

**Planning Commission
Regular Meeting Minutes
September 8, 2021**

Members Present

Chair Lee Edwards
Vice Chair Stanley Laskowski
Ron Reaves
Chad Nolte
Jerry Sonier
John Mathis
Creighton Tubb
Kurt Andersen-Vie

Staff Present

Christopher J. Looney, Director of Planning and Development Services
Frank Onion, Assistant City Attorney
Jean Drew, Assistant Director of Planning and Development
Stacy Snell, Planning Manager
Garry Ford, Assistant Public Works Director/City Engineer
Holly Mullins, Senior Planner
Matthew Simmont, Senior Planner
Matt Greene, Senior Planner
Maddison O'Kelley, Planner

Members Absent

Shaun Gibson

1. The above meeting was called to order by Chair Edwards at 6:07 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 August 3, 2021 as presented. Motion carried (8-0-0).

4. CITIZENS COMMUNICATION

5. BRIEFINGS

6. CONSENT AGENDA

Motion by Vice Chair Laskowski, seconded by Commissioner Sonier to remove Item A from the consent agenda.

- A) PP21-0279 Approval of the preliminary plat for Comal ISD 52 Acre Tract with conditions.** *Applicant: Pape-Dawson Engineers; Owner: Comal Independent School District*
- B) PP21-0294 Approval of the preliminary plat for Long Creek South with conditions.** *Applicant: WGI, Inc.; Owner: Golf Associates, Ltd.*
- C) FP21-0275 Approval of the final plat for Navarro Subdivision Unit 2A with conditions.** *Applicant: KFW Engineers & Surveying (A. Nicholas Reynolds, P.E.) Owner: Lennar Homes of Texas Land & Construction (Richard Mott)*
- D) FP21-0277 Approval of the final plat for Solms Landing Collector Phase 2 with conditions.** *Applicant: KFW Engineers; Owner: Solms Landing Development, LLC*

- E) **FP21-0284 Approval of the final plat for Solms Landing Tract 49 with conditions.**
Applicant: KFW engineers; Owner: Solms Landing Development, LLC; Betty Timmermann
- F) **FP21-0290 Approval of the final plat for Voges, Unit 1 with conditions.** *Applicant: HMT Engineering & Surveying; Owner: Rausch Coleman Homes San Antonio, LLC*
- G) **FP21-0295 Approval of the final plat for Parkside Subdivision Unit 1 with conditions.**
Applicant: HMT Engineering & Surveying (Chris Van Heerde, P.E.); Owner: Lennar Homes of Texas Land & Construction (Richard Mott)

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

7. ITEMS FOR CONSIDERATION

Chair Edwards stated the applicant for Item 7C WVR21-288 Discuss and consider a waiver request from Section 118-46(y) to allow intersection level of service to fall below level of service C within the impact area of the proposed Gatehouse Subdivision requested to postpone the item to the next regular meeting.

Motion by Vice Chair Laskowski, seconded by Commissioner Sonier, to postpone Item 7C to the October 6th Regular meeting. Motion carried (8-0-0).

A) SUP21-118 Public hearing and recommendation to City Council regarding a proposed rezoning of approximately 71.3 acres out of the W. Mockford Survey No. 285, located at the southwest terminus of Westpointe Drive, from “APD” Agricultural/Pre-Development to “C-1B” General Business District with a Special Use Permit to allow unscreened outdoor storage. *Applicant: HMT Engineering & Surveying - Chris Van Heerde, P.E. Owner: New Braunfels Utilities - Jennifer Cain.*

Commissioner Sonier stated the property management for an apartment complex has a study they would like to present on the traffic impact of the proposed use, and they would like to request the Commission to postpone the item to allow for the presentation of the study.

Discussion followed.

Motion by Commissioner Sonier, seconded by Commissioner Reaves, to postpone Item 7A to the October 6th regular meeting.

Commissioner Tubb asked for clarification on the reasoning for the postponement.

Discussion followed.

Motion carried (8-0-0).

