



**PZ-18-047**  
**415 and 435 S. Union Ave.**  
**Zone Change from R-2 to C-O**



**PLANNING COMMISSION – FEBRUARY 5, 2019 – 6:00PM**

New Braunfels City Hall Council Chambers

**Applicant/Owner:** Enrico Marfil

**Address/Location:** 415 & 435 S. Union Avenue

**PROPOSED ZONE CHANGE – CASE #PZ-18-047**

The circled numbers on the map correspond to the property owners listed below. All information is from the Appraisal District Records. The property under consideration is marked as "Subject Property".

- |  |   |
|--|---|
| 1. LIBERTY PARTNERSHIP LTD             | 10. GRIMSLEY JOHN V & ALETA L               |
| 2. FREER BETTY B                       | 11. TEAGUE SHAWN & ALLEN D                  |
| 3. COPENHAVER KAREN S                  | 12. LANEY MARY JOANN                        |
| 4. WOODS CHARLOTTE H ET AL             | 13. SCHLEICHER JEFFREY T & JENNIFER A       |
| 5. WELTY CHARLEY J & KATHERINE H TRUST | 14. MOORE BRANDON & PENELOPE                |
| 6. NINNEMAN DENNIS R & KATHIE D        | 15. MARTINEZ ALMA M                         |
| 7. BAKER JOHN W JR & KARI L            | 16. A-E, G-K, M & 17. A-F HENRY CONDO I LTD |
| 8. MEDINA DORA                         | 16F. CLAUSS JOHN L & PAOLA A                |
| 9. WHITNEY VICTOR L & ESTER G          | 16L. WEST LINDA L                           |

**SEE MAP**

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YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ-18-047 (415 Union - hm)

Name: Karen Copenhaver

Address: 465 S. Union Ave

Property number on map: 3

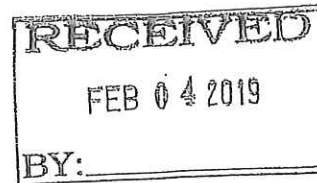
Comments: (Use additional sheets if necessary)

I favor: ✓

I object: \_\_\_\_\_

(State reason for objection)

Signature: Karen Copenhaver



**From:** jtschleicher <jtschleicher@yahoo.com>  
**Sent:** Tuesday, February 12, 2019 11:32 AM  
**To:** Holly Mullins  
**Cc:** Jennifer ☆ICE☆  
**Subject:** Case pz-18-047.

Hi Ms. Mullins,

After further review of this case and hearing all parties out we have decided to revoke our objection to this case. However, we are not planning on voting in favor of it. We will just let it play out how the majority feels appropriate. Please advise if you need additional information or paperwork to complete this request. Thank you for your time and assistance in the matter.

Jeffrey Trey Schleicher 210.414.8874  
Jennifer Schleicher 210.264.4358

**#13**

Sent via the Samsung Galaxy S8, an AT&T 5G Evolution smartphone

**YOUR OPINION MATTERS - DETACH AND RETURN**

**Case: #PZ-18-047** (415 Union - hm)

Name: Mary Jo Laney  
Address: 111 Basel  
Property number on map: 12

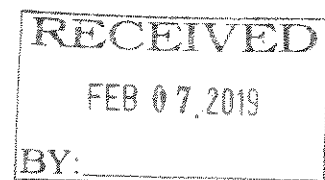
I favor: X

I object: \_\_\_\_\_

Comments: (Use additional sheets if necessary)

(State reason for objection)

Signature: Mary Jo Laney



## YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ-18-047 (415 Union - hm)

Name: Betty B FreerAddress: 647 S. Washington Ave, New Braunfels, TXProperty number on map: 2 (441 S. Union Ave)

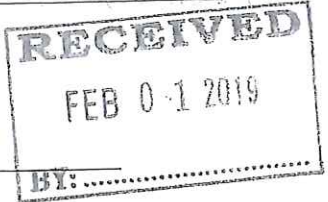
I favor: \_\_\_\_\_

I object: ✓

(State reason for objection)

Comments: (Use additional sheets if necessary)

Please do not rezone this beautiful area. It is unique & special, and it cannot be replaced--- ever! There is so much history here, & that is what makes NB so wonderful. It is a fine neighborhood, & happy & friendly!

