

**Planning Commission
Regular Meeting Minutes
March 2, 2021**

Members Present

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

Staff Present

Christopher J. Looney, Planning Director
Frank Onion, Assistant City Attorney
Gary Ford, Assistant Public Works Director/City Engineer
Maddison O'Kelley, Assistant Planner
Caleb Gasperek, Historic Preservation Officer
Holly Mullins, Senior Planner
Matt Greene, Planner
Matthew Simmont, Planner
Sam Hunter, Planning Technician
Mary Hamann, Engineer

Members Absent

Shaun Gibson

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 Commissioner Sonier, to approve the regular meeting minutes of February 2, 2021 with revisions. Motion carried (8-0-0).

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

A) PP21-0061 Approval of the preliminary plat for Solms Landing, Tract 49 with conditions.
Applicant/Owner: James Mahan, Solms Landing Development LLC

B) PP21-0063 Approval of the preliminary plat of Sunset Ridge Subdivision
Applicant: Moeller & Associates (James Ingalls, P.E.); Owner: JFHS Holdings, LLC (Jack Scanio)

C) PZ21-0027 Approval of proposed revisions to the Solms Landing Planned Development ("SLPD") Detail Plan, on approximately 98 acres out of the A M Esnaurizar A-20 Survey, addressed at 253 S. Kowald Lane.
Applicant/Owner: James Mahan, Solms Landing Development LLC

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

5. ITEMS FOR CONSIDERATION

Chair Edwards requested to move item 6D, SUP21-037, to be considered first with no objections from the Commission.

D) SUP21-037 Public hearing and recommendation to City Council regarding a proposed rezoning to apply a Special Use Permit to allow multifamily residential use - up to 24 units per acre - in the "C-1A" Neighborhood Business District on approximately 10 acres out of the A.P. Fuquay Survey No. 35, Abstract No. 155, Comal County, Texas, located at the northwest corner of the intersection

of E. Common Street and Old FM 306. *Applicant: MNO Partners, David Morin; Owner: Noland and Vera Koepp, Ltd. Partnership; Case Manager: Matt Greene*

David Warren, 4600 Monterrey Oaks, Applicant, stated they wish to post-pone their request to address concerns from the community.

Motion by Vice Chair Laskowski, seconded by Commissioner Reaves, to postpone the proposed rezoning to apply a Special Use Permit to allow multifamily residential use - up to 24 units per acre - in the "C-1A" Neighborhood Business District on approximately 10 acres out of the A.P. Fuquay Survey No. 35, Abstract No. 155, Comal County, Texas, located at the northwest corner of the intersection of E. Common Street and Old FM 306 to the next regular meeting April 6, 2021. Motion carried (8-0-0).

A) Discuss and consider a recommendation to City Council regarding the removal of a segment of the Minor Collector identified in the City of New Braunfels Regional Transportation Plan that is the future extension of Fredericksburg Road south of Landa Street.

Mary Hamann, Engineer

Mrs. Hamann presented.

Chair Edwards asked if there were any questions for staff.

Discussion followed on if there was any written documentation in regard to why they are denying access across the railroad tracks, the intent behind the request, Union Pacific Railroad, and the longevity of the 2017 TIA report.

Chair Edwards asked if the applicant would like to speak.

David Wolters, 3903 Laguna Vista Cove, provided clarification and elaborated on the intent behind the request.

Discussion followed on past details of the Town Creek development and logistics of the crossing.

Discussion followed on potential motion.

Chair Edwards asked if the applicant would like to withdraw or postpone to a date certain.

Chris Van Heerde, 290 S Castell, provided further clarification and reasoning behind the request.

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

Motion by Commissioner Meyer, seconded by Commissioner Reaves, to withdraw the proposed removal of a segment of the Minor Collector identified in the City of New Braunfels Regional Transportation Plan that is the future extension of Fredericksburg Road south of Landa Street at the request of the applicant. Motion carried (8-0-0).

