

**Planning Commission  
Regular Meeting Minutes  
November 7, 2023**

**Members Present**

Chair Lee Edwards  
Vice Chair Ron Reaves  
Angela Allen  
Bernard Miedema  
Chad Nolte  
Jerry Sonier  
Cinderella Von Hach

**Members Absent**

Kurt Andersen-Vie  
Taylor Chafin

**Staff Present**

Gary Ford, Director of Transportation and Capital Improvements  
Christopher Looney, Director of Planning & Development Services  
Jean Drew, Assistant Director of Planning & Development Services  
Nathan Brown, Assistant City Attorney  
Matthew Simmont, Planning Manager  
Mary Lovell, Senior Planner  
Jessica Perry, Graduate Engineer  
Amanda Mushinski, Planner  
Colton Barker, Assistant Planner

**1. CALL TO ORDER**

The 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 Commissioner Sonier, seconded by Vice-Chair Reaves, to approve the Regular Meeting Minutes of October 4, 2023, as presented. Motion carried (7-0-0).

**4. CITIZENS COMMUNICATION**

Ken Pelata briefly spoke regarding item 7(F).

Chair Edwards stated that Citizens Communication was for items not on the meeting agenda and that further discussion on agenda items will be held during the hearing of that item.

**5. BRIEFINGS**

No items.

**6. CONSENT AGENDA**

- A) FP23-0359 Approval of the final plat establishing Veramendi Precinct 4, Unit 1, with conditions.**  
*(Applicant: Pape-Dawson Engineers; Jocelyn Perez, P.E.; Owner: ASA Properties; Garrett Mechler; Case Manager: Laure Middleton)*
- B) FP23-0360 Approval of the final plat establishing Veramendi Precinct 4, Unit 2, with conditions.**  
*(Applicant: Pape-Dawson Engineers; Jocelyn Perez, P.E.; Owner: ASA Properties; Garrett Mechler; Case Manager: Laure Middleton)*
- C) FP23-0362 Approval of the final plat establishing Veramendi Word Parkway, Phase 3, with conditions.**  
*(Applicant: Pape-Dawson Engineers; Todd Blackmon, P.E.; Owner: Veramendi PE-Darwin, LLC; Peter James; Case Manager: Laure Middleton)*
- D) FP23-0418 Approval of the final plat establishing South Point Subdivision, Unit 4, with conditions.**  
*(Applicant: HMT Engineering & Surveying; Dorothy Taylor, R.P.L.S.; Owner: KB Homes; Jason Townsley; Case Manager: Laure Middleton)*
- E) Approval of the Planning Commission 2024 Calendars for Zoning Applications and Plat Applications.**

Motion by Commissioner Sonier, seconded by Commissioner Miedema, to approve the consent agenda without item 6(E) and to move the item to Individual items for Consideration. Motion carried (6-0-0).

## **7. INDIVIDUAL ITEMS FOR CONSIDERATION**

Chair Edwards stated that any applicants who wished to postpone an item on the agenda to do so at this time.

Commissioner Allen arrived at 6:02pm.

James Ingalls requested item 7(G), PZ23-0352, to be postponed to the December 5, 2023 regular meeting.

Motion by Commissioner Sonier, seconded by Vice-Chair Reaves to accept postponement of PZ23-0352 Public hearing and recommendation to City Council regarding a proposed rezoning of approximately 86 acres out of the A.M. Esnaurizar Survey, Abstract 20, from APD (Agricultural/Pre-Development District with Airport Overlays) to R-3L (Multifamily Low Density District with Airport Overlays) and R-3H (Multifamily High Density District with Airport Overlays, currently addressed at 1280 Saengerhalle Road and 1682 Saur Lane, to the December 5, 2023 regular meeting. Motion carried (7-0-0).

### **6(E) Approval of the Planning Commission 2024 Calendars for Zoning Applications and Plat Applications.**

Motion by Vice-Chair Reaves, seconded by Commissioner Sonier to approve the Planning Commission 2024 Calendars for Zoning Applications and Plat Applications with corrections and considerations. Motion carried (7-0-0).

