

AGENDA
PLANNING AND ZONING COMMISSION MEETING
BOERNE POLICE AND MUNICIPAL COURT COMPLEX, 124 OLD SAN ANTONIO ROAD
Monday, August 1, 2016 – 6:00 p.m.

Minutes of the Planning and Zoning Commission Meeting of August 1, 2016.

Present: Ricky Gleason, Paula Hayward, Richard Sena, Russell Noll, Patrick Cohoon,
John Hollinshead, William Paxton and Israel Pena

Absent: Cal Chapman

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: Jayne Pritko, Roy Faz, Vicki Moore, E. Anne Page, David Velesco,
Stephanie Lau, Jim Asher, Teri Froetschel, Rod Fowler, Lewis, Jack Horton,
Joe and Ann Linnartz, Sharyle Inman, Kyle Jackson, Roland Benson, R. Steve
Velesco, Celestial Duelith, Keith Brady, David Cupit, Joshua Valenta, Chris
Dice

1. Call to Order, 6:00

Chairman Hollinshead called the P&Z meeting to order at 6:01 p.m.

2. Approval of Planning and Zoning Commission Minutes of the meeting held July 11,
2016.

**CHAIRMAN HOLLINSHEAD CALLED FOR A MOTION ON THE MINUTES.
COMMISSIONER COHOON MADE A MOTION TO APPROVE THE MINUTES OF
JULY 11, 2016. COMMISSIONER SENA SECONDED THE MOTION. THE MOTION
PASSED 7-0.**

3. Conflicts of Interest Declaration.

No conflicts of interest were declared.

4. CITIZENS' COMMENTS:

Chairman Hollinshead called for comments from the audience.

Stephanie Lau made a comment on as a county resident she feels blindsided by the city's
plans. Rod Fowler commented on the Kendall West well by Southglen and wants to know it

received tax breaks and if it had an impact study done.

5. PUBLIC HEARING

- 5a. [2016-698](#) To consider the proposed revisions to the City of Boerne Subdivision Ordinance No. 2007-64, Article 1, In General, Section 04. Definitions, Section 05. General Prohibitions, Article 2, Procedures, Section 02. Procedures for Preliminary Plat, Article 3, Planning and Community Design Standards, Section 03. Open Space Systems, Section 04. Blocks and Lots, Adding Article 4, Master Planned Developments/Subdivisions, Section 04. Cottage Subdivisions, Article 5. Street Specifications and Construction Standards, Article 6. Drainage and Flood Hazards, Article 7. Water and Sewers, Article 8, Utility Extensions and General Subdivision Requirements, Adding Article 10. Reclaimed Water, Adding Article 11. Gas Distribution

There were no comments.

6. [2016-699](#) Untable the recommendation to City Council regarding the proposed revisions to the City of Boerne Subdivision Ordinance No. 2007-64, Article 1, In General, Section 04. Definitions, Section 05. General Prohibitions, Article 2, Procedures, Section 02. Procedures for Preliminary Plat, Article 3, Planning and Community Design Standards, Section 03. Open Space Systems, Section 04. Blocks and Lots, Adding Article 4, Master Planned Developments/Subdivisions, Section 04. Cottage Subdivisions, Article 5. Street Specifications and Construction Standards, Article 6. Drainage and Flood Hazards, Article 7. Water and Sewers, Article 8, Utility Extensions and General Subdivision Requirements, Adding Article 10. Reclaimed Water, Adding Article 11. Gas Distribution

A MOTION WAS MADE BY COMMISSIONER COHOON, SECONDED BY COMMISSIONER PENA, THAT THIS BE UNTABLED. THE MOTION CARRIED A VOTE OF 7-0.

7. [2016-700](#) Make recommendation to City Council regarding the proposed revisions to the City of Boerne Subdivision Ordinance No.

2007-64, Article 1, In General, Section 04. Definitions, Section 05. General Prohibitions, Article 2, Procedures, Section 02. Procedures for Preliminary Plat, Article 3, Planning and Community Design Standards, Section 03. Open Space Systems, Section 04. Blocks and Lots, Adding Article 4, Master Planned Developments/Subdivisions, Section 04. Cottage Subdivisions, Article 5. Street Specifications and Construction Standards, Article 6. Drainage and Flood Hazards, Article 7. Water and Sewers, Article 8, Utility Extensions and General Subdivision Requirements, Adding Article 10. Reclaimed Water, Adding Article 11. Gas Distribution