B) PZ20-0332 Public hearing and recommendation to City Council regarding proposed revisions to the Town Creek Planned Development (TCPD) concept plan and development standards, on approximately 66 acres located at N. Academy Avenue and N. Walnut Avenue. *Applicant: Chris Van Heerde, HMT Engineering & Surveying; Case Manager: Holly Mullins*

Chris Van Heerde, 290 S Castell Ave, asked to proceed without the proposed removal of the Fredricksburg connection.

Mrs. Mullins presented and recommended approval of the request but with the removal of the Fredricksburg connection.

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, elaborated on the intent behind the request.

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

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 revisions to the Town Creek Planned Development (TCPD) concept plan and development standards, on approximately 66 acres located at N. Academy Avenue and N. Walnut Avenue with staff recommendations. Motion carried (8-0-0).

C) SUP21-036 Public hearing and recommendation to City Council regarding a proposed rezoning to amend an existing Special Use Permit to allow for two-story townhomes on approximately 10 acres located on the west side of Independence Drive, approximately 1,300 feet north of the intersection of Independence Drive and Oak Run Parkway. *Applicant: James Ingalls, P.E. - Moeller & Associates; Owner: Westpointe Commercial, Ltd. (Mark Wauford); Case Manager: Matthew Simmont*

Mr. Simmont presented and recommended approval of the request.

Chair Edwards asked if there were any questions for staff.

Chair Edwards asked if the applicant would like to speak.

James Ingalls, 2021 St Hwy 46 S, elaborated on the intent behind the request.

Discussion followed on access, number of units, and further clarification.

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

Shirley Shaw stated she is attending the meeting to learn about development around the city and has no comment on the current case.

Chair Edwards closed the public hearing.

Commissioner Reaves presented points on prior context of the request and history of the site.

Cory Elrod, 503 Lakeview Blvd, provided context on the previous request and history of the land with current ownership.

Discussion followed.

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

Motion by Commissioner Reaves, seconded by Commissioner Meyer, to recommend denial to City Council of the proposed rezoning to amend an existing Special Use Permit to allow for two-story townhomes on approximately 10 acres located on the west side of Independence Drive, approximately 1,300 feet north of the intersection of Independence Drive and Oak Run Parkway.

Discussion followed on further context of the previous request and history of the land with current ownership.

Discussion followed on the height and grade and discussion on the proposed motion.

Motion failed (2-0-6) with Vice Chair Laskowski, Commissioner Mathis, Commissioner Nolte, Commissioner Sonier, Commissioner Tubb, and Chair Edwards in opposition.

Motion by Commissioner Sonier, seconded by Commissioner Nolte, to recommend approval to City Council of the proposed rezoning to amend an existing Special Use Permit to allow for two-story townhomes on approximately 10 acres located on the west side of Independence Drive, approximately 1,300 feet north of the intersection of Independence Drive and Oak Run Parkway with staff recommendations. Motion carried (6-0-2) with Commissioner Reaves and Commissioner Meyer in opposition.

Motion by Commissioner Reaves, seconded by Commissioner Meyer, to amend the current motion with conditions of approval including no vehicular access from city property to private property, requirement of a masonry retaining wall, and a requirement of shielded lighting. Motion failed (3-0-5) with Vice Chair Laskowski, Commissioner Mathis, Commissioner Nolte, Commissioner Sonier, and Chair Edwards in opposition.

Discussion followed on the conditions of the amended motion.

The Commission took a break at 7:57 returning at 8:03.

E) SUP21-041 Public hearing and recommendation to City Council regarding a proposed rezoning to apply a Special Use Permit to allow short term rental of two single-family residences in the “C-2” General Business District, addressed at 274 and 290 East Bridge Street. Applicant/Owner: Morgan and Jay Behrens; 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.

Chair Edwards asked if the applicant would like to speak.

Jay & Morgan Behrens, 290 E Bridge, stated they will be living at the 290 E Bridge St address but wanted to have the ability to do Short Term Rental for both addresses on the property.

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

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 Vice Chair Laskowski, to recommend approval to City Council of the proposed rezoning to apply a Special Use Permit to allow short term rental of two single-family residences in the “C-2” General Business District, addressed at 274 and 290 East Bridge Street with staff recommendations. Motion carried (7-0-0) with Commissioner Nolte recused.

