

MINUTES
PLANNING AND ZONING COMMISSION MEETING
BOERNE CITY HALL
447 North Main Street
Monday, July 12, 2021 – 6:00 p.m.

PRESENT 6- CHAIRMAN TIM BANNWOLF, COMMISSIONER BILL BIRD,
COMMISSIONER BOB CATES, COMMISSIONER JOE ANZOLLITTO,
COMMISSIONER LUCAS HILER, COMMISSIONER PATRICK COHOON

ABSENT: COMMISSIONER CHESNEY DUNNING

STAFF PRESENT: JEFF THOMPSON, MICK MCKAMIE, LAURA HANING,
HEATHER WOOD, BARRETT SQUIRES, REBECCA PACINI, SARA
SERRA-BENNETT, RYAN BASS

RECOGNIZED/REGISTERED GUESTS: CHRISTINA RYRHOLM, JOSHUA
VALENTA, ROBERT IMLER, NICK GOODWIN, JENNIFER LEIGH
FLORES-KELLY, HEATHER HARPER, LANCE KYLE

**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 BELOW AS
AUTHORIZED BY GOVERNMENT CODE §551.071 (CONSULTATION WITH ATTORNEY)**

1. CALL TO ORDER – 6:00 PM

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

Chairman Bannwolf opened public comments at 6:02 p.m.

Heather Harper, 386 Prado Crossing behind Esperanza, spoke regarding concerns with trees being destroyed in the development of Esperanza. She questioned the city's ordinances and rules specific to drainage, noise, and tree removal.

Lance Kyle, 226 Cascade Caverns Road, spoke regarding issues with undersized detention ponds at Southglen and water runoff from this development. He addressed concerns with tree protection plans, the city fining for violations, and the city's review of engineering plans.

Chairman Bannwolf closed public comments at 6:08 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.

The Commission agreed to remove items 4.C. and 4.D. from the Consent Agenda to consider and deliberate separately.

4.A. [2021-653](#) THE MINUTES OF THE PLANNING AND ZONING COMMISSION MEETING OF JUNE 7, 2021.

4.B. [2021-654](#) THE MINUTES OF THE PLANNING AND ZONING COMMISSION MEETING OF JUNE 14, 2021.

A MOTION WAS MADE BY COMMISSIONER BIRD, SECONDED BY COMMISSIONER COHOON, TO APPROVE THE MINUTES OF THE PLANNING AND ZONING COMMISSION MEETING OF JUNE 7, 2021 AND JUNE 14,

2021.THE MOTION CARRIED BY THE FOLLOWING ROLL CALL VOTE:

YEA: 5- COMMISSIONER CATES, COMMISSIONER BIRD, COMMISSIONER ANZOLLITTO, COMMISSIONER HILER, COMMISSIONER COHOON

NAY: 0

Approved: 5-0

- 4.C. [2021-656](#) CONDITIONAL APPROVAL FOR THE FINAL PLAT FOR SHORELINE PARK PHASES 3 & 4, 14.82 ACRES, 78 RESIDENTIAL LOTS, 3 OPEN SPACE LOTS, AND 3.09 ACRES OF RIGHT-OF-WAY (KAD No. 302217 & 12852) AS IS PROVIDED BY ARTICLE 2, SECTION 2.04.001B OF THE SUBDIVISION ORDINANCE.

Ms. Rebecca Pacini, City Planner III., presented the final plat and stated that it meets all the requirements of the subdivision ordinance.

Commissioner Anzillitto had questions regarding the failure of silt screenings on this site as a result of recent storms. He mentioned some silt making its way on to City of Boerne (hereinafter COB) property and questioned if complaints were filed to Texas Commission on Environmental Quality (hereinafter, TCEQ).

Mr. Jeff Carroll, Director of Development Services, spoke stating TCEQ made a site visit in mid-June and reported no violations. He explained that the city is working with the developer and although some silt made it to COB property new controls were put in place.

Commissioner Hiler questioned if the new improvements would be applied to new phases of development.

Mr. Carroll clarified that phases 3 and 4 will drain to the same detention pond so the new controls will stay and be maintained.

No motion was made; this final plat will be approved by operation of law on August 1, 2021.

- 4.D. [2021-657](#) UNCONDITIONAL APPROVAL FOR THE FINAL PLAT FOR ESPERANZA PHASE 2F, 79.120 ACRES, 240 RESIDENTIAL LOTS, 17 OPEN SPACE LOTS AND 16.141 ACRES OF RIGHT-OF-WAY (KAD NO. 14990, 15028 & 45852) AS IS PROVIDED BY ARTICLE 2, SECTION 2.04.001B OF THE SUBDIVISION ORDINANCE.

