MINUTES

PLANNING AND ZONING COMMISSION MEETING

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

Monday, August 6th, 2018 – 6:00 p.m.

Minutes of the Planning and Zoning Commission Meeting of August 6, 2018

Present: Rick Gleason, Joe Davis, Israel Pena, Richard Sena, Paula Hayward, Bob Cates, Chesney Dunning

Members Absent: Cal Chapman, Patrick Cohoon

Staff Present: Laura Talley, Susana Ramos, Stephanie Kranich, Barrett Squires, Riley Metcalfe, Jeff Thompson, Dan Blankenship

Registered/
Recognized Guests: Denise Dever, Bill Dever, Carolyn Chipman Evans, Brad McFarland, Brenda Sommers, Robert Sommers, Jonah Evans, Ben Eldredge, Sherry Speir, Jack Speir, Jeff Carroll, Ann Dietert, Jan Couch, William Canavan, Diana Makayn, Tom Adelstein, Jolene Adelstein, Rene Gonzalez, Sherry Gonzalez, Emily Green, Joe Cohan, Sean Reich, Tina Amerson

1. CALL TO ORDER – 6:00 PM

Chairman Davis called the P&Z meeting to order 6:01 P.M.

Chairman Davis asked for a Moment of Silence and led the Pledge of Allegiance to the United States Flag and to the Texas Flag.

2. APPROVAL OF MINUTES

2018-537 Approval of Planning and Zoning Commission Minutes of the meeting held July 9, 2018.

COMMISSIONER SENA MADE A MOTION TO APPROVE THE PLANNING AND ZONING COMMISSION MINUTES OF THE MEETING HELD JULY 9, 2018. COMMISSIONER DUNNING SECONDED THE MOTION. THE MOTION CARRIED 6-0.

3. CONFLICTS OF INTEREST

There were none.

4. CITIZENS' COMMENTS:

Ms. Carolyn Chipman Evans, representative of the Cibolo Nature Center, explained the details of the Nature School they are proposing for the Herff Farm site. Ms. Chipman Evans stated the rezoning request for 60 acres had been withdrawn and they will be back for a rezoning request for 10 acres of B-1. She asked that the city explore specific zoning for non-profits.

Mr. Jonah Evans, 115 Oak Lane, stated his concerns regarding commercial use in or near his residence.

Mr. Brian McFarland, 137B Spanish Pass, stated his concerns regarding the Kendall Gateway Study and the route coming near Boerne.

PUBLIC HEARING

5a. 2018-533 To consider the proposed adoption of the City of Boerne's 2018 Comprehensive Master Plan.

Commissioner Davis opened the Public Hearing at 6:10 P.M.

Ms. Denise Dever, 53 Silent Spring, stated she was thankful the Commission listened to her concerns and removed the Kendall Gateway Study from the Master Plan. Ms. Dever restated her opposition with the Kendall Gateway route.

Mr. Ben Eldredge, 210 Azalea Trail, stated his reasons for having Boerne be more bikeable and walkable before the 5-10 year time-frame and for there to be more attention to the matter and sooner.

Commissioner Davis closed the Public Hearing at 6:17 P.M.

6 2018-534 Make recommendation to City Council regarding the proposed adoption of the City of Boerne's 2018 Comprehensive Master Plan.

Ms. Laura Talley explained the process over the last 18 months helping

to create the 2018 Master Plan. The draft MP was provided on the city's website for public comment. 79 comments were received, 21 respondents were in the City Limits and 49 of those comments were regarding the Kendall Gateway Study. The lines of the proposed Kendall Gateway route that were previously included in the Master Plan and all references to the Plan have been removed from the MP. The Kendall Gateway Study, if adopted, can be added to the Master Plan. Ms. Talley explained once the Master Plan is approved the ordinances will be updated to reflect the items in the Master Plan. In addition signage will be reviewed and the sign ordinance will be reviewed and updated. Ms. Talley suggested two changes and additional items to the Master Plan. She requested to add two Utility Maps which would provide a picture of the city's electric service territory as well as the gas service territory. She stated P&Z is required to provide a report to be submitted to City Council.

