

KFM

**DUE DILIGENCE
REPORT**

409 FRANKS ROAD
NEW BRAUNFELS, TEXAS

MARCH 2024



DUE DILIGENCE REPORT

409 FRANKS ROAD
New Braunfels, Texas

prepared for:

SOUTH TEXAS CAPITAL

prepared by:

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EXECUTIVE SUMMARY

KFM Engineering & Design prepared this Due Diligence Report for the development of a multi-family project at 409 Franks Road, New Braunfels, Guadalupe County, Texas. The findings of this report and all the information herein are based on our review of the subject property and our experience with similar developable properties.

- The project will follow the City of New Braunfels rules and regulations for development.
- The site is zoned MU-A, Mixed-Use Low Intensity, which will permit multi-family use by right.
- Parkland dedication will be required at 1 acre per 168 dwelling units or the payment of a fee-in-lieu of \$208 per dwelling unit. In addition a park development fee will also be required at \$2,038 per dwelling unit.
- Landscaping and buffering will be required along public rights-of-way and single-family uses.
- Right-of-way dedication to accommodate the expansion of Farm-to-Market Road 1044 will trigger the final plat requirement
- There are no known critical environmental features found in publicly available databases, a Phase I Environmental Assessment would be required for a definitive determination although not required by the City of New Braunfels.
- There are 2 oil and gas pipelines crossing the site with associated easements. One pipeline has been abandoned in place, the other is a 6.63" diameter pipeline carrying natural gas that is in service.
- According to the New Braunfels Regional Transportation Plan (RTP) 2012, there are 2 planned roadways that may impact the site depending on their final alignment. The preliminary alignment of these planned roadways currently does not encroach on the property.
- The City of New Braunfels has adopted the 2021 International Fire Code (IFC) which may require more than 1 fire apparatus access roads depending on the final number of dwelling units and installation of sprinkler systems.
- The general slope of the site is from west to east from a high point of +/- 778' msl to a low point of +/-700' msl.
- According to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) panel number 48187C0095F, effective November 2, 2007, no portion of the site is within a flood hazard zone.
- Drainage design for the site must follow the City of New Braunfels Drainage and Erosion Control Design Manual. Mitigation for runoff exceeding pre-development rates for the 2, 10, 25, and 100-year storm events can be achieved through detention, retention, or some other technique.
- The site is currently within the Green Valley Special Utility District (Green Valley SUD) Certificate of Convenience and Necessity (CCN) for water and wastewater service. New Braunfels Utilities (NBU) has confirmed that this area will be incorporated into its CCN for water service in the near future.
- The nearest NBU water line is 12" in diameter located on the east side of Farm-to-Market Road 1044 (FM 1044) and terminates at +/- 0.35 miles north of the site.
- New Braunfels Utilities is currently providing electric service to the site and there is a 20' electric easement along the north boundary of the site dedicated to NBU. There is an existing overhead 3-phase electric conductor just north of the site along the Comal/Guadalupe county line.

This information is provided as an outline to summarize existing conditions and to identify issues related to the development potential of the tracts. It is important to note this site assessment was written with the information available at the date of issuance and further investigation may be required to develop the subject property. The report and information contained herein are subject to the following restrictions: it is based on the City of New Braunfels, Guadalupe County, Texas ordinances and policies in effect as of the date the report was issued.

A. INTRODUCTION

The subject property is 25.097 acres of vacant land with a few outbuildings formerly used for single family residences. It is located in southeast New Braunfels on Franks Road, a private gravel roadway, in Guadalupe County. There is a private unpaved 2,500' by 90' airstrip on site, Hilltop Ranch Airport 9TA1, without a control tower or runway lights. See Exhibit 1, Aerial in Appendix A. A single-family community is under construction along the north side of the site with large lot single-family residences on all other sides.

The location is +/- 1.75 miles southeast of Interstate Highway 35 (IH-35), a major north-south corridor in central Texas that connects New Braunfels to other major cities. Downtown San Antonio is +/- 35 miles to the south and downtown Austin is +/- 51 miles to the north. See Exhibit 2, Location in Appendix A. The New Braunfels National Airport is +/- 10 miles to the north, and the San Antonio International Airport is approximately 27 miles away.

