

**PLANNING COMMISSION
Regular Meeting Minutes
January 8, 2019**

MEMBERS PRESENT

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

STAFF PRESENT

Christopher J. Looney, Planning & Community Development Director
Nathan Brown, Assistant City Attorney
Melissa Reynolds, Assistant City Engineer
Holly Mullins, Senior Planner
Jean Drew, Senior Planner
Matthew Simmont, Planner
Maddison O'Kelley, Planning Technician

MEMBERS ABSENT

Creighton Tubb

The above meeting was called to order by Chair Edwards at 6:01 p.m. in the New Braunfels Council Chambers.

ROLL CALL

Roll was called, and a quorum was declared.

APPROVAL OF MINUTES

Motion by Commissioner Laskowski, seconded by Commissioner Sonier, to approve the regular meeting minutes of December 4, 2018. Motion carried (8-0-0).

CITIZENS COMMUNICATION

None.

CONSENT AGENDA

Chair Edwards announced PL-18-094 and PL-18-155 were requested to be pulled from the consent agenda and opened for discussion with PL-18-114.

PL-18-110 Approval of the master plan for The Reserve Subdivision.

(Applicant: Moeller & Associates; Case Manager: M. Greene)

PL-18-148 Approval of the master plan for Meyer's Landing Subdivision.

(Applicant: Pape-Dawson; Case Manager: M. Greene)

PL-18-149 Approval of the revised final plat for Morningside Trails, Unit 3A.

(Applicant: LGI Homes; Case Manager: M. Simmont)

PL-18-156 Approval of the final plat for Veramendi Precinct 13, Unit 6.

(Applicant: Veramendi PE – Brisbane, LLC; Case Manager: M. Simmont)

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

ITEMS FOR CONSIDERATION

Motion by Commissioner Laskowski, seconded by Commissioner Sonier, to postpone PZ-18-045 to the next regular meeting at the request of the applicant. Motion carried (8-0-0).

Motion by Commissioner Laskowski, seconded by Commissioner Sonier, to postpone PL-18-107 to the next regular meeting at the request of the applicant. Motion carried (8-0-0).

PZ-18-039 Public hearing and recommendation to City Council regarding the proposed rezoning of 1.795 acres out of the AP Fuquay Survey 35 A-15, addressed at 1193 Gruene Road, from "R-2" Single and Two-family District to "C-O" Commercial Office District.
(Applicant: T. Savell; Case Manager: H. Mullins)

Mrs. Mullins presented the Staff report and recommended approval.

Chair Edwards invited the applicant to speak.

Mike Savell, 1193 Gruene Road, stated he was the applicant. He explained the purpose of the rezoning was to eventually operate a short-term rental at the property to offset the cost of property taxes. He stated he does not intend to use the property for anything other than short-term rental.

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 Nolte, to close the public hearing. Motion carried (8-0-0).

Motion by Commissioner Laskowski, seconded by Commissioner Nolte, to recommend approval to City Council regarding the proposed rezoning of 1.795 acres out of the AP Fuquay Survey 35 A-15, addressed at 1193 Gruene Road, from "R-2" Single and Two-family District to "C-O" Commercial Office District. Motion carried (8-0-0).

PZ-18-046 Public hearing and recommendation to City Council regarding the proposed rezoning of Lot 2, Block 4 Broadway Estates Unit 2, to apply a Special Use Permit to allow the short-term rental of a single-family residence in the "C-1" Local Business District and the "R-3" Multifamily District, addressed at 842 Wall Street.

(Applicant: Gerald Dean Roberts; Case Manager: M. Simmont)

Mr. Simmont presented the Staff report and recommended denial.

Chair Edwards invited the applicant to speak.

Dean Roberts, 842 Wall Street, stated he was the applicant. He stated he had not been aware of the City's short-term rental regulations and he removed his listing once he was aware the rental property was in violation. He stated no more than three cars were present on the property at a time.

