

**Planning Commission
Regular Meeting Minutes
December 7, 2021**

Members Present

Vice Chair, Stanley Laskowski
Ron Reaves
Jerry Sonier
Creighton Tubb
Kurt Andersen-Vie
Shaun Gibson
Chad Nolte

Staff Present

Nathan Brown, Assistant City Attorney
Stacy Snell, Planning Manager
Jean Drew, Assistant Director of Planning and Development Services
Matthew Simmont, Senior Planner
Matt Greene, Senior Planner
Maddison O'Kelley, Planner
Colton Barker, Planning Technician

Members Absent

Chair, Lee Edwards
John Mathis

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

2. ROLL CALL

Roll was called at 6:00pm, and a quorum was declared.

3. APPROVAL OF MINUTES

Motion by Commissioner Gibson, seconded by Commissioner Sonier, to approve the regular meeting minutes of November 2, 2021 as presented. Motion carried (7-0-0).

4. CITIZENS COMMUNICATION

None.

5. CONSENT AGENDA

A) PP21-0407 Approval of the Preliminary Plat for Sunsets at Barbarosa Unit 1 with conditions.

Applicant: INK Civil; James Ingalls, P.E.

Owner: Jack Scanio

B) FP21-0409 Approval of the final plat for Veramendi Oak Run Parkway, Phase 3 with conditions.

Applicant: Pape-Dawson Engineers; Todd Blackmon, P.E.

Owner: Veramendi PE-Darwin, LLC; Peter James

Motion by Commissioner Sonier seconded by Commissioner Nolte, to approve the consent agenda with staff recommendations. Motion carried (7-0-0).

6. INDIVIDUAL ITEMS FOR CONSIDERATION

A) CS21-0391 Discuss and consider a recommendation to City Council regarding the proposed abandonment of a 0.114-acre portion of Elizabeth Avenue Right-of-Way, located at the northern intersection of Edgewater Terrace and the terminus of Elizabeth Avenue. Applicant: Charles Wiggins; Agent: Steve Taylor; Case Manager: Matt Greene.

Mr. Greene presented, and recommended approval as stated in staff report.

Vice Chair Laskowski asked if there were any questions for staff.

Vice Chair Laskowski asked if the applicant would like to speak.

Steve Taylor stated he is present to answer any questions.

Vice Chair Laskowski opened the public hearing and asked if anyone wished to speak in favor.

No one spoke.

Vice Chair Laskowski asked if anyone wanted to speak in opposition.

Tim Davis stated opposition citing concerns of the value of the property.

Seth Reichenau stated opposition citing public access to Comal Spring located on property.

Commissioner Andersen-Vie asked if there is only one estimate on the property.

Discussion followed on the appraisal, right-of-way abandonment process, and public access to river.

Vice Chair Laskowski closed the public hearing.

Vice Chair Laskowski asked if there were any further questions or a motion.

Motion by Commissioner Sonier, seconded by Commissioner Nolte, to recommend approval to City Council of the proposed abandonment of a 0.114-acre portion of Elizabeth Avenue Right-of-Way, located at the northern intersection of Edgewater Terrace and the terminus of Elizabeth Avenue. Motion carried (7-0-0).

B) PZ21-0382 Public hearing and recommendation to City Council regarding the proposed rezoning of Approximately 2.3 acres out of the H. Foster Survey No. 34, Abstract No. 154, Comal County, Texas, addressed at 948 Broadway from “M-2” Heavy Industrial District to “R-1A-6.6” Single Family District. *(Applicant: HMT Engineering & Surveying (Bill Ball, P.E.); Owner: Robert Culpepper; Case Manager: Matt Greene)*

Mr. Greene presented and recommended approval.

Vice Chair Laskowski asked if there were any questions for staff.

Vice Chair Laskowski asked if the applicant would like to speak.

Bill Ball, HMT, stated the rezoning request should increase conformity with the surrounding properties.

Vice Chair Laskowski opened the public hearing and asked if anyone would like to speak in favor.

No one spoke.

Vice Chair Laskowski asked if anyone would like to speak in opposition.

Seth Reichenau stated he is not opposed to the rezoning but is opposed to the proposed density and lot widths since Broadway is a rural road.

Discussion followed on minimum lot width zoning and platting requirements.

Motion by Commissioner Gibson, seconded by Commissioner Andersen-Vie to recommend approval to City Council regarding the proposed rezoning of Approximately 2.3 acres out of the H. Foster Survey No. 34, Abstract No. 154, Comal County, Texas, addressed at 948 Broadway from "M-2" Heavy Industrial District to "R-1A-6.6" Single Family District. Motion carried (6-1-0) with Commissioner Tubb in opposition.

