

AGENDA
PLANNING AND ZONING COMMISSION MEETING
BOERNE POLICE AND MUNICIPAL COURT COMPLEX, 124 OLD SAN ANTONIO ROAD
Monday, December 5, 2016 – 6:00 p.m.

Minutes of the Planning and Zoning Commission Meeting of December 5, 2016.

Present: John Hollinshead, Ricky Gleason, Paula Hayward, Patrick Cohoon, Russell Noll and William Paxton

Absent: Richard Sena, Cal Chapman, Israel Pena

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

Registered /

Recognized Guests: Stanley Jones, Genevieve Jones, Richard Elkins, Terry Lewis Vogt, Brian Cartwright, Falkner Heard III, Richard B. Heard, Fred Hausheer

1. CALL TO ORDER – 6:00 PM

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

2. Approval of Planning and Zoning Commission Minutes of the meeting held November 7, 2016.

**CHAIRMAN HOLLINSHEAD CALLED FOR A MOTION ON THE MINUTES.
COMMISSIONER HAYWARD MADE A MOTION TO APPROVE THE MINUTES OF
NOVEMBER 7, 2016. COMMISSIONER PAXTON SECONDED THE MOTION.
THE MOTION PASSED 5-0.**

3. Conflicts of Interest Declaration.

Commissioner Gleason declared a conflict of interest on Agenda Item #11 and #12.

4. CITIZENS' COMMENTS:

Chairman Hollinshead called for comments from the audience.

There were none.

5. PUBLIC HEARING

- 5a.** [2016-1045](#) To consider the proposed rezoning of 215 Wanda Street (Lot 13A-1), a total of 1.44 acres, from R-1, Medium-Density

Residential District and B-2, Highway Commercial District to O,
Office District, KAD No. 50728 (Fred Hausheer)

Fred Hausheer, the owner of the property, came forth to state that he was here for questions anyone might have.

6. [2016-1046](#) Make recommendation to City Council to consider the proposed rezoning of 215 Wanda Street (Lot 13A-1), a total of 1.44 acres, from R-1, Medium-Density Residential District and B-2, Highway Commercial District to O, Office District, KAD No. 50728 (Fred Hausheer)

Mrs. Talley explained the owner is requesting rezoning to Office District. The property abuts and actually has a sliver of B-2 zoning on it. The north side abuts a residential district which will restrict the height for any potential building constructed. The property is for sale, so the end user has not been determined. The Office District is the most restrictive commercial district because of the height and lighting requirements against residential.

COMMISSIONER COHOON MADE A MOTION TO APPROVE. COMMISSIONER NOLL SECONDED THE MOTION. THE MOTION PASSED 5-0.

7. PUBLIC HEARING

- 7a. [2016-1052](#) To consider the proposed use request of a long term care facility in a B-1, High-Density Residential and Neighborhood Commercial District at 502 School Street, KAD No. 14412 (Genevieve Jones) and a portion of 536 S. School Street, KAD No. 14381, +/- 0.9 acres. (Anita Lewis Asher Et Al)

Richard Elkins, Kendall County Commissioner of Precinct 2, wanted to share information about Alzheimer. He explained there is no place in Kendall County to get this type of service.

8. [2016-1053](#) Consider the recommendation to City Council regarding the proposed use request of a long term care facility in a B-1, High-Density Residential and Neighborhood Commercial District at 502 School Street, KAD No. 14412 (Genevieve Jones) and a portion of 536 S. School Street, KAD No. 14381, +/- 0.9 acres. (Anita Lewis Asher Et Al)

Mrs. Talley explained the property was zoned B-1 in September. The owner is requesting the use for a long term care facility. This facility is a memory care center for senior living and Alzheimer and dementia support. In order to accomplish this, the new owner intends to

acquire, swap, and assemble a portion of the adjacent property to accommodate the proposed development. Commissioner Noll asked about how the lighting will have an impact. Mrs. Talley said safety is kept in mind and lights are supposed to be shielded and not leave property, but the property is on a hill.

COMMISSIONER COHOON MADE A MOTION TO APPROVE. COMMISSIONER HAYWARD SECONDED THE MOTION. THE MOTION PASSED 5-0.

COMMISSIONER COHOON MADE A MOTION TO AMEND AND APPROVE WITH THE CAVEAT THAT STREET IMPROVEMENTS ON SOUTH SCHOOL STREET AS REQUIRED BY THE CITY OF BOERNE SUBDIVISION ORDINANCE BE MADE AT TIME OF DEVELOPMENT AND THAT LUMINAIRES BE INSTALLED PER CITY OF BOERNE REGULATIONS EXCEPT THAT LUMINARIES SHALL BE INSTALLED AT A MAXIMUM HEIGHT BE 20 FEET AND 10 FEET AT THE PERIMETER OF THE DEVELOPMENT. COMMISSIONER GLEASON SECONDED THE MOTION. THE MOTION PASSED 5-0.

