

**AGENDA**  
**PLANNING AND ZONING COMMISSION MEETING**  
**BOERNE CITY HALL**  
**RONALD C. BOWMAN CITY COUNCIL CHAMBERS**  
**447 North Main Street**  
**Monday, January 10, 2022 – 6:00 p.m.**

PRESENT: 4- CHAIRMAN TIM BANNWOLF, COMMISSIONER JOE ANZOLLITTO, COMMISSIONER BOB CATES, COMMISSIONER LUCAS HILER

VIRTUAL: SUSAN FRIAR

ABSENT: 2- COMMISSIONER PATRICK COHOON, COMMISSIONER BILL BIRD

STAFF PRESENT: KRISTY STARK, MICK MCKAMIE, LAURA HANING, KRYSTAL BROWN, SHELDON CRAVEY, RYAN LEWIS, JEFF CARROLL

RECOGNIZED/REGISTERED GUESTS: CHRISTINA RYRHOLM, ZACHARY TAYLOR-WRIGHT, LESTER RIOS, LENORE OCKERBERG, HENRY MUNOZ, JEREMY WILLIAMS, ROB KILLEN, ROBERT IMLER, ALEX RUDD, ASHLEY FAIRMAN, TOM CARTER, BRIAN MCGINNIS, SCOTT RYKERT, HEATHER GOODRICH, RICK GOODRICH, GUY ATHERTON, ANDREA RESENDEZ, LISA BLAKE, MILTON JOHNSON, CHERYLE CURTIS, BRIAN RITTIMANN, KELLY BARTONICEK, ANTHONY VON FRAUNHOFER, RICH SENA, NATHAN BOWEN, VICTOR SHEELY, LANCE KYLE, JOSH VALENTA, LOGAN SCHMIDT, RAY MERCHANT

**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 Tim 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. INTRODUCTION OF SUSAN FRIAR, P&Z COMMISSIONER

3. CONFLICTS OF INTEREST

Commissioner Friar declared a conflict of interest with item 6.B.

4. 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 6:06 p.m.

Robert Imler, spoke in opposition of further development in the City.

Alex Rudd, resident at 68 La Cancion Dr, spoke in opposition of further development in the City. She expressed concerns regarding growth, traffic, flooding and drainage.

Chairman Bannwolf closed public comments at 6:14 p.m.

5. CONSENT AGENDA:

Ms. Laura Haning, Director of Planning and Community Development, explained that items 5.C., 5.D., and 5.E. were requested to be pulled from the consent agenda to be voted on separately. Items 5.A., 5.B., and 5.F. would remain on the consent agenda.

She clarified that item 5.C. is being considered for unconditional approval. The applicant for items 5.D. and 5.E. has requested a 30 day extension.

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

**YEA:** 5- CHAIRMAN BANNWOLF, COMMISSIONER ANZOLLITTO, COMMISSIONER CATES, COMMISSIONER HILER, COMMISSIONER FRIAR

**NAY: 0**

A MOTION WAS MADE BY COMMISSIONER CATES, SECONDED BY COMMISSIONER HILER, TO APPROVE ITEM 5.C. OF THE CONSENT AGENDA. THE MOTION CARRIED BY THE FOLLOWING VOTE:

**YEA:** 5- CHAIRMAN BANNWOLF, COMMISSIONER ANZOLLITTO, COMMISSIONER CATES, COMMISSIONER HILER, COMMISSIONER FRIAR

**NAY: 0**

A MOTION WAS MADE BY COMMISSIONER ANZOLLITTO, SECONDED BY COMMISSIONER HILER, TO APPROVE ITEM 5.D. OF THE CONSENT AGENDA. THE MOTION CARRIED BY THE FOLLOWING VOTE:

