

**AGENDA**  
**PLANNING AND ZONING COMMISSION MEETING**  
**BOERNE POLICE AND MUNICIPAL COURT COMPLEX, 124 OLD SAN ANTONIO ROAD**  
**Monday, January 9, 2017 – 6:00 p.m.**

1. Call to Order, 6:00

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

2. Approval of The Planning and Zoning Commission Minutes of the meeting held December 5, 2016, the Annual Ethics Training Minutes of the meeting held November 30, 2016, and the Special Joint City Council and Planning and Zoning Commission meeting held December 13, 2016.

Chairman Hollinshead called for a motion on the minutes.

**COMMISSIONER PENA MADE A MOTION TO APPROVE THE MINUTES OF DECEMBER 5, 2016. COMMISSIONER PAXTON SECONDED THE MOTION. THE MOTION PASSED 6-0.**

3. Conflicts of Interest Declaration.

Commissioner Noll declared a conflict of interest on item #16b.

4. CITIZENS' COMMENTS:

Chairman Hollinshead called for comments from the audience.

There were none.

5. PUBLIC HEARING

- 5a.     [2016-1090](#)     To consider the proposed rezoning of 122 Oak Park Drive, a total of 0.44 acres, from R-2, Moderate-Density Residential District to B-1, High-Density Residential and Neighborhood Commercial District, KAD No. 18954 (Cynthia Brown)

The agenda item was withdrawn.

6.       [2016-1091](#)     Make recommendation to City Council to consider the proposed rezoning of 122 Oak Park Drive, a total of 0.44 acres, from R-2, Moderate-Density Residential District to B-1, High-Density Residential and Neighborhood Commercial District, KAD No. 18954 (Cynthia Brown)

## 7. PUBLIC HEARING

- 7a. [2016-1087](#) To consider the proposed rezoning of 134 Oak Park Drive, a total of 0.4284 acres, from R-2, Moderate-Density Residential District to B-1, High-Density Residential and Neighborhood Commercial District, KAD No. 21630 and 21623 (Robert S Thornton LP)

The agenda item was withdrawn.

8. [2016-1088](#) Make recommendation to City Council to consider the proposed rezoning of 134 Oak Park Drive, a total of 0.4284 acres, from R-2, Moderate-Density Residential District to B-1, High-Density Residential and Neighborhood Commercial District, KAD No. 21630 and 21623 (Robert S Thornton LP)

## 9. PUBLIC HEARING

- 9a. [2016-1089](#) To consider the proposed rezoning of the property at Highland E and Schweppe, a total of 0.4284 acres, from R-2, Moderate-Density Residential District to B-1, High-Density Residential and Neighborhood Commercial District, KAD No. 21630 and 21623 (Robert S Thornton LP)

The agenda item was withdrawn.

10. [2016-1092](#) Make recommendation to City Council to consider the proposed rezoning of the property at Highland E and Schweppe, a total of 0.4284 acres, from R-2, Moderate-Density Residential District to B-1, High-Density Residential and Neighborhood Commercial District, KAD No. 21630 and 21623 (Robert S Thornton LP)

## 11. PUBLIC HEARING

- 11a. [2016-1139](#) To consider the proposed use request of a Governmental Facility in a B-2, Highway Commercial District, at 221 Water Street, KAD No. 21662 (Cow Creek Groundwater Conservation District)

There were no comments.

12. [2016-1140](#) Make recommendation to City Council to consider the proposed

use request of a Governmental Facility in a B-2, Highway Commercial District, at 221 Water Street, KAD No. 21662 (Cow Creek Groundwater Conservation District)

Mrs. Talley explained the owner is requesting a use of a Governmental Facility in a B-2, Highway Commercial District. The Cow Creek Groundwater Conservation District's (CCGCD) has recently relocated their office to this site. The City has entered into an agreement to allow them to move in, but not make any improvements to the site until the use has been approved. They plan to use the site as an office which will house 3 to 4 people. They've explained that their Board or any large group meetings will continue to be held at the Courthouse.

