

**PLANNING COMMISSION  
Regular Meeting Minutes  
June 4, 2019**

**MEMBERS PRESENT**

Chair Lee Edwards  
Vice Chair Ron Reaves  
Shaun Gibson  
Stanley Laskowski  
John Mathis  
Thomas Meyer  
Chad Nolte  
Jerry Sonier  
Creighton Tubb

**STAFF PRESENT**

Christopher J. Looney, Planning & Community Development Director  
Stacy Snell, Assistant Director  
Frank Onion, Assistant City Attorney  
Melissa Reynolds, Assistant City Engineer  
Matt Greene, Planner  
Katherine Crowe, Planning Technician

**MEMBERS ABSENT**

None.

**The above meeting was called to order by Chair Edwards at 6:00 p.m. in the New Braunfels Council Chambers.**

**ROLL CALL**

Roll was called, and a quorum was declared.

Commissioner Tubb left the dais at 6:00 p.m.

Commissioner Tubb returned to the dais at 6:01 p.m.

**APPROVAL OF MINUTES**

Motion by Commissioner Laskowski, seconded by Commissioner Sonier, to approve the regular meeting minutes of May 7, 2019 . Motion carried (9-0-0).

**CITIZENS COMMUNICATION**

Wilton Warnecke Jr., 460 Kerlick Lane, wished to speak. He expressed concerns regarding short term rentals. He provided his history of dealing with illegal short term rentals and associated violations. He stated there needed to be a stricter enforcement for the violations. He requested that the fines be enforced.

**CONSENT AGENDA**

Chair Edwards announced item SUP19-106 had been postponed.

Motion by Vice Chair Reaves, seconded by Commissioner Meyer, to postpone SUP19-106 to the July 2, 2019 regular meeting. Motion carried (9-0-0).

Chair Edwards announced item SUP19-121 had been postponed.

Motion by Commissioner, seconded by Commissioner Gibson, to postpone SUP19-121 to the July 2, 2019 regular meeting. Motion carried (9-0-0).

Chair Edwards announced item PL19-017 was withdrawn from the agenda.

**FP19-0124 Approval of the revised final plat for Solms Landing, Unit 1A**

(Applicant: Solms Landing Development LLC – James Mahan; Case Manager: H. Mullins)

**PZ19-0123 Approval of the amending detail plan for “Highland Gardens” Planned Development District**

(Applicant: Moeller & Associates – James Ingalls, P.E.; Case Manager: M. Greene)

**MP19-0128 Approval of the amending master plan for Highland Gardens Subdivision**

(Applicant: Moeller & Associates – James Ingalls, P.E.; Case Manager: M. Greene)

**PP19-0129 Approval of the Preliminary Plat of Highland Gardens, Unit 1A**

(Applicant: Moeller & Associates – James Ingalls, P.E.; Case Manager: M. Greene)

**PP19-0118 Approval of the Preliminary Plat of Highland Gardens, Unit 1B**

(Applicant: Moeller & Associates – James Ingalls, P.E.; Case Manager: M. Greene)

**PP19-0119 Approval of the Preliminary Plat of Highland Gardens, Unit 2**

(Applicant: Moeller & Associates – James Ingalls, P.E.; Case Manager: M. Greene)

**PP19-0075 Approval of the preliminary plat for Arroyo Verde Subdivision, Unit 3**

(Applicant: Moeller & Associates – James Ingalls, P.E.; Case Manager: M. Simmont)

Motion by Commissioner Laskowski, seconded by Commissioner Gibson, to approve the consent agenda with Staff recommendations. Motion carried (9-0-0).

**ITEMS FOR CONSIDERATION**

**PZ19-0114 Public hearing and recommendation to City Council regarding a proposed rezoning of a 0.25 acre tract out of the J Noyes Survey 259, Abstract 430, addressed at 471 Engel Road and a 2.0 acre tract out of the J Noyes Survey 259, Abstract 430 and a 3.0 acre tract out of the J Thompson Survey 21, Abstract 608, addressed at 491 Engel Road, from “APD” Agricultural/Pre-Development District to “C-1B” General Business District.**

(Applicant: Rene De La Cruz; Case Manager: M. Greene)

Mr. Greene summarized the request and stated Staff recommended approval with the conditions outlined in the staff report.

