

MINUTES
SPECIAL CALLED PLANNING AND ZONING COMMISSION MEETING
BOERNE CITY HALL
RONALD C. BOWMAN CITY COUNCIL CHAMBERS
447 North Main Street
Monday, September 11, 2023 – 6:00 p.m.

MINUTES OF THE PLANNING AND ZONING COMMISSION MEETING OF
SEPTEMBER 11, 2023 AT 6:00 P.M.

PRESENT: CHAIRMAN TIM BANNWOLF, VICE CHAIR LUCAS HILER,
COMMISSIONER BILL BIRD, COMMISSIONER CARLOS VECINO,
COMMISSIONER BOB CATES, COMMISSIONER SUSAN FRIAR,
COMMISSIONER TERRY LEMOINE

STAFF PRESENT: MICK MCKAMIE, KRISTY STARK, BARRETT SQUIRES,
HEATHER WOOD, SARA SERRA-BENNETT, REBECCA PACINI, CHERYL
ROGERS, ANDREW WILKINSON, MARTHA BERNAL, NATHAN CRANE

RECOGNIZED AND REGISTERED GUESTS: PERRY BUSH, KARLI KENNEL,
TONYA VICKNAIR, JAN RIDER, REX SPRUNGER, JEAN RHODES, THOMAS
CARLSON, KATHLEEN FOSTER, JUSTIN HUNT, JOEL KLOTZ, GLORIA KLOTZ,
DANNY WEBSTER, RON WITHERSPOON, DEBBIE WITHERSPOON, LOU
HUGMAN, TERRI WALKER, KATHY WEBSTER, JACK EITELJORG, SUSAN
EITELJORG, ELAINE PALANCE, LISA MOORE, GLENN MOORE, VALARIE
MURRAY, MILE MURRAY, BRETT AUDETTE, KAREN AUDETTE, BEN
CHAVEZ, SANDRA CHAVEZ, MARK KOEFF, KARI KOEFF, SHELLEY GOEBEL,
WILLIAM JUSKO, CAROL JUSKO, LINDA DE LA FUENTE, CHARLES REYNOLDS,
CAPRI PAVLICH, FRED LOCKE, JOSHUA VALENTA, DYLAN MARSHALL,
CHARLES PAVLICH, CHRIS CABALLERO, BEAU COBB, BRUCE TINGLE, LINDA
TINGLE, TONY CANO

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)

Perry Bush, resident at 530 Oak Park Drive, read a letter to the Commission that he previously submitted to Nathan Crane, Interim Planning Director, regarding concerns with the Cottages on Oak Park.

The following residents spoke in opposition of regular agenda items 5.B. and 5.C. (the proposed rezoning of 111 Becker Street and the proposed special use permit for craft alcohol production at 111 Becker Street/802 Blanco Road) expressing overall concerns with wanting to protect the residential neighborhood from commercial development, possible increased traffic/traffic congestion, safety of children/other pedestrians in the area, emergency vehicles having proper access with increased parking on roads, and only one way in and one way out of the neighborhood:

Karli Kennel - 211 Becker Street

Rex Sprunger - 232 Becker Street

Jack Erelgorge - 207 Becker Street

Jean Rhodes - 120 Becker Street - also presented a petition that 7 neighbors signed (6 of the 7 in opposition and the other had no opinion for both 111 Becker Street rezoning and same for the SUP for 802 Blanco Road)

Glenn Moore - 185 Autumn Ridge

Lisa Moore - 185 Autumn Ridge

Danny Webster - 148 Autumn Ridge

Kathy Webster - 148 Autumn Ridge

4. CONSENT AGENDA

A MOTION WAS MADE BY COMMISSIONER HILER, SECONDED BY COMMISSIONER FRIAR, TO APPROVE THE CONSENT AGENDA AS PRESENTED. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

NAY: 0

- 4.A.** [2023-639](#) THE MINUTES OF THE PLANNING AND ZONING COMMISSION MEETING OF AUGUST 14, 2023.
- 4.B.** [2023-673](#) A REQUEST FOR A 30-DAY TIME EXTENSION FOR UPPER CIBOLO MAJOR DEVELOPMENT PLAT GENERALLY LOCATED AT 3 UPPER CIBOLO CREEK ROAD. (EXTRA-TERRITORIAL JURISDICTION)
- 4.C.** [2023-674](#) A REQUEST FOR CONDITIONAL APPROVAL FOR THE FINAL PLAT OF ESPERANZA PHASE 2H, GENERALLY LOCATED NORTHEAST OF ESPERANZA BOULEVARD AND CAZADORES. (EXTRA-TERRITORIAL JURISDICTION)
- 4.D.** [2023-675](#) A REQUEST FOR CONDITIONAL APPROVAL FOR THE FINAL PLAT OF ESPERANZA PHASE 3C, GENERALLY LOCATED NORTHEAST OF ESPERANZA BOULEVARD AND SPLENDIDO. (EXTRA-TERRITORIAL JURISDICTION)
- 4.E.** [2023-676](#) A REQUEST FOR CONDITIONAL APPROVAL FOR THE FINAL PLAT OF MENDER PLACE LOT 4A REPLAT, GENERALLY LOCATED AT 115 NORRIS LANE.
- 4.F.** [2023-677](#) A REQUEST FOR A 30 DAY TIME EXTENSION FOR THE PRELIMINARY PLAT OF ESPERANZA PHASE 3E, GENERALLY

LOCATED NORTHEAST OF ESPERANZA BOULEVARD AND CAZADORES.