F) SUP21-042 Public hearing and recommendation to City Council regarding a proposed amendment to an existing Special Use Permit allowing a manufactured home community in the “M-1A” Light Industrial District on approximately 45 acres out of the Orilla Russell Survey No. 2, Abstract No. 485, Comal County, Texas, located on the south side of Orion Drive, west of Goodwin Lane and east of the Pacific Rail Road. Applicant: Moeller & Associates (James Ingalls, P.E.); Owner:

Yes Acquisitions, LLC (Mike Askins); Case Manager: Matt Greene

Chair Edwards recused from the case.

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

Vice Chair Laskowski asked if there were any questions for staff.

Vice Chair Laskowski asked if the applicant would like to speak.

James Ingalls, 2021 S State Hwy 46, elaborated on the intent behind the request.

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

No one spoke.

Vice Chair Laskowski closed the public hearing.

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

Motion by Commissioner Sonier, seconded by Commissioner Meyer, to recommend approval to City Council the proposed amendment to an existing Special Use Permit allowing a manufactured home community in the "M-1A" Light Industrial District on approximately 45 acres out of the Orilla Russell Survey No. 2, Abstract No. 485, Comal County, Texas, located on the south side of Orion Drive, west of Goodwin Lane and east of the Pacific Rail Road with staff recommendations.

Discussion followed on the motion in regard to the fencing of the property.

Motion carried (7-0-0) with Chair Edwards recused.

G) SUP21-043 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-2 Central Business District at 307 W. Bridge Street. *Applicant/Owner: Jami Carr; 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.

Nikki and Jami Carr, 307 W Bridge St, comprehensively addressed concerns from surrounding property owners.

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

Libby Rust, 291 W Bridge St, property 3, stated her concerns are in regard to property ownership changing and noise concerns with surrounding properties.

Chair Edwards closed the public hearing.

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

Motion by Commissioner Meyer, seconded by Commissioner Mathis, 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-2 Central Business District at 307 W. Bridge Street with staff recommendations. Motion

carried (7-0-1) with Commissioner Reaves in opposition.

H) 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 citing proximity to adjacent Residential properties, and orientation of the music towards adjacent multifamily, or approval with conditions as listed in the staff report.

Chair Edwards asked if there were any questions for staff.

Discussion followed on if there were any changes to the proposed Special Use Permit from the prior meeting it was presented, if the special use permit is tied to the land, and the status of public outreach by the applicant.

Chair Edwards asked if the applicant would like to speak.

Ross Wilkinson, 1951 Gruene Rd, provided further context on the intent behind the request and public outreach.

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

Michelle Lyons, 1820 Cypress Rapid, stated her support for the request and reiterated points made previously.

Mel Nolte, 849 E Torrey, stated opposition to the request due to noise concerns affecting outdoor enjoyment of adjacent residential properties.

Discussion followed on if there is a potential conflict of interest.

Commissioner Nolte stated he does not meet the legal criteria for a conflict of interest.

Susann, 875 E Torrey St, stated her opposition to the request in line with previous concerns.

Omar & Cecilia Guerrero, 825 E Torrey St, stated opposition to the request in line with previous concerns.

Beth Sparkmann, 1959 Gruene Rd, stated opposition to the request in line with previous concerns.

Sydney, 291 E Lincoln, stated opposition to the request in line with previous concerns and stated additional concerns with land use.

Renee Arroyo, 845 E Torrey, stated opposition to the request in line with previous concerns.

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 denial to City Council of 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.

Discussion followed on concerns with the request.

Motion carried (7-1-0) with Commissioner Mathis abstained.

I) REP21-053 & WVR21-052 Public hearing and consideration of the replat of Lot 2 Smokehouse Subdivision and Lot 1, Block 1 Cornelius Brothers Subdivision, establishing Lots 2R, 3R and 4R, Smokehouse Subdivision, with a waiver. *Applicant: James Ingalls, Moeller & Associates Engineering; Owner: NB Smokehouse; Case Manager: Holly Mullins.*

Mrs. Mullins presented and recommended approval of the request and the street frontage waiver with conditions as listed in the staff report.

