

**Planning Commission
Regular Meeting Minutes
October 6, 2021**

Members Present

Chair Lee Edwards
Vice Chair Stanley Laskowski
Ron Reaves
Jerry Sonier
John Mathis
Creighton Tubb
Kurt Andersen-Vie

Staff Present

Christopher J. Looney, Director of Planning and Development Services
Frank Onion, Assistant City Attorney
Jean Drew, Assistant Director of Planning and Development Services
Stacy Snell, Planning Manager
Garry Ford, Assistant Public Works Director/City Engineer
Holly Mullins, Senior Planner
Matthew Simmont, Senior Planner
Matt Greene, Senior Planner
Sam Hunter, Assistant Planner

Members Absent

Shaun Gibson
Chad Nolte

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

2. ROLL CALL

Roll was called at 6:00pm, 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 September 8, 2021 as presented. Motion carried (7-0-0).

4. CITIZENS COMMUNICATION

None.

5. BREIFINGS

A) Approval of the Planning Commission 2022 Calendars for Zoning Applications and Subdivision Plat Applications. *Stacy A.M. Snell, Planning Manager*

Mrs. Snell presented and recommended approval.

Motion by Vice Chair Laskowski, seconded by Commissioner Sonier, to approve the Planning Commission 2022 Calendars for Zoning Applications and Subdivision Plat Applications. Motion carried (7-0-0).

B) Briefing with no action regarding New Braunfels' growth and buildout. *Jeff Jewell, Economic and Community Development Director.*

Mr. Looney made an introduction and presented on the ETJ.

Mr. Jewell presented on the historical and future growth in New Braunfels and the implications of this growth pattern.

Discussion followed on potential growth strategies and potential annexations.

- C) Briefing with no action regarding forthcoming amendments to various development-related ordinances to streamline processes.** *Christopher J. Looney, Planning and Development Services Director.*

Mr. Looney presented on potential items to be considered only administratively or by boards and commissions rather than City Council.

Commissioner Reaves asked about the tree ordinance which the Planning Commission had recommended approval and was not approved by City Council.

6. CONSENT AGENDA

A) FP21-0298 Approval of the final plat for Veramendi Precinct 20, Unit 2 with conditions.

Applicant: Pape-Dawson Engineers Inc. (Jocelyn Perez, P.E.)

Owner: Veramendi PE – Brisbane, LLC (Peter James)

B) FP21-0326 Approval of the final plat for Navarro Subdivision Unit 2C with conditions.

Applicant: KFW Engineers & Surveying (A. Nicholas Reynolds, P.E.)

Owner: Lennar Homes of Texas Land & Construction (Richard Mott)

C) FP21-0327 Approval of the final plat for Navarro Subdivision Amenity Center with conditions.

Applicant: KFW Engineers & Surveying (A. Nicholas Reynolds, P.E.)

Owner: Lennar Homes of Texas Land & Construction (Richard Mott)

D) FP21-0330 Approval of the final plat for Cloud Country Subdivision, Unit 6 with conditions.

Applicant: HMT Engineering & Surveying (Chris Van Heerde, P.E.)

Owner: Milestone Conrads Development, Ltd. (Chesley Swann III)

E) FP21-0331 Approval of the final plat for Cloud Country Subdivision, Unit 8 with conditions.

Applicant: HMT Engineering & Surveying (Chris Van Heerde, P.E.)

Owner: Milestone Conrads Development, Ltd. (Chesley Swann III)

F) FP21-0332 Approval of the final plat for SmithCo 35 and 306 with conditions.

Applicant: INK Civil (Shan Klar, P. E.)

Owner: SmithCo Development (Jim Smith)

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

7. INDIVIDUAL ITEMS FOR CONSIDERATION

A) SUP21-118 Public hearing and recommendation to City Council regarding a proposed rezoning of approximately 71.3 acres out of the W. Mockford Survey No. 285, located at the southwest terminus of Westpointe Drive, from “APD” Agricultural/Pre-Development to “C-1B” General Business District with a Special Use Permit to allow unscreened outdoor storage. *Applicant: HMT Engineering & Surveying – Chris Van Heerde, P.E.; Owner: New Braunfels Utilities; Case Manager: Matthew Simmont.*

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

Chair Edwards asked if there were questions for staff.

