

MINUTES
PLANNING AND ZONING COMMISSION MEETING
BOERNE CITY HALL
RONALD C. BOWMAN CITY COUNCIL CHAMBERS
447 North Main Street

Monday, March 6, 2023 – 6:00 p.m.

MINUTES OF THE PLANNING AND ZONING COMMISSION MEETING OF
MARCH 6, 2023 6:00 P.M.

PRESENT - CHAIRMAN TIM BANNWOLF, VICE CHAIR PATRICK COHOON,
COMMISSIONER SUSAN FRIAR, COMMISSIONER LUCAS HILER,
COMMISSIONER BILL BIRD, COMMISSIONER BOB CATES, COMMISSIONER
TERRY LEMOINE

STAFF PRESENT: MICK MCKAMIE, KRISTY STARK, LAURA HANING, MIKE
RAUTE, HEATHER WOOD, SARA SERRA-BENNETT, REBECCA PACINI, JEFF
CARROLL, CHERYL ROGERS, MARTHA BERNAL

RECOGNIZED/REGISTERED GUESTS: DENISE DEVER, WANDA MCCARTHY,
MILAN MICHALEC, TRACY MOCK, BECCA JONES, MANDY JONES, JAN
COUCH, ANDREA RESENDEZ, ALEX RUDD, LISA SALLICK, REYES MORENO,
TERESA TEUNE, TOM TEUNE, JESSICA TOURON, JACK SHORT, MARY ANNE
SCHWOPE, LARRY SCHWOPE, SHANNA CIANO, LARRY CIANO, JOHN
HENDRICK, JAY PENNINGTON, PAMELA HODGES, TODD VAN WAGNER,
ELEANOR VAN WAGNER, ROBERT IMLER, THOMAS OLSEN, KATIE ALEJO,
TONI ANN DASHIELL, KEVIN LESTOURGEN, COLETTE LESTOURGEN,
MICHELLE BILDER, BOB MANNING, RUFUS STEPHENS, SARA MALOUF,
CONSTANTINE MALOUF, JAMES GRIFFIN, STERLING ELLIS, NATALIE
FISCHER, LENORE OCKERBERG, RODNEY BAIRD, JANA BAIRD, DIANA
MAYO, PATRICK MAYO, RUSTY MCCLURE, ALLAN EMERY, KRIS FORKS,
JOHN WOLTERS, BETSY PRITT, BEN ELDREDGE, LINDA BANNISTER,
MATTHEW MATNEY, DAN DENBOW

EXECUTIVE SESSION IN ACCORDANCE WITH THE TEXAS GOVERNMENT
CODE: THE PLANNING AND ZONING COMMISSION MAY, AS PERMITTED BY
LAW, ADJOURN INTO EXECUTIVE SESSION AT ANY TIME TO DISCUSS ANY

MATTER LISTED BELOW AS AUTHORIZED BY TEXAS GOVERNMENT CODE
§551.071 (CONSULTATION WITH ATTORNEY)

1. CALL TO ORDER – 6:00 PM

Chairman Bannwolf called the Planning and Zoning Commission to order at 6:00 p.m.

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.)

2. CONFLICTS OF INTEREST

None declared.

3. PUBLIC 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 Bannwolf opened Public Comments at 6:01 p.m.

Jay Pennington spoke regarding concerns with traffic lights/traffic in the City.

Jon Wolters, 47 State Hwy 46 West, spoke regarding concerns with proposed Short-Term Rental ordinances.

Denise Deitert, Kendall County resident, spoke regarding concerns with the proposed Mobility Plan.

Jan Couch, 25 Fabra Oaks Road, spoke regarding concerns with the proposed thoroughfare plan.

Bob Imler, 215 West Bandera Road, spoke regarding concerns with traffic, the proposed mobility/thoroughfare plan and growth in the City.

Alex Rudd, Kendall County resident, spoke regarding environmental

concerns in the City and Kendall County.

Milan Michalec, 12 Brandt Road, spoke regarding groundwater concerns in Kendall County. He also provided the Commission (and recording secretary) with a packet containing a cover page from the Texas Board of Water Engineers (labeled "Bulletin 5204" "Ground-water Resources in the Vicinity of Kenmore Farms, Kendall County, Texas") and two maps (sourced from the City of Boerne).

Michelle Bilder, 202 Cibolo Ridge Trail, spoke regarding concerns with the proposed thoroughfare plan.

Rodney Baird, 121 Second Street, spoke regarding concerns with the proposed Short-Term Rental ordinance.