B. ZONING AND USES

The site is currently zoned as Mixed-Use Low Intensity (MU-A). The MU-A district is intended for a mix of retail, office, and residential uses in close proximity to each other. See Exhibit 3, New Braunfels Zoning in Appendix A. Multi-family use in this district is permitted by right. Basic zoning regulations are as follows:

- Max. density is 12 units per acre
- Max. height for Multi-family is 35' or 50' for a pitched roof
- Front setback is 25'
- Side setback is 20' where adjacent to Residential zoning districts
- Rear setback is 25% of the depth of the lot, but not more than 25'
- Distance between structures is 12' side to side, 30' side to front or rear, 50' front to front, and 20' rear to rear or front to rear
- Parking 1.5 spaces for 1-bedroom units, 2 spaces for 2-bedroom units, and 0.5 spaces for each additional bedroom
- Max. impervious cover is 50% unless enclosed or covered parking is provided, then impervious cover can be up to 60%

The future land use is Transitional Mixed-Use Corridor which seeks to encourage a mix of uses and a variety of travel modes that transition to more walkable areas.

B.1 PARKLAND DEDICATION

In order to provide for the recreational needs of its residents, the City of New Braunfels requires parkland dedication for all new residents. One acre of land per 168 dwelling units is required to be dedicated as parkland prior to the issuance of a building permit. In addition to the dedication of land, a park development fee of \$2,038 per dwelling unit is required. If the land to be dedicated is not desirable for parkland use, a fee-in-lieu of land may be required at \$208 per dwelling unit.

B.2 LANDSCAPING AND BUFFERING

Landscaping and buffering are required for commercial and multi-family residential developments in New Braunfels. A minimum 5-foot landscape buffer is required between a parking lot and the adjacent public right-of-way if it is within 50 feet. Lots adjacent to 2 or more streets are required to provide a 5-foot landscape buffer on all frontages. Within the street frontage landscape buffer, a minimum of 1 tree with a minimum diameter of 1.5", and 4 five-gallon or 3' tall shrubs must be planted for every 40' of frontage. The planting of shade trees is required except when located under the canopy of an existing preserved tree, or near utility lines where ornamental trees must be used. Trees must be planted no closer than 20' apart and provided with a permeable surface of 60 square feet per tree under the drip line.

To provide shade for parking areas, at least 1 shade tree with a minimum diameter of 1.5" must be planted for every 14 parking spaces provided. These trees must be planted in or adjacent to a parking lot with a minimum permeable area of 100 square feet per tree. These trees may be clustered to preserve trees or to accommodate topographic constraints; otherwise, they must be spread generally throughout the parking lot. Trees planted or preserved to meet the parking lot shading requirement are in addition to the required street frontage trees.

No more than 30% of the parking lot landscaped area, not including detention ponds, may be planted with turf grasses, except for buffalo and prairie grasses. In all instances, xeriscaping is preferred.

Along the common property line of the single-family or two-family property, at least 1 shade tree with a minimum diameter of 1.5" must be planted per 25 linear feet. Existing trees can be credited toward meeting the residential buffer requirement if the location and number of required trees are met or alternate compliance is demonstrated.

All commercial and multifamily trash container areas visible from a public or private street, or adjacent property, must be screened from view by a solid material such as wood, masonry, metal R-panel, or other material approved by the solid waste manager.

C. DEVELOPMENT PROCESS

If the property will be divided into 2 or more parts to layout streets, utilities, or individually owned lots, the site must be platted. Right-of-way dedication to accommodate the expansion of Farm-to-Market Road 1044 will trigger the final plat requirement. The Letters of certification (LOC) from all reviewing entities must be obtained and submitted with the plat application. A preliminary plat and final plat follow the same process with the final plat having a greater level of detail for the development.

A Public Infrastructure Construction Permit is the next step in the development process. This permit is required when the proposed development is not already directly connected to water, wastewater, drainage or public streets. The initial review of the application is 20 business days and is approved administratively. A completeness check requires up to 5 business days and the review of a revised application will be 20 business days.

After infrastructure improvements have been constructed and approved by the city a building permit may be issued. A building permit is required for the construction of any building or structure within the city limits. The initial review of the application is 1 to 3 business days to determine completeness. The city has up to 20 business days to review the application and provide comments.

D. ENVIRONMENTAL ISSUES

According to publicly available resources, there are no known critical environmental features on the property such as wetlands, springs, seeps, rimrock, critical water quality zones, or protected habitats. This is a desktop review of such issues only and does not guarantee that no critical environmental features exist on the site. An environmental field assessment would yield a more thorough investigation of existing conditions.

E. OIL AND GAS PIPELINES

A review of the Texas Railroad Commission pipeline viewer shows 2 pipelines cross the site. See Exhibit 4, Pipelines in Appendix A. One 6.63" diameter pipeline with refined liquid product, operated by Sunoco Pipeline LP with a 30' easement has been abandoned in place. There is another 6.63" diameter pipeline with natural gas, operated by Enterprise Products Operating LLC with a 20' easement that is currently in-service.

