

MINUTES
PLANNING AND ZONING COMMISSION MEETING
BOERNE CITY HALL
447 North Main Street
Monday, May 3, 2021 – 6:00 p.m.

MINUTES OF THE PLANNING AND ZONING COMMISSION MEETING OF
MAY 3, 2021 AT 6:00 P.M.

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

STAFF PRESENT: MICK MCKAMIE, LAURA HANING, HEATHER WOOD,
BARRETT SQUIRES, REBECCA PACINI, SARA SERRA-BENNETT, RYAN BASS,
CHRISTOPHER SHADROCK, KRYSTAL BROWN, CHERYL ROGERS, MELISSA
ECKERT, JEFF CARROLL, ROBERT LEE

RECOGNIZED GUESTS: CARISSA COX, STEVEN GOMEZ HERRERA,
CHRISTINA RYRHOLM, BEN ELDREDGE, CHRIS CAVETT, AHMED
JAFFERALLY, ANTHONY DAVIS, MONTE MOORE, JOSHUA VALENTA, JUAN
RODRIGUEZ, KYLE HACKETT, JAMES SCHUEPBUEL, STEVE LEWIS, BRAD
CORWELL, 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 TEXAS
GOVERNMENT CODE §551.071 (CONSULTATION WITH ATTORNEY)

1. CALL TO ORDER – 6:00 PM

Chairman Bannwolf called the Planning and Zoning Commission to order at 5:59 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

Chairman Bannwolf declared a conflict with item 5.F.

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)

Chairman Bannwolf opened public comments at 6:01 p.m.

Ahmed Jafferally, owner of Rapid Express Car Wash, spoke in opposition item 5.D. (Racer Car Wash).

Ben Eldredge, resident at 202 Shane Lane, spoke regarding his time serving on the Unified Development Code (hereinafter UDC) steering committee and the wide range of topics/concerns that were addressed with zoning being only one piece of code. He explained that open space requirements, dark sky and drainage regulations were all addressed, not only zoning classifications.

Chairman Bannwolf closed public comments at 6:06 p.m.

4. CONSENT AGENDA

- 4.A. [2021-403](#) THE MINUTES OF THE PLANNING AND ZONING COMMISSION MEETING OF APRIL 5, 2021.
- 4.B. [2021-404](#) THE MINUTES OF THE PLANNING AND ZONING COMMISSION MEETING OF APRIL 19, 2021.
- 4.C. [2021-405](#) THE AMENDED MINUTES OF THE PLANNING AND ZONING COMMISSION MEETING OF MARCH 1, 2021.

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

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

Approved: 6-0

5. REGULAR AGENDA:

- 5.A.** [2021-406](#) TO CONSIDER THE PROPOSED REZONING OF 0.996 ACRES LOCATED BETWEEN 115 STAHL AND 400 ROSEWOOD (KAD NO. 63697) FROM B-2, HIGHWAY COMMERCIAL DISTRICT, TO R-3 HIGH-DENSITY RESIDENTIAL DISTRICT (JAY PARKER/ TROPHY PROPERTIES).

I. STAFF PRESENTATION

II. PUBLIC HEARING

III. MAKE RECOMMENDATION

Ms. Sara Serra-Bennett, City Planner II., presented the proposed rezoning.

Chairman Bannwolf opened the public hearing at 6:10 p.m.

Anthony Davis, resident at 103 and 109 Stahl Street, spoke in opposition of the proposed rezoning and stated concerns with potential traffic and water issues if apartments were to be developed at this location.

Chairman Bannwolf closed the public hearing at 6:10 p.m.

Commission discussion ensued and clarified that the proposed development is for townhomes, not apartments and that usually there is an improvement in drainage during the development process.

Ms. Serra-Bennett clarified the process for development to include platting, drainage requirements and city engineer/project engineer involvement.

Cheryl Rogers, City Engineer, spoke regarding development requirements to provide a drainage study to show no adverse impact to neighbors and to provide detention.

A MOTION WAS MADE BY COMMISSIONER CATES, SECONDED BY COMMISSIONER ANZOLLITTO, TO APPROVE THE PROPOSED REZONING OF 0.996 ACRES LOCATED BETWEEN 115 STAHL AND 400 ROSEWOOD (KAD NO. 63697) FROM B-2, HIGHWAY COMMERCIAL DISTRICT, TO R-3 HIGH-DENSITY RESIDENTIAL DISTRICT (JAY PARKER/ TROPHY PROPERTIES). THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

Approved: 6-0

- 5.B. [2021-407](#) TO CONSIDER THE PROPOSED REZONING OF 0.302 ACRES LOCATED AT 606 FREY STREET (KAD 18989) FROM R-1, MEDIUM-DENSITY RESIDENTIAL DISTRICT, TO B-1, HIGH-DENSITY RESIDENTIAL AND NEIGHBORHOOD COMMERCIAL DISTRICT (JAMES S. SCHUEPBACK).

