

**PLANNING COMMISSION  
Regular Meeting Minutes  
October 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  
Jean Drew, Senior Planner  
Matt Greene, Planner  
Matthew Simmont, Planner  
Maddison O'Kelley, Planning Coordinator

**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 Gibson, to approve the regular meeting minutes of July 2, 2019 with a revision. Motion carried (8-0-0).

Commissioner Mathis arrived at 6:01 p.m.

**CITIZENS COMMUNICATION**

None.

**CONSENT AGENDA**

Motion by Commissioner Sonier, seconded by Commissioner Nolte, to move item 5A regarding the approval of the preliminary plat for Cloud Country Subdivision, Unit 8 from the consent agenda to be considered as an individual item. Motion carried (9-0-0).

**Approval of the final replat of Lot 2, Schriewer Subdivision, Establishing Lots 2A, 2B, 2C, 2D and 2E, Schriewer Subdivision.**

(Applicant: Urban Civil; Case Manager: Matt Greene)

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

**ITEMS FOR CONSIDERATION**

**Discuss and consider approval of the preliminary plat for Cloud Country Subdivision, Unit 8.**

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

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

Chair Edwards asked if anyone wished to speak in favor or opposition.

Ron Savage, 664 Northlake Drive, wished to speak in opposition. Mr. Savage expressed concerns regarding traffic impact and stated the subdivision had yet to receive permitting from TXDOT. He asked the Commission to postpone consideration of the plat until after TxDOT approved an access permit. Mr. Savage then

expressed concerns regarding drainage.

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

Commissioner Meyer asked if the applicant was present.

Mrs. Mullins stated he was not.

Discussion followed regarding proposed roadway improvements to Conrads Lane.

Vice Chair Reaves stated he believed the plat should be considered and move forward through review as it was only the preliminary plat.

Discussion followed.

Motion by Commissioner Laskowski, seconded by Commissioner Mathis, to approve the preliminary plat for Cloud Country Subdivision, Unit 8. Motion carried (9-0-0).

**Public hearing and recommendation to City Council regarding amending the Code of Ordinances, Chapter 144, Zoning, Section 3.3-11, M-1 Light Industrial, Section 3.3-12, M-2 Heavy Industrial, Section 3.4-18 M1A Light Industrial, and Section 3.4-19, M-2A Heavy Industrial and Section 4.2, Land use matrix, to modify authorized land uses in these districts to create consistency between the two light industrial zoning districts and the two heavy industrial districts.**

(Applicant: City of New Braunfels; Case Manager: Jean Drew)

Mrs. Drew 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 Meyer, to close the public hearing. Motion carried (9-0-0).

Vice Chair Reaves inquired how much vacant land in the City is zoned for industrial use.

Mrs. Drew stated she would follow-up with the information via email.

Motion by Commissioner Laskowski, seconded by Commissioner Sonier, to recommend approval to City Council regarding amending the Code of Ordinances, Chapter 144, Zoning, Section 3.3-11, M-1 Light Industrial, Section 3.3-12, M-2 Heavy Industrial, Section 3.4-18 M1A Light Industrial, and Section 3.4-19, M-2A Heavy Industrial and Section 4.2, Land use matrix, to modify authorized land uses in these districts to create consistency between the two light industrial zoning districts and the two heavy industrial districts. Motion carried (9-0-0).

**Public hearing and recommendation to City Council regarding the proposed rezoning of 2050 and 2100 Hunter Road from "APD" Agricultural/Pre-Development District to "M-1A" Light Industrial District.**

(Applicant: TSR Holdings, LLC; Case Manager: Matt Greene)

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

Vice Chair Reaves asked if the removal of residential uses as permitted uses in industrial zoning districts has been finalized by City Council.

Mr. Looney answered yes.

Commissioner Gibson stated was concerned regarding the proximity of residential uses to the subject properties.

Chair Edwards invited the applicant to speak.

