

MINUTES
PLANNING AND ZONING COMMISSION MEETING
BOERNE CITY HALL
447 North Main Street
Monday, August 31, 2020 – 6:00 p.m.

Facial Coverings Will Be Required

Present 6 - Commissioner Chesney Dunning, Commissioner Bob Cates,
 Commissioner Joe Anzollitto, Commissioner Bill Bird, Chairman
 Tim Bannwolf, and Commissioner Ricky Gleason

Absent 2 - Commissioner Patrick Cohoon, and Commissioner Kyle Kana

Minutes of the Regular Planning and Zoning Commission Meeting of
August 31, 2020 at 6:00 p.m.

Present 6- Chairman Tim Bannwolf , Commissioner Ricky Gleason,
Commissioner Bill Bird, Commissioner Joe Anzollitto, Commissioner
Chesney Dunning, and Commissioner Bob Cates

Absent 2- Vice Chairman Patrick Cohoon, Commissioner Kyle Kana

Staff Present: Barbara Quirk, Jeff Thompson, Jeff Carroll, Laura Talley,
Barrett Squires, Rebecca Pacini, Sara Serra-Bennett, Heather Wood, Paul
Bilotta, and Robert Lee

Recognized/ Registered Guests: Melissa Snow, Michael Bowie, Tom
Kartrude, Paula Beaton, Daniel Ortiz, Ben Bunker, Ian Cude, Javier Alos,
and John Matkin

1. CALL TO ORDER – 6:00 PM

Chairman Bannwolf called the Planning and Zoning Commission to order
at 6:00 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.

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)

Michael Bowie, resident at 103 Lake Spur, spoke in opposition of the Preliminary Plat for Shoreline Park.

Tom Kartrude, resident at 128 Lone Star, expressed appreciation to everyone involved in the recently updated Flood Plain Management ordinance that was adopted by City Council.

Melissa Snow, resident at 149 Oak Acres, spoke regarding the importance of having riparium properties to help filter rain water and to help reduce pollution and flooding. She mentioned concerns of the new development not providing enough riparian area which may contribute to future pollution and flooding downstream.

Paula Beaton, resident at 118 Lake Front Drive, spoke regarding concerns of saving any active eagle nests around the Shoreline Park development. She further addressed concerns for the water used by Shoreline Park for construction during the current drought 2 conditions.

Commissioner Joe Anzollitto arrived at 6:08p.m.

4. CONSENT AGENDA

- 4.A. [2020-509](#) CONSIDER THE MINUTES OF THE REGULAR PLANNING AND ZONING COMMISSION MEETING OF AUGUST 3, 2020.

The Minutes were approved.

- 4.B. [2020-510](#) CONDITIONAL APPROVAL OF THE FINAL PLAT FOR ESPERANZA PHASE 2F, 79.12 ACRES, 255 RESIDENTIAL LOTS, 17 OPEN SPACE LOTS, AND 16.279 ACRES OF RIGHT-OF-WAY (KAD NO. 14990, 15028, & 45852) AS IS PROVIDED BY ARTICLE 2, SECTION

2.04.001B OF THE SUBDIVISION ORDINANCE.

The conditional approval of the final plat for Esperanza Phase 2 was approved.

A MOTION WAS MADE BY COMMISSIONER CATES, SECONDED BY COMMISSIONER GLEASON, TO APPROVE THE CONSENT AGENDA AS PRESENTED. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 5- Commissioner Joe Anzollitto, Commissioner Bill Bird, Commissioner Ricky Gleason, Commissioner Chesney Dunning, and Commissioner Bob Cates

Approved: 5-0

REGULAR AGENDA:

[2020-514](#) CONSIDER THE PRELIMINARY PLAT FOR SHORELINE PARK, PHASES 3 & 4, 16.13 ACRES, 78 RESIDENTIAL LOTS, 5 OPEN SPACE LOTS, AND 3.05 ACRES OF RIGHT-OF-WAY (KAD NO. 302217, 302218, 12851, AND 12852). TAKE NECESSARY ACTION.

Chairman Bannwolf requested to move Item Number 8 up the agenda at 6:13 p.m. All Commissioners present were in favor.

Rebecca Pacini, AICP, Planner III, with the Planning and Community Development Department, presented the proposed preliminary plat.

