

MINUTES
PLANNING AND ZONING COMMISSION MEETING
BOERNE POLICE AND MUNICIPAL COURT COMPLEX, 124 OLD SAN ANTONIO ROAD
Monday, January 6, 2020 – 6:00 p.m.

Minutes of the Planning and Zoning Commission meeting of January 6, 2020

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

Absent: Kyle Kana

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

Registered/

Recognized Guests: Connie Clark, Jason Link, Blake Harrington, Elise Coleman, Steve Vino, John Kight, Ben Bunker, Kandi Malley, Cole Malley, Mike Malley, Crystal Henry, Carl Campbell, Jeff Moeller, Rob Wasylin

1. CALL TO ORDER – 6:00 PM

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

[2020-103](#) Approval of Planning and Zoning Commission Minutes for both the special called joint meeting held December 2nd, 2019 and the regularly scheduled meeting held December 2nd, 2019.

COMMISSIONER COHOON MADE A MOTION TO APPROVE THE PLANNING AND ZONING COMMISSION MINUTES FOR THE SPECIAL CALLED JOINT MEETING HELD DECEMBER 2, 2019. COMMISSIONER CATES 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

COMMISSIONER CHAPMAN MADE A MOTION TO APPROVE THE PLANNING AND ZONING MEETING OF DECEMBER 2, 2019. COMMISSIONER BIRD 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

Abstain: 1 - Chairman Davis

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. Mike Malley, 165 Lake Front Drive, spoke in opposition to the Shoreline Park development.

ITEMS FOR ACTION

5. [2020-110](#) Consider a request for a variance to the Subdivision Ordinance, Article 2, Procedures, Section 2.02.008 Expiration of plat approval for John's Crossing Subdivision located at the southeast corner of Johns Road and IH-10 (KAD No. 14392). Take necessary action.

Ms. Rebecca Pacini explained the developer's request for a variance to extend the 1 year time limit on the plat for John's Crossing Subdivision. Staff has determined that 1 year is too short of a timeframe to complete a final plat and an additional year would allow time for the completion of requirements. Staff is supportive of the variance request.

COMMISSIONER CATES MADE A MOTION TO APPROVE A VARIANCE TO THE SUBDIVISION ORDINANCE, ARTICLE 2, PROCEDURES, SECTION 2.02.008 EXPIRATION OF PLAT APPROVAL FOR JOHN'S CROSSING SUBDIVISION LOCATED AT THE SOUTHEAST CORNER OF JOHNS ROAD AND IH-10 (KAD NO. 14392). 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

6. [2020-111](#) Consider a request for a variance to the Subdivision Ordinance, Article 2, Procedures, Section 2.02.008 Expiration of plat approval for Southglen Phase 11A Preliminary Plat located north of Southglen Parkway and Wickersham (KAD No. 302047, 288671, and 11568). Take necessary action.

Ms. Rebecca Pacini explained the developer's variance request for a 6 month time extension. Staff has determined that the 1 year time frame to approve a final plat is not long enough and the change to the timeframe is in review to be updated with the ordinance revisions.

Commissioner Cates asked about the tree clearing as shown on Google Earth. It appeared that the developer removed trees that were supposed to be preserved.

Mr. Blake Harrington, developer with Ashton Homes, spoke regarding the purchase of the property after the clearing had already been completed by the previous property owner. Mr. Harrington stated he is not aware of any trees that were cleared that were not allowed. The reason for the request of a time extension is due to delays regarding negotiations of dedications that were out of their control.

Commissioners expressed concerns over the cleared land and asked to have the item tabled for one week to allow for verification of the tree removal.

