

PLANNING AND ZONING COMMISSION MEETING MINUTES
BOERNE POLICE AND MUNICIPAL COURT COMPLEX, 124 OLD SAN ANTONIO ROAD
Monday, March 7, 2016 – 6:00 p.m.

Minutes of the Planning and Zoning Commission Meeting of March 7, 2016.

Present: Jeff Bachmann, Paula Hayward, Richard Sena, Russell Noll, Patrick Cohoon, John Hollinshead, Cal Chapman and Israel Pena

Absent: William Paxton

Staff Present: Laura Talley, Planning and Comm. Dev. Director, Deborah Willson, Recording Secretary & Staff Planner, Sheldon Cravey, IT, Sean Reich, Public Works Engineer

Registered /

Recognized Guests: Jeff Carroll, Ava Massingok, Ermal and Carolyn Coleman, James Russell Day, Cynthia Day, Charles Volz, Sharyle Inman, Rick and Beverly Myers, Jeff Brooks, Chris Christianson, David Cupit, Jana and Danny Bezet, Ross Partlow, Jeanette Macdougall

1. CALL TO ORDER – 6:00 PM

Chairman Hollinshead called the P&Z meeting to order at 6:00 p.m.

2. Approval of Planning and Zoning Commission Minutes of the meetings held January 4, 2016 and February 1, 2016.

**CHAIRMAN HOLLINSHEAD CALLED FOR A MOTION ON THE MINUTES.
COMMISSIONER BACHMANN MADE A MOTION TO APPROVE THE MINUTES
OF JANUARY 4, 2016 AND FEBRUARY 1, 2016. ISRAEL PENA SECONDED THE
MOTION. THE MOTION PASSED 6-0.**

3. Conflicts of Interest Declaration.

Russell Noll declared a conflict of interest on agenda items #11 and #12.

4. CITIZENS' COMMENTS:

Chairman Hollinshead called for comments from the audience.

There were none.

5. PUBLIC HEARING

- 5a. [2016-428](#) To consider City Council approval for the use of Automobile Sales (motorcycle sales) in a B-2, Highway Commercial District for 941 North Main Street (KAD: 24699), a total of 0.088 acres. (James

Day)

Mrs. Talley introduced that the future owner is interested in having used motorcycle sales at the property for sale by Bumdoodlers.

Vialissa Gerhard at 103 Ammann, representing Phillips Wilborn at 115 Adler St., stated Mr. Wilborn is concerned about the noise, parties, parking, and oil spills.

Jeanette Macdougall at 933 N School St. who represented Susan Hudkins, was concerned with safety and traffic congestion. Mrs. Macdougall also expressed concern with the noise created by test driving motorcycles and the visibility of the building. She also added there was a lack of necessity for a motorcycle store to be on North Main since all of the other motorcycle sales are located on the access road off IH-10.

Dr. Rapp, a veterinarian located at 921 N Main, said his concerns were site, sound, and safety. He expressed the same concerns as Mrs. Macdougall and was concerned for the safety of school kids and scared pets that were not leashed at his office. Dr. Rapp also stated he hopes North Main Street can be visually pleasing in the future.

Jeff Brooks stated he has properties at 119 and 125 Adler Road, which are located at the fence line behind Bumdoodlers. His concern was how the motorcycle sales contain the business on their own property. He said his properties already deal with trash and noise from Bumdoodlers.

Danny and Jana Bezet, owners of Bumdoodlers at 929 N Main expressed concern over traffic, the test driving of motorcycles, safety and the small size of the existing building. Both Mr. and Mrs. Bezet were also concerned with what the city's vision is for the next 10 years. Mrs. Bezet said she would like to see more people visit North Main and does not want to see vacant buildings.

