

MINUTES
PLANNING AND ZONING COMMISSION MEETING
BOERNE POLICE AND MUNICIPAL COURT COMPLEX, 124 OLD SAN ANTONIO ROAD
Monday, August 5, 2019 – 6:00 p.m.

Minutes of the Planning and Zoning Commission meeting of August 5, 2019

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

Members Absent: Kyle Kana

Staff Present: Laura Talley, Nick Colonna, Molly Solis, Stephanie Kranich, Barrett Squires, Jeff Thompson, Robert Lee, Mike Mann, Sara Serra

Registered/

Recognized Guests: Jim Stokes, Susan Sirmans, Mike Walston, Cindy Walston, Darell Clemans, Thomas Ortega, Karen Ortega, Austin Fost, Jeff Carroll, Thomas Hatt, Jennifer Lopez, Fidel Tijerina, Gabriel Garcia, Carlos Garcia, Kristy Farar, Cindy Niemeyer, Denise Dever, Robert McCall, Ed Moreno, Dee Moreno, Brad Hiemeyer, Rick Cliett, Ginny Cliett, Adam Herbst, Brooke Herbst, Kriston Schawb, Justin Lieck, Walt Studer, Laura Foshee, Koni Frost, Aimee Dennis, Wiley Dennis, Keith Morales, Brian Moffait, Michael Owne, Bechy Stokes, Bob Mirabito, Adela Own, Cathy Spain, Jeremy Painter, Lance Kyle, Colby Tate, Casey Styers, Chris Moon

1. CALL TO ORDER – 6:00 PM

Chairman Davis called the Planning and Zoning Commission meeting to order at 6:00 P.M.

[2019-802](#) Approval of Planning and Zoning Commission Minutes of the meetings held June 3, 2019, June 26, 2019, July 1, 2019 and July 10, 2019.

COMMISSIONER CHAPMAN MADE A MOTION TO APPROVE THE PLANNING AND ZONING COMMISSION MINUTES OF THE MEETINGS HELD JUNE 3, 2019, JUNE 26, 2019, JULY 1, 2019 AND JULY 10, 2019, WITH REQUESTED CORRECTIONS. COMMISSIONER ANZOLLITTO SECONDED THE MOTION. THE MOTION CARRIED BY THE FOLLOWING VOTE:

- Yeah:** 7 - Commissioner Cohoon, Commissioner Hayward, Vice Chair Chapman, Commissioner Dunning, Commissioner Cates, Commissioner Anzollitto, and Commissioner Bird
- Absent:** 1 - Commissioner Kana

3. CONFLICTS OF INTEREST

There were none.

4. 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. Brian Moffatt, 121 Cimarron Creek, spoke in opposition of the revised Master Plan for Ranches of Creekside.

Mr. Michael Owen, 134 Cimarron Creek, spoke in opposition of the revised Master Plan for Ranches of Creekside.

Ms. Bechy Stokes, 123 Cimarron Creek, spoke in opposition of the revised Master Plan for Ranches of Creekside.

Mr. Bob Mirabito, 129 Cimarron Creek, spoke in opposition of the revised Master Plan for Ranches of Creekside.

Ms. Cathy Spain, 151 Cimarron Creek, spoke in opposition of the revised Master Plan for Ranches of Creekside.

Mr. Jim Stokes gave his time.

Mr. Jeremy Painter, 134 Boulder Creek, spoke in opposition of the revised Master Plan for Ranches of Creekside.

Ms. Jennifer Lopez, 104 Union Creek, spoke in opposition of the revised

Master Plan for Ranches of Creekside.

Mr. Lance Kyle, 226 Cascade Caverns Road, spoke in opposition of Southglen's expansion and previous flooding in that area.

Mr. John Farar, 106 Onion Creek, spoke in opposition of the revised Master Plan for Ranches of Creekside.

Mr. Colby Tate, 144 Cimarron Creek, spoke in opposition of the revised Master Plan for Ranches of Creekside.

Mr. Casey Stiers, gave up his time.

Ms. Chris Moore, 106 Cold Water Creek, spoke in opposition of the revised Master Plan for Ranches of Creekside.

Mr. Tom Hatt, 11 Coldwater Creek, spoke in opposition of the revised Master Plan for Ranches of Creekside.

Mr. Austin Frost, 101 Onion Creek, spoke in opposition of the revised Master Plan for Ranches of Creekside.

