MINUTES

PLANNING AND ZONING COMMISSION MEETING

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

Monday, January 8, 2018 – 6:00 p.m.

Minutes of the Planning and Zoning Commission Meeting of January 8, 2018.

Present: John Hollinshead, William Paxton, Richard Sena, Israel Pena, Paula Hayward, Ricky Gleason, Patrick Cohoon, Cal Chapman

Absent: Joe Davis

Staff Present : Laura Talley, Planning and Comm. Dev. Director, Susana Ramos, Planner III, Stephanie Kranich, Recording Secretary & Planning Admin, Barrett Squires, IT

Registered / Recognized Guests: Rufus Stephens, Rebecca Stephens, Danya Cartwright, Nick Cartwright, Bob Manning, Fred Haushaeer, Nelson Karaklis, Mark Rodkey, Frank Valadez, Russell Tisdale, Justin Lieck, Carlos Gacia

1. CALL TO ORDER – 6:00 PM

Chairman Hollinshead called the P&Z meeting to order at 6:11pm.

2. APPROVAL OF MINUTES

2018-115 Approval of Planning and Zoning Commission Minutes of the meeting held December 4, 2017.

COMMISSIONER CHAPMAN REQUESTED A FEW CHANGES BE MADE TO THE MINUTES FROM DECEMBER 4, 2017. COMMISSIONER COHOON MADE A MOTION TO APPROVE THE MINUTES OF DECEMBER 4, 2017 WITH CHANGES. COMMISSIONER PAXTON SECONDED THE MOTION. THE MOTION CARRIED 7-0.

3. CONFLICTS OF INTEREST

There were none.

4. PUBLIC COMMENTS:

There were none.

PUBLIC HEARING

5. 2018-116 To consider the proposed rezoning of Moosehead Manor, Lot 13A-1 (1.242 acres on Wanda Street) (KAD 50728) from O, Office District to B-1, High Density Residential and Neighborhood

Commercial District (Fred Hasheer).

Mr. Rufus Stevens, 205 Bess Street, opposed the proposed rezoning to B-1.

Mr. Fred Haushaeer, owner of the property, stated he previously tried have the property rezoned (to office) on December 5, 2016. He stated that no buyer was interested given the current zoning, even after the price was reduced.

Mr. Robert Manning, 131 Bess Street, opposed the proposed rezoning to B-1.

Ms. Daeyna Cartwright, 223 Bess Street, was in-favor of the proposed rezoning to B-1.

Ms. Rebecca Stevens, 205 Bess Street, opposed the proposed rezoning to B-1.

6. 2018-117 Make recommendation to City Council regarding the proposed rezoning of Moosehead Manor, Lot 13A-1 (1.242 acres on Wanda Street) (KAD 50728) from O, Office District to B-1, High Density Residential and Neighborhood Commercial District (Fred Hasheer).

Ms. Laura Talley explained the main reasons why the property owner requested the rezoning. Ms. Talley explained the difference between B-1 to B-2. Commissioner Hayward asked if a cottage project could go on the property. Ms. Talley stated it would have to convert back to residential zoning for that to happen. Commissioner Pena believed O zoning was appropriate as it provides a neighborhood buffer. Commissioner Sena agreed.

COMMISSIONER PENA MADE A MOTION TO DENY THE PROPOSED REZONING OF MOOSEHEAD MANOR, LOT 13-A-1 FROM O, OFFICE DISTRICT TO B-1 . COMMISSIONER SENA SECONDED THE MOTION. THE MOTION CARRIED 7-0 DENYING THE REZONING.

PUBLIC HEARING

7. 2018-118 To consider the proposed Accessory Dwelling in an R-3, High Density Residential District located at 402 Yoalana Street (KAD 23531) (Jack Hearn).

Mr. James Jorgenson, 223 Upper Balcones, supported the proposal, but raised parking and related concerns about parking.

Mr. Jack Hearn, 402 Yoalana Street, owner of the property addressed the parking concerns raised by Mr. Jorgenson.

