

**AGENDA**  
**PLANNING AND ZONING COMMISSION MEETING**  
**BOERNE CITY HALL**  
**RONALD C. BOWMAN CITY COUNCIL CHAMBERS**  
**447 North Main Street**  
**Monday, November 4, 2024 – 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.)

Moment of Silence

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. [2024-556](#) Consider approval of the minutes of the Planning and Zoning Commission meeting of October 7, 2024.

**Attachments:** [Official Meeting Minutes 24-1007](#)

- 4.B. [2024-557](#) Consider approval for Esperanza Phase 3F Final Plat, generally located northeast of Esperanza Boulevard and Dulce Vista. (Extra-Territorial Jurisdiction)

**Attachments:** [AIS - Esperanza 3F - Final Plat](#)  
[Att 1 - Aerial Location Map](#)  
[Att 2 - Future Land Use Map](#)  
[Att 3 - Final Plat - Esperanza 3F](#)  
[Att 4 - Approved Pod General Master Development Plan Phase 3 & 4](#)

- 4.C. [2024-564](#) Consider approval for a 30-day time extension for Esperanza Phase 4C Preliminary Plat generally located north of Highway 46 along Galisteo Drive. (Extra-Territorial Jurisdiction)

**Attachments:** [AIS - Esperanza 4C Prelim Plat Time Ext](#)  
[Att 1 - Aerial Location Map](#)  
[Att 2 - Future Land Use Map](#)  
[Att 3 - 30 Day Time Ext Request](#)

5. REGULAR AGENDA:

- 5.A. [2024-558](#) 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).

**Attachments:** [AIS - Spencer Ranch Rezone](#)  
[Att 1 - Vicinity Map](#)  
[Att 2 - Zoning Map](#)  
[Att 3 - Future Land Use Map](#)  
[Att 4 - Spencer Ranch Master Community Plan - Oct 2018](#)  
[Att 5 - Approval Criteria - Section 2.5.C.5](#)  
[Att 6 - 500 ft. Buffer](#)

- 5.B. [2024-559](#) Consider the proposed amendments to the Unified Development Code adopted on November 24, 2020, as follows:

1. Section 2.11.B.9 - Historic Preservation Partial Tax Exemption
2. Section 3.11.G.1.a - Historic Overlay District Related to Signs

**Attachments:**    [AIS - 2024 UDC Amendments HL](#)  
[Att 1 - Proposed UDC Updates - Historic District and Historic Landmark](#)

- 5.C.    [2024-565](#)    Consider the proposed amendments to the Code of Ordinances adopted on January 9, 2024, including but not limited to:
1. Chapter 14 - Section 14-139. - Amplified sound.
  2. Chapter 14 - Section. 14-142. - Method of sound measurement

**Attachments:**    [AIS - Noise Ordinance Updates Final](#)  
[Att 1 - Proposed Code of Ordinance Amendments](#)

- 5.D.    [2024-566](#)    Consider the proposed amendments to the Unified Development Code adopted on November 24, 2020 regarding regulations for mobile food units (MFU) and mobile food parks, as follows:
1. Chapter 3 - Zoning
  2. Chapter 5 - Nonresidential Sites
  3. Appendix A - Definitions

**Attachments:**    [AIS - Food Truck UDC Amendments](#)  
[Att 1 - Proposed UDC Amendments](#)

- 5.E.    [2024-560](#)    Establish 2025 Planning and Zoning Commission meeting dates.

**Attachments:**    [AIS - 2025 PZ Meeting Dates](#)  
[2025-Planning Calendar](#)

6. DISCUSSION ITEMS:

- 6.A.    [2024-571](#)    Discuss subcommittee guidelines for Planning and Zoning Commission

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

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

8. ADJOURNMENT

s/s Nathan Crane

\_\_\_\_\_  
Administrative Officer

CERTIFICATION

I hereby certify that the above notice of meeting was posted on the 31st day of  
October, 2024 at 6:30 p.m.

s/s Heather Wood

\_\_\_\_\_  
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, October 7, 2024 – 6:00 p.m.**

Minutes of the Planning and Zoning Commission meeting of October 7, 2024 at 6:00 p.m.

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

Absent: 1 - Commissioner Terry Lemoine

Staff Present: Mick McKamie, Kristy Stark, Barrett Squires, Heather Wood, Nathan Crane, Franci Linder, Jo-Anmarie Andrade, Cheryl Rogers, Andrew Wilkinson, Liz Huvalla, Ryan Bass

Recognized and Registered Guests: Nancy Garcia, Ashley Farrimond, Cheryl Cole, Barry Sanditen

**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**

No conflicts were declared.

**3. PUBLIC COMMENTS**

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

No comments were received.

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

4. CONSENT AGENDA

Commissioner Hiler requested to make an amendment to the special called Planning and Zoning Commission meeting minutes from September 9, 2024. He explained that he had a conflict of interest with item #4 (Consent Agenda) of that meeting and that he stepped down from the dais and he did not vote. He further clarified that the meeting minutes stated that there was a vote of 6 in favor when there were actually only 5 votes in favor; the amendment is to correct the vote to 5 in favor.

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

**Approved as Amended: 6 -** Chairman Tim Bannwolf, Commissioner Lucas Hiler, Commissioner Susan Friar, Commissioner Bill Bird, Commissioner Bob Cates, Commissioner Carlos Vecino

- 4.A. [2024-523](#) Consider approval of the minutes of the Special Called Planning and Zoning Commission meeting of September 9, 2024.

5. REGULAR AGENDA

- 5.A. [2024-521](#) Untable and consider a request for a variance to Chapter 8.2, Drainageway Protection Zones, of the Unified Development Code for a property located at 612 River Road (KAD 26667).

A motion was made by Commissioner Hiler, seconded by Commissioner Bird, to untable a request for a variance to Chapter 8.2, Drainageway Protection Zones, of the Unified Development Code for a property located at 612 River Road (KAD 26667). The motion carried by the following vote:

**Untabled:** 6 - Chairman Tim Bannwolf, Commissioner Lucas Hiler, Commissioner Susan Friar, Commissioner Bill Bird, Commissioner Bob Cates, Commissioner Carlos Vecino

Cheryl Rogers, City Engineer, presented the proposed variance, providing further context on the intent behind the Drainageway Protection Zones in the code. She explained that these regulations were primarily in place from an environmental standpoint, aimed at protecting citizens in the event of a 100-year rainstorm. Commissioner Cates elaborated that he had been part of a diverse committee that provided feedback on the current drainage codes, emphasizing the importance of preserving water quality from runoff and ensuring public safety.

Commissioner Hiler inquired whether the fire department would review the plan, what mitigation landscaping would be included, and how the driveway in the proposed plan can be included in the variance approval.

Commissioner Cates asked if the applicant is in support of the presented plan.

Cheryl Rogers clarified that a designated fire lane is not required, and that the plan includes a proposed low-impact development (LID) feature (rain garden in the front) to capture and filter the water runoff. She also confirmed that the applicant, Nancy Garcia, worked closely with city staff on the rendering and is in favor of the proposal, with a focus on providing ample parking at the rear of the property and prioritizing citizen safety.

The applicant, Ms. Nancy Garcia, confirmed that she worked with city staff on the rendering and is in support of the parking in the back.

A motion was made by Commissioner Cates, seconded by Commissioner Bird, to approve the variance request to Unified Development Code Chapter 8.2 to construct a parking lot with a one-way driveway in Drainageway Protection Zones 1 and 2 and a rain garden within Drainageway Protection Zone 1 and that the parking is placed in the rear

of the building. The motion carried by the following vote:

**Approved:** 6 - Chairman Tim Bannwolf, Commissioner Lucas Hiler, Commissioner Susan Friar, Commissioner Bill Bird, Commissioner Bob Cates, Commissioner Carlos Vecino

- 5.B.** [2024-522](#) A request for a Special Use Permit (SUP) to allow a mini warehouse facility in the C4 Zoning District within the Scenic Interstate Overlay District generally located south east of Interstate 10 W and N Main Street (KAD: 35973). (Barry Sanditen, Sanditen & Associates, Inc., on behalf of Boerne Medical Center, LTD)
- I. Staff Presentation
  - II. Public Hearing
  - III. Action

Jo-Anmarie Andrade, City Planner II, presented the proposed Special Use Permit.

Ashley Farrimond, attorney representing the project, gave a brief presentation starting with the history of the land. She explained that the proposal has gated access, and that the cul-de-sac is for the multi-family development that is planned for the adjacent property. She further confirmed that the drainage will flow to a large detention pond.

Cheryl Cole, architect overseeing the project, discussed how the conceptual rendering was designed to align with the city's design standards. She explained that the plan includes six parking spaces designated for the office. In instances where these spaces are occupied, vehicles can temporarily park in front of the entrance to their storage units. Additionally, larger trucks will utilize the larger areas. This proposal offers more parking than their usual storage projects in other cities, even for larger building footprints.

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

No commented were received.



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

Commission discussion included the building design, landscaping plan, future access to the site, the size of the building, the parking spaces presented, the large garage-looking doors, traffic impact, drainage and future plans for the adjacent multi-family development.

Ryan Bass, City Environmental Program Manager, spoke to this project's landscape plan; he noted that this is one of the best plans he has seen along the interstate corridor.

Ashley Farrimond confirmed that two feasibility studies were completed that indicated a demand for controlled climate/controlled access storage in the Boerne area. Additionally, she elaborated on their intention to protect the trees located in the median of the road.

Mick McKamie, Associate City Attorney, clarified that as far as design is concerned, the intent of the scenic interstate corridor guidelines are to preserve hill county type views from the interstate. State legislature does not allow regulation of materials. The commission can request different materials, but can not require specific materials.

Chairman Bannwolf suggested that they consider replacing the horizontal metal garage door looking panels from the street view side with stone to give it a more hill country like design to meet the intent of the scenic interstate overlay

Ashley Farrimond agreed that they could commit to reevaluating the design to see how they can make the panels look less like garage doors.

A motion was made by Commissioner Cates, seconded by Commissioner Bird, to approve a request for a Special Use Permit (SUP) to allow a mini warehouse facility in the C4 Zoning District within the Scenic Interstate Overlay District generally located south east of Interstate 10 W and N Main Street (KAD: 35973). (Barry Sanditen, Sanditen & Associates, Inc.,

on behalf of Boerne Medical Center, LTD). The motion carried by the following vote:

**Approved: 5-1**

**Yea** - Chairman Tim Bannwolf, Commissioner Susan Friar, Commissioner Bill Bird, Commissioner Bob Cates, Commissioner Carlos Vecino

**Nay** - Commissioner Lucas Hiler

6. EXECUTIVE SESSION IN ACCORDANCE WITH THE TEXAS GOVERNMENT CODE:

Section 551.071 – Consultation with attorney regarding open meetings law

Chairman Bannwolf convened the Planning and Zoning Commission into Executive Session at 7:14 p.m.

Chairman Bannwolf reconvened the Planning and Zoning Commission into Open Session at 7:44 p.m.

No action was taken.

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

There were no additional comments from the commission/legal/staff.

8. ADJOURNMENT

Chairman Bannwolf adjourned the Planning and Zoning Commission at 7:44 p.m.

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Secretary



## AGENDA ITEM SUMMARY

<b>Agenda Date</b>	November 4 <sup>th</sup> , 2024
<b>Requested Action</b>	Consider approval for Esperanza Phase 3F Final Plat, generally located northeast of Esperanza Boulevard and Dulce Vista. (Extra-Territorial Jurisdiction)
<b>Contact Person</b>	Jo-Anmarie Andrade, Planner II (830) 816-2040, <a href="mailto:jandrade@boerne-tx.gov">jandrade@boerne-tx.gov</a>
<b>Subject Property</b>	The subject property is generally located northeast of Esperanza Boulevard and Dulce Vista.
<b>Background Information</b>	<p><b>BACKGROUND:</b></p> <ul style="list-style-type: none"> <li>• <b>ETJ/City Limit Status:</b> The property is not located within the city limits but is within the Extra-Territorial Jurisdiction (ETJ). The city has subdivision authority but does not have zoning authority in the ETJ.</li> <li>• <b>Applicant/Owner:</b> The property is owned by Lookout Development Group, LP, and the applicant is Michael Scholze, PE, Kimley-Horn Engineering Co.</li> <li>• <b>Zoning:</b> No zoning classifications apply, as the property is in the city's ETJ, where only subdivision authority is held.</li> <li>• <b>Preliminary Plat:</b> The Preliminary Plat was conditionally approved by the Planning &amp; Zoning Commission on November 6, 2023.</li> <li>• <b>Development Agreement:</b> a Development Agreement approved in February 2008 and amended in February 2023.</li> <li>• The project is vested to regulations in effect as of February 12, 2008, and is limited to conformance with Subdivision Ordinance No. 2007-56.</li> <li>• Currently, Phases 1 through 3D have been recorded.</li> </ul>

The review of a plat is an administrative action.

**REQUEST:**

- Esperanza Phase 3F consists of 53 residential lots, one open space lot, and 3.56 acres of private right-of-way, covering a total of 28.7 acres. The final plat includes an increase of one residential lot compared to the preliminary plat, increasing the density from 1.81 to 1.85 units per acre.
- The approved Pod General Development Plan indicates the lots in this area to be approved at a minimum of 80 and 90 feet of frontage. All lots meet the minimum lot size.
- Primary access to the subdivision will be provided from a continuation of Dulce Vista which is a primary collector and will connect to the proposed Cascada.
- There is a temporary emergency access easement on the east side of the plat that will expire when the property is platted.
- The final plat shows 6.075 acres of open space, a decrease of .358 acres compared to the preliminary plat, designated as Open Space Lot 100 - Block 30. This lot, located along the northern perimeter of the phase, is designated for drainage, utility, pedestrian access, and emergency secondary access easements.
- Water and sewer services are provided by the water improvement district. Reclaimed water is provided by the City of Boerne.

**ANALYSIS AND FINDINGS:**

**Development Master Plan, Zoning, and Preliminary Plat:**

- The City's Future Land Use Plan designates this property as Rural Estate, and the final plat aligns with the Comprehensive Plan's objectives for maintaining rural character and low-density development.
- The Final Plat is consistent with the approved Preliminary Plat and adheres to the requirements of the Esperanza development agreement and the applicable subdivision ordinance.
- All necessary right-of-way dedications and planned street improvements, including the extension of Galisteo Drive, are

included in this development.

Landscaping and Open Space:

- The open space plan for Phase 4C conforms to the approved Master Plan, with a total of 25.131 acres designated for various easements, ensuring adequate provision for drainage, utility, pedestrian access, and emergency secondary access.

Utilities, Drainage, and Floodplain:

- The proposed easements provide enough space for necessary utilities and drainage systems, ensuring smooth service delivery and water management.

**RECOMMENDATION:**

Staff recommends that the Planning and Zoning Commission approve the final plat, subject to the following conditions:

1. The Recorded Plat shall substantially conform to the final plat approved November 6, 2023, except as modified by these stipulations.
2. The Final Plat will not be recorded until such time as the infrastructure is completed and accepted by the City, thereby negating the requirement for a financial guarantee and the financial guarantee for the entire cost of infrastructure is received and approved by the City Attorney.

**MOTIONS FOR CONSIDERATION:**

The following motions are provided to assist the Commission's decision.

I move that the Planning and Zoning Commission accept the findings and **APPROVE** the proposed Final Plat subject to the two stipulations recommended by staff.

OR

I move that the Planning and Zoning Commission **DENY** the proposed Final Plat 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.).

<b>Item Justification</b>	<input checked="" type="checkbox"/> Legal/Regulatory Obligation <input type="checkbox"/> Infrastructure Investment <input type="checkbox"/> Reduce Costs <input checked="" type="checkbox"/> Customer Pull <input type="checkbox"/> Increase Revenue <input type="checkbox"/> Service Enhancement <input type="checkbox"/> Mitigate Risk <input type="checkbox"/> Process Efficiency <input checked="" type="checkbox"/> Master Plan Recommendation <input type="checkbox"/> Other:
<b>Strategic Alignment</b>	B2 – Advancing master plan recommendations. C1 – Offering quality customer experiences. C3 – Collaborating with community partners to enhance quality of life.
<b>Financial Considerations</b>	N/A
<b>Citizen Input/Board Review</b>	Public hearings and notifications are not required for this request.
<b>Legal Review</b>	This action is needed to meet statutory requirements.
<b>Alternative Options</b>	Subdivision Ord. 2007-56, Sec. 2.02.006, 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.
<b>Supporting Documents</b>	Aerial Location Map Future Land Use Map Proposed Final Plat Approved POD General Master Development Plan Phase 3 & 4



