

**Planning Commission
Regular Meeting Minutes
May 11, 2022**

Members Present

Chair Lee Edwards
Vice Chair Stanley Laskowski
Ron Reaves
Chad Nolte
John Mathis
Shaun Gibson

Staff Present

Christopher J. Looney, Director of Planning and Development Services
Frank Onion, Assistant City Attorney
Jean Drew, Assistant Director of Planning and Development Services
Stacy Snell, Planning Manager
Matthew Simmont, Senior Planner
Maddison O'Kelley, Planner
Kaitlyn Buck, Assistant Planner
Colton Barker, Planning Technician

Members Absent

Jerry Sonier
Creighton Tubb
Kurt Andersen-Vie

1. CALL TO ORDER

The above meeting was called to order by Chair Edwards at 6:08 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 Mathis, to approve the Regular Meeting Minutes of April 5, 2022 as presented. Motion carried (6-0-0).

4. CITIZENS COMMUNICATION

Jim Holster, 234 Elmwood Dr, expressed concern for the location of a proposed homeless shelter in relation to residential areas and discussed income levels in New Braunfels.

5. BRIEFINGS

A) Briefing on One Water and the New Braunfels Roadmap

(Sarah Richards, Director of Customer Solutions, New Braunfels Utilities; Jean Drew, Assistant Director of Planning and Development, AICP, CNU-A)

Mrs. Richards and Mrs. Drew presented and were available for questions.

Vice Chair Laskowski inquired about the Land Development Ordinance and asked that when developing that rewrite more attention be paid to the types of sod and trees that can be placed in relation to water conservation.

6. CONSENT AGENDA

None.

7. INDIVIDUAL ITEMS FOR CONSIDERATION

A) SUP22-119 Public hearing and recommendation to City Council regarding a proposed Special Use Permit to allow 126 duplex-style dwelling units in the "R-2" Single- and Two-Family District on approximately 26.4 acres consisting of 17 acres out of the J M Veramendi Survey, Abstract No. 3,

and 9.4 acres out of the J M Veramendi Survey, Abstract No. 2, located on the south side of Loop 337, west of River Road and east of Oakwood Boulevard. (Applicant: INK Civil - James Ingalls, P.E.; Owner: Marcia McGlothlin; Case Manager: Maddison O'Kelley)

Ms. O'Kelley presented and recommended approval with one condition as stated in staff report.

Chair Edwards asked if there were any questions for staff.

Discussion followed on multifamily density, the need for an SUP to allow for multiple duplex units on a single lot in R-2 zoning, and access from Tanglewood Dr.

Chair Edwards invited applicant to speak.

James Ingalls, 2021 State Highway 46, elaborated on the request, addressing multifamily density and design, proposed gated access from Tanglewood Dr. and Loop 337, R-2 development standards and adherence to fire code, as well as water, sewer, and drainage.

Chair Edwards inquired into the kind of fencing planned between the proposed development and the existing neighborhood of Oak Wood.

Mr. Ingalls indicated that had not been decided yet.

Chair Edwards asked if the developer had any kind of formal meeting or communication with the neighborhood of Oak Wood.

Mr. Ingalls stated no meeting had yet been held and that the neighborhood of Oak Wood does not have an HOA to act as a single point of communication for the developer.

Chair Edwards noted a meeting with the neighborhood should be held prior to coming before City Council.

Commissioner Reaves asked if any communication had taken place with TxDOT regarding a traffic impact study and access from Loop 337.

Mr. Ingalls responded that a meeting had taken place regarding the mentioned items and elaborated.

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

Jason Leach, 525 Williams Way, spoke in opposition citing multifamily development density, R-2 development standards, the proposed design of the duplex units, lighting requirements for parking lots, and the cohesiveness of the proposed development in relation to the neighborhood and the comprehensive plan.

Randy Vanstory, 529 Williams Way, thanked the commission for their service to the community and stated opposition, citing concern regarding the state law that requires a supermajority vote from City Council for an item to be approved if 20% of property located within the notification area stated opposition. Mr. Vanstory elaborated, stating that a large area accounted for in the calculation was public right of way and should not be considered. Mr. Vanstory expressed concern that the proposed development appeared to be a multifamily development posing as a duplex development, and expressed concerns in line with the previous speaker.

Mr. Onion addressed Mr. Vanstory's concerns for the state law regarding objection percentage.

Discussion followed of the circumstance of land ownership and the notification area of the subject property.

Rebecca Bishop, 804 Elmwood Cove, stated opposition citing concerns in line with the previous speakers, and expressed concern regarding lot size when considering changes to zoning, as well as concerns over

drainage.

Jim Holster, 234 Elmwood Dr, requested clarification on how a decision made on this item could be reversed if approved, and expressed concerns for traffic along Tanglewood Dr.

Mr. Onion stated that a new ordinance would need to be approved to alter an ordinance that had previously been approved by City Council.

James Ingalls presented a site plan sketch he drafted during the meeting to further elaborate on the proposed density of units and access from Tanglewood Dr. and discussed alternatives to the originally proposed design.