**YEA:** 5- CHAIRMAN BANNWOLF, COMMISSIONER ANZOLLITTO, COMMISSIONER CATES, COMMISSIONER HILER, COMMISSIONER FRIAR

**NAY: 0**

A MOTION WAS MADE BY COMMISSIONER HILER, SECONDED BY COMMISSIONER ANZOLLITTO, TO APPROVE ITEM 5.E. OF THE CONSENT AGENDA. THE MOTION CARRIED BY THE FOLLOWING VOTE:

**YEA:** 5- CHAIRMAN BANNWOLF, COMMISSIONER ANZOLLITTO, COMMISSIONER CATES, COMMISSIONER HILER, COMMISSIONER FRIAR

**NAY: 0**

- A. [2022-144](#) CONSIDER APPROVAL OF A REQUEST FOR A 30-DAY TIME EXTENSION FOR COMMONS AT MENDER 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).

- B. [2022-145](#) CONSIDER APPROVAL OF A REQUEST FOR A 30-DAY TIME EXTENSION FOR CORLEY FARMS UNIT 3, 49.658 ACRES, 155 RESIDENTIAL LOTS, 2 OPEN SPACE LOTS, AND 7.33 ACRES OF RIGHT-OF-WAY (KAD NO. 12154, 307737, AND 307739).
- C. [2022-179](#) CONSIDER APPROVAL OF THE PRELIMINARY PLAT FOR ONE SEVEN BUSINESS PARK, 4.224 ACRES, 2 NON-RESIDENTIAL LOTS AND 0.056 ACRES OF RIGHT-OF-WAY (KAD NO. 14889 AND 14890) BASED ON COMMENTS STATED IN STAFF'S REVIEW MEMO.
- D. [2022-176](#) CONSIDER DISAPPROVAL FOR THE BIRCH AT SPENCER RANCH PHASE 1A FINAL PLAT, 7.33 ACRES, 1 NON-RESIDENTIAL LOT, AND 4.71 ACRES OF PRIVATE RIGHT-OF-WAY (KAD NO. 307605, 63687, & 14916) AS IS PROVIDED BY ARTICLE 2, SECTION 2.04.001 B OF THE SUBDIVISION ORDINANCE AND BASED ON COMMENTS STATED IN STAFF'S REVIEW MEMO.
- E. [2022-177](#) CONSIDER DISAPPROVAL FOR THE BIRCH AT SPENCER RANCH PHASE 1B FINAL PLAT, 21.27 ACRES, 59 RESIDENTIAL LOTS, 4 OPEN SPACE LOTS, AND 2.61 ACRES OF PRIVATE RIGHT-OF-WAY (KAD NO. 307605) AS IS PROVIDED BY ARTICLE 2, SECTION 2.04.001 B OF THE SUBDIVISION ORDINANCE AND BASED ON COMMENTS STATED IN STAFF'S REVIEW MEMO.
- F. [2022-178](#) CONSIDER DISAPPROVAL FOR SHORELINE PARK PHASE 6 FINAL PLAT, 25.88 ACRES, 64 RESIDENTIAL LOTS, 8 OPEN SPACE LOTS, AND 5.16 ACRES OF PRIVATE RIGHT-OF-WAY (KAD NO. 12851, 12852, 302218, 302219, AND 305752) BASED ON COMMENTS STATED IN STAFF'S REVIEW MEMO.

6. REGULAR AGENDA:

- A. [2022-149](#) TO CONSIDER THE PROPOSED SPECIAL USE PERMIT FOR SHORT-TERM RENTAL IN A R1-L, LOW-DENSITY RESIDENTIAL DISTRICT LOCATED AT 176 BENTWOOD DRIVE (BENTWOOD UNIT 1 LOT 11, 1.03 ACRES, KAD 19585) (LESTER RIOS).

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

This item was withdrawn by the applicant.

- B.**     [2022-150](#)     TO CONSIDER THE PROPOSED SPECIAL USE PERMIT FOR SHORT-TERM RENTAL IN A R1-M, MEDIUM-DENSITY RESIDENTIAL DISTRICT LOCATED AT 113 WANDA STREET (MOOSEHEAD MANOR LOT PT 6, 0.303 ACRES, KAD 24349) (LENORE OCKERBERG).

