

**Planning Commission
Regular Meeting Minutes
January 5, 2021**

Members Present

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

Staff Present

Christopher J. Looney, Planning Director
Frank Onion, Assistant City Attorney
Jean Drew, Senior Planner
Maddison O'Kelley, Assistant Planner
Caleb Gasperek, Historic Preservation Officer
Holly Mullins, Senior Planner
Matt Greene, Planner
Matthew Simmont, Planner
Sam Hunter, Planning Technician

Members Absent

None

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

2. ROLL CALL

Roll was called, and a quorum was declared.

3. APPROVAL OF MINUTES

Motion by Vice Chair Laskowski, seconded by Member Sonier, to approve the regular meeting minutes of December 1, 2020. Motion carried (9-0-0).

4. CITIZENS COMMUNICATION

Chair Edwards stated in person communication had been temporarily suspended due to COVID-19 and encouraged the public to send their comments in emails to planning@nbtexas.org which will be distributed to the Commissioners.

5. CONSENT AGENDA

No items.

6. ITEMS FOR CONSIDERATION

Motion by Vice Chair Laskowski, seconded by Commissioner Gibson, to postpone Item 6M, the recommendation to City Council regarding the removal of a segment of the Minor Arterial identified in the City of New Braunfels Regional Transportation Plan that is the future extension of County Line Road from FM 1044 to Engel Road to the February 2, 2021 regular meeting. Motion carried (9-0-0).

Motion by Vice Chair Laskowski, seconded by Commissioner Sonier, to postpone Item 6F, recommendation to City Council regarding a proposed rezoning to apply a Special Use Permit to allow a variety of residential and non-residential development on approximately 49.5 acres out of the A-103, Sarah Dewitt Survey, addressed at 514 & 720 W. Zipp Road, from "R-1A-6.6" Single Family District to allow all uses allowed in the following zoning districts: "MU-B" High Intensity Mixed Use, "R-1A-4" Single-Family Small Lot Residential, "ZH-A" Zero Lot Line Home and "R-2A" Single and Two-Family Residential to the February 2, 2021 regular meeting with new public notice to be provided. Motion carried (9-0-0).

Motion by Commissioner Meyer, seconded by Commissioner Sonier, to move item 6J to be presented after item 6B. Motion carried (9-0-0).

A) Briefing on forthcoming proposed amendments to remove regulatory barriers to workforce

housing. *Jean Drew, Senior Planner*

Mrs. Drew presented.

Discussion followed on concerns regarding the presented duplex, live work, and home occupation revisions including parking, single family districts, small lots, and clarification for what was being proposed.

B) Presentation and briefing regarding proposed amendments to Chapter 66 Historic Preservation for the protection and preservation of historic trees within historic districts and historic landmarks.

Caleb Gasparek, Historic Preservation Officer

Mr. Gasparek presented.

Discussion followed on clarification and suggestions for the presented draft concerning tree types, mitigation fund, and penalties.

J) SUP20-298 Public hearing and recommendation to City Council regarding a proposed rezoning to apply a Special Use Permit to allow outdoor music in the “C-1” Local Business District adjacent to residential use on approximately 1.2 acres consisting of Lot 5, Block 1, Rio Vista Addition, addressed at 1951 Gruene Road. Applicant: Ross Wilkinson; Owner: Rosemary Phillips; Case Manager: Matthew Simmont.

Mr. Simmont presented and recommended denial or approval with conditions as listed in the staff report.

Chair Edwards asked if there were any questions for staff.

Chair Edwards asked if the applicant would like to speak.

Ross Wilkinson, 422 Elmwood Drive, provided his reasoning for the request.

Discussion followed on similar cases previously denied and how this request may be different.

Discussion followed on conditions in the case the request is approved and considerations of postponement and public outreach.

Mr. Wilkinson stated he is open to postponement to reach out to surrounding residents.

Discussion followed.

Chair Edwards asked if there were any further questions or a motion.

