



**CITY OF NEW BRAUNFELS, TEXAS
OTHER PUBLIC MEETINGS MEETING**



**COUNCIL CHAMBERS
550 LANDA STREET**

THURSDAY, OCTOBER 28, 2021 at 6:00 PM

ACCESS MANAGEMENT BOARD OF ADJUSTMENT MEETING

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. APPROVAL OF MINUTES**
 - A) Approval of the February 28, 2019 Regular Meeting [21-1163](#) Minutes.
- 4. INDIVIDUAL ITEMS FOR CONSIDERATION**
 - A) ZB21-0007 Hold a public hearing and consider a request [21-1131](#) for a variance to Chapter 114, Section 98(b)(3) to allow a proposed driveway within a right-turn lane, at property located on the southeast corner of IH 35 and S. Solms Road.
Applicant: David Wanders
- 5. STAFF REPORT**
- 6. ADJOURNMENT**



Other Public Meetings Agenda Item Report

550 Landa Street
New Braunfels, TX

10/28/2021

Agenda Item No. A)

ACCESS MANAGEMENT BOARD OF ADJUSTMENT
Regular Meeting Minutes
February 28, 2019

MEMBERS PRESENT

Vice Chair Cynthia Foster
Nancy Cronin
Bonnie Leitch
Brandon Mund

STAFF PRESENT

Chris Looney, Director of Community and Planning Development
Frank Onion, Assistant City Attorney
Holly Mullins, Senior Planner
Matt Greene, Planner
Katherine Crowe, Planning Technician

MEMBERS ABSENT

Chair Susie Barrett

Chair Barrett called the meeting to order at 6:00 p.m. in the New Braunfels City Hall, City Council Chambers. Roll was called, and a quorum declared.

APPROVAL OF MINUTES

Motion by Member Mund, seconded by Member Leitch, to approve the minutes of the Access Management Board of Adjustment Regular Meeting of February 22, 2018. The motion carried (4-0-0).

PUBLIC HEARINGS

AM-19-001 Hold a public hearing and consider a request for a variance to Section 114.98(a) to allow spacing of less than 20 feet between driveways at 195 S. Academy Avenue.

(Applicant: Edward Cavanaugh; Case Manager: Holly Mullins)

Mrs. Mullins presented the staff report and stated the AMBA may authorize a variance from the regulations only upon finding the following facts:

- (1) *Granting the variance will not be detrimental to the public safety, health or welfare, and will not be injurious to other property or to the owners of the property;* (The purpose of driveway spacing requirements is to minimize traffic conflicts and allow safe movement between the right-of-way and private property. The City Engineer has determined the impact of reduced spacing at this location will be minimal. Cross Street is not a through street.) and;
- (2) *Because of the particular physical surroundings, shape, and/or topographical conditions of the specific property involved, a particular hardship to the property owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations is carried out; or an alternate proposal will achieve the same result or intent as the standards and regulations prescribed in the ordinance;* (The applicant notes there is currently no direct access to the subject property from Cross Street. The existing garage and placement of the house limit location options for a driveway. The condition was not self-created as the adjacent driveway was constructed up to the property line prior to the applicant's purchase of the property.) and
- (3) *The variance or alternative proposal will not in any manner vary the provisions of the Zoning Ordinance or other ordinance(s) of the City.*
Provisions of the zoning ordinance will not be affected by the variance.

Member Leitch inquired if the adjacent commercial property would keep their existing driveway.

Mrs. Mullins stated she believed so.

Vice Chair Foster invited the applicant to speak.

Edward Cavanaugh, 195 S. Academy Avenue, stated he was the applicant and described his intentions for the property. He stated the proposed location of the driveway is necessary due to the location of the existing garage. Mr. Cavanaugh further stated the only way to access the existing driveway spaces on his property is to enter the adjacent neighbor's property.

Discussion followed regarding delineation between the applicant's driveway and the adjacent driveway.

Mr. Cavanaugh stated he would delineate between the driveways with landscaping.

Discussion followed.

Member Sindelar asked if the applicant had considered maintaining the existing driveway on the property.

