

MINUTES
SPECIAL CALLED PLANNING AND ZONING COMMISSION MEETING
BOERNE POLICE AND MUNICIPAL COURT COMPLEX, 124 OLD SAN ANTONIO ROAD
Monday, October 21, 2019 – 6:00 p.m.

Minutes of the Planning and Zoning Commission meeting of October 21, 2019

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

Staff Present: Laura Talley, Stephanie Kranich, Mike Mann, Cheryl Rogers, Rebecca Pacini, Sara Serra, Veronika Vasquez, Mick McKamie

Registered/

Recognized Guests: John Kight, Kandi Malley, Cole Malley, Mike Malley, Nigel Bencheff, Holly Bencheff, Lorraine Popp, Becky Collins, Pam Schultz, Larry Popp, Neal Graves, Michael Bowie, Lance Kyle, Robert Imler, Ben Bunker, Catherine Cede, Jeff Carroll, David Greenwood, Cindy Greenwood, Denise Lindemann, Richard Rohrbough

1. CALL TO ORDER – 6:00 PM

Chairman Davis called the Planning and Zoning Commission meeting to order at 6:01 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

There were none.

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. John Kight, 114 Glade Drive, stated his opposition and views off the City's LID, revisions being worked on within the Unified Development Code and stated stronger restrictions should be required of the

developers.

Mr. Mike Malley, 165 Lake Front Drive, stated his opposition for the Shoreline Park development.

Mr. Michael Bowie, 103 Lake Spur, stated his opposition for the Shoreline Park development.

Mr. Lance Kyle, 226 Cascade Caverns Road, stated his opposition for the Shoreline Park development.

Present 8 - Commissioner Patrick Cohoon, Commissioner Paula Hayward, Vice Chair Cal Chapman, Chairman Joe Davis, Commissioner Chesney Dunning, Commissioner Bob Cates, Commissioner Joe Anzollitto, and Commissioner Bill Bird

Absent 1 - Commissioner Kyle Kana

4. PUBLIC HEARING

- [2019-1032](#) a. To consider the 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.

Chairman Davis opened the Public Hearing at 6:20 P.M.

There were no comments.

Chairman Davis closed the Public Hearing at 6:20 P.M.

ITEMS FOR ACTION

- 5. [2019-1033](#) Make recommendation to City Council regarding the 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 explained the amendments and the purpose to assist with delaying demolition of historic structures. The City would also be allowed for consideration as an applicant to suggest demolition for structures, approved by City Council. If there is a request for a demolition permit and the property is 50 years or older the request will require review and a 90 day hold will be placed on the request while City Staff reviews and determines whether or not the structure is a contributing structure or historic structure. Once Staff makes a determination of the type of structure then the case goes to the Historic Landmark Commission. HLC will determine if the property in question is a contributing structure. If yes, then HLC will make a recommendation to City Council for consideration to either preserve the structure or if it can be demolished. Staff recommended approval of the revisions to the zoning.

Commissioner Hayward asked for verification of a contributing structure. Ms. Talley used the definition of contributing from the parks guidelines however there will be a consultant hired to complete a survey of all the historic structures citywide. Commissioner Hayward asked about the structures which have been moved into Boerne which are historic structures and how they will be addressed. Ms. Talley stated those structures unless being requested for demolition will not be reviewed. Commissioner Hayward asked regarding the process of the physical demolition, would there be restrictions or regulations to demolition set at particular daytime hours. Ms. Talley stated there are regulations for noise levels and violations should be in place for breaking those regulations.

Commissioner Anzollitto asked what restrictions would be placed on a structure if voted to protect. Ms. Talley stated the property must be protected and not demolished. Remodeling or adding on to a historic structure would be allowed however the historic value must remain. The exterior of a property will be regulated, the interior is not regulated.

