

PLANNING COMMISSION – JANUARY 8, 2019 – 6:00PM

New Braunfels City Hall Council Chambers

Applicant/Owner: Gerald Dean Roberts

Address/Location: 842 Wall St.

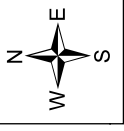
PROPOSED SPECIAL USE PERMIT – CASE #PZ-18-046

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 ALLBRIGHT JACQUELYN M | 17 KOCK BRYCE R & KASEY S |
| 2 BASWELL RICHARD L & BRENDA D | 18 MADDALON SUZANNE M & JAMES K FLEMING |
| 3 BROCK DEANA L | 19 NASH SUSAN V & MICHAEL D FENLEY |
| 4 BURRUS JAMELYN MELLISSA | 20 ORR MICHAEL L & ERLINDA V |
| 5 CAMARENO JON ANTHONY | 21 PIPERSBURGH EUGENIA L & LEROY |
| 6 COURCHESNE THOMAS A & ASHLEY N MURRA | 22 RIVERMILL CROSSING HOA INC |
| 7 DOYLE KAREN H & RANDAL G | 23 SACK WALTER LEN |
| 8 DUFFY CLARE MARIE | 24 SCHWAB ROBERT L |
| EDMONDS ERNIE A & LENORE B NEWTON- | 25 SHEFFIELD MARIE KIM |
| 9 EDMONDS | 26 SIVORI WARREN GLENN |
| 10 FLYNN MARK & CHERYL | 27 STEWART DARLA KILGORE |
| 11 FOSS FRANK E & GAYLE | 28 TORRES MICHAEL A & MARIA D |
| 12 GREEN MATTHEW L & SOCORRO | 29 WALKER KATHLEEN D |
| 13 GREIVE LESLIE J & KELLY J | 30 WEBB KIMBERLY J & MICHAEL W DOBBINS |
| 14 GRIFFIN KADY N & STEVEN T | 31 WEEKS GAIL & CHRISTOPHER |
| 15 JAMESERSON DANIELLE B & EDWARD D III | 32 WILLIAMS JANE FULLER |
| 16 JOHNSTON CAITLIN H & DREW Y | 33 WILLIFORD KENNETH L |

