

**Planning Commission
Regular Meeting Minutes
September 6, 2023**

Members Present

Chair Lee Edwards
Vice Chair Ron Reaves
Angela Allen
Kurt Andersen-Vie
Taylor Chafin
Bernard Miedema
Chad Nolte
Jerry Sonier

Members Absent

Cinderella Von Hach

Staff Present

Christopher Looney, Director of Planning & Development Services
Greg Malatek, Public Works Director
Nathan Brown, Assistant City Attorney
Matthew Simmont, Planning Manager
Mary Lovell, Senior Planner
Amanda Mushinski, Planner
Laure Middleton, Planner
Colton Barker, Assistant Planner
Caitlin Garrigus, Assistant Planner

1. CALL TO ORDER

The above meeting was called to order by Chair Edwards at 6:02 p.m.

2. ROLL CALL

Roll was called and a quorum was declared.

3. APPROVAL OF MINUTES

Motion by Commissioner Sonier, seconded by Commissioner Nolte, to approve the Regular Meeting Minutes of August 1, 2023, as presented. Motion carried (8-0-0).

4. CITIZENS COMMUNICATION

No one spoke.

5. BRIEFINGS

Chair Edwards stated this was the third meeting where Commissioner Von Hach has been absent.

6. CONSENT AGENDA

- A) FP23-0316 Approval of a final plat establishing Park Place Subdivision, Unit 2A, with conditions.**
(Applicant: HMT Engineering & Surveying; Dorothy Taylor, RPLS; Owner: M/I Homes; David A. McGowen; Case Manager: Laure Middleton)
- B) FP23-0268 Approval of the final plat establishing Veramendi Precinct 18, Unit 1, with conditions.**
(Applicant: Pape-Dawson Engineers; Jocelyn Perez, P.E.; Owner Garrett Mechler; Case Manager: Laure Middleton)
- C) FP23-0315 Approval of a final plat establishing Hilltop Meadows Subdivision, Unit 2, with conditions.**
(Applicant: HMT Engineering & Surveying; Ryan Shaw; Owner: Richard Mott; Case Manager: Laure Middleton)
- D) FP23-0318 Approval of a final plat establishing Winding Creek Ranch Subdivision, Unit 3, with conditions.**
(Applicant: HMT Engineering & Surveying; Chris Van Heerde, P.E.; Owner: Continental Homes of Texas, LP; Leslie Ostrander; Case Manager: Laure Middleton)
- E) FP23-0319 Approval of a final plat establishing Navarro Subdivision, Unit 6, with conditions.**
(Applicant: KFW Engineers & Surveying; A. Nicholas Reynolds, P.E.; Owner: Richard Mott; Case Manager: Laure Middleton)
- F) FP23-0320 Approval of a final plat establishing Navarro Subdivision, Unit 3B, with conditions.**
(Applicant: KFW Engineers & Surveying; A. Nicholas Reynolds, P.E.; Owner: Richard Mott; Case Manager: Laure Middleton)

- G) FP23-0321 Approval of a final plat establishing Jaro South Subdivision, Unit 2, with conditions.**
(Applicant: KFW Engineers & Surveying; A. Nicholas Reynolds, P.E.; Owner: NB Dean 32 LLC; Richard N. Beach; Case Manager: Laure Middleton)

Motion by Commissioner Sonier, seconded by Commissioner Anderson-Vie, to approve the consent agenda. Motion carried (8-0-0).

7. INDIVIDUAL ITEMS FOR CONSIDERATION

- B) SUP23-303 Public hearing and recommendation to City Council to rezone 3.058 acres out of the A.P. Fuquay Survey No. 35, Abstract No. 155, Comal County, Texas from C-1Br37 AH (General Business District with Restrictions and Airport Overlay) to C-1Br37 AH (General Business District with Restrictions and Airport Overlay, with a Special Use Permit for an Event Center), located northwest of Hunter Road, between Old FM 306 and FM 306.** *(Applicant: Joseph Reeves & Susan Reeves; Owner: Big Daisy Realty, LLC; Case Manager: Mary Lovell)*

Chair Edwards requested confirmation that Item 7(B) SUP23-303, was requesting a postponement of the public hearing.

Brandon Melland, representing the owners, confirmed and requested the item be tabled for discussion at the October 4, 2023, Planning Commission meeting.

Chair Edwards opened the floor for public comment and asked if anyone wished to speak.

No one spoke.

Chair Edwards closed the floor for comments.

