

PLANNING COMMISSION – JULY 2, 2019 – 6:00 PM
New Braunfels City Hall, Council Chambers, 550 Landa Street

Address/Location: 1260 S. Business 35

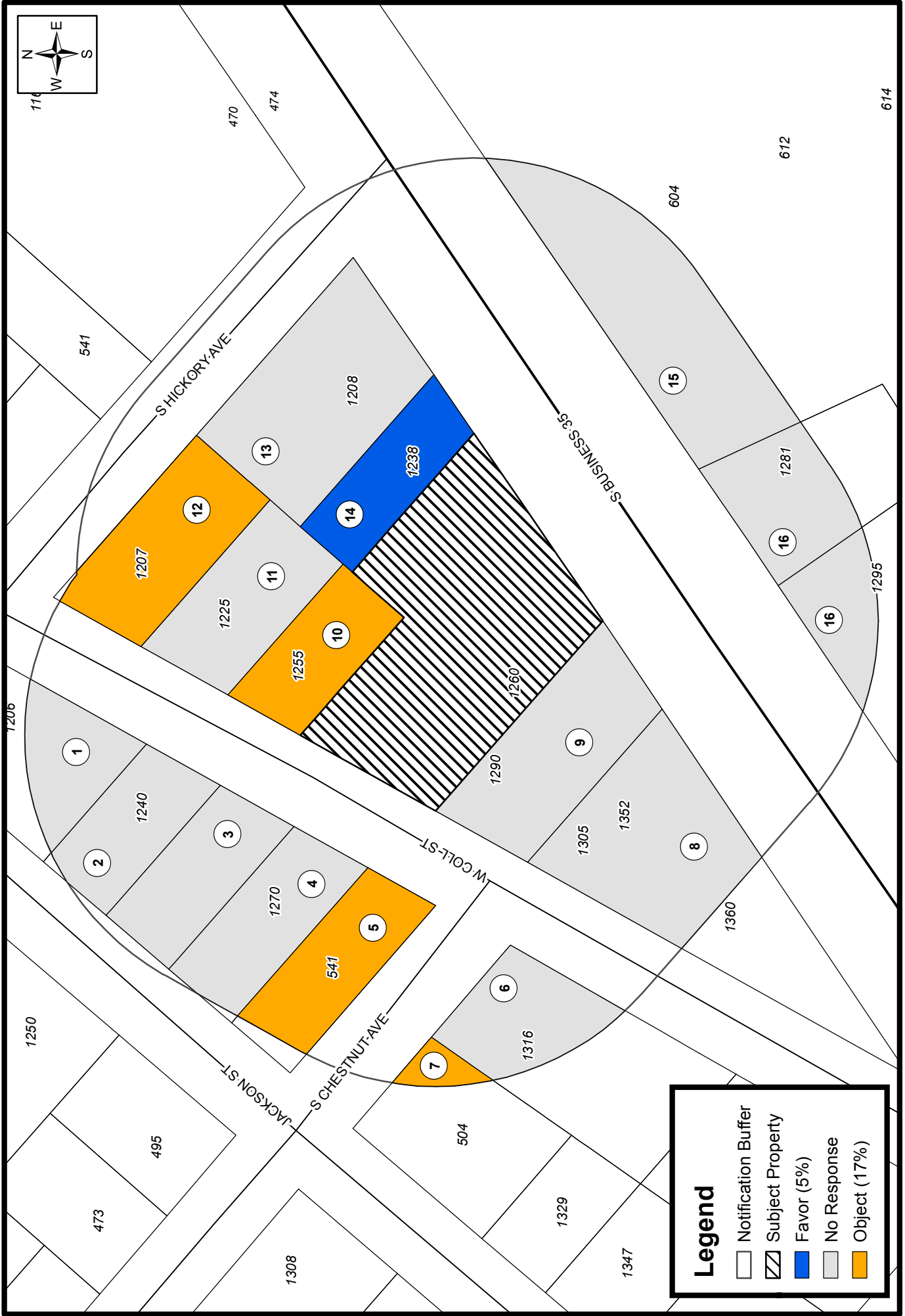
Applicant: Carolyn Lehman

Case #: SUP19-157

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

- | | |
|-------------------------------------|-----------------------------------|
| 1. GONZALES JUAN J | 10. NEWBERRY PHILLIP L & BARBARA |
| 2. BYRD RUD | 11. BUSTOS GILBERT S & DORELIA P |
| 3. POSTON MICHAEL G | 12. MARTINEZ MAUREEN |
| 4. ANCHORED REAL ESTATE INVESTMENTS | NEW BRAUNFELS MUFFLER AND HITCH |
| 5. MOORE DANE R | 13. CENTER LLC |
| 6. FREDRICKSON LISA ANN | 14. ACKER SCHLATHER CYNTHIA |
| 7. KING MICHAEL W & DEBORAH | 15. WALNUT KNOX LLC |
| 8. ADAMS RANDAL H & SUSAN L | 16. BLUEBONNET CHRYSLER DODGE LLC |
| 9. HILL WILLIAM E | |

SEE NOTIFICATION MAP



SUP19-157 **1260 S. Business 35** **Amendment to Special Use Permit**

From: [Maureen Martinez](#)
To: [Matthew W. Simmont](#)
Subject: #SUP19-157 feedback
Date: Monday, July 1, 2019 12:52:26 PM

Mr Simmont,

I had received the subject proposal and was planning on attending the hearings to find out more. My neighbor was kind enough to bring me the whole agenda item report.

ABSOLUTELY NOT to the music venue!! This property is adjacent to a residential area. I don't think the bed and breakfast is appropriate either. I thought there was some zoning requirement in the city that didn't allow overnight rentals in residential areas. I understand it's on the edge and the lot itself is partially zoned commercial. I'd rather not have a B&B in my neighborhood but I could live with that.

Please don't allow a music venue in our neighborhood! That's not an appropriate location (adjacent to a residential neighborhood). I get up at 4am - even 30 minutes after sunset is too late to be playing music- especially outdoors. This town already has enough music venues/night clubs. I just spent a significant amount of money cleaning up and making my backyard a beautiful outdoor area for me, my friends and family to enjoy. I don't want my weekend experience ruined by someone else's loud music.