SUBJECT PROPERTY

Esperanza 3F

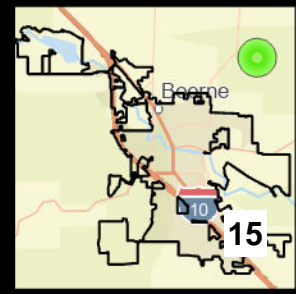
Legend

-  Parcels
-  SUBJECT PROPERTY

SPRING CREEK

SILENT

PRADO



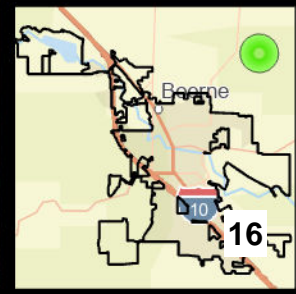
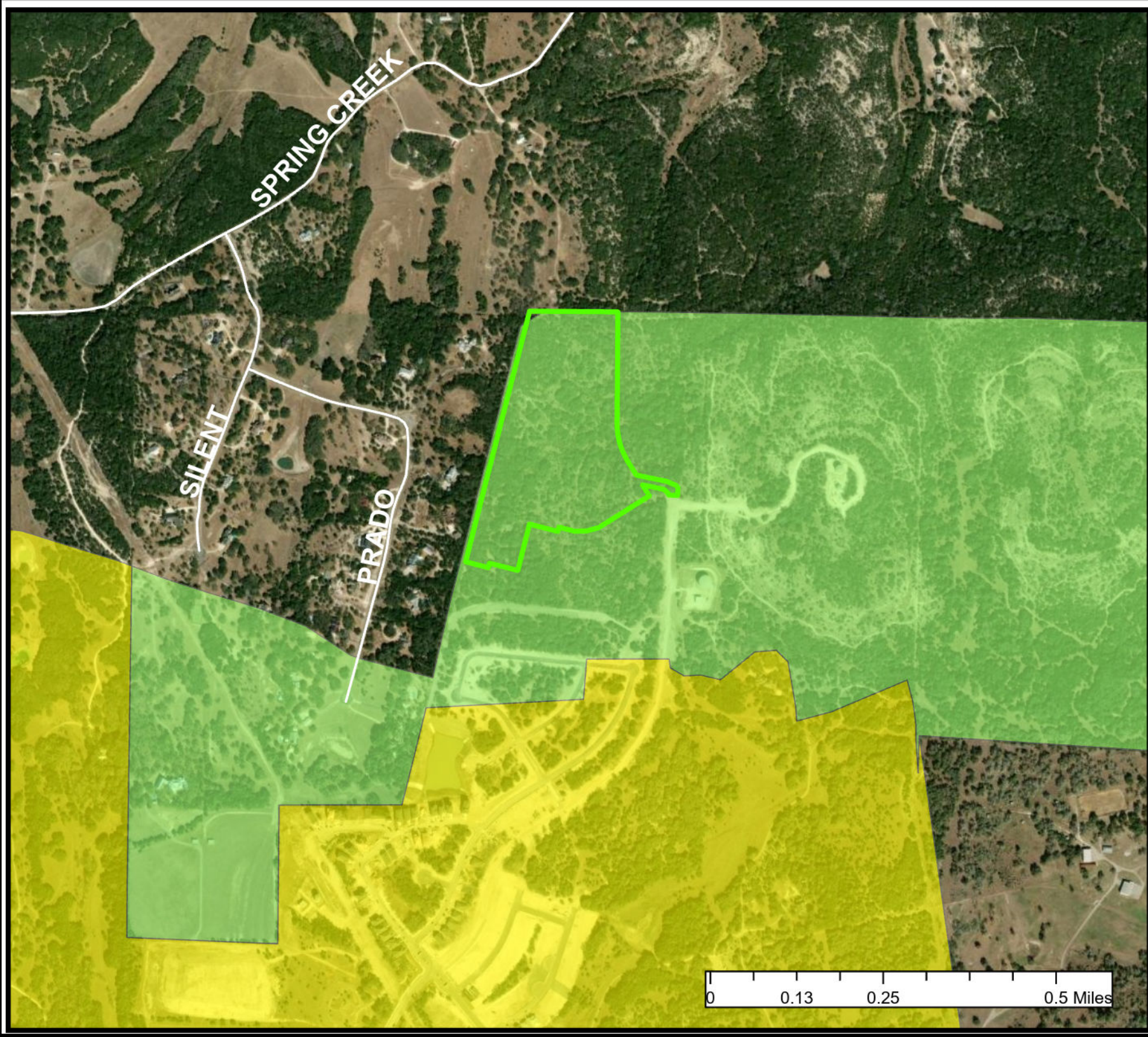


SUBJECT PROPERTY

Esperanza 3F

Legend

- FLU
- Neighborhood Residential
  - Rural Estate
  - Prelim\_Plats selection





**Easement notes**

All properties designated as easements shall or may be utilized for the following purposes:

**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 passable areas of the grantor's adjacent land, when the delineated entrance point that abuts public right of way is obstructed and/or inaccessible, either in whole or in part, in order to access or leave the easement for the purpose of constructing, reconstructing, inspecting, patrolling, operating, maintaining, repairing, and removing the drainage system; the right to change the size of the drainage system within the easement; the right to relocate along the same general direction of the drainage system; the right to create and/or dredge a stream courses, 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 obstructions, 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.

- 1. 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.
2. The grantee shall make commercially 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.
3. The grantee shall make necessary modifications and improvements to conform with the city of boerne drainage policy and plan at such a time as the said plan and policy are enacted by city council of the city of boerne, texas.

**Utility easement:**

Utilities, including, without limitation, 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 passable areas of the grantor's adjacent land, when the delineated entrance point that abuts public right of way is obstructed and/or inaccessible, either in whole or in part, in order to access or leave the easement for the purpose of constructing, 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 of the utilities within the easement; 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 obstructions, 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.

- 1. 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.
2. The city (and/or district) shall make commercially reasonable efforts to ensure that damage to the property is minimized and the city will at all times, after doing any work in connection with the utilities, 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 city's usual and customary practices.

**FEDERNALES ELECTRIC COOPERATIVE NOTES:**

It is understood and agreed that perpetual easements are reserved for the installation and maintenance of utilities and all necessary appurtenances thereto, whether installed in the air, upon the surface or underground, along and within fifteen feet (15') front lines of all lots and/or tracts and in the streets, alleys, boulevards, lanes and roads of the subdivision, and fifteen feet (15') along the outer boundaries of all streets, alleys, boulevards, lanes and roads where subdivision lines or lots of individual tracts are deeded to the centerline of the roadway. Nothing shall be placed or permitted to remain within the easement areas which may damage or interfere with the installation or maintenance of utilities. The easement area of each lot and all improvements within it shall be maintained by the owner of the lot, except for those facilities for which an authority or utility company is responsible. Utility companies or their employees shall have all of the rights and benefits necessary or convenient for the full enjoyment of the rights herein granted, including but not limited to the free right of ingress to and egress from the right-of-way and easements, and the right from time to time to cut all trees, undergrowth and other obstructions that may injure, endanger or interfere with the operation of said utility facilities. The easement rights herein reserved include the privilege of anchoring any support cables or other devices outside said easement when deemed necessary by the utility to support equipment within said easement and the right to install wires and/or cables over portions of said lots and/or tracts not within said easement so long as such items do not prevent the construction of buildings on any of the lots and/or tracts of this subdivision.

**Plat Notes**

**Fence Notes:**

- 1. Gates across easement: double swing gates with a minimum clear opening of 12 feet wide shall be installed wherever fences cross utility and drainage easements.
2. 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 Note:**

Five-foot wide reinforced concrete sidewalks shall be installed adjacent to all street frontage property lines of each lot fronting a street at such time as that lot is developed.

**Impact fee assessment note:**

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 City Ordinance No. 2023-18, Section 1.10(5).

**Tax Certificate Note:**

Tax Certificate Affidavit filed this date in Document No. \_\_\_\_\_, Kendall County Official Records.

**Building Setback Note:**

Setbacks in the ETJ: lot setbacks are determined by the City of Boerne Zoning Ordinance enforced at the time of development. The use that is being constructed and the lot size shall determine which setbacks shall apply.

**Open Space Notes:**

- 1. Installation of potable water and wastewater services to open space lots may be performed by the developer, at his option, as part of the overall infrastructure design/construction process based upon the need for those services on individual lots. If potable water or wastewater services are not initially installed but are desired subsequent to the subdivision infrastructure development, the service applicant shall be financially responsible for the entirety of the design and installation costs for these services. In some instances, this work may also include the extension of utility mains to properly locate the desired utility services.
2. Open space Lot 100 - Block 30 shall be a Drainage, Utility, and Pedestrian Access Easement.

**Landscape Note:**

Residential lots in excess of 12,500 square feet shall only irrigate the area that lies within 75 feet of the main residence. Turf grasses shall be limited to Zoysia, Buffalo or Bermuda grasses or other grasses approved by the City Manager or his or her designated representative. (Ord. No. 2004-20). Xeriscaping is permitted as described in the City of Boerne Zoning Ordinance, Article 3, Section 3.07.003D.

**Drainage Basin Note:**

The subject area is not upstream from a City water supply lake.

**Private Street Note:**

Lot 200 shall be dedicated as Private Streets and shall also be dedicated as Drainage and Utility Easements.

**Acreage and Density:**

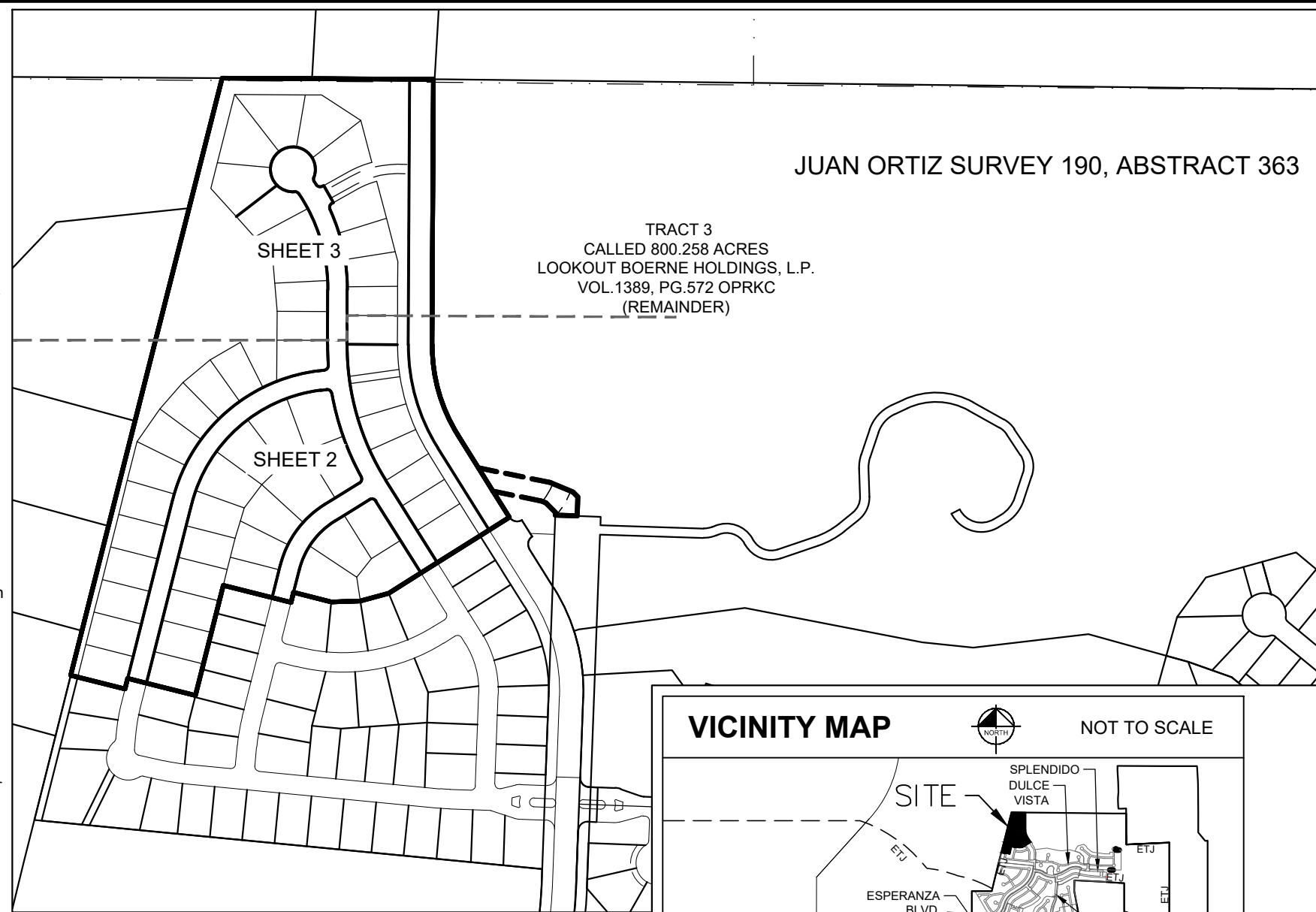
- 1. This subdivision contains 28.700 total acres with 53 residential lots for a density of 1.85 residential lots per acre.
2. This subdivision contains 6.075 acres of open space.
3. The area of the smallest lot is 0.257 acres.

**Flood Statement:**

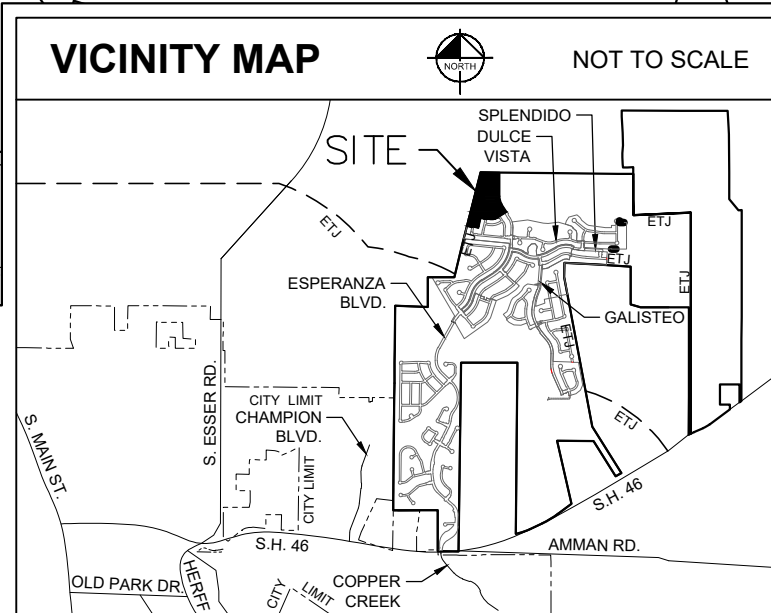
According to Map No. 48259C0425F, dated December 17, 2010 of the National Flood Insurance Program Map, Flood Insurance Rate Map of Kendall County, Texas and Incorporated Areas, Federal Emergency Management Agency, Federal Insurance Administration, the property is within Zone "X" (un-shaded) defined by FEMA as "areas determined to be outside the 0.2% annual chance floodplain." All zone delineations shown hereon are approximate. This statement does not imply that any portion of the subject tract is totally free of potential flood hazard. Localized flooding can occur due to natural and/or man-made influences. This flood statement shall create no liability on the part of Kimley-Horn or the undersigned.

**Heritage Legacy Tree Note:**

There are 16 Heritage Legacy Trees, as defined in Subsection 2.02.002, identified on this plat.



SHEET INDEX MAP 1" = 400'



State of Texas §
County of Kendall §

Now, therefore, know all men by these presents:

That Lookout Development Group, L.P., acting herein by and through its duly authorized officers, does hereby adopt this plat designating the herein above described property as Esperanza, Phase 3F, an addition to Kendall County, Texas, and does hereby dedicate to the public and the City of Boerne, the public utility easements shown hereon for the mutual use and accommodation of the City of Boerne and all public utility providers desiring to use or using the same. Lookout Development Group, L.P., does hereby dedicate to the public and Kendall County Water Control and Improvement District No. 2B (the district) the streets hereon together with the drainage easements, and public use areas shown hereon, and do hereby dedicate the easements shown on the plat for the purposes as indicated to the district's exclusive use forever, said dedications being free and clear of all liens and encumbrances except as shown herein. No buildings, fences, trees, shrubs or other improvements shall be constructed or placed upon, over or across the easements of said plat. At the sole and exclusive discretion of the district and subject to its written approval, utility easements may also be used for the mutual use and accommodation of all public utilities desiring to use the same unless the easement limits the use to a particular utility or utilities, sold use by public utilities being subordinate to the district's use thereof. Any public utility given the right by the district to use said easements shall have the right to remove and keep removed all or part of any buildings, fences, trees, shrubs, or other improvements or growths which in any way endanger or interfere with the construction, maintenance, or efficiency of its respective system on any of these easements. Any public utility shall at all times have the rights of ingress and egress to and from and upon any of said easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining and adding to or removing all or part of its respective system without the necessity at any time procuring the permission of anyone. I do hereby bind myself, my successors and assigns forever, to warrant and defend all and singular the above described streets, alleys, easements and rights unto the district against every person whomsoever comes lawfully claiming or to claim the same or any part thereof. This property is located within the extraterritorial jurisdiction of the City of Boerne. This plat approved subject to all the platting ordinances, rules and regulations of the City of Boerne.

**Owner's Acknowledgement:**

State of Texas §
County of \_\_\_\_\_ §

The owner of land shown on this plat, in person or through a duly authorized agent, dedicates 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.

Lookout Development Group, L.P.
1001 Crystal Falls Parkway
Leander, Texas 78641

By: \_\_\_\_\_

Before me, the undersigned 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 he executed the same for the purposes and consideration therein expressed and in the capacity therein stated.

Given under my hand and seal of office this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Notary Public, State of Texas

**Approval of the Planning and Zoning Commission:**

This plat of ESPERANZA PHASE 3F 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

OWNER:
LOOKOUT DEVELOPMENT GROUP, L.P.
1001 CRYSTAL FALLS PARKWAY
LEANDER, TEXAS 78641
CONTACT: MIKE SIEFERT, P.E.

CIVIL ENGINEER:
KIMLEY-HORN AND ASSOCIATES, INC.
10101 REUNION PLACE, SUITE 400
SAN ANTONIO, TEXAS 78216
TBPE #928

SURVEYOR:
KIMLEY-HORN AND ASSOCIATES, INC.
10101 REUNION PLACE, SUITE 400
SAN ANTONIO, TEXAS 78216

State of Texas §
County of Bexar §

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.

John G. Mosier
Registered Professional Land Surveyor #6330

Before me, the undersigned 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 he executed the same for the purposes and consideration therein expressed and in the capacity therein stated.

Given under my hand and seal of office this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Notary Public, State of Texas

State of Texas §
County of Bexar §

I hereby certify that proper engineering consideration has been given in 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.

Michael A. Scholze, P.E. #131737
Licensed Professional Engineer

Before me, the undersigned 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 he executed the same for the purposes and consideration therein expressed and in the capacity therein stated.

Given under my hand and seal of office this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Notary Public, 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, on the \_\_\_\_ day of \_\_\_\_\_, A.D. 202\_\_ at \_\_\_\_ m. in the plat records of said county in Document No. \_\_\_\_\_.