Motion by Commissioner Meyer, seconded by Commissioner Reaves, to postpone the proposed rezoning to apply a Special Use Permit to allow outdoor music in the “C-1” Local Business District adjacent to residential use on approximately 1.2 acres consisting of Lot 5, Block 1, Rio Vista Addition, addressed at 1951 Gruene Road to the March 2, 2021 Planning Commission meeting. Motion carried (9-0-0).

C) PZ20-0285 Public hearing and recommendation to City Council regarding a proposed rezoning of approximately 19.735 acres out of the Orilla Russell Survey, A-485 and the Nancy Kenner Survey, A-306, Comal County, Texas, located south of the intersection of Gray Cloud Drive and Twin Dish Way, from “R-1A-6.6” Single Family District to “R-1A-5.5” Single Family District. Owner: Milestone Conrads Development (Chesley Swann III, Vice President); Applicant: HMT Engineering & Surveying (Stephen Hanz, COO); Case Manager: Matt Greene.

Mr. Greene presented and recommended approval.

Chair Edwards asked if there were any questions for staff.

Chair Edwards asked if the applicant would like to speak.

Chris Van Heerde, 290 S Castell Ave, HMT, provided clarification on the request.

Chair Edwards opened the public hearing and asked if anyone wished to speak in favor.

No one spoke.

Chair Edwards asked if anyone wanted to speak in opposition.

No one spoke.

Chair Edwards closed the public hearing.

Chair Edwards asked if there were any further questions or a motion.

Motion by Commissioner Reaves, seconded by Commissioner Meyer, to recommend approval to City Council of the proposed rezoning of approximately 19.735 acres out of the Orilla Russell Survey, A-485 and the Nancy Kenner Survey, A-306, Comal County, Texas, located south of the intersection of Gray Cloud Drive and Twin Dish Way, from "R-1A-6.6" Single Family District to "R-1A-5.5" Single Family District with staff recommendations. Motion carried (8-0-1) with Commissioner Tubbs in opposition.

The commission initiated a 5-minute break at 7:36pm and resumed at 7:41pm.

D) PZ20-0292 Public hearing and recommendation to City Council regarding a proposed rezoning of approximately 5.996 acres out of the Orilla Russell Survey No. 2, Abstract No. 485, Comal County, Texas, addressed at 689 Orion Drive, from "M-1A" Light Industrial District to "R-1A-6.6" Single-Family District. Applicant: Robert Whipkey; Case Manager: Matt Greene.

Mr. Greene presented and recommended approval.

Chair Edwards asked if there were any questions for staff.

Chair Edwards opened the public hearing and asked if anyone wished to speak in favor.

Chris Van Heerde, 290 S Castell, stated support for the request in the form of public comment.

Chair Edwards asked if anyone wanted to speak in opposition.

No one spoke.

Chair Edwards closed the public hearing.

Chair Edwards asked if the applicant would like to speak.

Robert Whipkey, 689 Orion Drive, stated intent behind the request.

Chair Edwards asked if there were any further questions or a motion.

Motion by Vice Chair Laskowski, seconded by Commissioner Sonier, to recommend approval to City Council of the proposed rezoning of approximately 5.996 acres out of the Orilla Russell Survey No. 2, Abstract No. 485, Comal County, Texas, addressed at 689 Orion Drive, from "M-1A" Light Industrial District to "R-1A-6.6" Single-Family District. Motion carried (9-0-0).

E) PZ20-0295 Public hearing and recommendation to City Council regarding proposed revisions to the Solms Landing Planned Development (“SLPD”) concept plan and development standards, on approximately 98 acres out of the A M Esnaurizar A-20 Survey, addressed at 253 S. Kowald Lane. Applicant: James Mahan; Case Manager: Holly Mullins.

Mrs. Mullins presented and recommended approval with conditions as listed in the staff report.

Chair Edwards asked if there were any questions for staff.

Discussion followed on the concerns listed in the staff report and how these have been resolved.

Vice Chair Laskowski expressed concerns over density, traffic, and impact on adjacent neighborhoods.

Discussion followed.

Chair Edwards asked if the applicant would like to speak.

Burt Wellmann, KFW, 15818 Turfway Park, addressed traffic and density concerns.

Discussion followed.