Mrs. Talley explained the revisions will incorporate the following updates in the subdivision ordinance: 1) The cottage development section for infill development to complement the existing cottage development section in the zoning ordinance; 2) Procedures for plat submittals; 3) Some options for lien releases to make it easier for developers to get their subdivision acceptance, and 4) addition of Reclaimed Water provisions. Commissioner Cohoon asked about the Heritage Legacy Trees. Commissioner Paxton explained the Legacy is the type and heritage trees is the size greater than 75 ft. Commissioner Hayward mentioned the impervious credits have a loose interpretation. Mrs. Talley replied the impervious credits are meant to encourage developers to incorporate low impact development (LID), but there has been no interest. Mrs. Talley said Ryan Bass was working with SARA, San Antonio River Authority, who is supposed to working on a LID manual for the city.

Sean Reich came forth to spoke about the revisions Public Works made to the Subdivision ordinance. He explained the two new articles added to the subdivision ordinance for reclaimed water and gas to include minimum design standards and refined the requirements for the drainage report. Mr. Reich explained Article 8 was updated for clarification for developer requirements during construction.

A MOTION WAS MADE BY COMMISSIONER PENA, SECONDED BY COMMISSIONER PAXTON, THAT THIS BE TABLED. THE MOTION CARRIED A VOTE OF 7-0.

8. PUBLIC HEARING

- 8a. [2016-666](#) To consider the proposed permanent zoning of the Southglen Subdivision, a total of 88.967 acres, from R-A, Single-Family Rural Residential - Agricultural District to R-2, Moderate-Density Single-Family District and R-E, Single-Family Residential Estate

District, KAD Nos. 11502, 11539, 11540, a portion of 11567, a portion of 11593, 38723, and a portion of 42662 (ML&E Landquest Cascade Caverns, L.L.C., Pulte Homes of Texas, L.P., Meritage Homes of Texas, L.L.C., and Kendall West Utility, L.L.C.)

Jim Asher, owner of 165 Ranch Drive, was concerned about habitat displacement and the existing historical building on the property built in 1800's. He was also concerned about traffic control at the intersection of Cascade Caverns and Ranch Drive. Stephanie Lau, owner of 214 Cascade Caverns Road, opposes the zoning. She was concerned about drainage issues and contaminants. Lance Kyle, owner of Cascade Caverns, said storm water, flood issues, and the property being filled with sinkholes is a concern. Steve Velasco, owner of 202 Cascade Caverns Road, asked if there was consideration for the cave, and opposes the development. George Lewis, owner of 130 Ranch Drive, said he bought his land in 1973 and built his home in 2000 and has a sinkhole on his property. Rick Benson, owner at 6 Old Fredericksburg, said traffic, water for his well and the value of his home is a concern. Chris Dice, an engineer representing the developer explained the developer cannot increase stormwater offsite and there is a detention facility that will help drainage issues. The drainage will run off the same volume and amount as it runs off now. Chris Dice added they are complying with TCEQ regulations. He mentioned the property is scheduled to be built out in 6 years and the developer is realigning the intersection at Cascade Caverns and Ranch Drive. He said a detailed traffic analysis has been done and they are contributing to the improvement of Cascade Caverns Road. The development will have no new water wells. Lance Kyle asked Mr. Dice about the TCEQ sign they have out. Mr. Dice said any property over 1 acre is required have that sign posted. Pulte is required to hire a stormwater compliance company.

9. [2016-583](#) Make recommendation to City Council regarding the proposed permanent zoning of the Southglen Subdivision, a total of 88.967 acres, from R-A, Single-Family Rural Residential - Agricultural District to R-2, Moderate-Density Single-Family District and R-E, Single-Family Residential Estate District, KAD Nos. 11502, 11539, 11540, a portion of 11567, a portion of 11593, 38723, and a portion of 42662 (ML&E Landquest Cascade Caverns, L.L.C., Pulte Homes of Texas, L.P., Meritage Homes of Texas, L.L.C., and Kendall West Utility, L.L.C.)

Mrs. Talley explained the city entered into a development agreement in 2014 with the developer, and the masterplan was approved in 2015. After annexation, the city is required to permanently zone the property. Staff is asking for R-2 for the residential part of the subdivision and a R-E based on the lot size for the utility substation site. Bandera Electric is the electric provider and the city would provide water and sewer to the subdivision. The city can only annex a mile and a half at a time so the rest will be annexed at a later date. Commissioner Pena asked about the Kendall West substation. Mrs. Talley explained Kendall

West will not serve the Southglen subdivision, but they have an agreement to serve the area on the other side of the I-10 highway. Commissioner Hayward asked why the zoning has been delayed. Mrs. Talley said the development agreement allowed the infrastructure to be put in while they were in the county but they were required to annex. Commissioner Sena asked about the road annexation. Mrs. Talley said state law requires the city to take in the whole road once the adjacent property is annexed. Commissioner Gleason made the comment that the use request for the substation still has to go through the commission and right now the focus is on the zoning of the property. Commissioner Hayward made the statement about how people do not read the paper anymore and people need to get connected so they can participate in the changes.