Commissioner Meyer inquired if the reasoning to change the zoning was monetary based, and if there was intention to develop.

Mr. Greene stated the applicant was present and could answer those questions.

Discussion followed regarding adjacent zoning districts and pedestrian connection issues.

Commissioner Meyer stated a name had been null on the public hearing notice list.

Mr. Greene clarified.

Vice Chair Reaves inquired about the minimum buffering requirements for non-residential developments adjacent to residential.

Mr. Greene clarified.

Chair Edwards asked if anyone wished to speak in favor.

Helen Voigt, 491 Engel Road, stated she was the property owner. She provided her history of the property and stated she was requesting the zone change to assist with the sale of the land.

Rene De La Cruz, 1413 Shannon Circle, stated he was working with Ms. Voigt with the sale of the land. He described a history of the property.

Brandon Voigt, 306 McKinley Road, wished to speak in favor. He stated commercial was the best use of the

land and commercial development would benefit the city. He expressed his belief that it was the property owner's right to pursue the highest and best use.

Chair Edwards asked if anyone wished to speak in opposition.

No one spoke.

Motion by Commissioner Laskowski, seconded by Commissioner Gibson, to close the public hearing. Motion carried (9-0-0).

Motion by Commissioner Sonier, seconded by Commissioner Nolte, to recommend approval to City Council regarding a proposed rezoning of a 0.25 acre tract out of the J Noyes Survey 259, Abstract 430, addressed at 471 Engel Road and a 2.0 acre tract out of the J Noyes Survey 259, Abstract 430 and a 3.0 acre tract out of the J Thompson Survey 21, Abstract 608, addressed at 491 Engel Road, from "APD" Agricultural/Pre-Development District to "C-1B" General Business District with Staff recommendations. Motion carried (9-0-0).

Commissioner Meyer clarified his vote of approval was based on the well-being of the city.

Chair Edwards had technical difficulties and requested Vice Chair Reaves chair the meeting.

Vice Chair Reaves accepted and was Acting Chair.

**SUP19-115 Public hearing and recommendation to City Council regarding a proposed rezoning to apply a Special Use Permit to allow a bed and breakfast in the "R-2" Single-Family and Two-Family District on Lot 4, City Block 5021, addressed at 555 South Union Avenue.**

(Applicant: James Graham; Case Manager: M. Greene)

Mr. Greene summarized the request and stated Staff recommended approval with the conditions outlined in the staff report.

Commissioner Laskowski requested clarification on the definition of a guest room.

Discussion followed.

Vice Chair Reaves requested the Ad Hoc Committee review the bed and breakfast ordinance requirements.

Discussion followed.

Commissioner Meyer stated it should be required that the bed and breakfast be owner or manager occupied. He expressed the need to limit the occupancy.

Vice Chair Reaves invited the applicant to speak.

James Graham, 555 S. Union Avenue, stated he was the property owner and applicant. He provided his history with the property and the city. He stated he intends for the property to remain residential and stated he takes care to maintain the property in good condition.

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

Wilton Warnecke Jr., 460 Kerlick Lane, stated he did not wish to speak in favor or opposition. He stated the applicant should be required to provide proof that they will be paying the required Hotel Occupancy Tax prior to the Certificate of Occupancy being issued for the bed and breakfast. He requested that all bed and breakfast special use permits be tied to the applicant and not the land. He described the history of issues with bed and breakfasts and short term rentals in the area.

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

Violet Tannen, 111 E. Lincoln, wished to speak in opposition. She expressed her concerns regarding historic preservation and protecting the character of the community. She then expressed concerns regarding the effects of traffic, crime, parking and noise resulting from the bed and breakfast on the families in the neighborhood. She stated it was a historical neighborhood and requested it be preserved.

