

**AMENDED MINUTES
PLANNING AND ZONING COMMISSION WORKSHOP
BOERNE CITY HALL
447 North Main Street
Monday, March 1, 2021 – 6:00 p.m.**

Minutes of the Planning and Zoning Commission Meeting of March 1, 2021 at 6:00 p.m.

Present Virtually 7- Chairman Tim Bannwolf, Commissioner Patrick Cohoon, Commissioner Bill Bird, Commissioner Joe Anzollitto, Commissioner Ricky Gleason, Commissioner Bob Cates, Commissioner Chesney Dunning

Staff Present: Barbara Quirk, Laura Haning, Heather Wood, Barrett Squires, Rebecca Pacini, Sara Serra-Bennett, Ryan Bass

Staff Present (Virtually): Jeff Carroll, Cheryl Rogers

Recognized Guests: Jerry Nicholson, Carol Nicholson

Recognized Guests (Virtually): Carissa Cox, Sharon Ramey, Paul Ramey, John Wolters, Andy Brewer, Sherry Brewer, Charles Riddle, Adam Harkrider, Jack Short, Laurie Hakspiel, Jeb Wait, May McCarthy, Christina Ryholm

Due to the COVID-19 pandemic, this meeting is being held telephonically only as allowed by the Governor of Texas during this public health emergency. Please do not attend the meeting in person. See attached detailed instructions on how to join the meeting and speak; you may also visit the City of Boerne website at boerne-tx.gov to view instructions.

You may join the Planning and Zoning Commission Meeting from your phone or computer:

Join Zoom Meeting by computer:

<https://us02web.zoom.us/j/89162327102>

Meeting ID: 891 6232 7102

Passcode: 9511248

Dial in Toll Free: 1-877-853-5247

Or 1-888-788-0099

Meeting ID: 891 6232 7102

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)

1. CALL TO ORDER – 6:00 PM

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

Chairman Bannwolf asked for a roll call of commissioners present.

Present Virtually 7- Chairman Tim Bannwolf, Commissioner Patrick Cohoon, Commissioner Bill Bird, Commissioner Joe Anzollitto, Commissioner Ricky Gleason, Commissioner Bob Cates, Commissioner Chesney Dunning

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

Commissioner Cohoon declared a conflict with agenda item 4.B.

City Attorney Barbara Quirk clarified that Commissioner Cohoon can stay logged in via Zoom but will not participate in discussion or vote of agenda item 4.B. and the item will be removed from the Consent Agenda to allow the Commission to vote on it separately.

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)

May McCarthy spoke in opposition of the proposed rezoning. She expressed concerns with loss of rights, property value, and process of public notification for the proposed zoning.

Patti Mainz, owner of property and business located at 101 South Main (Black Rifle Coffee). She expressed concerns with the process of public notifications, and stated she is opposed to the proposed rezoning.

Ms. Laura Haning, Director of Planning and Community Development, clarified that Patti Mainz is currently a Commissioner on the Historic Landmark Commission.

Charles Riddle spoke regarding concerns with proposed rezoning to include the Special Use Permits (SUP). He stated that many property owners were unaware that their property would be rezoned and that the post card notification sent from the City was not effective.

Adam Harkrider, owner of a property located at 7 Herff Road, expressed concerns with new zoning that could impact his intended use for a medical office.

Andy Brewer stated that they were unaware of zoning rights being taken away with the proposed rezoning.

Sherry Brewer spoke regarding their plan to develop their property at some point and she now has concerns with the proposed zoning changes.

Kevin Stringer, owner of properties at 926 North Main Street and 806 Blanco Road, spoke regarding concerns with converted zoning categories and possibly losing property rights.

Josh Valenta, engineer with Matkin Hoover, spoke regarding SUPs in the new code, pressure they will create on the Planning and Zoning Commission, and the possibility of considering a grace period for property owners in the planning stages of development.

Grace Poulsen had comments for item 5.A. Ms. Haning explained that that item had been withdrawn by the applicant. Ms. Poulsen chose to hold her comments at this point.

Jack Short spoke regarding the public notification that went out from the City. He expressed concerns with not receiving the notification and concerns of possible diminishing property values resulting from the proposed rezoning.

Chairman Bannwolf closed Public Comments at 6:29 p.m.

4. CONSENT AGENDA

4.A. [2021-214](#) THE MINUTES OF THE PLANNING AND ZONING COMMISSION MEETING OF FEBRUARY 1, 2021.

