

MINUTES
PLANNING AND ZONING COMMISSION MEETING
BOERNE CITY HALL
447 North Main Street
Monday, December 7, 2020 – 6:00 p.m.

Minutes of the Planning and Zoning Commission Meeting of December 7, 2020 at 6:00 p.m.

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

Late 1- Chairman Tim Bannwolf

Absent 1- Commissioner Kyle Kana

Staff Present: 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, Terry Thompson, Sharon Thompson, Tim McCloskey, Irvin Kleespies, Jerri Hinrichs, Shanel Ramirez, Dakota Durden, Mary Ella Gautey, Virginia Mosis, Ann Petrosky, Justin Harper, Becky Collie, Andrea Vernick, Mike Schultz, Carol Schultz, Cody Keller, David, Spencer, Christine Jacobs, Roy Faz, Dave Luciani, Sherry Layton, Kristina Howle, Brent Taylor, Kenneth Maxymof

1. CALL TO ORDER – 6:00 PM

Chairman Bannwolf arrived and called the Planning and Zoning Commission to order at 6:04 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

None 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)

Roy Faz, property owner of multiple addresses across from 103 Old San Antonio Road, spoke in favor of the applicant's request for zoning.

Tim McCloskey, resident at 209 East Hosack, explained that due to a recent floodplain management ordinance that was passed he is now restricted him from building on a property located at 320 Rosewood, and he will now need to seek a variance to build. He gave an invitation to anyone interested in meeting him at the property to discuss his plans.

Ms. Laura Talley, Director of Planning and Community Development, clarified that Mr. McCloskey would need two variances; one would go before the Board of Adjustments and one would go before the Planning and Zoning Commission for consideration.

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

A. [2020-715](#) THE MINUTES OF THE SPECIAL CALLED PLANNING AND ZONING COMMISSION MEETING OF NOVEMBER 16, 2020

A MOTION WAS MADE BY COMMISSIONER GLEASON, SECONDED BY COMMISSIONER COHOON, TO APPROVE THE MINUTES OF THE SPECIAL CALLED PLANNING AND ZONING COMMISSION MEETING OF NOVEMBER 16, 2020. THE MOTION CARRIED BY THE FOLLOWING VOTE:

YEAH: 6- JOE ANZOLLITTO, BILL BIRD, PATRICK COHOON, RICKY GLEASON, BOB CATES, CHESNEY DUNNING

Approved: 6-0

5. REGULAR AGENDA:

- A. [2020-716](#) TO CONSIDER THE PROPOSED REZONING OF 7.33 ACRES LOCATED AT 134 GARDEN STREET (KAD 20006, 20007, 20009 AND 20010) FROM R-1, MEDIUM- DENSITY SINGLE-FAMILY RESIDENTIAL DISTRICT, TO R-2, MODERATE - DENSITY SINGLE-FAMILY RESIDENTIAL DISTRICT (Greenway Cottage Builders, LLC/ Dave Luciani).

I. STAFF PRESENTATION

II. PUBLIC HEARING

III. MAKE RECOMMENDATION

Ms. Sara Serra-Bennett, Planner II with Planning and Community Development, presented the proposed rezoning and gave feedback received from neighbors who attended a Boerne Engaged Neighborhood (hereafter, BEN) meeting that was held on November 30, 2020.

Ms. Laura Talley, spoke regarding the possibility of the developer utilizing a Planned Unit Development (hereafter, PUD) in their design plan.

Chairman Bannwolf opened the Public Hearing at 6:19 p.m.

Mr. Dave Luciani, developer of the project, spoke regarding the layout of the development specific to the design of Right-of-Way (hereafter, ROW), placement of the homes and layout features.

Terry Thompson, 107 Kitty Kat Lane, spoke in opposition of the proposed rezoning and development.

Cody Keller, owner of 159 Adler and 163 Adler, spoke in opposition of the proposed rezoning and development. He mentioned concerns with density and other allowed uses in the R-2 zoning classification. He further expressed concerns of possible noise and traffic generated by the

proposed development, potential risk of losing oak trees, minimal parking on the streets, and future property values being impacted.

David Spencer, resident at 149 Kitty Kat Lane, spoke regarding the uniqueness of Garden Street and the oak trees that exist there. He expressed concerns of pedestrian access to Old No 9. and possibly losing oak trees. He thanked the commission for caring and their willingness to serve the community.

