

**PLANNING COMMISSION – JANUARY 5, 2021– 6:00PM**

Zoom Meeting

**Applicant:** Ross Wilkenson – Roger Rocket Real Estate, LLC

**Address/Location:** 1951 Gruene Road (see included map)

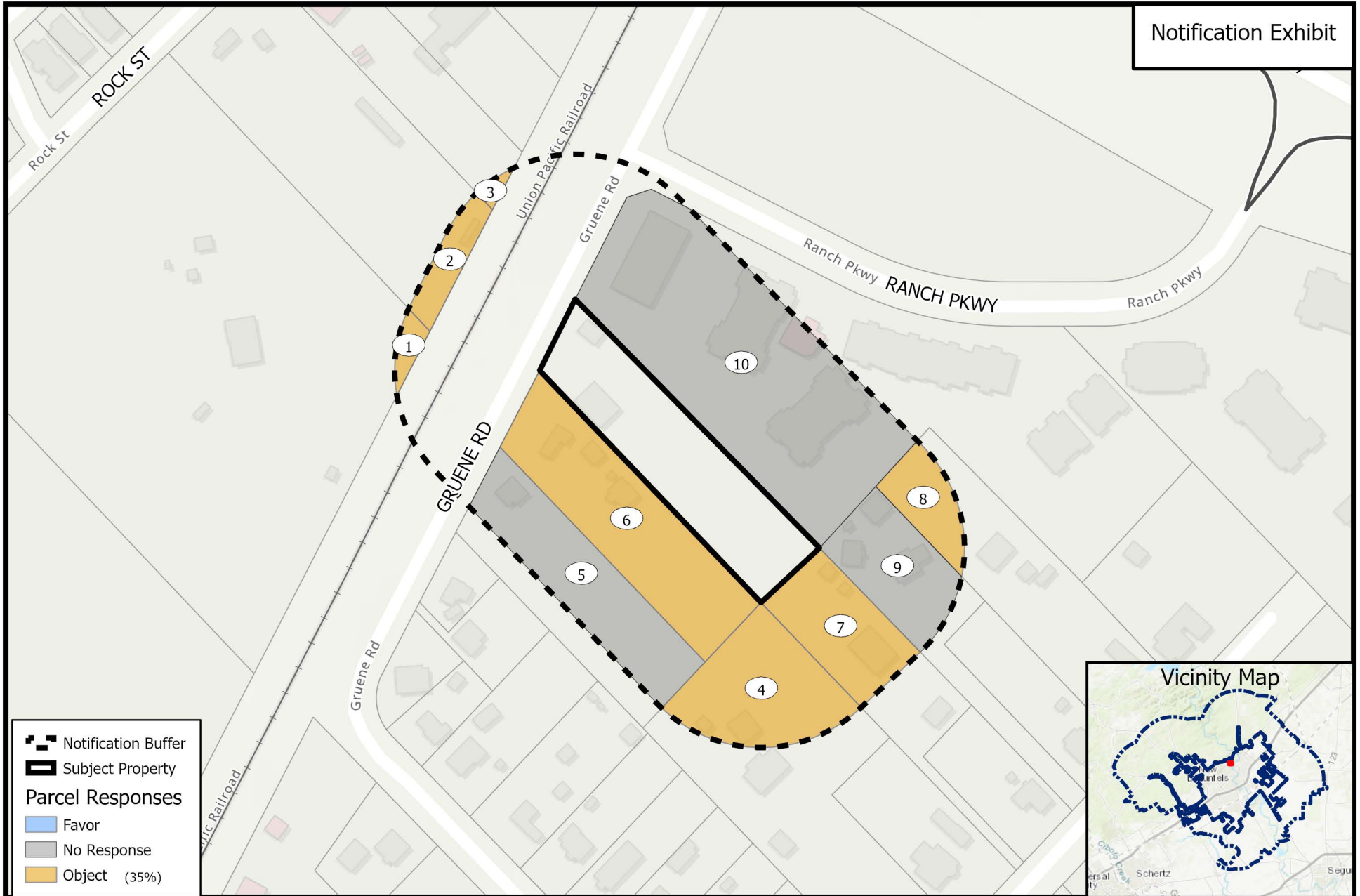
**PROPOSED SPECIAL USE PERMIT – CASE #SUP20-298**