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

Commissioner Friar recused herself from the dais at 6:20 p.m.

Ms. Laura Haning, Director of Planning and Community Development, presented the proposed special use permit.

Chairman Bannwolf opened the public hearing at 6:23 p.m.

Chairman Bannwolf closed the public hearing at 6:23 p.m.

Commission discussion ensued regarding requirements for short term rentals in the future.

A MOTION WAS MADE BY COMMISSIONER CATES, SECONDED BY COMMISSIONER HILER, TO APPROVE THE SPECIAL USE PERMIT FOR SHORT-TERM RENTAL IN A R1-M, MEDIUM-DENSITY RESIDENTIAL DISTRICT LOCATED AT 113 WANDA STREET (MOOSEHEAD MANOR LOT PT 6, 0.303 ACRES, KAD 24349) (LENORE OCKERBERG) WITH THE FOLLOWING VOTE:

**YEA: 2-** COMMISSIONER CATES, COMMISSIONER HILER

**NAY: 2-** CHAIRMAN BANNWOLF, COMMISSIONER ANZOLLITTO

MOTION FAILED

A MOTION WAS MADE BY COMMISSIONER ANZOLLITTO, SECONDED BY COMMISSIONER HILER, TO TABLE THE SPECIAL USE PERMIT FOR SHORT-TERM RENTAL IN A R1-M, MEDIUM-DENSITY RESIDENTIAL DISTRICT LOCATED AT 113 WANDA STREET (MOOSEHEAD MANOR LOT PT 6, 0.303 ACRES, KAD 24349) (LENORE OCKERBERG) WITH THE FOLLOWING VOTE:

**YEA: 3-** CHAIRMAN BANNWOLF, COMMISSIONER ANZOLLITTO, COMMISSIONER HILER

**NAY: 1-** COMMISSIONER CATES

MOTION FAILED

Chairman Bannwolf asked that Commissioner Cates reconsider his vote so that the matter could be tabled at this time and addressed at a later meeting.

**YEA: 4-** CHAIRMAN BANNWOLF, COMMISSIONER ANZOLLITTO, COMMISSIONER CATES, COMMISSIONER HILER

**NAY: 0**

**Approved: 4-0**

Commissioner Friar rejoined the dais at 6:35 p.m.

- C. [2022-154](#) TO CONSIDER THE PROPOSED SPECIAL USE PERMIT FOR SHORT-TERM RENTAL IN A R1-L, LOW-DENSITY RESIDENTIAL DISTRICT LOCATED AT 402 HERFF STREET (IRONS & GRAHAMS ADDITION LOT 163 AND 164, 0.3815 ACRES, KAD 23583) (VIVA GETAWAYS, LLC/ HENRY MUNOZ).

I. STAFF PRESENTATION

II. PUBLIC HEARING

## III. MAKE RECOMMENDATION

Ms. Laura Haning, Director of Planning and Community Development, explained that this item has been rescheduled for the February Planning and Zoning meeting due to the incorrect zoning category stated on the agenda.

Chairman Bannwolf opened the public hearing at 6:36 p.m.

Chairman Bannwolf closed the public hearing at 6:36 p.m.

- D. [2022-159](#) 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

## III. MAKE RECOMMENDATION

Chairman Bannwolf asked that Ms. Laura Haning explain the zoning designation of HOL, Holding.

Ms. Laura Haning gave a detailed explanation and presented the proposed rezoning.

Mr. Jeremy Williams, Embrey representative, gave a brief introduction on the proposed development.

Ms. Ashley Fairman, Embrey consultant, gave a detailed presentation on the proposed development.

Mr. Tom Carter, Pape Dawson representative, spoke on traffic counts calculations.

Chairman Bannwolf asked Mr. Williams what changes had been made to the development plans based on concerns expressed in the December Planning and Zoning meeting.

Mr. Jeremy Williams explained that their attempts to reach out to neighboring subdivisions were unsuccessful.

