

MINUTES
PLANNING AND ZONING COMMISSION MEETING
BOERNE POLICE AND MUNICIPAL COURT COMPLEX, 124 OLD SAN ANTONIO ROAD
Monday, September 9, 2019 – 6:00 p.m.

Minutes of the Planning and Zoning Commission meeting of September 9, 2019

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

Members Absent: Joe Davis

Staff Present: Laura Talley, Stephanie Kranich, Barrett Squires, Jeff Thompson, Robert Lee, Mike Mann, Cheryl Roberts, Rebecca Pacini

Registered/

Recognized Guests: Tom Kartrude, Vic Vaughan, Ryan Malitz, Rufus Stephens, Bob Vollmer, Dani Vollmer, Aaron Arnold, Steven Craiez, Brian Fowler, Jeff Carroll, John La Roche, Richard Gross, Northern Hendricks, Jenny Heymann, Amy Bean, Richard Heard, Falkner Heard, J.W Pieper, Ken Seamans, Donna Taylor

1. CALL TO ORDER – 6:00 PM

Commissioner Chapman called the Planning and Zoning Commission meeting to order at 6:06 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. APPROVAL OF MINUTES

[2019-881](#) Approval of Planning and Zoning Commission Minutes of the meetings held August 5, 2019.

COMMISSIONER COHOON MADE A MOTION TO APPROVE THE PLANNING AND ZONING COMMISSION MINUTES OF THE MEETINGS HELD AUGUST 5, 2019. COMMISSIONER ANZOLLITTO SECONDED THE MOTION. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 7 - Commissioner Cohoon, Commissioner Hayward,
Commissioner Dunning, Commissioner Cates, Commissioner
Anzollitto, Commissioner Bird, and Commissioner Kana

Absent: 1 - Chairman Davis

Abstain: 1 - Vice Chair Chapman

3. CONFLICTS OF INTEREST

**COMMISSIONER KANA HAD A CONFLICT OF INTEREST ON ITEM NUMBERS 19,
20, 21, 22.**

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. Tom Kartrude, 128 Lone Star, expressed his concerns regarding storm water run off, and existing stream setbacks.

5. PUBLIC HEARING

[2019-883](#) a. To consider the proposed rezoning of 0.5 acre at 32840 Interstate 10 West (KAD 26884) from I, Industrial District, to B-2, Highway Commercial District. (Kenneth W. Seamans).

Ms. Laura Talley stated some general statements regarding the list of public hearings.

Commissioner Chapman opened the public hearing at 6:16 P.M.

Ken Siemens, 112 Emerald Hill, expressed his concerns of the current zoning and would like to lease the property as a business.

Aaron Arnold, 437C FM474, owns property just slightly north and is supportive of the request.

Commissioner Chapman closed the public hearing at 6:20 P.M.

6. [2019-885](#) Make recommendation to City Council regarding the proposed

rezoning of 0.5 acre at 32840 Interstate 10 West (KAD 26884) from I, Industrial District, to B-2, Highway Commercial District. (Kenneth W. Seamans).

Ms. Laura Talley spoke regarding the past uses located at the property address. The prior businesses have all been industrial. There have been some grand-fathered properties near the property and are non-conforming uses. There are few Industrial Zoned properties left in the city and staff is recommending against the request for rezoning the property from Industrial to Business.

COMMISSIONER BIRD MADE A MOTION TO RECOMMEND APPROVAL TO CITY COUNCIL REGARDING THE PROPOSED REZONING OF 0.5 ACRE AT 32840 INTERSTATE 10 WEST (KAD 26884) FROM I, INDUSTRIAL DISTRICT, TO B-2, HIGHWAY COMMERCIAL DISTRICT. (KENNETH W. SEAMANS). COMMISSIONER KANA SECONDED THE MOTION. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 5 - Commissioner Dunning, Commissioner Cates, Commissioner Anzollitto, Commissioner Bird, and Commissioner Kana

Nay: 2 - Commissioner Cohoon, and Commissioner Hayward

Absent: 1 - Chairman Davis

Abstain: 1 - Vice Chair Chapman

7. PUBLIC HEARING

[2019-887](#) a. To consider the proposed permanent zoning of 0.545 acre at 19 Old San Antonio Road (KAD 15817) from R-A, Single-Family Residential - Agricultural District, to B-1, High-Density Residential and Neighborhood Commercial District (Amari Arvelene Ann).

