

MINUTES
PLANNING AND ZONING COMMISSION MEETING
BOERNE POLICE AND MUNICIPAL COURT COMPLEX, 124 OLD SAN ANTONIO ROAD
Monday, February 4, 2019, 2019 – 6:00 p.m.

Minutes of the Planning and Zoning Commission meeting of February 4, 2019

Present: Ricky Gleason, Cal Chapman, Patrick Cohoon, Joe Davis, Israel Pena, Richard Sena, Bob Cates, Chesney Dunning

Members Absent: Paula Hayward

Staff Present: Laura Talley, Susana Ramos, Stephanie Kranich, Sheldon Cravey, Riley Metcalfe, Sean Reich, Dan Blankenship, Nick Colonna, Sean Reich, Robert Lee, Nick Montagno

Registered/

Recognized Guests: Janet Key, Julie Pfieffer, Jeff Carroll, Larry Lester, Les Huffman, Vickie Tom, James Tom, Travis Robertson, Peggy Brimhall, Sandra Billingsley, Ben Bunker, Jennifer Blackson

1. CALL TO ORDER – 6:00 PM

Pledge of Allegiance to the United States Flag

Pledge of Allegiance to the Texas flag

(Honor the Texas flag, I pledge allegiance to thee, Texas – one state under God, one and indivisible.)

Moment of Silence

2. APPROVAL OF MINUTES

[2019-162](#) Approval of Planning and Zoning Commission Minutes of the meeting held January 7th, 2019.

COMMISSIONER COHOON MADE A MOTION FOR THE APPROVAL OF PLANNING AND ZONING COMMISSION MINUTES OF THE MEETING HELD JANUARY 7TH, 2019. COMMISSIONER GLEASON SECONDED THE MOTION. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 6 - Commissioner Cohoon, Commissioner Sena, Vice Chair Chapman, Commissioner Gleason, Commissioner Dunning, and Commissioner Cates

3. CONFLICTS OF INTEREST

Commissioner Sena declared conflicts of interest on item numbers 5A and 6, and Commissioner Cohoon declared conflicts of interest on item numbers 5A and 6.

4. CITIZENS' COMMENTS:

There were none.

5. PUBLIC HEARING

- a. [2019-163](#) To consider the proposed permanent zoning of 11.219 acres at 35 Cascade Caverns Road (KAD 12245) and 45 Cascade Caverns Road (KAD 24328) from R-A, Single-Family Residential - Agricultural District, to B-1, High-Density Residential and Neighborhood Commercial District (Currey Creek Baptist Church of Boerne).

Commissioner Sean and Commissioner Cohoon recused themselves from this item.

Chairman Davis opened the Public Hearing at 6:05 P.M.

There were no comments.

Chairman Davis closed the Public Hearing at 6:05 P.M.

6. [2019-164](#) Make recommendation to City Council regarding the proposed permanent zoning of 11.219 acres at 35 Cascade Caverns Road (KAD 12245) and 45 Cascade Caverns Road (KAD 24328) from R-A, Single-Family Residential - Agricultural District, to B-1, High-Density Residential and Neighborhood Commercial District (Currey Creek Baptist Church of Boerne).

Ms. Laura Talley explained the recommendation of the proposed

permanent zoning for 35 and 45 Cascade Caverns Road. The property was annexed into the City approximately a year and half ago. Upon annexation a temporary zoning of R-A was assigned then a permanent zoning is determined. Staff is recommending B-1 which is consistent with the Land Use Plan.

COMMISSIONER CATES MADE THE MOTION TO MAKE RECOMMENDATION TO CITY COUNCIL REGARDING THE PROPOSED PERMANENT ZONING OF 11.219 ACRES AT 35 CASCADE CAVERNS ROAD (KAD 12245) AND 45 CASCADE CAVERNS ROAD (KAD 24328) FROM R-A, SINGLE-FAMILY RESIDENTIAL - AGRICULTURAL DISTRICT, TO B-1, HIGH-DENSITY RESIDENTIAL AND NEIGHBORHOOD COMMERCIAL DISTRICT (CURREY CREEK BAPTIST CHURCH OF BOERNE). COMMISSIONER GLEASON SECONDED THE MOTION. THE MOTION CARRIED BY THE FOLLOWING VOTE: (COMMISSIONER SENA AND COMMISSIONER COHOON RECUSED THEMSELVES FROM THIS ITEM).

