

Legislation Details (With Text)

File #:	22-455	Name:	
Type:	Resolution	Status:	Passed
File created:	4/22/2022	In control:	City Council
On agenda:	5/23/2022	Final action:	5/23/2022

Title: Approval to authorize the City Manager to sign a development agreement between the City of New Braunfels and HK Porter LLC, as a condition of Resolution 2021-R74, the consent to the creation of Comal County Municipal Utility District No. 4.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Area Reference Map, 2. Aerial Map, 3. Resolution 2021-R74, 4. Proposed Development Agreement

Date	Ver.	Action By	Action	Result
5/23/2022	1	City Council	approved	Pass

PRESENTER:

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

SUBJECT:

Approval to authorize the City Manager to sign a development agreement between the City of New Braunfels and HK Porter LLC, as a condition of Resolution 2021-R74, the consent to the creation of Comal County Municipal Utility District No. 4.

DEPARTMENT: Planning and Development Services

COUNCIL DISTRICTS IMPACTED: Outside City Limits

BACKGROUND INFORMATION:

Per the City's resolution to the consent to the creation of Comal County Municipal Utility District (MUD) No. 4 (Resolution 2021-74, attached) HK Porter, LLC, current owner of the property to be included within the proposed MUD, has agreed to enter into a development agreement with the City of New Braunfels.

The development agreement includes standards that will ensure development within the proposed MUD implements Envision New Braunfels. Land use and other development standards are not enforceable in the ETJ unless such regulations are agreed upon through the execution of a development agreement between the developer and the City.

ISSUE:

The following actions from Envision New Braunfels are related to this request:

- Action 1.3: Encourage balanced and fiscally responsible land use patterns.
- Action 5.2: Discourage development in Edwards Aquifer Recharge and contributing zones, stream zones, flood-prone areas, steep slopes, or other ecologically constrained areas. Where development in

these areas must occur, require that it be environmentally sound using tools such as but not limited to low impact development (LID).

- Action 6.4: Consider how each new development project impacts the transportation system and ensure appropriate mitigation is implemented.
- Action 6.5: Utilize public/private partnerships to guide growth and investment.
- Regional Planning:
 - Balance resources in an equitable manner that does not lead to disinvestment in existing New Braunfels.
 - 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.
 - Ensure that the policy provides guidance for decisions made by utility providers, so they can aid in achieving Envision New Braunfels.

The subject property lies within the Hoffman Lane Sub-Area which is identified for conservation communities focused around maintaining and enhancing ecological integrity while allowing some level of development to occur.

FISCAL IMPACT:

If the City were to annex the property within a MUD prior to the MUD's expiration, the City would assume any remaining debt of the MUD. If the City were to annex the property within the MUD after expiration of the MUD, the City would receive property taxes from the residential lots within the development to offset the cost to maintain roads, and provide services within the development.

RECOMMENDATION:

Approval with conditions as stated in the attached development agreement.

Resource Link:

- Section 118-4 Development Agreements, of the City of New Braunfels Code of Ordinances:
[≤https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?](https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?)