

**MINUTES**  
**PLANNING AND ZONING COMMISSION MEETING**  
**BOERNE CITY HALL**  
**RONALD C. BOWMAN CITY COUNCIL CHAMBERS**  
**447 North Main Street**  
**Monday, November 1, 2021 – 6:00 p.m.**

PRESENT 5- CHAIRMAN TIM BANNWOLF, COMMISSIONER LUCAS HILER,  
COMMISSIONER JOE ANZOLLITTO, COMMISSIONER BOB CATES,  
COMMISSIONER PATRICK COHOON

ABSENT: COMMISSIONER BILL BIRD

STAFF PRESENT: KRISTY STARK, LAURA HANING, HEATHER WOOD,  
BARRETT SQUIRES, REBECCA PACINI, RYAN BASS, JEFF CARROLL, SARA  
SERRA-BENNETT

VIRTUAL: MICK MCKAMIE

RECOGNIZED/REGISTERED GUESTS: CHRISTINA RYRHOLM, MIKE MALLEY,  
KANDI MALLEY, MIKE BOWIE, CAL CHAPMAN, ANTONIO CAVAZOS,  
GUILLERMO CAVAZOS, STEVEN CROSTCOFF, KEN BROWN

**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 6:03 p.m.

Cal Chapman spoke in opposition of the Shoreline Park Preliminary Plat.

Commissioner Anzollitto arrived at 6:04 p.m.

Mike Malley spoke in opposition of the Shoreline Park Preliminary Plat.

Chairman Bannwolf closed Public Comments at 6:19 p.m.

## 4. CONSENT AGENDA:

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

**YEA: 5-** CHAIRMAN BANNWOLF, COMMISSIONER CATES, COMMISSIONER COHOON, COMMISSIONER ANZOLLITTO, COMMISSIONER HILER

**NAY: 0**

**Approved: 5-0**

### 4.A. [2021-900](#) THE MINUTES OF THE PLANNING AND ZONING COMMISSION

MEETING OF OCTOBER 4, 2021.

**4.B.**     [2021-901](#)     CONSIDER A REQUEST FOR A 30-DAY TIME EXTENSION FOR ESPERANZA PHASE 3A PRELIMINARY PLAT GENERALLY LOCATED NORTHWEST OF THE PROPOSED INTERSECTION OF ESPERANZA BOULEVARD AND SPLENDIDO (KAD NO. 14990, 45852, AND 15028). TAKE NECESSARY ACTION.

**4.C.**     [2021-902](#)     CONSIDER A REQUEST FOR A 30-DAY TIME EXTENSION FOR ESPERANZA PHASE 3C PRELIMINARY PLAT GENERALLY LOCATED NORTHEAST OF THE PROPOSED INTERSECTION OF ESPERANZA BOULEVARD AND SPLENDIDO (KAD NO. 14990, 14991, 15019, AND 15028). TAKE NECESSARY ACTION.

**4.D.**     [2021-903](#)     CONSIDER A REQUEST FOR A 30-DAY TIME EXTENSION FOR ESPERANZA PHASE 3D PRELIMINARY PLAT GENERALLY LOCATED SOUTH OF THE PROPOSED INTERSECTION OF GALISTEO AND BESITO (KAD NO. 14990, 15028, 42994, AND 45852). TAKE NECESSARY ACTION.

5. REGULAR AGENDA:

**5.A.**     [2021-904](#)     \*ITEM TEMPORARILY WITHDRAWN\* TO CONSIDER THE PROPOSED SPECIAL USE PERMIT FOR AUTOMOBILE SALES IN A C3-SI, COMMUNITY COMMERCIAL - SCENIC INTERSTATE CORRIDOR DISTRICT, GENERALLY LOCATED AT IH10 WEST AND THE NORTH SIDE OF REGENT BOULEVARD (A10730- SURVEY 185 J M MCCULLOUGH, KAD 17392, 7.402 ACRES). (GUNN AUTOMOTIVE GROUP

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

This item was withdrawn by the applicant.

**5.B.**     [2021-905](#)     TO CONSIDER THE PROPOSED SPECIAL USE PERMIT FOR MEDICAL OFFICE IN A O1, NEIGHBORHOOD OFFICE DISTRICT, LOCATED AT 1002 EAST BLANCO ROAD (HIGHLAND HOMES BLK PT 1, KAD 298100). (ANTONIO CAVAZOS-ESCOBAR).

