

**Planning Commission
Regular Meeting Minutes
July 5, 2022**

Members Present

Chair Lee Edwards
Ron Reaves
Chad Nolte
Jerry Sonier
Creighton Tubb
Kurt Andersen-Vie
Taylor Chafin
Bernard Miedema

Members Absent

Angela Allen

Staff Present

Garry Ford, Director of Transportation and
Capital Improvements
Jean Drew, Assistant Director of Planning and
Development Services
Frank Onion, Assistant City Attorney
Stacy Snell, Planning Manager
Matthew Simmont, Senior Planner
Maddison O'Kelley, Planner
Laure Middleton, Planner
Kaitlyn Buck, Assistant Planner
Colton Barker, Assistant Planner

1. CALL TO ORDER

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 Commissioner Sonier, seconded by Commissioner Anderson-Vie, to approve the Regular Meeting Minutes of June 7, 2022 as presented. Motion carried (8-0-0).

4. CITIZENS COMMUNICATION

No one spoke.

5. BRIEFINGS

No items.

6. CONSENT AGENDA

- A) FP22-0236 Approval of a final plat establishing Park Place Unit 1A, with conditions.** (*Applicant: INK Civil; James Ingalls, P.E.; Owner: M/I Homes of San Antonio, LLC (Walter Greer); Case Manager: Matthew Simmont*)
- B) FP22-0231 Approval of a final plat establishing Maldonado Subdivision, Unit 4, with conditions.** (*Applicant: INK Civil; James Ingalls, P.E.; Owner: Mathom, LTD.; Todd Burek; Case Manager: Matthew Simmont*)
- C) FP22-0235 Approval of a final plat establishing Hilltop Meadows, Unit 1, with conditions.** (*Applicant: HMT Engineering; William Ball, P.E.; Owner: Lennar Homes; Richard Mott; Case Manager: Matthew Simmont*)
- D) FP22-0237 Approval of a final plat establishing Park Place Unit 1B, with conditions.** (*Applicant: INK Civil; James Ingalls, P.E.; Owner: M/I Homes of San Antonio, LLC (Walter Greer); Case Manager: Matthew Simmont*)
- E) FP22-0229 Approval of a final plat establishing Steelwood Trail, Unit 5, with conditions.** (*Applicant: Pape Dawson; Todd Blackmon, P.E.; Owner: Lennar Homes; Richard Mott; Case Manager: Matthew Simmont*)
- F) FP22-0240 Approval of a final plat establishing Winding Creek Ranch, Unit 1, with conditions.**

(Applicant: HMT Engineering & Surveying; Chris Van Heerde, P.E.; Owner: Continental Homes of Texas. LP; Leslie Ostrander; Case Manager: Matthew Simmont)

- G) FP22-0238 Approval of a final plat establishing Park Place Subdivision, Unit 5A, with conditions.**
(Applicant: HMT Engineering; William B. Ball, P.E.; Owner: M/I Homes; David A. McGowan; Case Manager: Matthew Simmont)
- H) FP22-0234 Approval of a final plat establishing Highland Gardens, Unit 2, with conditions.**
(Applicant: INK Civil; James Ingalls, P.E.; Owner: Stephen Lieux; Case Manager: Matthew Simmont)
- I) FP22-0233 Approval of a final plat establishing Highland Gardens, Unit 1A, with conditions.**
(Applicant: INK Civil; James Ingalls, P.E.; Owner: Stephen Lieux; Case Manager: Matthew Simmont)
- J) FP22-0232 Approval of a final plat establishing Comal ISD 52-Acre Tract, with conditions.**
(Applicant: Pape-Dawson Engineers; Jason Diamond, P.E.; Owner: Comal Independent School District; Jeffrey B Smith; Case Manager: Matthew Simmont)
- K) FP22-0225 Approval of a final plat establishing Saengerhalle Meadows, Unit 2, with conditions.**
(Applicant: Pape Dawson (Todd Blackmon, P.E.); Owner: DR Horton (Mike Bohm); Case Manager: Matthew Simmont)
- L) FP22-0226 Approval of a final plat establishing Saengerhalle Meadows, Unit 3, with conditions.**
(Applicant: Pape Dawson (Todd Blackmon, P.E.); Owner: DR Horton (Mike Bohm); Case Manager: Matthew Simmont)
- M) FP22-0228 Approval of a final plat establishing Steelwood Trail, Unit 3, with conditions.**
(Applicant: Pape Dawson; Todd Blackmon, P.E.; Owner: Lennar Homes; Richard Mott; Case Manager: Matthew Simmont)
- N) FP22-0239 Approval of a final plat establishing Town Creek, Unit 4, with conditions.** *(Applicant: HMT Engineering & Surveying; Chris Van Heerde, P.E.; Owner: TC Town Creek, LP; David Wolters; Case Manager: Matthew Simmont)*