SEE MAP

Notification Map



MADISON AVE

MANHATTAN

WALL ST

Subject Property

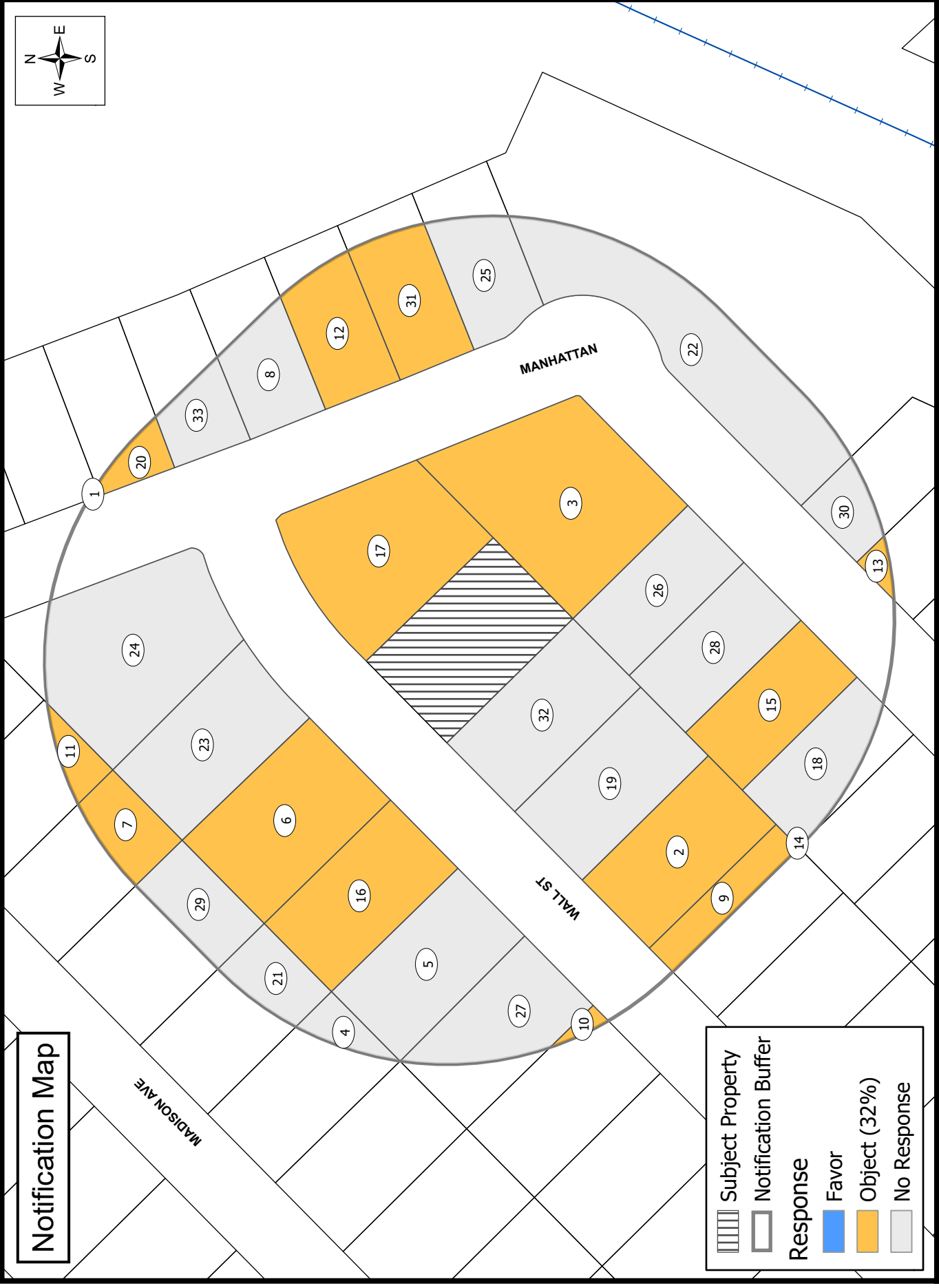
Notification Buffer

Response

Favor

Object (32%)

No Response



Matthew W. Simmont

From: Baswell, Brenda <brenda.baswell@snhu.edu>
Sent: Saturday, January 5, 2019 1:01 PM
To: Matthew W. Simmont
Subject: Case: #PZ-18-046 ms

I Brenda Baswell Live at 830 Wall Street New Braunfels Texas 78130, Property #2 on the map provided.

I strongly object!

There are numerous properties around the city that is available for people to stay in while visiting our fine little city. Rivermill Crossing is a family neighborhood. We value this neighborhood; when we decided to move to New Braunfels it was because of this neighborhood. Had we seen what 842 Wall Street was doing we would have moved else where because we have a family. Last summer there was so much noise on our street and cars parked all over our street, it was unbearable. Please do not allow this to happen to our neighborhood protect our lifestyle.

Thank you
Brenda Baswell
830 Wall Street
New Braunfels TX 78130

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ-18-046 ms

Name: Richard and Brenda Baswell

I favor: _____

Address: 830 Wall St New Braunfels TX 78130

Property number on map: 2

I object: X X

(State reason for objection)

Comments: (Use additional sheets if necessary)

There is plenty of properties in New Braunfels for people to stay while visiting. We moved to this neighborhood, due to the family feel and to be close to but not right next to the tourists. They can rent from other places in town.

Signature: Brenda Baswell

Matthew W. Simmont

From: De'Ana Brock <dlw350@gmail.com>
Sent: Wednesday, January 2, 2019 9:50 AM
To: Matthew W. Simmont
Subject: #PZ-18-046 ms

To Whom It May Concern,

I am writing in response to a Notice of Public Hearing regarding Lot 2, Block 4, Broadway Estates Unit 2 (842 Wall St.), request for a Special Use Permit allowing short term rentals on the property.

