

AGENDA
SPECIAL CALLED PLANNING AND ZONING COMMISSION MEETING
BOERNE CITY HALL
RONALD C. BOWMAN CITY COUNCIL CHAMBERS
447 North Main Street
Monday, January 13, 2025 – 6:00 p.m.

A quorum of the Planning and Zoning Commission will be present during the meeting at: 447 N. Main St., Boerne, TX 78006

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

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)

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 there is a Commission member or citizen request, in which event the item may be moved to the general order of business and considered in its normal sequence.

4.A. [2025-002](#) Consider approval of the minutes of the Planning and Zoning Commission meeting of December 2, 2024.

Attachments: [Official Meeting Minutes 24-1202](#)

- 4.B. [2025-003](#) Consider approval for Kernaghan Addition Major Subdivision Replat establishing Lot 14A.

Attachments: [AIS Kernaghan Addition Major Subdivision Replat Final](#)
[Att 1 - Aerial Map](#)
[Att 2 - Future Land Use Map](#)
[Att 3 - Zoning Map](#)
[Att 4 - Environmental Constraints Map](#)
[Att 5 - Replat](#)

5. REGULAR AGENDA:

- 5.A. [2025-004](#) Consider the City of Boerne Planning & Zoning Commission Rules of Decorum and Subcommittee Guidelines.

Attachments: [Subcommittee Guidelines.draft.10.31.24](#)

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

7. ADJOURNMENT

s/s Nathan Crane

Administrative Officer

CERTIFICATION

I herby certify that the above notice of meeting was posted on the 8th day of January, 2025 at 5:00 p.m.

s/s Francesca "Franci" Linder

Secretary

NOTICE OF ASSISTANCE AT THE PUBLIC MEETINGS

The City Hall Complex is wheelchair accessible. Access to the building and special parking is available at the front entrance of the building. Requests for special services must be received forty-eight (48) hours prior to the meeting time by calling the Planning and Community Development Department at 830-248-1501.

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.

MINUTES
PLANNING AND ZONING COMMISSION MEETING
BOERNE CITY HALL
RONALD C. BOWMAN CITY COUNCIL CHAMBERS
447 North Main Street
Monday, December 2, 2024 – 6:00 p.m.

Minutes of the Planning and Zoning Commission meeting of December 2, 2024 at 6:00 p.m.

Present: 6 - Chairman Tim Bannwolf, Vice Chair Lucas Hiler, Commissioner Bill Bird, Commissioner Bob Cates, Commissioner Susan Friar, Commissioner Terry Lemoine,

Absent: 1 - Commissioner Carlos Vecino

Staff Present: Mick McKamie, Barrett Squires, Heather Wood, Nathan Crane, Francesca "Franci" Linder, Jo-Anmarie Andrade, Cheryl Rogers, Tyler Cain, Ryan Bass

Recognized and Registered Guests: John Wolters, Josh Valenta, Mark Ramsower, Laurie Ontjes, Kevin DeAnda, Emiliano Guerrero

1. CALL TO ORDER – 6:00 PM

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

2. CONFLICTS OF INTEREST

No conflicts were declared.

3. PUBLIC COMMENTS

Chairman Bannwolf opened public comments at 6:01 p.m.

No comments were received.

Chairman Bannwolf closed public comments at 6:01 p.m.

4. CONSENT AGENDA

A motion was made by Commissioner Hiler, seconded by Commissioner Friar, to approve the consent agenda as presented. The motion carried by the following vote:

Approved: 6-0

Yea - Chairman Bannwolf, Commissioner Hiler, Commissioner Friar, Commissioner Bird, Commissioner Cates, Commissioner Lemoine

- 4.A. [2024-622](#) Consider approval of the minutes of the Planning and Zoning Commission meeting of November 4, 2024.
- 4.B. [2024-623](#) Consider approval for Esperanza Phase 4B Final Plat, generally located south of Splendido and east of Galisteo. (Extra-Territorial Jurisdiction)
- 4.C. [2024-624](#) Consider approval for Esperanza Phase 4C Preliminary Plat generally located north of Highway 46 along Galisteo Drive. (Extra-Territorial Jurisdiction)

5. REGULAR AGENDA:

- 5.A. [2024-626](#) Untable and consider zoning change request from a HOL-Interim zoning district to R2-M Moderate Density Residential Zoning District for a 71.12 acre tract of land, generally located at the southwest intersection of Spencer Ranch and Highway 46, in the City of Boerne, Kendall County, Texas (KAD: 307605; A10360 - Survey 179 Newton & Taylor 71.12 acres)

A motion was made by Commissioner Cates, seconded by Commissioner Hiler, to untable a zoning change request from a HOL-Interim zoning district to R2-M Moderate Density Residential Zoning District for a 71.12 acre tract of land, generally located at the southwest intersection of Spencer Ranch and Highway 46, in the City of Boerne, Kendall County, Texas (KAD: 307605; A10360 - Survey 179 Newton & Taylor 71.12 acres). The motion carried by the following vote:

Untabled: 6-0

Yea - Chairman Bannwolf, Commissioner Hiler, Commissioner Friar, Commissioner Bird, Commissioner Cates, Commissioner Lemoine

Tyler Cain, City Planner II, presented the proposed zoning change request.

The applicant, Kevin DeAnda, gave a brief presentation highlighting the single family residential development and addressing concerns that were brought up at the November Planning and Zoning Commission meeting. He noted that the proposed use is consistent with both the master plan and future land use plan, and is in conformance with the Unified Development Code. He explained that the development agreement stipulates that a zoning designation shall be in alignment with the approved plats for this subdivision. In response to traffic concerns, a Traffic Impact Analysis (TIA) was completed at the time of the development agreement. Two separate TIAs were performed, which recognized that State Highway 46 has the capacity to accommodate the proposed 209 residential lots. However, this necessitated certain mitigations and improvements, including the completion of a southwest-bound right turn lane on Highway 46 and the establishment of a new primary collector street (four lanes) at Coughran Road, both of which have been finalized. Additionally, a separate TIA was prepared for the 87 acres of frontage owners. Should this area be developed for commercial or mixed-use purposes, the installation of a traffic light at the intersection of Highway 46 and Spencer Ranch Boulevard would then be required. He also addressed issues related to water and sewer services, noting that a Utility Service Agreement has been established with Texas Water Company, which reserves 219 Equivalent Dwelling Units (EDUs). Additionally, drainage concerns are being managed through the allocation of 18 acres of open space and the implementation of on-site detention ponds to facilitate proper drainage and runoff management.

Chairman Bannwolf questioned if the public hearing requirements have been met.

Mick McKamie confirmed that one public hearing is required and one was held in the November Planning and Zoning Commission meeting, so this requirement has been met.

Chairman Bannwolf allowed time for the public to speak and opened a public hearing at 6:33 p.m.

No comments were received.

Chairman Bannwolf closed the public hearing at 6:34 p.m.

Commissioner Cates sought clarification on the definition of "customer" as mentioned in the strategy map shared during the staff presentation, particularly in relation to customer-driven feedback.

Staff members Tyler Cain, City Planner II, and Nathan Crane, Planning Director, acknowledged that the spirit of customer driven feedback encompasses both internal and external customers, including current homeowners, prospective homeowners, applicants, other departments, developers, and various boards and commissions.

Chairman Bannwolf elaborated on the role of the Planning and Zoning Commission, which serves as a representative body that seeks to balance the diverse interests of various customers when providing recommendations to the Boerne City Council.

Commissioner Hiler spoke regarding the plats that have been approved for this development throughout the years when the property was in the city's Extra-territorial Jurisdiction (ETJ). He noted that the Commission was unaware of the development transitioning into the city limits. The city has limited control on density in the ETJ, as detailed in a staff memorandum dated October 1, 2018. He noted that, to the commission's knowledge, there were no plans for annexation or zoning at that time and now the process is disordered; typically, the sequence is annexation, followed by zoning, and then the approval of development plats, however, in this instance, the development plats had already been

approved. He also expressed concerns with the overall density, the utility agreement that is in place, several parts of the approval criteria not being met, and the lack of amenities in the proposed development.

Mick McKamie, Associate City Attorney, clarified that the current order is the only way it could be done because the property began in the city's ETJ. He explained that it is standard for municipalities to engage in development agreements, which are subsequently followed by zoning considerations upon annexation and should be treated like any other zoning matter.

