

AGENDA
PLANNING AND ZONING COMMISSION MEETING
BOERNE POLICE AND MUNICIPAL COURT COMPLEX, 124 OLD SAN ANTONIO ROAD
Monday, September 12, 2016 – 6:00 p.m.

Minutes of the Planning and Zoning Commission Meeting of September 12, 2016.

Present: Paula Hayward, Richard Sena, John Hollinshead, Cal Chapman, Israel Pena and William Paxton

Absent: Russell Noll, Patrick Cohoon, Ricky Gleason

Staff Present: Jeff Thompson, Deputy City Manager, Deborah Willson, Recording Secretary & Planner II, Susana Ramos, Planner III, Barrett Squires, IT, Sean Reich, Public Works Engineer

Registered /

Recognized Guests: Patrick Murphy, Genevieve Jones, Stanley Jones, Richard Elkins, Violet Feller, Travis Roberson, Frank H. Garza, Dora Haynes, Bruce Baker, Ben Bunker, Rick Gray, Anita Asher, Treilag Whiting, Dale Lewis, Ben Lester, Gary Nicholls, Kade Nicholls, Ben Lester, Holly Thomas, Pamela Bair, Jim Schwarz, Linda Hare, Diamond Kerys, Sherri Yates, Rodney Yates, C L Taylor, Lynn Stokes, Lisa Stokes, Wade Kolb, April Lally, Josh Valenta, Corey Hass, Waney Greco, Mike Haas

1. CALL TO ORDER – 6:00 PM

Chairman Hollinshead called the P&Z meeting to order at 6:04 p.m.

2. Approval of Planning and Zoning Commission Minutes of the meeting held August 1, 2016.

**CHAIRMAN HOLLINSHEAD CALLED FOR A MOTION ON THE MINUTES.
COMMISSIONER SENA MADE A MOTION TO APPROVE THE MINUTES OF
AUGUST 1, 2016. COMMISSIONER PENA SECONDED THE MOTION. THE
MOTION PASSED 5-0.**

3. Conflicts of Interest Declaration.

No conflicts of interest were declared.

4. CITIZENS' COMMENTS:

5. PUBLIC HEARING

- 5a. [2016-818](#) To consider the proposed permanent zoning of the Durango Tract Subdivision, a total of 40.892 acres, from R-A, Single-Family Rural

Residential - Agricultural District to RN-1, Neighborhood Residential District, KAD Nos. 153712, 153713, 153714, 153715, and 153716 (William E. Canavan Jr. - Durango Development)

There were no comments from the audience.

6. [2016-819](#) Make recommendation to City Council regarding the proposed permanent zoning of the Durango Tract Subdivision, a total of 40.892 acres, from R-A, Single-Family Rural Residential - Agricultural District to RN-1, Neighborhood Residential District, KAD Nos. 153712, 153713, 153714, 153715, and 153716 (William E. Canavan Jr. - Durango Development)

Mr. Thompson said the property is a total of 40.892 acres, which is located on the North side of town and was annexed into the City limits on August 23rd. The development called Durango Tract Subdivision is currently five acre tracts. The property owner would like to subdivide the lots into 89 home sites. The property has topographical challenges, so the city is willing to allow Kendall West and Bandera Electric to serve it. The City would maintain the sewer service and gas. The proposed RN-1 zoning district would provide the flexibility needed for the proposed lot sizes. The land use plan shows the area should be industrial due to the adjacent industrial park, but staff does not think it is viable due to the topography. Staff believes this development would help bring more energy to the North side of town. Commissioner Chapman made the comment that he offices down the street from this property and there is a lot of water runoff so that will need to be addressed with detention.

A MOTION WAS MADE BY COMMISSIONER PENA TO APPROVE AND TO MAKE RECOMMENDATION TO CITY COUNCIL. THE MOTION WAS SECONDED BY COMMISSIONER PAXTON III. THE MOTION PASSED BY A VOTE OF 5-0.

CHAIRMAN HOLLINSHEAD CALLED FOR A RECORDED VOTE: COMMISSIONER PENA, YEAH; COMMISSIONER HAYWARD, YEAH; COMMISSIONER SENA, YEAH; COMMISSIONER PAXTON III, YEAH; COMMISSIONER CHAPMAN, YEAH.

7. PUBLIC HEARING

- 7a. [2016-797](#) To consider the use of any contractor in a B-2, Highway Commercial District at 110 Old San Antonio Road, KAD No. 41136 (TBRQ, LLC). Take necessary action.

Mr. Thompson suggested the public hearing be canceled due to a notification error.