B) SUP21-269 Public hearing and 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 614 & 720 W. Zipp Road from “R-1A-6.6” Single Family District to the following zoning districts with additional conditions: “R-1A-6.6” Single-Family, “R-1A-4” Single-Family Small Lot, “C-1A” Neighborhood Business and “C-1B” General Business. *Applicant: Land Consultants Ltd., Co. - Caren Williams-Murch; Owner: SatCharan Holdings LLC - Ravi Sahota. Case Manager: Matthew Simmont.*

Mr. Simmont presented.

Chair Edwards asked if there were any questions for staff.

Commissioner Reaves asked for clarification on a condition of approval that was recommended on a previous special use permit request by the applicant that restricted windows and balconies on second story buildings within the development.

Mr. Simmont stated the condition is not currently listed as a staff recommendation but can be included in the Commission's recommendation to City Council as a condition of approval.

Discussion followed.

Vice Chair Laskowski asked for clarification on access to the property connecting to Walnut Avenue.

Mr. Simmont stated an access layout has not been provided to staff as the design for access is typically included with master plans.

Discussion followed regarding access and block length.

Chair Edwards asked if the applicant would like to speak.

Caren Williams-Murch introduced herself as the applicant and described the history of the previous special use permit request to the Commission. Ms. Williams -Murch indicated multiple meetings with neighbors had been conducted and the project proposal had been altered to accommodate separation and distancing of two-story buildings from residential property adjacent to the subject property. She further indicated the C-1A district had been selected to ensure neighborhood friendly uses would be allowed within the commercial area.

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

Lauren Stevenson, 2709 Ridgepath Drive, identified her property as number 27 on the notification map. She stated she believes the proposal is a fair compromise but expressed concerns regarding the proposed commercial uses closer to Klein Road. She asked the Commission to consider ensuring homes would be built between the adjacent residential property and the proposed commercial property.

Jyoti Canton, 2713 Ridgepath Drive, identified her property as number 25 on the notification map, expressed concerns regarding the proposed site plan being unclear and the proposed buffering between the existing residential uses and proposed commercial uses.

Chair Edwards closed the public hearing.

Chair Edwards closed the public hearing.

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

Discussion followed regarding the conditions of approval.

Motion by Commissioner Reaves, seconded by Commissioner Sonier, to recommend approval to City Council of 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 614 & 720 W. Zipp Road from "R-1A-6.6" Single Family District to the following zoning districts with additional conditions: "R-1A-6.6" Single-Family, "R-1A-4" Single-Family Small Lot, "C-1A" Neighborhood Business and "C-1B" General Business with staff recommendations and a condition to restrict windows and balconies from being constructed on the second story of buildings adjacent to the residential properties on Ridgepath Drive and Ridgeforest Drive. Motion carried (7-1-0) with Commissioner Tubb in opposition.

D) Discuss and consider a recommendation to City Council regarding the determination of right-of-way of E. Common Street, identified as a Principal Arterial in the City of New Braunfels Regional Transportation Plan, between the intersections with Gruene Road and FM 306. Garry Ford, Assistant Public Works Director/City Engineer.

Mr. Ford presented.

Commissioner Anderson-Vie asked for clarification regarding the impact of the determination on businesses fronting onto the right-of-way.

Mr. Ford stated there would be no impact on existing businesses since the determination affects property being developed or re-developed. Mr. Ford further stated the properties along the subject portion of E. Common Street are already platted and developed.

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

No one spoke.

Chair Edwards closed the public hearing.

Motion by Vice Chair Laskowski, seconded by Commissioner Sonier, to recommend approval to City Council regarding the determination of right-of-way of E. Common Street, identified as a Principal Arterial in the City of New Braunfels Regional Transportation Plan, between the intersections with Gruene Road and FM 306. Motion carried (8-0-0).

E) PZ21-0268 Public hearing and recommendation to City Council regarding the proposed rezoning of approximately 7.6 acres out of the A.M. Esnaurizar A-1 Survey, addressed at 2100 IH-35 North, from "APD AH" Agricultural/Pre-Development, Airport Hazard Overlay District and "C-3 AH" Commercial, Airport Hazard Overlay District to "C-1B AH" General Business, Airport Hazard Overlay District. Applicant: Henry Daughtry; Case Manager: Holly Mullins.