James Russell Day, owner of Boerne Motorcycle Company, came forth to address the concerns. Mr. Day explained he already owns a car, truck, motorcycle dealership located off John's Road called Bay Pro Auto Truck and Cycle. Both he and his wife are both residents of Boerne. He explained he wants to provide sales for used Asian, European, and domestic motorcycles. Mr. Day said he will be doing maintenance on only his inventory inside of the building. His plan is to sell motorcycles and apparel. Mr. Day explained test drives will only be performed off of 1376, Sisterdale Road, or I-10 and promised he will not allow them to go "tearing" down Main Street. To address the oil spills concern, Mr. Day said he will have an overflow pallet. He plans to have 4 to 5 motorcycles displayed under the awning; He will have a total inventory of 20 motorcycles. Mr. Day assured he will be respectful and follow the noise ordinance and he is not trying to be a huge dealership. He stated he wants to be a tasteful dealer that blends with Boerne's character.

6. Make recommendation to City Council for the use of a retail motorcycle sales in a B-2, Highway Commercial District for 941 North Main Street (KAD: 24699), a total of 0.088 acres. (James Day)

Mrs. Talley explained the area behind the existing property is the City's right-of-way and parking is not permitted there. Commissioner Noll asked if repairs are permitted on the site. Mrs. Talley responded that repairs are permitted inside of the building as long as

there is no storage outside. Commissioner Hayward asked about the number of parking spaces required. Mrs. Talley replied with 12 parking spaces. Commissioner Noll asked how come the city has never enforced the parking behind Bumdoodlers. Mrs. Talley responded the city does not want to exacerbate the problem by allowing more parking and there hasn't been a need to ask Bumdoodlers to move their parking. Mrs. Talley continued to explain about a plan to extend the old number 9 trail and the planning department will work with the owners of Bumdoodlers and the other business owners regarding the parking situation when the city is ready for the trail. Commissioner Noll made the comment that the commission should not let the use cloud the need for business on that site. Commissioner Hayward stated voters should be able to go to their city council representative and express their concern. Commissioner Noll asked about how the city would handle the noise level. Mrs. Talley said the Boerne Police would take care of nuisances and noise. Commissioner Noll expressed that the commission cannot control the number of people driving motorcycles to businesses. Commission Chapman stated, "Any business has to have traffic in order to thrive". Commissioner Hayward expressed she believes North Main is about to become something special in the future and was opposed to the use. Commissioner Bachmann said Mr. Day has shown commitment and does not think they are going to create problems.

A MOTION WAS MADE BY COMMISSIONER BACHMANN, SECONDED BY COMMISSIONER PENA, THAT THIS BE APPROVED. THE MOTION PASSED BY A VOTE OF 6-1. (COMMISSIONER HAYWARD DISSENTING)

7. PUBLIC HEARING

- 7a. [2016-477](#) To consider the proposed revisions to the City of Boerne Zoning Ordinance No. 2007-64, Article 1, In General, Section 06. Definitions, Article 3. General Prohibitions and Requirements, Section 04. Home Occupations.

There were no comments.

8. **Make recommendation to City Council regarding the proposed revisions to the City of Boerne Zoning Ordinance No. 2007-64, Article 1, In General, Section 06. Definitions, Article 3. General Prohibitions and Requirements, Section 04. Home Occupations.**

Mrs. Talley explained an individual owner received approval from city council to get licensed to help with seasonal package deliveries on a golf cart back in December 2015. Mrs. Talley said the city needs to update the definition of home occupation in the zoning ordinance. The word "substantial" would replace the phrase "entirely within home" in the home occupation definition. Chairman Hollinshead made the comment that instead of changing the ordinance, the ordinance should be left as is and to continue to handle this item as an exception. Future exception requests could be handled on a case-by-case basis. Mrs. Talley suggested tabling

the topic.

A MOTION WAS MADE BY COMMISSIONER COHOON, SECONDED BY COMMISSIONER BACHMANN, THAT THIS BE TABLED. THE MOTION WAS TABLED BY A VOTE OF 7-0.

