

MINUTES
PLANNING AND ZONING COMMISSION MEETING
BOERNE POLICE AND MUNICIPAL COURT COMPLEX, 124 OLD SAN ANTONIO ROAD
Monday, December 2nd, 2019 – 6:00 p.m.

Minutes of the Planning and Zoning Commission meeting of December 2, 2019

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

Absent: Patrick Cohoon

Staff Present: Laura Talley, Stephanie Kranich, Cheryl Rogers, Rebecca Pacini, Sara Serra, Mick McKamie, Jeff Thompson, Barrett Squires, Robert Lee, Jeff Carroll

Registered/

Recognized Guests: John Kight, Rodney Yates, Sherri Yates, Todd Booth, Dave Luciani, Garrett Griffin, Ray Brigham, Mallory Yelverton, Mike Hodsdon, Tyler Meals, Chris Crim, Jim Miller, Cory Hodsdon, John Brown, Dakota Durden, Robert Imler

1. CALL TO ORDER – 6:00 PM

Commissioner 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. APPROVAL OF MINUTES

[2019-1123](#) Approval of Planning and Zoning Commission Minutes of the meetings held November 4, 2019.

COMMISSIONER CHAPMAN MADE A MOTION TO APPROVE THE PLANNING AND ZONING COMMISSION MINUTES OF THE MEETING HELD NOVEMBER 4, 2019. COMMISSIONER DUNNING SECONDED THE MOTION. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 7 - Commissioner Hayward, Vice Chair Chapman, Commissioner Dunning, Commissioner Cates, Commissioner Anzollitto, Commissioner Bird, and 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. John Kight, 114 Glade Drive, stated his concerns regarding drainage and LID.

Mr. Rodney Yates, 30 Sisterdale Road, stated his involvement with developing his property and the interest with designing a German-style housing development.

5. 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.

[2019-1124](#) a. Consider the final plat for Cascade Business Park, 10.05 acres, 3 commercial lots, located at 122, 124, and 126 Cascade Caverns Road (KAD No. 11593). Take necessary action.

COMMISSIONER CATES MADE A MOTION TO APPROVE THE FINAL PLAT FOR CASCADE BUSINESS PARK, 10.05 ACRES, 3 COMMERCIAL LOTS, LOCATED AT 122, 124, AND 126 CASCADE CAVERNS ROAD (KAD NO. 11593).

COMMISSIONER CHAPMAN SECONDED THE MOTION. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

6. PUBLIC HEARING

- [2019-1125](#) a. To consider the proposed rezoning of 2.348 acres located at 87 Market Avenue (KAD 19961) from I, Industrial District, to B-2R, Highway Commercial - Restricted District. (UDS Thirteen LLC).

Commissioner Davis opened the Public Hearing at 6:15 P.M.

Mr. Chris Crim, representative for the property owner, stated the reasons for the re-zoning request. The proposed development would be for offices and is most in-line with what the future land use map requests for future development.

Commissioner Davis closed the Public Hearing at 6:18 P.M.

7. [2019-1126](#) Make recommendation to City Council regarding the proposed rezoning of 2.348 acres located at 87 Market Avenue (KAD 19961) from I, Industrial District, to B-2R, Highway Commercial - Restricted District. (UDS Thirteen LLC).

Ms. Sara Bennett explained the request for 87 Market Avenue however, it is not in-line with either the Master Plan or Future Land Use Plan. Staff recommends the denial of the request due to concerns of the intended use of a large office complex in the current Industrial zone as it would take away a part of the Industrial zone.

Commissioners stated their agreement with having a more attractive frontage at the property's location.

Commissioner Hayward stated her concerns of losing the amount of Industrial zone spaces that are affordable for an outside business to move into Boerne.

COMMISSIONER ANZOLLITTO MADE A MOTION TO MAKE RECOMMENDATION TO CITY COUNCIL REGARDING THE PROPOSED REZONING OF 2.348 ACRES LOCATED AT 87 MARKET AVENUE (KAD 19961) FROM I, INDUSTRIAL DISTRICT, TO B-2R, HIGHWAY COMMERCIAL - RESTRICTED DISTRICT. (UDS THIRTEEN LLC). COMMISSIONER BIRD SECONDED THE MOTION. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 6 - Vice Chair Chapman, Commissioner Dunning, Commissioner Cates, Commissioner Anzollitto, Commissioner Bird, and Commissioner Kana

Nay: 1 - Commissioner Hayward

8. PUBLIC HEARING

- [2019-1127](#) a. To consider the proposed rezoning of 1.55 acres located at 614 Frey Street (KAD 18975) from R-1, Medium-Density Single-Family Residential District, to B-2R, Highway Commercial - Restricted District. (Jon Miller).

Commissioner Davis opened the Public Hearing at 6:36 P.M.

There were no comments.