F. ACCESS AND TRANSPORTATION PLAN

There is 1 driveway providing access to the site from FM 1044 to a private gravel roadway, Franks Road. According to the New Braunfels Regional Transportation Plan (RTP) 2012, County Line Road is planned to extend from FM 1044 to Engel Road, north of the site. The County Line road extension is planned as a 4-lane divided minor arterial with a proposed 120' right-of-way. The extension of Water Lane is proposed from IH-35 to FM 1044

which is proposed as a 2-lane undivided minor collector with a 60' right-of-way. These proposed roadways may have an impact on the site depending on their final alignment. See Exhibit 5, New Braunfels RTP in Appendix A.

Alamo Area Council of Governments (AACOG) Metropolitan Transportation Plan (MTP) and the Texas Department of Transportation Project Tracker show no new roadway projects in this area.

The City of New Braunfels has adopted the 2021 International Fire Code (IFC). Appendix D of the 2021 IFC states that multi-family developments with more than 100 units must have 2 separate fire apparatus access roads, Multi-family developments with up to 200 units can have 1 access road if all buildings are equipped with automatic sprinkler systems throughout. Multi-family developments with more than 200 units must provide 2 separate access roads even if all buildings are equipped with sprinklers. Where 2 access roads are required, they must be placed at a distance of no less than half of the length of the maximum overall diagonal dimension of the property.

G. NATURAL CHARACTERISTICS

G.1 TOPOGRAPHY

The general slope of the site is from west to east from a high point of +/- 778' msl to the low point of +/-700' msl, See Exhibit 6, Topography in Appendix A. This topography was obtained from publicly available sources; however, a topographic survey would yield more detailed results.

G.2 SOILS

The United States Department of Agriculture (USDA) soils database shows 3 different soil types on the site. See Exhibit 7, USDA Soils in Appendix A and the corresponding table below.

Map Unit	Description	Soil Group	% of Site
AIC3	Altoga silty clay, 3 to 5 percent slopes, eroded	B	82.6%
HeC3	Heiden clay, 3 to 5 percent slopes, eroded	D	12.4%
HpC	Houston Black gravelly clay, 3 to 5 percent slopes	D	5.0%

Soils in hydrologic group B have a moderate infiltration rate when thoroughly wet. These soils consist chiefly of moderately deep and well-drained soils with a moderate rate of water transmission.

Soils in hydrologic group D have a very slow infiltration rate and water transmission. These soils consist chiefly of clays that have a high shrink-swell potential and a high water table.

G.3 FLOODPLAIN

According to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) panel number 48187C0095F, effective November 2, 2007, no portion of the site is within a flood hazard zone. See Exhibit 8, FEMA Floodplain in Appendix A.

H. STORM DRAINAGE

Drainage design for the site must follow the City of New Braunfels Drainage and Erosion Control Design Manual. Commercial developments are required to drain surface runoff from an individual lot to a public right-of-way or to a drainage system contained in an easement. Mitigation for runoff exceeding pre-development rates for the 2, 10, 25, and 100-year storm events can be achieved through detention, retention, or some other technique. Participation in neighborhood or regional mitigation is also allowed. If a development activity changes stormwater runoff characteristics in a manner that creates a point or points of concentrated flow, where previously there was sheet flow or lesser intensity flow pattern, or any increase in discharge rates or velocities for the 2, 10, 25,

and 100-year frequency storms, the flow shall outfall into a right-of-way or drainage easement that has the capacity for the discharge. An impact analysis is required to verify the capacity and/or required size of the downstream facility demonstrating no adverse impact.

H.1 TCEQ STORMWATER POLLUTION PROTECTION PLAN

In order to control possible contamination of downstream creeks, streams, rivers, or lakes from stormwater runoff from construction sites, the Texas Commission on Environmental Quality (TCEQ) issued a Construction General Permit. Under this permit, construction operators must submit a Notice of Intent (NOI) and a Stormwater Pollution Protection Plan (SWP3) to TCEQ. A SWP3 is required for any construction activities that will disturb at least 1 acre of land and must outline what pollution prevention measures will be used during construction such as erosion and sedimentation controls. If the area being disturbed is more than 1 acre and less than 5 acres, the stormwater discharge permit will fall under the requirements for small construction activities.