The Commission adjourned into executive session at 6:06pm and returned to the dais at 6:41pm.

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

7. INDIVIDUAL ITEMS FOR CONSIDERATION

- B) SUP22-221 Public hearing and recommendation to City Council regarding a proposed rezoning from “R-2” Single-Family and Two-Family District to “C-1A” Neighborhood Commercial District with a Special Use Permit to allow the addition of coffee roasting use and related warehousing with a coffee shop on approximately 0.85 of an acre of the Resubdivision plat of Lots 12A-12F, Block H, Cypress Rapids at Gruene Section 1, Lot 12E, addressed at 1720 Hunter Road.**
(Applicants: Gruene Coffee Haus (Rick Shuck); Owner: Larry Lehr; Case Manager: Maddison O’Kelley)

Chair Edwards stated that the applicant has requested a postponement and invited them to speak.

Larry Lehr, 39 Stonecrest Circle, requested a postponement of the item until the August 2nd Regular Planning Commission meeting.

Motion by Commissioner Sonier, seconded by Commissioner Nolte, to postpone the proposed rezoning from “R-2” Single-Family and Two-Family District to “C-1A” Neighborhood Commercial District with a Special Use Permit to allow the addition of coffee roasting use and related warehousing with a coffee shop on approximately 0.85 of an acre of the Resubdivision plat of Lots 12A-12F, Block H, Cypress Rapids at Gruene Section 1, Lot 12E, addressed at 1720 Hunter Road this item until the August 2nd Planning Commission Meeting. Motion carried (8-0-0).

- A) SUP22-217 Public hearing and recommendation to City Council regarding the proposed rezoning to apply a Special Use Permit in “R-2” Single-family and Two-family District to allow a resort property with related development standards on approximately 19.96 acres of Ingram Acres Subdivision, Lot 2B addressed at 1251 Sleepy Hollow Lane.** *(Applicant: Schumann Consulting; TJ Grossi; Owner: Zero Rivers; Case Manager: Laure Middleton)*

Mrs. Middleton presented and recommended approval with conditions as stated in staff report.

Chair Edwards invited the applicant to speak.

TJ Grossi, 1301 Amanda, elaborated on the type 1 SUP request, and clarified the proposed development was intended to be a resort condominium style development with cabins, cottages, condominiums, and RVs, and discussed the proposed design of these structures. Mr. Grossi then discussed the proposed conditions for approval and development standards.

Discussion followed on communication efforts with neighbors, the location of the proposed RV park, and efforts to work with city staff on the conditions of approval and development standards prior to going before City Council.

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

Scott Retzloff, 1368 Sleepy Hollow, spoke in opposition citing concerns for large portions of the subject property that lie within the floodway, stating that significant development there could put neighbors at risk in the event of a flood. Mr. Retzloff stated the Planning Commission meeting was the first time he heard about the placement of any buildings and emphasized that no specifics had been provided to the neighbors or the City yet despite requests made by the residents. Mr. Retzloff then discussed efforts by the applicant to communicate with residents and efforts made by the City to mitigate the potential for severe damage as a result of flooding by purchasing a number of properties in the floodway. Mr. Retzloff then stated that this request should be made as a type 2 SUP with more specifics provided.

Commissioner Sonier left the dais at 7:12pm.