Commissioner Friar addressed the citywide need for housing and noted that there are already several thousand lots in the pipeline to be built. She emphasized that to effectively meet the citywide demand, the city needs larger lots within larger neighborhoods. Furthermore, she raised concerns about unaddressed safety issues and inquired about the number of property owners who were notified, questioning whether they are local residents. She further cautioned that if the R2-M zoning is granted, there would be no safeguards to prevent the developer from returning to replat the land, potentially altering the proposed development plans.

Kevin DeAnda clarified that they have no intention of replatting, but that would be a possibility.

The Commission further discussed exploring other zoning designations that would be less dense and would mandate larger lot sizes. Commissioner Cates raised concerns with the comparative density analysis chart in staff's presentation not taking topography, utilities and infrastructure into consideration, and mentioned that the dedicated green space is not developable. Commissioner Bird raised questions about the non-conforming lots that were mentioned in the staff presentation, seeking further clarification. Commissioner Lemoine inquired about the permanence of the lift station shown in the master plan and whether it was included within the 71 acres under consideration. Overall, the Commission emphasized the importance of

managing growth properly in alignment with the mindset and desires of the Boerne citizens, and what reflects the best interests of the community as a whole.

Nathan Crane clarified that they can not develop more than the 209 units, as they are tied to the approved plats.

Tyler Cain and Nathan Crane responded to inquiries concerning steep slopes, clarifying that the regulations pertaining to slopes are included in the 2018 zoning ordinance rather than the subdivision ordinance. One of the goals of the city is to preserve areas of steep slope regions, and as such, the master plan showing those areas preserved meets the intent of environmental stewardship.

Mick McKamie clarified that under the zoning ordinance only the uses in that zoning category are allowed and nonconforming uses occur if it is in existence (built and in use) the date the zoning is adopted. The lot sizes have to comply with the zoning requirements when they construct in order to obtain building permits. He further clarified that there are provisions for variances that can be obtained from the Zoning Board of Adjustment and Appelas (BOA) on a case by case basis, but not a development as a whole.

Emiliano Guerrero, representative with Forestar development, addressed concerns raised regarding the potential replatting of the development site. He explained that replatting at this stage would not be feasible due to the advanced state of construction on the majority of the lots. He noted that significant progress has been made over the past year and a half, with most lots already paved and fully energized with critical infrastructure including water, sewer, and power utilities. Throughout the construction process, Forestar development has engaged in consultations with city staff and emphasized that they have proceeded with the project in good faith, relying on the 2021 development agreement and the subsequent plat approvals granted in 2022.

Josh Valenta, engineer with Matkin Hoover, spoke to why this project was not developed in the city's ETJ; the collector road is a city requirement on the thoroughfare plan and the city does not allow the collector road to be private. The county would not take a collector road so the agreement was necessary as a collector road can not be a private road.

The Commission continued to discuss other various zoning categories, various phases that could be zoned differently and reiterated their reservations regarding the density in the proposed zoning.

Emiliano indicated that they would like to move forward to City Council consideration one way or the other.

A motion was made by Commissioner Hiler, seconded by Commissioner Bird, to make a recommendation to the Boerne City Council to deny a zoning change request from a HOL-Interim zoning district to R2-M Moderate Density Residential Zoning District for a 71.12 acre tract of land, generally located at the southwest intersection of Spencer Ranch and Highway 46, in the City of Boerne, Kendall County, Texas (KAD: 307605; A10360 - Survey 179 Newton & Taylor 71.12 acres). The motion carried by the following vote:

Recommendation to Deny: 6-0

Yea - Chairman Bannwolf, Commissioner Hiler, Commissioner Friar, Commissioner Bird, Commissioner Cates, Commissioner Lemoine

- 5.B. [2024-627](#) Consider the City of Boerne Planning & Zoning Commission Rules of Decorum and Subcommittee Guidelines.

Commissioner Hiler questioned what amendments or changes were made.

Mick McKamie, Associate City Attorney, stated that only minor adjustments were made to the draft, primarily aimed at refining the tone of the language, along with the inclusion of a reference to the Open Meetings Act. He further emphasized that there were no alterations

made to the Unified Development Code.

The Commission discussed the importance of making sure what is already outlined in the UDC is consistent with these rules of decorum.

A motion was made by Commissioner Hiler, seconded by Commissioner Friar, to table the City of Boerne Planning & Zoning Commission Rules of Decorum and Subcommittee Guidelines to have more time to review the rules and guidelines before taking action. The motion carried by the following vote:

Tabled: 6-0

Yea - Chairman Bannwolf, Commissioner Hiler, Commissioner Friar, Commissioner Bird, Commissioner Cates, Commissioner Lemoine

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

Commissioner Friar highlighted the exceptional quality and attention to detail in recent email communications from the planning team, indicating a shift towards a more customer focused and customer driven approach that reflects improvements within the department.

6.A. City of Boerne Boards and Commissions Appreciation Open House - December 11th at 6:00 p.m. - 8:00 p.m. at City Hall Lobby.

7. ADJOURNMENT

Chairman Bannwolf adjourned the Planning and Zoning Commission at 7:48 p.m.

Chairman

Secretary



AGENDA ITEM SUMMARY

Agenda Date	January 13, 2024
Requested Action	Consider approval for Kernaghan Addition Major Subdivision Replat establishing Lot 14A (247 W Hosack Street).
Contact Person	Sara Varvarigos, Planner II (830) 248-1630 svarvarigos@boerne-tx.gov
Background Information	<p>BACKGROUND:</p> <p>The property is owned by Gustavo Garcia-Siller, Archbishop of San Antonio, and Armando Niebla, P.E., and Frank Corey, P.E. of Colliers Engineering & Design serve as the applicant’s representatives and is within the City limits.</p> <p>The property is designated as Public/Institutional on the future land use map and is zoned R1-M, Medium Density Residential.</p> <p>The Minor Master Development Plan, was administratively approved on October 23rd, 2024</p> <p>REQUEST:</p> <ol style="list-style-type: none">1. The applicant is proposing to combine lot 66 of the O’Grady Addition (1.107 acres) with a portion of lots 14 and 15 the Kernaghan Addition. The replat establishes 1 lot, which is 8.063 acres.2. The replat includes a two new easements; a 10’ utility and drainage easement along Hosack and a 15’ utility easement through the middle of the site. This easement is for a public water line.3. Access to the subdivision will be provided from W Hosack St, a local neighborhood street.4. Water and sewer services are provided by the City of Boerne, and a water main will be extended to the site from School St.

FINDINGS & ANALYSIS:

Master Plan & Zoning:

- The replat proposes 1 nonresidential lot and is zoned as: R1-M, Medium Density Residential. Schools are a permitted use in all residential zoning districts.
- The Comprehensive Plan designates the Future Land Use for this property as Public & Institutional. The proposed replat is consistent with the Comprehensive Plan.
- The replat is consistent with the approved Minor Master Development Plan and applicable subdivision regulations.

Landscaping:

- There are 13 Heritage trees onsite.

Utilities, Drainage and Floodplain:

- Water and wastewater service will be provided by the City of Boerne. The impact of the proposed use on water, wastewater, and public safety facilities is not an issue. The City will have the capacity to serve future demand.
- The site does not contain any FEMA, SARA 100-year floodplain or drainageway protection zones.

FINDINGS:

- The replat is consistent with the Master Plan.
- The replat is consistent with the Minor Master Development Plan.
- The replat is consistent with the applicable subdivision regulations.

STAFF RECOMMENDATION:

Based on the alignment with the UDC, staff recommends that the Planning and Zoning Commission accept the findings and **APPROVE** Kernaghan Addition Major Subdivision Replat subject to the following two routine stipulations:

	<p>1. The recorded plat shall substantially conform to the Replat approved on January 13, 2025, except as modified by these stipulations.</p> <p>2. The replat shall not be recorded until all clerical corrections have been revised as determined by the Planning Director.</p> <p>MOTIONS FOR CONSIDERATION:</p> <p>The following motions are provided to assist the Commission’s decision.</p> <p>I move that the Planning and Zoning Commission accept the findings and APPROVE the proposed replat subject to the two stipulations.</p> <p>I move that the Planning and Zoning Commission DENY the proposed replat based on the following findings: (The Commission will need to state the reasons for the denial. These reasons should reference specific regulations in the UDC.).</p>
<p>Item Justification</p>	<p><input checked="checked" type="checkbox"/> Legal/Regulatory Obligation <input type="checkbox"/> Infrastructure Investment</p> <p><input type="checkbox"/> Reduce Costs <input checked="checked" type="checkbox"/> Customer Pull</p> <p><input type="checkbox"/> Increase Revenue <input type="checkbox"/> Service Enhancement</p> <p><input type="checkbox"/> Mitigate Risk <input type="checkbox"/> Process Efficiency</p> <p><input type="checkbox"/> Master Plan Recommendation <input type="checkbox"/> Other:</p>
<p>Strategic Alignment</p>	<p>C1 – Offering quality customer experiences.</p> <p>C3 – Collaborating with community partners to enhance quality of life.</p>
<p>Financial Considerations</p>	<p>N/A</p>
<p>Citizen Input/Board Review</p>	<p>Public hearings and notifications are not required for this request.</p>
<p>Legal Review</p>	<p>This action is needed to meet the statutory requirements.</p>
<p>Alternative Options</p>	<p>The Commission must approve, approve with conditions, extend the review, or disapprove the plat. Each condition or reason for denial must be directly related to requirements of city regulations and may not be arbitrary.</p>

