

MINUTES
PLANNING AND ZONING COMMISSION MEETING
BOERNE POLICE AND MUNICIPAL COURT COMPLEX, 124 OLD SAN ANTONIO ROAD
Monday, November 4, 2019 – 6:00 p.m.

Minutes of the Planning and Zoning Commission meeting of November 4, 2019

Present: Joe Anzollitto, Patrick Cohoon, Cal Chapman, Joe Davis, Paula Hayward, Bob Cates (arrived late), Chesney Dunning

Absent: Kyle Kana, Bill Bird

Staff Present: Laura Talley, Stephanie Kranich, Cheryl Rogers, Rebecca Pacini, Sara Serra, Mick McKamie, Jeff Thompson, Nick Montagno, Barrett Squires, Robert Lee

Registered/

Recognized Guests: Mike Bowie, Mike Malley, Cole Malley, Kandi Malley, Robert Imler, Jeff Carroll, Brian Fowler, Erin Robbins, Sean Robbins, Katerica Cebe, Curtis Hagar, Ben Bunker, Ann Corcoran, Joe Corcoran, Crystal Henry, Jennifer Heymann

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

Absent 2 - Commissioner Bill Bird, and Commissioner Kyle Kana

1. CALL TO ORDER – 6:00 PM

Chairman Davis called the Planning and Zoning Commission meeting 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. [2019-1072](#) Consider the untabling of Planning and Zoning Commission Minutes of the meeting held September 9, 2019. (Tabled on

10/07/2019)

COMMISSIONER COHOON MADE A MOTION TO APPROVE UNTABLING THE PLANNING AND ZONING COMMISSION MINUTES OF THE MEETING HELD SEPTEMBER 9, 2019. (TABLED ON 10/07/2019). COMMISSIONER HAYWARD SECONDED THE MOTION. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 5 - Commissioner Cohoon, Commissioner Hayward, Vice Chair Chapman, Commissioner Dunning, and Commissioner Anzollitto

Absent: 3 - Commissioner Cates, Commissioner Bird, and Commissioner Kana

3. APPROVAL OF MINUTES

[2019-1073](#) Approval of Planning and Zoning Commission Minutes of the meetings held September 9, 2019, October 7, 2019, the Special Called Joint City Council and Planning and Zoning Commission Meeting held October 8, 2019 and the Special Called Planning and Zoning Commission Meeting held October 21, 2019.

COMMISSIONER COHOON MADE A MOTION TO APPROVE THE PLANNING AND ZONING COMMISSION MINUTES OF THE MEETINGS HELD SEPTEMBER 9, 2019, OCTOBER 7, 2019, THE SPECIAL CALLED JOINT CITY COUNCIL AND PLANNING AND ZONING COMMISSION MEETING HELD OCTOBER 8, 2019 AND THE SPECIAL CALLED PLANNING AND ZONING COMMISSION MEETING HELD OCTOBER 21, 2019. COMMISSIONER HAYWARD SECONDED THE MOTION. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 5 - Commissioner Cohoon, Commissioner Hayward, Vice Chair Chapman, Commissioner Dunning, and Commissioner Anzollitto

Absent: 3 - Commissioner Cates, Commissioner Bird, and Commissioner Kana

4. [2019-1080](#) EXECUTIVE SESSION IN ACCORDANCE WITH THE TEXAS GOVERNMENT CODE:
 A. SECTION 551.071 - CONSULTATION WITH ATTORNEY (House Bill 3167, amendments to Texas Local Government Code, Chapter 212)

The Planning and Zoning Commission did not reconvene into Executive

Session.

5. CONFLICTS OF INTEREST

There were none.

6. 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 Park development.

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

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

Absent 2 - Commissioner Bill Bird, and Commissioner Kyle Kana

COMMISSIONER CATES REQUESTED TO MOVE THE ORDER OF AGENDA ITEMS. THE DISCUSSION ITEM NUMBER 2019-1081 AND ACTION ITEM NUMBER 2019-1076 WERE MOVED AFTER PUBLIC COMMENTS. COMMISSIONER CATES MADE A MOTION TO APPROVE MOVING ITEM NUMBERS 2019-1082 AND 2019-1076. COMMISSIONER CHAPMAN SECONDED THE MOTION. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 4 - Vice Chair Chapman, Commissioner Dunning, Commissioner Cates, and Commissioner Anzollitto