Yeah: 5 - Commissioner Pena, Vice Chair Chapman, Commissioner Gleason, Commissioner Dunning, and Commissioner Cates

Absent: 1 - Commissioner Hayward

Abstain: 1 - Chairman Davis

Recused: 2 - Commissioner Cohoon, and Commissioner Sena

7. PUBLIC HEARING

- a. [2019-165](#) To consider the proposed permanent zoning of 9.865 acres at 38 Cascade Caverns Road (KAD 46739) from R-A, Single-Family Residential - Agricultural District, to B-1, High-Density Residential and Neighborhood Commercial District (Hill Country Daily Bread Ministries).

Chairman Davis opened the Public Hearing at 6:10 P.M.

There were no comments.

Chairman Davis closed the Public Hearing at 6:10 P.M.

8. [2019-166](#) Make recommendation to City Council regarding the proposed permanent zoning of 9.865 acres at 38 Cascade Caverns Road (KAD 46739) from R-A, Single-Family Residential - Agricultural District, to B-1, High-Density Residential and Neighborhood

Commercial District (Hill Country Daily Bread Ministries).

Ms. Laura Talley explained the recommendation of the proposed permanent zoning for 38 Cascade Caverns Road. The property was annexed into the City approximately a year and a half ago. Upon annexation a temporary zoning of R-A was assigned then a permanent zoning is determined. Staff is recommending B-1 which is consistent with the Land Use Plan. Staff is supportive and recommends approval.

COMMISSIONER SENA MADE A MOTION TO MAKE RECOMMENDATION TO CITY COUNCIL REGARDING THE PROPOSED PERMANENT ZONING OF 9.865 ACRES AT 38 CASCADE CAVERNS ROAD (KAD 46739) FROM R-A, SINGLE-FAMILY RESIDENTIAL - AGRICULTURAL DISTRICT, TO B-1, HIGH-DENSITY RESIDENTIAL AND NEIGHBORHOOD COMMERCIAL DISTRICT (HILL COUNTRY DAILY BREAD MINISTRIES). COMMISSIONER COHOON SECONDED THE MOTION. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 7 - Commissioner Cohoon, Commissioner Pena, Commissioner Sena, Vice Chair Chapman, Commissioner Gleason, Commissioner Dunning, and Commissioner Cates

Absent: 1 - Commissioner Hayward

9. PUBLIC HEARING

- a. [2019-167](#) To consider the proposed rezoning of 2.992 acres at 1025 E. Blanco Road (KAD 18967) from O, Office District, and R-1, Medium-Density Single-Family Residential District to R-3, High-Density Residential District (Pfeiffer Thomas C & Julia Lee).

Chairman Davis opened the Public Hearing at 6:14 P.M.

Ms. Jennifer Blackson, 220 Shadywood, was opposed to the rezoning.

Chairman Davis closed the Public Hearing at 6:15 P.M.

10. [2019-168](#) Make recommendation to City Council regarding the proposed rezoning of 2.992 acres at 1025 E. Blanco Road (KAD 18967) from O, Office District, and R-1, Medium-Density Single-Family

Residential District to R-3, High-Density Residential District
(Pfeiffer Thomas C & Julia Lee).

Ms. Laura Talley explained the proposed request for rezoning 2.992 acres. The property is identified as in-fill type development. The Master Plan provides opportunities for in-fill properties. The developer has yet to speak to TXDOT regarding their proposed street access to Blanco Road. The development is proposed to be a townhome development with an area of open space to the rear of the property. This proposed rezoning of R-3 adheres to the COB Master Plan for infill development and the Land Use Plan for Transitional Residential.

Commissioner Pena asked what the maximum number of townhomes would be allowed, Ms. Talley stated the proposed plan if just strictly townhomes would be approximately 32 residential lots. Under the current zoning they could have three office spaces in the front and 4-5 detached dwellings in the rear. Apartments are not allowed in the proposed zoning of R-3.

Ms. Peggy Brimhall, the project's representative, stated the yield of 33 units may not be feasible but the designs are only preliminary.

Commissioner Cohoon asked if there are any drainage issues. Ms. Talley stated the City has reviewed this property a few times and the property does not show signs of drainage issues and it drains near the rear of the property. Drainage review will be part of the platting process.