Brandon Crabill, 665 Washington Street, wished to speak in opposition. He provided his history of the area. He stated it was a residential neighborhood and expressed concern that the commercial use was not compatible. He expressed concerns that the approval could set a precedent for the area. He read a letter written by the neighbor at 647 Washington requesting that the historic neighborhood be preserved.

Patricia Freer, 441 S. Union Avenue, wished to speak in opposition. She expressed agreement with the previous speakers. She expressed concerns with renters coming to party, noise, safety, parking and traffic. She stated the neighborhood was a tight knit residential community.

Chandler Gray, 186 E. Lincoln, wished to speak in opposition. She welcomed the applicant to the community. She expressed concerns regarding the commercial use, future development, enforcement issues, and that the application states only one room is being rented. She provided examples of existing issues in the area. She stated the existing short term rentals in the area are special circumstances and therefore are not comparable to what is being requested. She requested the Commission consider the neighborhoods concerns.

Mike Martin, 344 Washington Avenue, wished to speak in opposition. He provided his history of the area and expressed agreement with the other speakers.

Rafael Marfil, 415 S. Union Avenue, wished to speak in favor. He stated the homes facing S. Union Avenue are separate from the residential neighborhood, and the proximity to businesses in the area encourages tourism. He stated the noise ordinance was applicable to commercial businesses and would regulate any sound created. He requested that the those fronting on Union Avenue be able to utilize the high volume of tourists.

Motion by Commissioner Laskowski, seconded by Commissioner Gibson, to close the public hearing. Motion carried (9-0-0).

Commissioner Meyer stated Union Avenue is active and the bed and breakfast won't change that. He expressed understanding for the concerns but stated the applications were reviewed on a case by case basis. He asked the applicant if he intended to utilize the residence as his primary home.

Mr. Graham stated it was still undergoing remodeling.

Commissioner Meyer asked the applicant if he intended to utilize the residence as his primary home.

Mr. Graham responded yes.

Commissioner Meyer requested clarification if the Special Use Permit ran with the land.

Mr. Onion clarified.

Discussion followed regarding code enforcement and bed and breakfasts.

Commissioner Meyer inquired if the Special Use Permit was violated would it be revoked.

Mrs. Snell clarified.

Motion by Commissioner Meyer to recommend approval to City Council a proposed rezoning to apply a Special Use Permit to allow a bed and breakfast in the "R-2" Single-Family and Two-Family District on Lot 4, City Block 5021, addressed at 555 South Union Avenue with Staff recommendations and a restriction to one guest room. Motion failed for lack of a second.

Motion by Commissioner Laskowski, seconded by Commissioner Tubb, to recommend approval to City Council regarding a proposed rezoning to apply a Special Use Permit to allow a bed and breakfast in the "R-2" Single-Family and Two-Family District on Lot 4, City Block 5021, addressed at 555 South Union Avenue with Staff recommendations and a limit of 1 guest room with 2 adult guests. Motion carried, with Vice Chair Reaves and Commission Mathis in opposition (7-2-0).

**ORD19-122 Public hearing and recommendation to City Council regarding the proposed amendment to the Veramendi Development Design & Control Document.**

(Applicant: UrbanPulse – Chris O’Conner; Case Manager: M. Simmont)

Mrs. Snell summarized the request and stated Staff recommended approval.

Commissioner Sonier left the dais at 7:12 p.m.

Commissioner Laskowski requested clarification regarding the rear setback.

Mrs. Snell clarified.

Discussion followed.

Commissioner Meyer inquired if the proposed amendment applied to the entire development.

Mrs. Snell confirmed.

Commissioner Sonier returned to the dais at 7:15 p.m.

Commissioner Meyer left the dais at 7:15 p.m.

Vice Chair Reaves requested the lots adjacent to the Oak Run subdivision be restricted to not allow the proposed porch allowance.

Commissioner Meyer returned to the dais at 7:17 p.m.

Vice Chair Reaves invited the applicant to speak.

