

PLANNING COMMISSION
Regular Meeting Minutes
July 2, 2019

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

Jordan Matney, Assistant City Manager
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
Caleb Gasparek, 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 was declared.

APPROVAL OF MINUTES

Motion by Commissioner Laskowski, seconded by Commissioner Sonier, to approve the regular meeting minutes of May 7, 2019 . Motion carried (9-0-0).

CITIZENS COMMUNICATION

None.

CONSENT AGENDA

Approval of the Final Plat for August Fields, Phase 2

(Applicant: HMT Engineering & Surveying; Case Manager: Matt Greene)

Approval of the Final Plat for August Fields, Phase 3

(Applicant: HMT Engineering & Surveying; Case Manager: Matt Greene)

Approval of the final plat for Heatherfield Subdivision, Unit 1

(Applicant: Pulte Group; Case Manager: Matt Greene)

Approval of the Final Plat for Heatherfield Subdivision, Unit 2

(Applicant: HMT Engineering & Surveying; Case Manager: Matt Greene)

Approval of the Vacation of Lot 1, Dierks Subdivision and the Preliminary Plat for Legend Pond - Legend Meadow, Phase 5

(Applicant: Moy Tarin Ramirez Engineers, LLC; Case Manager, Matt Greene)

Approval of the preliminary plat for Highland Grove Subdivision, Unit 9

(Applicant: KFW Engineering & Surveying; Case Manager: Matthew Simmont)

Approval of the preliminary plat for Hidden Springs Subdivision, Unit 1

(Applicant: HMT Engineering & Surveying; Case Manager: Holly Mullins)

Approval of the revised final plat for Weltner Farms Subdivision Unit 2

(Applicant: Westwood Professional Services; Case Manager: Holly Mullins)

Approval of the preliminary plat for Oak Creek, Unit 4

(Applicant: Pape-Dawson Engineers; Case Manager: Matt Greene)

Approval of the preliminary plat for the replat of Lot 1, River Village Subdivision, Establishing Lots 1R-1, 1R-2 and 1R-3, River Village Subdivision

(Applicant: CEC; Case Manager: Matt Greene)

Motion by Commissioner Laskowski, seconded by Commissioner Gibson, to approve the consent agenda with Staff recommendations. Motion carried (9-0-0).

ITEMS FOR CONSIDERATION

Public hearing and recommendation to City Council regarding a proposed rezoning to amend an existing Special Use Permit to allow a commercial tuber entrance and takeout in the "C-4" Commercial Resort District on property presently addressed as 444 East San Antonio Street.

(Applicant: IAKOBO Four LP; Case Manager, Matt Greene)

Mr. Greene summarized the request and stated Staff recommended approval with the conditions outlined in the staff report.

Vice Chair Reaves inquired which conditions required with the original special use permit had been complied with.

Mr. Greene clarified each condition of the original special use permit had been resolved or will continue to be met.

Discussion followed regarding the provided off-street parking.

Commissioner Meyer expressed concerns regarding the stairway's ADA compliance. He stated he disagrees that alternate access through the shuttle is an appropriate accommodation.

Discussion followed.

Chair Edwards invited the applicant to speak.

Javier Gonzalez, GRG Architecture, stated he would speak on behalf of the applicant. Mr. Gonzalez explained the intent for the request and provided a summary of the applicant's granted postponement by TDLR. Mr. Gonzalez stated the stairway will act as secondary access for tubers and the provided shuttle acts as an ADA compliant primary access to the river. Mr. Gonzalez further described the circumstances under which the stairs were used as a means of emergency access for tubers. Mr. Gonzalez then stated the stairway is currently gated off.

Commissioner Tubb asked for the applicant to clarify that the intent of the stairway is to allow tubers to use it to access the river only if they would like to forgo the full floating route and the tube chute.

Mr. Gonzalez stated that was correct.

Commissioner Tubb asked Staff if the entrance at Prince Solms is ADA compliant.

Mrs. Snell stated the entrance at Prince Solms is managed by the Parks Department and the present Staff did not have that information.

Discussion followed regarding current accessibility standards for tubing the river.

Commissioner Laskowski asked if anyone was allowed to use the stairs to access the river.

Monique Weston, the applicant, answered she does not allow anyone to use the stairs to access the river. She provided an example in which the stairs were used as emergency access for tubers that were injured.

Discussion followed regarding the permitted postponement by TDLR.

Chair Edwards asked if anyone wished to speak in favor.

George Green, 238 Loma Vista, wished to speak in favor. Mr. Green stated he was a councilmember when the original special use permit was approved. He stated he believes ADA compliance is difficult for any tube outfitter and the applicant should be permitted to have a fair opportunity to operate. He then stated the applicant has complied with the conditions of the original special use permit and should be able to continue to do so.