Nay: 2 - Commissioner Cohoon, and Commissioner Hayward

Absent: 2 - Commissioner Bird, and Commissioner Kana

Abstain: 1 - Chairman Davis

ITEMS FOR DISCUSSION

[2019-1081](#) c. Discussion on Development “Moratorium”

Mr. Mick McKamie spoke regarding the process of a development moratorium. Boerne has adopted two development moratoriums which limited development within the City. The first occurring back in the early 2000's and again in 2008 for the consideration of the expansion of the Historic District. In Texas there are two different types of development moratoriums. One is to address inadequate public facilities, typically up to 120 days to allow for planning by the City to maintain and provide adequate services and facilities to handle new development. The second type is based on pending or imminent dangers or hazards to the community based on the type of development that could occur, allowing for time to study and implement or remedy any short comings that exist and can only be adopted for 90 days. The City of Bastrop adopted a moratorium based on inadequate regulations to address development in several different sections of the city. Various cities throughout Texas have imposed moratoriums however, it is not very common and implementation is not a simple process. The procedures are the same for every City and activating a moratorium requires City Council approval.

ITEMS FOR ACTION

10. [2019-1076](#) Reconsider the Preliminary Plat for Shoreline, Phase 2, 34 Residential lots, 3 open space lots, 8.06 acres, (KAD No. 302217), as required by to Texas Local Government Code Sec. 212.095. Take necessary action.

Ms. Laura Talley spoke regarding the previously denied preliminary plat request. Ms. Talley advised the commission that the developer responded to the denial by stating that the commission did not state how the drainage study was deficient thereby providing no opportunity for remedy. State Law requires that the commission reconsider the plat within 15 days.

Mr. Jeff Moeller, consultant engineer with Moeller & Associates, reviewed the Master Plan drainage study and the Phase 1 plans. Mr. Moeller spoke regarding the submittals he reviewed. There have been multiple in-depth and detailed reviews.

Mr. Troy Dorman, with Halff Associates, spoke regarding the stream buffer.

Chairman Davis stated the Commission may only deny approval of a plat for specific reason listed in state law, as the commission did not clearly articulate a specific condition for denying the previous submittal of the plat they must vote on the previously denied item again.

NO ACTION WAS TAKEN, PRELIMINARY PLAT WILL BE APPROVED BY OPERATION OF LAW AS PER TLGC 212.009(D).

7. CONSENT AGENDA: All items listed below within the Consent Agenda are considered to be routine by the Planning and Zoning Commission and may be enacted with one motion. There will be no separate discussion of items unless a Commission Member or citizen so requests, in which event the item may be moved to the general order of business and considered in its normal sequence. The following final plat shall be approved conditionally.

- [2019-1074](#) a. Consider the final plat for Esperanza, Phase 2E, 34.470 acres, 108 residential lots and 1 open space lot, located along Maravillas, Crossfire, Cordova, and Simpatico, (KAD No. 50520 & 15028).
Take necessary action.

COMMISSIONER COHOON MADE A MOTION TO APPROVE THE FINAL PLAT FOR ESPERANZA, PHASE 2E, 34.470 ACRES, 108 RESIDENTIAL LOTS AND 1 OPEN SPACE LOT, LOCATED ALONG MARAVILLAS, CROSSFIRE, CORDOVA, AND SIMPATICO, (KAD NO. 50520 & 15028). COMMISSIONER DUNNING SECONDED THE MOTION. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

Absent: 2 - Commissioner Bird, and Commissioner Kana

ITEMS FOR ACTION

- 8. [2019-1077](#) Consider the approval of an on-site sewage facility for 138 Sharon Drive (KAD No. 21867), as provided by the City of Boerne Subdivision Ordinance, Article 7, Section 06. On-Site Sewage Facilities, which allows an on-site sewer system rather than

connection to the City of Boerne sanitary sewer system. Take necessary action.

Ms. Rebecca Pacini explained the request for the property owner to continue using the on-site sewage facility for the property address. The cost would equate to thousands of dollars for the property owner to connect to City utility. Staff is supportive and recommends approval.