Commissioner Chapman opened the public hearing at 6:37 P.M.

Mr. Rufus Stevens, 205 Bess Street, spoke in opposition of the zoning request.

Ms. Amy Bean, 204 Second Street, spoke in opposition of the zoning request.

Ms. Jenny Heymann, 508 Frey Street, spoke in opposition of the zoning request.

Commissioner Chapman closed the public hearing at 6:43 P.M.

8. [2019-888](#) Make recommendation to City Council regarding the proposed permanent zoning of 0.545 acre at 19 Old San Antonio Road (KAD 15817) from R-A, Single-Family Residential - Agricultural District, to B-1, High-Density Residential and Neighborhood Commercial District (Amari Arvelene Ann).

Ms. Laura Talley explained the proposed permanent zoning request. The property was recently annexed into the city and approved by City Council. There is some floodplain on the property, however the property is not yet being developed. Staff is recommending the zoning request as listed on the Future Land Use plan.

COMMISSIONER CATES MADE A MOTION TO MAKE RECOMMENDATION TO CITY COUNCIL REGARDING THE PROPOSED PERMANENT ZONING OF 0.545 ACRE AT 19 OLD SAN ANTONIO ROAD (KAD 15817) FROM R-A, SINGLE-FAMILY RESIDENTIAL - AGRICULTURAL DISTRICT, TO R-A, SINGLE-FAMILY RESIDENTIAL. COMMISSIONER BIRD SECOND THE MOTION. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

Nay: 1 - Commissioner Cohoon

Absent: 1 - Chairman Davis

Abstain: 1 - Vice Chair Chapman

9. PUBLIC HEARING

- [2019-889](#) a. To consider the proposed permanent zoning of 1.899 acres at 21 Old San Antonio Road (KAD 15816) from R-A, Single-Family Residential - Agricultural District, to B-1, High-Density Residential

and Neighborhood Commercial District (Obadia Jacob).

Commissioner Chapman opened the public hearing at 7:06 P.M.

Mr. Rufus Stevens, 205 Bess Street, was in opposition of the requested zoning.

Mr. John La Roach, 103 Old San Antonio, stated things change and the Commission needs to look out for what is best for the community as it grows.

Commissioner Chapman closed the public hearing at 7:10 P.M .

10. [2019-890](#) Make recommendation to City Council regarding the proposed permanent zoning of 1.899 acres at 21 Old San Antonio Road (KAD 15816) from R-A, Single-Family Residential - Agricultural District, to B-1, High-Density Residential and Neighborhood Commercial District (Obadia Jacob).

Ms. Laura Talley explained the proposed permanent zoning request. The property was recently annexed into the city and approved by City Council. Staff is recommending the zoning request as listed on the Future Land Use plan.

COMMISSIONER HAYWARD MADE A MOTION TO MAKE RECOMMENDATION TO CITY COUNCIL REGARDING THE PROPOSED PERMANENT ZONING OF 1.899 ACRES AT 21 OLD SAN ANTONIO ROAD (KAD 15816) FROM R-A, SINGLE-FAMILY RESIDENTIAL - AGRICULTURAL DISTRICT, TO R-A, SINGLE-FAMILY RESIDENTIAL - AGRICULTURAL DISTRICT (OBADIA JACOB). COMMISSIONER ANZOLLITTO SECONDED THE MOTION. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

Nay: 1 - Commissioner Cohoon

Absent: 1 - Chairman Davis

Abstain: 1 - Vice Chair Chapman

11. PUBLIC HEARING

[2019-891](#) a. To consider the proposed permanent zoning of 4.492 acres at 23 Old San Antonio Road (KAD 15828) and (KAD 15829) from R-A, Single-Family Residential - Agricultural District, to B-1, High-Density Residential and Neighborhood Commercial District (Harpole Willis Jay).

Commissioner Chapman opened the public hearing at 7:23 P.M.

Mr. Rufus Stevens, 205 Bess Street, stated his opposition of the request.

Commissioner Chapman closed the public hearing at 7:24 P.M.