The agenda item report for this change states on page 5 that public hearing notices were sent and no responses were received from the 16 nearby owners. That could be because that letter did not mention any music venue. Now that I know, I strenuously object!

Thank you for your time and consideration.

Maureen Martinez
1207 W Coll St

From: [cmdas2](#)
To: [Matthew W. Simmont](#)
Subject: Case: #sup19-157 ms
Date: Wednesday, June 26, 2019 1:33:19 PM

I am in favor of the rezoning of Ms Carolyn H. Lehmann with the address at 1260 S. Business 35. My name is Cynthia Acker Schlather with address is 1238 S. Business 35. Property number is 14. This property has been in our family since 1955 when my parents purchased the property. The one question I have is that Ms. Lehmann said is that my property is considered residential since someone is living in the house. When I would want to sell it would go back to commercial status.

Cynthia Acker Schlather
1107 West Coll
New Braunfels, Texas 78130
830-625-4376

Sent from my Verizon, Samsung Galaxy smartphone

From: [Barbara Newberry](#)
To: [Matthew W. Simmont](#)
Subject: Case: #SUP19-157 ms
Date: Monday, July 1, 2019 11:23:19 AM

Just to introduce myself. I am Barbara Newberry and I live at 1255 W. Coll Street, New Braunfels, TX 78130.

We received the letter notifying us of the hearing while we were on vacation. When we returned from vacation, it was too late for me to reschedule my business trip to attend the July 2, 2019 meeting. I am only aware of some of the requests so please forgive me ahead of time if I misquote anything. I still believe you will get the point I am trying to make; I object.

My husband and I have lived at this address for 38 years and raised our family in this home. About 11 years ago we chose to renovate our home and remain in our home for our retirement years. This is a quiet, friendly, older neighborhood with old, charming homes.

