

**MINUTES**  
**SPECIAL CALLED PLANNING AND ZONING COMMISSION MEETING**  
**BOERNE POLICE AND MUNICIPAL COURT COMPLEX, 124 OLD SAN ANTONIO ROAD**  
**Monday, October 7, 2019 – 6:30 p.m.**

Minutes of the Planning and Zoning Commission meeting of October 7, 2019

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

Members Absent: Joe Davis, Kyle Kana

Staff Present: Laura Talley, Stephanie Kranich, Barrett Squires, Jeff Thompson, Robert Lee, Mike Mann, Cheryl Rogers, Rebecca Pacini, Sara Serra, Veronika Vasquez, Mick McKamie

Registered/

Recognized Guests: Jeff Carroll, Robert Clark, Gary Rogers, Stuart Brown, Ben Rucka, Darla Rucka, Crystal Henry, Ben Bunker, Ben Eldredge, Bruce Tingle, Beth Kartrude, Tom Kartrude, Michael Bowie, Peggy Bowie, Jeni Schmidt, Chris Benne, Charlene Gause

1. CALL TO ORDER – 6:30 PM

**Present**            7 - Commissioner Patrick Cohoon, Commissioner Paula Hayward, Vice Chair Cal Chapman, Commissioner Chesney Dunning, Commissioner Bob Cates, Commissioner Joe Anzollitto, and Commissioner Bill Bird

**Absent**             2 - Chairman Joe Davis, and Commissioner Kyle Kana

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

[2019-967](#)            Approval of Planning and Zoning Commission Minutes of the meetings held September 9, 2019.

**COMMISSIONER COHOON MADE A MOTION TO TABLE THE PLANNING AND ZONING COMMISSION MINUTES OF THE MEETINGS HELD SEPTEMBER 9, 2019 UNTIL THE NOVEMBER PLANNING AND ZONING COMMISSION MEETING TO AMEND THE MINUTES AND INCLUDE ALL MOTIONS ON ITEM NUMBERS 5 & 6. COMMISSIONER ANZOLLITTO SECONDED THE MOTION. THE MOTION CARRIED BY THE FOLLOWING VOTE:**

- Yeah:** 6 - Commissioner Cohoon, Commissioner Hayward, Commissioner Dunning, Commissioner Cates, Commissioner Anzollitto, and Commissioner Bird
- Absent:** 2 - Chairman Davis, and Commissioner Kana
- Abstain:** 1 - Vice Chair Chapman

**3. CONFLICTS OF INTEREST**

Commissioner Cohoon had a conflict of interest on item number 5.

**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. Michael Bowie, 103 Lake Spur, stated his opposition regarding the Shoreline development located at Boerne Lake.

Ms. Kandi Malley, 165 Lake Front Drive, stated her opposition regarding the Shoreline development located at Boerne Lake.

Ms. Jeni Schmidt, 166 Lake Front Drive, stated her opposition regarding the Shoreline development located at the Boerne Lake.

Mr. Chris Benny, San Antonio TX, spoke regarding a proposed development that is on the agenda applying for a creative alternative.

Ms. Darla Rucka, Ranger Creek Road, stated her opposition regarding the Shoreline development located at Boerne Lake.

Ms. Charlene Gause, Lakeside Circle, stated her opposition regarding the Shoreline development located at Boerne Lake.

Mr. Robert Clark, 131 Lake View Drive, stated his opposition regarding the Shoreline development located at Boerne Lake.

5. CONSENT AGENDA

[2019-968](#) a. Commons at Menger Creek, Unit 5, lot 12A, Block A, 16.157 acres, (KAD No. 39338).

Ms. Laura Talley explained the request for final approval of the plat. Staff recommended approval.

The item was requested to be removed from the consent agenda.

**COMMISSIONER ANZOLLITTO MADE A MOTION TO PULL THE FINAL PLAT FOR THE COMMONS AT MENGER CREEK, UNIT 5, LOT 12A, BLOCK A, 16.157 ACRES, (KAD NO. 39338) OFF THE CONSENT AGENDA TO ALLOW FOR DISCUSSION AND INDIVIDUAL CONSIDERATION. COMMISSIONER DUNNING SECONDED THE MOTION. THE MOTION CARRIED BY THE FOLLOWING VOTE:**

**Yeah:** 5 - Commissioner Hayward, Commissioner Dunning, Commissioner Cates, Commissioner Anzollitto, and Commissioner Bird

**Absent:** 1 - Commissioner Kana

**Recused:** 1 - Commissioner Cohoon

ITEMS FOR ACTION

[2019-968](#) a. Commons at Menger Creek, Unit 5, lot 12A, Block A, 16.157 acres, (KAD No. 39338).

Ms. Laura Talley spoke regarding the plans for a trail system which would connect and go along the perimeter that would be walkable from Bandera Road into the commercial development. Ms. Laura Talley stated she would reach out to the developer and ask for proof of the trail system and design for connectivity.