12. [2019-892](#) Make recommendation to City Council regarding the proposed permanent zoning of 4.492 acres at 23 Old San Antonio Road (KAD 15828) and (KAD 15829) from R-A, Single-Family Residential - Agricultural District, to B-1, High-Density Residential and Neighborhood Commercial District (Harpole Willis Jay).

Ms. Laura Talley explained the proposed permanent zoning request. The property was recently annexed into the city and approved by City Council. Staff is recommending the zoning request as listed on the Future Land Use plan.

COMMISSIONER ANZOLLITO MADE A MOTION TO MAKE RECOMMENDATION TO CITY COUNCIL REGARDING THE PROPOSED PERMANENT ZONING OF 4.492 ACRES AT 23 OLD SAN ANTONIO ROAD (KAD 15828) AND (KAD 15829) FROM R-A, SINGLE-FAMILY RESIDENTIAL - AGRICULTURAL DISTRICT, TO R-A, SINGLE-FAMILY RESIDENTIAL. (HARPOLE WILLIS JAY). COMMISSIONER KANA SECONDED THE MOTION. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

Nay: 1 - Commissioner Cohoon

Absent: 1 - Chairman Davis

Abstain: 1 - Vice Chair Chapman

13. PUBLIC HEARING

- [2019-893](#) a. To consider the proposed permanent zoning of 2.372 acres at 34 Herff Road (KAD 15868) and (KAD 34998) from R-A, Single-Family Residential - Agricultural District, to B-1, High-Density Residential and Neighborhood Commercial District (Harpole Willis J).

Commissioner Chapman opened the public hearing at 7:26 P.M

There were no comments.

Commissioner Chapman closed the public hearing at 7:26 P.M.

14. [2019-894](#) Make recommendation to City Council regarding the proposed permanent zoning of 2.372 acres at 34 Herff Road (KAD 15868) and (KAD 34998) from R-A, Single-Family Residential - Agricultural District, to B-1, High-Density Residential and Neighborhood Commercial District (Harpole Willis J).

Ms. Laura Talley explained the proposed permanent zoning request. The property was recently annexed into the city and approved by City Council. Staff is recommending the zoning request as listed on the Future Land Use plan.

COMMISSIONER BIRD MADE A MOTION TO MAKE RECOMMENDATION TO CITY COUNCIL REGARDING THE PROPOSED PERMANENT ZONING OF 2.372 ACRES AT 34 HERFF ROAD (KAD 15868) AND (KAD 34998) FROM R-A, SINGLE-FAMILY RESIDENTIAL - AGRICULTURAL DISTRICT, TO R-A, SINGLE-FAMILY RESIDENTIAL (HARPOLE WILLIS J). COMMISSIONER DUNNING SECONDED THE MOTION. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

Nay: 1 - Commissioner Cohoon

Absent: 1 - Chairman Davis

Abstain: 1 - Vice Chair Chapman

15. PUBLIC HEARING

- [2019-895](#) a. To consider the proposed permanent zoning of 4.37 acres at 36 Herff Road (KAD 15865) from R-A, Single-Family Residential - Agricultural District, to B-1, High-Density Residential and Neighborhood Commercial District (Harpole Willis Jay).

Commissioner Chapman opened the public hearing at 7:28 P.M.

Mr. Rufus Stevens, 205 Bess Street, stated his opposition to the zoning request.

Ms. Donna Taylor, (Cibolo Preserve), stated her opposition to the zoning request.

Commissioner Chapman closed the public hearing at 7:33 P.M.

16. [2019-896](#) Make recommendation to City Council regarding the proposed permanent zoning of 4.37 acres at 36 Herff Road (KAD 15865) from R-A, Single-Family Residential - Agricultural District, to B-1, High-Density Residential and Neighborhood Commercial District (Harpole Willis Jay).

Ms. Laura Talley explained the proposed permanent zoning request. The property was recently annexed into the city and approved by City Council. Staff is recommending the zoning request as listed on the Future Land Use plan.

Commissioners shared their concerns regarding stream setbacks and drainage uses.