Discussion followed on garages, rear access, light pollution and lighting requirements.

Kyle Brant, 604 Hannah's Run, addressed Mr. Ingalls sketch, and stated that the purpose behind the development standards of zoning districts is to regulate what can be done on a property and to protect surrounding properties.

Andrew Farr, 415 Elmwood Dr, stated his desire for a blocked access from Tanglewood Dr and discussed his confusion in regard to what the request was for exactly, stating had he known more information he may have responded in favor instead of in opposition.

James Ingalls provided a clarification of the sketch.

Discussion followed on the location of the proposed duplex units in relation to the existing neighborhood, setbacks, and the constraints that could be put in place with the approval of an SUP.

Amy Payne, 210 Elmwood Dr., addressed multiple large-scale developments located on Loop 337, and stated the proposed development should move forward but in a different location.

Rebecca Bishop commented that the proposed request is not only for duplex development but would also allow the development of single-family homes.

Jaquelyn Cline, 631 Williams Way, spoke in opposition, citing issues with drainage and the proposed parking design, and asked for the proposed development to remain consistent with the existing neighborhood.

Chair Edwards closed the public hearing.

Commissioner Reaves commented on the uniqueness of the subject property and addressed the concerns that were made during the public hearing, including density, access, zoning districts, residential buffers, and drainage.

Discussion followed on drainage regulations, street width, access points

Commissioner Reaves asked Mr. Ingalls if the proposed project was designed without standard duplex lots in order to increase the return on investment.

Mr. Ingalls explained that then intent of the request was for the project to be unified under one development.

Discussion followed on duplex lots, the requirement to extend Tanglewood Dr. if the property were to be developed with the current zoning, and communication with the neighborhood.

Commissioner Nolte asked if there would be a way to close off Tanglewood Dr. if duplex units were developed with the current R-2 zoning.

Ms. O'Kelley responded that unrestricted secondary access from Tanglewood Dr. would be required in order to meet fire access requirements, and there would be no way to waive that life safety requirement.

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

Vice Chair Laskowski addressed Mr. Ingalls and suggested that proper communication efforts be made with the neighborhood prior to bringing the request before City Council and to consider a postponement of the request to have that communication before moving forward.

Mr. Ingalls requested to postpone the request to the Regular Planning Commission Meeting to be held on July 5, 2022.

Motion by Commissioner Mathis, seconded by Commissioner Gibson, to postpone the request for a Special Use Permit to allow 126 duplex-style dwelling units in the "R-2" Single- and Two-Family District on approximately 26.4 acres consisting of 17 acres out of the J M Veramendi Survey, Abstract No. 3, and 9.4 acres out of the J M Veramendi Survey, Abstract No. 2, located on the south side of Loop 337, west of River Road and east of Oakwood Boulevard, to the Regular Planning Commission Meeting to be held on July 5, 2022. Motion carried (6-0-0).

Chair Edwards called for a recess at 7:33pm.

Chair Edwards resumed the meeting at 7:40pm.

B) PZ22-0124 Public hearing and recommendation to City Council regarding the proposed rezoning of approximately 11.269 acres from "C-3" Commercial District and "R-2" Single-family and Two-family District to "MU-B" High Intensity Mixed-Use District, out of the John Thompson Survey No. 21, Abstract No. 608, New Braunfels, Comal County, Texas addressed at 3119 IH 35 S, New Braunfels, TX 78130. (Applicant: White-Conlee Builders, LTD; Owner: Balous & Julie Miller; Case Manager: Laure Middleton / Jean Drew)

Mrs. Drew presented and recommended approval as stated in staff report.

Chair Edwards asked if there were any questions for staff.

Chair Edwards invited applicant to speak.

Ashley Farrimond, 10101 Reunion PI Suite 250, San Antonio, TX, elaborated on the request, discussed existing land use, provided examples of other projects they have developed throughout Texas, and stated they are present to answer any questions.

Discussion followed on primary and secondary access, and the presented site plan.

Farrimond confirmed that TXDOT will only allow one point of access to IH-35 and that the secondary access point shown on the site plan had not been finalized and is subject to change.

Mrs. Snell clarified to the Commission that this request is for a zone change and a site plan will not be bound to the decision.

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 Laskowski, seconded by Commissioner Mathis, to recommend approval to City Council regarding the proposed rezoning of approximately 11.269 acres from “C-3” Commercial District and “R-2” Single-family and Two-family District to “MU-B” High Intensity Mixed-Use District, out of the John Thompson Survey No. 21, Abstract No. 608, New Braunfels, Comal County, Texas addressed at 3119 IH 35 S, New Braunfels, TX 78130. Motion carried (6-0-0).

C) SUP22-116 Public hearing and recommendation to City Council regarding a proposed rezoning to apply a Special Use Permit to allow short term rental of a residence in the C-3 Commercial District addressed at 455 Beaty Street. (Applicant/Owner: Cheryl H. Gordon; Case Manager: Laure Middleton / Stacy Snell)

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

Chair Edwards asked if there were any questions for staff.