## I. STAFF PRESENTATION

## II. PUBLIC HEARING

## III. MAKE RECOMMENDATION

Ms. Sara Serra-Bennett, City Planner II., presented the proposed special use permit (hereinafter, SUP).

Chairman Bannwolf opened the public hearing at 6:22 p.m.

Antonio Cavazos, representative of the owner, requested that diagnostic services/laboratory use be allowed in the SUP.

Ms. Serra-Bennett stated that diagnostic services/laboratory use may be considered an accessory use to a medical office, but should be limited to no more than 30% of the total building space.

Chairman Bannwolf closed the public hearing at 6:24 p.m.

Chairman Bannwolf requested to have the record reflect that in a past Planning and Zoning Commission meeting this request was for a proposed rezoning, was denied and is now being reconsidered as a SUP. Community feedback was in favor of the SUP but opposed to the rezoning.

A MOTION WAS MADE BY COMMISSIONER ANZOLLITTO, SECONDED BY COMMISSIONER CATES, TO APPROVE THE PROPOSED SPECIAL USE PERMIT FOR MEDICAL OFFICE IN A O1, NEIGHBORHOOD OFFICE DISTRICT, LOCATED AT 1002 EAST BLANCO ROAD (HIGHLAND HOMES BLK PT 1, KAD 298100). (ANTONIO CAVAZOS-ESCOBAR). CHAIRMAN BANNWOLF CLARIFIED THAT THE MOTION INCLUDES THE LIMITATION OF DIAGNOSTIC/LABORATORY SERVICES OF NO MORE THAN 30% OF THE BUILDING. THE MOTION CARRIED BY THE FOLLOWING VOTE:

**YEA: 5-** CHAIRMAN BANNWOLF, COMMISSIONER CATES, COMMISSIONER COHOON, COMMISSIONER ANZOLLITTO, COMMISSIONER HILER

**NAY: 0**

**Approved: 5-0**

- 5.C. [2021-906](#) TO CONSIDER THE PROPOSED REZONING AND SPECIAL USE PERMIT FOR 1.9 ACRES LOCATED AT 21 OLD SAN ANTONIO ROAD (A10441 - SURVEY 183 J SMALL, KAD 15816), REZONING THE PROPERTY FROM C1-HC, NEIGHBORHOOD COMMERCIAL - HERITAGE CORRIDOR DISTRICT, TO R4-U-HC, URBAN MULTI-FAMILY RESIDENTIAL - HERITAGE CORRIDOR DISTRICT, AND CONSIDERING A SPECIAL USE PERMIT FOR MULTI-FAMILY DEVELOPMENT WITH EIGHTEEN UNITS OR LESS PER ACRE. (GUILLERMO CAVAZOS)

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

Ms. Sara Serra-Bennett presented the proposed rezoning and special use permit.

A MOTION WAS MADE BY COMMISSIONER ANZOLLITTO, SECONDED BY COMMISSIONER COHOON, TO UNTAX THE PROPOSED REZONING AND SPECIAL USE PERMIT FOR 1.9 ACRES LOCATED AT 21 OLD SAN ANTONIO ROAD (A10441 - SURVEY 183 J SMALL, KAD 15816), REZONING THE PROPERTY FROM C1-HC, NEIGHBORHOOD COMMERCIAL - HERITAGE CORRIDOR DISTRICT, TO R4-U-HC, URBAN MULTI-FAMILY RESIDENTIAL - HERITAGE CORRIDOR DISTRICT, AND CONSIDERING A SPECIAL USE PERMIT FOR MULTI-FAMILY DEVELOPMENT WITH EIGHTEEN UNITS OR LESS PER ACRE. (GUILLERMO CAVAZOS). THE MOTION CARRIED BY THE FOLLOWING VOTE:

**YEA: 5-** CHAIRMAN BANNWOLF, COMMISSIONER CATES, COMMISSIONER COHOON, COMMISSIONER ANZOLLITTO, COMMISSIONER HILER

**NAY: 0**

**Approved: 5-0**

Mr. Ryan Bass, City Environmental Planner / Urban Forester, spoke regarding the applicants willingness to work with staff in order to preserve the large heritage tree on this site. A report by arborist Mark Duff was provided to staff.