Ny name is De'Ana Brock. I live at 849 Manhattan. My back yard backs up immediately to the back yard of 842 Wall. Property number on the enclosed map is #3. I object to this request.

This is a very small boutique neighborhood. While I have one of the larger yards, our back fence is only separated by approximately 25 feet to my back door. When someone in this backyard plays music, I can hear it in my kitchen, dining room as well as my bedroom and bathroom- regardless if I want to hear it or not. With STR vacationers in the neighborhood, there will be increased music, movement/activity, traffic and parking concerns. Not that short term renters are bad people, but they will typically be vacationing in our beautiful city. Vacationers have different priorities than home owners.

Despite this, I wanted to be as objective as I could because I too have considered the option of short term rentals. I have taken a considerable amount of time researching the pros and cons of STRs. My conclusion is that while they may benefit the overall economy of the city and offer a variety of rental options for tourists, they do not benefit the neighborhood at all. When people bought homes in this neighborhood, for the most part, they did so with the intent to live there as their HOME. When STRs become apart of a community, you remove "HOME" from the equation. The home owners association has clear expectations about STRs and the property owners agreed to this upon purchasing homes in this neighborhood. Unless that provision is removed, there is really minimal options if any to discuss/consider.

I do not wish to have STRs in my neighborhood.

--

De'Ana Brock, LMSW

1/07/2019

OPPOSITION FOR RE-ZONE PROPERTY 842 WALL STREET

We (Thomas and Ashley Courchesne) have lived at 841 Wall Street (property #6) for nearly 5 years and enjoy our small, 97 home community. Last summer, Mr. Roberts illegally allowed short term rental use at 842 Wall Street. We witnessed speeding through our neighborhood, 5-6 cars parking in the driveway and along the street, renters entering backyards of home owners without permission, and multiple parties resulting in neighborhood disturbance. I believe there is a place for short term rental properties, however our small, quaint neighborhood is not one of them. We are in strong opposition of the re-zoning of property 842 Wall Street and appreciate our opinion being taken into consideration.

Sincerely,

Thomas
Ashley

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ-18-046 ms

Name: Thomas & Ashley Courchesne

I favor: _____

Address: 841 Wall St

Property number on map: # 10

I object: X
(State reason for objection)

Comments: (Use additional sheets if necessary)

See attached

Signature: *Thomas*

Ashley

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ-18-046 ms

Name: Randel + Karen Doyle

Address: 846 Madison Ave.

Property number on map: #7

Comments: (Use additional sheets if necessary)

I favor: _____

I object: X

(State reason for objection)

*This is a quiet residential
area for long term residents.
Our HOA already supports this*

Signature: *Karen H. Doyle*
Randel Doyle

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ-18-046 ms

Name: Ernie A Edmonds
Lenore B Denton Edmonds

Address: 826 Wall St NB. 78730

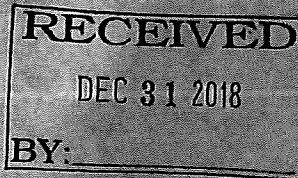
Property number on map. 9

I favor: _____

I object Ernie Edmonds
(State reason for objection)

Comments: (Use additional sheets if necessary)

Signature: Lenore B. Denton Edmonds



This is our protest to this action. We are a small community who are well known to each other and feel safe living here. The resident at 842 Wall has been doing STR illegally for over a year until he was reported. We got tired of 3-5 cars parked on street and loud music every weekend It was rented. Our small , mostly Owner occupied homes in our community do not feel safe any longer with strangers here and our houses too close together for this type of zoning. We moved here to live , NOT for it to be turned into a resort type community.

ERNIE AND LENORE Edmonds. 826 Wall st

Matthew W. Simmont

From: Cheryl Hatfield <saharades61@yahoo.com>
Sent: Thursday, January 3, 2019 12:59 PM
To: Matthew W. Simmont
Subject: 842 Wall St.

Mr. Simmont,

I am emailing you regarding 842 Wall Street wanting to do short term rentals. My husband Mark and I (Cheryl) are opposed to having short term rentals in the neighborhood. It is against HOA rules, it decreases the value of the property in our neighborhood, and we are concerned about the safety of the children in the neighborhood.