John Brooks, 911 River Bank, stated he was the applicant. Mr. Brooks stated he did not have an intended use for the properties, and he wished to make them more appealing to potential buyers. He then stated he believed the rezoning would be appropriate due to the surrounding industrial zoning.

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 (9-0-0).

Motion by Commissioner Laskowski, seconded by Commissioner Sonier, to recommend approval to City Council regarding the proposed rezoning of 2050 and 2100 Hunter Road from "APD" Agricultural/Pre-Development District to "M-1A" Light Industrial District. Motion carried (8-0-1) with Commissioner Gibson in opposition.

**Public hearing and recommendation to City Council regarding the proposed rezoning of 1.145 acres out of the William Mockford Survey 285, addressed at 2944 Loop 337, from "R-2" Single and Two-family District to "C-1B" General Business District.**

(Applicant: Brown & Ortiz, P.C.; Case Manager: Holly Mullins)

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

Commissioner Gibson asked if the commercial zoning is required for the lot to be used for commercial detention and drainage.

Mrs. Mullins answered yes.

Chair Edwards invited the applicant to speak.

Emilie Weissler, 112 E. Pecan Street, San Antonio, stated she would speak on behalf of the applicant. Ms. Weissler explained the intent for the request and stated the commercial zoning will allow the lot to be used for drainage and detention for commercial development on the adjacent lots. Ms. Weissler explained a final plat has been filed that will restrict the lot for drainage and therefore no development can occur on the subject property.

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

Motion by Vice Chair Reaves, seconded by Commissioner Laskowski, to recommend approval to City Council regarding the proposed rezoning of 1.145 acres out of the William Mockford Survey 285, addressed at 2944 Loop 337, from "R-2" Single and Two-family District to "C-1B" General Business District.

Commissioner Laskowski asked if the Commission could place a restriction on the approval to ensure the lot would only be used for detention.

Mrs. Mullins answered no, as there cannot be conditions placed on zoning districts.

Motion carried (9-0-0).

**Public hearing and recommendation to City Council regarding the proposed rezoning of approximately 0.83 acres consisting of Lot 21, Block 6, Rhine Terrace Subdivision, addressed at 1480 Post Road, from "C-1" Local Business District to "C-1B" General Business District.**

(Applicant: Charles Edwin Fry IV; Case Manager: Matthew Simmont)

Mr. Simmont summarized the request and stated Staff acknowledged the property as it is situated is well suited for non-residential use but believed 'C-1A' may be more appropriate.

Chair Edwards asked if anyone wished to speak in favor or opposition of the request.

Bonita Weidner, 269 Rhine Road, wished to ask the Commission for clarification on the request.

Chair Edwards directed Ms. Weidner to speak with Staff for clarification.

She then stated she was in objection to the request and expressed concerns regarding traffic and noise from non-residential use.

Chair Edwards invited the applicant to speak.

Charles Fry, 30 Laurel Circle, stated he was the applicant. Mr. Fry stated his current business is no longer suitable for its current location and he wished to lease the property.

Vice Chair Reaves asked the applicant why he chose the 'C-1B' district.

Mr. Fry explained he chose the 'C-1B' zoning district to have a wide range of permitted uses on the property and therefore make it more appealing to potential tenants.

Discussion followed.



Commissioner Meyer asked Mr. Fry if we he would consider accepting to change the request to 'C-1A' rather than 'C-1B'.

Mr. Fry asked for additional time to review the permitted uses within 'C-1A' district. He then stated he did not wish to postpone to the next meeting.

Discussion followed.

Commissioner Sonier asked Staff if the existing business on the property is permitted in the 'C-1A' district.

Mr. Simmont answered yes.

Motion by Commissioner Laskowski, seconded by Commissioner Gibson, to table the item. Motion carried (9-0-0).