COMMISSIONER DUNNING MADE A MOTION TO TABLE THE REQUEST FOR A VARIANCE TO THE SUBDIVISION ORDINANCE, ARTICLE 2, PROCEDURES, SECTION 2.02.008 EXPIRATION OF PLAT APPROVAL FOR SOUTHGLEN PHASE 11A PRELIMINARY PLAT LOCATED NORTH OF SOUTHGLEN PARKWAY AND WICKERSHAM (KAD NO. 302047, 288671, AND 11568), THE ITEM TO BE TABLED UNTIL THE P&Z WORKSHOP JANUARY 13, 2020. 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

7. [2020-112](#) Consider a request for a variance to the Subdivision Ordinance, Article 2, Procedures, Section 2.02.008 Expiration of plat approval for Southglen Phase 11B Preliminary Plat located northeast of Southglen Parkway and Wickersham (KAD No. 302047, 288671, and 11568). Take necessary action.

Ms. Rebecca Pacini explained the developer's variance request for a 1 year time extension. Staff determined 1 year is too short and will be updating the 1 year time frame in the UDC updates. Staff is supportive of the variance request.

COMMISSIONER CATES MADE A MOTION TO TABLE THE REQUEST FOR A VARIANCE TO THE SUBDIVISION ORDINANCE, ARTICLE 2, PROCEDURES, SECTION 2.02.008 EXPIRATION OF PLAT APPROVAL FOR SOUTHGLEN PHASE 11B PRELIMINARY PLAT LOCATED NORTHEAST OF SOUTHGLEN PARKWAY AND WICKERSHAM (KAD NO. 302047, 288671, AND 11568), THE ITEM TO BE TABLED UNTIL THE P&Z WORKSHOP JANUARY 13, 2020. 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

8. 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.

- [2020-113](#) a. Consider the final plat for Southglen Phase 11A, 12.11 acres, 49 residential lots, 2 open space lots, and 2.42 acres of right-of-way, located north of Southglen Parkway and Wickersham (KAD No. 302047, 288671, and 11568). Take necessary action.

Staff withdrew the item due to the Tabling of the time extension. The final plat can not be considered.

9. EXECUTIVE SESSION IN ACCORDANCE WITH THE TEXAS GOVERNMENT CODE, SECTION 551.071 – CONSULTATION WITH ATTORNEY REGARDING THE FOLLOWING TOPIC:

A. SHORELINE PARK SUBDIVISION

Chairman Davis convened the Planning and Zoning Commission into Executive Session at 6:45 P.M.

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

Chairman Davis reconvened the Planning and Zoning Commission into Open Session at 7:25 P.M.

11. ITEMS FOR DISCUSSION

- [2020-114](#) a. Discussion regarding Shoreline Park drainage, detention, low impact development (LID), stormwater runoff and various plan reviews

Ms. Laura Talley spoke regarding HOA documents provided to the City by KB, the developer of Shoreline Park. Ms. Talley stated the developer has submitted drainage documents to the City with revised runoff filtration levels. The developer voluntarily increased the new runoff levels to 1.6 inches of runoff to assist with filtration for water runoff amounts.

Mr. Jeff Moeller, drainage consultant from Moeller Associates, hired to

review the Master Drainage Study and additional drainage studies for each phase for Shoreline Park, explained the review process and the major changes made from the Master Plan to the individual drainage studies in correlation to the different phases.

Mr. Jeff Carroll, Development Services Director, explained the limits of the City's control for enforcement of specific stormwater violations and when there is a violation the City notifies the State to handle enforcement.

Commissioner Hayward expressed her concerns regarding the need for stronger wording and more specific detailed descriptions of enforcement within the HOA document for Shoreline Park.

[2020-116](#) b. Potential additional meetings - workshop or discussion items

Ms. Laura Talley reminded the Commission regarding the Workshop scheduled for Monday, January 13th to review the UDC.

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

There were none.

13. ADJOURNMENT

Commissioner Davis adjourned the Planning and Zoning Commission meeting at 8:04 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, Chairman Joe Davis, Commissioner
Chesney Dunning, Commissioner Bob Cates, Commissioner Joe
Anzollitto, and Commissioner Bill Bird
- Absent** 1 - Commissioner Kyle Kana