

AGENDA
PLANNING AND ZONING COMMISSION MEETING
BOERNE POLICE AND MUNICIPAL COURT COMPLEX, 124 OLD SAN ANTONIO ROAD
Monday, August 7, 2017 – 6:00 p.m.

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 Planning and Zoning Commission Minutes of the meeting held July 10, 2017.

**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. CITIZENS' COMMENTS:

Glen Cummings, was disappointed to see 17 Herff back on agenda.

5. PUBLIC HEARING

- 5a. [2017-589](#) 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. [2017-590](#) 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)

Ms. Laura Talley introduced the property and let the commissioners aware that the staff is supportive of the rezoning. The discussion included what the future use of the property would be.

**COMMISSIONER DAVIS MADE A MOTION TO RECOMMEND APPROVAL.
COMMISSIONER PAXTON SECONDED THE MOTION. THE MOTION PASSED BY
A VOTE OF 4-1.**

7. PUBLIC HEARING

- 7a. [2017-591](#) 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 had continued 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: discussed 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. Asked Commissioners to say to the R-4 zoning.

Ana Didert: Asked 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: Discussed 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.

Mr. Frost asked 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: Asked the Commissioners to deny rezoning the property. He had a problem with the amount of parking that is going to be a requirement for the apartment complex and didn't want it to be seen from the park or any other area around there. He objected to the request because of the timing because it was before the Commissioners just 3 months ago and said that in the Zoning Ordinance you have to wait 1 year after your first submittal. Matt Cursh: Stated that as a kid he and his brother would spend a lot of time in Cibolo Creek and didn't want to see anything change but understands the progress is inevitable. Hoped 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 felt like there were plenty of smaller lots along the creek that could be used for the apartments. She was concerned about the amount of traffic on Oak Park Road. Was worried that the current owners are going to be re-selling soon after they get the R-4 zoning approved. Wished that the Commissioners denied the approval of the zoning. Margerie Norman: Discussed how people come to the town because of the environment the city has created. She wished that the apartment buildings be moved to a different location in order to preserve the culture and environment of Boerne. She implored the Commissioners to deny the zoning change. John Shilt: (President of the Cibolo Nature Center) Read a letter from their board of directors that stated 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) Discussed how they have adjusted since the last meeting and have some changes that should make it easier. He stated 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 showed pictures of what they have come up with and explained how it all comes together. He

presented their first option but tried pointing out that it would not be the best idea for this property. He showed what they are planning to present today and explained how they have changed their plans. He asked for a favorable recommendation.

8. [2017-592](#) 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 asked Ms. Laura Talley why staff is recommending outside of the masterplan and Ms. Talley discussed 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. Ms. Talley went on to clarify what 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 discussed 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 stated 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) discussed 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. COMMISSIONER PENA SECONDED THE MOTION. THE MOTION PASSED BY A VOTE OF 3-2.

9. [2017-621](#) 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.

Ms. Laura Talley introduced the property and discussed what the plan for the development would be.

COMMISSIONER SENA MADE A MOTION TO APPROVE. COMMISSIONER HAYWARD SECONDED THE MOTION. THE MOTION PASSED BY A VOTE OF 5-0.

10. [2017-620](#) 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.

Ms. Laura Talley introduced the property and discussed what the plan for the development would be.

COMMISSIONER SENA MADE A MOTION TO APPROVE. COMMISSIONER PAXTON SECONDED THE MOTION. THE MOTION PASSED BY A VOTE OF 5-0.

11. [2017-534](#) 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. [2017-619](#) To consider the approval of the preliminary plat for Esperanza 1C (20 residential lots). Take necessary action.

Ms. Laura Talley introduced the masterplan.

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.

P&Z Chairman

P&Z Secretary