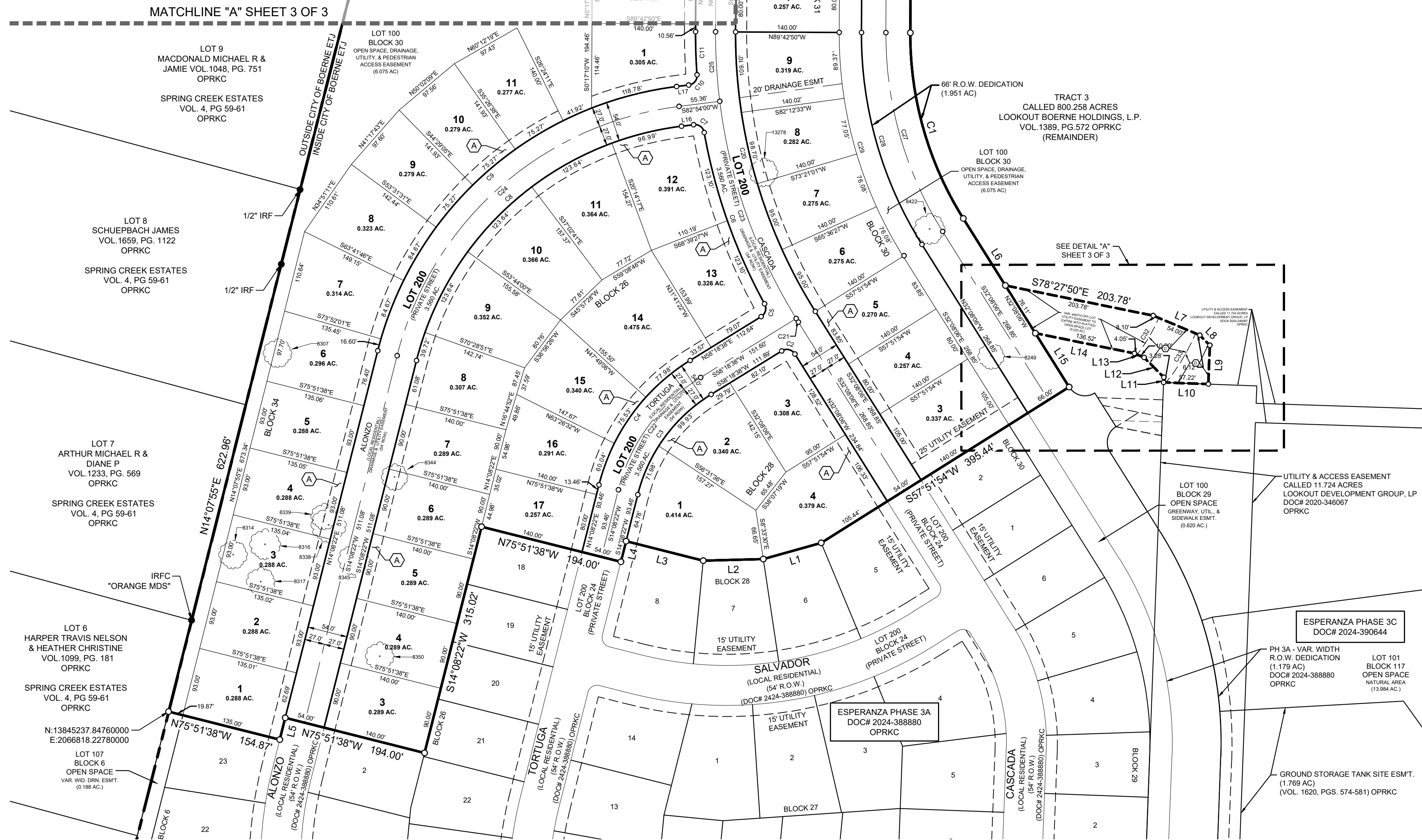
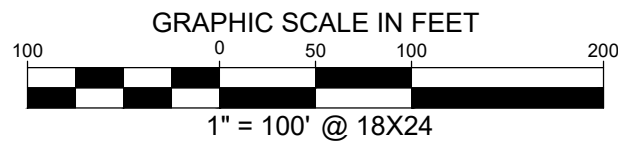
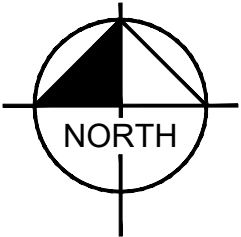
Tax Certificate Affidavit filed this date in Document No. \_\_\_\_\_, Kendall County Official Records. In testimony whereof, witness my hand and seal of office, this \_\_\_\_ day of \_\_\_\_\_, A.D. 202\_\_.

County Clerk
Kendall County, Texas

By: \_\_\_\_\_
Deputy

FINAL PLAT ESTABLISHING
ESPERANZA
PHASE 3F
28.700 ACRES
3.560 ACRES PRIVATE R.O.W.
53 RESIDENTIAL LOTS
1 OPEN SPACE LOT
BEING A PORTION OF THAT CERTAIN TRACT 3 - 800.258 ACRE TRACT
RECORDED IN VOLUME 1389, PAGE 572, IN THE OFFICIAL PUBLIC RECORDS
OF KENDALL COUNTY, TEXAS
JUAN ORTIZ SURVEY NO. 190, ABSTRACT NO. 363
KENDALL COUNTY, TEXAS

Kimley-Horn logo and contact information: 10101 Reunion Place, Suite 400, San Antonio, Texas 78216. Tel. No. (210) 541-9166. www.kimley-horn.com. Scale AS SHOWN, Drawn by JMP, Checked by JGM, Date 10/28/2024, Project No. 068686337, Sheet No. 1 OF 3.

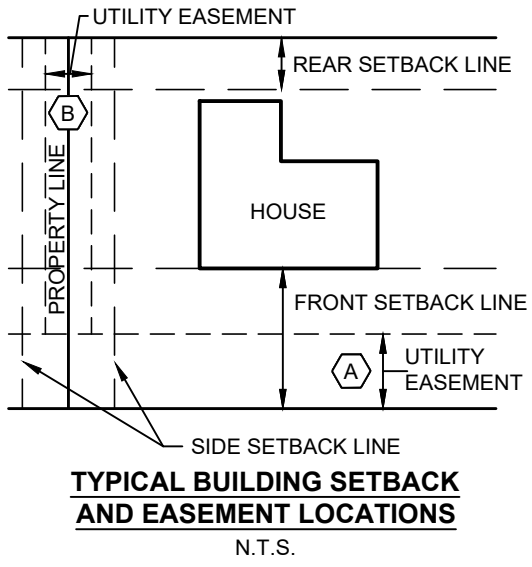


BUILDING SETBACKS						
PER DA AMENDED 2/16/2023 & PER CITY COUNCIL 2/14/2023 APPROVAL						
RESIDENTIAL TYPE	MINIMUM LOT WIDTH	MINIMUM LOT SQ. FEET	MINIMUM SIDE YARD SETBACK - PER SIDE(c)	MINIMUM SIDE YARD SETBACK ON STREET FACING CORNER LOT	MINIMUM FRONT FACING GARAGE FRONT SETBACK	MINIMUM FRONT YARD SETBACK
SINGLE FAMILY	80'	10,800	10'	10'	25'	30'
SINGLE FAMILY	90'	12,500	10'	15'	25'	30'

**TYPICAL BUILDING SETBACK ON INTERIOR PROPERTY LINE**  
N.T.S.

- (a) Add 5 additional feet of frontage for a corner lot.
- (b) The total combined side yard setbacks must be a minimum of 10 feet.
- (c) Setbacks less than 5' are allowed, including 0-lot line development provided a minimum 10' separation between buildings and any necessary maintenance easements are indicated on a recorded final plat.

LEGEND	
	1/2" IRON ROD W/"KHA" CAP SET FOUND MONUMENT
	B.S.L. BUILDING SETBACK LINE OFFICIAL PUBLIC RECORDS OF KENDALL COUNTY, TEXAS
	BLOCK 24 BLOCK IDENTIFICATION
	15' UTILITY EASEMENT
	5' UTILITY EASEMENT CENTERED ON PROPERTY LINE
	VAR. WIDTH OFF-LOT UTILITY EASEMENT TO EXPIRE INTO PLATTED PRIVATE STREET (0.081 AC)
	VAR. WIDTH OFF-LOT UTILITY EASEMENT TO EXPIRE INTO PLATTED OPEN SPACE LOT (0.054 AC)
	PROPOSED PLAT BOUNDARY
	ADJACENT PROPERTY BOUNDARY
	CITY OF BOERNE ETJ BOUNDARY



- Perimeter:  
 Block 26 - 2,335 LF  
 Block 30 - 1,534 LF  
 Block 31 - 1,140 LF  
 Block 32 - 1,468 LF  
 Block 33 - 1,353 LF  
 Block 34 - 2,305 LF

**Surveyors Notes:**

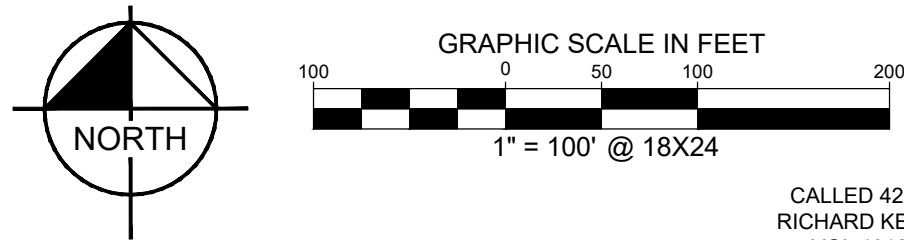
- Property corners are monumented with 1/2" iron rod with a plastic cap stamped "KHA" prior to lot sales unless noted otherwise.
- The bearings shown hereon are the Texas State Plane System, South Central Zone (FIPS 4204) (NAD'83). All distances shown hereon are on the Surface. The Grid to Surface Scale Factor is 1.000090 feet. The unit of linear measurement is U.S. Survey Feet. All coordinates shown hereon are Surface Coordinates based on application of the Scale Factor applied from the origin of 0.0.

**FINAL PLAT ESTABLISHING**  
**ESPERANZA**  
**PHASE 3F**  
 28.700 ACRES  
 3,560 ACRES PRIVATE R.O.W.  
 53 RESIDENTIAL LOTS  
 1 OPEN SPACE LOT  
 BEING A PORTION OF THAT CERTAIN TRACT 3 - 800.258 ACRE TRACT  
 RECORDED IN VOLUME 1389, PAGE 572, IN THE OFFICIAL PUBLIC RECORDS  
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 JUAN ORTIZ SURVEY NO. 190, ABSTRACT NO. 363  
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## Kimley»Horn

10101 Reunion Place, Suite 400 San Antonio, Texas 78216 FIRM # 10193973 Tel. No. (210) 541-9166 www.kimley-horn.com

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
AS SHOWN	JMP	JGM	10/28/2024	068686337	2 OF 3



CALLED 42.31 ACRES  
RICHARD KEVIN ASHER  
VOL. 1312, PG. 328  
OPRKC

CALLED 5.008 ACRES  
ALICE ASHER ANDERSON  
(NO DEED INFORMATION  
AVAILABLE AT TIME OF  
SURVEY)

CALLED 45.5 ACRES  
ALICE ASHER ANDERSON  
VOL. 1312, PG. 334  
OPRKC

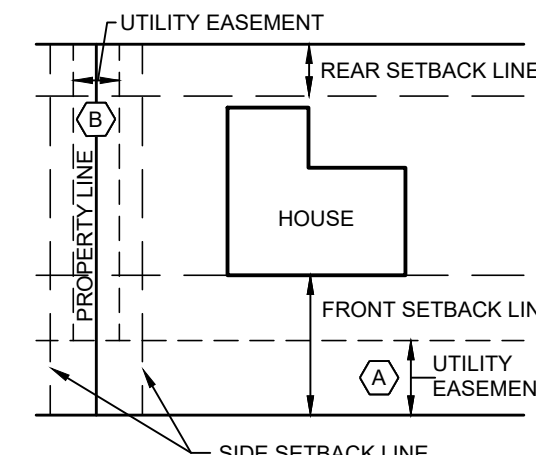
Perimeter:  
Block 26 - 2,335 LF  
Block 28 - 979 LF  
Block 30 - 1,534 LF  
Block 31 - 1,140 LF  
Block 32 - 1,468 LF  
Block 33 - 1,353 LF  
Block 34 - 2,305 LF

BUILDING SETBACKS							
PER DA AMENDED 2/16/2023 & PER CITY COUNCIL 2/14/2023 APPROVAL							
RESIDENTIAL TYPE	MINIMUM LOT WIDTH	MINIMUM LOT SQ. FEET	MINIMUM SIDE YARD SETBACK - PER SIDE(C)	MINIMUM SIDE YARD SETBACK ON STREET FACING CORNER LOT	MINIMUM FRONT FACING GARAGE FRONT SETBACK	MINIMUM FRONT YARD SETBACK	MINIMUM REAR YARD SETBACK
SINGLE FAMILY	80'	10,800	10'	10'	25'	30'	25'
SINGLE FAMILY	90'	12,500	10'	15'	25'	30'	25'

LINE TABLE		
NO.	BEARING	LENGTH
L1	S74°24'36"W	81.20'
L2	S88°26'44"W	81.21'
L3	N75°51'38"W	107.46'
L4	S14°08'22"W	28.68'
L5	S14°08'22"W	30.31'
L6	S32°08'06"E	106.79'
L7	S67°12'50"E	68.21'
L8	S44°42'50"E	19.22'
L9	S02°08'05"W	52.41'
L10	N87°51'48"W	60.50'
L11	N02°08'12"E	6.88'
L12	N44°42'50"W	37.72'
L13	N67°12'50"W	14.25'
L14	N78°27'50"W	136.52'
L15	S32°08'06"E	85.96'
L16	S82°54'00"W	16.40'
L17	N82°54'00"E	16.40'
L18	N61°02'17"E	5.00'
L19	S28°57'43"E	54.00'
L20	S61°02'17"W	5.00'
L21	N37°43'06"W	32.12'

**TYPICAL BUILDING SETBACK ON INTERIOR PROPERTY LINE**  
N.T.S.

- (a) Add 5 additional feet of frontage for a corner lot.
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- (c) Setbacks less than 5' are allowed, including 0-lot line development provided a minimum 10' separation between buildings and any necessary maintenance easements are indicated on a recorded final plat.



**TYPICAL BUILDING SETBACK AND EASEMENT LOCATIONS**  
N.T.S.

**Surveyors Notes:**

- 1. Property corners are monumented with 1/2" iron rod with a plastic cap stamped "KHA" prior to lot sales unless noted otherwise.
- 2. The bearings shown hereon are the Texas State Plane System, South Central Zone (FIPS 4204) (NAD'83). All distances shown hereon are on the Surface. The Grid to Surface Scale Factor is 1.000090 feet. The unit of linear measurement is U.S. Survey Feet. All coordinates shown hereon are Surface Coordinates based on application of the Scale Factor applied from the origin of 0,0.

CURVE TABLE					CURVE TABLE						
NO.	DELTA	RADIUS	LENGTH	CHORD BEARING	CHORD	NO.	DELTA	RADIUS	LENGTH	CHORD BEARING	CHORD
C1	32°25'17"	467.00'	264.26'	S15°55'28"E	260.74'	C18	85°45'07"	13.00'	19.46'	N18°09'44"E	17.69'
C2	89°33'16"	13.00'	20.32'	N76°54'44"W	18.31'	C19	25°00'00"	527.00'	229.95'	S12°12'50"E	228.13'
C3	44°10'16"	223.00'	171.92'	S36°13'30"W	167.69'	C20	32°25'17"	703.00'	397.80'	N15°55'28"W	392.51'
C4	44°10'16"	277.00'	213.55'	N36°13'30"E	208.30'	C21	0°26'44"	730.00'	5.68'	N31°54'44"W	5.68'
C5	87°01'20"	13.00'	19.74'	N14°47'58"E	17.90'	C22	44°10'16"	250.00'	192.73'	S36°13'30"W	188.00'
C6	18°38'02"	757.00'	246.19'	N19°23'41"W	245.11'	C23	24°35'21"	730.00'	313.29'	N19°23'41"W	310.89'
C7	87°01'20"	13.00'	19.74'	N53°35'20"W	17.90'	C24	68°45'37"	450.00'	540.04'	S48°31'11"W	508.21'
C8	68°45'37"	423.00'	507.64'	S48°31'11"W	477.72'	C25	7°23'11"	730.00'	94.11'	N03°24'25"W	94.04'
C9	68°45'37"	477.00'	572.44'	N48°31'11"E	538.71'	C26	38°00'16"	500.00'	331.65'	N18°42'58"W	325.61'
C10	87°01'20"	13.00'	19.74'	N39°23'20"E	17.90'	C27	32°25'17"	500.00'	282.93'	S15°55'28"E	279.17'
C11	4°24'31"	757.00'	58.25'	N01°55'05"W	58.23'	C28	32°25'17"	533.00'	301.60'	N15°55'28"W	297.59'
C12	34°10'57"	473.00'	282.19'	N16°48'18"W	278.02'	C29	32°25'17"	563.00'	318.58'	S15°55'28"E	314.34'
C13	60°39'45"	13.00'	13.76'	N64°13'39"W	13.13'	C30	14°13'33"	277.00'	68.78'	S68°09'03"W	68.60'
C14	295°27'26"	62.00'	319.72'	N53°10'12"E	66.21'	C31	14°13'33"	223.00'	55.37'	N68°09'03"E	55.23'
C15	55°13'47"	13.00'	12.53'	S06°42'58"E	12.05'	C32	14°47'05"	223.00'	57.54'	S30°31'36"W	57.38'
C16	1°07'16"	526.99'	10.31'	S33°46'14"E	10.31'	C33	16°03'37"	277.00'	77.64'	S31°05'48"W	77.39'
C17	85°45'07"	13.00'	19.46'	S76°05'09"E	17.69'						

TREE TABLE		TREE TABLE	
TREE TAG	DESCRIPTION (CIRCUMFERENCE)	TREE TAG	DESCRIPTION (CIRCUMFERENCE)
8249	24" LIVE OAK (TC 75")	8345	28" LIVE OAK (TC 88")
8307	26" LIVE OAK (TC 82")	8350	26" LIVE OAK (TC 82")
8314	26" LIVE OAK (TC 82")	8422	28" LIVE OAK (TC 88")
8316	28" LIVE OAK (TC 88")	13205	28" LIVE OAK (TC 88")
8317	26" LIVE OAK (TC 82")	13209	25" LIVE OAK (TC 79")
8338	32" LIVE OAK (TC 101")	13228	24" LIVE OAK (TC 75")
8339	24" LIVE OAK (TC 75")	13244	31" LIVE OAK (TC 97")
8344	24" LIVE OAK (TC 75")	13278	26" LIVE OAK (TC 82")