**COMMISSIONER NOLL MADE A MOTION TO APPROVE. COMMISSIONER COHOON SECONDED THE MOTION. THE MOTION PASSED 6-0.**

#### ITEMS FOR DISCUSSION/ACTION

- 13.**     [2017-122](#)     Consider a creative alternative for 1560 Hwy 46 East (Lot 3C, Woods of Boerne, Com 2). Take necessary action.

Mrs. Talley explained this is a proposed retail shopping center that will be located at the corner of Woods of Boerne Blvd and the developers do not know who their end users are yet. The owners are requesting a creative alternative to allow more than 15% of the parking to be located at both street fronts (Hwy 46 and Woods of Boerne Boulevard). This property shares a connecting side driveway with Bush's Chicken along Hwy 46 with additional access from an easement/ driveway on the north side of the lot. There is drainage that runs between Bush's Chicken and this lot that drains to the front of the lot. Between that and the shared access point, locating the building on the Hwy 46 frontage was not a viable option. One of the uses that is being considered for this retail center provides a drive-thru so the need for circulation pushes the building to the center of the lot as well. Due to the limited locations for access and the drainage issue along Hwy 46, it naturally pushes the building to the center of the lot. They plan to provide decorative screening, include islands in the parking area and have tree plantings.

Commissioner Hayward asked about the roof height and how screening and awnings could help make it attractive. Commissioner Hayward talked about parking credits like bike racks if they are short parking spaces. Commissioner Pena asked about raising the stucco panels in the front center higher than it is now. Alma McElroy, the architect for the development, said that would be fine. Commissioner Cohoon asked about signage materials. Mrs. Talley said a monument or tenant sign can be in the entrance corridor. Commissioner Cohoon asked about calculations on how much room is available so people can back up their cars. Mrs. McElroy explained it would be 18 feet wide for a one way aisle at the end of parking space to corner of building. Commissioner Pena said there could be issues with people coming through the drive thru and people coming from the south entrance from Bush's Chicken.

**COMMISSIONER HAYWARD MADE A MOTION TO APPROVE WITH THE CAVEAT TO ELEVATE THE CENTER ROOF LINE TO AT LEAST 18 INCHES HIGH, TO ENSURE THAT AWNINGS, BENCHES, AND OTHER MENTIONED SOFTENINGS ARE UTILIZED IN CONSTRUCTION, TO TAKE CARE OF TRAFFIC FLOW ON ANY DRIVE-THRU AND HOW THEY AFFECT THE PARKING, AND THE LANDSCAPING HAVE SUFFICIENT DENSITY TO SCREEN HWY 46 AND WOODS OF BOERNE BLVD AS SHOWN ON THE LANDSCAPE PLAN. COMMISSIONER NOLL SECONDED THE MOTION. THE MOTION PASSED 6-0.**

- 14.     [2017-124](#)           Consider approval of a Master Plan for Durango Subdivision, 39.087 acres. Take necessary action.**

Mrs. Talley explained the Durango Subdivision is located off of Shooting Club Road across from the North Industrial Park has two phases planned on a total of 39.087 acres. It has recently been annexed and zoned RN-1 which allows lot sizes from 5,400 sf to 2 acres. The master plan has a mixture of lots from 8,000 sf to ½ acre for a total of 88 residential lots and an average of open space of 20%. Commissioner Pena asked about detention being required. Josh Valenta, the engineer for the development said Lot 903 will have a detention pond. The whole property slopes to Lot 903. Commissioner Cohoon asked about emergency access. Mr. Valenta explained it will have an all-weather emergency access. Water and sewage will be provided by Kendall West Utility. Commissioner Noll asked if the street will be enhanced. Mrs. Talley said there will be row dedication, but it is considered a rural street right now.

**COMMISSIONER NOLL MADE A MOTION TO APPROVE. COMMISSIONER COHOON SECONDED THE MOTION. THE MOTION PASSED 6-0.**

- 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.