4.G. [2023-678](#) A REQUEST FOR CONDITIONAL APPROVAL FOR ESPERANZA PHASE 3D, FINAL PLAT GENERALLY LOCATED NORTHEAST OF ESPERANZA BOULEVARD AND STATE HWY. 46.

4.H. [2023-682](#) A REQUEST FOR A 30-DAY TIME EXTENSION FOR RANCHES AT CREEKSIDE UNIT 6 FINAL PLAT GENERALLY LOCATED SOUTH OF 125 STATE HIGHWAY 46.

5. REGULAR AGENDA:

Chairman Bannwolf suggested to move items 5.B. and 5.C. to be considered before item 5.A.; all Commissioners present agreed.

5.B. [2023-680](#) CONSIDER A CHANGE IN ZONING, FROM R1-M (MODERATE DENSITY RESIDENTIAL) TO C2 (GENERAL COMMERCIAL), LOCATED AT 111 BECKER STREET (KAD 27923)

I. STAFF PRESENTATION

II. PUBLIC HEARING

III. MAKE RECOMMENDATION

Sara Serra-Bennett, City Planner II., gave a combined presentation for items 5.B. and 5.C.

Chairman Bannwolf opened the public hearing at 6:45 p.m.

Elaine Palance, resident at 192 Autumn Ridge, spoke regarding safety concerns with traffic.

William Jusko, resident at 108 Autumn Ridge, spoke regarding safety concerns with traffic and why this project is even being considered.

Chairman Bannwolf clarified that the proposed project was not city initiated but rather initiated by the applicant that has rights to request a change in zoning.

Glenn Moore asked if a traffic study and emergency response study has been conducted for this area.

Applicant Charlie Pavlich expressed his desire to work with the neighbors and city council to come to some sort of resolution for his project. He explained that when he purchased the parcel on 802 East Blanco, it was already zoned C2, which would allow a restaurant by right. He purchased the property behind (111 Becker Street) with the idea to make it into parking to address concerns of on-street parking. He expressed his willingness to explore various options to resolve concerns of the neighbors.

Josh Valenta, representative of the property owner, explained the process of the design being presented. The parking lot was moved to the back of the site to create a safer exit onto Becker Street than from traffic on Blanco Road. They are requesting the rezoning to allow for a parking lot to address safety concerns by isolating vehicles from traffic areas. They prefer screening along the street and are open to input and coming to some compromises. He addressed earlier questions regarding whether or not any traffic and/or emergency studies have been done; they have fulfilled obligations to the city at this stage of the process but still have to go through engineering plans, and any code enforcement requirements at later stages of development. He clarified that the current C2 zoning category on 802 Blanco Road allows a business such as a restaurant, they only need a special use permit for the proposed micro brewery.

Chairman Bannwolf closed the Public Hearing at 6:59 p.m.

Sara Serra-Bennett clarified that this stage of the process is only for zoning. An initial traffic analysis was submitted to the city and the traffic from the peak hour trips generated by the proposed business resulted in them not having to provide a full traffic impact analysis at this time. She also confirmed that the Boerne Fire Marshal's Office has completed a preliminary review of the plan and it meets code requirements at this stage. She explained that the site still has to be platted which could

trigger right-of-way dedication.

Commissioner Hiler spoke about allowing time for neighbors and the developer to work out a plan that could work for all interested parties. He stated that he met with city staff and Mr. Pavlich to get more details on this project and to better understand any concerns - traffic is still a concern and concerns of what else could go in that space if this project is denied and another future development comes along.

Commissioner Cates expressed that he is not in support of encroaching on residential zoning.

Mick McKamie, Associate City Attorney, clarified that if denied this application could not come back to the commission for 6 months.

Sara Serra-Bennett confirmed that if they come back with a different site plan then they could come back to the commission in November 2023. She also clarified that an office zoning category would allow for accessory parking.

Chairman Bannwolf expressed concerns with not having a second access point and encouraged the possibility of gaining access to Plant Avenue behind the Shell gas station.

Josh Valenta explained that access to Blanco Road would not be an option as they would not be able to comply with driveway spacing requirements. However, they would be willing to explore the option of possibly having the second access from behind the Shell gas station.

Commissioner Friar clarified that the commissioners do receive emails from the public and do read them, but don't always respond to avoid a walking quorum. She expressed concerns with this project in terms of ingress/egress and not sure if this is the right the location.