COMMISSIONER CHAPMAN MADE THE MOTION TO CANCEL THE PUBLIC HEARING, COMMISSIONER HAYWARD SECONDED THE MOTION. THE MOTION CARRIED BY A VOTE OF 5-0.

8. [2016-798](#) Make recommendation to City Council for the use of any contractor in a B-2, Highway Commercial District at 110 Old San Antonio Road, KAD No. 41136 (TBRQ, LLC).

Mr. Thompson recommended to table the item due to a notification error.

COMMISSIONER CHAPMAN MADE THE MOTION TO TABLE THE ITEM. COMMISSIONER HAYWARD SECONDED THE MOTION. THE MOTION PASSED BY A VOTE OF 5-0.

9. PUBLIC HEARING

- 9a. [2016-820](#) To consider the proposed rezoning of 502 School Street, a total of 4.83 acres, from R-1, Medium-Density Single-Family Residential District to B-2R, Highway Commercial-Restricted District, KAD 14412. (Genevieve Jones)

Ben Lester spoke on behalf of Memory Care America, who is the operator of the proposed facility. The facility plans to have an occupancy of 55 to 65 residents. The facility will be a private pay facility. No Medicare or Medicaid would be taken. April Lally at 805 W San Antonio Ave opposes the rezoning because most of her property sits on the creek. She is concerned with flooding and protecting the creek. Lin Stoaks at 809 W San Antonio wonders how this project will impact the creek and property on the other side of the creek and if the site plan that was provided was the full extent of the development. Ben Bunker at 127 Seguin Road in Boerne explained the site plan is the full extent of the development and will be hidden from the street. Richard Elkins, who is the son-in-law of the current owner, explained that 6% over 65 has Dementia or Alzheimers and Boerne does not have a memory care facility. This is something we need in our community. Diamond Camp at 9 Vallerie Lane represented her mother who owns the adjacent property and wanted better and bigger pictures of the site plan but has no objections to rezoning.

Chairman Hollinshead closed the public hearing at 6:26 p.m.

10. [2016-821](#) Make recommendation to City Council regarding the proposed rezoning of 502 School Street, a total of 4.83 acres, from R-1, Medium-Density Single-Family Residential District to B-2R, Highway Commercial-Restricted District, KAD 14412. (Genevieve Jones)

Mr. Thompson explained the owner is requesting a rezoning of their property from R-1 to B-2R, Highway Commercial-Restricted District. Mr. Turk explained the steep slope and drainage

would have to be shown on the plat for staff's review. Commissioner Hayward asked if there was another zoning that would allow the Memory Care Center. Mr. Thompson explained that the property will be swapping land with the property behind it to fit the facility. Commissioner Hollinshead asked if the facility could go into a B-1 zoning. Mr. Turk replied the facility can go into a B-1, which is more restrictive than B-2R but then they would need to ask for City Council's approval for the use. Commissioner Sena said there is not an issue with the use, but that he wants to make sure the correct zoning gets applied in case the use does not come to fruition. Commissioner Pena said the adjoining properties are currently B-1 so it would not make sense to have a B-2R in the middle of it.

COMMISSIONER HAYWARD MADE THE MOTION TO APPROVE THE RECOMMENDATION TO CITY COUNCIL AS A B-1 ZONING INSTEAD OF B-2R ZONING. COMMISSIONER PENA SECONDED THE MOTION. THE MOTION PASSED BY A VOTE OF 5-0.

CHAIRMAN HOLLINSHEAD CALLED FOR A RECORDED VOTE: COMMISSIONER PENA, YEAH; COMMISSIONER HAYWARD, YEAH; COMMISSIONER SENA, YEAH; COMMISSIONER PAXTON III, YEAH; COMMISSIONER CHAPMAN, YEAH.

ITEMS FOR DISCUSSION/ACTION

11. [2016-822](#) 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

COMMISSIONER CHAPMAN MADE THE MOTION TO UNTABLE. COMMISSIONER HAYWARD SECONDED THE MOTION. THE MOTION WAS UNTABLED BY A VOTE OF 5-0.

12. [2016-823](#) Table 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

**COMMISSIONER CHAPMAN MADE THE MOTION TO TABLE THE ITEM UNTIL
THE NOVEMBER 7TH MEETING. COMMISSIONER PENA SECONDED THE
MOTION. THE MOTION WAS TABLED BY A VOTE OF 5-0.**

13. [2016-825](#) Consider a request for a variance to the Subdivision Ordinance,
Article 2, Procedures, Section 2.02.001 Submission (for a
preliminary plat) and Section 2.05.001 Procedures for Submission
(for a final plat) for the Regent Park, Unit 1, Phase 5A and 5B.
Take necessary action.