COMMISSIONER CATES MADE A MOTION TO MAKE RECOMMENDATION TO CITY COUNCIL REGARDING THE PROPOSED PERMANENT ZONING OF 4.37 ACRES AT 36 HERFF ROAD (KAD 15865) FROM R-A, SINGLE-FAMILY RESIDENTIAL - AGRICULTURAL DISTRICT, TO R-A, SINGLE-FAMILY RESIDENTIAL - AGRICULTURAL DISTRICT (HARPOLE WILLIS J). COMMISSIONER ANZOLLITTO SECONDED THE MOTION. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 7 - Commissioner Cohoon, Commissioner Hayward, Commissioner Dunning, Commissioner Cates, Commissioner Anzollitto, Commissioner Bird, and Commissioner Kana

Absent: 1 - Chairman Davis

Abstain: 1 - Vice Chair Chapman

17. PUBLIC HEARING

[2019-897](#) a. To consider the proposed permanent zoning of 6.01 acres at 39 Herff Road (KAD 63556) and (KAD 63557) from R-A, Single-Family Residential - Agricultural District, to B-1, High-Density Residential and Neighborhood Commercial District (Fellows Barbara K).

Commissioner Chapman opened the public hearing at 7:42 P.M.

Mr. Rufus Stevens, 205 Bess Street, stated his opposition to the zoning request.

Mr. J.W. Pieper, 354 Park Ridge, (trustee of the Cibolo Preserve), stated his opposition to the zoning request.

Ms. Donna Taylor, (Cibolo Preserve), stated her opposition to the zoning request.

Commissioner Chapman closed the public hearing at 7:49 P.M.

18. [2019-898](#) Make recommendation to City Council regarding the proposed permanent zoning of 6.01 acres at 39 Herff Road (KAD 63556) and (KAD 63557) from R-A, Single-Family Residential - Agricultural District, to B-1, High-Density Residential and Neighborhood

Commercial District (Fellows Barbara K).

Ms. Laura Talley explained the proposed permanent zoning request. The property was recently annexed into the city and approved by City Council. Staff is recommending the zoning request as listed on the Future Land Use plan.

COMMISSIONER HAYWARD MADE A MOTION TO MAKE RECOMMENDATION TO CITY COUNCIL REGARDING THE PROPOSED PERMANENT ZONING OF 6.01 ACRES AT 39 HERFF ROAD (KAD 63556) AND (KAD 63557) FROM R-A, SINGLE-FAMILY RESIDENTIAL - AGRICULTURAL DISTRICT, TO R-A, SINGLE-FAMILY RESIDENTIAL - AGRICULTURAL DISTRICT (FELLOWS BARBARA K). COMMISSIONER CATES SECONDED THE MOTION. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 7 - Commissioner Cohoon, Commissioner Hayward, Commissioner Dunning, Commissioner Cates, Commissioner Anzollitto, Commissioner Bird, and Commissioner Kana

Absent: 1 - Chairman Davis

Abstain: 1 - Vice Chair Chapman

19. PUBLIC HEARING

[2019-899](#) a. To consider the proposed permanent zoning of 5.079 acres at 31001 Interstate 10 West (KAD 12292) from R-A, Single-Family Residential - Agricultural District, to I, Industrial District (VBM Boerne Land LLC).

Commissioner Chapman opened the public hearing at 7:51 P.M.

Mr. Taylor Allen, Big Red Dog Engineering, spoke regarding the future use and planned development for property at this location.

Commissioner Chapman closed the public hearing at 7:54 P.M.

20. [2019-900](#) Make recommendation to City Council regarding the proposed permanent zoning of 5.079 acres at 31001 Interstate 10 West (KAD 12292) from R-A, Single-Family Residential - Agricultural

District, to I, Industrial District (VBM Boerne Land LLC).

Ms. Laura Talley explained the proposed permanent zoning request. The property was recently annexed into the city and approved by City Council. Staff is recommending the zoning request as listed on the Future Land Use plan.

COMMISSIONER ANZOLLITTO MADE A MOTION TO MAKE RECOMMENDATION TO CITY COUNCIL REGARDING THE PROPOSED PERMANENT ZONING OF 5.079 ACRES AT 31001 INTERSTATE 10 WEST (KAD 12292) FROM R-A, SINGLE-FAMILY RESIDENTIAL - AGRICULTURAL DISTRICT, TO I, INDUSTRIAL DISTRICT (VBM BOERNE LAND LLC). COMMISSIONER DUNNING SECONDED THE MOTION. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

Absent: 1 - Chairman Davis

Abstain: 1 - Vice Chair Chapman

Recused: 1 - Commissioner Kana

21. PUBLIC HEARING

[2019-901](#) a. To consider the use of an Automobile Service with Outside Storage in an I, Industrial District for 5.079 acres located at 31001 Interstate 10 West, (KAD 12292) (VBM Boerne Land LLC - Vic Vaughan, Toyota).