COMMISSIONER PENA MADE A MOTION TO MAKE RECOMMENDATION TO CITY COUNCIL REGARDING THE PROPOSED REZONING OF 2.992 ACRES AT 1025 E. BLANCO ROAD (KAD 18967) FROM O, OFFICE DISTRICT, AND R-1, MEDIUM-DENSITY SINGLE-FAMILY RESIDENTIAL DISTRICT TO R-3, HIGH-DENSITY RESIDENTIAL DISTRICT (PFEIFFER THOMAS C & JULIA LEE). COMMISSIONER DUNNING SECONDED THE MOTION. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 6 - Commissioner Cohoon, Commissioner Pena, Commissioner Sena, Commissioner Gleason, Commissioner Dunning, and Commissioner Cates

Nay: 1 - Vice Chair Chapman

Absent: 1 - Commissioner Hayward

11. [2019-169](#) Consider the proposed creative alternative for parking and building design and material requirements for 38 Cascade Caverns Road, a 9.685 acre lot (KAD No. 46739) on behalf of Hill Country Daily Bread Ministries. Take necessary action.

Ms. Laura Talley explained the proposed creative alternative for allowing for more than 15% of parking in front of the main structure and building design and material requirements. There will be an added structure which will match the existing structure however the new structure will have less metal than what is on the current building and will have more articulation. Based on future development plans the parking will eventually be screened by new structures. Staff is supportive and recommends approval.

COMMISSIONER GLEASON MADE A MOTION TO APPROVE THE PROPOSED CREATIVE ALTERNATIVE FOR PARKING AND BUILDING DESIGN AND MATERIAL REQUIREMENTS FOR 38 CASCADE CAVERNS ROAD, A 9.685 ACRE LOT (KAD NO. 46739) ON BEHALF OF HILL COUNTRY DAILY BREAD MINISTRIES. COMMISSIONER CATES SECONDED THE MOTION. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 7 - Commissioner Cohoon, Commissioner Pena, Commissioner Sena, Vice Chair Chapman, Commissioner Gleason, Commissioner Dunning, and Commissioner Cates

12. [2019-171](#) Consider a waiver to detention requirements as set forth in the City of Boerne Subdivision Ordinance No. 2007-56, Article 6, Drainage and Flood Hazards, Subsection 6.01.002, Facilities Required for the proposed Boerne Station Business Park Development Plat (1.2 acres) located at Ebner Street (KAD 20071). Take necessary action.

Ms. Laura Talley explained the waiver for detention for the property

which is fewer than 1.5 acres. The report completed by the developer has been reviewed by the City's Utility Director and engineer. The study states the impact will be negligible. Staff is supportive and recommends approval.

Commissioner Dunning asked to speak with the City engineer to express her concerns with water run off and the current issues with drainage.

Sean Reich, the City's engineer, stated there have been improvements, such as adding curbs on Aransas Pass Street to assist with water run off and flow. The overall expected flow of the property once developed versus the current water flow is minimally different. The increase will be an expected increase of 2% cubic feet of flow.

COMMISSIONER CATES MADE A MOTION TO APPROVE A WAIVER TO DETENTION REQUIREMENTS AS SET FORTH IN THE CITY OF BOERNE SUBDIVISION ORDINANCE NO. 2007-56, ARTICLE 6, DRAINAGE AND FLOOD HAZARDS, SUBSECTION 6.01.002, FACILITIES REQUIRED FOR THE PROPOSED BOERNE STATION BUSINESS PARK DEVELOPMENT PLAT (1.2 ACRES) LOCATED AT EBNER STREET (KAD 20071). COMMISSIONER GLEASON SECONDED THE MOTION. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 7 - Commissioner Cohoon, Commissioner Pena, Commissioner Sena, Vice Chair Chapman, Commissioner Gleason, Commissioner Dunning, and Commissioner Cates

13. [2019-172](#) Consider a request for a variance to the Subdivision Ordinance, Article 7, Water and Sewers, Section 7.01.001, General Requirements for Water Systems, Service Required and Section 7.05.001 General Requirements for Sanitary Sewers for John's Crossing Subdivision (7.35 acres) located at 36756 IH-10 (KAD 14392). Take necessary action.

Ms. Susana Ramos explained the request for a variance to the subdivision ordinance requirements to lot #4 of the development. Staff is supportive, however, recommends the conditions be placed on the plat requiring for the developer to cover the cost of the entire utility installations to this particular lot #4 if at a later date the lot is developed.

