

MINUTES
PLANNING AND ZONING COMMISSION MEETING
BOERNE POLICE AND MUNICIPAL COURT COMPLEX, 124 OLD SAN ANTONIO ROAD
Monday, July 1, 2019 – 6:00 p.m.

Minutes of the Planning and Zoning Commission meeting of July 1, 2019

Present: Joe Anzollitto, Cal Chapman (temp Chair), Patrick Cohoon, Kyle Kana, Bill Bird, Bob Cates, Chesney Dunning

Members Absent: Joe Davis, Paula Hayward

Staff Present: Laura Talley, Nick Colonna, Stephanie Kranich, Sheldon Cravey, Sean Reich, Jeff Thompson, Robert Lee, Molly Solis

Registered/

Recognized Guests: Bob Imler, Larry Lester, Meredith Sterling, Jeff Carroll, Lance Kyle, Ben Eldredge, Rufus Stephens, Donna Taylor, Tim Handren

1. CALL TO ORDER – 6:00 PM

Vice Chairman Chapman 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. Ben Eldredge, 212 Azela Trail, spoke regarding storm water run-off, stream set-backs and his concern regarding the quality of life for streams.

Ms. Donna Taylor, monitors water quality at the Cibolo Nature Center for Cibolo Creek since 1999, spoke regarding the flooding disaster that occurred in Wimberly a few years ago and the financial costs of the flooding event. Stream set-backs and storm water run-off will help control flooding.

Mr. Rufus Stevens, 205 Bess Street, spoke regarding stream management and stream set-backs assist with flooding and the quality of streams rather than the use of LID.

Mr. Lance Kyle, 226 Cascade Caverns Road, spoke regarding the opposition of the Cascade Business Park Development.

Mr. Bob Imler, 215 West Bandera Road, spoke regarding a suggested 6-month moratory for City Council to discuss for the City's development to come to a slow halt.

4. ITEMS FOR DISCUSSION

- a. [2019-719](#) a. Discussion/presentation by Molly Solis, City Attorney, on the role and authority of Planning and Zoning Commission.

Ms. Molly Solis spoke to the Commissioners regarding the role and authority of a Planning and Zoning Commission based on a Home Rule Chapter. All zoning and subdivision authority should be based on State Law code Sec 211.007. The City's Charter should be consistent with all applicable Federal and state laws with respect to the land use, development and environmental protection. The 9 members of the Planning and Zoning Commission are appointed by City Council. The members have to reside within the City Limits or within the ETJ. Any member who may have a conflict of interests with any matter presented within the Planning and Zoning Commission must recuse themselves from both the discussion session and the voting of the specific item. There is a 30 day time limit for action by the P&Z Commission to be taken on a plat submitted. If the time reaches over the 30 days and a plat is neither disapproved or approved then the plat is considered approved by operation of law. The Commissioner should tie all development back to the Master Plan which the City has adopted.

Zoning regulations must be tied to promote public health, safety and morale. The Planning and Zoning Commission must follow the Federal and State laws, Statutes and City Ordinances.

Commissioner Anzollitto asked regarding the deadlines for a developer. The City's ordinance states the developer must have a fully complete submittal and City approved packet, submitted 10 days prior to the Planning and Zoning Commission meeting to accept as an agenda item.

Commissioner Bill asked regarding the review timeline that is allowed to occur for the City's Master Plan. Ms. Solis stated there is a scheduled review every three years however there are times when sections will need to be re-reviewed annually.

- b. [2019-720](#) b. Discussion regarding role and authority and review processes of Planning and Zoning items by Mayor Tim Handren.

Mayor Handren, thanked the Commissioners for their role to represent their community. The Mayor spoke regarding the review of the Commissioner's processes and wanted to work on reviewing the issues and to improve the P&Z Commission's processes. Mayor Handren stated the Commissioners need to have a workshop and evaluate the process and determine what needs to change and what is working. Mayor Handren asked to look for three items in terms for being successful - are processes repeatable, predictable and consistent. The Planning and Zoning Commission is accountable to City Council and Mayor Handren asked if members can come present possible changes to City Council. Mayor Handren stated he would be willing to speak at a workshop regarding process improvements for the Planning and Zoning Commissioner.

