Units adjacent to single family use are no more than two stories

Units not adjacent to single family use are no more than three stories

Dumpsters are at least 50 feet away from single family use

Privacy wall built along all adjacent single family use prior to the start of vertical construction

Storm water detention will include 5% excess over city requirements

Vehicular access to Clearwater Driver restricted to Vehicles only <sup>Emergency</sup> (P)

☒ I Support The Project

☐ I Oppose The Project

☐ I Do Not Support or Oppose The Project

Additional Comments:

Signature:

Marla A Ebbesen

Date:

3-30-21



YOUR OPINION MATTERS - DETACH AND RETURN

Case: #SUP21-037 (MG)

Name: James Edmondson

Address: 1738 Sunnybrook Drive

Property number on map: #19

Comments: (Use additional sheets if necessary)

Signature: James Edmondson

I favor: ✓ only if I  
have 2 story apartments behind me  
I object: #19

(State reason for objection)

MAR 02 2021

**SUP for MNO Development Multifamily Project at Common Street and FM 306**

First Name:

DEAN + KRISTYN

Last Name:

JAMESON

Address:

1726 SUNNYBROOK DR

#20

Email:

DEANER14@YAHOO.COM

Phone:

830 708 7911

Please Indicate Support or Opposition for the Project:

- ☒ I Support The Project  
☐ I Oppose The Project  
☐ I Do Not Support or Oppose The Project

Additional Comments:

Signature:

*Jameson*

Date:

3/23/21

Thank you for taking the time to meet with us. All information provided on this form is confidential and will only be used by the development team and the City of New Braunfels in order to collect and assess neighborhood feedback. **129**



April 21, 2021

City of New Braunfels  
City Council  
550 Landa St.  
New Braunfels, TX 78130

To Whom it May Concern:

The Vineyard at Gruene Property Owners Association has been in contact with developer David Morin regarding his organization's intent to develop a multi-family project on the following described property to-wit:

Being a 9.68-acre tract of land out of the A.P. Fuquay Survey, Abstract 155, Comal County, Texas as conveyed in Document N. 200506019928, Official Public Records, Comal County, Texas.

After several discussions and assurances, The Vineyard at Gruene Property Owners Association supports this project moving forward and looks forward to an amiable relationship.

If you have any questions or concerns, please feel free to contact us at [Poa.gruene78130@gmail.com](mailto:Poa.gruene78130@gmail.com)

Best Regards,

The Vineyard at Gruene Property Owners Association



## LETTER OF INTENT TO FORM AGREEMENT

March 29<sup>th</sup>, 2021

**RE: Common St Development Site: A-155 SUR – 35 A P Fuquay**

### Interested Parties:

**The Developer**  
**MNO Gruene LLC**

**The POA**  
**The Vineyard at Gruene POA**

Mr. Larry Schalow, Mr. Ron Richardson, and Mr. Michael Phelan,

Thank you for your time and patience working with us to come up with a solution to guarantee a high-quality development that protects the privacy, security, and well-being of the Vineyard at Gruene community. We are writing this letter of intent to form an agreement between our company and the Vineyard at Gruene POA. In this letter you will find an outline of the deal points that we can make with the neighborhood. If you find these points acceptable, please sign and we will include as part of our Special Use Permit application or formalize into a legal contract.

MNO Gruene, the developer, will agree to the following, **“THE DEVELOPER’S PROMISE”**,:

1. All units adjacent to neighboring single-family homes in the Vineyard at Gruene neighborhood will be two stories and the second story will feature drywall windows elevated 2’ from the floor. Heights in the two-story zone, as indicated in the SUP application, will be limited to 35’, which includes the roof line. For the three-story units close to Common St, the third floor and will feature drywall windows elevated 2’ from the floor.
2. MNO Gruene will agree to require that all dumpsters will be located at least 50’ away from neighboring single-family homes in the Vineyard at Gruene Neighborhood
3. MNO Gruene will build a 10’ privacy wall to ease the transition between the two-story multifamily buildings and units and the neighboring single-family homes in the Vineyard at Gruene neighborhood. The privacy wall will be located in the approximate location as indicated in Exhibit A of this agreement. The privacy wall is subject to City of New Braunfels requirements for safety and visibility. If the privacy wall must be lower towards Common Street to meet City of New Braunfels requirements, the privacy wall will be lowered to the maximum height allowed by the City.
4. MNO Gruene will ensure that storm water mitigation will be provided by the site in accordance to the City of New Braunfels Drainage and Erosion Control Design Manual. The site will provide 105% of the required storm water storage capacity for any required storm

water detention. Storm water detention will be provided above ground, below ground, or in any other acceptable form as required by the City of New Braunfels.

The above conditions, **"THE DEVELOPER'S PROMISE"**, will be required by the developer if the Vineyard at Gruene POA, the POA, agrees to the following, **"THE POA's PROMISE"**,:

1. The Vineyard at Gruene POA will write a letter of support for the project.
2. The Vineyard at Gruene POA will encourage members to support the project.
3. The Vineyard at Gruene POA will sign this agreement.

Agreed to and Accepted:

**The Developer:**  
**MNO Gruene LLC**

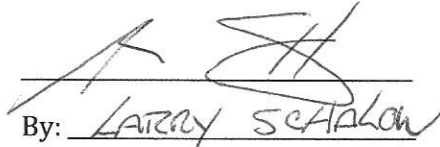


By: David Morin

Its: Managing Member

Date: March 29<sup>th</sup>, 2021

**The POA:**  
**The Vineyard at Gruene POA**



By: LARRY SCHARLOW

Its: POA - THE VINEYARD AT GRUENE PRESIDENT

Date: 2 APRIL 2021



**Exhibit A:**





SUP for MNO Development Multifamily Project at Common Street and FM 306

First Name:

Diane

Last Name:

Andrews

Address:

1228 Duene Vintage

#39

Email:

dmandre06@gmail.com

Phone:

703-447-8240

Please Indicate Support or Opposition for the Project:

☒ I Support The Project

☐ I Oppose The Project

☐ I Do Not Support or Oppose The Project

Additional Comments:

Would like reassurance that what you propose will be done — especially the 10 ft wall and detention pond (for the water flooding thru Duene Vineyard homes)

Signature:

Diane Andrews

Date:

3/23/21

Thank you for taking the time to meet with us. All information provided on this form is confidential and will only be used by the development team and the City of New Braunfels in order to collect and assess neighborhood feedback.

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**Common St & Old FM 306 - Stormwater**

6 messages

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**David Morin** <david@mnoinvestments.com>  
To: Andrews.home@verizon.net

Mon, Mar 29, 2021 at 2:27 PM

Hi John,

We enjoyed meeting you at the neighborhood meeting last week and we appreciate your feedback. We checked with our engineer and he said that we would most certainly be required to provide some form of storm water detention. We understand this was your number one concern and so we are proposing the following language to the POA:

- MNO Gruene will ensure that storm water mitigation will be provided by the site in accordance to the City of New Braunfels Drainage and Erosion Control Design Manual. The site will provide 105% of the required storm water storage capacity for any required storm water detention. Storm water detention will be provided above ground, below ground, or in any other acceptable form as required by the City of New Braunfels.

Please let me know if you agree with this language. I think it gives us enough flexibility to design a detention system that can work with our site plan, while also ensuring that we go above and beyond the City's requirements.

Let me know what you think!

Sincerely,

**David Morin**  
*Partner*



M: +1 (210) 303-7858  
E: david@mnoinvestments.com

---

**John Andrews** <andrews.home@verizon.net>  
Reply-To: John Andrews <andrews.home@verizon.net>  
To: "david@mnoinvestments.com" <david@mnoinvestments.com>, "Andrews.home@verizon.net" <Andrews.home@verizon.net>  
Cc: "poa.gruene78130@gmail.com" <poa.gruene78130@gmail.com>

Mon, Mar 29, 2021 at 4:11 PM

Thanks David for the quick response!

As a homeowner you captured my concern and the engineering response/language is appropriate based on my level of knowledge.

I will share this information and discuss with the Board of Directors in the next few days.

Note: Board is cc on this message.

Warm regards, John

John Andrews  
andrews.home@verizon.net

[Quoted text hidden]

---

**David Morin** <david@mnoinvestments.com>  
To: John Andrews <andrews.home@verizon.net>  
Cc: "poa.gruene78130@gmail.com" <poa.gruene78130@gmail.com>

Mon, Mar 29, 2021 at 5:42 PM

That's great to hear! Thanks John!

Sincerely,

**David Morin**  
*Partner*



M: +1 (210) 303-7858  
E: david@mnoinvestments.com

[Quoted text hidden]

---

**David Morin** <david@mnoinvestments.com>  
To: Frank Navarro <frank@mnoinvestments.com>

Mon, Mar 29, 2021 at 7:51 PM

[Quoted text hidden]

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**John Andrews** <andrews.home@verizon.net>  
Reply-To: John Andrews <andrews.home@verizon.net>  
To: "david@mnoinvestments.com" <david@mnoinvestments.com>  
Cc: "poa.gruene78130@gmail.com" <poa.gruene78130@gmail.com>

Wed, Mar 31, 2021 at 8:13 AM

David,

Following up to our correspondence below.

As a resident of The Vineyard at Gruene and based on your response, I am withdrawing my objections to the MNO Gruene planning regarding storm water drainage, erosion control and detention pond.

Warm regards, John

John Andrews  
andrews.home@verizon.net

-----Original Message-----

From: David Morin <david@mnoinvestments.com>

To: John Andrews <andrews.home@verizon.net>

Cc: poa.gruene78130@gmail.com <poa.gruene78130@gmail.com>

[Quoted text hidden]

[Quoted text hidden]

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**David Morin** <david@mnoinvestments.com>

Wed, Mar 31, 2021 at 10:42 AM

To: John Andrews <andrews.home@verizon.net>

Cc: "poa.gruene78130@gmail.com" <poa.gruene78130@gmail.com>

That is great news. Thank you John! I am glad we were able to meet and discuss the project and also address your main concerns with our promise for our stormwater system.

Sincerely,

**David Morin**  
*Partner*



Austin | San Antonio

M: +1 (210) 303-7858

E: david@mnoinvestments.com

[Quoted text hidden]

---

**MNO.jpg**  
23K



YOUR OPINION MATTERS - DETACH AND RETURN

Case: #SUP21-037 (MG)

Name: Lorraine M. Howard

Address: 1824 Sunnybrook

Property number on map: 43

I favor: ✓

I object: \_\_\_\_\_

Comments: (Use additional sheets if necessary)

(State reason for objection)

Signature: Lorraine M. Howard

**FEB 25 2021**

SUP for MNO Development Multifamily Project at Common Street and FM 306

First Name:

Jeff

Last Name:

Atkins

Address:

1716 Greene Vineyard Crossing

Outside 200'

Email:

jeffatkins1993@gmail.com

Phone:

210-216-5135

Please Indicate Support or Opposition for the Project:

- ☒ I Support The Project  
☐ I Oppose The Project  
☐ I Do Not Support or Oppose The Project

Additional Comments:

I would rather have a high Quality Apt than commercial. Good Presentation before this I was more for commercial

Signature:



Date:

3-23-21

Thank you for taking the time to meet with us. All information provided on this form is confidential and will only be used by the development team and the City of New Braunfels in order to collect and assess neighborhood feedback.



SUP for MNO Development Multifamily Project at Common Street and FM 306

First Name:

Jacqueline & Michael

Last Name:

Archant

Address:

1748 Greene Vineyard Xing  
New Braunfels, TX 78130

Outside 200'

Email:

Michaelarchant@gmail.com

Phone:

415 504 4558

Please Indicate Support or Opposition for the Project:



Support The Project



I Oppose The Project



I Do Not Support or Oppose The Project

Additional Comments:

Please include us in future meetings.

Signature:

*[Handwritten Signature]*

Date:

3/23/2021

Thank you for taking the time to meet with us. All information provided on this form is confidential and will only be used by the development team and the City of New Braunfels in order to collect and assess neighborhood feedback.



Matt Greene

YOUR OPINION MATTERS - DETACH AND RETURN

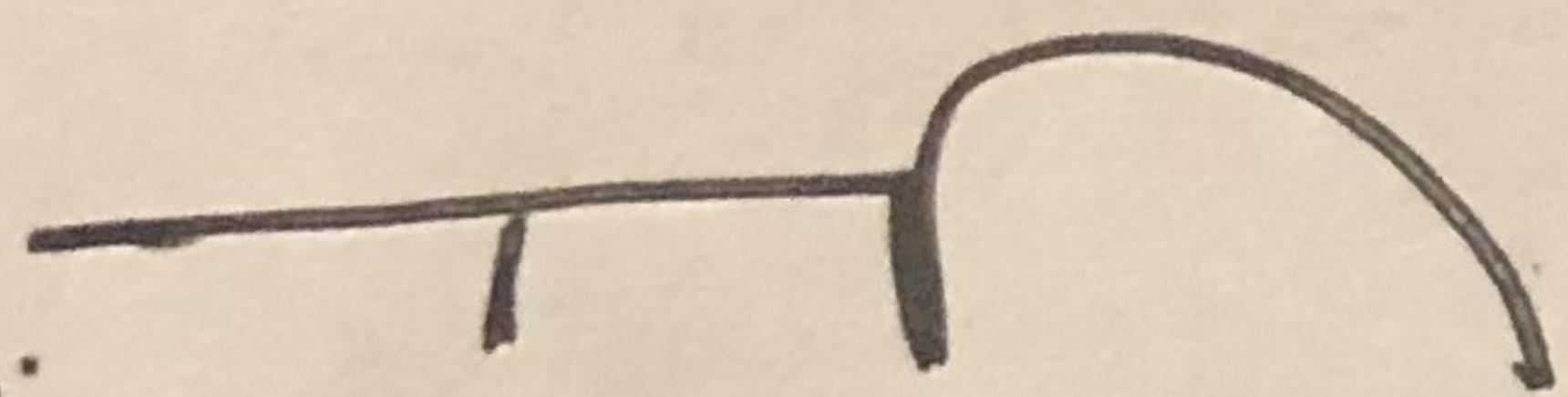
Case: #SUP21-037 (MG)

Name: T. REICHERT

Address: 1739 SUNNYBROOK DR.

Property number on map: 6

Comments: (Use additional sheets if necessary)

Signature: 

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

I object: \_\_\_\_\_

(State reason for objection)

OVERCROWDING IN  
TRADITIONALLY SINGLE  
FAMILY HOME NEIGHBORHOOD.

NOISE! TRAFFIC!  
REDUCED QUALITY OF LIVING!



MAR 01 2021

Case: #SUP21-037 (MG)

Name: Bert West

Address: 1735 Sunnybrook

Property number on map: 4

Comments: (Use additional sheets if necessary)

Signature: Bertie Z. West

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

I object: ☒ \_\_\_\_\_

(State reason for objection)

Traffic

Noise Foot Traffic thru  
neighborhood

## SUP for MNO Development Multifamily Project at Common Street and FM 306

First Name:

C. ~~Scheel~~

Last Name:

SCHEEL

Address:

1758 SUKIN4BROOK DR.

#7

Email:

JAEGER2267@YAHOO.  
COM

Phone:

Please indicate support or opposition for the project based on the parameters below:

Units adjacent to single family use are no more than two stories

Units not adjacent to single family use are no more than three stories

Dumpsters are at least 50 feet away from single family use

Privacy wall built along all adjacent single family use prior to the start of vertical construction

Storm water detention will include 5% excess over city requirements

Vehicular access to Clearwater Driver restricted to vehicles only <sup>Emergency</sup> (P)☐ I Support The Project☐ I Oppose The Project☒ I Do Not Support or Oppose The Project

Additional Comments:

Signature:

C. Scheel

Date:

3-30-21

Thank you for taking the time to meet with us. All information provided on this form is confidential and will only be used by the development team and the City of New Braunfels in order to collect and assess neighborhood feedback.

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #SUP21-037 (MG)

MAR 01 2021

Name: Gina Andrews

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

Address: 1212 Gruene Vintage

Property number on map: 21

I object: ☒ too much  
traffic to

Comments: (Use additional sheets if necessary)

(State reason for objection) enable  
emergency vehicles  
to have adequate  
travel times.

Signature: [Signature]

MAR 01 2021

Case: #SUP21-037 (MG)

Name: Larry Kay Vardeman

Address: 1216 Gruene Vintage

Property number on map: 22

Comments: (Use additional sheets if necessary)

Signature: Larry Kay Vardeman

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

I object: ☒ \_\_\_\_\_

(State reason for objection)

Traffic, property  
values will decline,  
people walking through  
our gated community,  
and many more  
reasons!!



**From:** [pjwilkins@twc.com](mailto:pjwilkins@twc.com)  
**To:** [Matt Greene](#)  
**Subject:** Notice of Public Hearing Case #SUP21-037 (MG)  
**Date:** Monday, February 22, 2021 4:35:17 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.**

Dear Mr. Greene,

Today I received my notice of public hearing for case number SUP21-037 (MG), as I live within 200 feet of the proposed rezoning area. My info is as follows:

Name: Peter Wilkins

Address: 1220 Gruene Vintage, New Braunfels, TX 78130

Property number on map : 23

I OBJECT

I strongly object to this rezoning request for several reasons.

1. My wife and I built our house here 3 years ago because we enjoy the small-town feel of Gruene. The neighborhood is very walkable, and consists of residents that are mostly retired, and have poured their life savings into living here, as it is quaint, safe, and has all the necessary amenities nearby. Having hi-density housing directly next to us is not something we envisioned when we built here. We certainly would not have built here if we thought city council was going to change Gruene into just another hi-density environment. Should this measure pass, we will be heart-broken and will consider selling our property and moving elsewhere, into another quaint, walkable small town. This would be such a shame as we truly enjoy Gruene.
2. A major concern we have is the already untenable traffic on Common street. It already takes forever to leave our development and turn onto Common street during high traffic periods. Having this development right next to us will exacerbate this problem significantly. City council is already approving another hi-density housing development directly across Common street from this proposed development. Common street cannot handle this additional traffic.
3. The potential for increased crime levels in this immediate area is concerning, as is the impact such a development would have on our property values.
4. Again, I strongly oppose this rezoning request.

Thank you,

*PJ Wilkins*

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #SUP21-037 (MG)

MAR 01 2021

Name: Traci Kimble

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

Address: 1216 Conover EST

Property number on map: 25

I object: ☒

(State reason for objection)

Comments: (Use additional sheets if necessary)

See letter from  
HGA

Signature: Traci Kimble

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #SUP21-037 (MG)

MAR 01 2021

Name: M. Wright Family

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

Address: 1756 Green Estate

Property number on map: 27

I object: ☒

(State reason for objection)

Comments: (Use additional sheets if necessary)

See HOA letter

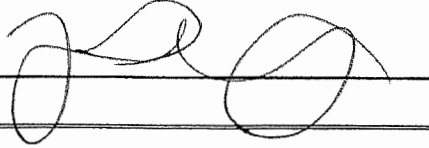
Signature:   
Susan Bradley for Matthew Wright (Feb Jan 2021 16:37 CST)

MAR 01 2021

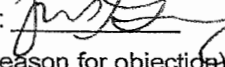
Case: #SUP21-037 (MG)

Name: Julie GonzalezAddress: 1756 Greene Vineyard XingProperty number on map: #27

Comments: (Use additional sheets if necessary)

Signature: 

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

I object:   
(State reason for objection)

See Host Letter



YOUR OPINION MATTERS - DETACH AND RETURN

Case: #SUP21-037 (MG)

FEB 26 2021

Name: Donald L. Holtzclaw

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

Address: 1760 Gruene Vineyard Crossing

Property number on map: 28

I object: ☒

(State reason for objection)

Comments: (Use additional sheets if necessary)

- 1) Traffic will increase 3) Property Values decrease  
2) Drainage issues 4) Noise issues 5) Theft/Burglary  
Signature: W. Holtzclaw 6) Foot traffic coming thru

MAR 01 2021

Case: #SUP21-037 (MG)

Name: Emily Jo. Abbott

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

Address: 1208 Gruene VintageProperty number on map: #32I object: Strongly Object  
(State reason for objection)

Comments: (Use additional sheets if necessary)

email &amp; letter to follow

Signature: Emily J. Abbott

**From:** [Emily Abbott](#)  
**To:** [Matt Greene](#)  
**Cc:** [Matthew E. Hoyt](#); [tkimble@southwestfunding.com](mailto:tkimble@southwestfunding.com); [John Andrews](#); [The Vineyard at Gruene POA Board of Directors](#)  
**Subject:** Case: #SUP21-037 (MG)  
**Date:** Sunday, February 28, 2021 6:25:26 PM

---

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

David W. & Emily Jo Abbott  
1208 Gruene Vintage  
New Braunfels, Texas 78130

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

I Object: **STRONGLY OBJECT**

February 27, 2021

Dear Mr. Matt Greene

In response to your NOTICE OF PUBLIC HEARING letter on the 10 acres out of the A.P. Fuquay survey No. 35, Abstract No. 155, located at the northwest corner of the intersection of E. Common Street and Old FM 306.

After being abandoned by the developers for the Vineyards at Gruene subdivision, the community pulled together to finish the mess. Money was collected, a real-estate lawyer was hired and a POA was established with a very intelligent and active Board of Directors. It has been a struggle to say the least, however we finally accomplished what the developers promised when we so trustingly handed over our down payment to build a house in this subdivision. It is private property, so the city does not fund or repair any roads or help with the retention area. We built a private fence that separates our subdivision from The Augusta at Gruene to help with all the fence jumpers that wander the neighborhood and knock on doors all hours of the night. Paid for private entrance gates to prohibit the traffic cutting through our subdivision 24/7 to arrive at downtown Gruene. It has been a very costly and battle intense struggle. We were blocked by the city every step of the way to become a gated community. We complied with every issue asked by the city in order to become a gated community. We wanted our

community to be what was originally promised. That being said, If you look at the tax appraisals over the past 2-3 years, you will see that the community has stepped up and raised the bar for the city to reap the benefit of the taxes we pay.

Rezoning the above said property will:

1. Decrease the value of our property.
2. Increase the traffic on E. Commons that is already congested. We have a Senior Care Facility including a Memory Care and a Alzheimer's Unit right on the edge of E. Commons St.. If ambulances or fire truck are in route on E. Commons, critical time will be lost. Ambulances are on E. Commons St. 3-5 times a day, not to mention the Firetrucks. Wrecks that occur on IH 35 are rerouted right down E. Commons St. for hours, we can't even get out of our own neighborhood. Street/stop lights will just make it more congested. There is no where for infrastructure to improve!
3. Increase more Environment/Ozone issues from all the traffic, Rodent/Pest issues from all the dumpsters in the complex.
4. Allow the apartment residents to walk right in to our gated community. Statistic state more crime is committed in the surrounding neighborhoods adjacent to apartments.
5. Drainage problems already exists, a apartment complex will cause even more drainage problems for our subdivision because the runoff drains down our main street now resulting in a huge muddy mess.
6. Over crowd schools which are lacking in funding already.
7. Cause even more fundamental issues that I might have failed to mention, internet difficulties come to mind and that is just the tip of the ice burg.

We have worked hard to make the Vineyards at Gruene a nice little slice of heaven. Please reconsider the option to rezone E. Commons St. from a multifamily high density residential area back to its original state of a commercial piece of property. Thank you for your prompt attention to this consideration.

Emily Jo Abbott



YOUR OPINION MATTERS - DETACH AND RETURN

Case: #SUP21-037 (MG)

Name:

Darren & Curry Sutton (Maitis & Yaktzevsky)

I favor:

MAR 01 2021

Address:

1209 Greene Estates

Property number on map:

33

I object:

X


(State reason for objection)

Comments: (Use additional sheets if necessary)

Signature:

Curry Sutton

We Did NOT receive  
this letter in the Mail!

SUP for MNO Development Multifamily Project at Common Street and FM 306	
First Name: <i>Taylor</i>	Last Name: <i>See</i>
Address: <i>1222 Groene estates</i> #34	
Email: <i>taylorsee3@gmail.com</i>	Phone: <i>2103910262</i>
Please Indicate Support or Opposition for the Project: <input type="checkbox"/> I Support The Project <input type="checkbox"/> I Oppose The Project <input checked="" type="checkbox"/> I Do Not Support or Oppose The Project	
Additional Comments:	
Signature: 	Date: <i>8-23-2021</i>
Thank you for taking the time to meet with us. All information provided on this form is confidential and will only be used by the development team and the City of New Braunfels in order to collect and assess neighborhood feedback.	

SUP for MNO Development Multifamily Project at Common Street and FM 306

First Name:

Jim See

Last Name:

Address:

1222 LANE ESTATES, NB TX 78130 #34

Email:

JHSEE@YAHOO.COM

Phone:

830-822-3142

Please Indicate Support or Opposition for the Project:

☐ I Support The Project

☐ I Oppose The Project

☒ I Do Not Support or Oppose The Project

Additional Comments:

DUMPSTER LOCATES - SHOWN ON PLOT PLAN  
AGAINST FENCE

Signature:



Date:

Thank you for taking the time to meet with us. All information provided on this form is confidential and will only be used by the development team and the City of New Braunfels in order to collect and assess neighborhood feedback.

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #SUP21-037 (MG)

MAR 01 2021

Name: Coy Snyder

Address: 12337 Greene & STS

Property number on map: 35

Comments: (Use additional sheets if necessary)

Signature: [Signature]

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

I object: ✓

(State reason for objection)



YOUR OPINION MATTERS - DETACH AND RETURN

Case: #SUP21-037 (MG)

Name: Brady AND DIANA Kimble

Address: 1228 Gruene Estates

Property number on map: circled on next page  
#36 CANNOT read

Comments: (Use additional sheets if necessary)

See ATTACHED letter

Signature: Brady + Diana Kimble

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

I object: ✓

(State reason for objection)

**FEB 26 2021**

**BRADY N. KIMBLE — BROKER OF RANCHES & FARMS**

1228 Gruene Estates Drive

New Braunfels, TX 78130

Cell: 210-415-1868

[bradynkimble@gmail.com](mailto:bradynkimble@gmail.com)

# 36

February 26, 2001

City of New Braunfels  
Att. Matt Greene  
Planning Commission  
550 Landa Street  
New Braunfels, Texas 78130

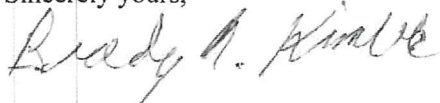
I am 81 years old and in June of 2020 my wife, Diana, and I completed construction of our new 3,000 square foot home on 1228 Gruene Estates, New Braunfels, Texas 78130 that backs up to the 10 acres that you are wanting to change the zoning on. We decided on this location for privacy with the gated entry and exit of our subdivision Vineyard at Gruene. It is very safe here now and we like it. At this time the only thing we do not like about our subdivision is that there is a large volume of traffic on Common Street at this time and it will get more in the future with multifamily high density residential units (apartments) that are going to be built in the future. The traffic will get a lot worse.

If the zoning is changed on the 10 acres; the traffic will get much worse, there may and probably will be some foot traffic through our subdivision (at this time there is none or very little) that may increase the crime that is very low at this time.

At my age, 81 years old, we do not want to move again; we thought we had picked the perfect place to live.

I strongly object to the change of zoning of the 10 acres that is adjacent to our property and subdivision.

Sincerely yours,



Brady N. Kimble



Department of Planning and Development Services

## NOTICE OF PUBLIC HEARING

View details here:

[nbtexas.org/PublicNotice](http://nbtexas.org/PublicNotice)

The New Braunfels Planning Commission will hold a public hearing at the request of **David Morin, MNO Partners, agent for Noland and Vera Koepp, Ltd Partnership, owner**, to consider a recommendation to City Council on the following rezoning request:

**Property:** Approximately 10 acres out of the A.P. Fuquay survey No. 35, Abstract No. 155, Comal County, Texas, located at the northwest corner of the intersection of E. Common Street and Old FM 306

**Request:** A Type 2 Special Use Permit to allow multifamily high density residential use (up to 24 units per acre) in the "C-1A" Neighborhood Business District. Additional information can be found at the following website: [nbtexas.org/PublicNotice](http://nbtexas.org/PublicNotice)

Because your property is located within 200 feet of the request, State law requires that we notify you of the public hearing. **However, the zoning of your property will not be changed.** The public hearing process allows an opportunity for you to provide comments on the request. This aids the Commission in making a recommendation to City Council.

Public hearings for this request are scheduled before the Planning Commission on **Tuesday, March 2, 2021**, at 6:00 p.m. virtually via **Zoom Meeting**. Information on how to join the meeting is included with this notice. The Planning Commission's recommendation will be considered by City Council in another public hearing, tentatively scheduled for **Monday, March 22, 2021**. Both meetings are open to the public. All interested persons are invited to join these meetings.

If you wish to submit written comments, please complete ALL of the information below and return to:

Mail: City of New Braunfels  
Planning Commission  
550 Landa Street  
New Braunfels, TX 78130

Email: [mgreene@nbtexas.org](mailto:mgreene@nbtexas.org)

**If you have questions, please call Matt Greene at (830) 221-4053**

Matt Greene

### YOUR OPINION MATTERS - DETACH AND RETURN

Case: #SUP21-037 (MG)

Name: Jeff + Terri Jorgensen

Address: 1215 Gruene Estates

Property number on map: 37

Comments: (Use additional sheets if necessary)

Signature:

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

I object: X

(State reason for objection)

Traffic, Noise, Theft  
Drainage, foot Traffic  
through Vineyards @ Gruene

Already Too many Apartments

**From:** [Jeff JORGENSEN](#)  
**To:** [David@mnoinvestments.com](mailto:David@mnoinvestments.com); [Matt Greene](#)  
**Subject:** Common street and 306 project  
**Date:** Thursday, February 25, 2021 5:38:09 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.

Am a resident of Vineyard at Gruene subdivision. My address is 1215 Gruene Estates and I reside within the 200' notification area.

Have seen your brochure and have some issues/questions.

1) It has been stated that you have zoomed those within 200 feet of your project. My residence is within that distance. Why have I or my neighbors in the Vineyards of Gruene subdivision not been contacted? Apparently your street compromise on Clearwater drive was meant to appease the residents on Sunnybrook and that subdivision. My neighbors and I only became aware of your project once the zoning change signs were posted. Not that transparent.

2) Our subdivision has worked diligently to collect funds and install gates at each end of Our subdivision to maintain privacy on our streets. I say "our streets" as we have to maintain them and for years our street served as a shortcut to Gruene. We have overcome the ineptitude of the original developers and collected the funds by donations to install automatic gates (at substantial cost) to stop unwanted traffic. Your plat shows no attempt to honor that desired privacy by setting up parking and a dumpster next to my neighbors house and would allow people to walk into our neighborhood to get to Gruene. Frank Navarro stated that your company would extend your privacy wall to our gates. The problem is that your over two hundred units with four to five hundred people would just walk to the other side of the gate to get to Gruene. To show your willingness to work with the communities I would suggest you offer to continue the wall on the other side of the gate till it joined our privacy fence on that side. That way pedestrian traffic could be avoided.

3) Two of your three dumpster areas are adjacent to my neighbors houses. If Commercial zoning were maintained the odors would be less and traffic to empty the dumpsters could be at reasonable times. Presently I doubt my neighbors will appreciate the noise associated with people dumping trash all the time and the awful noise from the trucks that collect the waste. Once again our subdivision seems to have been overlooked as two of the three dumpsters are adjacent to our subdivision. I would suggest you place your dumpsters on the interior of your project as you're potential renters would expect them to make noise.

4) Your drainage plans appear to focus on the point of our subdivision. I am very concerned about this issue as our inept subdivision developers may have compromised the existing drainage as they have skimmed on other parts of our subdivision. I hope our city engineers get very aggressive with your plans for drainage.

5) Traffic. Our city council has already reversed course and zoned the property across from Commons as multi family. That true traffic burden is yet to be determined. You propose to have your complete project empty on Common street from one point of egress. Traffic is already backed up in the mornings and evenings. With Commercial zoning we feel that traffic burden would be less. Your company is based out of Austin and I am concerned that the approach Austin has addressed traffic will be reflected in your approach here.

6) Crime element. Presently that is not an issue for our subdivision. Maybe a wall along Commons on both sides of our gates would mitigate a crime issue. This is a concern with multi family projects according to every realtor I have talked to.

7) Noise. Not a concern with Commercial zoning. Is your wall the answer for this concern? What about residents playing loud music or partygoers in the middle of the night? Not a concern with commercial zoning.



8) Property Values. Our taxing entity just hammered most of our subdivision lots with a 40% increase on the land evaluation for this year. What will a multi family 200 unit next to us do to our property values? Once again every realtor I have spoken to states that there will be a negative impact.

I hope you think my questions and points have merit. Personally and presently I'm against your zoning change request. If your company can present your case to our subdivision then perhaps we would be more willing to compromise. Neglecting to get our subdivision involved with your initial talks makes one leery of your attempt at transparency. Our HOA managers are having a Zoom meeting February 25th and will be bringing up these concerns with the HOA and our management company.