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

Motion by Commissioner Sonier, seconded by Commissioner Chafin, to approve the request to postpone the public hearing for the proposed rezoning of 3.058 acres out of the A.P. Fuquay Survey No. 35, Abstract No. 155, Comal County, Texas from C-1Br37 AH (General Business District with Restrictions and Airport Overlay) to C-1Br37 AH (General Business District with Restrictions and Airport Overlay, with a Special Use Permit for an Event Center), located northwest of Hunter Road, between Old FM 306 and FM 306, to the October 4, 2023 Planning Commission meeting. Motion carried (8-0-0).

- C) SUP23-265 Public hearing and recommendation to City Council to rezone 0.38 acres out of New City Block 4071, Schneider Addition, Lots 7 & 8, from SND-1 (Special Neighborhood District-1) to R-3L SUP (Multifamily Low-Density District with a Special Use Permit for Multifamily), currently addressed at 605 South Santa Clara Avenue.** *(Applicant: Killen, Griffin & Farrimond PLLC, James B. Griffin; Owner: Matthew T. Goles; Case Manager: Amanda Mushinski)*

Chair Edwards requested confirmation that Item 7(C) SUP23-265, was requesting a postponement of the public hearing.

Nuriddin Kalam, representing the applicant, confirmed and requested the item be tabled for discussion at the October 4, 2023, Planning Commission meeting.

Chair Edwards opened the floor for public comment and asked if anyone wished to speak.

No one spoke.

Chair Edwards closed the floor for comments.

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

Motion by Commissioner Sonier, seconded by Commissioner Anderson-Vie, to approve the request to postpone the public hearing for the proposed rezoning of 0.38 acres out of New City Block 4071, Schneider

Addition, Lots 7 & 8, from SND-1 (Special Neighborhood District-1) to R-3L SUP (Multifamily Low-Density District with a Special Use Permit for Multifamily), currently addressed at 605 South Santa Clara Avenue, to the October 4, 2023, Planning Commission meeting. Motion carried (8-0-0).

A) Discuss and consider proposed amendments to pavement, street, pedestrian and bicycle facilities engineering standards and an update to Traffic Impact Analysis (TIA) review fee and requirements.
(Presented by Greg Malatek, Public Works Director/Garry Ford, Transportation and Capital Improvements Director)

Greg Malatek presented the update to TIA review fees and requirements.

Discussion followed on TIA requirements and review process.

Malatek continued his presentation seeking a recommendation from the Commission regarding the proposed amendments.

Discussion followed on specifics and implementation of the proposed amendments.

Motion by Vice Chair Reaves, seconded by Commissioner Meidema, to recommend approval to City Council regarding the proposed amendments to pavement, street, pedestrian and bicycle facilities engineering standards. Motion carried (8-0-0).

Malatek continued with the presentation and elaborated further on street design.

A) PZ23-0183 Public hearing and recommendation to City Council regarding the proposed rezoning of approximately 31 acres of the A.M. Esnaurizar Survey, Eleven League Grant, Block No. 106, Abstract No.20, from C-3 (Commercial District) and APD (Agricultural/Pre-Development District) to MU-A (Low Intensity Mixed Use District), currently addressed at 1865 S SH 46. (Applicant: Carlton-Behr Capital & Killen, Griffin & Farrimond, PLLC; Owner: Chob Kamolsri & Prapapan Kamolsri; Case Manager: Caitlin Garrigus)

Caitlin Garrigus presented the aforementioned item and recommended approval as stated in the staff report.

Chair Edwards asked if there were any questions for staff.

No one spoke.

Chair Edwards invited the applicant to speak.

Ashley Griffin elaborated on the request with the aid of a presentation.

Discussion followed on the design of the residential units in the proposed development.

Chair Edwards opened the public hearing and asked if anyone wished to speak.

The following individuals spoke in opposition of the request: Sharon Seiber, Tim Cornell, Steve Clark.

Chair Edwards closed the public hearing.

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

Discussion followed on potential financial impacts, property values, and concerns for crime.