I. STAFF PRESENTATION

II. PUBLIC HEARING

III. MAKE RECOMMENDATION

Ms. Serra-Bennett presented the proposed rezoning and stated the only response received from public notification was from the property owner of this rezoning request.

Chairman Bannwolf opened the public hearing at 6:21 p.m.

No comments were received.

Chairman Bannwolf closed the public hearing at 6:21 p.m.

Commission discussion ensued regarding old and new (UDC) regulations as they relate to zoning and an O (Office) zoning on a property north of this site.

A MOTION WAS MADE BY COMMISSIONER COHOON, SECONDED BY COMMISSIONER DUNNING, TO APPROVE THE PROPOSED REZONING OF 0.302 ACRES LOCATED AT 606 FREY STREET (KAD 18989) FROM R-1, MEDIUM-DENSITY RESIDENTIAL DISTRICT, TO B-1, HIGH-DENSITY RESIDENTIAL AND NEIGHBORHOOD COMMERCIAL DISTRICT (JAMES S. SCHUEPBACK). THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

Approved: 6-0

- 5.C. [2021-408](#) UNTABLE 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.

A MOTION WAS MADE BY COMMISSIONER CATES, SECONDED BY COMMISSIONER COHOON, TO UNTABLE 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. THE MOTION CARRIED BY THE FOLLOWING VOTE:

YEA: 6- COMMISSIONER ANZOLLITTO, COMMISSIONER BIRD,

COMMISSIONER CATES, COMMISSIONER DUNNING, COMMISSIONER COHOON, COMMISSIONER HILER

Approved: 6-0

- 5.D. [2021-409](#) 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. TAKE NECESSARY ACTION.

Ms. Serra-Bennett presented the proposed creative alternative with new conceptual site plan and landscape plan.

Chairman Bannwolf opened public comments at 6:29 p.m.

Chris Cavett, representative with Racer Car Wash, made himself available for commission discussion.

Commission discussion included questions regarding changes made to the plan specific to landscaping/access point/walls in the design plan, anticipated hours of operation and drive-thru bays not being allowed in a South Boerne (SoBo) Overlay District. The Commission expressed concerns with noise, traffic flow, and safety issues with street traffic.

Commissioner Anzollitto expressed concerns with parking for vacuums and with traffic flow coming out of Christus Parkway onto Main Street.

Commissioner Hiler expressed concerns with proposed entrance blocking traffic at corner of Christus Parkway and Main Street, noise, cars safely exiting the area, and this specific location for a carwash.

Commissioner Cohoon expressed concerns with only one access point, traffic/safety issues with this corner lot, landscape plans appropriately shielding parking, this site being a probable high traffic area, and traffic through the entrance corridor.

Ms. Laura Haning, Director of Planning and Community Development, explained that the SoBo Overlay District allows creative alternatives so businesses can create a plan to address any concerns and it does allow drive-thru bays depending on how they sit on the lot.

Mr. Cavett explained that the expected operating hours are generally 7:30 a.m. - 8:00 p.m. in the summer and 7:00 a.m. - 7:00 p.m. in the winter, but they differ amongst locations and they are flexible.

Commissioner Cates expressed appreciation to Mr. Cavett for working with staff to improve landscaping.

Commissioner Cohoon had specific questions as to what exact changes were made to the landscape plan to address the visual appearance of this site and noise mitigation.

Mr. Ryan Bass, City Environmental Planner/Urban Forester, spoke regarding his involvement with the landscape plan in the new design. He explained that Racer Car Wash was willing to work with him to develop a new plan to include more drought tolerant/heat resistant shrubs and trees that are a more native blend to the Texas Hill Country environment. He described how the plan should yield street level screening in approximately two years and breakup the visibility of the building structure in closer to ten years.

Commissioner Anzillitto questioned if a Traffic Impact Analysis (TIA) would require a visible change to the landscape plan specific to the proposed wall at the entrance that exposes the bay to Main Street.

Mr. Jeff Carroll spoke stating a TIA will be required as part of the building permit process and if it results in trips that exceed 50 in a peak hour, then a right or left turn lane could be required. He addressed the existing driveway that was built to line up with an existing structure and not an ideal location for an intersection.

Ms. Haning explained that the plan includes a low, three foot decorative

wall that will be for screening the parking not the structure itself and is an attempt to screen the bays as well.

Commissioner Dunning shared some of the same Commission concerns.