Signature: Betty B Freer

I AM BETTY FREER'S DAUGHTER; (647 S. WASHINGTON AVE.)  
 PATRICIA FREER, I RESIDE AT 441 S. UNION AVE. WE  
DISAGREE  
 STRONGLY, & COMPLETELY ARE AGAINST ANY RE-ZONING OF OUR  
 NEIGHBORHOOD. THIS IS AN EXTREMELY QUIET, NICE, & UPSTANDING,  
 VERY SPECIAL NEIGHBORHOOD THAT NEEDS TO BE PRESERVED AT ALL  
 COSTS. ALL NEIGHBORS HAVE FIGHTED THROUGH OUT THE DECADES, ETC  
 TO PRESERVE SUCH A SPECIAL NEIGHBORHOOD, AND KEEP OUT ALL  
 CREEP, OF COMMERCIAL DEVELOPMENT, AND ESPECIALLY ANY/ALL  
 OVERNIGHT RENTALS; AS ANY ONE OF THESE, ETC WOULD COMPLETELY &  
 TOTALLY DESTROY THIS ENTIRE NEIGHBORHOOD; ESPECIALLY OUR PROPERTY  
 VALUES  
 (441 S. UNION); AND OUR BACKYARD PRIVACY & QUALITY OF LIFE & PROPERTY,  
 THANK YOU



## YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ-18-047 (415 Union - hm)

Name: JEFFREY AND JENNIFER SCHLEICHER

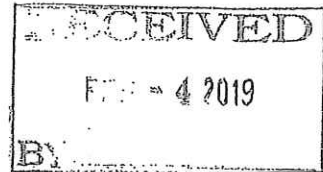
I favor: \_\_\_\_\_

Address: 133 BASEL ST. NEW BRUNSWICK NJ 08902Property number on map: #13I object: ☒

(State reason for objection)

Comments: (Use additional sheets if necessary)

SEE NEXT PAGE FOR OBJECTION REASON

Signature: Jeffrey Schleicher

My wife and I object to case # P2-18-047 (415 and 435 S. Union Ave.). We would like to keep this area as residential as possible to continue to foster an environment of a "small friendly town". The small town setting is why we moved here six years ago in the first place and it is why visitors come here. There is a community here, but with nightly rentals continuing to pop up around us the families are leaving and with it our sense of community.

We enjoy living in the downtown area and with it the downtown lifestyle. We enjoy the tuber action, Schlitterbahn, local shops, etc. After a certain reasonable time of day it settles down and allows the (at times) inebriated, loud, littering, foul mouth visitors to make their way out of town home and not next door home. If multiple one night rentals are allowed to pop-up, these activities will continue to happen on a daily/nightly basis. The owners of this proposed rental are likely not able to run background checks or monitor the property effectively enough to minimize unlawful activities and above all ensure safety to our nearby young children.

Thank you for your time,  
Jeffrey Schleicher & Jennifer Schleicher

Jeffrey Schleicher

## YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ-18-047 (415 Union - hm)

Name: Alma Martinez

I favor: \_\_\_\_\_

Address: 187 Basel StreetProperty number on map: 15I object: ☒

(State reason for objection)

Comments: (Use additional sheets if necessary)

I want to maintain a residential neighborhood where family comes first. I think we lose focus on that. We shouldn't have to accumulate anymore traffic than we have to. Please also consider the safety and security of our neighborhood. I have lived here for 48 years and I love New Brunswick so let's keep our residential neighborhood.

Signature: Alma Martinez

RECEIVED

JAN 29 2019

BY: \_\_\_\_\_

February 1, 2019

Planning Division,

My name is John Grimsley and I live at 424 S. Washington Ave. My house is directly behind one of Mr. Enrico Marfil's houses and catty-corner to the second one he owns. I met Mr. Marfil after he purchased his first house from Wilton Warnecke. During our conversation Mr. Marfil stated that he was planning on turning the house into an STR. At that time I informed Mr. Marfil that our neighborhood didn't allow them. Mr. Marfil stated that it was ok, he can get it overturned. Since this conversation he has purchased his second house in my neighborhood and plans to also use it as a STR.

The problem with STR vacation rentals is that the property is transformed from a home with neighbors you know into a business. It also lowers my property value. The noise and trash issues, as I'm sure you've heard from others, can be a particular nuisance. Since Mr. Marfil has purchased the home behind me he has illegally rented the home out as an STR (please see attached email). During this time we have had renters up partying until after 4:00 am. This is a nuisance and it is interrupting my family's sleep and most days I have to be at work early. We're a pretty tight neighborhood, with very young children and we watch each other's houses, but it's difficult to do with such transient neighbors. We haven't even touched on who may be renting the houses next to me. As I said previously I have young children and am concerned about the clientele a STR could attract. We all know that without strong legislation from the city to stop this repeated request, the numbers of STRs will continue to increase as there is a very real financial incentive to turn homes into STR's.

My wife and I want to retire in this home. If you allow STR's in our neighborhood it will no longer be family oriented nor the place anyone wants to live.

