

**REGULAR PLANNING & ZONING COMMISSION MEETING  
CITY COUNCIL CHAMBERS, 124 Old San Antonio Road  
Boerne, TX 78006  
August 7, 2017 – 6:00 PM**

Minutes of the Planning and Zoning Commission Meeting of August 7, 2017.

**Present:** John Hollinshead, William Paxton, Richard Sena, Israel Pena, Joe Davis, Paula Hayward

**Absent:** Ricky Gleason Patrick Cohoon, Cal Chapman

**Staff Present:** Laura Talley, Planning and Comm. Dev. Director, Deborah Willson, Recording Secretary & Planner II, Sheldon Cravey, IT, Sean Reich, Public Works Engineer, Jeff Thompson, Deputy City Manager

**Registered /**

**Recognized Guests:** Bob Vollmer, Dani Vollmer, James Griffin, Emily Weiner, Drake Thompson, Joshua Valenta, Ann Dietert, J. Glenn Cummings, Kay Moon, Bryden Moon, Carolyn Chipman Evans, Fred Stahl, Jonah Evans, John Schilhab, Joe Anzollitto, Northern Hendericks, Russell Tirdile, Martha Baez, Ramon Baez, Yolanda Knol, Suzanne Young, Steve Young, Matt Lloyd, Matt Kersh, Joan Nitschke, Pat Blackman, Jackie Blackman, Charles Riddle, Tom Frost III, Majorie Norman, Jeff Carroll, Barbara Kling, Cody Morris, Shannan Young, Colleen Mahler, Andrew Lucas, Orion Abernatny, Anita Kruse, Allica Kruse, Robert Imler, Trevor Burham, Patrick Murphy

**1. CALL TO ORDER – 6:00 PM**

Chairman Hollinshead called the P&Z meeting to order at 6:02 p.m.

**2. APPROVAL OF THE PLANNING AND ZONING COMMISSION MINUTES OF JULY 10, 2017.**

Chairman Hollinshead called for a motion on the minutes. Commissioner Davis made a motion to approve the minutes. Commissioner Pena seconded the motion. The motion was approved.

**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.

**5. Public Hearing:**

- a. **To consider the proposed rezoning of 36 Old San Antonio Road, a total of 6.099 acres, from R-E, Single-Family Residential Estate District to B-2R, Highway Commercial - Restricted District, KAD No. 15903 (Cortes)**

No public comment.

6. **Make recommendation to City Council to consider the proposed rezoning of 36 Old San Antonio Road, a total of 6.099 acres, from R-E, Single-Family Residential Estate District to B-2R, Highway Commercial - Restricted District, KAD No. 15903 (Cortes)**

Laura Talley Introduces the Property and lets the commissioners that the staff is supportive of the rezoning. The Commissioners discuss with Laura Talley about the use of the property across the street being recommended to be used for assembly as a wedding venue and how it is across the street from an R-2 zoning to be used for apartment buildings but the property never went very far. They also discussed the future use of the property.

Commissioner Davis made a motion to recommend approval to City Council.  
Commissioner Paxton seconded the motion. The motion passed by a vote of 4-1.

## 7. Public hearing

- a. **To consider the proposed rezoning of 17 Herff Road, a total of 14.202 out of 26.654 acres, from MU-1, Mixed-Use Neighborhood District to R-4, Multi-Family Residential District, KAD No. 12536, 15848, AND 15849 (CT 17 Herff Land LP)**

Emily Warner: She has continuing concerns about the growth of Boerne. Discusses how the care that was put into the SOCO master plan was not taken to Herff Road. Asks the Commissioners hold the MU-1 zoning.

Dani Palmer: discusses how the amount of development that they are planning on putting on the lot will increase the effect that is on Cibolo Creek and Herff Road. Askes Commissioners to say to the R-4 zoning.

Ana Didert: Askes for the Commissioners to not approve the rezoning of this property. She states that the traffic was already bad because of other developments.

Tom Frost: Discusses about how he was able to organize all the right people to be able negotiate a method and come up with a plan that would be able to protect the creek in his opinion. Askes the Commissioners to pass the zoning because a MU-1 zoning will protect the creek just as much as a R-4 development.

Bob Mayer: Askes the Commissioners to deny rezoning the property. He has a problem with the amount of parking that is going to be a requirement for the apartment complex and doesn't want it to be seen from the park or any other are around there. He objects to the request because of the timing because it was before the Commissioners just 3 months ago and says that in the Zoning Ordinance you have to wait 1 year after your first submittal.