Supporting Documents	Aerial Map Future Land Use Map Zoning Map Environmental Constraints Map Proposed Replat
-----------------------------	---



SUBJECT PROPERTY

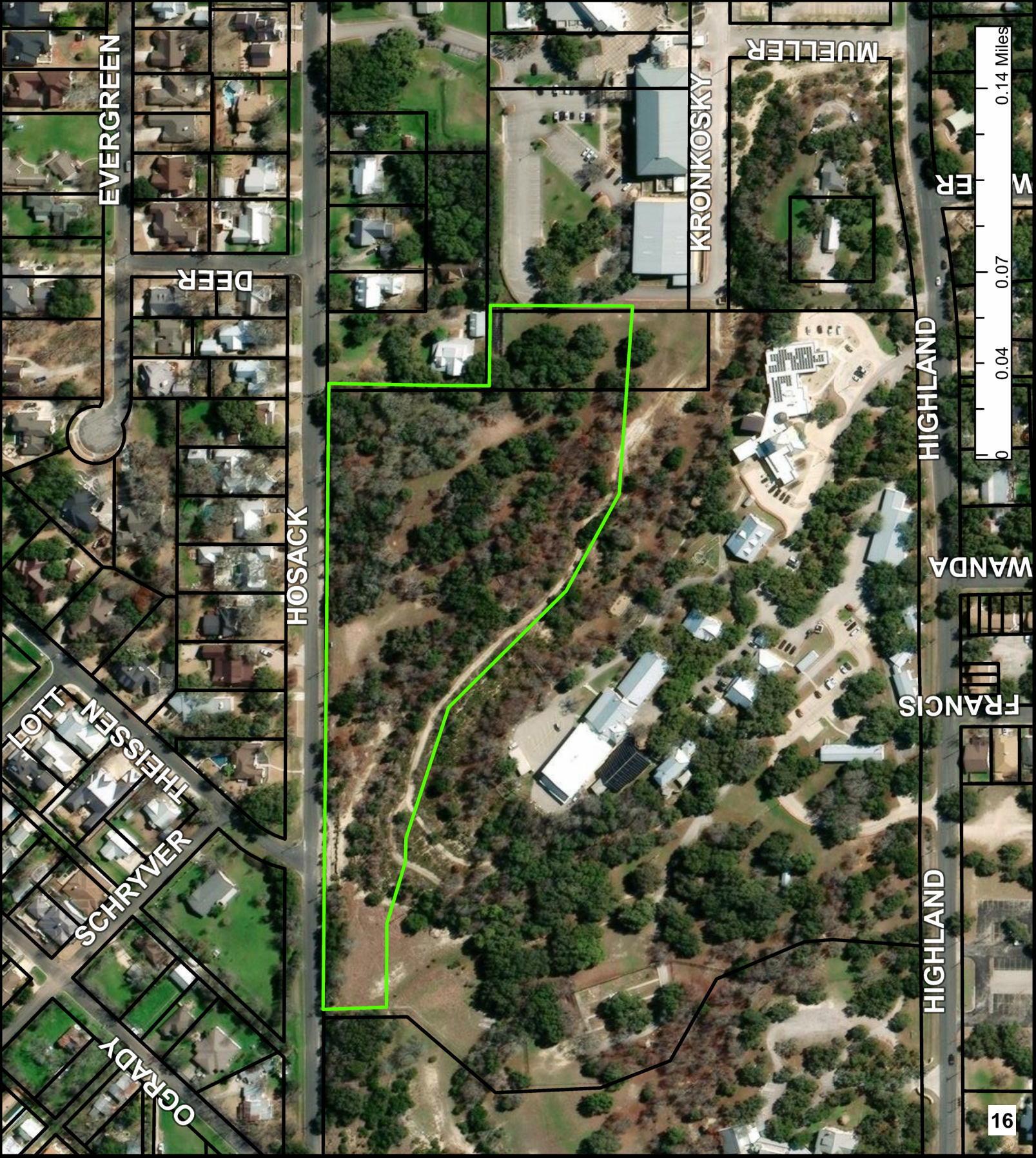
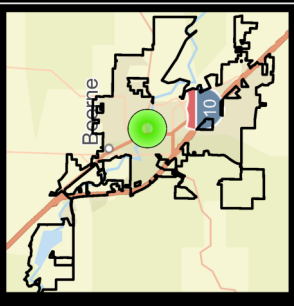
KERNAGHAN ADDITION
MAJOR REPLAT LOT
14A

Legend

Parcels

SUBJECT PROPERTY

PROPERTY



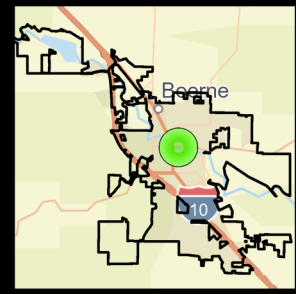
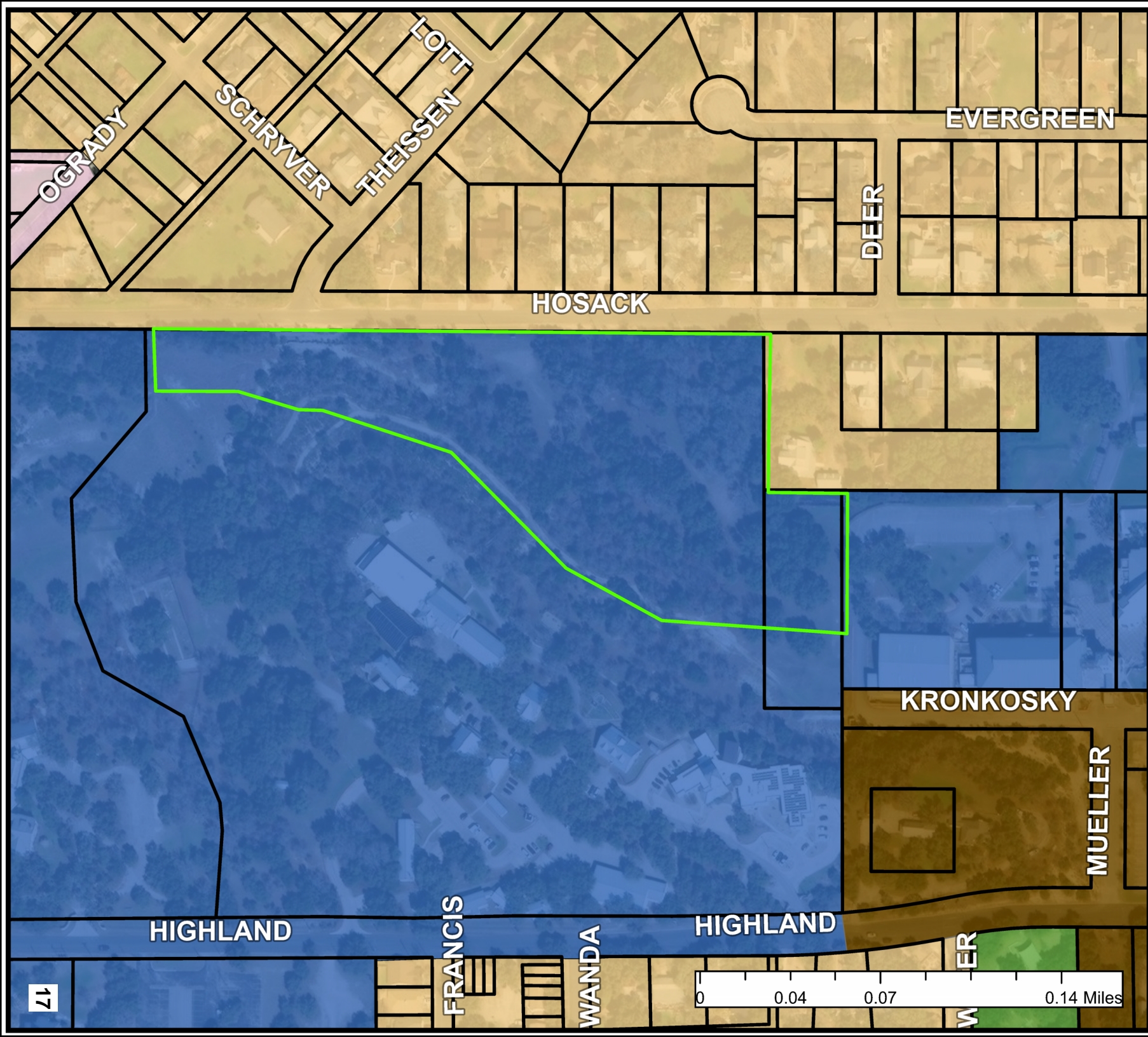


