

**Planning Commission
Regular Meeting Minutes
September 2, 2020**

Members Present

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

Staff Present

Christopher J. Looney, Planning Director
Stacy Snell, Planning Manager
Frank Onion, Assistant City Attorney
Gary Ford, City Engineer/Assistant Public Works Director
Holly Mullins, Senior Planner
Matt Greene, Planner
Matthew Simmont, Planner
Sam Hunter, Planning Technician
Ylda Capriccioso, Park Development Manager

Members Absent

Shaun Gibson

1. The above meeting was called to order by Chair Edwards at 6:00 p.m.

2. ROLL CALL

Roll was called, and a quorum was declared.

3. APPROVAL OF MINUTES

Motion by Vice Chair Laskowski, seconded by Commissioner Meyer, to approve the regular meeting minutes of August 4th, 2020. Motion carried (8-0-0).

4. CITIZENS COMMUNICATION

Temporarily suspended.

5. CONSENT AGENDA

A) FP20-0147 Approval of the final plat for Veramendi Precinct 15A, Unit 3.20-587

Applicant: HMT Engineering & Surveying; Owner: Veramendi PE - Darwin, LLC

B) FP20-0146 Approval of the final plat for Veramendi Precinct 15A, Unit 4.20-588

Applicant: HMT Engineering & Surveying; Owner: Veramendi PE - Darwin, LLC

C) FP20-0148 Approval of the final plat for Veramendi Precinct 12A.20-598

Applicant: Pape-Dawson Engineers, Inc.; Owner: Veramendi PE - Darwin, LLC

Motion by Commissioner Sonier, seconded by Commissioner Meyer, to approve the consent agenda with staff recommendations. Motion carried (8-0-0).

6. ITEMS FOR CONSIDERATION

A) Public hearing and recommendation to City Council regarding the draft City of New Braunfels Hike & Bike Trail Plan – Update 2020

Mrs. Capriccioso presented the updates to the Hike & Bike Trail Plan and asked for a recommendation to City Council.

Chair Edwards asked if there were questions for staff.

Commissioner Sonier asked who builds an unbuilt trail.

Mrs. Capriccioso stated generally the city is responsible and adjusts any changes needed to meet any new subdivisions being built through any proposed trails.

Discussion followed.

Motion by Commissioner Reaves, seconded by Commissioner Mathis, to recommend approval to City Council regarding the draft City of New Braunfels Hike & Bike Trail Plan – Update 2020.

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 any further questions or a motion.

Commissioner Nolte asked if the plan is adaptable and things could be moved.

Mrs. Capriccioso stated the plans adjust for any new developments.

Discussion followed on funding for the trails when it comes to subdivision developments.

Commissioner Reaves asked if any amendments to the motion were included in the discussion.

Mr. Onion stated there were no proposed amendments.

Motion carried (8-0-0).

B) SUP20-0141 Public hearing and recommendation to City Council regarding the proposed rezoning to apply a Special Use Permit to allow an existing residence to operate as a bed and breakfast in the R-2 Single and Two-family district on Lot 6R, City Block 5007, addressed at 522/534 Cross River Street. Applicant/Owner: Nancy & Mark Goodin; Case Manager: Holly Mullins.

Ms. Mullins presented. Staff recommended approval with 5 conditions including the paving of the drive to the proposed bed and breakfast to maintain compliance with ordinance standards.

Ms. Mullins stated the applicant plans to limit occupancy to 10 occupants.

Commissioner Meyer stated he has had conversations with staff regarding the code deviation and asked why the applicant had not put the request to maintain the gravel driveway in writing.

Chair Edwards asked if there were any questions for staff.

Commissioner Reaves asked what the difference between a waiver and code deviation is.

Ms. Mullins stated waivers refer to deviations from code requirements only in the platting ordinance, and code deviation is the term used in the zoning ordinance associated with special use permits where deviations from city codes is authorized as part of the approval process.

Chair Edwards asked if the applicant would like to speak.

Nancy & Mark Goodin, 534 Cross River, stated the driveway request for a gravel driveway is due to the property's location near the river, and to accommodate the large oaks in the lot.

Mrs. Goodin addressed the opposition from property 3 due to noise on the river by stating they plan to limit the occupancy to 10 people and will have rules to regulate noise and any disruptive behavior on their property. Mr. Goodin stated they obtained 6 signatures from properties within 200 feet of the property in support of the request.

Commissioner Reaves asked what the material of the existing paved driveway is. Mr. Goodin stated it is asphalt.

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 any further questions or a motion.

Motion by Commissioner Sonier, seconded by Vice Chair Laskowski, to approve the proposed rezoning to apply a Special Use Permit to allow an existing residence to operate as a bed and breakfast in the R-2 Single and Two-family district on Lot 6R, City Block 5007, addressed at 522/534 Cross River Street with staff recommendations and maximum of 10 occupants.

Discussion followed regarding the motion.

Motion by Commissioner Reaves, seconded by Commissioner Tubb, to amend the original motion to require a paved apron on the existing gravel driveway as determined by the City Engineer.

Discussion followed on the motion for the amendment.

Motion for the amendment carried (6-2-0) with Vice Chair Laskowski and Commissioner Meyer opposed.

Chair Edwards read the amended motion, to approve the proposed rezoning to apply a Special Use Permit to allow an existing residence to operate as a bed and breakfast in the R-2 Single and Two-family district on Lot 6R, City Block 5007, addressed at 522/534 Cross River Street with staff recommendations, a maximum of 10 occupants and the requirement that a paved driveway apron be added to the existing gravel driveway as determined by the City Engineer. Motion carried (6-2-0) with Vice Chair Laskowski and Commissioner Meyer opposed.