Small construction activities require a Notice of Intent (NOI) to be posted at the construction site prior to the commencement of activities and must remain in place until construction is completed. A copy of the NOI must be submitted to any Municipal Separate Storm Sewer System (MS4) operator receiving the discharge no less than 2 days prior to construction activity. If the construction activity will disturb an area of less than 1 acre, then a stormwater discharge permit is not required.

I. WATER AND WASTEWATER INFRASTRUCTURE

The site is currently within the Green Valley Special Utility District (Green Valley SUD) Certificate of Convenience and Necessity (CCN) for water and wastewater service. New Braunfels Utilities (NBU) has confirmed that this area will be incorporated into its CCN for water service in the near future. The Public Utilities Commission website shows this expanded NBU CCN is pending.

The nearest NBU water line is 12" in diameter located on the east side of Farm-to-Market Road 1044 (FM 1044) and terminates at +/- 0.35 miles north of the site.

NBU is planning the construction of a new 2 MG elevated storage tank at FM 1044 and Old Marion Road, +/- 1 mile north of the site. The storage tank will connect to the 18" water main on Old Marion Rd. and a 24" water main on FM 1044. This project is currently in the design phase.

Green Valley SUD did not reply to a request for information on the size and location of their water and wastewater lines in the area.

J. FRANCHISE UTILITIES

J.1 ELECTRIC

The site is within overlapping areas for electricity, New Braunfels Utilities (NBU), and Guadalupe Valley Electric Cooperative. New Braunfels Utilities is currently providing service to the site and there is a 20' electric easement along the north boundary of the site dedicated to NBU. There is an existing overhead 3-phase electric conductor just north of the site along the Comal/Guadalupe county line.

J.2 NATURAL GAS

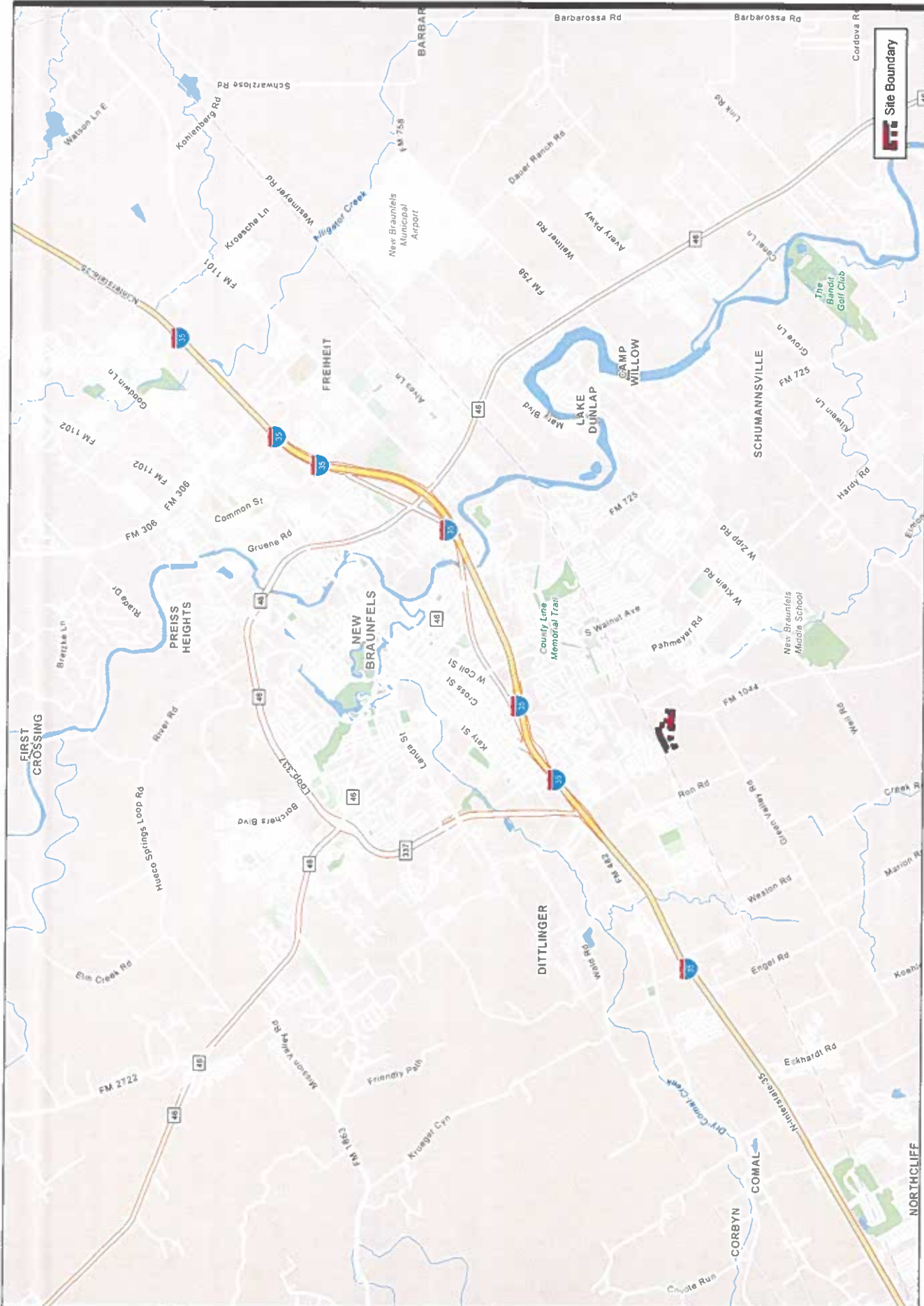
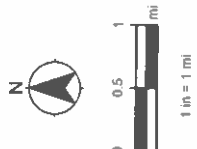
Centerpoint Energy is the provider of natural gas in this area. The size and location of the nearest natural gas distribution line is unknown. Coordination with Centerpoint Energy will be required to extend gas service to the site.