Mr. Cavanaugh stated the elevation of the property requires the current driveway to be removed and to be rebuilt at an appropriate grade.

Vice Chair Foster asked if anyone wished to speak in favor.

No one spoke.

Vice Chair Foster asked if anyone wished to speak in opposition.

No one spoke.

Vice Chair Foster closed the public hearing.

Discussion followed regarding the existing driveway.

Motion by Member Leitch, seconded by Member Mund, to grant the request for a variance to Section 114.98(a) to allow spacing of less than 20 feet between driveways at 195 S. Academy Avenue. Motion carried (4-0-0).

ADJOURNMENT

Vice Chair Foster adjourned the meeting at 6:20 p.m.

Chair

Date

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10/28/2021

Agenda Item No. A)

Presenter/Contact*Applicant: David Wanders*
(210) 332-4037 - dwanders@quiktrip.com**SUBJECT:**

ZB21-0007 Hold a public hearing and consider a request for a variance to Chapter 114, Section 98(b) (3) to allow a proposed driveway within a right-turn lane, at property located on the southeast corner of IH 35 and S. Solms Road.

BACKGROUND / RATIONALE:**Case #:** ZB21-0007**Applicant:** David Wanders
742 NW Loop 410, Suite 102
San Antonio, TX 78216
(210) 332-4037 - dwanders@quiktrip.com**Staff Contact:** Maddison O'Kelley
(830) 221-4056 - [<mokelley@nbtexas.org>](mailto:mokelley@nbtexas.org)[Mary Hamann](mailto:mhamann@nbtexas.org)
(830) 221-4028 - mhamann@nbtexas.org

The subject property is located at the southeast corner of S. Solms Road and IH 35 N. It is zoned "C-3" Commercial District and is currently vacant. The property is irregularly shaped and approximately 5.83 acres in area, with the lot depth varying from 1,108 to 1,168 feet and the lot width varying from 180 to 408 feet.

Solms Road is identified as a Major Collector on the City's Thoroughfare Plan and will move traffic to and from IH 35 that is associated with future development south of IH 35 along Morningside and the extension of Solms Road. Most of the area is currently farmland located outside city limits, but two residential master plans for almost 1,500 homes have been approved along Solms Road which are approximately only 25% built out.

The applicant intends to develop the property as a convenience store with fuel sales, which is an allowed use in the "C-3" district. The project includes 4 points of access for vehicles entering the property from the right of way, including two driveways onto S. Solms Road.

Chapter 114, Section 98(b)(3) of the Code of Ordinances regulates access to roadways and states driveways in right turn lane transition areas "shall not be permitted." The applicant is requesting a

variance to allow one of the proposed driveways taking access from S. Solms Road to be located within a recently constructed right turn lane.

The Public Works Department assisted in the review of this request and is opposed to the proposed driveway onto S. Solms Road because it is in the right turn lane on the approach to the IH 35 Frontage Road. The city code requirement to not allow driveways within right turn lanes is supported by the FHWA as their guidance discourages access within the functional areas of an intersection. Because of this, Public Works staff cannot support the proposed driveway location in the right turn lane.

Authority and Rationale:

It is recognized that in certain cases a variance from city regulations may need to be granted. In cases where the possibility of undue hardship would result from compliance with Chapter 114, a request may be made for review by the access management board of adjustment. A variance shall not be granted to relieve a self-created or personal hardship, nor based solely on economic gain or loss, nor shall it permit any person the privilege in developing a parcel of land not permitted by Chapter 144 to other parcels of land in the particular zoning district. No variance may be granted which results in undue hardship upon another parcel of land.

