

**AGENDA**  
**PLANNING AND ZONING COMMISSION MEETING**  
**BOERNE POLICE AND MUNICIPAL COURT COMPLEX, 124 OLD SAN ANTONIO ROAD**  
**Monday, February 6, 2017 – 6:00 p.m.**

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

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

**Absent:** None

**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:** Leroy Ferry, Danna Ferry, Fred Stahl, Wayne Ashberry, Ann Dietert, Breck Kean, Diki Reynolds, Larry and Susan Mueller, Dave and Pam Luciani, John Vina, Jeff Carroll, Olivia Burdick, Cheyenne Johnson, John Schilaab, Travis Nichols, Rick Acosta, Dave Wes, James Beene, Suzanne Rittmann, Carolyn Chipman Evans, Brent Evans, Charles Riddle, Jane Murphy, John Beiggs, David Erfurt, James Griffin, Ben Bunker, Mary Hill, Gerald Schroeder, Steven Krauskoff, Jonathan McNamen, Cody Morris, Nash Hardeman, Jeanette MacDougall, Marilyn Tremper, Paula Artale, Kyle Ashley, Jacob Obadia, Kathy Obadia, Garrett Fitcher, Jane Banne, Seth Jones, Ted Regnier, Stephanie Lau, Nancy Jackson, Larry Lester

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 January 9, 2017.

**COMMISSIONER COHOON MADE A MOTION TO APPROVE THE MINUTES OF JANUARY 9, 2017. COMMISSIONER NOLL SECONDED THE MOTION. THE MOTION PASSED 6-0.**

3. Conflicts of Interest Declaration.

Commissioner Noll declared a conflict of interest on item #9-12.

4. CITIZENS' COMMENTS:

Chairman Hollinshead called for comments from the audience.

There were none.

## 5. PUBLIC HEARING

- 5a. [2017-150](#) To consider the proposed permanent zoning of the remaining Southglen Subdivision, a total of 22.558 acres, from R-A, Single-Family Rural Residential District to R-2, Moderate-Density Single-Family Residential, KAD No. 11567 and 42662 (ML&E LANDQUEST CASCADE CAVERNS, LLC)

There were no comments.

6. [2017-151](#) Make recommendation to City Council to consider the proposed permanent zoning of the remaining Southglen Subdivision, a total of 22.558 acres, from R-A, Single-Family Rural Residential District to R-2, Moderate-Density Single-Family Residential, KAD No. 11567 and 42662 (ML&E LANDQUEST CASCADE CAVERNS, LLC)

Mrs. Talley said the property under consideration is a total of 22.558 acres and is located in the Southglen development off of Cascade Caverns Road. The property was annexed recently. These two parcels are the last two parcels to be zoned. The developers have requested a zoning that is in alignment with the rest of the R-2 zoning and adheres to the approved Master Plan for the site, R-2, Moderate-Density Single-Family Residential.

**A MOTION WAS MADE BY COMMISSIONER SENA TO RECOMMEND APPROVAL TO CITY COUNCIL. THE MOTION WAS SECONDED BY COMMISSIONER COHOON. THE MOTION PASSED BY A VOTE OF 8-0.**

## 7. PUBLIC HEARING

- 7a. [2017-152](#) 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)

Carolyn Chipman Evans, executive director of Cibolo Nature Center, said she knows Boerne is growing and wants to have neighbors that will be considerate to the preservation of the creek. She requested the development have dark sky shielding on lighting, no huge glass windows, implement low impact development, have lower-scale buildings below the cypress tree line, have an indoor cat restriction, and have a trail to soften the edge. Wayne Ashberry, represented Mr. Beene at 12 Herff, is in favor of the development and said the project is well organized and has kept the community in mind. Ann Dietert, 106 Green Meadows, wants the

developer to consider the neighborhood and the impact on the neighbors. Marilyn Tremper, said there is a huge live oak tree on the property and hopes it will be preserved. Jeanette MacDougall, enjoys the tree scape and doesn't want to see that change along the Cibolo Creek. Ben Eldredge, 212 Azalea Trail, said his daughter enjoys the creek and he sees other families playing in the water. Gerald Schroeder, the farmers' market manager of Cibolo Nature Center, said families that do not own land have a place at Cibolo they can enjoy and having that disrupted would be detrimental. Randy Evans, 25 Spring Creek Rd., said the nature center helps Boerne maintain its identity. Charlie Riddle, 19 Thunder Valley Rd., is a longtime resident and realtor for the property. He already spoke to Ms. Evans about the property first and the developer has been working with the Nature Center to accommodate their concerns. Jona Evans, who works at the nature center, said the two parties need to continue working together. James Griffin, 122 Pecan, works with Mr. Riddle, said a lot of care has gone into the design plan of site and preserves homestead and many changes to site plan to honor the neighbors and creek itself, communication with the Cibolo nature center will continue.