Chairman Bannwolf opened the public hearing at 7:02pm.

Mr. Brian McGinnis, resident located at 121 El Cielo, spoke in opposition of the proposed project.

Mr. Scott Rykert, resident located at 122 El Cielo, spoke in opposition of the proposed project.

Ms. Heather Goodrich, resident located at 105 Bravo, spoke in opposition of the proposed project.

Mr. Guy Atherton, resident located at 102 Firefly Ct, spoke in opposition of the proposed project.

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

Chairman Bannwolf was in agreement that the developer and the citizens need to further discuss the proposed development.

Ms. Lisa Blake, resident located at 105 Dovetail St, spoke in opposition of the proposed project.

Mr. Milton Johnson, resident located at 231 Parkview Terrace, spoke in opposition of the proposed project.

Ms. Cheryle Curtis, resident located at 223 Parkview Terrace, spoke in opposition of the proposed project.

Mr. Rick Goodrich, resident located at 105 Bravo, spoke in opposition of the proposed project.



Mr. Brian Rittimann, resident located at 423 Oak Park Dr, shared concerns about the City's Thoroughfare Plan as it relates to the proposed project.

Ms. Kelly Bartonicek, resident at located at 103 Bravo, spoke in opposition of the proposed project.

Mr. Anthony Von Fraunhofer, 225 Aspen Dr, spoke in opposition of the proposed project.

A juvenile expressed their concern about how the continued growth will affect the district's already crowded buses.

Mr. Rich Sena, BISD School Board member, spoke on how the labor shortage has affected bus routes.

Chairman Bannwolf closed the public hearing at 7:49 p.m.

Chairman Bannwolf addressed some of the citizens previous questions regarding a moratorium and the City's Master Plan.

Discussion included questions regarding moratorium stipulations and future development in the area.

Commissioner Cates spoke on property owners' rights and the current inadequate infrastructure.

Commissioner Friar had questions regarding street width and how expansion affects the right of way (hereinafter, ROW).

Ms. Laura Haning explained how expansion of ROW is dependant on the density of a project.

Commissioner Friar had questions for Embrey regarding parking for this project.

Mr. Jeremy Williams gave a detailed explanation on how allotted parking has been calculated.

Discussion ensued regarding how a Planned Development District (hereinafter, PDD) and a rezoning work together.

Ms. Laura Haning explained the expiration time frame of a Planned Unit Development District (PUD) and a PDD and how it affects the rezoning process.

Commissioner Friar asked if Embrey had any lower density alternatives.

Mr. Jeremy Williams gave an explanation regarding the density of this project.

A MOTION WAS MADE BY COMMISSIONER ANZOLLITTO, SECONDED BY COMMISSIONER HILER, TO TABLE 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) WITH THE FOLLOWING VOTE:

**YEA: 5-** CHAIRMAN BANNWOLF, COMMISSIONER ANZOLLITTO, COMMISSIONER CATES, COMMISSIONER HILER, COMMISSIONER FRIAR

**NAY: 0**

- E. [2022-160](#) 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

III. MAKE RECOMMENDATION

Chairman Bannwolf opened the public hearing at 8:34 p.m.

Mr. Nathan Bowen, resident located at 120 W. Hosack St, expressed concerns regarding traffic impact due to development.

Chairman Bannwolf closed the public hearing at 8:35 p.m.

A MOTION WAS MADE BY COMMISSIONER ANZOLLITTO, SECONDED BY COMMISSIONER HILER, TO TABLE 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 WITH THE FOLLOWING VOTE:

**YEA:** 5- CHAIRMAN BANNWOLF, COMMISSIONER ANZOLLITTO, COMMISSIONER CATES, COMMISSIONER HILER, COMMISSIONER FRIAR

**NAY: 0**

The meeting was paused for break at 8:37 p.m.

