MINUTES

PLANNING AND ZONING COMMISSION MEETING BOERNE CITY HALL

RONALD C. BOWMAN CITY COUNCIL CHAMBERS

447 North Main Street

Monday, December 6, 2021 – 6:00 p.m.

PRESENT 4- CHAIRMAN TIM BANNWOLF, COMMISSIONER JOE ANZOLLITTO, COMMISSIONER PATRICK COHOON, COMMISSIONER BOB CATES

ABSENT: COMMISSIONER LUCAS HILER, COMMISSIONER BILL BIRD

STAFF PRESENT: LAURA HANING, HEATHER WOOD, SHELDON CRAVEY, REBECCA BASS, JEFF CARROLL, SARA PACINI, RYAN SERRA-BENNETT, **KRISTY STARK**

RECOGNIZED/REGISTERED GUESTS: ZACHARY TAYLOR-WRIGHT, CHRISTINA RYRHOLM, LANCE KYLE, J. A. VON FRAUNHOFER, SUSAN LAKE, NATHAN BOWEN, DWAYNE A. ROBBINS, SEAN ROBBINS, GUY ATHERTON, GINA RYKERT. JENNIFER JOHNSON, LANDON JOHNSON, GAYLE FERNANDEZ-MARTIN. CRAIG GOODYEAR, JOHN FERNANDEZ-MARTIN, SUSAN KIMBERLY MC'GINNIS, LENGYEL, FRIAR, MICHAEL **CHRIS** THOMPSON. VICTOR SHEELY. CONNER SALES. LISA BLAKE. **BRIAN** MCGIVENS, BILD, JOSE CHRISTINA PAMELA CANTU, KELLY ALANIZ, BARTONICEK, NANCY GRECO, JOSH VALENTA, JEREMY WILLIAMS, **ASHLEY** FAIRMOUNT. DORITA MULLINS. SUZANNE RITTIMANN. TODD HALLBERG, ANDREA RESENDEZ. CHRIS THOMPSON M.D.. LAURA MARTINEZ. DAVID PENNE. RYAN BARBER

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 6:01 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

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.

Lance Kyle, resident at 226 Cascade Caverns Road, spoke regarding the the plats consent agenda and expressed concerns with water shed/runoff/drainage.

Chairman Bannwolf closed public comments at 6:10 p.m.

4. CONSENT AGENDA:

The Commission wished to have discussion regarding item 4.B.

A MOTION WAS MADE BY COMMISSIONER COHOON, SECONDED BY COMMISSIONER ANZOLLITTO, TO PULL ITEM 4.B. FROM THE CONSENT AGENDA. THE MOTION CARRIED BY THE FOLLOWING VOTE:

YEA: 4- CHAIRMAN BANNWOLF, COMMISSIONER CATES, COMMISSIONER COHOON, COMMISSIONER ANZOLLITTO

NAY: 0

Approved: 4-0

A MOTION WAS MADE BY COMMISSIONER CATES, SECONDED BY COMMISSIONER COHOON, TO APPROVE THE REMAINDER OF THE CONSENT AGENDA. THE MOTION CARRIED BY THE FOLLOWING VOTE:

YEA: 4- CHAIRMAN BANNWOLF, COMMISSIONER CATES, COMMISSIONER COHOON, COMMISSIONER ANZOLLITTO

NAY: 0

Approved: 4-0

Ms. Laura Haning, Director of Planning and Community Development, clarified that item 4.B. is being considered for unconditional because the plat meets the criteria of the city's regulations under current ordinances and under vested ordinances.

The Commission called on Ms. Cheryl Rogers, City Engineer, to speak regarding drainage/detention. A third this party reviewer was used for site.

