

MINUTES
PLANNING AND ZONING COMMISSION MEETING
BOERNE CITY HALL
447 North Main Street
Monday, June 7, 2021 – 6:00 p.m.

MINUTES OF THE PLANNING AND ZONING COMMISSION MEETING OF
JUNE 7, 2021 AT 6:00 P.M.

PRESENT 5 - CHAIRMAN TIM BANNWOLF, COMMISSIONER CHESNEY
DUNNING, COMMISSIONER BILL BIRD, COMMISSIONER BOB CATES,
COMMISSIONER JOE ANZOLLITTO

ABSENT 2 - COMMISSIONER LUCAS HILER, COMMISSIONER PATRICK
COHOON

STAFF PRESENT: JEFF THOMPSON, BARBARA QUIRK, LAURA HANING,
HEATHER WOOD, VERONIKA VASQUEZ, REBECCA PACINI, SARA
SERRA-BENNETT, RYAN BASS, MELISSA ECKERT, JEFF CARROLL

RECOGNIZED GUESTS: CARISSA COX, TRAVIS ROBERSON, CHRISTINA
RYRHOLM, BEN ELDREDGE, JOSH VALENTA, BRYAN RITTIMANN, ROB
KILLEN, YOLANDA KOVAC, DAVID KOVAC, SHANEL RAMIREZ, DAKOTA
DURDEN, JOSE CANTU, JUAN GONZALEZ, CHRISTINA ALANIZ, BRAD
CORKWELL, ROBERT THORNTON, WAYNE GODSEY, REX SPRUNGER, MIKE
OLDFATHER, TOM GEOGHEGAN, HECTOR CANTU

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 CHAPTER 551 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 6:03 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

Chairman Bannwolf declared conflicts with items 5.C. and 5.D.

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 6:05 p.m.

Yolanda Kovac, resident at 213 East Hosack Street, expressed concerns with allowed uses in the proposed R1-M zoning designation for her property.

Chairman Bannwolf closed public comments at 6:09 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 ANZOLLITTO, SECONDED BY COMMISSIONER CATES, TO APPROVE THE CONSENT AGENDA AS PRESENTED. THE MOTION CARRIED BY THE FOLLOWING VOTE:

YEA: 4- COMMISSIONER ANZOLLITTO, COMMISSIONER BIRD, COMMISSIONER CATES, COMMISSIONER DUNNING

Approved: 4-0

- 4.A. [2021-536](#) THE MINUTES OF THE PLANNING AND ZONING COMMISSION MEETING OF MAY 3, 2021.
- 4.B. [2021-537](#) THE MINUTES OF THE PLANNING AND ZONING COMMISSION WORKSHOP OF MAY 10, 2021.
- 4.C. [2021-538](#) THE MINUTES OF THE SPECIAL CALLED OPEN HOUSE OF MAY 24, 2021.
- 4.D [2021-539](#) CONDITIONAL APPROVAL FOR THE FINAL PLAT FOR FREYSTADT SUBDIVISION, 1.546 ACRES, 2 NONRESIDENTIAL LOTS AND 0.038 ACRES OF RIGHT-OF-WAY (KAD NO. 18975) LOCATED AT 614 FREY STREET AS IS PROVIDED BY ARTICLE 2, SECTION 2.04.001B OF THE SUBDIVISION ORDINANCE.

5. REGULAR AGENDA:

- 5.A. [2021-540](#) TO CONSIDER THE PROPOSED REZONING OF 0.678 ACRES LOCATED AT THE CORNER OF OAK PARK AND SECOND STREET (PART OF KAD NO. 24880) FROM R-1, MEDIUM DENSITY RESIDENTIAL DISTRICT, TO R-D DUPLEX RESIDENTIAL DISTRICT (ROBERT S. THORNTON L.P./ TRAVIS ROBERSON).

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

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

Chairman Bannwolf opened the Public Hearing at 6:14 p.m.