Chair Edwards asked if anyone wished to speak in opposition.

No one spoke.

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

Vice Chair Reaves stated he found it troublesome the applicant is requesting to waive previously required conditions. He further expressed concerns regarding the granted postponement by TDLR.

Commissioner Gibson inquired if the Commission could potentially place a condition on the special use permit to require only outbound traffic from the river can use the stairway.

Discussion followed regarding the nature of secondary access to the river.

Commissioner Mathis stated he disagreed with restricting the stairs to only being used for outbound access as he believes if any tuber needed their accessibility needs to be met, they would coordinate with the applicant to safely access the primary entrance via shuttle.

Discussion followed.

Motion by Commissioner Gibson, seconded by Commissioner Tubb, to recommend approval to City Council regarding a proposed rezoning to amend an existing Special Use Permit to allow a commercial tuber entrance and takeout in the "C-4" Commercial Resort District on property presently addressed as 444 East San Antonio Street, with Staff recommendations. Motion carried, with Vice Chair Reaves and Commissioner Meyer in opposition (7-2-0).

Public hearing and recommendation to City council regarding the proposed rezoning to apply a Special Use Permit to allow the short-term rental of a single-family residence in the "C-3" Commercial District, addressed at 358 East Nacogdoches Street.

(Applicant: Triple T United, LLC; Case Manager, Matt Greene)

Mr. Greene summarized the request and stated Staff recommended approval with the conditions outlined in the staff report.

Commissioner Sonier left the dais at 7:08 p.m.

Vice Chair Reaves inquired if a hotel would be permitted in the "C-3" district.

Mr. Greene stated yes, if the lot is large enough.

Commissioner Meyer asked for clarification that the occupancy is limited to 6 adults.

Mr. Greene answered yes.

Chair Edwards invited the applicant to speak.

Garrett Taylor, 2910 Longhorn Circle, stated he was the applicant and explained the intent for his request.

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

Motion by Commissioner Laskowski, seconded by Commissioner Mathis, to recommend approval to City council regarding the proposed rezoning to apply a Special Use Permit to allow the short-term rental of a single-family residence in the "C-3" Commercial District, addressed at 358 East Nacogdoches Street, with Staff recommendations. Motion carried (8-0-0).

Public hearing and recommendation to City Council regarding the proposed rezoning of 0.78 acres addressed at 947 State Highway 46 South, from "R-2" Single and Two-family District to "MU-B" High Intensity Mixed Use District.

(Applicant: Howard and Kelli Guidry; Holly Mullins, Sr. Planner)

Mrs. Mullins summarized the request and stated Staff recommended approval.

Commissioner Sonier returned to the dais at 7:11 p.m.

Commissioner Meyer left the dais at 7:11 p.m.

Commissioner Meyer returned to the dais at 7:12 p.m.

Chair Edwards invited the applicant to speak.

Howard Guidry, 27014 Rockwall Parkway, stated he was the applicant. Mr. Guidry explained the intent for his request and stated the Commission may ask him any questions they have.

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 Commission Gibson, to close the public hearing. Motion carried (9-0-0).

Motion by Commissioner Sonier, seconded by Commissioner Mathis, to recommend approval to City Council regarding the proposed rezoning of 0.78 acres addressed at 947 State Highway 46 South, from "R-2" Single and Two-family District to "MU-B" High Intensity Mixed Use District. Motion carried (9-0-0).

Public Hearing and recommendation to City Council regarding the proposed rezoning to amend a Special Use Permit to allow a mixed-use development in the "C-3" Commercial District and the "R-2" Single-Family and Two-Family District, addressed at 1260 S. Business 35.

(Applicant: Carolyn E. Lehmann; Case Manager: Matthew Simmont)

Mr. Simmont summarized the request and stated Staff recommended approval.

Vice Chair Reaves stated outdoor music was a significant concern for City Council when the original special use permit was proposed. He then stated he held concerns regarding the proposed outdoor music venue being labeled as a "nightclub" in the parking calculation table provided within the staff report.

Mr. Simmont clarified the "nightclub" land use was the closest use related to what the applicant is proposing, and it was partially chosen because the use has a relatively high parking requirement that would accommodate the patronage for an outdoor venue.

Commissioner Meyer asked for clarification on the uses of the adjacent properties.

Mr. Simmont provided clarification.

Commissioner Meyer expressed concerns regarding the proximity of an adjacent resident to the proposed outdoor music venue.

Discussion then followed regarding the initial request.

Chair Edwards invited the applicant to speak.

