

MINUTES
PLANNING AND ZONING COMMISSION MEETING
BOERNE CITY HALL
447 North Main Street
Monday, February 1, 2021 – 6:00 p.m.

Due to the COVID-19 pandemic, this meeting is being held telephonically only as allowed by the Governor of Texas during this public health emergency. Please do not attend the meeting in person.

You may join the Planning and Zoning Meeting:

Join Zoom Meeting by computer:

<https://us02web.zoom.us/j/84231352416?>

pwd=Y2N3ckVES2FHNHVySGdqUDBaS0FNUT09

Meeting ID: 842 3135 2416

Passcode: 2499511

or dial by phone:

877 853 5247 US Toll-free

888 788 0099 US Toll-free

Meeting ID: 842 3135 2416

EXECUTIVE SESSION IN ACCORDANCE WITH THE TEXAS GOVERNMENT CODE: THE PLANNING AND ZONING COMMISSION MAY, AS PERMITTED BY LAW, ADJOURN INTO EXECUTIVE SESSION AT ANY TIME TO DISCUSS ANY MATTER LISTED ABOVE AS AUTHORIZED BY CHAPTER 551 CODE §551.071 (CONSULTATION WITH ATTORNEY)

Minutes of the Planning and Zoning Commission Meeting of February 1, 2021 at 6:00 p.m.

Present 6- Chairman Tim Bannwolf, Vice Chairman Patrick Cohoon, Commissioner Joe Anzollitto, Commissioner Bill Bird, Commissioner Ricky Gleason, Commissioner Bob Cates

Late 1- Commissioner Chesney Dunning

Staff Present: Barbara Quirk, Jeff Thompson, Jeff Carroll, Cheryl Rogers, Laura Haning, Mike Raute, Barrett Squires, Rebecca Pacini, Sara Serra-Bennett, Heather Wood, Krystal Brown

Recognized/ Registered Guests: Carissa Cox, Pam Luciani, Dave Luciani, Christine Jacobs, Cody Keller, Curt Campbell, James McGarr, Mike Schultz, Zachary Taylor, Ross Partlow

1. CALL TO ORDER – 6:00 PM

Chairman Bannwolf called the Planning and Zoning Commission to order at 6:02 p.m. and gave a Roll Call.

6 present: Chairman Tim Bannwolf, Vice Chairman Patrick Cohoon, Commissioner Joe Anzollitto, Commissioner Bill Bird, Commissioner Ricky Gleason, Commissioner Bob Cates

Chairman Bannwolf asked for a Moment of Silence and led the Pledge of Allegiance to the United States Flag and to the Texas Flag.

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

No conflicts were declared.

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. Dave Luciani spoke regarding his proposed development and responses received from neighbors over the past couple of months. He stated that he would like to request the RN-1 zoning over the entire site and wishes to come back with an overlay request for the cottage development at a later date.

Christine Jacobs, resident at 127 Adler, spoke regarding previous comments she and her husband had presented to the Commission at prior meetings. They are in favor of Plan A to include 21 homes and 12 cottages. She further explained financial struggles that Mr. Luciani faced with a split zoning that was previously recommended to Council. Mr. Jacobs, had questions for Mr. Luciani regarding the timeline of the project, and whether the homes or cottages would be built first.

Mr. Luciani stated the cottage project would be first.

Cody Keller, owner of 159 Adler and 163 Adler, spoke regarding the proposed development. He expressed concerns with another developer coming in, after the property is rezoned, with a different project than what Mr. Luciani has proposed.

Commissioner Dunning joined the meeting at 6:14 p.m.

4. CONSENT AGENDA: All items listed below within the Consent Agenda are considered 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.

A MOTION WAS MADE BY COMMISSIONER GLEASON, SECONDED BY COMMISSIONER ANZOLLITTO, TO APPROVE THE CONSENT AGENDA AS PRESENTED. THE MOTION CARRIED BY THE FOLLOWING VOTE:

YEA: 6- JOE ANZOLLITTO, BILL BIRD, PATRICK COHOON, RICKY GLEASON, BOB CATES, CHESNEY DUNNING

Approved: 6-0

4.A. [2021-148](#) THE MINUTES OF THE PLANNING AND ZONING COMMISSION MEETING OF JANUARY 4, 2021

4.B. [2021-149](#) THE MINUTES OF THE JOINT CITY COUNCIL AND PLANNING AND ZONING COMMISSION WORKSHOP OF JANUARY 21, 2021

5. REGULAR AGENDA:

- 5.A. [2021-150](#) TO RECONSIDER THE RECOMMENDATION OF THE PROPOSED REZONING OF 5.53 ACRES LOCATED AT 134 GARDEN STREET (KAD NOS. 20006 AND 20007) FROM R-1, MEDIUM-DENSITY SINGLE-FAMILY RESIDENTIAL DISTRICT, TO RN-1, NEIGHBORHOOD RESIDENTIAL DISTRICT AND LEAVING THE R-1 ZONING FOR 1.8 ACRES LOCATED AT 119 AND 125 ADLER STREET (KAD NO. 20009 AND 20010) AND A SMALL NORTHWEST PORTION OF 134 GARDEN STREET. (TOTAL PROJECT OF 7.33 ACRES - GREENWAY COTTAGE BUILDERS, LLC/ DAVE LUCIANI).