SUBJECT PROPERTY

KERNAGHAN ADDITION
MAJOR REPLAT LOT
14A

Legend

-  Parcels
- FLU**
-  Auto-Oriented Commercial
-  Business Park
-  Downtown
-  Neighborhood Commercial
-  Neighborhood Residential
-  Parks and Open Space
-  Public and Institutional
-  Rural Estate
-  Transitional Residential
-  <all other values>
-  SUBJECT PROPERTY



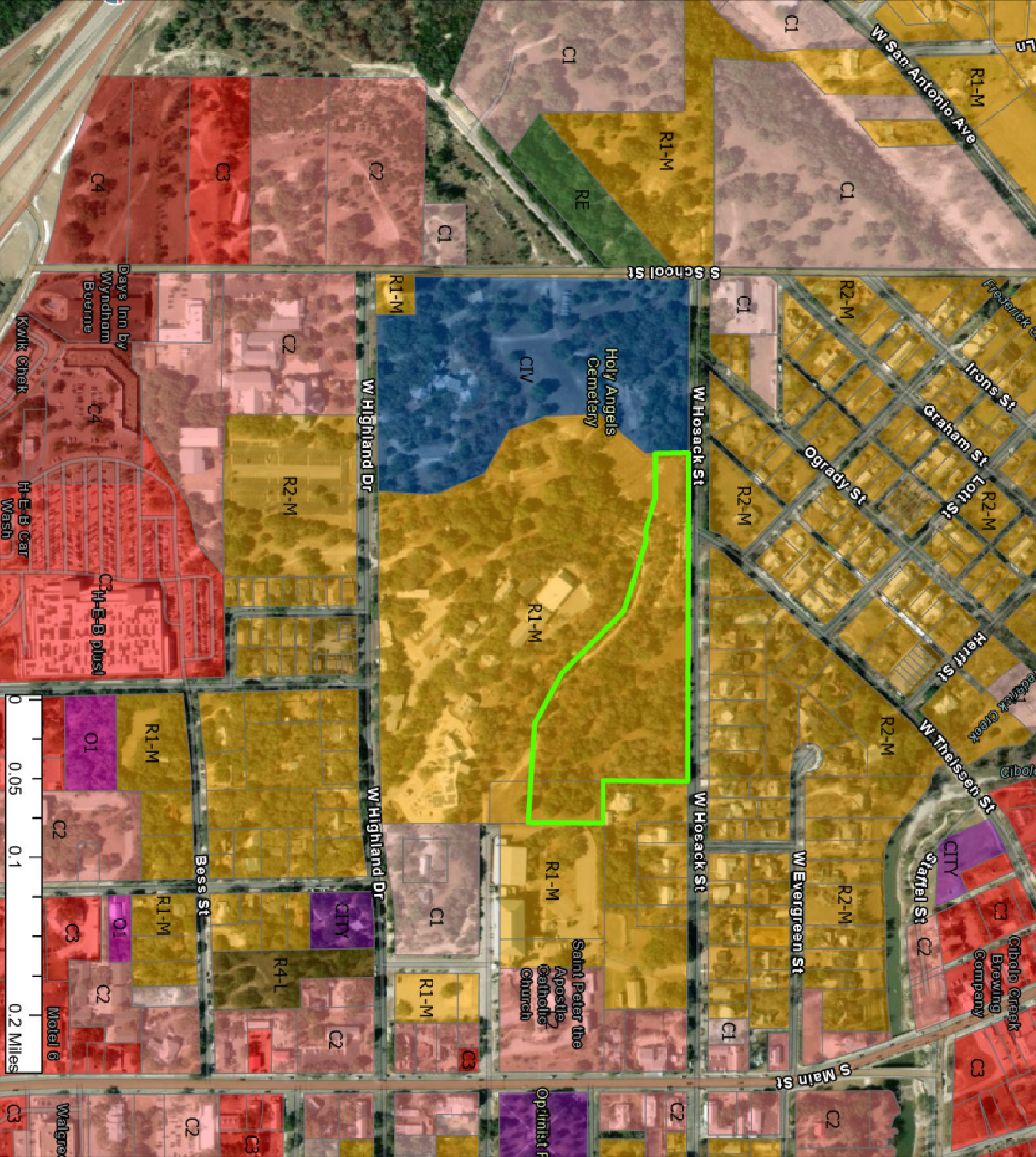
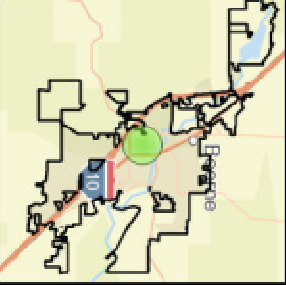
SUBJECT PROPERTY