8. 2018-119 Make recommendation to City Council regarding the proposed Accessory Dwelling in an R-3, High Density Residential District located at 402 Yoalana Street (KAD 23531) (Jack Hearn).

Ms. Laura Talley explained the location of the property on Yoalana, is a dead-end street. The property owner plans to construct a new home on the property. The exisiting structure will be returned back to its original structure around 800 square feet and turned into a rental unit or Bed and Breakfast. Staff is supportive of the accessory structure.

COMMISSIONER HAYWARD MADE A MOTION TO APPROVE THE PROPOSED ACCESSORY DWELLING IN AN R-3, HIGH DENSITY RESIDENTIAL DISTRICT LOCATED AT 402 YOALANA STREET. COMMISSIONER SENA SECONDED THE MOTION. THE MOTION CARRIED 7-0.

PUBLIC HEARING

9. 2018-120 To consider an Ordinance amending the City Of Boerne Subdivision Ordinance No. 2007-56, dated November 13, 2007, Article 1. General Provisions, Section 04. Definitions, Article 2. Procedures, Section 02. Procedures For Preliminary Plat, Section 03. Design and Construction Plans, Section 05. Procedures for Final Plat, Article 3. Planning And Community Design Standards, Section 03. Open Space Systems. And Adding Section 06. Low Impact Development Facilities, Article 9. Impervious Cover In The Extraterritorial Jurisdiction (ETJ), Section 02. Impervious Cover Standards Applied to Development in the Exterritorial Jurisdiction (ETJ)

There were no comments.

10. 2018-121 Make recommendation to City Council to consider an Ordinance amending the City Of Boerne Subdivision Ordinance No. 2007-56, dated November 13, 2007, Article 1. General Provisions, Section 04. Definitions, Article 2. Procedures, Section 02. Procedures For Preliminary Plat, Section 03. Design and Construction Plans, Section 05. Procedures for Final Plat, Article 3. Planning And Community Design Standards, Section 03. Open Space Systems. And Adding Section 06. Low Impact Development Facilities, Article 9. Impervious Cover In The Extraterritorial Jurisdiction (ETJ), Section 02. Impervious Cover Standards Applied to Development in the Exterritorial Jurisdiction (ETJ)

Ms. Laura Talley explained that Council directed staff to move forward with LID revisions. Ms. Talley explained she incorporated some low impact development criteria in the updated Subdivision Ordinance and asked the Commission to remove the Article 9 update. Article 9 will be further addressed during the next update; most likely after the Master Plan. Ms. Talley stated the City has a manual of best management practices and the ordinance requires developers follow those practices. Tommy Matthews, an owner of a local engineering firm, reviewed and was comfortable with the ordiance. Ms. Talley will make the commissioners' suggested changes before presenting the proposal to Council.

COMMISSIONER CHAPMAN MADE A MOTION TO APPROVE AN ORDINANCE AMENDING THE CITY OF BOERNE SUBDIVISION ORDINANCE NO. 2007-56, DATED NOVEMBER 13, 2007 ARTICLE 1. GENERAL PROVISIONS, SECTION 04. DEFINITIONS, ARTICLE 2. PROCEDURES, SECTION 02 PROCEDURES FOR PRELIMINARY PLAT, SECTION 03. DESIGN AND CONSTRUCTION PLANS, SECTION 05. PROCEDURES FOR FINAL PLAT, ARTICLE 3. PLANNING AND COMMUNITY DESIGN STANDARDS, SECTION 03. OPEN SPACE SYSTEMS. AND ADDING SECTION 06. LOW IMPACT DEVELOPMENT FACILITIES, ARTICLE 9. IMPERVIOUS COVER IN THE EXTRATERRITORIAL JURISDICTION (ETJ), SECTION 02. IMPERVIOUS COVER STANDARDS APPLIED TO DEVELOPMENT IN THE EXTERRITORIAL JURISDICTION (ETJ), WITH THE AMENDMENTS OF THE WORDING SUGGESTION AND REMOVING ARTICLE 9. COMMISSIONER GLEASON SECONDED THE MOTION. THE MOTION CARRIED 7-0.