Motion by Commissioner Anderson-Vie, seconded by Commissioner Sonier, to recommend approval to City Council regarding the proposed rezoning of approximately 31 acres of the A.M. Esnaurizar Survey, Eleven League Grant, Block No. 106, Abstract No.20, from C-3 (Commercial District) and APD (Agricultural/Pre-Development District) to MU-A (Low Intensity Mixed Use District), currently addressed at

1865 S SH 46. Motion carried (8-0-0).

- D) PZ23-0301 Public hearing and recommendation to City Council to rezone 0.44 acres out of Abstract 608 of the J. Thompson Survey 21, from C-1B (General Business District) to M-1A (Light Industrial District), currently addressed at 1671 McQueeney Road. (Applicant: Ariana Newlin; Owner: David Humphrey; Case Manager: Amanda Mushinski)**

Amanda Mushinski presented the aforementioned item and recommended approval.

Chair Edwards asked if there were any questions for staff.

No one spoke.

Chair Edwards invited the applicant to speak.

Jody Baker, representing the owner, elaborated on the request.

Chair Edwards opened the public hearing and asked if anyone wished to speak.

No one spoke.

Chair Edwards closed the public hearing.

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

Motion by Commissioner Reaves, seconded by Commissioner Sonier, to recommend approval to City Council regarding the proposed rezoning of 0.44 acres out of Abstract 608 of the J. Thompson Survey 21, from C-1B (General Business District) to M-1A (Light Industrial District), currently addressed at 1671 McQueeney Road. Motion carried (8-0-0).

- E) SUP23-302 Public hearing and recommendation to City Council to rezone 0.1492 acres out of Bergfeld Subdivision, Block 2, Lot 17, from R-2 (Single-Family and Two-Family District, with a Special Use Permit for a Duplex) to R-2 SUP (Single-Family and Two-Family District, with a Special Use Permit for Townhomes), currently addressed as 2679 Katy Street and 2662 Second Street. (Seth Reichenau, Dillo Development Services, LLC; Case Manager: Mary Lovell)**

Mary Lovell presented the aforementioned item and recommended approval with the conditions stated in the staff report.

Chair Edwards asked if there were any questions for staff.

No one spoke.

Chair Edwards invited the applicant to speak.

Seth Reichenau stated he was present to answer any questions.

Chair Edwards opened the public hearing and asked if anyone wished to speak.

Crystal Moore, of the Comal Habitat for Humanity spoke in support of the request.

Chair Edwards closed the public hearing.

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

Motion by Commissioner Anderson-Vie, seconded by Commissioner Sonier, to recommend approval with staff recommended conditions to City Council regarding the proposed rezoning of 0.1492 acres out of Bergfeld Subdivision, Block 2, Lot 17, from R-2 (Single-Family and Two-Family District, with a Special Use

Permit for a Duplex) to R-2 SUP (Single-Family and Two-Family District, with a Special Use Permit for Townhomes), currently addressed as 2679 Katy Street and 2662 Second Street. Motion carried (8-0-0).

Commissioner Sonier left the dais at 7:04pm.

- F) SUP23-284 Public hearing and recommendation to City Council to rezone 0.468 acres out of Oak Cliff Estates Subdivision, Grandview Addition, Lot 25 & Part of Lot 26, from R-3 (Multifamily District) to R-3 SUP (Multifamily District, with a Special Use Permit for Short-Term Rental of a Residence), currently addressed as 683 Floral Circle. (Applicant/Owner: Denyse & Logan Parker; Case Manager: Amanda Mushinski)**

Amanda Mushinski presented the aforementioned item and recommended approval as stated in the staff report.

Chair Edwards asked if there were any questions for staff.

Discussion followed on the location of other short-term rentals in the area.

Chair Edwards invited the applicant to speak.

Logan Parker elaborated on the of the request.

Commissioner Sonier returned to the dais at 7:08pm

Chair Edwards opened the public hearing and asked if anyone wished to speak.

The following individuals spoke in opposition of the request: Joe Finn, Danielle Vega, Rachel Motz, Kris Fuller, Austin Speed, Patricia Herring.

Chair Edwards closed the public hearing.

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

Discussion followed on the suitability of operating a short-term rental in the area.

Motion by Commissioner Chafin, seconded by Commissioner Nolte, to recommend denial to City Council regarding the proposed rezoning of 0.468 acres out of Oak Cliff Estates Subdivision, Grandview Addition, Lot 25 & Part of Lot 26, from R-3 (Multifamily District) to R-3 SUP (Multifamily District, with a Special Use Permit for Short-Term Rental of a Residence), currently addressed as 683 Floral Circle. Motion carried (8-0-0).