KERNAGHAM ADDITION
MAJOR REPLAT LOT
14A

Legend

Boerne Zoning

- C1
- C2
- C3
- C4
- CITY
- CIV
- O1
- R1-M
- R2-M
- R3-A
- R4-L
- RE





SUBJECT PROPERTY

KERNAGHAM ADDITION
MAJOR REPLAT LOT
14A

Legend

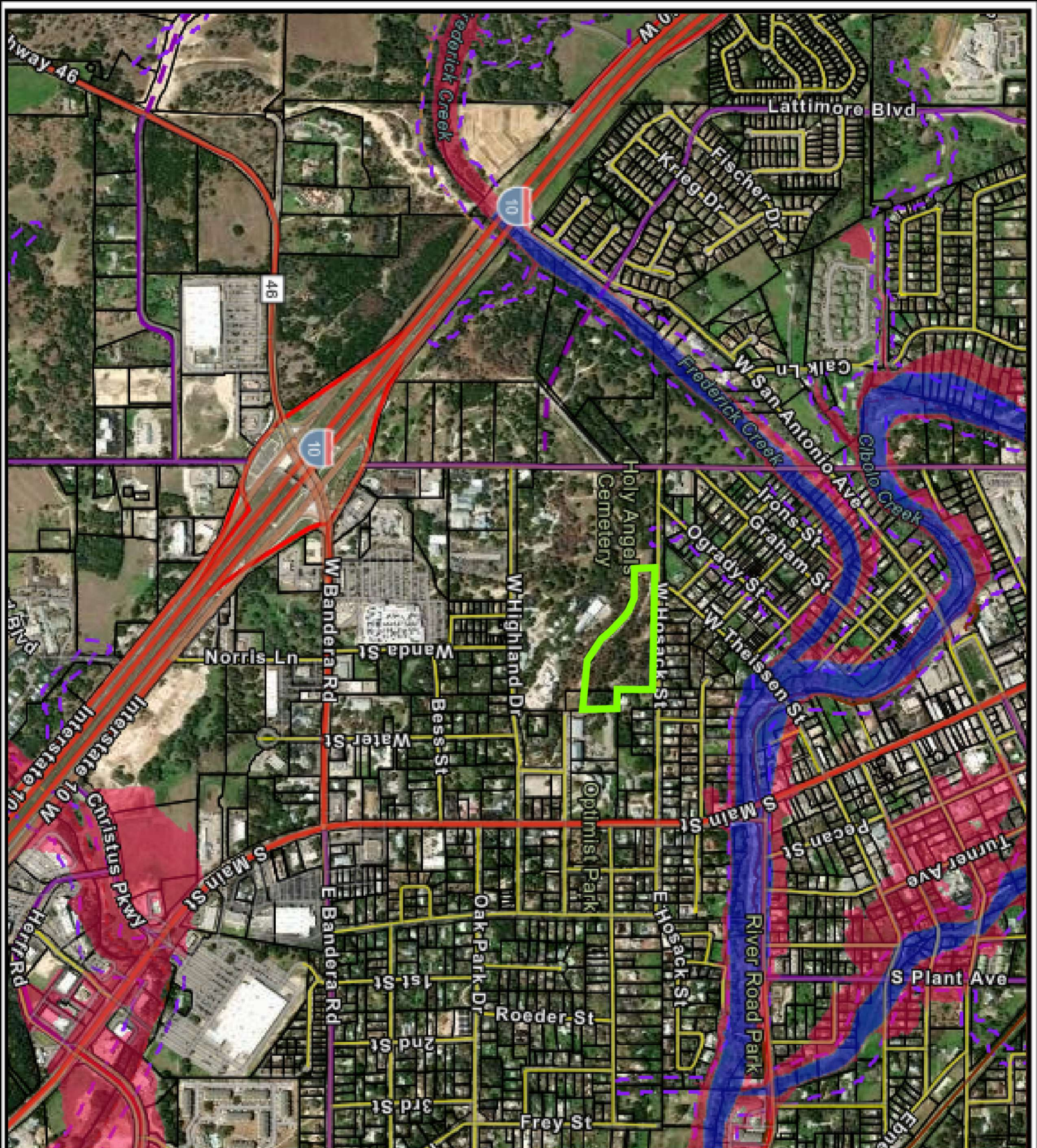
100 YR SARA Floodplain

SARA FLOODWAY

SARA FLOODPLAIN

Drainage Protection Zone 1

Drainage Protection Zone 2





KERNAGHAN ADDITION

MAJOR SUBDIVISION REPLAT

ESTABLISHING LOT 14A

BEING A 8.063 ACRE TRACT OF LAND OUT OF THE JOHN SMALL SURVEY NUMBER 183, ABSTRACT NUMBER 441, KENDALL COUNTY, TEXAS BEING A PORTION OF LOT 14, KERNAGHAN ADDITION AS SHOWN ON PLAT RECORDED IN VOLUME 1, PAGE 557, KENDALL COUNTY DEED RECORDS AND A PORTION OF LOT 66, O'GRADY ADDITION AS SHOWN ON PLAT RECORDED IN VOLUME 90, PAGE 191, KENDALL COUNTY DEED RECORDS.

Boerne Utilities
09/24/2024 11:09:06 AM



SAN ANTONIO
3421 Paesanos Parkway
San Antonio, TX 78231
Phone: 210.979.8444
COLLIERS ENGINEERING & DESIGN, INC.
TBPE Firm#: F-14909 TBPLS Firm#: 10194550

www.colliersengineering.com



REVIEWED BY
CITY OF BOERNE
PLANNING DEPARTMENT
9/25/2024
NO COMMENTS SV

FENCE NOTES:

GATES ACROSS EASEMENT; DOUBLE SWING GATES WITH MINIMUM CLEAR OPENING OF 12 FEET WIDE SHALL BE INSTALLED WHEREVER FENCES CROSS UTILITY AND DRAINAGE EASEMENTS.

OBSTRUCTIONS OF DRAINAGE:

ADEQUATE STRUCTURES SHALL BE PROVIDED TO ALLOW THE UNHINDERED PASSAGE OF ALL STORM AND DRAINAGE FLOWS WHEREVER FENCES CROSS DRAINAGE EASEMENTS.

SIDEWALK NOTES:

A FIVE-FOOT WIDE REINFORCED CONCRETE SIDEWALK (INCLUDING CURB RAMPS) SHALL BE INSTALLED ADJACENT TO ALL PROPERTY LINES OF EACH LOT WHERE THE LOT ABUTS PUBLIC OR PRIVATE STREET AT SUCH TIME AS THAT LOT IS DEVELOPED.

DRAINAGE EASEMENT:

DRAINAGE, WATER DIVERSION, AND SANITARY CONTROL, INCLUDING WITHOUT LIMITATION, WALLS, BED, EMBANKMENTS, SPILLWAYS, APPURTENANCES, AND OTHER ENGINEERED DEVICES (THE "DRAINAGE SYSTEM").

TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS OVER THE ADJACENT LAND TO OR FROM THE EASEMENT FOR THE PURPOSE OF CONSTRUCTING, RECONSTRUCTING, INSPECTING, PATROLLING, OPERATING, MAINTAINING, REPAIRING, AND REMOVING THE DRAINAGE SYSTEM; THE RIGHT TO CHANGE THE SIZE THEREOF; THE RIGHT TO RELOCATE ALONG THE SAME GENERAL DIRECTION OF THE DRAINAGE SYSTEM; THE RIGHT TO CREATE AND/OR DREDGE A STREAM COURSE, REFILL, OR DIG OUT SUCH STREAM COURSE; ESTABLISH OR CHANGE STREAM EMBANKMENTS WITHIN THE EASEMENT; INSTALL STORM SEWER SYSTEMS, CULVERTS, WATER GAPS, AND PROTECTING RAILS; THE RIGHT TO REMOVE FROM THE EASEMENT ALL TREES AND PARTS THEREOF, OR OTHER OBSTRUCTION, WHICH REASONABLY ENDANGER OR MAY REASONABLY INTERFERE WITH THE EFFICIENCY OF THE DRAINAGE SYSTEM; AND THE RIGHT TO PLACE TEMPORARY STRUCTURES FOR USE IN CONSTRUCTING OR REPAIRING THE DRAINAGE SYSTEM.

WITH RESPECT TO THE DRAINAGE SYSTEM, IT IS EXPRESSLY AGREED AND UNDERSTOOD BY ALL PARTIES HERETO, THAT THE INTENTION IS TO IMPROVE CONDITIONS OF SANITATION AND WATER DRAINAGE CONTROL ON THE PROPERTY FOR THE BENEFIT OF THE PROPERTY, ADJACENT PROPERTY, AND THE COMMUNITY, BUT THE CITY DOES NOT GUARANTEE OR WARRANT THAT SUCH CONTROL WORK WILL BE EFFECTIVE, NOR DOES THE CITY ASSUME ANY ADDITIONAL LIABILITY WHATSOEVER FOR THE EFFECTS OF FLOOD, STANDING WATER, OR DRAINAGE ON OR TO THE PROPERTY, OR ANY OTHER PROPERTY OR PERSONS THAT MIGHT BE AFFECTED BY SAID STREAM, WASH, OR GULLY IN ITS NATURAL STATE OR AS CHANGED BY THE CITY.

- THE GRANTOR SPECIFICALLY RESERVES THE RIGHT TO USE ALL OR ANY PART OF THE EASEMENT FOR ANY PURPOSE, WHICH DOES NOT DAMAGE, DESTROY, INJURE, AND/OR UNREASONABLY INTERFERE WITH THE GRANTEE'S USE OF THE EASEMENT.
- THE GRANTOR SHALL MAKE COMMERCIALY REASONABLE EFFORTS TO ENSURE THE DAMAGE TO THE PROPERTY IS MINIMIZED AND WILL AT ALL TIMES, AFTER DOING ANY WORK IN CONNECTION WITH THE DRAINAGE SYSTEM, RESTORE THE PROPERTY TO THE CONDITION IN WHICH THE PROPERTY WAS FOUND BEFORE SUCH WORK WAS UNDERTAKEN TO THE EXTENT THAT SUCH RESTORATION IS REASONABLE IN ACCORDANCE WITH THE GRANTEE'S USUAL AND CUSTOMARY PRACTICES.
- THE GRANTEE SHALL MAKE NECESSARY MODIFICATIONS AND IMPROVEMENTS TO CONFORM WITH THE CITY OF BOERNE DRAINAGE POLICY AND PLAN AT SUCH TIME AS THE SAID PLAN AND POLICY ARE ENACTED BY CITY COUNCIL TO THE CITY OF BOERNE, TEXAS.

UTILITY EASEMENT (U.E.):

UTILITIES, INCLUDING, WITHOUT IMITATION, SEWER, WATER, GAS, ELECTRICITY, TELEPHONE, AND CABLE TELEVISION, WITH ALL NECESSARY AND/OR DESIRABLE LINES, LATERALS AND/OR APPURTENANCES THERETO (THE "UTILITIES").

TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS OVER THE ADJACENT LAND TO OR FROM THE EASEMENT FOR THE PROPOSE OF CONSTRUCTION, RECONSTRUCTING, INSPECTING, PATROLLING, OPERATING, MAINTAINING, REPAIRING, AND REMOVING THE UTILITIES; THE RIGHT TO PLACE NEW OR ADDITIONAL UTILITIES IN THE EASEMENT AND TO CHANGE THE SIZE THEREOF; THE RIGHT TO RELOCATE ALONG THE SAME GENERAL DIRECTION OF THE UTILITIES; THE RIGHT TO REMOVE FROM THE EASEMENT ALL TREES AND PARTS THEREOF, OR OTHER OBSTRUCTION, WHICH REASONABLY ENDANGER OR MAY REASONABLY INTERFERE WITH THE EFFICIENCY OR OPERATION OF THE UTILITIES; AND THE RIGHT TO PLACE TEMPORARY STRUCTURES FOR USE IN CONSTRUCTING OR REPAIRING THE UTILITIES.