A MOTION WAS MADE BY COMMISSIONER COHOON, SECONDED BY COMMISSIONER CATES, TO APPROVE ITEM 4.B. OF THE CONSENT AGENDA. THE MOTION CARRIED BY THE FOLLOWING VOTE:

YEA: 4- CHAIRMAN BANNWOLF, COMMISSIONER CATES, COMMISSIONER COHOON, COMMISSIONER ANZOLLITTO

NAY: 0

Approved: 4-0

A. 2021-976 THE MINUTES OF THE PLANNING AND ZONING COMMISSION MEETING OF NOVEMBER 1, 2021, AND THE SPECIAL CALLED PLANNING AND ZONING COMMISSION MEETING OF NOVEMBER 22, 2021.

B. 2021-977 CONSIDER UNCONDITIONAL APPROVAL FOR THE DEVELOPMENT

PLAT FOR HILL COUNTRY DAILY BREAD, 9.667 ACRES LOCATED AT
38 CASCADE CAVERNS (KAD NO. 46739) AS IS PROVIDED BY
SECTION 6, PLAT APPROVAL OPTIONS, A., OF THE DEVELOPMENT
PLAT REGULATIONS.

- C. 2021-985 CONSIDER APPROVAL OF THE PRELIMINARY PLAT FOR SANTI SUBDIVISION, 3.523 ACRES, 12 RESIDENTIAL LOTS, 1 DRAINAGE LOT AND 0.501 ACRES OF RIGHT-OF-WAY (KAD NO. 19999
- D. 2021-982 CONSIDER APPROVAL OF A REQUEST FOR A 30-DAY TIME EXTENSION FOR THE BIRCH AT SPENCER RANCH PHASE 1A FINAL PLAT, 4.77 ACRES, 4.77 ACRES OF PRIVATE RIGHT-OF-WAY (KAD NO. 307605, 63687, & 14916
- E. 2021-983 CONSIDER APPROVAL OF A REQUEST FOR A 30-DAY TIME
 EXTENSION FOR THE BIRCH AT SPENCER RANCH PHASE 1B FINAL
 PLAT, 21.27 ACRES, 60 RESIDENTIAL LOTS, 3 OPEN SPACE LOTS,
 AND 2.61 ACRES OF PRIVATE RIGHT-OF-WAY (KAD NO. 307605).
- F. 2021-984 CONSIDER APPROVAL OF A REQUEST FOR A 30-DAY TIME EXTENSION FOR COMMONS AT MENGER CREEK UNIT 7
 PRELIMINARY PLAT, 5.05 ACRES, 3 NON-RESIDENTIAL LOTS, 1
 OPEN SPACE LOT, AND 0.38 ACRES OF RIGHT-OF-WAY (KAD NO. 39338).

5. REGULAR AGENDA:

- A. 2021-987 CONSIDER THE PROPOSED ZONING OF 27.7 ACRES LOCATED AT 1670 RIVER ROAD FROM HOL, HOLDING, TO R4-L, LOW-DENSITY MULTI-FAMILY RESIDENTIAL DISTRICT (A10298 SURVEY 180 M I LEAL, 27.7 ACRES, KAD 14141, 14142, AND 14143) (JEREMY WILLIAMS/ EMBREY).
 - I. STAFF PRESENTATION
 - II. PUBLIC HEARING

Item has been withdrawn by applicant.

Ms. Sara Serra-Bennett, City Planner II, gave a brief presentation as this was posted as a public hearing.

Haning explained the reason the developer withdrew this item is to have further community outreach to ensure the public has an better understand proposed zoning opportunity to the change and plan. to hold special Boerne Open Neighborhood Discussion (B.O.N.D.) a meeting for this project.

Chairman Bannwolf opened the public hearing at 6:30 p.m.

Mr. Jeremy Williams, developer with Embrey, presented the proposed project.

Mr. J. A. Von Fraunhofer, resident in the Champion Heights subdivision, spoke in opposition of the proposed project.

Guy Atherton, resident in the Champion Heights subdivision, spoke in opposition of the proposed project.

Lisa Blake, resident in the Champion Heights subdivision, spoke in opposition of the proposed project.

Brian McGivens, resident in the Esperanza subdivision, spoke in opposition of the proposed project.