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. JOLLY WILLIAM E                            | 6. SPARKMAN FAMILY RVCBL TRST  |
| 2. REICHERT KENNETH & MARINDA RVCBL LVNG TRST | 7. SHARP SYDNEY C              |
| 3. PALM MARTIN W & DIANE                      | 8. GRAVES SUSANN D             |
| 4. GUERRERO OMAR D & CECILIA                  | 9. ROOM 8 LLC                  |
| 5. GARZA MAURO JR                             | 10. LODGE AT THE GUADALUPE LLC |

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**SEE MAP**



YOUR OPINION MATTERS - DETACH AND RETURN

Case: #SUP20-298 ms

Name: Bill Jolly

Address: 1958 Gruene Rd 78130

Property number on map: 1

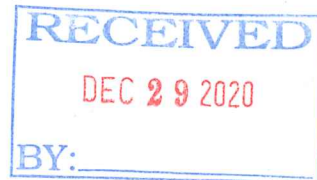
I favor: \_\_\_\_\_

I object: ☒ (State reason for objection)

Comments: (Use additional sheets if necessary)

concerned with NOISE, traffic,

Signature: \_\_\_\_\_



YOUR OPINION MATTERS - DETACH AND RETURN

Case: #SUP20-298 ms

Name: Kenneth & Miranda Reicher

Address: 1950 Gruene Rd. NBTX

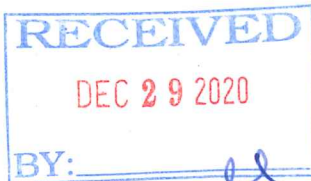
Property number on map: 2

I favor: \_\_\_\_\_

I object: ☒ (State reason for objection)

Comments: (Use additional sheets if necessary)

(Gary Kraft)



Signature: \_\_\_\_\_

I sleep during the Day  
I have health Issues.  
I object to the noise

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #SUP20-298 ms

Name: Martin Palmy

Address: 768 Rock Street

Property number on map: 3

I favor: \_\_\_\_\_

I object: ☒ (State reason for objection)

Comments: (Use additional sheets if necessary)

opposed to Music & Noise near my  
Home

Signature: \_\_\_\_\_





YOUR OPINION MATTERS - DETACH AND RETURN

Case: #SUP20-298 ms

Name: Omar & Cecilia Guerrero

Address: 825 E Torrey ST.

Property number on map: 4

I favor: \_\_\_\_\_

I object: ☒ (State reason for objection)

Comments: (Use additional sheets if necessary)

See Letter

We object to the sound of constant music in our neighborhood without the right to turn the music off at any given moment.

In support of our neighbor Beth Sparkman who is ill and needs constant rest & sleep.



Signature: Cecilia Guerrero

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #SUP20-298 ms

Name: BETH SPARKMAN

Address: 1959 Gruene Rd

Property number on map: Lot #4 Block #1

#6 Rio Vista addition

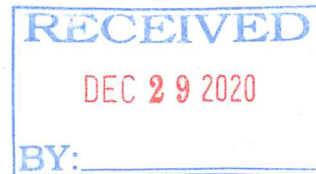
I favor: \_\_\_\_\_

I object: ☒ (State reason for objection)

Comments: (Use additional sheets if necessary)

I am next door and do not want the noise

Signature: Beth Sparkman



YOUR OPINION MATTERS - DETACH AND RETURN

Case: #SUP20-298 ms

Name: Sydney C. Sharp

Address: 845 E Torrey St.