**Discuss and consider the preliminary plat for Cloud Country Subdivision, Unit 6, with a waiver request.**

**Waiver: 1. To not construct sidewalks along Conrads Lane**

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

Mrs. Mullins presented the Staff report and recommended approval without the waiver the following requirements:

1. If sidewalk waiver is not approved, revise Note 12 to state sidewalk will be constructed along Conrads Lane by the developer at time of subdivision construction. If waiver is approved, revise Note to reference waiver approval date and remove escrow.
2. Add Twin Dish Way to Note 11A and remove Nimbus Path.
3. Add the following to Note 10: Both sides of Nimbus Path.
4. Submit a revised master plan incorporating the proposed street and lot layout for approval prior to submitting a final plat for Unit 6.

Commissioner Laskowski inquired why sidewalks had not been constructed on Conrads Lane with the other units.

Mrs. Mullins stated that sidewalks were required with the master plan and Staff did not have any documentation regarding waiving the construction of sidewalks.

Discussion followed.

Commissioner Tubb asked if why a waiver was not requested for Unit 8.

Mrs. Mullins stated there is no frontage on Conrads Lane in Unit 8.

Discussion then followed regarding anticipated improvements to Conrads Lane.

Chris Van Herde, HMT Engineering & Surveying, stated he would speak on behalf of the applicant.

Mr. Van Herde stated the requested sidewalk waiver is only for Conrads Lane. He then stated sidewalk escrow is not available because there are no planned improvements to Conrads Lane. Mr. Van Herde then provided a copy of the master plan for the Commission.

Chair Edwards asked if there were any topographical conditions that affected construction of sidewalks.

Mr. Van Herde stated no.

Commissioner Meyer stated the absence of sidewalks along Conrads Lane is non-compliant and therefore should not be used as the basis of decision to approve the waiver.

Discussion followed regarding the City's history of compliance with installing sidewalks on perimeter streets.

Motion by Vice Chair Reaves, seconded by Commissioner Sonier, to approve the preliminary plat for Cloud Country Subdivision, Unit 6, without the waiver. Motion carried (8-0-1) with Commissioner Tubb in opposition.

**Public hearing and consideration of the replat of Oak Grove Estates, Unit 2, Lot 1A, Block 2 and Oak Grove Estates, Unit 1, Lots 55 and 57, establishing Lots 55R, 57R and 901.**

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

Mr. Simmont summarized the request and stated Staff recommended approval with the following requirements:

1. Add "a replat of" after "being" within the title statement.
2. Remove "preliminary" watermark from the signature blocks.
3. Revise plat note #10 as follows: Sidewalks are not required along Oak Knot Dr. and Flaming Oak.
4. Revise plat note #11 as follows: Sidewalks are existing along FM 306.

Commissioner Sonier left the dais at 6:52 p.m.

Discussion followed regarding the proposed use of the property.

Chair Edwards invited the applicant to speak.

Chris Van Herde, HMT Engineering & Surveying, stated he would speak on behalf of the applicant. Mr. Van Herde provided a brief description of the history of the property and the intent for the request.

Commissioner Sonier returned to the dais at 6:56 p.m.

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

Motion by Vice Chair Reaves, seconded by Commissioner Nolte, to approve the replat of Oak Grove Estates, Unit 2, Lot 1A, Block 2 and Oak Grove Estates, Unit 1, Lots 55 and 57, establishing Lots 55R, 57R and 901. Motion carried (9-0-0).

Commissioner Nolte recused himself at 6:56 p.m.

**Discuss and consider the proposed abandonment and sale of approximately 0.45 acres of street right-of-way located at the terminus of North Houston Avenue.**

(Applicant: Melvin Nolte; Case Manager: Matt Greene)

Mr. Greene summarized the request and stated Staff recommended approval with two conditions:

1. Access, utility, and drainage easements must be provided as required by the City.
2. A final plat of the property must be submitted and approved by the City prior to ownership transfer. Recordation will occur subsequent to the transfer.

Vice Chair Reaves asked what the property will be zoned following the abandonment.

Mr. Greene answered 'C-4' Resort Commercial District due to the zoning of the adjacent properties.

Vice Chair Reaves inquired if sidewalks could be constructed.

Mr. Greene answered they could not be built in any drainage easements.