Discussion ensued regarding traffic created by this subdivision, tree removal and their intention to save all trees rather in residential or open space, and concerns regarding compliance with the Texas Local Government Code, Chapter 212 Section 0105.

Ms. Laura Talley spoke regarding the Traffic Impact Analysis that was conducted; she mentioned that the study was done all the way to Interstate Highway 10.

John Mark Matkin spoke regarding the utility services for this track of land and construction plans that have already been approved.

Mr. Jeff Thompson, Deputy City Manager / General Manager of Utilities, spoke regarding San Antonio Water System (SAWS) in Kendall County and stated there are currently no customers.

A MOTION WAS MADE BY COMMISSIONER CATES, SECONDED BY COMMISSIONER DUNNING, TO APPROVE THE PRELIMINARY PLAT FOR SHORELINE PARK, PHASES 3 & 4, 16.13 ACRES, 78 RESIDENTIAL LOTS, 5 OPEN SPACE LOTS, AND 3.05 ACRES OF RIGHT-OF-WAY (KAD NO. 302217, 302218, 12851, AND 12852) WITH THE CONDITION THAT THEY MEET ANY APPLICABLE REQUIREMENTS OF THE TEXAS LOCAL GOVERNMENT CODE, CHAPTER 212 SECTION 0105, WATER AND SEWER REQUIREMENTS IN CERTAIN COUNTIES.

COMMISSIONER ANZOLLITTO PRESENTED AN AMENDMENT TO THE MOTION; THE AMENDMENT WAS TO ADD "AS DETERMINED BY THE CITY ATTORNEY" TO THE MOTION.

A MOTION WAS MADE BY COMMISSIONER CATES, SECONDED BY COMMISSIONER DUNNING, TO APPROVE THE PRELIMINARY PLAT FOR SHORELINE PARK, PHASES 3 & 4, 16.13 ACRES, 78 RESIDENTIAL LOTS, 5 OPEN SPACE LOTS, AND 3.05 ACRES OF RIGHT-OF-WAY (KAD NO. 302217, 302218, 12851, AND 12852) WITH THE CONDITION THAT THEY MEET ANY APPLICABLE REQUIREMENTS OF THE TEXAS LOCAL GOVERNMENT CODE, CHAPTER 212 SECTION 0105, WATER AND SEWER REQUIREMENTS IN CERTAIN COUNTIES AS DETERMINED BY THE CITY ATTORNEY. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 5- Commissioner Joe Anzollitto, Commissioner Bill Bird, Commissioner Ricky Gleason, Commissioner Chesney Dunning, and Commissioner Bob Cates

Approved: 5-0

5. EXECUTIVE SESSION UNDER SECTION 551.071 OF THE TEXAS LOCAL GOVERNMENT CODE FOR CONSULTATION WITH THE CITY ATTORNEY REGARDING LEGAL MATTERS RELATED TO THE BIRCH AT SPENCER RANCH SUBDIVISION.

Chairman Bannwolf convened the Planning and Zoning Commission into Executive Session at 6:49 p.m.

RECONVENE INTO OPEN SESSION AND TAKE ANY NECESSARY ACTION

Chairman Bannwolf reconvened the Planning and Zoning Commission into Open Session at 7:19 p.m.

6. REGULAR AGENDA:

- 6.A. [2020-511](#) TO CONSIDER PERMANENT ZONING OF 0.829 ACRES LOCATED AT 33565 INTERSTATE HIGHWAY 10 (KAD 15876) FROM R-A, RESIDENTIAL AGRICULTURAL, TO B-2, HIGHWAY COMMERCIAL DISTRICT (Chad and Kerri Properties LP).

I. STAFF PRESENTATION

II. PUBLIC HEARING

III. MAKE RECOMMENDATION TO CITY COUNCIL REGARDING THE PROPOSED PERMANENT ZONING OF 0.829 ACRES LOCATED AT 33565 INTERSTATE HIGHWAY 10 (KAD 15876) FROM R-A, RESIDENTIAL AGRICULTURAL, TO B-2, HIGHWAY COMMERCIAL DISTRICT (Chad and Kerri Properties LP).

Ms. Sara Serra-Bennett, Planner II, with the Planning and Community Development Department, presented the proposed permanent zoning.