Commissioner Davis closed the Public Hearing at 6:37 P.M.

9. [2019-1128](#) Make recommendation to City Council regarding the proposed rezoning of 1.55 acres located at 614 Frey Street (KAD 18975) from R-1, Medium-Density Single-Family Residential District, to B-2R, Highway Commercial - Restricted District. (Jon Miller).

Ms. Sara Bennett explained the request and stated a B-2R is not restrictive enough for the property, as a result Staff is recommending a B-1 as it is more restrictive for an office and limits square footage. The property owner is requesting an office. The B-1 will allow for a smaller scale office.

Mr. Miller, owner of the property, explained the proposed business and the design of the development. The current home is scheduled to be remodeled and used as the office.

COMMISSIONER CATES MADE A MOTION TO MAKE RECOMMENDATION TO CITY COUNCIL REGARDING THE PROPOSED REZONING OF 1.55 ACRES LOCATED AT 614 FREY STREET (KAD 18975) FROM R-1, MEDIUM-DENSITY SINGLE-FAMILY RESIDENTIAL DISTRICT, TO B-1, HIGH-DENSITY RESIDENTIAL AND NEIGHBORHOOD COMMERCIAL DISTRICT. (JON MILLER), WITH THE CONDITION THE RECOMMENDED REZONING OF A B-1 PER STAFF'S RECOMMENDATION. COMMISSIONER ANZOLLITTO SECONDED THE MOTION. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

10. PUBLIC HEARING

[2019-1129](#) a. To consider the proposed rezoning of 0.412 acres located at 121 Advogt Street (Lot 11A - KAD 24670) from B-2, Highway Commercial District, to B-1, High-Density Residential and Neighborhood Commercial District. (Mike Hodsdon).

Commissioner Davis opened the Public Hearing at 7:00 P.M.

Mr. Mike Hodson, 314 Someday Drive, owner of the property, stated his request for the rezoning and explained proposed development and the reason for the request.

Commissioner Davis closed the Public Hearing at 7:02 P.M.

11. [2019-1130](#) Make recommendation to City Council regarding the proposed rezoning of 0.412 acres located at 121 Advogt Street (Lot 11A - KAD 24670) from B-2, Highway Commercial District, to B-1, High-Density Residential and Neighborhood Commercial District. (Mike Hodsdon).

Ms. Sara Bennett explained the request to allow for the proposed development. B-1 will allow for the proposed duplex and still fits in with the Land Use plan, where as the requested B-2 would not allow for the proposed duplex. Staff is supportive and recommends approval of B-1.

COMMISSIONER CHAPMAN MADE A MOTION TO MAKE RECOMMENDATION TO CITY COUNCIL REGARDING THE PROPOSED REZONING OF 0.412 ACRES LOCATED AT 121 ADVOGT STREET (LOT 11A - KAD 24670) FROM B-2, HIGHWAY COMMERCIAL DISTRICT, TO B-1, HIGH-DENSITY RESIDENTIAL AND NEIGHBORHOOD COMMERCIAL DISTRICT. (MIKE HODSDON). COMMISSIONER HAYWARD SECONDED THE MOTION. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

12. PUBLIC HEARING

- [2019-1131](#) a. To consider the proposed permanent zoning of 10.484 acres located at 30-32 FM 1376, from temporary zoning of R-A, Residential-Agricultural District to R-1, Medium-Density Single-Family Residential District. (Sherri and Rodney Yates).

Commissioner Davis opened the Public Hearing at 7:08 P.M

Mr. Rodney Yates, owner and developer of the property, stated that he wants a different zoning than what Staff is recommending. Mr. Yates asked for his property to be zoned similar as the neighboring property as an RN-1.

Mr. Dave Luciani, developer of the property, explained the proposed development. The garages would be placed behind the homes, and allow for varied frontages and have a nice look. The price point for the proposed homes are middle-income families, approximately under \$300,000.

Mr. Todd Booth, 241 Seawall Road, builder with Prestige homes, explained the proposed development and showed the proposed design of a home which would include metal roofs, wooden siding mixed with stone. The homes would minimize the width of the concrete and provide more impervious cover keeping as much grass as possible. The homes would be up to 1,200 square feet.

Mr. Garrett Griffin, owns property across the street. Mr. Griffin stated his concerns regarding drainage and water runoff with the proposed development.

Mr. Ray Brigham, stated his concerns regarding the traffic and entrances into the proposed development as it is near a slope.

Ms. Mallory Yelverton, stated her concerns regarding the drainage, water runoff and bringing more development near her property.

Mr. Tyler Meals, Civil consultant for the development, stated both City and TxDOT requirements would be met for runoff. Mr. Meals stated TxDOT plans for widening Sisterdale Road as there is an increase in traffic.

Commissioner Davis closed the Public Hearing at 7:23 P.M.