Carolyn Lehman, 1309 Stonewall, stated she was the applicant. Ms. Lehman explained the limitations of the original site plan tied to the existing special use permit and explained the plan, as approved, could not meet building code. She then stated the original special use permit showed the proposed outdoor music venue to be a storage use. She then stated the owner of the residence closest to the outdoor music venue is objecting the residential buffer wall and is in favor of the request.

Commissioner Mathis left the dais at 7:40 p.m.

Vice Chair Reaves asked the applicant to clarify that the original special use permit request indicated the music venue would be indoors and is now proposed as an outdoor venue.

Commissioner Mathis returned to the dais at 7:41 p.m.

Ms. Lehman stated that is correct. She explained she figured she would ask for the outdoor venue within her request and it will comply with the City's noise ordinance. She then stated she is willing to forgo the outdoor music venue in order for the amendment to be approved.

Commissioner Sonier left the dais at 7:42 p.m.

Discussion followed regarding the residential buffer wall objection.

Dallas Burrow, 968 Schumanns Beach, stated he would be performing at the outdoor music venue, if permitted. He described the intent of the request and his commitment to performing acoustic music and mitigating any noise related disturbances.

Discussion followed regarding the residential buffer wall objection.

Commissioner Sonier returned to the dais at 7:45 p.m.

Discussion then followed regarding the scope of the request.

Commissioner Gibson asked the applicants if they intend to sell alcohol.

Mr. Burrow stated he would like to apply for a beer and wine license in the future.

Ms. Lehman made clarifications regarding the site plan for the Commission.

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.

Phillip Newberry, 1255 W. Coll Street, wished to speak in opposition. Mr. Newberry expressed concerns regarding the allowance of outdoor music. He then stated that, although the applicant will be playing acoustic music, the next tenant of the property may have an outdoor venue with amplified sound.

Bill Crawley, 1250 W. Coll Street, wished to speak in opposition. Mr. Crawley expressed concerns regarding the noise produced by then entire use of the property, and he would prefer a residential buffer wall to maintain as much sound as possible. He further expressed concerns regarding the proposed bed and breakfast.

Maureen Martinez, 1207 W. Coll Street, wished to speak in opposition. Ms. Martinez expressed concerns regarding noise and disturbances and stated she believes the residential buffer wall should be required.

Laurie McKelene, 1270 W. Coll Street, wished to speak in opposition and expressed concerns regarding traffic and on-street parking.

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

Discussion followed regarding the residential buffer wall exemption.

Commissioner Meyer expressed concerns regarding the buffer wall exemption and stated the noise disturbance will not only affect the properties immediately adjacent to the subject property.

Commissioner Laskowski asked if the request is to approve both the current and future site plan as submitted.

Mr. Simmont answered yes, both exhibits would be permitted if the request is approved as submitted.

Motion by Vice Chair Reaves, seconded by Commissioner Nolte, to recommend approval to City Council regarding the proposed rezoning to amend a Special Use Permit to allow a mixed-use development in the "C-3" Commercial District and the "R-2" Single-Family and Two-Family District, addressed at 1260 S. Business 35, and prohibiting outdoor music.

Discussion followed regarding beer and wine sales.

Motion carried, with Commissioner Laskowski in opposition (8-1-0).

Chair Edwards adjourned for recess at 8:07 p.m.

Chair Edwards called the meeting to order at 8:15 p.m.

Public hearing and recommendation to City Council regarding a request for acceptance of 24.12 acres out of ABS 20 A.M. Esnaurizar Survey into the City of New Braunfels' extraterritorial jurisdiction (ETJ) located on the west side of SH 123 N, north of Harboth Road.
(Applicant: Soukup; Case Manager, Stacy Snell)

Mrs. Snell summarized the request and stated Staff recommended approval.

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 Mathis, to close the public hearing. Motion carried (9-0-0).

Motion by Commissioner Laskowski, seconded by Commissioner Sonier, to recommend approval to City Council regarding a request for acceptance of 24.12 acres out of ABS 20 A.M. Esnaurizar Survey into the City of New Braunfels' extraterritorial jurisdiction (ETJ) located on the west side of SH 123 N, north of Harboth Road. Motion carried (9-0-0).

Public hearing and consideration of the replat of Lot 1, Block 1, Health Commons Subdivision, establishing Lots 1R, 3, 4, 5, 6 and 7.

(Applicant: HMT Engineering & Surveying; Case Manager: Matthew Simmont)

Mr. Simmont summarized the request and stated Staff recommended approval.

Commissioner Laskowski inquired how Lot 3 is complies with the City's access requirements.

Mr. Simmont stated the applicant had coordinated with TxDOT to ensure proper access is met and the lot does meet the City's minimum 60 feet of required frontage along FM 1101.

