

## **Draft Minutes for the July 2, 2019 Planning Commission Regular Meeting**

**Public hearing and recommendation to City Council regarding a proposed rezoning to amend an existing Special Use Permit to allow a commercial tuber entrance and takeout in the "C-4" Commercial Resort District on property presently addressed as 444 East San Antonio Street.**  
(Applicant: IAKOBO Four LP; Case Manager: M. Greene)

Mr. Greene summarized the request and stated Staff recommended approval with the conditions outlined in the staff report.

Vice Chair Reaves inquired which conditions required with the original special use permit had been complied with.

Mr. Greene clarified each condition of the original special use permit had been resolved or will continue to be met.

Discussion followed regarding the provided off-street parking.

Commissioner Meyer expressed concerns regarding the stairway's ADA compliance. He stated he disagrees that alternate access through the shuttle is an appropriate accommodation.

Discussion followed.

Chair Edwards invited the applicant to speak.

Javier Gonzalez, GRG Architecture, stated he would speak on behalf of the applicant. Mr. Gonzalez explained the intent for the request and provided a summary of the applicant's granted postponement by TDLR. Mr. Gonzalez stated the stairway will act as secondary access for tubers and the provided shuttle acts as an ADA compliant primary access to the river. Mr. Gonzalez further described the circumstances under which the stairs were used as a means of emergency access for tubers. Mr. Gonzalez then stated the stairway is currently gated off.

Commissioner Tubb asked for the applicant to clarify that the intent of the stairway is to allow tubers to use it to access the river only if they would like to forgo the full floating route and the tube chute.

Mr. Gonzalez stated that was correct.

Commissioner Tubb asked Staff if the entrance at Prince Solms is ADA compliant.

Mrs. Snell stated the entrance at Prince Solms is managed by the Parks Department and the present Staff did not have that information.

Discussion followed regarding current accessibility standards for tubing the river.

Commissioner Laskowski asked if anyone was allowed to use the stairs to access the river.

Monique Weston, the applicant, answered she does not allow anyone to use the stairs to access the river. She provided an example in which the stairs were used as emergency access for tubers that were injured.

Discussion followed regarding the permitted postponement by TDLR.

Chair Edwards asked if anyone wished to speak in favor.

George Green, 238 Loma Vista, wished to speak in favor. Mr. Green stated he was a councilmember when the original special use permit was approved. He stated he believes ADA compliance is difficult for any tube outfitter and the applicant should be permitted to have a fair opportunity to operate. He then stated

the applicant has complied with the conditions of the original special use permit and should be able to continue to do so.

Chair Edwards asked if anyone wished to speak in opposition.

No one spoke.

Motion by Commissioner Laskowski, seconded by Vice Chair Reaves, to close the public hearing. Motion carried (9-0-0).

Vice Chair Reaves stated he found it troublesome the applicant is requesting to waive previously required conditions. He further expressed concerns regarding the granted postponement by TDLR.

Commissioner Gibson inquired if the Commission could potentially place a condition on the special use permit to require only outbound traffic from the river can use the stairway.

Discussion followed regarding the nature of secondary access to the river.

Commissioner Mathis stated he disagreed with restricting the stairs to only being used for outbound access as he believes if any tuber needed their accessibility needs to be met, they would coordinate with the applicant to safely access the primary entrance via shuttle.

Discussion followed.

Motion by Commissioner Gibson, seconded by Commissioner Tubb, to recommend approval to City Council regarding a proposed rezoning to amend an existing Special Use Permit to allow a commercial tuber entrance and takeout in the "C-4" Commercial Resort District on property presently addressed as 444 East San Antonio Street, with Staff recommendations. Motion carried, with Vice Chair Reaves and Commissioner Meyer in opposition (7-2-0).