Ted Meadows, 1330 Sleepy Hollow Ln, stated that the protections offered by a type 2 SUP were what was originally desired as a neighbor of the subject property and discussed past severe flooding events in the area and the potential for severe damage as a result of flash floods. Mr. Meadows spoke in opposition citing concerns in line with the previous speaker.

Sonier returned to the dais at 7:17pm.

Thomas Meadows, 1330 Sleepy Hollow Ln, spoke in opposition citing concerns in line with the previous speakers, and discussed a history of family owning property, intense flooding events, and requested that nothing be built across from Sleepy Hollow that would put residents or visitors in harm's way.

Shane Wolf, 1405 Gruene Rd, stated his business Rockin' R has invested in early warning detection systems since a high-water event in 2010 that have helped to quickly move things off his property and out of the floodway. Mr. Wolf also stated water could be deterred into the large pond located on the subject property and further discussed efforts to work with neighbors to mitigate any negative impacts.

Chair Edwards closed the public hearing.

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

Discussion followed on the conditions proposed for approval of the type 1 SUP included in the staff report, including outdoor fires and hours for large outdoor activities.

Commissioner Miedema, stated he held no objection to the usage of the land, but rather with the placement of permanent structures there and specified that they present a significant potential for damage in the event of a flood.

Motion by Commissioner Sonier, seconded by Commissioner Reaves, to accept the proposed rezoning to apply a Type 1 Special Use Permit in "R-2" Single-family and Two-family District to allow a resort property

on approximately 19.96 acres of Ingram Acres Subdivision, Lot 2B addressed at 1251 Sleepy Hollow Lane. Motion carried (7-1-0) with Commissioner Miedema in opposition.

Further discussion followed on the proposed conditions for approval for the type 1 SUP included in the staff report.

Mr. Grossi requested condition 8 not be included with the recommendation and discussed how the total designation of floodway as a drainage easement would severely inhibit the development potential of the property as intended, including the development of primary and secondary access points. Mr. Grossi stated they were willing to implement alternative drainage easements throughout the property as an alternative.

Discussion followed on primary access, the floodway and condition of approval #8.

Chair Edwards recognized that the applicant did not want condition #8 included in the recommendation but stated that the Commission would like to see something regarding drainage and detention be included.

Mr. Grossi discussed a 9-acre pond on a neighboring property that may have the ability and capacity to help mitigate drainage if improved. Mr. Grossi stated a vegetative buffer had been included as part of report to create more separation between residential and commercial properties and stated that single ownership and low impact development could create opportunities for rain collection, water detention, and risk mitigation. Mr. Grossi asked that a drainage easement not be required upon approval of the request.

Discussion followed regarding the designation of the floodway as a drainage easement and floodway development and requirements of the platting ordinance.

Motion by Commissioner Tubb, Seconded by Commissioner Sonier, to accept conditions of approval #1-7 as discussed regarding the proposed rezoning to apply a Type 1 Special Use Permit in "R-2" Single-family and Two-family District to allow a resort property on approximately 19.96 acres of Ingram Acres Subdivision, Lot 2B addressed at 1251 Sleepy Hollow Lane. Motion carried (8-0-0).

Motion by Commissioner Reaves, Seconded by Commissioner Sonier, recommending appropriate modifications be made by city staff to condition #8 concerning the drainage easement and discussion with the developer take place prior to the July 25th City Council meeting regarding the proposed rezoning to apply a Type 1 Special Use Permit in "R-2" Single-family and Two-family District to allow a resort property on approximately 19.96 acres of Ingram Acres Subdivision, Lot 2B addressed at 1251 Sleepy Hollow Lane. (Motion carried (8-0-0).

Chair Edwards called a recess at 7:53pm.

Chair Edwards returned the meeting to order at 7:58pm.

C) Discuss and consider a recommendation to City Council regarding the approval of the establishment of the right-of-way width of W. San Antonio Street, identified as a Minor Arterial in the City of New Braunfels Regional Transportation Plan, from S. Guenther Avenue to Main Plaza. (Garry Ford, Transportation and Capital Improvements Director)

Mr. Ford presented the report and recommended approval.

Chair Edwards asked if there were any questions for staff.