8. [2017-153](#) 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 proposed plan for the site is a mixed use development that will include +/- 15 acres of retail, offices and restaurants and +/- 12 acres of multi-family. If zoned MU-2, the more stringent design criteria for an MU will apply. They intend to have about 250 apartment units along the creek. Staff is currently working on a development agreement for the site. The developer will still need to plat so the commissioners will see the project again. Commissioner Paxton asked if the commissioners would get to address the building height for the project. Mrs. Talley said no. Commissioner Chapman wanted to see a buffer between creek and apartments. Commissioner Hayward said she walked the site and was concerned of the building height and the drainage to the creek. Commissioner Noll said the commissioners need to focus on the zoning for the property. Commissioner Chapman was concerned with flooding and wanted to table the agenda item.

**COMMISSIONER CHAPMAN MADE A MOTION TO TABLE FOR ONE MONTH.  
COMMISSIONER HAYWARD SECONDED THE MOTION. THE MOTION PASSED  
BY A VOTE OF 7-1. (COMMISSIONER NOLL DISSENTING)**

9. PUBLIC HEARING

- 9a. [2017-154](#) To consider the proposed rezoning at the southeast corner of Old San Antonio and Herff Road, a total of 5.6 acres out of 12.224 acres, from R-2, Moderate-Density Residential District to R-4, Multi-Family Residential District, KAD 15842, 12533 and 14788 (Heard)

The item was withdrawn.

10. [2017-155](#) Make recommendation to City Council to consider the proposed rezoning at the southeast corner of Old San Antonio and Herff Road, a total of 5.6 acres out of 12.224 acres, from R-2, Moderate-Density Residential District to R-4, Multi-Family Residential District, KAD 15842, 12533 and 14788 (Heard)

The item was withdrawn.

11. PUBLIC HEARING

- 11a. [2017-156](#) To consider the proposed rezoning at 25 Cascade Caverns Road , a total of 5 acres out of 12.04 acres, from B-2R, Highway Commercial-Restricted District to R-4, Multi-Family Residential District, KAD 24323 (Meyers)

Breck Kean, representing the buyers, works for Rea Ventures Group said they want to provide workforce housing to the community with 48 apartment units. Paula Artale, lives off Buckskin Dr., said she is concerned with traffic.

12. [2017-157](#) Make recommendation to City Council to consider the proposed rezoning 25 Cascade Caverns Road , a total of 5 acres out of 12.04 acres, from B-2R, Highway Commercial-Restricted District to R-4, Multi-Family Residential District, KAD 24323 (Meyers)

Mr. Kean explained this is a tax credit project. If the tax credits are not approved, the owner has stated that she will withdraw the rezoning request and the property will remain B-2R. Street improvements will be needed so those improvements will be made upon development. Staff will put the recommendation on hold until the tax credit is approved in June. City Council would then consider it in August if they do receive tax credit. The development would have 42 units that are two story. There would be a percentage of units at a reduced rate ranging from \$350 to \$900. Mr. Kean explained this is not Section 8 public housing. It is a privately funded Corporate America program that provides affordable housing to residents with Class A style quality apartments.

**COMMISSIONER SENA MADE A MOTION TO RECOMMEND APPROVAL TO CITY COUNCIL. COMMISSIONER PENA SECONDED THE MOTION. THE MOTION PASSED BY A VOTE OF 7-0. (COMMISSIONER NOLL RECUSED)**

13. PUBLIC HEARING

- 13a. [2017-158](#) To consider the proposed application of the South Boerne (SoBo) Overlay District to +/- 160 acres known as 115 Norris Ln, 1376 S

Main St, 109 Waterview Pkwy, 1410 S Main St, 1420 S Main St, 1430 S Main St, 1434 S Main St, 20 Old San Antonio Rd, Main St, Herff Rd, 1481 S Main St, 1521 S Main St, 30 Old San Antonio Rd, ,KAD 42559, 153703, 153704, 42558, 153705, 48830, 48829, 48828, 62206, 49469, 49470, 39338, 288416, 291873, 33697, 33698, 37636, 33695, 15887 (Christus Santa Rosa Health Care, JKRK Limited Partnership, Holly Lily Holdings LLC, Compass Bank, JRR Partners LTD, Watermark Enterprises LTD, Larry Lester, Judy Calder Foundation, Willis Jay and Dawn Harpole, LFP Ventures LP - Per the Request of The City of Boerne)

There were no comments.

14. [2017-159](#) Make recommendation to City Council to consider the proposed application of the South Boerne (SoBo) Overlay District to +/- 160 acres known as 115 Norris Ln, 1376 S Main St, 109 Waterview Pkwy, 1410 S Main St, 1420 S Main St, 1430 S Main St, 1434 S Main St, 20 Old San Antonio Rd, Main St, Herff Rd, 1481 S Main St, 1521 S Main St, 30 Old San Antonio Rd, ,KAD 42559, 153703, 153704, 42558, 153705, 48830, 48829, 48828, 62206, 49469, 49470, 39338, 288416, 291873, 33697, 33698, 37636, 33695, 15887 (Christus Santa Rosa Health Care, JKRK Limited Partnership, Holly Lily Holdings LLC, Compass Bank, JRR Partners LTD, Watermark Enterprises LTD, Larry Lester, Judy Calder Foundation, Willis Jay and Dawn Harpole, LFP Ventures LP - Per the Request of The City of Boerne)

