

**PLANNING COMMISSION
Regular Meeting Minutes
October 3, 2018**

MEMBERS PRESENT

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

STAFF PRESENT

Christopher J. Looney, Planning & Community Development Director
Stacy Snell, Assistant Director
Frank Onion, Assistant City Attorney
Melissa Reynolds, Assistant City Engineer
Holly Mullins, Senior Planner
Matt Greene, Planner
Matthew Simmont, Planner
Maddison O'Kelley, Planning Technician

MEMBERS ABSENT

None.

The above meeting was called to order by Chair Edwards at 6:00 p.m. in the New Braunfels Council Chambers.

ROLL CALL

Roll was called, and a quorum declared.

APPROVAL OF MINUTES

Motion by Commissioner Laskowski, seconded by Commissioner Sonier, to approve the drainage workshop meeting minutes of September 5, 2018. Motion carried (9-0-0).

Motion by Commissioner Gibson, seconded by Commissioner Sonier, to approve the amended regular meeting minutes of September 5, 2018. Motion carried (9-0-0).

CITIZENS COMMUNICATION

None.

CONSENT AGENDA

PL-18-111 Approval of the final plat for Highland Grove Subdivision Unit 8.

(Applicant: KFW; Case Manager: M. Simmont)

Motion by Commissioner Laskowski, seconded by Commissioner Mathis, to approve the consent agenda. Motion carried (9-0-0).

ITEMS FOR CONSIDERATION

CS-18-030 Public hearing and recommendation to City Council regarding amendments to the Code of Ordinances, Chapter 144, Zoning, Section 1.4 Definitions; and Section 5.3-2 Fences and Walls.

(Applicant: City of New Braunfels; Case Manager: M. Simmont)

Mr. Simmont presented the amendments to Chapter 144, Zoning and stated the proposed changes will set a higher standard for residential buffers in the City, improve clarity of intent, and will help Staff process permits more efficiently.

Vice Chair Reaves clarified the amendments will not affect the use of fiber cement material for siding on

buildings.

Mr. Simmont stated that would be correct.

Commissioner Gibson asked if Staff knew how many developers use hardi-plank for residential buffer walls.

Mr. Simmont answered Staff had recollected when hardi-plank material had been used but believed there were few instances.

Chair Edwards asked for clarification regarding the requirement for a majority objection.

Mr. Simmont stated exemption for the residential buffer wall will require written objection of the buffer by two-thirds majority of the shared property line. The exemption will not waive the residential tree buffer requirement.

Discussion followed.

Chair Edwards asked if anyone wished to speak in favor.

No one spoke.

Chair Edwards asked if anyone wished to speak in opposition.

No one spoke.

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

Motion by Commissioner Laskowski, seconded by Vice Chair Reaves, to recommend approval to City Council regarding amendments to the Code of Ordinances, Chapter 144, Zoning, Section 1.4 Definitions; and Section 5.3-2 Fences and Walls. Motion carried (9-0-0).

Chair Edwards announced items PZ-18-031 and PZ-18-035 will be discussed for consideration together and voted on separately.

Commissioner Gibson recused himself at 6:13 p.m.

PZ-18-031 Public hearing and recommendation to City Council regarding the proposed rezoning from “R-1” Single-Family District to “C-1B” General Business District on approximately 3.28 acres consisting of the intersection of Lot 1A, Block 2, Oak Grove Estates Subdivision Unit 2, located on the southeast corner of the intersection of FM 306 and Oak Knot Drive.

(Applicant: Jerry Trbula; Case Manager: M. Simmont)

Mr. Simmont presented the Staff reports for PZ-18-031 and PZ-18-035. He stated Staff acknowledges the property is better suited for non-residential development but believes ‘C-1A’ may be a more appropriate zoning designation.

Vice Chair Reaves inquired why the property failed to have been rezoned in 1987 from ‘R-1’ to ‘C-1’.

Mr. Simmont answered the request was tabled at City Council and failed to move forward.

Chair Edwards invited the applicant to speak.

Thor Thornhill, the applicant for Lot 1A, Block 2, stated the request for a commercial zone change is consistent with the 2006 Future Land Use Plan and is the best use of the property. He further stated the 'C-1B' zoning designation was chosen because the intended use of the property is to operate mini-storage facilities.

Dale Gray, 4812 Scholwood, representing Lot 1A, Block 1, stated he was the applicant. He provided a brief history of the property and stated he believes the property owner would be willing to change the requested zoning designation to 'C-1A'.

