

**REGULAR PLANNING & ZONING COMMISSION MEETING
CITY COUNCIL CHAMBERS, 124 Old San Antonio Road
Boerne, TX 78006
March 6, 2017 – 6:00 PM**

Minutes of the Planning and Zoning Commission Meeting of March 6, 2017.

Present: John Hollinshead, Ricky Gleason, Paula Hayward, Richard Sena (late), Patrick Cohoon, Russell Noll, Israel Pena, Cal Chapman and William Paxton

Absent: None

Staff Present: Laura Talley, Planning and Comm. Dev. Director, Anne De Luna, Recording Secretary & Planner I, Sheldon Cravey, IT, Sean Reich, Public Works Engineer, Kirsten Cohoon, City Attorney, Jeff Thompson, Deputy City Manager

Registered /

Recognized Guests: James Beene, Wayne Ashabraner, Emily Weiner, Suzanne Young, Steve Young, Diane Hegland, Joe Anzollitto, Charles Riddle, James Griffin, Ann Dietert, Jeff Carroll, Brian and Suzanne Rittimann, Rod Fowler, Jenny Gillespie, Konrad Wert, Stuart Brown, Pam and Dave Luciani, Karen Talor, Shelly Vaughn, Dan and Beth Dagsaan, Snehal Patel, Carolyn Evans, Cody Morris, Misty Mayo, Albert Turgon, Ben Bunker, Scott Bartbel

1. CALL TO ORDER – 6:00 PM

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

2. APPROVAL OF THE PLANNING AND ZONING COMMISSION MINUTES OF FEBRUARY 6, 2017.

Chairman Hollinshead called for a motion on the minutes. Commissioner Noll made a motion to approve the minutes of February 6, 2017. Commissioner Cohoon seconded the motion. The motion passed 7-0.

3. CONFLICTS OF INTEREST DECLARATION.

There were none.

4. CITIZEN'S COMMENTS: THIS IS THE OPPORTUNITY FOR VISITORS AND GUESTS TO ADDRESS THE PLANNING AND ZONING COMMISSION ON ANY ISSUE. THE PLANNING AND ZONING COMMISSION MAY NOT DISCUSS ANY PRESENTED ISSUE, NOR MAY ANY ACTION BE TAKEN ON ANY ISSUE AT THIS TIME. (ATTORNEY GENERAL OPINION – JC-0169)

Chairman Hollinshead called for comments from the audience.

Rod Fowler, 130 Ranch Drive, asked about the proposed water district between Bexar and Kendall County with Donna Campbell. Emily Weiner, 624 Graham, had a petition circulating to prevent development in riparian parcels until low impact development is implemented to protect Cibolo Creek. Konrad Wert, 309 Brackenridge Drive, is school teacher at Fabra and wants the commission to think about the future developments for future generations. Caroline Chipman Evans, executive director for Cibolo Nature Center and Herff Farms, said they are encouraged by the willingness to enter into an initial agreement by the developer and believes they will

reach a final outcome that is acceptable. James Beene, 12 Herff Rd, owns property directly from 17 Herff and said Herff Road carries a large volume of traffic so it is no longer a country road. They have their property for sale because they feel like Wiseman is doing a good job and is in favor of the rezoning. Marjorie Norman, 117 Cold River in Herff Ranch, is pro smart development and is against the zoning. Wayne Ashabraner, 8700 Star Ranch, said development is happening and he thinks city council and the city has done a great job for having well thought out development. He has worked with many developers and this developer is providing a very fortunate area for this community. Charles Riddle, 19 Thunder Valley Rd, said that he wanted to make things clear and explained they elected to annex the property. They plan to deed restrict the multifamily and this is the first true low impact development in Boerne and the largest in 6 counties (Kendall County and 5 counties that the River Authority oversees). James Griffin, 112 E Pecan in San Antonio, a representative for the property, said this is the most appropriate zoning for Herff. The owners have been working close with Mrs. Evans and her group. They are willing to further restrict with restrictive covenants for building heights, density, lighting, sound, uses, and pets. Great care has been taken to protect creek.

Closed at 6:19

5. Untable the proposed permanent zoning of 17 Herff Road, a total of 26.582 acres, from R-A, Single-Family Rural Residential District to MU-2, Mixed-Use Community District and R-4, Multi-Family Residential District, KAD No. 12536, 15847, 15848, AND 15849 (CT 17 Herff Land LP)

Commissioner Chapman made a motion to untable. Commissioner Pena seconded the motion. The motion passed by a vote of 8-0.

6. MAKE RECOMMENDATION TO CITY COUNCIL TO CONSIDER THE PROPOSED PERMANENT ZONING OF 17 HERFF ROAD, A TOTAL OF 26.582 ACRES, FROM R-A, SINGLE-FAMILY RURAL RESIDENTIAL DISTRICT TO MU-2, MIXED-USE COMMUNITY DISTRICT AND R-4, MULTI-FAMILY RESIDENTIAL DISTRICT, KAD NO. 12536, 15847, 15848, AND 15849 (CT 17 HERFF LAND LP)