APPENDIX A EXHIBITS

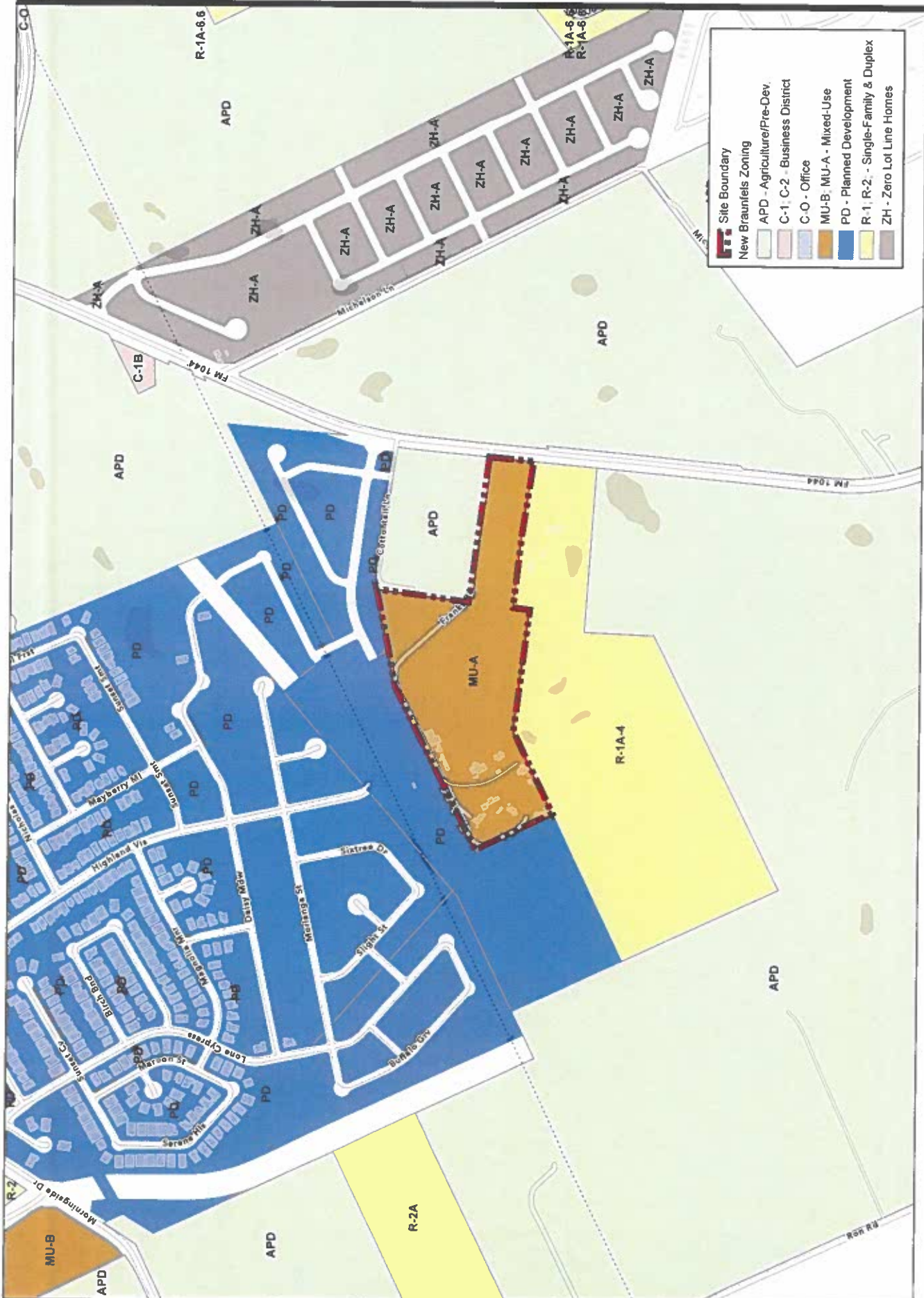
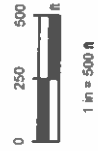
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	Site Boundary
	APD - Agriculture/Pre-Dev.
	C-1, C-2 - Business District
	C-O - Office
	MU-B, MU-A - Mixed-Use
	PD - Planned Development
	R-1, R-2 - Single-Family & Duplex
	ZH - Zero Lot Line Homes