Travis Roberson, resident at 313 Frey Street and representative of applicant, spoke regarding the proposed plan. He explained the history of the existing structure and the unique, decorative design in the proposed plan to capture historical German architecture.

Robert Thornton, applicant, spoke regarding the distance between the buildings and the idea to emulate the historic feel of the existing structure.

Bryan Rittimann, resident at 423 Oak Park, spoke in opposition of the proposed duplex designation.

Chairman Bannwolf closed the Public Hearing at 6:23 p.m.

A MOTION WAS MADE BY COMMISSIONER ANZOLLITTO, SECONDED BY COMMISSIONER BIRD, TO APPROVE THE PROPOSED REZONING OF 0.678 ACRES LOCATED AT THE CORNER OF OAK PARK AND SECOND STREET (PART OF KAD NO. 24880) FROM R-1, MEDIUM DENSITY RESIDENTIAL DISTRICT, TO R-D DUPLEX RESIDENTIAL DISTRICT (ROBERT S. THORNTON L.P./ TRAVIS ROBERSON). THE MOTION CARRIED BY THE FOLLOWING VOTE:

YEA: 4- COMMISSIONER CATES, COMMISSIONER BIRD, COMMISSIONER ANZOLLITTO, COMMISSIONER DUNNING

NAY: 0

Approved: 4-0

- 5.B. [2021-543](#) CONSIDER THE PROPOSED CREATIVE ALTERNATIVE FOR THE PROPERTY LOCATED AT 1376 SOUTH MAIN STREET (KAD NO. 42558, MENDER PLACE SUBDIVISION UNIT 1 LOT 1A (REPLAT), 1.139 ACRES) (RACER CLASSIC CAR WASH) TO ALLOW OPEN CAR WASH BAYS FACING THE STREET. TAKE NECESSARY ACTION.

Ms. Sara Serra-Bennett presented the proposed creative alternative.

Derrick Merchant, developer of proposed creative alternative, spoke regarding his client's willingness to accommodate previous commission requests and made himself available to the commission for questions.

Chairman Bannwolf allowed public comments in respect to this item. None were received.

Commissioner Anzollitto gave an update on the process of the

subcommittee that was assigned to work with the developer for the creative alternative plan. He explained that the issues and concerns of the commission were addressed in the proposed creative design to include noise concerns, landscape plan, access point, and screening.

Mr. Ryan Bass, City Environmental Planner / Urban Forester, spoke regarding the landscape plan that incorporated additional interior landscaping.

A MOTION WAS MADE BY COMMISSIONER ANZOLLITTO, SECONDED BY COMMISSIONER CATES, TO APPROVE THE PROPOSED CREATIVE ALTERNATIVE FOR THE PROPERTY LOCATED AT 1376 SOUTH MAIN STREET (KAD NO. 42558, MENDER PLACE SUBDIVISION UNIT 1 LOT 1A (REPLAT), 1.139 ACRES) (RACER CLASSIC CAR WASH) TO ALLOW OPEN CAR WASH BAYS FACING THE STREET. THE MOTION CARRIED BY THE FOLLOWING VOTE:

YEA: 4- COMMISSIONER CATES, COMMISSIONER BIRD, COMMISSIONER ANZOLLITTO, COMMISSIONER DUNNING

NAY: 0

Approved: 4-0

5.C. [2021-544](#) CONSIDER POD GENERAL DEVELOPMENT PLAN (GDP) FOR ESPERANZA PHASES 3 & 4. TAKE NECESSARY ACTION.

Chairman Bannwolf recused himself from items 5.C. - 5.D. and left the dais at 6:45 p.m. Commissioner Cates assumed the Chair.

Rebecca Pacini, City Planner III., presented the POD GDP.

Commissioner Cates allowed public comments. None were received.