C) SUP20-140 Public hearing and recommendation to City Council regarding the proposed rezoning to apply a Special Use Permit to allow the short term rental of a sing-family dwelling in the C-2 Central Business District, addressed at 212 E Zink St. Applicant/Owner: Kristen & William Goleman; Case Manager: Matthew Simmont

Mr. Simmont presented. Staff recommended approval with 4 conditions including the driveway be paved.

Mr. Simmont stated the applicant is requesting a code deviation to keep the crushed rock driveway in lieu of paving per code standards.

Chair Edwards asked if there were questions for staff.

Commissioner Reaves asked if the staff recommendations are all within code requirements and do not include a code deviation.

Mr. Simmont stated that was correct.

Commissioner Reaves asked if a motion for a paved driveway apron with approval from the City Engineer could be done similar to the previous motion.

Mr. Simmont indicated it could.

Commissioner Meyer stated the requirements for paving the driveway are in the code for a reason and applicants need to state the reasons for these code deviations in writing since they include major changes to the request.

Chair Edwards asked if the applicant would like to speak.

William Golemann, 212 E Zinc, apologized to Commissioner Meyer and acknowledged he should have put his request for the driveway deviation in writing.

Mr. Golemann stated the request for not paving the driveway is it is their opinion the crushed rock fits the character of other pathways on the property and the appearance of the crushed rock with the style of the older home.

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 any further questions or a motion.

Motion by Commissioner Sonier, seconded by Commissioner Reaves, to approve the proposed rezoning to apply a Special Use Permit to allow the short term rental of a sing-family dwelling in the C-2 Central Business District, addressed at 212 E Zink Street with staff recommendations and allow for a driveway apron with coordination with city engineers.

Commissioner Meyer indicated he disagreed with allowing for the driveway apron and crushed rock.

Commissioner Sonier stated the home is a historical property.

Discussion followed.

Mrs. Snell clarified the structure was built in 1870 but is not a local designated historical structure.

Discussion followed in regard to allowing the driveway to remain unpaved or requiring the driveway to be paved.

Commissioner Sonier stated he would like to withdraw his original motion.

Commissioner Reaves withdrew his second.

Motion by Commissioner Sonier, seconded by Vice Chair Laskowski, to approve the proposed rezoning to apply a Special Use Permit to allow the short term rental of a single-family dwelling in the C-2 Central Business District, addressed at 212 E Zink Street with staff recommendations including the requirement to pave the driveway. Motion carried (5-3-0) with Commissioners Tubb, Reaves, and Nolte in opposition.

D) SUP20-142 Public hearing and recommendation to City Council regarding the proposed rezoning to apply a Special Use Permit to allow the short term rental of a single-family dwelling in the “C-1” Local Business District addressed at 430 Landa Street. Owner/Applicant: Ken & Lisa Brucks; Case Manager: Matt Greene

Mr. Greene presented. Staff recommended approval with 3 conditions.

Commissioner Meyer asked for clarification on the Notice of Public Hearing Response Map.

Chair Edwards asked if there were questions for staff.

Commissioner Sonier asked if there are any deviations from code.

Mr. Greene stated there were no deviations included.

Discussion followed.

Chair Edwards asked if the applicant would like to speak.

Ken Brucks, 226 Glen Haven, stated the property is zoned C-1 but it was not a big enough lot to accommodate a commercial use, so they were considering a short term rental as an option.

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 any further questions or a motion.

Motion by Commissioner Reaves, seconded by Commissioner Sonier, to approve the proposed rezoning to apply a Special Use Permit to allow the short term rental of a single-family dwelling in the "C-1" Local Business District addressed at 430 Landa Street with staff recommendations. Motion carried (8-0-0).

E) PZ20-0139 Public hearing and recommendation to City Council regarding the proposed rezoning of approximately 44.022 acres located on the west side of FM 1044 generally situated between Green Valley Road and Weil Road to "R-3L" Multifamily Low-Density District upon completion of voluntary annexation. *Applicant: Killen, Griffin, & Farrimond (James Griffin, Attorney at Law); Case Manager: Matt Greene.*

Mr. Greene presented. Staff recommended approval and the zoning would go into effect upon approval of annexation October 12, 2020.

Chair Edwards asked if there were questions for staff.

Commissioner Meyer asked for clarification on the item.

Mr. Greene stated the commission is recommending the zoning of the parcel upon annexation.

Commissioner Meyer asked if the applicant will be back to Planning Commission in the platting process.

Mr. Greene stated this is correct.

Chair Edwards asked if the applicant would like to speak.

Emily Weissler, Killen, Griffin, & Farrimond, 100 NE Loop 410 Suite 650, stated they are requesting R-3L to create a condo regime with multiple single-family homes on one lot.

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 any further questions or a motion.

Motion by Vice Chair Laskowski, seconded by Commissioner Sonier, to approve the proposed rezoning of approximately 44.022 acres located on the west side of FM 1044 generally situated between Green Valley Road and Weil Road to "R-3L" Multifamily Low-Density District upon completion of voluntary annexation with staff recommendations. Motion carried (8-0-0).

7. STAFF REPORT

A) Transportation Update - Garry Ford, City Engineer/Assistant Public Works Director

Mr. Ford gave a general update on transportation in the City of New Braunfels including topics such as the City Bond Program, Roadway Impact Fee Program, Key TxDot Projects, Key Sidewalk Projects, New Braunfels Transit Study, Other Transportation Initiatives and an update on the Major Thoroughfare Plan Update.

Discussion followed.

8 ADJOURNMENT

There being no further business, Chair Edwards adjourned the meeting at 7:48 pm.

Chair

Date