

**Planning Commission
Regular Meeting Minutes
July 1, 2021**

Members Present

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

Staff Present

Christopher J. Looney, Planning Director
Frank Onion, Assistant City Attorney
Stacy Snell, Planning Manager
Melissa Reynolds, First Assistant City Engineer
Garry Ford, Assistant Public Works
Director/City Engineer
Holly Mullins, Senior Planner
Matthew Simmont, Planner
Sam Hunter, Planning Technician
Maddison O'Kelley, Assistant Planner

Members Absent

Thomas Meyer

1. The above meeting was called to order by Chair Edwards at 6:00 p.m.

2. ROLL CALL

Roll was called, and a quorum was declared.

3. APPROVAL OF MINUTES

Motion by Vice Chair Laskowski, seconded by Commissioner Sonier, to approve the regular meeting minutes of May 4, 2021 with revisions. Motion carried (7-0-0).

4. CITIZENS COMMUNICATION

Mark Hampton, 2836 Meadow Breeze, gave an update on the New Braunfels Housing Report most recent statistics.

Johnathan McJunkin, 360 Lillianite, asked about the truck stop case.

Commissioner Tubb arrived at 6:07 pm.

5. CONSENT AGENDA

- A) FP21-0133 Approval of the final plat for Deer Crest Subdivision, Unit 4.** Applicant: HMT Engineering & Surveying (Bill Ball, P.E.); Owner: KB Home Lone Star, Inc. (David Brodbeck)
- B) FP21-0157 Approval of the final plat for Veramendi - Word Pkwy Phase 2.** Applicant: Pape-Dawson Engineers (Todd Blackmon, P.E.); Owner: ASA Properties (Garrett Mechler)
- C) FP21-0168 Approval of the final plat for The Silos Subdivision, Unit 5 with conditions.** Applicant: HMT Engineering & Surveying.
- D) FP21-0169 Approval of the final plat for The Silos Subdivision, Unit 4 with conditions.** Applicant: HMT Engineering & Surveying; Owner: Milestone Conrads Development, Ltd.
- E) FP21-0170 Approval of the final plat for Elliott Electric New Braunfels with conditions.** Applicant: HMT Engineering & Surveying; Owner: Elliott Electric Supply.
- F) FP21-0173 Approval of the final plat for New Braunfels Sports Complex.** Applicant: HMT Engineering & Surveying (Chris Van Heerde, P.E.); Owner: City of New Braunfels.

Motion by Vice Chair Laskowski, seconded by Commissioner Sonier, to approve the consent agenda with staff recommendations. Motion carried (8-0-0).

6. ITEMS FOR CONSIDERATION

A) Presentation of the Mayfair Development, Design and Control Document (DDCD). *Applicant: Thad Rutherford, SouthStar Communities; Presenter: Jeff Jewell, Director*

Mr. Jewell presented on the Mayfair project.

Mr. Looney presented on the function of the ETJ.

Discussion followed on if there will be any follow-up meetings for further details on the project, and the ratio of residential and commercial development proposed.

B) Public hearing and recommendation to City Council regarding proposed City of New Braunfels drainage policy changes. *Presenter: Melissa Reynolds, First Assistant City Engineer.*

Mrs. Reynolds presented on the proposed drainage policy changes.

Discussion followed for further clarification on issues such as detention facilities, land dedication for drainage easements, and stream buffers.

Chair Edwards asked if anyone would like to speak in favor of the request.

No one spoke.

Chair Edwards asked if anyone would like to speak in opposition of the request.

Thor Thornhill, 290 S Castell, stated concern for floodplain development.

Chair Edwards closed the public hearing

Motion by Commissioner Reaves, seconded by Commissioner Sonier, to approve the proposed code changes as presented. Motion carried (8-0-0).

Discussion followed on floodplain development.

Motion by Chair Edwards, seconded by Vice Chair Laskowski, to amend the motion to include Section 2.9 not be included or automatic dedication of an easement across the waterfront in the approval. Motion carried (8-0-0).