Mrs. Talley explained this is the final step in fulfilling the SoBo plan. The SoBo Overlay District will be applied over the underlying B-2 zoning and will establish character zones which regulate architectural design, site development, parking and circulation criteria. The SoBo Overlay District will create a unique area for development along this southern entrance into Boerne. With an overlay district we can regulate the appearance of the area and with the Regulating Plan we can direct where certain uses should go. The Overlay with the Regulating Plan provides the standards for each Character Zone establishing recommended use and required building form standards including standards for functional site design, parking and circulation. The Overlay provides regulations for design, circulation and lot layouts that focus on a pedestrian friendly, walkable area. The existing provisions within the ordinance already encourage the use of the creek as a feature.

**COMMISSIONER PENA MADE A MOTION TO APPROVE. COMMISSIONER PAXTON SECONDED THE MOTION. THE MOTION PASSED BY A VOTE OF 8-0.**

**15. PUBLIC HEARING**

- 15a.**     [2017-163](#)     To consider the proposed revisions to the City of Boerne Subdivision Ordinance No. 2007-64, Article 1, In General, Section 04. Definitions, Section 05. General Prohibitions, Article 2, Procedures, Section 02. Procedures for Preliminary Plat, Article 3, Planning and Community Design Standards, Section 03. Open Space Systems, Section 04. Blocks and Lots, Adding Article 4, Master Planned Developments/Subdivisions, Section 04. Cottage Subdivisions, Article 5. Street Specifications and Construction Standards, Article 6. Drainage and Flood Hazards, Article 7. Water and Sewers, Article 8, Utility Extensions and General Subdivision Requirements, Adding Article 10. Reclaimed Water, Adding Article 11. Gas Distribution

There were no comments.

- 16.**     [2017-161](#)     Make recommendation to City Council to consider the proposed revisions to the City of Boerne Subdivision Ordinance No. 2007-64, Article 1, In General, Section 04. Definitions, Section 05. General Prohibitions, Article 2, Procedures, Section 02. Procedures for Preliminary Plat, Article 3, Planning and Community Design Standards, Section 03. Open Space Systems, Section 04. Blocks and Lots, Adding Article 4, Master Planned Developments/Subdivisions, Section 04. Cottage Subdivisions, Article 5. Street Specifications and Construction Standards, Article 6. Drainage and Flood Hazards, Article 7. Water and Sewers, Article 8, Utility Extensions and General Subdivision Requirements, Adding Article 10. Reclaimed Water, Adding Article 11. Gas Distribution

Mrs. Talley explained the different sections in the subdivision ordinance that had revisions. Staff had implemented the cottage ordinance in the zoning ordinance awhile back and are now ready to add the cottage sections to the subdivision ordinance. The Public Works department also had revisions and was ready to add the reclaimed water sections in the ordinance. In Article 1, several definitions for cottages that correspond with the Zoning Ordinance definitions were added. Article 2 had procedures modified to provide clarity to developers regarding submittals for preliminary plats. Article 3 added requirements for cottage developments. Article 5 updates street improvements and the time in which they are constructed. In Article 7 the

cottage development section was added. There were several revisions to the utility side of the ordinance and a reclaimed water section was added. The impact fee ordinance will be updated with the cottage development section as well.

**COMMISSIONER SENA MADE A MOTION TO RECOMMEND APPROVAL TO CITY COUNCIL WITH THE CAVEAT TO REVISE THE EXPIRATION OF THE PLATS. COMMISSIONER CHAPMAN SECONDED THE MOTION. THE MOTION PASSED 8-0.**

17. [2017-162](#) To consider the approval of a creative alternative for a cottage development located at 530 Oak Park, a total of 1.992 acres, KAD 15836 (Dave Luciani). Take necessary action.

Mrs. Talley explained this development is located off of Oak Park on 1.992 acres. The developers are requesting a creative alternative to allow more than 10 cottage units on the site. They are proposing to have 17 cottage units that are 1,000 square feet or less and built on 2,500 square foot lots. They will be individually owned and regulated by a Homeowners Association. The proposed density is 8.5 units per acre, which is compliant with the cottage ordinance. The development exceeds the 20% open space requirement and meets all fire department and engineering guidelines. The cottages will be built in the architecturally attractive Craftsman Style. Dave Luciani, the developer, said he plans to provide intensive shade for parking and heavy landscaping with rain water catching systems.

**COMMISSIONER HAYWARD MADE A MOTION TO RECOMMEND APPROVAL TO CITY COUNCIL. COMMISSIONER COHOON SECONDED THE MOTION. THE MOTION PASSED 8-0.**

18. DISCUSSION ITEMS:

18a. Master Plan Update

Mrs. Talley updated the commissioners on the first steering committee that was held for the Master Plan on January 25th.

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

20. ADJOURNMENT

The Planning and Zoning Commission meeting adjourned at 8:17 P.M.

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P&Z Chairman

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P&Z Secretary

ATTEST:

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Deborah Willson

**Rollcall**