PUBLIC HEARING

11. 2018-122 To consider an Ordinance amending the City of Boerne Zoning Ordinance No. 2007-64, dated December 18, 2007, Article 1, In General, Section 06. Definitions, Article 3, General Prohibitions and Requirements, Section 02. Outdoor Lighting, Article 5, Zoning Districts and Use Regulations, Section 03. Permitted Uses, Section 20, B-3 - Central Business District, and adding Section 33. NH - North Herff Road Overlay District

There were no comments.

12. 2018-123 Make recommendation to City Council to consider an Ordinance amending the City of Boerne Zoning Ordinance No. 2007-64, dated December 18, 2007, Article 1, In General, Section 06. Definitions, Article 3, General Prohibitions and Requirements, Section 02. Outdoor Lighting, Article 5, Zoning Districts and Use Regulations, Section 03. Permitted Uses, Section 20, B-3 - Central Business District, and adding Section 33. NH - North Herff Road Overlay District.

Ms. Laura Talley explained the current ordinance does not allow LED parking lot lighting without City Manager approval. Ms. Talley wants to write ordinance revision, as LED lighting is softer, dimmer lighting. SoBo will be the first to apply these revised ordinances. Ms. Talley requested amendments to the zoning ordinance on the North Herff Road overlay district. Staff is supportive and recommends approval. Ms. Talley will make suggested revisions requested by the Commission.

COMMISSIONER SENA MOTIONED TO APPROVE THE ORDINANCE AMENDING THE CITY OF BOERNE ZONING ORDINANCE NO. 2007-64, DATED DECEMBER 18, 2007, ARTICLE 1, IN GENERAL, SECTION 06. DEFINITIONS, ARTICLE 3, GENERAL PROHIBITIONS AND REQUIREMENTS, SECTIONS 02. OUTDOOR LIGHTING, ARTICLE 5, ZONING DISTRICTS AND USE REGULATIONS, SECTION 03. PERMITTED USES, SECTION 20, B-3 - CENTRAL BUSINESS DISTRICT, AND ADDING SECTION 33. NH - NORTH HERFF ROAD OVERLAY DISTRICT, WITH THE OPTION FOR APPROVAL FOR THE HEIGHT. COMMISSIONER COHOON SECONDED THE MOTION. THE MOTION CARRIED 7-0.

13. 2018-124 Consider an amendment to the Master Plan for Southglen subdivision, previously a 109.01 acre, 375 residential lot development, to a 114.72 acre, 397 residential lot development located at Cascade Caverns Road adding 5.71 acres from KAD No. 21899 (214 Cascade Caverns Road - at the request of ML&E Landquest Cascade Caverns, LLC). Take necessary action.

Ms. Laura Talley stated the update of the Master Plan included 22 homes and the right of way dedicated to the City.

COMMISSIONER HAYWARD MOTIONED TO APPROVE THE AMENDMENT TO THE MASTER PLAN FOR SOUTHGLEN SUBDIVISION, PREVIOUSLY A 109.01 ACRE, 375 RESIDENTIAL LOT DEVELOPMENT, TO A 114.72 ACRE, 397 RESIDENTIAL LOT DEVELOPMENT LOCATED AT CASCADE CAVERNS ROAD ADDING 5.71 ACRES FROM KAD NO. 21899 (214 CASCADE CAVERNS ROAD - AT THE REQUEST OF ML&E LANDQUEST CASCADE CAVERN, LLC). COMMISSIONER PENA SECONDED THE MOTION. THE MOTION CARRIED 7-0.

14. 2018-125 Consider the proposed creative alternative on parking for Lot 4, Country Village, a .94 acre lot (KAD No. 18391 at South School Street). Take necessary action.

Ms. Laura Talley explained the proposed site would be for a retail center. Landscape plantings will be at least three feet in height. Commissioner Hayward objected, urging this "parking in the front design" is not what the community wants.