- THE PROPERTY OWNER RETAINS THE RIGHT TO USE ALL OR ANY PART OF THE EASEMENT FOR ANY PURPOSE WHICH DOES NOT DAMAGE, DESTROY, INJURE, AND/OR UNREASONABLY INTERFERE WITH THE USE OF THE EASEMENT. HOWEVER, THE EASEMENT SHALL BE KEPT CLEAR OF ALL STRUCTURES OR OTHER IMPROVEMENTS.
- THE UTILITY SHALL MAKE COMMERCIALY REASONABLE EFFORTS TO ENSURE THE DAMAGE TO THE PROPERTY IS MINIMIZED AND THE UTILITY WILL AT ALL TIMES, AFTER DOING ANY WORK IN CONNECTION WITH THE SYSTEM, RESTORE THE PROPERTY TO THE CONDITION IN WHICH THE PROPERTY WAS FOUND BEFORE SUCH WORK WAS UNDERTAKEN TO THE EXTENT THAT SUCH RESTORATION IS REASONABLE IN ACCORDANCE WITH THE UTILITY'S USUAL AND CUSTOMARY PRACTICES.

IMPACT FEE ASSESSMENT:

ASSESSMENT AND COLLECTION OF THE CITY OF BOERNE WATER AND WASTEWATER UTILITIES' CAPITAL RECOVERY FEES SHALL BE THE AMOUNT PER LOT AS SET FORTH IN THE CITY ORDINANCE NO. 2023-18, SECTION 1.10(5).

SETBACK NOTE:

LOT SETBACKS ARE DETERMINED BY THE CITY OF BOERNE ZONING ORDINANCE ENFORCED AT THE TIME OF DEVELOPMENT AND ARE BASED ON ZONING/LOT SIZE. UNLESS OTHERWISE IDENTIFIED, THE FRONT SETBACK FOR A PIE SHAPED LOT OR A LOT ON A CURVILINEAR STREET OR CUL-DE-SAC IS MEASURED WHEREVER THE LOT WIDTH MEETS FRONTAGE REQUIREMENTS FOR THE LOT CATEGORY.

OPEN SPACE NOTE:

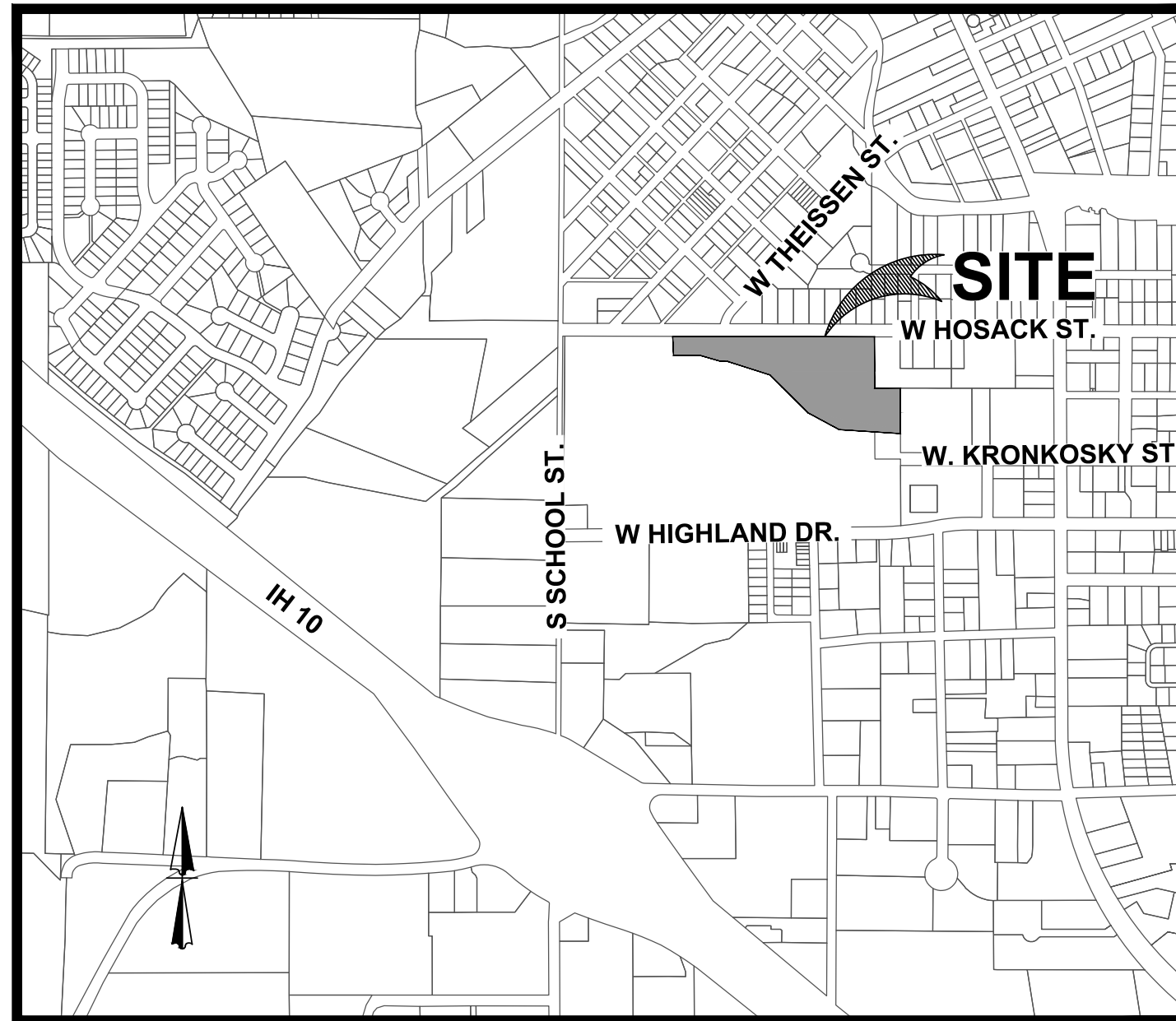
TOTAL OPEN SPACE PROVIDED SHALL BE 5% OF ALL BUILDING FOOTPRINTS AND AREAS OF IMPERVIOUS SURFACE DEDICATED TO VEHICLE ACCESS AND PARKING ON EACH LOT AND 250 SQUARE FEET PER DWELLING UNIT.

DRAINAGE BASIN NOTE:

NO PART OF THIS SUBDIVISION PLAT IS LOCATED UPSTREAM FROM A CITY WATER SUPPLY LAKE.

HERITAGE LEGACY TREES:

THERE ARE 13 HERITAGE LEGACY TREES, AS DEFINED IN SUBSECTION 2.02.002, IDENTIFIED ON THIS PLAT.



LOCATION MAP NOT TO SCALE

THIS REPLAT OF KERNAGHAN ADDITION - ESTABLISHING LOT 14A HAS BEEN SUBMITTED TO AND CONSIDERED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF BOERNE, TEXAS, AND IS HEREBY APPROVED BY SUCH COMMISSION.

DATED THIS ____ DAY OF _____, 20__.

BY: _____
CHAIR

BY: _____
SECRETARY

PLAT SUMMARY TABLE

# OF LOTS	TOTAL ACREAGE OF R.O.W.	TOTAL ACREAGE OF PARKLAND DEDICATION	TOTAL ACREAGE PERCENT IMPERVIOUS COVER	TOTAL ACREAGE BEING PLATTED	TOTAL ACREAGE OF OFF-SITE EASEMENTS	LAND USE
1 LOT	0	0	0	8.063 ACRES (LOT14A)	0.009 ACRES	NON-RESIDENTIAL

STATE OF TEXAS
COUNTY OF BEXAR

I HEREBY CERTIFY THAT PROPER ENGINEERING CONSIDERATION HAS BEEN GIVEN THIS PLAT TO THE MATTERS OF STREETS, LOTS, AND DRAINAGE LAYOUT. TO THE BEST OF MY KNOWLEDGE THIS PLAT CONFORMS TO ALL REQUIREMENTS OF THE SUBDIVISION ORDINANCE, EXCEPT FOR THOSE VARIANCES GRANTED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF BOERNE.