Mr. Thompson said the Planning and Zoning Commission conditionally approved the final plat for the Regent Park, Unit 1, Phase 5 back in April 4th, 2016 which included 89 residential lots. After the developer began installing the infrastructure, the need for a water utility booster station was discovered due to the topography. Because this is a conditionally approved plat, it has not been recorded. The developer would like to split the final plat into two sections so they can complete and record the first section (5A) and then complete the water utility booster station and record the second section (5B) at a later date. Working together with Public Works we have determined that the proposed Units can be separated without any operational conflicts. The City Attorney has reviewed the situation and said that conditionally approving two new plats that will replace the original plat was possible. Since the two new plats will comprise the same area as the original approved preliminary plat, and Public Works has approved the separated infrastructure plans, staff is supportive of the variance request for relief from the two sections of the subdivision ordinance that require that a preliminary plat be submitted prior to the approval of a final plat.

**COMMISSIONER SENA MADE A MOTION TO APPROVE THE VARIANCE.
COMMISSIONER PAXTON III SECONDED THE MOTION. THE MOTION PASSED
BY A VOTE OF 5-0.**

14. [2016-826](#) Consider approval as set forth in the City of Boerne Subdivision
Ordinance No. 2007-56, Article 7, Water and Sewers, Subsection
7.06.001. On-Site Sewage Facilities for 4 Shooting Club Road
(Westward Environmental, Inc., Office Addition). Take necessary

action.

Mr. Thompson said Westward Environmental is requesting approval for use of On-Site Sewage Facilities at 4 Shooting Club Road. They are doing a development plat on 5.828 acres and have existing buildings which are currently served by existing septic systems. The owner would like to request that they be allowed to remain on their existing systems until a public sewer collection system is available to the property. There is not a public sewer collection system planned at this time.

COMMISSIONER HAYWARD MADE A MOTION TO APPROVE. COMMISSIONER PENA SECONDED THE MOTION. THE MOTION PASSED BY A VOTE OF 5-0.

15. [2016-824](#) Consider approval as set forth in the City of Boerne Subdivision Ordinance No. 2007-56, Article 7, Water and Sewers, Subsection 7.06.001. On-Site Sewage Facilities for 5 Spanish Pass (Spanish Pass Business Park South). Take necessary action.

Mr. Thompson said Spanish Pass Business Park South is requesting approval for use of On-Site Sewage Facilities at their location on Spanish Pass. This property is in the ETJ and does not currently have water or sewer available. Staff recommends approval.

COMMISSIONER PENA MADE A MOTION TO APPROVE. COMMISSIONER SENA SECONDED THE MOTION. THE MOTION PASSED BY A VOTE OF 5-0.

16. [2016-827](#) Consider approval for a preliminary plat for Champion Heights Unit 3 (59 residential lots, 3 open space lots). Take necessary action.

Mr. Thompson said it is the last phase of Champion Heights. It meets the requirements and staff recommends approval.

COMMISSIONER SENA MADE A MOTION TO APPROVE. COMMISSIONER CHAPMAN SECONDED THE MOTION. THE MOTION PASSED BY A VOTE OF 5-0.

17. 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.

- 17a. [2016-879](#) Consider the final plat for Regent Park Unit 1, Phase 4 (0 residential lots).

COMMISSIONER PAXTON III MADE A MOTION TO APPROVE THE CONSENT AGENDA. COMMISSIONER PENA SECONDED THE MOTION. THE MOTION PASSED BY A VOTE OF 5-0.

18. Discussion Items:

18a. Master Plan RFP update

Mr. Thompson announced that staff chose Burditt Consultants for the Master Plan.

18b. 55 Ebner

Travis Roberson said he is interested in Outlot 55, which is located on Ebner with the Royce Groff oil company right next door to the west of the property and the Pico on the other side. The property is currently zoned residential. He is partners with Robert Thorton and has done projects such as the Schwarz Homestead. He would like to purchase the property and change the zoning to a B-1. He has spoken to both adjacent oil companies and they would allow him to submit for rezoning their properties to B-1 as well. He would like to leave as one parcel but plan three one story buildings with a heritage feel since this was the site of the original train depot in Boerne. The intended use would be offices for either lawyers, accountants or financial advisors. He said more people are looking for stay at home and work opportunities.

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

20. ADJOURNMENT

The Planning and Zoning Commission meeting adjourned at 7:10 PM.

P&Z CHAIRMAN

P&Z SECRETARY

ATTEST: _____

Deborah Willson

Rollcall