Christine Jacobs, resident at 127 Adler, spoke in opposition of the rezoning and development. She expressed concerns with the road that would run along the side of their property, past issues with current property owner (717 investments), safety issues with a narrow street, possible future flooding, and the high density of the proposed development.

Kristina Howle, resident at 103 Serenity Drive, spoke in opposition of the proposed rezoning and development. She expressed concerns of traffic that would exit onto Garden Street, the volume of houses proposed, possible drainage issues, and parking and privacy concerns. She further mentioned concerns with the design not allowing space for yards, or access to the trail.

Brent Taylor, resident at 134 Serenity Drive, spoke in opposition of the proposed rezoning and development. He expressed concerns with density and infrastructure challenges on Adler and Garden Street. He further expressed concerns with traffic, impact on property values, and noise and light pollution.

Justin Harper, resident at 106 Kitty Kat Lane and owner of 130 East Frederick, spoke regarding questions of proposed square footage of homes and safety concerns for pedestrians created by vehicular traffic. He further expressed concerns with drainage and detention ponds proposed for site.

Jerri Hinrichs, resident at 144 Garden Street and owner of 118 Serenity

Drive, spoke regarding shared concerns with neighbors. She expressed concerns with traffic, safety, light pollution and drainage; she also stated that the proposal is too dense, in too small of a space.

Sherri Layton, resident at 129 Kitty Kat Lane, spoke in favor of the proposed development, although she had shared concerns of flooding and density. She also shared concerns of the property being developed with a less attractive project if it is rezoned and this particular project is not approved.

Kenneth Maxymof, resident at 127 Adler Street, spoke in opposition of the proposed rezoning and explained the flooding issues his property already has.

Mr. Luciani explained his intentions to address the concerns of the citizens in his design plan; he requested an opportunity to redesign the plan to bring back before the commission at a later date.

Chairman Bannwolf stated, that through research, he discovered the owner's right to transact business in Texas had lapsed due to his registration or certificate being ended by the Comptroller as a result of a some type of forfeiture.

Chairman Bannwolf closed the Public Hearing at 7:13 p.m.

Discussion ensued regarding what is allowed in a R-2 zoning classification and zoning districts with the new UDC. Further discussion continued in reference to ordinances specific to fencing, state law that does not allow regulations on lighting and concerns with density of the proposed development.

Mr. Luciani stated that he would like to come back before the commission with a PUD Plan.

A MOTION WAS MADE BY COMMISSIONER COHOON, SECONDED BY COMMISSIONER BIRD, TO TABLE THE PROPOSED REZONING OF 7.33 ACRES

LOCATED AT 134 GARDEN STREET (KAD 20006, 20007, 20009 AND 20010) FROM R-1, MEDIUM- DENSITY SINGLE-FAMILY RESIDENTIAL DISTRICT, TO R-2, MODERATE - DENSITY SINGLE-FAMILY RESIDENTIAL DISTRICT (Greenway Cottage Builders, LLC/ Dave Luciani). THE MOTION CARRIED BY THE FOLLOWING VOTE:

YEAH: 6- JOE ANZOLLITTO, BILL BIRD, PATRICK COHOON, RICKY GLEASON, BOB CATES, CHESNEY DUNNING

Approved: 6-0

- B. [2020-717](#) 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).

- I. STAFF PRESENTATION

- II. PUBLIC HEARING

Chairman Bannwolf opened the Public Hearing at 7:23 p.m.

Chairman Bannwolf closed the Public Hearing at 7:24 p.m.

- C. [2020-718](#) CONDITIONAL APPROVAL FOR THE FINAL PLAT FOR SOUTHGLEN PHASE 11B, 8.29 ACRES, 35 RESIDENTIAL LOTS, 2 OPEN SPACE LOTS, AND 1.77 ACRES OF RIGHT-OF-WAY (KAD NO. 288671 AND 302047) AS IS PROVIDED BY ARTICLE 2, SECTION 2.04.001B OF THE SUBDIVISION ORDINANCE.

Ms. Rebecca Pacini, City Planner III, presented the proposed final plat and addressed concerns of trees that were removed from this site. She stated that the removed trees were approved and staff physically made location to ensure the heritage trees that were required to remain were still there.