EXECUTIVE SESSION IN ACCORDANCE WITH THE TEXAS GOVERNMENT CODE:

Chairman Davis convened the Planning and Zoning Commission into Executive Session at 6:47 P.M.

Section 551.071 - Consultation with Attorney

No action was taken.

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

Chairman Davis reconvened the Planning and Zoning Commission into Open Session at 7:00 P.M.

5. [2019-806](#) Consider a revised Master Plan for Ranches at Creekside Subdivision, (249.4415 acres), located at 125 E. State Highway 46 (KAD No. 49167). Take necessary action.

Ms. Laura Talley, spoke regarding the prior Master Plan for the development that was previously approved. The commercial lots on the front of the development were left vacant and had remained unidentified on the Master Plan. There are now 8.5 acres added of commercial development at the front of the development. There have been five plats approved previously for Ranches at Creekside and the open space requirements have been determined for each approved plat. The Land Use Plan shows the area of requested commercial retail as potential neighborhood commercial for future zoning and was approved by City Council. There are entrance corridor standards that the commercial retail will be required to follow, which include separation distances between commercial space and residential. There will be screening requirements for all commercial development. Staff recommends approval.

Jeff Hutzler, developer of the subdivision, spoke regarding the request and explained he inherited the previous zoning of the development and had planned for commercial development placed up front of the subdivision. The request submitted for the revised Master Plan has wider streets as requested by the Commissioners. Mr. Hutzler stated he is willing to work with the property owners to keep it beneficial for them and the community for appropriate zoning and the businesses in the commercial space. The vision is for a small retail/office park.

Chairman Davis asked regarding the percentages of green space in the development. Ms. Talley stated the developer can receive credits of greenspace, and has received credits because of the additional walking trails and amenity center. However the cap is 12.5% of the total acreage credit towards green space that the developer can receive.

Commissioner Hayward asked if the amenity center would be delayed if

the commercial retail space isn't approve. Mr. Hutzler stated the the amenity center plat has already expired and is being resubmitted to the Planning office for review. Commissioner Hayward stated the Land Use Plan shows there will be commercial retail up front. Ms. Talley stated the Land Use Plan is not property line specific but shows general areas of future zoning.

Commissioner Dunning asked if Mr. Hutzler has been involved since the beginning of the development and why the commercial retail wasn't presented during the initial Master Plan submittal. Mr. Hutzler stated the initial Master Plan did not include commercial retail as the zoning would have halted the development of building homes while the process of the zoning took place. There have been prior discussion for an additional City Fire Station back in 2013. Ms. Talley stated there were early discussions of commercial uses in the front of the development. Mr. Hutzler stated all home-builders were informed early on and explained there would be commercial retail in the front and it was never presented as green-space.

Commissioner Chapman asked for clarification regarding the access into the commercial retail and how it would change traffic patterns. Mr. Hutzler stated the utilities would be off of Cooper Creek. The median would be cut to provide access for vehicles to navigate to the commercial retail area and not drive further down into the main entrance of the development.

COMMISSIONER COHOON MADE A MOTION TO APPROVE A REVISED MASTER PLAN FOR RANCHES AT CREEKSIDE SUBDIVISION, (249.4415 ACRES), LOCATED AT 125 E. STATE HIGHWAY 46 (KAD NO. 49167), WITH THE CONDITION THE COMMERCIAL RETAIL BE REMOVED AND APPROVE ONLY THE RESIDENTIAL REVISIONS OF THE REVISED MASTER PLAN. COMMISSIONER DUNNING SECONDED THE MOTION. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 6 - Commissioner Cohoon, Commissioner Hayward, Vice Chair Chapman, Commissioner Dunning, Commissioner Cates, and Commissioner Bird

Absent: 1 - Commissioner Kana

Recused: 1 - Commissioner Anzollitto

6. [2019-803](#) Consider the Esperanza Phase II, SF 8 and SF 9 Pod Plan for the Esperanza GDP (General Development Plan). Take necessary action.

Mr. Nick Colonna, spoke regarding the request for approval of the POD Plan for Esperanza Phase II, SF 8 & SF 9 for the Esperanza GDP. This request is part of phase II and the PODs represent a group of homes located within the development. The Esperanza development is located in the ETJ. Staff recommends approval of the requested POD plan.

