**AGENDA**

**PLANNING AND ZONING COMMISSION MEETING**

**BOERNE POLICE AND MUNICIPAL COURT COMPLEX, 124 OLD SAN ANTONIO ROAD**

**Monday, November 6, 2017 – 6:00 p.m.**

**Present:** John Hollinshead, Tres Paxton, Richard Sena, Joe Davis, Paula Hayward, Cal Chapman, Israel Pena

**Absent:** Patrick Cohoon, Ricky Gleason

**Staff Present:** Laura Talley, Planning and Community Development Director, Susana Ramos, Recording Secretary & Planner III, Sheldon Cravey, IT, Sean Reich, Public Works Engineer, Jeff Thompson, Deputy City Manager, Mike Mann, Public Works Director, Robert Lee, Fire Marshal

1. CALL TO ORDER – 6:00 PM

APPROVAL OF MINUTES

**2.** 2017-816 Untable the Planning and Zoning Commission Minutes of the meeting held September 11, 2017.

**COMMISSIONER SENA MOVED TO UNTABLE THE COMMISSION MEETING OF SEPTEMBER 11, 2017. COMMISSIONER PENA SECONDED THE MOTION. THE MOTION CARRIED 6-0.**

**3.** 2017-817 Approval of Planning and Zoning Commission Minutes of the meeting held September 11, 2017.

**CHAIRMAN HOLLINSHED SUGGESTED THE STAFF RECORD WHO DISSENTS ON A VOTE SO IT IS WRITTEN DOWN AND KNOWN. COMMISSIONER PENA MOVED TO APPROVE THE MINUTES. COMMISSIONER SENA SECOND THE MOTION. THE MOTION CARRIED 6-0.**

**4.** 2017-819 Approval of Planning and Zoning Commission Minutes of the meeting held October 2, 2017.

**COMMISSIONER PAXTON REQUESTED AN EDIT IN THE 3RD PARAGRAPH. IT SHOULD HAVE BEEN**
**RESPONSE TO PUC (PUBLIC UTILITY COMMISSION).'**

**COMMISSIONER DAVIS MOVED TO APPROVE THE MINUTES AS AMENDED. COMMISSIONER SENA SECONDED THE MOTION. THE MOTION CARRIED 6-0.**

5. CONFLICTS OF INTEREST

There were none.

6. CITIZENS' COMMENTS:

During the Public comments, there were 9 people who spoke. Eight (8) people spoke in opposition of the Shoreline development with concerns regarding density, potential lake pollution, effect on water quality, flood control, waste concerns, increased traffic and concerns regarding the city's inability to control developments outside the city and inside of the ETJ. One (1) person, Mr. Dan Pedrotti, spoke in favor of the development, stating that he's worked with KB before and they are good stewards.

**7.** 2017-820 Untable the Master Plan for Shoreline Park, a 99.9 acre tract of land located in the Extraterritorial Jurisdiction (ETJ) of the City of Boerne at 122 Ranger Creek Road (KAD No. 12851, 12852, and part of 12854). Take necessary action.

**COMMISSIONER PAXTON MOVED TO UNTABLE THIS ITEM. COMMISSIONER PENA SECONDED THE MOTION. THE MOTION CARRIED 5-1 (HAYWARD DISSENT).**

**8.** 2017-821 Consider the Master Plan for Shoreline Park, a 99.9 acre tract of land located in the Extraterritorial Jurisdiction (ETJ) of the City of Boerne at 122 Ranger Creek Road (KAD No. 12851, 12852, and part of 12854). Take necessary action.

Laura Talley introduced the item and stressed that they acknowledge concerns that the public had with this development. She spoke about everything that the city can and cannot regulate and that concerns would be addressed later in the process. She spoke about how the city cared about the lake and that they will and have been doing everything to protect it. Everything will get planned out in the platting process. She stated that the MDP is just a guide for future platting. Ms. Talley discussed how the master plan can, and probably will change. The developer can bring the plan back for amendment if the changes are substantial. Commissioner Davis talked about how the terminology of everything may be confusing in how it's called a master plan but is intended just to be a guide. He also stated that this step is unique to