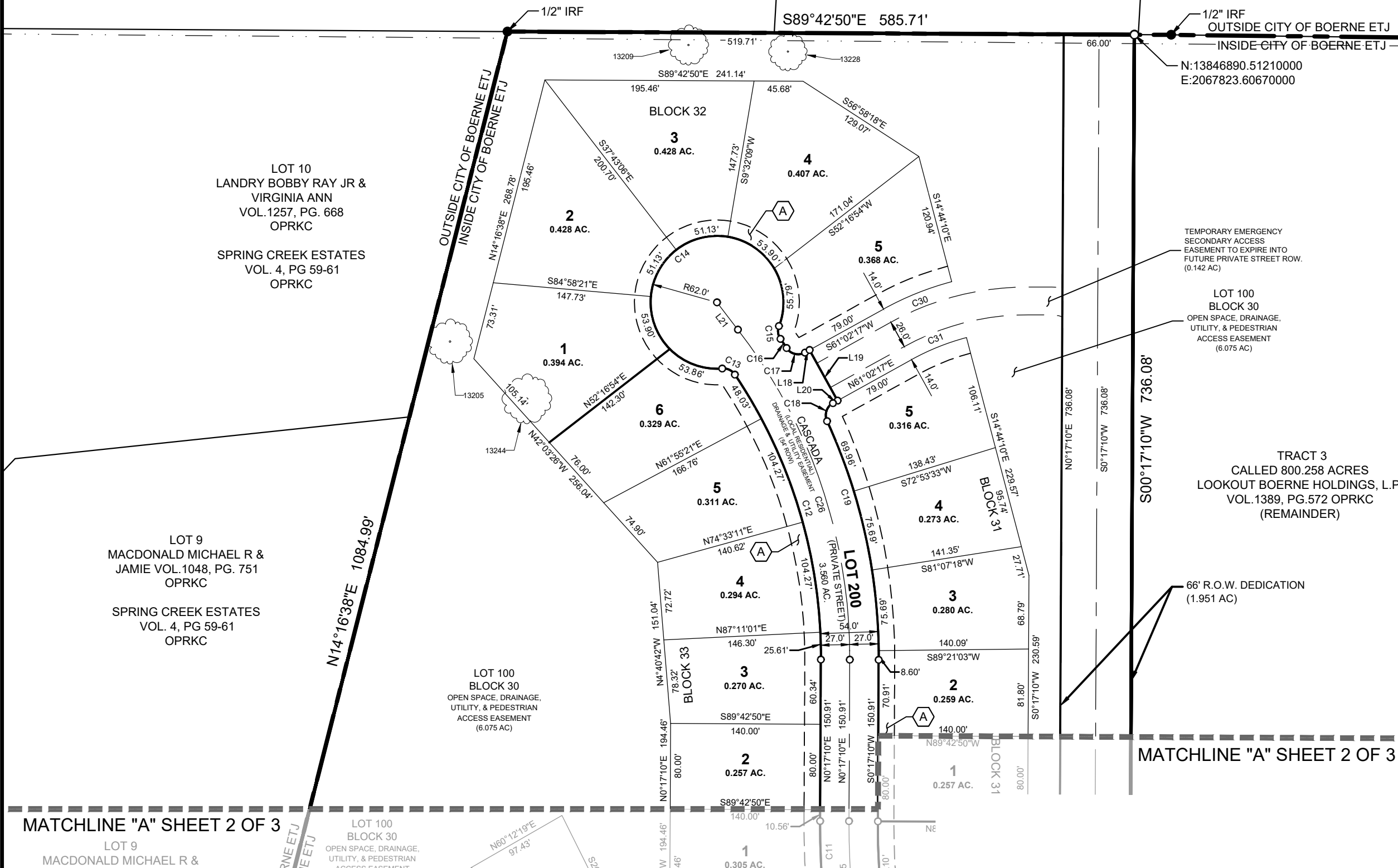
**FINAL PLAT ESTABLISHING  
ESPERANZA  
PHASE 3F**  
28.700 ACRES  
3.560 ACRES PRIVATE R.O.W.  
53 RESIDENTIAL LOTS  
1 OPEN SPACE LOT

BEING A PORTION OF THAT CERTAIN TRACT 3 - 800.258 ACRE TRACT  
RECORDED IN VOLUME 1389, PAGE 572, IN THE OFFICIAL PUBLIC RECORDS  
OF KENDALL COUNTY, TEXAS  
JUAN ORTIZ SURVEY NO. 190, ABSTRACT NO. 363  
KENDALL COUNTY, TEXAS

**Kimley»Horn**

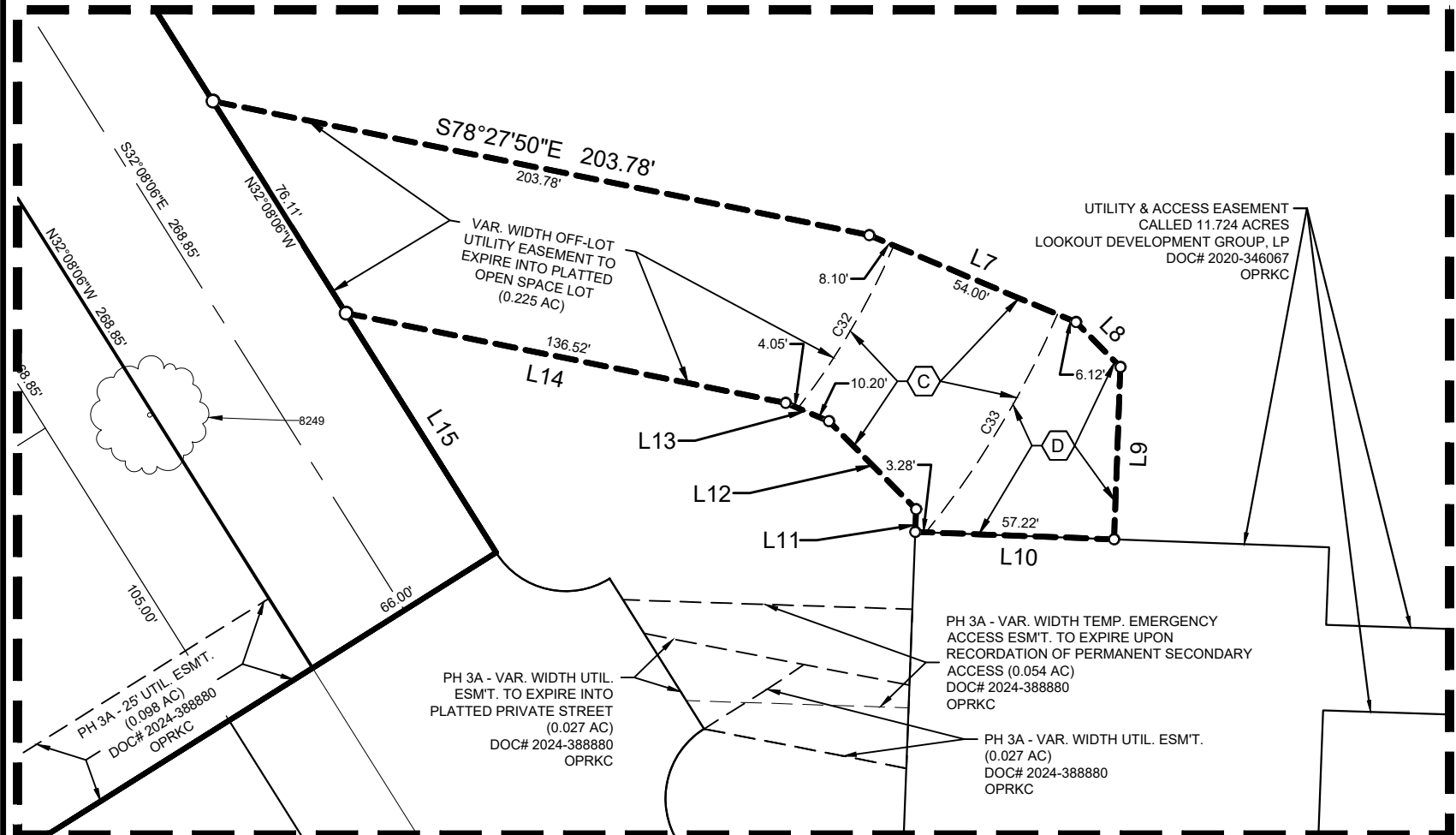
10101 Reunion Place, Suite 400 San Antonio, Texas 78216 FIRM # 10193973 Tel. No. (210) 541-9166 www.kimley-horn.com

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
AS SHOWN	JMP	JGM	10/28/2024	068686337	3 OF 3



**LEGEND**

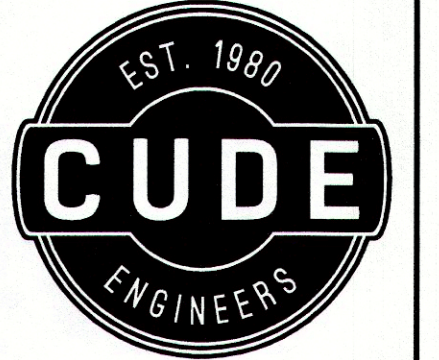
- 1/2" IRON ROD W/"KHA" CAP SET FOUND MONUMENT
- B.S.L. BUILDING SETBACK LINE
- OFFICIAL PUBLIC RECORDS OF KENDALL COUNTY, TEXAS
- BLOCK 24 BLOCK IDENTIFICATION
- (A) 15' UTILITY EASEMENT
- (B) 5' UTILITY EASEMENT CENTERED ON PROPERTY LINE
- (C) VAR. WIDTH OFF-LOT UTILITY EASEMENT TO EXPIRE INTO PLATTED PRIVATE STREET (0.081 AC)
- (D) VAR. WIDTH OFF-LOT UTILITY EASEMENT TO EXPIRE INTO PLATTED OPEN SPACE LOT (0.054 AC)
- PROPOSED PLAT BOUNDARY
- ADJACENT PROPERTY BOUNDARY
- - - CITY OF BOERNE ETJ BOUNDARY



**OWNER:**  
LOOKOUT DEVELOPMENT GROUP, L.P.  
1001 CRYSTAL FALLS PARKWAY  
LEANDER, TEXAS 78641  
CONTACT: MIKE SIEFERT, P.E.

**CIVIL ENGINEER:**  
KIMLEY-HORN AND ASSOCIATES, INC.  
10101 REUNION PLACE, SUITE 400  
SAN ANTONIO, TEXAS 78216  
TBPE #928

**SURVEYOR:**  
KIMLEY-HORN AND ASSOCIATES, INC.  
10101 REUNION PLACE, SUITE 400  
SAN ANTONIO, TEXAS 78216



4122 Pond Hill Road, Suite 101  
San Antonio, Texas 78231  
P:(210) 681.2951 F:(210) 523.7112

**ESPERANZA SUBDIVISION  
PHASE 3 & 4**

POD GENERAL DEVELOPMENT PLAN (GDP)

DATE  
6/4/2021

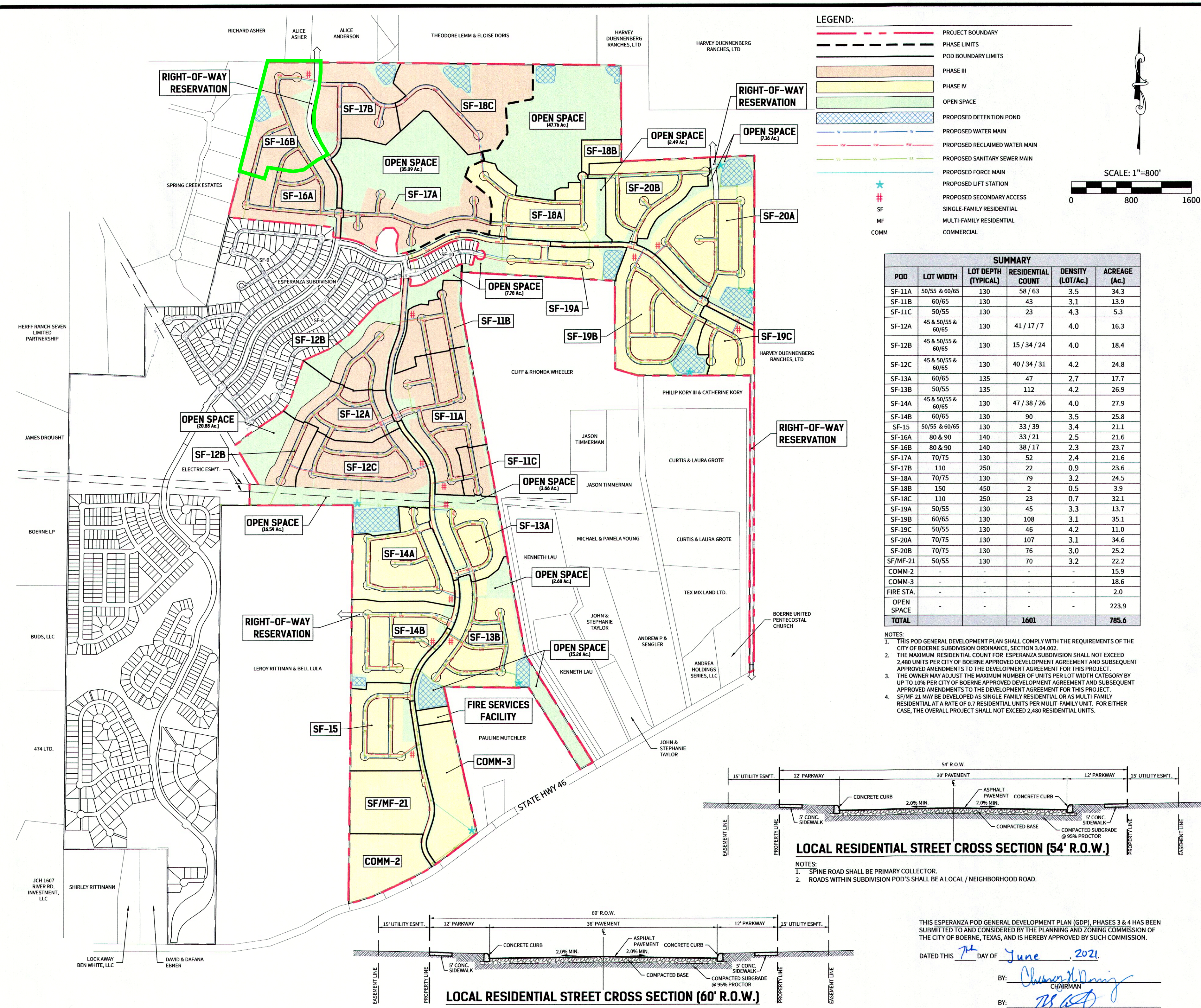
PROJECT NO.  
03156.006.1

DRAWN BY  
J.R.T.

CHECKED BY  
W.P.M.

CUDE ENGINEERS  
TBPE No. 0455

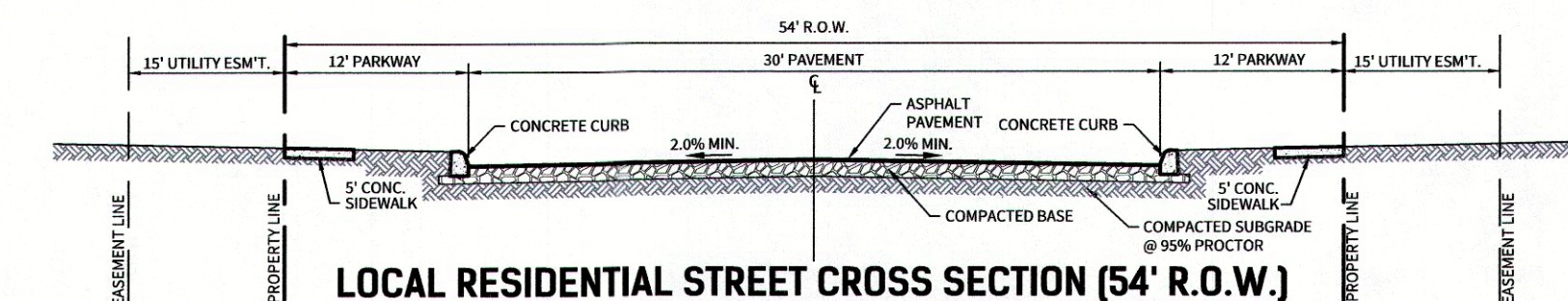
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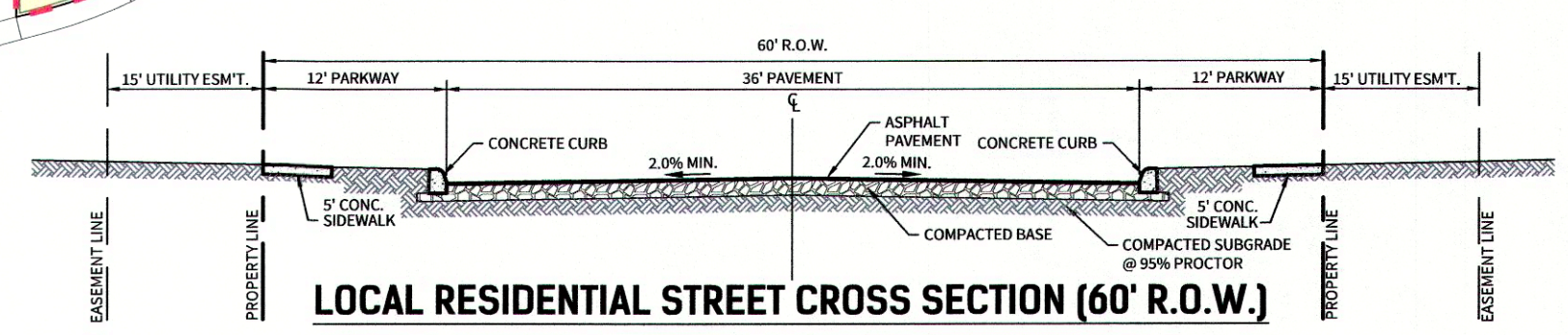
**SUMMARY**

POD	LOT WIDTH	LOT DEPTH (TYPICAL)	RESIDENTIAL COUNT	DENSITY (LOT/AC.)	ACREAGE (Ac.)
SF-11A	50/55 & 60/65	130	58 / 63	3.5	34.3
SF-11B	60/65	130	43	3.1	13.9
SF-11C	50/55	130	23	4.3	5.3
SF-12A	45 & 50/55 & 60/65	130	41 / 17 / 7	4.0	16.3
SF-12B	45 & 50/55 & 60/65	130	15 / 34 / 24	4.0	18.4
SF-12C	45 & 50/55 & 60/65	130	40 / 34 / 31	4.2	24.8
SF-13A	60/65	135	47	2.7	17.7
SF-13B	50/55	135	112	4.2	26.9
SF-14A	45 & 50/55 & 60/65	130	47 / 38 / 26	4.0	27.9
SF-14B	60/65	130	90	3.5	25.8
SF-15	50/55 & 60/65	130	33 / 39	3.4	21.1
SF-16A	80 & 90	140	33 / 21	2.5	21.6
SF-16B	80 & 90	140	38 / 17	2.3	23.7
SF-17A	70/75	130	52	2.4	21.6
SF-17B	110	250	22	0.9	23.6
SF-18A	70/75	130	79	3.2	24.5
SF-18B	150	450	2	0.5	3.9
SF-18C	110	250	23	0.7	32.1
SF-19A	50/55	130	45	3.3	13.7
SF-19B	60/65	130	108	3.1	35.1
SF-19C	50/55	130	46	4.2	11.0
SF-20A	70/75	130	107	3.1	34.6
SF-20B	70/75	130	76	3.0	25.2
SF/MF-21	50/55	130	70	3.2	22.2
COMM-2	-	-	-	-	15.9
COMM-3	-	-	-	-	18.6
FIRE STA.	-	-	-	-	2.0
OPEN SPACE	-	-	-	-	223.9
<b>TOTAL</b>			<b>1601</b>		<b>785.6</b>

NOTES:  
1. THIS POD GENERAL DEVELOPMENT PLAN SHALL COMPLY WITH THE REQUIREMENTS OF THE CITY OF BOERNE SUBDIVISION ORDINANCE, SECTION 3.04.002.  
2. THE MAXIMUM RESIDENTIAL COUNT FOR ESPERANZA SUBDIVISION SHALL NOT EXCEED 2,480 UNITS PER CITY OF BOERNE APPROVED DEVELOPMENT AGREEMENT AND SUBSEQUENT APPROVED AMENDMENTS TO THE DEVELOPMENT AGREEMENT FOR THIS PROJECT.  
3. THE OWNER MAY ADJUST THE MAXIMUM NUMBER OF UNITS PER LOT WIDTH CATEGORY BY UP TO 10% PER CITY OF BOERNE APPROVED DEVELOPMENT AGREEMENT AND SUBSEQUENT APPROVED AMENDMENTS TO THE DEVELOPMENT AGREEMENT FOR THIS PROJECT.  
4. SF/MF-21 MAY BE DEVELOPED AS SINGLE-FAMILY RESIDENTIAL OR AS MULTI-FAMILY RESIDENTIAL AT A RATE OF 0.7 RESIDENTIAL UNITS PER MULT-FAMILY UNIT. FOR EITHER CASE, THE OVERALL PROJECT SHALL NOT EXCEED 2,480 RESIDENTIAL UNITS.