Ms. Pacini presented the final plat and explained that there is a condition to the recording of the plat but not a condition to the approval of the plat.

Commission discussion ensued regarding elements of the development agreement specific to noise, tree mitigation, and tree removal.

Ms. Laura Haning, Director of Planning and Community Development, explained that the development agreement with this subdivision does include some tree preservation requirements, but does not address noise restraints and city noise ordinances do not apply because the development is in the city's extraterritorial jurisdiction (hereinafter, ETJ). Ms. Haning clarified that trees are allowed to be removed in drainage way areas and rights of ways. Ms. Haning explained that every development agreement is different and that tree mitigation did not continue over in this case.

Commission discussion continued addressing concerns with the detention pond and drainage from this site.

Mr. Jeff Carroll, Director of Development Services, explained that the two adjacent properties on Prado Crossing have an existing drainage easement across the lots. The Esperanza detention pond discharges directly into the existing drainage easement. Mr. Carroll explained the purpose of detention ponds in undeveloped to developed tracts of land, and that water will still leave the site but is slowed down, and engineered to only allow a certain amount of water to flow into drainage easements at one time. He further explained the city's process in reviewing drainage plans to include staff reviews and independent third party drainage reviews.

Commissioner Cates expressed appreciation for Mr. Carroll's thorough

review of plans.

Heather Harper spoke regarding concerns with drainage coming from this site, into the drainage easement of her neighbors property and into Spring Creek. Mr. Carroll discussed the drainage flow across the adjacent property.

Mr. Carroll explained that outside engineering consultants calculate existing conditions (pre development) to determine the size of pipes that are selected and for proposed detention ponds. He also confirmed that TCEQ has been out to Esperanza and issued a no violation letter.

Mick McKamie, City Attorney, spoke regarding the city's limited powers in the ETJ and utilization of development agreements to protect the city and property owners.

Chairman Bannwolf stated he would like to see a letter sent to the developer regarding construction starting at a reasonable hour on weekends.

A MOTION WAS MADE BY COMMISSIONER CATES, SECONDED BY COMMISSIONER BIRD, TO UNCONDITIONALLY APPROVE THE FINAL PLAT FOR ESPERANZA PHASE 2F, 79.120 ACRES, 240 RESIDENTIAL LOTS, 17 OPEN SPACE LOTS AND 16.141 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 MOTION CARRIED BY THE FOLLOWING VOTE:

YEA: 5- COMMISSIONER CATES, COMMISSIONER BIRD, COMMISSIONER ANZOLLITTO, COMMISSIONER HILER, COMMISSIONER COHOON

NAY: 0

Approved: 5-0

5. REGULAR AGENDA:

- 5.A. [2021-663](#) TO CONSIDER THE PROPOSED PLANNED UNIT DEVELOPMENT (PUD) OVERLAY DISTRICT FOR 1.27 ACRES LOCATED BETWEEN STAHL AND NORTH PLANT STREETS (BETWEEN 115 STAHL STREET AND 400 ROSEWOOD - A PORTION OF KAD NO. 20028 AND ALL OF KAD NO. 63697) (JAY PARKER/ TROPHY PROPERTIES).

I. STAFF PRESENTATION

II. PUBLIC HEARING

III. MAKE RECOMMENDATION

Sara Serra-Bennett, City Planner II., presented the Planned Unit Development (PUD).

Chairman Bannwolf opened the public hearing at 6:45 p.m.

No comments were received.

Chairman Bannwolf closed the public hearing at 6:46 p.m.

Commission discussion ensued regarding previous discussion when the plan was conditionally approved for this site, specifically referencing sidewalks on both sides of the street, spacing in easement, and public safety concerns.

Ms. Haning explained that as part of the PUD plan approval the developer is going to provide a walkable path but not a sidewalk due to the location of utilities.

Ms. Pacini spoke to the width of the road being narrow and explained that interruptions with driveways in this plan will be cutting into a sidewalk if one is on the southern side. She explained that a sidewalk is provided on the northern side for individuals that may have mobility issues and that a sidewalk on the southern side would not be that beneficial.

Commissioner Bird questioned requiring a person to cross the street in a walkable neighborhood and would like to rethink the sidewalk.

Commissioner Anzollitto expressed concerns with the property being marketed to older folks and a path using pavers may present a tripping hazard.

Commissioner Hiller supported the concern for tripping hazards. He also shared concerns regarding drainage toward the Old No. 9 trail.

Josh Valenta stated that the conflicting easement would be for water and electric (around three feet).