Chris O’Connor, with ASA Properties, provided an overview of the request. He described working closely with Staff regarding the proposed amendment and explained the allowance was intended to allow outdoor living space as the 20 foot front utility easement had pushed homes further back on the lots. He stated they could amend the request to include that the lots adjacent to the Oak Run subdivision be restricted to not allow the proposed porch allowance.

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

No one spoke.

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

Martin Levett, 2379 Oak Pebble Drive, wished to speak in opposition. He stated after hearing the applicant speak he was not as opposed. He expressed concern about the allowance for Veramendi when other zoning districts did not have the proposed allowance. He expressed concern regarding property values. He stated

his belief that he did not see how it benefitted citizens.

Motion by Commissioner Laskowski, seconded by Commissioner Gibson, to close the public hearing. Motion carried (9-0-0).

Discussion followed

Motion by Commissioner Meyer, seconded by Commissioner Sonier, to recommend approval to City Council regarding the proposed amendment to the Veramendi Development Design & Control Document with the condition that the lots adjacent to the Oak Run subdivision be restricted to not allow the proposed porch allowance. Motion carried, with Vice Chair Reaves and Commission Mathis in opposition (7-2-0).

Chair Edwards left the dais at 7:24 p.m.

**FP19-0074 Discuss and consider the final plat for Veramendi Precinct 12, with a waiver.**

(Applicant: Pape-Dawson Engineers, Inc. – Todd Blackmon, P.E.; Case Manager: M. Simmont)

Waiver: 1. Delay timing of tree survey

Mrs. Snell summarized the request and stated Staff recommended approval.

Motion by Commissioner Meyer, seconded by Commissioner Sonier, to approve the final plat for Veramendi Precinct 12, with a waiver and Staff recommendations. Motion carried (8-0-0).

**FP19-0120 Discuss and consider the final plat for Veramendi Precinct 20, Unit 1, with waivers.**

(Applicant: Pape-Dawson Engineers, Todd Blackmon, P.E.; Case Manager: M. Simmont)

Waiver: 1. Lots with no street frontage  
2. Delay timing of tree survey

Mrs. Snell summarized the request and stated Staff recommended approval.

Motion by Commissioner Sonier, seconded by Commissioner Gibson, to approve the final plat for Veramendi Precinct 20, Unit 1, with waivers and Staff recommendations. Motion carried (8-0-0).

Chair Edwards returned to the dais at 7:29 p.m.

**REP19-063 Public hearing and consideration of the replat of Lot 6, Block A, Canyon Crossroads Subdivision, establishing Lots 6A, 6B, 6C and 6D, with a waiver.**

(Applicant: Ash & Associates – Richard McDaniel; Case Manager: M. Simmont)

Waiver: 1. Lots with no street frontage

Mrs. Snell summarized the request and stated Staff recommended approval.

Discussion followed regarding roadway connections.

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

No one spoke.

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

No one spoke.

Motion by Commissioner Laskowski, seconded by Commissioner Sonier, to close the public hearing. Motion

carried (9-0-0).

Motion by Commissioner Laskowski, seconded by Commissioner Tubb, to approve the replat of Lot 6, Block A, Canyon Crossroads Subdivision, establishing Lots 6A, 6B, 6C and 6D, with a waiver and Staff recommendations. Motion carried (9-0-0).

**REP19-127 Public hearing and consideration of the replat of Lot 1, Block 1, Fellers Subdivision, establishing Lots 1R, 2R, 3R & 4R.**

(Applicant: Moeller & Associates – James Ingalls, P.E.; Case Manager: M. Simmont)

Mr. Greene summarized the request and stated Staff recommended approval.

Commissioner Mathis left the dais at 7:31 p.m.

Discussion followed regarding the use of the lots.

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

No one spoke.

Commissioner Mathis returned to the dais at 7:33 p.m.

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

No one spoke.

Motion by Commissioner Laskowski, seconded by Commissioner Gibson, to close the public hearing. Motion carried (9-0-0).

Motion by Commissioner Laskowski, seconded by Commissioner Sonier, to approve the replat of Lot 1, Block 1, Fellers Subdivision, establishing Lots 1R, 2R, 3R & 4R with Staff recommendations. Motion carried (9-0-0).