A MOTION WAS MADE BY COMMISSIONER BIRD, SECONDED BY COMMISSIONER DUNNING, TO APPROVE THE POD GENERAL

DEVELOPMENT PLAN (GDP) FOR ESPERANZA PHASES 3 & 4. THE MOTION CARRIED BY THE FOLLOWING VOTE:

YEA: 4- COMMISSIONER CATES, COMMISSIONER BIRD, COMMISSIONER ANZOLLITTO, COMMISSIONER DUNNING

NAY: 0

Approved: 4-0

- 5.D.** [2021-545](#) CONSIDER THE PRELIMINARY REPLAT FOR BOERNE NORTH BUSINESS PARK LOT 2A, 10.48 ACRES, 1 NON-RESIDENTIAL LOT (KAD NO. 19962, 19964, 19965, & 299569). TAKE NECESSARY ACTION.

Rebecca Pacini presented the preliminary replat.

Commissioner Anzollitto had a question regarding drainage for this site.

Mr. Jeff Carroll, Director of Development Services, spoke stating there is no impact to this site.

A MOTION WAS MADE BY COMMISSIONER BIRD, SECONDED BY COMMISSIONER DUNNING, TO APPROVE THE PRELIMINARY REPLAT FOR BOERNE NORTH BUSINESS PARK LOT 2A, 10.48 ACRES, 1 NON-RESIDENTIAL LOT (KAD NO. 19962, 19964, 19965, & 299569). THE MOTION CARRIED BY THE FOLLOWING VOTE:

YEA: 4- COMMISSIONER CATES, COMMISSIONER BIRD, COMMISSIONER ANZOLLITTO, COMMISSIONER DUNNING

NAY: 0

Approved: 4-0

Chairman Bannwolf returned to the dais at 6:54 p.m. and assumed the Chair.

- 5.E. [2021-546](#) CONSIDER A REQUEST FOR A VARIANCE TO THE SUBDIVISION ORDINANCE, ARTICLE 3 PLANNING AND COMMUNITY DESIGN STANDARDS, SECTION 3.04.004 B FOR A 2.241 ACRE TRACT GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF STATE HIGHWAY 46 AND COUGHRAN ROAD (KAD NO. 307594) (UP ENGINEERING + SURVEYING)

Ms. Pacini presented the variance request.

Commission discussion ensued regarding concerns with visibility around the curve before the turn lane and traffic coming into Boerne causing more congestion.

Ryan Plagens, 123 Palo Grande (San Antonio), introduced the engineer who conducted the Traffic Impact Analysis for this tract, Mr. Mike Garza, 7616 Paraiso Crest (Boerne ETJ). Mr. Garza explained that the study was conducted using pass-by traffic, at this point and time. The study resulted the highest peak times coming from traffic traveling west to the east in the mornings. His recommendation was to extend the turn lane to make it safer and to better serve the general public. He stated that UP Engineering is going above and beyond the design standards required by TxDOT.

A MOTION WAS MADE BY COMMISSIONER DUNNING, SECONDED BY COMMISSIONER BIRD, TO APPROVE THE REQUEST FOR A VARIANCE TO THE SUBDIVISION ORDINANCE, ARTICLE 3 PLANNING AND COMMUNITY DESIGN STANDARDS, SECTION 3.04.004 B FOR A 2.241 ACRE TRACT GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF STATE HIGHWAY 46 AND COUGHRAN ROAD (KAD NO. 307594) (UP ENGINEERING + SURVEYING). THE MOTION CARRIED BY THE FOLLOWING VOTE:

THE MOTION CARRIED BY THE FOLLOWING ROLL CALL VOTE:

YEA: 4- COMMISSIONER CATES, COMMISSIONER BIRD, COMMISSIONER ANZOLLITTO, COMMISSIONER DUNNING

NAY: 0

Approved: 4-0

- 5.F. [2021-547](#) CONSIDER A REQUEST FOR A VARIANCE TO THE SUBDIVISION ORDINANCE, ARTICLE 2, PROCEDURES, SECTION 2.02.003 NOTICE OF ADMINISTRATIVELY COMPLETE APPLICATION FOR SCENIC LOOP ROAD SUBDIVISION LOCATED AT SCENIC LOOP ROAD AND SOPHIA CIRCLE (KAD NO. 12225). TAKE NECESSARY ACTION.

