

Draft Minutes for the June 7, 2022 Planning Commission Regular Meeting

J) AMD22-186 Amend W. Merriweather St. abandonment ordinance No. 2017-26 to close the pedestrian access. (*Applicant: H-E-B, LP; Kathy Strimple, PE; Case Manager: Stacy Snell*)

Mrs. Snell presented the report.

Chair Edwards asked if there were any questions for staff.

Commissioner Reaves asked if there had been any discussions with HEB or residents concerning the implementation of a gated access.

Mrs. Snell stated that the suggestion for gated access as an alternative to closure was discussed with the applicant, HEB representative Kathy Strimple, and that they were present to respond to any questions.

Commissioner Nolte asked if there were any police reports generated as a result of the alleged vagrancy and negative activity at the access point.

Mrs. Snell stated that calls have been made to the police regarding vagrancy in the area, but that no documentation had been provided to staff.

Commissioner Tubb asked if calls to the police regarding vagrancy were directly related to the pedestrian access from Merriweather St.

Mrs. Snell indicated the area had limited visibility and some foliage that had proven to be an attractive area for vagrancy.

Commissioner Meidema stated that a gated access would be better solution than full closure and asked who would be responsible for locking and unlocking the gate.

Mrs. Snell recommended the responsibility be with HEB.

Chair Edwards asked whether HEB or the neighborhood residents were pursuing the closure of the pedestrian access.

Mrs. Snell stated staff had received only two calls in favor of the closure.

Chair Edwards invited the applicant to speak.

HEB Representative Kathy Strimple, 646 S Flores St, stated the application to close the pedestrian access was at the request of residents adjacent to the wall and stated that HEB would be in favor closing the access or keeping it open, but cannot manage the risk of locking and unlocking any proposed gate.

Commissioner Reaves asked Strimple if they had considered a key punch gate system.

Strimple reiterated that HEB cannot offer to manage the operation of a gate, and that the application was primarily on the behave of the residents near the access point.

Commissioner Miedema and Commissioner Tubb inquired into the placement of security cameras at the access.

Strimple stated a security camera system could be installed at the access, but that the primary evidence of negative activity in the area can be found in an enclosed dumpster area that is routinely checked by the property's security guard during store hours.

Commissioner Tubb asked if the police would have access to the data captured by a security camera.

Mr. Onion clarified the police may request access to this data, but consent would need to be granted from HEB.

Chair Edwards expressed concern regarding the quality of security footage and discussed crime levels near the interstate.

Commissioner Sonier asked for clarification, that HEB holds no strong stance on whether the access should remain open or be closed, but also does not want responsibility for managing any proposed gate.

Strimple noted HEB typically restricts public access to its facilities to the front of the building to curb theft and avoid situations like this. Strimple mentioned that it was a special circumstance to install the pedestrian access on Merriweather St.

Discussion followed on the original request for pedestrian access from Merriweather St., and the complications with gated access.

Chair Edwards announced the Commission was willing to hear anyone willing to comment.

Christina Smith, 954 Merriweather, elaborated on their experience living next to the pedestrian access point, and noted that with the construction of the new HEB facility, now would be the perfect time to consider the closure of the pedestrian access from Merriweather St. and suggested a new access could be created behind the parking lot by Huisache Ave. Smith added that a gated access point from Merriweather St. would not be ideal and that the existing access should be closed to prevent vagrancy in the area.

Jason Wenzel, 463 Perryman St., stated there has been a slight increase in vagrancy but noted that there were other means for vagrants to traverse the area, not just the pedestrian access. Mr. Wenzel noted that he has lived in the neighborhood for 30 years and that another access would be great, but no access would ultimately be more dangerous. He currently uses the access with his children.

Paula Molina, 953 W Merriweather St., requested the access be closed citing concerns for safety as a result of vagrants who use the access.

Kayla Wenzel, 463 Perryman St., stated they were not aware of the neighbors' concerns and was present to oppose the closure of the access point. Wenzel stated that a safe access is needed for disabled and elderly residents, as alternate routes along IH-35 were too dangerous. Wenzel noted that they had been using the access in the evenings and had not noticed any clear signs of vagrancy but did not want to diminish other residents' negative experiences with the access and stated that if this access were to be closed then a different similar access would be needed to replace it.

Commissioner Meidema commented that if the old HEB is to be developed into a parking lot, then perhaps a different access point could be created there.

Mrs. Snell responded that the location mentioned by Commissioner Miedema is not HEB owned property and is actually owned by the bowling alley.

Strimple reiterated that HEB cannot implement anything on property they do not own, clarified that with the new parking lot there would be a retaining wall next to the bowling alley property with a maximum height of 4-1/2 feet, and noted they hear the concerns of the residents regarding the closure of the access.

Chair Edwards asked if there were further discussion or a motion.

Motion by Commissioner Sonier, seconded by Commissioner Nolte, to recommend amending the W. Merriweather St. abandonment ordinance No. 2017-26 to close the pedestrian access to City Council. Motion carried (8-1-0) with Commissioner Tubb in opposition.