Property number on map: 7

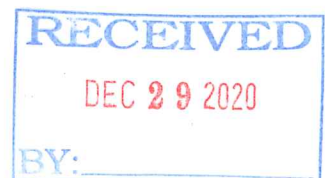
I favor: \_\_\_\_\_

I object: ☒ (State reason for objection)

Comments: (Use additional sheets if necessary)

no outdoor music in our residential neighborhood. I have renters directly behind the property who would be directly affected. The festaurant is welcome.

Signature: Sydney Sharp



YOUR OPINION MATTERS - DETACH AND RETURN

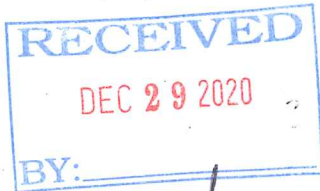
Case: #SUP20-298 ms

Name: Susann Graves  
Address: 875 E. Torrey St.  
Property number on map: 8

I favor: \_\_\_\_\_

I object: ☒ (State reason for objection)

Comments: (Use additional sheets if necessary)

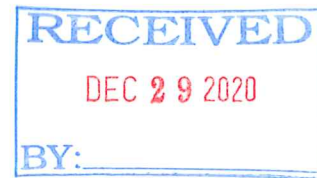


Signature: \_\_\_\_\_

Susann Graves

My family has owned this property since 1968 and purchased because of the dead end street and quiet neighborhood. Would not want loud music at night. This would also make it difficult to rent the property!

Omar D and Cecilia Guerrero  
825 East Torrey Street  
New Braunfels, Texas 78130  
(830)221-8600



December 26, 2020

City of New Braunfels  
Building, Planning and Zoning Division  
c/o Matthew Simmont  
550 Landa Street  
New Braunfels, Texas 78130

Re: 1951 Gruene Road, Zoned C-1  
Special Use Permit Application  
Case: # SUP20-298 ms

On behalf of myself and the neighborhood members listed below, in the Rio Vista Subdivision, and affected surrounding neighborhood, we adamantly object to an issuance of a Special Use Permit to **Ross Wilkenson, Managing Member of Rocket Real Estate LLC, agent for Rosemary Philips, owner.**

We oppose the issuance of a Special Use Permit to allow **Outdoor Music** in or around our neighborhood.

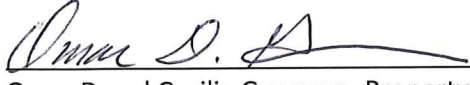
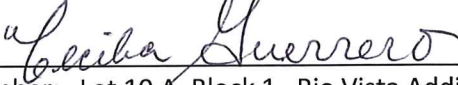
The reason for this objection is that we do not want the constant sound of music in our neighborhood without the right to turn it off at any moment.

We purchased our property with much thought and methodical planning as to the future of our lives in our forever home. We researched to make sure that we lived near all the amenities of the city but were not IN the city, as to not have to deal with the noise and sounds that come with city living.

We understand the need for expansion, and we want to support all small businesses, especially during this critical time, but we do not want any additional noise in our neighborhood.

Thank you for understanding.

Respectfully, Omar D and Cecilia Guerrero and Neighborhood members listed below.

  *Dec. 26, 2020*  
Omar D and Cecilia Guerrero -Property number: Lot 10 A, Block 1, Rio Vista Addition

Continued Page 2



William E Jolly-

1958 Gruene Rd 78130  
210-888-9289

Kenneth and Miranda Reicher-

1950 GROENE RD.  
830-302-0044

Martin and Diane Palm-

768 Rock St, NB TX / Map # 3  
Mauro Jr. Garza-

Sparkman Family Trust-

let #4 Rio Vista Addition Block #1  
Beth Sparkman - 210 355 1877

Sydney C Sharp-

Sydney Sharp 291 E. Lincoln St., NB 78130 (979) 676-0202

Susan D, Graves

Susann Graves, owner 875 E. Torrey St.  
Madison Johnson (830) 624-5889 opposed to live music  
would create difficulty  
sleeping for my children

Room 8 LLC

Lodge At the Guadalupe LLC

— Leroy E. Zimmerman Jr. 784 Rock St. 830-302-9451

— Martin Rene Arango (512) 665-0995 845 E Torrey St.  
\* WE OPPOSE THE CONSTANT NOISE FROM LIVE MUSIC IN OUR RESIDENTIAL AREA.