Commissioner Chapman opened the public hearing at 7:55 P.M.

There were no comments.

Commissioner Chapman closed the public hearing at 7:57 P.M.

- 22.** [2019-902](#) Make recommendation to City Council regarding the use of an Automobile Service with Outside Storage in an I, Industrial District for 5.079 acres located at 31001 Interstate 10 West, (KAD 12292) (VBM Boerne Land LLC - Vic Vaughan, Toyota).

Ms. Laura Talley explained the proposed business requesting the use of an automobile service with outside storage. The bays will be screened. The proposed zoning is supportive by staff in this location.

COMMISSIONER BIRD MADE A MOTION TO MAKE RECOMMENDATION TO CITY COUNCIL REGARDING THE USE OF AN AUTOMOBILE SERVICE WITH OUTSIDE STORAGE IN AN I, INDUSTRIAL DISTRICT FOR 5.079 ACRES LOCATED AT 31001 INTERSTATE 10 WEST, (KAD 12292) (VBM BOERNE LAND LLC - VIC VAUGHAN, TOYOTA). COMMISSIONER COHOON SECONDED THE MOTION. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

Absent: 1 - Chairman Davis

Abstain: 1 - Vice Chair Chapman

Recused: 1 - Commissioner Kana

23. 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 unconditionally.

[2019-903](#) a. Esperanza Phase 1C (34 residential lots, and 5 open space lots) (KAD 50520)

COMMISSIONER COHOON MADE A MOTION TO UNCONDITIONALLY APPROVE THE FINAL PLAT FOR ESPERANZA PHASE 1C (34 RESIDENTIAL LOTS, AND 5 OPEN SPACE LOTS) (KAD 50520). COMMISSIONER KANA SECONDED THE MOTION. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 7 - Commissioner Cohoon, Commissioner Hayward, Commissioner Dunning, Commissioner Cates, Commissioner Anzollitto, Commissioner Bird, and Commissioner Kana

Absent: 1 - Chairman Davis

Abstain: 1 - Vice Chair Chapman

[2019-904](#) b. Esperanza Phase 2C (22 residential lots, and 5 open space lots)

(KAD 15028)

COMMISSIONER COHON MADE A MOTION TO UNCONDITIONALLY APPROVE THE FINAL PLAT FOR ESPERANZA PHASE 2C (22 RESIDENTIAL LOTS, AND 5 OPEN SPACE LOTS) (KAD 15028). COMMISSIONER KANA SECONDED THE MOTION. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 7 - Commissioner Cohoon, Commissioner Hayward, Commissioner Dunning, Commissioner Cates, Commissioner Anzollitto, Commissioner Bird, and Commissioner Kana

Absent: 1 - Chairman Davis

Abstain: 1 - Vice Chair Chapman

24. DISCUSSION ITEMS

[2019-905](#) a. Update on workshop items

Ms. Laura Talley spoke regarding supplying public notices and documents to the commission after zoning letters and notifications have been submitted to property owners. There is a list created and can be presented to the commission of all the plats that are currently under review at the present moment. Ms. Talley went over in detail the plat list presented to the commission.

Commissioner Chapman asked if the commission can be notified if/when a plat becomes administratively complete. Ms. Talley confirmed, yes.

[2019-906](#) b. Potential additional meetings - workshop or discussion items

Ms. Laura Talley stated the Mayor would like to bring up the topic for any potential workshops or future topics of discussion that the commission would like to have. Ms. Talley spoke regarding a possible workshop on a UDC update. Commissioner Bird asked for a workshop on communication. Commissioner Cates would like explanation from the City Attorney on the house bill 2840 and a clearer definition on the 30 day plat approval window. Commissioner Anzollitto stated needing clarification of what open space consists of and his concerns regarding the grading of slope on individual lots within developments are being done correctly.

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

26. ADJOURNMENT

Commissioner Chapman adjourned the Planning and Zoning Commission meeting at 8:37 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

Rollcall

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