Jeff JORGENSEN DVM

Sent from my iPhone

MAR 01 2021

Case: #SUP21-037 (MG)

Name: Karen FehnerAddress: 1227 Gruene EstatesProperty number on map: 38

Comments: (Use additional sheets if necessary)

Signature: Karen Fehner

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

I object: X

(State reason for objection)

See Attachment

- 1.) Property values affected negatively
- 2.) traffic flow highly impacted which is now a issue
- 3.) privacy, security, safety issues
- 4.) We are a gated community, the apartment residents would use as a cut-thru to downtown Gruene.

MAR 01 2021

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #SUP21-037 (MG)

Name: Jill Lam, RKL LLC

Address: 1221 Gruene Estates

Property number on map: 40

Comments: (Use additional sheets if necessary)

Signature: Joe Lam

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

I object: ✓

(State reason for objection)

MAR 01 2021

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #SUP21-037 (MG)

(Formerly Vineyard Lots LLC)

Name: New Day Custom Homes LLC

Address: Vineyard at Greene II, Bldg 5, Lot 11

Property number on map: 42

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

I object: ☒ \_\_\_\_\_

(State reason for objection)

Comments: (Use additional sheets if necessary)

MAR 01 2021

Signature: Theresa Mauricio

Signature: Theresa Mauricio  
Theresa Mauricio (Feb 27, 2021 14:12 CST)

Email: newdaycustomhomes@hotmail.com

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #SUP21-037 (MG)

Name: Romy Martin

Address: 1832 sunnysbrook dr

Property number on map: 44

Comments: (Use additional sheets if necessary)

Signature: Romy

I favor: ✓

I object: ✓

(State reason for objection)

MAR 01 2021



YOUR OPINION MATTERS - DETACH AND RETURN

Case: #SUP21-037 (MG)

MAR 01 2021

Name: Kay Lay

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

Address: 230 Rio

Property number on map: OUTSIDE 200' NOTIFICATION AREA

I object: *[Signature]*

(State reason for objection)

Comments: (Use additional sheets if necessary)

*Infra Structure*  
*Stress*

Signature: *Kay Lay*

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #SUP21-037 (MG)

Name: Terry Fredrickson

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

Address: 1159 Gwene Rd NB TX 78130

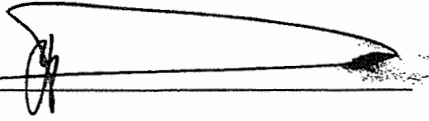
Property number on map: **OUTSIDE 200' NOTIFICATION AREA**

I object: 1) Affects my prop value  
2) Too much traffic

(State reason for objection)

Comments: (Use additional sheets if necessary)

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



YOUR OPINION MATTERS - DETACH AND RETURN

Case: #SUP21-037 (MG)

Name:

Address:

Property number on map: **OUTSIDE 200' NOTIFICATION AREA**

Comments: (Use additional sheets if necessary)

Signature:

**MAR 01 2021**

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

I object: Copy

(State reason for objection)

See HOA letter

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #SUP21-037 (MG)

Name: DONNA NEEDHAM

Address: 1207 GRUENE VINTAGE

Property number on map: OUTSIDE 200' NOTIFICATION AREA

Comments: (Use additional sheets if necessary)

Signature: Donna C. Needham

MAR 01 2021

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

I object: ☒

(State reason for objection)

1. Traffic
2. Property Value
3. Security issue
4. Drainage

See Hot Letter



Department of Planning and Development Services

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New Braunfels, TX 78130

Email: [mgreene@nbtexas.org](mailto:mgreene@nbtexas.org)

**If you have questions, please call Matt Greene at (830) 221-4053**

Matt Greene

### YOUR OPINION MATTERS - DETACH AND RETURN

Case: #SUP21-037 (MG)

Name: Randy & Michelle Watts

Address: 1209 Greene Vine Court

Property number on map: OUTSIDE 200' NOTIFICATION AREA

Comments: (Use additional sheets if necessary)

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

I object: X

(State reason for objection)

see attached

Signature: Michelle Watts



Notice of Public Hearing East Common & Old 306

My husband and I are against the proposed change on zoning. We currently live in the Vineyard at Gruene gated community. There is already so much traffic that it makes it very difficult to get into and out of the Common Street entrance.

This proposed multifamily high density residential will add additional traffic, making it even worse. The proposed complex is situated very close to the back fence of several nice homes.

I am concerned about the residents taking the liberty of walking through our gated community as a short cut into Gruene.

Single story, less dense residential development would be less of a concern.

Randy and Michelle Watts  
1209 Gruene Vine Court  
New Braunfels, TX 78130

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #SUP21-037 (MG)

MAR 01 2021

Name: Keith L. Waid

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

Address: 1210 GRUENE Vine CT

Property number on map: OUTSIDE 200' NOTIFICATION AREA I object: ✓

Comments: (Use additional sheets if necessary)

(State reason for objection)

Signature: Keith L. Waid

TRAFFIC  
Schools  
drainage

See HMA letter

## YOUR OPINION MATTERS

Case: #SUP21-037 (MG)

Name: Stella CopherAddress: 1211 Gruene VintageProperty number on map: across the street  
from #32 **OUTSIDE 200' NOTIFICATION AREA**

Comments: (Use additional sheets if necessary)

I favor: MAR 01 2021I object: object

(State reason for objection)

The Change will forever  
effect our Neighborhood.Signature: Stella Copher

you say our zoning will not be changed but the plan to build all these apartments right next to our subdivision is equal to rezoning because its too close. Our area is made up of mostly retired or elderly people that just want peace and quiet. When construction starts it will be a detriment to our health, breathing the dust and the noise will be every day. When the project is completed we have to ~~be~~ listen to dumpsters in the mornings being emptied before daylight. The project is much too close to all our residence and should not be built there. Also the traffic on Common St. is already already so bad we have trouble getting on it. If these apartments are added to the area then traffic becomes even worse. My husband and I just moved here in December 2020 because the neighborhood is so peaceful. We believe home values will go down and the noise coming from apartments will be unbearable. We just moved from a garden apartment at the Land Mark because the street noise and construction noise had become unbearable. Please be fair & do not do this to us elderly people. These apartments should be located in a more suitable location. If you have to rezone to put them at this location then it can not be right.

Stella Copher

## YOUR OPINION MATTERS - [REDACTED]

Case: #SUP21-037 (MG)

Name: Edgar L. CopherI favor: MAR 01 2021Address: 1211 Gruene VintageProperty number on map: ACROSS The STREET  
From #32I object: XXX  
(State reason for objection)

Comments: (Use additional sheets if necessary)

Signature: Edg L. CopherThe change will have  
A Negative effect on  
our wonderful neighborhood.

The APARTMENTS will cause the following  
"Negative" effects on our neighborhood:

1. ENVIRONMENTAL ISSUES: more noise, more TOXICANTS  
from cars, more garbage disposal
2. Property VALUES will go down with APARTMENTS  
NEXT DOOR.
3. APARTMENTS have a history of higher Crime.
4. More Congested Traffic Issues
5. How would you Like 240 Boom Boxes AND  
240 BBQ Grills going in your BACK YARD??  
This is Similar Issue Like The Comal River  
issues we had in the PAST!
6. Would You WANT APARTMENTS in YOUR BACKYARD?

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #SUP21-037 (MG)

MAR 01 2021

Name: DAN MALONE

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

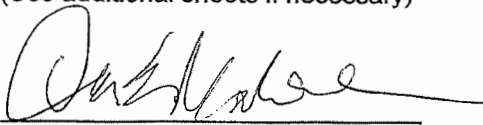
Address: 1215 GRUENE VINTAGE

Property number on map: OUTSIDE 200' NOTIFICATION AREA

I object: ☒

Comments: (Use additional sheets if necessary)

(State reason for objection)

Signature: 

See HOA letter



Case: #SUP21-037 (MG)

MAR 01 2021

Name: BONNIE DENING

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

Address: 1216 GRUENE VALLEY CIR.Property number on map: OUTSIDE 200' NOTIFICATION AREA I object: ☒

(State reason for objection)

Comments: (Use additional sheets if necessary)

traffic, property value  
noise, safety,  
drainage, thefts

Signature: Bonnie Denning

See HOA letter

YOUR OPINION MATTERS - DETACH AND RETURN

MAR 01 2021

Case: #SUP21-037 (MG)

Name: CONNIE & Rick Mackiewicz

Address: 1217 Gruene Vine Ct.

Property number on map: **OUTSIDE 200' NOTIFICATION AREA**

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

I object: X

Comments: (Use additional sheets if necessary)

(State reason for objection)

Signature: Connie Mackiewicz

lack of privacy for  
homeowners, traffic  
congestion + lowering  
our property values.

See HOA letter

YOUR OPINION MATTERS - DETACH AND RETURN

MAR 01 2021

Case: #SUP21-037 (MG)

Name: James Z Kofakis

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

Address: 1218 Gruene Village East NW TX 78170

Property number on map: **OUTSIDE 200' NOTIFICATION AREA**

I object: XXX!!

Comments: (Use additional sheets if necessary)

(State reason for objection)

SEE ATTACHED  
letter

Signature: James Z Kofakis



The Vineyard at Gruene  
Property Owners Association (POA)

Board of Directors: Larry G. Schalow, Chairman and President  
Ron Richardson, Vice Chairman & Treasurer Michael Phelan, Vice Chairman & Secretary

February 26, 2021

Dear Council,

The Vineyard at Gruene Property Owners Association is writing to express our strong opposition to the proposed rezoning of approximately 10 acres out of the A.P. Fuquay survey No. 35, Abstract No. 155, Comal County, Texas, located at the northwest corner of the intersection of E. Common Street and Old FM 306 to allow multifamily high density residential use in the "C-1A" Neighborhood Business District.

While the local community may be unable to prevent development, that in itself will be detrimental to the area, residents in the Vineyard at Gruene neighborhood are unified in opposing the addition of multi-family housing that will cause traffic, school, safety, privacy, drainage and noise issues as well as potentially lower the property values at our existing community.

Traffic and safety of pedestrians are major areas of concern. Traffic congestion on E. Common Street and FM306 are already at critical levels. During the morning and afternoon hours, it can be difficult to get on E. Common Street since traffic is backed from the intersection to past our neighborhood, which is over 1/3<sup>rd</sup> of a mile away. The recent re-zoning of multi-family on E. Common Street across the street from our community along with the current rezoning proposal are simply going to overload the current infrastructure. Due to the lower number of people in the area at the same time as compared to an apartment complex, we believe the current "commercial" zoning designation would have a much lower adverse impact on current & future traffic issues.

Schools in the area are already reported at overcapacity, and the council should not approve multi-family dwellings that create or exacerbate a situation that will cause further school over-enrollment issues. It is established that over capacity has a negative impact on student learning, educational success, and school effectiveness.

Safety, privacy, and noise issues are all valid concerns if this rezoning proposal moves forward. Our neighborhood association, which is responsible for its roads and common areas, has recently installed gates that would now be ineffective should a multi-family project be allowed. Privacy walls that match the current architecture would need to be constructed on both sides of our community to prevent the 400-500 apartment residents from using our neighborhood as a cut-through to access downtown Gruene. Furthermore, the current drainage plans appear to move in the direction of our neighborhood which could induce flooding and/or water pooling issues.

All these concerns are likely to negatively affect property values in the area if multi-family apartments are built. According to multiple sources including real estate professionals, appraisers, and city planners, multi-family dwellings generally have a negative impact to surrounding single family communities and neighborhoods for the concerns above.

I urge you to disapprove the proposed rezoning, and from recent meetings and discussions with our neighbors, I know our opinions are shared by many who have not managed to attend meeting or write letters and emails.

Thank you for your continued service and support of our neighborhood.

Best regards,

The Vineyard at Gruene Board of Directors

MAR 01 2021

Agree 100% with  
this letter of objection  
James Kofakis

JAMES KOFAKIS

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #SUP21-037 (MG)

Name: Sharon Bostick

Address: 1219 Greene Valley Circle

Property number on map: OUTSIDE 200' NOTIFICATION AREA

Comments: (Use additional sheets if necessary)

Signature: Sharon Bostick

MAR 01 2021

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

I object: X

(State reason for objection)

See last letter



YOUR OPINION MATTERS - DETACH AND RETURN

Case: #SUP21-037 (MG)

Name: Judd McClellan

MAR 01 2021

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

Address: 1219 Bonero Valley Cir

Property number on map: OUTSIDE 200' NOTIFICATION AREA

I object: X

Comments: (Use additional sheets if necessary)

(State reason for objection)

Signature: [Signature]

See H04 letter

MAR 01 2021

Case: #SUP21-037 (MG)

Name: NANCY ABRAHAM

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

Address: 1220 GRUENE VALLEY CIRCLEProperty number on map: OUTSIDE 200' NOTIFICATION AREA I object: X

(State reason for objection)

Comments: (Use additional sheets if necessary)

TRAFFIC, SAFETY

Signature: Nancy Abraham

See HOA letter

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #SUP21-037 (MG)

Name: Michael Phelan

I favor: MAR 01 2021

Address: 1224 Greenvale Valley Circle

Property number on map: OUTSIDE 200' NOTIFICATION AREA I object: X

(State reason for objection)

Comments: (Use additional sheets if necessary)

Signature: Am Phelan

Traffic, security,  
property values, noise  
See HOA letter

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #SUP21-037 (MG)

Name: Rene' Krummer

Address: 1225 Gruene Vine Ct.

Property number on map: OUTSIDE 200' NOTIFICATION AREA

Comments: (Use additional sheets if necessary)

Signature: Rene' Krummer

I favor: MAR 01 2021

I object: ✓

(State reason for objection)

Traffic, Privacy  
Deflate property  
value

see HOA letter

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #SUP21-037 (MG)

MAR 01 2021

Name: James E. Hannon

Address: 1226 Gruebe Vine Ct.

Property number on map: OUTSIDE 200' NOTIFICATION AREA

I favor: ~~Yes~~

I object: ✓

(State reason for objection)

Comments: (Use additional sheets if necessary)

See HOA letter

Signature: [Signature]





Case: #SUP21-037 (MG)

Name:

Brent - Hollie Pfeiffer

Address:

1227 Gruene Valley Cir

Property number on map:

26

I favor:

BY: [signature]

I object:



(State reason for objection) \*

OUTSIDE 200' NOTIFICATION AREA

Comments: (Use additional sheets if necessary)

Signature:

\* too many apt complexes in immediate area. Do not wish ~~have~~ our gated community to back up to multi-family housing. Potential property value depreciation.

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #SUP21-037 (MG)

MAR 01 2021

Name: Michael Romero

Address: 1227 GROVE VINTAGE

Property number on map: OUTSIDE 200' NOTIFICATION AREA

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

I object: ☒ \_\_\_\_\_

Comments: (Use additional sheets if necessary)

(State reason for objection)

Signature: Michael K Romero

See HRA letter

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #SUP21-037 (MG)

Name: Darrien & Curry Sutton

Address: 1231 Greene Village

Property number on map: **OUTSIDE 200' NOTIFICATION AREA**

Comments: (Use additional sheets if necessary)

Signature: Curry & Darrien

MAR 01 2021

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

I object: X

(State reason for objection)

See HoA letter

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #SUP21-037 (MG)

Name: Darren and Curry Sutton

Address: 1232 Gruene Vintage

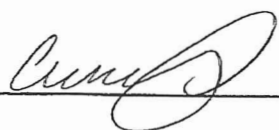
Property number on map: **OUTSIDE 200' NOTIFICATION AREA**

I favor:                      **MAR 01 2021**

I object: X

(State reason for objection)

Comments: (Use additional sheets if necessary)

Signature: 

Traffic  
Noise  
Drainage

See HOA  
Letter

MAR 01 2021

Case: #SUP21-037 (MG)

Name:

Terry Tilly

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

Address:

1345 Cypress Bend Cove

Property number on map: **OUTSIDE 200' NOTIFICATION AREA**I object: ☒

(State reason for objection)

Comments: (Use additional sheets if necessary)

Signature:

Terry Tilly



Case: #SUP21-037 (MG)

MAR 01 2021

Name:

Lindy Ferguson

Address:

1618 Bruce Vinyard Trng

Property number on map: **OUTSIDE 200 NOTIFICATION AREA**

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

I object: ☒

(State reason for objection)

Comments: (Use additional sheets if necessary)

See H&amp;A letter

Signature:

Lindy Ferguson

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #SUP21-037 (MG)

Name: Jo Ann Moore

Address: 1626 Gruene Vineyard Xing

Property number on map: OUTSIDE 200' NOTIFICATION AREA

Comments: (Use additional sheets if necessary)

Signature: Jo Ann Moore

MAR 01 2021

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

I object: ☒

(State reason for objection)

See HOA letter

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #SUP21-037 (MG)

Name: STEPHEN FRANK V

Address: 1630 GRONVALL XING

Property number on map: OUTSIDE 200' NOTIFICATION AREA

Comments: (Use additional sheets if necessary)

Signature: [Signature]

I favor: MAR 01 2021

I object: ✓  
(State reason for objection)

See HOA letter

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #SUP21-037 (MG)

Name: DEBBIE FRANK V

Address: 1630 GRONVALL XING UNIT 1511

Property number on map: OUTSIDE 200' NOTIFICATION AREA

Comments: (Use additional sheets if necessary)

Signature: [Signature]

I favor: MAR 01 2021

I object: ✓  
(State reason for objection)

See HOA letter

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #SUP21-037 (MG)

MAR 01 2021

Name: Kristy Nunez

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

Address: 11638 Greene Vineyard Xing

Property number on map: OUTSIDE 200' NOTIFICATION AREA

I object: X

Comments: (Use additional sheets if necessary)

(State reason for objection)

See H04 letter

Signature: Kristy Nunez

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #SUP21-037 (MG)

Name: Aubree Moeller

MAR 01 2021

Address: 1650 Gruene Vineyard Xing

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

Property number on map: OUTSIDE 200' NOTIFICATION AREA

I object: ✓

Comments: (Use additional sheets if necessary)

(State reason for objection)

Signature: [Signature]

See HOA letter



YOUR OPINION MATTERS - DETACH AND RETURN

Case: #SUP21-037 (MG)

Name: HARRY MOELLER

Address: 11650 Grove Vineyard Xing

Property number on map: OUTSIDE 200' NOTIFICATION AREA

Comments: (Use additional sheets if necessary)

Signature: [Signature]

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

**MAR 01 2021**

I object: ☒

(State reason for objection)

See HOA Letter

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #SUP21-037 (MG)

MAR 01 2021

Name: Darren & Curry Sutton

Address: 1678 Gruene Vineyard Xing

Property number on map: **OUTSIDE 200' NOTIFICATION AREA**

I favor: X

I object: X  
(State reason for objection)

Comments: (Use additional sheets if necessary)

Signature: DM & CS

see HAA letter

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #SUP21-037 (MG)

MAR 01 2021

Name: Michael Phelan

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

Address: 1686 Browne Vineyard Crossing

Property number on map: OUTSIDE 200' NOTIFICATION AREA

I object: X

Comments: (Use additional sheets if necessary)

(State reason for objection)

Signature: Michael Phelan

security, traffic  
property values, noise  
see 404 letter

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #SUP21-037 (MG)

Name:

NANCY Armstrong

Address:

1712 Greene Vineyard Crossing

Property number on map:

OUTSIDE 200' NOTIFICATION AREA

I favor:

MAR 01 2021

I object:

✓

(State reason for objection)

Comments: (Use additional sheets if necessary)

Signature:

Nancy Armstrong

See HOA letter

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #SUP21-037 (MG)

MAR 01 2021

Name:

Kelli Dillon

Address:

1724 Grovenet Vineyard Xing

I favor:

☒

Property number on map: OUTSIDE 200' NOTIFICATION AREA

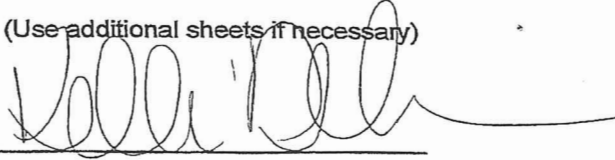
I object:

(State reason for objection)

Comments: (Use additional sheets if necessary)

See HOA Letter

Signature:





YOUR OPINION MATTERS - DETACH AND RETURN

Case: #SUP21-037 (MG)

MAR 01 2021

Name: Tyrre Heggerson

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

Address: 1740 Ordene Vineyard.

Property number on map: **OUTSIDE 200' NOTIFICATION AREA**

I object: ☒

Comments: (Use additional sheets if necessary)

(State reason for objection)

Traffic, safety

Sep Host letter

Signature: [Signature]

Case: #SUP21-037 (MG)

MAR 01 2021

Name: Pamela McElvath

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

Address: 1871 Crystal Springs BlvdProperty number on map: OUTSIDE 200' NOTIFICATION AREA I object: X

(State reason for objection)

Comments: (Use additional sheets if necessary)

Signature: Pamela McElvath

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #SUP21-037 (MG)

Name: Bryan Carr

MAR 01 2021

Address: 11770 FM 2145 New market TX 77871

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

Property number on map: OUTSIDE 200' NOTIFICATION AREA

I object: ☒ \_\_\_\_\_

Comments: (Use additional sheets if necessary)

(State reason for objection)

Signature: Bryan Carr

YOUR OPINION MATTERS - DETACH AND RETURN

MAR 01 2021

Case: #SUP21-037 (MG)

Name: M Sizemore

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

Address: Box 475, 11674 Grunc

Property number on map: OUTSIDE 200' NOTIFICATION AREA


I object: X

Comments: (Use additional sheets if necessary)

crossing

(State reason for objection)

See HOA letter

Signature: 

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #SUP21-037 (MG)

MAR 01 2021

Name: <sup>Cathleen</sup> CATHY McHENRY

Address: 1214 GREENE VINE CT

Property number on map: **OUTSIDE 200' NOTIFICATION AREA**

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

I object: ☒ cgm

(State reason for objection)

Comments: (Use additional sheets if necessary)

traffic, noise

Signature: Cathleen McHenry

congestion

See HOT letter



YOUR OPINION MATTERS - DETACH AND RETURN

Case: #SUP21-037 (MG)

Name: Deborah Richman

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

Address: 1470 Janets Way

Property number on map: Lot 1A Block 4

I object: ☒

2013060 14992 OUTSIDE 200' NOTIFICATION AREA (State reason for objection)

Comments: (Use additional sheets if necessary)

Has there been a traffic study? Traffic congestion

Signature: Deborah Richman

**From:** [Bettie Armstrong](#)  
**To:** [Matt Greene](#)  
**Subject:** Rezoning - 10 Acres out of the A.P. Fuquay Survey No 35, Abstract No. 155  
**Date:** Monday, March 1, 2021 5:04:28 PM

---

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

Mr. Greene:

I am very familiar with the intersection of this 10 Acres and it appears the rezoning request is being made in order to construct 240 Apartments. I managed an Apartment Community of 32 Acres and 400 units in another city. We found there is an average of more than 2 cars for at least 1/2 to 3/4 of the units constructed. This area does not need nor in my opinion can it handle that many more cars. Common Street is heavily traveled now. There are Senior Living Centers just down the street from this area and also Churches with a school. I know we need apartments but please not at this location which is already a congested area. Thank you for your kind attention to this request.

Bettie Armstrong  
2352 Village Path  
New Braunfels, TX  
830-832-1541

**OUTSIDE 200' NOTIFICATION AREA**

Sent from my iPad

---

**YOUR OPINION MATTERS - DETACH AND RETURN**

**Case: #SUP21-037 (MG)**

Name: Rachel Behnke

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

Address: 2240 Cotton Blvd, New Braunfels TX 78130

Property number on map: **OUTSIDE 200' NOTIFICATION AREA** I object: X

(State reason for objection)

Comments: (Use additional sheets if necessary)

y property, within the Cotton Crossing subdivision, does not appear on the map but I believe we will be impacted in multiple ways. We have high traffic at already uses Hanz Dr as a cut-through. Having a multi-family unit will increase that. Common Road is not set up to handle this increase of vehicles. ost importantly, this plot of land is far too close to a multitude of single-family homes. Having 24 units per acre would equal 240 units, which is far too any.

Signature: Rachel Behnke

This property should only be considered for commercial purposes, not high-density housing or entertainment. Thank you.

YOUR OPINION MATTERS - DETACH AND RETURN

MAR 02 2021

Case: #SUP21-037 (MG)

Name: Philip & Tracy Barquer

Address: 1732 Gruene Vineyard Crossing

Property number on map: 26

OUTSIDE 200' NOTIFICATION AREA

Comments: (Use additional sheets if necessary)

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

I object: X

(State reason for objection)

Signature: Philip Barquer

Dear Mr. Greene,

I am a resident at 1732 Gruene Vineyard Crossing,

I oppose the rezoning as requested by Noland and Vera Koepp to be discussed at the Public Hearing on March 2, 2021.

The environmental impact will cause traffic, significantly increase the population and be a detriment to the infrastructure of Gruene.

Most concerning is the adverse impact to the Gruene Historic District. The Planning commission should do a thorough analysis of the impact to the Historical District prior to any approval of a Type 2 special use permit to allow multifamily High Density residential Use.

Thank you for your consideration.

Philip and Tracy Barquer

Phil@hralternatives.com

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #SUP21-037 (MG)

Name: Karen R. Hardy

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

Address: 2030 Cotton Blvd

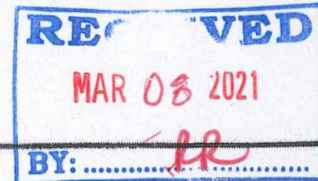
Property number on map: 362358

I object: ✓

**OUTSIDE 200' NOTIFICATION AREA** (State reason for objection)

Comments: (Use additional sheets if necessary)

Signature: Karen R. Hardy



March 2, 2002

City of New Braunfels

RE: 10 acres out of the A.P. Fuquay survey No. 35, Abst. No. 155 Coma; County Texas, located at the North West intersection of Old 306 and East Commons.

Mr. Greene,

I object to this project due to the traffic concerns on Commons. I already have difficulty turning on to Commons due to the high traffic we have currentiy. I wait for an opening then gun it to get across. If two people live in each unit you will have an additional 480 cars added to the already congested street. It will also make turning left off Old 306 onto Commons difficult due the to backup traffic trying to get through the light at 306.

Thank you for your consideration.

Karen Rolane Hardy

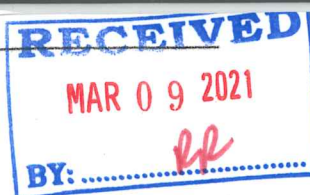
Karen Rolane Hardy

2030 Cotton Blvd, New Braunfels, 78130

830-660-5785



## YOUR OPINION MATTERS - DETACH AND RETURN



Case: #SUP21-037 (MG)

Name: Porfirio and Jennifer Dubón

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

Address: 1021 Gruene Springs, New Braunfels, TX 78130

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

I object: X

(State reason for objection)

Comments: (Use additional sheets if necessary) The proposed rezoning would be a disaster. The intersection is already chaotic and dangerous; in addition, another set of high-density complex will be detrimental to real estate prices in the area.

Signature: Porfirio A. Dubón

RECEIVED

MAR 09 2021

BY: RP

Case: #SUP21-037 (MG)

Name: Rosa Groenewald

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

Address: 2254 Groene Lake DrProperty number on map: 20060648726I object: ✓

(State reason for objection)

Comments: (Use additional sheets if necessary)

E Common Street & FN 306 have become so congested already  
Adding multifamily high density to that area (4 acres) will make  
matters much worse &  
decrease our property values

Signature: Rosa Groenewald

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #SUP21-037 (MG)

Name: Elba Groeneveld

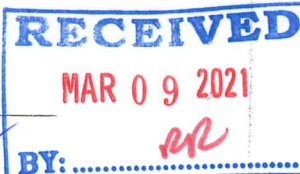
Address: 2269 Greene Lake Dr

Property number on map: 150208010900

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

I object: ☒ \_\_\_\_\_

(State reason for objection)



Comments: (Use additional sheets if necessary)

The intersection of E. Common St & Old FM 300 is a problem already; rezoning to high density will add to the issue and decrease your property values

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

Elba Groeneveld

**From:** [Oretha Campbell](#)  
**To:** [Matt Greene](#)  
**Subject:** Re: Proposed Property Rezoning  
**Date:** Sunday, March 21, 2021 6:37:04 PM

---

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

I object !!!!

I do not want big apartments that close to me !!!!!

oretha campbell  
1627 hanz drive  
new braunfels tx 78130

On Monday, March 1, 2021, 03:56:11 PM CST, Cotton Crossing Owners Association, Inc.  
<ghendricks001@att.net> wrote:

Proposed property rezoning located on Common Street , vacant lot left side  
as one drives towards Texas 306 across from large vacant field on the right.  
The attached Notice of Public Hearing provides additional information  
concerning this property.



Department of Planning and Development Services

## NOTICE OF PUBLIC HEARING

View details here:  
[nbtexas.org/PublicNotice](http://nbtexas.org/PublicNotice)

The New Braunfels Planning Commission will hold a public hearing at the request of **David Morin, MNO Partners, agent for Noland and Vera Koepp, Ltd Partnership, owner**, to consider a recommendation to City Council on the following rezoning request:

**Property:** Approximately 10 acres out of the A.P. Fuquay survey No. 35, Abstract No. 155, Comal County, Texas, located at the northwest corner of the intersection of E. Common Street and Old FM 306

**Request:** A Type 2 Special Use Permit to allow multifamily high density residential use (up to 24 units per acre) in the "C-1A" Neighborhood Business District. Additional information can be found at the following website: [nbtexas.org/PublicNotice](http://nbtexas.org/PublicNotice)

Because your property is located within 200 feet of the request, State law requires that we notify you of the public hearing. **However, the zoning of your property will not be changed.** The public hearing process allows an opportunity for you to provide comments on the request. This aids the Commission in making a recommendation to City Council.

Public hearings for this request are scheduled before the Planning Commission on **Tuesday, March 2, 2021**, at 6:00 p.m. virtually via **Zoom Meeting**. Information on how to join the meeting is included with this notice. The Planning Commission's recommendation will be considered by City Council in another public hearing, tentatively scheduled for **Monday, March 22, 2021**. Both meetings are open to the public. All interested persons are invited to join these meetings.

If you wish to submit written comments, please complete ALL of the information below and return to:

Mail: City of New Braunfels  
Planning Commission  
550 Landa Street  
New Braunfels, TX 78130

Email: [mgreene@nbtexas.org](mailto:mgreene@nbtexas.org)

**If you have questions, please call Matt Greene at (830) 221-4053**

Matt Greene

### YOUR OPINION MATTERS - DETACH AND RETURN

Case: #SUP21-037 (MG)

Name: Charles Bravassard I favor: \_\_\_\_\_

Address: 1228 Greene Valley Cir. NB, TX

Property number on map: Lot 22+23 78130

I object:

(State reason for objection)

Comments: (Use additional sheets if necessary) See attached

Signature:



**From:** [gruene1228@gmail.com](mailto:gruene1228@gmail.com)  
**To:** [Matt Greene](#)  
**Cc:** [gruene1228@gmail.com](mailto:gruene1228@gmail.com)  
**Subject:** #SUP21-037 (MG)  
**Date:** Tuesday, April 6, 2021 4:56:30 PM  
**Attachments:** [Scan Apr 6, 2021 at 4.31 PM.pdf](#)

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

<<...>>

To: Planning and Zoning & Matt Greene,

4-6-21

#SUP21-037 (MG)

I live at 1228 Gruene Valley Circle in the Vineyard at Gruene subdivision. I am strongly opposed to adding more apartments in this area of Common Street. We already have a very hard time turning left onto Common as it is. You approved new apartments across the street which will add to the danger of traffic accidents. Now there is consideration of more apartments. There are many reasons to oppose this from a city citizen and resident perspective but also from a city official reason as well. Common street simply cannot handle more traffic. There are no plans to widen it or to put traffic lights in place to allow safe traffic conditions and pedestrian traffic. After the disaster at Creekside with the horrible traffic conditions I would think City officials would see that infrastructure is critical to deal with before adding more traffic. Try pulling out of our sub-division turning left on to Common Street between 4:30 and 6:30pm. Let me know how it goes.

Where will their retaining pond go? Is it not required? Water runoff is already a challenge for many especially on Sunnybrook where all the water is directed. So now in place of a field that will absorb water it will be brick, mortar and asphalt which will add to the drainage problems.

Crime! Face it, more people, more theft. People will be cutting through sub-divisions to go to Gruene. The apartments always look nice for apartments when they are new. Ten years? Twenty years? We will have property value issues. Will we be compensated? When we purchased our property and built our dream home the area was and is Zoned commercial. That is much better than 24/7 with 600-800 more people in a very small area. Would you

allow this next to your home?

Gruene – I love Gruene, even when people park past the Villa at Gruene to walk into Gruene. So adding apartments on both sides of Common street is a good idea? People walking to their apartments after a night of drinking? Will the city be liable for accidents or deaths caused from poor planning in the quest for more? How can it stay a historic area when it is over run with more cars, traffic and people. You think people complain now..... Just wait.