JASON W. HUBBERT
LICENSED PROFESSIONAL ENGINEER NO. 91839
COLLIERS ENGINEERING & DESIGN, LLC
3421 PAESANOS PKWY, SUITE 200
SAN ANTONIO, TEXAS 78231
PHONE: 210-979-8444
FAX: 210-979-8441

SWORN TO AND SUBSCRIBED BEFORE ME THIS THE ____ DAY OF _____, 20__.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

STATE OF TEXAS
COUNTY OF KENDALL

I HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECT AND WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE ON THE GROUND UNDER MY SUPERVISION.

JAMES E. SCHWARZ
REGISTERED PROFESSIONAL LAND SURVEYOR NO.4760

SWORN TO AND SUBSCRIBED BEFORE ME THIS THE ____ DAY OF _____.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

STATE OF TEXAS
COUNTY OF KENDALL

THE OWNER OF THE LAND SHOWN ON THIS PLAT, IN PERSON OR THROUGH A DULY AUTHORIZED AGENT, DEDICATED TO THE USE OF THE PUBLIC FOREVER ALL STREETS, ALLEYS, PARKS, WATERCOURSES, DRAINS, EASEMENTS, AND PUBLIC PLACES THEREON SHOWN FOR THE PURPOSE AND CONSIDERATION THEREIN EXPRESSED.

OWNER / DEVELOPER:
GUSTAVO GARCIA-SILLER,
ARCHBISHOP OF SAN ANTONIO

OWNER: GUSTAVO GARCIA-SILLER

DULY AUTHORIZED AGENT

STATE OF TEXAS
COUNTY OF BEXAR

BEFORE ME, THE ABOVE AUTHORITY, ON THIS DAY PERSONALLY APPEARED _____, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS HEREIN EXPRESSED AND IN THE CAPACITY THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS ____ DAY OF _____, A.D., 20__.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

STATE OF TEXAS
COUNTY OF KENDALL

I, _____, COUNTY CLERK OF SAID COUNTY, DO HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT OF WRITING WITH THIS CERTIFICATE OF AUTHENTICATION WAS FILED FOR RECORD IN MY OFFICE THE ____ DAY OF _____, A.D. 202__ AT _____ M. IN THE PLAT RECORDS OF SAID COUNTY IN DOCUMENT NO. _____ TAX CERTIFICATE AFFIDAVIT FILED THIS DATE IN DOCUMENT NO. _____ KENDALL COUNTY OFFICIAL RECORDS. IN TESTIMONY, WHEREOF, WITNESS MY HAND AND OFFICIAL SEAL OF OFFICE, THIS ____ DAY OF _____, A.D. 202__.

COUNTY CLERK
KENDALL COUNTY, TEXAS
BY: _____
DEPUTY

RECEIVED
09/23/2024
PLANNING

REVIEWED
City of Boerne
FIRE MARSHAL
Robert Lee
09/25/2024

LEGEND

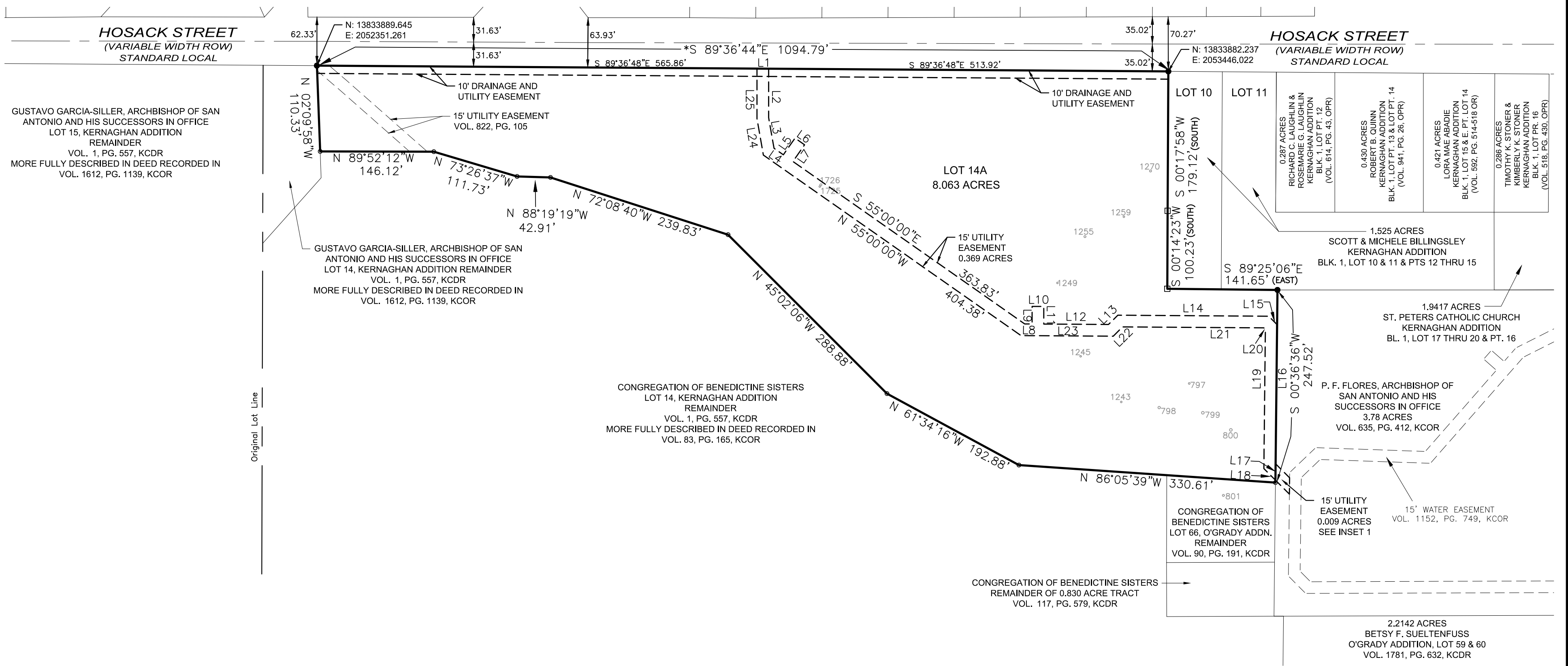
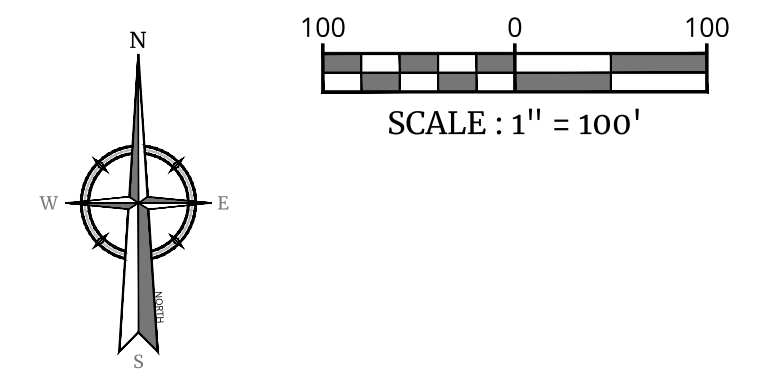
- NOTES:
- INDICATES 1/2" STEEL ROD SET WITH A RED PLASTIC CAP STAMPED "SCHWARZ 4769" UNLESS OTHERWISE NOTED.
 - INDICATES 1/2" STEEL ROD FOUND.
 - INDICATES BOUNDARY CORNER NOT SET DUE TO INACCESSIBILITY OF ADJOINING TRACT.
 - KCDR = KENDALL COUNTY DEED RECORDS.
 - KCOR = KENDALL COUNTY OFFICIAL RECORDS.
 - KCPR = KENDALL COUNTY PLAT RECORDS.
 - ★ THIS BEARING, USED AS THE BEARING BASIS FOR THIS SURVEY, WAS ESTABLISHED BY GPS.
 - HORIZONTAL DATUM: TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE 4204, NORTH AMERICAN DATUM OF 1988 (NAD83).
 - HOSACK STREET (69.44' WIDTH) ESTABLISHED BY SUBDIVISION PLAT RECORDED IN VOL. 2, PG. 557, KCDR.
 - XXXXX = EXISTING TREES

KERNAGHAN ADDITION

MAJOR SUBDIVISION REPLAT

ESTABLISHING LOT 14A

BEING A 8.063 ACRE TRACT OF LAND OUT OF THE JOHN SMALL SURVEY NUMBER 183, ABSTRACT NUMBER 441, KENDALL COUNTY, TEXAS BEING A PORTION OF LOT 14, KERNAGHAN ADDITION AS SHOWN ON PLAT RECORDED IN VOLUME 1, PAGE 557, KENDALL COUNTY DEED RECORDS AND A PORTION OF LOT 66, O'GRADY ADDITION AS SHOWN ON PLAT RECORDED IN VOLUME 90, PAGE 191, KENDALL COUNTY DEED RECORDS.