C) PZ21-0150 Public hearing and recommendation to City Council regarding a proposed rezoning of approximately 60.1 acres out of the J. Thompson Survey, A-608 and William H. Pate Survey, A-259 located east of the intersection of FM 1044 and Michelson Lane, from "APD" Agricultural/Pre-Development District to "ZH-A" Zero Lot Line Home District. *Applicant: Chris Van Heerde, P.E., HMT Engineering & Surveying; Owner: Sandra Wunderlich.*

Mr. Simmont presented and recommended approval.

Chair Edwards asked if there were any questions for staff.

Discussion followed on surrounding residential zoning districts, land uses, and lot sizes.

Chair Edwards asked if the applicant would like to speak.

Thor Thornhill, 290 S Castell, provided further clarification on the surrounding land uses and lot sizes.

Chair Edwards asked if anyone would like to speak in opposition of the request.

Barbara Cooper, 1986 Kalli Jo Ln, stated opposition to the request citing concerns over density and land use.

Rico Ugoletti, 1974 Kalli Jo Ln, stated opposition to the request citing concerns over more affordable housing, noise, and property values.

Benjamin Schlomach, 1998 Kalli Jo Ln, stated opposition in line with previous comments.

Chair Edwards asked for a show of hands for residences in Voss Farms that are in opposition of the request.

11 in-person public participants raised their hands that they agree with the previous comments made in opposition.

Robert Knudson, 355 Michelson Ln, stated concerns over the drainage area and construction within the subdivision.

Angelina Camet, 1917 Sunspur Rd, stated concerns over traffic and density.

David Ortiz, 217 Michelson Ln, asked about access to the property and cited traffic concerns.

Kristen Coker, 1762 Jacobs Court, stated concerns over rapid growth, land use, and nearby school capacity.

Jeffrey Martin, 1994 Kalli Jo Ln, stated opposition in line with previous comments.

Dakota Pacheco, 2328 Arctic Warbler, stated opposition to the request in line with previous comments and concerns about crime, and mentioned a petition in opposition of the request.

Sarah Ortiz, 217 Michelson Ln, stated opposition in line with previous comments.

William Rodgers, 16 La Mesa Dr, stated opposition to the request citing concerns over flooding, emergency access,

Leah Gomez, 1319 Michelson, stated opposition to the request in line with previous concerns.

John Malik, 1927 Lou Ann Dr, stated opposition to the request in line with previous concerns.

Harley Miller, 1918 Kalli Jo Ln, stated opposition to the request in line with previous concerns.

Tanner Davis, 2325 Arctic Warbler, stated opposition to the request citing concerns over environmental impacts to the area, and emergency response.

Jose Sandoval, 1929 Bluethroat, stated opposition to the request in line with previous concerns.

Chair Edwards asked if anyone would like to speak in favor of the request.

Thorn Thornhill, 290 S Castell, addressed concerns from the public comment such as drainage, access, traffic concerns, and lot size.

Discussion followed on the density, building contractors, access, Michelson Ln, and surrounding lot sizes.

Mark Hampton, 2836 Meadow Breeze, stated he is in favor of the request and provided statistics to show how property values will not decrease.

Casey Lee, 936 Gruene Rd, stated he is in favor of the request as a realtor citing concerns over housing shortages in the city.

Chair Edwards closed the public hearing.

Discussion followed on access to 1044, potential for waivers during platting, and Michelson Ln.

Robert Knudson, 355 Michelson Ln, stated his father owned property in this area and Michelson Ln was primarily a tractor road and the road was dedicated to Guadalupe County, but the county did not follow through with maintenance and/or acceptance of the property.

Chair Edwards asked if there were further discussion or a motion.

Motion by Commissioner Mathis, seconded by Chair Edwards, to recommend approval to City Council of the proposed rezoning of approximately 60.1 acres out of the J. Thompson Survey, A-608 and William H. Pate Survey, A-259 located east of the intersection of FM 1044 and Michelson Lane, from "APD" Agricultural/Pre-Development District to "ZH-A" Zero Lot Line Home District. Motion carried (7-1) with Chair Edwards opposed.