NOTES:  
1. SPINE ROAD SHALL BE PRIMARY COLLECTOR.  
2. ROADS WITHIN SUBDIVISION POD'S SHALL BE A LOCAL / NEIGHBORHOOD ROAD.



THIS ESPERANZA POD GENERAL DEVELOPMENT PLAN (GDP), PHASES 3 & 4 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 7th DAY OF June, 2021.  
BY: *Cheryl M. Denny* CHAIRMAN  
BY: *W.P.M.* SECRETARY



## AGENDA ITEM SUMMARY

	<h2 style="text-align: center;">AGENDA ITEM SUMMARY</h2>
<b>Agenda Date</b>	November 4 <sup>th</sup> , 2024
<b>Requested Action</b>	Consider approval for a 30-day time extension for Esperanza Phase 4C Preliminary Plat generally located north of Highway 46 along Galisteo Drive. (Extra-Territorial Jurisdiction)
<b>Contact Person</b>	Jo-Anmarie Andrade, Planner II (830) 816-2040, <a href="mailto:jandrade@boerne-tx.gov">jandrade@boerne-tx.gov</a>
<b>Subject Property</b>	The subject property is generally located north of Highway 46 along Galisteo Drive.
<b>Background Information</b>	<p><b>BACKGROUND:</b></p> <ul style="list-style-type: none"> <li>• <b>ETJ/City Limit Status:</b> The property is not located within the city limits but is within the Extra-Territorial Jurisdiction (ETJ).</li> <li>• <b>Applicant/Owner:</b> The property is owned by Lookout Development Group, LP, and the applicant is Michael Scholze, PE, Kimley-Horn Engineering Co.</li> <li>• <b>Zoning:</b> No zoning classifications apply, as the property is in the city's ETJ, where only subdivision authority is held.</li> <li>• <b>Other cases/permits:</b> The city has subdivision authority but does not have zoning authority in the ETJ. Additionally, this project Esperanza is a master-planned community covered by a Development Agreement approved in February 2008 and amended in February 2023. The POD General Development Plan (GDP) was approved June 7, 2021.</li> </ul> <p>The review of a plat is an administrative action. The project is vested to regulations in effect as of February 12, 2008, and is limited to conformance with Subdivision Ordinance No. 2007-56. Currently, Phases 1 through 3D have been recorded.</p> <p><b>REQUEST:</b></p>



<b>Legal Review</b>	This action is needed to meet statutory requirements.
<b>Alternative Options</b>	The Commission may approve, approve with conditions, extend the review, or disapprove the plat.
<b>Supporting Documents</b>	Attachment 1 – Aerial Location Map Attachment 2 – Future Land Use Map Attachment 3 – 30 Day Time Request

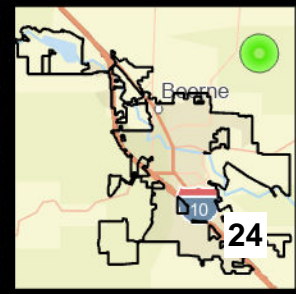
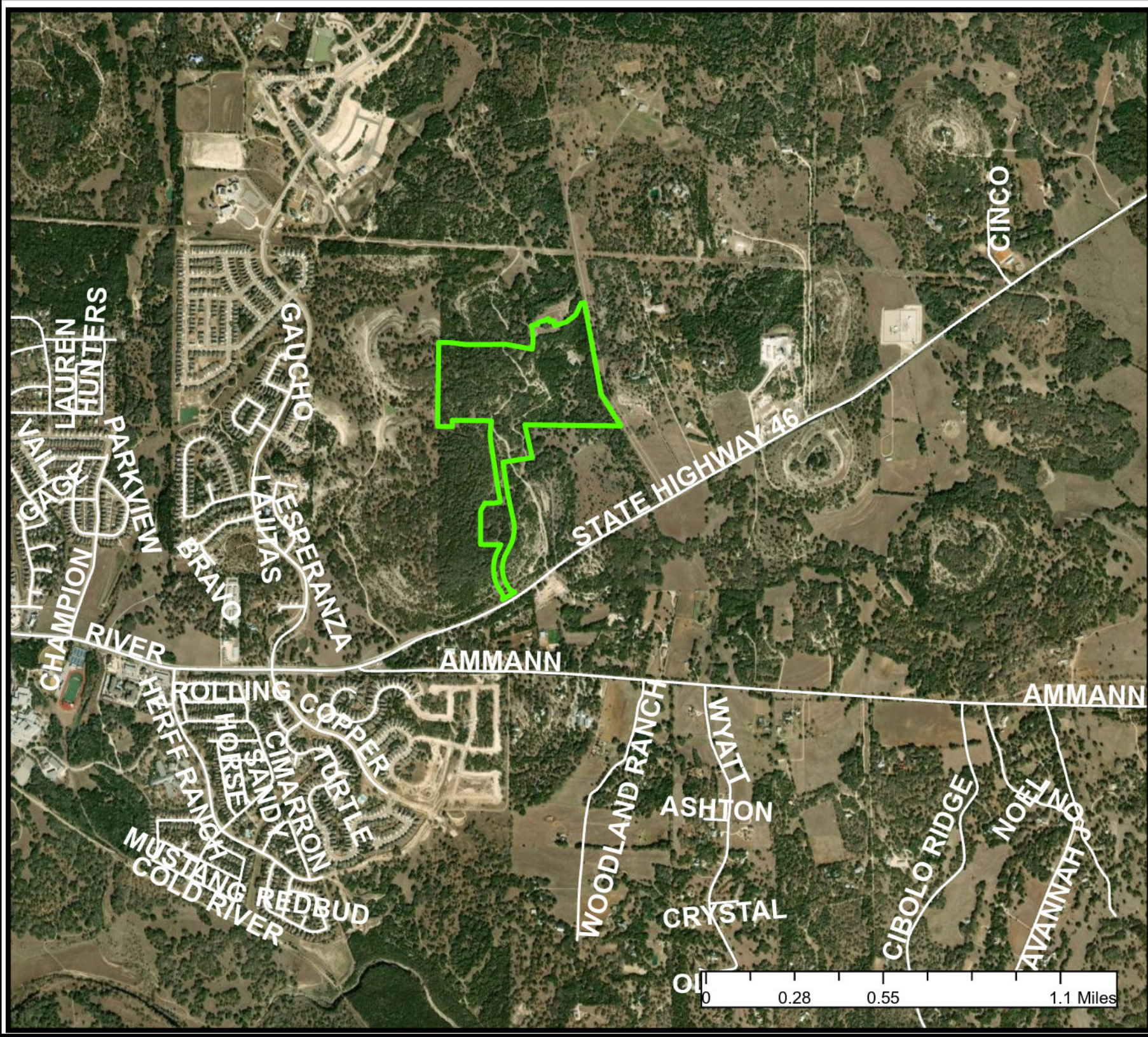


SUBJECT PROPERTY

Esperanza 4C

Legend

 SUBJECT PROPERTY





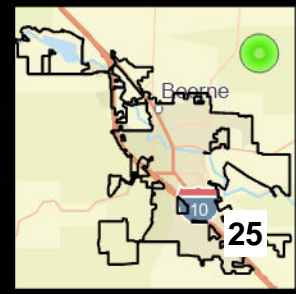
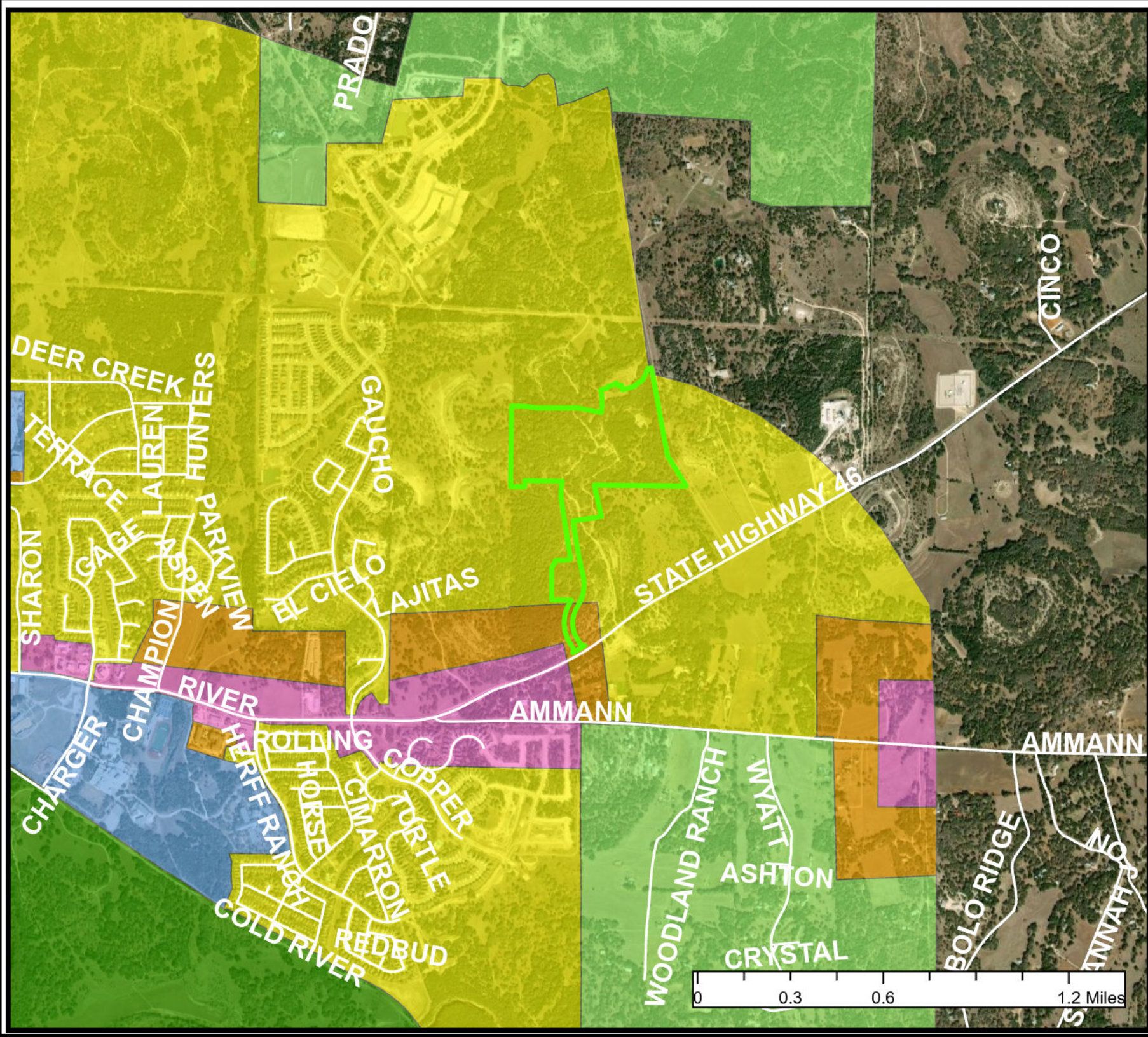


SUBJECT PROPERTY

Esperanza 4C

Legend

- FLU
- Neighborhood Commercial
- Neighborhood Residential
- Parks and Open Space
- Public and Institutional
- Rural Estate
- Transitional Residential
- SUBJECT PROPERTY



**From:** Scholze, Mike <mike.scholze@kimley-horn.com>  
**Sent:** Friday, October 25, 2024 10:21 AM  
**To:** Jo-Anmarie Andrade; Mike Siefert  
**Subject:** RE: Memo Review Comments - Esperanza 4C Preliminary Plat

Jo-Anmarie,

Thank you for sending these over. After reviewing the comments, we would prefer to work with Engineering & Mobility to clarify a few items which will take a bit more time than the resubmittal window allows. For that reason, we would like to request an extension at P&Z rather than an approval for the November meeting. Please let me know if you need anything else.

Thanks,  
Mike

**Mike Scholze, P.E.**  
**Kimley-Horn**  
Mobile: (210) 705-9447

---

**From:** Jo-Anmarie Andrade <jandrade@boerne-tx.gov>  
**Sent:** Wednesday, October 23, 2024 5:11 PM  
**To:** Scholze, Mike <mike.scholze@kimley-horn.com>; Mike Siefert <mike@thelookoutgroup.com>  
**Subject:** Memo Review Comments - Esperanza 4C Preliminary Plat

Hello,

I hope you're well.

This plat is scheduled for approval on the November 4 P&Z meeting agenda. Attached is a redline version with comments from various City of Boerne departments. The comments are minimal, so you can proceed with a revised plat submission.

Please submit a clean version by Wednesday, October 30, for inclusion in the agenda packet. Be sure to address the comments and clearly mark any revisions.

If you have any questions, feel free to reach out.

Best regards,



**JO-ANMARIE ANDRADE**  
Planning Department

Phone: 830-816-2040  
Or Ext: 1055

[www.boerne-tx.gov](http://www.boerne-tx.gov)



INTEGRITY • COLLABORATION • RESPECT • SERVICE • EXCELLENCE





## AGENDA ITEM SUMMARY

	<h2 style="text-align: center;">AGENDA ITEM SUMMARY</h2>
<b>Agenda Date</b>	November 4 <sup>th</sup> , 2024
<b>Requested Action</b>	Rezoning from a HOL-Interim Zoning District to R2-M Moderate Density Residential Zoning District for a 71.12 acre tract of land (The Birch at Spencer Ranch).
<b>Contact Person</b>	Tyler Cain, Planner II (830) 248-1628, tcain@boerne-tx.gov
<b>Subject Property</b>	This property is generally located at the southwest intersection of Spencer Ranch and Highway 46, in the City of Boerne, Kendall County, Texas.
<b>Background Information</b>	<p><b>BACKGROUND:</b></p> <ul style="list-style-type: none"> <li>• <b>Applicant/Owner:</b> Forestar (USA) Real Estate Group, Inc. (Mr. Elliott Condos) is the owner, and Josh Valenta, a VP at MatkinHoover Engineering &amp; Surveying serves as the representative.</li> <li>• <b>Current Zoning:</b> HOL-Interim Zoning District</li> <li>• <b>Any other relevant cases/permits:</b> P&amp;Z approved a Master Community Plan (Master Development Plan) for The Birch at Spencer Ranch on October 1<sup>st</sup>, 2018.</li> </ul> <p>The developer subsequently entered into a Development Agreement with the City of Boerne effective June 16<sup>th</sup>, 2021.</p> <p>This property also has four associated Subdivision Plats that have been approved as follows:</p> <ul style="list-style-type: none"> <li>○ Phase 1A – Final Plat Conditionally Approved by P&amp;Z April 4<sup>th</sup>, 2022.</li> <li>○ Phase 1B – Final Plat Conditionally Approved by P&amp;Z April 4<sup>th</sup>, 2022.</li> <li>○ Phase 2 – Final Plat Conditionally Approved by P&amp;Z April 3<sup>rd</sup>, 2023.</li> </ul>

- Phase 3 – Preliminary Plat Conditionally Approved by P&Z on January 10<sup>th</sup>, 2022. Preliminary Plat approval was then extended by P&Z on July 1<sup>st</sup>, 2024.

The City Council approved the annexation on June 25<sup>th</sup>, 2024 (ORDINANCE NO. 2024-08).

The subject property is currently surrounded by the Extra-Territorial Jurisdiction (ETJ) on all sides. The current rezoning request is based on, and in alignment with, the approved Master Community Plan and Development Agreement for Spencer Ranch.

Lastly, there were two other cases/requests associated with this subject property over the years:

- Vesting: Spencer Ranch is vested to development regulations in effect as of October 1, 2018 (Vested rights determination file #VR2021-006, signed March 21, 2022)
- Variance: There was a previous variance application (pertaining to Subdivision Ordinance Article 5, Section 5.11.003), that requested a private street be allowed on a thoroughfare located at 10 Spencer Road. However, this request was denied by P&Z on August 31<sup>st</sup>, 2020.

**REQUEST:**

- The request is to rezone 71.12 acres from HOL-Interim Zoning District to R2-M Moderate Density Residential.

**FINDINGS AND ANALYSIS:**

Comprehensive Master Plan

- The City’s Future Land Use Plan classifies this property as Neighborhood Residential. The zoning change request is consistent with the Comprehensive Plan. The Comprehensive Master Plan states, “The Neighborhood Residential future land use category is intended for areas that will be primarily developed with new single-family detached residential subdivisions. Development reflects a suburban to auto-oriented character; meaning that these areas are predominantly dominated by streets, driveways, and garages. Lot sizes and architectural styles are fairly uniform; but generally, new development density is between two and six units per acre (depending on required open space ratios).”

