

**Planning Commission
Regular Meeting Minutes
January 5, 2021**

Members Present

Chair Lee Edwards
Vice Chair Stanley Laskowski
Ron Reaves
Creighton Tubb
Thomas Meyer
Chad Nolte
Jerry Sonier
John Mathis
Shaun Gibson

Staff Present

Christopher J. Looney, Planning Director
Frank Onion, Assistant City Attorney
Maddison O'Kelley, Assistant Planner
Caleb Gasparek, Historic Preservation Officer
Holly Mullins, Senior Planner
Matt Greene, Planner
Matthew Simmont, Planner
Sam Hunter, Planning Technician

Members Absent

None

1. The above meeting was called to order by Chair Edwards at 6:15 p.m.

2. ROLL CALL

Roll was called, and a quorum was declared.

3. APPROVAL OF MINUTES

Motion by Vice Chair Laskowski, seconded by Member Gibson, to approve the regular meeting minutes of January 5, 2021. Motion carried (9-0-0).

4. CITIZENS COMMUNICATION

Chair Edwards stated in person communication had been temporarily suspended due to COVID-19 and encouraged the public to send their comments in emails to planning@nbtexas.org which will be distributed to the Commissioners.

5. CONSENT AGENDA

A) FP21-0003 Approval of the final plat for August Fields, Phase 4. Applicant: HMT Engineering & Surveying; Owner: August Fields, LP

B) FP21-0004 Approval of the final plat for August Fields, Phase 5. Applicant: HMT Engineering & Surveying; Owner: August Fields, LP

C) FP21-0005 Approval of the final plat for Grace Meadows, Unit 1. Applicant: HMT Engineering & Surveying; Owner: MSSC Investments, LP

D) FP21-0006 Approval of the final plat for Grace Meadows, Unit 2. Applicant: HMT Engineering & Surveying; Owner: MSSC Investments, LP

E) FP21-0008 Approval of the final plat for The Gardens at New Braunfels with conditions. Applicant: James Ingalls, Moeller & Associates Engineering; Owner: JP Gips

F) FP21-0014 Approval of the final plat for New Braunfels Westside Community Center Library. Applicant: HMT Engineering & Surveying; Owner: City of New Braunfels

G) FP21-0015 Approval of the final plat for Vangaurd Farms. *Applicant: HMT Engineering & Surveying; Owner: Gary Krieg; ULF, LLC*

Motion by Vice Chair Laskowski, seconded by Commissioner Sonier, to approve the consent agenda with staff recommendations and with revised recommendations for items 5A and 5B. Motion carried (9-0-0).

6 ITEMS FOR CONSIDERATION

A) Presentation by the Texas Community Watershed Partners regarding scenario planning with the CHARM mapping tool and community workshops. *Dana Snyder, Urban Resilience Planner and Program Coordinator with the Texas Community Watershed Partners.*

Mrs. Snyder presented.

Discussion followed.

B) Public hearing and recommendation to City Council regarding proposed amendments to Chapter 66 Historic Preservation for the protection and preservation of historic trees within historic districts and historic properties. *Caleb Gasparek, Historic Preservation Officer.*

Mr. Gasparek presented the proposed amendments.

Chair Edwards asked if there were any questions for staff.

Discussion followed on potential revisions and suggestions for the ordinance draft.

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

Mike Eska, 596 Magazine Ave, stated he has concerns about Pecan trees and potentially dangerous situations concerning trees.

Discussion followed on the potential of trees downed by natural causes and protections against imminent danger, and the clause of the 24-month time period homeowners must sustain any newly planted trees.

Bonnie Leitch, 548 Hill Ave, stated support for the tree ordinance.

Chair Edwards closed the public hearing.

Chair Edwards asked if there were any further questions or a motion.

Motion by Commissioner Sonier, seconded by Commissioner Mathis, to recommend approval to City Council of the proposed amendments to Chapter 66 Historic Preservation for the protection and preservation of historic trees within historic districts and historic properties as presented. Motion carried (9-0-0).

C) Discuss and consider a recommendation to City Council regarding the removal of a segment of the Minor Arterial identified in the City of New Braunfels Regional Transportation Plan that is the future extension of County Line Road from FM 1044 to Engel Road. *Garry Ford, Jr., Assistant Public Works Director/City Engineer.*

Mr. Ford presented and recommended denial of the request.

Chair Edwards asked if there were any questions for staff.

