MINUTES
PLANNING AND ZONING COMMISSION MEETING
BOERNE CITY HALL
447 North Main Street
Monday, November 2, 2020 – 6:00 p.m.

Minutes of the Planning and Zoning Commission Meeting of November 2, 2020 at 6:00 p.m.

Present 6- Chairman Tim Bannwolf, Vice Chairman Patrick Cohoon, Commissioner Joe Anzollitto, Commissioner Bill Bird, Commissioner Ricky Gleason, and Commissioner Bob Cates

Absent 2- Commissioner Kyle Kana, Commissioner Chesney Dunning

Staff Present: Jeff Thompson, Barbara Quirk, Jeff Carroll, Cheryl Rogers, Laura Talley, Barrett Squires, Rebecca Pacini, Sara Serra-Bennett, Heather Wood, Krystal Brown, Robert Lee

Recognized/ Registered Guests: Carissa Cox, Christina Ryrholm, Michael Bowie, Ben Eldredge, Ben Bunker, Gerhard Schruf, Drake Thompson, Cal Chapman, Russell Noll, Paula Beaton, Mearl Wisehart IV., Kevin Crawford, Crystal Henry, Wayne Godsey, David Brodbeck, Jay M. Spade, Bob Bower, Bob Hattier

1. CALL TO ORDER – 6:00 PM

ROLL CALL

Chairman Bannwolf called the Planning and Zoning Commission 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

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)

Cal Chapman, resident at 301 Lake View Drive, spoke regarding water quality issues, concerns with subdivision ordinances as they relate to proposed development of land and alleged violations of the Kendall West Utility wastewater treatment plant.

Commissioner Joe Anzollitto arrived at 6:03 p.m.

4. CONSENT AGENDA: ALL ITEMS LISTED BELOW WITHIN THE CONSENT AGENDA ARE CONSIDERED 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

4.A. 2020-626 THE MINUTES OF THE REGULAR PLANNING AND ZONING COMMISSION MEETING OF OCTOBER 5, 2020.

4.B. 2020-628 CONDITIONAL APPROVAL FOR THE FINAL PLAT FOR SHORELINE PARK PHASE 2, 8.05 ACRES, 37 RESIDENTIAL LOTS, 4 OPEN SPACE LOTS, AND 1.48 ACRES OF RIGHT-OF-WAY (KAD NO. 302217) AS IS PROVIDED BY ARTICLE 2, SECTION 2.04.001B OF THE SUBDIVISION ORDINANCE.

4.C. 2020-630 CONDITIONAL APPROVAL FOR THE FINAL PLAT FOR BENT TREE UNIT 2, 37.448 ACRES, 29 RESIDENTIAL LOTS, 2 OPEN SPACE LOTS, AND 3.37 ACRES OF PRIVATE RIGHT-OF-WAY (KAD NO. 13824) AS IS PROVIDED BY ARTICLE 2, SECTION 2.04.001B OF THE SUBDIVISION ORDINANCE.

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

YEAH: 5- COMMISSIONER GLEASON, COMMISSIONER ANZOLLITTO, COMMISSIONER COHOON, COMMISSIONER BIRD, AND COMMISSIONER

CATES

Approved: 5-0

5. REGULAR AGENDA:

5.A. 2020-632 TO CONSIDER PERMANENT ZONING OF 8.5345 ACRES LOCATED AT 103 OLD SAN ANTONIO ROAD (KAD 38831) FROM R-A, RESIDENTIAL AGRICULTURAL, TO R-4, MULTIFAMILY RESIDENTIAL DISTRICT (William G. Graham, Fraser H. Graham, John J. Laroche).

1. STAFF PRESENTATION

II. PUBLIC HEARING

Item 5.A. was withdrawn by the applicant.

Chairman Bannwolf opened the Public Hearing at 6:11 p.m.

No comments were received.

Chairman Bannwolf closed the Public Hearing at 6:11 p.m.

No action was taken.

5.B. 2020-633 TO CONSIDER THE PROPOSED REZONING OF 0.494 ACRES LOCATED AT 115 STAHL STREET (KAD 20028) FROM R-3 HIGH-DENSITY RESIDENTIAL DISTRICT, TO R-4 MULTIFAMILY RESIDENTIAL DISTRICT (BICHOUSE LLC, GERHARD M. SCHRUF).