Section 114-100(a) of the New Braunfels Code of Ordinances (Street, Sidewalks and Other Public Places) states the Access Management Board of Appeals may approve a variance from Chapter 14 only upon finding all of the following facts:

- 1) **Granting the variance will not be detrimental to the public safety, health or welfare, and will not be injurious to other property or to the owners of the property;** (The applicant had a Traffic Impact Analysis (TIA) prepared to show the current level of service would be acceptable and to indicate they would construct a median that would prevent traffic from any other movements besides right-in and right-out to the driveway. However, the applicant's TIA does not take future traffic into consideration. Further there is a second driveway proposed onto Solms Road outside the right turn lane which will provide access to the site and future development. Staff also notes the purpose of restricting driveways within right turn lanes is to discourage points of conflict within functional areas of an intersection) **and**
- 2) **Because of the particular physical surroundings, shape, and/or topographical conditions of the specific property involved, a particular hardship to the property owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations is carried out; or an alternate proposal will achieve the same result or intent as the standards and regulations prescribed in the ordinance;** (The applicant notes the subject property is located on the southeast corner of IH 35 and S. Solms Rd and that the IH 35 frontage road allows only for one-way traffic. The applicant has secured an access easement on the adjacent property to construct a second driveway located approximately 475' away from the intersection. The applicant states the primary purpose of this access point is to allow for south-bound drivers on S. Solms Road to access the property. Staff believes the proposed driveway 475' away from the intersection can adequately serve the proposed QT station and future development on the adjacent tract.) **and**
- 3) **The variance or alternative proposal will not in any manner vary the provisions of the Zoning Ordinance or other ordinance(s) of the City.** (The applicant states no provision of the zoning ordinance, nor other city ordinances, will be affected by the variance.)

GENERAL INFORMATION:

Size:

Approximately 5.83 acres in area
Varies 1,108 to 1,168 feet in depth
Varies 180 to 408 feet in width

Variance Request Due to Notice of Violation:

No

Surrounding Zoning and Land Use:

North - Across Interstate 35, C-3 / Car Repair and Service Facilities
South - ETJ / Single Family Dwelling
East - C-3 / Car Dealership
West - Across S. Solms Road, APD/ Vacant

Notification

Public hearing notices were sent to 4 owners of property within 200 feet. Staff has not received any responses in favor or in objection.

Attachments:

1. Aerial Map
2. Application
3. Survey and Proposed Site Plan
4. Traffic Impact Analysis Supporting Documents
5. Exhibit of Approximate Driveway Locations
6. Exhibit of Master Plans in the Vicinity
7. Notification Packet



Planning & Development Services Department
550 Landa Street
New Braunfels, Texas 78130
(830) 221-4050 www.nbtexas.org

CC/Cash/Check No.: _____

Amount Recd. \$ _____

Receipt No.: _____

Case No.: _____

Submittal date – office use only

Variance Application (Zoning Board of Adjustment)

APPLICATION FEES:

Homestead: \$350 plus \$50 for each additional variance sought

Non-Homestead: \$700 plus \$50 for each additional variance sought

*****Please note that a 3% technology fee is applied to the total application fee*****

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

The applicant bears the burden of proof in establishing the facts that may justify a variance, a special exception, an appeal, or any other action in his/her favor by the ZBA.

Name of Applicant/Agent*: David Wanders

Property Address: Southeast corner of I-35 and Solms Rd

Mailing Address: 742 NW Loop 410, Ste 102 San Antonio, TX 78216

Contact information:

Phone: 210.332.4037

E-Mail: dwanders@quiktrip.com

Legal Description: Lot #: _____ Block: _____ Subdivision: _____

(NOTE: If property is not platted, attach a copy of the metes and bounds description and survey/drawing.)

Present Use of Property: Vacant/agriculture **Zoning:** C3

Describe Variance Request: QuikTrip is requesting to allow a right in/right out access drive for our future development within a turn lane on Solms Rd.

SUBMITTAL CHECKLIST:

STAFF:	APPLICANT:
<input type="checkbox"/>	<input checked="" type="checkbox"/> Completed application
<input type="checkbox"/>	<input type="checkbox"/> Copy of deed showing current ownership
<input type="checkbox"/>	<input type="checkbox"/> Homestead Verification (if applicable)
<input type="checkbox"/>	<input checked="" type="checkbox"/> Application Fee
<input type="checkbox"/>	<input checked="" type="checkbox"/> Letter of authorization if applicant is not property owner
<input type="checkbox"/>	<input checked="" type="checkbox"/> Site plan, drawn to scale and no larger than 11"x17", showing all existing and proposed improvements, setbacks from the property lines, and building elevations (if applicable.)