Property value down!

Crime up!

Water drainage issues increase!

Traffic increase!

Traffic safety decrease!

Pedestrian traffic increase!

Pedestrian safety decrease!

Congestion increase!

All I have heard is how New Braunfels was a nice family town that has grown out of control. I hear this every day. If you don't hear this you are not listening. Please listen to the people you represent.

Listen to your citizens, not one citizen.

Do not put your name on this bad idea that will change the area forever.

PLEASE VOTE NO!

Faithfully, a New Braunfels resident and lover,

Charles & Barbara Broussard

**From:** [Brian Fricker](#)  
**To:** [Matt Greene](#)  
**Subject:** Fw: SUP21-037 (MG)  
**Date:** Tuesday, April 6, 2021 5:56:15 PM

---

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

To: Planning and Zoning & Matt Greene,

4-6-21

#SUP21-037 (MG)

I live at 1226 Fox Glen Road in the Cypress Rapids subdivision. I am strongly opposed to adding more apartments in this area of Common Street. We already have a very hard time with speeders zipping thru our neighborhood. Its a danger for the children!!! You approved new apartments across the street which will add to the danger of traffic accidents. Opening Clearwater also, wouldn't you want your living area safe and quite for the family. Now there is consideration of more apartments. There are many reasons to oppose this from a city citizen and resident perspective but also from a city official reason as well. Gruene streets simply cannot handle more traffic. There are no plans to widen it or to put traffic lights in place to allow safe traffic conditions and pedestrian traffic. After the disaster at Creekside. I would think City officials would see that infrastructure is critical to deal with before adding more traffic. Last storm the city could not provide for all of us living here. Please take care of the local citizens firsts.

Where will their retaining pond go? Is it not required? Water runoff is already a challenge for many especially on Sunnybrook where all the water is directed. So now in place of a field that will absorb water it will be brick, mortar and asphalt which will add to the drainage problems.

Crime! Face it, more people, more theft. People will be cutting through sub-divisions to go to Gruene. The apartments always look nice for apartments when they are new. Ten years? Twenty years? We will have property value issues. Will we be compensated? When we purchased our property and built our dream home the area was and is Zoned commercial. That is much better than 24/7 with 600-800 more people in a very small area. Would you allow this next to your home?

Gruene – I love Gruene, even when people park past the Villa at Gruene to walk into Gruene. So adding apartments on both sides of Common street is a good idea? People walking to their apartments after a night of drinking? Will the city be liable for accidents or deaths caused from poor planning in the quest for more? How can it stay a historic area when it is over run with more cars, traffic and people. You think people complain now..... Just wait.

Property value down!

Crime up!

Traffic safety decrease!

Pedestrian safety decrease!

Congestion increase!

All I have heard is how New Braunfels was a nice family town that has grown out of control. I hear this every day. If you don't hear this you are not listening. Please listen to the people you represent.

Listen to your citizens.

Do not put your name on this bad idea that will change the area forever.

PLEASE VOTE NO!

Brian Fricker

**ORDINANCE NO. 2021-**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, GRANTING APPROVAL OF A TYPE 2 SPECIAL USE PERMIT ALLOWING MULTIFAMILY HIGH-DENSITY RESIDENTIAL USE, UP TO 24 UNITS PER ACRE, IN THE “C-1A” NEIGHBORHOOD BUSINESS DISTRICT, ON APPROXIMATELY 10 ACRES OF LAND OUT OF THE A. P. FUQUAY SURVEY NO. 35, ABSTRACT NO. 155, COMAL COUNTY, TEXAS, LOCATED ON THE NORTHWEST CORNER OF THE INTERSECTION OF E. COMMON STREET AND OLD FM 306; 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 an area suitable for the proposed uses; and

**WHEREAS**, the City Council desires to grant approval of a Type 2 Special Use Permit allowing multifamily high-density residential use, up to 24 units per acre, in the “C1-A” Neighborhood Business District on approximately 10 acres of land out of the A. P. Fuquay Survey No. 35, Abstract No. 155, Comal County, Texas, located on the northwest corner of the intersection of E. Common Street and Old FM 306.

**WHEREAS**, the requested amendment is in accordance with Envision New Braunfels, the City’s Comprehensive Plan; **now, therefore;**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEW**



## **BRAUNFELS, TEXAS:**

### **SECTION 1**

**THAT** pursuant to Section 1.2-3, Chapter 144 of the New Braunfels Code of Ordinances, the Zoning Map of the City of New Braunfels is revised by adding the following tract of land as a "Type 2 Special Use Permit" for the uses and conditions herein described:

Being approximately 10 acres of land out of the A. P. Fuquay Survey No. 35, Abstract No. 155, Comal County, Texas, located on the northwest corner of the intersection of E. Common Street and Old FM 306, as delineated in the attached Exhibit 'A' and described in Exhibit 'B'.

### **SECTION 2**

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

1. Exhibit "C" shall be considered the adopted site plan. Development of the project must be in substantial compliance with the approved site plan.
2. Multifamily residential density shall not exceed 24 units per acre.
3. A minimum setback of 100 feet shall be required from any adjacent property used or zoned for single or two-family residential use for portions of buildings within the multifamily development that are three stories in height.
4. Three-story buildings shall not exceed 45 feet in height and two-story buildings shall not exceed 35 feet in height, including the roof lines.
5. A 10-foot tall masonry buffer wall shall be required between the multifamily property and adjacent property zoned or utilized for single or two-family residential use. The buffer wall shall be constructed before framing of any buildings commence and shall be designed to comply with sight distance and visibility standards at the intersection of East Common Street and Gruene Vineyard Crossing.
6. There shall be no public street extension of Clearwater Drive. The existing terminus of Clearwater Drive shall be designated as an emergency vehicular and pedestrian access easement on the final plat for this property.
7. Dumpsters shall be located a minimum of 50 feet away from any adjacent property zoned or utilized for single or two-family residential use.
8. Storm water mitigation shall be designed to provide 105% of the required storm water storage capacity for any required storm water detention.
9. Multifamily development standards not specifically stated in Section 2 of this Ordinance shall comply with the development standards of the "R-3H" Multifamily High-Density District.
10. Driveway locations must comply with requirements of City of New Braunfels Code of Ordinances, Chapter 114. Driveway locations indicated on the Special Use Permit Site Plan (Exhibit "C") are approximate.
11. Site development shall be in compliance with all other standards of the City's Code of Ordinances.

### **SECTION 3**

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

### **SECTION 4**

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

### **SECTION 5**

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

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

**PASSED AND APPROVED:** Second reading this 10th day of May, 2021.

**CITY OF NEW BRAUNFELS**

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

**ATTEST:**

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

**APPROVED AS TO FORM:**

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

**METES AND BOUNDS DESCRIPTION  
FOR A 9.673 ACRE TRACT**

Being a 9.673 acre tract located in the A.P. Fuquay Survey No. 35, Abstract No. 155, Comal County Texas. Also being a portion of the remainder of Tract 7, "Exhibit G", a called 82.53 acre tract, recorded in Document No. 200506019928, Official Public Records of Comal County, Texas. Said Tract being more particularly described as follows:

BEGINNING at a ½" iron rod with cap "HMT" found in the Southwest margin of Old FM 306, for the Northernmost corner of the remainder of said 82.53 acre tract also being the Easternmost corner of Lot 1, Gruene Arbors Subdivision recorded in Document No. 201606041254 of the Official Public Records of Comal County, Texas;

THENCE with the Southwest line of Old FM 306, South 35°42'04"East, a distance of 181.51 feet to a concrete monument found for the beginning of a flare corner intersection with Common Street, for the Northwest corner of a called 3.779 acre tract, described in Parcel 11, Document Volume 753, Page 60 of the Comal County Deed Records;

THENCE with the flare corner and the Northwest line of said 3.779 acre tract, South 11°56'19"West, a distance of 100.20 feet to a concrete monument found;

THENCE continuing with the Northwest margin of Common Street as defined by said 3.779 acre tract the following 2 courses:

- 1.) South 48°29'35"West, a distance of 322.38 feet to a power pole found at the corner;
- 2.) Along a curve to the left, with a radius of 1677.02 feet, arc length of 885.70 feet and a chord bearing S 33°21'35"West, a distance of 875.45 feet to a ½" iron rod with yellow cap found for the Southeast corner of Lot 68, Vineyard at Gruene II, recorded in Document No. 201006027209, Official Public Records of Comal County, Texas, from which another 1/2" iron rod with cap "Sherwood" at the intersection with Gruene Vineyard Crossing (60' R.O.W.) bears S 16°59'53"W, a distance of 10.14 feet;

THENCE departing Common Street, with the East line of said Lot 68 the following three courses:

- 1.) N 74°41'45"West, a distance of 33.35 feet to a ½" iron rod with yellow cap;
- 2.) Along a curve to the left, with a radius of 335.11 feet, arc length of 75.98 feet, and a chord bearing N 81°32'42"W, a distance of 75.89 feet to a ½" iron rod found;
- 3.) North 36°04'45"West, a distance of 189.58 feet to a ½" iron rod found with cap "Sherwood" for the Northernmost corner of Lot 68 and the Southernmost corner of Lot 67, lying in the East R.O.W. of Gruene Estates (50' R.O.W.);

THENCE with the Southeast line of Lot 67, Vineyard at Gruene II, subdivision recorded in Document No. 201006027209 of the Official Public Records of Comal County, Texas, North 53°50'22"East, a distance of 130.61 feet to a ½" iron rod found for the Northeast corner of said Lot 67;

THENCE continuing with the Northeast line of Lots 67, 66 and 65 of said subdivision, N 36°08'27"W, a distance of 318.50 feet to a ½" iron rod with cap "MDS" found for the Northwest corner of Lot 65, lying in

the South line of Lot 5, Cypress Rapids at Gruene, Section Eight, a subdivision recorded in Volume 6, Page 122 of the Map Records of Comal County, Texas and the North line of said 82.53 acre tract;

THENCE with the North line of said 82.53 acre tract and the South line of said Lot 5, the South line of Lots 6,7,8 and 9, Clearwater Drive, and Lot 1, Cypress Rapids at Gruene, Section Four, a subdivision recorded in Volume 5, Page 376 of the Comal County Map Records, and continuing with the South line of Lots 2,3 and 4, Cypress Rapids at Gruene, Section Nine, a subdivision recorded in Volume 9, Page 243 of the Comal County Map Records, and the South line of Lot 1, Gruene Arbors, a subdivision recorded in Document Number 201606041254 of the Official Public Records of Comal County, Texas, North 53°58'24"East, a distance of 1160.93 feet to the POINT OF BEGINNING and containing 9.673 acres of land in Comal County, Texas.

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

Reference exhibit of 9.673 acre tract prepared this same date.

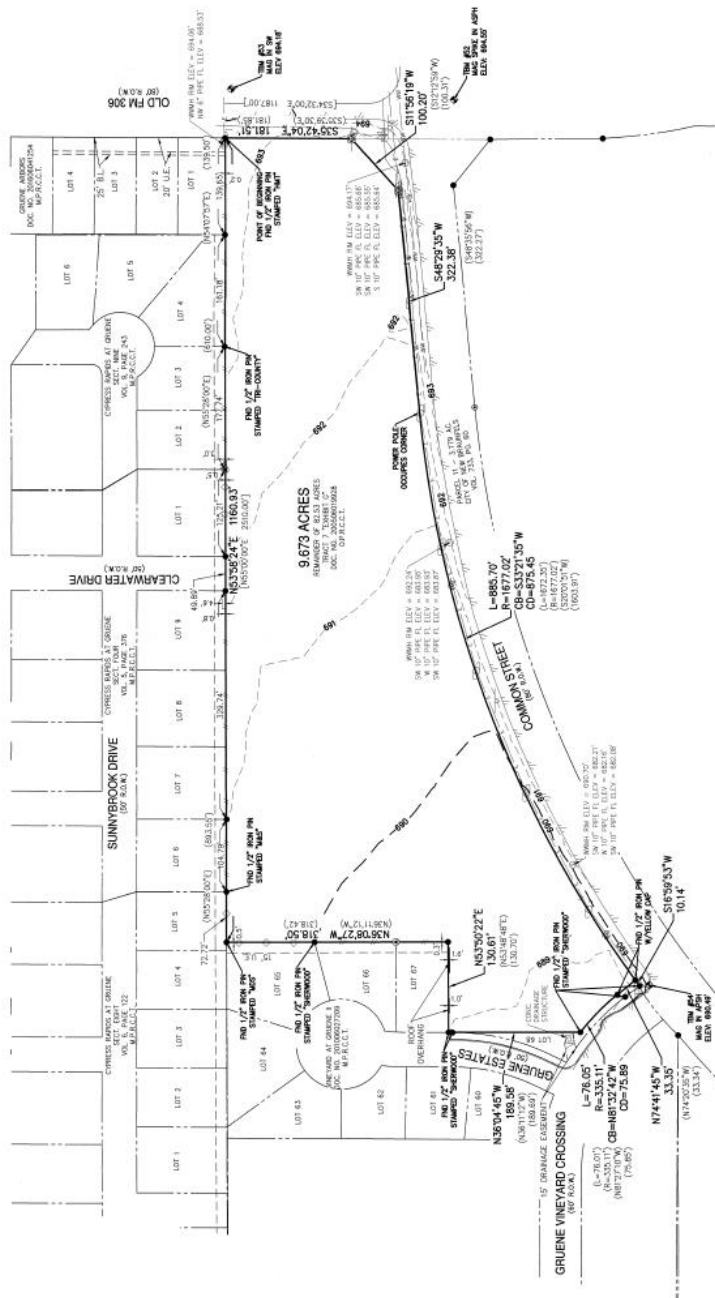
  
Dorothy J. Taylor  
Registered Professional Land Surveyor No.6295  
S:\Projects\400 - MNO Partners\001 - East Common 9 Acres\M&B\400.001 9.674 ACRES.docx

1-18-21



[illegible]

- [illegible]



QUALITY IMPROVEMENT

THIS IS TO CERTIFY THAT MAP OR PLAN AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2016 MINIMUM STANDARD SETAL REQUIREMENTS FOR NTA/ WPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALABAMA'S LAND TITLE SURVEYS, AND INCLUDES ITEMS 1, 2, 3, 4, 6a, 7b, 9 OF THE FOLLOWING:

DECLINING WAS PERFORMED ON 01/07/2020  
 DATED THIRTEENTH DAY OF JANUARY, 2020  
 JONATHAN A. TATUM  
 REGISTERED PROFESSIONAL LAND SURVEYOR NO. 62945  
 1-18-21



0-10	10-20	20-30	30-40	40-50	50-60	60-70	70-80	80-90	90-100
0	10	20	30	40	50	60	70	80	90

**HMT**  
ENGINEERING & SURVEYING  
290 S. CASTELL AVE., STE. 100  
NEW BRAUNFELS, TX 78130  
TYPE FIRM F-10981  
TYPE S FIRM 10153600



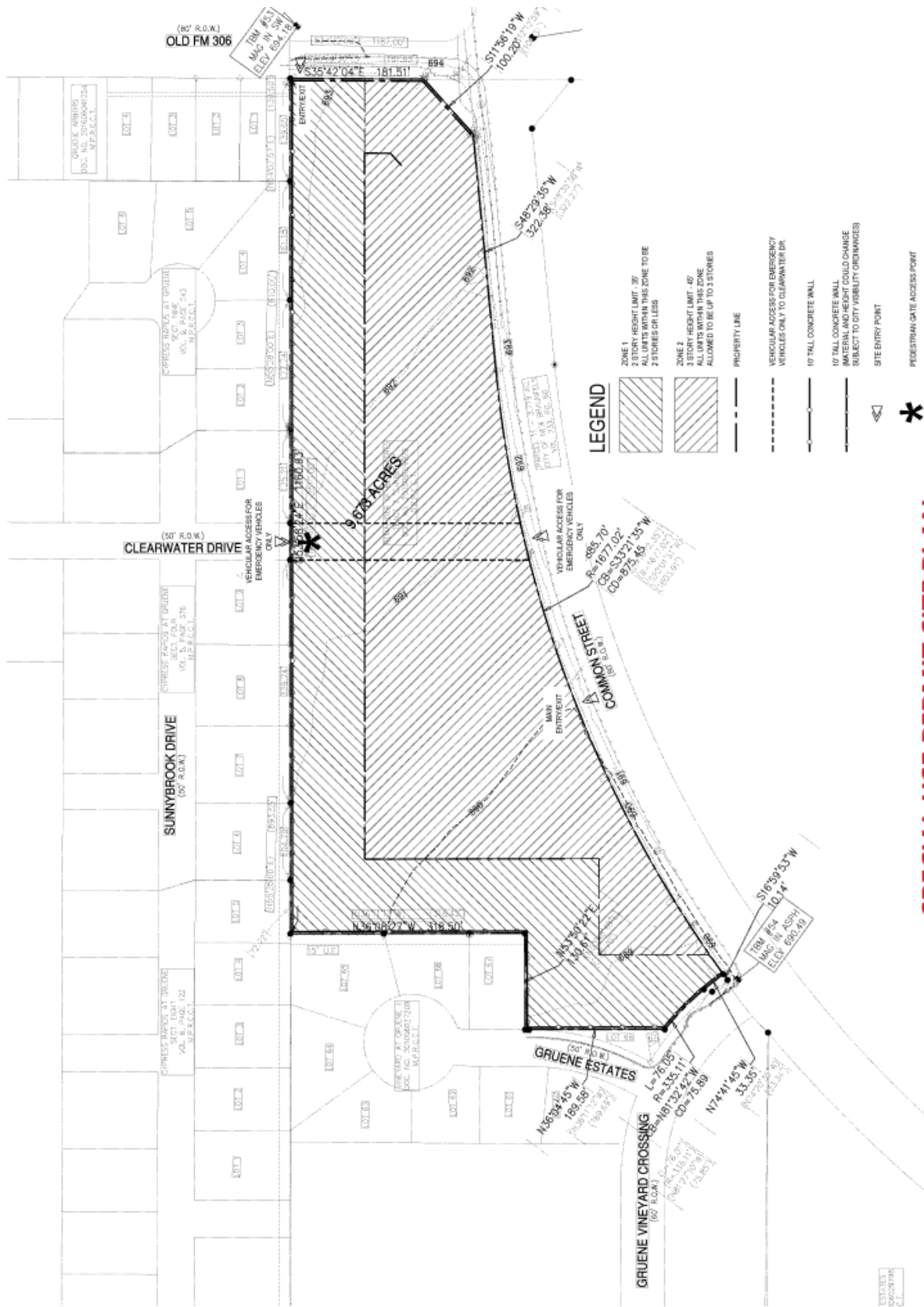


EXHIBIT "C"

5/10/2021

Agenda Item No. A)

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**PRESENTER:**

Caitlin Krobot, City Secretary

**SUBJECT:**

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

**DEPARTMENT:** City Secretary

**COUNCIL DISTRICTS IMPACTED:** Districts 3 and 4

**BACKGROUND INFORMATION:**

Consistent with Texas Election laws, the City of New Braunfels is required to canvass and declare the results of its duly ordered elections. On February 8, 2021, the City Council of the City of New Braunfels ordered a General Election to be held on Saturday, May 1, 2021, for the purpose of electing councilpersons for New Braunfels City Council Districts 3 and 4. The City Council has investigated all matters pertaining to the general election, including the ordering, giving notice, officers, holding and making returns of the general election, all as required by applicable federal, state, and local law, and determines that this election was duly ordered; proper notice of this election was given; proper election officers were duly appointed prior to this election; the election was duly held; the City has complied with the federal, state, and local law; and due returns of the result of this election have been made and delivered, all in accordance with the law and the Ordinance calling the election.

**ISSUE:**

Whether to approve the ordinance that accepts the May 1, 2021 general election canvass returns and results.

**FISCAL IMPACT:**

None.

**RECOMMENDATION:**

Staff recommends approval of the ordinance accepting the general election canvass returns and election results.

ORDINANCE NO. 2021-\_\_

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, CANVASSING THE RETURNS OF THE GENERAL ELECTION OF NEW BRAUNFELS, TEXAS, COMAL COUNTY, HELD ON SATURDAY, MAY 1, 2021 TO ELECT TWO MEMBERS TO THE NEW BRAUNFELS CITY COUNCIL FOR DISTRICT THREE (3) AND DISTRICT FOUR (4), EACH FOR A THREE (3)-YEAR TERM, DECLARING THE RESULTS OF SAID ELECTION, AND DECLARING AN EMERGENCY.**

**WHEREAS**, on the 8<sup>th</sup> day of February, 2021, the City Council of the City of New Braunfels ordered a General Election to be held on Saturday, May 1, 2021, for the purpose of electing councilpersons for New Braunfels City Council Districts Three (3) and Four (4); and

**WHEREAS**, the City Council has investigated all matters pertaining to said election, including the ordering, giving notice, officers, holding and making returns of said election, all as required by applicable federal, state, and local law; and

**WHEREAS**, the election officers who held said election have duly made the returns of the result thereof, said returns have been duly delivered to the City Council, and it is now necessary to declare the official results of the canvass; **NOW THEREFORE:**

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

**SECTION 1.** The City Council having convened on this 10<sup>th</sup> day of May, 2021, to canvass the returns of the General Election held on May 1, 2021, and after canvassing the returns of this election, officially finds and determines that this election was duly ordered; proper notice of this election was given; proper election officers were duly appointed prior to this election; the election was duly held; the City has complied with the federal, state, and local law; and due returns of the result of this election have been made and delivered, all in accordance with the law and the Ordinance calling the election.

**SECTION 2.** The Mayor and City Council of the City of New Braunfels, after opening the returns of the election received from the election judges and delivered to the City Secretary, do officially find and declare the results of the May 1, 2021 General Election to be as follows:

**GENERAL ELECTION - FOR MEMBERS OF CITY COUNCIL**

**DISTRICT THREE**

District ( <i>Districto</i> )	Kevin Robles	Harry Bowers
No. 1		
No. 2		
No. 3		
No. 4		
No. 5		
No. 6		
Totals		

Early Voting

District ( <i>Districto</i> )	Kevin Robles	Harry Bowers
No. 1		
No. 2		
No. 3		
No. 4		
No. 5		
No. 6		
Totals		

	Kevin Robles	Harry Bowers
Totals		

**DISTRICT FOUR**

District ( <i>Districto</i> )	Lawrence Spradley	Joy Harvey
No. 1		
No. 2		
No. 3		
No. 4		
No. 5		
No. 6		
Totals		

Early Voting

District ( <i>Districto</i> )	Lawrence Spradley	Joy Harvey
No. 1		
No. 2		
No. 3		
No. 4		
No. 5		
No. 6		
Totals		

	Lawrence Spradley	Joy Harvey
Totals		

**SECTION 3.** Voting numbers are also broken out by precinct and attached to this ordinance in the New Braunfels Canvass Report provided by Comal County through its contract for holding a joint election and are incorporated for all purposes herein. However, since Comal County was holding joint elections, including elections for certain school districts, some precincts may also include areas which are not within the city limits for the City of New Braunfels and each district had its own ballot for district representation. As a result, the City Council utilized the per district numbers provided by Comal County.

**SECTION 4.** As a result of the May 1, 2021 General Election, the following individuals were elected to serve as City Council Members for District Three and District Four, with their respective terms beginning on **XX**:

DISTRICT THREE:

\_\_\_\_\_

DISTRICT FOUR:

\_\_\_\_\_

and each was elected by receiving the majority of all votes cast for the office for which he/she was a candidate, cast by the qualified voters of the City of New Braunfels voting at said election, and each is hereby declared to be the lawful and duly elected Council Member for the City of New Braunfels for the district specified.

**SECTION 5.** If any part of this ordinance shall be held to be unconstitutional or invalid for any reason, such unconstitutionality or invalidity shall not affect the constitutionality or validity of the remaining parts of this Ordinance. The City Council hereby declares that it would have passed the remaining parts of this ordinance if it had known that such part or parts thereof would have been declared unconstitutional or invalid, and further declares that such remaining parts shall remain in full force and effect; and that the provisions hereof are severable.

**SECTION 6.** It is further ordained that, in view of the fact that it is for the best interest of the citizens of the City of New Braunfels, and one which requires the immediate declaration and the canvass and result of said election thereby creating an imperative public necessity that the rule requiring ordinances to be read at two separate meetings of the City Council be suspended, the same is hereby suspended, and this ordinance shall take effect and be in full force from and after its passage as an emergency ordinance as made and provided by the Charter of the City of New Braunfels, Texas.

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

**CITY OF NEW BRAUNFELS, TEXAS**



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RUSTY BROCKMAN, Mayor

**ATTEST:**

---

CAITLIN KROBOT, City Secretary

**APPROVED AS TO FORM:**

---

VALERIA M. ACEVEDO, City Attorney

5/10/2021

Agenda Item No. B)

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**PRESENTER:**

Caitlin Krobot, City Secretary

**SUBJECT:**

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

**DEPARTMENT:** City Secretary

**COUNCIL DISTRICTS IMPACTED:** City-wide

**BACKGROUND INFORMATION:**

Consistent with Texas Election laws, the City of New Braunfels is required to canvass and declare the results of its duly ordered elections. The City of New Braunfels is governed by its home-rule charter. Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Texas Local Government Code govern the adoption or amendment of a Home-Rule Charter. On February 8, 2021, the City Council of the City of New Braunfels ordered a Special Election to be held on Saturday, May 1, 2021 for the purpose of proposing eighteen (18) amendments to the City Charter, numbered (A) through (R), to add or amend City Council terms and vacancies, duties of Mayor and Mayor Pro-Tem, duties and responsibilities of City Manager, duties of Municipal Court, Judge, and Clerk, other minor clarifications and corrections, emergency succession planning, and rules regarding political campaigning by City of New Braunfels employees. The eighteen (18) propositions were submitted to the voters, the election was held and conducted, and the returns reviewed and investigated, all as required by applicable federal, state, and local law. As a result, it is now necessary to declare the official results of the canvass and election.

**ISSUE:**

Whether to approve the ordinance that accepts the May 1, 2021 special election canvass returns and results.

**FISCAL IMPACT:**

None.

**RECOMMENDATION:**

Staff recommends approval of the ordinance accepting the special election canvass returns and election results.

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

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, CANVASSING THE RETURNS OF THE SPECIAL CHARTER AMENDMENT ELECTION OF THE CITY OF NEW BRAUNFELS, TEXAS, COMAL COUNTY, HELD ON MAY 1, 2021 REGARDING EIGHTEEN (18) PROPOSITIONS, ENUMERATED LETTERS (A) THROUGH (R), THAT WERE SUBMITTED TO THE REGISTERED VOTERS OF THE CITY OF NEW BRAUNFELS, TEXAS, DECLARING THE RESULTS OF SAID ELECTION, AND DECLARING AN EMERGENCY.**

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

**WHEREAS**, on 8<sup>th</sup> day of February, 2021, the City Council of the City of New Braunfels ordered a Special Election to be held on Saturday, May 1, 2021 for the purpose of proposing amendments to the City Charter to add or amend City Council terms and vacancies, duties of Mayor and Mayor Pro Tem, duties and responsibilities of City Manager, duties of Municipal Court, Judge, and Clerk, other minor clarifications and corrections, emergency succession planning, and rules regarding political campaigning by City of New Braunfels employees; and

**WHEREAS**, the eighteen (18) propositions were submitted to the voters, the election was held and conducted, and the returns reviewed and investigated, all as required by applicable federal, state, and local law, and it is now necessary to declare the official results of the canvass; and

**WHEREAS**, due to the deadlines imposed by state law requiring canvassing to occur as well as other state law obligations, the City Council for the City of New Braunfels declares this is an emergency ordinance, and is necessary to meet state law requirements.

**NOW THEREFORE:**

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

**SECTION 1.** The City Council having convened on this 10<sup>th</sup> day of May, 2021, to canvass the returns of the Special Election held on May 1, 2021, and after canvassing the returns of this election, officially finds and determines that this election was duly ordered; proper notice of this election was given; proper election officers were duly appointed prior to this election; the election was duly held; the City has complied with the federal, state, and local law; and due returns of the result of this election have been made and delivered, all in accordance with the law and the Ordinance calling the election.

**SECTION 2.** The Mayor and City Council of the City of New Braunfels, after opening the returns of the election received from the election judges and delivered to the City Secretary, do officially find and declare the results of the May 1, 2021, Special Charter Amendment Election to be as follows:

**SPECIAL ELECTION – EIGHTEEN (18) CHARTER AMENDMENT PROPOSITIONS**

**PROPOSITION A**

“SHALL SECTION 3.01 OF THE CITY CHARTER BE AMENDED TO CHANGE TERM LIMITS FOR ALL CITY COUNCIL MEMBERS SO A THIRD TERM MAY RUN CONSECUTIVELY VERSUS THE CURRENT TWO (2) CONSECUTIVE TERM LIMIT BUT KEEPING THE LIFETIME LIMIT OF THREE (3) TERMS OR NINE (9) YEARS, AS CURRENTLY ALLOWED?”

**(PROPUESTA A)**

(“¿DEBERÁ LA SECCIÓN 3.01 DE LA CARTA DE LA CIUDAD, SER MODIFICADA PARA CAMBIAR LOS LÍMITES DE MANDATO DE TODOS LOS MIEMBROS DEL CONSEJO DE LA CIUDAD CON EL FIN DE QUE SE PUEDA DESEMPEÑAR UN TERCER TÉRMINO CONSECUTIVO, EN VEZ DEL ACTUAL LÍMITE DE DOS (2) TÉRMINOS CONSECUTIVOS, PERO CONSERVÁNDOSE EL LÍMITE VITALICIO DE TRES (3) TÉRMINOS O NUEVE (9) AÑOS, TAL COMO ACTUALMENTE SE PERMITE?”)

District ( <i>Distrito</i> )	For ( <i>A Favor</i> )	Against ( <i>En Contra</i> )
No. 1		
No. 2		
No. 3		
No. 4		
No. 5		
No. 6		
Totals		

Early Voting

District ( <i>Distrito</i> )	For ( <i>A Favor</i> )	Against ( <i>En Contra</i> )
No. 1		
No. 2		
No. 3		
No. 4		
No. 5		
No. 6		
Totals		

	For ( <i>A Favor</i> )	Against ( <i>En Contra</i> )
Totals		

**PROPOSITION B**

“SHALL SECTION 3.06 OF THE CITY CHARTER BE AMENDED TO CHANGE THE QUALIFICATIONS AND CONDITIONS FOR FILLING VACANCIES ON THE CITY COUNCIL SO THAT VACANCIES OF TWELVE (12) MONTHS OR LESS CAN BE FILLED, AT THE DISCRETION OF CITY COUNCIL, BY APPOINTMENT OF COUNCIL, LEFT VACANT FOR THE BALANCE OF THE TERM, OR HAVE A SPECIAL ELECTION CALLED TO FILL THE VACANCY WHILE VACANCIES OVER TWELVE (12) MONTHS DURATION WILL CONTINUE TO REQUIRE A SPECIAL ELECTION?”

**(PROPUESTA B)**

*(“¿SE DEBERÁ MODIFICAR LA SECCIÓN 3.06 DE LA CARTA DE LA CIUDAD CON EL PROPÓSITO DE CAMBIAR LAS CALIFICACIONES Y CONDICIONES, CON EL FIN DE LLENAR VACANTES EN EL CONSEJO DE LA CIUDAD PARA QUE LAS VACANTES DE DOCE (12) MESES O MENOS SE PUEDAN LLENAR, A DISCRECIÓN DEL CONSEJO DE LA CIUDAD, POR NOMBRAMIENTO DEL CONSEJO, VACANTES POR EL RESTO DEL TÉRMINO, O LLEVAR A CABO UNA ELECCIÓN ESPECIAL EFECTUADA PARA LLENAR LA VACANTE MIENTRAS QUE LAS VACANTES DE MÁS DE DOCE (12) MESES SEGUIRÁN REQUIRIENDO UNA ELECCIÓN ESPECIAL?”)*

District ( <i>Distrito</i> )	For ( <i>A Favor</i> )	Against ( <i>En Contra</i> )
No. 1		
No. 2		
No. 3		
No. 4		
No. 5		
No. 6		
Totals		

Early Voting

District ( <i>Distrito</i> )	For ( <i>A Favor</i> )	Against ( <i>En Contra</i> )
No. 1		
No. 2		
No. 3		
No. 4		
No. 5		
No. 6		
Totals		

	For ( <i>A Favor</i> )	Against ( <i>En Contra</i> )
Totals		

**PROPOSITION C**



“SHALL SECTION 12.03(a)(6) OF THE CITY CHARTER BE ADOPTED AND SECTION 12.03(b) BE AMENDED TO PROHIBIT AND PENALIZE COUNCIL MEMBERS FROM INTENTIONALLY RESIGNING FROM HIS/HER POSITION AND RUNNING IN A SUBSEQUENT ELECTION TO CIRCUMVENT TERM LIMITS?”