Commissioner Meyer stated one response received indicated the subject property's HOA prohibits short-term rentals through its DCCR. He asked the applicant if he had received a copy of the DCCR and was aware of the restriction.

Mr. Roberts stated he likely received a copy of the DCCR but was not aware of the restriction.

Chair Edwards asked Mr. Roberts if he had paid a Hotel Occupancy Tax.

Mr. Roberts stated no.

Chair Edwards asked if anyone wished to speak in favor.

No one spoke.

Chair Edwards asked if anyone wished to speak in opposition.

Chris Weeks, 866 Manhattan, represented as property number 31 on the notice of public hearing, stated he was the president of the homeowner's association and wished to speak in opposition. He said the subdivision's DCCR stipulates no rental of a property may occur for less than one year. He further stated he believes that a short-term rental would be an inappropriate use in the neighborhood.

Discussion followed regarding the DCCR.

Caitlin Johnston, 837 Wall Street, represented as property number 16 on the notice of public hearing, wished to speak in opposition. She stated the success of a short-term rental property is dependent on its surrounding environment and she believes a rental at this property would not be productive for the neighborhood nor the renters. She further stated the owner's lack of due diligence shows he will not take management of the short-term rental seriously.

Jason Roberts, 361 Fallen Oak, wished to speak on behalf of the applicant. He stated the applicant was trying to find the means for supplemental income and did not intend to violate the law. He stated he believed residential rental properties had been around for a long time and it was the oversight over them that was new.

Discussion followed.

Lenore Edmonds, 826 Wall Street, represented as property number 9 on the notice of public hearing, wished to speak in opposition. She stated she has seen many cars parked at the subject property at a time and had concerns regarding loud music and disruptions.

Joselyn Flynn, 825 Wall Street, represented as property number 10 on the notice of public hearing, wished to speak in opposition. She stated there are many small children that play outside in the neighborhood and she was concerned with their safety due to renters speeding through the streets.

Karen Doyle, 846 Madison Avenue, represented as property number 7 on the notice of public hearing, wished to speak in opposition. She stated her belief that a short-term rental is not an appropriate use in the neighborhood.

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

Motion by Commissioner Laskowski, seconded by Commissioner Sonier, to recommend denial to City Council regarding the proposed rezoning of Lot 2, Block 4 Broadway Estates Unit 2, to apply a Special Use Permit to allow the short-term rental of a single-family residence in the "C-1" Local Business District and the "R-3" Multifamily District, addressed at 842 Wall Street. Motion carried (8-0-0).

PL-18-069 Public hearing and consideration of the replat of Lot 1, Block 6, Town Creek Subdivision Phase 1, establishing Lots 1R-1 through 1R-3.

(Applicant: Comal Creek Retail, LLC; Case Manager: H. Mullins)

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

1. Addition of the access easement on Lot 1R-3.
2. Payment of park fees, if applicable.

Vice Chair Reaves inquired if the alley access to Lot 3 will meet full access requirements.

Mrs. Mullins stated yes, the alley access will meet the requirements of the fire and solid waste departments.

Discussion followed.

Commissioner Meyer inquired if the use of the third lot will be under consideration of the Commission.

Mrs. Mullins stated no, as there are various residential use types allowed in the Town Creek Planned Development Ordinance. She stated if the use requires a Special Use Permit, it will then return for consideration of the Commission.

Discussion followed.

Chair Edwards invited the applicant to speak.

Trace Jurica, 147 N. Academy, stated he was the applicant and offered to answer any questions the Commission may have.

Commissioner Laskowski inquired which side of the lot the sewer easement will be located.

Mr. Jurica indicated the easement will be located on lot 3 along the property line shared with lot 2.

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

Motion by Commissioner Laskowski, seconded by Commissioner Mathis, to approve the replat of Lot 1, Block 6, Town Creek Subdivision Phase 1, establishing Lots 1R-1 through 1R-3 with Staff recommendations. Motion carried (8-0-0).