Chair Edwards asked if anyone wished to speak in favor.

Gary Spitzer, 4117 Williams Way, provided a history of the subject properties and wished to speak in favor.

Mr. Gray returned to the podium and clarified his client is willing to change the requested zoning designation to the 'C-1A' zoning district.

Mr. Thornhill returned to the podium and stated his client prefers the 'C-1B' zoning district because it allows for mini-storage facilities.

Chair Edwards asked if anyone wished to speak in opposition.

Dean Schilling, 1531 Flaming Oak, wished to speak in opposition. He provided a brief history of the property and expressed concerns regarding the incompatible nature of commercial uses in the neighborhood, runoff and drainage, the water supply, and traffic.

Anna Lowry, 3080 FM 306, wished to speak in opposition. She stated she did not believe the property's frontage requires commercial land use because her residence is fronting FM 306. She further expressed concerns regarding the existing water system and garbage pick-up.

Valeska Keller, 1595 Flaming Oak, wished to speak in opposition. She expressed concerns regarding the existing water system and quality, and the effect on the natural habitat of the subject properties.

Floyd Paul, wished to speak in opposition. He expressed concerns regarding drainage, flooding, and increased runoff.

Evan Robinson, 1030 Flaming Oak, wished to speak in opposition. He stated the proposed commercial zoning was not appropriate adjacent to the neighborhood and harms the quality of life of the residents.

Dorothy Anitze, 2795 FM 306, wished to speak in opposition. She expressed concerns regarding traffic safety, the current quality of the neighborhood, and flooding.

Jake Brady, 1435 Flaming Oak, wished to speak in opposition. He expressed concerns regarding the property values of the neighboring homes and the neighborhood character.

Amy Karbach Mark, 3215 FM 306, stated she was opposed to the proposed zone changes.

Carolyn Hunter, 1691 Flaming Oak, wished to speak in opposition. She stated she was opposed to the intended use of a mini-storage facility and expressed concerns regarding property values.

Lisa Taylor, 823 Winding Oak, wished to speak in opposition. She expressed concerns regarding the safety of children due to increased traffic.

Daniel Hanes, 841 Winding Oak, wished to speak in opposition. He stated he believes rules were made to be followed and the property owners should not have bought the properties with the intention to change the zoning.

Joyce Hellstern, 323 Spring Hollow Dr, wished to speak in opposition. She expressed concern regarding the loss of green space, water quality, and flooding. She further provided her knowledge of the property owner's involvement in purchasing and maintaining the property.

Motion by Commissioner Laskowski, seconded by Commissioner Sonier, to close the public hearing. Motion carried (8-0-0).

Vice Chair Reaves asked if the property owner was present.

Mr. Spitzer returned to the podium.

Vice Chair Reaves asked Mr. Spitzer if he had considered working with the surrounding property owners to reach a negotiable deal.

Mr. Spitzer stated the property is already in negotiation and had been listed online for some time. He further described a history of low-involvement from the community and stated he has confirmed there is adequate water supply for the proposed rezoning.

Vice Chair Reaves asked if the items could be postponed to a date certain to allow the property owners to negotiate their terms.

Mrs. Snell said yes.

Discussion followed.

Commissioner Tubb asked how many driveways can access FM 306.

Mrs. Reynolds stated TxDOT would limit a commercial use to one driveway along FM 306 and would limit access for a residential use only from Oak Knot.

Discussion followed regarding access and the intended use.

Mr. Thornhill stated his client would not be opposed to requesting a special use permit for the property in lieu of the requested zone change.

Mr. Spitzer returned to the podium to clarify the state of negotiation for the two properties.

Art Garza, 541 S. Washington, stated he owns the water company that services Oak Grove Estates. He relayed that TCEQ has determined the water supply required for a commercial use will depend on what specific use is in operation. He further stated fire protection is an issue due to the location of the only existing fire hydrant.

Discussion followed.

Commissioner Meyer expressed concern regarding the impact a commercial use will have on the current water system.

Commissioner Nolte stated the property is not suitable for a residential use, however, he would be less concerned if a specified use was presented.

Discussion followed.

Motion by Vice Chair Reaves, seconded by Commission to Meyer, to postpone item PZ-18-031 to the November 7, 2018 meeting. Motion carried (8-0-1) with Commissioner Sonier in opposition.