COMMISSIONER CATES MADE A MOTION TO MAKE RECOMMENDATION TO CITY COUNCIL REGARDING THE PROPOSED ADOPTION OF THE CITY OF BOERNE'S 2018 COMPREHENSIVE MASTER PLAN, WITH THE ADDITION OF THE TWO UTILITY MAPS. COMMISSIONER PENA SECONDED THE MOTION. THE MOTION CARRIED 6-0.

PUBLIC HEARING

7a. 2018-536 Make recommendation to City Council regarding the proposed rezoning of Herff Farm, 60.673 acres at 33 Herff Road (KAD 63558, 12531, 12530, and 15831) from R-A, Single-Family Residential - Agricultural District, to B-1, High-Density Residential and Neighborhood Commercial District (Carolyn Chipman Evans - Friends of the Cibolo Wilderness).

Item withdrawn. No action taken.

8. 2018-535 To consider the proposed rezoning of Herff Farm, 60.673 acres at 33 Herff Road (KAD 63558, 12531, 12530, and 15831) from R-A, Single-Family Residential - Agricultural District, to B-1, High-Density Residential and Neighborhood Commercial District (Carolyn Chipman Evans - Friends of the Cibolo Wilderness).

Commissioner Davis opened the Public Hearing at 6:29 P.M.

The item number 8 is being withdrawn however the Public Hearing was kept open for anyone to speak.

Commissioner Davis closed the Public Hearing at 6:30 P.M.

PUBLIC HEARING

9a. 2018-538 To consider the proposed permanent zoning of 4.224 acres at 5 Coughran Road (KAD 14889 and 14890) from the temporary zoning of R-A, Single-Family Residential - Agricultural District to B-1, High-Density Residential and Neighborhood Commercial District (Alejandro Gutierrez).

Commissioner Davis opened the Public Hearing at 6:31 P.M.

There were no comments.

Commissioner Davis closed the Public Hearing at 6:31 P.M.

10. 2018-539 Make recommendation to City Council regarding the proposed permanent zoning of 4.224 acres at 5 Coughran Road (KAD 14889 and 14890) from the temporary zoning of R-A, Single-Family Residential - Agricultural District to B-1, High-Density Residential and Neighborhood Commercial District (Alejandro Gutierrez).

Ms. Laura Talley explained the requested proposed permanent zoning B-1 from a temporary zoning of R-A. Seven letters were sent out, we received two replies in opposition. Ms. Talley stated she felt that many of the existing properties in that area would eventually be geared towards commercial rather than residential. The future land-use plan shows the area as more commercial rather than residential on Coughran Road. The request for B-1 would allow a variety of uses. Staff is supportive and recommends approval.

COMMISSIONER GLEASON MADE A MOTION TO MAKE RECOMMENDATION TO CITY COUNCIL REGARDING THE PROPOSED PERMANENT ZONING OF 4.224 ACRES AT 5 COUGHRAN ROAD (KAD 14889 AND 14890) FROM THE TEMPORARY ZONING OF R-A, SINGLE-FAMILY RESIDENTIAL-AGRICULTURAL DISTRICT TO B-1, HIGH-DENSITY RESIDENTIAL AND NEIGHBORHOOD COMMERCIAL DISTRICT (ALEJANDRO GUTIERREZ). COMMISSIONER DUNNING SECONDED THE MOTION. THE MOTION CARRIED 6-0.

PUBLIC HEARING

11a. 2018-540 To consider the proposed application of the North Herff Road Overlay District to 4.349 acres located at 12 Herff Road (KAD 15815) (ProCore Developments).

Commissioner Davis opened the Public Hearing at 6:39 P.M.

There were no comments.

Commissioner Davis closed the Public Hearing at 6:40 P.M.

12. 2018-541 Make recommendation to City Council regarding the proposed application of the North Herff Road Overlay District to 4.349 acres located at 12 Herff Road (KAD 15815) (ProCore Developments).

