

MINUTES
SPECIAL CALLED PLANNING AND ZONING COMMISSION MEETING
BOERNE POLICE AND MUNICIPAL COURT COMPLEX, 124 OLD SAN ANTONIO ROAD
Wednesday, June 26, 2019 – 6:00 p.m.

Minutes of the Special Called Planning and Zoning Commission meeting of June 26, 2019

Present: Joe Anzollitto, Cal Chapman, Patrick Cohoon, Joe Davis, Kyle Kana, Bill Bird, Paula Hayward, Bob Cates

Members Absent: Chesney Dunning

Staff Present: Laura Talley, Nick Colonna, Stephanie Kranich, Sheldon Cravey, Mike Mann, Jeff Thompson, Robert Lee, Molly Solis, Mitch Scoggins

Registered/

Recognized Guests: Robert Imler, Steven Viro, Kandi Malley, Steve Noonan, Vicki Noonan, Peggy Bowie, Michael Bowie, Gary Nazarkw, Nancy Jo Carr, John Kight, Bill Dever, Ben Eldredge, Kristina Becker, Northern Hendricks, Stuart Brown, Gary Rogers, Janine Smith, Andy Smith, Lance Kyle, Joe Corcoran, Ann Corcoran, Davis Knoe, Yolando Knoe, Brian Fowler, Mark Schendel, Kathy Grassie, Bob Grassie, Brent Quick, Dan Pratt, Nancy Pratt, Cathy Teague, Von Jones, Beth Jones, Robert Clark, Maile Giles, Joni Schmidt, Lorna Teragouchi, Eijl Teragouchi, Nash Hardeman, Darrell Lehmann, Dawn Lehmann, Richard Rohrbough, Virginia Ernst, Jim Aldrich

Present 8 - Commissioner Patrick Cohoon, Commissioner Paula Hayward, Vice Chair Cal Chapman, Chairman Joe Davis, Commissioner Bob Cates, Commissioner Joe Anzollitto, Commissioner Bill Bird, and Commissioner Kyle Kana

Absent 1 - Commissioner Chesney Dunning

1. CALL TO ORDER – 6:00 PM

Chairman Davis called the Planning and Zoning Commission meeting 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

There were none.

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)

Mr. Steve Viro, 175 Lake Front Drive, spoke in opposition of the proposed development.

Mr. Ben Eldredge, expressed his concerns regarding the City's Low Impact Development ordinance and reasons for strengthening it.

Ms. Northern Hendricks, expressed her concerns regarding 56 acres near the lake that is draining onto City property to filter and slow the water down.

Mr. Michael Bowie, 103 Lake Spur, spoke in opposition to the proposed development.

Ms. Darla Rucka - gave her time to Michael Mally.

Ms. Dana Gonyer, 106 Lake Boulevard, spoke in opposition of the proposed development.

Mr. Lance Kyle, 226 Cascade Caverns, spoke regarding the violations which KWU has.

Mr. John Kight, 114 Glade, spoke regarding the impervious cover and the issues that will occur to the drinking water supply as well as issues with lack of detention throughout the City.

Mr. Bob Imler - gave his time to Mr. John Kight.

Ms. Yolanda Covax, 213 Hosak, spoke in opposition of the proposed development.

Mr. Phillip Zar - gave his time to Mr. Michael Mally.

Mr. Michael Malley, 165 Lake Front Drive, spoke in opposition of the proposed development and concerns related to the developer's planned retention.

Present 8 - Commissioner Patrick Cohoon, Commissioner Paula Hayward, Vice Chair Cal Chapman, Chairman Joe Davis, Commissioner Bob Cates, Commissioner Joe Anzollitto, Commissioner Bill Bird, and Commissioner Kyle Kana

Absent 1 - Commissioner Chesney Dunning

4. EXECUTIVE SESSION IN ACCORDANCE WITH THE TEXAS GOVERNMENT CODE:

A. [2019-627](#) Section 551.071 - Consultation with attorney

P&Z Commission went into Executive Session at 6:37 P.M.

5. RECONVENE INTO OPEN SESSION AND TAKE ANY NECESSARY ACTION RELATING TO THE EXECUTIVE SESSION AS DESCRIBED ABOVE.

P&Z Commission meeting reconvened into general session at 7:23 P.M.

6. ITEMS FOR DISCUSSION/ACTION

A. [2019-628](#) Shoreline Park - presentation by Staff and Jeff Moeller, Moeller and Associates regarding the status of Shoreline Park - updates include drainage study, lot layouts, LID features, studies by developer and future plans.

Ms. Laura Talley spoke regarding the development and stated the City does not have control over the density within developments located in the City's ETJ. The development already has a utility provider and will not require utilities from the City. Ms. Talley reviewed the history of the development's initial Master Plan submittal and to the preliminary plat submittals. Ms. Talley confirmed the County Planning office has been involved in the meetings with City officials related to the proposed

development. The Master Plan Drainage study was requested to be submitted with the first preliminary plat which the City has hired a consultant to review.