- F. [2022-161](#) CONSIDER THE PROPOSED REZONING OF 6.69 ACRES LOCATED AT 25 CASCADE CAVERNS FROM C3, COMMUNITY COMMERCIAL DISTRICT, TO R4-B, BUNGALOW COURT DISTRICT (MILLER'S SUBDIVISION BLK 2, LOT 2, KAD 24323) (LOQ DEVELOPMENT LLC).

I. STAFF PRESENTATION

II. PUBLIC HEARING

III. MAKE RECOMMENDATION

Chairman Bannwolf reconvened the Planning and Zoning Commission at 8:51 p.m.

Ms. Laura Haning, Director of Planning and Community Development, presented the rezoning request.

Chairman Bannwolf asked the applicant to speak on the marketing strategy for this project.

Mr. Victor Sheely, the applicant, elaborated on project details.

Chairman Bannwolf opened the public hearing at 8:57 p.m.

Mr. Lance Kyle, resident located at 226 Cascade Caverns Rd, spoke in opposition of the proposed project.

Chairman Bannwolf closed the public hearing at 9:02 p.m.

Commission discussion included questions regarding fencing around development.

Mr. Victor Sheely spoke on details of fencing along Cascade Caverns Rd and North Star.

Ms. Laura Haning clarified that a masonry fence would be required along Cascade Caverns Rd.

A MOTION WAS MADE BY COMMISSIONER CATES, SECONDED BY COMMISSIONER ANZOLLITTO, TO APPROVE THE PROPOSED REZONING OF 6.69 ACRES LOCATED AT 25 CASCADE CAVERNS FROM C3, COMMUNITY COMMERCIAL DISTRICT, TO R4-B, BUNGALOW COURT DISTRICT (MILLER'S SUBDIVISION BLK 2, LOT 2, KAD 24323) (LOQ DEVELOPMENT LLC) WITH THE FOLLOWING VOTE:

**YEA: 5-** CHAIRMAN BANNWOLF, COMMISSIONER ANZOLLITTO, COMMISSIONER CATES, COMMISSIONER HILER, COMMISSIONER FRIAR

**NAY: 0**

- G.**     [2022-162](#)     CONSIDER THE PROPOSED ZONING OF 3.04 ACRES LOCATED AT 6 NORTH STAR FROM HOL, HOLDING, TO R4-B, BUNGALOW COURT DISTRICT (MILLER'S SUBDIVISION BLK PT 3, KAD 24324) (LOQ DEVELOPMENT LLC).

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

Chairman Bannwolf opened the public hearing at 9:12 p.m.

Mr. Lance Kyle, 226 Cascade Caverns Rd, questioned the impervious cover condition stated in the presentation.

Mr. Josh Valenta, engineer for this project, requested that the impervious cover percentage be changed to 40%.

Chairman Bannwolf closed the public hearing at 9:15 p.m.

A MOTION WAS MADE BY COMMISSIONER CATES, SECONDED BY COMMISSIONER ANZOLLITTO, TO APPROVE THE PROPOSED ZONING OF 3.04 ACRES LOCATED AT 6 NORTH STAR FROM HOL, HOLDING, TO R4-B, BUNGALOW COURT DISTRICT (MILLER'S SUBDIVISION BLK PT 3, KAD 24324) (LOQ DEVELOPMENT LLC) WITH THE FOLLOWING VOTE:

**YEA: 5-** CHAIRMAN BANNWOLF, COMMISSIONER ANZOLLITTO, COMMISSIONER CATES, COMMISSIONER HILER, COMMISSIONER FRIAR

**NAY: 0**

- H. [2022-166](#) 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).

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

Chairman Bannwolf opened the public hearing at 9:16 p.m.

Chairman Bannwolf closed the public hearing at 9:16 p.m.

Commissioner Cates asked for further explanation regarding the request for 40% impervious cover.

Mr. Josh Valenta, engineer for this project, gave examples as to why that

percentage may be needed and how it would be utilized.