I. STAFF PRESENTATION

II. PUBLIC HEARING

III. MAKE RECOMMENDATION

Ms. Sara Serra-Bennett, Planner II, presented the proposed rezoning.

Discussion ensued regarding the definition of multi-family and that this property owner wants to build 3 units on the lot.

Chairman Bannwolf opened the Public Hearing at 6:20 p.m.

Mr. Bob Hattier, resident at 116 Stahl, spoke regarding questions about ordinances as they relate to the proposed rezoning of 115 Stahl and concerns of the garage structure.

Israel Pena, previous owner of 115 Stahl, spoke stating he is assisting the current owner and applicant of the proposed rezoning of 115 Stahl. He addressed concerns of the appearance of the structure and mentioned plans to embellish the side to make it look like a front elevation instead of a garage.

Chairman Bannwolf closed the Public Hearing at 6:25 p.m.

Discussion continued about plans for the property and what would be allowed according to zoning ordinances.

A MOTION WAS MADE BY COMMISSIONER ANZOLLITTO, SECONDED BY COMMISSIONER CATES, TO APPROVE THE PROPOSED REZONING OF 0.494 ACRES LOCATED AT 115 STAHL STREET (KAD 20028) FROM R-3 HIGH-DENSITY RESIDENTIAL DISTRICT, TO R-4 MULTIFAMILY RESIDENTIAL DISTRICT. THE MOTION CARRIED BY THE FOLLOWING VOTE:

YEAH: 5- COMMISSIONER GLEASON, COMMISSIONER ANZOLLITTO, COMMISSIONER COHOON, COMMISSIONER BIRD, AND COMMISSIONER CATES

Approved: **5-0**

5.C. 2020-634 TO CONSIDER THE PROPOSED PERMANENT ZONING OF 5.01 ACRES LOCATED AT 30 CASCADE CAVERNS ROAD (KAD 25666) FROM R-A, RESIDENTIAL AGRICULTURAL DISTRICT, TO B-1 HIGH-DENSITY RESIDENTIAL AND NEIGHBORHOOD COMMERCIAL DISTRICT (LAS CASCADAS HOLDINGS).

I. STAFF PRESENTATION

II. PUBLIC HEARING

III. MAKE RECOMMENDATION

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

Discussion ensued regarding lot size, non-conforming use in an O zoning district(most restrictive), and concerns with traffic and rezoning in the future.

Ms. Laura Talley, Director of Planning and Community Development, spoke regarding the process of the city obtaining roadway improvements. She stated development typically drives roadway improvements to include wider roads, turn lanes, and right-of-way (ROW) dedication, ultimately taking the burden off of citizens.

Mr. Jeff Thompson, Deputy City Manager, stated roadway improvements on Old San Antonio Road and Cascade Caverns Road would require issuance of bonds.

Chairman Bannwolf opened the Public Hearing at 6:47 p.m.

Dr. Bob Bower, resident at 210 Riverwood, spoke regarding his request for the permanent zoning. He stated that he intends on moving his medical office from its current location on Bandera Road to this location which has better access and is safer for his clients.

Mr. Russell Noll, resident at 124 Oak Lane, spoke regarding the importance of a requested zoning use being compatible with the sub market, neighborhood, and street. He stated that in this case it is in a mixed use area and would be compatible with a medical office building use.

Mr. Kevin Crawford, listing broker of the property, spoke regarding this

location being surrounded by commercial and their intention to preserve the space, allowing it to remain the same, for the best interest of the community.

Chairman Bannwolf closed the Public Hearing at 5:52 p.m.

Ms. Laura Talley spoke regarding special use permits, possible zoning for this property, limitations under various zonings, and height restrictions.

Discussion ensued regarding zoning under current code and proper zoning under the future Unified Development Code.