Chairman Bannwolf opened the public hearing at 6:33 p.m.

Mr. Guillermo Cavazos explained that since the last Planning and Zoning Commission meeting, the site plan was revised and will not disturb the tree in question before, during or after construction.

Chairman Bannwolf closed the public hearing at 6:35 p.m.

A MOTION WAS MADE BY COMMISSIONER CATES, SECONDED BY COMMISSIONER COHOON, TO APPROVE THE PROPOSED REZONING AND SPECIAL USE PERMIT FOR 1.9 ACRES LOCATED AT 21 OLD SAN ANTONIO ROAD (A10441 - SURVEY 183 J SMALL, KAD 15816), REZONING THE PROPERTY FROM C1-HC, NEIGHBORHOOD COMMERCIAL - HERITAGE CORRIDOR DISTRICT, TO R4-U-HC, URBAN MULTI-FAMILY RESIDENTIAL - HERITAGE CORRIDOR DISTRICT, AND CONSIDERING A SPECIAL USE PERMIT FOR MULTI-FAMILY DEVELOPMENT WITH EIGHTEEN UNITS OR LESS PER ACRE. (GUILLERMO CAVAZOS) WITH THE FOLLOWING TWO CONDITIONS:

- 1.THE SITE PLAN REMAIN EXACTLY AS PRESENTED
- 2.DEVELOPMENT BE IN ACCORDANCE WITH THE RECOMMENDATIONS MADE BY ARBORIST MARK DUFF.

THE MOTION CARRIED BY THE FOLLOWING VOTE:

**YEA: 5-** CHAIRMAN BANNWOLF, COMMISSIONER CATES, COMMISSIONER COHOON, COMMISSIONER ANZOLLITTO, COMMISSIONER HILER

**NAY: 0**

**Approved: 5-0**

- 5.D. [2021-908](#) CONSIDER THE PRELIMINARY PLAT FOR SHORELINE PARK PHASE 5, 9.61 ACRES, 54 RESIDENTIAL LOTS, 3 OPEN SPACE LOTS, AND 2.0 ACRES OF RIGHT-OF-WAY (KAD NO. 12852 and 302218).  
TAKE NECESSARY ACTION

Ms. Rebecca Pacini presented the preliminary plat.

Commission discussion included questions regarding slope issues, Low Impact Development (LID) features, and maintenance of/drainage for this phase of development.

Mr. Jeff Carroll, Director of Development Services, discussed the normal order of development. This is the preliminary plat stage that does not include design of storm water features.

Ms. Pacini clarified that the applicant did have an opportunity to ask for a 30 day extension but did not make the request.

A MOTION WAS MADE BY COMMISSIONER COHOON, SECONDED BY COMMISSIONER HILER, TO APPROVE THE PRELIMINARY PLAT FOR SHORELINE PARK PHASE 5, 9.61 ACRES, 54 RESIDENTIAL LOTS, 3 OPEN SPACE LOTS, AND 2.0 ACRES OF RIGHT-OF-WAY (KAD NO. 12852 and 302218) WITH THE FOLLOWING CONDITIONS:

Provide missing information required per Subdivision Ordinance:

- a. Subdivision Ordinance 2.02.001 K;
- b. Subdivision Ordinance 2.02.002 B, F, G, J, O, Q, and R; and
- c. Subdivision Ordinance 3.04.002
- d. requiring additional comments:
  - i. Do not show improvements in the right-of-way
  - ii. Define all lines
  - iii. Update the tax certificate note to "Document #:"
  - iv. Label open space lots on the plat
  - v. See additional comments on the redline
- e. item f from staff memo regarding zoning ordinance slope map 3.05.003c
- f. item h from staff memo regarding Transportation Network Plan

as noted in the redline document.

