

MINUTES
PLANNING AND ZONING COMMISSION MEETING
BOERNE CITY HALL
RONALD C. BOWMAN CITY COUNCIL CHAMBERS
447 North Main Street
Monday, September 13, 2021 – 6:00 p.m.

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

VIRTUAL: COMMISSIONER BOB CATES

STAFF PRESENT: DANNY ZINCKE, KRISTY STARK, MICK MCKAMIE, LAURA
HANING, NICK MONTAGNO, HEATHER WOOD, VERONIKA VASQUEZ,
REBECCA PACINI, SARA SERRA-BENNETT, RYAN BASS, JEFF CARROLL,
CHERYL ROGERS

RECOGNIZED/REGISTERED GUESTS: CHRISTINA RYRHOLM, MILLS BAKER

**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 TEXAS 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 6:02 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

Commissioner Anzollitto declared conflicts with items 5.B. -5.D.

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 6:04 p.m.

No comments were received.

Chairman Bannwolf closed public comments at 6:05 p.m.

4. CONSENT AGENDA:

4.A. [2021-757](#) THE MINUTES OF THE PLANNING AND ZONING COMMISSION MEETING OF AUGUST 9, 2021.

A MOTION WAS MADE BY COMMISSIONER COHOON, SECONDED BY COMMISSIONER HILER, TO APPROVE THE MINUTES OF THE PLANNING AND ZONING COMMISSION MEETING OF AUGUST 9, 2021. THE MOTION CARRIED BY THE FOLLOWING VOTE:

YEA: 7- CHAIRMAN BANNWOLF, COMMISSIONER CATES, COMMISSIONER BIRD, COMMISSIONER ANZOLLITTO, COMMISSIONER HILER, COMMISSIONER COHOON, COMMISSIONER DUNNING

NAY: 0

Approved: 7-0

5. REGULAR AGENDA:

5.A. [2021-759](#) CONSIDER THE PRELIMINARY PLAT FOR HERFF ROAD COMMERCIAL, 4.349 ACRES, 5 COMMERCIAL LOTS GENERALLY LOCATED AT 12 HERFF ROAD (KAD NO. 15815). TAKE NECESSARY ACTION.

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

A MOTION WAS MADE BY COMMISSIONER COHOON, SECONDED BY COMMISSIONER BIRD, TO APPROVE THE PRELIMINARY PLAT FOR HERFF ROAD COMMERCIAL, 4.349 ACRES, 5 COMMERCIAL LOTS GENERALLY LOCATED AT 12 HERFF ROAD (KAD NO. 15815). THE MOTION CARRIED BY THE FOLLOWING VOTE:

YEA: 7- CHAIRMAN BANNWOLF, COMMISSIONER CATES, COMMISSIONER BIRD, COMMISSIONER ANZOLLITTO, COMMISSIONER HILER, COMMISSIONER COHOON, COMMISSIONER DUNNING

NAY: 0

Approved: 7-0

- 5.B.** [2021-760](#) CONSIDER THE PRELIMINARY PLAT FOR RANCHES AT CREEKSIDE UNIT 2A, 19.428 ACRES, 29 RESIDENTIAL LOTS, 6 OPEN SPACE LOT, 4.51 ACRES OF PUBLIC RIGHT-OF-WAY AND 2.65 ACRES OF PRIVATE RIGHT-OF-WAY GENERALLY LOCATED AT HERFF RANCH BOULEVARD AND COPPER CREEK (KAD NO. 49167). TAKE NECESSARY ACTION.

Commissioner Anzollitto recused himself from items 5.B. - 5.D. and left the dais at 6:08 p.m.

Ms. Pacini presented the preliminary plat.

Commissioner Cates questioned the yellow buffer area as indicated in the original master plan; he requested clarification that 80 foot lots would be maintained on the west side with no deviation from the master plan.

Ms. Pacini clarified that 80 foot wide, single family lots would be maintained in the yellow buffer area with no deviation from the master plan.

Commissioner Hiler questioned how close properties would be allowed to be built on the east side boundary.

Ms. Pacini explained that there is 25 foot landscape easements shown on Unit 2B, and 20 foot rear set backs, totaling 45 feet.