Development Agreement and Master Development Plan

- The Zoning Change Request would conform to the Spencer Ranch Development Agreement. The Conceptual Development Plan exhibit contained within in the Development Agreement identified the subject property as single family residential. This zoning change request to R2-M Moderate Density Residential formalizes that intention articulated within the Development Agreement. Additionally, the Development Agreement also indicates, “... initiate permanent zoning of the newly annexed area as soon as possible after annexation.” With the property recently annexed in June of 2024, it is an appropriate time to visit and deliberate the topic of zoning.
- Zoning change request would also align with the Spencer Ranch Master Community Plan (Master Development Plan) approved by P&Z 2018. It articulates a total of 209 units across 3 total phases of development. There will be an average of 2.94 lots per acre, with an average lot size of 5,400 sq. ft. for individual lots. There is also 17.98 acres identified as open space.

Proposed Zoning District

- UDC Chapter 3-Zoning, Section 3-4. – Base zoning categories defines Moderate-Density Residential (R2-M) as a residential category “for compact, walkable neighborhoods in close proximity to activity centers and commercial areas, which provide many of the daily needs and services sought by residents...Moderate density residential is applicable in areas where a more compact neighborhood development pattern is desired, which are designated as neighborhood residential in the Boerne Comprehensive Master Plan.”
- With Spencer Ranch lot sizes ranging from 5,000 to 14,000 sq. ft., these dimensions are consistent with the R2-M Moderate Density Residential zoning district dimensional standards, which requires a minimum lot size of 4,000 sf (.091 acres) with no maximum lot size.
- Additionally, Spencer Ranch is within proximity of various existing commercial businesses concentrated at the junction of IH-10 and Bandera Road and planned future commercial development adjacent to the subject property. This aligns with positioning R2-M zoning districts near “*activity centers and commercial areas.*”



<p><b>Citizen Input/Board Review</b></p>	<p>In coordination with the City, the applicant appeared at a Boerne Neighborhood Discussion (BND) Meeting the evening of Tuesday, October 15<sup>th</sup>, 2024 via Zoom. There were not any virtual attendees from the public. No concerns were expressed during the meeting. The meeting was recorded for public viewing and posted on the City website.</p> <p>A notice of the Planning Commission hearing of November 4<sup>th</sup>, 2024, was published in the Boerne Star on October 20<sup>th</sup>, 2024. Letters were mailed out to 17 property owners on October 18<sup>th</sup>, 2024.</p> <p>Two property owners reached out with concerns about traffic and water service capacity, but did not indicate a stance in favor or opposition of the rezoning request. One property owner opposed the request via email to the Planning and Zoning Commission.</p>
<p><b>Legal Review</b></p>	<p>This action is a statutory requirement for rezoning approval.</p>
<p><b>Alternative Options</b></p>	<p>The Commission may recommend approval; approval in part; denial; or denial in part. Each condition or reason for denial must be directly related to the requirements of city regulations and may not be arbitrary.</p>
<p><b>Supporting Documents</b></p>	<p>Vicinity Map  Zoning Map  Future Land Use Map  Spencer Ranch Master Community Plan  Section 2.5.C.5 Approval Criteria  500 ft. Buffer  Property Owner Responses  BND Meeting Report</p>





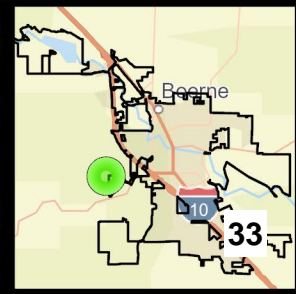
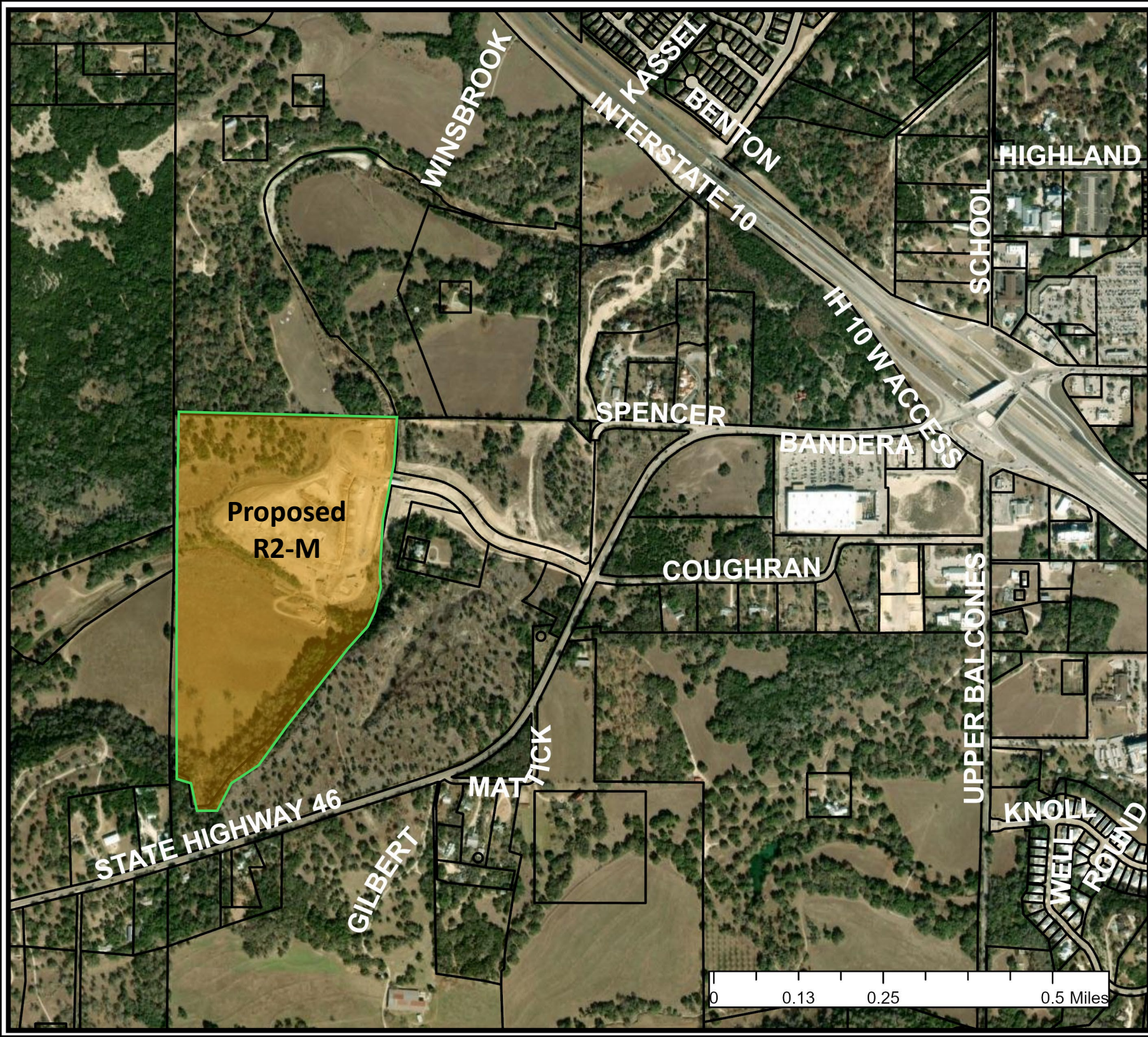
**SUBJECT PROPERTY**

The Birch  
at Spencer Ranch

**Legend**

 Parcels

 SUBJECT PROPERTY









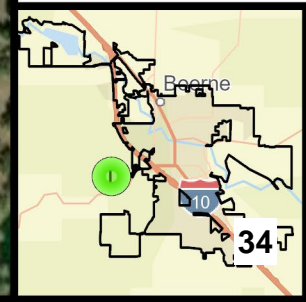
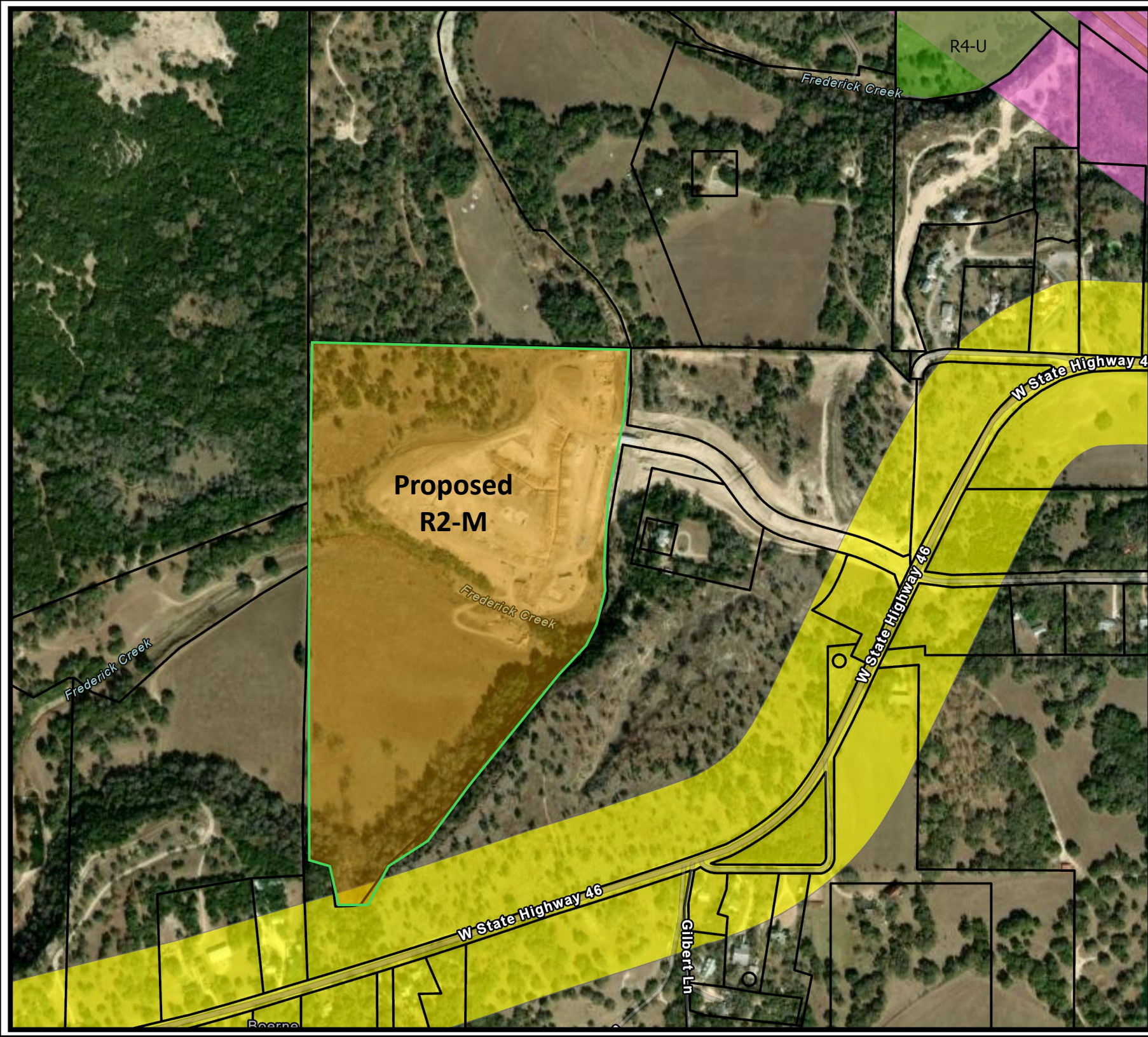
**SUBJECT PROPERTY**  
The Birch  
at Spencer Ranch

Current Zoning  
HOL - Interim  
Holding

Proposed Zoning  
R2-M  
Moderate Density  
Residential

**Legend**

-  Parcels
- Boerne Zoning**
-  R4-U
- Overlay Districts**
-  Entrance Corridor
-  Scenic Interstate Corridor



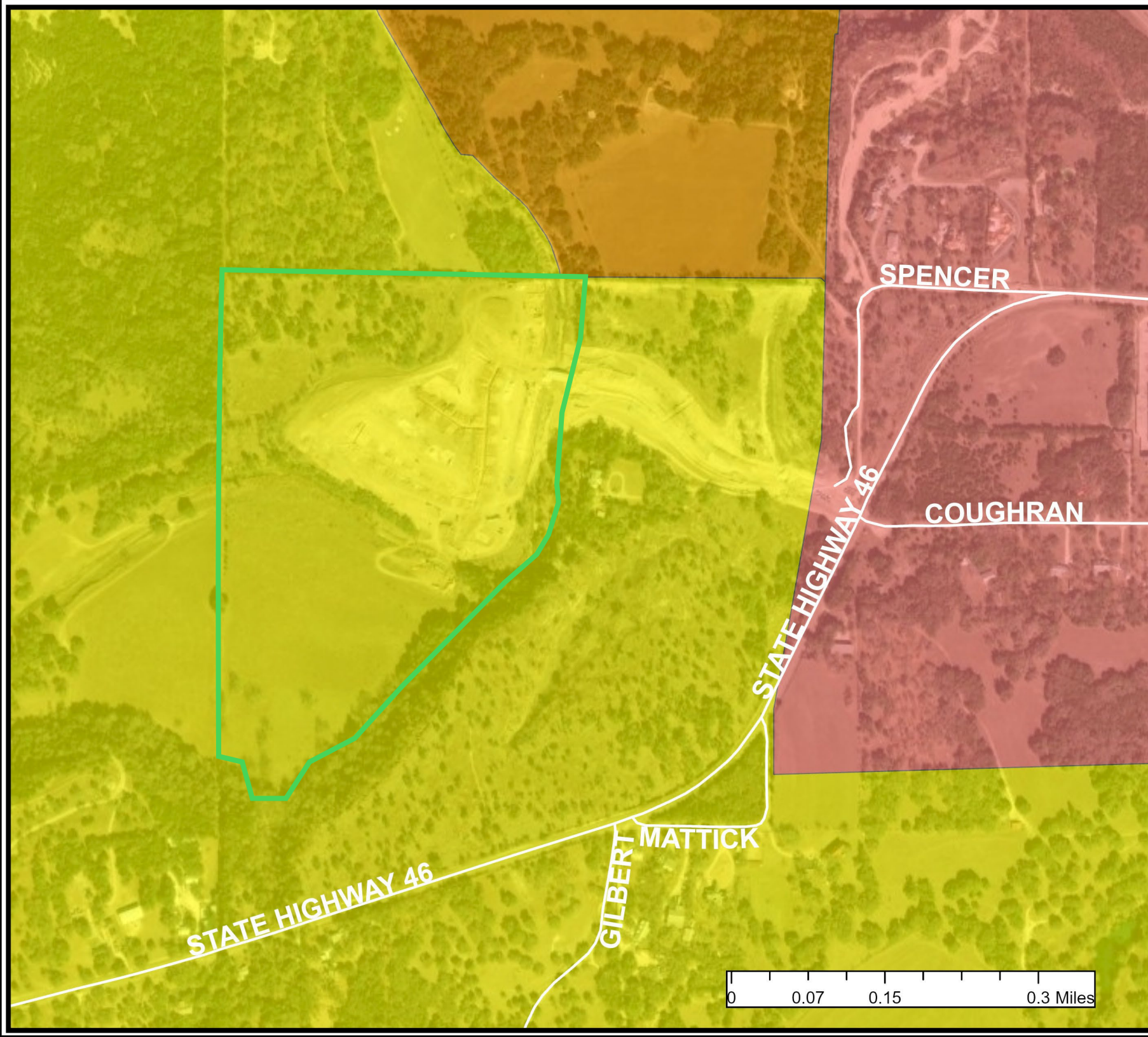


**SUBJECT PROPERTY**

The Birch  
at Spencer Ranch

**Legend**

- FLU
- Auto-Oriented Commercial
  - Neighborhood Residential
  - Transitional Residential

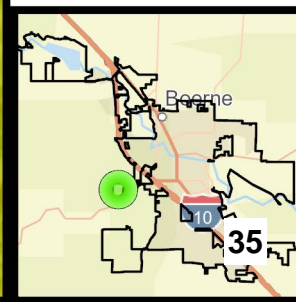


STATE HIGHWAY 46

GILBERT  
MATTICK

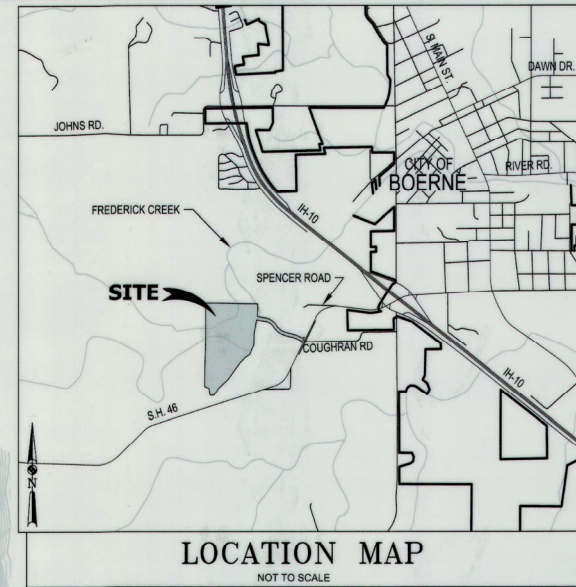
SPENCER

COUGHRAN



**LEGEND**

- PROPERTY BOUNDARY
- EXISTING 1' CONTOUR
- EXISTING 5' CONTOUR
- PHASE LINE
- STREAM CENTER LINE



N

SCALE: 1"=200'

SHEET SIZE: 18" x 24"

REV. 9/20/18 - CITY COMMENTS

MATKINHOOPER

ENGINEERING  
& SURVEYING

300 SHIELL ROAD SUITE 100  
BOERNE, TEXAS 78006  
OFFICE: 381.390.0600  
CELL: 381.390.0600  
TEXAS REGISTERED ENGINEERING FIRM F-006513 SURVEYING FIRM F-10034008

MASTER PLANNED COMMUNITY PLAN  
FOR  
SPENCER RANCH  
BOERNE, TEXAS

JOB NO. 2782.20



REMAINING PORTION OF 148.247 ACRES VOL. 1558, PAGE 748 OFFICIAL RECORDS KENDALL COUNTY, TEXAS

NEWTON & TAYLOR SURVEY NO. 179 ABSTRACT NO. 350

**PROJECT SUMMARY TABLE**

	PHASE 1	PHASE 2	PHASE 3	TOTALS
5,400SF (AVG.) LOTS:	62	73	74	209
ACREAGE:	30.45 AC	19.47 AC	21.20 AC	71.12 AC
AVERAGE LOTS/ACRE:	2.03	3.75	3.49	2.94
LINEAR FEET OF PRIMARY COLLECTOR:	±1,815 LF	---	---	±1,815 LF
LINEAR FEET OF LOCAL STREET:	±1,824 LF	±2,850 LF	±2,089 LF	±6,863 LF
GROSS FLOOD PLAIN:	8.58 AC	2.06 AC	2.86 AC	13.50 AC
FLOOD PLAIN CREDIT (50% OF RELO OPEN SPACE):	3.0 AC	1.9 AC	2.1 AC	7.0 AC
GREENBELT / PARK:	3.78 AC	3.20 AC	4.00 AC	10.98 AC
TOTAL OPEN SPACE:	6.78 AC	5.1 AC	6.1 AC	17.98 AC
OPEN SPACE REQUIRED:	6.1 AC	3.9 AC	4.2 AC	14.2 AC

THIS MASTER PLANNED COMMUNITY PLAN OF SPENCER RANCH SUBDIVISION, 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 1<sup>ST</sup> DAY OF OCTOBER, A.D., 20118

BY:

CHAIRMAN

BY:

SECRETARY

---

**Sec. 2-5. Zoning procedures.**

5. *Approval criteria.*

- a. In making a determination regarding a proposed zoning amendment, planning and zoning commission, and the city council shall consider the criteria of this section. No single factor shall be controlling in the decision-making process.
- b. *Criteria for approval of a zoning amendment.*
  - i. The proposed zoning amendment is consistent with the comprehensive plan;
  - ii. The proposed amendment will not prevent the use and enjoyment of a neighboring property that is currently exercising a permitted use;
  - iii. The city is able to adequately service the new use or new development with the needed streets, water supply, sanitary sewers, and other public services and utilities, or mitigation measures are in place to ensure the city's ability to adequately service the change in use of the subject property, or documentation from the service provider verifying ability to provide adequate service, if utility service is provided by an entity other than the city;
  - iv. The proposed amendment will not inhibit the preservation and protection of, or negatively impact the view, accessibility or performance of historical or cultural places and areas that are of value to the community;
  - v. The proposed amendment meets a significant, city-wide public need or purpose (affordable housing, economic development, etc.); and/or
  - vi. Any other factors which will substantially affect the public health, safety, morals, or general welfare of the city.