13. [2019-1132](#) Make recommendation to City Council regarding the proposed permanent zoning of 10.484 acres located at 30-32 FM 1376, from temporary zoning of R-A, Residential-Agricultural District to R-1, Medium-Density Single-Family Residential District. (Sherri and Rodney Yates).

Ms. Laura Talley explained the property was recently annexed into the City, and is currently zoned as a temporary R-A zoning. The Land Use Plan calls for the property to be Highway Commercial in the front and residential in the back. Staff took into consideration the residential on the backside of the property when considering zoning and allowing for a mix of commercial and residential makes sense. R-1 zoning for this site would likely produce 30 buildable lots with one access point off Sisterdale Road. Staff recommends R-1.

COMMISSIONER DUNNING MADE A MOTION TO MAKE RECOMMENDATION TO CITY COUNCIL REGARDING THE PROPOSED PERMANENT ZONING OF 10.484 ACRES LOCATED AT 30-32 FM 1376, FROM TEMPORARY ZONING OF R-A, RESIDENTIAL-AGRICULTURAL DISTRICT TO R-1, MEDIUM-DENSITY SINGLE-FAMILY RESIDENTIAL DISTRICT. (SHERRI AND RODNEY YATES). COMMISSIONER HAYWARD SECONDED THE MOTION. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

14. [2019-1139](#) Discussion and presentation of the proposed integrated stormwater management update to the ordinances.

Ms. Laura Talley introduced Troy Dorman to discuss the proposed integrated stormwater management update to the ordinances.

Mr. Troy Dorman, consultant with Halff Associates, spoke regarding the proposed updates to three focused areas within the ordinances for low impact development and floodplain management.

PUBLIC HEARING

15. [2019-1134](#) a. To consider the proposed amendment of to the City of Boerne Zoning Ordinance, 2007-64, Article 1, In General, Section 06. Definitions - Stream Setback

Commissioner Davis opened the Public Hearing at 8:21 P.M.

There were no comments.

Commissioner Davis closed the Public Hearing at 8:23 P.M.

16. [2019-1135](#) Make recommendation to City Council regarding the proposed amendment of to the City of Boerne Zoning Ordinance, 2007-64, Article 1, In General, Section 06. Definitions - Stream Setback.

Ms. Laura Talley restated the revisions to the ordinance. Staff is supportive and recommends approval.

COMMISSIONER CATES MADE A MOTION TO MAKE RECOMMENDATION TO CITY COUNCIL REGARDING THE PROPOSED AMENDMENT OF TO THE CITY OF BOERNE ZONING ORDINANCE, 2007-64, ARTICLE 1, IN GENERAL, SECTION 06. DEFINITIONS - STREAM SETBACK. COMMISSIONER ANZOLLITTO SECONDED THE MOTION. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

17. [2019-1136](#) Consider the Preliminary Plat for Esperanza Phase 2F (251 residential lots, 18 open space lots, 16.279 acres of right-of-way) (79.120 acres) (KAD No. 15028 & 45852). Take necessary action.

Ms. Rebecca Pacini spoke regarding the request for approval of the preliminary plat. The preliminary plat complies with the Master Plan of the development. Staff is supportive and recommends approval.

COMMISSIONER ANZOLLITTO MADE A MOTION TO APPROVE THE PRELIMINARY PLAT FOR ESPERANZA PHASE 2F (251 RESIDENTIAL LOTS, 18 OPEN SPACE LOTS, 16.279 ACRES OF RIGHT-OF-WAY) (79.120 ACRES) (KAD NO. 15028 & 45852). COMMISSIONER BIRD SECONDED THE MOTION. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

18. DISCUSSION ITEMS

- [2019-1137](#) a. Development - WCID#3A

Mr. Jeff Thompson spoke regarding the negotiations the City had in relations to WCID #3A, which will support 350 acres of development. The approved Development Agreement made between the developer and the City states after the development's debt is paid down the City could consider annexing the development. The development is located in the City's ETJ. The City will provide waste water service to the WCID which will offer revenue to the City with water coming from GBRA.

Ms. Laura Talley spoke regarding road way improvements which the developer has agreed to provide on Scenic Loop and various side streets

located in the county.

[2019-1138](#)

b. Potential additional meetings - workshop or discussion items

Ms. Laura Talley spoke regarding having an upcoming workshops on December 11th to discuss LID and include the City's LID consultant as well as UDC updates.

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

20. ADJOURNMENT

Commissioner Davis adjourned the Planning and Zoning Commission meeting at 8:53 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 Paula Hayward, Vice Chair Cal Chapman, Chairman Joe Davis, Commissioner Chesney Dunning, Commissioner Bob Cates, Commissioner Joe Anzollitto, Commissioner Bill Bird, and Commissioner Kyle Kana

Absent 1 - Commissioner Patrick Cohoon