9. PUBLIC HEARING

- 9a. [2016-1066](#) To consider the proposed revisions to the City of Boerne Zoning Ordinance No. 2007-64, Article 1, In General, Section 06. Definitions, Article 3, General Prohibitions and Requirements, Section 08. Commercial Center Design Standards, Section 09. Combined Commercial Design Standards, Section 10. On-site Parking Requirements, and Article 5, Zoning Districts and Use Regulations.

There were no comments.

10. [2016-1067](#) Consider the recommendation to City Council regarding the proposed revisions to the City of Boerne Zoning Ordinance No. 2007-64, Article 1, In General, Section 06. Definitions, Article 3, General Prohibitions and Requirements, Section 08. Commercial Center Design Standards, Section 09. Combined Commercial Design Standards, Section 10. On-site Parking Requirements, and Article 5, Zoning Districts and Use Regulations.

Mrs. Talley explained staff would like to make revisions to the zoning ordinance to implement the SoBo Overlay District. One change would be adding new definitions. There would be three character zones: hybrid, mixed-use and neighborhood. The commercial design standards and

parking sections in the ordinance will be updated as well. The height requirements in a B-2, Highway Commercial District was updated to 75 feet and 60 feet along Main Street in the B-3 District. Commissioner Hayward made the comment on what makes a sidewalk feel walkable and asked if the sidewalks will have a buffer. Mrs. Talley said the sidewalks will have a seven foot landscape buffer. Commissioner Gleason made the comment that the live-work would have to be a cash buyer to make it work, which makes it financially difficult. The commission was not in favor of the Live-Work.

COMMISSIONER COHOON MADE A MOTION TO APPROVE WITH THE CAVEAT TO REMOVE ANY REFERENCES TO LIVE-WORK AND ADD 3.02.002 CREATION OF LIGHTING DISTRICTS. COMMISSIONER NOLL SECONDED THE MOTION. THE MOTION PASSED 5-0.

11. [2016-1047](#) Untable the recommendation to City Council regarding the proposed the use request of an assembly in a RE-1, Low-Density Single Family District at 35 Old San Antonio Road, KAD No. 38977 (Belleori Holdings, LLC).

COMMISSIONER COHOON MADE A MOTION TO UNTABLE. COMMISSIONER PAXTON SECONDED THE MOTION. THE MOTION PASSED 4-0. (COMMISSIONER GLEASON RECUSED HIMSELF.)

12. [2016-1048](#) Consider the recommendation to City Council regarding the proposed the use request of an assembly in a RE-1, Low-Density Single Family District at 35 Old San Antonio Road, KAD No. 38977 (Belleori Holdings, LLC).

Mrs. Talley explained the owner is requesting a use for an Assembly for the location at 35 Old San Antonio Road on 14.113 acres. The owner would like to use the existing buildings for small retreats, receptions and meetings and does not plan to add additional buildings at this time. The property is located right next to the City's wastewater treatment plant.

COMMISSIONER PAXTON MADE A MOTION TO APPROVE WITH THE CAVEAT THAT THERE IS NO AMPLIFIED MUSIC, NO PARKING WITHIN 400 FEET OF OLD SAN ANTONIO, NO MORE THAN 150 PEOPLE PER EVENT AND NO OUTDOOR ACTIVITIES OR FACILITIES WITHIN 150 FEET FROM THE NORTH AND EAST PROPERTY LINE. COMMISSIONER COHOON SECONDED THE MOTION. THE MOTION PASSED 4-0. (COMMISSIONER GLEASON RECUSED HIMSELF.)

ITEMS FOR DISCUSSION/ACTION

13. [2016-1050](#) Consider approval as set forth in the City of Boerne Subdivision Ordinance No. 2007-56, Article 3, Open Space Systems, Subsection 3.03.002, Storm Water System Facilities as Open

Space for BISD Administration Building Development Plat located at 235 Johns Road. Take necessary action.

Mrs. Talley explained the new BISD Admin building has a detention area that is a grassy area which can be used as open space. The ordinance requires the Planning and Zoning Commission approve an area for detention that is also being counted toward their open space. Commissioner Hayward asked if the area will have landscaping around it and suggested there should be a caveat for requiring landscaping along Lohmann Street.