**REP19-132 Public hearing and consideration of the replat of Lot 1, Block 1, New Braunfels Ranch Estates North Subdivision, establishing Lots 1R1 and 1R2.**

(Applicant: Micah Koehn; Case Manager: H. Mullins)

Mr. Greene summarized the request and stated Staff recommended approval.

Commissioner Meyer inquired why the land was being divided.

Micah Koehn, the applicant, stated he wished to create two lots.

Discussion followed regarding sidewalks.

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

No one spoke.

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

No one spoke.

Motion by Commissioner Laskowski, seconded by Commissioner Sonier, to close the public hearing. Motion

carried (9-0-0).  
Discussion followed regarding sidewalks.

Motion by Commissioner Laskowski, seconded by Vice Chair Reaves, to approve the replat of Lot 1, Block 1, New Braunfels Ranch Estates North Subdivision, establishing Lots 1R1 and 1R2 with Staff recommendations and the condition that when Lot 1R2 is developed the sidewalk is required the entire length of Lot 1R1 to County Line.

Discussion followed regarding sidewalks.

Motion by Commissioner Laskowski, seconded by Commissioner Sonier, to amend the original motion to include the requirement that the sidewalks be 4 feet in width. Motion carried (9-0-0).

Motion by Commissioner Laskowski, seconded by Vice Chair Reaves, to approve the replat of Lot 1, Block 1, New Braunfels Ranch Estates North Subdivision, establishing Lots 1R1 and 1R2 with Staff recommendations and the condition that when either Lot 1R1 or 1R2 is developed a 4 foot sidewalk is required the entire length of Lot 1R1 and Lot 1R2 to County Line. Motion carried, with Commissioner Tubb in opposition and Commissioner Meyer abstaining (7-1-1).

**MP19-0117 Discuss and consider the master plan for Spring Valley Subdivision, with a waiver.**

(Applicant: Moeller & Associates – James Ingalls, P.E.; Case Manager: M. Simmont)

Waiver: 1. Block length in excess of 1,200 feet

Mr. Greene summarized the request and stated Staff recommended approval.

Motion by Commissioner Laskowski, seconded by Commissioner Gibson, to approve the master plan for Spring Valley Subdivision, with a waiver and Staff recommendations. Motion carried (9-0-0).

**PP19-0126 Discuss and consider the preliminary plat for Spring Valley Subdivision, Unit 1A.**

(Applicant: Moeller & Associates – James Ingalls, P.E.; Case Manager: M. Simmont)

Mr. Greene summarized the request and stated Staff recommended approval.

Commissioner Sonier left the dais at 8:05 p.m.

Motion by Commissioner Laskowski, seconded by Commissioner Gibson, to approve the preliminary plat for Spring Valley Subdivision, Unit 1A with Staff recommendations. Motion carried (8-0-0).

**PP19-0125 Discuss and consider the preliminary plat for Spring Valley Subdivision, Unit 1B.**

(Applicant: Moeller & Associates – James Ingalls, P.E.; Case Manager: M. Simmont)

Mr. Greene summarized the request and stated Staff recommended approval.

Motion by Chair Edwards, seconded by Commissioner Tubb, to approve the preliminary plat for Spring Valley Subdivision, Unit 1B with Staff recommendations. Motion carried (8-0-0).

**DIRECTORS REPORT**

Mr. Looney reported to the Commissioner that Staff was encouraging applicants to be present for their cases and making them aware of the impact their presence has.

Commissioner Sonier returned to the dais at 8:08 p.m.

Vice Chair Reaves requested an updated regarding the industrial zoning districts ordinance revisions.

Mr. Looney provided an update.

Vice Chair Reaves requested that the Ad Hoc Committee discuss the bed and breakfasts ordinance.

Mrs. Snell announced this was Planning Technician Katherine Crowe's last meeting.

Discussion followed.

**ADJOURNMENT**

There being no further business, Vice Chair Reaves adjourned the meeting at 8:11 p.m.

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**Chair**

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**Date**

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