**(PROPUESTA C)**

*(“¿SE DEBERÁ ADOPTAR LA SECCIÓN 12.03(a)(6) Y MODIFICAR LA SECCIÓN 12.03(b) DE LA CARTA DE LA CIUDAD CON EL FIN DE PROHIBIR Y PENALIZAR LOS MIEMBROS DEL CONSEJO POR RENUNCIAR INTENCIONALMENTE SU PUESTO Y POSTULARSE EN UNA ELECCIÓN SUBSECUENTE PARA CIRCUNVENIR LOS LÍMITES DE LOS TÉRMINOS?”)*

District ( <i>Distrito</i> )	For ( <i>A Favor</i> )	Against ( <i>En Contra</i> )
No. 1		
No. 2		
No. 3		
No. 4		
No. 5		
No. 6		
Totals		

Early Voting

District ( <i>Distrito</i> )	For ( <i>A Favor</i> )	Against ( <i>En Contra</i> )
No. 1		
No. 2		
No. 3		
No. 4		
No. 5		
No. 6		
Totals		

	For ( <i>A Favor</i> )	Against ( <i>En Contra</i> )
Totals		

**PROPOSITION D**

“SHALL SECTION 3.05(c) OF THE CITY CHARTER BE AMENDED TO CLARIFY THE POWER OF THE MAYOR DURING A TIME OF EMERGENCY TO APPOINT ADDITIONAL HELP, PROVIDE AUTHORIZATION FOR SUCH HELP AND UTILIZE ALL ABILITIES AUTHORIZED BY STATE LAW?”

**(PROPUESTA D)**

*(“¿SE DEBERÁ MODIFICAR LA SECCIÓN 3.05(c) DE LA CARTA DE LA CIUDAD PARA ESCLARECER EL PODER DEL ALCALDE DURANTE UN PERIODO DE EMERGENCIA PARA NOMBRAR AYUDA ADICIONAL, PROPORCIONAR AUTORIZACIÓN PARA TAL AYUDA, Y UTILIZAR TODAS LAS HABILIDADES AUTORIZADAS POR LA LEY ESTATAL?”)*

District ( <i>Distrito</i> )	For ( <i>A Favor</i> )	Against ( <i>En Contra</i> )
No. 1		
No. 2		
No. 3		
No. 4		
No. 5		
No. 6		
Totals		

Early Voting

District ( <i>Distrito</i> )	For ( <i>A Favor</i> )	Against ( <i>En Contra</i> )
No. 1		
No. 2		
No. 3		
No. 4		
No. 5		
No. 6		
Totals		

	For ( <i>A Favor</i> )	Against ( <i>En Contra</i> )
Totals		

**PROPOSITION E**

“SHALL SECTION 3.05(b) OF THE CITY CHARTER BE AMENDED TO PLACE ADDITIONAL DUTIES ON THE MAYOR PRO TEM TO BE PRIMARILY RESPONSIBLE FOR THE ANNUAL EVALUATIONS OF THE CITY MANAGER, CITY ATTORNEY AND MUNICIPAL COURT JUDGE, WHO REPORT TO CITY COUNCIL, AS IS CURRENT PRACTICE?”

**(PROPUESTA E)**

(“¿SE DEBERÁ MODIFICAR LA SECCIÓN 3.05(b) DE LA CARTA DE LA CIUDAD PARA OTORGARLE DEBERES ADICIONALES AL ALCALDE TEMPORAL PARA QUE SEA ÉSTE PRINCIPALMENTE RESPONSABLE POR LAS EVALUACIONES ANUALES DEL ADMINISTRADOR DE LA CIUDAD, EL ABOGADO DE LA CIUDAD, Y EL JUEZ DE LA CORTE MUNICIPAL, QUIENES REPORTAN AL CONSEJO DE LA CIUDAD, TAL COMO SE PRACTICA ACTUALMENTE?”)

District ( <i>Distrito</i> )	For ( <i>A Favor</i> )	Against ( <i>En Contra</i> )
No. 1		
No. 2		
No. 3		
No. 4		
No. 5		
No. 6		
Totals		

**Early Voting**

District ( <i>Distrito</i> )	For ( <i>A Favor</i> )	Against ( <i>En Contra</i> )
No. 1		
No. 2		
No. 3		
No. 4		
No. 5		
No. 6		
Totals		

	For ( <i>A Favor</i> )	Against ( <i>En Contra</i> )
Totals		

**PROPOSITION F**

“SHALL SECTIONS 7.01(a) AND 8.04 OF THE CITY CHARTER BE AMENDED TO CLARIFY RESIDENCY REQUIREMENTS FOR THE CITY MANAGER AND CITY ATTORNEY TO ALLOW UP TO ONE HUNDRED TWENTY (120) DAYS AFTER APPOINTMENT TO ESTABLISH RESIDENCY IN THE CITY?”

**(PROPUESTA F)**

(“¿SE DEBERÁN MODIFICAR LAS SECCIONES 7.01(a) Y 8.04 DE LA CARTA DE LA CIUDAD CON EL FIN DE ESCLARECER LOS REQUISITOS DE RESIDENCIA PARA EL ADMINISTRADOR DE LA CIUDAD Y EL ABOGADO DE LA CIUDAD PARA PERMITIR HASTA CIENTO VEINTE (120) DÍAS DESPUÉS DEL NOMBRAMIENTO PARA ESTABLECER RESIDENCIA EN LA CIUDAD?”)

District ( <i>Distrito</i> )	For ( <i>A Favor</i> )	Against ( <i>En Contra</i> )
No. 1		
No. 2		
No. 3		
No. 4		
No. 5		
No. 6		
Totals		

Early Voting

District ( <i>Distrito</i> )	For ( <i>A Favor</i> )	Against ( <i>En Contra</i> )
No. 1		
No. 2		
No. 3		
No. 4		
No. 5		
No. 6		
Totals		

	For ( <i>A Favor</i> )	Against ( <i>En Contra</i> )
Totals		

**PROPOSITION G**

“SHALL SECTION 7.01(d) OF THE CITY CHARTER BE ADDED TO IMPOSE AN OBLIGATION UPON THE CITY MANAGER TO SUBMIT ANNUALLY TO CITY COUNCIL A FIVE (5) YEAR FINANCIAL FORECAST AND A FIVE (5) YEAR CAPITAL IMPROVEMENT PLAN, AS IS CURRENT PRACTICE?”

**(PROPUESTA G)**

*(“¿SE DEBERÁ AÑADIR LA SECCIÓN 7.01(d) A LA CARTA DE LA CIUDAD PARA IMPONER UNA OBLIGACIÓN AL ADMINISTRADOR DE LA CIUDAD PARA QUE ANUALMENTE PRESENTE AL CONSEJO DE LA CIUDAD, UN PROYECCIÓN FINANCIERA DE CINCO (5) AÑOS Y UN PLAN DE MEJORAS DE CAPITAL A CINCO (5) AÑOS, TAL COMO SE PRACTICA ACTUALMENTE?”)*

District ( <i>Distrito</i> )	For ( <i>A Favor</i> )	Against ( <i>En Contra</i> )
No. 1		
No. 2		
No. 3		
No. 4		
No. 5		
No. 6		
Totals		

**Early Voting**

District ( <i>Distrito</i> )	For ( <i>A Favor</i> )	Against ( <i>En Contra</i> )
No. 1		
No. 2		
No. 3		
No. 4		
No. 5		
No. 6		
Totals		

	For ( <i>A Favor</i> )	Against ( <i>En Contra</i> )
Totals		

**PROPOSITION H**



“SHALL SECTION 9.17 OF THE CITY CHARTER BE AMENDED TO ADJUST CITY MANAGER AUTHORITY FOR COMPETITIVE BIDDING AND PURCHASING FOR BUDGETED ITEMS CURRENTLY SET AT \$25,000.00 TO ALIGN WITH STATE LAW LIMITS, WHICH ARE CURRENTLY SET AT \$50,000.00 AND TO ADJUST AUTOMATICALLY UPON A CHANGE IN STATE LAW? “

**(PROPUESTA H)**

(“¿SE DEBERÁ MODIFICAR LA SECCIÓN 9.17 DE LA CARTA DE LA CIUDAD CON EL FIN DE AJUSTAR LA AUTORIDAD DEL ADMINISTRADOR DE LA CIUDAD PARA LICITACIÓN PÚBLICA Y COMPRAS DE ARTÍCULOS YA INCLUIDOS EN EL PRESUPUESTO, ACTUALMENTE FIJADO A \$25,000.00 PARA ALINEARSE AL LOS LÍMITES IMPUESTOS POR EL ESTADO, LOS CUALES ACTUALMENTE ESTÁN FIJADOS A \$50,000.00 Y AJUSTARSE AUTOMÁTICAMENTE AL HABER UN CAMBIO EN LA LEY ESTATAL?”)

District ( <i>Distrito</i> )	For ( <i>A Favor</i> )	Against ( <i>En Contra</i> )
No. 1		
No. 2		
No. 3		
No. 4		
No. 5		
No. 6		
Totals		

**Early Voting**

District ( <i>Distrito</i> )	For ( <i>A Favor</i> )	Against ( <i>En Contra</i> )
No. 1		
No. 2		
No. 3		
No. 4		
No. 5		
No. 6		
Totals		

	For ( <i>A Favor</i> )	Against ( <i>En Contra</i> )
Totals		

**PROPOSITION I**

“SHALL SECTION 3.08(c) OF THE CITY CHARTER BE AMENDED TO AUTHORIZE THE CITY MANAGER, IN HIS/HER DISCRETION, TO ALLOW COUNCIL MEMBERS TO INTERACT WITH INDIVIDUAL DEPARTMENT HEADS, WITHOUT VIOLATING THE CITY CHARTER?”

**(PROPUESTA I)**

“¿SE DEBERÁ MODIFICAR LA SECCIÓN 3.08(c) DE LA CARTA DE LA CIUDAD PARA AUTORIZAR AL ADMINISTRADOR DE LA CIUDAD, A SU DISCRECIÓN, PERMITIR QUE LOS MIEMBROS DEL CONSEJO INTERACTÚEN CON LOS JEFES DE DEPARTAMENTO SIN VIOLAR LA CARTA DE LA CIUDAD?”

District ( <i>Distrito</i> )	For ( <i>A Favor</i> )	Against ( <i>En Contra</i> )
No. 1		
No. 2		
No. 3		
No. 4		
No. 5		
No. 6		
Totals		

Early Voting

District ( <i>Distrito</i> )	For ( <i>A Favor</i> )	Against ( <i>En Contra</i> )
No. 1		
No. 2		
No. 3		
No. 4		
No. 5		
No. 6		
Totals		

	For ( <i>A Favor</i> )	Against ( <i>En Contra</i> )
Totals		

**PROPOSITION J**

“SHALL SECTIONS 8.02 AND 8.03 OF THE CITY CHARTER BE AMENDED FOR THE APPOINTMENT OF MUNICIPAL COURT JUDGES, PROVIDE FOR REMOVAL OF ANY MUNICIPAL COURT JUDGE AND PROVIDE FOR APPOINTMENT OF THE MUNICIPAL COURT CLERK TO COMPLY WITH STATE LAW AND CURRENT PRACTICE?”

**(PROPUESTA J)**

“(¿SE DEBERÁN MODIFICAR LAS SECCIONES 8.02 Y 8.03 DE LA CARTA DE LA CIUDAD PARA EL NOMBRAMIENTO DE LOS JUECES DE LA CORTE MUNICIPAL, Y PROVEER PARA LA REMOCIÓN DE CUALQUIER JUEZ DE CORTE MUNICIPAL Y PROVEER PARA EL NOMBRAMIENTO DE UN SECRETARIO DE LA CORTE MUNICIPAL QUE CUMPLA CON LA LEY ESTATAL Y LA PRÁCTICA ACTUAL?)”

District ( <i>Distrito</i> )	For ( <i>A Favor</i> )	Against ( <i>En Contra</i> )
No. 1		
No. 2		
No. 3		
No. 4		
No. 5		
No. 6		
Totals		

**Early Voting**

District ( <i>Distrito</i> )	For ( <i>A Favor</i> )	Against ( <i>En Contra</i> )
No. 1		
No. 2		
No. 3		
No. 4		
No. 5		
No. 6		
Totals		

	For ( <i>A Favor</i> )	Against ( <i>En Contra</i> )
Totals		

**PROPOSITION K**

“SHALL SECTION 5.05 OF THE CITY CHARTER BE AMENDED TO CHANGE THE NUMBER OF DAYS AFTER SUBMISSION OF A RECALL PETITION THE CITY SECRETARY MUST PRESENT TO THE CITY COUNCIL FROM FIVE (5) DAYS TO TWENTY (20) DAYS TO ALLOW SUFFICIENT TIME TO PROVIDE ALL REQUIRED DOCUMENTS FOR THE RECALL?”

**PROPUESTA K**

(“¿SE DEBERÁ MODIFICAR LA SECCIÓN 5.05 DE LA CARTA DE LA CIUDAD CON EL FIN DE CAMBIAR EL NÚMERO DE DÍAS DESPUÉS DE LA PRESENTACIÓN DE UNA SOLICITUD DE REVOCACIÓN QUE EL SECRETARIO DE LA CIUDAD DEBE PRESENTARLA AL CONSEJO DE LA CIUDAD DE CINCO (5) A VEINTE (20) DÍAS PARA PERMITIR SUFICIENTE TIEMPO PARA PROPORCIONAR TODOS LOS DOCUMENTOS REQUERIDOS PARA LA REVOCACIÓN?”)

District ( <i>Distrito</i> )	For ( <i>A Favor</i> )	Against ( <i>En Contra</i> )
No. 1		
No. 2		
No. 3		
No. 4		
No. 5		
No. 6		
Totals		

Early Voting

District ( <i>Distrito</i> )	For ( <i>A Favor</i> )	Against ( <i>En Contra</i> )
No. 1		
No. 2		
No. 3		
No. 4		
No. 5		
No. 6		
Totals		

	For ( <i>A Favor</i> )	Against ( <i>En Contra</i> )
Totals		

**PROPOSITION L**

“SHALL SECTION 9.18 OF THE CITY CHARTER BE REPEALED AND REMOVE THE DEPARTMENT OF TAXATION, WHICH NO LONGER EXISTS DUE TO STATE REGULATIONS?”

**(PROPUESTA L)**

(“¿SE DEBERÁ REVOCAR LA SECCIÓN 9.18 DE LA CARTA DE LA CIUDAD Y REMOVER EL DEPARTAMENTO DE IMPUESTOS, EL CUAL YA NO EXISTE DEBIDO A LOS REGLAMENTOS ESTATALES?”)

District ( <i>Distrito</i> )	For ( <i>A Favor</i> )	Against ( <i>En Contra</i> )
No. 1		
No. 2		
No. 3		
No. 4		
No. 5		
No. 6		
Totals		

Early Voting

District ( <i>Distrito</i> )	For ( <i>A Favor</i> )	Against ( <i>En Contra</i> )
No. 1		
No. 2		
No. 3		
No. 4		
No. 5		
No. 6		
Totals		

	For ( <i>A Favor</i> )	Against ( <i>En Contra</i> )
Totals		

**PROPOSITION M**



“SHALL SECTIONS 1.01, 3.02, 3.05(b)-(c), 3.08(a)-(b), 3.10, 4.05, 5.03, 7.01(a), 7.01(c)(4), 7.03(a), 8.04 AND 12.13 OF THE CITY CHARTER BE AMENDED TO MAKE CORRECTIONS TO TYPOGRAPHICAL ERRORS, SYNTAX, GRAMMAR AND GENDER REFERENCES, AND ALLOW FOR FUTURE CORRECTIONS AND RENUMBERING OF CHARTER WITHOUT A CHARTER ELECTION?”

**(PROPUESTA M)**

(“¿SE DEBERÁN MODIFICAR LAS SECCIONES 1.01, 3.02, 3.05 (b)-(c), 3.08(a)-(b), 3.10, 4.05, 5.03, 7.01(a), 7.01(c)(4), 7.03(a), 8.04 Y 12.13 DE LA CARTA DE LA CIUDAD CON EL FIN DE CORREGIR ERRORES TIPOGRÁFICOS, SINTÁCTICOS, DE GRAMÁTICA Y DE REFERENCIAS A GÉNERO, Y PERMITIR FUTURAS CORRECCIONES Y RENUMERAR LA CARTA SIN UNA ELECCIÓN DE CARTA?”)

District ( <i>Distrito</i> )	For ( <i>A Favor</i> )	Against ( <i>En Contra</i> )
No. 1		
No. 2		
No. 3		
No. 4		
No. 5		
No. 6		
Totals		

**Early Voting**

District ( <i>Distrito</i> )	For ( <i>A Favor</i> )	Against ( <i>En Contra</i> )
No. 1		
No. 2		
No. 3		
No. 4		
No. 5		
No. 6		
Totals		

	For ( <i>A Favor</i> )	Against ( <i>En Contra</i> )
Totals		

**PROPOSITION N**

“SHALL SECTIONS 4.01, 9.06 AND 9.11 OF THE CITY CHARTER BE AMENDED TO REQUIRE PUBLICATION OF CERTAIN CITY RECORDS ON THE CITY WEBSITE IN ADDITION TO ANY OTHER NOTIFICATION REQUIRED BY LAW?”

**(PROPUESTA N)**

(“¿SE DEBERÁN MODIFICAR LAS SECCIONES 4.01, 9.06 Y 9.11 DE LA CARTA DE LA CIUDAD CON EL FIN DE REQUERIR LA PUBLICACIÓN DE CIERTOS REGISTROS DE LA CIUDAD EN LA PÁGINA WEB DE LA CIUDAD ADEMÁS DE CUALQUIER OTRA NOTIFICACIÓN REQUERIDA POR LEY?”)

District ( <i>Distrito</i> )	For ( <i>A Favor</i> )	Against ( <i>En Contra</i> )
No. 1		
No. 2		
No. 3		
No. 4		
No. 5		
No. 6		
Totals		

Early Voting

District ( <i>Distrito</i> )	For ( <i>A Favor</i> )	Against ( <i>En Contra</i> )
No. 1		
No. 2		
No. 3		
No. 4		
No. 5		
No. 6		
Totals		

	For ( <i>A Favor</i> )	Against ( <i>En Contra</i> )
Totals		

**PROPOSITION O**

“SHALL SECTION 3.10 OF THE CITY CHARTER BE AMENDED TO ADJUST THE NUMBER OF ORDINANCE READING REQUIREMENTS FOR ONLY CERTAIN ORDINANCES, CLARIFY EFFECTIVE DATES FOR ALL ORDINANCES AND ADDRESS PUBLICATION REQUIREMENTS FOR ALL ORDINANCES TO BETTER ALLOW COMPLIANCE WITH STATE LAW DEADLINES?”

**(PROPUESTA O)**

(“¿SE DEBERÁ MODIFICAR LA SECCIÓN 3.10 DE LA CARTA DE LA CIUDAD CON EL FIN DE AJUSTAR EL NÚMERO DE REQUISITOS DE LA LECTURA DE ORDENANZAS PARA SÓLO CIERTAS ORDENANZAS, PARA ESCLARECER LAS FECHAS EFECTIVAS PARA TODAS LAS ORDENANZAS, Y PARA ABORDAR LOS REQUISITOS PARA TODAS LAS ORDENANZAS, PARA PERMITIR MEJOR CUMPLIMIENTO CON LAS FECHAS LÍMITE DE LA LEY ESTATAL?”)

District ( <i>Distrito</i> )	For ( <i>A Favor</i> )	Against ( <i>En Contra</i> )
No. 1		
No. 2		
No. 3		
No. 4		
No. 5		
No. 6		
Totals		

Early Voting

District ( <i>Distrito</i> )	For ( <i>A Favor</i> )	Against ( <i>En Contra</i> )
No. 1		
No. 2		
No. 3		
No. 4		
No. 5		
No. 6		
Totals		

	For ( <i>A Favor</i> )	Against ( <i>En Contra</i> )
Totals		

**PROPOSITION P**

“SHALL SECTION 12.03(a)(1) OF THE CITY CHARTER BE AMENDED TO UPDATE PROHIBITIONS ON DISCRIMINATION TO INCLUDE CATEGORIES ENCOMPASSED BY FEDERAL AND STATE LAW BUT NOT CURRENTLY LISTED IN THE CITY CHARTER?”

**(PROPUESTA P)**

*(“¿SE DEBERÁ MODIFICAR LA SECCIÓN 12.03(a)(1) DE LA CARTA DE LA CIUDAD PARA ACTUALIZAR LAS PROHIBICIONES ACERCA DE LA DISCRIMINACIÓN PARA QUE INCLUYAN LAS CATEGORÍAS INCLUIDAS EN LAS LEYES FEDERALES Y ESTATALES PERO NO ACTUALMENTE LISTADAS EN LA CARTA DE LA CIUDAD?”)*

District ( <i>Distrito</i> )	For ( <i>A Favor</i> )	Against ( <i>En Contra</i> )
No. 1		
No. 2		
No. 3		
No. 4		
No. 5		
No. 6		
Totals		

Early Voting

District ( <i>Distrito</i> )	For ( <i>A Favor</i> )	Against ( <i>En Contra</i> )
No. 1		
No. 2		
No. 3		
No. 4		
No. 5		
No. 6		
Totals		

	For ( <i>A Favor</i> )	Against ( <i>En Contra</i> )
Totals		

**PROPOSITION Q**

“SHALL SECTION 3.09(d) OF THE CITY CHARTER BE ADOPTED TO ALLOW FOR A SUCCESSION PLAN IN CASE OF EMERGENCIES OR DISASTERS TO PROVIDE A MECHANISM TO ESTABLISH AN INTERIM QUORUM OF CITY COUNCIL WHEN A QUORUM CANNOT BE CONVENED DUE TO THE INJURY OR DEATH OF A QUORUM OF ITS MEMBERS?”

**(PROPUESTA Q)**

(“¿SE DEBERÁ MODIFICAR LA SECCIÓN 3.09(d) DE LA CARTA DE LA CIUDAD PARA PERMITIR UN PLAN DE SUCESIÓN EN CASO DE EMERGENCIAS O DESASTRES PARA PROPORCIONAR UN MECANISMO PARA ESTABLECER UN CUÓRUM INTERINO DEL CONSEJO DE LA CIUDAD CUANDO UN CUÓRUM NO PUEDE SER CONVOCADO DEBIDO A LA LESIÓN O MUERTE DE UN CUÓRUM DE SUS MIEMBROS?”)

District ( <i>Distrito</i> )	For ( <i>A Favor</i> )	Against ( <i>En Contra</i> )
No. 1		
No. 2		
No. 3		
No. 4		
No. 5		
No. 6		
Totals		

Early Voting

District ( <i>Distrito</i> )	For ( <i>A Favor</i> )	Against ( <i>En Contra</i> )
No. 1		
No. 2		
No. 3		
No. 4		
No. 5		
No. 6		
Totals		

	For ( <i>A Favor</i> )	Against ( <i>En Contra</i> )
Totals		

**PROPOSITION R**



“SHALL SECTION 12.03(a)(4) OF THE CITY CHARTER BE AMENDED TO CHANGE AND CLARIFY THE RESTRICTIONS AND REGULATIONS ON CAMPAIGN ACTIVITIES BY CITY EMPLOYEES AND OFFICIALS WHEN ON DUTY OR OTHERWISE REPRESENTING THE CITY AND REGULATE OFF DUTY POLITICAL PARTICIPATION WHEN SUCH PARTICIPATION CAUSES UNREASONABLE DISRUPTION TO CITY OPERATIONS?”

**(PROPUESTA R)**

*(“¿SE DEBERÁ MODIFICAR LA SECCIÓN 12.03(a)(4) DE LA CARTA DE LA CIUDAD CON EL FIN DE CAMBIAR Y ESCLARECER LAS RESTRICCIONES Y REGLAMENTOS EN LAS ACTIVIDADES POR PARTE DE LOS EMPLEADOS Y OFICIALES DE LA CIUDAD CUANDO ESTÁN EJERCIENDO SU OFICIO O GENERALMENTE REPRESENTANDO LA CIUDAD, Y REGULAR LA PARTICIPACIÓN POLÍTICA CUANDO NO FUNJAN DE MANERA OFICIAL CUANDO DICHA PARTICIPACIÓN CAUSA INTERRUPCIÓN IRRACIONABLE A LAS OPERACIONES MUNICIPALES?”)*

District ( <i>Distrito</i> )	For ( <i>A Favor</i> )	Against ( <i>En Contra</i> )
No. 1		
No. 2		
No. 3		
No. 4		
No. 5		
No. 6		
Totals		

Early Voting

District ( <i>Distrito</i> )	For ( <i>A Favor</i> )	Against ( <i>En Contra</i> )
No. 1		
No. 2		
No. 3		
No. 4		
No. 5		
No. 6		
Totals		

	For ( <i>A Favor</i> )	Against ( <i>En Contra</i> )
Totals		

**SECTION 3.** Voting numbers are also broken out by precinct and attached to this ordinance in the New Braunfels Canvass Report provided by Comal County through its contract for holding a joint election and are incorporated for all purposes herein. However, since Comal County was holding joint elections, including elections for certain school districts, some precincts may also

include areas which are not within the city limits for the City of New Braunfels and each district had its own ballot for district representation. As a result, the City Council utilized the per district numbers provided by Comal County.

**SECTION 4.** And it appearing to the City Council of the City of New Braunfels, Texas, that the propositions regarding the amendments to the City of New Braunfels Home-Rule Charter by the city, were submitted at said election and that the returns thereof were made, all as required by the Charter of the City of New Braunfels, Texas, and the laws of the State of Texas, by order of the City Council and the law for such cases made and provided, and that at said Special Election there were cast respectively for and against the said proposal the aggregate number of votes as shown by the above.

**SECTION 5.** And the Mayor and the Councilmembers of the City of New Braunfels, Texas, having first canvassed said returns and having found the same in all things correct, the same was thereupon adopted by majority vote of the City Council.

**SECTION 6.** And City Council of the City of New Braunfels, Texas, declares that all propositions which received the majority of votes out of those votes case per proposition are hereby declared to have passed and all propositions which did not receive the majority of votes out of those votes case per proposition, including all tied votes, are hereby declared not to have passed.

**SECTION 7.** And City Council of the City of New Braunfels, Texas, declares that this ordinance constitutes an order in the records of the municipality declaring that the charter amendments which passed are adopted pursuant to Texas Local Government Code. § 9.005(b).

**SECTION 8.** If any part or parts of this ordinance shall be held to be unconstitutional or invalid for any reason, such unconstitutionality or invalidity shall not affect the constitutionality or validity of the remaining parts of this ordinance. The City Council hereby declares that it would have passed the remaining parts of this ordinance, if it had known that such part or parts, thereof, would have been declared unconstitutional or invalid, and further declares that such remaining parts shall remain in full force and effect; and, that the provisions hereof are severable.

**SECTION 9.** It is further ordained that, in view of the fact that it is for the best interest of the citizens of the City of New Braunfels, and one which requires immediate declaration and canvass and result of said Special Election thereby creating an imperative public necessity that the rule requiring ordinances to be read at two regular meetings of the City Council be suspended, the same is hereby suspended, and this ordinance shall take effect and be in full force from and after its passage as an emergency ordinance as made and provided by the Charter of the City of New Braunfels, Texas.

PASSED AND APPROVED this the \_\_\_\_ day of May, 2021.

**CITY OF NEW BRAUNFELS, TEXAS**

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

**ATTEST:**

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

**APPROVED AS TO FORM:**

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

DRAFT

**Cumulative New Braunfels  
General-Special Elections**

20210501 General/Special Elections

Run Time 8:46 PM  
Run Date 05/01/2021

**COMAL COUNTY, TEXAS**

GENERAL and SPECIAL ELECTION

5/1/2021

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**Unofficial Results**

**Registered Voters**  
3269 of 84034 = 3.89%

**Precincts Reporting**  
0 of 83 = 0.00%

**City of New Braunfels Councilmember District 3 - Vote for none or one**

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Kevin Robles		4	11.76%	105	13.19%	83	21.34%	192	15.75%
Harry Bowers		30	88.24%	691	86.81%	306	78.66%	1,027	84.25%
Cast Votes:		34	100.00%	796	100.00%	389	100.00%	1,219	100.00%
Undervotes:		0		29		14		43	
Overvotes:		0		0		0		0	

**City of New Braunfels Councilmember District 4 - Vote for none or one**

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Lawrence Spradley		15	40.54%	319	52.47%	188	53.41%	522	52.36%
Joy Harvey		22	59.46%	289	47.53%	164	46.59%	475	47.64%
Cast Votes:		37	100.00%	608	100.00%	352	100.00%	997	100.00%
Undervotes:		3		14		6		23	
Overvotes:		0		0		0		0	

**City of New Braunfels Proposition A**

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
For		146	51.59%	1,035	56.22%	513	48.49%	1,694	53.24%
Against		137	48.41%	806	43.78%	545	51.51%	1,488	46.76%
Cast Votes:		283	100.00%	1,841	100.00%	1,058	100.00%	3,182	100.00%
Undervotes:		3		59		25		87	
Overvotes:		0		0		0		0	

**City of New Braunfels Proposition B**

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
For		206	73.31%	1,306	71.52%	652	62.27%	2,164	68.61%
Against		75	26.69%	520	28.48%	395	37.73%	990	31.39%
Cast Votes:		281	100.00%	1,826	100.00%	1,047	100.00%	3,154	100.00%
Undervotes:		5		74		36		115	
Overvotes:		0		0		0		0	

# Cumulative New Braunfels General-Special Elections

20210501 General/Special Elections

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Run Date 05/01/2021

## COMAL COUNTY, TEXAS

GENERAL and SPECIAL ELECTION

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## Unofficial Results

Registered Voters  
3269 of 84034 = 3.89%

Precincts Reporting  
0 of 83 = 0.00%

### City of New Braunfels Proposition C

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
For		259	91.84%	1,662	90.87%	920	87.79%	2,841	89.93%
Against		23	8.16%	167	9.13%	128	12.21%	318	10.07%
Cast Votes:		282	100.00%	1,829	100.00%	1,048	100.00%	3,159	100.00%
Undervotes:		4		71		35		110	
Overvotes:		0		0		0		0	

### City of New Braunfels Proposition D

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
For		260	93.19%	1,536	84.07%	818	78.20%	2,614	82.93%
Against		19	6.81%	291	15.93%	228	21.80%	538	17.07%
Cast Votes:		279	100.00%	1,827	100.00%	1,046	100.00%	3,152	100.00%
Undervotes:		7		73		37		117	
Overvotes:		0		0		0		0	

### City of New Braunfels Proposition E

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
For		229	82.08%	1,489	82.45%	777	76.40%	2,495	80.43%
Against		50	17.92%	317	17.55%	240	23.60%	607	19.57%
Cast Votes:		279	100.00%	1,806	100.00%	1,017	100.00%	3,102	100.00%
Undervotes:		7		94		66		167	
Overvotes:		0		0		0		0	

### City of New Braunfels Proposition F

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
For		227	81.36%	1,452	79.82%	740	71.29%	2,419	77.14%
Against		52	18.64%	367	20.18%	298	28.71%	717	22.86%
Cast Votes:		279	100.00%	1,819	100.00%	1,038	100.00%	3,136	100.00%
Undervotes:		7		81		45		133	
Overvotes:		0		0		0		0	

# Cumulative New Braunfels General-Special Elections

20210501 General/Special Elections

Run Time 8:46 PM  
Run Date 05/01/2021

## COMAL COUNTY, TEXAS

GENERAL and SPECIAL ELECTION

5/1/2021

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## Unofficial Results

Registered Voters  
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Precincts Reporting  
0 of 83 = 0.00%

### City of New Braunfels Proposition G

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
For		256	91.43%	1,705	93.78%	951	91.44%	2,912	92.80%
Against		24	8.57%	113	6.22%	89	8.56%	226	7.20%
Cast Votes:		280	100.00%	1,818	100.00%	1,040	100.00%	3,138	100.00%
Undervotes:		6		82		43		131	
Overvotes:		0		0		0		0	

### City of New Braunfels Proposition H

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
For		214	76.70%	1,390	77.35%	728	70.96%	2,332	75.18%
Against		65	23.30%	407	22.65%	298	29.04%	770	24.82%
Cast Votes:		279	100.00%	1,797	100.00%	1,026	100.00%	3,102	100.00%
Undervotes:		7		103		57		167	
Overvotes:		0		0		0		0	

### City of New Braunfels Proposition I

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
For		191	68.46%	1,230	68.49%	657	64.16%	2,078	67.05%
Against		88	31.54%	566	31.51%	367	35.84%	1,021	32.95%
Cast Votes:		279	100.00%	1,796	100.00%	1,024	100.00%	3,099	100.00%
Undervotes:		7		104		59		170	
Overvotes:		0		0		0		0	

### City of New Braunfels Proposition J

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
For		238	85.92%	1,533	85.93%	816	80.71%	2,587	84.21%
Against		39	14.08%	251	14.07%	195	19.29%	485	15.79%
Cast Votes:		277	100.00%	1,784	100.00%	1,011	100.00%	3,072	100.00%
Undervotes:		7		116		72		195	
Overvotes:		0		0		0		0	



# Cumulative New Braunfels General-Special Elections

20210501 General/Special Elections

Run Time 8:46 PM  
Run Date 05/01/2021

## COMAL COUNTY, TEXAS

GENERAL and SPECIAL ELECTION

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## Unofficial Results

Registered Voters  
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Precincts Reporting  
0 of 83 = 0.00%

### City of New Braunfels Proposition K

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
For		230	83.03%	1,543	86.83%	836	82.12%	2,609	84.93%
Against		47	16.97%	234	13.17%	182	17.88%	463	15.07%
Cast Votes:		277	100.00%	1,777	100.00%	1,018	100.00%	3,072	100.00%
Undervotes:		7		123		65		195	
Overvotes:		0		0		0		0	

### City of New Braunfels Proposition L

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
For		267	96.04%	1,673	93.73%	947	92.57%	2,887	93.55%
Against		11	3.96%	112	6.27%	76	7.43%	199	6.45%
Cast Votes:		278	100.00%	1,785	100.00%	1,023	100.00%	3,086	100.00%
Undervotes:		6		115		60		181	
Overvotes:		0		0		0		0	

### City of New Braunfels Proposition M

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
For		229	82.67%	1,411	78.65%	724	70.70%	2,364	76.38%
Against		48	17.33%	383	21.35%	300	29.30%	731	23.62%
Cast Votes:		277	100.00%	1,794	100.00%	1,024	100.00%	3,095	100.00%
Undervotes:		7		106		59		172	
Overvotes:		0		0		0		0	

### City of New Braunfels Proposition N

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
For		256	92.75%	1,676	93.58%	955	92.54%	2,887	93.16%
Against		20	7.25%	115	6.42%	77	7.46%	212	6.84%
Cast Votes:		276	100.00%	1,791	100.00%	1,032	100.00%	3,099	100.00%
Undervotes:		8		109		51		168	
Overvotes:		0		0		0		0	

# Cumulative New Braunfels General-Special Elections

20210501 General/Special Elections

Run Time 8:46 PM  
Run Date 05/01/2021

## COMAL COUNTY, TEXAS

GENERAL and SPECIAL ELECTION

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## Unofficial Results

Registered Voters  
3269 of 84034 = 3.89%

Precincts Reporting  
0 of 83 = 0.00%

### City of New Braunfels Proposition O

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
For		235	86.08%	1,462	82.93%	813	80.57%	2,510	82.43%
Against		38	13.92%	301	17.07%	196	19.43%	535	17.57%
Cast Votes:		273	100.00%	1,763	100.00%	1,009	100.00%	3,045	100.00%
Undervotes:		11		137		74		222	
Overvotes:		0		0		0		0	

### City of New Braunfels Proposition P

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
For		238	86.86%	1,416	80.00%	735	72.20%	2,389	78.02%
Against		36	13.14%	354	20.00%	283	27.80%	673	21.98%
Cast Votes:		274	100.00%	1,770	100.00%	1,018	100.00%	3,062	100.00%
Undervotes:		9		130		65		204	
Overvotes:		1		0		0		1	

### City of New Braunfels Proposition Q

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
For		253	91.67%	1,606	89.92%	866	84.32%	2,725	88.22%
Against		23	8.33%	180	10.08%	161	15.68%	364	11.78%
Cast Votes:		276	100.00%	1,786	100.00%	1,027	100.00%	3,089	100.00%
Undervotes:		8		114		56		178	
Overvotes:		0		0		0		0	

### City of New Braunfels Proposition R

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
For		246	89.13%	1,490	84.28%	796	78.04%	2,532	82.64%
Against		30	10.87%	278	15.72%	224	21.96%	532	17.36%
Cast Votes:		276	100.00%	1,768	100.00%	1,020	100.00%	3,064	100.00%
Undervotes:		8		132		63		203	
Overvotes:		0		0		0		0	

\*\*\* End of report \*\*\*

5/10/2021

Agenda Item No. C)

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**PRESENTER:**

Robert Camareno, City Manager

**SUBJECT:**

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

**DEPARTMENT:** Police Department**COUNCIL DISTRICTS IMPACTED:** City-wide**BACKGROUND INFORMATION:**

The City of New Braunfels conducted a nationwide search, assisted by Strategic Government Resources (SGR), an executive recruitment firm based in Keller, Texas. A field of 62 candidates was narrowed down to four finalists who visited New Braunfels for in-person interviews as well as tours of the community and meetings with officers and employees at the Police Department.