Map data by Esri, DeLorme, Garmin, etc. © 2024



1 in = 200 ft

PROJECT NUMBER
 02012.001
 DATE
 FEBRUARY 26, 2024



KFEM
 Site Boundary
 Statewide Pipelines
 NATURAL GAS
 REFINED LIQUID PRODUCT

ABANDONED

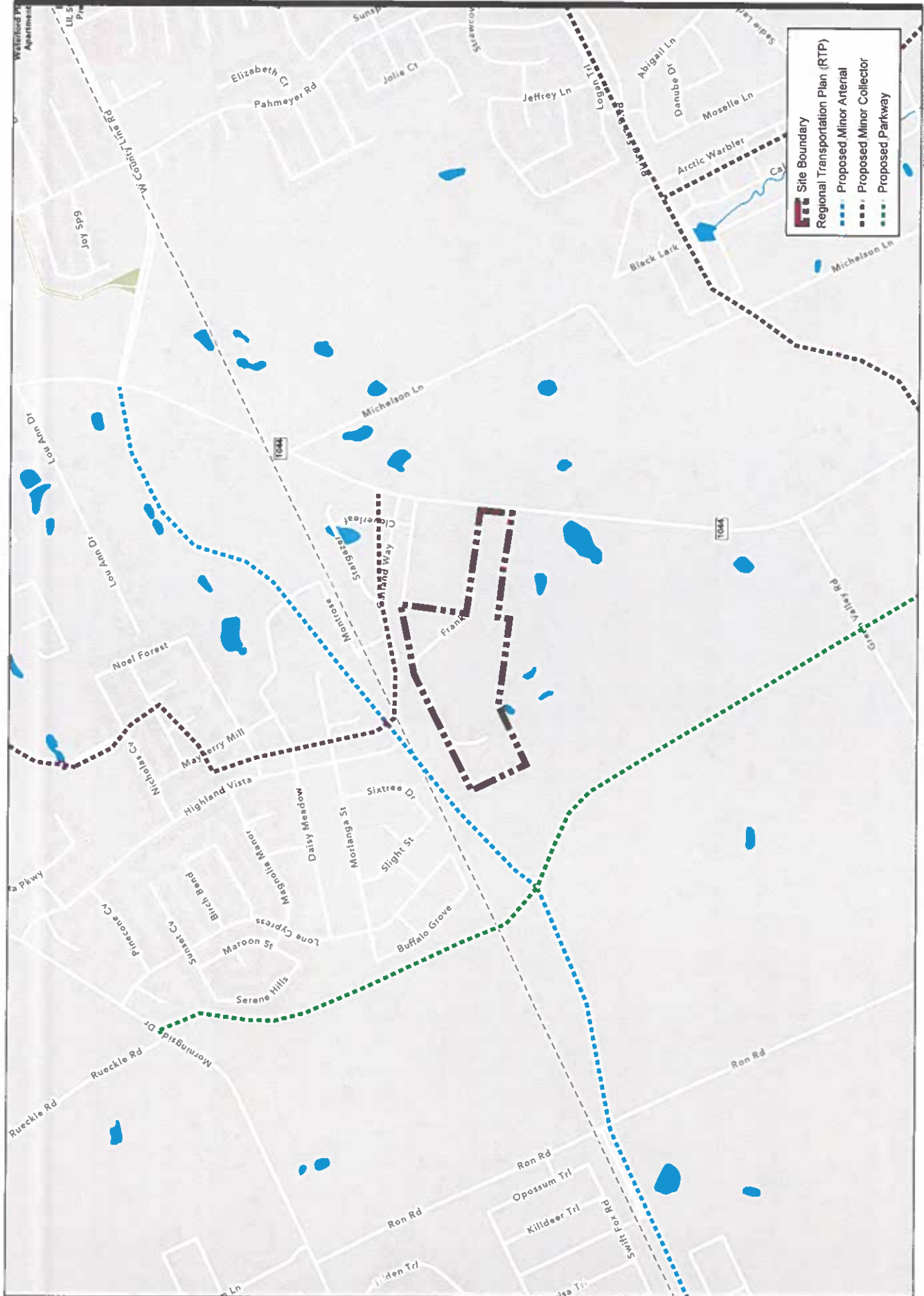
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 ENTERPRISE OPERATING LLC