COMMISSIONER CATES MADE A MOTION TO APPROVE A REQUEST FOR A VARIANCE TO THE SUBDIVISION ORDINANCE, ARTICLE 7, WATER AND SEWERS, SECTION 7.01.001, GENERAL REQUIREMENTS FOR WATER SYSTEMS, SERVICE REQUIRED AND SECTION 7.05.001 GENERAL REQUIREMENTS FOR SANITARY SEWERS FOR JOHN'S CROSSING SUBDIVISION (7.35 ACRES) LOCATED AT 36756 IH-10 (KAD 14392) WITH THE CONDITION THAT WILL REQUIRE FOR THE DEVELOPER TO COVER THE COST OF THE ENTIRE UTILITY INSTALLATIONS TO THIS PARTICULAR LOT #4 IF AT A LATER DATE THE LOT IS DEVELOPED. COMMISSIONER GLEASON SECONDED THE MOTION. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 7 - Commissioner Cohoon, Commissioner Pena, Commissioner Sena, Vice Chair Chapman, Commissioner Gleason, Commissioner Dunning, and Commissioner Cates

14. [2019-173](#) Consider the approval of the Preliminary Plat for John's Crossing Subdivision (5 commercial lots) (7.35 acres) located at 36756 IH-10 (KAD 14392). Take necessary action.

Ms. Susana Ramos explained the preliminary plat of 5 commercial lots and the request for approval. Staff is supportive and recommends approval.

Ms. Laura Talley stated there are height and distance requirements and there will be a buffer between the two properties, the apartments and the subject land, to help with noise. The lighting along their property line can not be taller than 10ft and have to meet "dark skies friendly requirements," and can not bleed onto other properties. TXDOT has limited their cut-ins to the development along IH-10 to two cut ins. There will be an allowed access on the rear of the development accessing John's Road.

COMMISSIONER SENA MADE A MOTION TO APPROVE THE PRELIMINARY PLAT FOR JOHN'S CROSSING SUBDIVISION (5 COMMERCIAL LOTS) (7.35 ACRES) LOCATED AT 36756 IH-10 (KAD 14392). COMMISSIONER COHOON SECONDED THE MOTION. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 7 - Commissioner Cohoon, Commissioner Pena, Commissioner Sena, Vice Chair Chapman, Commissioner Gleason, Commissioner Dunning, and Commissioner Cates

15. [2019-170](#) Discussion item:

a. Commons at Menger Creek Master Plan Update and development discussion

Ms. Laura Talley explained the new proposed Master Development Plan for Commons at Menger Creek development. The new plan shows newly requested driveway cuts which will better assist with connectivity. The development will still consists of sidewalks and the area is proposed to be walk-able and they have shown a trail system. There will be an added trails system that shows connections to the creek.

Mr. Jeff Carroll, engineer for the project, explained the new Master Development Plan for the development and the reason behind the requested new driveway cuts. He stated that the new plan allows for easier entrance and exits of the development. The additional driveway cuts will not change the traffic flow onto Herff Road. The revised plan will include a pedestrian plan and include more pedestrian routes. As part of a previous development agreement there will be the areas along the creek dedicated to the City to possibly build walking trails at a later date. The single-family portion has decreased from 10 lots to 9 lots. The drainage easement will be revised. The proposed senior cottage project is on hold at the moment, the developer is on hold to develop. The multi-family project will be high-end. Within the next month or two the final plat will be submitted for 2A. Instead of creating flag lots, there will be ingress/egress easements. Some of the requested changed items to the revised Master Plan and development will require creative alternative.

Chairman Davis asked how the driveway cuts would allow for a safe route for pedestrian crossings. Jeff Carroll stated it would increase the percentage of possible conflict.

Commissioner Chapman stated U-turns will occur quite a bit, the internal driveways will be privately maintained and so the widths will be small but would have to be built to code. What is the difference if there was a public street versus keeping them private. Jeff Carroll stated they

still have to meet fire code.

Commissioner Cates asked about the ingress and egress for the apartments. Jeff Carroll explained the design of the access to the apartments.

Commissioner Dunning asked how the traffic would be effected on Old San Antonio and the distribution since people may make detours off of Herff. Jeff Carroll stated the TIA showed very little traffic flow on Old San Antonio but will relook at the traffic analysis on the outer areas.

Commissioner Gleason stated the cut-ins make it very difficult for pedestrians and asked how will they safely get across since its supposed to be walk-able.

Ms. Laura Talley stated the variances and Master Development Plan updates will be brought to Commission next month. Ms. Talley will request more information that will show proof that the additional cut-ins will maintain a safe pedestrian developed area.

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

Ms. Laura Talley briefed the Commission on the updates of the Unified Development Code process and the committee will soon recommend a consultant to City Council for approval.

17. ADJOURNMENT

Chairman Davis adjourned the Planning and Zoning meeting at 7:37 P.M.

P&Z CHAIRMAN

P&Z Secretary