Kimberley M'Ginnis, resident in the Esperanza subdivision, spoke in opposition of the proposed project.

Andrea Resendez, resident in the Champion Heights subdivision, spoke in opposition of the proposed project.

Chris Thompson, resident in the Esperanza subdivision, spoke in opposition of the proposed project.

Laura Martinez, resident in the Woods of Boerne subdivision, spoke in opposition of the proposed project.

David Penne, resident in the Woods of Boerne subdivision, spoke in

opposition of the proposed project.

Craig Goodyear, resident in the Esperanza subdivision, spoke in opposition of the proposed project.

Dwayne Robbins, resident in the Champion Heights subdivision, spoke in opposition of the proposed project.

Gayle and Joe Fernandez, residents in the Champion Heights subdivision, spoke in opposition of the proposed project.

Chairman Bannwolf closed the public hearing at 7:14 p.m.

Chairman called on Mr. Jeremy Williams, Embrey representative, to address some of the citizens concerns. Mr. Williams spoke regarding the entrances on the plan and the long term strategy. They will not build 3 story structures. The Planned Development District

(PDD) will restrict the development to 2 story structures, dark sky lighting. Embrey does not

intend this for subsidized housing. The units will be rented at market rate. He addressed

traffic concerns, compared their density to surrounding densities as well.

Chairman Bannwolf reopened the pubic hearing at 7:23 p.m.

Gina Rykert, resident in the Esperanza subdivision, spoke in opposition of the proposed project.

Susan Rittiman, resident located at 423 Oak Park spoke in opposition of the proposed project.

John Ruffo, resident in the Champion Heights subdivision, spoke in opposition of the proposed project.

Chairman Bannwolf closed the public hearing at 7:31 p.m.

The Chairman called on Mr. Jeremy Williams. Mr. Williams stated that dark sky

requirements will be met. This is a new product type for Embrey and a new type of product for Boerne.

Chairman Bannwolf called on Director of Development Services, Mr. Jeff Carroll. Mr. Carroll

spoke briefly regarding possible utilities for the site. He also spoke regarding the traffic

study that was submitted and the requirements to determine warranting a traffic light. Mr.

Carroll spoke regarding the major thoroughfare plan as it relates to this area.

The meeting was paused for a break at 7:42 p.m.

- B. 2021-988 TO CONSIDER THE PLANNED DEVELOPMENT DISTRICT FOR 27.7 ACRES LOCATED AT 1670 RIVER ROAD (A10298 SURVEY 180 M I LEAL, 27.7 ACRES, KAD 14141, 14142, AND 14143) (JEREMY WILLIAMS/ EMBREY).
 - I. STAFF PRESENTATION
 - II. PUBLIC HEARING

Chairman Bannwolf reconvened the Planning and Zoning Commission at 7:54 p.m.

Chairman Bannwolf opened the public hearing at 7:55 p.m.

Chairman Bannwolf closed the public hearing at 7:55 p.m.

No action was taken.

C. 2021-986 TO CONSIDER THE PROPOSED SPECIAL USE PERMIT FOR A
SHORT-TERM RENTAL IN AN R3-A, ATTACHED RESIDENTIAL
DISTRICT, LOCATED AT 428 HERFF ROAD (IRONS & GRAHAMS
ADDITION LOT 187C, .054 ACRES, KAD 46417). (TODD &

ELIZABETH HALLBERG).

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

Ms. Sara Serra-Bennett presented the proposed Special Use Permit (hereinafter SUP).

Chairman Bannwolf opened the public hearing at 8:01 p.m.

residence Todd Holberg, owner of located at 428 Herff Street, spoke regarding his desire to have a short term rental at The his property. property does not have a HOA.

Pamela Bild, resident at 311 West Theissen, spoke in opposition of the proposed SUP.

Ms. Serra-Bennett clarified that short term rentals must be registered with the city and this is the first request to the Planning and Zoning Commission since the Unified Development Code (UDC) has passed.