PL-18-094 Approval of the final plat for Veramendi Precinct 13, Unit 4.

(Applicant: Veramendi PE – Brisbane, LLC; Case Manager: M. Greene)

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

1. Offsite easements to be recorded by separate instrument must be completed and document numbers shown on the final.
2. Show documentation for all existing offsite easements on the final plat.
3. Show the documentation for Veramendi Precinct 13, Units 1, 1A-1, 3 and 5A.

Motion by Vice Chair Reaves, seconded by Commissioner Laskowski, to approve the final plat for Veramendi Precinct 13, Unit 4 with Staff recommendations. Motion carried (8-0-0).

PL-18-155 Approval of the final plat for Veramendi Precinct 13, Unit 7.

(Applicant: Veramendi PE – Brisbane, LLC; Case Manager: M. Simmont)

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

1. The final plats for Veramendi Precinct 13, Units 5A and 6 are recorded.
2. Document numbers for easements listed on the plat are complete.
3. Correct the Common Space Note such that Lot 906 is not indicated as a pedestrian easement.
4. Show the documentation for Veramendi Precinct 13, Units 5, 5A and 6.

Vice Chair Reaves stated any development abutting Oak Run Parkway may not be taller than 1-story and must observe a 50-foot residential setback. He inquired how those requirements will be enforced.

Mr. Looney stated those requirements were codified in the Development and Design Control Document for Veramendi. At the time of building permit, reviewers will use the DDGD to ensure those requirements are being met.

Discussion followed regarding the DDGD.

Motion by Commissioner Meyer, seconded by Commissioner Sonier, to approve the final plat for Veramendi Precinct 13, Unit 7. Motion carried (8-0-0).

PL-18-114 Public hearing and recommendation to City Council regarding the proposed Veramendi Sector Plan 2 within Veramendi Water Improvement District #1 encompassing approximately 564 acres out of the JM Veramendi Survey No. 2 Abstract 3, including property fronting Loop 337, from approximately 500 feet east of Independence Drive extending eastward to approximately 4,000 feet east of Oakwood Baptist Church, excluding the church property, and property east of the intersection of Oak Run Parkway and Geneva Street.

(Applicant: Veramendi PE-Darwin LLC; Case Manager: M. Simmont)

Mr. Simmont presented the Staff report and recommended approval of the (1) Sector Plan 2; (2) the Specialized Area Plan for the Large Format Retail Planning Sub Area; (3) the Specialized Area Plan for Regional Park 1; (4) the Specialized Area Plan for the Neighborhood Center Planning Area (Precinct 15A); and (5) the amended DDCC that includes the Outstanding Development Standards for the abovementioned Specialized Areas, subject to the following conditions, in relation to the DDCC:

1. Revise the development standards to be consistent with City restrictions for non-residential building finish materials that do not allow EIFS and metal as primary materials (proposed Sections 16, 17, 18, 20 and 21); or, provide a detailed description of different types of allowed and disallowed metal façade treatments that are consistent with the character of New Braunfels architecture.
2. Insert the approved Specialized Area Plans for the Large Format Retail Planning Sub Area, Neighborhood Center Planning Area and Regional Park 1 in Appendix 7.
3. Upon agreement between the City and applicant, insert a Residential Building Permit Checklist in Appendix 1.
4. Remove all redlines, format the document for publication and thereafter submit copies to the City for recordkeeping.

Discussion followed regarding detention infrastructure.

Vice Chair Reaves stated he held concerns regarding maintaining the original intent and vision of the Veramendi project. He then expressed concerns regarding the alterations to the DDCC and specifically referenced dwelling density, exterior building accent requirements, consistency of fencing standards with the zoning ordinance, and the redaction of tree planning. He further stated he believes the Commission was not presented with the adequate materials nor amount of time necessary to fully review the proposed changes.

Discussion then followed regarding the way in which the Veramendi review materials were presented to the Commission.