Commissioners stated their concerns of having gated apartments in the proposed development as the design was meant to be walkable and

gates would restrict walkability. Ms. Talley stated Staff is unable to restrict gates from the proposed apartment complex, the apartment complex will be required to provide a walkable area with connectivity.

Commissioner Anzollitto stated his concerns regarding the development turning into another strip mall. Ms. Laura Talley stated the overlay will not allow the development to turn into a strip mall. The parking will not be located upfront, but there will be individual lots with the buildings placed upfront and parking throughout. The development will include a trail system that links among the site.

**COMMISSIONER CATES MADE A MOTION TO APPROVE THE PLAT FOR THE COMMONS AT MENDER CREEK, UNIT 5, LOT 12A, BLOCK A, 16.157 ACRES, (KAD NO. 39338), WITH THE CONDITION THERE BE A PUBLIC TRAIL SYSTEM OPEN TO THE PUBLIC THAT IS DESIGNED FOR BICYCLES AND WALKING. COMMISSIONER ANZOLLITTO SECONDED THE MOTION. THE MOTION CARRIED BY THE FOLLOWING VOTE:**

**Yeah:** 6 - Commissioner Hayward, Vice Chair Chapman, Commissioner Dunning, Commissioner Cates, Commissioner Anzollitto, and Commissioner Bird

**Absent:** 2 - Chairman Davis, and Commissioner Kana

**Recused:** 1 - Commissioner Cohoon

- 6. [2019-969](#) Consider the proposed creative alternative for a +/- 1.7 acre portion of 36756 Interstate Highway 10 at Johns Road, on behalf of Lique Design Studio (KAD No. 14392). Take necessary action.

Ms. Laura Talley explained the request for a creative alternative for 1.7 acres out of a 4 acre lot. The proposed use is a convenience store and gas station. The design of the building will include stone, faux windows on the rear and sides and pitched roofs. A stone wall will be required to screen the parking. Landscape design and trees for the property are required. The lighting at the pumps will be screened under the canopy. There is an existing sidewalk along the John's Road side of the property. Staff supports the creative alternative and recommended approval.

Mr. Juan Rodriguez, representative for the development, explained the reasons for the design and was open to adding more wood to the design.

Discussion ensued regarding concern for screening of the convenience store for neighboring residents to the east.

**COMMISSIONER DUNNING MADE A MOTION TO APPROVE THE PROPOSED CREATIVE ALTERNATIVE FOR A +/- 1.7 ACRE PORTION OF 36756 INTERSTATE HIGHWAY 10 AT JOHNS ROAD, ON BEHALF OF LIQUE DESIGN STUDIO (KAD NO. 14392), WITH CONDITION OF ADDITIONAL SCREENING WITH AN ORGANIC BARRIER OF EITHER LANDSCAPING OR FENCING IN PLACE FOR MORE PRIVACY FOR THE EASTERN EDGE AND THE SOUTHERN EDGE OF THE DEVELOPMENT, WITH A MIXTURE OF PLANTS AT A MINIMUM OF 3 FEET IN HEIGHT AT PLANTING AND 6 FEET IN HEIGHT AT MATURITY, IN ADDITION A SAFE PLACE TO WALK ONTO THE PROPERTY WITH POSSIBLE CROSSWALKS, AND ADDITION OF AWNINGS OR ARCHITECTURAL ELEMENTS TO ADD DIMENSION TO THE WINDOWS. COMMISSIONER CATES SECONDED THE MOTION. THE MOTION CARRIED BY THE FOLLOWING VOTE:**

**Yeah:** 6 - Commissioner Cohoon, Commissioner Hayward, Commissioner Dunning, Commissioner Cates, Commissioner Anzollitto, and Commissioner Bird

**Absent:** 1 - Commissioner Kana

- 7. [2019-970](#) Consider the driveway variance request for 12 Herff Road, 4.349 acres, (KAD No.15815). Take necessary action.

Ms. Laura Talley explained the request for a driveway variance to add a new driveway on a major arterial road. The property currently has a narrow driveway and is not sufficient to handle increased traffic. There is an older home which will stay on the property as stated by the developer. The developer has requested the addition of a deceleration lane and a right turn into the development. Staff is supportive and recommends approval with the condition the addition of a deceleration lane per TxDot requirements to allow for three to four cars.

