

## Legislation Details (With Text)

<b>File #:</b>	24-441	<b>Name:</b>	
<b>Type:</b>	Ordinance	<b>Status:</b>	Consent Item Ready
<b>File created:</b>	3/21/2024	<b>In control:</b>	City Council
<b>On agenda:</b>	4/8/2024	<b>Final action:</b>	

**Title:** Approval of the second and final reading of an ordinance regarding a request for voluntary annexation of approximately 58 acres on the west side of IH 35 and east of FM 482 between Krueger Canyon Road and Marigold Way, directly northwest of the Engel Road and IH 35 frontage road intersection.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. City Maps, 2. Draft Ordinance

Date	Ver.	Action By	Action	Result
4/8/2024	1	City Council	approved	Pass

**PRESENTER:**

Christopher J. Looney, Planning and Development Services Director

**SUBJECT:**

Approval of the second and final reading of an ordinance regarding a request for voluntary annexation of approximately 58 acres on the west side of IH 35 and east of FM 482 between Krueger Canyon Road and Marigold Way, directly northwest of the Engel Road and IH 35 frontage road intersection.

**DEPARTMENT:** Planning and Development Services

**COUNCIL DISTRICTS IMPACTED:** 1

**BACKGROUND INFORMATION:**

Case No: CS24-0005

**Applicant:** HMT Engineering and Surveying  
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New Braunfels, TX 78130  
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**Owner:** New Braunfels Utilities  
Jacob Tschoepe, Program Portfolio Manager  
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New Braunfels, TX 78130  
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**Staff Contact** Matt Greene, Principal Planner  
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**City Council held a public hearing on March 25, 2024, and unanimously approved the first reading of the**

**applicant's requested annexation ordinance (7-0-0).**

New Braunfels Utilities (NBU) submitted a request for property they own in Comal County to be annexed into the city limits. The subject 58 acres (approximate) is on the west side of IH 35 and east of FM 482 between Krueger Canyon Road and Marigold Way, directly northwest of the Engel Road and IH 35 frontage road intersection. It is contiguous to other properties within the city limits including portions of the Animal World and Snake Farm Zoo, the Magnolia Springs neighborhood, and an undeveloped 18-acre tract also owned by NBU. The applicant has indicated the intended use of the subject property and the abutting 18-acre tract is for the new NBU Headquarters facility.

When contemplating an annexation request, a broad analysis is conducted to anticipate long range impacts. Below is a summary based on general understanding of the applicant's proposal, but recognizing the intended land use could change.

- Fire - The property is currently located within ESD 6 (Emergency Service District); fire services are currently provided by Bracken Volunteer Fire Department while EMS service is provided by Schertz. If annexed, the City of New Braunfels would take over these services. The proposed NBU Headquarters facility on this site would not generate enough calls to impact response times, require additional personnel or apparatus, or impact the City's ISO rating.
- Police - Currently, the Comal County Sheriff's Department responds to this location. If annexed, the City's Police Department would take over response; future impact at full build-out should not require any additional personnel or equipment.
- Solid Waste - Developments outside the city limits utilize private solid waste providers. If annexed, the City's Public Works Department Solid Waste Division would provide service and collect fees. Development will be required to adhere to the City's sanitation service requirements, including a layout that facilitates solid waste vehicle maneuverability.
- Development Services - If annexed, new development and building permit applications will be accompanied by fees that will offset the cost of plan review and inspections. Development will be required to follow the City's zoning, platting, drainage, permitting, safety, and inspection requirements to ensure adherence to the adopted ordinances, drainage criteria manual, and International Building Codes. If not annexed, the property would only be subject to the City's platting requirements which extend into the Comal County portion of the ETJ.
- Health/Food Safety - The proposed development is not expected to require health/food safety related services (plan reviews and health inspections) unless a kitchen or cafeteria will be included in the facility. Should the intended use change or should health/food safety related services otherwise be required, they would be provided by the City if the property is annexed.
- Animal Services - Comal County Animal Control currently services this area. If annexed, the City's Animal Welfare & Rescue team will deliver services. The anticipated increase in calls for service is not anticipated to be significant considering the size of the property.
- Code Compliance - If annexed, the City's Code Compliance team will deliver services. The anticipated increase in calls for service is not anticipated to be significant for the intended use.

**ISSUE:**

The request for voluntary annexation is consistent with the following annexation policy considerations from Envision New Braunfels:

- Balance resources in an equitable manner that does not lead to disinvestment in existing New Braunfels.
- Consider annexing areas having the greatest potential to protect natural, cultural, historic, and economic assets while reinforcing regional goals.
- Ensure annexation supports the community's desired form, design, and pattern.

- Assure the long-term fiscal health of New Braunfels and that policy decisions do not create an undue fiscal burden on the City or others.

A request for zoning of the property to a designation of M-1A (Light Industrial District), is being processed concurrently with this request for voluntary annexation. The zoning request will be considered by the City Council following a decision on the voluntary annexation.

**FISCAL IMPACT:**

If annexed, the City will collect permit, plan review, application, and solid waste fees. The City will incur costs for services to the property including, but not limited to, fire and police protection, EMS, animal welfare and rescue, health inspections, code compliance, and solid waste. See details above.

**RECOMMENDATION:**

Approval.

Resource Links:

Chapter 43, Municipal Annexation, Subchapter C-3. Annexation of Area on Request of Owners: [LOCAL GOVERNMENT CODE CHAPTER 43. MUNICIPAL ANNEXATION \(texas.gov\)](#)  
<<https://statutes.capitol.texas.gov/Docs/LG/htm/LG.43.htm>>