HERITAGE PROTECTED TREES:

TREE ABBREVIATIONS: LO= LIVE OAK, CE= CEDAR ELM
THE TC (TOTAL CIRCUMFERENCE) OF A TREE CAN BE CALCULATED BY MULTIPLYING THE DBH BY 3.1415.

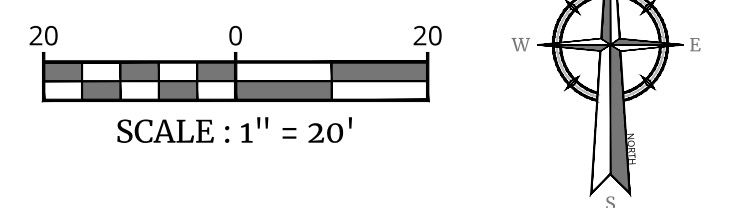
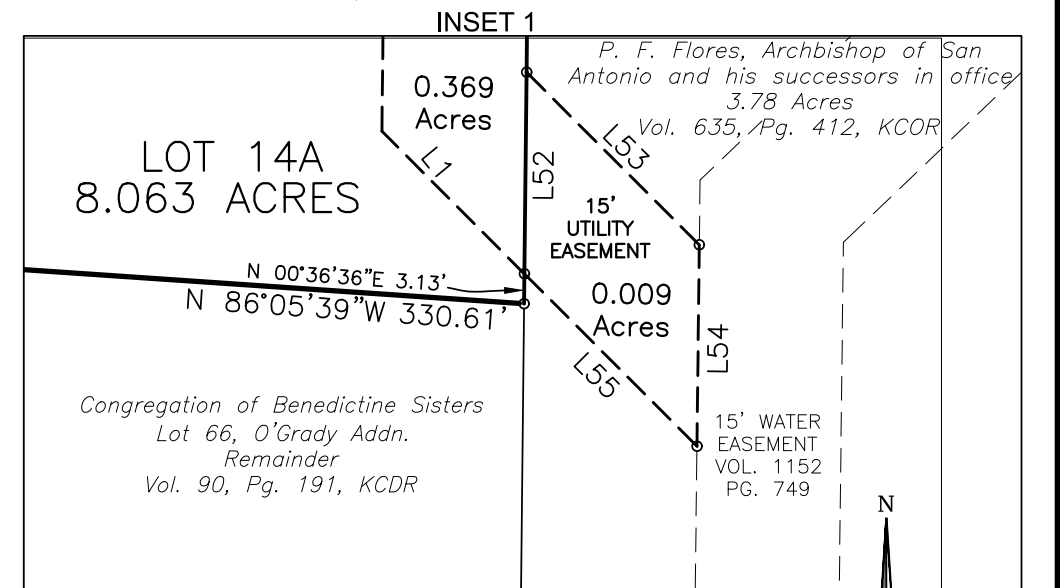
TAG #	DBH/TREE
797	26"LO
798	32"LO
799	36"LO
800	36"LO
801	32"LO
1243	24"LO
1245	24"LO
1255	28"LO
1259	24"CE
1270	28"CE
1725	24"LO
1726	30"LO

0.369 Acres Course Chart

Course	Bearing	Distance
L1	S 89°36'48" E	15.00'
L2	S 00°00'07" E	62.91'
L3	S 09°56'10" E	39.92'
L4	S 55°00'00" E	14.65'
L5	N 35°00'00" E	26.18'
L6	S 55°00'00" E	15.00'
L7	S 35°00'00" W	26.18'
L8	S 89°36'45" E	9.53'
L9	N 00°02'00" W	22.54'
L10	N 89°58'00" E	15.00'
L11	S 00°02'00" E	22.65'
L12	S 89°36'45" E	83.20'
L13	N 45°23'15" E	16.97'
L14	S 89°36'45" E	193.92'
L15	S 44°58'07" E	15.27'
L16	S 00°36'36" W	178.82'
L17	S 00°36'36" W	20.99'
L18	N 45°00'33" W	20.99'
L19	N 00°36'36" E	178.83'
L20	N 44°58'07" W	2.80'
L21	N 89°36'45" W	181.55'
L22	S 45°23'15" W	16.97'
L23	N 89°36'45" W	118.62'
L24	N 09°56'10" W	47.44'
L25	N 00°00'07" W	64.32'

0.009 Acres Course Chart

Course	Bearing	Distance	RECORD
L52	N 00°36'36" E	20.99'	N 07°47'45" E
L53	S 45°00'33" E	25.44'	N/A
L54	S 00°40'42" W	20.96'	S 07°47'45" W
L55	N 45°00'33" W	25.41'	N/A



**City of Boerne Planning & Zoning Commission
Rules of Decorum and Subcommittee Guidelines**

1. Role of the Planning & Zoning Commission

The Planning & Zoning Commission (the "Commission") serves multiple roles in guiding the City of Boerne (the "City"). These include:

- Upholding the vision and objectives of the City’s Master Plan.
- Encouraging proper land use and development density.
- Balancing public and private interests in City planning.
- Facilitating public participation in zoning decisions, ensuring fairness and transparency.
- Identifying key facts and issues crucial to the City’s growth.
- Providing informed recommendations to the City Council.

2. Attendance Requirements

Commission members must attend all meetings and events. If unable to attend, members must notify City staff or the Chair to confirm quorum availability. Timeliness and full attendance are expected.

3. Absenteeism

Consistent absences harm the function of the Commission. Three consecutive unexcused absences may result in removal.

4. Meeting Preparation

Members are expected to prepare for meetings by:

- Reading staff reports and understanding proposals.
- Reviewing related property areas and identifying key issues.
- Preparing questions for discussion.
- Familiarizing with City procedures (Master Plan, UDC, variance processes).
- Verifying minutes from prior meetings.

5. Ex Parte Contact

To maintain transparency, Commissioners must ensure all discussions about a pending matter occur in public. Private conversations with applicants or the public should be handled with care:

- Listen without offering advice or opinions.
- Explain that decisions are made after reviewing all information.
- Avoid disclosing how you will vote.
- Share any external communications at the meeting, either verbally or by memorandum.

6. Active Meeting Participation

Members are encouraged to:

- Ask clarifying questions.
- Contribute to discussions.
- Express concerns and rationales for their decisions.

7. Interactions Among Commissioners

Commissioners should respect each other's opinions and work collectively toward decisions, recognizing each member's unique perspective. Spirited debates are encouraged, but mutual respect is essential.

8. Role of the Chair

The Chair ensures meetings run smoothly and fairly. Key responsibilities include:

- Leading the Commission and maintaining meeting focus.
- Encouraging diverse opinions while maintaining order.
- Ensuring each Commissioner and the public have the opportunity to contribute.
- Clarifying decisions and their reasons for the record.
- Adhering to proper meeting and hearing procedures.

9. Decision-Making Criteria

Commissioners should balance public and private interests, applying these principles:

- Base decisions on key planning issues.
- Be objective while considering the applicant's situation.
- Keep an open mind throughout discussions.
- Focus on broader community interests over individual concerns.
- Apply City regulations and represent the public's long-term interests.

10. Voting

Commissioners must vote on all items unless a conflict of interest exists. Votes are generally recorded electronically. If this is not feasible, a roll call vote will be conducted. Commissioners may briefly explain their vote if desired.

11. Model Good Governance

Commissioners must exemplify good governance by:

- Engaging respectfully with applicants and the public.
- Maintaining professionalism and attentiveness during meetings.

- Assisting in clarifying the matters under consideration.
- Encouraging clear communication from participants.
- Avoiding public criticism of fellow Commissioners or City staff.

12. Subcommittee Guidelines

Subcommittees may be formed to provide advisory support to the Commission. These subcommittees:

- Are appointed by the Chair, with 2 or 3 members.
- Have no authority to make decisions for the full Commission.
- Must adhere to the Rules of Decorum and document their meetings.
- Present their findings at public Commission meetings.
- Expire once their task is complete or at the discretion of the Chair.
- Adhere to the Texas Open Meetings Act and document their meetings.

This structure ensures that the Commission operates transparently, effectively, and in the best interests of the Boerne community.