James Mahan, 173 Oak Canopy Court, addressed density concerns.

Chair Edwards opened the public hearing and asked if anyone wished to speak.

Kevin Pernicano, 2071 Windchime Way, asked for clarification on what each of the zone classifications stand for on the presented concept plan.

Cameron Dunlavy, Sun Communities Inc., asked for clarification on the potential development.

Mr. Mahan provided clarification.

Chair Edwards closed the public hearing.

Discussion followed on the TIA approval.

Chair Edwards asked if there were any further questions or a motion.

Motion by Commissioner Meyer, seconded by Commissioner Tubb, to recommend denial to City Council of the proposed revisions to the Solms Landing Planned Development (“SLPD”) concept plan and development standards, on approximately 98 acres out of the A M Esnaurizar A-20 Survey, addressed at 253 S Kowald Lane. Motion carried (8-0-1) with Commissioner Gibson in opposition.

G) SUP20-284 Public hearing and recommendation to City Council regarding a proposed rezoning to apply a Special Use Permit on approximately 23 acres out of the A.P. Fuquay survey No. 35, Abstract No. 155, Comal County, Texas, located at the southwest corner of the intersection of E. Common Street and Old FM 306, to allow multifamily high-density residential use in the “C-1” Local Business District and “M-1” Light Industrial District. Owner: Noland and Vera Koepf, Ltd. Partnership Applicant: HMT Engineering & Surveying (Thor Thornhill); Case Manager: Matt Greene.

Mr. Greene presented and recommended approval with conditions as listed in the staff report.

Chair Edwards asked if there were any questions for staff.

Discussion followed for clarification on height restrictions for multifamily, traffic issues, and density.

Chair Edwards asked if the applicant would like to speak.

Chris Crim, 290 S Castell, stated the intent behind the request.

Discussion followed on clarification for the proposed multifamily development.

Chair Edwards opened the public hearing and asked if anyone wished to speak.

Mike Phelan, 1224 Gruene Valley Circle, stated traffic as a concern.

Ron Riffel, 1728 Gruene Vineyard Crossing, stated traffic and property values as a concern.

Chair Edwards asked if there were any further questions or a motion.

Motion by Commissioner Sonier, seconded by Commissioner Gibson, to recommend approval to City Council of the proposed rezoning to apply a Special Use Permit on approximately 23 acres out of the A.P. Fuquay survey No. 35, Abstract No. 155, Comal County, Texas, located at the southwest corner of the intersection of E. Common Street and Old FM 306, to allow multifamily high-density residential use in the "C-1" Local Business District and "M-1" Light Industrial District. Motion carried (8-0-1) with Commissioner Mathis in opposition.

H) SUP20-289 Public hearing and recommendation to City Council regarding a proposed rezoning to apply a Special Use Permit to allow duplexes (two-family dwellings) or office/warehouse use in the "APD" Agricultural/Pre-Development District on approximately 0.938 acres out of the A.M. Esnaurizar Eleven League Grant, Subdivision No. 107, addressed at 187 Prairie View Road. Applicant: Moeller & Associates (James Ingalls, P.E.) Owner: Dianna Lynn Scott; Case Manager: Matt Greene.

Mr. Greene presented and recommended approval of the SUP request to allow duplexes on the subject property with conditions as outlined in the staff report and recommends denial of the request for office/warehouse use.

Chair Edwards asked if there were any questions for staff.

Chair Edwards asked if the applicant would like to speak.

No one spoke.

Chair Edwards opened the public hearing and asked if anyone wished to speak in favor.

No one spoke.

Chair Edwards asked if anyone wanted to speak in opposition.

No one spoke.

Chair Edwards closed the public hearing.

Chair Edwards asked if there were any further questions or a motion.

Motion by Commissioner Sonier, seconded by Commissioner Mathis, to recommend approval to City Council the proposed rezoning to apply a Special Use Permit to allow duplexes (two-family dwellings), and recommend denial to allow office/warehouse use in the "APD" Agricultural/Pre-Development District on approximately 0.938 acres out of the A.M. Esnaurizar Eleven League Grant, Subdivision No. 107, addressed at 187 Prairie View Road with staff recommendations.