Teresa Tuene, Kendall County resident, spoke in opposition of the proposed mobility/thoroughfare plan.

Tom Tuene, Kendall County resident, spoke in opposition of the proposed mobility/thoroughfare plan.

Lisa Salec, Kendall County resident, spoke in opposition of the proposed mobility/thoroughfare plan.

Chad Carpenter, Kendall County resident and Kendall County Commissioner, spoke regarding concerns with water going to new developments, concerns with traffic, the proposed mobility/thoroughfare plan and expressed that the City/County should work together to address concerns.

Andrea Resendes, resident in the Champion Heights subdivision, spoke regarding concerns with Champion Blvd. shown as a collector on the thoroughfare plan.

Chairman Bannwolf closed Public Comments at 6:46 p.m.

4. CONSENT AGENDA: ALL ITEMS LISTED BELOW WITHIN THE CONSENT AGENDA ARE CONSIDERED ROUTINE BY THE PLANNING AND ZONING COMMISSION AND MAY BE ENACTED WITH ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF ITEMS UNLESS A COMMISSION MEMBER OR CITIZEN SO REQUESTS, IN WHICH EVENT THE ITEM MAY BE MOVED TO THE GENERAL ORDER OF BUSINESS AND CONSIDERED IN ITS NORMAL SEQUENCE.

A MOTION WAS MADE BY COMMISSIONER COHOON, SECONDED BY COMMISSIONER HILER, TO APPROVE THE CONSENT AGENDA AS PRESENTED:

THE MOTION CARRIED BY THE FOLLOWING VOTE:

YEA: 7- CHAIRMAN BANNWOLF, COMMISSIONER FRIAR, COMMISSIONER COHOON, COMMISSIONER BIRD, COMMISSIONER CATES, COMMISSIONER LEMOINE, COMMISSIONER HILER

NAY: 0

- 4.A. [2023-241](#) THE MINUTES OF THE PLANNING AND ZONING COMMISSION MEETING OF FEBRUARY 6, 2023.
- 4.B. [2023-263](#) CONSIDER A REQUEST FOR A 30-DAY TIME EXTENSION FOR REGENT PARK UNIT 1, PHASE 5B PRELIMINARY PLAT (KAD NO. 294048). TAKE NECESSARY ACTION.
- 4.C. [2023-264](#) CONSIDER CONDITIONAL APPROVAL FOR CORLEY FARMS UNIT 1 FINAL PLAT, 33.77 ACRES, 15 RESIDENTIAL LOTS, 6 OPEN SPACE LOTS, 2 NON-RESIDENTIAL LOTS, AND 7.85 ACRES OF RIGHT-OF-WAY (KAD NO. 12154, 12162, 12231, 12232, & 307737) AS IS PROVIDED BY ARTICLE 2, SECTION 2.04.001 B OF THE SUBDIVISION ORDINANCE AND BASED ON COMMENTS STATED IN STAFF'S REVIEW MEMO.
- 4.D. [2023-266](#) CONSIDER CONDITIONAL APPROVAL FOR CORLEY FARMS UNIT 3 FINAL PLAT, 50.72 ACRES, 154 RESIDENTIAL LOTS, 2 OPEN SPACE LOTS, AND 7.33 ACRES OF RIGHT-OF-WAY (KAD NO. 12154, 307737, AND 307739) AS IS PROVIDED BY ARTICLE 2, SECTION 2.04.001 B OF THE SUBDIVISION ORDINANCE AND BASED ON COMMENTS STATED IN STAFF'S REVIEW MEMO.

5. REGULAR AGENDA:

- 5.A. [2023-244](#) CONSIDER THE PROPOSED CHANGE IN ZONING FROM RE-HC (ESTATE RESIDENTIAL HERITAGE CORRIDOR OVERLAY DISTRICT), TO R4-U-HC (URBAN MULTI-FAMILY RESIDENTIAL HERITAGE CORRIDOR OVERLAY DISTRICT), ON 16.6 ACRES, LOCATED AT 116 OLD SAN ANTONIO ROAD, (A10346 - SURVEY 184 J M MCCULLOUGH, KAD 14784, AND 14785). (COMMUNITY FIRST DEVELOPMENT OPERATIONS, LLC/ KILLEN, GRIFFIN & FARRIMOND, PLLC).

I. STAFF PRESENTATION

II. PUBLIC HEARING

III. MAKE RECOMMENDATION

Ms. Sara Serra-Bennett, City Planner II., presented the proposed rezoning.

Matthew Matney, San Antonio resident, spoke on behalf of the applicant; they wish to have the request considered as presented and to move forward to City Council with a formal determination from the Planning and Zoning Commission.