October 19, 2021

Access Management Board of Adjustments
Planning & Development Services Department
550 Landa St, New Braunfels, Texas 78130
Phone: (830) 221-4050

From: David Wanders – QT South LLC – Real Estate Project Manager

Re: QuikTrip #4076 – Access Variance Letter

Purpose: The purpose of this variance request is to allow for the development of a 7.295-acre tract of land, of which about 4 acres would be the QuikTrip development, with the intent to construct a 24hr QuikTrip convenience store with retail gasoline sales. The provisions of the City of New Braunfels regulations as stated in the development Code of Ordinances shall govern this development. Except as follows;

Proposed Variances:

- To allow for a Right-In/Right-Out (RIRO) drive within a right turn transition area [Sec. 114-98(b)(3)]

Reasons for Variance Request:

For the purposes of the following discussion points, Solms Rd is considered to run North/South and I-35 to run East/West.

- 1. Will the granting of the variance be detrimental to the public health, safety or welfare, or injurious to other properties with the surrounding area?**

A Traffic Impact Analysis (TIA) was performed by Legacy in June of 2021 to analyze traffic for the development. During their analysis,

they were able to show that queueing in the right turn transition to I-35, at it's 95% peak is just 36' long in the morning and 16' long in the evening. With a distance of 200' from the intersection, they show that the driveway would still perform at an acceptable level of service for safe travel.

In addition, as part of the development and the safe movement of traffic, QT would construct a median that would prevent traffic from any other movements besides right-in and right-out to the driveway.

- 2. Is the variance necessary because of the particular physical surroundings, shape, and/or topographical conditions of the specific property involved, a particular hardship to the property would result, as distinguished from a mere inconvenience, if the strict letter of the regulations is carried out; or an alternate proposal will achieve the same result or intent as the standards and regulations prescribed in the ordinance?**

The land that QT desires to develop is located on the southeast corner of I-35 and Solms Rd. I-35 frontage allows only for one-way traffic. The existing tract of land along the frontage road has limited frontage along Solms Rd of just 166'. As part of the development, QT was able to get in contract for additional property behind this tract, known as a portion of David L Green property for roughly 167' of additional Solms Rd fronted land. It was expected that this additional property would allow for access to Solms Rd for both QT's development and possible future development on the remainder of the I-35 fronted lot.

The location of the proposed drive is located approximately 200' from the intersection within a recently constructed right-turn transition area that is 300' long. This drive would allow for safe circulation of traffic from the development to access north-bound Solms Rd.

QT was able to secure an access easement with an additional portion of the David L Green property located approximately 475' away from

the intersection as well. The primary purpose of this access point is to allow for south-bound drivers on Solms Rd to access the property and to exit and continue south-bound on Solms.

Due to the narrow properties of the lot along I-35 as well as the proximity to Solms, any development, including but not limited to QT, would expect to allow their customers to have appropriate access to Solms Rd and/or west-bound I-35.

3. Will the variance or alternative proposal in any manner vary the provisions of the Zoning Ordinance or other ordinances(s) of the City?

QuikTrip's request for the allowance of a right-in/right-out driveway does not vary other provisions of ordinances of the City.

In summation, QT, along with the TIA performed by Legacy Engineering, have shown that the RIRO drive proposed along Solms Rd is not only necessary for appropriate development to the property, but would also be safe to the driving public while staying within the spirit of the City's regulations.

Thank you for your time and attention regarding this matter. Please let me know if you have any questions, comments or concerns.