**ISSUE:**

Per State Law, this Appointment requires confirmation by the governing body.

**FISCAL IMPACT:**

[Enter Text Here]

**RECOMMENDATION:**

The City Manager recommends the City Council confirm his selected appointee, Keith Lane, as the City of New Braunfels Police Chief.

**5/10/2021**

Agenda Item No. D)

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**PRESENTER:**

Caitlin Krobot, City Secretary

**SUBJECT:**

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

**DEPARTMENT:** City Secretary's Office

5/10/2021

Agenda Item No. E)

---

**PRESENTER:**

Caitlin Krobot, City Secretary

**SUBJECT:**

Discuss and consider approval of the appointment of 3 individuals for a term ending May 31, 2024 and 1 individual for an unexpired term ending May 31, 2022 to the Downtown Board.

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

The Downtown Board is composed of 11 members appointed by the City Council. The purpose of the Board is to implement the recommendations of the 2010 Downtown Implementation Plan and associated planning documents.

The Board composition is as follows:

(1) Four (4) members from the following with a maximum of one (1) designated representative per entity: Comal County, Schlitterbahn Water Park, New Braunfels Chamber of Commerce Board, New Braunfels Convention and Visitors Bureau Board, Downtown Association (DTA), Historic Landmark Commission (HLC), Planning Commission, New Braunfels Economic Development Corporation (EDC), New Braunfels Economic Development Foundation Board (EDF), Main Street Partners, or any recognized arts and heritage organization,

(2) Five (5) Downtown property owners or business owners (Downtown New Braunfels shall be defined as the area depicted in Exhibit A) or residents of the Downtown Residential Area (Exhibit B). No more than one member shall represent a single business.

(3) Two (2) members at large selected from within the New Braunfels City limits

There is one opening to fill an unexpired term ending May 31, 2022 for a representative as outlined in section 1 above. The City Secretary's Office received the following qualified applicant:

- Tara Kohlenberg

There are two openings to fill terms ending May 31, 2024 for a downtown resident or downtown business owner. The City Secretary's Office received the following qualified applicants:

- 
- Matt Gandrud - Downtown Business Owner
  - Dennis Wilson - Downtown Business Owner
  - Angie Martinez - Downtown Resident (also qualifies for at-large)

There is one opening to fill a term ending May 31, 2024 for an at-large position. The City Secretary's Office received the following qualified applicants:

- Michael Jaroszewski
- Ryan Garcia
- Vanessa Dean
- Jenny Wilson
- Stevie Talley
- Leticia Pena
- Angie Martinez

The City Secretary's Office received applications for all openings from January 19, 2021 to March 26, 2021.

**ISSUE:**

Downtown Board appointments require City Council approval.

**FISCAL IMPACT:**

No fiscal impact.

**RECOMMENDATION:**

Staff recommends the appointment of 3 individuals for a term ending May 31, 2024 and 1 individual for an unexpired term ending May 31, 2022 to the Downtown Board.



## Downtown Board

**Eligible - Must be a representative of one of the following: Comal County, NBCVB Board, HLC, Planning Commission, NBEDC, NBEDF, Main Street Partner, or any recognized arts and heritage organization - Term Ending May 31, 2022 ( 1 position)**

First Name	Last Name	Date Submitted	City Resident	City Council District	City University	Qualification Met
Tara	Kohlenberg	3/26/2021	No	ETJ	No	Hertiage Organization Rep -Executive Director of Sophienburg

**Eligible - Must be a Downtown Resident or Downtown Business Owner - Term Ending May 31, 2024 ( 2 positions)**

First Name	Last Name	Date Submitted	City Resident	City Council District	City University	Qualification Met
Matt	Gandrud	1/20/2021	Yes		5 No	Downtown Business Owner
Dennis	Wilson	3/17/2021	No	ETJ	No	Downtown Business Owner
Angie	Martinez	3/25/2021	Yes		6 No	Downtown Resident

**Eligible - At-Large - Term Ending May 31, 2024 (1 postion)**

First Name	Last Name	Date Submitted	City Resident	City Council District	City University	Qualification Met
Michael	Jaroszewski	3/24/2021	Yes		6 No	At-Large
Ryan	Garcia	3/1/2021	Yes		4 No	At-Large
Vanessa	Dean	3/18/2021	Yes		3 No	At-Large
Jenny	Wilson	3/26/2021	Yes		4 No	At-Large
Stevie	Talley	3/23/2021	Yes		5 Yes	At-Large
Leticia	Pena	3/26/2021	Yes		3 No	At-Large
Angie	Martinez	3/25/2021	Yes		6 No	At-Large or Downtown Resident

**Not Eligible**

First Name	Last Name	Date Submitted	City Resident	City Council District	City University	Qualification Met
Kurt	Andersen-Vie	1/20/2021	No	ETJ	No	N/A - Does not live in city limits to qualify for at-large and is not a downtown resident or business owner



5/10/2021

Agenda Item No. F)

---

**PRESENTER:**

Caitlin Krobot, City Secretary

**SUBJECT:**

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

**DEPARTMENT:** City Secretary

**COUNCIL DISTRICTS IMPACTED:** City-Wide

**BACKGROUND INFORMATION:**

The City Secretary's Office posted notice of the application process for hotel occupancy tax (HOT) grants via the City's bulletin board, the City website, and in the Herald-Zeitung; and made the application available for interested heritage organizations beginning in March. The Heritage Commission met on April 8, 2021 to review qualified applications and make recommendations to the City Council.

**ISSUE:**

Allocations require City Council approval.

**FISCAL IMPACT:**

City ordinance requires that 15 percent of Hotel Occupancy Tax (HOT) collections be allocated to the "enhancement of arts and cultural organizations and programs". Customarily these proceeds are divided equally between the Arts and Heritage Commissions, who then make recommendations to City Council on the disbursement of their respective halves of the funding. This year, \$216,716.00 was made available to the Heritage Commission based on 2020 HOT collections.

**RECOMMENDATION:**

The Heritage Commission voted unanimously for the allocation as listed in this table:

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Organization	2020 Award	2021 Request	2021 Commission Recommendation
Heritage Society of New Braunfels	78,630.22	<b>61,100.00</b>	52,481.51
New Braunfels Conservation Society	76,734 -42	<b>64,500.00</b>	55,401.92
New Braunfels Historic Railroad & Modelers Society, Inc.	58,173.72	<b>64,005.00</b>	54,976.74
Sophienburg Memorial Association	86,461.64	<b>62,700.00</b>	53,855.82
<b>TOTAL</b>	300,000.00	<b>252,305.00</b>	216,716.00

Recommendations are made by the Heritage Commission.



**CITY OF NEW BRAUNFELS  
HERITAGE COMMISSION**

**A RESOLUTION OF THE CITY OF NEW BRAUNFELS HERITAGE COMMISSION RECOMMENDING THAT THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS AWARD \$55,401.92 TO THE NEW BRAUNFELS CONSERVATION SOCIETY FROM THE CITY'S HOTEL OCCUPANCY TAX COLLECTIONS FOR THE PURPOSE OF PROMOTING TOURISM AND THE CONVENTION & HOTEL INDUSTRY WITHIN THE CITY OF NEW BRAUNFELS.**

WHEREAS, the City of New Braunfels is authorized by Chapter 351 of the Texas Tax Code to collect Hotel Occupancy Taxes for the purpose of promoting tourism and the convention & hotel industry; and

WHEREAS, the New Braunfels Conservation Society is an organization directly involved in the encouragement, promotion, improvement, and application of activities eligible to be funded by the Hotel Occupancy Tax in accordance with Sec. 351.101(a)(4) & (5); and

WHEREAS, the activities of the New Braunfels Conservation Society, when combined with the activities of other arts organizations within the City, constitute a significant attraction for visitors and tourists to the City of New Braunfels; and

WHEREAS, the visitors and tourists attracted to the City of New Braunfels through the activities of the New Braunfels Conservation Society and similar organizations constitute a significant contribution to the tourism, convention, and hotel industries within the City;

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

That the Heritage Commission of the City of New Braunfels hereby recommends that the City Council award the New Braunfels Conservation Society \$55,401.92 from the proceeds of the Hotel Occupancy Tax dedicated to the promotion of Arts & Heritage activities within the City, and that said award be conditioned on the performance of all activities and programs outlined in the Association's application for funds.

PASSED, ADOPTED AND APPROVED this 10th day of May 2021.

Attest:

CITY OF NEW BRAUNFELS, TEXAS

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

\_\_\_\_\_  
Dee Buck, Chair

**CITY OF NEW BRAUNFELS  
HERITAGE COMMISSION**

**A RESOLUTION OF THE CITY OF NEW BRAUNFELS HERITAGE COMMISSION RECOMMENDING THAT THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS AWARD \$52,481.51 TO THE HERITAGE SOCIETY OF NEW BRAUNFELS FROM THE CITY'S HOTEL OCCUPANCY TAX COLLECTIONS FOR THE PURPOSE OF PROMOTING TOURISM AND THE CONVENTION & HOTEL INDUSTRY WITHIN THE CITY OF NEW BRAUNFELS.**

WHEREAS, the City of New Braunfels is authorized by Chapter 351 of the Texas Tax Code to collect Hotel Occupancy Taxes for the purpose of promoting tourism and the convention & hotel industry; and

WHEREAS, the Heritage Society of New Braunfels is an organization directly involved in the encouragement, promotion, improvement, and application of activities eligible to be funded by the Hotel Occupancy Tax in accordance with Sec. 351.101(a)(4) & (5); and

WHEREAS, the activities of the Heritage Society of New Braunfels, when combined with the activities of other arts organizations within the City, constitute a significant attraction for visitors and tourists to the City of New Braunfels; and

WHEREAS, the visitors and tourists attracted to the City of New Braunfels through the activities of the Heritage Society of New Braunfels and similar organizations constitute a significant contribution to the tourism, convention, and hotel industries within the City;

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

That the Heritage Commission of the City of New Braunfels hereby recommends that the City Council award the Heritage Society of New Braunfels \$52,481.51 from the proceeds of the Hotel Occupancy Tax dedicated to the promotion of Arts & Heritage activities within the City, and that said award be conditioned on the performance of all activities and programs outlined in the Association's application for funds.

PASSED, ADOPTED AND APPROVED this 10th day of May 2021.

Attest:

CITY OF NEW BRAUNFELS, TEXAS

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Caitlin Krobot, City Secretary

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Glenn Griffin, Chair



**CITY OF NEW BRAUNFELS  
HERITAGE COMMISSION**

**A RESOLUTION OF THE CITY OF NEW BRAUNFELS HERITAGE COMMISSION RECOMMENDING THAT THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS AWARD \$54,976.74 TO THE NEW BRAUNFELS HISTORIC RAILROAD & MODELERS SOCIETY, INC. FROM THE CITY'S HOTEL OCCUPANCY TAX COLLECTIONS FOR THE PURPOSE OF PROMOTING TOURISM AND THE CONVENTION & HOTEL INDUSTRY WITHIN THE CITY OF NEW BRAUNFELS.**

WHEREAS, the City of New Braunfels is authorized by Chapter 351 of the Texas Tax Code to collect Hotel Occupancy Taxes for the purpose of promoting tourism and the convention & hotel industry; and

WHEREAS, the New Braunfels Historic Railroad & Modelers Society, Inc. is an organization directly involved in the encouragement, promotion, improvement, and application of activities eligible to be funded by the Hotel Occupancy Tax in accordance with Sec. 351.101(a)(4) & (5); and

WHEREAS, the activities of the New Braunfels Historic Railroad & Modelers Society, Inc., when combined with the activities of other arts organizations within the City, constitute a significant attraction for visitors and tourists to the City of New Braunfels; and

WHEREAS, the visitors and tourists attracted to the City of New Braunfels through the activities of the New Braunfels Historic Railroad & Modelers Society, Inc. and similar organizations constitute a significant contribution to the tourism, convention, and hotel industries within the City;

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

That the Heritage Commission of the City of New Braunfels hereby recommends that the City Council award the New Braunfels Historic Railroad & Modelers Society, Inc. \$54,976.74 from the proceeds of the Hotel Occupancy Tax dedicated to the promotion of Arts & Heritage activities within the City, and that said award be conditioned on the performance of all activities and programs outlined in the Association's application for funds.

PASSED, ADOPTED AND APPROVED this 10th day of May 2021.

Attest:

CITY OF NEW BRAUNFELS, TEXAS

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Andrew A. Lyons III,  
Assistant City Secretary

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Glenn Griffin, Chair

**CITY OF NEW BRAUNFELS  
HERITAGE COMMISSION**

**A RESOLUTION OF THE CITY OF NEW BRAUNFELS HERITAGE COMMISSION RECOMMENDING THAT THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS AWARD \$53,855.82 TO THE SOPHIENBURG MEMORIAL ASSOCIATION FROM THE CITY'S HOTEL OCCUPANCY TAX COLLECTIONS FOR THE PURPOSE OF PROMOTING TOURISM AND THE CONVENTION & HOTEL INDUSTRY WITHIN THE CITY OF NEW BRAUNFELS.**

WHEREAS, the City of New Braunfels is authorized by Chapter 351 of the Texas Tax Code to collect Hotel Occupancy Taxes for the purpose of promoting tourism and the convention & hotel industry; and

WHEREAS, the Sophienburg Memorial Association is an organization directly involved in the encouragement, promotion, improvement, and application of activities eligible to be funded by the Hotel Occupancy Tax in accordance with Sec. 351.101(a)(4) & (5); and

WHEREAS, the activities of the Sophienburg Memorial Association, when combined with the activities of other arts organizations within the City, constitute a significant attraction for visitors and tourists to the City of New Braunfels; and

WHEREAS, the visitors and tourists attracted to the City of New Braunfels through the activities of the Sophienburg Memorial Association and similar organizations constitute a significant contribution to the tourism, convention, and hotel industries within the City;

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

That the Heritage Commission of the City of New Braunfels hereby recommends that the City Council award the Sophienburg Memorial Association \$53,855.82 from the proceeds of the Hotel Occupancy Tax dedicated to the promotion of Arts & Heritage activities within the City, and that said award be conditioned on the performance of all activities and programs outlined in the Association's application for funds.

PASSED, ADOPTED AND APPROVED this 10th day of May 2021.

Attest:

CITY OF NEW BRAUNFELS, TEXAS

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Caitlin Krobot, City Secretary

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Glenn Griffin, Chair

5/10/2021

Agenda Item No. G)

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**PRESENTER:**

Caitlin Krobot, City Secretary

**SUBJECT:**

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

**DEPARTMENT:** City Secretary

**COUNCIL DISTRICTS IMPACTED:** City-wide

**BACKGROUND INFORMATION:**

The City Secretary's Office posted notice of the application process for hotel occupancy tax (HOT) grants via the City's bulletin board, the City website, and in the Herald-Zeitung; and made the application available for interested heritage organizations beginning in March. The Arts Commission met on April 6, 2021 to review qualified applications and make recommendations to the City Council.

**ISSUE:**

No issue given.

**FISCAL IMPACT:**

City ordinance requires that 15 percent of Hotel Occupancy Tax (HOT) collections be allocated to the "enhancement of arts and cultural organizations and programs". Customarily these proceeds are divided equally between the Arts and Heritage Commissions, who then make recommendations to City Council on the disbursement of their respective halves of the funding. This year, \$239,143.00 was made available to the Arts Commission based on 2020 HOT collections.

**RECOMMENDATION:**

The Arts Commission voted unanimously for the allocation as listed in this table:

Organization	2020 Council Award	2021 Request	2021 Commission Recommendation
Brauntex Performing Arts Theatre Association, Inc.	98,466.67	<b>101,182.00</b>	67,457.03
Christian Youth Theater San Antonio	31,058.33	<b>52,250.00</b>	24,905.81
Circle Arts Theatre	44,483.34	<b>54,775.00</b>	36,961.66
Greater New Braunfels Arts Council	N/A	<b>35,400.00</b>	21,287.90
Mid-Texas Symphony Society, Inc.	20,950.00	<b>67,421.47</b>	33,804.05
New Braunfels Art League	45,666.67	<b>37,900.00</b>	26,569.04
New Braunfels Community Chorale	3,850.00	<b>7,725.00</b>	4,806.67
Performing Arts Academy of New Braunfels	34,100.00	<b>47,000.00</b>	23,350.85
<b>TOTAL</b>	296,416.67	<b>403,653.47</b>	239,143.00

Recommendations are made by the Arts Commission.

**CITY OF NEW BRAUNFELS  
ARTS COMMISSION**

**A RESOLUTION OF THE CITY OF NEW BRAUNFELS ARTS COMMISSION RECOMMENDING THAT THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS AWARD \$24,905.81 TO THE CHRISTIAN YOUTH THEATER SAN ANTONIO FROM THE CITY'S HOTEL OCCUPANCY TAX COLLECTIONS FOR THE PURPOSE OF PROMOTING TOURISM AND THE CONVENTION & HOTEL INDUSTRY WITHIN THE CITY OF NEW BRAUNFELS.**

WHEREAS, the City of New Braunfels is authorized by Chapter 351 of the Texas Tax Code to collect Hotel Occupancy Taxes for the purpose of promoting tourism and the convention & hotel industry; and

WHEREAS, the Christian Youth Theater San Antonio is an organization directly involved in the encouragement, promotion, improvement, and application of activities eligible to be funded by the Hotel Occupancy Tax in accordance with Sec. 351.101(a)(4) & (5); and

WHEREAS, the activities of the Christian Youth Theater San Antonio, when combined with the activities of other arts organizations within the City, constitute a significant attraction for visitors and tourists to the City of New Braunfels; and

WHEREAS, the visitors and tourists attracted to the City of New Braunfels through the activities of the Christian Youth Theater San Antonio and similar organizations constitute a significant contribution to the tourism, convention, and hotel industries within the City;

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

That the Arts Commission of the City of New Braunfels hereby recommends that the City Council award the Christian Youth Theater San Antonio \$24,905.81 from the proceeds of the Hotel Occupancy Tax dedicated to the promotion of Arts & Heritage activities within the City, and that said award be conditioned on the performance of all activities and programs outlined in the Association's application for funds.

PASSED, ADOPTED AND APPROVED this 10th day of May 2021.

Attest:

CITY OF NEW BRAUNFELS, TEXAS

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

\_\_\_\_\_  
Dee Buck, Chair

**CITY OF NEW BRAUNFELS  
ARTS COMMISSION**

**A RESOLUTION OF THE CITY OF NEW BRAUNFELS ARTS COMMISSION RECOMMENDING THAT THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS AWARD \$67,457.03 TO THE BRAUNTEX PERFORMING ARTS THEATRE ASSOCIATION, INC. FROM THE CITY'S HOTEL OCCUPANCY TAX COLLECTIONS FOR THE PURPOSE OF PROMOTING TOURISM AND THE CONVENTION & HOTEL INDUSTRY WITHIN THE CITY OF NEW BRAUNFELS.**

WHEREAS, the City of New Braunfels is authorized by Chapter 351 of the Texas Tax Code to collect Hotel Occupancy Taxes for the purpose of promoting tourism and the convention & hotel industry; and

WHEREAS, the Brauntex Performing Arts Theatre Association, Inc. is an organization directly involved in the encouragement, promotion, improvement, and application of activities eligible to be funded by the Hotel Occupancy Tax in accordance with Sec. 351.101(a)(4)&(5); and

WHEREAS, the activities of the Brauntex Performing Arts Theatre Association, Inc., when combined with the activities of other arts organizations within the City, constitute a significant attraction for visitors and tourists to the City of New Braunfels; and

WHEREAS, the visitors and tourists attracted to the City of New Braunfels through the activities of the Brauntex Performing Arts Theatre Association, Inc., and similar organizations constitute a significant contribution to the tourism, convention, and hotel industries within the City;

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

That the Arts Commission of the City of New Braunfels hereby recommends that the City Council award the Brauntex Performing Arts Theatre Association, Inc. \$67,457.03 from the proceeds of the Hotel Occupancy Tax dedicated to the promotion of Arts & Heritage activities within the City, and that said award be conditioned on the performance of all activities and programs outlined in the Association's application for funds.

PASSED, ADOPTED AND APPROVED this 10th day of May 2021.

Attest:

CITY OF NEW BRAUNFELS, TEXAS

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Caitlin Krobot, City Secretary

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Dee Buck, Chair



**CITY OF NEW BRAUNFELS  
ARTS COMMISSION**

**A RESOLUTION OF THE CITY OF NEW BRAUNFELS ARTS COMMISSION RECOMMENDING THAT THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS AWARD \$36,961.66 TO THE CIRCLE ARTS THEATRE FROM THE CITY'S HOTEL OCCUPANCY TAX COLLECTIONS FOR THE PURPOSE OF PROMOTING TOURISM AND THE CONVENTION & HOTEL INDUSTRY WITHIN THE CITY OF NEW BRAUNFELS.**

WHEREAS, the City of New Braunfels is authorized by Chapter 351 of the Texas Tax Code to collect Hotel Occupancy Taxes for the purpose of promoting tourism and the convention & hotel industry; and

WHEREAS, the Circle Arts Theatre is an organization directly involved in the encouragement, promotion, improvement, and application of activities eligible to be funded by the Hotel Occupancy Tax in accordance with Sec. 351.101(a)(4) & (5); and

WHEREAS, the activities of the Circle Arts Theatre, when combined with the activities of other arts organizations within the City, constitute a significant attraction for visitors and tourists to the City of New Braunfels; and

WHEREAS, the visitors and tourists attracted to the City of New Braunfels through the activities of the Circle Arts Theatre and similar organizations constitute a significant contribution to the tourism, convention, and hotel industries within the City;

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

That the Arts Commission of the City of New Braunfels hereby recommends that the City Council award the Circle Arts Theatre \$36,961.66 from the proceeds of the Hotel Occupancy Tax dedicated to the promotion of Arts & Heritage activities within the City, and that said award be conditioned on the performance of all activities and programs outlined in the Association's application for funds.

PASSED, ADOPTED AND APPROVED this 10th day of May 2021.

Attest:

CITY OF NEW BRAUNFELS, TEXAS

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

\_\_\_\_\_  
Dee Buck, Chair

**CITY OF NEW BRAUNFELS  
ARTS COMMISSION**

**A RESOLUTION OF THE CITY OF NEW BRAUNFELS ARTS COMMISSION RECOMMENDING THAT THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS AWARD \$21,287.90 TO THE GREATER NEW BRAUNFELS ARTS COUNCIL FROM THE CITY'S HOTEL OCCUPANCY TAX COLLECTIONS FOR THE PURPOSE OF PROMOTING TOURISM AND THE CONVENTION & HOTEL INDUSTRY WITHIN THE CITY OF NEW BRAUNFELS.**

WHEREAS, the City of New Braunfels is authorized by Chapter 351 of the Texas Tax Code to collect Hotel Occupancy Taxes for the purpose of promoting tourism and the convention & hotel industry; and

WHEREAS, the Greater New Braunfels Arts Council is an organization directly involved in the encouragement, promotion, improvement, and application of activities eligible to be funded by the Hotel Occupancy Tax in accordance with Sec. 351.101(a)(4) & (5); and

WHEREAS, the activities of the Greater New Braunfels Arts Council, when combined with the activities of other arts organizations within the City, constitute a significant attraction for visitors and tourists to the City of New Braunfels; and

WHEREAS, the visitors and tourists attracted to the City of New Braunfels through the activities of the Greater New Braunfels Arts Council and similar organizations constitute a significant contribution to the tourism, convention, and hotel industries within the City;

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

That the Arts Commission of the City of New Braunfels hereby recommends that the City Council award the Greater New Braunfels Arts Council \$21,287.90 from the proceeds of the Hotel Occupancy Tax dedicated to the promotion of Arts & Heritage activities within the City, and that said award be conditioned on the performance of all activities and programs outlined in the Association's application for funds.

PASSED, ADOPTED AND APPROVED this 10th day of May 2021.

Attest:

CITY OF NEW BRAUNFELS, TEXAS

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

\_\_\_\_\_  
Dee Buck, Chair

**CITY OF NEW BRAUNFELS  
ARTS COMMISSION**

**A RESOLUTION OF THE CITY OF NEW BRAUNFELS ARTS COMMISSION RECOMMENDING THAT THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS AWARD \$33,804.05 TO THE MID-TEXAS SYMPHONY SOCIETY, INC. FROM THE CITY'S HOTEL OCCUPANCY TAX COLLECTIONS FOR THE PURPOSE OF PROMOTING TOURISM AND THE CONVENTION & HOTEL INDUSTRY WITHIN THE CITY OF NEW BRAUNFELS.**

WHEREAS, the City of New Braunfels is authorized by Chapter 351 of the Texas Tax Code to collect Hotel Occupancy Taxes for the purpose of promoting tourism and the convention & hotel industry; and

WHEREAS, the Mid-Texas Symphony Society, Inc. is an organization directly involved in the encouragement, promotion, improvement, and application of activities eligible to be funded by the Hotel Occupancy Tax in accordance with Sec. 351.101(a)(4) & (5); and

WHEREAS, the activities of the Mid-Texas Symphony Society, Inc., when combined with the activities of other arts organizations within the City, constitute a significant attraction for visitors and tourists to the City of New Braunfels; and

WHEREAS, the visitors and tourists attracted to the City of New Braunfels through the activities of the Mid-Texas Symphony Society, Inc. and similar organizations constitute a significant contribution to the tourism, convention, and hotel industries within the City;

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

That the Arts Commission of the City of New Braunfels hereby recommends that the City Council award the Mid-Texas Symphony Society, Inc. \$33,804.05 from the proceeds of the Hotel Occupancy Tax dedicated to the promotion of Arts & Heritage activities within the City, and that said award be conditioned on the performance of all activities and programs outlined in the Association's application for funds.

PASSED, ADOPTED AND APPROVED this 10th day of May 2021.

Attest:

CITY OF NEW BRAUNFELS, TEXAS

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

\_\_\_\_\_  
Dee Buck, Chair

**CITY OF NEW BRAUNFELS  
ARTS COMMISSION**

**A RESOLUTION OF THE CITY OF NEW BRAUNFELS ARTS COMMISSION RECOMMENDING THAT THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS AWARD \$26,569.04 TO THE NEW BRAUNFELS ART LEAGUE FROM THE CITY'S HOTEL OCCUPANCY TAX COLLECTIONS FOR THE PURPOSE OF PROMOTING TOURISM AND THE CONVENTION & HOTEL INDUSTRY WITHIN THE CITY OF NEW BRAUNFELS.**

WHEREAS, the City of New Braunfels is authorized by Chapter 351 of the Texas Tax Code to collect Hotel Occupancy Taxes for the purpose of promoting tourism and the convention & hotel industry; and

WHEREAS, the New Braunfels Art League is an organization directly involved in the encouragement, promotion, improvement, and application of activities eligible to be funded by the Hotel Occupancy Tax in accordance with Sec. 351.101(a)(4) & (5); and

WHEREAS, the activities of the New Braunfels Art League, when combined with the activities of other arts organizations within the City, constitute a significant attraction for visitors and tourists to the City of New Braunfels; and

WHEREAS, the visitors and tourists attracted to the City of New Braunfels through the activities of the New Braunfels Art League and similar organizations constitute a significant contribution to the tourism, convention, and hotel industries within the City;

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

That the Arts Commission of the City of New Braunfels hereby recommends that the City Council award the New Braunfels Art League \$26,569.04 from the proceeds of the Hotel Occupancy Tax dedicated to the promotion of Arts & Heritage activities within the City, and that said award be conditioned on the performance of all activities and programs outlined in the Association's application for funds.

PASSED, ADOPTED AND APPROVED this 10th day of May 2021.