**COMMISSIONER DUNNING MADE A MOTION TO APPROVE THE DRIVEWAY VARIANCE REQUEST FOR 12 HERFF ROAD, 4.349 ACRES, (KAD NO.15815), WITH THE CONDITIONS TO ADD A SOUTHBOUND DECELERATION LANE WITH A FOUR CAR MINIMUM OR HIGHER IF REQUIRED BY THE TIA AND ADD A HOODED LEFT TURN LANE. COMMISSIONER BIRD SECONDED THE MOTION. THE MOTION CARRIED BY THE FOLLOWING VOTE:**

**Yeah:** 6 - Commissioner Cohoon, Commissioner Hayward, Commissioner Dunning, Commissioner Cates, Commissioner Anzollitto, and Commissioner Bird

**Absent:** 1 - Commissioner Kana

- 8. [2019-971](#) Consider the Development Plat for the Ranch Empire, LLC, located at 01 Upper Cibolo Creek Road, 2.367 acres, (KAD No. 12961). Take necessary action.

Ms. Laura Talley explained the request for approval of a development plat. The proposed development has been reviewed by both the County and the City as well as TxDOT due to the property's location. Staff recommended approval.

**COMMISSIONER CATES MADE A MOTION TO APPROVE THE DEVELOPMENT PLAT FOR THE RANCH EMPIRE, LLC, LOCATED AT 01 UPPER CIBOLO CREEK ROAD, 2.367 ACRES, (KAD NO. 12961). COMMISSIONER ANZOLLITTO SECONDED THE MOTION. THE MOTION CARRIED BY THE FOLLOWING VOTE:**

**Yeah:** 6 - Commissioner Cohoon, Commissioner Hayward, Commissioner Dunning, Commissioner Cates, Commissioner Anzollitto, and Commissioner Bird

**Absent:** 1 - Commissioner Kana

- 9. [2019-972](#) Consider the Preliminary Plat for The Birch at Spencer Ranch Phase 1A , 1,875 linear feet for a Primary Collector, 94' ROW, in ETJ, 4.21 acres, (KAD Nos.14916 & 63687). Take necessary action.

Ms. Laura Talley explained the request for an approval for a preliminary plat of a primary collector. The Master Plan for the development has already been approved. The request for this preliminary plat is for the road that leads into the subdivision. The development is located in the

ETJ. Staff recommended approval.

**COMMISSIONER COHOON MADE A MOTION TO APPROVE THE PRELIMINARY PLAT FOR THE BIRCH AT SPENCER RANCH PHASE 1A , 1,875 LINEAR FEET FOR A PRIMARY COLLECTOR, 94’ ROW, IN ETJ, 4.21 ACRES, (KAD NOS.14916 & 63687). COMMISSIONER BIRD SECONDED THE MOTION. THE MOTION CARRIED BY THE FOLLOWING VOTE:**

**Yeah:** 6 - Commissioner Cohoon, Commissioner Hayward, Commissioner Dunning, Commissioner Cates, Commissioner Anzollitto, and Commissioner Bird

**Absent:** 1 - Commissioner Kana

- 10. [2019-973](#) Consider the Preliminary Plat for The Birch at Spencer Ranch Phase 1B, 60 residential lots, 3 open space lots, 2.61 acres of right-of-way in ETJ, 21.27 acres. (KAD Nos.14916 & 63687). Take necessary action.

Ms. Laura Talley explained the request for approval of a preliminary plat located in the ETJ. The proposed development will include a large amount of open space to help buffer the creek. Staff recommended approval.

Ken Kolacny, engineer for the development, stated the road is placed where it is due to the topography, and unfortunately the trees will be removed.

**COMMISSIONER ANZOLLITTO MADE A MOTION TO APPROVE THE PRELIMINARY PLAT FOR THE BIRCH AT SPENCER RANCH PHASE 1B, 60 RESIDENTIAL LOTS, 3 OPEN SPACE LOTS, 2.61 ACRES OF RIGHT-OF-WAY IN ETJ, 21.27 ACRES. (KAD NOS.14916 & 63687), WITH THE CONDITION THAT AN ADDITIONAL 30 PERCENT OF THE HERITAGE OAK TREES ARE RETAINED IN THE RIGHT OF WAY BY REALIGNING SOME OF THE STREETS. COMMISSIONER DUNNING SECONDED THE MOTION. THE MOTION CARRIED BY THE FOLLOWING VOTE:**

**Yeah:** 5 - Commissioner Hayward, Commissioner Dunning, Commissioner Cates, Commissioner Anzollitto, and Commissioner Bird

**Nay:** 1 - Commissioner Cohoon

**Absent:** 1 - Commissioner Kana

11. [2019-974](#) Consider the Preliminary Plat for Shoreline, Phase 2, 34 Residential lots, 3 open space lots, 8.06 acres, (KAD No. 302217).  
Take necessary action.

The Planning and Zoning Commission took a five minute break at 9:21 P.M.

The Planning and Zoning Commission was back in session at 9:29 P.M.

Ms. Laura Talley explained the request for the approval for a preliminary plat. The developer wanted a secondary access on Ranger Creek Road and they provided a revised TIA. The Master Plan of this development has a master plan drainage study, and there will be more detailed studies as we get into the phases. The development must detain water on their site and will focus on the drainage in more detail once the preliminary plat is approved. Staff recommended approval.