A MOTION WAS MADE BY COMMISSIONER COHOON, SECONDED BY COMMISSIONER DUNNING, TO APPROVE THE PRELIMINARY PLAT FOR RANCHES AT CREEKSIDE UNIT 2A, 19.428 ACRES, 29 RESIDENTIAL LOTS, 6 OPEN SPACE LOT, 4.51 ACRES OF PUBLIC RIGHT-OF-WAY AND 2.65 ACRES OF PRIVATE RIGHT-OF-WAY GENERALLY LOCATED AT HERFF RANCH BOULEVARD AND COPPER CREEK (KAD NO. 49167). THE MOTION CARRIED BY THE FOLLOWING VOTE:

YEA: 7- CHAIRMAN BANNWOLF, COMMISSIONER CATES, COMMISSIONER BIRD, COMMISSIONER ANZOLLITTO, COMMISSIONER HILER, COMMISSIONER COHOON, COMMISSIONER DUNNING

NAY: 0

Approved: 7-0

- 5.C. [2021-799](#) CONSIDER THE PRELIMINARY PLAT FOR RANCHES AT CREEKSIDE UNIT 2B, 41.616 ACRES, 142 RESIDENTIAL LOTS, 5 OPEN SPACE LOTS, AND 7.70 ACRES OF PRIVATE RIGHT-OF-WAY GENERALLY LOCATED EAST OF BOULDER CREEK (KAD NO. 49167). 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 RANCHES AT CREEKSIDE UNIT 2B, 41.616 ACRES, 142 RESIDENTIAL LOTS, 5 OPEN SPACE LOTS, AND 7.70 ACRES OF PRIVATE RIGHT-OF-WAY GENERALLY LOCATED EAST OF BOULDER CREEK (KAD NO. 49167). THE MOTION CARRIED BY THE FOLLOWING VOTE:

YEA: 7- CHAIRMAN BANNWOLF, COMMISSIONER CATES, COMMISSIONER BIRD, COMMISSIONER ANZOLLITTO, COMMISSIONER HILER, COMMISSIONER COHOON, COMMISSIONER DUNNING

NAY: 0

Approved: 7-0

- 5.D. [2021-800](#) CONSIDER THE PRELIMINARY PLAT FOR RANCHES AT CREEKSIDE UNIT 3B, 13.096 ACRES, 44 RESIDENTIAL LOTS, 4 OPEN SPACE LOTS, AND 2.34 ACRES OF PRIVATE RIGHT-OF-WAY GENERALLY LOCATED EAST OF CINNAMON CREEK (KAD NO. 49167). 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 RANCHES AT CREEKSIDE UNIT 3B, 13.096 ACRES, 44 RESIDENTIAL LOTS, 4 OPEN SPACE LOTS, AND 2.34 ACRES OF PRIVATE RIGHT-OF-WAY GENERALLY LOCATED EAST OF CINNAMON CREEK (KAD NO. 49167). THE MOTION CARRIED BY THE FOLLOWING VOTE:

YEA: 7- CHAIRMAN BANNWOLF, COMMISSIONER CATES, COMMISSIONER BIRD, COMMISSIONER ANZOLLITTO, COMMISSIONER HILER, COMMISSIONER COHOON, COMMISSIONER DUNNING,

NAY: 0

Approved: 7-0

Commissioner Anzollitto returned to the dais at 6:17 p.m.

6. DISCUSSION ITEMS

Ms. Laura Haning, Director of Planning and Community Development, gave a brief introduction of upcoming presentations.

6.A. [2021-761](#) OVERVIEW OF THE CITY OF BOERNE PARKS MASTER PLAN
PRESENTED BY DANNY ZINCKE, ASSISTANT CITY MANAGER.

Mr. Danny Zincke, Assistant City Manager, gave a brief overview of present and future trails, sidewalks and desired future connections. He explained the process of projects that are selected and areas that are prioritized.

Commission discussion included drainage concerns at various areas of town, potential financial opportunities the city may have for projects, options for the Herrf Road/Esser Boulevard intersection, and overall, how to bridge the gaps in connectivity (both sidewalks and trails).