Attest:

CITY OF NEW BRAUNFELS, TEXAS

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Caitlin Krobot, City Secretary

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Dee Buck, Chair

**CITY OF NEW BRAUNFELS  
ARTS COMMISSION**

**A RESOLUTION OF THE CITY OF NEW BRAUNFELS ARTS COMMISSION RECOMMENDING THAT THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS AWARD \$4,806.67 TO THE NEW BRAUNFELS COMMUNITY CHORALE FROM THE CITY'S HOTEL OCCUPANCY TAX COLLECTIONS FOR THE PURPOSE OF PROMOTING TOURISM AND THE CONVENTION & HOTEL INDUSTRY WITHIN THE CITY OF NEW BRAUNFELS.**

WHEREAS, the City of New Braunfels is authorized by Chapter 351 of the Texas Tax Code to collect Hotel Occupancy Taxes for the purpose of promoting tourism and the convention & hotel industry; and

WHEREAS, the New Braunfels Community Chorale is an organization directly involved in the encouragement, promotion, improvement, and application of activities eligible to be funded by the Hotel Occupancy Tax in accordance with Sec. 351.101(a)(4) & (5); and

WHEREAS, the activities of the New Braunfels Community Chorale, when combined with the activities of other arts organizations within the City, constitute a significant attraction for visitors and tourists to the City of New Braunfels; and

WHEREAS, the visitors and tourists attracted to the City of New Braunfels through the activities of the New Braunfels Community Chorale and similar organizations constitute a significant contribution to the tourism, convention, and hotel industries within the City;

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

That the Arts Commission of the City of New Braunfels hereby recommends that the City Council award the New Braunfels Community Chorale \$4,806.67 from the proceeds of the Hotel Occupancy Tax dedicated to the promotion of Arts & Heritage activities within the City, and that said award be conditioned on the performance of all activities and programs outlined in the Association's application for funds.

PASSED, ADOPTED AND APPROVED this 10th day of May 2021.

Attest:

CITY OF NEW BRAUNFELS, TEXAS

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

\_\_\_\_\_  
Dee Buck, Chair

**CITY OF NEW BRAUNFELS  
ARTS COMMISSION**

**A RESOLUTION OF THE CITY OF NEW BRAUNFELS ARTS COMMISSION RECOMMENDING THAT THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS AWARD \$23,350.85 TO THE PERFORMING ARTS ACADEMY OF NEW BRAUNFELS FROM THE CITY'S HOTEL OCCUPANCY TAX COLLECTIONS FOR THE PURPOSE OF PROMOTING TOURISM AND THE CONVENTION & HOTEL INDUSTRY WITHIN THE CITY OF NEW BRAUNFELS.**

WHEREAS, the City of New Braunfels is authorized by Chapter 351 of the Texas Tax Code to collect Hotel Occupancy Taxes for the purpose of promoting tourism and the convention & hotel industry; and

WHEREAS, the Performing Arts Academy of New Braunfels is an organization directly involved in the encouragement, promotion, improvement, and application of activities eligible to be funded by the Hotel Occupancy Tax in accordance with Sec. 351.101(a)(4) & (5); and

WHEREAS, the activities of the Performing Arts Academy of New Braunfels, when combined with the activities of other arts organizations within the City, constitute a significant attraction for visitors and tourists to the City of New Braunfels; and

WHEREAS, the visitors and tourists attracted to the City of New Braunfels through the activities of the Performing Arts Academy of New Braunfels and similar organizations constitute a significant contribution to the tourism, convention, and hotel industries within the City;

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

That the Arts Commission of the City of New Braunfels hereby recommends that the City Council award the Performing Arts Academy of New Braunfels \$23,350.85 from the proceeds of the Hotel Occupancy Tax dedicated to the promotion of Arts & Heritage activities within the City, and that said award be conditioned on the performance of all activities and programs outlined in the Association's application for funds.

PASSED, ADOPTED AND APPROVED this 10th day of May 2021.

Attest:

CITY OF NEW BRAUNFELS, TEXAS

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Caitlin Krobot, City Secretary

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Dee Buck, Chair



5/10/2021

Agenda Item No. H)

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**PRESENTER:**

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

**SUBJECT:**

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

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

**Applicant:** HMT Engineering & Surveying (Chris Crim, P.E.)  
290 S. Castell Ave., Ste 100  
New Braunfels, TX 78130  
(830) 625-8555      plats@hmtnb.com

**Owner:** William Schutz  
1401 Camelback  
Leander, TX 78741  
(512) 589-1349      willschutz@gmail.com

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

**City Council held a public hearing on April 26, 2021 and unanimously approved the first reading of the applicant's requested rezoning ordinance (7-0-0).**

The subject vacant property is located on the southeast corner of the intersection of Gruene Road and Ewelling Lane between NBU's old and new wastewater treatment plants. The property has approximately 600 feet of frontage on Gruene Road, a Collector Street, and 285 feet of frontage on Ewelling Lane, a Local Street. The applicant's TIA (Traffic Impact Analysis) Worksheet indicates the intended use of the property to be medical-dental office.

The C-O District was established to create opportunities for professional office and residential mixed-use. The standards of the C-O District are intended to encourage adaptive reuse of buildings or new office developments of the highest character in areas that are

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compatible and sensitive to the surroundings and ensure historic integrity. C-O District uses should not generate excess additional traffic or access problems.

*Surrounding Zoning and Land Use:*

North - Across Gruene Rd., R-2, R-2 with an SUP to allow multiple single-family units on one lot and R-2 with an SUP to allow a permanent single-family residence and three single-family dwellings for short term rental / Detached two-family dwellings, a single-family dwelling and detached multifamily dwellings with short term rental, and detached multifamily dwellings

South - R-2 / Single-family dwelling

East - R-2 / Single-family dwelling

West- R-2 / Undeveloped

**ISSUE:**

The proposed rezoning to C-O is consistent with the following actions from Envision New Braunfels:

Action 1.3: Encourage balanced and fiscally responsible land use patterns.

Action 3.1: Plan for healthy jobs / housing balance.

Action 3.3: Balance commercial centers with stable neighborhoods.

Future Land Use Plan: The property lies within the New Braunfels Sub Area near existing Employment, Market, Medical, Civic, Outdoor Recreation, Education and Tourist/Entertainment Centers and near a future Market Center.

**FISCAL IMPACT:**

N/A

**RECOMMENDATION:**

The Planning Commission held a public hearing on April 6, 2021. A motion to approve the zone change request failed due to lack of a second (with Commissioners Sonier, Tubb, and Mathis absent).

Staff recommends approval as C-O at this location is consistent with the mix of commercial, multifamily and two-family zoning in the area. Over the years, Gruene Road, between Loop 337 and Ervendberg Avenue, has transitioned from primarily large lot single-family residences to commercial, multifamily and vacation rental mixed-uses.

*Notification:*

Public hearing notices were sent to 9 owners of property within 200 feet of the request. Responses in favor have been received from property owners 2, 4, 6, 7 and 9 on the notification map and one additional response in favor was received from outside the notification area. One response in objection was received from outside the notification area.

*Resource Links:*

Chapter 144, Sec. 3.3-2 "R-2" Single-Family and Two-Family District of the City's Code of Ordinances:

[https://library.municode.com/tx/new\\_braunfels/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH144ZO\\_ARTIIIZODI\\_S144-3.3ZODIREPRZOPRJU221987](https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?nodeId=PTIICOOR_CH144ZO_ARTIIIZODI_S144-3.3ZODIREPRZOPRJU221987)

Chapter 144, Sec. 3.4-17 "C-O" Commercial Office 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](https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?nodeId=PTIICOOR_CH144ZO_ARTIIIZODI_S144-3.4ZODIREPRZOSUJU221987)

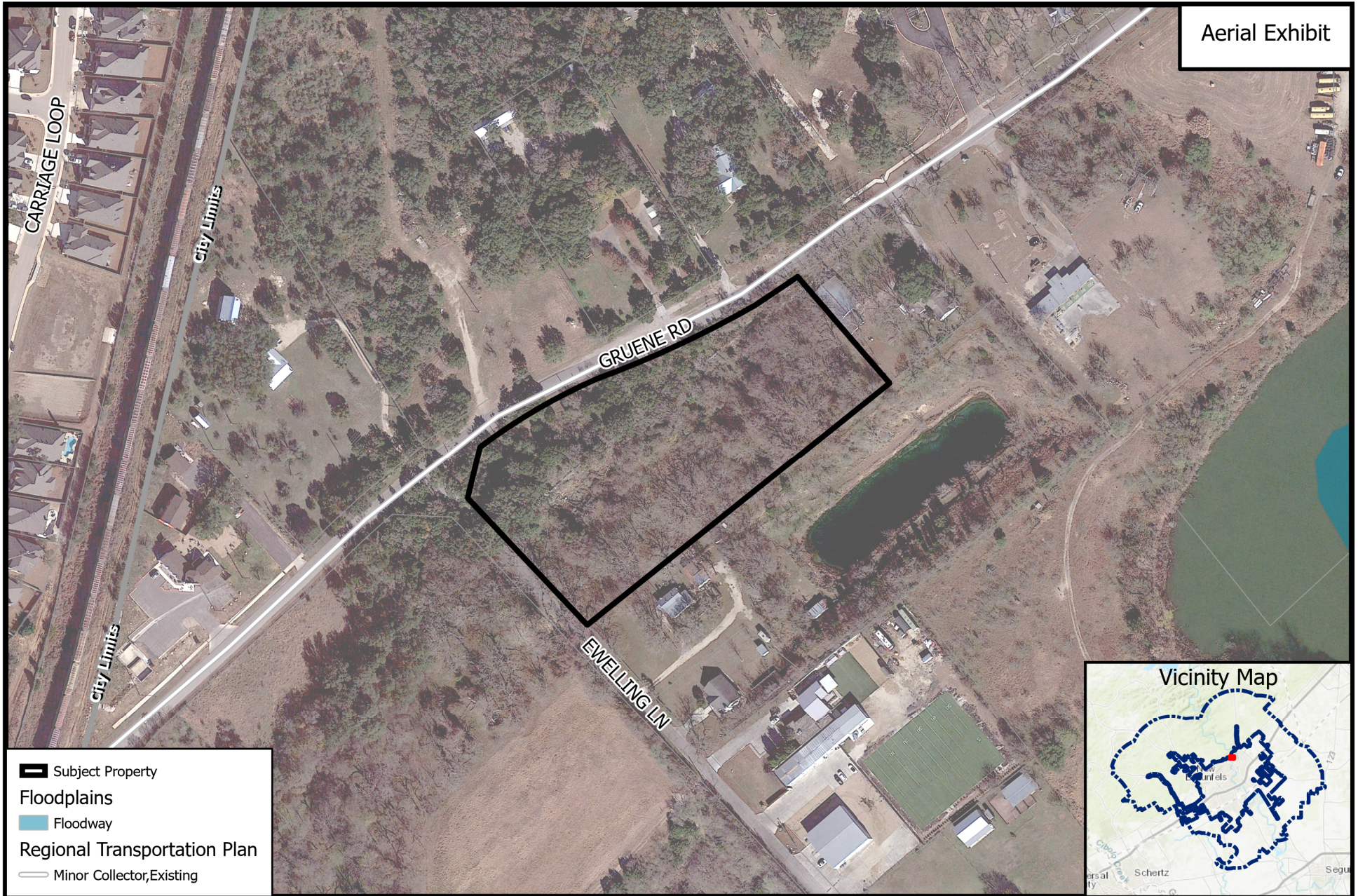
*Attachments:*

1. Aerial Map
2. Land Use Maps (Zoning, Existing and Future Land Use)
3. TIA Worksheet
4. R-2 District and C-O District Comparison Table
5. Notification List, Map and Notification Responses
6. Excerpt of Minutes from the April 6, Planning Commission Regular Meeting

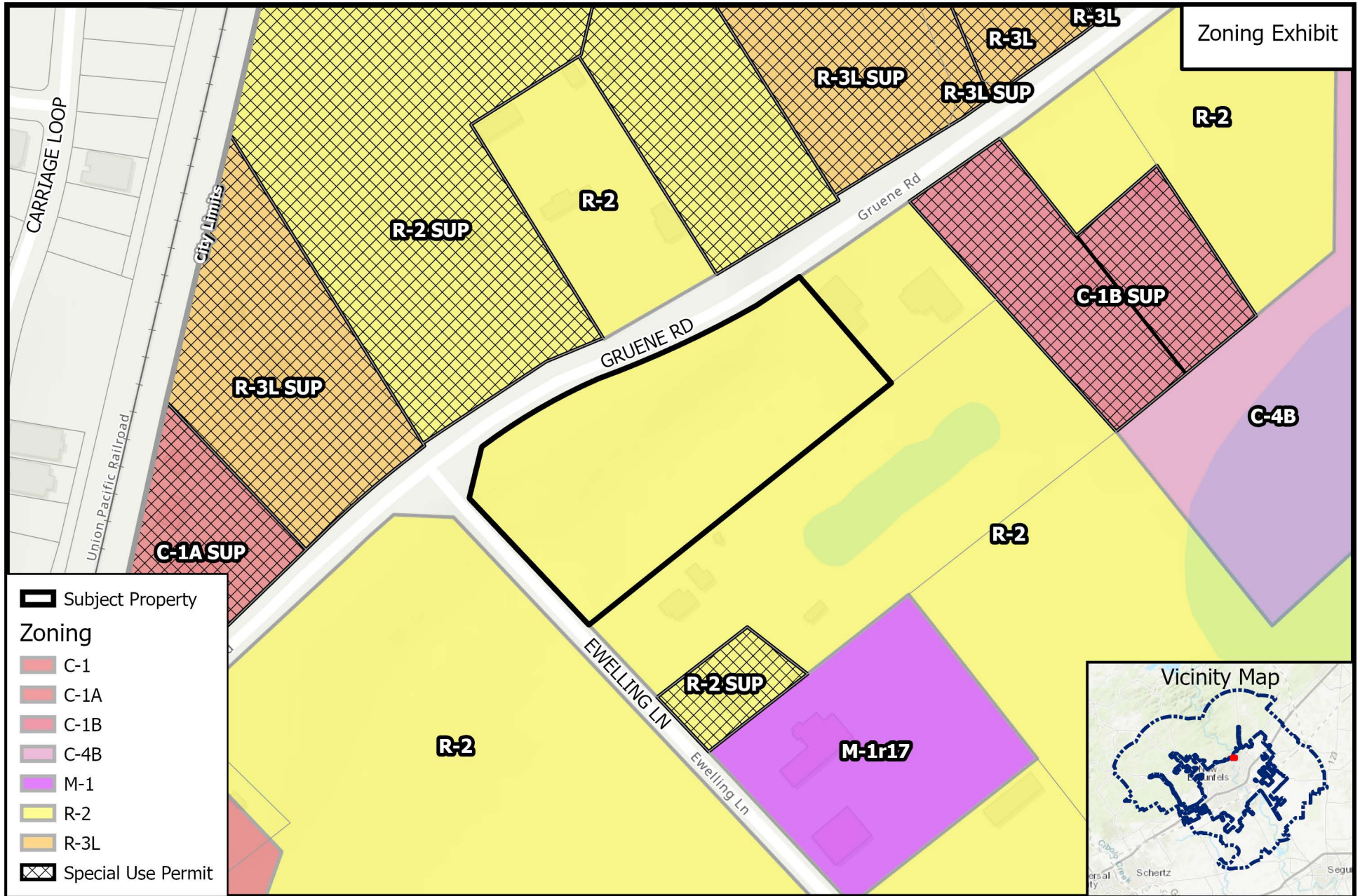
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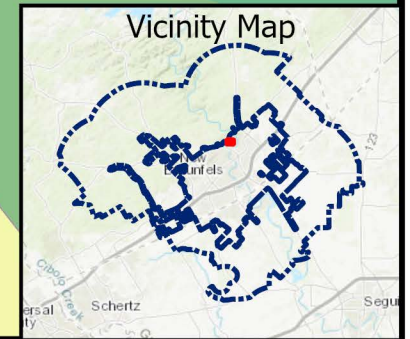
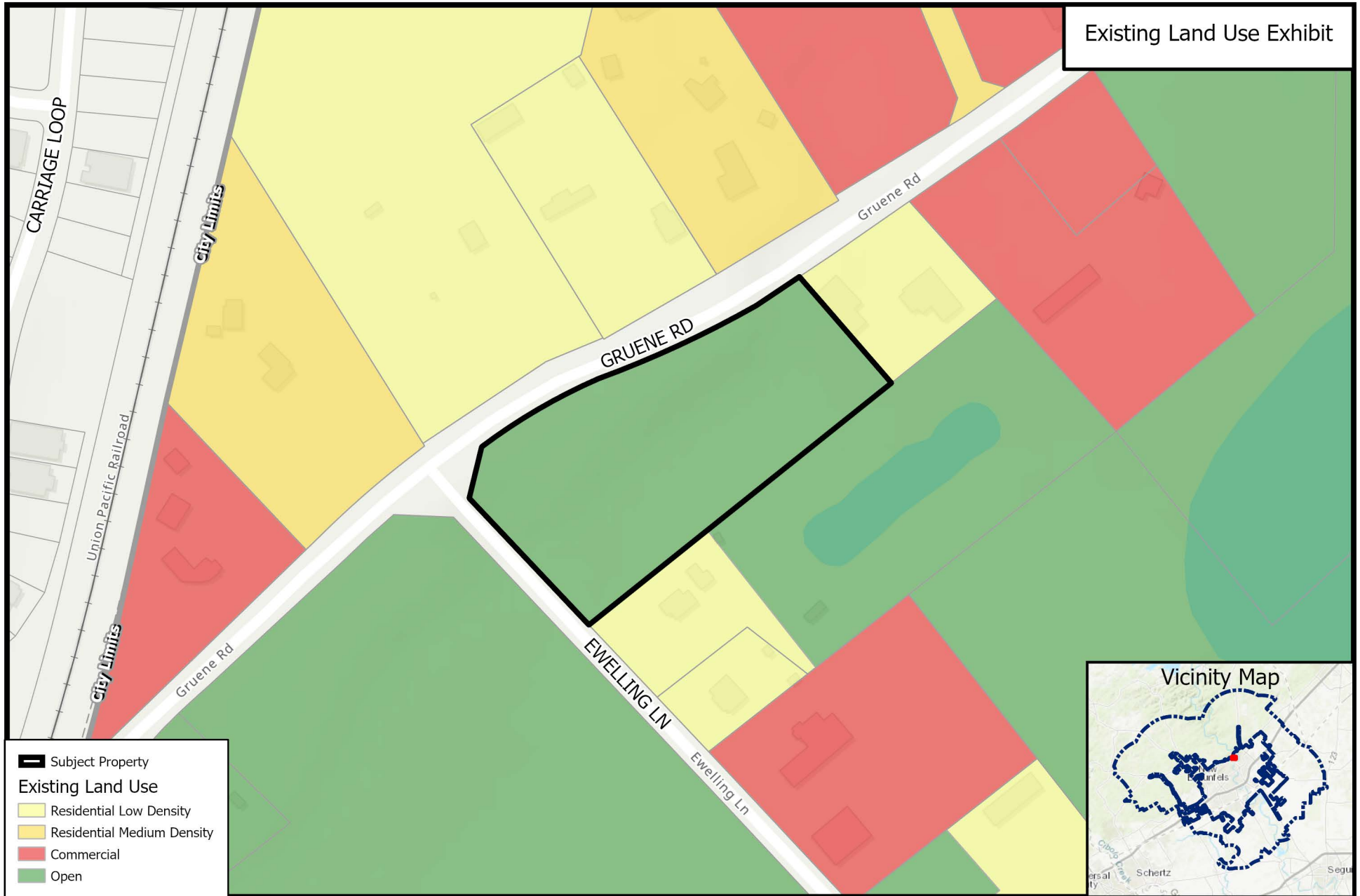
7. Ordinance













## 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.

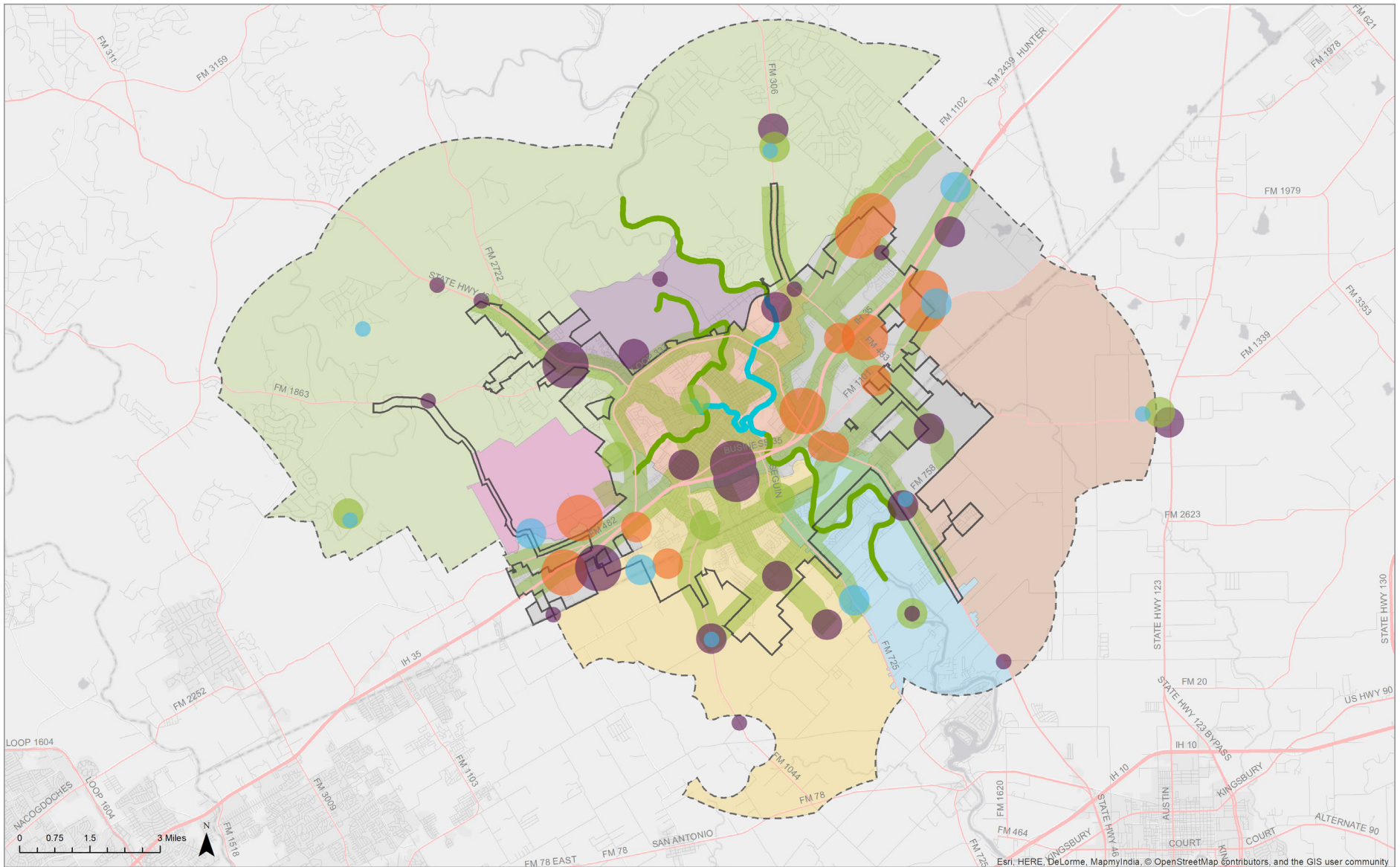
## SUB AREA 7

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](#).

## 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

<b>General Information</b>													
Project Name:										Date:			
Subdivision Plat Name:						Project Address/Location:							
<b>Location?</b>		<input type="checkbox"/> City of New Braunfels		<input type="checkbox"/> New Braunfels ETJ		<input type="checkbox"/> Comal County		<input type="checkbox"/> Guadalupe County					
Owner Name:						Owner Email:							
Owner Address:						Owner Phone:							
Preparer Company:													
Preparer Name:						Preparer Email:							
Preparer Address:						Preparer Phone:							
TIA 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.	
<b>Application Type or Reason for TIA Worksheet/Report</b>													
<input type="checkbox"/> Zoning/Concept Plan/Detail Plan <input type="checkbox"/> Master Plan <input type="checkbox"/> Preliminary Plat <input type="checkbox"/> Final Plat <input type="checkbox"/> Permit <input type="checkbox"/> Other													
<b>TIA Submittal Type</b> (A TIA Worksheet is required with all zoning, plan, plat and permit applications)													
<input type="checkbox"/> TIA Worksheet Only (100 peak hour trips or less)						<input type="checkbox"/> Level 1 TIA Report (101-500 peak hour trips)							
<input type="checkbox"/> TIA Worksheet Only – Previous TIA Report Approved						<input type="checkbox"/> Level 2 TIA Report (501-1,000 peak hour trips)							
<input type="checkbox"/> TIA Worksheet Only – Previous TIA Report not required (supporting documentation may be required)						<input type="checkbox"/> Level 3 TIA Report (1,001 or more peak hour trips)							

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

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

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

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

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

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

Approved TIA Conformance	AM Peak Hour Trips	PM Peak Hour Trips	WKD Peak Hour Trips	Daily Trips
Approved development total:				
Updated development total:				
Difference development total:				
<b>New TIA Report Required?</b>				
Increase in Peak Hour Trips 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.	



## R-2 and C-O District Comparison Table

P = Permitted Use	Existing	Proposed
	R-2	CO
Accessory building/structure (see section 144-5.4)	P	P
Accessory dwelling (one accessory dwelling per lot, no kitchen)	P	P
Accounting, auditing, bookkeeping, and tax preparations		P
Acid manufacture		
Adult day care (no overnight stay)		P
Adult day care (with overnight stay)		
Aircraft support and related services		
Airport		
All-terrain vehicle (ATV) dealer/sales		
Ambulance service (private)		
Amphitheaters (outdoor live performances)		
Amusement devices/arcade (four or more devices)		
Amusement services or venues (indoors) (see section 144-5.13)		
Amusement services or venues (outdoors)		
Animal grooming shop		
Answering and message services		P
Antique shop		P
Appliance repair		
Archery range		
Armed services recruiting center		P
Art dealer/gallery		P
Artist or artisans studio		P
Assembly/exhibition hall or areas		
Assisted living facility/retirement home		
Athletic fields		
Auction sales (non-vehicle)		
Auto body repair, garages (see section 144-5.11)		
Auto glass repair/tinting (see section 144-5.11)		
Auto interior shop/upholstery (see section 144-5.11)		
Auto leasing		
Auto muffler shop (see section 144-5.11)		
Auto or trailer sales rooms or yards (see section 144-5.12)		
Auto or truck sales rooms or yards—Primarily new (see section 144-5.12)		
Auto paint shop		
Auto repair as an accessory use to retail sales		
Auto repair garage (general) (see section 144-5.11)		
Auto supply store for new and factory rebuilt parts		
Auto tire repair/sales (indoor)		
Auto wrecking yards		
Automobile driving school (including defensive driving)		
Bakery (retail)		P
Bank, savings and loan, or credit union		P
Bar/tavern (no outdoor music)		
Bar/tavern		

Barber/beauty college (barber or cosmetology school or college)		
Barber/beauty shop, haircutting (non-college)		P
Barns and farm equipment storage (related to agricultural uses)	P	P
Battery charging station		
Bed and breakfast inn (see section 144-5.6)		P
Bicycle sales and/or repair		
Billiard/pool facility		
Bingo facility		
Bio-medical facilities		
Blacksmith or wagon shops		
Blooming or rolling mills		
Boarding house/lodging house		P
Book binding		
Book store		P
Bottling or distribution plants (milk)		
Bottling works		
Bowling alley/center (see section 144-5.13)		
Breweries/distilleries and manufacture of alcohol and alcoholic beverages		
Broadcast station (with tower) (see section 144-5.7)		
Bulk storage of gasoline, petroleum products, liquefied petroleum and flammable liquids (see section 5.27)		
Bus barns or lots		
Bus passenger stations		
Cabin or cottage (rental)		
Cabin or cottage (rental for more than 30 days)		
Cafeteria/cafe/delicatessen		
Campers' supplies		
Campgrounds		
Canning/preserving factories		
Car wash (self-service; automated)		
Car wash, full service (detail shop)		
Carpenter, cabinet, or pattern shops		
Carpet cleaning establishments		
Caterer		
Cement, lime, gypsum or plaster of Paris manufacture		
Cemetery and/or mausoleum	P	P
Check cashing service		P
Chemical laboratories (e.g., ammonia, bleaching powder)		
Chemical laboratories (not producing noxious fumes or odors)		
Child day care/children's nursery (business)		
Church/place of religious assembly	P	P
Cider mills		
Civic/conference center and facilities		
Cleaning, pressing and dyeing (non-explosive fluids used)		
Clinic (dental)		P
Clinic (emergency care)		P
Clinic (medical)		P

Club (private)		
Coffee shop		P
Cold storage plant		
Commercial amusement concessions and facilities		
Communication equipment—Installation and/or repair		
Community building (associated with residential uses)	P	P
Community home (see definition)	P	P
Computer and electronic sales		
Computer repair		
Concrete or asphalt mixing plants—Permanent		
Concrete or asphalt mixing plants—Temporary		
Confectionery store (retail)		P
Consignment shop		
Contractor's office/sales, with outside storage including vehicles		
Contractor's temporary on-site construction office	P	P
Convenience store with gas sales		
Convenience store without gas sales		
Cotton ginning or baling works		
Country club (private)	P	
Credit agency		P
Crematorium		
Curio shops		
Custom work shops		
Dance hall/dancing facility (see section 144-5.13)		
Day camp		
Department store		
Distillation of bones		
Dormitory (in which individual rooms are for rental)		P
Drapery shop/blind shop		
Driving range		
Drug store/pharmacy		
Duplex/two-family/duplex condominiums	P	P
Electrical generating plant		
Electrical repair shop		
Electrical substation		P
Electronic assembly/high tech manufacturing		
Electroplating works		
Enameling works		
Engine repair/motor manufacturing re-manufacturing and/or repair		
Explosives manufacture or storage		
Exterminator service		
Fairground		
Family home adult care	P	
Family home child care	P	
Farmers market (produce market—wholesale)		
Farms, general (crops) (see chapter 6 and section 144-5.9)	P	P

Farms, general (livestock/ranch) (see chapter 6 and section 144-5.9)	P	P
Feed and grain store		
Fertilizer manufacture and storage		
Filling station (gasoline tanks must be below the ground)		
Florist		
Flour mills, feed mills, and grain processing		
Food or grocery store with gasoline sales		
Food or grocery store without gasoline sales		
Food processing (no outside public consumption)		
Forge (hand)		
Forge (power)		
Fraternal organization/civic club (private club)		
Freight terminal, rail/truck (when any storage of freight is wholly outside an enclosed building)		
Freight terminal, truck (all storage of freight in an enclosed building)		
Frozen food storage for individual or family use		
Funeral home/mortuary		
Furniture manufacture		
Furniture sales (indoor)		
Galvanizing works		
Garbage, offal or dead animal reduction or dumping		
Garden shops and greenhouses		P
Gas manufacture		
Gas or oil wells		
Golf course (public or private)	P	P
Golf course (miniature)		
Government building or use with no outside storage (outside storage allowed in M-2 and M-2A)	P	P
Grain elevator		
Greenhouse (commercial)		
Handicraft shop		
Hardware store		
Hay, grain, and/or feed sales (wholesale)		
Health club (physical fitness; indoors only)		
Heating and air-conditioning sales/services		
Heavy load (farm) vehicle sales/repair (see section 144-5.14)		
Heavy manufacturing		
Heliport		
Hides/skins (tanning)		
Home occupation (see section 144-5.5)	P	
Home repair and yard equipment retail and rental outlets		
Hospice		P
Hospital, general (acute care/chronic care)		
Hospital, rehabilitation		
Hotel/motel		
Hotels/motels—Extended stay (residence hotels)		
Ice delivery stations (for storage and sale of ice at retail only)		

Ice plants		
Indoor or covered sports facility		
Industrial laundries		
Iron and steel manufacture		
Junkyards, including storage, sorting, baling or processing of rags		
Kiosk (providing a retail service)		P
Laboratory equipment manufacturing		
Laundromat and laundry pickup stations		P
Laundry, commercial (without self-serve)		
Laundry/dry cleaning (drop off/pick up)		P
Laundry/washateria (self-serve)		
Lawnmower sales and/or repair		
Leather products manufacturing		
Light manufacturing		
Limousine/taxi service		
Livestock sales/auction		
Locksmith		P
Lumber mill		
Lumberyard (see section 144-5.15)		
Lumberyard or building material sales (see section 144-5.15)		
Machine shop		
Maintenance/janitorial service		
Major appliance sales (indoor)		
Manufacture of carbon batteries		
Manufacture of paint, lacquer, oil, turpentine, varnish, enamel, etc.		
Manufacture of rubber, glucose, or dextrin		
Manufactured home—HUD Code compliant (see Texas Occupations Code ch. 1201)		P
Manufactured home park—HUD Code compliant (see Texas Occupations Code ch. 1201)		
Manufactured home subdivision—HUD Code compliant (see Texas Occupations Code ch. 1201)		P
Manufactured home sales		
Manufacturing and processes		
Manufacturing processes not listed		
Market (public, flea)		
Martial arts school		
Meat or fish packing/storage plants		
Medical supplies and equipment		
Metal fabrication shop		
Micro brewery (onsite mfg. and/or sales)		
Mini-warehouse/self-storage units (no boat and RV storage permitted)		
Mini-warehouse/self-storage units with outside boat and RV storage		
Monument, gravestone, or marble works (manufacture)		
Motion picture studio, commercial film		
Motion picture theater (indoors)		
Motion picture theater (outdoors, drive-in)		