### **A) Public hearing and recommendation to City Council to amend the Parkway thoroughfare between FM 1863 and SH 46 in the City of New Braunfels Regional Transportation Plan. (Presented by Garry Ford, Transportation and Capital Improvements Director)**

Gary Ford presented the above mentioned item with the aid of a PowerPoint and recommended approval as stated in the staff report.

Tom Hornseth, Comal County Engineer, further elaborated on the item and stated they were present for questions.

Discussion followed on the proposed realignment.

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

The following individuals spoke on the request: John Turcotte, Clifford Dietz, Brian Dietz, Pam Timmermann, and Josh Majors.

Chair Edwards closed the public hearing.

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

Discussion followed on the proposed realignment and contributing factors.

Motion by Vice-Chair Reaves, seconded by Commissioner Nolte, to move the item forward to City Council with no recommendation. Motion carried (7-0-0).

Chair Edwards called for a brief recess at 6:50pm.

Chair Edwards called the meeting back to order at 6:56pm.

### **B) Public hearing and recommendation to City Council regarding amendments to Chapter 118 Subdivision Platting, Section 46 Streets, Subsection y, Traffic Impact Analysis. (Presented by Garry Ford, Transportation and Capital Improvements Director)**

*Ford, Transportation and Capital Improvements Director)*

Gary Ford presented the above mentioned item with the aid of a PowerPoint and recommended approval as stated in the staff report.

Edwards asked if there were any questions for staff.

Discussion followed on traffic impact analysis requirements, triggers, costs, and review times.

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 Sonier, seconded by Commissioner Miedema, to move the item forward to City Council with no recommendation. Motion carried (7-0-0).

- C) SUP23-380 Public hearing and recommendation to City Council to rezone approximately 0.153 acres out of City Block 1001, South 70 feet of Lot 124 (B) from C-2 HD (General Business District with Historic District Overlay) to C-2 HD SUP (General Business District with Historic District Overlay and a Special Use Permit for Short-Term Rental of a Residence), currently addressed as 147 South Academy Avenue. (Applicant/Owner: McDaniel Properties, LLC, Sarah McDaniel; Case Manager: Amanda Mushinski, Planner, Planning and Development Services)**

Amanda Mushinski presented the aforementioned item and recommended approval with conditions 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.

Sarah McDaniel, 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 Sonier, seconded by Commissioner Allen, to recommend approval to City Council regarding the proposed rezoning of approximately 0.153 acres out of City Block 1001, South 70 feet of Lot 124 (B) from C-2 HD (General Business District with Historic District Overlay) to C-2 HD SUP (General Business District with Historic District Overlay and a Special Use Permit for Short-Term Rental of a Residence), currently addressed as 147 South Academy Avenue. Motion carried (7-0-0).

- D) PZ23-0395 Public hearing and recommendation to City Council to rezone approximately 10.094 acres out of Orilla Russell Survey, Section 2, Abstract 485 from APD (Agricultural/Pre-Development District with Airport Overlay) to C-1B (General Business District with Airport Overlay), located east of the intersection of FM 1102 and Orion Drive. (Applicant: James Ingalls, P.E.; Case Manager: Mary Lovell, CNU-A, Senior Planner, Planning and Development Services)**

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.

No one spoke.

Chair Edwards invited the applicant to speak.

James Ingalls, elaborated on the request.

Discussion followed on public improvement requirements.

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 Vice-Chair Reaves, seconded by Commissioner Miedema, to recommend approval to City Council regarding the proposed rezoning of approximately 10.094 acres out of Orilla Russell Survey, Section 2, Abstract 485 from APD (Agricultural/Pre-Development District with Airport Overlay) to C-1B (General Business District with Airport Overlay), located east of the intersection of FM 1102 and Orion Drive. Motion carried (7-0-0).