Ms. Pacini presented the variance and explained that this is a new owner but the original plat.

Commissioner Dunning questioned if the new owner would still be required to make improvements that are in the original plat.

Hector Cantu, representative of the owner, explained that the new owner is aware of the requirements of the plat and wishes to move forward with platting, just needs the time extension.

A MOTION WAS MADE BY COMMISSIONER CATES, SECONDED BY COMMISSIONER ANZOLLITTO, TO APPROVE THE REQUEST FOR A VARIANCE TO THE SUBDIVISION ORDINANCE, ARTICLE 2, PROCEDURES, SECTION 2.02.003 NOTICE OF ADMINISTRATIVELY COMPLETE APPLICATION FOR SCENIC LOOP ROAD SUBDIVISION LOCATED AT SCENIC LOOP ROAD AND SOPHIA CIRCLE (KAD NO. 12225). THE MOTION CARRIED BY THE FOLLOWING VOTE:

YEA: 4- COMMISSIONER CATES, COMMISSIONER BIRD, COMMISSIONER ANZOLLITTO, COMMISSIONER DUNNING

NAY: 0

Approved: 4-0

- 5.G. [2021-548](#) CONSIDER PROPOSED AMENDMENTS TO THE UNIFIED DEVELOPMENT CODE (UDC) INCLUDING BUT NOT LIMITED TO CITYWIDE REZONING, OVERLAY DISTRICTS AND DEVELOPMENT PROCESSES.

I. STAFF PRESENTATION

II. PUBLIC HEARING

Ms. Haning gave an update on the amendment process of the UDC, specifically regarding the overlay districts, the zoning map and definitions.

Chairman Bannwolf opened public comments at 7:51 p.m.

Rob Killen, land use attorney with Killen, Griffin & Farrimond, 100 Northeast Loop 410, introduced himself to the Commission and spoke regarding the adoption/amendment process of the UDC. He expressed his future intent to represent property owners for purposes of zoning; he spoke specifically to a property located at 1700 River Road.

Mr. David Kovac, resident at 213 East Hosack, spoke regarding concerns with allowed uses in the proposed R1-M zoning designation for his property and questioned the change in zoning.

Ms. Haning clarified that the uses in proposed residential categories are the same as the current code.

Chairman Bannwolf closed public comments at 8:04 p.m.

6. DISCUSSION ITEMS:

- 6.A. [2021-549](#) DISCUSSION REGARDING PARKING FOR 114 HERFF ROAD FOR A PROPOSED LAS PALAPAS (KEVIN LOVE).

This item was withdrawn by applicant.

- 6.B. [2021-550](#) UPDATE ON THE DRAINAGE MASTER PLAN, DRAINAGE PROTECTION ZONE MAP AND DISCUSSION ON DRAINAGE IN GENERAL.

Mr. Jeff Carroll, City Director of Development Services, gave a presentation on the city's drainage master plan. He spoke regarding the drainage protection zone/map and history of flooding events in Boerne and South Texas.

Commissioner Anzollitto had questions regarding silt fencing/controls and the process of enforcement for violations. Mr. Carroll spoke regarding city and state rules in place. He explained that the city sends emails to developers after a rain event to go check their silt fencing and that currently Texas Commission on Environmental Quality (TCEQ) has third party inspectors that go out weekly. He also mentioned an online process to submit complaints to TCEQ as the enforcing authority.

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

No comments were received.

8. ADJOURNMENT

Chairman Bannwolf adjourned the Planning and Zoning Commission at 8:54 p.m.

Chairman

CERTIFICATION

I herby certify that the above notice of meeting was posted on the 4th day of June, 2021 at 5:00 p.m.

Secretary