

MINUTES
PLANNING AND ZONING COMMISSION SPECIAL CALLED MEETING
BOERNE CITY HALL
447 North Main Street
Monday, July 20, 2020 – 6:00 p.m.

Minutes of the Special Called Planning and Zoning Commission Meeting of July 20, 2020 at 6:00 p.m.

Present 7- Chairman Tim Bannwolf, Commissioner Joe Anzollitto, Commissioner Bill Bird, Commissioner Kyle Kana (via ZOOM), Commissioner Ricky Gleason, Commissioner Chesney Dunning, and Commissioner Bob Cates

Absent 1- Commissioner Patrick Cohoon

Staff Present: Jeff Thompson, Barbara Quirk, Laura Talley, Barrett Squires, Sara Serra-Bennett, Heather Wood, Jeff Carroll, Cheryl Rogers, Paul Billotta

Recognized/ Registered Guests: Ben Bunker, Patti Mainz, Mason Mainz

1. CALL TO ORDER – 6:00 PM

Chairman Bannwolf called the Planning and Zoning Commission to order at 6:01 p.m.

Chairman Bannwolf asked for a Moment of Silence and led the Pledge of Allegiance to the United States Flag and the Texas Flag.

EXECUTIVE SESSION IN ACCORDANCE WITH THE TEXAS GOVERNMENT CODE:

Chairman Bannwolf convened the Planning and Zoning Commission into Executive Session at 6:03 p.m.

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

Chairman Bannwolf reconvened the Planning and Zoning Commission

into Open Session at 6:34 p.m.

2. CONFLICTS OF INTEREST

No conflicts were 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)

No comments were made.

4. ACTION ITEMS:

4.A. [2020-444](#) UNTABLE THE PROPOSED USE REQUEST FOR A RESTAURANT WITH A DRIVE-THRU LOCATED AT 101 SOUTH MAIN STREET (KAD 19960) IN A B-3, CENTRAL BUSINESS DISTRICT (PATRICE MAINZ).

A MOTION WAS MADE BY COMMISSIONER GLEASON, SECONDED BY COMMISSIONER BIRD, TO UNTABLE THE PROPOSED USE REQUEST FOR A RESTAURANT WITH A DRIVE-THRU LOCATED AT 101 SOUTH MAIN STREET (KAD 19960) IN A B-3, CENTRAL BUSINESS DISTRICT (PATRICE MAINZ). THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 6- Commissioner Joe Anzollitto, Commissioner Bill Bird, Commissioner Kyle Kana, Commissioner Ricky Gleason, Commissioner Chesney Dunning, and Commissioner Bob Cates

Absent: 1- Commissioner Patrick Cohoon

Approved: 6-0

4.B. [2020-445](#) MAKE RECOMMENDATION TO CITY COUNCIL REGARDING THE PROPOSED USE REQUEST FOR A RESTAURANT WITH A DRIVE-THRU LOCATED AT 101 SOUTH MAIN STREET (KAD 19960) IN A B-3, CENTRAL BUSINESS DISTRICT (PATRICE MAINZ).

Ms. Laura Talley spoke in regards to the proposed drive thru located at 101 South Main Street. Staff recommends approval of the use of a Restaurant with a Drive-Thru located at 101 South Main Street (KAD 19906) in a B-3, Central Business District (Patrice Mainz) with conditions.

Further discussion ensued, by commissioners, regarding the proposed drive thru and the subcommittee review.

A MOTION WAS MADE BY COMMISSIONER CATES, SECONDED BY COMMISSIONER BIRD, TO MAKE A CONDITIONAL RECOMMENDATION TO CITY COUNCIL REGARDING THE PROPOSED USE REQUEST FOR A RESTAURANT WITH A DRIVE-THRU LOCATED AT 101 SOUTH MAIN STREET (KAD 19960) IN A B-3, CENTRAL BUSINESS DISTRICT (PATRICE MAINZ). THE CONDITIONS ARE AS FOLLOWS:

1. The use is only granted to the current applicant, tenant, and business not transferrable to new owner, business, or tenant
2. Drive thru menu will be limited to drinks and breakfast items that are prepared in advance; no lunch items will be allowed
3. The drive thru window will be located a minimum of 40 feet from the exit right-of-way on the west end
4. The menu board will be located a minimum of 60 feet before the pickup window
5. No more than 11 queuing spaces with a bypass lane
6. Applicant shall provide signage using the standards as described in MUTCD (*MUTCD - Manual on Traffic Control Devices that the Federal Government uses*) design guidelines and shall be placed at the driveway entrance located at 107 East San Antonio Avenue to warn drivers not to block East San Antonio Avenue.
7. Applicant shall provide signage using the standards as described in MUTCD (*MUTCD - Manual on Traffic Control Devices that the Federal Government uses*) design guidelines and shall be placed at the exit located at East San Antonio Avenue to warn drivers of one-way right turn only
8. Shall have a parabolic mirror placed on a pole to assist with exiting the drive thru.
9. The use permit is automatically terminated if use is abandoned for a period of six months
10. City Council may revoke the use approval if any of these conditions are not met at any time.
11. Driveway boundary between their driveway and Boerne Chamber of Commerce will be blocked off.

Yeah: 5- Commissioner Bill Bird, Commissioner Kyle Kana, Commissioner Ricky Gleason, Commissioner Chesney Dunning, and Commissioner Bob Cates

Nay: 1- Commissioner Joe Anzollitto

Absent: 1- Commissioner Patrick Cohoon

Approved: 5-1

5. DISCUSSION ITEM:

5.A. UNIFIED DEVELOPMENT CODE UPDATE OF TIMELINE AND PROGRESS.

Ms. Laura Talley gave a brief update on the status of the Unified Development Code.

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

No comments were made from Legal Counsel.

7. 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 ABOVE AS AUTHORIZED BY CHAPTER 551 CODE §551.071 (CONSULTATION WITH ATTORNEY)

8. ADJOURNMENT

Chairman Tim Bannwolf adjourned the Planning and Zoning Commission meeting at 7:45 p.m.

Chairman

Secretary