**E) PZ23-0394 Public hearing and recommendation to City Council to rezone approximately 13 acres out of A. M. Esnaurizar Survey, Abstract 20, from APD AH (Agricultural/Predevelopment District with Airport Overlay) to C-1A AH (Neighborhood Business District with Airport Overlay), currently addressed at 1807 FM 758. (Applicant: Vasquez Engineering, LLC, Juan Vasquez; Owner: Owner: Mary Jane Heinen; Case Manager: Amanda Mushinski, Planner, Planning and Development Services)**

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.

Commissioner Reaves asked for clarification on the opposition to the request.

Mushinski clarified.

Chair Edwards invited the applicant to speak.

Juan Vasquez, elaborated on the request and stated present for any questions.

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 Sonier, seconded by Commissioner Nolte, to recommend approval to City Council regarding the proposed rezoning of approximately 13 acres out of A. M. Esnaurizar Survey, Abstract 20, from APD AH (Agricultural/Predevelopment District with Airport Overlay) to C-1A AH (Neighborhood Business District with Airport Overlay), currently addressed at 1807 FM 758. Motion carried (7-0-0).

- F) **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 from C-1Br37 AH (General Business District with Restrictions, Airport Overlay) to C-1Br37 SUP AH (General Business District with Restrictions, Airport Overlay, with a Special Use Permit for an Assembly Hall/Area with Outside Music), 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, CNU-A, Senior Planner, Planning and Development Services)*

Mary Lovell presented the aforementioned item and recommended approval with conditions 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.

Keaton Lain elaborated on the request and made a presentation.

Discussion followed on fencing and how the proposed establishment will operate.

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

The following individuals spoke in opposition of the request: Paul Williams, Ken Pelata, John Cranford, Roxanna Pelata, Ann Cranford, Melissa Snow, and Jody Drastata.

The following individuals spoke in favor of the request: Emily Cummings and Brett Berry.

Discussion followed on the operation of Armadillo Den in Austin, fencing, music and sound, zoning district restrictions,

Chair Edwards closed the public hearing.

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

Discussion followed on the location and impact of the proposed development on the surrounding area.

Motion by Commissioner Sonier, seconded by Vice-Chair Reaves, to recommend denial to City Council regarding the proposed rezoning of 3.058 acres out of the A.P. Fuquay Survey No. 35, Abstract No. 155 from C-1Br37 AH (General Business District with Restrictions, Airport Overlay) to C-1Br37 SUP AH (General Business District with Restrictions, Airport Overlay, with a Special Use Permit for an Assembly Hall/Area with Outside Music), located northwest of Hunter Road, between Old FM 306 and FM 306. Motion carried (7-0-0).

- H) **ORD23-405 Public hearing and recommendation to City Council on amendments to the City's Code of Ordinances in Chapter 144 Zoning, Section 1.4, Definitions and 5.3-4, Additional residential buffering requirements.** *(Presented by Mary Lovell, CNU-A, Senior Planner, Planning and Development Services)*

Mary Lovell presented the above mentioned item.

Chair Edwards asked if there were any questions for staff.

Discussion and clarification followed on the proposed code amendments

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

The following individuals spoke on the request: David Drastata and Melissa Snow.

Discussion followed clarifying the proposed code amendments.

Chair Edwards closed the public hearing.

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

Discussion followed on the proposed code amendments, land use, zoning and commercial development.

Motion by Commissioner Sonier, seconded by Vice-Chair Reaves, to move the item forward to City Council with no recommendation. Motion carried (7-0-0).

Commissioner Sonier left the dais at 8:44pm.