D) PZ21-0155 Public hearing and recommendation to City Council regarding the proposed rezoning of Block 1 Lot 15 and a portion of Lot 14, Guada Coma Subdivision, addressed at 46 Guada Coma Drive, from "R-1A-6.6" Single-family District to "R-2A" Single-family and Two-family District. *Applicant: City of New Braunfels; Owner: Gordon & Nancy Schroeder; Case Manager: Holly Mullins.*

Mrs. Mullins presented and recommended approval.

Chair Edwards asked if there were any questions for staff.

Chair Edwards asked if the property owner would like to speak.

Gordon Schroeder, 42 Guada Coma, clarified the intent behind the request.

Chair Edwards asked if anyone would like to speak in opposition of the request.

Bobby Avary, 62 Guada Coma, asked for clarification on the public notice.

Jerry Ford, 58 Guada Coma, stated opposition to the request citing density and rental concerns.

Nancy Ford, 58 Guada Coma, stated opposition to the request in line with previous concerns.

Karon Preiss, 47 Guada Coma, number 8, stated they are not in opposition to the request with new information.

Penny Snell, 44 Guada Coma, asked for clarification on what is allowed on her R-1-6.6 lot.

Discussion followed.

Joanna Chambers, 56 Guada Coma, stated opposition to the request in line with previous concerns.

JR Berry, 49 Guada Coma, stated opposition to the request.

William Rodgers, 16 La Mesa Dr, stated opposition to the request in line with previous concerns.

Don Pickett, 679 Ashmore St, stated opposition to the request in line citing traffic and safety concerns.

Chair Edwards asked if anyone would like to speak in favor of the request.

Kaya Schroeder, 42 Guada Coma, provided clarification of the request.

Chair Edwards closed the public hearing.

Discussion followed on clarification the nature of the request.

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

Motion by Commissioner Reaves, seconded by Vice Chair Laskowski, to recommend denial to City Council of the proposed rezoning of Block 1 Lot 15 and a portion of Lot 14, Guada Coma Subdivision, addressed at 46 Guada Coma Drive, from "R-1A-6.6" Single-family District to "R-2A" Single-family and Two-family District. Motion failed (3-0-5) with Chair Edwards, Commissioner Gibson, Commissioner Mathis, Commissioner Nolte, and Commissioner Tubb in opposition.

Motion by Commissioner Tubb, seconded by Commissioner Mathis, to recommend approval to City Council of the proposed rezoning of Block 1 Lot 15 and a portion of Lot 14, Guada Coma Subdivision, addressed at 46 Guada Coma Drive, from "R-1A-6.6" Single-family District to "R-2A" Single-family and Two-family District. Motion passed (5-0-3) with Vice Chair Laskowski, Commissioner Reaves, and Commissioner Sonier in opposition.

E) SUP21-123 Public hearing and recommendation to City Council regarding a proposed rezoning to apply a Special Use Permit to allow a truck stop in the "M-1A" Light Industrial, Airport Hazard Overlay District, addressed at 4001, 4023 and 4165 IH 35 North. Applicant: Love's Travel Stops and Country Stores, Inc. (Brad Peck); Case Manager: Matt Greene.

Ms. O'Kelley presented and was not able to make a staff recommendation due to lack of a completed TIA provided by the applicant.

Chair Edwards asked if there were any questions for staff.

Discussion followed on access to the property.

Mr. Ford addressed concerns regarding access to the property.

Discussion followed.

Chair Edwards asked if the applicant would like to speak.

James Ingalls, 2021 W Hwy 46, requested postponement.

Discussion followed on the postponement timeframe.

Motion by Commissioner Sonier, seconded by Commissioner Gibson, to postpone the proposed rezoning to apply a Special Use Permit to allow a truck stop in the "M-1A" Light Industrial, Airport Hazard Overlay District, addressed at 4001, 4023 and 4165 IH 35 North to the next regular meeting July 6, 2021. Motion carried (8-0-0).