A MOTION WAS MADE BY COMMISSIONER HAYWARD, SECONDED BY COMMISSIONER COHOON, THAT THIS BE RECOMMENDED FOR APPROVAL TO CITY COUNCIL. THE MOTION CARRIED A VOTE OF 7-0.

10. PUBLIC HEARING

- 10a. [2016-738](#) To consider the proposed rezoning of 44 and 46 Old San Antonio Road, a total of 2.811 acres, from R-E, Single-Family Residential Estate District to B-2, Highway Commercial District, KAD Nos. 42070, 15863, 14796, 42069 (Howard R Moore, Michelle L Moore, Vicki Reid Moore, Leon Grivell III)

Roy Faz, owner at 48 and 48A Old San Antonio, came forth and spoke about the area being a residential neighborhood. Michelle Debs, a representative for the property, said the people trying to buy the property want to use the property as offices and some storage. They like the existing buildings on the property and have no plans to build additional buildings since they would have to plat. Vicki Moore, the owner of the property, said she had the house on market for 2.5 years and this is the first offer she has received. Mr. John LaRoche, owner at 103 Old San Antonio, said he does not oppose the rezoning and a B-2 is appropriate for the area.

11. [2016-739](#) Make recommendation to City Council regarding the proposed rezoning of 44 and 46 Old San Antonio Road, a total of 2.811 acres, from R-E, Single-Family Residential Estate District to B-2, Highway Commercial District, KAD Nos. 42070, 15863, 14796, 42069 (Howard R Moore, Michelle L Moore, Vicki Reid Moore, Leon Grivell III)

Mrs. Talley said the owner is requesting a rezoning of their property from R-E, Residential Estate to B-2, Highway Commercial District. The Land Use Plan identifies this area as commercial. It is located across the street from the Wastewater Treatment Plant and next

door to an existing B-2, the proposed RV Park. The property currently has a home and a couple of out buildings. The new owner would like to use the existing house as a construction office and the outbuildings for storage of vehicles. Commissioner Paxton asked if B-2 is the least restrictive. Mrs. Talley said it still requires city council approval for the use and once zoned B-2 we can apply the Entrance Corridor design criteria. Commissioner Sena made the comment about how Old San Antonio road is changing.

A MOTION WAS MADE BY COMMISSIONER PENA, SECONDED BY COMMISSIONER NOLL, THAT THIS BE RECOMMENDED FOR APPROVAL TO CITY COUNCIL. THE MOTION CARRIED A VOTE OF 6-1.

12. PUBLIC HEARING

- 12a.** [2016-740](#) To consider the use of contractors in a B-2, Highway Commercial District at 44 and 46 Old San Antonio Road, KAD Nos. 42070, 15863, 14796, 42069 (Howard R Moore, Michelle L Moore, Vicki Reid Moore, Leon Grivell III)

Mr. LaRoche is supportive of the use request. Michelle Debs said the buyers will keep the charm of the property. Roy Faz said he is confused with the contractor definition.

- 13.** [2016-741](#) Make recommendation to City Council regarding the use of contractors in a B-2, Highway Commercial District at 44 and 46 Old San Antonio Road, KAD Nos. 42070, 15863, 14796, 42069 (Howard R Moore, Michelle L Moore, Vicki Reid Moore, Leon Grivell III)

Mrs. Talley answered Mr. Faz's question about the contractors. She explained the contractor interested in the property handles Insurance construction, rehabilitation, and construction services. There will be entrance corridor requirements to follow. Commissioner Noll made the comment about zoning for 10 to 20 years from now. Commissioner Hollinshead said we should consider lighting, screening, and they don't want to restrict business, but don't want to impact the surrounding area. The commissioners discussed the type of restrictions that would be appropriate to the site.

A MOTION WAS MADE BY COMMISSIONER COHOON, SECONDED BY COMMISSIONER NOLL, THAT THIS BE RECOMMENDED FOR APPROVAL TO CITY COUNCIL WITH THE CAVEAT THAT LIGHTING BE NO HIGHER THAN 15 FEET, BE DIRECTED DOWNWARD AND NOT GO OFF THE PROPERTY, THAT ALL MATERIAL BE STORED BEHIND SOLID FENCING AT LEAST 8 FEET TALL, AND THAT SIGNAGE BE A MONUMENT TYPE FOLLOWING CITY ORDINANCES. THE MOTION CARRIED A VOTE OF 7-0.