COMMISSIONER COHOON MADE A MOTION TO RECOMMEND APPROVAL TO CITY COUNCIL REGARDING THE 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 SECTION 13, DEMOLITION OF HISTORIC STRUCTURES, AND AMENDING THE SUBSEQUENT SECTION NUMBERS, WITH THE CONDITION THE VERBIAGE 'CITY COUNCIL MAY DESIGNATE' IS ADDED TO SECTION 13, AND LEAVE SECTION 8.04.001 REMAIN UNCHANGED AND AMEND SUBSEQUENT SECTIONS. COMMISSIONER CATES SECONDED THE MOTION. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 8 - Commissioner Cohoon, Commissioner Hayward, Vice Chair Chapman, Commissioner Dunning, Commissioner Cates, Commissioner Anzollitto, Commissioner Bird, and Commissioner Kana

Yeah: 8 - Commissioner Cohoon, Commissioner Hayward, Vice Chair Chapman, Commissioner Dunning, Commissioner Cates, Commissioner Anzollitto, Commissioner Bird, and Commissioner Kana

- 6. [2019-1039](#) Consider the untabling of the Preliminary Plat for Shoreline, Phase 2, 34 Residential lots, 3 open space lots, 8.06 acres, (KAD No. 302217). (Tabled on 10/07/2019)

Chairman Davis convened the Planning and Zoning Commission into Executive Session at 6:58 P.M.

Chairman Davis reconvened the Planning and Zoning Commission into Open Session at 7:39 P.M.

VICE CHAIR CHAPMAN MADE A MOTION TO UNTABLE THE PRELIMINARY PLAT FOR SHORELINE, PHASE 2, 34 RESIDENTIAL LOTS, 3 OPEN SPACE LOTS, 8.06 ACRES, (KAD NO. 302217). (TABLED ON 10/07/2019). COMMISSIONER ANZOLLITTO SECONDED THE MOTION. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 8 - Commissioner Cohoon, Commissioner Hayward, Vice Chair Chapman, Commissioner Dunning, Commissioner Cates, Commissioner Anzollitto, Commissioner Bird, and Commissioner Kana

- 7. [2019-1034](#) Consider the Preliminary Plat for Shoreline, Phase 2, 34 Residential lots, 3 open space lots, 8.06 acres, (KAD No. 302217).
Take necessary action.

Ms. Laura Talley explained the request to consider the preliminary plat. The request is the 2nd Phase of plat submittals for the development. Ms. Talley briefed the Commission of Preliminary Plat requirements which must be submitted by a developer for review to meet the requirements for preliminary plat approval. All requirements have been met. Staff is supportive and recommends approval.

Commissioner Chapman stated two of his concerns. The requested Master Drainage Study which was submitted for the overall development was hollow and not substantial enough, the second issue is lack of proof that a detention system will be built correctly and lacks faith in the templates presented to the Commission.

Commissioner Anzollitto expressed his concerns regarding lack of good faith in the developer. Ms. Talley stated there have been emails sent from the developer stating their agreement to meet the City's requests, although there are no requirements for the various requests.

Commissioner Cohoon asked questions regarding public utility easements and setbacks for the lots listed on the plat. Ms. Rebecca Pacini stated that each of his concerns were addressed on the plat.

VICE CHAIR CHAPMAN MADE A MOTION TO DENY THE PRELIMINARY PLAT FOR SHORELINE, PHASE 2, 34 RESIDENTIAL LOTS, 3 OPEN SPACE LOTS, 8.06 ACRES, (KAD NO. 302217), DENIAL DUE TO DEFICIENT ENGINEERING SUPPLIED IN RESPONSE TO THE CONDITIONAL APPROVAL OF THE MASTER PLAN, THE CONDITION BEING THAT A FORMAL DRAINAGE STUDY BE PROVIDED TO US IN MUCH MORE DETAIL. COMMISSIONER ANZOLLITTO SECONDED THE MOTION. THE MOTION CARRIED BY THE FOLLOWING VOTE:

- Yeah:** 6 - Commissioner Hayward, Vice Chair Chapman, Commissioner Cates, Commissioner Anzollitto, Commissioner Bird, and Commissioner Kana
- Nay:** 2 - Commissioner Cohoon, and Commissioner Dunning

8. ITEM FOR DISCUSSION

[2019-1035](#) a. Presentation on Unified Development Code Update - Design Chapters (Carissa Cox with Mosaic)

Ms. Laura Talley introduced Ms. Carissa Cox, consultant with Mosaic who is the consultant in charge of the Unified Development Code update.

Ms. Cox briefed the Commission with an overview of changes and new additions for Chapters 4-8, the Design Chapters within the UDC.

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

Ms. Laura Talley spoke regarding the trail system which has been confirmed for the SoBo development.

10. ADJOURNMENT

Chairman Davis adjourned the Planning and Zoning Commission meeting at 10:00 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).

P&Z Chairman

P&Z Secretary

Rollcall

Rollcall

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