C) PZ21-0352 Public hearing and recommendation to City Council regarding the proposed rezoning of approximately 28.868 acres from "M-2" Heavy Industrial District to "MU-B" High Intensity Mixed-Use District, consisting of approximately a 14-acre tract of land, a 12-acre tract of land and a 0.74-acre tract of land out of the A.M. Esnaurizar Eleven League Grant, Survey No. 1, Abstract No. 1, Comal County, Texas, Lots 1-9, Block 1, Milltown Subdivision, Lots 1, 2, 5 and 6, Block 2, Milltown Subdivision and Lot 1, River Mill Power House and Dam Subdivision. The approximately 29 acres is addressed as or located at 601 Rusk St., 555 Porter St., 477 E. Faust St., the northeast corner of Rusk St. and Church Hill Dr., east side of Porter St. between Rusk St. and Consolidated, the southwest corner of Porter St. and Consolidated, and the northeast corner of Porter St. and McKenna Avenue. (Applicant/Owner: DRT-PMP Land LLC (Don Thomas); Case Manager: Matt Greene)

Mr. Greene presented and recommended approval.

Commissioner Andersen-Vie asked to see previous slides in the staff presentation.

Vice Chair Laskowski asked if there were any questions for staff.

Vice Chair Laskowski asked if the applicant would like to speak.

Bill Daniel elaborated on the intent behind the request.

Vice Chair Laskowski opened the public hearing and asked if anyone would like to speak in favor.

Pat Wiggins stated he is in favor of the request.

Vice Chair Laskowski asked if anyone would like to speak in opposition.

Tim Davis stated he is in favor of development but cited concerns over the developer selling the property and concerns over no public park properties existing in the area and no public access.

Vice Chair asked if there was any further discussion or a motion.

Motion by Commissioner Reaves, seconded by Commissioner Sonier, to recommend approval to City Council regarding the proposed rezoning of approximately 28.868 acres from "M-2" Heavy Industrial District to "MU-B" High Intensity Mixed-Use District, consisting of approximately a 14-acre tract of land, a 12-acre tract of land and a 0.74-acre tract of land out of the A.M. Esnaurizar Eleven League Grant, Survey No. 1, Abstract No. 1, Comal County, Texas, Lots 1-9, Block 1, Milltown Subdivision, Lots 1, 2, 5 and 6, Block 2, Milltown Subdivision and Lot 1, River Mill Power House and Dam Subdivision. The approximately 29 acres is addressed as or located at 601 Rusk St., 555 Porter St., 477 E. Faust St., the northeast corner of Rusk St. and Church Hill Dr., east side of Porter St. between Rusk St. and Consolidated, the southwest corner of Porter St. and Consolidated, and the northeast corner of Porter St. and McKenna Avenue. Motion carried (7-0-0).

D) SUP21-383 Public hearing and recommendation to City Council regarding a proposed rezoning of approximately 27.4 acres, addressed at 2725, 2753 and 2793 Goodwin Lane, from “M-1A” Light Industrial District and “APD” Agricultural/Pre-Development District to “C-1A” Neighborhood Business District with a Special Use Permit to allow the development of multiple dwelling units in a townhouse style configuration. *Applicant: Keystone National Group, Inc., Agent: Josh Neil; Owners: Mary Ann & Larry Lehmann and LaVaine & Barbara Kester; Case Manager: Matthew Simmont.*

Mr. Simmont presented and recommended approval with conditions as listed in the staff report.

Vice Chair Laskowski asked if there were any questions for staff.

Discussion followed on surrounding development.

Vice Chair Laskowski asked if the applicant would like to speak.

Josh Neil and Jordan Schaffer clarified intent behind the proposed development and addressed the timeframe associated with the project. Stated they are present to answer any questions.

Vice Chair Laskowski opened the public hearing and asked if anyone wished to speak in favor.

No one spoke.

Vice Chair Laskowski asked if anyone wanted to speak in opposition.

Donald Featherston stated he is in opposition to the request citing concerns over development timeframe, multifamily, and traffic.

David Gonzales stated he is in opposition to the request citing concerns in line with the previous speaker.

Discussion followed.

Tim Davis stated he is in opposition to the request citing concerns in line with the previous speaker.

Discussion followed.

Vicki Houston stated opposition to the request citing concerns in line with the previous speaker and stated concerns regarding existing infrastructure.

Jasen Jorgensen stated opposition to the request citing concerns in line with the previous speaker.

Vice Chair Laskowski closed the public hearing.

Vice Chair Laskowski asked if there were any further questions or a motion.

Discussion followed regarding implications of current and proposed zoning.

Motion by Commissioner Sonier, seconded by Commissioner Nolte, to recommend approval to City Council of the proposed rezoning of approximately 27.4 acres, addressed at 2725, 2753 and 2793 Goodwin Lane, from “M-1A” Light Industrial District and “APD” Agricultural/Pre-Development District to “C-1A” Neighborhood Business District with a Special Use Permit to allow the development of multiple dwelling units in a townhouse style configuration. Motion carried (5-2-0) with Commissioner Tubb and Vice Chair Laskowski in opposition.