[https://library.municode.com/tx/boerne/codes/unified\\_development\\_code?nodeId=UNDECOBOTE\\_CH2PR\\_S2-5ZOPR](https://library.municode.com/tx/boerne/codes/unified_development_code?nodeId=UNDECOBOTE_CH2PR_S2-5ZOPR)







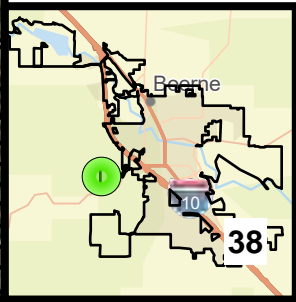
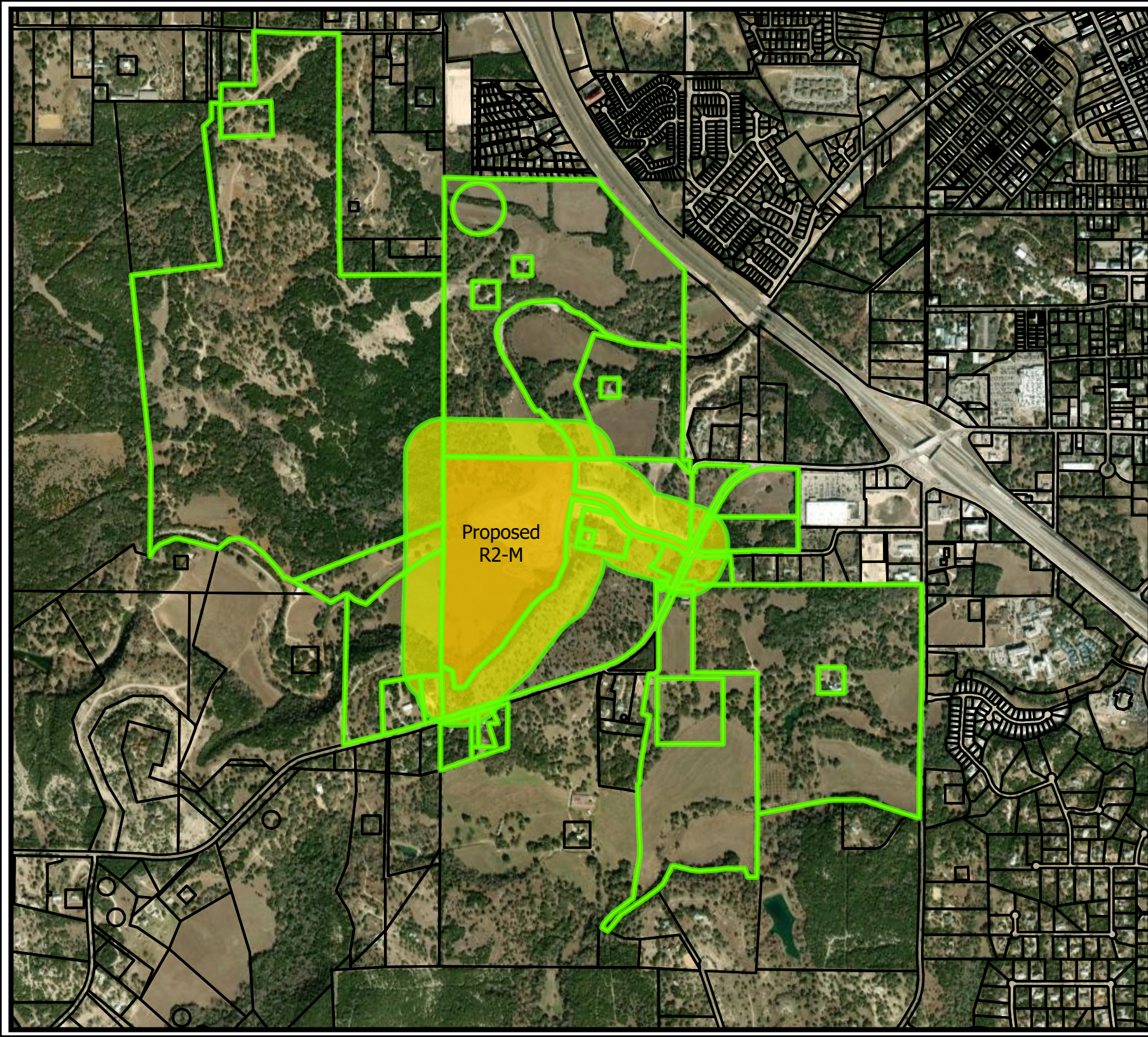
**SUBJECT PROPERTY**  
The Birch  
at Spencer Ranch

Current Zoning  
HOL - Interim  
Holding

Proposed Zoning  
R2-M  
Moderate Density  
Residential

**Legend**

-  Parcels within Notice Radius
-  SUBJECT PROPERTY
-  500 Ft. Buffer
-  Parcels





## AGENDA ITEM SUMMARY

	<b>AGENDA ITEM SUMMARY</b>
<b>Agenda Date</b>	November 4 <sup>th</sup> , 2024
<b>Requested Action</b>	Consider the proposed amendments to the Unified Development Code (UDC) regarding regulations for historic preservation partial property tax exemptions and Historic Overlay District Signs.
<b>Contact Person</b>	Sara Varvarigos, Planner II (830) 248-1630, <a href="mailto:svarvarigos@boerne-tx.gov">svarvarigos@boerne-tx.gov</a>
<b>Background Information:</b>	<p><b>BACKGROUND:</b></p> <p>The City’s Unified Development Code regulates land use, establishes minimum development standards and design criteria, and identifies the procedures required for City approval. It is used to protect property values and ensure land use compatibility. It is also the primary tool for implementing the future land use policies in the Comprehensive Master Plan.</p> <p>The format and content of most UDC’s are similar, but the regulations within each ordinance must be tailored to fit the needs of the local community.</p> <p>Staff has identified specific sections of the UDC pertaining to the Historic District Overlay that require clarification or realignment to address key issues.</p> <p><b>REQUEST:</b></p> <p>The proposed amendments are summarized as follows:</p> <ol style="list-style-type: none"> <li>1. Section 2.11.B.9 Historic Preservation Tax Exemption – Removing the option for a property tax exemption.</li> <li>2. Section 3.11.G.1.a Prohibited Sign Types – Adding Freeway Pylon Signs to the list of prohibited signs and streamlining the section on prohibited signs.</li> </ol> <p><b>ANALYSIS:</b></p>

The primary objectives of these amendments are to support City of Boerne Master Plan Goals, address key issues and simplify the Unified Development Code, while improving city management or governance.

*Historic Property Tax Exemption (Section 2.11.B.9)*

This section was adopted in December of 2007. It provides an opportunity for property owners to apply for a property tax exemption if:

- The property is designated as a historic landmark or within an historic district.
- The city council has designated the property as a historically significant site in need of tax relief to encourage its preservation.
- The property has been substantially rehabilitated and/or restored as approved by the landmark commission.

To date there has been no property that has been designated as a historically significant site in need of tax relief to encourage its preservation.

As part of the 2025 Work Plan, staff will be revamping the Historic District Improvement Grant program which is a more effective way to support historic preservation.

*Pole Signs (Section 3.11.G.1.a)*

This section regulates types of signs that are prohibited within the Historic Overlay District. On August 27, 2024, the City Council approved an amendment to the UDC to prohibit new pole signs. The proposed amendment is needed to bring this section in alignment with the Council action.

**HISTORIC LANDMARK COMMISSION ACTION:**

The UDC requires any amendments to the historic districts or related to historic preservation be considered by the Commission. The proposed amendments were presented to the Historic Landmark Commission, on August 6, 2024. The Historic Landmark Commission unanimously recommended approval of the amendments.

**FINDINGS:**

The proposed amendment meets the criteria for approval as outlined in Section 2.2.C of the UDC.

**STAFF RECOMMENDATION:**



	<p>Staff recommends that the Planning and Zoning Commission hold a public hearing and recommend <b>APPROVAL</b> of the proposed amendment.</p> <p><b>MOTIONS FOR CONSIDERATION:</b></p> <p>The following motions are provided to assist the Commission’s decision and motion.</p> <p>I move that the Planning and Zoning Commission accept the findings and recommend <b>APPROVAL</b> of the proposed amendment:</p> <p>OR</p> <p>I move that the Planning and Zoning Commission recommend <b>DENIAL</b> of the proposed amendment(s), based on the following findings: (The Commission will need to draft appropriate findings.)</p>
<b>Item Justification Verify</b>	<input checked="" type="checkbox"/> Legal/Regulatory Obligation <input type="checkbox"/> Infrastructure Investment <input type="checkbox"/> Reduce Costs <input type="checkbox"/> Customer Pull <input type="checkbox"/> Increase Revenue <input checked="" type="checkbox"/> Service Enhancement <input type="checkbox"/> Mitigate Risk <input checked="" type="checkbox"/> Process Efficiency <input checked="" type="checkbox"/> Master Plan Recommendation <input type="checkbox"/> Other:
<b>Strategic Alignment</b>	C3- Collaborating with community partners to enhance quality of life.
<b>Financial Considerations</b>	There are no financial obligations related to this request.
<b>Citizen Input/Board Review</b>	<p>Notice of the Historic Landmark Commission public hearing was published in the Boerne Star on June 16, 2024. No comments were received.</p> <p>Notice of the Planning Commission public hearing was published in the Boerne Star on October 17, 2024. No public comments have been received as of the drafting of this report.</p>
<b>Legal Review</b>	N/A
<b>Alternative Options</b>	N/A
<b>Supporting Documents</b>	Proposed Amendments



## Section 2.11. – Historic Preservation

### ~~9. Historic preservation tax exemption.~~

#### ~~a. Authorization of partial exemption.~~

~~In accordance with section 11.24 of the Texas Tax Code, the owner of a building or structure~~

~~(1) which is a designated historic landmark or which is located within an historic district,~~

~~(2) which the city council has designated as a historically significant site in need of tax relief to encourage its preservation, and~~

~~(3) which has been substantially rehabilitated and/or restored as approved by the landmark commission, may apply to city council for a tax exemption yearly.~~

~~Upon approval by city council, the assessed value of the property for ad valorem taxation shall be equal to the assessed value prior to the substantial rehabilitation or restoration, for a period not to exceed ten (10) consecutive years. This exemption shall begin on the first day of the first tax year after the completion of the rehabilitation or restoration. The deed, grant, sale, bequest, devise or other transfer of ownership of the property shall not cause the exemption provided herein to terminate.~~

~~-~~

#### ~~b. Application for exemption.~~

~~An application for a historic preservation tax exemption shall be filed with the landmark commission.~~

~~If approved by the landmark commission, the commission shall forward the application to the city council. Each application shall be signed and sworn to by the owner of the property and shall:~~  
~~i. State the legal description of the property proposed for exemption;~~  
~~ii. Include an affidavit by the owner describing the historic significance of the historic landmark in need of tax relief;~~  
~~iii. Include a final complete set of plans for the historic landmark's restoration or rehabilitation;~~  
~~iv. Include a statement of costs for the restoration or rehabilitation;~~  
~~v. Include a projection of the estimated construction time and predicted completion date of the restoration or rehabilitation;~~  
~~vi. Authorize the members of the landmark commission, the city tax assessor/collector, and other city officials to visit and inspect the property as necessary to certify that the property in question is in substantial need of restoration or rehabilitation;~~  
~~vii. Include a detailed statement of the proposed use for the property; and~~  
~~viii. Provide any additional information to the landmark commission which the owner deems relevant or useful, such as the history of the structure or proposed access to the structure by the public.~~

~~-~~

#### ~~c. Removal of exemption.~~

~~The landmark commission shall review annually all those properties which have been granted tax exemptions. if, in the opinion of the landmark commission, a property which has been granted an exemption is no longer being maintained in an acceptable state of repair, the commission shall contact the owners of the property and discuss the commission's concerns with them. following such discussion, the landmark commission shall make a report to the city council either recommending that the tax exemption be terminated on the last day of the tax year for that property or outlining the steps the owner must take to bring the property up to acceptable standards. City council, upon receipt of the report of the landmark commission, and after such notice as may be required by law, may remove the tax exemption if it deems such action appropriate~~

...

## Section 3.11. – Historic Districts

### G. Signage.

#### 1. Sign types.

a. *Prohibited sign types.* The following sign types are prohibited in the Historic District:

- i. Detached canopy signs;
- ii. Perimeter wall signs, except for inset or engraved markers, such as building names and/or addresses;
- iii. Freestanding entry feature signs;
- iv. Portable changeable message board signs.
- v. Freeway pylon signs.
- vi. Pole signs unless already existing. Existing poles may be reused for pole signs provided that:
  - (a) They are not damaged;
  - (b) They have not been removed from their location; and
  - (c) They do not increase the existing sign square footage or pole height.



## AGENDA ITEM SUMMARY

<b>Agenda Date</b>	November 4 <sup>th</sup> , 2024
<b>Requested Action</b>	A request to discuss proposed modifications to Article V. – Noise and Sound Level Regulation of Chapter 14 – Nuisances of the Code of Ordinances.
<b>Contact Person</b>	Tyler Cain, Planner II (830) 248-1628, tcain@boerne-tx.gov
<b>Background Information</b>	<p><b>BACKGROUND:</b></p> <p>The City of Boerne previously formed a subcommittee in 2021 to discuss noise and sound regulation and hosted an open house that solicited targeted feedback from the broader community.</p> <p>The Planning and Zoning Commission revisited the topic in the spring of 2024. Specifically, during the April 24<sup>th</sup>, 2024 P&amp;Z meeting, the Commission contemplated strategies to amend Article V. – Noise and Sound Level Regulation.</p> <p>The Commission was presented with strategies employed by other municipalities throughout Texas (Fredericksburg, San Marcos) and how they address amplified sound and corresponding noise complaints.</p> <p>The Commission was posed with three (3) overarching options:</p> <ol style="list-style-type: none"> <li>1. Maintain the status quo and the current language of the Code (e.g., no changes).</li> <li>2. Strengthen the Code to ensure measurements are being recorded at correct locations for more accurate measurements.</li> <li>3. Develop a grant program to work with businesses to mitigate noise emitted by speakers and provide financial incentives to update their sound systems.</li> </ol> <p>The Commission discussed further considering Option 2 - Strengthening the Code.</p> <p>Select members from City Council and P&amp;Z then formed a subcommittee to continue exploring proposed changes to the Code of Ordinances.</p>

**REQUEST:**

1. The request will amend decreases the maximum volume, changes the measurement method and the measurement location.

**ANALYSIS:**

- Maximum Volume:  
The Code currently indicates that amplified sound “plainly audible at a distance of fifty (50) feet or more shall be presumed to be violative.” The proposed change introduces a precise, measurable threshold to determine incompliance: sounds that “exceed 70 decibels at any time or 65 decibels during nighttime hours.”
- Measurement Method:  
The current version of the Code does not articulate a metric nor an objective method of measurement.

New recommended changes indicate that measurements must be at least 30 seconds in duration, and the highest registered decibel reading attained more than once (or sustained) during that 30-second period will be the final recorded measurement/number.

- Measurement Location:  
The Code currently indicates that amplified sound “plainly audible at a distance of fifty (50) feet or more shall be presumed to be violative.”

The proposed changes remove the language that sound measurements be taken from the curb line of the nearest public street to the violating property.

Instead, the proposed changes provide a new array of options for where to properly collect a sound violation measurement:

- A minimum of ten ft. from any property line from where the sound originates, but no less than 50 ft from the sound source in non-residential areas.
- A minimum of 10 ft. from the property line nearest the sound source with the reading recorded from the complainant’s property, but no less than 50 ft. in non-residential areas.
- A minimum of 50 ft. from the sound source when property lines do not apply.