PZ-18-035 Public hearing and recommendation to City Council regarding the proposed rezoning from “R-1” Single-Family District to “C-1B” General Business District on approximately 2.53 acres consisting of Lot 1A, Block 1, Oak Grove Estates Subdivision Unit 2, located on the southeast corner on the intersection of FM 306 and Oak Knot Drive.

(Applicant: Steve Hall; Case Manager: M. Simmont)

Motion by Vice Chair Reaves, seconded by Commissioner Nolte, to postpone item PZ-18-035 to the November 7, 2018 meeting. Motion carried (8-0-1) with Commissioner Sonier in opposition.

Chair Edwards announced the Commission will take a break at 7:35 p.m.

The meeting resumed at 7:42 p.m. with Commissioner Sonier away from the dais.

PL-18-069 Public hearing and consideration of the replat of Lot 1, Block 6, Town Creek Subdivision Phase 1, establishing Lots 1R1 through 1R11, with a waiver.

(Applicant: Third Generation; Case Manager: H. Mullins)

Waiver: 1. To allow lots with no street frontage.

Chair Edwards announced the applicant requested to postpone the item.

Motion by Vice Chair Reaves, seconded by Commissioner Gibson, to postpone consideration of the replat of Lot 1, Block 6, Town Creek Subdivision Phase 1, establishing Lots 1R1 through 1R11, with a waiver, until the November 7, 2018 meeting. Motion carried (8-0-0).

Commissioner Sonier returned to the dais at 7:44 p.m.

PL-18-091 Discuss and consider the master plan for the Glendale Subdivision, with a waiver.

(Applicant: KFW; Case Manager: H. Mullins)

Waiver: 1. To not require proposed street projection.

Mrs. Mullins presented the Staff report and did not recommend approval due to the waiver. She stated should the waiver be granted, Staff recommends the following requirements:

1. Final TxDOT approval.
2. Incorporate the TIA-required improvements to FM 725 into construction plans.

Chair Edwards announced if the waiver is not approved, the next item will have to be reconsidered.

Chair Edwards invited the applicant to speak.

Wayne Flores, KFW Engineers, provided a floodplain exhibit for the Commission. He explained the requested waiver was requested because the floodplain limits the necessity for access.

Discussion followed regarding the proposed stub-out.

Commissioner Meyer inquired why Staff did not support the waiver.

Mrs. Mullins stated the requirement for subdivision connectivity within the Ordinance was not being met. She further explained, despite the location of the floodplain, the basic criteria for a waiver request was not being met.

Discussion followed regarding the potential access.

Motion by Commissioner Laskowski, seconded by Commissioner Sonier, to approve the master plan for the Glendale Subdivision, with the waiver, and Staff recommendations. Motion carried (9-0-0).

PL-18-092 Discuss and consider the preliminary plat for Glendale Subdivision.

(Applicant: KFW; Case Manager: H. Mullins)

Mrs. Mullins presented the Staff report and recommended approval with the following recommendations:

1. Final TxDOT approval.
2. Left and right-turn lanes on FM 725 as required by TxDOT and the TIA.
3. Revise Note 3 to reflect approved street names and indicate the sidewalks will be built at time of subdivision construction along: the internal "street name" and FM 725 adjacent to Lot 24, Block 1; the internal "street name" adjacent to Lot 1, Block 1; and Schumanns Beach Road adjacent to Lot 46, Block 1.
4. Update preliminary plat with approved street names for submittal without the construction plans.

Motion by Vice Chair Reaves, seconded by Commissioner Gibson, to approve the preliminary plat for Glendale Subdivision with Staff recommendations. Motion carried (9-0-0).

PL-18-095 Discuss and consider the master plan for Lily Springs Subdivision.

(Applicant: KFW; Case Manager: H. Mullins)

Mrs. Mullins presented the Staff report and recommended approval with the following corrections:

1. Revise Note 8 to state 4-foot wide sidewalks will be constructed per City standards (*adjacent to the curb or 3 feet from back of curb*) along all internal streets by the owner at the time of development. 4-foot wide sidewalks will be constructed per City standards at least four-feet from the curb or edge of shoulder by the developer at time of subdivision construction along State Highway 46.
2. Sidewalk construction must be guaranteed through a bond.
3. Preliminary plat(s) must reflect State Highway 46 street connection as approved by TxDOT and in compliance with City standards.

Commissioner Laskowski asked how the plat phasing will be affected if TxDOT requires moving access from State Highway 46.

Mrs. Snell stated Staff believes the preliminary plat will provide an opportunity for further review.

Discussion followed.