Chairman Bannwolf opened the public hearing at 6:53 p.m.

Alex Rudd, Kendall County resident, spoke in opposition of the proposed development.

Ben Eldredge, Director of Conservation - Cibolo Center for Conservation, spoke in opposition of the proposed development.

Eleanor Van Wagner, 101 Deer Lake Drive, spoke in opposition of the proposed development.

Overall concerns: traffic, impervious cover, flooding, water quality protection

Chairman Bannwolf closed the public hearing at 6:59 p.m.

Commissioner Friar gave an overview of subcommittee meetings that were held specifically for this proposed development; there are outstanding concerns with traffic, no connection from Interstate Highway 10, not a suitable location per the City's Future Land Use Plan, and concerns expressed from the community.

Commission discussion ensued regarding concerns presented by the community and the subcommittee.

A MOTION WAS MADE BY COMMISSIONER CATES, SECONDED BY COMMISSIONER BIRD, TO MAKE A RECOMMENDATION TO CITY COUNCIL TO DENY THE PROPOSED CHANGE IN ZONING FROM RE-HC (ESTATE RESIDENTIAL HERITAGE CORRIDOR OVERLAY DISTRICT), TO R4-U-HC (URBAN MULTI-FAMILY RESIDENTIAL HERITAGE CORRIDOR OVERLAY DISTRICT), ON 16.6 ACRES, LOCATED AT 116 OLD SAN ANTONIO ROAD, (A10346 - SURVEY 184 J M MCCULLOUGH, KAD 14784, AND 14785). (COMMUNITY FIRST DEVELOPMENT OPERATIONS, LLC/ KILLEN, GRIFFIN & FARRIMOND, PLLC):

THE MOTION CARRIED BY THE FOLLOWING VOTE:

YEA: 7- CHAIRMAN BANNWOLF, COMMISSIONER FRIAR, COMMISSIONER COHOON, COMMISSIONER BIRD, COMMISSIONER CATES, COMMISSIONER LEMOINE, COMMISSIONER HILER

NAY: 0

Mick McKamie, Associate City Attorney, confirmed that the Commission need not take action on the following item (5.B. proposed special use permit for this location) since the proposed zoning was denied.

- 5.B.** [2023-245](#) CONSIDER THE PROPOSED SPECIAL USE PERMIT (SUP) FOR A MULTI-FAMILY DEVELOPMENT WITH MORE THAN 18 UNITS PER ACRE IN A R4-U-HC DISTRICT, ON 16.6 ACRES, LOCATED AT 116 OLD SAN ANTONIO ROAD, (A10346 - SURVEY 184 J M

MCCULLOUGH, KAD 14784, AND 14785). (COMMUNITY FIRST DEVELOPMENT OPERATIONS, LLC/ KILLEN, GRIFFIN & FARRIMOND, PLLC).

- I. STAFF PRESENTATION
- II. PUBLIC HEARING
- III. MAKE RECOMMENDATION

No action taken.

- 5.C. [2023-246](#) CONSIDER THE PROPOSED CHANGE IN ZONING FROM R1-M-EC (MEDIUM-DENSITY RESIDENTIAL ENTRANCE CORRIDOR OVERLAY DISTRICT) TO R4-L-EC (LOW-DENSITY MULTI-FAMILY RESIDENTIAL ENTRANCE CORRIDOR OVERLAY DISTRICT), ON 2 ACRES, LOCATED AT 116 BESS STREET (DIETERT ADDITION LOT 20 & PT 22, KAD 21648). (BESS STREET HOLDING LLC/ KILLEN, GRIFFIN & FARRIMOND, PLLC).

- I. STAFF PRESENTATION
- II. PUBLIC HEARING
- III. MAKE RECOMMENDATION

Ms. Sara Serra-Bennett, City Planner II., presented items 5.C. and 5.D. together.

Mr. James Griffin, representative of property owner, presented further details on the proposed rezoning case/proposed Special Use Permit and expressed their willingness to address concerns that were brought up by neighbors during previous Boerne Open Neighborhood Discussion (B.O.N.D.) meetings.

Chairman Bannwolf opened the public hearing at 7:23 p.m.

Mr. Bob Manning, 131 Bess Street, spoke in support of this proposed project with a request to have some conditions considered to address concerns of neighbors.

Mr. Rufus Stevens, 205 Bess Street, spoke in support of this proposed project.

Chairman Bannwolf closed the public hearing at 7:31 p.m.