A MOTION WAS MADE BY COMMISSIONER CATES, SECONDED BY COMMISSIONER ANZOLLITTO, TO APPROVE 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) WITH THE FOLLOWING CONDITIONS:

THERE SHALL BE NO MORE THAN 34 UNITS IN THE PUD, IMPERVIOUS COVER SHALL BE NO MORE THAN 40%, NO UNIT SHALL BE TALLER THAN TWO-STORIES, CLUSTERS OF HOMES MAY BE IN EXCESS OF 10, CLUSTERS MAY BE CLOSER THAN 1,000 FEET FROM EACH OTHER, THERE SHALL BE A MINIMUM 6 FOOT HIGH SOLID PLASTER ALONG NORTH STAR, AND A COMBINATION OF PLASTER AND WROUGHT IRON FENCING ALONG CASCADE CAVERNS RD.

**YEA:** 5- CHAIRMAN BANNWOLF, COMMISSIONER ANZOLLITTO, COMMISSIONER CATES, COMMISSIONER HILER, COMMISSIONER FRIAR

**NAY: 0**

- I. [2022-167](#) CONSIDER THE PROPOSED ZONING OF 10.02 ACRES LOCATED AT 36025 INTERSTATE HIGHWAY 10 WEST FROM HOL, HOLDING, TO R4-U, URBAN MULTI-FAMILY RESIDENTIAL DISTRICT (A10310 - SURVEY 178 A LOCKMAR, 10.02 ACRES, KAD 14386) (KILLEN, GRIFFIN & FARRIMOND, PLLC/ ROB KILLEN)

I. STAFF PRESENTATION

II. PUBLIC HEARING

III. MAKE RECOMMENDATION

Ms. Laura Haning, Director of Planning and community Development, presented the rezoning request.

Mr. Logan Schmidt, Roers Companies representative, presented the proposed project.

Chairman Bannwolf opened the public hearing at 9:26 p.m.

Chairman Bannwolf closed the public hearing at 9:26 p.m.

Commission discussion including questions regarding runoff, income limitations, access and traffic impact.

A MOTION WAS MADE BY COMMISSIONER ANZOLLITTO, SECONDED BY COMMISSIONER HILER, TO APPROVE THE PROPOSED ZONING OF 10.02 ACRES LOCATED AT 36025 INTERSTATE HIGHWAY 10 WEST FROM HOL, HOLDING, TO R4-U, URBAN MULTI-FAMILY RESIDENTIAL DISTRICT (A10310 - SURVEY 178 A LOCKMAR, 10.02 ACRES, KAD 14386) (KILLEN, GRIFFIN & FARRIMOND, PLLC/ ROB KILLEN) WITH THE FOLLOWING VOTE:

**YEA: 5-** CHAIRMAN BANNWOLF, COMMISSIONER ANZOLLITTO, COMMISSIONER CATES, COMMISSIONER HILER, COMMISSIONER FRIAR

**NAY: 0**

- J. [2022-171](#) CONSIDER THE PROPOSED SPECIAL USE PERMIT FOR MULTI-FAMILY DEVELOPMENT WITH OVER 18 UNITS PER ACRE IN A R4-U, URBAN MULTI-FAMILY RESIDENTIAL DISTRICT LOCATED AT 36025 INTERSTATE HIGHWAY 10 WEST (A10310 - SURVEY 178 A LOCKMAR, 10.02 ACRES, KAD 14386) (KILLEN, GRIFFIN & FARRIMOND, PLLC/ ROB KILLEN)

I. STAFF PRESENTATION

II. PUBLIC HEARING

III. MAKE RECOMMENDATION

Ms. Laura Haning, Director of Planning and Community Development, presented the special use permit.

Chairman Bannwolf opened the public hearing at 9:41 p.m.

Chairman Bannwolf closed the public hearing at 9:41 p.m.