Commissioner Meyer stated he did not believe all the changes to the DDCC should be approved or denied with a single vote and certain items of discussion should be broken out for multiple votes.

Discussion followed.

Peter James, 4040 Oakwood Boulevard, stated he was representing the applicant. He assured the Commission he did not have an issue with holding a workshop to go over the redlined changes. He further stated he believes the original vision of Veramendi is embodied in the application submitted and is willing to explain or discuss the proposals at length.

Discussion followed regarding scheduling a workshop to discuss the item.

Mr. James stated he believes a matrix comparing the original DDCC requirements and the redlined changes could be produced in about a week for the Commission and Staff.

The Commission determined a workshop should be held prior to the next regular meeting.

Motion by Vice Chair Reaves, seconded by Commissioner Sonier, to postpone items PL-18-114 and PL-18-

137 to the next regular meeting after the workshop. Motion carried (8-0-0).

PL-18-130 Discuss and consider the master plan for Parkside Subdivision with waivers.

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

Waivers: Temporary turnarounds; Street projection.

Mr. Simmont presented the Staff report and recommended approval with the temporary turnaround waiver, without the street projection waiver, and with the following requirements:

1. Pieper Road from SH 46 to Winchester Drive south of the development will be improved to have adequate access with a minimum pavement width of 24 feet.
2. The following mitigation measures are required based on the traffic impact analysis and input from staff and TxDOT:
 - a. Roundabout intersection at Pieper Road and Winchester Drive south of the development.
 - b. Right turn deceleration lane on SH 46 at Pieper Road after the development consists of more than 40 residential lots.
 - c. Dedicated left turn lane on Pieper Road at SH 46 after the development consists of more than 45 residential lots.
 - d. Traffic signal at SH 46 & Pieper Road after the development consists of more than 385 residential lots.

Mr. Simmont clarified the applicant had originally requested a block length waiver, but it had been determined a waiver was not necessary.

Chair Edwards invited the applicant to speak.

Thor Thornhill, 410 S. Seguin Avenue, stated he was representing the applicant. He explained why he believes the street projection waiver is logical for the property due to constraints within the development agreement and drainage requirements.

Discussion followed regarding interpretation for proper street projection and traffic calming measures.

Chair Edwards and Commissioner Meyer expressed concerns regarding the block length and street projection requirements of the platting ordinance and stated they would like to discuss them in the future.

Motion by Commissioner Meyer, seconded by Commissioner Mathis, to approve the master plan for Parkside Subdivision with the waivers and Staff recommendations. Motion carried (8-0-0).

PL-18-140 Discuss and consider the final plat for Texas Wildlife Association Subdivision, with waiver.

(Applicant: Forever Foundation for Texas Wildlife, Inc.; Case Manager: M. Simmont)

Waiver: To not submit a master plan.

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

1. Add the following flood zone note: No portion of any lot on this plat is within a special flood hazard zone according to the FEMA FIRM Map No. 48091C0295F, effective date 9/2/2009.

Motion by Vice Chair Reaves, seconded by Commissioner Sonier, to approve the final plat for Texas Wildlife Association Subdivision, with the waiver to not submit a master plan and Staff recommendations. Motion carried (8-0-0).

DIRECTORS REPORT

City Council/Planning Commission Joint Workshop

Mr. Looney announced the meeting would take place on Tuesday, January 15 at 6:00 p.m. at City Hall. He stated items on the agenda include discussion regarding the short-term rental ordinance, industrial zoning protection, and direction for possible 2019 Bond Election projects.

Meeting procedures

Discussion followed regarding meeting procedures and Staff presentations.

Introduction of new staff

Mr. Looney introduced Jean Drew as the Planning Division's new Senior Planner.


The Commission welcomed Mrs. Drew.

2020 Decennial Census

Mr. Looney announced City Staff would be working to cooperate with outside agencies and provide information for the 2020 Decennial Census.

ADJOURNMENT

There being no further business, Chair Edwards adjourned the meeting at 8:31 p.m.


Chair
Date