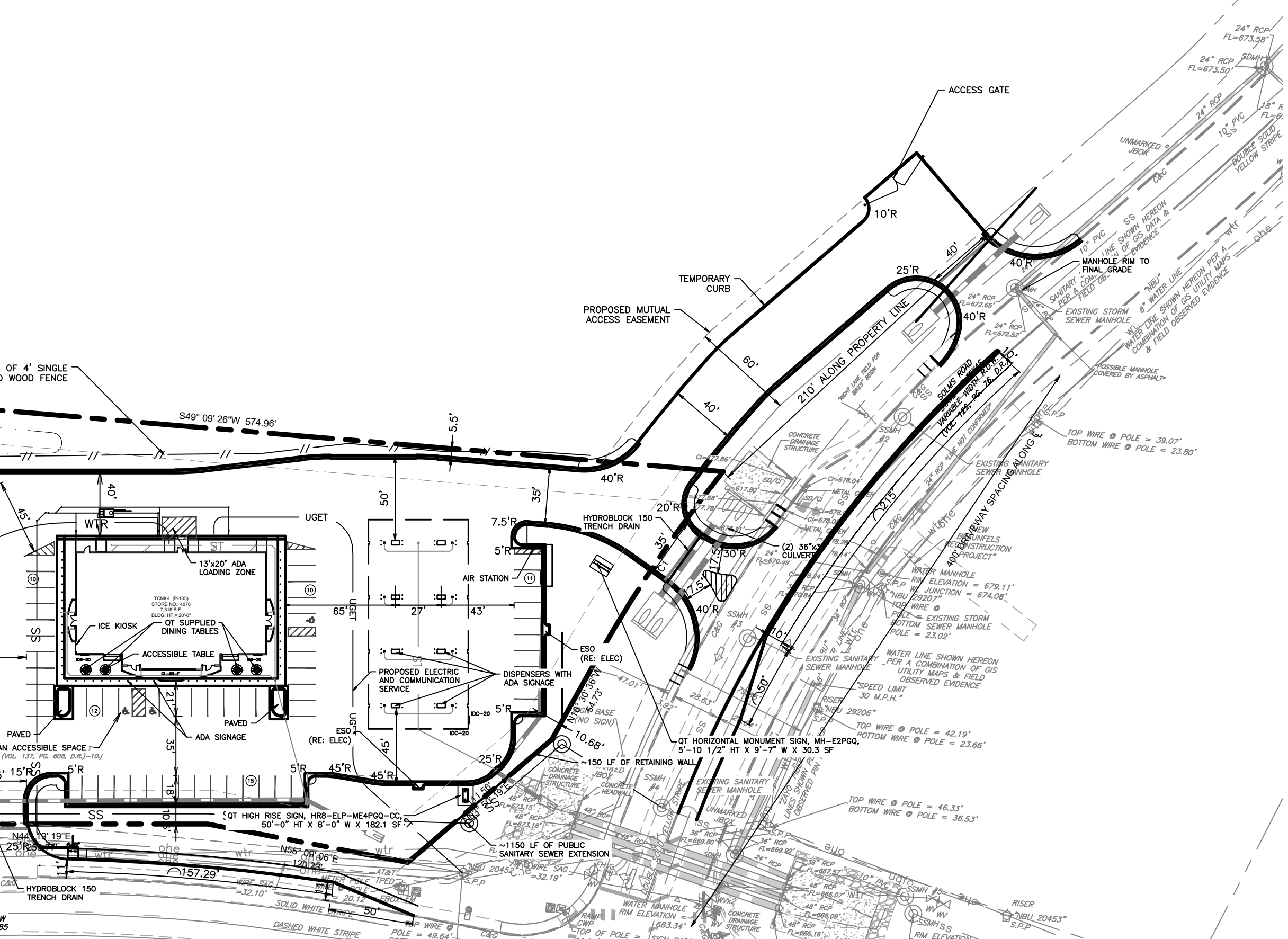
Best regards,

David Wanders | QuikTrip Corporation | Real Estate Project Manager

742 NW Loop 410, Ste 102 San Antonio, TX 78216

O: 210.332.4037 | C: 210.983.5555







QuikTrip #4076

**Solms Road
&
Interstate 35**

SIS

PREPARED FOR:



PREPARED BY:



6/8/2021

Oscar Michael Garza, PE, PTOE
Legacy Engineering Group, PLLC

City of New Braunfels

TxDOT

June 2021

Table 4 – N Solms Road & FM 482 LOS Results

N Solms Road & FM 482	Intersection Analysis									
	Northbound N Solms Road		Southbound N Solms Road		Eastbound FM 482		Westbound FM 482		Intersection Average	
	Delay (Sec)	LOS	Delay (Sec)	LOS	Delay (Sec)	LOS	Delay (Sec)	LOS	Delay (Sec)	LOS
AM Peak Period										
Existing (2021)	11.5	B	9.0	A	9.3	A	9.3	A	10.2	B
Projected (2022)	11.9	B	9.2	A	9.5	A	9.5	A	10.5	B
Proj w/ Dev (2022)	12.1	B	9.3	A	9.6	A	9.5	A	10.6	B
PM Peak Period										
Existing (2021)	12.3	B	10.3	B	10.9	B	10.5	B	11.8	B
Projected (2022)	12.7	B	10.6	B	11.2	B	10.8	B	11.5	B
Proj w/ Dev (2022)	13.0	B	10.7	B	11.4	B	10.9	B	11.7	B

Table 5 – N Solms Road & IH-35 SB Frontage LOS Results

N Solms Road & IH-35 SB Frontage	Intersection Analysis									
	Northbound N Solms Road		Southbound N Solms Road		Eastbound		Westbound Frontage		Intersection Average	
	Delay (Sec)	LOS	Delay (Sec)	LOS	Delay (Sec)	LOS	Delay (Sec)	LOS	Delay (Sec)	LOS
AM Peak Period										
Existing (2021)	1.8	A	49.8	D			53.8	D	35.4	D
Projected (2022)	2.0	A	50.3	D			54.3	D	35.8	D
Proj w/Dev (2022)	4.9	A	50.8	D			60.3	E	38.2	D
PM Peak Period										
Existing (2021)	1.4	A	74.3	E			57.9	E	52.0	D
Projected (2022)	1.5	A	78.1	E			58.8	E	53.7	D
Proj w/Dev (2022)	1.6	A	79.9	E			64.8	E	53.9	D

Table 6 – S Solms Road & IH-35 NB Frontage LOS Results

S Solms Road & IH-35 NB Frontage	Intersection Analysis									
	Northbound S Solms Road		Southbound S Solms Road		Eastbound Frontage		Westbound		Intersection Average	
	Delay (Sec)	LOS	Delay (Sec)	LOS	Delay (Sec)	LOS	Delay (Sec)	LOS	Delay (Sec)	LOS
AM Peak Period										
Existing (2021)	71.4	E	1.6	A	49.8	D			35.7	D
Projected (2022)	73.0	E	1.6	A	50.2	D			36.3	D
Proj w/Dev (2022)	176.1	F	3.3	A	53.6	D			69.2	E
PM Peak Period										
Existing (2021)	64.2	E	1.3	A	52.7	D			28.8	C
Projected (2022)	64.3	E	1.4	A	53.1	D			29.0	C
Proj w/Dev (2022)	80.3	F	2.3	A	56.1	E			35.5	D

Table 7 – S Solms Road and Driveway #1 LOS Results

S Solms Road & Driveway #1	Intersection Analysis									
	Northbound S Solms Road		Southbound S Solms Road		Eastbound		Westbound Driveway #1		Intersection Average	
	Delay (Sec)	LOS	Delay (Sec)	LOS	Delay (Sec)	LOS	Delay (Sec)	LOS	Delay (Sec)	LOS
AM Peak Period										
Proj w/ Dev (2022)	0.0	A	0.0	A			10.0	B	1.8	A
PM Peak Period										
Proj w/ Dev (2022)	0.0	A	0.0	A			9.2	A	1.8	A



ROUGH PROPORTIONALITY

The purpose of this TIA is to identify any mitigation improvements that are necessitated by and attributable to the proposed development. As previously stated, the recommended mitigation improvements for this proposed development include the following:

- S Solms Road & Driveway #1 – Construct 250 LF raised concrete median along S Solms Road (\$100,000)
- S Solms Road & Driveway #2 – Adjust pavement marking to include a 210 LF Left-turn Lane (\$20,000)
- Interstate Highway NB Frontage & Driveway #3 – Construct 305 LF Right-turn Lane (\$150,000)

Total cost is approximately **\$270,000**.