RECOMMENDATIONS

14. [2016-742](#) Untable 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.

A MOTION WAS MADE BY COMMISSIONER COHOON, SECONDED BY COMMISSIONER PENA, THAT THIS BE UNTABLED. THE MOTION CARRIED A VOTE OF 7-0.

15. [2016-743](#) 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. Take necessary action.

Mrs. Talley explained in December of last year, Council approved a Resolution that temporarily allowed home delivery of packages in residential neighborhoods during the holiday season. Council asked staff to look at the definition of Home Occupation. We discussed this in March and the Commission was uncomfortable with the use of the term "substantially within". Commissioner Hayward mentioned the Texas Cottage Law on what is permitted and asked how the city would police what people do. Mrs. Talley replied the city would have to receive a complaint to be aware that there is a problem. Commissioner Noll asked about how many people are permitted if someone were to provide classes in their home. Mrs. Talley replied that one person at a time is permitted. Commissioner Cohoon made the comment it is increasing someone's rights.

A MOTION WAS MADE BY COMMISSIONER SENA, SECONDED BY COMMISSIONER PAXTON, THAT THIS BE APPROVED. THE MOTION CARRIED A VOTE OF 7-0.

16. [2016-763](#) Consider a waiver request to the Subdivision Ordinance, Article 5,

Street Specifications and Construction Standards, Section 03.

Street Geometry Standards, Reverse Curves for Southglen Phase

2. Take necessary action.

Mrs. Talley explained the developer has requested a waiver to the typical street curve to allow for a curvilinear street design. The developer provided sufficient vision clearance along the curves by providing deeper setbacks on lots in these areas. Commissioner Cohoon asked what the standard is for curvilinear requirements. David Cupid, an engineer for the development, came forth to speak. He said ASHTO (American Association of State Highway and Transportation Officials) has defined rules. They require a 200 ft. clear vision easement and you cannot have any visual obstructions between 3-7 feet. The standards require looking at speed, reaction time, and distance.

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

17. [2016-762](#) Consider fence materials for fencing along Arterials in Southglen Subdivision. Take necessary action.

Mrs. Talley said the developer is asking permission to have a wood fence to break up the vision of long stretches of stone wall. Commissioner Pena said if the fence is 2x material, it would last longer and if it is cedar, it won't have to be treated. Commissioner Hayward: caveat as per the photograph materials provided use 2x cedar material in the wood portions as shown in the document.

A MOTION WAS MADE BY COMMISSIONER HAYWARD, SECONDED BY COMMISSIONER NOLL, THAT THIS BE APPROVED WITH THE CAVEAT PER THE PHOTOGRAPH MATERIALS PROVIDED, THEY USE TWO-BY CEDAR MATERIAL IN THE WOOD PORTIONS AS SHOWN IN THE DOCUMENT. THE MOTION CARRIED A VOTE OF 7-0.

18. [2016-761](#) Consider preliminary plat approval for Whisper Glen Phase 1 (16 residential lots). Take necessary action.

Mrs. Talley said the Whisper Glen finally has a developer to finish the subdivision. It is an infill development staff is supportive of. In May of 2014 the PUD Plan was approved by City Council. This preliminary plat is the first phase of that PUD Plan.

A MOTION WAS MADE BY COMMISSIONER SENA, SECONDED BY COMMISSIONER COHOON, THAT THIS BE APPROVED. THE MOTION CARRIED A VOTE OF 7-0.

19. The following final plat shall be approved as is stated in the Subdivision Ordinance Article 2, Section 04. Final Plat Approval, Subsection 2.04.001 B Conditional Approval.

19a. [2016-725](#) Final plat for Southglen Phase 2.

Mrs. Talley explained the Southglen Subdivision Phase 2 was removed from the Consent Agenda because it required approval of the waiver for the street before it could be approved.

A MOTION WAS MADE BY COMMISSIONER SENA, SECONDED BY COMMISSIONER GLEASON, THAT THIS BE APPROVED. THE MOTION CARRIED A VOTE OF 7-0.

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

21. ADJOURNMENT

The Planning and Zoning Commission meeting adjourned at 8:43 P.M.

APPROVED:

P&Z Chairman

P&Z Secretary

ATTEST: _____
Deborah Willson