Discussion followed on clarification of the motion. Motion carried (9-0-0).

I) SUP20-291 Public hearing and recommendation to City Council regarding a proposed rezoning to apply a Special Use Permit to allow a seven-unit, townhouse style residential development on approximately 0.7 acre located at the southwestern terminus of the 2300 block of Michigan Street. Applicant: Brian Mendez – Urban Civil; Owner: Habitat for Humanity (Crystal Moore); Case Manager: Matthew Simmont.

Mr. Simmont presented and recommended approval with nine conditions as listed in the staff report.

Chair Edwards asked if there were any questions for staff.

Commissioner Sonier voiced support for the development.

Discussion followed on parking and clarification on the nature of the development.

Chair Edwards asked if the applicant would like to speak.

Bryan Mendez, 190 S Seguin St, Urban Civil, stated he is available to answer any questions.

Discussion followed on the intent and reasoning for rezoning from ZH-A.

Chair Edwards opened the public hearing and asked if anyone wished to speak in favor.

No one spoke.

Chair Edwards asked if anyone wanted to speak in opposition.

No one spoke.

Chair Edwards closed the public hearing.

Chair Edwards asked if there were any further questions or a motion.

Motion by Commissioner Sonier, seconded by Commissioner Gibson, to recommend approval to City Council of the proposed rezoning to apply a Special Use Permit to allow a seven-unit, townhouse style residential development on approximately 0.7 acre located at the southwestern terminus of the 2300 block of Michigan Street. Motion carried (9-0-0).

K) SUP20-299 Public hearing and recommendation to City Council regarding a proposed rezoning to apply a Special Use Permit to allow short term rental of a single-family residence in the C-3 Commercial District, addressed at 262 E. Nacogdoches Street. Applicant/Owner: Aurora Hayes; Case Manager: Holly Mullins.

Mrs. Mullins presented and recommended approval with conditions as listed in the staff report.

Chair Edwards asked if there were any questions for staff.

Discussion followed on prior cases approved without driveway paving being required.

Chair Edwards asked if the applicant would like to speak.

Vincent Vero, 11030 Endicott Lane, state he is present to answer any questions.

Discussion followed on the driveway apron and paving.

Chair Edwards opened the public hearing and asked if anyone wished to speak in favor.

No one spoke.

Chair Edwards asked if anyone wanted to speak in opposition.

No one spoke.

Chair Edwards closed the public hearing.

Chair Edwards asked if there were any further questions or a motion.

Motion by Vice Chair Laskowski, seconded by Commissioner Sonier, to recommend approval to City Council of the proposed rezoning to apply a Special Use Permit to allow short term rental of a single-family residence in the C-3 Commercial District, addressed at 262 E. Nacogdoches Street with staff recommendations. Motion carried (9-0-0).

L) SUP20-300 Public hearing and recommendation to City Council regarding a proposed rezoning to apply a Special Use Permit to allow an RV resort on approximately 28 acres consisting of Lot 1D-R Walnut Heights Subdivision and approximately 24 acres out of the J M Veramendi A-2 Survey, located in the 700 block of N. Walnut Avenue. Applicant: James Ingalls; Case Manager: Holly Mullins.

Mrs. Mullins presented and recommended approval with conditions as listed in the staff report.

Chair Edwards asked if there were any questions for staff.

Discussion followed on concerns for the RV park development.

Chair Edwards asked if the applicant would like to speak.

Stuart Blythin, 431 N Hickory, provided clarification on the request.

James Ingalls, 2021 State Hwy 46, provided additional information on the request.

Discussion followed on public outreach, accommodations other than the RV portion, and clarification on the nature of the accommodations.

Chair Edwards opened the public hearing and asked if anyone wished to speak in favor.

No one spoke.

Chair Edwards asked if anyone wanted to speak in opposition.

Leon Woolsey, 620 Creek Dr, stated he is in opposition for various listed reasons and assembled a petition against the proposed development with neighbors.

Julie Woolsey, 622 Creek Dr, stated she opposes the development citing traffic concerns.