Queues

3: S Solms Road/N Solms Road & Interstate 35 NBFR

06/07/2021



Lane Group	EBT	NBT	NBR	SBL	SBT
Lane Group Flow (vph)	377	325	113	318	241
v/c Ratio	0.53	0.87	0.27	0.36	0.18
Control Delay	29.9	60.2	6.5	2.7	0.2
Queue Delay	0.0	0.0	0.0	0.1	0.5
Total Delay	29.9	60.2	6.5	2.8	0.8
Queue Length 50th (ft)	84	180	0	0	0
Queue Length 95th (ft)	130	#330	36	m26	m0
Internal Link Dist (ft)	976	62			236
Turn Bay Length (ft)					
Base Capacity (vph)	718	372	418	879	1304
Starvation Cap Reductn	0	0	0	61	717
Spillback Cap Reductn	0	0	0	0	0
Storage Cap Reductn	0	0	0	0	0
Reduced v/c Ratio	0.53	0.87	0.27	0.39	0.41

Intersection Summary

95th percentile volume exceeds capacity, queue may be longer.

Queue shown is maximum after two cycles.

m Volume for 95th percentile queue is metered by upstream signal.

Queues

3: S Solms Road/N Solms Road & Interstate 35 NBFR

06/07/2021

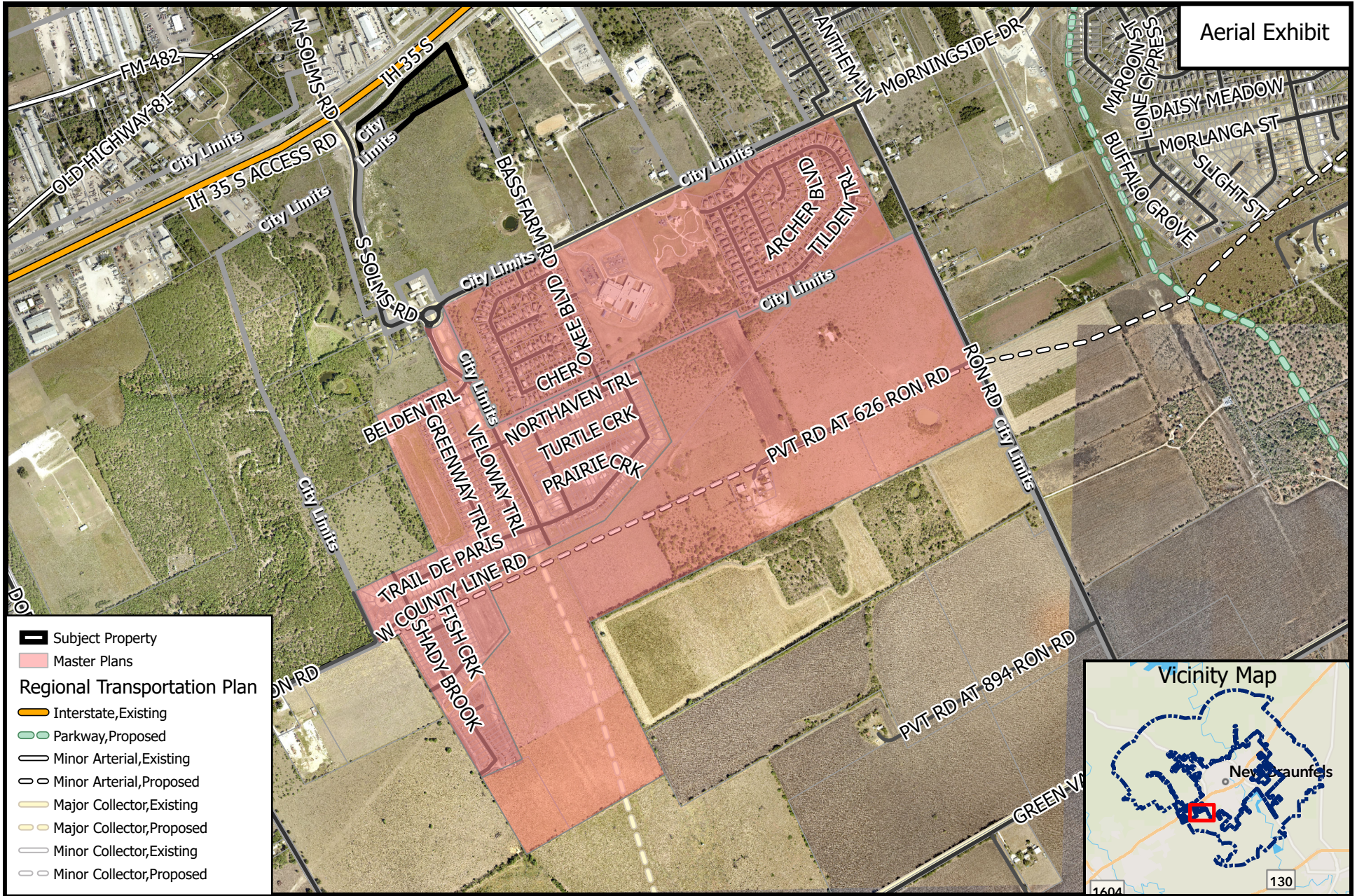


Lane Group	EBT	NBT	NBR	SBL	SBT
Lane Group Flow (vph)	442	184	84	441	217
v/c Ratio	0.62	0.49	0.20	0.45	0.17
Control Delay	33.5	37.2	3.2	1.4	0.1
Queue Delay	0.0	0.0	0.0	0.5	0.6
Total Delay	33.5	37.2	3.2	1.9	0.7
Queue Length 50th (ft)	107	94	0	0	0
Queue Length 95th (ft)	158	159	16	m0	m0
Internal Link Dist (ft)	976	62			236
Turn Bay Length (ft)					
Base Capacity (vph)	713	372	418	986	1304
Starvation Cap Reductn	0	0	0	213	778
Spillback Cap Reductn	0	0	0	0	0
Storage Cap Reductn	0	0	0	0	0
Reduced v/c Ratio	0.62	0.49	0.20	0.57	0.41

Intersection Summary

m Volume for 95th percentile queue is metered by upstream signal.







NOTICE OF PUBLIC HEARING

The New Braunfels Access Management Board of Adjustment will hold a public hearing at the request of **David Wanders** to consider the following variance:

Subject Property: Southeast corner of IH 35 and S Solms Road