Matt Cursh: States that as a kid he and his brother would spend a lot of time in Cibolo Creek and doesn't want to see anything change but understands the progress is inevitable. Hope the project wouldn't hurt the creek if it were approved but doesn't think that that would be the case. He wishes for the Creek to be preserved.

Mulandi Copec: She would like for this property too be handled differently and preserved. She feels like there are plenty of smaller lots along the creek that could be used for the apartments. She is concerned about the amount of traffic on Oak Park Road. Is worried that the current owners are going to be re selling soon after they get the R-4 zoning approved. Wishes that the Commissioners to deny the approval of the zoning.

Margerie Norman: Discusses how people come to the town because of the environment the city has created. She wishes that the apartments buildings be moved to a different location in order to preserve the culture and environment of Boerne. She implores the Commissioners to deny the zoning change.

John Shilt: (President of the Cibolo Nature Center) Reads a letter from their board of directors that states that although they appreciate the fact that Carmen Thompson's willingness to go above and beyond the city ordinance to protect the creek, they have decided that they are not for or against the zoning change.

James Griffin: (on behalf of the applicant) Discusses how they have adjusted since the last meeting and have some changes that should make it easier. He states that they were able to adjust for the retail portion but can't have a financially viable project that addresses all of the other concerns. He shows pictures of what they have come up with and explains how it all comes together. He presents their first option but tries to put the point across that it would not be the best idea for this property. He shows what they are planning to present today and explains how they have changed their plans. He asks for a favorable recommendation.

**8. Make recommendation to City Council to consider the proposed rezoning of 17 Herff Road, a total of 14.202 out of 26.654 acres, from MU-1, Mixed-Use Neighborhood District to R-4, Multi-Family Residential District, KAD No. 12536, 15848, AND 15849 (CT 17 Herff Land LP)**

Commissioner Hayward asks Laura Talley why staff is recommending outside of the masterplan and Laura Talley discusses how they look at the impact of the area and how Herff Road has impacted the area which can happen before they can update the masterplan. Laura Talley goes on to clarify what has happened and clears up the fact that the city made a recommendation to change the zoning of the property and that the owners did not in fact request it. Commissioner Sena discusses how he talked to the city attorney and says that they are not sure if the city has the authority to enforce the covenant. He states how he is concerned about what will happen all along Herff Road after this. Commissioner Davis asked who is the one who would be enforcing this and it is responded to by James Griffin with him saying that it could be taken to court. Amy

Avery: (Traffic Expert) discusses how they have done a traffic study and stated that from a traffic stand point, the two different designs are about equal but does state that the study will need to be updated.

Commissioner Davis made a motion to recommend approval. Commissioner Pena seconded the motion. The motion passed by a vote of 3-2.

- 9. Consider a request for approval to the Subdivision Ordinance, Article 3, Section 3.02.003 Street Cross Section Standards for the 143 Acres Subdivision located in the ETJ approximately one mile outside of the city limits on FM 1376 (142.98 acres). Take necessary action.**

Laura Talley introduces the property and discusses what the plan for the development is.

Commissioner Sena made a motion to approve. Commissioner Hayward seconded the motion. The motion passed by a vote of 5-0.

- 10. To consider the approval of the master plan for 143 Acre Subdivision located in the ETJ approximately one mile outside of the city limits on FM 1376 (142.98 acres). Take necessary action.**

Laura Talley introduces the master plan. Commissioner Sena made a motion to approve. Commissioner Paxton seconded the motion. The motion passed by a vote of 5-0.

- 11. To consider the approval of the preliminary plat for Regent Park Unit 2 (60 residential lots). Take necessary action.**

Commissioner Sena made a motion to approve. Commissioner Pena seconded the motion. The motion passed by a vote of 5-0.

- 12. To consider the approval of the preliminary plat for Esperanza 1C (20 residential lots). Take necessary action.**

Laura Talley introduces the master plan. Commissioner Sena made a motion to approve. Commissioner Paxton seconded the motion. The motion passed by a vote of 5-0.

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

#### **14. ADJOURNMENT**

The Planning and Zoning Commission meeting adjourned at 8:21 P.M.

Approved:

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P&Z Chairman

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P&Z Secretary

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