A MOTION WAS MADE BY COMMISSIONER GLEASON, SECONDED BY COMMISSIONER BIRD, THAT TO APPROVE THE PERMANENT ZONING OF 0.829 ACRES LOCATED AT 33565 INTERSTATE HIGHWAY 10 (KAD 15876) FROM R-A, RESIDENTIAL AGRICULTURAL, TO B-2, HIGHWAY COMMERCIAL DISTRICT (CHAD AND KERRI PROPERTIES LP). THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 5- Commissioner Joe Anzollitto, Commissioner Bill Bird, Commissioner Ricky Gleason, Commissioner Chesney Dunning, and Commissioner Bob Cates

Approved: 5-0

- 6.B. [2020-512](#) TO CONSIDER THE PROPOSED PERMANENT ZONING OF 0.374 ACRES LOCATED AT 33875A INTERSTATE HIGHWAY 10 (KAD 33907) FROM R-A, RESIDENTIAL AGRICULTURAL, TO B-2, HIGHWAY COMMERCIAL DISTRICT (Denis and Jill Goulet).

I. STAFF PRESENTATION

II. PUBLIC HEARING

III. MAKE RECOMMENDATION TO CITY COUNCIL REGARDING THE PROPOSED PERMANENT ZONING OF 0.374 ACRES LOCATED AT 33875A INTERSTATE HIGHWAY 10 (KAD 33907) FROM R-A, RESIDENTIAL AGRICULTURAL, TO B-2, HIGHWAY COMMERCIAL DISTRICT (Denis and Jill Goulet).

Ms. Sara Serra-Bennett presented the proposed permanent zoning.

A MOTION WAS MADE BY COMMISSIONER GLEASON, SECONDED BY COMMISSIONER ANZOLLITTO, TO APPROVE THE PERMANENT ZONING OF 0.374 ACRES LOCATED AT 33875A INTERSTATE HIGHWAY 10 (KAD 33907) FROM R-A, RESIDENTIAL AGRICULTURAL, TO B-2, HIGHWAY COMMERCIAL DISTRICT. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 5- Commissioner Joe Anzollitto, Commissioner Bill Bird, Commissioner Ricky Gleason, Commissioner Chesney Dunning, and Commissioner Bob Cates

Approved: 5-0

7. [2020-513](#) CONSIDER A VARIANCE REQUEST TO SUBDIVISION ORDINANCE ARTICLE 5, SECTION 5.11.003, CERTAIN STREETS EXCLUDED THAT WOULD ALLOW FOR A PRIVATE STREET BE ALLOWED ON A THOROUGHFARE LOCATED AT 10 SPENCER ROAD (Matkin-Hoover Engineering & Surveying for the owner, Forestar (USA) Real Estate Group, Inc.)

Ms. Laura Talley, Director of Planning and Community Development, presented the proposed variance request for a private street located at 10 Spencer Road.

Mr. Daniel Ortiz, 112 East Pecan, spoke on behalf of the applicant (Forestar (USA) Real Estate Group, Inc.) regarding problems they face with building a private collector road in the City's Extraterritorial Jurisdiction.

Discussion ensued regarding the city's thoroughfare plan, the possibility of building a private road in a different location, and other options to achieve connectivity.

John Mark Matkin, previous owner of the property, stated the current developer has been working diligently with staff regarding building the major thoroughfare plan. He further spoke about traffic issues and staff's process of reviewing plans.

A MOTION WAS MADE BY COMMISSIONER CATES, SECONDED BY COMMISSIONER ANZOLLITTO, TO DENY A VARIANCE REQUEST TO SUBDIVISION ORDINANCE ARTICLE 5, SECTION 5.11.003, CERTAIN STREETS EXCLUDED THAT WOULD ALLOW FOR A PRIVATE STREET BE ALLOWED ON A THOROUGHFARE LOCATED AT 10 SPENCER ROAD (*MATKIN-HOOVER ENGINEERING & SURVEYING FOR THE OWNER, FORESTAR (USA) REAL ESTATE GROUP, INC.*). THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 5- Commissioner Joe Anzollitto, Commissioner Bill Bird, Commissioner Ricky Gleason, Commissioner Chesney Dunning, and Commissioner Bob Cates

Approved: 5-0

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

No comments were made from legal staff.

8.A. BRIEF UPDATE ON STATUS OF UNIFIED DEVELOPMENT CODE.

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

9. ADJOURNMENT

Chairman Bannwolf adjourned the Planning and Zoning Commission at 7:56p.m.

Chairman

Secretary