	<p><b>FINDINGS:</b></p> <p>Staff finds that the proposed amendment:</p> <ul style="list-style-type: none"> <li>• Impose a precise measure for amplified sound violations;</li> <li>• Provide a method for how sound will be measured and violations will be determined; and</li> <li>• Redefine the measurement location to permit measurement from the property line shared with the potentially offending location and clarifies other locations where accurate sound measurement is permissible depending on the context of the offense.</li> <li>• Meets the criteria for approval as outlined in Section 2.2.C of the UDC.</li> </ul> <p><b>RECOMMENDATION:</b></p> <p>Staff recommends that the Planning and Zoning Commission recommend <b>APPROVAL</b> of the proposed amendments to Article V. – Noise and Sound Level Regulation of Chapter 14 – Nuisances of the Code of Ordinances.</p> <p><b>MOTIONS FOR CONSIDERATION:</b></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 recommend <b>APPROVAL</b> of the proposed amendment(s).</p> <p>OR</p> <p>I move that the Planning and Zoning Commission recommend <b>DENIAL</b> of the proposed amendment(s), based on the following findings: (The Commission will need to state the reasons for the denial).</p>
<b>Item Justification</b>	<input checked="" type="checkbox"/> Legal/Regulatory Obligation <input type="checkbox"/> Infrastructure Investment <input type="checkbox"/> Reduce Costs <input type="checkbox"/> Customer Pull <input type="checkbox"/> Increase Revenue <input type="checkbox"/> Service Enhancement <input type="checkbox"/> Mitigate Risk <input type="checkbox"/> Process Efficiency <input type="checkbox"/> Master Plan Recommendation <input type="checkbox"/> Other:
<b>Strategic Alignment</b>	C2 – Seeking customer-driven feedback. C3 – Collaborating with community partners to enhance quality of life. B1 – Utilizing data to drive smart decision making. B3 – Providing streamlines and efficient processes.

<b>Financial Considerations</b>	N/A
<b>Citizen Input/Board Review</b>	N/A
<b>Legal Review</b>	N/A
<b>Alternative Options</b>	N/A
<b>Supporting Documents</b>	Proposed Amendment



## Chapter 14.

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### **Section 14-139. - Amplified sound.**

- (a) It shall be unlawful for any person to make, assist in making, permit, continue, cause to be made or continued, or permit the continuance of any sound using any sound amplifier that is part of or connected to any speaker system, radio, stereo receiver, compact disc player, cassette tape player, microphone, or any other sound source, when operated: (i) in such a manner as to disturb the peace, quiet, and comfort of the neighboring inhabitants, or (ii) at any time with louder volume than is necessary for convenient hearing for persons who are in the vehicle or within the property or premises in which such sound amplifier is operated and who are voluntary listeners thereto. The operation of any such sound amplifier in such a manner as to be plainly audible at a distance of fifty (50) feet or more from a vehicle shall be presumed to be violative of this section. The operation of

any such sound amplifier in such a manner that ~~bass sounds exceed 70 decibels at any time or 65 decibels during nighttime hours measured shall be presumed to be a violation of this section. are plainly audible at a distance of fifty (50) feet or more~~ Measurements may be taken as provided in section 14-142 of this article. shall be presumed to be violative of this section.

...

### **Section. 14-142. - Method of sound measurement.**

- (a) Whenever portions of this chapter prohibit sound over a certain decibel limit, measurement shall be made with a Type 1 or Type 2 calibrated sound level meter utilizing the A-weighting scale and the slow meter response as specified by the American Standards Association. Measurements recorded shall be taken so as to provide a proper representation of the sound being measured. The microphone of the meter shall be positioned so as not to create any unnatural enhancement or diminution of the measured sound. A windscreen for the microphone shall be used. Traffic, aircraft, and other transportation noise shall not be considered in taking measurements except where such background noise interferes with the noise being measured and cannot reasonably be distinguished from the primary noise. ~~Measurements of sound generated shall be taken from the curb line of the nearest public street to the property where the sound is generated and taken toward the source of the sound. In the event that there is not at least fifty (50) feet of distance from the building in which sound is being generated and from which sound is being measured, then measurements shall be taken from the street curb line opposite the said building of the nearest public street to the property where the sound is~~

~~generated.~~ Measurements will be made for a duration of no less than 30 seconds. Violations will be based on the highest registered reading within such time period which is attained more than one time in said time period or sustained.

(b) Measurements of sound shall be taken from either:

(1) A minimum of ten feet from any property line of the property from which the sound originates, but in no event less than 50 feet from the sound source when the sound is generated in non-residential zoned areas, and all measurements shall be taken toward the source of the sound; or

(2) A minimum of ten feet from the property line nearest the sound source of a property occupied by a person who reports a violation of this article, but in no event less than 50 feet from the sound source when the sound is generated in nonresidential zoned areas, and all measurements shall be taken toward the source of the sound; or

(3) A minimum of 50 feet from the sound source in the event the sound violation originates from a source where property lines are not applicable.



## AGENDA ITEM SUMMARY

<b>Agenda Date</b>	November 4 <sup>th</sup> , 2024
<b>Requested Action</b>	Consider the proposed amendments to the Unified Development Code (UDC) regarding regulations for mobile food units (MFUs) and mobile food parks, including changes to Chapter 3, Chapter 5, and Appendix A of the UDC.
<b>Contact Person</b>	Jo-Anmarie Andrade, Planner II (830) 816-2040, jandrade@boerne-tx.gov
<b>Background Information</b>	<p><b>BACKGROUND:</b></p> <p>The City’s Unified Development Code regulates land use, establishes minimum development standards and design criteria, and identifies the procedures required for City approval. It is used to protect property values and ensure land use compatibility. It is also the primary tool for implementing the future land use policies in the Comprehensive Master Plan.</p> <p>The format and content of most UDC’s are similar, but the regulations within each ordinance are be tailored to fit the needs of the local community.</p> <p>The UDC may be amended twice a year, however, staff has traditionally done only one comprehensive amendment per year. Instead of comprehensive amendments, staff has pinpointed proposing specific sections that require clarification or realignment to meet the intent designed to address key issues.</p> <p>The proposed amendments focus on creating regulations for mobile food parks and updating the existing regulations for individual mobile food units within the City of Boerne. These changes aim to balance the economic benefits of mobile food services with the needs of existing businesses and ensure consistency with city goals for community development.</p> <p>To develop these amendments, the food truck subcommittee, staff, and Lionheart Consulting reviewed feedback from Commission and Council interviews, an initial draft, and regulatory examples from San Marcos,</p>

Fredericksburg, and Buda. Key elements from other cities included limiting operations near residential areas, ensuring access to restrooms, and maintaining mobility standards for mobile units.

The draft amendments were presented for discussion at the May 6th Planning & Zoning (P&Z) meeting, where the Commission provided feedback and identified several important considerations:

- **Community Feedback:**  
Concerns were raised about mobile food units parking inappropriately in certain areas like Johns Rd and I-10, and how changes might impact existing operations near locations like Cascade Caverns.
- **Support for Business Growth:**  
The commission highlighted the role of food trucks as incubators for new local businesses which successfully transitioned from a mobile unit to a brick-and-mortar location.
- **Need for Stronger Enforcement:**  
There was consensus that improved enforcement of mobile food unit regulations is necessary to maintain orderly operations.

**REQUEST:**

1. The proposal will amend regulations for mobile food units (MFUs) and mobile food parks, including changes to Chapter 3, Chapter 5, and Appendix A of the UDC.
2. The primary objectives of these amendments are to establish clear regulations for the operation of mobile food units and mobile food parks, ensure consistency with health and safety standards, and support the growth of small businesses while maintaining compatibility with existing land uses within the City of Boerne.

**ANALYSIS:**

- The amendments align with the City Charter by supporting responsible economic growth and maintaining community standards.
- The proposal complies with relevant state and federal regulations, including Texas health standards managed by Kendall County Health Inspector Services, ensuring that mobile food units meet all required health standards without duplicating regulatory oversight.

- The amendments support the Comprehensive Plan’s goals of economic growth by creating accessible opportunities for small, locally owned mobile food businesses. Allowing mobile food units as accessory and temporary uses in commercial zones supports new entrepreneurs, boosts business diversity, and attracts residents and visitors, driving foot traffic to nearby businesses and enhancing Boerne’s appeal as a destination.
- By clarifying zoning, parking, and operational standards for mobile food units, the amendments better support the UDC’s goals of land use compatibility, public safety, and community character. These clear standards benefit applicants and City staff alike, streamlining mobile food unit operations while protecting local businesses and neighborhoods.
- The changes simplify the approval and enforcement process for mobile food units by establishing clear zoning and operational requirements. This structure enhances regulatory efficiency, minimizes potential conflicts, and promotes orderly operations, making compliance and oversight more manageable.
- The amendments encourage growth in Boerne’s mobile food sector, supporting small business development and providing pathways for mobile vendors to transition into permanent establishments, as seen with businesses like Z’s Pizza. These updates modernize the UDC to reflect current trends, enhance regulatory clarity, and align with Boerne’s economic and community objectives.

**FINDINGS:**

The proposed amendment meets the criteria for approval as outlined in Section 2.2.C of the UDC.

**RECOMMENDATION:**

Staff recommends that the Planning and Zoning Commission accept the findings and recommend **APPROVAL** of the proposed amendments to the Unified Development Code (UDC) regarding regulations for mobile food units (MFUs) and mobile food parks.

**MOTIONS FOR CONSIDERATION:**

The following motions are provided to assist the Commission’s decision and motion.

	<p>I move that the Planning and Zoning Commission accept the findings and recommend <b>APPROVAL</b> of the proposed amendment(s).</p> <p>OR</p> <p>I move that the Planning and Zoning Commission recommend <b>DENIAL</b> of the proposed amendment(s), based on the following findings: (The Commission will need to state the reasons for the denial).</p>
<b>Item Justification</b>	<input checked="" type="checkbox"/> Legal/Regulatory Obligation <input type="checkbox"/> Infrastructure Investment <input type="checkbox"/> Reduce Costs <input type="checkbox"/> Customer Pull <input type="checkbox"/> Increase Revenue <input checked="" type="checkbox"/> Service Enhancement <input type="checkbox"/> Mitigate Risk <input type="checkbox"/> Process Efficiency <input type="checkbox"/> Master Plan Recommendation <input type="checkbox"/> Other:
<b>Strategic Alignment</b>	<p>B1 - Utilizing data to drive smart decision making</p> <p>B2 - Advancing master plan recommendations</p> <p>B3 - Providing streamlined and efficient processes:</p>
<b>Financial Considerations</b>	N/A
<b>Citizen Input/Board Review</b>	<p>Notice of the Planning Commission public hearing was published in the Boerne Star on October 17, 2024. No public comments have been received as of the drafting of this report.</p>
<b>Legal Review</b>	N/A
<b>Alternative Options</b>	N/A
<b>Supporting Documents</b>	Proposed Amendments

## Chapter 3. – Zoning

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### Sec. 3-6. - Permitted uses of buildings and land.

#### E. Accessory uses.

7. Mobile Food Unit as an accessory use
  - a. A mobile food unit accessory use shall demonstrate mobility at any reasonable time if requested by any peace officer, health officer, or designated city employee;
  - b. Be located on property that is developed and improved with an existing, permanent business operating, in a building with a certificate of occupancy at all times while the mobile food vendor occupies the property. The existing business will allow access to restrooms and an indoor or outdoor seating area.
  - c. Be located behind or in line with the front façade of the primary structure on the property; and
  - d. Be located in a zoning district that allows accessory mobile food units.

### Sec. 3-7. - Permitted use tables.

Legend for Table of Uses													
P = Permitted by right S = Special Use Permit T = Temporary Uses (may require a permit from Permitting and Code Compliance) (Blank) = Not permitted	Neighborhood Office	Office Park	Industrial Office	Neighborhood Commercial	Transitional Commercial	Community Commercial	Regional Commercial	Craft Commercial	Storage and Transportation	Light Industrial	General Industrial	City Property	Civic and Institutional
	O1	O2	O3	C1	C2	C3	C4	CR	I1	I2	I3	CITY	CIV
Retail Use Group- See Sec. 3-6 for Use Restrictions													
Mobile food vendor park				S	S	S	S	P					
Accessory Use Group (a use that is incidental to a primary use) - See Sec. 3-6 for Use Restrictions													
<u>Mobile food unit</u>		P		P	P	P	P	P					
Temporary Use Group - See Sec. 3-6 for Use Restrictions													
Mobile food vendors unit	T	T	T	T	T	T	T	T	T	T	T	T	T

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### Sec. 3-11. - Historic District.

#### C. Uses.

3. Uses requiring a special use permit:
  - a. Mixed-use building.

- b. Multi-family.
- c. Mobile food park

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**Sec. 3-13. - River Road Overlay District.**

*C. Uses.*

3. *Additional use restrictions.*

- c. Mobile food ~~vendors~~ units as an accessory use shall be located on private property with the permission of the owner and shall not park in the right-of-way of any street or state highway within the River Road Overlay District.



## Chapter 5. - Nonresidential Sites

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### Sec. 5-6. - On-site parking for nonresidential properties.

USES	MINIMUM PARKING SPACES REQUIRED
Mobile Food <del>Vendor</del> <u>Park</u>	2 for each <del>vendor</del> <u>unit</u>

## Appendix A. - Definitions

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~~Mobile food vendors: A readily movable, motorized wheeled vehicle or a towed vehicle designed and equipped to prepare, or serve, and sell food.~~

“Mobile food park” means a parcel of land where one or more mobile food vendors congregate to offer food or beverages for sale to the public as the principal use of the land. This definition shall not be interpreted to include a congregation of mobile food vendors as a secondary use, accessory use, and/or temporary use.

“Mobile food unit” means a vehicle-mounted mobile food establishment, designed to be readily moveable.



## AGENDA ITEM SUMMARY

	<b>AGENDA ITEM SUMMARY</b>		
<b>Agenda Date</b>	November 4, 2024		
<b>Requested Action</b>	Establish 2025 Planning and Zoning Commission meeting dates.		
<b>Contact Person</b>	Nathan Crane – Planning Director (830) 248-1501, <a href="mailto:ncrane@boerne-tx.gov">ncrane@boerne-tx.gov</a>		
<b>Background Information</b>	<p><b>BACKGROUND:</b> Annually, the Planning and Zoning Commission adopts the meeting schedule for the calendar year. The regular scheduled meetings are held the first Monday of each month at 6:00 p.m. Special meetings are also held as needed.</p> <p>In 2025 there is one holiday that falls on the first Monday of the month (September 1<sup>st</sup> – Labor Day) creating a conflict for the regular scheduled meeting. Therefore, staff is proposing that the September meeting be held on Monday, September 8<sup>th</sup>. All other meetings would be held on the first Monday of every month.</p> <p><b>RECOMMENDATION:</b> The Planning and Zoning Commission should discuss and approve the 2025 meeting schedule.</p> <p><b>PROPOSED MOTION:</b> I move that the Planning and Zoning Commission approve the 2025 meeting schedule as presented by staff.</p>		
<b>Item Justification</b>	<table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top;"> <input checked="" type="checkbox"/> Legal/Regulatory Obligation  <input type="checkbox"/> Reduce Costs  <input type="checkbox"/> Increase Revenue  <input type="checkbox"/> Mitigate Risk  <input type="checkbox"/> Master Plan Recommendation         </td> <td style="width: 50%; vertical-align: top;"> <input type="checkbox"/> Infrastructure Investment  <input type="checkbox"/> Customer Pull  <input checked="" type="checkbox"/> Service Enhancement  <input checked="" type="checkbox"/> Process Efficiency  <input type="checkbox"/> Other:         </td> </tr> </table>	<input checked="" type="checkbox"/> Legal/Regulatory Obligation <input type="checkbox"/> Reduce Costs <input type="checkbox"/> Increase Revenue <input type="checkbox"/> Mitigate Risk <input type="checkbox"/> Master Plan Recommendation	<input type="checkbox"/> Infrastructure Investment <input type="checkbox"/> Customer Pull <input checked="" type="checkbox"/> Service Enhancement <input checked="" type="checkbox"/> Process Efficiency <input type="checkbox"/> Other:
<input checked="" type="checkbox"/> Legal/Regulatory Obligation <input type="checkbox"/> Reduce Costs <input type="checkbox"/> Increase Revenue <input type="checkbox"/> Mitigate Risk <input type="checkbox"/> Master Plan Recommendation	<input type="checkbox"/> Infrastructure Investment <input type="checkbox"/> Customer Pull <input checked="" type="checkbox"/> Service Enhancement <input checked="" type="checkbox"/> Process Efficiency <input type="checkbox"/> Other:		

<b>Strategic Alignment</b>	B3 – Providing streamline and efficient processes.
<b>Financial Considerations</b>	N/A
<b>Citizen Input/Board Review</b>	N/A
<b>Legal Review</b>	N/A
<b>Alternative Options</b>	
<b>Supporting Documents</b>	Proposed Calendar 2025 Meeting Calendar

# 2025 Boards and Commissions Meeting Calendar



JANUARY							FEBRUARY							MARCH						
S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S
			1	2	3	4							1							1
5	6	7	8	9	10	11	2	3	4	5	6	7	8	2	3	4	5	6	7	8
12	13	14	15	16	17	18	9	10	11	12	13	14	15	9	10	11	12	13	14	15
19	20	21	22	23	24	25	16	17	18	19	20	21	22	16	17	18	19	20	21	22
26	27	28	29	30	31		23	24	25	26	27	28		23	24	25	26	27	28	29
														30	31					

APRIL							MAY							JUNE						
S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S
		1	2	3	4	5					1	2	3	1	2	3	4	5	6	7
6	7	8	9	10	11	12	4	5	6	7	8	9	10	8	9	10	11	12	13	14
13	14	15	16	17	18	19	11	12	13	14	15	16	17	15	16	17	18	19	20	21
20	21	22	23	24	25	26	18	19	20	21	22	23	24	22	23	24	25	26	27	28
27	28	29	30				25	26	27	28	29	30	31	29	30					

JULY							AUGUST							SEPTEMBER						
S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S
		1	2	3	4	5						1	2		1	2	3	4	5	6
6	7	8	9	10	11	12	3	4	5	6	7	8	9	7	*8	9	10	11	12	13
13	14	15	16	17	18	19	10	11	12	13	14	15	16	14	15	16	17	18	19	20
20	21	22	23	24	25	26	17	18	19	20	21	22	23	21	22	23	24	25	26	27
27	28	29	30	31			24	25	26	27	28	29	30	28	29	30				
							31													

OCTOBER							NOVEMBER							DECEMBER						
S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S
			1	2	3	4							1		1	2	3	4	5	6
5	6	7	8	9	10	11	2	3	4	5	6	7	8	7	8	9	10	11	12	13
12	13	14	15	16	17	18	9	10	11	12	13	14	15	14	15	16	17	18	19	20
19	20	21	22	23	24	25	16	17	18	19	20	21	22	21	22	23	24	25	26	27
26	27	28	29	30	31		23/ 30	24	25	26	27	28	29	28	29	30	31			

Planning & Zoning Commission – 6p

Historic Landmark Commission – 5:30p

City Council – 6p

Design Review Committee – 6p

Zoning Board of Adjustment and Appeals – 5:30p

Boerne Neighborhood Discussion – 5:30p

Holiday

\*Rescheduled due to holiday conflict

## **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.