Chairman Bannwolf closed the public hearing at 8:20 p.m.

Commission discussed possible conditions to be placed on SUPs.

MOTION WAS MADE BY **COMMISSIONER SECONDED** CATES, BY COMMISSIONER COHOON, TO **APPROVE** THE **PROPOSED** SPECIAL **USE** PERMIT FOR A SHORT-TERM RENTAL IN AN R3-A, ATTACHED RESIDENTIAL DISTRICT, LOCATED 428 HERFF ROAD (IRONS & GRAHAMS ΑT **ADDITION** LOT 187C, .054 ACRES, KAD 46417). (TODD & ELIZABETH HALLBERG). THE MOTION CARRIED BY THE FOLLOWING VOTE:

YEA: 4- CHAIRMAN BANNWOLF, COMMISSIONER CATES, COMMISSIONER ANZOLLITTO, COMMISSIONER COHOON

NAY: 0

Approved: 4-0

D. 2021-989

CONSIDER THE PROPOSED REZONING OF 6.69 ACRES LOCATED AT 25 CASCADE CAVERNS FROM C3, COMMUNITY COMMERCIAL DISTRICT, TO R4-L, LOW-DENSITY MULTI-FAMILY RESIDENTIAL DISTRICT (MILLER'S SUBDIVISION BLK 2, LOT 2, KAD 24323) (LOQ DEVELOPMENT LLC).

- I. STAFF PRESENTATION
- II. PUBLIC HEARING

Item was withdrawn by the applicant.

Ms. Sara Serra-Bennett presented the proposed rezoning.

Chairman Bannwolf opened the public hearing at 8:39 p.m.

Mr. Lance Kyle spoke in opposition of the proposed rezoning.

Mr. Josh Valenta, engineer for this project, spoke regarding the applicants desire to hold withdraw to work through the plan and get everyone comfortable with it. They will meet with a subcommittee of the Planning and Zoning Commission.

Chairman Bannwolf closed the public hearing at 8:44 p.m.

No action taken.

E. <u>2021-990</u>

CONSIDER THE PROPOSED ZONING OF 3.04 ACRES LOCATED AT 6 NORTH STAR FROM HOL, HOLDING, TO R4-L, LOW-DENSITY MULTI-FAMILY RESIDENTIAL DISTRICT (MILLER'S SUBDIVISION BLK PT 3, KAD 24324) (LOQ DEVELOPMENT LLC).

- I. STAFF PRESENTATION
- II. PUBLIC HEARING

Item was withdrawn by the applicant.

Ms. Sara Serra-Bennett presented the proposed rezoning.

Chairman Bannwolf opened the public hearing at 8:44 p.m.

No comments were recieved.

Chairman Bannwolf closed the public hearing at 8:44 p.m.

No action taken.

F. 2021-991

TO CONSIDER THE PLANNED UNIT DEVELOPMENT FOR 9.73 ACRES LOCATED AT 25 CASCADE CAVERNS AND 6 NORTH STAR (MILLER'S SUBDIVISION BLK 2 LOT 2, AND BLK PT 3, KAD 24323 AND 24324) (LOQ DEVELOPMENT LLC).

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- I. STAFF PRESENTATION
- II. PUBLIC HEARING

Item was withdrawn by the applicant.

Ms. Sara Serra-Bennett presented the proposed rezoning.

Chairman Bannwolf opened the public hearing at 8:45 p.m.

No comments were recieved.

Chairman Bannwolf closed the public hearing at 8:45 p.m.

No action taken.