PHOTO BY: GUYER/ALAMY/GETTY IMAGES/ALAMY



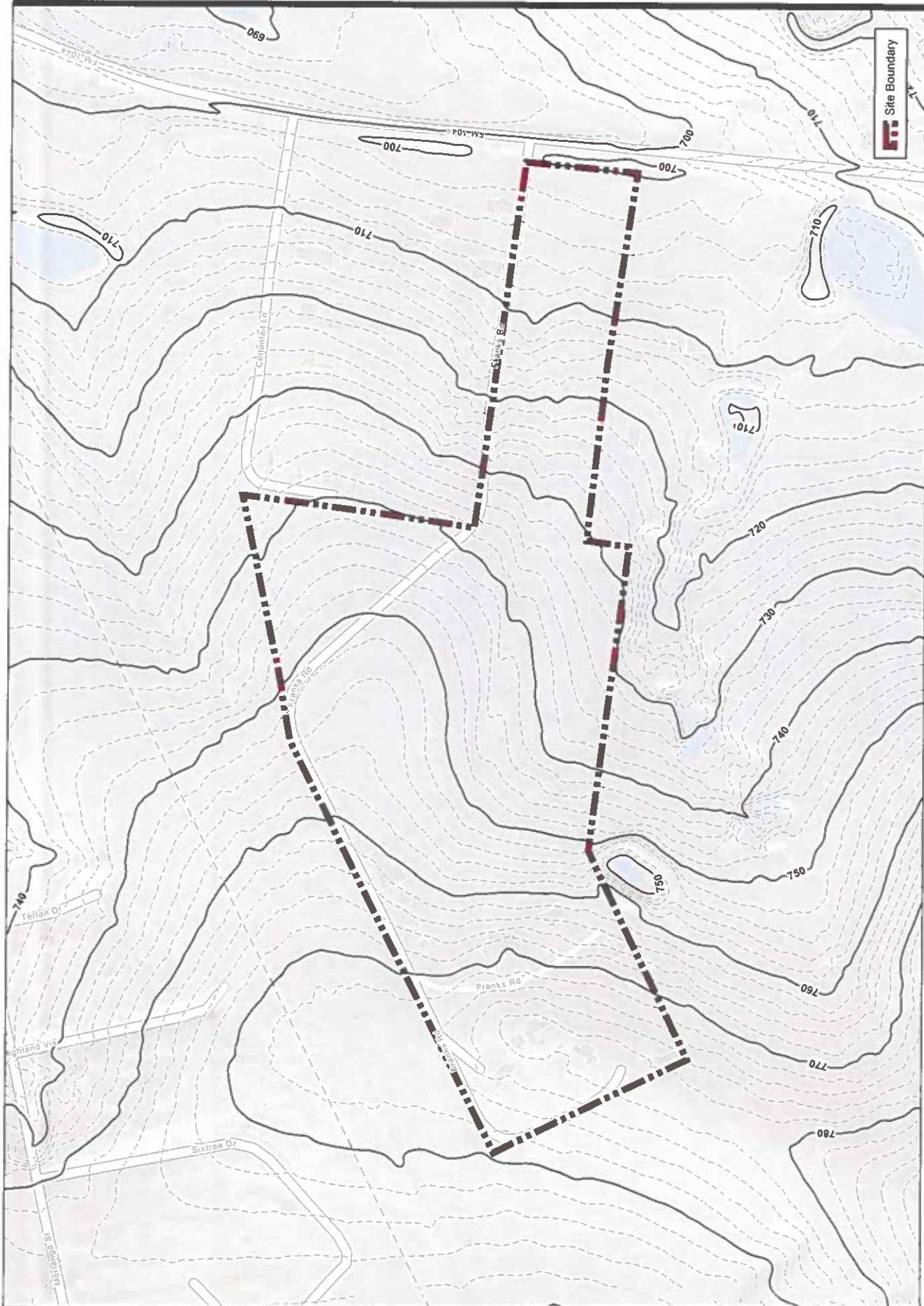
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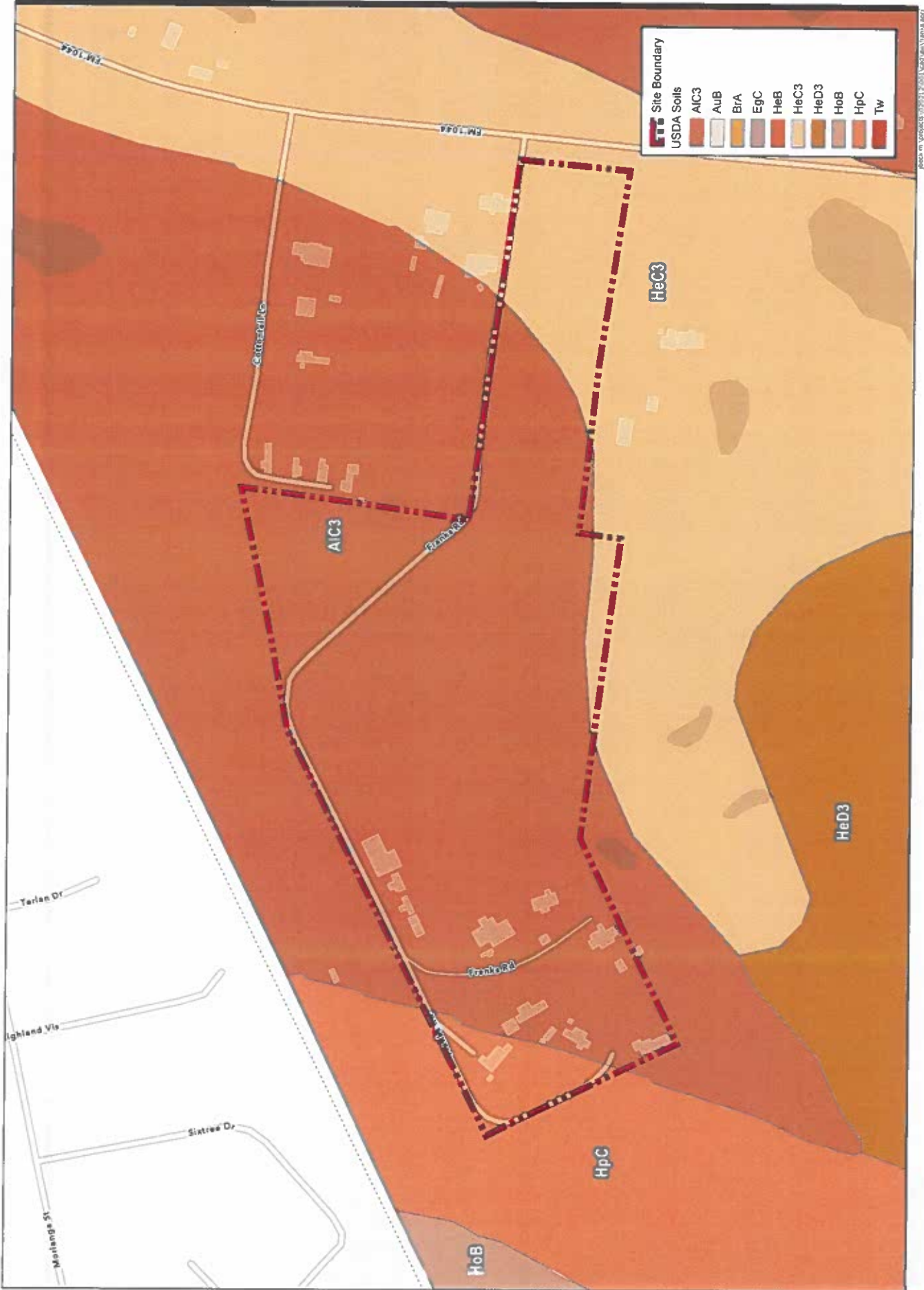




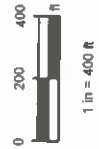
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DATE
MARCH 04, 2024



Project in: \projects\020312\001\0001\topo\409 Franks Road



plotted on 10/04/2024 10:00 AM using AutoCAD 2024



Area in Orange (V837) 2024/01/01/11:00 AM