Mrs. Talley explained the property has a temporary zoning as an R-A district since it was recently annexed. The property does not abut the creek and The City of Boerne owns the strip of the creek. She continued explaining the ordinances the city has have stream corridor setbacks, noise, lighting, landscape, and open space regulations. When the city originally drew the land use plan, this road was an arterial country road, but things have changed and the master plan and land use plan are guides, but do not set things in stone. Commissioner Chapman made the comment that from an engineer's perspective, any development that is along Cibolo has have the same run-off volume and same quality water as predevelopment. Commissioner Pena said a lot of thought has been put in this and the developer should be commended for addressing the concerns about protecting Cibolo Creek. Commissioner Hayward asked about the reference to zoning and spot zoning. She also does not appreciate that the R-4 zoning is not in the Master Plan and that things have changed without citizens being involved. Mrs. Cohoon, the city attorney, replied to Commissioner Hayward by saying she disagrees about the property being spot zoning or contract zoning and said that is why the city brings a recommendation to the commission. Mrs. Talley said the land use plan is affected by things changing such as widening roads and it is used as a guide to consider where development is, but it is not set in stone. Commissioner Noll said both parties seem encouraged to the proposed zoning and this zoning would be appropriate. Commissioner Chapman said he is glad the parties continue to talk and both parties are telling us that the zoning choices are

appropriate. He said the Masterplan is outdated and the road is a 4-lane boulevard. Commissioner Cohoon said things have changed dramatically and no one said this is the wrong zoning.

Commissioner Cohoon made a motion to recommend approval to City Council. Commissioner Noll seconded the motion. The motion passed by a vote of 7-1. (Commissioner Hayward dissenting)

COHOON MOTIONED. NOLL SECONDED. HAYWARD DISSENT.

Public hearing:

- 7. TO CONSIDER THE PROPOSED PERMANENT ZONING OF 1700 RIVER ROAD, A TOTAL OF 21.688 ACRES, FROM R-A, SINGLE-FAMILY RURAL RESIDENTIAL DISTRICT TO MU-2, MIXED-USE COMMUNITY DISTRICT, KAD NO. 15024 AND 15025 (SHIRLEY RITTIMANN)**

NO ONE.

- 8. MAKE RECOMMENDATION TO CITY COUNCIL TO CONSIDER THE PROPOSED PERMANENT ZONING OF 1700 RIVER ROAD, A TOTAL OF 21.688 ACRES, FROM R-A, SINGLE-FAMILY RURAL RESIDENTIAL DISTRICT TO MU-2, MIXED-USE COMMUNITY DISTRICT, KAD NO. 15024 AND 15025 (SHIRLEY RITTIMANN)**

Mrs. Talley said this property is located near the Esperanza subdivision and the land use plan recommends a MU-2 zoning. There is no plan for development on the site at this time. Mrs. Cohoon said we cannot have a property that is temporarily zoned and this property needs to be permanently zoned.

Commissioner Pena made a motion to recommend approval to City Council. Commissioner Noll seconded the motion. The motion passed by a vote of 8-0.

9. Public hearing: To consider the approval of a master plan for a cottage housing development located at 530 Oak Park, KAD 15836 (Dave Luciani)

Albert Turgon, 516 Oak Park, was concerned with trash and dumpsters. He said the 200k price point is not affordable and is concerned with investors renting the cottages out. Wayne Ashabraner, a realtor representing the developer, said the proposed development will be beautifully landscaped, tastefully done, well-thought out, and is a great place to put parents in for independent living. Suzanne Rittimann, expressed concern about the density and wants to make sure the development is done right. Ernest Brimhall, 529 Oak Park, is concerned with parking, wants solid fencing and is concerned about people having pets. Dave Luciani, the developer, said the property will have perimeter fencing and a stone wall in the front of the property. There will be 36 to 42 inch fencing for small pets and no large pets will be permitted. Mr. Luciani said he has had calls from investors, but doesn't want renters to live in the cottage. He wants home ownership for the cottages. Travis Roberson, 313 Frey, said as a neighbor he is concerned about the thoroughfare for Oak Park. There needs to be a bike lane and pedestrian traffic to create the feel of a neighborhood. He also wanted to encourage the developer to make it nice, attractive and have a neighborhood feel.

10. Make recommendation to City Council to consider the approval of a master plan for a cottage housing development located at 530 Oak Park, KAD 15836 (Dave Luciani)

Mrs. Talley explained the creative alternative previously passed with the approval of both the planning and zoning commission and city council. She explained how staff came up with the 17 units as a rain catchment as a credit and the density. The cottage development is intended for infill and has to have a homeowner's association. The development will have to go through city council again and the master plan does meet the criteria of the ordinance. Commissioner Hayward asked about covered parking. Mrs. Talley said the covered parking is considered a carport and is an accessory structure, but it is not part of the approval for the master plan. If someone else wanted to build another cottage development, the next cottage development would need to be 2500 feet away.

Commissioner Chapman made a motion to recommend approval to City Council. Commissioner Gleason seconded the motion. The motion passed by a vote of 8-0.

Chapman motioned. Gleason seconded.

11. To consider the approval for a preliminary plat for Durango Reserve Phase 1 Subdivision Plat (52 residential lots, 3 open space lots). Take necessary action.

Commissioner Pena made a motion to approve. Commissioner Sena seconded the motion. The motion passed by a vote of 8-0.

Pena motioned. Sena seconded. 8-0

12. To consider the approval for a preliminary plat for Esperanza Phase 2B Subdivision Plat (33 residential lots, 1 open space lot). Take necessary action.

Commissioner Cohoon made a motion to approve. Commissioner Paxton seconded the motion. The motion passed by a vote of 8-0.

Cohoon motioned. Paxton seconded. 8-0

13. COMMENTS FROM COMMISSION/LEGAL COUNSEL/STAFF – NO DISCUSSION OR ACTION MAY TAKE PLACE.

14. ADJOURNMENT

The Planning and Zoning Commission meeting adjourned at 7:45 P.M.

Approved:

P&Z Chairman

P&Z Secretary

ATTEST: _____ Deborah Willson