COMMISSIONER CHAPMAN MADE A MOTION TO APPROVE THE ON-SITE SEWAGE FACILITY FOR 138 SHARON DRIVE (KAD NO. 21867), AS PROVIDED BY THE CITY OF BOERNE SUBDIVISION ORDINANCE, ARTICLE 7, SECTION 06. ON-SITE SEWAGE FACILITIES, WHICH ALLOWS AN ON-SITE SEWER SYSTEM RATHER THAN CONNECTION TO THE CITY OF BOERNE SANITARY SEWER SYSTEM. COMMISSIONER COHOON SECONDED THE MOTION. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

Absent: 2 - Commissioner Bird, and Commissioner Kana

- 9. [2019-1075](#) Consider a variance to the Subdivision Ordinance, Article 5, Street Specifications and Construction Standards, Section 5.11.010, Access Restricted Entrance Design Standards, A. Access Standards, to allow a stacking distance of 60 feet from the right-of-way of Esperanza Boulevard to the first vehicle stopping point for Esperanza Phase 2F (KAD No. 15028). Take necessary action.

Ms. Rebecca Pacini explained the requirements for vehicular stacking at gates on private streets is set at 100 feet. The variance requested is for a stacking distance of 60 feet from the right-of-way of Esperanza Blvd to the first vehicle stopping point, where a electronic keypad is typically placed. The developer will mitigate the lesser stacking by providing 355 feet for the left turn lane on Esperanza Blvd and 200 feet on Esperanza Blvd for the right turn lane to provide room for additional stacking. The variance will not have adverse impact to the general safety of the public. Staff is supportive and recommends approval.

Jeff Carroll, engineer for the developer, explained the variance request

and the design of the road as being a collector road. Mr. Carroll explained where the location would be inside the development and how it would assist with getting people out of the travel lanes of Esperanza Blvd.

COMMISSIONER CATES MADE A MOTION TO APPROVE A VARIANCE TO THE SUBDIVISION ORDINANCE, ARTICLE 5, STREET SPECIFICATIONS AND CONSTRUCTION STANDARDS, SECTION 5.11.010, ACCESS RESTRICTED ENTRANCE DESIGN STANDARDS, A. ACCESS STANDARDS, TO ALLOW A STACKING DISTANCE OF 60 FEET FROM THE RIGHT-OF-WAY OF ESPERANZA BOULEVARD TO THE FIRST VEHICLE STOPPING POINT FOR ESPERANZA PHASE 2F (KAD NO. 15028), NOTING THAT THE APPLICANT'S APPLICATION STATED 40 FEET BUT THE VARIANCE APPROVAL IS FOR 60 FEET AND THE STOPPING POINT WILL BE AT THE ELECTRONIC KEYPAD, IN ADDITION THE LEFT TURN LANES AND THE RIGHT TURN DECELERATION LANES BE NOTED AND SHOWN ON THE PRELIMINARY PLAT. COMMISSIONER ANZOLLITTO SECONDED THE MOTION. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

Absent: 2 - Commissioner Bird, and Commissioner Kana

11. ITEMS FOR DISCUSSION

[2019-1078](#) a. Presentation by Carissa Cox with Mosaic to discuss Sign Chapter of the UDC

Ms. Carissa Cox, consultant with Mosaic, updated the P&Z Commission regarding the Sign Chapters of the UDC. A selected sign committee has been working on the revisions for Chapter 9 with Ms. Cox and the City. Ms. Cox briefed the Commission on revisions made with the chapters which included; sign provisions, prohibited signs, exempted signs, nonconforming signs, sign measurement, sign parts, relative sign height, measuring sign area, vertical clearance and project, general sign standards, modifications for overlay districts, general standards for freestanding signs, signs on accessory structures and master sign agreements.

[2019-1079](#) b. Presentation by Troy Dorman with Halff Associates on Low

Impact Development/Stormwater

Mr. Troy Dorman, consultant with Halff Associates, spoke in regards to the amendments to the City's current code for Low Impact Development and Stormwater. The amendments will be requested for approval in the upcoming months by City Council. Mr. Dorman briefed the P&Z Commission on the proposed updates to the sections regarding floodplain management, stream setbacks, LID code, drainage regulations, flood hazards and refined some language to assist with better clarification.

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

Mr. Jeff Thompson announced new staff members, Cheryl Rogers who is now apart of the Development Services department, Sylvia Flood with Code Compliance, Jeff Carroll who will be the new director of Development Services and the new full time City Attorney at the first of next year.

13. ADJOURNMENT

Chairman Davis adjourned the Planning and Zoning Commission meeting at 8:32 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

CERTIFICATION

I herby certify that the above notice of meeting was posted on the 1st day of November, 2019 at 3:10 p.m.

P&Z Secretary