Thanks again for reviewing these issues and taking our concerns seriously.

John Grimsley

**YOUR OPINION MATTERS - DETACH AND RETURN**

Case: #PZ-18-047 (415 Union - hm)

Name: John & Aleta Grimsley

Address: 424 S Washington Ave

Property number on map: 10

Comments: (Use additional sheets if necessary)

I favor: \_\_\_\_\_

I object: ☒

(State reason for objection)

*I emailed letter,  
I have multiple reasons*

Signature: \_\_\_\_\_

*John Grimsley*



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**From:** Bryan V. Ruiz  
**Sent:** Wednesday, September 5, 2018 1:22 PM  
**To:** Wayne Peters  
**Cc:** Christopher J. Looney; Bryan Woods; Robert Camareno  
**Subject:** RE: Overnight Rentals - Union Ave

Mayor Pro Tem Peters,

The house at 435 Union is the location we discussed earlier this summer and we had a Code Officer open a case on this location. Host Compliance sent the property owner a warning letter and at the same time Code staff was reviewing the location for evidence to determine if they were operating a STR. After receiving enough evidence on this location Code staff sent a notice of violation letter to the property owner informing them they were in violation of local code for operating an illegal STR. Code staff continued to review the location for the next few weeks to obtain additional information the property is operating as a STR. The property owners contact Code staff and were informed for them to come into compliance would be to stop operating a STR, or they could operate a long-term rental. The owners amended the listing and is now reflecting a long-term rental, and the case was closed out last week. If the property owner changes their website to start renting it as a STR again, Code Staff can reopen a case on the location without having Host Compliance sending a warning letter.

The owners also own the house next door at 415 Union which according to Host Compliance was identified as operating an illegal STR at the beginning of August. Host compliance sent a warning letter to the property owners on August 15. Staff has been checking on the location and as of this morning did not observe any activity or vehicles that were on the property. Staff is continuing to monitor the location to obtain information, so they can send a NOV letter if the owners do not stop operating a STR.

I will let you know if there is any change to this location.

*Bryan V. Ruiz, RS*  
*Environmental Services Manager | Planning and Community Development*  
*550 Landa St | New Braunfels, TX 78130*  
*830-221-4073 | [BRuiz@nbtexas.org](mailto:BRuiz@nbtexas.org) | [www.nbtexas.org/health](http://www.nbtexas.org/health)*



YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ-18-047 (415 Union - hm)

Name: Gracejane Ghale

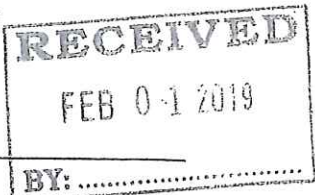
Address: 231 Canon River

Property number on map: Outside notification area

Comments: (Use additional sheets if necessary)

Do not want that close to my home  
Commercial

Signature



I favor:

I object: NO  
Business

(State reason for objection)

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ-18-047 (415 Union - hm)

Name: Mike Martin

Address: 344 S. Washington Ave.

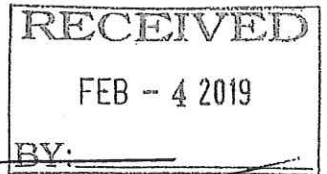
Property number on map: Outside notification area

Comments: (Use additional sheets if necessary)

We Do not want  
our neighborhood to be  
Commercialized. We want  
Residential Neighbors only.

Mike Martin  
2-2-19

Signature



I favor:

I object: ✓

(State reason for objection)

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ-18-047 (415 Union - hm)

Name: Sydney Sharp

I favor: \_\_\_\_\_

Address: 291 E. Lincoln

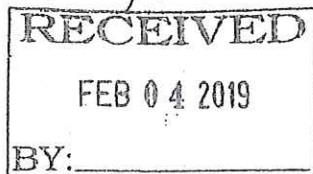
Property number on map: outside notification area I object: X

(State reason for objection)

Comments: (Use additional sheets if necessary)

Let our neighborhood remain a neighborhood.  
Thanks.

Signature: \_\_\_\_\_



*Sharp*

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ-18-047 (415 Union - hm)

Name: Tim Prather

I favor: \_\_\_\_\_

Address: 314 E. Lincoln St

Property number on map: outside notification area

I object: ✓

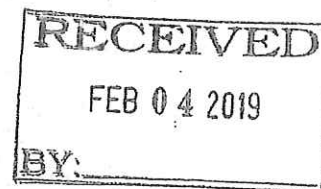
(State reason for objection)

Comments: (Use additional sheets if necessary)

We need no more short-term rentals in our neighborhood.