A MOTION WAS MADE BY COMMISSIONER BIRD, SECONDED BY COMMISSIONER GLEASON, TO APPROVE AN O-OFFICE DISTRICT PERMANENT ZONING OF 5.01 ACRES LOCATED AT 30 CASCADE CAVERNS ROAD (KAD 25666). THE MOTION CARRIED BY THE FOLLOWING VOTE:

YEAH: 5- COMMISSIONER GLEASON, COMMISSIONER ANZOLLITTO, COMMISSIONER COHOON, COMMISSIONER BIRD, AND COMMISSIONER CATES

Approved: **5-0**

6. 2020-635 CONSIDER THE PRELIMINARY PLAT FOR REGENT PARK UNIT 5, 15.854 ACRES, 35 RESIDENTIAL LOTS, 3 OPEN SPACE LOTS, AND 4.847 ACRES OF RIGHT-OF-WAY (KAD NO. 291871). TAKE NECESSARY ACTION.

Ms. Rebecca Pacini, Planner III, presented the preliminary plat.

A MOTION WAS MADE BY COMMISSIONER BIRD, SECONDED BY COMMISSIONER GLEASON, TO APPROVE THE PRELIMINARY PLAT FOR REGENT PARK UNIT 5, 15.854 ACRES, 35 RESIDENTIAL LOTS, 3 OPEN SPACE LOTS, AND 4.847 ACRES OF RIGHT-OF-WAY (KAD NO. 291871). THE MOTION CARRIED BY THE FOLLOWING VOTE:

YEAH: 5- COMMISSIONER GLEASON, COMMISSIONER ANZOLLITTO,

COMMISSIONER COHOON, COMMISSIONER BIRD, AND COMMISSIONER CATES

Approved: **5-0**

7. 2020-636 CONSIDER A REQUEST FOR A VARIANCE TO THE SUBDIVISION ORDINANCE, ARTICLE 2, PROCEDURES, SECTION 2.02.008 EXPIRATION OF PLAT APPROVAL FOR SIENA COURT GARDEN HOMES PRELIMINARY PLAT. TAKE NECESSARY ACTION.

Ms. Rebecca Pacini presented the request for a variance. She stated the plat was delayed due to the applicant working with TxDOT to move a church from the property and working with a property owner on Herff Road to gain their easement. The applicant has requested to extend the approval of the preliminary plat to ensure enough time to turn in the final plat.

A MOTION WAS MADE BY COMMISSIONER COHOON, SECONDED BY COMMISSIONER GLEASON, TO APPROVE THE REQUEST FOR A VARIANCE TO THE SUBDIVISION ORDINANCE, ARTICLE 2, PROCEDURES, SECTION 2.02.008 EXPIRATION OF PLAT APPROVAL FOR SIENA COURT GARDEN HOMES PRELIMINARY PLAT. THE MOTION CARRIED BY THE FOLLOWING VOTE:

YEAH: 5- COMMISSIONER GLEASON, COMMISSIONER ANZOLLITTO, COMMISSIONER COHOON, COMMISSIONER BIRD, AND COMMISSIONER CATES

Approved: **5-0**

8. 2020-637 TO CONSIDER THE ADOPTION OF A UNIFIED DEVELOPMENT CODE, REPEALING AND REPLACING ALL ORDINANCES PERTAINING TO LAND DEVELOPMENT, ZONING AND SIGNAGE.

I. STAFF PRESENTATION

II. PUBLIC HEARING

Carissa Cox, AICP, Principal Planner with Mosaic, and Laura Talley presented the Unified Development Code and related timeline for adoption.

9. DISCUSSION ITEM:

9.A. 2020-638 PRESENTATION FROM TROY DORMAN, DIRECTOR OF WATER RESOURCES WITH HALFF ASSOCIATES, REGARDING SHORELINE PARK.

Dr. Troy Dorman, Director of Water Resources, South/Central Texas with Halff Associates, Inc., spoke regarding the Low-impact development (LID) features for the Shoreline Park Development. He gave an update on the Drainage Master Plan and Water Quality Improvements for the development.

No Action.

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

No comments were received from Legal Counsel or Staff.

11. 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).

The Planning and Zoning Commission did not convene into Executive Session.

12. ADJOURNMENT

Chairman Bannwolf adjourned the Planning and Zoning Commission at 8:44 p.m.

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Chairman

CERTIFICATION

I herby certify that the above notice of meeting was posted on the 30th day of October, 2020 at 4:00 p.m.

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Secretary