Mr. Zincke explained that the process for selecting projects begins with identifying where desired connections are, then, when funds or grants are available the city will prioritize and make selections. The city budget includes some funds for projects, as well as TxDot grants, and in some cases funding can be obtained through development agreements with property owners. To address some drainage issues, active parkland and open/green space are dedicated in flood areas. At Herrf Road/Esser Boulevard a possible bridge project to go under would be more likely than building up and over.

Mr. Jeff Carroll, Development Services Director, spoke to drainage concerns that are to be addressed through the master stormwater plan that will help identify projects in the city. He explained that several conversations have been initiated in response to Esser/Herrf roadway and drainage concerns. 16 million is current estimate to raise the section of roadway Esser/Herrf.

6.B. [2021-762](#) OVERVIEW OF THE SIDEWALK PLAN PRESENTED BY JEFF
CARROLL, DIRECTOR OF DEVELOPMENT SERVICES.

Mr. Carroll gave a brief overview of the city's sidewalk plan. He discussed the process of having new development (private developers) pay for as much sidewalks as possible, but the city and TxDOT have their own sidewalk projects that are budgeted and built based on priority. He

further explained that the process of building sidewalks does leave gaps in connectivity and it is a goal of the city to improve connectivity.

Commission discussion included questions regarding the city's budget to build sidewalks to close gaps, and different options available to the city for funding sidewalk projects.

Mr. Carroll discussed specific line items in the city's budget to include a separate small amount of money in the Street Department's budget that is used as needed if safety issues arise. He explained that some projects that meet certain criteria may allow developers to be eligible to pay a fee in lieu of building sidewalks, and that in some cases the city can negotiate with private property owners to initiate sidewalk projects.

6.C. [2021-763](#) OVERVIEW OF CITY'S STRATEGIC BUDGET CYCLE BY NICK MONTAGNO, ASSISTANT TO THE CITY MANAGER.

Mr. Nick Montagno, Assistant to the City Manager, gave a presentation of the City's budget principles, priorities and how they align with the Master Plan.

Bannwolf questioned if there was an increase in the new fiscal year (2021-2022) budget from last year.

Ms. Kristy Stark, Assistant City Manager, responded that the new fiscal year budget reflects an 8 - 10 million dollar increase from last fiscal year (2020-2021) budget. Last years adopted budget was very conservative due to Covid. 78 million was adopted last year and amended to around 81-83 million. Pre-Covid was 91 million.

6.D. [2021-780](#) OVERVIEW OF THE NEW PLAT REVIEW AND CONSIDERATION PROCESS PRESENTED BY REBECCA PACINI, PLANNER III.

Ms. Pacini gave a brief overview of the new plat submittal and review process in response to new state law requirements for municipalities.

Commission discussion included questions regarding the 30 day shot clock for platting applications to be processed, approved, approved with conditions or disapproved, timelines for staff review/response times,

and the Commissions options for approving/disapproving plat applications.

Ms. Haning explained that the previous process allowed only the final clean plat to be presented to the Commission as opposed to the new process where the Commission will see the plat throughout all stages.

Mr. Mick McKamie, Associate City Attorney, clarified that staff has a 15-day limit on their response time to applicant submittals, however, the applicant does not have a limit on their responses for comments received from staff. He further explained that it must be an administratively complete application to start the 30 day shot clock, and the applicant can file for a 30 day time extension but the law is clear that staff nor the Planning and Zoning Commission can not request the applicant to file a waiver or ask them for an extension. The law was designed so that the deadlines do not change.

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

Chairman Bannwolf suggested holding in-person and Zoom hybrid meetings for the next few upcoming meetings.

Mr. McKamie explained that he would have to double check the governor's most recent update regarding the Open Meetings Act, specifically if virtual interaction in open meetings is currently allowed.

Chairman Bannwolf adjourned the Planning and Zoning Commission at 7:53 p.m.

8. ADJOURNMENT

Chairman

CERTIFICATION

I herby certify that the above notice of meeting was posted on the 10th day of
September, 2021 at 11:00 a.m.

Secretary