Motorcycle dealer (primarily new/repair)		
Moving storage company		
Moving, transfer, or storage plant		
Multifamily (apartments/condominiums)		P
Museum		
Natural resource extraction and mining		
Needlework shop		P
Nonbulk storage of gasoline, petroleum products and liquefied petroleum		
Nursing/convalescent home/sanitarium		
Offices, brokerage services		P
Offices, business or professional		P
Offices, computer programming and data processing		P
Offices, consulting		P
Offices, engineering, architecture, surveying or similar		P
Offices, health services		P
Offices, insurance agency		P
Offices, legal services, including court reporting		P
Offices, medical offices		P
Offices, real estate		P
Offices, security/commodity brokers, dealers, exchanges and financial services		P
Oil compounding and barreling plants		
One-family dwelling, detached	P	P
Outside storage (as primary use)		
Paint manufacturing		
Paper or pulp manufacture		
Park and/or playground (private and public)	P	P
Parking lots (for passenger car only) (not as incidental to the main use)		
Parking structure/public garage		
Pawn shop		
Personal watercraft sales (primarily new/repair)		
Pet shop/supplies (less than 10,000 sq. ft.)		
Pet store (over 10,000 sq. ft.)		
Petroleum or its products (refining of)		
Photo engraving plant		
Photographic printing/duplicating/copy shop or printing shop		P
Photographic studio (no sale of cameras or supplies)		P
Photographic supply		P
Plant nursery (no retail sales on site)	P	
Plant nursery (retail sales/outdoor storage)		
Plastic products molding/reshaping		
Plumbing shop		
Portable building sales		
Poultry killing or dressing for commercial purposes		
Propane sales (retail)		
Public recreation/services building for public park/playground areas	P	P



Publishing/printing company (e.g., newspaper)		
Quick lube/oil change/minor inspection		
Radio/television shop, electronics, computer repair		
Railroad roundhouses or shops		
Rappelling facilities		
Recreation buildings (private)		
Recreation buildings (public)	P	P
Recycling kiosk		
Refreshment/beverage stand		
Rental or occupancy for less than one month (see section 144-5.17)		
Research lab (non-hazardous)		P
Residential use in buildings with non-residential uses permitted in the district		P
Restaurant/prepared food sales		
Restaurant with drive-through service		
Retail store and shopping center without drive-through service (50,000 sq. ft. bldg. or less)		
Retail store and shopping center with drive-through service (50,000 sq. ft. bldg. or less)		
Retail store and shopping center (more than 50,000 sq. ft. bldg.)		
Retirement home/home for the aged		P
Rock crushers and rock quarries		
Rodeo grounds		
RV park		
RV/travel trailer sales		
Sand/gravel sales (storage or sales)		
School, K-12 public or private	P	P
School, vocational (business/commercial trade)		P
Security monitoring company (no outside storage or installation)		P
Security systems installation company		
Sexually oriented business (see chapter 18)		
Sheet metal shop		
Shoe repair shops		P
Shooting gallery—Indoor (see section 144-5.13)		
Shooting range—Outdoor (see section 144-5.13)		
Shopping center		
Sign manufacturing/painting plant		
Single-family industrialized home (see section 144-5.8)	P	P
Smelting of tin, copper, zinc or iron ores		
Specialty shops in support of project guests and tourists		
Stables (as a business) (see chapter 6)		
Stables (private, accessory use) (see chapter 6)		
Steel furnaces		
Stockyards or slaughtering		
Stone/clay/glass manufacturing		
Storage—Exterior storage for boats and recreational vehicles		
Storage in bulk		
Structural iron or pipe works		

Studio for radio or television, without tower (see zoning district for tower authorization)		
Studios (art, dance, music, drama, reducing, photo, interior decorating, etc.)		
Sugar refineries		
Tailor shop (see home occupation)		
Tar distillation or manufacture		
Tattoo or body piercing studio		
Taxidermist		
Telecommunications towers/antennas (see section 144-5.7)		
Telemarketing agency		P
Telephone exchange buildings (office only)		P
Tennis court (commercial)		P
Theater (non-motion picture; live drama)		
Tire sales (outdoors)		
Tool rental		
Townhouse (attached)		P
Transfer station (refuse/pick-up)		
Travel agency		P
Truck or transit terminal		
Truck stop		
Tuber entrance and takeout facilities (see section 144-5.13)		
University or college (public or private)		P
Upholstery shop (non-auto)		
Used or second hand merchandise/furniture store		
Vacuum cleaner sales and repair		
Vehicle storage facility		
Veterinary hospital (no outside animal runs or kennels)		
Veterinary hospital (with outdoor animal runs or kennels that may not be used between the hours of 9:00 p.m. and 7:00 a.m.)		
Video rental/sales		
Warehouse/office and storage/distribution center		
Waterfront amusement facilities—Berthing facilities sales and rentals		
Waterfront amusement facilities—Boat fuel storage/dispensing facilities		
Waterfront amusement facilities—Boat landing piers/launching ramps		
Waterfront amusement facilities—Swimming/wading pools/bathhouses		
Water storage (surface, underground or overhead), water wells and pumping stations that are part of a public or municipal system	P	P
Welding shop		
Wholesale sales offices and sample rooms		
Wire or rod mills		
Wood distillation plants (charcoal, tar, turpentine, etc.)		
Woodworking shop (ornamental)		
Wool scouring		
Zero lot line/patio homes		P

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

Zoom Meeting

**Applicant/Owner:** HMT Engineering & Surveying, Bill Ball

**Address/Location:** 4.3 acres out of the J M Veramendi Survey No. 1, Abstract 2, Comal County, Texas, located at the southeast corner of the intersection of Gruene Road and Ewelling Lane

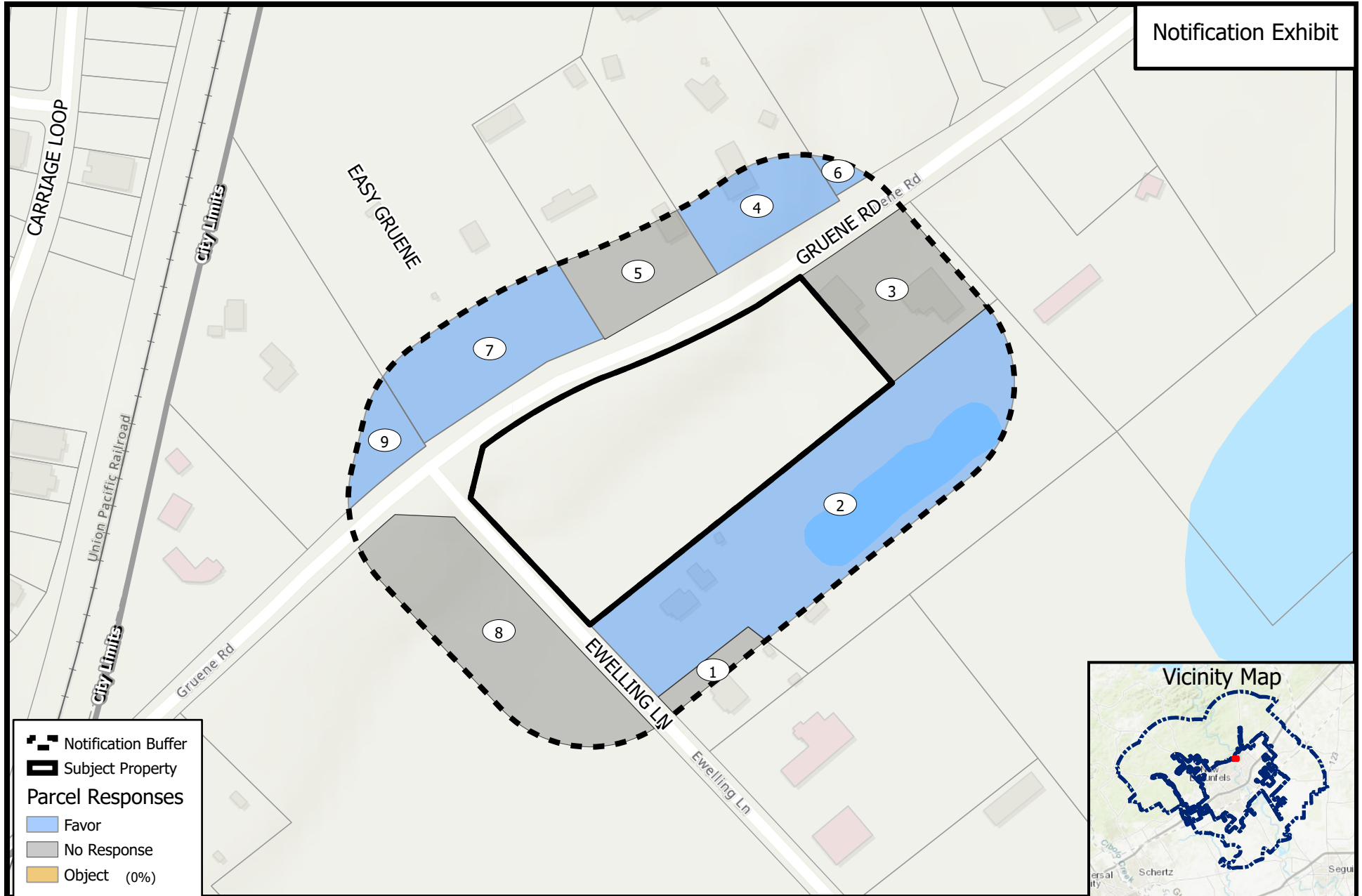
**PROPOSED ZONE CHANGE – CASE #PZ21-0084**

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”.

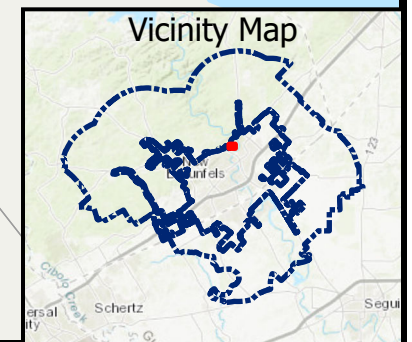
- |   |                                      |
|---|--------------------------------------|
| 1. PURCELL SPILLAR FAMILY PARTNERSHIP LTD | 6. BLEWETT ALLEN & BINGHAM LLC       |
| 2. REAL FRANKLIN CONRAD & ANNIE           | 7. VILLAGES AT GRUENE NB LLC         |
| 3. DALKE GLEN C JR & CECILIA              | 8. KOEPP SKYLAR W TRUST ET AL        |
| 4. MAYFIELD ROBERT S & PAMELA             | 9. MAGEE WILLIAM & PAMELA LVNG RVCBL |
| 5. HANDRICK BARNEY R                      | TRST                                 |

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**SEE MAP**



- Notification Buffer
- Subject Property
- Parcel Responses**
- Favor
- No Response
- Object (0%)



YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ21-0084 (MG)

FRANKLIN

Name:

ANNIE REAL

Address:

850 EWEILING LN

Property number on map:

#2

I favor:



I object:

(State reason for objection)

Comments: (Use additional sheets if necessary)

Signature:

Annie Real

APR 06 2021



Department of Planning and Development Services

## NOTICE OF PUBLIC HEARING

View details here:

[nbtexas.org/PublicNotice](http://nbtexas.org/PublicNotice)

The New Braunfels Planning Commission will hold a public hearing at the request of **HMT Engineering & Surveying, agent for William Schutz, owner**, to consider a recommendation to City Council on the following rezoning request:

**Property:** Approximately 4.3 acres out of the J M Veramendi Survey No. 1, Abstract 2, Comal County, Texas, located at the southeast corner of the intersection of Gruene Road and Ewelling Lane

**From:** "R-2" Single and Two-Family District

**To:** "C-O" Commercial Office District. Additional information can be found at the following website: [nbtexas.org/PublicNotice](http://nbtexas.org/PublicNotice)

Because your property is located within 200 feet of the request, State law requires that we notify you of the public hearing. **However, the zoning of your property will not be changed.** The public hearing process allows an opportunity for you to provide comments on the request. This aids the Commission in making a recommendation to City Council.

Public hearings for this request are scheduled before the Planning Commission on **Tuesday, April 6, 2021**, at 6:00 p.m. virtually via **Zoom Meeting**. Information on how to join the meeting is included with this notice. The Planning Commission's recommendation will be considered by City Council in another public hearing, tentatively scheduled for **Monday, April 26, 2021**. Both meetings are open to the public. All interested persons are invited to join these meetings.

If you wish to submit written comments, please complete ALL of the information below and return to:

Mail: City of New Braunfels  
Planning Commission  
550 Landa Street  
New Braunfels, TX 78130

Email: [mgreene@nbtexas.org](mailto:mgreene@nbtexas.org)

**If you have questions, please call Matt Greene at (830) 221-4053**

Matt Greene

-----  
**YOUR OPINION MATTERS - DETACH AND RETURN**

**Case: #PZ21-0084 (MG)**

Name: Robert & Pam Mayfield

Address: 1608 Gruene Rd.

Property number on map: 4

Comments: (Use additional sheets if necessary)

Signature: Robert & Pam Mayfield

I favor: ☒

I object: ☐

(State reason for objection)



**From:** [Brad Bingham](#)  
**To:** [Matt Greene](#)  
**Subject:** Re: Zoning Change  
**Date:** Thursday, April 15, 2021 7:57:32 AM

---

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

In favor.

Sent from my iPhone

On Apr 15, 2021, at 7:49 AM, Matt Greene <[MGreene@nbtexas.org](mailto:MGreene@nbtexas.org)> wrote:

Good morning Brad,

Good to hear from you. Just for clarification purposes, are you stating you are "in favor" of the proposed zone change or simply "not opposed". I want to make sure I represent the information correctly to the Planning Commission and City Council.

Thank you,

<EmailLogo-  
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Matt Greene, CFM  
Planner | Planning and Development Services  
550 Landa St | New Braunfels, TX 78130  
830-221-4053 | [MGreene@nbtexas.org](mailto:MGreene@nbtexas.org) | [www.nbtexas.org](http://www.nbtexas.org)

#OneCityOneTeam

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Do you have a question about a permit? Check out the [Citizen Portal](#).  
We encourage you to keep up with the progress on our new comprehensive plan by visiting [www.envisionnewbraunfels.org](http://www.envisionnewbraunfels.org).

This email, plus any attachments, may constitute a public record of the City of New Braunfels and may be subject to public disclosure under the [Texas Public Information Act](#).

**Please take a moment to complete the City of New Braunfels [Customer Satisfaction Survey](#).**

-----Original Message-----

From: Brad Bingham <[b.binghamllc@yahoo.com](mailto:b.binghamllc@yahoo.com)>  
Sent: Wednesday, April 14, 2021 9:22 PM  
To: Matt Greene <[MGreene@nbtexas.org](mailto:MGreene@nbtexas.org)>  
Cc: Ted Omohundro <[ted@rmrteam.com](mailto:ted@rmrteam.com)>  
Subject: Zoning Change

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.

Hey Matt, I hope you're doing well. I just wanted to say I have no problem with what these folks are wanting to develop. Case # PZ21-0084.  
Come see me brother. Brad Bingham

Sent from my iPhone



Department of Planning and Development Services

## NOTICE OF PUBLIC HEARING

View details here:

[nbtexas.org/PublicNotice](http://nbtexas.org/PublicNotice)

The New Braunfels Planning Commission will hold a public hearing at the request of **HMT Engineering & Surveying, agent for William Schutz, owner**, to consider a recommendation to City Council on the following rezoning request:

**Property:** Approximately 4.3 acres out of the J M Veramendi Survey No. 1, Abstract 2, Comal County, Texas, located at the southeast corner of the intersection of Gruene Road and Ewelling Lane

**From:** "R-2" Single and Two-Family District

**To:** "C-O" Commercial Office District. Additional information can be found at the following website: [nbtexas.org/PublicNotice](http://nbtexas.org/PublicNotice)

Because your property is located within 200 feet of the request, State law requires that we notify you of the public hearing. **However, the zoning of your property will not be changed.** The public hearing process allows an opportunity for you to provide comments on the request. This aids the Commission in making a recommendation to City Council.

Public hearings for this request are scheduled before the Planning Commission on **Tuesday, April 6, 2021**, at 6:00 p.m. virtually via **Zoom Meeting**. Information on how to join the meeting is included with this notice. The Planning Commission's recommendation will be considered by City Council in another public hearing, tentatively scheduled for **Monday, April 26, 2021**. Both meetings are open to the public. All interested persons are invited to join these meetings.

If you wish to submit written comments, please complete ALL of the information below and return to:

**Mail:** City of New Braunfels  
Planning Commission  
550 Landa Street  
New Braunfels, TX 78130

**Email:** [mgreene@nbtexas.org](mailto:mgreene@nbtexas.org)

**If you have questions, please call Matt Greene at (830) 221-4053**

Matt Greene

-----  
**YOUR OPINION MATTERS - DETACH AND RETURN**

**Case:** #PZ21-0084 (MG)

**Name:** VILLAGES AT GRUENE NB LLC

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

**Property number on map:** 7

**Comments:** (Use additional sheets if necessary)

**Signature:** James Taphet  
VILLAGES AT GRUENE NB LLC

**I favor:** X

**I object:** \_\_\_\_\_

(State reason for objection)

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ21-0084 (MG)

Name: PAM MAGLE

Address: 1704 GRADLE RD

Property number on map: # 9

Comments: (Use additional sheets if necessary)

Signature: Pam Magle

I favor: ☒

I object: \_\_\_\_\_

(State reason for objection)

APR 08 2021

**From:** [Cathy](#)  
**To:** [Matt Greene](#)  
**Subject:** Rezoning of Corner of Ewelling & Gruene Rd.  
**Date:** Monday, April 5, 2021 5:25:24 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.**

Hello

I wanted to say I am in favor of rezoning the property at the corner of Ewelling and Gruene Rd from R2 to CO. I know a lot of people in the area want all land in the area to remain undeveloped, but things are changing a lot in New Braunfels. We moved here in 1972 and have seen a lot of progress happen from the sleepy little town it was back then. Our neighbors on Sleepy Hollow say they are worried about traffic coming on our street. They have applied for a permit for a gate to be put in at the beginning of the street which should take care of that worry. This is a progressing town and we might as well progress along with it. It isn't going to stay the same no matter how hard you try to stop it.

Cathy Rivers

1410 Sleepy Hollow

New Braunfels , Tx 78130

**From:** [David Hill](#)  
**To:** [Matt Greene](#)  
**Subject:** Rezoning on dwelling and gruene rd  
**Date:** Tuesday, April 6, 2021 8:24:06 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 Matt,  
My wife and I live at 1220 sleepy hollow lane and would like to request a no vote on the rezoning just down our street. This intersection is already dangerous when entering or leaving from/to dwelling and gruene rd.  
Thank you,  
David and Elia Hill  
1220 Sleepy Hollow lane

Sent from my iPhone

**ORDINANCE NO. 2021-**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS REZONING APPROXIMATELY 4.3 ACRES OUT OF THE J. M. VERAMENDI SURVEY NO. 1, ABSTRACT 2, COMAL COUNTY, TEXAS, LOCATED AT THE SOUTEAST CORNER OF THE INTERSECTION OF GRUENE ROAD AND EWELLING LANE, FROM “R-2” SINGLE AND TWO-FAMILY DISTRICT TO “C-O” COMMERCIAL OFFICE 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 “C-O” Commercial Office District, the City Council has given due consideration to all components of said district; and

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

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

**WHEREAS**, the City Council desires to amend the Zoning Map by rezoning approximately 4.3 acres out of the J. M. Veramendi Survey No. 1, Abstract 2, Comal County, Texas, located at the southeast corner of the intersection of Gruene Road and Ewelling Lane from “R-2” Single and Two-Family District to “C-O” Commercial Office District, **now, therefore;**

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

**SECTION 1**

**THAT** pursuant to Section 1.2-3, Chapter 144 of the New Braunfels Code of Ordinances, the Zoning Map of the City of New Braunfels is revised by rezoning the following described tract of land from “R-2” Single and Two-Family District to “C-O” Commercial Office District:



Approximately 4.3 acres out of the J. M. Veramendi Survey No. 1, Abstract 2, Comal County, Texas, located at the southeast corner of the intersection of Gruene Road and Ewelling Lane as described in Exhibit "A" and delineated in Exhibit "B" attached.

## **SECTION 2**

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

## **SECTION 3**

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

## **SECTION 4**

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

## **SECTION 5**

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

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

**PASSED AND APPROVED:** Second reading this 10th day of May, 2021.

**CITY OF NEW BRAUNFELS**

**RUSTY BROCKMAN**, Mayor

**ATTEST:**

**CAITLIN KROBOT**, City Secretary

**APPROVED AS TO FORM:**

**VALERIA M. ACEVEDO**, City Attorney

BEING 4.353 acres of land out of the J.M. Veramendi Two League Survey No. Two, Comal County, Texas, and being all of that certain tract of land conveyed by Eunice Hovestadt, to William Hovestadt, Jr. by deed dated September 16, 1963 and recorded in Volume 135 at Pages 108-109 of the Deed Records of Comal County, Texas, and described more particularly by metes and bounds as follows:

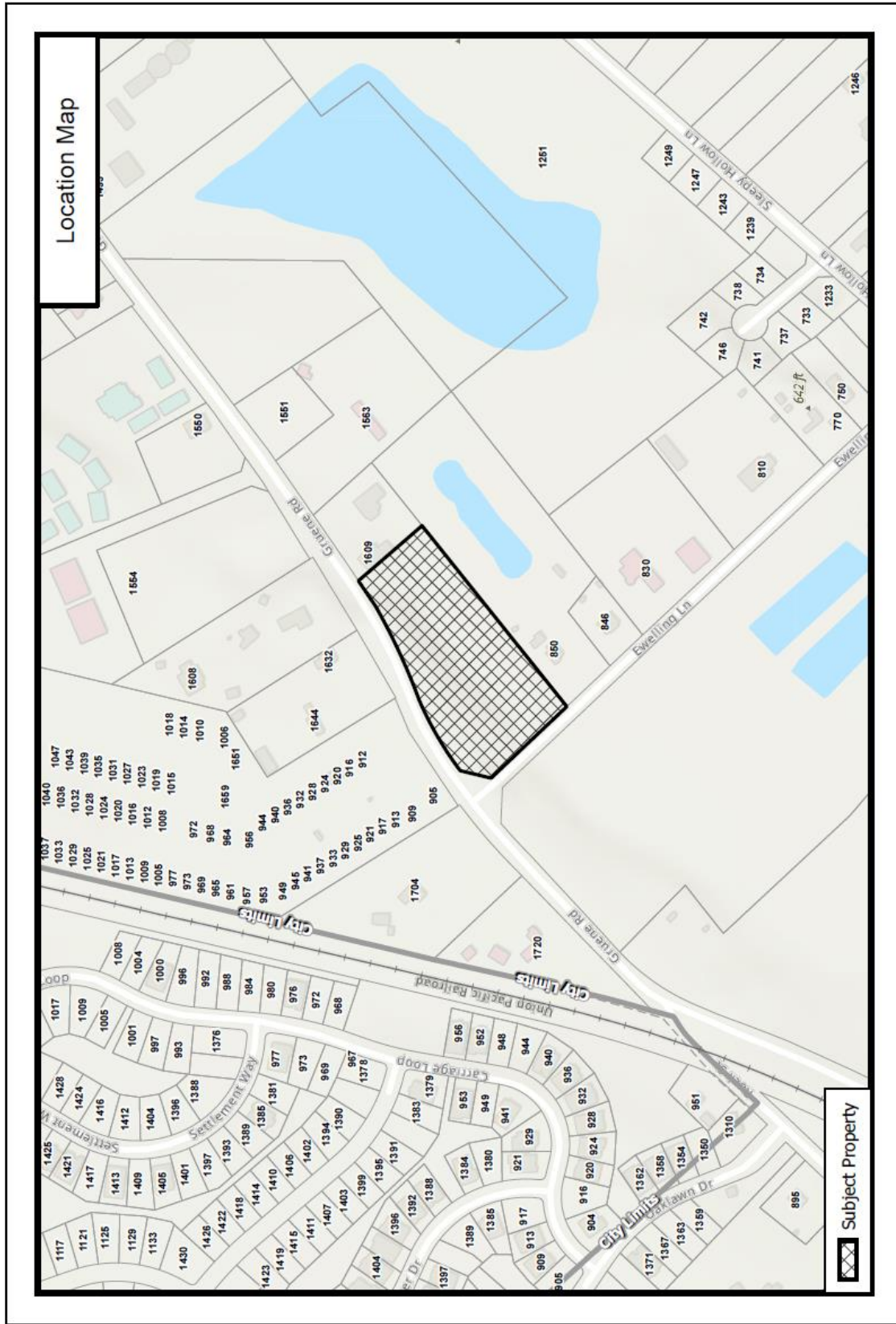
BEGINNING at the point of intersection of the so-called Eweling Lane at it's Northeast end with the Southeast side of the Old Austin Road for West corner of this 4.353 acre tract herein conveyed;

THENCE, with the Southeast side of said road, N. 57° 00' E. 229.0 feet, N. 57°06' E. 286.7 feet, N. 62°07' E. 135.2 feet to the West corner of a 1.1 acre tract owned by H.A. Foerster;

THENCE, with the Foerster Southwest line, S. 42°30' E. 233.5 feet to the South corner of the Foerster tract for E. corner of this 4.353 acre tract;

THENCE, S. 51°50' W. 628.6 feet to an iron pin in the Northeast side of the Eweling Lane, set for the South corner of this 4.353 acre tract;

THENCE, with the Northeast side of the said Eweling Lane, N. 42°30' W. 354.1 feet to the PLACE OF BEGINNING.



## PZ21-0084 Rezoning from R-2 to C-O

Source: City of New Braunfels Planning  
Date: 4/12/2021

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

EXHIBIT "B"

5/10/2021

Agenda Item No. I)

---

**PRESENTER:**

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

**SUBJECT:**

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

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

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

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

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

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

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

The applicant is requesting a zoning change of the base zoning district from "M-1A" Light Industrial to "MU-B" High Intensity Mixed Use District, retaining the "AH" Airport Hazard Overlay. A district comparison chart (attached) shows the allowed uses are similar between the two districts. **MU-B allows most of the light industrial uses with a few exceptions marked on the chart in gray, while making other use opportunities available. Uses not currently allowed in M-1A that would be allowed with the zoning change are highlighted in yellow.**

---

**Surrounding Zoning and Land Use:**

North - Outside city limits / Undeveloped

South - M-1 / Light industrial

East - M-1A / Railroad, undeveloped

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

**ISSUE:**

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

**FISCAL IMPACT:**

N/A

**RECOMMENDATION:**

**Commission Recommendation:**

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

**Staff Recommendation:**

Approval.

**Notification:**

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

**Resource Links:**

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

[Sec. 144-3.4. - Zoning districts and regulations | Code of Ordinances | New Braunfels](https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?nodeId=PTIICOOR_CH144ZO_ARTIIIZODI_S144-3.4ZODIREPRZOSUJU221987)  
<[https://library.municode.com/tx/new\\_braunfels/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH144ZO\\_ARTIIIZODI\\_S144-3.4ZODIREPRZOSUJU221987](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, Future Land Use)
3. District Comparison Chart
4. Notification Map
5. Photograph
6. Ordinance





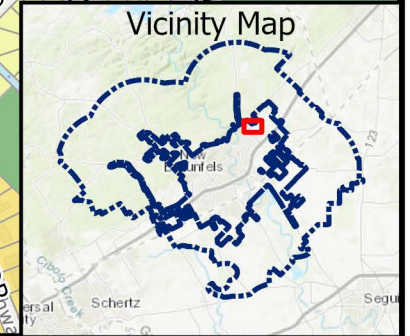
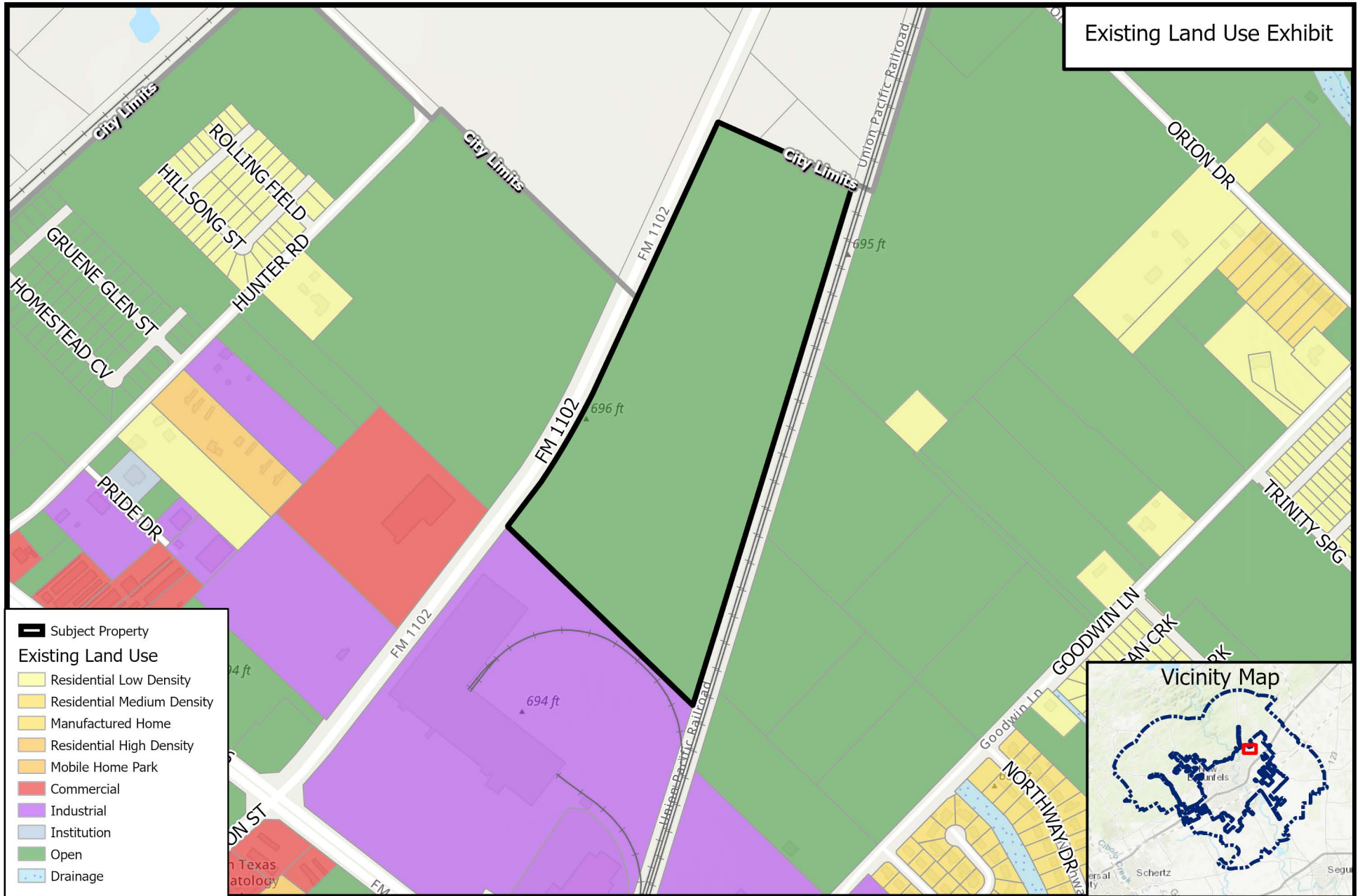
**PZ21-0082**  
**Rezoning from M-1A to MU-B**











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



## EXISTING CENTERS

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

### EMPLOYMENT CENTER

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

### MARKET CENTER

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

### MEDICAL CENTER

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

### CIVIC CENTER

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

### OUTDOOR RECREATION CENTER

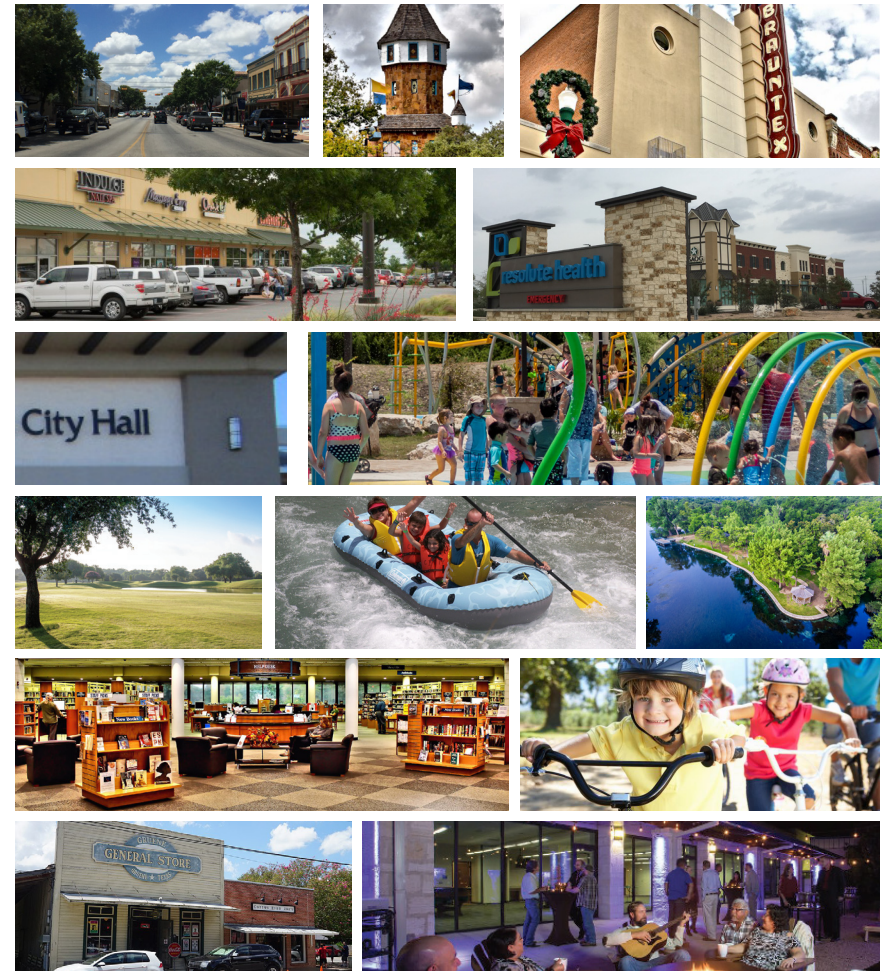
Outdoor Recreation Centers center around a public or private outdoor destination such as Landa Lake.