A MOTION WAS MADE BY COMMISSIONER COHOON, SECONDED BY COMMISSIONER ANZOLLITTO, TO APPROVE THE MINUTES OF THE PLANNING AND ZONING COMMISSION MEETING OF FEBRUARY 1, 2021. THE MOTION CARRIED BY THE FOLLOWING ROLL CALL VOTE:

YEA: 6- JOE ANZOLLITTO, BILL BIRD, RICKY GLEASON, BOB CATES,

CHESNEY DUNNING, COMMISSIONER COHOON

Approved: 6-0

- 4.B. [2021-220](#) CONDITIONAL APPROVAL FOR THE FINAL PLAT FOR E BANDERA, 2.493 ACRES, 6 RESIDENTIAL LOTS AND 0.034 ACRES OF RIGHT-OF-WAY (KAD NO. 300528) AS IS PROVIDED BY ARTICLE 2, SECTION 2.04.001B OF THE SUBDIVISION ORDINANCE.

Commissioner Cohoon abstained from conversation and vote.

A MOTION WAS MADE BY COMMISSIONER GLEASON, SECONDED BY COMMISSIONER BIRD, TO APPROVE THE FINAL PLAT FOR E BANDERA, 2.493 ACRES, 6 RESIDENTIAL LOTS AND 0.034 ACRES OF RIGHT-OF-WAY (KAD NO. 300528) AS IS PROVIDED BY ARTICLE 2, SECTION 2.04.001B OF THE SUBDIVISION ORDINANCE. THE MOTION CARRIED BY THE FOLLOWING ROLL CALL VOTE:

YEA: 5- JOE ANZOLLITTO, BILL BIRD, RICKY GLEASON, BOB CATES, CHESNEY DUNNING

Approved: 5-0

5. REGULAR AGENDA:

- 5.A. [2021-225](#) TO CONSIDER THE PROPOSED REZONING OF 0.3616 ACRES LOCATED AT 303 HERFF STREET (KAD 23540, IRONS & GRAHAMS ADD LOT 109) FROM R-2, MODERATE-DENSITY RESIDENTIAL DISTRICT, TO R-4, MULTI-FAMILY RESIDENTIAL DISTRICT (ABEL AND PATRICIA GUTIERREZ).

- I. STAFF PRESENTATION
- II. PUBLIC HEARING
- III. MAKE RECOMMENDATION

This item was withdrawn by the applicant. However, the Public Hearing was held in accordance with state law.

Chairman Bannwolf opened the Public Hearing at 6:33p.m.

Grace Poulsen asked for clarification on the process if/when this request comes before the Commission at a later date.

Rick and Cheryl Barnett spoke regarding notification if this item comes back before the Commission.

Leslie Brown spoke regarding the zoning proposal and concerns with notification only going out to property owners within 200 feet of the project.

Breanna Allerkamp spoke in opposition of the proposed rezoning and had questions about the process for turning in future letters of opposition to the City/Commission.

Ms. Haning explained that the public notification process would be the same to include notification to property owners within 200 feet of the proposed rezoning property, and posting in local newspaper.

Chairman Bannwolf closed the Public Hearing at 6:39 p.m.

5.B. [2021-226](#) TO CONSIDER THE PROPOSED ADOPTION OF THE REVISED ZONING MAP AND AMENDMENTS TO THE UNIFIED DEVELOPMENT CODE (UDC).

Ms. Haning introduced new Planning and Community Development member Environmental Programs Administrator/Urban Forester, Ryan Bass.

Mr. Bass gave a brief background of his education and work experience.

Ms. Haning reviewed the public notification process of the UDC and zoning map. She explained that zoning is not vested, that the new zoning map is rules based and is more impactful to commercial property owners. She provided details regarding the similarity between the new Special Use Permits (SUPs) and the old (current) City Council approval (CC) requirements.

Commission discussion included concerns with the enforcement process for state law and city ordinance violations during predevelopment construction, time frames for current uses of properties with the adoption of the UDC, and classifications/definitions/edits to the proposed Table of Uses.

- 5.C. [2021-227](#) CONSIDER THE PRELIMINARY PLAT FOR BENT TREE UNIT 3, 40.04 ACRES, 25 RESIDENTIAL LOTS, 2 OPEN SPACE LOT, AND 2.77 ACRES OF PRIVATE RIGHT-OF-WAY (KAD NO. 13824). TAKE NECESSARY ACTION.

Ms. Rebecca Pacini, City Planner III., presented the preliminary plat and stated that it meets the master plan/master development plan and requirements of subdivision ordinance.