Variance Requests: To allow a proposed driveway within a right turn lane (Site plan and other details are available at www.nbtexas.org/PublicNotice)

Required standards: **Section 114.98-9(b)(3) which states:**
Driveways in right turn lane transition areas shall not be permitted.

Because you own property within 200 feet of the subject property, state law requires that we notify you of the request and allow you to comment. Comments aid the Board of Adjustment in determining whether to grant or deny the variance. **The zoning of the property will not change.**

The public hearing will be held on **Thursday, October 28, 2021** at 6:00 p.m. in the City Hall Council Chambers, addressed at 550 Landa Street, and is open to the public. All interested persons are invited to attend the meeting. Please see the attached instructions on accessing and participating in the online meeting. **If you wish to submit written comments, please complete the information below and reply to:**

Mail: City of New Braunfels
Access Management Board of Adjustment
550 Landa Street
New Braunfels, TX 78130

Email: mokelley@nbtexas.org

Contact Maddison O'Kelley at (830) 221-4056, if you have any questions

Maddison O'Kelley, Planner
Development Planning Division

DETACH & RETURN THIS PORTION IF YOU WISH TO SUBMIT WRITTEN COMMENT

Case: ZB21-0007 (Wanders) MO

Name: _____

I favor: _____

Address: _____

Circled property number from map: _____

I object: _____
(State reason for objection)

Comments: (Use additional sheets if necessary)

Signature _____

ACCESS MANAGEMENT BOARD – OCTOBER 28, 2021
CITY COUNCIL CHAMBERS

Address/Location: Southeast corner of IH-35 & Solms Rd

Applicant: David Wanders

Case #: ZB21-0007

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

1. SH LEASE COMPANY LLC
2. BASS JERRY D & LAURALEE L
3. GREEN DAVID L & CONNIE L
4. SNOW CORBIN

SEE NOTIFICATION MAP