Brandon Tristan, 2219 Stonecrest Dr, asked a question in regard to drainage.

Commissioner Meyer stated the drainage is not currently being considered.

Chair Edwards closed the public hearing.

Chair Edwards asked if there were any further questions or a motion.

Motion by Commissioner Reaves, seconded by Commissioner Meyer, to recommend approval to City Council of the proposed rezoning to apply a Special Use Permit to allow an RV resort on approximately 28 acres consisting of Lot 1D-R Walnut Heights Subdivision and approximately 24 acres out of the J M Veramendi A-2 Survey, located in the 700 block of N. Walnut Avenue with staff recommendations. Motion carried (9-0-0).

N) CS20-319 Discuss and consider a recommendation to City Council regarding a variance request to allow a proposed business, addressed at 344 Landa Street, to provide alcohol sales (wine and beer, no onsite consumption) within 300 feet of a church. Case Manager: Maddison O'Kelley.

Ms. O'Kelley presented.

Chair Edwards asked if there were any questions for staff.

Commissioner Meyer asked why staff had not included a recommendation.

Ms. O'Kelley stated the decision should be made based off of the criteria provided in the Texas Local Government Code.

Discussion followed on the lack of response from the River City Vineyard Community Church property and surrounding properties.

Chair Edwards asked if the applicant would like to speak.

Bob Pineda, 344 Landa Street, clarified the nature of the retail business and liquor sales for off-premise consumption.

Discussion followed on the proposed nature of the liquor sales.

Chair Edwards opened the public hearing and asked if anyone wished to speak in favor.

No one spoke.

Chair Edwards asked if anyone wanted to speak in opposition.

No one spoke.

Chair Edwards closed the public hearing.

Chair Edwards asked if there were any further questions or a motion.

Motion by Commissioner Sonier, seconded by Commissioner Gibson, to recommend approval to City Council of the proposed business, addressed at 344 Landa Street, to provide alcohol sales (wine and beer, no onsite consumption) within 300 feet of a church. Motion carried (9-0-0).

O) REP20-307 Public Hearing and consideration of the Self Subdivision, that includes a replat of Lot 1R, Schleicher Estates Subdivision, with a waiver to not extend an existing street. Applicant: Moeller & Associates (James Ingalls, P.E.); Owner: Sandra E. Self; Case Manager: Matthew Simmont.

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

Chair Edwards asked if there were any questions for staff.

Ron Reaves asked for clarification on the public notice.

Mr. Simmont stated that the State requires only the original subdivision within 200 feet to be notified.

Chair Edwards asked if the applicant would like to speak.

James Ingalls, 2021 S State Hwy 46, stated the intent of the property owner.

Chair Edwards opened the public hearing and asked if anyone wished to speak in favor.

No one spoke.

Chair Edwards asked if anyone wanted to speak in opposition.

No one spoke.

Chair Edwards closed the public hearing.

Chair Edwards asked if there were any further questions or a motion.

Motion by Vice Chair Laskowski, seconded by Commissioner Sonier, to approve the proposed Self Subdivision, that includes a replat of Lot 1R, Schleicher Estates Subdivision, with a waiver to not extend an existing street. Motion carried (9-0-0).

P) REP20-315 Public Hearing and consideration of the Spring Valley Subdivision, Unit 1A that includes a replat of Tract 1, Anita's Acres Subdivision. *Applicant: Moeller & Associates (James Ingalls, P.E.); Owner: San Antonio 2015 LLC (David C. Frye); Case Manager: Matthew Simmont.*

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

Chair Edwards asked if there were any questions for staff.

Chair Edwards asked if the applicant would like to speak.

James Ingalls, 2021 S State Hwy 46, stated he was present to answer any questions.

Chair Edwards opened the public hearing and asked if anyone wished to speak in favor.

No one spoke.

Chair Edwards asked if anyone wanted to speak in opposition.

No one spoke.

Chair Edwards closed the public hearing.

Chair Edwards asked if there were any further questions or a motion.

Motion by Commissioner Sonier, seconded by Commissioner Gibson, to approve the proposed Spring Valley Subdivision, Unit 1A that includes a replat of Tract 1, Anita's Acres Subdivision. Motion carried (9-0-0).