G. 2021-992

CONSIDER THE PROPOSED AMENDMENTS TO THE UNIFIED DEVELOPMENT CODE (UDC) ADOPTED NOVEMBER 24, 2020, INCLUDING BUT NOT LIMITED TO AMENDMENTS TO CHAPTER 1, GENERAL PROVISIONS, CHAPTER 2, PROCEDURES, CHAPTER 3, ZONING, CHAPTER 4, RESIDENTIAL SITES, CHAPTER 5, NONRESIDENTIAL SITES, CHAPTER 6, SUBDIVISION DESIGN, CHAPTER 7, INFRASTRUCTURE DESIGN, CHAPTER 8,

ENVIRONMENTAL DESIGN, SPECIFICALLY SECTION 8.3, TREE PRESERVATION AND 8.9 LOWER GLENROSE AQUIFER, CHAPTER 9, SIGNAGE AND APPENDICES A, DEFINITIONS.

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

Ms. Laura Haning presented the proposed amendments to the UDC.

Ryan Bass, Environmental Planner, spoke regarding revisions to tree preservation and oak wilt sections of the UDC.

Commission discussion included: drainage, detention, impervious cover, UDC amendment process

Chairman Bannwolf opened the public hearing at 9:03 p.m.

Mr. Nathan Bowen, resident at 120 West Hosack, spoke regarding concerns with platting/replatting process.

Chairman Bannwolf closed the public hearing at 9:10 p.m.

Ms. Haning explained that an issue that many property owners have with platting is that

some older properties were sold by metes and bounds and never platted, which then

creates problems for property owners that want to expand existing structures or add any

pervious cover on their property. They now have to plat.

Mr. Mick McKamie clarified that if this item is tabled edits can be made to the UDC as a result of this meeting.

MOTION MADE BY **COMMISSIONER SECONDED** WAS COHOON, BY **COMMISSIONER** ANZOLLITTO, TO **TABLE PROPOSED AMENDMENTS** THE **UNIFIED DEVELOPMENT** TO THE CODE (UDC) **ADOPTED NOVEMBER** 24.

2020, INCLUDING BUT NOT LIMITED TO AMENDMENTS TO CHAPTER 1. GENERAL PROVISIONS, CHAPTER 2, PROCEDURES, CHAPTER 3, ZONING. 5. CHAPTER RESIDENTIAL SITES, CHAPTER NONRESIDENTIAL SITES, CHAPTER 7, INFRASTRUCTURE CHAPTER 6, SUBDIVISION DESIGN, DESIGN, CHAPTER 8, ENVIRONMENTAL DESIGN, SPECIFICALLY SECTION TREE 8.3, PRESERVATION AND 8.9 LOWER GLENROSE AQUIFER, **CHAPTER** 9, SIGNAGE AND APPENDICES A, DEFINITIONS. THE MOTION CARRIED BY THE **FOLLOWING VOTE:**

YEA: 4- CHAIRMAN BANNWOLF, COMMISSIONER CATES, COMMISSIONER ANZOLLITTO, COMMISSIONER COHOON

NAY: 0

Approved: 4-0

6. 2021-978 CONSIDER CONDITIONAL APPROVAL OF THE PRELIMINARY PLAT FOR ESPERANZA PHASE 3A, 23.082 ACRES, 49 RESIDENTIAL LOTS, 3 OPEN SPACE LOTS, 0.701 acres of public right-of-way, AND 3.972 ACRES OF private RIGHT-OF-WAY (KAD NO. 14990, 45852, and 15028) BASED ON COMMENTS STATED IN STAFF'S REVIEW MEMO.

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

MOTION WAS MADE BY COMMISSIONER **SECONDED** BY COHOON, CATES, TO APPROVE COMMISSIONER THE PRELIMINARY PLAT FOR ESPERANZA PHASE 3A, 23.082 ACRES, 49 RESIDENTIAL LOTS, 3 OPEN SPACE LOTS, 0.701 ACRES OF PUBLIC RIGHT-OF-WAY, AND 3.972 ACRES OF 14990, 45852, and 15028) BASED PRIVATE RIGHT-OF-WAY (KAD NO. COMMENTS STATED IN STAFF'S REVIEW MEMO. THE MOTION CARRIED BY THE FOLLOWING VOTE:

YEA: 4- CHAIRMAN BANNWOLF, COMMISSIONER CATES, COMMISSIONER ANZOLLITTO, COMMISSIONER COHOON

NAY: 0

Approved: 4-0

7. 2021-979 CONSIDER CONDITIONAL APPROVAL OF THE PRELIMINARY PLAT

FOR ESPERANZA PHASE 3C, 36.665 ACRES, 57 RESIDENTIAL LOTS,

5 OPEN SPACE LOTS, AND 4.339 ACRES OF PRIVATE

RIGHT-OF-WAY (KAD NO. 14990, 14991, 15019, AND 15028)

BASED ON COMMENTS STATED IN STAFF'S REVIEW MEMO.

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

MOTION WAS MADE BY COMMISSIONER ANZOLLITTO, **SECONDED** BY Α COMMISSIONER COHOON, TO APPROVE THE **PRELIMINARY** PLAT FOR ESPERANZA PHASE 3C, 59.956 ACRES, 58 RESIDENTIAL LOTS, 4 OPEN SPACE LOTS, AND 4.339 ACRES OF RIGHT-OF-WAY (KAD NO. 14990, 14991, 15019, AND 15028) BASED ON COMMENTS STATED IN STAFF'S REVIEW MEMO. THE MOTION CARRIED BY THE FOLLOWING VOTE:

YEA: 4- CHAIRMAN BANNWOLF, COMMISSIONER CATES, COMMISSIONER ANZOLLITTO, COMMISSIONER COHOON

NAY: 0

Approved: 4-0

8. 2021-980 CONSIDER CONDITIONAL APPROVAL OF THE PRELIMINARY PLAT

FOR ESPERANZA PHASE 3D, 53.078 ACRES, 146 RESIDENTIAL

LOTS, 6 OPEN SPACE LOTS, AND 10.778 ACRES OF

RIGHT-OF-WAY (KAD NO. 14990, 15028, 42994, AND45852)

BASED ON COMMENTS STATED IN STAFF'S REVIEW MEMO.

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

Α **MOTION** WAS MADE BY COMMISSIONER CATES, **SECONDED** BY **COMMISSIONER** ANZOLLITTO, TO **APPROVE** THE **PRELIMINARY PLAT FOR** **ESPERANZA** PHASE 3D, 53.078 ACRES, 146 RESIDENTIAL LOTS, 4 OPEN SPACE LOTS, 10.827 ACRES OF RIGHT-OF-WAY AND (KAD NO. 14990, 15028. 42994, AND 45852) BASED ON COMMENTS STATED IN STAFF'S REVIEW MEMO. THE MOTION CARRIED BY THE FOLLOWING VOTE:

YEA: 4- CHAIRMAN BANNWOLF, COMMISSIONER CATES, COMMISSIONER ANZOLLITTO, COMMISSIONER COHOON

NAY: 0

Approved: 4-0

9. 2021-981 CONSIDER CONDITIONAL APPROVAL OF THE PRELIMINARY PLAT

FOR SCENIC LOOP ROAD SUBDIVISION, 4.31 ACRES, 4

NON-RESIDENTIAL LOTS AND 0.210 ACRES OF RIGHT-OF-WAY (KAD NO. 12225) BASED ON COMMENTS STATED IN STAFF'S

REVIEW MEMO.

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

A MOTION WAS MADE BY COMMISSIONER COHOON, SECONDED BY COMMISSIONER CATES, TO APPROVE THE PRELIMINARY PLAT FOR SCENIC LOOP ROAD SUBDIVISION, 4.31 ACRES, 4 NON-RESIDENTIAL LOTS AND 0.210 ACRES OF RIGHT-OF-WAY (KAD NO. 12225) BASED ON COMMENTS STATED IN STAFF'S REVIEW MEMO. THE MOTION CARRIED BY THE FOLLOWING VOTE:

YEA: 4- CHAIRMAN BANNWOLF, COMMISSIONER CATES, COMMISSIONER ANZOLLITTO, COMMISSIONER COHOON

NAY: 0

Approved: 4-0

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