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

No one spoke.

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 approval of the establishment of the right-of-way width of W. San Antonio Street, identified as a Minor Arterial in the City of New Braunfels Regional Transportation Plan, from S. Guenther Avenue to Main Plaza. Motion carried (7-0-0).

Commissioner Miedema returned to the dais at 8:04pm.

D) SUP22-216 Public hearing and recommendation to City Council regarding a proposed rezoning to apply a Special Use Permit to allow a bed and breakfast facility in the “R-2” Single and Two Family Residential District on 0.3992 acres, addressed at 842 and 854 W. Bridge Street. (Applicant/Owner: Yolanda E. Cuellar; Case Manager: Laure Middleton)

Mrs. Middleton presented and recommended approval as stated in the staff report.

Chair Edwards asked if there were any questions for staff.

Chair Edwards invited the applicant to speak.

Yolanda Cuellar, 854 W Bridge St, clarified which dwelling unit will be owner occupied and which was proposed as a bed & breakfast, elaborated on the history of rental on the property, and stated she had been operating as a bed & breakfast for 3 years and had been in compliance with hotel occupancy tax requirements.

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

Clarissa Desanto, 900 W Bridge St, spoke in opposition and expressed concerns for safety for young children in the neighborhood, narrow street width for emergency access, and the preservation of the neighborhood as single-family residential.

Collette Smith, 921 W Bridge St, spoke in opposition citing concerns in line with the previous speaker, and expressed concern regarding the potential for an increased number of rental homes in the area.

Holley Dagby, 955 W Mill, spoke in opposition citing concerns in line with previous speakers

Ross Kerne, 826 W Bridge St, spoke in favor stating he supported the continued use of the property as a bed & breakfast as the quality and professionalism of the operation had positively contributed to the overall quality of the neighborhood and that no complaints had been made in 3 years of operation. Mr. Kerne stated the owner-occupied nature of bed & breakfasts ensures effective screening of renters and helps maintain the balance between short term rentals and single-family neighborhoods. Mr. Kerne stated that long term renters in the neighborhood were more problematic and that the applicant was not a typical out-of-state investor looking to open a party house.

Chair Edwards closed the public hearing.

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

Discussion followed clarifying the differences between bed & breakfasts and short-term rentals.

Motion by Commissioner Anderson-Vie, seconded by Commissioner Sonier, to recommend approval to City Council regarding the proposed rezoning to apply a Special Use Permit to allow a bed and breakfast facility in the “R-2” Single- and Two-Family Residential District on 0.3992 acres, addressed at 842 and 854 W. Bridge Street. Motion carried (8-0-0).

E) SUP22-219 Public hearing and recommendation to City Council regarding a proposed rezoning from “APD AH” Agricultural/Predevelopment District, “M-1 AH” Light Industrial District and “M-1Ar44” Light Industrial District with Restrictions with Airport Hazard Height Overlay to “C-1A”

Neighborhood Commercial District with Airport Hazard Height Overlay and a Special Use Permit to allow a new car dealership on approximately 29.32 acres out of the O Russell Survey-2, Abstract 485, addressed at 4165 and 4261 IH 35 North. (Applicant: Killen, Griffin & Farrimond, PLLC; Owner: Ronald Hoover; Case Manager: Laure Middleton)

Mrs. Middleton presented and recommended approval with additional development standards as stated in staff report.

Chair Edwards asked if there were any questions for staff.

Chair Edwards invited the applicant to speak.

Ashley Farrimond, 10101 Reunion Pl, elaborated on the request and discussed lot size, drainage, building setbacks, residential buffers and accommodations made to the site plan as a result of communication efforts with neighbors.

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

Jeffrey Horne, 2874 Oakdell Trl, spoke in opposition and expressed concern regarding noise and light pollution, and requested clarification of the mitigation requirements.

Chair Edwards closed the public hearing.

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

Discussion followed on lighting requirements and the setbacks of the proposed development standards.