9. PUBLIC HEARING

- 9a. [2016-480](#) To consider the proposed subdivision of Ranch Land Subdivision, Lots 1 and 2 (111 and 113 Ranch Drive - a total of 20.084 acres), located in Kendall County, KAD Nos. 11539, 11540.

There were no comments.

10. Take necessary action regarding the proposed subdivision of Ranch Land Subdivision, Lots 1 and 2 (111 and 113 Ranch Drive - a total of 20.084 acres), located in Kendall County, KAD Nos. 11539, 11540.

Mrs. Talley gave background regarding the development and explained the developer had the option to originally vacate the plat and a public hearing would not be required, but since they did not vacate the plat a public hearing is required by state law. There is a 30ft GBRA easement, which will create a green buffer between the neighboring properties to the north.

Commissioner Hayward asked about the development agreement. Mrs. Talley responded by saying the development agreement allowed the developers to extend utilities and when they became contiguous to properties in the city limits, they would be annexed. Mrs. Talley also added the surrounding properties owners were aware of development.

A citizen interrupted the motion Commissioner Pena and Commissioner Chapman made because they were told there was going to be a presentation from the engineer so the motion was withdrawn until after the engineer's presentation.

Chris Dice with Cude engineers presented information regarding the extension of Southglen parkway, which will extend Cascade Caverns Road as part of the city's thoroughfare plan. Mr. Dice explained the developer cannot increase flow of drainage onto other property owners by law. The engineers at Cude look at the site as if it were completely developed and that is how they determine the size of the detention earth in pond with established vegetation, which they will be building upfront. Mr. Dice explained the engineers designed the park way to have both lanes elevated and the medians will have depressions, which will convey a channel for water. Mr. Dice explained the lot sizes on the west part of the subdivision will be 60 ft sized lots in phases 2 and 5, which will be a total of 64 to 66 lots.

A MOTION WAS MADE BY COMMISSIONER PENA, SECONDED BY COMMISSIONER CHAPMAN, THAT THIS BE APPROVED. THE MOTION PASSED BY A VOTE OF 7-0.

11. [2016-419](#) Untable a creative alternative to Article 3, Section 09 Combined Commercial Design Standards, Section 3.09.003 Parking, for a proposed commercial development located at 101 Woods of Boerne Blvd (Woods of Boerne, Commercial Lot 7C).

A MOTION WAS MADE BY COMMISSIONER HAYWARD, SECONDED BY COMMISSIONER COHOON, THAT THIS BE UNTABLED. THE MOTION WAS UNTABLED BY A VOTE OF 6-0. (COMMISSIONER NOLL RECUSED)

12. [2016-481](#) Withdraw a creative alternative to Article 3, Section 09 Combined Commercial Design Standards, Section 3.09.003 Parking, for a proposed commercial development located at 101 Woods of Boerne Blvd (Woods of Boerne, Commercial Lot 7C).

Mrs. Talley said the developer is withdrawing the creative alternative request because they met the design criteria after working with a subcommittee created by the commission. Commissioner Pena and Hayward and Chairman Hollinshead were part of the subcommittee. There was no action taken, the item was withdrawn.

13. [2016-467](#) Consider approval and make recommendation to City Council regarding a request by the City of Boerne for deviations from the requirements as set forth in the City of Boerne Subdivision Ordinance No. 2007-56, Article 3, Planning and Community Design Standards, Table 3-4 Street Cross-Section Standards for HB Subdivision (a commercial development). Take necessary action.

Mrs. Talley stated the H.B. Subdivision is located behind the Subway and Thai restaurant between Main Street and IH-10. The city, not the developer, is asking for variance for the proposed right-of-way dedication to be 60 ft., not the standard 62 ft., with a pavement width of 40 ft. Currently Herff Road stops at Main Street. The plan is to continue the street by creating two wider lanes for traffic and a center turn lane that will continue through to the Christus site.