Chairman called on Ms. Laura Haning to explain the City's B.O.N.D. meeting process; Ms. Haning summarized to the audience that B.O.N.D. meetings are held virtually and are an informal opportunity for residents to learn about proposed developments near their homes/businesses prior to going before governmental bodies for consideration - although not mandatory meetings, they are encouraged by the City.

The Commission questioned options of down zoning in an event this property is rezoned and this project does not come to fruition.

Mick McKamie, Associate City Attorney, confirmed that the underlying zoning would remain but the City could reconsider the zoning once the Special Use Permit expires.

Chairman Bannwolf opened the Public Hearing for items 5.C. and 5.D. at 7:48 p.m.

No comments were received.

Chairman Bannwolf closed the Public Hearing for items 5.C. and 5.D. at 7:48 p.m.

Chairman Bannwolf later called on neighbor, Ms. Linda Hare (115 Water Street), to speak; she requested that the developer provide a privacy fence between their property lines.

Mr. James Griffin reiterated their willingness to accommodate requests/address concerns of neighbors.

A MOTION WAS MADE BY COMMISSIONER FRIAR, SECONDED BY COMMISSIONER COHOON, TO MAKE A RECOMMENDATION TO CITY COUNCIL TO APPROVE THE PROPOSED CHANGE IN ZONING FROM R1-M-EC (MEDIUM-DENSITY RESIDENTIAL ENTRANCE CORRIDOR OVERLAY

DISTRICT) TO R4-L-EC (LOW-DENSITY MULTI-FAMILY RESIDENTIAL ENTRANCE CORRIDOR OVERLAY DISTRICT), ON 2 ACRES, LOCATED AT 116 BESS STREET (DIETERT ADDITION LOT 20 & PT 22, KAD 21648). (BESS STREET HOLDING LLC/ KILLEN, GRIFFIN & FARRIMOND, PLLC):

THE MOTION CARRIED BY THE FOLLOWING VOTE:

YEA: 7- CHAIRMAN BANNWOLF, COMMISSIONER FRIAR, COMMISSIONER COHOON, COMMISSIONER BIRD, COMMISSIONER CATES, COMMISSIONER LEMOINE, COMMISSIONER HILER

NAY: 0

- 5.D.** [2023-247](#) CONSIDER THE PROPOSED A SPECIAL USE PERMIT (SUP) FOR MULTI-FAMILY DEVELOPMENT WITH LESS THAN 18 UNITS PER ACRE IN A R4-L-EC DISTRICT, ON 2 ACRES, LOCATED AT 116 BESS STREET (DIETERT ADDITION LOT 20 & PT 22, KAD 21648). (BESS STREET HOLDING LLC/ KILLEN, GRIFFIN & FARRIMOND, PLLC).

- I. STAFF PRESENTATION
- II. PUBLIC HEARING
- III. MAKE RECOMMENDATION

A MOTION WAS MADE BY COMMISSIONER HILER, SECONDED BY COMMISSIONER COHOON, TO MAKE A RECOMMENDATION TO CITY COUNCIL TO APPROVE THE PROPOSED A SPECIAL USE PERMIT (SUP) FOR MULTI-FAMILY DEVELOPMENT WITH LESS THAN 18 UNITS PER ACRE IN A R4-L-EC DISTRICT, ON 2 ACRES, LOCATED AT 116 BESS STREET (DIETERT ADDITION LOT 20 & PT 22, KAD 21648). (BESS STREET HOLDING LLC/ KILLEN, GRIFFIN & FARRIMOND, PLLC) WITH THE FOLLOWING CONDITIONS:

- No more than 12 units
- Site Plan Specific
- 6 foot shadow box style wood privacy fence along the western boundary to connect w/ the existing wrought iron fence on City property (Kinderpark)
- Wrought iron fencing on property line facing West Highland Drive

and Bess Street

THE MOTION CARRIED BY THE FOLLOWING VOTE:

YEA: 7- CHAIRMAN BANNWOLF, COMMISSIONER FRIAR, COMMISSIONER COHOON, COMMISSIONER BIRD, COMMISSIONER CATES, COMMISSIONER LEMOINE, COMMISSIONER HILER

Chairman Bannwolf called for recess at 8:02 p.m.

Chairman Bannwolf called the Planning and Zoning Commission back to session 8:11 p.m.