Chair Edwards invited applicant to speak.

Cheryl Gordon, 188 Balcones Ave, elaborated on the request and stated they are present for 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 Vice Chair Laskowski, seconded by Commissioner Gibson, to recommend approval to City Council regarding the proposed rezoning to apply a Special Use Permit to allow short term rental of a residence in the C-3 Commercial District addressed at 455 Beaty Street. Motion carried (6-0-0).

D) SUP22-117 Public hearing and recommendation to City Council regarding a proposed rezoning from “R-2” Single and Two-Family District to “R-3L” Multifamily Low-Density District with a Special Use Permit to allow a one-family dwelling on approximately 1.7 acres, addressed at 586 Granada Street. (Applicant/Owner: Rebecca and Mark Sacco; Case Manager: Matthew Simmont)

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

Chair Edwards asked if there were any questions for staff.

Vice Chair Laskowski requested clarification of the SUP request to allow for a single-family dwelling.

Mr. Simmont clarified the SUP request was to ensure the existing single-family dwelling would continue to be an allowed use on the property following the zone change to R-3L Multifamily Low-Density District.

Vice Chair Laskowski further inquired on possible outcomes of granting the SUP and asked if low-density multifamily residences would also be allowed to be built following the zone change.

Mr. Simmont confirmed that was the case.

Chair Edwards invited applicant to speak.

Garrett Sacco, 6020 Kelsing Cove, Austin, TX, elaborated on the request, provided additional context of the neighborhood and noted that communication with neighbors had taken place.

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

Kate Villanueva, 544 Granada Dr, stated they were in favor of the request citing good communication with the applicant and the low overall impact of the zone change.

Chair Edwards closed the public hearing.

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

Motion by Commissioner Gibson, seconded by Commissioner Nolte, to recommend approval to City Council regarding the proposed rezoning from "R-2" Single and Two-Family District to "R-3L" Multifamily Low-Density District with a Special Use Permit to allow a one-family dwelling on approximately 1.7 acres, addressed at 586 Granada Street. Motion carried (5-1-0) with Vice Chair Laskowski in opposition.

E) SUP22-118 Public hearing and recommendation to City Council regarding a proposed rezoning from "M-2" Heavy Industrial District to "C-O" Commercial Office District with a Special Use Permit to allow short term rental of a residential structure on 0.22 acres out of the A.M. Esnaurizar Survey No. 1, Abstract No. 1, Milltown Lots, Comal County, addressed at 569 Wright Avenue. (Applicant/Owner: Raymond Lance & Ashley Brooke Spruiell; Case Manager: Laure Middleton / Jean Drew)

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

Chair Edwards asked if there were any questions for staff.

Chair Edwards invited applicant to speak.

Ashley Brooke Spruiell, 1105 Tate Trail, San Marcos, TX, 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 Vice Chair Laskowski, seconded by Commissioner Mathis, to recommend approval to City Council regarding the proposed rezoning from "M-2" Heavy Industrial District to "C-O" Commercial Office District with a Special Use Permit to allow short term rental of a residential structure on 0.22 acres out of the A.M. Esnaurizar Survey No. 1, Abstract No. 1, Milltown Lots, Comal County, addressed at 569 Wright Avenue. Motion carried (6-0-0).

F) WVR22-133 and WVR22-134 Discuss and consider waivers from: Section 118-51(g) to allow an "island" subdivision to be accessed through the 100-year floodplain and 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 / Stacy Snell)

Mrs. Snell presented and recommended denial as stated in staff report.

Chair Edwards asked if there were any questions for staff.

Chair Edwards invited applicant to speak.

Ronald Schmidt, 1150 Tuscan Ridge, elaborated on the request for WVR22-133, provided history of property, and addressed comments made by Commissioner Reaves at the March 1, 2022 Planning Commission meeting.

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.

Vice Chair Laskowski mentioned that he visited the property to check the deep water crossing on Kuehler Ave. and recognized that other subdivision in New Braunfels had been granted this waiver in the past.

Went out and looked at property, deep water crossing, noted other subdivisions that were granted similar

Motion by Vice Chair Laskowski, seconded by Commissioner Gibson, to approve the proposed waiver from: Section 118-51(g) to allow an "island" subdivision to be accessed through the 100-year floodplain. Motion carried (4-2-0), with Commissioner Mathis and Commissioner Reaves in opposition.

Mr. Schmidt elaborated on the request for WVR22-134 and discussed road width and traffic impact.

Motion by Vice Chair Laskowski, seconded by Commissioner Mathis, to deny the proposed 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 (4-2-0) with Commissioner Gibson and Chair Edwards in opposition.

8. STAFF REPORT

Mrs. Snell thanked Vice Chair Laskowski, Commissioner Mathis, and Commissioner Gibson for their service on the Planning Commission and announced that this was their last meeting as acting members of the Commission.

9. ADJOURNMENT

There being no further business, Chair Edwards adjourned the meeting at 8:31 pm.

Chair

Date