

MINUTES
PLANNING AND ZONING COMMISSION MEETING
BOERNE CITY HALL
447 North Main Street
Monday, June 14, 2021 – 6:00 p.m.

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

STAFF PRESENT: JEFF THOMPSON, BARBARA QUIRK, LAURA HANING, HEATHER WOOD, BARRETT SQUIRES, REBECCA PACINI, SARA SERRA-BENNETT, RYAN BASS, KRYSTAL BROWN

RECOGNIZED GUESTS: CARISSA COX, JONNY ROSA, DENNIS OWEN, MAY MCCARTHY, DAVID DOCTER, PETE PETERS, MARI O'BRIEN, DIANNE TAYLOR, STEPHEN SMITH, PAMELA MCGONAGILL, JACK HEARN, ROY FELLOWS, URFAN DAR, CONNIE CARLEY, MELVIN CARLEY, DAVID WATSON, SHRAON RAMEY, PAUL RAMEY, LINDA MCCARTHY, TOM MCARTHY

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 6:04 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

None 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)

Chairman Bannwolf moved public comments to time of the agenda item.

4. REGULAR AGENDA:

4.A. [2021-551](#) ELECTION OF VICE-CHAIR AND SECRETARY.

A MOTION WAS MADE BY COMMISSIONER BIRD, SECONDED BY COMMISSIONER ANZOLLITTO, TO ELECT COMMISSIONER PATRICK COHOON AS VICE PRESIDENT AND COMMISSIONER CATES AS SECRETARY. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

NAY: 0

Approved: 6-0

4.B. [2021-552](#) TO CONSIDER THE PROPOSED ADOPTION OF THE REVISED CITY OF BOERNE ZONING MAP FOR A CITYWIDE REZONING AND AMENDMENTS TO THE UNIFIED DEVELOPMENT CODE (UDC) ADOPTED NOVEMBER 24, 2020, INCLUDING BUT NOT LIMITED TO AMENDMENTS TO CHAPTER 2, PROCEDURES AND CHAPTER 3, ZONING (WHICH INCLUDE OVERLAY DISTRICTS), CHAPTER 8, ENVIRONMENTAL DESIGN AND APPENDICES A, DEFINITIONS.

I. STAFF PRESENTATION

II. PUBLIC HEARING

III. MAKE RECOMMENDATION

Ms. Laura Haning, Director of Planning and Community Development, gave a presentation on the process of the Unified Development Code (hereinafter, UDC) and reviewed the Master Plan as it relates to the UDC.

Chairman Bannwolf opened the public hearing at 6:32 p.m.

Jonny Rosa, property owner of 605 South Main Street, spoke regarding the growth of Boerne and the notification process of the UDC stating there should have been more time for planning.

Dennis Owen, property owner of two buildings on Industrial Parkway, spoke regarding concerns with zoning reclassifications with the new UDC, specific to retail uses being limited.

May McCarthy, spoke regarding concerns with proposed Special Use Permit (SUP) requirements for mixed use lots.

Mari O'Brien, resident at 153 Richter Avenue, spoke regarding concerns with UDC specific to easements possibly being altered.

Stephen Herrera, spoke regarding concerns with the proposed new zoning category for his property.

Kathy Davidson, owner of Mission Upholstery, spoke regarding concerns with possible modifications to use(s) as they may relate to mixed use (residential/commercial).

Connie Carley, resident at 303 West Frederick Creek, spoke regarding a comment card she turned in at the last UDC open house. She stated she was not contacted after the open house regarding her questions about cottage home communities and allowed uses in the Entrance Corridors specific to X-rated movie facilities.

Chairman Bannwolf called on City Attorney Barbara Quirk to explain state law restrictions on municipalities regulating sexually oriented businesses.

Ms. Quirk explained that cities can not completely prohibit "gentleman's clubs" but in certain situations can regulate location designations.

Chairman Bannwolf closed the public hearing at 7:03 p.m.

Commission discussion ensued regarding mixed use categories specific to Ms. McCarthy's earlier stated concerns. Ms. Haning clarified that SUPs will not be required in mixed use when the use is already allowed in the base zoning.

Chairman Bannwolf and fellow commissioners expressed appreciation to citizens for their participation, staff and all who were involved in the UDC amendment process.

Commissioner Cates had concerns with the terminology "shall, may, should" and requested this be part of the legal review and a condition in the motion.

A MOTION WAS MADE BY COMMISSIONER DUNNING, SECONDED BY COMMISSIONER CATES, TO APPROVE THE PROPOSED ADOPTION OF THE REVISED CITY OF BOERNE ZONING MAP FOR A CITYWIDE REZONING AND AMENDMENTS TO THE UNIFIED DEVELOPMENT CODE (UDC) ADOPTED NOVEMBER 24, 2020, INCLUDING BUT NOT LIMITED TO AMENDMENTS TO CHAPTER 2, PROCEDURES AND CHAPTER 3, ZONING (WHICH INCLUDE OVERLAY DISTRICTS), CHAPTER 8, ENVIRONMENTAL DESIGN AND APPENDICES A, DEFINITIONS WITH THE CONDITION THAT A FULL LEGAL REVIEW TAKE PLACE PRIOR TO FIRST READING BY CITY COUNCIL. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

COMMISSIONER COHOON

NAY: 0

Approved: 6-0

5. COMMENTS FROM COMMISSION/LEGAL COUNSEL/STAFF – NO DISCUSSION OR ACTION MAY TAKE PLACE.

No comments were received.

6. ADJOURNMENT

Chairman Bannwolf adjourned the Planning and Zoning Commission at 7:35 p.m.

Chairman

CERTIFICATION

I hereby certify that the above notice of meeting was posted on the 11th day of June, 2021 at 5:00 p.m.

Secretary