I. STAFF PRESENTATION

II. MAKE RECOMMENDATION

Ms. Laura Haning, Director of Planning and Community Development, presented the proposed rezoning. She explained the process to reconsider and amend the Commission's previous recommendation to City Council.

A MOTION WAS MADE BY COMMISSIONER CATES, SECONDED BY COMMISSIONER ANZOLLITTO, TO AMEND THE RECOMMENDATION TO CITY COUNCIL TO REZONE 7.33 ACRES LOCATED AT 134 GARDEN STREET (KAD NOS. 20006 AND 20007), 119 AND 125 ADLER STREET (KAD NO. 20009 AND 20010) FROM R-1, MEDIUM-DENSITY SINGLE-FAMILY RESIDENTIAL DISTRICT, TO RN-1, NEIGHBORHOOD RESIDENTIAL DISTRICT (GREENWAY COTTAGE BUILDERS, LLC/ DAVE LUCIANI). THE MOTION CARRIED BY THE FOLLOWING VOTE:

YEA: 6- JOE ANZOLLITTO, BILL BIRD, PATRICK COHOON, RICKY GLEASON, BOB CATES, CHESNEY DUNNING

Approved: 6-0

- 5.B. [2021-151](#) TO CONSIDER A REQUEST FOR A VARIANCE TO THE SUBDIVISION ORDINANCE, ARTICLE 6 DRAINAGE AND FLOOD HAZARDS, SECTION 03.005 DRAINAGEWAY PROTECTION ZONE FOR A 10.015 ACRES PARCEL LOCATED AT 38, 38A AND 38B SCENIC LOOP ROAD (KAD NO. 12228, 12230) (CIVIL TECH PLLC).

I. STAFF PRESENTATION

II. TAKE ACTION

Mr. Jeff Carroll, Director of Development Services, spoke regarding subdivision ordinances that have been established to protect drainage ways. He described drainage protection zones, natural drainageways, and codes as they apply to this property.

Commission discussion ensued regarding staff recommendation to this variance. Mr. Carroll clarified that he is simply presenting facts of city code as they relate to the application that was turned in.

Mr. James McGarr, applicant and representative of the owner, spoke referencing issues with the drainage way protection zone compromising the land for development. He expressed concerns with road requirements in the ordinance and the lack of flexibility to allow for engineering in the zone.

Discussion continued referencing the purpose of city ordinances and avoiding variances, while protecting property rights, and the possibility of a creative master plan with more detail that would allow some flexibility with green space.

Chairman Bannwolf called on Mr. McGarr to respond. Mr. McGarr stated this was a quick proposal and they would be willing to design a layout or master plan.

Alex Afshari, property owner, spoke regarding his concerns with more than 5 acres of his property being useless due to the restrictions under the drainageway protection zones.

Mr. Carroll responded regarding the possibility of a common ground solution with a different application being presented with a more detailed plan.

A MOTION WAS MADE BY COMMISSIONER ANZOLLITTO, SECONDED BY

COMMISSIONER DUNNING, TO DENY THE REQUEST FOR A VARIANCE TO THE SUBDIVISION ORDINANCE, ARTICLE 6 DRAINAGE AND FLOOD HAZARDS, SECTION 03.005 DRAINAGEWAY PROTECTION ZONE FOR A 10.015 ACRES PARCEL LOCATED AT 38, 38A AND 38B SCENIC LOOP ROAD (KAD NO. 12228, 12230) (CIVIL TECH PLLC). THE MOTION CARRIED BY THE FOLLOWING VOTE:

YEA: 6- JOE ANZOLLITTO, BILL BIRD, PATRICK COHOON, RICKY GLEASON, BOB CATES, CHESNEY DUNNING

Approved: 6-0

- 5.C. [2021-152](#) TO CONSIDER THE PROPOSED ADOPTION OF THE CITY OF BOERNE ENGINEERING DESIGN MANUAL.