COMMISSIONER PAXTON MADE A MOTION TO DENY THE PROPOSED CREATIVE ALTERNATIVE ON PARKING FOR LOT 4, COUNTRY VILLAGE, A .94 ACRE LOT (KAD NO. 18391 AT SOUTH SCHOOL STREET). COMMISSIONER HAYWARD SECONDED THE MOTION. THE MOTION CARRIED 7-0.

15. 2018-126 Consider a request for a variance to the Subdivision Ordinance, Article 2, Procedures, Section 2.02.008 Expiration of plat approval for Ranches at Creekside, Unit 4A. Take necessary action.

Ms. Laura Talley explained the request for variance was due to the expiration of the plat. Staff agrees that a one-year preliminary plat expiration deadline is too short of a timeline and the ordinance needs to be revised.

COMMISSIONER COHOON MADE A MOTION TO APPROVE THE REQUEST FOR A VARIANCE TO THE SUBDIVISION ORDINANCE, ARTICLE 2, PROCEDURES, SECTION 2.02.008 EXPIRATION OF PLAT APPROVAL FOR RANCHES AT CREEKSIDE, UNIT 4A. COMMISSIONER PENA SECONDED THE MOTION. THE MOTION CARRIED 7-0.

16. 2018-127 Consider a request for a variance to the Subdivision Ordinance, Article 2, Procedures, Section 2.02.008 Expiration of plat approval for Ranches at Creekside, Unit 4B. Take necessary action.

Ms. Laura Talley reiterated that a one-year timeframe was too short for a preliminary plat expiration deadline.

COMMISSIONER CHAPMAN MADE A MOTION TO APPROVE THE REQUEST FOR A VARIANCE TO THE SUBDIVISION ORDINANCE, ARTICLE 2, PROCEDURES, SECTION 2.02.008 EXPIRATION OF PLAT APPROVAL FOR RANCHES AT CREEKSIDE, UNIT 4B. COMMISSIONER PAXTON SECONDED THE MOTION. THE MOTION CARRIED 7-0.

17. 2018-128 Consider a request for a variance to the Subdivision Ordinance, Article 5, Section 5.02.002, Street Improvement - Timing for 36 Old San Antonio, a proposed 2.29 out of 6.103 acre tract (El Chaparral at the request for Carlos Garcia). Take necessary action.

Ms. Laura Talley explained the developer is subdividing the lot into two lots and asked to postpone road improvements for Phase Two of the project. Ms. Talley and staff recommend approval. Commissioner Pena asked that the developer include a timeframe for Phase Two improvements.

COMMISSIONER COHOON MADE A MOTION TO APPROVE THE REQUEST FOR A VARIANCE TO THE SUBDIVISION ORDINANCE, ARTICLE 5, SECTION 5.02.002, STREET IMPROVEMENT - TIMING FOR 36 OLD SAN ANTONIO, A PROPOSED 2.29 OUT OF 6.103 ACRE TRACT (EL CHAPARRAL AT THE REQUEST FOR CARLOS GARCIA), WITH THE CONDITION THAT AT SUCH TIME AS THE PHASE II LOT IS DEVELOPED, THAT THE REQUIRED ROAD IMPROVEMENTS BE MADE PRIOR TO A BUILDING PERMIT BEING ISSUED. COMMISSIONER PAXTON SECONDED THE MOTION. THE MOTION CARRIED 7-0.

18. 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. 2018-129 Southglen, Phase 5, Lot 2A Replat (36 Residential, 2A open space lots).

COMMISSIONER GLEASON MADE A MOTION TO APPROVE THE SOUTHGLEN, PHASE 5, LOT 2A REPLAT. (36 RESIDENTIAL, 2A OPEN SPACE LOTS). COMMISSIONER PAXTON SECONDED THE MOTION. THE MOTION CARRIED 7-0.

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

Steering committee meeting - Weds, Jan. 10, 2018 at 5:30pm.

20. ADJOURNMENT

The Planning and Zoning Commission meeting adjourned 8:03 P.M.

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P&Z Chairman

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P&Z Secretary