COMMISSIONER HAYWARD MADE A MOTION TO APPROVE WITH THE CAVEAT THAT THE SOUTHERN AND EASTERN SIDES OF THE FENCE LINE BE LANDSCAPED USING ENTRANCE CORRIDOR LANDSCAPE STANDARDS. COMMISSIONER PAXTON SECONDED THE MOTION. THE MOTION PASSED 5-0.

14. [2016-1085](#) Consider a request for a variance to the City of Boerne Subdivision Ordinance No. 2007-56, Article 8, Utility Extensions and General Subdivision Improvements, Section 8.01.006 Final Plans and Acceptance for the Regent Park, Unit 1, Phase 1 and 2 to allow final acceptance prior to issuance of a letter from the Texas Department of Transportation. Take necessary action.

Mrs. Talley explained the Planning and Zoning Commission conditionally approved the final plat for the Regent Park, Unit 1, Phase 1 in March of 2015. Phase 2 was recorded the same month and included 16 lots. The applicant is requesting a variance from the City of Boerne Subdivision Ordinance to allow final acceptance of Regent Park Unit 1, Phase 1 and 2 prior to issuance of a letter from the Texas Department of Transportation stating their right-of-way has been satisfactorily restored. The subdivision ordinance requires that a letter from TXDOT be provided stating that "their respective jurisdictional right-of-way has been satisfactorily restored". TXDOT would not be willing to provide this at this time because the work is incomplete. If the variance is granted, this does not override the specific ordinance requirement for an approval letter from TXDOT.

COMMISSIONER PAXTON MADE A MOTION TO APPROVE WITH THE CAVEAT THAT ANY FUTURE APPROVAL OF PHASE 3 SHALL REQUIRE THE TXDOT LETTER AND THAT THE IMPROVEMENTS IN THE TXDOT RIGHT-OF-WAY BE ACCEPTABLE TO THE CITY PRIOR TO ACCEPTANCE. COMMISSIONER GLEASON SECONDED THE MOTION. THE MOTION PASSED 5-0.

15. [2016-1105](#) Untable a request for a variance to the Subdivision Ordinance, Article 2, Procedures, Section 2.02.001 Submission (for a preliminary plat) and Section 2.05.001 Procedures for Submission

(for a final plat) for the Ranches at Creekside Unit 1, Phase 2A and Phase 2B. Take necessary action.

COMMISSIONER COHOON MADE A MOTION TO UNTABLE. COMMISSIONER HAYWARD SECONDED THE MOTION. THE MOTION PASSED 5-0.

16. [2016-1049](#) Consider a request for a variance to the Subdivision Ordinance, Article 2, Procedures, Section 2.02.001 Submission (for a preliminary plat) and Section 2.05.001 Procedures for Submission (for a final plat) for the Ranches at Creekside Unit 1, Phase 2A and Phase 2B. Take necessary action.

Mrs. Talley explained the Planning and Zoning Commission conditionally approved the final plat for the Ranches at Creekside Unit 1 Phase 2 January of 2015, which included 64 residential lots. The two new plats will comprise the same area Unit 1, Phase 2. Unit 1, Phase 2A and 2B would replace the final plat that was approved in 2015.

COMMISSIONER COHOON MADE A MOTION TO APPROVE. COMMISSIONER GLEASON SECONDED THE MOTION. THE MOTION PASSED 5-0.

17. [2016-951](#) Consider approval for a preliminary plat for Esperanza Amenity Center Subdivision Plat (1 commercial lots, 9 open space lots). Take necessary action.

COMMISSIONER GLEASON MADE A MOTION TO APPROVE. COMMISSIONER COHOON SECONDED THE MOTION. THE MOTION PASSED 5-0.

18. [2016-1106](#) Consider approval for a final plat for Regent Park, Unit 1, Phase 5A (58 residential lots, 2 open space lots). Take necessary action.

COMMISSIONER COHOON MADE A MOTION TO CONDITIONALLY APPROVE. COMMISSIONER NOLL SECONDED THE MOTION. THE MOTION PASSED 5-0.

19. Discussion Items:

- 19a. 2017 Meeting Dates as follows: Jan 9, Feb 6, March 6, April 3, May 1, June 5, July 3, August 7, Sept 11, Oct 2, Nov 6, Dec 4, Jan 8, 2018

The commissioners set the calendar dates for the upcoming year. They agreed to meet on July 10th instead of July 3rd. The Impact Fee Committee meetings will be held June 5th and December 4th.

19b. Master Plan Update

Mrs. Talley explained the Burditt consultants are in town doing background research. There will be a soft kick off this week with city staff and mayor and a full kick off in January.

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

21. ADJOURNMENT

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

P&Z Chairman

P&Z Secretary

ATTEST: _____ Deborah Willson

Rollcall