Mr. McKamie and Ms. Haning explained that this agenda item is for zoning, not the plan, but a motion to table can be made.

Mr. McKamie agreed that providing a sidewalk is not a zoning issue and is not a typical condition placed on the zoning ordinance.

Ms. Haning stated that the path may be addressed with the plat.

Commissioners discussed tabling this item in order to receive more information regarding the proposed path.

A MOTION WAS MADE BY COMMISSIONER BIRD, SECONDED BY COMMISSIONER ANZOLLITTO, TO TABLE THE PROPOSED PLANNED UNIT DEVELOPMENT (PUD) OVERLAY DISTRICT FOR 1.27 ACRES LOCATED BETWEEN STAHL AND NORTH PLANT STREETS (BETWEEN 115 STAHL STREET AND 400 ROSEWOOD - A PORTION OF KAD NO. 20028 AND ALL OF KAD NO. 63697) (JAY PARKER/ TROPHY PROPERTIES). THE MOTION CARRIED BY THE FOLLOWING VOTE:

YEA: 5- COMMISSIONER CATES, COMMISSIONER BIRD, COMMISSIONER ANZOLLITTO, COMMISSIONER HILER, COMMISSIONER COHOON

NAY: 0

Approved: 5-0

- 5.B. [2021-664](#) CONSIDER THE PRELIMINARY PLAT FOR CORLEY FARMS UNIT 1, 37.29 ACRES, 15 RESIDENTIAL LOTS, 6 OPEN SPACE LOTS, AND 7.52 ACRES OF RIGHT-OF-WAY (KAD NO. 12154, 12162, 12231, 12232, & 307737). TAKE NECESSARY ACTION.

Ms. Haning gave a brief overview of the development agreement between the City and the property owner.

Ms. Pacini presented the preliminary plat for Unit 1 and clarified that the condition that was posted on the agenda regarding open space system plan has been satisfied and no longer a condition that should be applied.

Commissioner Anzollitto questioned the amount of green space that was agreed upon.

Ms. Pacini clarified that well over 20 % of green space was agreed upon in the master development plan and that the plat is in compliance with the master development plan.

A MOTION WAS MADE BY COMMISSIONER COHOON, SECONDED BY COMMISSIONER BIRD, TO APPROVE THE PRELIMINARY PLAT FOR CORLEY FARMS UNIT 1, 37.29 ACRES, 15 RESIDENTIAL LOTS, 6 OPEN SPACE LOTS, AND 7.52 ACRES OF RIGHT-OF-WAY (KAD NO. 12154, 12162, 12231, 12232, & 307737).THE MOTION CARRIED BY THE FOLLOWING VOTE:

YEA: 5- COMMISSIONER CATES, COMMISSIONER BIRD, COMMISSIONER ANZOLLITTO, COMMISSIONER HILER, COMMISSIONER COHOON

NAY: 0

Approved: 5-0

- 5.C. [2021-665](#) CONSIDER THE PRELIMINARY PLAT FOR CORLEY FARMS UNIT 1, 37.29 ACRES, 15 RESIDENTIAL LOTS, 6 OPEN SPACE LOTS, AND 7.52 ACRES OF RIGHT-OF-WAY (KAD NO. 12154, 12162, 12231, 12232, & 307737). TAKE NECESSARY ACTION.

This item was posted incorrectly as it should have been Corley Farms Unit 2; it must be withdrawn and postponed until next month's meeting.

6. DISCUSSION ITEMS:

6.A. OVERVIEW OF THE UPDATE TO THE COMPREHENSIVE MASTER PLAN.

6.B. RECOMMENDATIONS TO CITY COUNCIL FOR BUDGET ITEMS.

Ms. Haning gave a brief update on staff requested budget items that will go before City Council on July 27th.

6.C. [2021-671](#) RECOMMENDATION PROPOSED FOR LANGUAGE IN THE UDC.

Ms. Haning gave an update on modifications to the language in the proposed Unified Development Code.

Mr. McKamie described state law provisions where zoning must be in accordance with a comprehensive plan and the terms "must" and "shall" are mandatory language.

Commission discussion ensued regarding future updates to the city's Comprehensive Master Plan and Land Use Plan, and moving August's meeting date. Commissioners present agreed to hold a meeting August 9, 2021, replacing the regular scheduled meeting on the August 2, 2021.

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

No comments were received.

8. ADJOURNMENT

Chairman Bannwolf adjourned the Planning and Zoning Commission meeting at 7:37 p.m.

Chairman

CERTIFICATION

I herby certify that the above notice of meeting was posted on the 9th day of July, 2021 at 6:00 p.m.

Secretary