Chair Edwards recused himself at 6:53 pm.

Mrs. Mullins presented.

Vice Chair Laskowski invited the applicant to present their request.

Avery Daughtry, 6200 Grissom Road, stated he was the applicant. Mr. Daughtry stated the intent of the request was to allow a furniture store to be constructed on the lot with self-storage located at the rear of property behind the store.

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

William Rogers, 16 La Mesa Drive, expressed concerns regarding construction of self-storage buildings adjacent to the RV park and compliance with buffering requirements in the fire code.

Vice Chair Laskowski closed the public hearing.

Motion by Commissioner Reaves, seconded by Commissioner Sonier, to recommend approval to City Council of the proposed rezoning of approximately 7.6 acres out of the A. M. Esnaurizar A-1 Survey, addressed at 2100 IH-35 North, from "APD AH" Agricultural/Pre-Development, Airport Hazard Overlay District and "C-3 AH" Commercial, Airport Hazard Overlay District to "C-1B AH" General Business, Airport Hazard Overlay District with staff recommendations. Motion carried (7-0-0).

Chair Edwards returned to the dais at 6:58 pm.

F) SUP21-267 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 dwelling in the "C-3" Commercial District, addressed at 291 School Avenue. Applicants/Owners: Peter Flores and Jennifer Yanez; Case Manager: Matt Greene.

Commissioner Sonier left the dais at 6:58 pm.

Mr. Greene presented.

Commissioner Sonier returned to the dais at 7:00 pm.

Chair Edwards invited the applicant to present their request.

Peter Flores and Jennifer Yanez, 291 School Avenue, stated they were the applicants and could answer any questions the Commission had.

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

Edward Garcia, 2492 S IH 35, indicated he believed the short-term rental would not fit the character of the neighborhood due to its current character. Mr. Garcia further stated he believed the occupancy should be restricted to 6 occupants to ensure parking is adequate and there are not nuisances created by guests.

Peter Flores and Jennifer Yanez, 291 School Avenue, stated he intended to complement the existing businesses in the neighborhood with the proposed use. The applicant further stated the floor plan will accommodate the accessibility needs of future guests.

Commissioner Anderson-Vie asked the applicants if they were the property owners.

Discussion followed regarding ownership of the property.

Chair Edwards closed the public hearing.

Commissioner Mathis asked for clarification on the required parking for short-term rentals.

Discussion followed.

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 dwelling in the "C-3" Commercial District, addressed at 291 School Avenue with staff recommendations. Motion carried (8-0-0).

G) SUP21-270 Public hearing and recommendation to City Council regarding a proposed rezoning to apply a Special Use Permit to allow residential use in the M-2 Heavy Industrial District and short term rental of a single-family residence on Lot 3 Milltown Extension 1, addressed at 757 Oasis Street. Applicant/Owner: Texas Horizon Development, LLC; Case Manager: Holly Mullins.

Mrs. Mullins presented.

Chair Edwards invited the applicant to present their request.

No one spoke.

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

No one spoke.

Chair Edwards closed the public hearing.

Commissioner Mathis asked for clarification on the required parking for short-term rentals.

Discussion followed.

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 residential use in the M-2 Heavy Industrial District and short term rental of a single-family residence on Lot 3 Milltown Extension 1, addressed at 757 Oasis Street with staff recommendations. Motion carried (8-0-0).

H) SUP21-305 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 dwelling in the "C-1" Local Business District, addressed at 1370 Church Hill Drive. Applicant: Justin Ball, Director; Owner: Heritage Society of New Braunfels; Case Manager: Matthew Simmont.

Mr. Simmont presented.

Vice Chair Laskowski asked for clarification on the bedroom on the site plan.

Discussion followed regarding the intent of defining bedrooms in the short term rental ordinance.

Chair Edwards asked for clarification on the square foot area of the building.

Mr. Simmont stated approximately 400 square feet.

Commissioner Sonier stated he believed the occupancy should be restricted to two occupants.

Commissioner Tubb asked for clarification on the age of occupants, as defined in the zoning code.