Commissioner Anzollitto asked if a Construction Stormwater Prevention Plan is needed. Mr. Mike Mann stated yes, but it has not yet been submitted. Any construction property that disturbs more than an acre has to apply for a permit that allows permission and have it processed and regulated by TCEQ, prior to disturbing dirt. Commissioner Anzollitto asked if permitting was required to discharge into the lake. Mr. Mike Mann stated no there is not a permit required however there are other restrictions in place to control discharge.

Commissioner Chapman asked if the City has the right to ask to have the builder to build additional detention. Mr. Mick McKamie, acting City Attorney, stated the design of the lake was initially for flood control and still is, however the lake is also now Boerne's water supply and there is the interest in protecting it however we are preempted by State and Federal regulations.



**COMMISSIONER DUNNING MADE A MOTION TO APPROVE THE PRELIMINARY PLAT FOR SHORELINE, PHASE 2, 34 RESIDENTIAL LOTS, 3 OPEN SPACE LOTS, 8.06 ACRES, (KAD NO. 302217). COMMISSIONER COHOON SECONDED THE MOTION. THE MOTION FAILED BY THE FOLLOWING VOTE:**

**VICE CHAIR CHAPMAN VOTED TO BREAK THE TIE, HE VOTED NAY.**

**Yeah:** 3 - Commissioner Cohoon, Commissioner Dunning, and Commissioner Anzollitto

**Nay:** 3 - Commissioner Hayward, Commissioner Cates, and Commissioner Bird

**Absent:** 1 - Commissioner Kana

**COMMISSIONER DUNNING MADE A MOTION TO TABLE THE PRELIMINARY PLAT FOR SHORELINE, PHASE 2, 34 RESIDENTIAL LOTS, 3 OPEN SPACE LOTS, 8.06 ACRES, (KAD NO. 302217) TO THE SPECIAL CALLED PLANNING AND ZONING COMMISSION OCTOBER 21 MEETING. COMMISSIONER ANZOLLITTO SECONDED THE MOTION. THE MOTION CARRIED BY THE FOLLOWING VOTE:**

**Yeah:** 6 - Commissioner Cohoon, Commissioner Hayward, Commissioner Dunning, Commissioner Cates, Commissioner Anzollitto, and Commissioner Bird

**Absent:** 2 - Chairman Davis, and Commissioner Kana

**Abstain:** 1 - Vice Chair Chapman

12. ITEMS FOR DISCUSSION

- [2019-976](#) a. Proposed revisions to the City of Boerne Zoning Ordinance No. 2007-64, Article 1, In General, Section 06. Definitions, Article 8, Historic Landmark/Historic District Preservation, adding Section13, Demolition of Historic Structures, and amending the subsequent section numbers.

Ms. Laura Talley spoke regarding the expansion of the Historic District and modifying the protection and delay of demolition of historic structures within the City. There are additional definitions being added which include Contributing Structures and Historic Structures. There will be the requirement to review each case of demolition for structures 50

years or older. The Special Called Planning and Zoning Commission Meeting on October 21st will include this as an agenda item for the proposed revisions to the Zoning Ordinance regarding historic structures and then voted on for recommendations to City Council.

[2019-977](#) b. Presentation by Carissa Cox with Mosaic to discuss Design Chapters (residential, nonresidential, subdivisions, environmental) of UDC.

Ms. Carissa Cox, Mosaic - UDC Consultant, spoke regarding the current updates to the Unified Development Code. The updates include five chapters with some updates being applicable in both the ETJ and City limits. Ms. Cox will return in two weeks for further discussion at the Special Called Planning and Zoning Commission Meeting.

[2019-978](#) c. Potential additional meetings - workshop or discussion items  
No discussion.

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

Ms. Laura Talley announced the City of Boerne's Master Plan won the award of Best Planning Excellence Award by the American Planning Association, Texas Chapter.

Ms. Talley reminded the P&Z Commission of the Special Called Joint Meeting on Stormwater/LID, Tuesday at 3pm at the PD.

Ms. Talley briefed the Commission regarding the previously approved plat for Cascade Caverns, and the Karst study results stating there were no cave systems found.

14. ADJOURNMENT

Vice Chair Chapman adjourned the Planning and Zoning Commission meeting at 11:01 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).**

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P&Z Chairman

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P&Z Secretary

Rollcall

Rollcall

- Present**        7 - Commissioner Patrick Cohoon, Commissioner Paula Hayward,  
                         Vice Chair Cal Chapman, Commissioner Chesney Dunning,  
                         Commissioner Bob Cates, Commissioner Joe Anzollitto, and  
                         Commissioner Bill Bird
- Absent**         2 - Chairman Joe Davis, and Commissioner Kyle Kana