— MELVIN NORTE, JR 830 624 0243 849 E. Torrey St.  
ESTER NORTE  
— NO LIVE MUSIC IN RESIDENTIAL AREA

— Don Robert Cass

881 E. Torrey 830 221 5170

donrobertcass@gmail.com Please No Loud Music.

Uma Lisa Tamez

830 237 30 83

524 Rock Street

bluntzer2000@yahoo.com

No loud music please

Dan D Tamez

210 3878539

524 Rock St.

d.tamez@pasate.com

Restaurant OK - no loud music on patio

Sodalis Senior Living  
550 Rock Street  
Deane Lewis Exec. Director  
830-624-7703

Alice Williams  
806 E. TORREY  
830-660-0558



**Matthew W. Simmont**

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**From:** Cece Guerrero <ccgrrr@yahoo.com>  
**Sent:** Monday, March 1, 2021 1:16 PM  
**To:** Matthew W. Simmont  
**Subject:** Public Hearing March 2, 2021 RE: Case # SUP20-298 ms

**Caution: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Omar D. and Cece Guerrero

825 E Torrey St.

New Braunfels TX. 78130

*4 M.S.*  
**LOT # 10 on Property Map**

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March 1, 2021

City of New Braunfels  
Building, Planning and Zoning Division  
c/o Mathew Simmont  
550 Landa Street  
New Braunfels TX. 78130

**RE: Case # SUP20-298 ms**

Dear Mr. Chairman,

This letter is regarding the public hearing held on January 5, 2021 and the upcoming hearing to be held on March 2, 2021.

Mr. Ross Wilkerson is requesting a special permit for live outdoor music in the C – 1 local business district adjacent to our neighborhood located at 1951 Greene Rd.

On the January 5 meeting, Mr. Wilkerson commented that his restaurant would play live outdoor music on the patio and would close said patio at 9 pm daily. On the application there is no clarification of either time to begin or end the music or what days of music would be played. We would like clarification of that information.

He also mentions that he tries to do with the client requests be it for a rehearsal dinner or birthday party, so we are not sure what type of music he would be complying to play. All this is very vague, and we would like to point that out.

We are concerned that as it stands, and the city Council agrees to Mr. Wilkinson's request for a permit, you are basically giving him a "CART BLANC" to do as he pleases when he pleases.

Having worked as an event attendant at the Civic Center, Cece recalls that very few live bands adhered to the rule of 85 dB. We are concerned that it would be exceedingly difficult for Mr. Wilkinson to control the volume of a live band.

Mr. Wilkinson also brought up an elderly neighbor who wrote that she liked to sleep in late and that the noise would bother her. To which Mr. Wilkerson responded that in that case, even a garbage truck would bother the sleeping person. I do not believe we can compare a garbage truck that only comes once a week for a brief two to five minutes, to having a constant noise like the one that will be coming from his restaurant. What we would like to point out, is that besides the live music we would also have to put up with noise from food delivery trucks, the constant work being done at his place while it is being built and patron noise.

We understand that these may seem like petty details, but we believe they are important details when it comes down to peaceful and quiet enjoyment of this neighborhood.

We are not opposed to a restaurant in our neighborhood, and would like to make that truly clear, but we do not want anyone to create or suffer any nuisances in the premises affecting the rights of others.

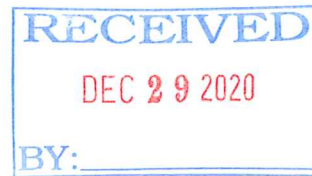
We thank you for your time, understanding and consideration to what we have stated here.

Sincerely,

Omar and Cece Guerrero (830) 221 – 8600 or (830) 660 – 8438 Please call if you have any questions.

December 28, 2020

City of New Braunfels  
Planning Commission  
Case #SUP20-298 ms – 1951 Gruene RD  
Public Hearing Date: January 5, 2021



#8

To Whom It May Concern:

I object to the request for a special use permit to allow outdoor music in the C-1 Local Business District and adjacent to residential use.