Mrs. Snell clarified an occupant is any person over the age of three years old.

Chair Edwards invited the applicant to speak.

No one spoke.

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

William Rogers, 16 La Mesa Drive, expressed concerns regarding fire-rating of the building and allowing dwelling in buildings similar to the subject structure.

Mrs. Snell clarified the apartment in the subject structure is existing.

Justin Ball, 1425 Church Hill drive, stated he was the applicant. Mr. Ball described the intent of the request and provided a brief history of the subject structure. Mr. Ball stated he would be willing to limit the maximum occupancy to two guests. Mr. Ball further described the intent of the request and his desire to promote sustainability of existing improvements on the property.

Commissioner Sonier asked for clarification on the existing electronic gate installed on the property.

Mr. Ball stated the guests would receive a remote to open the electronic gate and gain access to the property.

Chair Edwards closed the public hearing.

Discussion followed regarding the proposed occupancy.

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 a single-family dwelling in the "C-1" Local Business District, addressed at 1370 Church Hill Drive with staff recommendations and a condition of approval to limit the maximum occupancy to two occupants. Motion carried (8-0-0).

I) CS21-0264 Discuss and consider a recommendation to City Council regarding a variance request to allow a proposed business, addressed at 111 S. Union Avenue, to provide alcohol sales (wine and beer, off premises consumption) within 300 feet of a children's daycare. *Applicant/Owner: Teia Bennett, Blumen Meisters Flower Shop; Case Manager: Maddison O'Kelley.*

Ms. O'Kelley presented.

Chair Edwards asked for clarification on response from the daycare.

Discussion followed regarding the daycare's location on the notification map.

Commissioner Tubb clarified the daycare was property 1 on the notification map.

Ms. O'Kelley clarified staff had not received a response from the property owner of the daycare.

Discussion followed.

Chair Edwards invited the applicant to speak.

Teia Bennett, 111 S. Union Avenue, stated she was the applicant and described the intent for the request.

Discussion followed regarding the details of the proposed sale of alcohol.

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

No one spoke.

Chair Edwards closed the public hearing.

Motion by Vice Chair Laskowski, seconded by Commissioner Sonier, to recommend approval to City Council regarding a variance request to allow a proposed business, addressed at 111 S. Union Avenue, to provide alcohol sales (wine and beer, off premises consumption) within 300 feet of a children's daycare. Motion carried (8-0-0).

J) CS21-0093 Discuss and consider a recommendation to City Council regarding the proposed abandonment of approximately 7,231 square feet (0.166-acre) portion of Garden Street Right-of-Way, located between Hill Avenue and the terminus of Garden Street. Applicants/Owners: James Farley, Guillermina Espinosa; Case Manager: Holly Mullins.

Mrs. Mullins presented.

Chair Edwards invited the applicant to present their request.

No one spoke.

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

No one spoke.

Chair Edwards closed the public hearing.

Motion by Vice Chair Laskowski, seconded by Commissioner Sonier, to recommend approval to City Council of the proposed abandonment of approximately 7,231 square feet (0.166-acre) portion of Garden Street Right-of-Way, located between Hill Avenue and the terminus of Garden Street with staff recommendations. Motion carried (8-0-0).

K) FP21-0282 and WVR21-283 Discuss and consider approval of the final plat for Herber Estates Subdivision with a waiver to Section 118-45(b) of the Subdivision and Platting Ordinance, lot fronting on a public street. Applicant: HMT Engineering & Surveying; Owners: John and Kimberly Herber. Case Manager: Matt Greene.

Mr. Greene presented the item and stated staff does not oppose the waiver request and that staff recommended approval of the waiver request with conditions.

Vice Chair Laskowski asked for clarification regarding the condition of approval to construct a sidewalk in front of the lot with an existing house.

Discussion followed regarding the point of development at which the sidewalk is constructed.

Commissioner Sonier asked for clarification where the sidewalk would be constructed.

Discussion followed.