- G) WVR23-253 Discuss and consider waivers from Section 118-44(b) of the Subdivision Platting Ordinance to allow blocks 20 and 37 to exceed the block length maximum of 1,200 feet by 2,052 feet and 543 feet. (Applicant: Cude Engineers; Andrew Macias; Owner: Lennar Homes of Texas; Case Manager: Laure Middleton)**

Laure Middleton presented the aforementioned item and recommended denial as stated in the staff report.

Chair Edwards asked if there were any questions for staff.

Discussion followed on block length maximums, and the total number and average size of proposed lots.

Andy Lowry, with Cude Engineers, elaborated further on the request and stated he was unaware of staff's recommendation of denial.

Discussion followed on the intent of block length requirements, and speed control measures.

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

Motion by Commissioner Anderson-Vie, seconded by Vice-Chair Reaves, to deny waivers from Section 118-44(b) of the Subdivision Platting Ordinance to allow blocks 20 and 37 to exceed the block length maximum of 1,200 feet by 2,052 feet and 543 feet. Motion carried (8-0-0).

Chair Edwards left the dais at 7:30pm.

- H) WVR23-254 Discuss and consider waivers from Section 118-44(b) of the Subdivision Platting Ordinance to allow blocks 8, 11, and 29 to exceed the block length maximum of 1,200 feet by 1,198 feet, 60 feet, and 333 feet. (Applicant: Cude Engineers; Andrew Macias; Owner: Lennar Homes of Texas; Case Manager: Laure Middleton)**

Laure Middleton presented the aforementioned item and recommended denial as stated in the staff report.

Vice-Chair Reaves invited the applicant to speak.

Andy Lowry, with Cude Engineers, expressed confusion regarding staff's recommendation, and further discussed the intent of the design and stated the proposed street design met the intent of the block length requirements in code.

Discussion followed on speed control measures, street design, and communications efforts with staff and the applicant.

Chair Edwards returned to the dais at 7:33pm.

Chair Edwards discussed block length precedent and the purpose of block length maximums.

Discussion followed on alternate speed control measures that could be pursued and the possibility of bringing the requested waivers back before the Commission at a later date after further discussion with City staff.

Procedural discussion followed on the denial of the item 7(G) and if it could be brought back for discussion and if items 7(G), 7(H), and 7(I) could be withdrawn or postponed with a motion.

Motion by Commissioner Sonier, seconded by Vice-Chair Reaves, to bring item 7(G) back to the table for discussion. Motion carried (6-2-0) with opposition from Commissioner Allen and Commissioner Anderson-Vie.

- G) WVR23-253 Discuss and consider waivers from Section 118-44(b) of the Subdivision Platting Ordinance to allow blocks 20 and 37 to exceed the block length maximum of 1,200 feet by 2,052 feet and 543 feet. (Applicant: Cude Engineers; Andrew Macias; Owner: Lennar Homes of Texas; Case Manager: Laure Middleton)**

Andy Lowry, with Cude Engineers requested items 7(G), 7(H), and 7(I) be postponed to a later date for consideration.

Motion by Commissioner Sonier, seconded by Vice-Chair Reaves to accept the postponement request for items 7(G), 7(H), and 7(I) to be heard at a later date. Motion carried (8-0-0).

- J) Public hearing and recommendation to City Council regarding an amendment to Chapter 144 Zoning, Subsection 5.3-4, Additional residential buffering requirements. (Presented by Mary Lovell, CNU-A, Senior Planner)**

Mary Lovell presented the aforementioned item and recommended approval as stated in the staff report.

Chair Edwards asked if there were any questions for staff.

Discussion followed clarifying the item and on implication of the proposed amendment and the potential

effects.

Chair Edwards opened the public hearing and asked if anyone wished to speak.

No one spoke.

Chair Edwards closed the public hearing.

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

Discussion followed further clarifying the proposed amendment.

Christopher Looney provided additional context regarding the ordinances in question.

Motion by Commissioner Nolte, seconded by Commissioner Sonier, to recommend approval to City Council regarding an amendment to Chapter 144 Zoning, Subsection 5.3-4, Additional residential buffering requirements. Motion carried (6-2-0) with Commissioner Allen and Vice-Chair Reaves in opposition.

8. STAFF REPORT

Discussion about procedures for the range of zoning intensity as requested by Commissioner Reaves and presented by Christopher Looney.

Request by the Commission to be briefed in the future on relevant approved state house bills.

Discussion on finding ways to educate the public regarding land development adjacent to existing residential uses.

9. ADJOURNMENT

There being no further business, Chair Edwards adjourned the meeting at 8:16 pm.

Chair

Date