A MOTION WAS MADE BY COMMISSIONER CATES, SECONDED BY COMMISSIONER COHOON, TO APPROVE THE PRELIMINARY PLAT FOR BENT TREE UNIT 3, 40.04 ACRES, 25 RESIDENTIAL LOTS, 2 OPEN SPACE LOT, AND 2.77 ACRES OF PRIVATE RIGHT-OF-WAY (KAD NO. 13824). THE MOTION CARRIED BY THE FOLLOWING ROLL CALL VOTE:

YEA: 6- JOE ANZOLLITTO, BILL BIRD, RICKY GLEASON, BOB CATES, CHESNEY DUNNING, COMMISSIONER COHOON

Approved: 6-0

- 5.D. [2021-240](#) CONSIDER THE PRELIMINARY PLAT FOR REGENT PARK UNIT 9, 89.182 ACRES, 110 RESIDENTIAL LOTS, 7 OPEN SPACE LOT, AND 8.688 ACRES OF RIGHT-OF-WAY (KAD NO. 291871, 291872, and 306990). TAKE NECESSARY ACTION.

Ms. Rebecca Pacini presented the preliminary plat and stated that ~~it meets the master plan/master development plan and requirements of subdivision ordinance.~~ staff recommends approval of the preliminary plat with the following condition:

That the Unit 9 alignment of the thoroughfare be consistent with Section 3.02.002

Commission discussion ensued regarding erosion control, developers following state law requirements and staff's role in monitoring the sites to ensure there are no violations.

Applicant Patrick Murphy spoke addressing erosion control concerns and previous violations that have since been remedied with Texas Commission on Environmental Quality (TCEQ).

A MOTION WAS MADE BY COMMISSIONER GLEASON, SECONDED BY COMMISSIONER DUNNING, TO APPROVE THE PRELIMINARY PLAT FOR REGENT PARK UNIT 9, 89.182 ACRES, 110 RESIDENTIAL LOTS, 7 OPEN SPACE LOT, AND 8.688 ACRES OF RIGHT-OF-WAY (KAD NO. 291871, 291872, AND 306990) AS PRESENTED. THE MOTION CARRIED BY THE FOLLOWING ROLL CALL VOTE:

YEA: 6- JOE ANZOLLITTO, BILL BIRD, RICKY GLEASON, BOB CATES, CHESNEY DUNNING, COMMISSIONER COHOON

Approved: 6-0

6. DISCUSSION ITEM:

6.A. PROPOSED ADOPTION OF THE REVISED CITYWIDE ZONING MAP, POSSIBLE ADDITIONAL NOTIFICATION(S) TO BE SENT TO PROPERTY OWNERS OF CURRENT SPECIFIC ZONING CLASSIFICATION(S) AND ALLOWABLE USE(S) AND PROPOSED REVISIONS TO SAME, AND REVIEW PROCESSES AVAILABLE UNDER THE NEW UNIFIED DEVELOPMENT CODE (UDC) TO PROPERTY OWNERS HAVING QUESTIONS/CONCERNS RELATED THERETO.

Commission discussion ensued regarding public notification for rezoning under the new UDC. The Commission suggested that staff send notifications in letter form(to include links that direct to old and new Table of Uses/Map) to land owners to inform them of the proposed use table and rezoning classifications as they relate to their individual properties.

Public Comments:

Lori Hakspiel spoke regarding the fees and SUP permit and timeline. She expressed concerns with commercial transactions having an undetermined future due to proposed zoning changes.

Josh Valenta spoke regarding public notifications referencing the UDC updates. He stated they should include more specific terminology for rezoning.

Charles Riddle spoke regarding stripping of landowner rights.

Mr. Harkrider requested clarification of medical categories specific to medical office(s).

Kevin Stringer had questions regarding possibly grandfathering of properties and if any studies were done to see how land values might be impacted with the proposed rezoning.

Ms. Haning clarified the process for new categories as they will follow properties not property owners and that no studies were done for property values with the proposed rezoning.

Mr. Short spoke in opposition of the proposed rezoning.

Jeb Wait spoke about methods of notification and possibly sending them out with utility bills from the City.

Chairman Bannwolf asked for volunteers for a subcommittee to address some of the concerns brought up by citizens and property owners.

Commissioner Dunning, Chairman Bannwolf and Commissioner Gleason volunteered for the subcommittee.

Chairman Bannwolf called for a special Planning and Zoning workshop, via Zoom, to be scheduled for March 15, 2021 at 6 p.m.

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

No comments.

8. ADJOURNMENT

Chairman Bannwolf closed the Planning and Zoning Commission meeting at 9:49p.m.

Chairman

CERTIFICATION

I herby certify that the above notice of meeting was posted on the 26th day of February, 2021 at 5:00 p.m.

Secretary