F) SUP21-126 Public hearing and recommendation to City Council regarding a proposed rezoning to apply a Type 2 Special Use Permit to adopt a site plan and establish development standards for an RV Resort on approximately 29 acres consisting of Lot 1D-R Walnut Heights Subdivision and approximately 25 acres out of the J. M. Veramendi A-2 Survey, located in the 700 block of N. Walnut Avenue. Applicant: James Ingalls, INK Civil; Owner: Gary Henry; Case Manager: Holly Mullins.

Mrs. Mullins introduced the request 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 W St Hwy 46, stated he is available to answer any questions.

Stewart Blythe, 431 Hickory Ave, presented and provided further context on the request and public outreach.

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

William Rogers, 16 La Mesa Dr, stated opposition to the request in regard to fire safety.

Chair Edwards asked if anyone wanted to speak in favor.

No one spoke.

Chair Edwards closed the public hearing.

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

Discussion followed on access to the property.

Motion by Commissioner Reaves, seconded by Commissioner Mathis, to recommend approval to City Council of the proposed rezoning to apply a Type 2 Special Use Permit to adopt a site plan and establish development standards for an RV Resort on approximately 29 acres consisting of Lot 1D-R Walnut Heights Subdivision and approximately 25 acres out of the J. M. Veramendi A-2 Survey, located in the 700 block of N. Walnut Avenue. Motion carried (8-0-0).

G) SUP21-156 Public hearing and recommendation to City Council regarding a proposed rezoning to apply a Special Use Permit to allow short term rental of a single-family dwelling in the "C-3" Commercial District, addressed at 218 South Peach Avenue. Applicant: Senaido Rodriguez, Jr.; Case Manager: Matt Greene.

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.

Senaido Rodriguez, 1886 Mill St, stated he is available to answer any questions.

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

No one spoke.

Chair Edwards asked if anyone wanted to speak in favor.

No one spoke.

Chair Edwards closed the public hearing.

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

Motion by Commissioner Reaves, seconded by Commissioner Sonier to recommend approval to City Council of the proposed rezoning to apply a Special Use Permit to allow short term rental of a single-family dwelling in the "C-3" Commercial District, addressed at 218 South Peach Avenue. Motion carried (8-0-0).

H) PZ-20-001 Discuss and consider a recommendation to City Council regarding the proposed abandonment of a 0.366-acre portion of Tolle Street Right-of-Way, located between South Gilbert Avenue and the terminus of Tolle Street. Applicant/Owner: IAKOBO Four LP (Monique Weston); Case Manager: Holly Mullins.

Mrs. Mullins introduced the request 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 there were any further questions or a motion.

Motion by Commissioner Vice Chair Laskowski, seconded by Commissioner Tubb, to recommend approval to City Council of the proposed abandonment of a 0.366-acre portion of Tolle Street Right-of-Way, located between South Gilbert Avenue and the terminus of Tolle Street. Motion carried (8-0-0).

I) MP21-0174, WVR21-177 and WVR21-178 Discuss and consider approval of the master plan for Creekside Terrace Subdivision with waivers to Sections 118-44(b) and 118-46(d) of the Subdivision Platting Ordinance to allow block length to exceed 1,200 feet and to not require projection of streets into adjacent unplatted property. Applicant: Pape-Dawson Engineers (Matt Geistweidt, P.E.); Owner: Charles Grimm.

Mr. Simmont presented and stated staff is not opposed to the request.

Chair Edwards asked if there were questions for staff.

Chair Edwards asked if the applicant would like to speak.

Aaron Schackelford, Pape-Dawson, stated he is present to answer any questions.

Chair Edwards asked if there were further discussion or a motion.

Motion by Commissioner Reaves, seconded by Commissioner Tubb, to approve the proposed master plan for Creekside Terrace Subdivision with waivers to Sections 118-44(b) and 118-46(d) of the Subdivision Platting Ordinance to allow block length to exceed 1,200 feet and to not require projection of streets into adjacent unplatted property with staff recommendations.