Motion by Commissioner Laskowski, seconded by Commissioner Sonier, to approve the master plan for Lily Springs Subdivision with Staff recommendations. Motion carried (9-0-0).

PL-18-102 Discuss and consider the master plan for Travelstead Subdivision.

(Applicant: Moeller; Case Manager: M. Simmont)

Mr. Simmont presented the Staff report and recommended approval with the following condition:

1. An emergency access easement acceptable to the City has been recorded prior to recordation of the first final plat.

Motion by Commissioner Sonier, with Commissioner Gibson, to approve the master plan for Travelstead Subdivision with Staff recommendations. Motion carried (8-0-1) with Commissioner Laskowski in opposition.

PL-18-112 Discuss and consider the preliminary plat for Heatherfield Subdivision, Uit 1, with a waiver.

(Applicant:HMT; Case Manager: M. Greene)

Waiver: 1. Temporary Turnaround

Mr. Greene presented the Staff report and recommended approval, with the waiver, with the following requirements:

1. Add the required temporary turnaround easement at the terminus of Palm Sedge and provide easement document prior to construction plan submittal if the waiver is denied.
2. Per the New Braunfels Ordinance Sec. 118-44 (u), no final plat shall be recorded unless TxDOT has notified the City in writing that they have approved the Heatherfield Unit 1 plat. The applicant must submit an approval letter from TxDOT prior to submittal of construction plans.
3. Revise Note 10 to state 6' sidewalks along FM 1101 are to be installed at time of subdivision unit street construction. Revise sentence in note to include street names upon which 4' sidewalks are to be constructed by the homeowner at time of development. Revise sentence in note to include street names and private lot and block numbers upon which 4' sidewalks are to be constructed alongside and adjacent to the curb by the developer at time of subdivision unit street construction.
4. The document numbers for offsite easements to be recorded by separate instrument shall be shown on the construction plans.
5. The secondary access provided through Unit 2 shall require the simultaneous submittal of construction plans for Unit 2 which shows the secondary access to Kroesche Lane via 20' access easement. Unit 1 and Unit 2 will also need to be constructed and final plats recorded simultaneously.
6. The preliminary plat included in the construction plan set shall be updated as required by the Planning Commission approval.

Commissioner Meyer inquired why the plat is divided in two units if they are being constructed simultaneously.

Chris Crim, HMT, answered the subdivision has two phases due to two different builders being contracted for each unit.

Discussion followed.

Motion by Commissioner Laskowski, seconded by Commissioner Tubb, to approve the preliminary Subdivision, Unit 1, with a waiver, and Staff recommendations. Motion carried (9-0-0).

PL-18-113 Discuss and consider the preliminary plat for Heatherfield Subdivision, Unit 2.

(Applicant: HMT; Case Manage: M. Greene)

Mr. Greene presented the Staff report and recommended approval with the following requirements:

1. Add the required temporary turnaround easement at the terminus of Palm Sedge and provide easement document prior to construction plan submittal if the waiver is denied.
2. Revise plat note 10 to state 6' sidewalks along FM 1101 and Kroesche Lane are to be installed at time of subdivision unit street construction. Revise sentence in note to include street names

upon which 4' sidewalks are to be constructed by the homeowner at time of development. Revise sentence in note to include street names and private lot and block numbers upon which 4' sidewalks are to be constructed alongside and adjacent to the curb by the developer at time of subdivision unit street construction.

3. The document numbers for offsite easements to be recorded by separate instrument shall be shown on the construction plans.
4. Label Lot 904 as a Utility Easement rather than a Landscape Easement.
5. The secondary access provided thru Unit 2 by Hyacinth in Unit 1 shall require the simultaneous submittal of construction plans for Units 1 and 2, which shows the secondary access to Kroesche Lane via a 20' access easement. Unit 1 and Unit 2 will also need to be constructed and final plats recorded simultaneously.
6. The preliminary plat included in the construction plan set shall be updated as required by the Planning Commission approval.

Motion by Commissioner Laskowski, seconded by Commissioner Sonier, to approve the preliminary plat for Heatherfield Subdivision, Unit 2. Motion carried (9-0-0).

DIRECTORS REPORT

Mrs. Snell announced October is Community Planning Month. She then announced City Council will read proclamations regarding planning and community development on October 8 and October 22.

Chair Edwards stated the Commission wished to have a joint meeting with City Council.

ADJOURNMENT

There being no further business, Chair Edwards adjourned the meeting at 8:15 p.m.

Chair

Date