- 5.E.** [2023-248](#) PROPOSED AMENDMENTS TO THE UNIFIED DEVELOPMENT CODE (UDC) ADOPTED NOVEMBER 24, 2020, INCLUDING BUT NOT LIMITED TO AMENDMENTS TO CHAPTER 1, GENERAL PROVISIONS, CHAPTER 2, PROCEDURES, CHAPTER 3, ZONING, CHAPTER 4, RESIDENTIAL SITES, CHAPTER 5, NONRESIDENTIAL SITES, CHAPTER 6, SUBDIVISION DESIGN, CHAPTER 7, INFRASTRUCTURE DESIGN, CHAPTER 8, ENVIRONMENTAL DESIGN, CHAPTER 9, SIGNAGE, AND APPENDICES.

- I. STAFF PRESENTATION
- II. PUBLIC HEARING
- III. MAKE RECOMMENDATION

Ms. Laura Haning presented the proposed amendments to the UDC.

Chairman Bannwolf opened the Public Hearing at 10:36 p.m.

No comments were received.

Chairman Bannwolf closed the Public Hearing at 10:36 p.m.

A MOTION WAS MADE BY COMMISSIONER CATES, SECONDED BY COMMISSIONER FRIAR, TO MAKE A RECOMMENDATION TO CITY COUNCIL TO APPROVED PROPOSED AMENDMENTS TO THE UNIFIED DEVELOPMENT CODE (UDC) ADOPTED NOVEMBER 24, 2020, INCLUDING BUT NOT LIMITED TO AMENDMENTS TO CHAPTER 1, GENERAL PROVISIONS,

CHAPTER 2, PROCEDURES, CHAPTER 3, ZONING, CHAPTER 4, RESIDENTIAL SITES, CHAPTER 5, NONRESIDENTIAL SITES, CHAPTER 6, SUBDIVISION DESIGN, CHAPTER 7, INFRASTRUCTURE DESIGN, CHAPTER 8, ENVIRONMENTAL DESIGN, CHAPTER 9, SIGNAGE, AND APPENDICES:

THE MOTION CARRIED BY THE FOLLOWING VOTE:

YEA: 7- CHAIRMAN BANNWOLF, COMMISSIONER FRIAR, COMMISSIONER COHOON, COMMISSIONER BIRD, COMMISSIONER CATES, COMMISSIONER LEMOINE, COMMISSIONER HILER

NAY: 0

6. DISCUSSION ITEMS:

6.A. [2023-267](#) RESULTS OF CITIZEN SURVEY 2023

At 8:02 p.m., Chairman Bannwolf moved items 6.A., 6.B., 6.C. up the agenda before item 5.E.

Ms. Haning gave a briefing of the results of the citizen survey recently conducted by OnPoint Insights for the City of Boerne.

6.B. [2023-268](#) MOBILITY MASTER PLAN

Mr. Jeff Carroll, Director of Mobility and Engineering and Mobility, gave a presentation on the City's Mobility Master Plan.

6.C. [2023-269](#) MAJOR THOROUGHFARE PLAN

Mr. Jeff Carroll, Director of Mobility and Engineering and Mobility, gave a presentation on the discussion item regarding the City's Major Thoroughfare Plan.

Chairman Bannwolf allowed for public comment.

Bob Manning, Betsie Pratt, Wanda McCarthy, Becca Jones, Jessica Tournon, Linda Bannister, and Rufus Stephens all expressed concerns with items 6.B. and 6.C.

Mr. Carroll clarified that the City's Major Thoroughfare Plan is simply a planning tool for the City to utilize for the future in case development does occur.

6.D. [2023-270](#) SHORT-TERM RENTAL

Ms. Laura Haning presented an update to the Commission regarding the proposed Short-Term Rentals ordinance that will go before City Council on March 14, 2023.

Brian Combs, 165 Lake Front Drive, spoke regarding some general questions of long-term vs. short-term rentals, and stated that these issues should be addressed through Home Owners Associations, not City regulations.

Lenore Ockerberg, 113 Wanda Street, spoke stating some of the proposed regulations are government overreach.

Toni Ann Discill, resident at 143 Spanish Pass, thanked the City for providing the proposed ordinance to citizens prior to this meeting, and spoke to some outstanding concerns with some of these regulations being overreaching.

The Commission discussed outstanding edits to be made to the ordinance.

6.E. [2023-271](#) UPDATE OF CITY OF BOERNE FLOOD PLAIN MAP

Mr. Jeff Carroll presented an update of the City of Boerne Flood Plain Map.

7. ADJOURNMENT

Chairman Bannwolf adjourned the Planning and Zoning Commission at 10:48 p.m.

Chairman

CERTIFICATION

I hereby certify that the above notice of meeting was posted on the 3rd day of March,
2023 at 5:00 p.m.

Secretary