- 15a.     [2017-121](#)           Esperanza Amenity Center (1 commercial lot, 9 open space lots)**

**COMMISSIONER PENA MADE A MOTION TO APPROVE UNCONDITIONALLY. COMMISSIONER PAXTON SECONDED THE MOTION. THE MOTION PASSED 6-0.**

- 15b.     [2016-1051](#)          Herff Village at 22 Herff (17 residential lots, 3 open space lots)**

**COMMISSIONER COHOON MADE A MOTION TO APPROVE CONDITIONALLY. COMMISSIONER PENA SECONDED THE MOTION. THE MOTION PASSED 6-0.**

## 16. Discussion Items:

## 16a. Potential development of three properties between Oak Park and Highland

Stella DeVoise, 314 Schweppe St, did not want a late night restaurant on the site. She said a sandwich shop that was open from 11 to 4 would be okay, but had concerns with cars parking along the street and traffic. Taylor Knauff, who offices in a building Mr. Thornton created, supported the rezoning because Mr. Thornton preserves buildings in Boerne. Susanne Rittmann, 423 Oak Park, said commercial development will harm the neighborhood. The current restaurant at the corner of Oak Park makes turning out of Oak Park onto Main Street dangerous. She wants the property to remain residential and is afraid all of Oak Park will become commercial. She said the street parking needs to also be eliminated on Oak Park. Lynn Tomm, 125 Oak Park, agreed to what Mrs. Rittmann said. Teresa South, 504 Schweppe St, said there were few neighborhoods left in the city. There would be unattended consequences by introducing restaurants. She was concerned with noise and difficulties backing out of her driveway. She said Oak Park doesn't have sidewalks, crosswalks, or enough stop signs. Brian Fowler, 116 Pecan, worked with Mr. Thornton in the past and said the city has a noise ordinance already in place. His neighbors are the flower shop, a lawyer's office, and Bergmanns. He raised two children since 1999 and when he first moved there was one business. He understands the fear residents have, but they also need to look at what else could happen. He said offices or residences could happen and another developer could tear down the existing building. Monte Lang, 115 Oak Park, said his business is zoned B-1 and there is a residence next to it. It can work if done the right way. Larry Holder, 503 Schweppe St, was concerned with traffic, but believes Mr. Thornton has already thought it through on how he will handle the traffic concerns. He said there are certain types of people that can pull it off and maintain integrity of the neighborhood. David Maltsberger, 302 Hickman, asked if this property would be a transition toward business or improve residential use. He said Mr. Roberson improves other properties. J. Hester, 210 E Highland, asked if this was spot zoning and said restaurants have a three year life span. He wanted to know what the business is and for Mr. Thornton to be transparent. He doesn't want a two story office building across the street. Daphne Luttrell, 201 E Highland, said the property touches her lot. She said she isn't fearful, but prefers the property to stay residential because there are few historic neighborhoods left. Cynthia Brown, 122 Oak Park, has good B-1 neighbors and wants to see her home preserved. Brian Rittmann, 423 Oak Park, wants restrictions put on the property and said businesses have deliveries at different times of day. Gina Gourley, 216 E Kronkosky, is remodeling her grandmother's house and said she is all for restoration, but doesn't want a restaurant.

## 16b. Development of 4 ½ acres at the corner of Herff and Old San Antonio

John Guttman, a representative for the development of the property, explained the developers are looking at tax credited apartments for a portion of the property. They would not be developing the whole site. They would reserve the front property, but develop the back of the property as age-restricted apartments with 42-50 units. There are no trees in the rear of the property so they would not tear down any trees. If the developer did not get the tax credit on July 27th, they would not close on the land.

## 16c. 17 Herff Rd mixed use development

Charles Riddle, a representative of the property, spoke about plans for a mixed use development at 17 Herff. The property is still under the annexation process and he wanted to inform the commission about plans for retail, offices, restaurants, and luxury apartments. They are still working on a development agreement with the city.

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

18. ADJOURNMENT

The Planning and Zoning Commission meeting adjourned at 9:04 P.M.

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Administrative Officer

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Secretary