We attended the first meeting in 2017 and all requests were granted in favor of Ms. Lehman, except the music studio/hub. At that time the planning board allowed the music studio with restrictions. We weren't pleased with the decision but would live with the compromise. I am surprised that 2 years later Ms. Lehman is asking to have most of these restrictions revoked and using hedge words to give her an option to back out of some of the landscaping and other upgrades. She may live in this neighborhood, but not close enough to understand. We need to think about what it would mean now and in the future. I can only assume Ms. Lehman means well, but ownership of businesses change over the years which could lead to owners that push boundaries that could leave us in an even worse situation.

Shortly after the 2017 meeting, one of Ms. Lehman's family members accidentally hit our fence with a Bobcat-like machine. It took us over 4-5 months to receive money to fix the fence. Ms. Lehman's business officer called us to say they didn't feel like they should have to pay for the entire repair since we did not fill the cinder blocks on the lower part of our fence with cement. No we did not build the fence to withstand being hit with construction equipment. Who trusts a neighbor like this?

For years part of this lot was an auto shop with old vehicles that never moved. We didn't like looking at this, but we knew what we were getting into when we bought the house. Eventually we put up a privacy fence to solve the problem. The solution isn't that simple any more. In 2017, we were told the upgrades to this lot would be eclectic, like Huisache. I don't see the comparison. Our privacy fence no longer blocks our view of this oversized, crowded lot. Most employees that work at the print shop park on Coll Street, not on the lot. There are not many employees so no real issues, but with a bed and breakfast, a night club and other possible businesses, I don't see there being enough parking.

When my husband and I built a new garage, we were required to either pave, blacktop or cement our driveway. Why does a business only have to lay down rock (not the right name)? I don't mean to be rude but this property is an eye sore right now. How much do you need to cram onto such a limited piece of property?

In 2017 one of the restrictions was if a music studio was put in the house behind us, Ms. Lehman would need to put in a masonry wall between our properties. The plans sent to us for the meeting Tuesday showed there was a wood privacy fence already in place. The privacy fence only goes part way across the property line, the rest is a "living" fence. It is a wire fence with vines growing on it. This would not serve as a sound barrier. Isn't it a city ordinance for a masonry wall to be put in place?

How can Ms. Lehman who has already not met permitting restrictions when moving the first building onto the property still be considered for additional allowances? If she already pushes the boundaries, what will keep her from doing this again?

I would hope the Planning Commission works for both business and residential citizens. Why would you allow a very old New Braunfels neighborhood that has recently seen several homes renovated, have to now worry about the value of their homes and being able to sleep at night due to noise?

I want Ms. Lehman's business to be successful but why so many businesses on the same property? By allowing a night club with non-acoustical music, I believe this would begin a negative change for our neighborhood. We have older homes that weren't built to block loud sounds. With most music venues comes liquor, smoking and who knows what else; trash and possibly unwanted people into our yards. My husband and I have invested in a backyard designed to entertain our friends and family. How will we be able to do this without competing with the night club just a stones throw behind us?

Shouldn't Ms. Lehman at least have to live up to what she said she would do in 2017 before any changes are made to the current agreement? Think about how you would feel if this was your home and neighborhood.

Sincerely,
Barbara Newberry
Cell (210) 885-4869

Sent from [Mail](#) for Windows 10

YOUR OPINION MATTERS - DETACH AND RETURN

JUL 1 2019

Case: #SUP19-157 ms

Name: DANE R. MOOREAddress: 541 S. CHESTNUT AVEProperty number on map: 5

I favor: _____

I object: ☒ _____

(State reason for objection)

Comments: (Use additional sheets if necessary)

THIS WAS ADDRESSED IN 2017. AT THAT TIME IT WAS PASSED WITH THE
 stipulations → No Alcohol & No Amplified music. THIS VENUE HAS NO PLACE
 IN A RESIDENTIAL AREA.

Signature: DANE R. MOORE

YOUR OPINION MATTERS - DETACH AND RETURN

RECEIVED

JUL 1 2019

Case: #SUP19-157 ms

Name: Mike King + DeborahAddress: 504 S. ChestnutProperty number on map: 7

I favor: _____

I object: DK-MK do not

(State reason for objection)

Comments: (Use additional sheets if necessary)

Signature: Mike King

We already have the Old Lee House
 close enough, don't need any others
 this is just too close to residential
 homes. There is no concert space one
 should have already been built.