Boerne and that it is just a plan for staff to follow to tell what the development is supposed to look like and that normally the first step in the process would be a plat. Commissioner Hayward asked if other communities that have their own twist on master plans and this is our twist on that. Ms. Laura Talley agreed but reminded Commissioner Hayward that the master plan is not a requirement by state law. Commissioner Chapman didn't agree that the developers had submitted everything that they are required to submit because he stated that the developers had to show the drainage lines and provide a buffer zone and he claimed the developers do not show this on the master plan. He believed this was a poor representation of what they had to show and provide as open space and believed they can't even build in the drainage. Commissioner Davis said that this is why the commissioners had to lean on the staff and intended to act on a motion and allow staff to act accordingly. Commissioner Chapman said that there wasn't any form of detention on the master plan. Commissioner Hayward said that it's about the reliance. She said that it is the Commission's responsibility to push back when there is an over step. She couldn't believe that they can't tell the state that they want the density to decrease because it is up against a waterway. She believed that the staff has been making mistakes that should not be happening. Commissioner Pena stated that it would be prudent to know everything before they approve it all one unit at a time. He suggested that he would like to see the drainage information in the beginning. Ms. Talley informed the commissioners that they should not treat this any differently than any other development that they have dealt with in the past just because it is on the lake. Commissioner Hayward said that she believed that they could push back because it is on a waterway. Commissioner Chapman stated that they will and the city better regulate on water quality. He couldn't see how they will be able to make the pollutants going into the lake be zero. He said that the developers should give him some indication about what they planned to do to stop runoff and that there is none on the masterplan whatsoever. Commissioner Davis stated that it makes the Commission look bad when they fail to follow their own rules and that the rules are clear and the developers have complied and there is a lot of risk if they deny the masterplan.

**Commissioner Davis moved to approve the master plan.**
**The motion failed with no second.**

**Commissioner Pena stated that he agreed with Commissioner Davis when he said that they needed to follow their own rules and went on to say that he wasn't suggesting that they break the rules only that the next step they are extra vigilant. Commissioner Sena asked Commissioner Chapman if his concern with the slope be addressed before hand and Commissioner Chapman stated that he felt the only power he had right then was to ask for more information. Commissioner Hayward said that she was troubled because she felt that she was being bullied. She stated that Mr. Thompson entered into an agreement to allow KWU to serve this area without any input.**

**Commissioner Hayward moved that they deny the masterplan. Commissioner Chapman second the motion.**

**Commissioner Davis stated that if they denied this, then they were violating their own rules and were justifiably making themselves a target to litigation and that they lose credibility. Commissioner Sena stated he felt more comfortable about the density and the effect of the slope and run off of the property beforehand. Mike Mann, Public Works Director, commented on the service territory for KWU. He stated that the City Council has the right to first refusal of service. That meant that if they didn't want Kendall West Utilities to serve an area that the city needed to be willing to serve utilities there.**

**Commissioner Paxton didn't support the master plan.**

**COMMISSIONER DAVIS MOVED TO APPROVE THE MASTER PLAN. THE MOTION FAILED WITH NO SECOND.**

**COMMISSIONER HAYWARD MOVED THAT THEY DENY THE MASTER PLAN. COMMISSIONER CHAPMAN SECONDED THE MOTION. THE MOTION CARRIED TO DENY THE MASTER PLAN 5-1 (DAVIS DISSENT).**

**9.** 2017-823 Consider the preliminary plat for Miller Subdivision, Block 2, creating Lots 1 and 2, 12.04 acres (25 Cascade Caverns - KAD No. 24323). Take necessary action.

Laura Talley introduced the preliminary plat.

**COMMISSIONER SENA MOVED TO APPROVE THE PLAT. COMMISSIONER PENA SECONDED THE MOTION. THE MOTION CARRIED 6-0.**

**10.** 2017-826 Consider the preliminary plat for Cottages on Oak Park, creating 17 lots and .410 acres of open space (530 Oak Park - KAD No. 15836). Take necessary action.

Laura Talley introduced the preliminary plat. Commissioner Pena asked about a dumpster and where it would be located. Commissioner Sena had a question about open space. Commissioner Hayward asked about parking and Laura Talley said this hasn't come up yet.

**COMMISSIONER SENA MOTIONED TO APPROVE THE PLAT. COMMISSIONER DAVIS SECONDED THE MOTION. THE MOTION CARRIED 6-0.**

**11.** 2017-830 Consider the preliminary plat for The Commons at Menger Creek, Unit 2, creating Lots 2 and 3, Block A (KAD 39338). Take necessary action.

Laura Talley introduced the preliminary plat. Commissioner Sena asked about the zoning of the property and the surrounding properties.

**COMMISSIONER PENA MOTIONED TO APPROVE THE PLAT. COMMISSIONER DAVIS SECONDED THE MOTION. THE MOTION CARRIED 6-0.**

**12.** 2017-825 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. Southglen Subdivision, Phase 4 (38 residential and 3 open

space lots).

**COMMISSIONER DAVIS MOVED TO APPROVE THE ITEMS ON THE CONSENT AGENDA. COMMISSIONER SENA SECONDED THE MOTION. THE MOTION CARRIED 6-0.**

13. Discussion Items:

13a. Update on the City of Boerne Master Plan

Laura Talley talked about the open house and that they did get good feedback from it. They also got the results back from the surveys. She then went over the demographics of the people who filled out the survey. She stated that most people were very satisfied with Boerne in general. Laura talked about phase 4 and what all will happen.

13b. 2018 Meeting Dates

Laura Talley talked about the meeting dates and when the commissioners would like to meet.

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

15. ADJOURNMENT

The Planning and Zoning Commission meeting adjourned at 8:01 P.M

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P&Z Chairman

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P&Z Secretary