We are located in section 10 on the map that was sent to us.

Cheryl and Mark Flynn
825 Wall Street

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ-18-046 ms

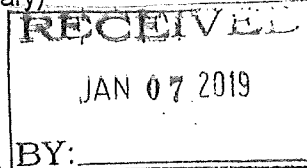
Name: Cheryl + Mark Flynn

Address: 825 Wall St.

Property number on map: 10

Comments: (Use additional sheets if necessary)

Signature: Cheryl Flynn



I favor: _____

I object: X It will bring
(State reason for objection)
down property value
and this is a family
neighborhood w/ lots
of children.

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ-18-046 ms

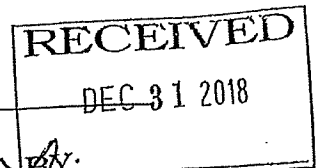
Name: FRANK FOSS + GAYLE FOSS

Address: 850 MADISON AVE

Property number on map: 11

Comments: (Use additional sheets if necessary)

Signature: FRANK FOSS
Gayle D Foss



I favor: _____

I object: X
(State reason for objection)

Bring in Transient guests
is inconsistent with the Neighborhood

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ-18-046 ms

Name: Matt. Sozorro Green
 Address: 870 Manhattan
 Property number on map: 12

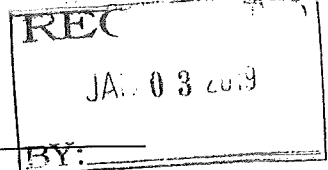
I favor: _____
 I object: X

(State reason for objection)

Comments: (Use additional sheets if necessary)

Not interested in having short term rental in neighborhood. Want our neighborhood to remain homeowners dedicated to proper property, upkeep maintaining property values

Signature: Matt Green



YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ-18-046 ms

Name: Ceslie & Keely J Brewer
 Address: NB TX 838 Manhattan
 Property number on map: 13

I favor: _____

I object: ✓

(State reason for objection)

Comments: (Use additional sheets if necessary)

NO MO. to MO. •

Yearly OK

Signature: [Signature]

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ-18-046 ms

Name: Edward & Bre Jamerson
 Address: 837 Manhattan
 Property number on map: 15

I favor: _____

I object: ✓

(State reason for objection)

Comments: (Use additional sheets if necessary)

We are a small community with many families that have small children. Short-term rentals attract an unfavorable type of crowd when considering the type of neighborhood we are. My family feels it is unsafe and irresponsible to allow short-term rentals.

Signature: [Signature]

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ-18-046 ms

Name: Caitun P Drew Johnston

Address: 837 Wall Street

Property number on map: 10

Comments: (Use additional sheets if necessary)

Signature: Caitun Johnston

I favor: _____

I object: ☒

(State reason for objection)

Not cohesive with the rest of the neighborhood, disrupts the enjoyment of the neighborhood

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ-18-046 ms

Name: Bryce + Kasey Kock

Address: 846 Wall Street

Property number on map: 17

Comments: (Use additional sheets if necessary)

Signature: Bryce Kock

I favor: _____

I object: ☒

(State reason for objection)

Not interested in additional parking/sharing guests in our residential neighborhood - Do not want bad neighbors, additional traffic, etc - Bought our house for traditional neighborhood - not vacation rental possibilities

Purchased home with idea that HOA would block such

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ-18-046 ms

Name: MICHAEL L. ORR

Address: 882 MANHATTAN

Property number on map: 20

Comments: (Use additional sheets if necessary)

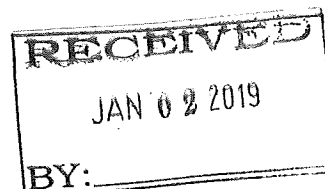
SEE ATTACHED.

Signature: [Signature]

I favor: _____

I object: ☒

(State reason for objection)



12/31/2018

Re: Case # PZ-18-046ms

Dear Mr. Simmont,

We would like to object the application for the property @ 842 Wall St to become a Short-Term Rental.