Discussion followed on clarification for the location of outdoor storage, fencing, and TIA.

Chair Edwards asked if the applicant would like to speak.

Chris Van Heerde presented on the proposed development, associated proposed plans, and addressed community concerns.

Discussion followed on clarification of the outdoor storage.

Ryan Kelso provided clarification on outdoor storage.

Discussion followed on buffering, screening, outdoor storage of transformers, and fencing.

Ian Taylor provided clarification behind the intent of the request for no masonry wall.

Discussion followed on buffering, fencing, and the TIA.

James Robertson provided clarification on the TIA.

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

Bill Skeen presented as a representative to Mission Crossing Apartments and expressed concerns on traffic, future Mission Crossing Apartment developments along Oak Run Parkway, and property values.

Jerry Everette stated opposition to the request citing traffic and property values.

Leigh Rowlands stated opposition to the request citing environmental concerns.

Craig Rowlands stated opposition to the request citing traffic and environmental concerns.

Commissioner Sonier stepped out at 7:42.

Susan Ross stated opposition to the request citing school bus routes and traffic concerns.

Discussion followed.

Commissioner Sonier returned at 7:45.

Ray Lorence stated opposition to the request citing safety and fire concerns.

Scott McVey stated opposition to the request citing noise concerns.

Mike Keel stated opposition to the request citing buffer, fencing, and noise concerns.

Discussion followed on fencing.

Jim Poage read a letter on the behalf of Mark Matise, stating opposition to the request citing traffic concerns.

Jim Poage stated opposition to the request citing TIA and traffic.

Commissioner Mathis stepped out at 7:56.

John O'Brien stated opposition to the request citing land use and TIA concerns.

Commissioner Mathis returned at 8:00pm.

Chair Edwards initiated a break 8:01pm

Chair Edwards resumed the meeting at 8:09pm

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

No one spoke.

Chair Edwards asked if the applicant would like to provide any additional information.

Ryan Kelso addressed environmental, traffic, emergency access, and noise concerns.

Ian Taylor addressed concerns on traffic, the aquifer, and the environment.

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

Discussion followed on the intent behind the relocation of NBU headquarters, traffic, access, fencing, land use, and potential conditions with approval.

Motion by Reaves, seconded by Sonier, to recommend denial regarding the proposed rezoning of approximately 71.3 acres out of the W. Mockford Survey No. 285, located at the southwest terminus of Westpointe Drive, from "APD" Agricultural/Pre-Development to "C-1B" General Business District with a Special Use Permit to allow unscreened outdoor storage. Motion carried (7-0-0).

B) PZ21-0322 Public hearing and recommendation to City Council regarding a proposed rezoning of approximately 6,600 square feet (0.15 acre) consisting of Lot 36, Block 1, Green Valley Estates Subdivision, addressed at 138 E. Green Valley, from "B-1" Conventional and Mobile Home District to "C-O" Commercial Office District. Applicant: Gilbert & Angelita Morales; Case Manager: Matthew Simmont.

Mr. Simmont presented and recommended denial as stated in staff report.

Chair Edwards asked if there were questions for staff.

Discussion followed on if the existing structure would need to be removed with rezoning.

Chair Edwards asked if the applicant would like to speak.

Gilbert Morales clarified the intent behind the request.

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.

No one spoke.

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

Discussion followed on the steps following the decision and land use.

Motion by Vice Chair Laskowski, seconded by Commissioner Sonier, to recommend denial of the proposed rezoning of approximately 6,600 square feet (0.15 acre) consisting of Lot 36, Block 1, Green Valley Estates Subdivision, addressed at 138 E. Green Valley, from "B-1" Conventional and Mobile Home District to "C-O" Commercial Office District. Motion carried (7-0-0).