Motion by Vice Chair Laskowski to approve the final plat for Herber Estates Subdivision with a waiver to Section 118-45(b) of the Subdivision and Platting Ordinance, lot fronting on a public street with staff recommendations and require the sidewalk be built within 60 days of plat recordation

Bill Ball, 290 S. Castell Avenue, stated he would speak on behalf of the applicant and asked that the sidewalk not be a plat requirement due to the distance between the property and the nearest sidewalks.

Mrs. Snell provided clarification that sidewalk waivers are required to be a separate agenda item.

Discussion followed.

John Herber, 175 Herber, provided clarification that he did not intend to develop the property and that he already lives on the property.

Discussion followed.

Mr. Ball clarified to ask the Commission to accept the waiver as recommended by staff.

Discussion followed.

The motion was seconded by Commissioner Sonier. Motion carried (8-0-0).

L) WVR21-272 Discuss and consider a waiver request from Section 118-46 to not require construction of a driveway connection prior to recording the plat for Senaido Dual Crossing Subdivision. *Applicant: Urban Civil Owner: Senaido Rodriguez, Jr. Case Manager: Holly Mullins.*

Mrs. Mullins presented the item and stated staff does not oppose the waiver request.

Vice Chair Laskowski asked for clarification regarding the enforcement of the construction of the driveway.

Mrs. Mullins stated if the fire department responded to the area, they would note if construction occurred without the installation of the driveway.

Discussion followed regarding the plat notes.

Commissioner Tubb asked for clarification on the authority of the enforcement by the city if the driveway is not installed.

Mrs. Snell clarified the city has the authority to enforce penalties if the driveway is not constructed during development of the property.

Discussion followed.

Chair Edwards invited the applicant to speak.

Senaider Rodriguez Jr, 1886 W. Mill Street, stated he was the applicant and described the intent for the request.

Motion by Vice Chair Laskowski to approve with a requirement for the driveway to be constructed prior to plat recordation.

Mrs. Snell provided clarification.

Motion by Vice Chair Laskowski, seconded by Commissioner Reaves, to deny the waiver request from Section 118-46 to not require construction of a driveway connection prior to recording the plat for Senaider Dual Crossing Subdivision.

Chair Edwards discussed the impacts of requiring development to occur at two different times on the property.

Discussion then followed regarding fire hydrants.

The motion carried (5-0-3) with Chair Edwards, Commissioner Nolte, and Commissioner Tubb in opposition.

M) WVR21-280 Discuss and consider a waiver to Section 118-44(b) to allow block length to exceed 1,200 feet for three blocks within the proposed Gatehouse Subdivision. Applicant: KFW Engineers; Owner: Southstar at Mayfair, LLC; Case Manager: Matt Greene.

Mr. Greene presented the item

Commissioner Reaves asked for clarification on connectivity to FM 1102.

Mr. Greene stated access is dictated by TxDOT.

Discussion followed regarding access across the existing railroad tracks.

Chair Edwards invited the applicant to speak.

Nick Reynolds, 162 W Mill Street, stated he could answer any questions the Commission may have.

Commissioner Sonier asked to discuss whether the minimum block length requirement should be revised due to the amount of block length waivers that are requested.

Vice Chair Laskowski asked for clarification on the measurement of

Mrs. Snell provided clarification on the definition of a block and the method of measurement for block length.

Vice Chair Laskowski expressed concerns on speeding generated by increased block lengths.

Discussion followed regarding requiring stop signs to be constructed.

Vice Chair Laskowski asked if the Commission could require installation of stop signs.

Discussion on stop signs continued.

Chair Edwards expressed concerns regarding the physical constraints of the property.

Discussion followed on traffic calming.

Nick Reynolds, 162 W. Mill Street, stated he would speak on behalf of the applicant. Mr. Reynolds stated the street is intended to be broken up by the intersecting cul-de-sacs within the project. Mr. Reynolds further stated that the applicant would be willing to install stop signs.

Discussion followed regarding specific areas for placement of a stop sign and the Commission's ability to require traffic calming measures within the development in unspecified locations.

Motion by Chair Edwards, seconded by Commissioner Tubb, to approve a waiver to Section 118-44(b) to allow block length to exceed 1,200 feet for three blocks within the proposed Gatehouse Subdivision with staff recommendations with the addition of traffic calming measures between phases 1 and 2 and one within phase 3. Motion carried (8-0-0).