We live in a small neighborhood (97 homes) and the prospect of a revolving door of strangers is very concerning to us. We live within a few hundred feet of the property and we are very afraid of what may happen at the property

Strangers have no concerns for the neighborhood or the people that live and work in the neighborhood.


Also, it has been shown that Short Term Rental have a very negative impact on the neighborhood.

I found the following on a few websites.

3 reasons Short Term Rental are Not good for a Neighborhood.

1. Short-term rentals disrupt residential neighborhoods and buildings
2. Short-term rentals lower property values
3. Short-term rentals lead to a decrease in long-term housing.

Thank you in advance,


Michael Orr & Erlinda Orr

882 Manhattan

#20

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ-18-046 ms

Name: CHRISTOPHER WEEKS

I favor: _____

Address: 866 MANHATTAN

Property number on map: 31

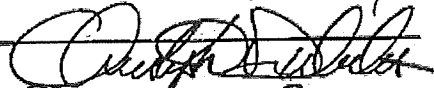
I object: X

(State reason for objection)

Comments: (Use additional sheets if necessary)

SHORT-TERM RENTAL OF THIS PROPERTY WOULD BE IN VIOLATION OF
SUBSECTION 3.05 OF THE RIVERMILL CROSSING DCCRS. PLEASE
SEE ATTACHED COPY FOR YOUR REVIEW AND CONSIDERATION OF THE

Signature: _____



PERMIT APPLICANT'S REQUEST.

PRESIDENT - RIVERMILL CROSSING H.O.A.

3.04 Minimum Square Footage and Frontage. The minimum square footage for each residence, exclusive of open or screened porches, terraces, patios, decks, driveways, and garages, shall be eight hundred (800) square feet for single story residences and eight hundred (800) square feet for two-story residences, unless specifically approved in advance by the ACC. The first floor of any two-story residences shall contain at least three hundred (300) square of total living area. Every residence erected on a Lot shall front or present a good frontage on the street upon which said Lot fronts as determined in the sole and absolute discretion of the ACC. Residences constructed on corner Lots shall have a presentable frontage on all streets on which the particular corner Lot abuts.

3.05 Rentals. Nothing in this Declaration shall prevent the rental of any Lot and the Improvements thereon by the Owner thereof for residential purposes; provided, however, that all rentals must be for terms of at least twelve (12) months. All leases shall be in writing. The Owner must provide to its lessee copies of the Restrictions. Notice of any lease, together with such additional information as may be required by the Board, will be remitted to the Association by the Owner on or before the expiration of ten (10) days after the effective date of the lease.

3.06 Garages. Each residence constructed upon a Lot shall have a private garage for not less than two (2) automobiles. The location, orientation and opening of each garage to be located on a Lot shall be approved in advance of construction by the ACC. All garages shall be maintained for the parking of automobiles and storage, and no garage may be permanently enclosed or otherwise used for habitation.

3.07 Windows. All windows on each residence shall have a consistent design throughout the residence and shall comply with any other applicable requirements that may be set forth in the Design Guidelines.

3.08 Fences; Sidewalks. All fences and walls shall comply with all applicable governmental ordinances. Unless otherwise approved by the ACC, no fence, wall or hedge will be erected or maintained on any Lot nearer to the street than the front elevation of the residence constructed on the Lot, except for fences erected in conjunction with the model homes or sales offices. The ACC will have the sole discretion to determine the front elevation of the residence for the purpose of this Section 3.08. Fences constructed on corner lots may be installed five (5) feet from the sidewalk and/or curb along the side yard adjacent to the street provided that such fencing complies with applicable governmental ordinances. Unless otherwise approved by the ACC, all perimeter fences and other fences visible from a street, will be constructed of masonry, cedar, spruce, or other such materials as may be approved from time to time by the ACC. All such fences will be six (6) feet in height unless otherwise approved by the ACC. No chain-link, metal cloth or agricultural fences may be installed or maintained on the Lot.

