

MINUTES  
PLANNING AND ZONING COMMISSION MEETING  
BOERNE CITY HALL  
447 North Main Street  
Monday, April 5, 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. See attached detailed instructions on how to join the meeting and speak.

MINUTES OF THE PLANNING AND ZONING COMMISSION MEETING OF  
APRIL 5, 2021 AT 6:00 P.M.

PRESENT 7 - CHAIRMAN TIM BANNWOLF, COMMISSIONER PATRICK  
COHOON, COMMISSIONER JOE ANZOLLITTO, COMMISSIONER CHESNEY  
DUNNING, COMMISSIONER BILL BIRD, COMMISSIONER LUCAS HILER

STAFF PRESENT: JEFF THOMPSON, BARBARA QUIRK, LAURA HANING,  
HEATHER WOOD, ANTONY MOY

STAFF PRESENT VIRTUALLY: JEFF CARROLL, CHERYL ROGERS, REBECCA  
PACINI, SARA SERRA-BENNETT, RYAN BASS, KRYSTAL BROWN, ROBERT LEE

RECOGNIZED GUEST IN-PERSON: STEVEN GOMEZ HERRERA

RECOGNIZED GUESTS VIRTUALLY: CARISSA COX, CHARLES RIDDLE, JACK  
SHORT, JEB WAIT, MAY MCCARTHY, CHRISTINA RYHOLM, ZACHARY  
TAYLOR, ANDREW DOERFLER, DERRICK MERCHANT, GERHARD SCHRUF

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 BELOW AS AUTHORIZED BY CHAPTER 551 CODE §551.071  
(CONSULTATION WITH ATTORNEY)

## 1. CALL TO ORDER – 6:00 PM

Chairman Bannwolf called the Planning and Zoning Commission to order at 6:02 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. CONFLICTS OF INTEREST

No conflicts were declared.

## 3. RECOGNITION OF RECENTLY RESIGNED PLANNING AND ZONING COMMISSIONER, RICKY GLEASON.

Mayor Handren presented an award to former Commissioner Ricky Gleason and thanked him for his service to the Boerne community.

## 4. ADMINISTER OATH OF OFFICE TO LUCAS HILER

Chairman Tim Bannwolf welcomed newly appointed Commissioner Lucas Hiler to the Planning and Zoning Commission.

Mayor Handren administered the Oath of Office to Commissioner Hiler.

Commissioner Hiler took his seat at the dais.

## 5. 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)

Chairman Bannwolf opened Public Comments at 6:00 p.m.

Steven Gomez Herrera (in-person speaker), 902 River Road, spoke in opposition of the proposed citywide rezoning and expressed dissatisfaction with the notification process of the Unified Development Code (hereinafter, UDC).

Jack Short presented the following four questions he had regarding the citywide zoning:

1. What criteria was used to determine the proposed change in zoning for his property?
2. What criteria was used to determine the setbacks that would be used on his properties?
3. Can the zoning change to C1 or C2 if it is currently C3?
4. Why set backs changed from UDC draft in December 2nd?

Chairman Bannwolf closed Public Comments at 6:25 p.m.

6. CONSENT AGENDA:

- A. [2021-288](#) THE MINUTES OF THE PLANNING AND ZONING COMMISSION MEETING OF FEBRUARY 25, 2021.
- B. [2021-289](#) THE MINUTES OF THE PLANNING AND ZONING COMMISSION MEETING OF MARCH 1, 2021.
- C. [2021-290](#) THE MINUTES OF THE PLANNING AND ZONING COMMISSION MEETING OF MARCH 15, 2021.

A MOTION WAS MADE BY COMMISSIONER COHOON, SECONDED BY COMMISSIONER ANZOLLITTO, TO APPROVE THE CONSENT AGENDA AS PRESENED. THE MOTION CARRIED BY THE FOLLOWING ROLL CALL VOTE:

**YEA: 6-** COMMISSIONER ANZOLLITTO, COMMISSIONER BIRD, COMMISSIONER CATES, COMMISSIONER DUNNING, COMMISSIONER COHOON, COMMISSIONER HILER

**Approved: 6-0**

Chairman Bannwolf asked City Attorney Barbara Quirk to move discussion item 7.A. to the end of the agenda; Ms. Quirk was in favor.

8. REGULAR AGENDA:

- A. [2021-346](#) CONSIDER THE PROPOSED PLANNED UNIT DEVELOPMENT (PUD) PLAN FOR 1.27 ACRES LOCATED BETWEEN STAHL AND NORTH PLANT STREETS (BETWEEN 115 STAHL STREET AND 400 ROSEWOOD - A PORTION OF KAD NO. 20028 AND ALL OF KAD

NO. 63697) (JAY PARKER/ TROPHY PROPERTIES).

I. STAFF PRESENTATION

II. PUBLIC HEARING

III. MAKE RECOMMENDATION

Ms. Sara Serra-Bennett, City Planner II, and Ms. Laura Haning, Director of Planning and Community Development, presented the proposed Planned Unit Development.

Chairman Bannwolf opened the public hearing at 6:39 p.m.

No comments were received.