Signature: \_\_\_\_\_

*Tim Prather*





Planning Commission

2/3/19

Concerning 415 & 435 S. Union Avenue  
From: "R-2" Single and Two Family District  
To: "C-1" Commercial Office District

This area of Coral Gables doesn't want "C-1" Commercial Office District of any kind in its neighborhood. This respectable neighborhood is where our German Ancestors first settled after crossing the Duval River off of Lincoln Street. This is one of the few remaining neighborhoods established when New Braunfels was founded in 1845. Our city and the residents need to preserve our German Heritage.

My husband and I know that overnight rentals has been going on at 415 & 435 S. Union Avenue since we drive Union Street all the time. Here, the same car, always different vehicles in the driver's view, lately the same vehicle seems to stay longer than overnight. If doing overnight rental has already taken place when the party or individual involved was told that overnight rentals were not allowed. What's going to take place if this is passed?

One day my husband and I were driving up Union Street. We were astonished when we saw all these vehicles parked at the corner of Union and Oak Street in the driveway and all along the curve on the street. You should have seen how these vehicles were parked. 20 of them - yes - 20 vehicles. The concrete driveway has a closed wooden fence. They were parked with their backs to the fence & side by side. Every inch of that drive was a vehicle and all along the curve on the street makes you wonder - what's going on? What has taken place? And what will our neighborhood have to experience in days to come. If this is passed, this residential neighborhood will not be the same as when New Braunfels was founded in 1845.



2/3/19

This district being where our German Ancestors crossed the Guadalupe and Comal Rivers to this land in Comal Town, our neighborhood. This plot of land our German Ancestors named New Braunfels, Texas, are now going to let other neighboring cities - Fredericksburg, Boerne, Seguin, etc. keep their historic heritage, while New Braunfels with its historic heritage, buildings, and residential areas with all its nature and beauty just fade away. I hope not for visitors come from all over the nation to see our beloved unique city known for its German Heritage, Buildings, Landscape, Sunda Park, Schlitterbahn, Wursthof, etc. - Yet, there is one thing that many people and developers fail to realize. This our visitors love to see the old neighborhoods with their old homes, large aged trees and nature with all its Beauty because these visitors and citizens can stroll the streets of long ago. More important, yet, is that families still want to live in these residential neighborhood where our German Ancestors first came to New Braunfels. These residents want to preserve their German Heritage - don't want to lose its old homes, large aged trees and nature with all Beauty besides being just a quiet neighborhood.

Violet Lannebeger  
111 E Lincoln St  
830-625-4207

outside notification area



Dear Mr. Looney:

Please share this ASAP with the full Planning Commission.

On 2/5/19 you are reviewing a request to flip TWO RESIDENTIAL properties to a full on commercial zone on Union.

- "C-O" - **Commercial Office District**. Really? The applicant apparently wants to run short term rentals. Short-term rentals operate 24/7.... not just during traditional 9-5 "business hours". They can be loud, party houses, with a revolving door of strangers, which create more trash and traffic than a residence, disrupt the peace and safety of a neighborhood, and on and on and on. **Neighborhoods around the world are battling with this beast...** and if you don't believe this just google "problems with short term rentals". It is eye opening.

Full disclosure: I am not in 200' of the properties, but I am **100% against this request**.

- Without a doubt, such an extreme decision will have ripple effect and **will erode my property rights and negatively effect my property value**.
- To me, this would be a pretty clear case of "Spot Zoning" - which I am not sure is even legal.
- Such a decision would do nothing but invite more and more. "COMMERCIAL CREEP" not only down Union, but into the full neighborhood.
- If a firm line is not kept down the middle of Union, such creep will keep creeping until this beautiful, historic, charming neighborhood is just a bunch of tattoo parlors, food truck lots, gas stations and more...
- The applicant is using other properties in the area - ones that have been zoned commercial for decades - as part of his reason why his request should be approved.
  - This is NOT an apples to apples comparison.
  - This is a perfect example of how CREEP happens.
  - He is an out of town investor and bought with an assumption he could flip this zoning....
- IF he really wanted to be in the short term rental business, he COULD and SHOULD have bought property in a zone that would allow such businesses.
- He was fully informed when he bought the property - but he knowingly IGNORED it.
- This is his problem, and it should not become MINE, nor that of folks in this neighborhood.

I have yet to actually meet someone who WANTS a short-term / VACATION RENTAL BUSINESS rental next door to their RESIDENTIAL HOME.

IF YOU do not want a vacation / party house next door to your home, then please do NOT vote to put one next door to folks in this neighborhood.

Please vote NO on these this request.

Chandler Gray  
186 E. Lincoln St.

outside notification area