Notwithstanding the foregoing, the ACC is empowered to waive the aforesaid fence limitations in connection with retaining walls and decorative walls if, in its sole discretion, such waiver is advisable in order to accommodate a unique, attractive or advanced building concept

Outside Notification Area

Matthew W. Simmont

From: Burel Schulz <bcschu@yahoo.com>
Sent: Tuesday, January 8, 2019 1:54 PM
To: Matthew W. Simmont
Subject: Subject: Special Use Permit- Case #PZ-18-046 (843 Wall Street located in Rivermill Crossin Subdivision)

Mr. Simmont:

I own and reside in a home at 826 Manhattan in Rivermill Crossing, and oppose the request for rezoning by the owner of the residence at 842 Wall Street. The neighborhood is not conducive to short-term rentals due to ingress and egress issues and limited parking. HOA rules already oppose short-term rentals, and it is my hope that you will also oppose this request.

Thank you for your time and consideration, Burel Schulz

Texas law requires all real estate licensees to provide the following consumer information:
[Texas Real Estate Commission Consumer Protection Notice](#)
[Information About Brokerage Services](#)

The Walker Group - Keller Williams Heritage
453 W. San Antonio Street - New Braunfels TX 78130
www.thewalkergroup-kw.com
210-410-4023 - office

Burel Schulz, MPA, MBA, REALTOR® - License # 636055: 210.262.7054

Matthew W. Simmont

From: Hannah Adams <hhenzen@gmail.com>
Sent: Tuesday, January 8, 2019 10:11 AM
To: Matthew W. Simmont
Subject: Opposition to the re-zoning of 842 Wall Street

Dear Mr. Simmont,

I am writing to voice my concerns and opposition to the re-zoning of 842 Wall Street in the Rivermill Crossing neighborhood to allow for Short Term Rentals.

Short Term Rental reclassification would mean an increase in the number of unknown visitors to our neighborhood who are not part of our neighborhood community. These visitors will not have the same respect, ownership, and sense of community for the property that long term renters and homeowners have.

This reclassification also has the potential to affect the amount of traffic throughout our neighborhood. Our neighborhood has already expressed concern for traffic flow and the rate of speed at which people travel down our streets. Allowing short term rentals would bring people unfamiliar and/or uncaring of these concerns to our community. We are already cautious with allowing our child and pets in the front yard and have had several near miss incidents occur. I fear that these types of situations will increase as people unfamiliar try to navigate our community especially after spending time out drinking at one of the many festivals our city hosts each year.

Though we are not one of the homes who received the notice of this potential change, we are part of the neighborhood community and do not want short term rentals in our neighborhood. We will be unable to attend the various city meetings regarding this issue and I wanted to ensure our voice is heard on this matter.

Thank you for your time and consideration of this email on behalf of the residents at 865 Madison Avenue in the Rivermill Crossing Subdivision.

--

Hannah Adams
hhenzen@gmail.com

"A positive attitude may not solve all your problems,
but it will annoy enough people to make it worth the effort."
-Herm Albright-

Matthew W. Simmont

From: Julie Vega <vegajulie58@yahoo.com>
Sent: Tuesday, January 8, 2019 9:48 AM
To: Matthew W. Simmont
Subject: Rivermill Crossing Subdivision/ Short Term Rentals

Good morning, Mr. Simmons,

I appreciate your time and consideration of this email on behalf of the residents (3) at (address provided) in the Rivermill Crossing Subdivision. Our family is opposed to the reclassification of 842 Wall Street to allow for Short Term Rentals as agreed to in our annual HOA renewal. This would be a detriment to our peaceful small neighborhood. Short Term Rental reclassification would mean we wouldn't know the individuals renting from time to time and I would not feel that my child is safe in our neighborhood. We also know that short term rental implies that the individuals renting this home would be visitors to New Braunfels with the emphasis on partying and playing – all of this is fine but is not the appropriate use of a home within a small neighborhood like Rivermill Crossing. The individuals at 842 Wall Street pay into our HOA (I assume that they are not truant on these payments) which bans this sort of reclassification and they agreed to this when they purchased their home. Even though the city, apparently, is able to override this paid-for agreement, our neighborhood, holistically, does not agree to this change.