Chairman Bannwolf closed the public hearing at 6:40 p.m.

Commission discussion included concerns with placement of sidewalks and open spaces.

A MOTION WAS MADE BY COMMISSIONER BIRD, SECONDED BY COMMISSIONER ANZOLLITTO, TO APPROVE THE PROPOSED PLANNED UNIT DEVELOPMENT (PUD) PLAN FOR 1.27 ACRES LOCATED BETWEEN STAHL AND NORTH PLANT STREETS (BETWEEN 115 STAHL STREET AND 400 ROSEWOOD - A PORTION OF KAD NO. 20028 AND ALL OF KAD NO. 63697) (JAY PARKER/ TROPHY PROPERTIES) WITH THE CONDITION THAT THE DESIGN INCLUDE SOME TYPE OF FOUR FOOT HARDSCAPE WALKWAY ON THE SOUTH SIDE EQUIVALENT TO THE SIDEWALK THAT EXISTS ON THE NORTH SIDE. THE MOTION CARRIED BY THE FOLLOWING ROLL CALL VOTE:

**YEA: 6-** COMMISSIONER ANZOLLITTO, COMMISSIONER BIRD, COMMISSIONER CATES, COMMISSIONER DUNNING, COMMISSIONER COHOON, COMMISSIONER HILER

**Approved: 6-0**

- B.**     [2021-347](#)     TO CONSIDER THE PROPOSED PLANNED UNIT DEVELOPMENT (PUD) OVERLAY DISTRICT FOR 6.479 ACRES LOCATED IN THE COMMONS AT MENDER CREEK ON OLD SAN ANTONIO ROAD

(KAD 300529) (ALAN NAUL/ J-B BOERNE REALTY, LP).

I. STAFF PRESENTATION

II. PUBLIC HEARING

III. MAKE RECOMMENDATION

Ms. Haning presented the proposed Planned Unit Development Overlay for Commons at Menger Creek on Old San Antonio Road.

Chairman Bannwolf opened the public hearing at 6:53 p.m.

No comments were received.

Chairman Bannwolf closed the public hearing at 6:53 p.m.

Commission discussion ensued regarding parking.

A MOTION WAS MADE BY COMMISSIONER CATES, SECONDED BY COMMISSIONER ANZILLITTO, TO APPROVE THE PROPOSED PLANNED UNIT DEVELOPMENT (PUD) OVERLAY DISTRICT FOR 6.479 ACRES LOCATED IN THE COMMONS AT MENDER CREEK ON OLD SAN ANTONIO ROAD (KAD 300529) (ALAN NAUL/ J-B BOERNE REALTY, LP). THE MOTION CARRIED BY THE FOLLOWING ROLL CALL VOTE:

**YEA: 6-** COMMISSIONER ANZOLLITTO, COMMISSIONER BIRD, COMMISSIONER CATES, COMMISSIONER DUNNING, COMMISSIONER COHOON, COMMISSIONER HILER

**Approved: 6-0**

- C. [2021-348](#) CONSIDER THE PROPOSED CREATIVE ALTERNATIVE FOR THE PROPERTY LOCATED AT 1376 SOUTH MAIN STREET (KAD NO. 42558, MENDER PLACE SUBDIVISION UNIT 1 LOT 1A (REPLAT), 1.139 ACRES) (RACER CLASSIC CAR WASH) TO ALLOW OPEN CAR WASH BAYS FACING THE STREET.

Ms. Serra-Bennett and Ms. Haning presented the requested Creative Alternative.

Commission discussion included concerns with noise, traffic, and the landscaping plan specific to screening/shielding to mitigate parking and sound. Commissioner Bird questioned if the car wash recycles water and Chairman Bannwolf questioned if this location would have an oil change station.

Andrew Doerfler, Project Engineer, spoke stating they do reclaim water and muffle the dryers at the end of the tunnel to mitigate sound. He clarified that this location will not provide oil services.

Commissioner Anzollitto had questions regarding queuing and concerns with overflow cars on Christus Parkway.

Derrick Merchant responded to Commission questions and concerns stating the site plan allows 26 cars in queue for both lanes before they get to the pay gate, leaving fewer cars behind the gate. He explained that employees are trained to hand-dry vehicles at the end of the tunnel and to direct traffic to help traffic flow. He further spoke on behalf of the owners stating they wish to be good neighbors and would be willing to satisfy the City of Boerne and address any concerns.

A MOTION WAS MADE BY COMMISSIONER ANZOLLITTO, SECONDED BY COMMISSIONER COHOON, TO TABLE THE PROPOSED CREATIVE ALTERNATIVE FOR THE PROPERTY LOCATED AT 1376 SOUTH MAIN STREET (KAD NO. 42558, MENDER PLACE SUBDIVISION UNIT 1 LOT 1A (REPLAT), 1.139 ACRES) (RACER CLASSIC CAR WASH) TO ALLOW OPEN CAR WASH BAYS FACING THE STREET, AND WOULD LIKE THE FOLLOWING CONCERNS ADDRESSED:

1. Traffic flow out of the vacuum area
2. Landscaping plan- provide shielding of parking lot on west side with more mature trees to better fill area
3. Decibel reading from equipment to address noise concerns

