

Draft Minutes for the August 1, 2017 Planning Commission Regular Meeting

PZ-17-029 Public hearing and recommendation to City Council regarding a proposed amendment to Section 2.2 of Ordinance No.2016-77, a Special Use Permit allowing a commercial tuber entrance and takeout in the "C-4" Resort Commercial District, to allow a two year postponement to the requirement for the business to comply with Federal Law ADA requirements for a public/commercial river access point.

(Applicant: IAKOBO Four LP (Weston); Case Manager: M. Greene)

Mr. Greene presented the Staff report and recommended approval.

Commissioner Laskowski stated when the Special Use Permit was granted in 2016, it was with the agreement to make the location ADA compliant.

Commissioner Tubb requested clarification on the number of tubing seasons the business would operate without being ADA compliant.

Mr. Greene responded there would be two tubing seasons before the postponement expires.

Commissioner Bearden addressed Mr. Onion regarding the Federal ADA requirements interaction with the State level TDLR, and inquired which had precedent.

Mr. Onion responded the State implements the Federal Law, and in the current case, a postponement was granted by the State.

Discussion ensued.

Mr. Greene clarified the TDLR's postponement recommendation did not include a time limit, but Staff recommended a two year limit.

Commissioner Laskowski stated TDLR had denied the applicants request for a waiver.

Discussion followed regarding the requirement to comply to ADA standards if the business received a complaint, began construction on the property, or reached the two year limit.

Chair Elrod referenced the multiple tuber entrances and exits in the area, and inquired if the City owned locations were ADA compliant.

Mrs. Snell replied yes.

Discussion ensued.

Chair Elrod asked if anyone wished to speak in favor.

Charlotte Weston, 690 Laurel Lane, daughter and employee of the owner, wished to speak in favor. She stated they had every intention of becoming ADA compliant, and had requested the extension to generate the funds needed. Ms. Weston described previous experiences that current season where accommodations were made for those that required special assistance. She stated the shuttle is ADA compliant. She emphasized the extension is only to generate the funds needed, and that the business was dedicated to becoming ADA compliant.

Commissioner Laskowski inquired if they owned the property.

Ms. Weston responded yes.

Commissioner Tubb requested clarification about the intended timeline for the two year limit, he indicated when the tubing seasons were considered, it would be three years before the location was ADA compliant.

Discussion followed regarding possible end dates for the two year limit.

Chair Elrod inquired about the intended design of the ramp.

Ms. Weston provided details and a description of the more complex ramp system that is required on the property due to the topography.

Chair Elrod asked if any other similar ramps were located on the Comal River.

Ms. Weston responded no.

Discussion followed regarding the proposed ADA compliant ramp, and if the time extension validated the outcome.

Ms. Weston stated the company is open to working with the City in regulating crowding, and other issues that may arise.

Commissioner Bearden asked if drawings were completed for the project.

Ms. Weston indicated they were working with an engineering firm in Austin, and that drawings had been completed.

Commissioner Bearden inquired if the design of the ramp would account for flooding.

Ms. Weston responded the proper measures had been taken, and stated flooding is a big consideration with the subject property.

Chair Elrod asked if anyone wished to speak in opposition.

No one spoke.

Motion by Commissioner Bearden, seconded by Commissioner Nolte, to close the public hearing. The motion carried (7-0-0).

Motion by Commissioner Tubb, seconded by Commissioner Sonier, to recommend approval to City Council regarding a proposed amendment to Section 2.2 of Ordinance No.2016-77, a Special Use Permit allowing a commercial tuber entrance and takeout in the "C-4" Resort Commercial District, to allow a two year postponement to the requirement for the business to comply with Federal Law ADA requirements for a public/commercial river access point, with Staff recommendations and the two year term starting on the day of TDLR recommendation for postponement, June 23, 2017. Motion carried, with Commissioner Laskowski in opposition (6-1-0).