Chair Edwards asked if the applicant would like to speak.

John McClish, 605 Blue Hills Drive, representing the Kram family elaborated on the intention of the request.

Discussion followed on potential alternative solutions and materials provided by the applicant.

Motion by Commissioner Sonier, seconded by Commissioner Mathis, to recommend denial to City Council regarding the removal of a segment of the Minor Arterial identified in the City of New Braunfels Regional Transportation Plan that is the future extension of County Line Road from FM 1044 to Engel Road.

Discussion followed for clarification of the motion.

Commissioner Meyer asked if the homeowners are able to submit a different plan and come back through Planning Commission for consideration.

Discussion followed.

D) DCP20-327 Public hearing and recommendation to City Council regarding a proposed rezoning of approximately 19.963 acres out of the Sarah DeWitt Survey No. 48, Abstract No. 103, in Guadalupe County, Texas, located at the northeast corner of the intersection of FM 725 and East Klein Road, from “R-1” Single-Family District and “APD” Agricultural/Pre-Development District to “REAPD” River’s Edge Apartments Planned Development District. Applicant: Herman Kittle Properties, Inc. (Elena Sanders, Director of Development); Owner: Margaret Denise Kosko; Case Manager: Matt Greene.

Mr. Greene presented and recommended approval with conditions as listed in the staff report.

Chair Edwards asked if there were any questions for staff.

Discussion followed on access to FM 725 and Klein Rd.

Chair Edwards asked if the applicant would like to speak.

Elena Sanders, Herman & Kittle Properties, 500 East 96th Street STE 300, addressed various concerns brought up previously and additional concerns brought up with public notice responses.

Discussion followed on height, access, surrounding properties, setbacks, and topography.

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

Karen Nussbaumer, 2323 Bretzke Ln, stated opposition to the request citing traffic and noise.

Ron Griffith, 306 E Klein, stated opposition to the request citing neighborhood character.

Chair Edwards closed the public hearing.

Chair Edwards asked if there were any further questions or a motion.

Motion by Commissioner Meyer, seconded by Commissioner Sonier, to recommend approval to City Council of the proposed rezoning of approximately 19.963 acres out of the Sarah DeWitt Survey No. 48, Abstract No. 103, in Guadalupe County, Texas, located at the northeast corner of the intersection of FM 725 and East Klein Road, from “R-1” Single-Family District and “APD” Agricultural/Pre-Development District to “REAPD” River’s Edge Apartments Planned Development District. Motion failed (3-0-6) with Vice Chair Laskowski, Commissioner Gibson, Commissioner Reaves, Commissioner Mathis, Commissioner Nolte, and Commissioner Sonier in opposition.

E) PZ20-0329 Public hearing and recommendation to City Council regarding a proposed rezoning of approximately 68.05 acres out of the O. Russell Survey No. 2, Abstract No. 485, located at the northern corner of the intersection of Goodwin Lane and Orion Drive, from “APD” Agricultural/Pre-Development District to “R-1A” Single-Family Small Lot Residential and “R3-H” Multifamily High

Density District. *Applicant: James Ingalls, P.E.; Owner: EB Industries (Richard Byrd); Case Manager: Matthew Simmont.*

Mr. Simmont presented and recommended approval with conditions as listed in the staff report.

Chair Edwards asked if there were any questions for staff.

Chair Edwards asked if the applicant would like to speak.

James Ingalls, 2021 St Hwy 46, Moeller and Associates, provided clarification on the request.

Richard Baird, CRE Analyst, 8309 Chadbourne Rd, stated they can answer any further questions or concerns from the Commission.

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

Amy Gusman, 3015 Shell Cove, asked how many units are proposed in the multifamily area and stated concerns over the character of the neighborhood.

Discussion followed.

Chair Edwards closed the public hearing.

Chair Edwards asked if there were any further questions or a motion.

Motion by Commissioner Gibson, seconded by Vice Chair Laskowski, to recommend approval to City Council of the proposed rezoning of approximately 68.05 acres out of the O. Russell Survey No. 2, Abstract No. 485, located at the northern corner of the intersection of Goodwin Lane and Orion Drive, from "APD" Agricultural/Pre-Development District to "R-1A" Single-Family Small Lot Residential and "R3-H" Multifamily High Density District with staff recommendations.

Discussion followed on clarification of the purview being considered.

Motion carried (9-0-0).