Q) PL-20-022 Consideration of the final plat for Senaido Dual Crossing Subdivision with waivers. *Applicant: Brian Mendez; Case Manager: Holly Mullins.*

Mrs. Mullins presented. Staff recommended approval with conditions as listed in the staff report.

Chair Edwards asked if there were any questions for staff.

Discussion followed on the configuration of the subdivision potentially changing at some point.

Chair Edwards asked if the applicant would like to speak.

Bryan Mendez, 190 S Seguin St, stated he is present to answer any questions.

Chair Edwards asked if there were any further questions or a motion.

Motion by Vice Chair Laskowski, seconded by Commissioner Sonier, to approve the proposed final plat for Senaido Dual Crossing Subdivision and waivers with staff recommendations. Motion carried (9-0-0).

R) WVR20-323 Consideration of a waiver to Section 118-45 of the Subdivision Platting Ordinance to allow a lot with no public street frontage addressed at 610 Dammann Lane. Applicant: James Dillon.

Mrs. Mullins presented. Staff did not oppose the request.

Chair Edwards asked if there were any questions for staff.

Chair Edwards asked if the applicant would like to speak.

No one spoke.

Chair Edwards asked if there were any further questions or a motion.

Motion by Commissioner Sonier, seconded by Commissioner Gibson, to approve the proposed waiver to Section 118-45 of the Subdivision Platting Ordinance to allow a lot with no public street frontage addressed at 610 Dammann Lane. Motion carried (9-0-0).

S) CS20-0257 Public hearing and recommendation to City Council regarding a request for acceptance of 102.68 acres out of the A.M. Esnaurizar A-20 Survey into the City of New Braunfels extraterritorial jurisdiction (ETJ) located on FM 758 approximately 1,000 feet west of State Highway 123 North. Drew Hubbard, Owners' Agent.

Mrs. Mullins presented. Staff recommended approval of the annexation.

Chair Edwards asked if there were any questions for staff.

Chair Edwards asked if the applicant would like to speak.

James Ingalls, 2021 S State Hwy 46, stated the intent behind the proposed development.

Chair Edwards asked if there were any further questions or a motion.

Motion by Commissioner Reaves, seconded by Vice Chair Laskowski, to recommend approval to City Council of the request for acceptance of 102.68 acres out of the A.M. Esnaurizar A-20 Survey into the City of New Braunfels extraterritorial jurisdiction (ETJ) located on FM 758 approximately 1,000 feet west of State Highway 123 North. Motion carried (9-0-0).

T) ORD20-301 Public hearing and recommendation to City Council regarding a proposed amendment to the Veramendi Development Design & Control Document. Applicant & Developer: Peter James, Chief Executive Officer - ASA Properties; Case Manager: Matthew Simmont.

Mr. Simmont presented and recommended approval.

Chair Edwards asked if there were any questions for staff.

Commissioner Reaves asked if any alleyways in the subdivision are adjacent to the Oak Run Subdivision.

Discussion followed.

Chair Edwards asked if the applicant would like to speak.

Garrett Mechler, 387 West Mill, clarified the intent behind the request.

Chair Edwards opened the public hearing and asked if anyone wished to speak in favor.

No one spoke.

Chair Edwards asked if anyone wanted to speak in opposition.

No one spoke.

Chair Edwards closed the public hearing.

Chair Edwards asked if there were any further questions or a motion.


Motion by Commissioner Sonier, seconded by Commissioner Gibson, to recommend approval to City Council of the proposed amendment to the Veramendi Development Design & Control Document. Motion carried (9-0-0).

7. STAFF REPORT

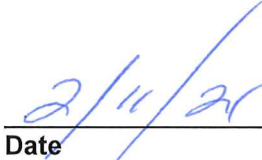
Mr. Looney stated the Missing Middle presentation zoom link will be sent later this week and gave an update on the Assistant Director interviews in process.

8 ADJOURNMENT

There being no further business, Chair Edwards adjourned the meeting at 10:19 pm.



Chair



Date