C) PZ21-0313 Public hearing and recommendation to City Council regarding the proposed rezoning of approximately 5.35 acres out of the A. M. Esnaurizar Survey. Addressed at 850 State Highway 46 South, from "M-1 AH" Light Industrial District – Airport Hazard Overlay to "ZH-A - AH" Zero Lot Line Home District – Airport Hazard Overlay. Applicant: James Ingalls, INK Civil; Owner: Randy Harris; Case Manager: Holly Mullins.

Mrs. Mullins presented and recommended approval as stated in staff report.

Chair Edwards asked if there were questions for staff.

Chair Edwards asked if the applicant would like to speak.

James Ingalls provided clarification behind the request.

Discussion followed on housing type, the area being rezoned, proposed units, and traffic.

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.

Brenadette Faust spoke in opposition to the request citing traffic and access concerns.

Chair Edwards asked if there were any questions for the applicant.

Discussion followed on streets and access concerns.

Charlie Britsch spoke in opposition of the request citing traffic and access concerns.

Chair Edwards closed the public hearing and asked if there were further discussion or a motion.

Motion by Vice Chair Laskowski, seconded by Commissioner Sonier, to recommend approval regarding the proposed rezoning of approximately 5.35 acres out of the A. M. Esnaurizar Survey. Addressed at 850 State Highway 46 South, from "M-1 AH" Light Industrial District – Airport Hazard Overlay to "ZH-A - AH" Zero Lot Line Home District – Airport Hazard Overlay. Motion carried (7-0-0).

D) SUP21-316 Public hearing and recommendation to City Council regarding a proposed zone change to apply a Special Use Permit to allow multifamily residential use in the "APD" Agricultural/Pre-Development District, on approximately 18 acres out of the John Thompson Survey No. 21, Abstract No. 608, Comal County, Texas, addressed at 441 Ron Road. Applicant: Aspen Heights Partners (T.C. Selman); Owner: Crystal Kindred; Case Manager: Matt Greene.

Mr. Greene presented and recommended approval as stated in staff report.

Chair Edwards asked if there were questions for staff.

Discussion followed on masonry walls and nearby developments.

Chair Edwards asked if the applicant would like to speak.

TC Selman elaborated on the intent behind the request and presented additional plans.

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.

No one spoke.

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

Motion by Vice Chair Laskowski, seconded by Commissioner Reaves, to recommend approval of the proposed zone change to apply a Special Use Permit to allow multifamily residential use in the "APD" Agricultural/Pre-Development District, on approximately 18 acres out of the John Thompson Survey No. 21, Abstract No. 608, Comal County, Texas, addressed at 441 Ron Road. Motion carried (7-0-0).

E) SUP21-319 Public hearing and recommendation to City Council regarding a proposed rezoning from "M-1" Light Industrial District and "APD" Agricultural Pre-Development District to "C-1B" General Business District with a Special Use Permit to allow the expansion of an existing zoo on approximately 19.2 acres, consisting of Lots 2, 3, 4, 5 and 6, Collins Estates, Unit 2, addressed at 5562, 5640, and 5686 IH 35 Sand 203 and 223 Rusch Ln. Applicant: Mark Stuart, Owners: ET Animal Real Estate, Inc., Eric Trager and Susan Turner; Case Manager: Matt Greene.

Mr. Greene presented and recommended approval as stated in staff report.

Chair Edwards asked if there were questions for staff.

Chair Edwards asked if the applicant would like to speak.

Mark Stuart stated he was present to answer any questions.

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.

No one spoke.

Chair Edwards asked if there were any questions for the applicant.

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

Motion by Vice Chair Laskowski, seconded by Commissioner Reaves, to recommend approval of the proposed rezoning from "M-1" Light Industrial District and "APD" Agricultural Pre-Development District to "C-1B" General Business District with a Special Use Permit to allow the expansion of an existing zoo on approximately 19.2 acres, consisting of Lots 2, 3, 4, 5 and 6, Collins Estates, Unit 2, addressed at 5562, 5640, and 5686 IH 35 Sand 203 and 223 Rusch Ln. Motion carried (7-0-0).

F) REP21-328 Public hearing and consideration of the replat of Lot 81 Block 1, Northwest Crossing Unit 3, establishing Lots 81RA and 81RB. *Applicant: Urban Civil; Owner: Northwest Crossing Owners Association, Inc.; Case Manager: Holly Mullins.*

Mrs. Mullins presented and recommended approval as stated in staff report.