A MOTION WAS MADE BY COMMISSIONER ANZOLLITTO, SECONDED BY COMMISSIONER HILER, TO APPROVE THE PROPOSED SPECIAL USE PERMIT FOR MULTI-FAMILY DEVELOPMENT WITH OVER 18 UNITS PER ACRE IN A R4-U, URBAN MULTI-FAMILY RESIDENTIAL DISTRICT LOCATED AT 36025 INTERSTATE HIGHWAY 10 WEST (A10310 - SURVEY 178 A LOCKMAR, 10.02 ACRES, KAD 14386) (KILLEN, GRIFFIN & FARRIMOND, PLLC/ ROB KILLEN) WITH THE FOLLOWING VOTE:

**YEA:** 5- CHAIRMAN BANNWOLF, COMMISSIONER ANZOLLITTO, COMMISSIONER CATES, COMMISSIONER HILER, COMMISSIONER FRIAR

**NAY:** 0

- K. [2022-172](#) TO 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, Director of Planning and Community Development, presented the request to consider proposed amendments to platting exemptions, tree preservation, and the Lower Glenrose Aquifer the Unified Development Code.

Mr. Ryan Bass, Environmental Planner, spoke on oak wilt and tree preservation.

Chairman Bannwolf opened the public hearing at 9:56 p.m.



Mr. Nathan Bowen, resident located at 120 W. Hosack St, spoke in favor of platting process changes.

Mr. Ray Merchant expressed some grievances with our current platting process.

Chairman Bannwolf closed the public hearing at 10:09 p.m.

A MOTION WAS MADE BY COMMISSIONER HILER, SECONDED BY COMMISSIONER CATES, TO APPROVE 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 WITH THE FOLLOWING VOTE:

**YEA:** 5- CHAIRMAN BANNWOLF, COMMISSIONER ANZOLLITTO, COMMISSIONER CATES, COMMISSIONER HILER, COMMISSIONER FRIAR

**NAY: 0**

- L. [2022-180](#) CONSIDER CONDITIONAL APPROVAL FOR THE BIRCH AT SPENCER RANCH PHASE 3 PRELIMINARY PLAT, 22.62 ACRES, 70 RESIDENTIAL LOTS, 5 OPEN SPACE LOTS, AND 3.35 ACRES OF RIGHT-OF-WAY (KAD NO. 307605) BASED ON COMMENTS STATED IN STAFF'S REVIEW MEMO.

Ms. Laura Haning, Director of Planning and Community Development, presented the preliminary plat.

A MOTION WAS MADE BY COMMISSIONER CATES, SECONDED BY COMMISSIONER ANZOLLITTO, TO APPROVE THE PRELIMINARY PLAT FOR THE BIRCH AT SPENCER RANCH PHASE 3, 22.62 ACRES, 70 RESIDENTIAL LOTS, 5 OPEN SPACE LOTS, AND 3.35 ACRES OF RIGHT-OF-WAY(KAD NO. 307605) BASED ON COMMENTS STATED IN STAFF'S REVIEW MEMO WITH

THE FOLLOWING VOTE:

**YEA:** 5- CHAIRMAN BANNWOLF, COMMISSIONER ANZOLLITTO,  
COMMISSIONER CATES, COMMISSIONER HILER, COMMISSIONER FRIAR

**NAY: 0**

7. DISCUSSION ITEMS:

A. SHORT TERM RENTALS – CREATION OF A SUBCOMMITTEE TO DETERMINE CRITERIA  
FOR CONSIDERATION.

Chairman Bannwolf asked the commissioners their opinion on creating a  
subcommittee to establish regulations for short term rentals.

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

No action.

9. ADJOURNMENT

Chairman Bannwolf adjourned the Planning and Zoning Commission at  
10:17 p.m.

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Chairman

CERTIFICATION

I herby certify that the above notice of meeting was posted on the 7th day of January,  
2022 at 6:00 p.m.

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Secretary

Pursuant to Section 30.06 Penal Code (trespass by license holder with a concealed handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a concealed handgun.

Pursuant to section 30.07 Penal Code (trespass by license holder with an openly carried handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a handgun that is carried openly.