A MOTION WAS MADE BY COMMISSIONER GLEASON, SECONDED BY COMMISSIONER COHOON, TO APPROVE THE FINAL PLAT FOR SOUTHGLEN

PHASE 11B, 8.29 ACRES, 35 RESIDENTIAL LOTS, 2 OPEN SPACE LOTS, AND 1.77 ACRES OF RIGHT-OF-WAY (KAD NO. 288671 AND 302047) AS IS PROVIDED BY ARTICLE 2, SECTION 2.04.001B OF THE SUBDIVISION ORDINANCE. THE MOTION CARRIED BY THE FOLLOWING VOTE:

YEAH: 6- JOE ANZOLLITTO, BILL BIRD, PATRICK COHOON, RICKY GLEASON, BOB CATES, CHESNEY DUNNING

Approved: 6-0

- D. [2020-719](#) CONSIDER THE PRELIMINARY PLAT FOR FREYSTADT, 1.546 ACRES, 2 NONRESIDENTIAL LOTS AND 0.038 ACRES OF RIGHT-OF-WAY (KAD NO. 18975) LOCATED AT 614 FREY STREET. TAKE NECESSARY ACTION.

Ms. Pacini presented the preliminary plat.

Commissioner Cates had questions regarding the shape of the parcel, the access point that will serve the two lots, and the difference in the plan since it was previously presented to the commission.

Ms. Pacini addressed the difference in this plan compared to the previous one; she clarified that a demolition of a structure was approved through the Historic Landmark Commission that previously was planned to be moved to another location. She described the existing driveway that will be the access point for both lots and explained the plan for the smaller lot to include open space and drainage.

A MOTION WAS MADE BY COMMISSIONER COHOON, SECONDED BY COMMISSIONER GLEASON, TO APPROVE THE PRELIMINARY PLAT FOR FREYSTADT, 1.546 ACRES, 2 NONRESIDENTIAL LOTS AND 0.038 ACRES OF RIGHT-OF-WAY (KAD NO. 18975) LOCATED AT 614 FREY STREET. THE MOTION CARRIED BY THE FOLLOWING VOTE:

YEAH: 6- JOE ANZOLLITTO, BILL BIRD, PATRICK COHOON, RICKY GLEASON, BOB CATES, CHESNEY DUNNING

Approved: 6-0

- E. [2020-720](#) CONSIDER THE PRELIMINARY PLAT FOR REGENT PARK UNIT 8, 16.950 ACRES, 44 RESIDENTIAL LOTS, 1 OPEN SPACE LOT, AND 5.915 ACRES OF RIGHT-OF-WAY (KAD NO. 291871). TAKE NECESSARY ACTION.

Ms. Pacini presented the preliminary plat.

A MOTION WAS MADE BY COMMISSIONER COHOON, SECONDED BY COMMISSIONER BIRD, TO APPROVE THE PRELIMINARY PLAT FOR REGENT PARK UNIT 8, 16.950 ACRES, 44 RESIDENTIAL LOTS, 1 OPEN SPACE LOT, AND 5.915 ACRES OF RIGHT-OF-WAY (KAD NO. 291871). THE MOTION CARRIED BY THE FOLLOWING VOTE:

YEAH: 6- JOE ANZOLLITTO, BILL BIRD, PATRICK COHOON, RICKY GLEASON, BOB CATES, CHESNEY DUNNING

Approved: 6-0

6. DISCUSSION ITEM:

- A. [2020-721](#) NEW ZONING MAP AND OVERLAY DISTRICTS AS PART OF THE UDC.

Ms. Talley described the draft zoning map that went online Friday (December 4, 2020) night.

Carissa Cox, spoke regarding the timeline and deadlines of the UDC.

Discussion ensued regarding the process for amending the draft map and for public notification.

- B. [2020-722](#) BRIEFING BY JEFF CARROLL REGARDING TRAFFIC IMPACT ANALYSIS (TIA) CURRENT REGULATIONS AND NEW REGULATIONS AS PART OF THE UDC.

Mr. Jeff Carroll, Director of Development Services, gave a presentation on Traffic Impact Analysis (TIA) and when they are required.

- C. [2020-723](#) NEW DEVELOPMENT REQUIREMENTS UNDER THE UDC - AN UPDATE REGARDING NEW STORMWATER REQUIREMENTS, DEVELOPMENT PROCESSES AND ENFORCEMENT AND HOW THESE COULD AFFECT FUTURE PLATTING REQUIREMENTS.

Ms. Talley gave an update on, and clarified, development requirements as presented in the new Unified Development Code (UDC). Jeff Carroll provided further detail.

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

No comments were received from Legal Counsel or Staff.

- 8. 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)

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

- 9. ADJOURNMENT

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

Chairman

CERTIFICATION

I herby certify that the above notice of meeting was posted on the 4th day of December, 2020 at 5:00 p.m.

Secretary