A MOTION WAS MADE BY COMMISSIONER COHOON, SECONDED BY COMMISSIONER NOLL, THAT THIS BE RECOMMENDED FOR APPROVAL AND MAKE RECOMMENDATION TO CITY COUNCIL. THE MOTION PASSED BY A VOTE OF 7-0.

14. [2016-468](#) Consider approval and make recommendation to City Council regarding a request by the City of Boerne for a deviation from the requirements as set forth in the City of Boerne Subdivision Ordinance No. 2007-56, Article 3, Planning and Community Design Standards, Section 3.04.002E, Cul-de-sac and

Disconnected Street Limitations for HB Subdivision (a commercial development). Take necessary action.

Mrs. Talley explained since the city plans to continue the street to the Christus site, a cul de sac is not necessary. There was discussion amongst the commissioners that if the connection did not happen, there should be caveat for the developer to build a turn around. Commissioner Noll did not agree with the caveat and said that would put the responsibility on the developer and the developer does not have control over the continuation of the street. Commissioner Cohoon asked if it is the City's goal to make the connection happen. Mrs. Talley answered that City Council will make the determination, but it is the City's goal to have the connection. Jeff Carroll approached the podium and explained the fire truck will still have a 3 point turn radius, which is typical for commercial developments. Mrs. Talley said the fire department will look at this and also stated this topic required only the planning and zoning commission's approval and was not required to go to City Council. Commissioner Chapman suggested that we add a caveat that on the frontage of the street to be built in question, the driveway to each lot on either side be built by the developer within 1 year after final plat for use by emergency vehicles to make 3 point turns or turns as necessary to get out.

A MOTION WAS MADE BY COMMISSIONER CHAPMAN WITH A CAVEAT THAT ON THE FRONTAGE OF THE STREET TO BE BUILT IN QUESTION, THE DRIVEWAY TO EACH LOT ON EITHER SIDE BE BUILT BY THE DEVELOPER WITHIN 1 YEAR AFTER FINAL PLAT FOR USE BY EMERGENCY VEHICLES TO MAKE 3 POINT TURNS OR TURNS AS NECESSARY TO GET OUT, SECONDED BY COMMISSIONER PENA, THAT THIS BE APPROVED. THE MOTION PASSED BY A VOTE OF 6-1. (COMMISSIONER NOLL DISSENTING)

15. CONSENT AGENDA: : All items listed below within the Consent Agenda are considered to be routine by the Planning and Zoning Commission and may be enacted with one motion. There will be no separate discussion of items unless a Commission Member or citizen so requests, in which event the item may be moved to the general order of business and considered in its normal sequence. The following final plat shall be approved conditionally as is stated in the Subdivision Ordinance Article 2, Section 04. Final Plat Approval, Subsection 2.04.001 B Conditional Approval.

A MOTION WAS MADE BY COMMISSIONER COHOON, SECONDED BY COMMISSIONER BACHMANN, TO APPROVE THE CONSENT AGENDA. THE MOTION PASSED BY A VOTE OF 7-0.

- 15a. [2016-492](#) Consider the final plat for Southglen Subdivision, Phase 3 (37 residential lots, 3 open space lots).
- 15b. [2016-490](#) Consider the final replat of Southglen Subdivision, Phase 1 aka Ranch Land Subdivision, Lots 1 & 2 (0 residential lots, 1 open

space lot).

- 15c. [2016-491](#) Consider the final plat for Menger Springs Unit 3A (10 residential lots).

16. DISCUSSION ITEMS:

- 16a. [2016-469](#) 2016 Master Plan

Per the Commission's request, Mrs. Talley discussed the city's plan and timeline to review and update the city's comprehensive master plan.

17. COMMENTS FROM COMMISSION/LEGAL COUNSEL/STAFF - No discussion or action may take place

18. ADJOURNMENT

The Planning and Zoning Commission meeting adjourned at 8:25 PM.

Approved:

P&Z Chairman

P&Z Secretary

ATTEST:

Deborah Willson