A MOTION WAS MADE BY COMMISSIONER ANZOLLITTO, SECONDED BY COMMISSIONER HILER, TO DENY 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. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

Approved: 6-0

- 5.E. [2021-410](#) CONSIDER THE PROPOSED CREATIVE ALTERNATIVE FOR THE PROPERTY LOCATED AT 33565 INTERSTATE HIGHWAY 10 (KAD 15876, A10441 SURVEY 183 J SMALL, 0.829 ACRES) (CHAD CARPENTER) TO ALLOW MORE THAN 15% OF THE PARKING IN FRONT OF THE BUILDING. TAKE NECESSARY ACTION.

Ms. Sara Serra-Bennett presented the proposed creative alternative.

Chairman Bannwolf opened the public hearing at 7:07 p.m.

No comments were received.

Chairman Bannwolf closed the public hearing at 7:07 p.m.

Commission discussion ensued regarding parking/screening parking lot, landscaping requirements, design criteria, the process of platting and concerns with placement of dumpster.

Chairman Bannwolf questioned the plan showing an easement under the proposed building.

Cheryl Rogers spoke regarding sanitary control easements only dictating sewer mains and septic running through the easements. She stated that it does not impact where the building could go but she would have to verify TCEQ (Texas Commission on Environmental Quality) code.

A MOTION WAS MADE BY COMMISSIONER BIRD, SECONDED BY COMMISSIONER DUNNING, TO TABLE, PENDING RESUBMITTAL OF NEW PLAN ADDRESSING CONCERNS OF DUMPSTER PLACEMENT AND SCREENING, THE PROPOSED CREATIVE ALTERNATIVE FOR THE PROPERTY LOCATED AT 33565 INTERSTATE HIGHWAY 10 (KAD 15876, A10441 SURVEY 183 J SMALL, 0.829 ACRES) (CHAD CARPENTER) TO ALLOW MORE THAN 15% OF THE PARKING IN FRONT OF THE BUILDING. TAKE NECESSARY ACTION. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

Approved: 6-0

- 5.F.** [2021-411](#) CONSIDER POD GENERAL DEVELOPMENT PLAN (GDP) FOR ESPERANZA SF-8, SF-9, AND SF-10. TAKE NECESSARY ACTION

Chairman Bannwolf recused himself from item 5.F. and left the dais at 7:17 p.m. Commissioner Cohoon assumed the Chair.

Ms. Rebecca Pacini, City Planner III, presented the proposed Plan of Development General Development Plan (Pod GPD). She stated that the Pod GPD SF-8, SF-9, SF-10 adheres to the GDP as approved by Council.

Commissioner Cohoon opened public comments at 7:19 p.m.

No comments were received.

Commissioner Cohoon closed public comments at 7:19 p.m.

Commissioner Anzollitto had questions regarding lot size and number of lots decreasing.

Ms. Pacini clarified that this plan includes an amenity center/open space lot, that was previously dedicated to homes, which now reflects the increase in open space.

A MOTION WAS MADE BY COMMISSIONER DUNNING, SECONDED BY COMMISSIONER HILER, TO APPROVE THE POD GENERAL DEVELOPMENT PLAN (GDP) FOR ESPERANZA SF-8, SF-9, AND SF-10. TAKE NECESSARY ACTION. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

Approved: 6-0

Chairman Bannwolf returned to the dais at 7:21 p.m. and assumed the Chair.

- 5.G.** [2021-412](#) CONSIDER THE PRELIMINARY PLAT FOR BIRCH AT SPENCER RANCH PHASE 2, 19.41 ACRES, 72 RESIDENTIAL LOTS, 3 OPEN SPACE LOT, AND 3.57 ACRES OF RIGHT-OF-WAY (KAD NO. 14916, 63687, 152739). TAKE NECESSARY ACTION

Ms. Pacini presented the proposed Preliminary Plat. She stated that the plat does not meet all the requirements of the subdivision ordinance and it is not in compliance with Article 5, Section 11, of the Subdivision Ordinance.

Commission discussion ensued regarding a Development Agreement with the owners of the property and the City to address concerns with funding for maintenance of private streets. Covenants, Conditions, and

Restrictions (CCRs) were also discussed as they relate to the preliminary plat and final plat process.

A MOTION WAS MADE BY COMMISSIONER CATES, SECONDED BY COMMISSIONER DUNNING, TO DENY THE PRELIMINARY PLAT FOR BIRCH AT SPENCER RANCH PHASE 2, 19.41 ACRES, 72 RESIDENTIAL LOTS, 3 OPEN SPACE LOT, AND 3.57 ACRES OF RIGHT-OF-WAY (KAD NO. 14916, 63687, 152739) WITH THE CONDITION AS PRESENTED.

AFTER FURTHER COMMISSION DISCUSSION COMMISSIONER DUNNING RESCINDED HER MOTION TO SECOND.

COMMISSIONER BIRD THEN SECONDED THE MOTION.