Chair Edwards invited the applicant to speak.

Chris Crim, 3812 W. Songbird Lane, stated he would speak on behalf of the applicant and could answer any questions the Commission may have.

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 Commissioner Sonier, to approve the replat of Lot 1, Block 1, Health Commons Subdivision, establishing Lots 1R, 3, 4, 5, 6 and 7. Motion carried (9-0-0).

Discuss and consider approval of the master plan for Highland Ridge Subdivision.

(Applicant: HMT Surveying & Engineering; Case Manager: Matt Greene)

Mr. Greene summarized the request and stated Staff recommended approval.

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

Discuss and consider the final plat for Red Hawk Trail Subdivision, with a waiver.

(Applicant: Urban Civil; Case Manager: Matthew Simmont)

Waiver: minimum street frontage.

Mr. Simmont summarized the request and stated Staff recommended denial.

Chair Edwards invited the applicant to speak.

Bryan Mendoza, 190 S. Union Avenue, stated he would speak on behalf of the applicant and provided an updated exhibit for the Commission with a revised vehicle turnaround.

Vice Chair Reaves asked Staff if the revised turnaround will make the request compliant with the City's requirements.

Mr. Simmont answered the proposed turnaround would comply with Fire Code but would not comply with the City's platting ordinance.

Discussion followed.

David Docter, the applicant, described his reasoning for the waiver request and the intent for the properties.

Motion by Vice Chair Reaves, seconded by Commissioner Meyer, to deny the final plat for Red Hawk Trail Subdivision, with a waiver.

Mr. Mendoza requested to postpone the item.

Motion by Vice Chair Reaves, seconded by Commissioner Sonier to postpone the item.

Mrs. Snell stated the item could not be heard until the September 4th regular meeting.

Motion carried (9-0-0).

Discuss and consider the master plan for South Point Subdivision.

(Applicant: HMT Engineering & Surveying; Case Manager: Matthew Simmont)

Mr. Simmont summarized the request and stated Staff recommended approval.

Discussion followed regarding maintenance of drainage easements.

Motion by Commissioner Laskowski, seconded by Commissioner Gibson, to approve the master plan for South Point Subdivision with Staff recommendations. Motion carried (9-0-0).

Discuss and consider the master plan for Navarro Subdivision.

(Applicant: Urban Civil; Case Manager: Matthew Simmont)

Commissioner Meyer expressed concerns regarding the maintenance of drainage easements within the development.

Motion by Commissioner Meyer, seconded by Commissioner Mathis, to approve the master plan for Navarro Subdivision with Staff recommendations. Motion carried (9-0-0).

Discuss and consider approval of the revised final plat for Weltner Farms Subdivision, Unit 1, with a waiver.

(Applicant: Westwood; Case Manager: Holly Mullins)

Waiver: temporary turnaround at street stub.

Mrs. Mullins summarized the request and stated Staff recommended approval without the waiver.

Commissioner Sonier left the dais at 8:47 p.m.

Vice Chair Reaves inquired about a letter provided to the Commission in which the applicant requested to forgo two of Staff's requirements outlined in the Staff Report in lieu of the requested waiver.

Melissa Reynolds explained the reasoning for the two recommendations in questions and stated they could not be waived. She then stated Staff would work with the applicant to ensure the design of the turnaround will be compliant.

Discussion followed.

Commissioner Sonier returned to the dais at 8:50 p.m.

Garth Coursen, Westwood, stated he would speak on behalf of the applicant. Mr. Coursen stated he would prefer the waiver be denied rather than postpone the item.

Discussion followed.

Mrs. Reynolds provided some examples for the Commission in which the required turnaround could be accommodated without the waiver.

Motion by Commissioner Sonier, seconded by Commissioner Gibson, to approve the revised final plat for Weltner Farms Subdivision, Unit 1, without the waiver and with Staff recommendations. Motion carried (9-0-0).

DIRECTORS REPORT

Mr. Looney provided an update for the Commission regarding the Ad Hoc Committee and the suggested amendments to the short-term rental ordinance.

Commissioner Meyer inquired about the ongoing discussion regarding drainage maintenance and education for Homeowner's Associations.

Commissioner Mathis left the dais at 9:04 p.m.

Discussion followed.

Mrs. Matney stated the City is proposing to initiate a comprehensive drainage plan and can address the issues discussed by the Planning Commission and Ad Hoc Committee.

Discussion followed regarding the City's bed and breakfast ordinance.

Mr. Looney then presented on recent legislative updates.

Commissioner Mathis returned to the dais at 9:16 p.m.

Discussion followed.

ADJOURNMENT

There being no further business, Vice Chair Reaves adjourned the meeting at 9:22 p.m.


Chair


Date