### EDUCATION CENTER

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

### TOURIST/ENTERTAINMENT CENTER

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







# FUTURE LAND USE PLAN

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

## TRANSITIONAL MIXED-USE CORRIDOR

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

## OUTDOOR RECREATION CENTER

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

## EMPLOYMENT CENTER

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

## MARKET CENTER

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

## CIVIC CENTER

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

## SUB AREA 1

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

## SUB AREA 2

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

## SUB AREA 3

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

## SUB AREA 4

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

## SUB AREA 5

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

## SUB AREA 6

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

## SUB AREA 7

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

## SUB AREA 8

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





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

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

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

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

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



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

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

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

Zoom Meeting

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

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

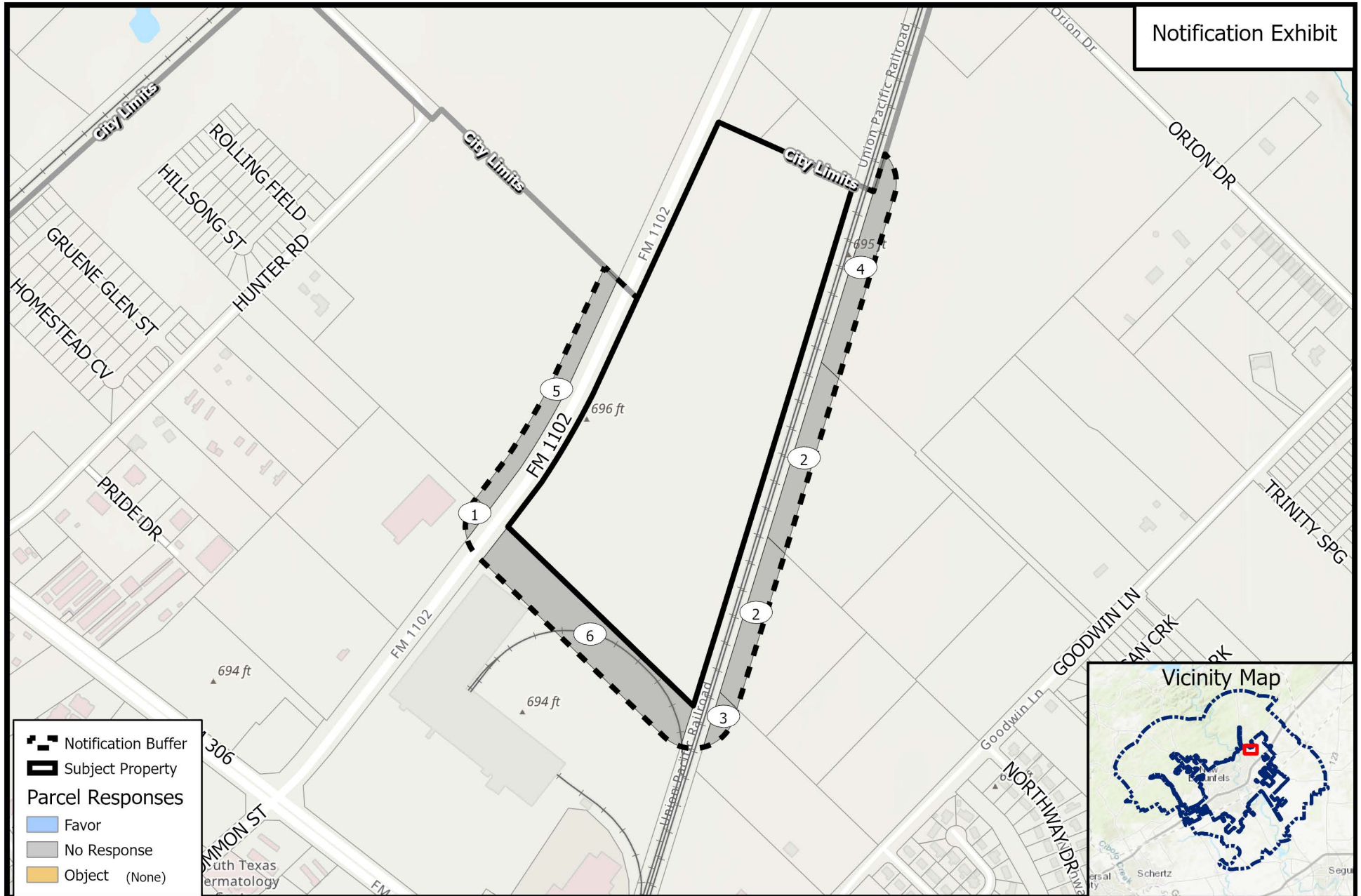
**PROPOSED ZONE CHANGE – CASE #PZ21-0082**

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

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

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**SEE MAP**





Subject Property from FM 1102

**ORDINANCE NO. 2021-**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS REZONING APPROXIMATELY 47.7 ACRES OUT OF THE O. RUSSELL A-185 SURVEY 2, COMAL COUNTY, TEXAS, LOCATED IN THE 2200 BLOCK OF FM 1102, FROM “M-1A” LIGHT INDUSTRIAL DISTRICT TO “MU-B” HIGH INTENSITY MIXED USE DISTRICT; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SAVINGS CLAUSE; AND DECLARING AN EFFECTIVE DATE.**

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

**WHEREAS**, in keeping with the spirit and objectives of the “MU-B” High Intensity Mixed-Use District, the City Council has given due consideration to all components of said district; and

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

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

**WHEREAS**, the City Council desires to amend the Zoning Map by rezoning approximately 47.7 acres out of the O. Russell A-185 Survey 2, located in the 2200 block of FM 1102, from “M-1A” Light Industrial District to “MU-B” High Intensity Mixed-Use District, **now, therefore**;

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

**SECTION 1**

**THAT** pursuant to Section 1.2-3, Chapter 144 of the New Braunfels Code of Ordinances, the Zoning Map of the City of New Braunfels is revised by rezoning the following described tract of land from “M-1A” Light Industrial District to “MU-B” High Intensity Mixed-Use District:

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



## SECTION 2

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

## SECTION 3

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

## SECTION 4

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

## SECTION 5

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

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

**PASSED AND APPROVED:** Second reading this 10th day of May, 2021.

# CITY OF NEW BRAUNFELS

**RUSTY BROCKMAN**, Mayor

**ATTEST:**

**CAITLIN KROBOT, City Secretary**

**APPROVED AS TO FORM:**

**VALERIA M. ACEVEDO**, City Attorney

METES AND BOUNDS DESCRIPTION

FOR TRACT 2

A 47.708 ACRE TRACT OF LAND

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

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

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

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

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

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

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

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

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

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

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

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

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

**EXHIBIT "A"**



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

EXHIBIT "B"

EXHIBIT "B"

5/10/2021

Agenda Item No. J)

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**PRESENTER:**

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

**SUBJECT:**

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

**DEPARTMENT:** Public Works**COUNCIL DISTRICTS IMPACTED:** 4 & 5**BACKGROUND INFORMATION:**

Citizens submitted a request for the installation of speed humps on Broadway Drive between Rusk Street and Flushing. Broadway Drive is classified as a minor collector in the City of New Braunfels 2012 Regional Transportation Plan with a posted speed limit of 30 mph. The request was evaluated based on petition, operational and geometric requirements established in the City of New Braunfels Speed Hump Policy approved in 1999.

Twelve (12) signatures were required to meet the two-thirds requirement, and 12 signatures were received. An operational requirement in the policy is that the 85th percentile speed must be at least 5 mph over the regulatory speed limit of 30 mph. Traffic data collected on February 10, 2021 showed an 85th percentile speed of 35 mph which does meet the speed criteria in the Speed Hump Policy. Another operational requirement in the policy is an average daily traffic volume of at least 800 vehicles. The data collected in February 2021 counted 394 vehicles per day which does not meet the volume criteria in the Speed Hump Policy. 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.

This portion of Broadway Drive does not have curbs, so curb extensions will need to be installed with the speed humps to ensure that drivers do not circumvent the speed humps.

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.

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**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 third 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. The cost of the required curb extensions is estimated to be approximately \$1,200 for each set of speed humps.

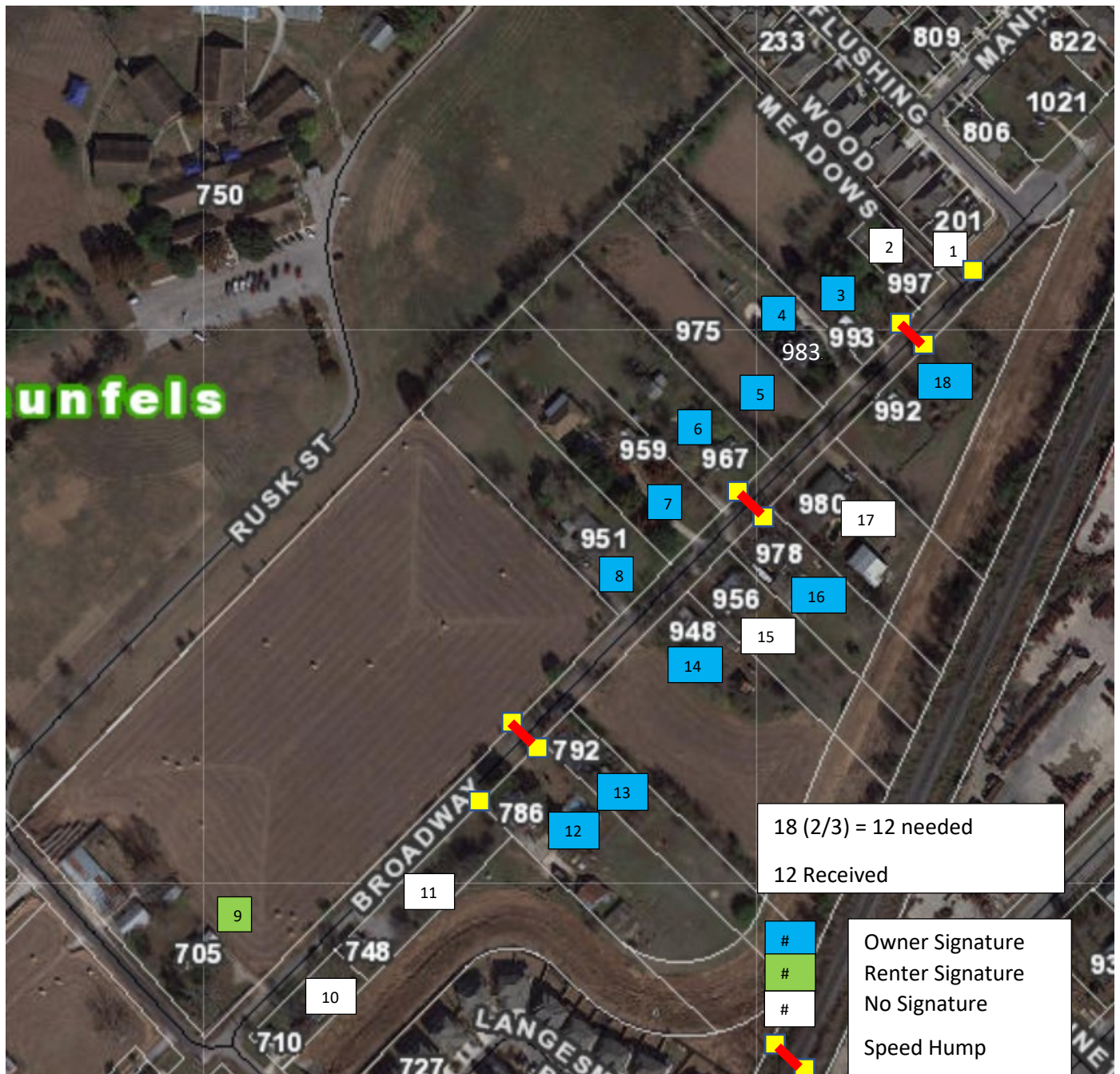
**RECOMMENDATION:****Transportation and Traffic Advisory Board**

This item was considered and discussed by the Transportation and Traffic Advisory Board at their meeting on April 8, 2021. The Board had a tie vote (3 opposed, 3 in favor) regarding the installation of speed humps on Broadway Drive between Rusk Street and Flushing.

**Staff**

Staff does not recommend approval of speed humps on Broadway Drive between Rusk Street and Flushing as it does not meet the volume criteria established in the Speed Hump Policy.







### Petition

Requirement		Satisfied?
1.	A petition from the residents and business owners documenting that at least two-thirds support the installation of speed humps.	Yes
2.	Verification statement from contact person confirming signatures are valid and represent at least two-thirds support.	Yes
3.	A statement from the neighborhood association endorsing speed hump installation.	N/A

### Operational and Geometric Characteristics of the Street

Requirement		Satisfied?
1.	The street shall provide access to abutting residential and/or commercial properties.	Yes
2.	The street shall not have more than one lane of traffic in each direction.	Yes
3.	The street shall have a regulatory speed limit of 30 mph or less as determined in accordance with State Law.	Yes: 30 mph
4.	The 85 <sup>th</sup> percentile speed on the street must be at least 35 mph or 5 mph over the regulatory speed limit.	Yes: 35 mph
5.	The speed humps should not be located on a horizontal curve, on vertical curves where visibility of the hump is restricted, or on approaches to these curves.	Yes
6.	The street should have curb and gutter. Considerations may be given to street without curb and gutter to accommodate drainage and prevent vehicle run-arounds.	No
7.	The street must be approved by the emergency services departments.	Yes <sup>a</sup>
8.	The street must have a 24-hour traffic volume of at least 800 vehicles.	No: 394 vpd average

<sup>a</sup> Parking may be restricted at speed hump locations to maintain emergency response.

### Speed and Volume Data

	≤25 mph	26-30 mph	31-35 mph	36-40 mph	41+ mph
Average vpd (02/21)	107	123	106	46	12

### Project Prioritization Criteria

Criteria		Points Assigned
1. Crash	0 reported crashes over a period of 3 consecutive years	0
2. Speed	5 mph difference between 85 <sup>th</sup> percentile speed and regulatory speed limit	4
3. Traffic Volume	Two-way peak hour volume of 42 vph	0
4. Type of Neighborhood	1. Schools within a ½ mile radius of the project street	0
	2. Special pedestrian generators within a 1,000 foot radius of the project street	0
	3. Absence of sidewalks on the project street	1
	<b>Total:</b>	<b>5</b>

5/10/2021

Agenda Item No. K)

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**PRESENTER:**

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

**SUBJECT:**

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

**DEPARTMENT:** Public Works**COUNCIL DISTRICTS IMPACTED:** 1**BACKGROUND INFORMATION:**

Citizens submitted a request for the installation of speed humps on Daisy Way between Marigold Way and Hibiscus. Daisy Way is a residential street with a 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.

Twenty (20) signatures were required to meet the two-thirds requirement, and 20 signatures were received. An operational requirement in the policy is that the 85th percentile speed must be at least 5 mph over the regulatory speed limit of 30 mph. Traffic data collected on February 10, 2021 showed an 85th percentile speed of 26 mph which does meet the speed criteria in the Speed Hump Policy. Another operational requirement is an average daily traffic rate of 800 vehicles per day. The traffic data collected in February 2021 counted 277 vehicles per day which does not meet the volume criteria in the Speed Hump Policy. These requirements are listed in the attachment to this report.

The Speed Hump Policy also requires proposed speed humps on a street to be approved by the emergency services departments. The New Braunfels Fire Department and the New Braunfels Police Department approve of the installation of speed humps on the requested street.

If the request is approved, the street will be placed on the list of streets eligible for speed hump installation for up to three years. Speed hump projects will be prioritized according to the criteria established in the Speed Hump Policy. The Speed Hump Policy also states that the alteration or removal of speed humps requires the same petition process as the installation request, with at least two-thirds of all adjacent households and businesses in favor of speed hump removal. The city will not provide any funding for the removal of speed humps if it is requested.

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**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:**

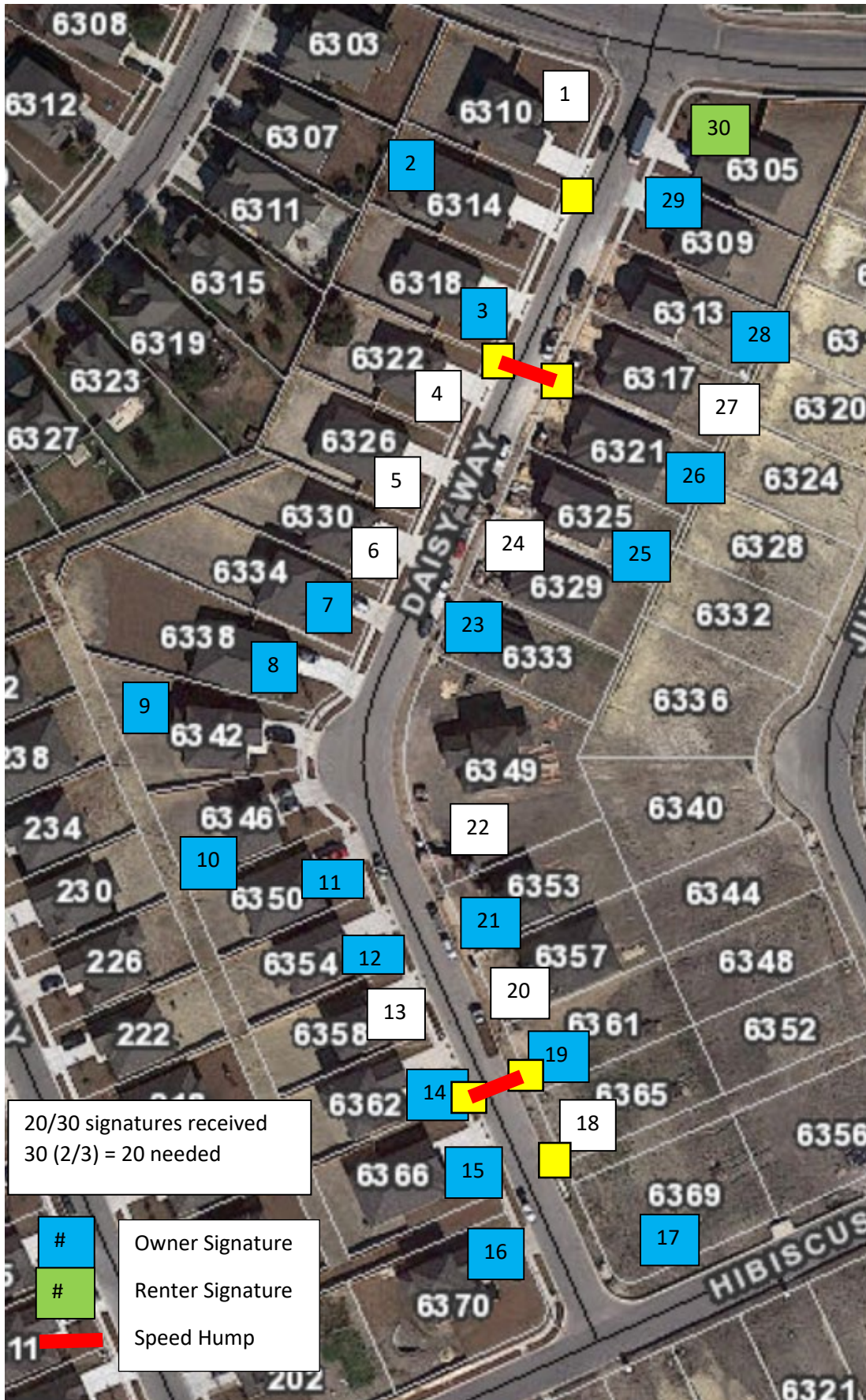
The City has specific funding for the installation of traffic calming. This is the fourth speed hump request submitted for the 2020-2021 fiscal year. Speed hump installation cost including speed cushions, signing and pavement markings at two locations cost approximately \$17,000 to \$21,000, depending 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 April 8, 2021. The Board unanimously voted to oppose the installation of speed humps on Daisy Way between Marigold Way and Hibiscus.

**Staff**

Staff does not recommend approval of speed humps on Daisy Way between Marigold Way and Hibiscus as it does not meet the speed or volume criteria established in the Speed Hump Policy.



### Petition

Requirement		Satisfied?
1.	A petition from the residents and business owners documenting that at least two-thirds support the installation of speed humps.	Yes
2.	Verification statement from contact person confirming signatures are valid and represent at least two-thirds support.	Yes
3.	A statement from the neighborhood association endorsing speed hump installation.	Yes

### Operational and Geometric Characteristics of the Street

Requirement		Satisfied?
1.	The street shall provide access to abutting residential and/or commercial properties.	Yes
2.	The street shall not have more than one lane of traffic in each direction.	Yes
3.	The street shall have a regulatory speed limit of 30 mph or less as determined in accordance with State Law.	Yes: 30 mph
4.	The 85 <sup>th</sup> percentile speed on the street must be at least 35 mph or 5 mph over the regulatory speed limit.	No: 26 mph
5.	The speed humps should not be located on a horizontal curve, on vertical curves where visibility of the hump is restricted, or on approaches to these curves.	Yes
6.	The street should have curb and gutter. Considerations may be given to street without curb and gutter to accommodate drainage and prevent vehicle run-arounds.	Yes
7.	The street must be approved by the emergency services departments.	Yes <sup>a</sup>
8.	The street must have a 24-hour traffic volume of at least 800 vehicles.	No: 277 vpd average

<sup>a</sup> Parking may be restricted at speed hump locations to maintain emergency response.

### Speed and Volume Data

	≤25 mph	26-30 mph	31-35 mph	36-40 mph	41+ mph
Average vpd (11/19)	229	38	6	4	0

### Project Prioritization Criteria

Criteria		Points Assigned
1. Crash	1 reported crashes over a period of 3 consecutive years	0
2. Speed	-4 mph difference between 85 <sup>th</sup> percentile speed and regulatory speed limit	0
3. Traffic Volume	Two-way peak hour volume of 30 vph	0
4. Type of Neighborhood	1. Schools within a ½ mile radius of the project street	0
	2. Special pedestrian generators within a 1,000 foot radius of the project street	0
	3. Absence of sidewalks on the project street	0
	<b>Total:</b>	<b>0</b>



5/10/2021

Agenda Item No. L)

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**PRESENTER:**

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

**SUBJECT:**

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

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

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

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

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

The proposed amendment to the effective times for Parking by Permit Areas A and B will resolve this potential conflict. No changes are proposed to the location of either Parking by Permit Area A or Parking by Permit Area B with this amendment. Additionally, no changes are proposed to the location of the restriction on water recreation loading currently in Sec. 126-368 (m).

This Council Meeting is a public hearing for this consideration. Notices of the public hearing were mailed to all property owners (as shown on the latest tax roll) within Parking by Permit Areas A and B.



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**ISSUE:**

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

**FISCAL IMPACT:**

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

**RECOMMENDATION:**

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

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

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

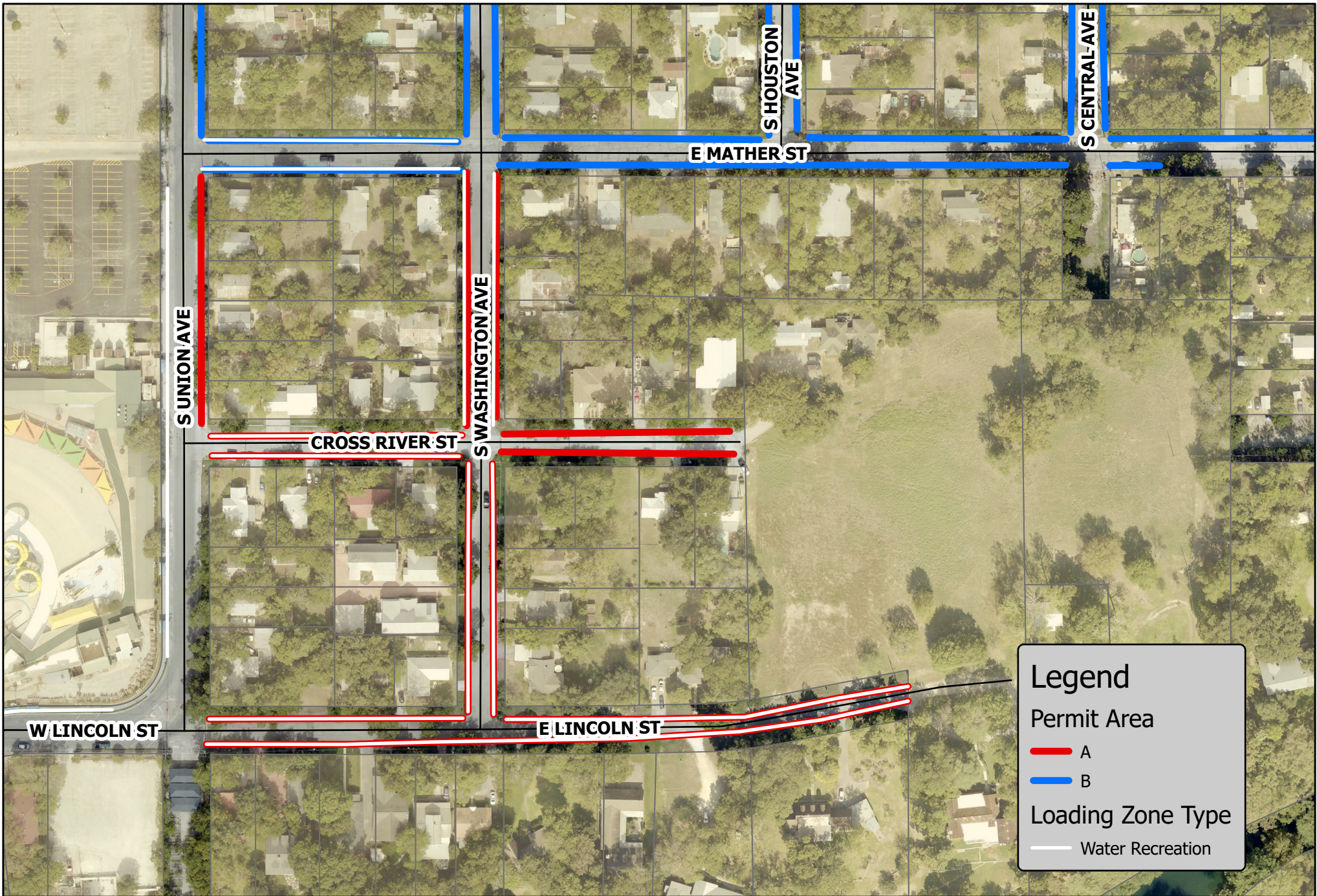
- (1) Area A, between the hours of 8:00 a.m. and ~~8~~12:00 ~~pa.~~ m. ~~(midnight)~~ from ~~May-March~~ 1st through ~~September 30th~~October 31st.
  - a. On both side of E. Lincoln Street from its intersection with S. Union Avenue easterly to the end of the street.
  - b. On both sides of S. Washington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

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

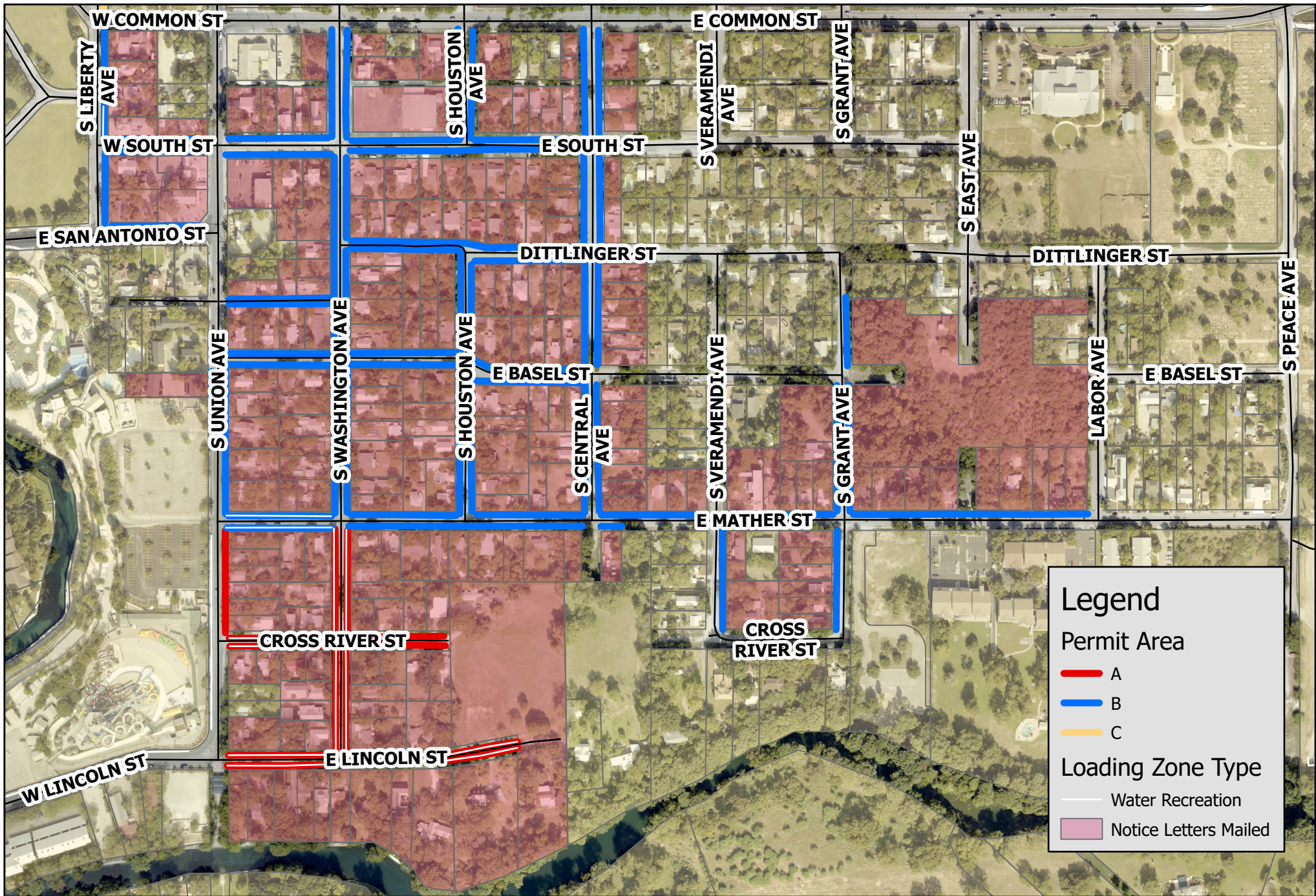
**Sec. 126-368. Water recreation zones; time limit.**

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











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

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW  
BRAUNFELS, TEXAS, AMENDING SECTION 126-354 (c) TO AMEND  
PARKING BY PERMIT AREAS A AND B AND AMENDING SECTION  
126-368 (m) TO AMEND WATER RECREATION LOADING ZONES.**

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

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

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

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

**I.**

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

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

**II.**

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

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



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

### **III.**

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

### **IV.**

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

### **V.**

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

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

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

CITY OF NEW BRAUNFELS, TEXAS

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*RUSTY BROCKMAN, MAYOR*

ATTEST:

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*CAITLIN KROBOT, CITY SECRETARY*

APPROVED AS TO FORM:

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*VALERIA M. ACEVEDO, CITY ATTORNEY*