THE MOTION FAILED BY THE FOLLOWING VOTE:

YEA: 3- COMMISSIONER CATES, COMMISSIONER BIRD, COMMISSIONER HILER

NAY: 3 - COMMISSIONER DUNNING, COMMISSIONER COHOON, COMMISSIONER ANZOLITTO

TIE BREAKER VOTE: NAY 1- Chairman Bannwolf

Motion Failed: 3-4

Commission discussion continued regarding a conditional approval with CCRs being approved by the City Manager and filed with the Kendall County Clerk prior to final plat.

Josh Valenta, 217 Sparkling Springs, representative of the development, spoke regarding the DA in the works with the City and clarified that CCRs will be seen with final plat.

Mick McKamey, Associate City Attorney, explained that the Commission must act within 30 days of the plat submittal and they must give a

reason.

Ms. Haning explained that the conditional approval will allow the applicant to turn in infrastructure documents but they will still have to address the CCRs.

A MOTION WAS MADE BY COMMISSIONER COHOON, SECONDED BY COMMISSIONER DUNNING, TO APPROVE THE PRELIMINARY PLAT FOR BIRCH AT SPENCER RANCH PHASE 2, 19.41 ACRES, 72 RESIDENTIAL LOTS, 3 OPEN SPACE LOT, AND 3.57 ACRES OF RIGHT-OF-WAY (KAD NO. 14916, 63687, 152739) WITH THE CONDITION AS PRESENTED. THE MOTION CARRIED BY THE FOLLOWING ROLL CALL VOTE:

YEA: 5- COMMISSIONER ANZOLLITTO, COMMISSIONER BIRD, COMMISSIONER DUNNING, COMMISSIONER COHOON, COMMISSIONER HILER

NAY: 1- COMMISSIONER CATES

Approved: 5-1

- 5.H.** [2021-414](#) TO CONSIDER PROPOSED AMENDMENTS TO THE UNIFIED DEVELOPMENT CODE (UDC) INCLUDING BUT NOT LIMITED TO CITYWIDE REZONING, OVERLAY DISTRICTS AND DEVELOPMENT PROCESSES.

I. STAFF PRESENTATION

II. PUBLIC HEARING

Ms. Haning gave an update on the City's public outreach efforts regarding the UDC, the subcommittee's involvement, and revisions/added definitions.

Chairman Bannwolf opened the public hearing at 7:51 p.m.

Steven Herrera, property owner of 902 River Road, spoke regarding concerns with deadlines for submitting plans, setbacks, impact

fees/other related fees and the City's website not being user friendly.

Josh Valenta spoke regarding UDC terminology to the public. He stated that using "Zoning Update" may have been more effective than "UDC Update".

Chairman Bannwolf closed the public hearing at 8:07 p.m.

Ms. Carissa Cox, Planner with Mosaic, gave a status update on existing and modified definitions.

6. DISCUSSION ITEMS:

- 6.A. [2021-415](#) AN OVERVIEW OF THE PROPOSED AMENDMENTS TO THE CITY OF BOERNE UDC TREE PRESERVATION PRESENTED BY RYAN BASS, ENVIRONMENTAL PLANNER AND URBAN FORESTER.

Ryan Bass gave an update on the tree preservation plan/ordinances in the new UDC to include tree/root protection zones and discussed enforcement process for possible violations.

- 6.B. [2021-418](#) HOLIDAY CONFLICTS WITH REGULAR SCHEDULED PLANNING AND ZONING COMMISSION MEETINGS.

Due to two recognized City Holidays falling on regular Planning and Zoning Commission meeting dates, the Commission decided on the following:

July 5, 2021 regular scheduled meeting will be held on July 12, 2021 at 6:00 p.m.

September 6, 2021 regular scheduled meeting will be held on August 30, 2021 at 6:00 p.m.

7. EXECUTIVE SESSION IN ACCORDANCE WITH THE TEXAS GOVERNMENT CODE:

Chairman Bannwolf convened the Planning and Zoning Commission into Executive Session at 8:35 p.m. Discussion began at 8:39 p.m. and ended at 8:48 p.m.

- 7.A. [2021-419](#) SECTIONS 551.071 - CONSULTATION WITH ATTORNEY
REGARDING LEGAL MATTERS RELATED TO THE ADOPTION OF THE
UNIFIED DEVELOPMENT CODE.

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

Chairman Bannwolf reconvened the Planning and Zoning Commission
into Open Session at 8:50 p.m.

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

Ms. Haning reminded the Commission of a cyber security training that
must be completed by May 28, 2021.

10. ADJOURNMENT

Chairman Bannwolf adjourned the Planning and Zoning Commission at
8:50 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).

Chairman

CERTIFICATION

I herby certify that the above notice of meeting was posted on the 30th day of April,
2021 at 5:00 p.m.

Secretary