THE MOTION CARRIED BY THE FOLLOWING VOTE:

**YEA: 5-** CHAIRMAN BANNWOLF, COMMISSIONER CATES, COMMISSIONER COHOON, COMMISSIONER ANZOLLITTO, COMMISSIONER HILER

**NAY: 0**

**Approved: 5-0**

- 5.E. [2021-907](#) UNCONDITIONAL APPROVAL FOR THE DEVELOPMENT PLAT FOR COREA, 6.510 ACRES LOCATED AT 240 STATE HIGHWAY NO. 46 (KAD NO. 38969) AS IS PROVIDED BY SECTION 6, PLAT APPROVAL OPTIONS, A., OF THE DEVELOPMENT PLAT REGULATIONS. TAKE NECESSARY ACTION.

Ms. Pacini presented the development plat. Staff recommends approval.

A MOTION WAS MADE BY COMMISSIONER CATES, SECONDED BY COMMISSIONER COHOON, TO UNCONDITIONALLY APPROVE THE DEVELOPMENT PLAT FOR COREA, 6.510 ACRES LOCATED AT 240 STATE HIGHWAY NO. 46 (KAD NO. 38969) AS IS PROVIDED BY SECTION 6, PLAT APPROVAL, A., OF THE DEVELOPMENT PLAT REGULATIONS. THE MOTION CARRIED BY THE FOLLOWING VOTE:

**YEA: 5-** CHAIRMAN BANNWOLF, COMMISSIONER CATES, COMMISSIONER COHOON, COMMISSIONER ANZOLLITTO, COMMISSIONER HILER

**NAY: 0**

**Approved: 5-0**

- 5.F. [2021-926](#) CONSIDER THE RESUBMITTAL OF THE PRELIMINARY PLAT FOR 502 S SCHOOL ST, 4.8328 ACRES, 12 RESIDENTIAL LOTS, 2 OPEN SPACE LOT, AND 0.883 ACRES OF RIGHT-OF-WAY LOCATED AT 502 S. SCHOOL ST. (KAD NO. 14381 & 14412). TAKE NECESSARY



## ACTION.

Ms. Pacini presented the re-submittal of the preliminary plat.

City staff met with the applicant (following the disapproval of the plat at the October 22, 2021 Commission meeting) to review comments and proposed changes to the plat submittal.

A MOTION WAS MADE BY COMMISSIONER ANZOLLITTO, SECONDED BY COMMISSIONER COHOON, TO APPROVE THE RESUBMITTAL OF THE PRELIMINARY PLAT FOR 502 S SCHOOL ST, 4.8328 ACRES, 12 RESIDENTIAL LOTS, 2 OPEN SPACE LOT, AND 0.883 ACRES OF RIGHT-OF-WAY LOCATED AT 502 S. SCHOOL ST. (KAD NO. 14381 & 14412) WITH THE FOLLOWING CONDITIONS:

DEFICIENCIES BE CORRECTED AND IN ACCORDANCE WITH SUBDIVISION ORDINANCES: 2.02.001 K, 3.05.003 C AND 2.02.002 V.

**YEA: 5-** CHAIRMAN BANNWOLF, COMMISSIONER CATES, COMMISSIONER COHOON, COMMISSIONER ANZOLLITTO, COMMISSIONER HILER

**NAY: 0**

**Approved: 5-0**

- 5.G.**     [2021-909](#)     CONSIDER THE PRELIMINARY PLAT FOR ESPERANZA PHASE 3A, 21.687 ACRES, 49 RESIDENTIAL LOTS, 3 OPEN SPACE LOTS, AND 4.713 ACRES OF RIGHT-OF-WAY (KAD NO. 14990, 45852, AND 15028). TAKE NECESSARY ACTION.

30 day extension was approved on Consent Agenda. No action taken.

- 5.H.**     [2021-910](#)     CONSIDER THE PRELIMINARY PLAT FOR ESPERANZA PHASE 3C, 59.956 ACRES, 58 RESIDENTIAL LOTS, 4 OPEN SPACE LOTS, AND 4.339 ACRES OF RIGHT-OF-WAY (KAD NO. 14990, 14991, 15019, AND 15028). TAKE NECESSARY ACTION

30 day extension was approved on Consent Agenda. No action taken.

- 5.I. [2021-911](#) CONSIDER THE PRELIMINARY PLAT FOR ESPERANZA PHASE 3D, 53.078 ACRES, 146 RESIDENTIAL LOTS, 4 OPEN SPACE LOTS, AND 10.827 ACRES OF RIGHT-OF-WAY (KAD NO. 14990, 15028, 42994, AND 45852). TAKE NECESSARY ACTION.