Motion by Commissioner Sonier, seconded by Commissioner Nolte, to recommend approval to City Council regarding the proposed rezoning from "APD AH" Agricultural/Predevelopment District, "M-1 AH" Light Industrial District and "M-1Ar44" Light Industrial District with Restrictions with Airport Hazard Height Overlay to "C-1A" Neighborhood Commercial District with Airport Hazard Height Overlay and a Special Use Permit to allow a new car dealership on approximately 29.32 acres out of the O Russell Survey-2, Abstract 485, addressed at 4165 and 4261 IH 35 North. Motion carried (8-0-0).

F) SUP22-224 Public hearing and recommendation to City Council regarding a proposed rezoning to a Special Use Permit to allow duplexes on approximately 5 acres out of the O Russell Survey-2, Abstract 485, addressed at 2841 Goodwin Lane. (Applicant: Jeffrey Henry; Owner: Edward Tarbutton; Case Manager: Maddison O'Kelley)

Chair Edwards recused himself from the Dias at 8:30pm.

Ms. O'Kelley presented and recommended approval with conditions as stated in the staff report.

Commissioner Reaves asked if there were any questions for staff.

Commissioner Reaves opened the public hearing and asked if anyone wished to speak.

No one spoke.

Commissioner Reaves closed the public hearing.

Commissioner Reaves asked if there were further discussion or a motion.

Motion by Commissioner Sonier, seconded by Commissioner Tubb, to recommend approval to City Council regarding the proposed rezoning to a Special Use Permit to allow duplexes on approximately 5 acres out

of the O Russell Survey-2, Abstract 485, addressed at 2841 Goodwin Lane. Motion carried (7-0-0).

Chair Edwards returned to the Dias at 8:33pm.

G) REP22-0241 Public hearing and consideration of a Replat Establishing Lot 1A, Block 1, Landa Park Estates. (*Applicant: HMT Engineering & Surveying; Chris Van Heerde, P.E.; Owner: Charles R. Wiggins; Case Manager: Matthew Simmont*)

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

Chair Edwards asked if there were any questions for staff.

Discussion followed on a previous replat of the area, ROW vacation and a recorded access easement to the river.

Chair Edwards invited the applicant to speak.

Chris Van Heerde, 290 S Castell Ave, elaborated on the request and stated that there is access to the golf course from Elizabeth Ave. Mr. Van Heerde stated that the Intent was to maintain access requirements that were approved with the vacation and that only minor changes requested.

Commissioner Miedema asked owner planning to build fence or other structure?

Charles Wiggins responded that there were no plans to build anything at this time.

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 approve the Replat Establishing Lot 1A, Block 1, Landa Park Estates. Motion carried (8-0-0).

H) WVR22-210 Discuss and consider a waiver from Section 118-46(t)(2)(c) to not require an adequate perimeter street for the proposed replat of Lots 1 & 2, Kuehler Estates Subdivision. (*Applicant & Owner: Ronald T. Schmidt; Case Manager: Matthew Simmont*)

Mr. Simmont presented and recommended denial as stated in staff report.

Chair Edwards asked if there were any questions for staff.

Discussion followed on the land use of a neighboring property and the topography of the property in regards to flood potential.

Chair Edwards invited the applicant to speak.

Ronald Schmidt, 1150 Tuscan Ridge, elaborated on the request and discussed existing road width on Kuehler Ave.

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 Anderson-Vie, seconded by Commissioner Reaves, to deny a waiver from Section 118-46(t)(2)(c) to not require an adequate perimeter street for the proposed replat of Lots 1 & 2, Kuehler Estates Subdivision. Motion failed (3-5-0) with Commissioners Sonier, Tubb, Miedema, Chafin, and Chair Edwards in opposition.

Motion by Commissioner Sonier, seconded by Commissioner Chafin, to approve a waiver from Section 118-46(t)(2)(c) to not require an adequate perimeter street for the proposed replat of Lots 1 & 2, Kuehler Estates Subdivision. Motion carried (5-2-1) with Commissioners Anderson-Vie and Reaves in opposition, and Commissioner Miedema abstained.

C) STAFF REPORT

No items.

D) ADJOURNMENT

There being no further business, Chair Edwards adjourned the meeting at 8:51pm.

Chair

Date