Chair Edwards asked if there were questions for staff.

Chair Edwards asked if the applicant would like to speak.

Lay Perry, NBU, stated NBU will be purchasing the property and is available to answer any questions.

Discussion followed for clarification of the intent behind the request and approval from the subdivision.

Chair Edwards asked if anyone would like to speak.

Ron Savage, HOA, clarified the intent behind the request.

Alejandro Duque stated opposition to the request citing land use concerns.

Brian Mendez, applicant, stated he is present to answer any questions.

Chair Edwards closed the public hearing.

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

Motion by Vice Chair Laskowski, seconded by Commissioner Sonier, to approve the replat of Lot 81 Block 1, Northwest Crossing Unit 3, establishing Lots 81RA and 81RB. Motion carried (6-0-1) with Commissioner Tubb in opposition.

G) REP21-334 and WVR21-333 Discuss and consider approval of the replat for Lot 4, Block 12C, Veramendi Precinct 15A, Neighborhood Center with conditions and with a waiver to Section 118-45(b) of the Subdivision and Platting Ordinance, lot frontage. *Applicant: HMT Engineering & Surveying (William B. Ball, P.E.; Owner: Veramendi PE – Brisbane, LLC (Peter James).*

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.

Bill Ball clarified the intent behind the request.

Commissioner Sonier stepped out 9:49pm.

Chair Edwards asked if anyone would like to speak.

No one spoke.

Chair Edwards closed the public hearing.

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

Motion by Vice Chair Laskowski, seconded by Commissioner Reaves, to approve the replat for Lot 4, Block 12C, Veramendi Precinct 15A, Neighborhood Center with conditions and with a waiver to Section 118-45(b) of the Subdivision and Platting Ordinance, lot frontage. Motion carried (6-0-0).

Commissioner Sonier returned 9:54pm.

H) WVR21-335 Discuss and consider a waiver request from Section 118-43(b) to not require the extension of Fredericksburg Road to be constructed to the property line with the proposed Town Creek Subdivision Phase 4. *Applicant: HMT Engineering & Surveying (Chris Van Heerde); Owner: Town Creek Texas LP; Case Manager (David Wolters): Holly Mullins.*

Mrs. Mullins presented and recommended right-of-way dedication, escrow deposit for the construction of the collector street and sidewalks to the UPRR right-of-way, and restriction of access or other use for a potential grade crossing and denial of the waiver as stated in staff report.

Chair Edwards asked if there were questions for staff.

Chair Edwards asked if the applicant would like to speak.

Chris Van Heerde clarified the intent behind the request.

Discussion followed on access for the subdivision and Guenther bridge.

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

Motion by Vice Chair Laskowski, seconded by Sonier, to grant the waiver with conditions for right-of-way dedication constructed to a point approximately 75 feet south of the property line, with escrow for the construction of the collector street and sidewalks to the UPRR right-of-way, and restriction of uses along the 75 feet of unconstructed right of way. Motion carried (7-0-0).

I) Appointment of a Planning Commission representative to the Workforce Housing Advisory Committee.

Motion by Ron Reaves, seconded by Vice Chair Laskowski, to nominate Chair Edwards as a representative to the Workforce Housing Advisory Committee. Motion carried (7-0-0).

J) Appointment of a Planning Commission representative to the Bond Advisory Committee.

Motion by Vice Chair Laskowski, seconded by Commissioner Sonier, to nominate Ron Reaves to the Bond Advisory Committee. Motion carried (7-0-0).

K) Appointment of a Planning Commission representative to the Unified Development Code Citizens Advisory Committee.

Motion by Commissioner Sonier, seconded by Ron Reaves, to nominate Vice Chair Laskowski to the Unified Development Code Citizens Advisory Committee. Motion carried (7-0-0).

8. STAFF REPORT

Mrs. Snell gave an update on the newly adopted reappointment timeline for the Commission.

Discussion followed.

9 ADJOURNMENT

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

Chair

Date