E) WVR21-398 Discuss and consider a waiver request from Section 118-49 of the Subdivision Platting Ordinance to not require construction of a sidewalk along FM 1044 for the El Real La Laja

Subdivision. *Applicant: Urban Civil (Brian Mendez) Owner: Jose A. Munoz*

Ms. O'Kelley presented and stated staff is opposed to the request.

Discussion followed on the rationale behind the staff recommendation for no escrow outside of City Limits and TxDOT.

Vice Chair Laskowski asked if there were any further questions for staff.

Vice Chair Laskowski asked if the applicant would like to speak.

Brian Mendez, Urban Civil, stated they are present and available for questions as well as elaborated on the intent behind the request.

Discussion followed on frontage measurements.

Vice Chair Laskowski opened for public comment and asked if anyone wished to speak in favor or opposition.

No one spoke.

Vice Chair Laskowski asked if there were any further questions or a motion.

Discussion followed regarding the necessity of sidewalks on subject property.

Motion by Commissioner Sonier, seconded by Vice Chair Laskowski, to deny the proposed waiver request from Section 118-49 of the Subdivision Platting Ordinance to not require construction of a sidewalk along FM 1044 for the El Real La Laja Subdivision. Motion failed (3-4-0). Motion was opposed by Commissioner Nolte, Commissioner Gibson, Commissioner Tubb, Commissioner Reaves.

Motion by Commissioner Gibson, seconded by Commissioner Nolte, to approve the proposed waiver request from Section 118-49 of the Subdivision Platting Ordinance to not require construction of a sidewalk along FM 1044 for the El Real La Laja Subdivision Motion failed (3-4-0). Motion was opposed by Commissioner Reaves, Commissioner Anderson-Vie, Commissioner Sonier, and Vice Chair Laskowski.

Motion by Commissioner Nolte, seconded by Commissioner Sonier, to require the developer escrow the estimated amount for the cost of construction of a 6-foot-wide sidewalk to be completed at a later date. Motion carried (7-0-0).

F) WVR21-400 Discuss and consider a waiver to Section 118-44(b) to allow block length to exceed 1,200 feet for a block along Carlotta Drive within the proposed Park Place, Unit 1A Subdivision.

Applicant: HMT Engineering & Surveying (Bill Ball, P.E.) Owner: Fred Heimer.

Mr. Greene presented and recommended approval.

Vice Chair Laskowski asked if there were any questions for staff.

Discussion followed on previously approved conditions for approval for the master plan.

Vice Chair Laskowski asked if the applicant would like to speak.

Bill Ball, HMT Engineering, elaborated on the intent behind the request.

Discussion followed on potential future code revisions for block length.

Vice Chair Laskowski opened for public comment and asked if anyone wished to speak in favor or opposition.

No one spoke.

Vice Chair Laskowski asked if there was any further discussion or a motion.

Motion by Commissioner Reaves, seconded by Commissioner Sonier, to approve the proposed waiver to Section 118-44(b) to allow block length to exceed 1,200 feet for a block along Carlotta Drive within the proposed Park Place, Unit 1A Subdivision with staff recommendation. Motion carried (7-0-0).

G) WVR21-401, WVR21-402 and WVR21-403 Discuss and consider waivers to Section 118-51(g) to allow an island subdivision surrounded by the 100-year floodplain; Section 118-51(f)(3)b to not designate the floodway as a drainage easement; and Section 118-45(b) to not require lot frontage to a public street, for the proposed replat of Lot 19R, Block 14, Long Creek Subdivision, Phase 2C. Applicant: MBC Engineers (Robert Copeland Jr.) Owner: James Japhet.

Mr. Greene presented and stated staff recommends denial of all three waivers.

Discussion followed on original plat dates and ETJ base flood elevation.

Vice Chair Laskowski asked if the applicant would like to speak.

James Japhet elaborated on the intent behind the request.

Discussion followed on flooding, potential mitigation steps, access easement, tabling the request until a flood study was completed.

Vice Chair Laskowski opened for public comment and asked if anyone wished to speak in favor or opposition.

No one spoke.

Vice Chair Laskowski asked if there was any further discussion or a motion.

Discussion followed on access and flood safety.

Motion by Commissioner Reaves motioned, seconded by Commissioner Sonier to indefinitely postpone the proposed waivers to Section 118-51(g) to allow an island subdivision surrounded by the 100-year floodplain; Section 118-51(f)(3)b to not designate the floodway as a drainage easement; and Section 118-45(b) to not require lot frontage to a public street, for the proposed replat of Lot 19R, Block 14, Long Creek Subdivision, Phase 2C. Motion carried (7-0-0).

8. STAFF REPORT

Mrs. Snell introduced new Planning Technician, Colton Barker.

9. ADJOURNMENT

There being no further business, Vice Chair Laskowski adjourned the meeting at 7:52 pm.


Chair


Date