- c. [2019-721](#) c. Discussion regarding zoning change and zoning ordinance processes and action by the Planning and Zoning Commission.

Ms. Laura Talley discussed zoning changes and explained that zoning ordinance amendments follow the same process, which includes a public hearing and then it is presented as an amendment. LID is included within the zoning ordinance.

Commissioner Cates asked if City Council takes on LID issues, or does it go through P&Z Commission first. Ms. Talley stated it goes to P&Z Commission prior to City Council.

- d. [2019-722](#) d. Discussion regarding Subdivision submittal requirements, documents and processes.

Ms. Talley spoke regarding the subdivision ordinance, the process and submittal requirements and stated concerns addressed during the Unified Development Code updates. There are different types of plats that the City reviews, the types include Subdivision Plats, Minor Subdivision Plats, Amending Plats, Development Plat, and Minor Development Plats. City Staff meets with the developer and provides a check-list of all the required items that will need to be submitted for a full submittal. If any item is located in the ETJ the County is also involved in the review of plats. Once submitted there are multiple reviews back and forth between the City and the developer's engineer until all comments and concerns are address and corrected. After a preliminary plat is submitted, completed and staff recommends approval than a formal filing is submitted 10 days prior to the P&Z Commission meeting. The preliminary plat is then brought forth to the P&Z Commission for action. Construction plans are presented to the City for review once a preliminary plat has been approved. Once a plat is ready to be submitted as a Final Plat the developer has a list of items to submit that are required prior for final plat review.

Commissioner Anzollitto stated its better to make the changes now or place a slow down on approving plats until we have a chance to address issues within our ordinances. Commissioner Anzollitto stated there's a concern regarding debris flowing into the rivers and into the lake and wants to address environmentally sensitive areas.

Commissioner Cates spoke regarding LID, protection to property during construction phases and asked to review and possibly update the City's standards and not wait for a year when the UDC update process is complete. Ms. Talley stated the City does not have the authority to oversee construction related controls as those are handled as TCEQ

violations and managed by TCEQ. What the City can manage are storm-water management issues.

5. ITEMS FOR ACTION

[2019-723](#) Consider the Preliminary Plat for Cascade Business Park (3 Commercial lots in the ETJ) (10.05 acres) (KAD No.11593). Take necessary action.

Mr. Nick Colonna spoke regarding the request for the preliminary plat for Cascade Business Park that includes three commercial lots located in the ETJ. The preliminary plat has met all of the platting subdivision ordinance requirements. Staff is supportive and requests approval.

Commissioner Cates asked if there is a requirement for submitting natural features to show caverns or caves. Ms. Talley stated there was a consultant that was asked early on in regarding to caverns and there was nothing identified except for trees.

Commissioner Anzollitto stated this plat is in the ETJ and we can't address any zoning for this location of the development. Mr. Colonna stated the City has no control of zoning in the ETJ and the County does not have zoning requirements.

COMMISSIONER CATES MADE A MOTION TO APPROVE THE PRELIMINARY PLAT FOR CASCADE BUSINESS PARK (3 COMMERCIAL LOTS IN THE ETJ) (10.05 ACRES) (KAD NO.11593), WITH THE CONDITION UPON STAFF VERIFICATION THAT SECTION 2.02.001F HAS BEEN COMPLIED WITH. COMMISSIONER COHOON SECONDED THE MOTION. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 6 - Commissioner Cohoon, Commissioner Dunning, Commissioner Cates, Commissioner Bird, Commissioner Kana, and Commissioner Anzollitto

Absent: 1 - Commissioner Hayward

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

There were none.

7. ADJOURNMENT

Vice Chairman Chapman adjourned the Planning and Zoning meeting at 8:05 P.M.

P&Z Chairman

P&Z Secretary

Rollcall

Rollcall

Present	7 - Commissioner Patrick Cohoon, Vice Chair Cal Chapman, Commissioner Chesney Dunning, Commissioner Bob Cates, Commissioner Bill Bird, Commissioner Kyle Kana, and Commissioner Joe Anzollitto
Absent	2 - Commissioner Paula Hayward, and Chairman Joe Davis