I. STAFF PRESENTATION

II. PUBLIC HEARING

III. MAKE RECOMMENDATION

Mr. Jeff Carroll presented the Engineer Design Manual (EDM) and described its connection to the Unified Development Code (UDC). He explained the subdivision ordinances specific to the technical design requirements as they relate to utilities, roads, traffic, drainage design, etc. and gave a timeline of the draft EDM. He further explained that in due course, and concurrent with the UDC, it was determined that it would be in City's best interest to remove the technical engineering design items and place them into a separate EDM. This would allow City staff to update the design manual, with Council approval, when updated technical standards are issued by other governmental entities (TxDOT, NRCS, FEMA, USACE, etc.) without needing to amend the UDC.

Chairman Bannwolf opened the public hearing at 6:57 p.m.

Chairman Bannwolf closed the public hearing at 6:57p.m.

Commissioner Anzollitto spoke regarding common complaints of neighbors referencing cross-lot drainage and erosion control during construction.

Mr. Carroll clarified that the EDM addresses these concerns with language that create more rules for drainage from one lot to another, and to minimize/reduce amount of water draining into neighbor lots. He explained a new implemented three tier design that would require less complex drainage reports for smaller projects such as driveway improvements and more complex engineered drainage reports for larger projects that may be FEMA or in drainage protection zones. He addressed erosion control concerns stating there is an entire chapter dedicated to this, requiring erosion control engineered plans following state requirements.

A MOTION WAS MADE BY COMMISSIONER ANZOLLITTO, SECONDED BY COMMISSIONER GLEASON, TO APPROVE THE PROPOSED ADOPTION OF THE CITY OF BOERNE ENGINEERING DESIGN MANUAL. THE MOTION CARRIED BY THE FOLLOWING VOTE:

YEA: 6- JOE ANZOLLITTO, BILL BIRD, PATRICK COHOON, RICKY GLEASON, BOB CATES, CHESNEY DUNNING

Approved: 6-0

- 5.D. [2021-153](#) TO CONSIDER THE PROPOSED ADOPTION OF THE REVISED CITYWIDE ZONING MAP AND AMENDMENTS TO THE UNIFIED DEVELOPMENT CODE (UDC) CHAPTERS 1 - 9 TO ALSO INCLUDE THE ZONING TABLE OF USES AND OVERLAY DISTRICTS.

I. STAFF PRESENTATION

II. PUBLIC HEARING

Ms. Laura Haning spoke regarding detail of base zoning in the UDC and overlays on those base zones. She explained recent updates to the table of uses and definitions.

Ms. Carissa Cox, Planner with Mosaic, presented updates to the Unified Development Code, specific to the overlay districts and the table of uses. She addressed comments received from the joint City Council and Planning and Zoning Commission workshop held on January 21, 2021. She described various zonings and restraints to include height

restrictions limited by elevation.

Chairman Bannwolf opened the public hearing at 7:56 p.m.

Ross Parlow, spoke regarding concerns with the proposed regulations for building heights in relation to limiting elevation on properties close to Interstate Highway 10 (IH 10). He expressed concerns with conflict between the use table and overlays referencing height restrictions. He expressed appreciation to all members involved with the UDC process.

Chairman Bannwolf closed the public hearing at 8:08 p.m.

6. DISCUSSION ITEM:

6.A. [2021-158](#) SUBCOMMITTEE TO CONSIDER NOISE ISSUES NEAR RESIDENTIAL AREAS

Commission discussion resulted in Commissinoer Bird and Commissioner Dunning willing to serve on the subcommittee.

6.B. [2021-159](#) FUTURE COMMUNITY ENGAGEMENT MEETINGS - NEW CONCEPTS

Ms. Haning spoke regarding a new community engagement program the City would like to formalize. Ms. Haning offered information from a similar program the City of Southlake, Texas utilizes. She presented the vision for the community engagement program as an informal conversation amongst neighbors regarding topics of interest in their neighborhoods. This would be an opportunity but not a requirement for the developer, would consist of at least one City Staff member, and would be hosted by a committee member from the public.

Commission feedback included possibly adding a rotating member of the Planning and Zoning commission, hosting the meetings prior to required public notice timeline and extending public notice beyond the 200 foot state requirement.

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

Chairman Bannwolf proposed a Planning and Zoning Commission workshop for Thursday, February 18th at 6:00p.m.-8:00p.m. via ZOOM

video conferencing. Staff and the commission were in agreement.

City Attorney Barbara Quirk presented an update on the current Texas legislative session as bills may relate to Planning and Zoning matters.

Chairman Bannwolf requested Ms. Quirk to provide the commission with feedback/updates on the legislative session at each of the Planning and Zoning Commission meetings.

Chairman closed the Planning and Zoning Commission at 8:35 p.m.

8. ADJOURNMENT

s/s Laura Haning

Administrative Officer

CERTIFICATION

I herby certify that the above notice of meeting was posted on the 28th day of January,
2021 at 5:00 p.m.

s/s Heather Wood

Secretary