F) PZ20-0330 Public hearing and recommendation to City Council regarding a proposed rezoning of approximately 14.608 acres out of the H. Foster Survey No. 34, Abstract No. 154, Comal County, Texas, located at the northwest corner of the intersection of IH 35 and FM 306, from "M-1" Light Industrial District to "MU-B" High Intensity Mixed Use District. *Applicant: Moeller & Associates (James Ingalls, P.E.); Case Manager: Matt Greene.*

Mr. Greene presented and recommended approval.

Chair Edwards asked if there were any questions for staff.

Chair Edwards asked if the applicant would like to speak.

James Ingalls, 2021 Hwy 46 S, stated he is able to answer any 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 any further questions or a motion.

Motion by Vice Chair Laskowski, seconded by Commissioner Gibson, to recommend approval to City Council of the proposed rezoning of approximately 14.608 acres out of the H. Foster Survey No. 34, Abstract No. 154, Comal County, Texas, located at the northwest corner of the intersection of IH 35 and FM 306, from "M-1" Light Industrial District to "MU-B" High Intensity Mixed Use District. Motion carried (9-0-0).

G) REP21-007 Public Hearing and consideration of the replat of Oak Grove Estates Unit 1, Lot 1 and Oak Grove Estates Unit 2, Block 1, Lot 1A, establishing Oak Grove Estates Unit 5. Applicant/Owner: Dean Schilling.

Mr. Simmont presented and recommended approval with conditions as listed in the staff report.

Chair Edwards asked if there were any questions for staff.

Chair Edwards asked if the applicant would like to speak.

Dean Schilling, 1531 Flaming Oak, provided clarification of the request

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

Chad Brady, 1435 Flaming Oak, property 5, stated concerns over access safety along 306.

Chair Edwards closed the public hearing.

Chair Edwards asked if there were any further questions or a motion.

Motion by Vice Chair Laskowski, seconded by Commissioner Gibson, to approve the replat of Oak Grove Estates Unit 1, Lot 1 and Oak Grove Estates Unit 2, Block 1, Lot 1A, establishing Oak Grove Estates Unit 5 with staff recommendations.

H) REP21-012 Public Hearing and consideration of the replat of a portion of Lot 3 and Lot 4, New City Block 1055, Kuehler Addition establishing Lots 3R and 4R, with a waiver. Applicant: Moeller & Associates (James Ingalls, P.E.); Owner: Deborah Pawlik.

Mr. Simmont presented and recommended approval with the waiver request.

Chair Edwards asked if there were any questions for staff.

Chair Edwards asked if the applicant would like to speak.

James Ingalls, 2021 S Hwy 46, stated the intent behind 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 was any discussion or a motion.

Motion by Vice Chair Laskowski, seconded by Commissioner Gibson, to approve the replat of a portion of Lot 3 and Lot 4, New City Block 1055, Kuehler Addition establishing Lots 3R and 4R, with a waiver.

I) SUP20-267 Public hearing and recommendation to City Council regarding a proposed rezoning to apply a Special Use Permit to allow a variety of residential and non-residential development on approximately 49.5 acres out of the A-103, Sarah Dewitt Survey, addressed at 514 & 720 W. Zipp

Road, from “R-1A-6.6” Single Family District to allow all uses allowed in the following zoning districts: “MU-B” High Intensity Mixed Use, “R-1A-4” Single-Family Small Lot Residential, “ZH-A” Zero Lot Line Home and “R-2A” Single and Two-Family Residential. *Applicant: Thor Thornhill; Owner: Gregory Family Revocable Trust; Case Manager: Matthew Simmont.*

Mr. Simmont presented.

Chair Edwards asked if there were any questions for staff.

Chair Edwards asked if the applicant would like to speak.

Karen Williams Merch, San Marcos, provided clarification on the request and addressed public notice concerns.

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

Robert Yanez, 2761 Ridge Forest Dr, cited concerns with traffic, and pollution.

Lauren Stevenson, 2709 Ridge Path Dr, stated she agree with the previous neighbor and cited additional concerns.

Glen Young, 2749 Ridge Forest Dr, stated concerns over property values and agreed with previous concerns.

Karen York, 2757 Ridge Forest Dr, stated opposition in line with previous concerns.

Jyoti Canton, 2713 Ridge Path, stated opposition in line with previous concerns.

Greg Ritson, 2723 Ridge Forest Dr, stated opposition in line with previous concerns.