Chair Edwards asked if there were any questions for staff.

Discussion followed on existing trees on the property.

Chair Edwards asked if the applicant would like to speak.

James Ingalls, 2021 S St Hwy 46, clarified aspects of the request.

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

No one spoke.

Chair Edwards closed the public hearing.

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

Motion by Commissioner Tubb, seconded by Commissioner Meyer, to approve the proposed replat of Lot 2 Smokehouse Subdivision and Lot 1, Block 1 Cornelius Brothers Subdivision, establishing Lots 2R, 3R and 4R, Smokehouse Subdivision, with a waiver with staff recommendations. Motion carried (8-0-0).

J) REP21-059 Public Hearing and consideration of the replat of Lots 9-12, New City Block 5025, establishing Leaverton Square. *Applicant: D.A. Mawyer Land Surveying (Drew A. Mawyer); Owners: Steve Hardin & Juli Leaverton; 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.

Steve Hardin, 468 S Central Ave, clarified the intent behind their request.

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

Drew Mawyer, 5151 S State Hwy 46, with D.A. Mawyer Land Surveying, stated they are available to answer any questions.

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 Sonier, to recommend approval to City Council of the proposed replat of Lots 9-12, New City Block 5025, establishing Leaverton Square. Motion carried (8-0-0).

K) MP21-0056 Discuss and consider approval of the master plan for Winding Creek Ranch Subdivision with a waiver to Section 118-44 of the Subdivision Platting Ordinance to allow block lengths to exceed 1,200 feet. Applicant: HMT Engineering & Surveying; Owner: DR Horton; Case Manager: Matt Greene.

Mr. Greene presented and recommended approval of the master plan with the waiver with conditions as listed in the staff report.

Chair Edwards asked if there were any questions for staff.

Discussion followed in regard to concerns with block length and if the current code is sufficient.

Chair Edwards asked if the applicant would like to speak.

Chris Van Heerde, 290 S Castell Ave, elaborated on the details of the request and addressed concerns by each block.

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

Chair Edwards closed the public hearing.

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

Motion by Commissioner Meyer, seconded by Commissioner Sonier, to approve the proposed master plan for Winding Creek Ranch Subdivision with a waiver to Section 118-44 of the Subdivision Platting Ordinance to allow block lengths to exceed 1,200 feet with traffic calming measures as approved by the City and in addition to staff recommendations. Motion carried (8-0-0).

L) FP20-0314 Discuss and consider approval of the final plat for Veramendi Precinct 16 Unit 1. Applicant: Pape-Dawson Engineers, Inc.; Owner: Veramendi PE - Darwin, LLC; Case Manager: Matt Greene

Mr. Greene presented and recommended approval of the final plat and proposed escrow in lieu of construction.

Chair Edwards asked if there were any questions for staff.

Chair Edwards asked if the applicant would like to speak.

Todd Blackmon, 1672 Independence Dr, Pape-Dawson, 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 recommend approval to City Council of the proposed final plat for Veramendi Precinct 16 Unit 1 with staff recommendations. Motion carried (8-0-0).

M) WVR21-058 Discuss and consideration of a waiver to Section 118-49 of the Subdivision Platting Ordinance to not require sidewalk construction adjacent to existing Zipp Road for the Highland Ridge Subdivision. Applicant: HMT Engineering & Surveying; Owner: DR Horton; Case Manager:

Mr. Greene presented and recommend denial of the request.

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, provided additional clarification of the request.

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

Motion by Vice Chair Laskowski, seconded by Commissioner Meyer, to deny the proposed waiver to Section 118-49 of the Subdivision Platting Ordinance to not require sidewalk construction adjacent to existing Zipp Road for the Highland Ridge Subdivision. Motion carried (8-0-0).

7. STAFF REPORT

No items.

Commissioner Reaves asked about holding future Planning Commission meetings in person again.

Discussion followed.

8 ADJOURNMENT

There being no further business, Chair Edwards adjourned the meeting at 10:31 pm.


Chair


Date