I own the property shown as property #8 on your map. My parents purchased this 1-1/3 acres of land in 1968 when my father was transferred from Beeville, TX, where he worked with Southwestern Bell, to fill an opening in New Braunfels. They loved the size of the lot and the quiet, peaceful neighborhood. The dead end street was a real plus. My mother passed in 1995 and after my father passed in 2009, I inherited the property and have maintained ever since. I rent out the house in front part of property and I use the workshop in the back portion of the property. When I go to the workshop in the back of my property, I enjoy the peace and quiet and would hate to lose that to loud music at all hours. My current renter is a nurse who works at night and has 3 young children. As you know music echoes and would disturb her as she tries to sleep during the day and would disturb her children at night. Having this noise would definitely be a deterrent to future renters. If the quietness of this area is lost with loud music, renters will not want to stay long or not rent in this area at all, causing hardships for all affected landlords. Then there is the issue of trying to sell property. A home purchase is the most important purchase that people make and I truly feel the loud music at all hours would keep away potential buyers, also causing a hardship for the owners trying to sell. So many people will be seriously affected by this noise – for various medical reasons, there are owners who can't sleep at night, but only during the day, so the music during day will affect them too.

I have been told by others in this vicinity, that they can hear the music coming from Harley Davidson dealership across Loop 337 and Gruene Hall which is further away!! Can you even imagine how loud this music will be for all surrounding neighbors even past the 200 feet you indicated on the map. Many of which have owned and lived in their homes for many, many years. Their daily lives will change forever.

I respectfully ask that you please deny this special use permit request to allow outdoor music in the C-1 Local Business District and adjacent to residential use.

Sincerely,

Susann Graves  
Property #8

**Responses received from outside of the 200-foot Notification Area.**

**YOUR OPINION MATTERS - DETACH AND RETURN**

Case: #SUP20-298 ms

Name: Anna Lisa + Daniel Tamy I favor: \_\_\_\_\_

Address: 524 Rock Street

I object: ☒ (State reason for objection)

Property number on map: not on the

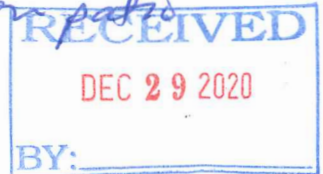
Comments: (Use additional sheets if necessary)

map but nearby

Restaurant O.K.  
No loud music  
on patio

Signature: \_\_\_\_\_

Anna Lisa Tamy  
Daniel D Tamy



**YOUR OPINION MATTERS - DETACH AND RETURN**

Case: #SUP20-298 ms

Name: Alice Williams

I favor: \_\_\_\_\_

Address: 806 E. TORREY

I object: ☒ (State reason for objection)

Property number on map: \_\_\_\_\_

Comments: (Use additional sheets if necessary)

I don't want the noise.

Signature: \_\_\_\_\_

Alice Williams



**YOUR OPINION MATTERS - DETACH AND RETURN**

Case: #SUP20-298 ms

Name: Robert Wynne

I favor: \_\_\_\_\_

Address: 890 E Torrey

I object: ☒ (State reason for objection)

Property number on map: \_\_\_\_\_

Comments: (Use additional sheets if necessary)

Too much music noise  
for my old ears

Signature: \_\_\_\_\_

Bob Wynne

There was a reason for  
noise abatement in the first  
place.





YOUR OPINION MATTERS - DETACH AND RETURN

Case: #SUP20-298 ms

JAN 05 2021

Name: Elizabeth Wynne

I favor: \_\_\_\_\_

BY: PR

Address: 890 E. Torrey St

I object: ✓ (State reason for objection)

Property number on map: \_\_\_\_\_

Comments: (Use additional sheets if necessary)

Signature: Elizabeth Wynne

If there is a microphone  
used we will hear it here.  
The County Fair music comes  
in loud and clear every Sept.