Discussion followed on options for the applicant.

Motion carried (8-0-0).

J) WVR21-153 Discuss and consider a waiver request from Section 118-44(b) to allow block length to exceed 1,200 feet in the proposed Goodwin Tract Subdivision. Applicant: Ink Civil (James Ingalls, P.E.); Owner: EB Industries (Richard Byrd).

Mr. Simmont presented and stated staff is not opposed to the request.

Chair Edwards asked if there were questions for staff.

Discussion followed on clarification of the request.

James Ingalls, INK Civil, provided further clarification.

Discussion followed.

Chair Edwards asked if there were further discussion or a motion.

Motion by Commissioner Tubb, seconded by Commissioner Nolte, to approve the proposed waiver request from Section 118-44(b) to allow block length to exceed 1,200 feet in the proposed Goodwin Tract Subdivision with staff recommendations. Motion carried (8-0-0).

K) WVR21-161 Discuss and consider a waiver request from Section 118-51(f)(3)(b) to not require the floodway be designated a drainage easement on the replat of Misty Acres, Unit 2, Block 3, Lot 6. *Applicant: HMT Engineering & Surveying (Chris Van Heerde, P.E.); Owner: Darrell & Maureen Jonas.*

Mr. Simmont presented and stated staff is opposed to the request.

Discussion followed on legal non-conforming structures in the floodway, the nature of the floodway and restrictions, flood study, and plat.

Chair Edwards asked if the applicant would like to speak.

Steven Hunter Croan, 831 E Zipp Rd, appealed to have the request approved.

Chair Edwards asked if there were further discussion or a motion.

Motion by Commissioner Sonier, seconded by Commissioner Mathis, to approve the proposed waiver request from Section 118-51(f)(3)(b) to not require the floodway be designated a drainage easement on the replat of Misty Acres, Unit 2, Block 3, Lot 6. Motion carried (8-0-0).

L) WVR21-162 Discuss and consider a waiver from Section 118-49(a) of the Subdivision Platting Ordinance to allow an alternative pedestrian access plan adjacent to existing Zipp Road for the Highland Ridge Subdivision. *Applicant: HMT Engineering & Surveying (Chris Van Heerde, P.E.); Owner: NB Corridor Investments, LLC (Fred Heimer); Case Manager: Holly Mullins.*

Mrs. Mullins presented and recommended approval.

Chair Edwards asked if there were any questions for staff.

Chair Edwards asked if the applicant would like to speak.

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

Motion by Vice Chair Laskowski, seconded by Commissioner Sonier, to approve the proposed waiver from Section 118-49(a) of the Subdivision Platting Ordinance to allow an alternative pedestrian access plan adjacent to existing Zipp Road for the Highland Ridge Subdivision with staff recommendations. Motion carried (8-0-0).

M) Public hearing and recommendation to City Council of an ordinance to revise sections 144 -1.3, Definitions, to define efficiency/studio apartments, and to 144-5.1-3 Schedule of Required Spaces to identify parking standards for efficiency/studio apartments. *Case Manager: Jean Drew.*

Mrs. Drew presented the proposed code amendments.

Chair Edwards asked if there were any questions for staff.

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

Chris Van Heerde, 290 S Castell Ave, stated he is in favor of the proposed ordinance revisions.

William Rodgers, 16 La Mesa Dr, asked for clarification.

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 Sonier, to recommend approval to City

Council of the proposed ordinance to revise sections 144 -1.3, Definitions, to define efficiency/studio apartments, and to 144-5.1-3 Schedule of Required Spaces to identify parking standards for efficiency/studio apartments. Motion carried (8-0-0).

7. STAFF REPORT

A) Legislative update

Mr. Looney gave an update on the current Texas Legislative Session.

Discussion followed.

Discussion followed on the Zoom hybrid meeting and possible improvements.

8 ADJOURNMENT

There being no further business, Chair Edwards adjourned the meeting at 9:53 pm.

Chair

Date