- I) **ORD23-441 Public hearing and recommendation to City Council regarding amendments to Chapter 118 Subdivision Platting, Sections 2 Definitions, 11 Waiver, 13 Appeal for relief from apportionment of municipal infrastructure costs, 15 Right to deny, 21 General Procedures, 22 Subdivision master plan, 23 Preliminary plat, 24 Form and contents, 26 Processing of preliminary plat, 28 Filing and fees, 30 Certificates and statements, 32, Processing of final plat, 34 Replatting, 35 Amending plats, 36 Minor plats, 37 Development plats, 38 Guarantee of performance; inspection and acceptance of public improvements, licensing, 39 Deferral of required improvements, 40 Recordation, 43 Generally, 44 Blocks, 45 Lots, 46 Streets, 49 Sidewalks, 50 Off-street bikeways and trails, 51 Water, sewer and drainage facilities: flood hazards, 52 Escrow policies and procedures.** *(Presented by Jean M Drew, AICP, CNU-A, Planning and Development Services Assistant Director)*

Jean Drew presented the above mentioned item and recommended approval as stated in the staff report.

Chair Edwards asked if there were any questions for staff.

Commissioner Sonier returned to the dais at 8:48pm.

Discussion followed on the impact the proposed changes would have on the role of the Planning Commission in making decisions, public input, and how the changes would affect efficiency of City processes.

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 on the proposed changes.

Motion by Commissioner Nolte, seconded by Commissioner Sonier, to recommend approval to City Council regarding amendments to Chapter 118 Subdivision Platting, Sections 2 Definitions, 11 Waiver, 13 Appeal for relief from apportionment of municipal infrastructure costs, 15 Right to deny, 21 General Procedures, 22 Subdivision master plan, 23 Preliminary plat, 24 Form and contents, 26 Processing of preliminary plat, 28 Filing and fees, 30 Certificates and statements, 32, Processing of final plat, 34 Replatting, 35 Amending plats, 36 Minor plats, 37 Development plats, 38 Guarantee of performance; inspection and acceptance of public improvements, licensing, 39 Deferral of required improvements, 40 Recordation, 43 Generally, 44 Blocks, 45 Lots, 46 Streets, 49 Sidewalks, 50 Off-street bikeways and trails, 51 Water, sewer and drainage facilities: flood hazards, 52 Escrow policies and procedures, with the exception that the decision making body be changed from the City to the Planning and Development Services Department and to include all other staff recommendations. Motion carried (7-0-0).

- J) **ORD23-440 Public hearing and recommendation to City Council regarding amendments to Chapter**

**144 Zoning, Section 3.3 Zoning districts and regulations for property zoned prior to June 22, 1987, 3.4 Zoning districts and regulations for property zoned subsequent to June 22, 1987, 4.2 Land use matrix, 5.1 Parking, loading, stacking and vehicular circulation.** *(Presented by Jean M Drew, AICP, CNU-A, Planning and Development Services Assistant Director)*

Jean Drew presented the above mentioned 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 opened the public hearing and asked if anyone wished to speak.

Discussion followed on parking requirements, duplex requirements, and the intent of the proposed changes.

Chair Edwards closed the public hearing.

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

Motion by Commissioner Sonier, seconded by Commissioner Miedema, to recommend approval to City Council regarding amendments to Chapter 144 Zoning, Section 3.3 Zoning districts and regulations for property zoned prior to June 22, 1987, 3.4 Zoning districts and regulations for property zoned subsequent to June 22, 1987, 4.2 Land use matrix, 5.1 Parking, loading, stacking and vehicular circulation. Motion carried (7-0-0).

**K) ORD23-442 Public hearing and recommendation to City Council regarding amendments to Chapter 106, Signs, Chapter 98, Planning, Chapter 144, Zoning, and Appendix D, fees, all regarding the duties and name of the Zoning Board of Adjustment.** *(Presented by Jean M Drew, AICP, CNU-A, Planning and Development Services Assistant Director)*

Jean Drew presented the above mentioned 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 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 Sonier, seconded by Vice-Chair Reaves, to recommend approval to City Council regarding amendments to Chapter 106, Signs, Chapter 98, Planning, Chapter 144, Zoning, and Appendix D, fees, all regarding the duties and name of the Zoning Board of Adjustment. Motion carried (7-0-0).

**8. STAFF REPORT**

No items.

**9. ADJOURNMENT**

There being no further business, Chair Edwards adjourned the meeting at 9:21pm.

**Chair**

**Date**