N) WVR21-285 Discuss and consider a waiver request from Section 118-45(b) to not require street frontage for the proposed Veramendi Precinct 20, Unit 2 Subdivision. *Applicant: Pape-Dawson Engineers, LLC (Todd Blackmon, P.E.) Owner: Veramendi PE - Dawin LLC (Peter James). Case Manager: Matthew Simmont.*

Mr. Simmont presented the item and stated staff was not opposed to the request.

Commissioner Sonier left the dais at 7:42 pm.

Todd Blackmon, 1672 Independence Drive, stated he was the applicant and could answer any questions the Commission may have.

Chair Edwards asked if anyone wished to speak on the item.

No one spoke.

Motion by Vice Chair Laskowski, seconded by Commissioner Reaves, to approve a waiver request from Section 118-45(b) to not require street frontage for the proposed Veramendi Precinct 20, Unit 2 Subdivision. Motion carried (7-0-0).

O) WVR21-286 Discuss and consider a requested waiver from the Veramendi Development Design & Control Document (DDCD) Application Submittal Requirements to not require submittal of a tree survey, tree protection plan and tree replacement plan for the proposed Veramendi Precinct 20, Unit 2 Subdivision. *Applicant: Pape-Dawson Engineers, LLC (Todd Blackmon, P.E.); Owner: Veramendi PE - Dawin LLC (Peter James). Case Manager: Matthew Simmont.*

Commissioner Sonier returned to the dais at 8:46 pm.

Mr. Simmont presented the item and stated staff was not opposed to the request.

Commissioner Anderson-Vie requested clarification on the intent behind the request.

Mr. Simmont answered the tree preservation and replacement would likely be better suited for the phase of development after platting.

Todd Blackmon, 1672 Independence Drive, stated platting occurs before the design of the site and therefore the tree preservation requirement is not being requested to be waived, but rather delayed to a later point of development.

Mrs. Snell additionally clarified the waiver does not relieve the applicant of the requirement to preserve trees.

Discussion followed regarding requirements for review of the tree preservation plan and clarification on the request.

Chair Edwards asked if anyone wished to speak on the item.

William Rogers, 16 La Mesa Drive, expressed concerns regarding the intent and agenda caption of the request. He further stated tree preservation needed to be ensured in the action by the Commission.

Discussion followed regarding enforcement of the development standards required within the development.

Motion by Commissioner Reaves, seconded by Commissioner Sonier, to approve a requested waiver from the Veramendi Development Design & Control Document (DDCD) Application Submittal Requirements to not require submittal of a tree survey, tree protection plan and tree replacement plan for the proposed Veramendi Precinct 20, Unit 2 Subdivision with staff recommendations and a condition of approval to require the tree survey, tree protection plan, and tree replacement plan to be submitted with the building permit application. Motion carried (8-0-0).

P) WVR21-301 Discuss and consider a waiver to Section 118-46(t)(2)c.1. of the Subdivision Platting Ordinance to not require adequate access to a perimeter street with a minimum pavement width of 24 feet. Applicant: HMT Engineering & Surveying; Owner: Robert Culpepper. Case Manager: Matt Greene.

Mr. Greene presented the staff report and stated staff recommended denial of the waiver.

Chair Edwards asked for clarification on the number of proposed lots.

Mr. Greene stated there would be a total of four residential lots.

Discussion followed regarding development of adjacent property and the overall impact of four residences on the right-of-way.

Mr. Ball, 290 S. Castell Avenue, stated he would speak on behalf of the applicant. Mr. Ball

stated the applicant does not believe the cost of paving the right-of-way is proportionate to the impact of the development on a minor collector.

Travis Culpepper, 792 Broadway Dr, stated he was the applicant. Mr. Culpepper stated widening the road should have been discussed during the consideration of the adjacent river mill development and at the time of development of other commercial properties. Mr. Culpepper further stated speed humps had been approved to be installed on Broadway Drive.

Commissioner Reaves asked for clarification on the development requirements for the nearby river mill development.