THE MOTION CARRIED BY THE FOLLOWING ROLL CALL VOTE:

**YEA: 6-** COMMISSIONER ANZOLLITTO, COMMISSIONER BIRD,  
COMMISSIONER CATES, COMMISSIONER DUNNING, COMMISSIONER  
COHOON, COMMISSIONER HILER

**Approved: 6-0**

- D. [2021-349](#) CONDITIONAL APPROVAL FOR THE DEVELOPMENT PLAT FOR  
SPENRATH, 2.523 ACRES LOCATED AT 38875 INTERSTATE  
HIGHWAY 10 (KAD NO. 12908) AS IS PROVIDED BY SECTION 6,  
PLAT APPROVAL, B.1., OF THE DEVELOPMENT PLAT  
REGULATIONS

Rebecca Pacini presented the conditional approval for a development plat.

A MOTION WAS MADE BY COMMISSIONER CATES, SECONDED BY  
COMMISSIONER COHOON, TO APPROVE THE CONDITIONAL APPROVAL  
FOR THE DEVELOPMENT PLAT FOR SPENRATH, 2.523 ACRES LOCATED AT  
38875 INTERSTATE HIGHWAY 10 (KAD NO. 12908) AS IS PROVIDED BY  
SECTION 6, PLAT APPROVAL, B.1., OF THE DEVELOPMENT PLAT  
REGULATIONS. THE MOTION CARRIED BY THE FOLLOWING ROLL CALL  
VOTE:

**YEA: 6-** COMMISSIONER ANZOLLITTO, COMMISSIONER BIRD,  
COMMISSIONER CATES, COMMISSIONER DUNNING, COMMISSIONER  
COHOON, COMMISSIONER HILER

**Approved: 6-0**

- E. [2021-350](#) CONSIDER PROPOSED AMENDMENTS TO THE UNIFIED  
DEVELOPMENT CODE (UDC) REGARDING ZONING AND OVERLAY  
DISTRICTS.

## I. STAFF PRESENTATION

## II. PUBLIC HEARING

Ms. Laura Haning presented an update on the status of the Unified Development Code specific to timeline for completion, amendments to the table of uses, revisions to base zoning/overlay districts and subcommittee involvement.

Chairman Bannwolf opened the public hearing at 7:48 p.m.

Steven Gomez Herrera spoke regarding concerns with the effectiveness of communication to the public throughout the process of the Unified Development.

Keith Moore, owner of Dodging Duck located at 402 River Road, shared concerns with the use of his property under the proposed zoning requiring a Special Use Permit in a River Road overlay. He also had concerns with proposed definitions as they relate to brew pubs, breweries, micro breweries, etc. He mentioned the differences from the Texas Alcoholic Beverage Commission (hereafter, TABC) definitions and proposed definitions.

Charles Riddle, spoke regarding the comparison pictures shown earlier, proposed zoning design and questioned background information for UDC consultant.

Carissa Cox, Planner with Mosaic and UDC consultant, spoke regarding zoning for new development versus a development already in use and their rights of continued use. She clarified her role in the UDC process as a consultant and support to staff to update existing regulations and ensure compliance with state and federal law. She explained that definitions of restaurant breweries, bars, brew pubs, breweries, micro breweries, etc. are still a work in progress and that they relate to regulating the use of properties not to the sale of alcohol. For this reason TABC definitions may not match the proposed UDC definitions.

Chairman Bannwolf closed the public hearing at 8:11 p.m.

Chairman Bannwolf and Ms. Haning addressed questions from Jack Short brought up earlier in Public Comments. Ms. Haning explained that the criteria used for the proposed zoning was based on proximity to residential. Chairman Bannwolf mentioned that many modifications and improvements have occurred in the UDC process since December. He explained that rezoning can be requested after UDC completion, but will have to go through the public process and be brought before the Planning and Zoning Commission to make recommendation to City Council.

Commission discussion included the possibility of waiving applicant fees for rezoning for a certain period of time, Bed and Breakfast classifications that will now fall under short term rental category and Ms. Carissa Cox's role in the UDC process. Commissioner Dunning spoke regarding Ms. Cox's involvement from the beginning being one of a facilitator, bringing topics of concern to everyone's attention. She explained that Ms. Cox was very instrumental in bringing feedback from the Steering Committee to address areas of concerns and to get everyone to come to a resolution on particular topics. She mentioned that Ms. Cox previously worked with other cities who were ahead of the curve and was able to provide that information to staff and the committee to assist in making decisions.

#### 7. DISCUSSION ITEMS:

##### A. LEGISLATIVE UPDATE

City Attorney Barbara Quirk presented a brief update on the proposed legislative bills pertaining to municipalities in relation to planning, building codes and adoption of national codes.

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

There were no comments.

#### 10. ADJOURNMENT

Chairman Bannwolf adjourned the Planning and Zoning Commission meeting at 8:38 p.m.

\_\_\_\_\_  
Chairman

CERTIFICATION

I herby certify that the above notice of meeting was posted on the 1st day of April,  
2021 at 5:30 p.m.

\_\_\_\_\_  
Secretary