COMMISSIONER COHOON MADE A MOTION TO APPROVE THE ESPERANZA PHASE II, SF 8 AND SF 9 POD PLAN FOR THE ESPERANZA GDP (GENERAL DEVELOPMENT PLAN). COMMISSIONER CHAPMAN SECONDED THE MOTION. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 7 - Commissioner Cohoon, Commissioner Hayward, Vice Chair Chapman, Commissioner Dunning, Commissioner Cates, Commissioner Anzollitto, and Commissioner Bird

Absent: 1 - Commissioner Kana

7. CONSENT AGENDA

All items listed below within the Consent Agenda are considered to be 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. The following final plat shall be approved conditionally as is stated in the Subdivision Ordinance Article 2, Section 04. Final Plat Approval, Subsection 2.04.001 B Conditional Approval.

Commissioner Chapman asked to make a request for item 7b be removed from consent agenda and to be discussed separately.

- a. [2019-804](#) a. El Chaparral Boerne, (6.103 acres) located at 36 Old San Antonio Road (KAD No. 15903).

Mr. Nick Colonna explained the request for conditional plat approval.

COMMISSIONER CATES MADE A MOTION TO CONDITIONALLY APPROVE THE FINAL PLAT FOR EL CHAPARRAL BOERNE, (6.103 ACRES) LOCATED AT 36 OLD SAN ANTONIO ROAD (KAD NO. 15903). COMMISSIONER COHOON SECONDED THE MOTION. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 7 - Commissioner Cohoon, Commissioner Hayward, Vice Chair Chapman, Commissioner Dunning, Commissioner Cates, Commissioner Anzollitto, and Commissioner Bird

Absent: 1 - Commissioner Kana

- b. [2019-805](#) b. Southglen Phase VI and VII, (68 residential lots, 3 open space lots) (14.260 acres) (KAD No. 42662).

Commissioner Chapman spoke regarding the concerns on failing to meet the standards for storm water management.

Mr. Mike Mann stated there is a set 2-year construction warranty, however there is a performance standard that must be met and must be complied with that does not have a time limit. TCEQ enforcement is purely about quality and primarily deals with erosion and run off issues, which are separate issues than dealing with detention or flow rates. There is a difference between quality and quantity. In regards to quantity and detention requirements there are no state requirements however the City has requirements and follows thru with enforcement to the very best of the City's knowledge.

COMMISSIONER CHAPMAN MADE A MOTION TO CONDITIONALLY APPROVE THE FINAL PLAT FOR SOUTHGLEN PHASE VI AND VII, (68 RESIDENTIAL LOTS, 3 OPEN SPACE LOTS) (14.260 ACRES) (KAD NO. 42662). COMMISSIONER HAYWARD SECONDED THE MOTION. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 7 - Commissioner Cohoon, Commissioner Hayward, Vice Chair Chapman, Commissioner Dunning, Commissioner Cates, Commissioner Anzollitto, and Commissioner Bird

Absent: 1 - Commissioner Kana

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

Mr. Nick Colonna reminded Commissioners of the Planning and Zoning Special Called Workshop on Thursday at 5:30 pm, located at Ye Kendall Inn.

Ms. Talley spoke regarding a previous commission meeting item and explained there will be a ground survey submitted to City Staff regarding possible underground caves. In addition there will be an upcoming update of the UDC presented to the Planning and Zoning Commission.

Mr. Mike Mann stated the City Engineer Sean Reich is resigning from the City of Boerne and a replacement will be onboard soon and will be attending Planning and Zoning Commission meetings.

9. ADJOURNMENT

Chairman Davis adjourned the Planning and Zoning Commission meeting at 8:41 P.M.

**THE CITY OF BOERNE PLANNING AND ZONING COMMISSION RESERVES THE RIGHT
TO ADJOURN INTO EXECUTIVE SESSION AT ANY TIME TO DISCUSS ANY OF THE
MATTERS LISTED ABOVE, AS AUTHORIZED BY TEXAS GOVERNMENT CODE §551.071
(CONSULTATION WITH ATTORNEY).**

P&Z Chairman

P&Z Secretary

Rollcall

- Present** 8 - Commissioner Patrick Cohoon, Commissioner Paula Hayward,
Vice Chair Cal Chapman, Chairman Joe Davis, Commissioner
Chesney Dunning, Commissioner Bob Cates, Commissioner Joe
Anzollitto, and Commissioner Bill Bird
- Absent** 1 - Commissioner Kyle Kana