Matt Harrison, 2753 Ridge Forest Dr, stated opposition in line with previous concerns.

Jon Townsend, 606 Ridgehorn Dr, stated opposition and agreed with previous concerns.

Connie & Kermit Doerr, 644 Ridgemoor Dr, stated concerns over access and drainage.

Chair Edwards closed the public hearing.

Commissioner Reaves asked if there could be any limitations specific to the Ridgemont property line similar to Veramendi with the Oak Run subdivision property lines.

Discussion followed on a potential motion with conditions.

Chair Edwards asked if there were any further questions or a motion.

Motion by Commissioner Reaves, seconded by Commissioner Gibson, to recommend approval to City Council of the proposed rezoning to apply a Special Use Permit to allow a variety of residential and non-residential development on approximately 49.5 acres out of the A-103, Sarah Dewitt Survey, addressed at 514 & 720 W. Zipp Road, from “R-1A-6.6” Single Family District to allow all uses allowed in the following zoning districts: “MU-B” High Intensity Mixed Use, “R-1A-4” Single-Family Small Lot Residential, “ZH-A” Zero Lot Line Home and “R-2A” Single and Two-Family Residential with the condition of a buffer of Residential zoning along the property line adjacent to the Ridgemont subdivision.

Discussion followed on clarification of the motion.

Motion failed (4-0-5) with Vice Chair Laskowski, Commissioner Mathis, Commissioner Meyer,

Commissioner Sonier, and Commissioner Tubb in opposition.

Discussion followed on potential motions.

Mrs. Merch elaborated on the biggest issues with the development being developed as residential and stated she is okay to come back to the Commission with a Type 2 SUP request.

Discussion followed on the process for this solution.

Mrs. Merch requested postponement.

Motion by Commissioner Reaves, seconded by Commissioner Meyer, to postpone the proposed rezoning to apply a Special Use Permit to allow a variety of residential and non-residential development on approximately 49.5 acres out of the A-103, Sarah Dewitt Survey, addressed at 514 & 720 W. Zipp Road, from "R-1A-6.6" Single Family District to allow all uses allowed in the following zoning districts: "MU-B" High Intensity Mixed Use, "R-1A-4" Single-Family Small Lot Residential, "ZH-A" Zero Lot Line Home and "R-2A" Single and Two-Family Residential. Motion carried (9-0-0).

J) WVR21-010 Consideration of a waiver to Section 118-49 of the Subdivision Platting Ordinance to not require sidewalk construction along FM 2722 for the Preserve at Elm Creek Subdivision.

Applicant: William B. Ball, P.E., HMT Engineering & Surveying; Owner: JHJ Land and Cattle Company Holdings, LLC

Mr. Simmont presented and recommended escrow of the funds.

Chair Edwards asked if there were any questions for staff.

Discussion followed on the context of the surrounding area.

Chair Edwards asked if the applicant would like to speak.

Bill Ball, HMT, 290 S Castell, elaborated on the context of the request.

Discussion followed.

Chair Edwards asked if there were any further questions or a motion.

Motion by Commissioner Reaves, seconded by Commissioner Tubb, to approve the proposed waiver to Section 118-49 of the Subdivision Platting Ordinance to not require sidewalk construction along FM 2722 for the Preserve at Elm Creek Subdivision with escrow of the funds. Motion carried (9-0-0).

K) HST20-302 Public hearing and recommendation to City Council for the landmark designation of the property currently addressed as 210 South Castell Avenue, a commercial space commonly known as the Producer's Co-Op building. Applicant/Owner: Ronald B. Snider, Fredrick Heimer, & Michael Meyer.

Mr. Gasparek presented and stated the property meets several of the 6 criteria considered for Designation of Historic Landmarks.

Chair Edwards asked if there were any questions for staff.

Chair Edwards asked if the applicant would like to speak.

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

No one spoke.

Chair Edwards closed the public hearing.

Motion by Commissioner Sonier, seconded by Commissioner Reaves to recommend approval of the request for landmark designation of the property currently addressed as 210 South Castell Avenue, a commercial space commonly known as the Producer's Co-Op building.

7. STAFF REPORT

Mr. Looney stated a flier will be sent out with information to attend the Comal County CHARM workshop that will be conducted in March.

8 ADJOURNMENT

There being no further business, Chair Edwards adjourned the meeting at 10:03 pm.

Chair

Date