Ms. Laura Talley explained the request for the proposed application of the North Herff Road Overlay District at 12 Herff Road. There will be height limits of two-stories and 30 feet. There will be a 10 foot landscape setback from Herff Road. Ms. Talley answered a Commissioner's question regarding trees on easements, and stated trees are not allowed to be planted and will be cleared on easement areas. Ms. Talley explained the overlay district will cover any additional commercial on Herff Road up to Old San Antonio. Staff recommends approval.

COMMISSIONER HAYWARD MADE A MOTION TO MAKE RECOMMENDATION TO CITY COUNCIL REGARDING THE PROPOSED APPLICATION OF THE NORTH HERFF ROAD OVERLAY DISTRICT TO 4.349 ACRES LOCATED AT 12 HERFF ROAD (KAD 15815)(PROCORE DEVELOPMENTS). COMMISSIONER CATES SECONDED THE MOTION. THE MOTION CARRIED 6-0.

13. 2018-543 Consider the preliminary plat for BDSP - Scenic Loop Rd Subdivision, creating four (4) commercial lots, a total of 5.006

acres located at 31500 IH 10 (KAD No. 12146). Take necessary action.

Ms. Laura Talley described the preliminary plat for BDSP. They had previously submitted a 3 lot subdivision plat and have now come back with 4 lots. It meets all of the criteria of the City's ordinances. There is a lift station and a large section of the area has been dedicated specifically for it. Ideally there will be shared parking between future businesses. The buildings will have to be pulled upfront with the parking in the rear of the commercial developments. Staff is supportive and recommends approval.

COMMISSIONER SENA MADE A MOTION TO APPROVE A PRELIMINARY PLAT FOR BDSP - SCENIC LOOP RD SUBDIVISION, CREATING FOUR (4) COMMERCIAL LOTS, A TOTAL OF 5.006 ACRES LOCATED AT 31500 IH 10 (KAD NO. 12146). COMMISSIONER GLEASON SECONDED THE MOTION. THE MOTION CARRIED 6-0.

14. 2018-544 Consider a Preliminary Subdivision plat for Durango Reserve - Phase II located on Shooting Club Road (47 residential lots, 3 open space lots) (KAD 153712, 153713, 15714 and 153715). Take necessary action.

Ms. Laura Talley described the preliminary subdivision plat for the second phase of the Master Planned Durango Subdivision. Staff is supportive and recommends approval.

COMMISSIONER SENA MADE A MOTION TO APPROVE A PRELIMINARY PLAT FOR DURANGO RESERVE - PHASE II LOCATED ON SHOOTING CLUB ROAD (47 RESIDENTIAL LOTS, 3 OPEN SPACE LOTS) (KAD 153712, 153713, 15714, 153715). COMMISSIONER PENA SECONDED THE MOTION. THE MOTION CARRIED 6-0.

15. 2018-530 Consider deviations from the requirements as set forth in the City of Boerne Subdivision Ordinance No. 2007-56, Article 3, Planning and Community Design Standards, Table 3-4 Street Cross-Section Standards for a subdivision plat of South Plant Modern a total of four lots located at 306 South Plant Avenue, the southwest corner of South Plant Avenue and Rosewood Avenue (a total of 0.2063 acres) (KAD 20040). Take necessary action.

Ms. Laura Talley explained the location of the property and stated the

proposed development would include four townhomes. The deviation request is due to provide a right-a-way dedication of an additional five feet for a total of seven feet. Staff is supportive and recommends approval.

COMMISSIONER HAYWARD MADE A MOTION TO APPROVE DEVIATIONS FROM THE REQUIREMENTS AS SET FORTH IN THE CITY OF BOERNE SUBDIVISION ORDINANCE NO. 2007-56, ARTICLE 3, PLANNING AND COMMUNITY DESIGN STANDARDS, TABLE 3-4 STREET CROSS-SECTION STANDARDS FOR A SUBDIVISION PLAT OF SOUTH PLANT MODERN A TOTAL OF FOUR LOTS LOCATED AT 306 SOUTH PLANT AVENUE, THE SOUTHWEST CORNER OF SOUTH PLANT AVENUE AND ROSEWOOD AVENUE (A TOTAL OF 0.2063 ACRES) (KAD 20040), WITH THE REQUEST OF AN ADDITIONAL FIVE FEET OF RIGHT OF WAY DEDICATION FOR A TOTAL OF SEVEN FEET OF RIGHT OF WAY. COMMISSIONER DUNNING SECONDED THE MOTION. THE MOTION CARRIED 6-0.