30 day extension was approved on Consent Agenda. No action taken.

- 5.J. [2021-912](#) CONSIDER A REQUEST FOR A VARIANCE TO THE SUBDIVISION ORDINANCE 2007-56, ARTICLE 3 PLANNING AND COMMUNITY DESIGN STANDARDS, SECTION 3.04.002, BLOCK SIZE AND ARRANGEMENT, A. BLOCK SIZES, TO EXCEED THE MAXIMUM BLOCK STANDARDS SPECIFIED IN TABLE 3-12 FOR HIGHWAY/COMMERCIAL CENTER FOR MENDER PLACE LOT 4A LOCATED AT 115 CHRISTUS PARKWAY (KAD NO. 42559). TAKE NECESSARY ACTION.

Ms. Pacini presented the variance request.

Commission discussion ensued regarding traffic and drainage concerns, round-about's/sidewalks/block lane/center line radius in the development plan, compliance with tree preservation under new Unified Development Code, and vesting rights outside of the variance request.

A subcommittee of the Planning and Zoning Commission met with the developer regarding the property prior to this meeting.

Mr. Bass spoke regarding concerns with preserving some heritage trees on site.

Chairman called on Mr. Jeff Carroll regarding the schematics, specific to the roundabouts, driveways and sidewalks. Mr. Carroll explained that the final plat is when staff will look at everything in more detail.

Mr. Steven Krauskopf, with KW Engineers, spoke regarding the proposed private driveway in the plan, and possible future variance the project may need referencing street standards, and compliance with the tree ordinance.

Attorney Brown questioned the scope of conditions allowed to be

placed on a subdivision variance.

Mr. McKamie explained that the Commission is bound to be reasonable and not to be arbitrary when making a motion with conditions.

Mr. Krauskopf expressed concerns with other impacts if conditions are placed on the variance request, requiring new regulations to be met.

Mr. Brown had questions regarding vested rights.

Mr. McKamie explained that the applicant can withdraw the request for a variance and continue with vested rights or, continue with variance and comply with conditions that may be imposed.

Blake Honingblum, developer of this site, spoke regarding options to proceed with variance with conditions or move forward with vesting under old ordinances.

A MOTION WAS MADE BY COMMISSIONER HILER, SECONDED BY COMMISSIONER COHOON, TO APPROVE THE REQUEST FOR A VARIANCE TO THE SUBDIVISION ORDINANCE 2007-56, ARTICLE 3 PLANNING AND COMMUNITY DESIGN STANDARDS, SECTION 3.04.002, BLOCK SIZE AND ARRANGEMENT, A. BLOCK SIZES, TO EXCEED THE MAXIMUM BLOCK STANDARDS SPECIFIED IN TABLE 3-12 FOR HIGHWAY/COMMERCIAL CENTER FOR MENDER PLACE LOT 4A LOCATED AT 115 CHRISTUS PARKWAY (KAD NO. 42559) WITH THE FOLLOWING CONDITIONS:

ADHERE TO THE SITE PLAN AS REFLECTED IN THE SUBMITTAL, FOLLOW THE NEW TREE ORDINANCE IN THE UNIFIED DEVELOPMENT CODE, AND FOLLOW THE CITY OF BOERNE STREET STANDARDS IN THE UNIFIED DEVELOPMENT CODE.

**YEA: 5-** CHAIRMAN BANNWOLF, COMMISSIONER CATES, COMMISSIONER COHOON, COMMISSIONER ANZOLLITTO, COMMISSIONER HILER

**NAY: 0**

**Approved: 5-0**

6. DISCUSSION ITEMS:

6.A. PLAT SUBMITTAL CALENDAR

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

Annual Ethics training November 10, 2021 at 4:00 p.m.

Commissioner Hiler gave an update on the noise subcommittee. The next step is to prepare recommendations to council.

8. ADJOURNMENT

Chairman Bannwolf adjourned the Planning and Zoning Commission at 7:42 p.m.

\_\_\_\_\_  
Chairman

CERTIFICATION

I hereby certify that the above notice of meeting was posted on the 29th day of October, 2021 at 5:30 p.m.

\_\_\_\_\_  
Secretary