Commissioner Vecino expressed the need to protect residential zoning but also had concerns about what other projects could potentially be

developed on this site if it's not the proposed project.

A MOTION WAS MADE BY COMMISSIONER HILER, SECONDED BY COMMISSIONER VECINO, TO TABLE A CHANGE IN ZONING, FROM R1-M (MODERATE DENSITY RESIDENTIAL) TO C2 (GENERAL COMMERCIAL), LOCATED AT 111 BECKER STREET (KAD 27923) FOR 90 DAYS. THE MOTION CARRIED BY THE FOLLOWING VOTE:

YEA: 5 - CHAIRMAN BANNWOLF, COMMISSIONER HILER, COMMISSIONER FRIAR, COMMISSIONER VECINO, COMMISSIONER LEMOINE

NAY: 2 - COMMISSIONER CATES, COMMISSIONER BIRD

TABLED FOR 90 DAYS: 2-0

- 5.C. [2023-681](#) CONSIDER A SPECIAL USE PERMIT FOR CRAFT ALCOHOL PRODUCTION TO A PROPERTY LOCATED AT 111 BECKER STREET (KAD 27923) AND 802 BLANCO ROAD (KAD 27919).

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

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

No comments were received.

Chairman Bannwolf closed the public hearing 7:23 p.m.

A MOTION WAS MADE BY COMMISSIONER HILER, SECONDED BY COMMISSIONER FRIAR, TO TABLE A SPECIAL USE PERMIT FOR CRAFT ALCOHOL PRODUCTION TO A PROPERTY LOCATED AT 111 BECKER STREET (KAD 27923) AND 802 BLANCO ROAD (KAD 27919) FOR 90 DAYS. THE MOTION CARRIED BY THE FOLLOWING VOTE:

YEA: 5 - CHAIRMAN BANNWOLF, COMMISSIONER HILER, COMMISSIONER FRIAR, COMMISSIONER VECINO, COMMISSIONER LEMOINE

NAY: 2 - COMMISSIONER CATES, COMMISSIONER BIRD

TABLED FOR 90 DAYS: 2-0

- 5.A.** [2023-679](#) CONSIDER A SPECIAL USE PERMIT FOR AN ACCESSORY DWELLING UNIT ON A R2-M (MODERATE DENSITY RESIDENTIAL DISTRICT), LOCATED AT 605 GRAHAM Street (KAD 23565)

I. STAFF PRESENTATION

II. PUBLIC HEARING

III. MAKE RECOMMENDATION

Martha Bernal, City Planner II, presented the proposed accessory dwelling unit (ADU).

Chairman Bannwolf opened the public hearing at 7:27 p.m.

No comments were received.

Chairman Bannwolf closed the public hearing at 7:27 p.m.

The Commission had questions regarding the original building plans that were submitted, the proposed use of the space, parking requirements, and opposition response from one neighbor.

Nathan Crane, Interim Planning Director, confirmed that there was a delay in review of the plans when they were originally submitted to the Permitting Department; the plans did include the proposed garage apartment, and once reviewed it was determined that a special use permit (SUP) would be required. If it were only to be used as recreational space or office space, it would not require a SUP. The proposed use/plans are for a living quarters making it a dwelling unit, which requires a special use permit.

Sara Serra-Bennett, City Planner II, confirmed that parking requirements have been satisfied. She also gave some background on the one neighbor in opposition. This neighbor applied for a short-term rental (STR) permit and was denied. The neighbor now fears that this new ADU property may obtain a STR permit before they are able to, which would

make them not eligible to have theirs approved based on current STR separation distance regulations. The property owner of the ADU communicated to staff that they do not anticipate using the property as a STR.

A MOTION WAS MADE BY COMMISSIONER BIRD, SECONDED BY COMMISSIONER LEMOINE, TO MAKE A RECOMMENDAION TO CITY COUNCIL TO APPROVE A SPECIAL USE PERMIT FOR AN ACCESSORY DWELLING UNIT ON A R2-M (MODERATE DENSITY RESIDENTIAL DISTRICT), LOCATED AT 605 GRAHAM Street (KAD 23565):

THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

NAY: 0

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

Nathan Crane extended an invitation to the Commission to attend the 2023 State Planning Conference November 8 -10.

Chairman Bannwolf recognized Andrew Wilkinson as a new member of the City's Engineering Department.

Chairman Bannwolf recognized Commissioner Susan Friar and Commissioner Lucas Hiler for their work on a new Short-term Rental ordinance that City Council recently passed. He presented both with an award for their service.

In closing, Chairman Bannwolf read a quote from President George W. Bush, "One of the worst days in America's history saw some of the bravest acts in Americans' history. We'll always honor the heroes of 9/11."

7. ADJOURNMENT

Chairman Bannwolf adjourned the Planning and Zoning Commission at 7:38 p.m.

Approve:

Chairman

Attest:

Secretary