Chair Edwards invited the applicant to speak.

Melvin Nolte, 1015 N. Houston, stated he was the applicant. Mr. Nolte described his intentions for the property and stated he did not have intentions to construct on the property. He further stated the abandonment will ensure the vehicles parked on the adjacent properties will no longer encroach into the right-of-way.

Discussion followed regarding the current public access provided by the right-of-way.

Mr. Nolte stated the abandonment will allow him to restrict access and eliminate ongoing trespassing onto the Comal Springs detention basin and the adjacent properties.

Discussion followed.

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

Motion by Commissioner Reaves, seconded by Commissioner Laskowski, to recommend approval to City Council regarding the proposed abandonment and sale of approximately 0.45 acres of street right-of-way located at the terminus of North Houston Avenue, with Staff recommendations. Motion carried (8-0-0).

Commissioner Nolte returned to the dais at 7:06 p.m.



**Presentation of the proposed submittal for Veramendi Sector Plan 3.**

(Applicant: Chris O'Conner, agent for ASA Properties)

Mr. O'Connor presented to the Commission. He stated the public hearing and recommendation for the Veramendi Sector Plan 3 was scheduled for the November 5<sup>th</sup> Planning Commission meeting.

Discussion followed.

**Public Hearing and recommendation to City Council regarding proposed amendments to Chapter 144 of the City's Code of Ordinances, Zoning, Section 1.4 Definitions, Section 5.1-4, Parking and Storage of Certain Vehicles, and, Section 2.4, Enforcement and Administration.**

(Applicant: City of New Braunfels; Case Manager: Stacy Snell)

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

Commissioner Laskowski asked if recreational vehicles would be exempt from the proposed regulations.

Mrs. Snell answered yes because they are regulated by a separate code section.

Discussion followed.

Chair Edwards asked if there is a time limitation that will be placed on loading and unloading.

Mrs. Snell answered not on private property, and there are already existing time limits on loading and unloading in the right-of-way.

Discussion followed.

Commissioner Tubb asked if there will be a grace period before the new code section is enforced.

Mrs. Snell stated a grace period is not written into drafted ordinance and detailed the ways in which Staff will help citizens come into compliance under the new code.

Commissioner Gibson asked if the code section will apply to residential development or residential uses.

Mrs. Snell answered residential districts, as defined in the zoning code.

Commissioner Meyer inquired how the different vehicle class restrictions were chosen.

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

Motion by Commissioner Meyer, seconded by Vice Chair Reaves, to recommend approval to City Council regarding proposed amendments to Chapter 144 of the City's Code of Ordinances, Zoning, Section 1.4

Definitions, Section 5.1-4, Parking and Storage of Certain Vehicles, and, Section 2.4, Enforcement and Administration. Motion carried (9-0-0).

Motion by Commissioner Laskowski, seconded by Commissioner Sonier, to remove item 6D regarding PZ19-0260 from the table. Motion carried (9-0-0).

**Public hearing and recommendation to City Council regarding the proposed rezoning of approximately 0.83 acres consisting of Lot 21, Block 6, Rhine Terrace Subdivision, addressed at 1480 Post Road, from "C-1" Local Business District to "C-1B" General Business District.**

Charles Fry, 30 Laurel Circle, stated he was the applicant and would be willing to change his request to rezone the property to the 'C-1A' Neighborhood Business District.

Motion by Commissioner Laskowski, seconded by Commissioner Sonier, to recommend approval to City Council regarding the proposed rezoning of approximately 0.83 acres consisting of Lot 21, Block 6, Rhine Terrace Subdivision, addressed at 1480 Post Road, from "C-1" Local Business District to "C-1A" Neighborhood Business District with Staff recommendations. Motion carried (9-0-0)

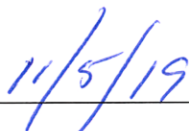
**DIRECTORS REPORT**

None.

**ADJOURNMENT**

There being no further business, Chair Edwards adjourned the meeting at 7:35 p.m.

  
Chair

  
Date