16. 2018-531 Consider a waiver to detention requirements as set forth in the City of Boerne Subdivision Ordinance No. 2007-56, Article 6, Drainage and Flood Hazards, Subsection 6.01.002, Facilities Required for a subdivision plat of South Plant Modern, a total of four lots located at 306 South Plant Avenue, the southwest corner of South Plant Avenue and Rosewood Avenue (a total of 0.2063 acres) (KAD 20040). Take necessary action.

Ms. Laura Talley explained the waiver to detention requirements for the specific property is due to being less than 1 1/2 acres in size and less than seven lots. The developer provided a letter from an engineer that stated due to the site being minimal in size there would be minimal impact of drainage. Staff recommends approval.

COMMISSIONER GLEASON MADE A MOTION TO APPROVE A WAIVER TO DETENTION REQUIREMENTS AS SET FORTH IN THE CITY OF BOERNE SUBDIVISION ORDINANCE NO. 2007-56, ARTICLE 6, DRAINAGE AND FLOOD HAZARDS, SUBSECTION 6.01.002, FACILITIES REQUIRED FOR A SUBDIVISION PLAT OF SOUTH PLANT MODERN, A TOTAL OF FOUR LOTS LOCATED AT 306 SOUTH PLANT AVENUE, THE SOUTHWEST CORNER OF SOUTH PLANT AVENUE AND ROSEWOOD AVENUE (A TOTAL OF 0.2063 ACRES) (KAD 20040). COMMISSIONER CATES SECONDED THE MOTION. THE MOTION CARRIED 6-0.

17. 2018-532 Consider a waiver for detention requirements as set forth in the

City of Boerne Subdivision Ordinance No. 2007-56, Article 6, Drainage and Flood Hazards, Subsection 6.01.002, Facilities Required for a subdivision re-plat of Kernaghan Addition part of Lot 6, Block 2, a total of three lots located at 442 Oak Park (a total of 0.557 acres) (KAD 20040). Take necessary action.

Ms. Laura Talley explained the proposed development to subdivide a corner lot into three lots. A letter from an engineer has been provided stating any water runoff would be minimal. Any liability of drainage diversion issues would fall upon the property owner. Staff is supportive of the waiver for detention.

COMMISSIONER PENA MADE A MOTION TO APPROVE A WAIVER FOR DETENTION REQUIREMENTS AS SET FORTH IN THE CITY OF BOERNE SUBDIVISION ORDINANCE NO. 2007-56, ARTICLE 6, DRAINAGE AND FLOOD HAZARDS, SUBSECTION 6.01.002, FACILITIES REQUIRED FOR A SUBDIVISION RE-PLAT OF KERNAGHAN ADDITION PART OF LOT 6, BLOCK 2, A TOTAL OF THREE LOTS LOCATED AT 442 OAK PARK (A TOTAL OF 0.557 ACRES) (KAD 20040). COMMISSIONER GLEASON SECONDED THE MOTION. THE MOTION CARRIED 5-1 (COMMISSIONER CATES DISSENTED)

18. CONSENT AGENDA

a. 2018-542 Legacy at Cibolo Unit 2 (one multi-family residential lot)

COMMISSIONER PENA MADE A MOTION TO APPROVE THE ITEM ON THE CONSENT AGENDA. COMMISSIONER GLEASON SECONDED THE MOTION. THE MOTION CARRIED 6-0.

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

Ms. Laura Talley reminded the P&Z Commissioner is the Monday after Labor Day, and we will have iPad training at 5:30 pm to go over using them and voting on them going forward.

Commissioner Hayward stated her concerns regarding zoning issues for areas that are for Farmers Markets or Non-Profits. Commissioner Hayward stated an article titled 'Establishing Protections for Land Use for Non-Profits' and the benefits of the ideas from the article.

20. ADJOURNMENT

The Planning and Zoning Commissioner meeting adjourned at 7:31 P.M.

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P&Z Chairman

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P&Z Secretary