Discussion followed regarding development in the area.

Mr. Greene clarified other developments have frontage on streets other than Broadway and therefore receive adequate public access from streets that comply with the ordinance.

Discussion followed regarding roadway impact fee collection.

Travis Culpepper, 792 Broadway Drive, clarified his comments on nearby development and reiterated that he believed the development of four lots would not necessitate widening the right-of-way.

Commissioner Sonier asked for clarification on the portion of Broadway that would be widened.

Mrs. Reynolds stated the road would only be widened in front of the subject property.

Discussion followed regarding proposed public improvements.

Chair Edwards asked if anyone wished to speak on the item.

William Rogers, 16 La Mesa Drive, stated he agreed with the applicant and the right-of-way should not have to be widened.

Discussion then followed regarding the collection of roadway impact fees.

Commissioner Reaves asked if the applicant would be relieved of any other obligations by the applicant if the right-of-way is eventually widened.

Discussion then followed regarding right-of-way dedication.

Motion by Vice Chair Laskowski, seconded by Commissioner Mathis, to approve a waiver to Section 118-46(t)(2)c.1. of the Subdivision Platting Ordinance to not require adequate access to a perimeter street with a minimum pavement width of 24 feet with staff recommendations. Motion carried (8-0-0).

Q) WVR21-296 Discuss and consider a waiver request from Section 118-46(d) to not require a street projection into an unsubdivided area with the proposed Kohlenberg Subdivision. Applicant: Heartwood Development II, LLC (Paul Powell or Bryan Sims) Owner: HKEK LLC (Kenneth Kohlenberg). Case Manager: Matthew Simmont.

Mr. Simmont presented the item and stated staff recommended denial of the requested waiver.

Commissioner Mathis left the dais at 9:23 pm.

Commissioner Mathis returned to the dais at 9:24 pm.

Commissioner Sonier asked if the Deer Crest subdivision was required to put street projections into the subject unsubdivided area.

Mr. Simmont answered no, the Deer Crest subdivision was not required to provide street projections into the undeveloped property that is adjacent to the subject property.

Discussion the followed regarding the adjacent property.

Wayne Flores, 162 W. Mill Street, stated he would speak on behalf of the applicant. Mr. Flores stated the adjacent property would not be landlocked without the street projection being provided and that he believed the requirement should not be enforced for the subject development when it was not required for the Deer Crest subdivision.

Chair Edwards asked for clarification on of the waiver would restrict connection to the Weltner Road.

Mr. Simmont answered no.

Discussion followed regarding connectivity to Weltner Road.

Motion by Commissioner Sonier, seconder by Commissioner Anderson-Vie, to approve a waiver request from Section 118-46(d) to not require a street projection into an unsubdivided area with the proposed Kohlenberg Subdivision with staff recommendations. Motion carried (6-2-0) with Commissioner Reaves and Commissioner Tubb in opposition.

R) WVR21-302 Discuss and consider a waiver request from Section 118-44(b) to allow block length to exceed 1,200 feet in the proposed Kohlenberg Subdivision. Applicant: Heartwood Development II, LLC (Paul Powell or Bryan Sims) Owner: HKEK LLC (Kenneth Kohlenberg). Case Manager: Matthew Simmont.

Mr. Simmont presented the item and stated staff does not support the requested waiver.

Chair Edwards invited the applicant to speak.

Wayne Flores, 162 W. Mill Street, stated four projections are being provided to the property to the north of the subject property which allow the block to be broken up by the intersections. The applicant further stated the proposed design attempts to ensure traffic is being calmed on the proposed right-of-way.

Commissioner Tubb asked for clarification on the street projections to the north.

Discussion followed.

Motion by Vice Chair Laskowski, seconded by Commissioner Sonier, to approve the waiver request from Section 118-44(b) to allow block length to exceed 1,200 feet in the proposed Kohlenberg Subdivision with staff recommendations. Motion carried (8-0-0).

8. STAFF REPORT

No items.

9 ADJOURNMENT

There being no further business, Chair Edwards adjourned the meeting at 9:36 pm.



Chair

10/6/21

Date