Though we are not one of the homes who received the notice of this potential change, we are part of the neighborhood community group and do not want short term rentals in our neighborhood as agreed to when we bought the house under the current HOA. We will be unable to attend the various city meetings regarding this issue and I wanted to ensure our voice is heard on this matter.

We have been here 6 years & still unable to get a SAFE entrance into our subdivision off Loop 337 across Bible Study go figure!!! Seems we keep getting the runaround...

Again, thank you for your time and consideration and please let me know if you have any additional questions regarding this matter you can reach me at 830 703-9930..

Julie & Arthur Vega
241 Flushing
New Braunfels TX 78130

Matthew W. Simmont

From: Sarbu, Bridget <bridget.sarbu@txstate.edu>
Sent: Tuesday, January 8, 2019 8:26 AM
To: Matthew W. Simmont
Subject: Short Term Rental Proposal for 842 Wall Street

Importance: High

Good morning, Mr. Simmons,

I appreciate your time and consideration of this email on behalf of the residents (3) at 253 Flushing in the Rivermill Crossing Subdivision. Our family is opposed to the reclassification of 842 Wall Street to allow for Short Term Rentals as agreed to in our annual HOA renewal. This would be a detriment to our peaceful small neighborhood. Short Term Rental reclassification would mean we wouldn't know the individuals renting from time to time and I would not feel that my child is safe in our neighborhood. We also know that short term rental implies that the individuals renting this home would be visitors to New Braunfels with the emphasis on partying and playing – all of this is fine but is *not* the appropriate use of a home within a small neighborhood like Rivermill Crossing. The individuals at 842 Wall Street pay into our HOA (I assume that they are not truant on these payments) which bans this sort of reclassification and they agreed to this when they purchased their home. Even though the city, apparently, is able to override this paid-for agreement, our neighborhood, holistically, does *not* agree to this change.

Though we are not one of the homes who received the notice of this potential change, we are part of the neighborhood community group and do not want short term rentals in our neighborhood as agreed to when we bought the house under the current HOA. We will be unable to attend the various city meetings regarding this issue and I wanted to ensure our voice is heard on this matter.

Again, thank you for your time and consideration and please let me know if you have any additional questions regarding this matter.

Best Regards,

Bridget Sarbu
Customer Care Coordinator

Texas State University – Career Services
512.245.7804
www.careerservices.txstate.edu

Matthew W. Simmont

From: Chad Schulz <chad@bchtexas.com>
Sent: Tuesday, January 8, 2019 9:16 AM
To: Matthew W. Simmont
Subject: Special Use Permit - Case #PZ-18-046 (842 Wall Street in the Rivermill Crossing Subdivision)

Good morning Mr. Simmont,

I am writing you this morning as a homeowner of the home at 854 Madison Avenue in the Rivermill Crossing Subdivision. I am strongly against the reclassification case for the home at 842 Wall Street. I believe I speak for most of my neighbors when I say that it will not only lower property values but will also be a nuisance for the neighborhood. Some neighbors have already voiced their frustrations due to loud parties late into the night and lack of parking around their homes due to people renting 842 Wall Street for weekend and short term use. Another point of contention is that short term rentals are not allowed by the HOA DCCRs for Rivermill Crossing.

Since I will be unable to attend the meeting this evening please accept this email as my opposition vote for this case.

Thank you for your time and consideration.

Regards,

Chad Schulz

Division President
Buttrum Construction
Custom Homes Division
8210 IH 35 North, Ste #1 - New Braunfels, TX 78130
Office: (830) 624-7030 Cell: (210) 901-3031
Web: bchtexas.com



Matthew W. Simmont

From: Clint Moore <Clint.Moore@rackspace.com>
Sent: Monday, January 7, 2019 3:40 PM
To: Matthew W. Simmont
Subject: Re-zoning 842 Wall Street

Hi Matthew,

I object to the re-zoning of 842 Wall Street.

Thanks,

CM

Clint Moore
409-963-6388
805 Madison Ave
New Braunfels TX 78130