Commissioner Davis asked if LID was a requirement for the preliminary plat submittal. Ms. Talley stated no not at this time with the preliminary plat submittal.

Commissioner Anzollitto asked when the Master Plan was approved by P&Z Commission, the developer agreed to submit the Drainage Study at that time. He asked what items are shown at the time of the Drainage Study submitted at this time with the preliminary plat. Ms. Talley explained its a higher level of view to how the water will run off the site and how the developer will handle each section of water run off from the site. The full detail of the drainage plans will come between the preliminary and final plat stage.

Commissioner Anzollitto asked regarding the difference in crevasses and the discharge and flow of the land. Mr. Moeller, LID consultant for the City of Boerne, stated there are ways to drop the velocity to slow the water flow down, however the ravine that is cut into the development is the natural slope and it is how mother nature allows for the water to flow. The developer will have to treat all the water leaving the development at the first half inch for any system collecting. There are 8 proposed systems in the Master Drainage Plan. Mr. Moeller stated the Master Plan was approved in 2017 and the developer showed 150' off set from the back of the lots from the lake edge and due to citizen's outcry the developer considered to move the lots off of the lake's edge back to 300'.

Commissioner Hayward asked when will the developer start construction for the first unit. Ms. Talley stated the construction could start when the final plat is approved.

Commissioner Chapman asked regarding a detention pond that will concentrate the water flow and is concerned that the developer is

releasing water run off onto the City's land which adjoins the development. Commissioner Chapmann asked if the detention pond considered a point source. Commissioner Chapmann stated the water will need energy detaining and the post development is worse than the pre development and this is in violation of the water law. Mr. Mike Mann, stated the ordinance that applies to the development requires water quality improvements for the water going into Boerne City Lake. The Master Plan approved for this development was approved prior to the new LID ordinance but will have to follow the subdivision ordinance. Mr. Mann will research the matter regarding the detention pond and whether or not it would be considered a point source and will have to determine if it should be brought forth to council. Mr. Mann stated the developers property extends into the center of the lake, however there are points in the ordinance that will require for erosion control and silt run off. If the developer doesn't meet or comply to the ordinance there will be denial of the final plat. Jeff Moeller, drainage review Consultant from Moeller Associates, detention ponds are located at many developments and stated that he does not believe the detention pond for this development is considered a point source. Ms. Talley stated the detention pond phase is not something that is tied to reviewing the preliminary plat phase.

Commissioner Cohoon asked if the points brought forth from the Citizens will be addressed. Mr. Mann agreed and stated yes the points and information provided to the Commission will be researched and looked into to determine if valid.

Commissioner Cates restated that he heard there will be a review of points to research before the City will approve Final plat approval. Mr. Mann stated yes all of the points brought forth will be researched.

Commissioner Anzollitto asked the KB developer is they have anything to address on any statements brought forth. Mr. Rob Wasyliw, division president for KB Homes, stated they have reached out quite a few times to the community and have tried to meet their requests such as moving the 150' buffer to the 300' buffer.

7. [2019-629](#) Consider the Preliminary Plat for Shoreline Park, Phase 1 (49 residential lots, 2 open space lots) (KAD No. 302218). Take necessary action.

Ms. Laura Talley spoke regarding the formal requirements which must be met for a preliminary plat approval. All of the required items have been received and reviewed by both the City and the County and have met all of the requirements. In addition a consultant who was hired has reviewed the Master Drainage Study, although it is not required the developer has gone above and beyond to comply with the City's request. Staff recommends approval of the preliminary plat submitted.

In the motion that followed, there was no motion made due to lack of a motion.

COMMISSIONER CHAPMAN MADE A MOTION TO DENY THE PRELIMINARY PLAT FOR SHORELINE PARK, PHASE 1 (49 RESIDENTIAL LOTS, 2 OPEN SPACE LOTS) (KAD NO. 302218). COMMISSIONER BIRD SECONDED THE MOTION. THE MOTION FAILED BY THE FOLLOWING VOTE:

Yeah: 2 - Vice Chair Chapman, and Commissioner Bird

Nay: 3 - Commissioner Cohoon, Commissioner Hayward, and Commissioner Cates

Abstain: 2 - Commissioner Anzollitto, and Commissioner Kana

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

Commissioner Anzollitto made a request for the ordinances to be revised and not wait for the UDC updates to be revised.

Commissioner Hayward stated it is time to improve water way setbacks. The community was founded on the waterways and there have been a lot of mistakes made regarding developments and waterways.

9. ADJOURNMENT

Chairman Davis adjourned the Special Called Planning and Zoning Commission meeting at 8:38 P.M.

P&Z Chairman

P&Z Secretary