

MINUTES
PLANNING AND ZONING COMMISSION MEETING
BOERNE CITY HALL
RONALD C. BOWMAN CITY COUNCIL CHAMBERS
447 North Main Street
Monday, June 3, 2024 – 6:00 p.m.

Minutes of the Planning and Zoning Commission meeting of June 3, 2024 at 6:00 p.m.

Present: 6 - Chairman Tim Bannwolf, Commissioner Bill Bird, Commissioner Susan Friar, Commissioner Bob Cates, Commissioner Terry Lemoine, Commissioner Carlos Vecino

Absent: 1 - Vice Chair Lucas Hiler

Staff Present: Mick McKamie, Kristy Stark, Barrett Squires, Heather Wood, Nathan Crane, Franci Linder, JoAnmarie Andrade, Tyler Cain, Jeff Carroll, Cheryl Rogers

Recognized and Registered Guests: Aaron Parenica, Jared Carter, Analisa Guzman

1. CALL TO ORDER

Chairman Bannwolf called the Planning and Zoning Commission to order at 6:02 p.m.

2. CONFLICTS OF INTEREST

- 3.** [2024-272](#) Administer oaths of office to Commissioner Bob Cates, Commissioner Susan Friar, Commissioner Carlos Vecino

Heather Wood, Planning Administrative Assistant, administered oaths of office to Bob Cates, Susan Friar and Carlos Vecino.

- 4.** [2024-273](#) Consider election of vice-chair and secretary

A motion was made by Commissioner Friar, seconded by Commissioner Cates, to re-elect Commissioner Lucas Hiler as Vice-Chair. The motion

carried by the following vote:

Yea: 6 - Chairman Bannwolf, Commissioner Lemoine, Commissioner Bird, Commissioner Friar, Commissioner Cates, Commissioner Vecino

A motion was made by Commissioner Friar, seconded by Commissioner Bird, to re-elect Commissioner Bob Cates as Secretary. The motion carried by the following vote:

Yea: 6 - Chairman Bannwolf, Commissioner Lemoine, Commissioner Bird, Commissioner Friar, Commissioner Cates, Commissioner Vecino

5. PUBLIC COMMENTS:

Chairman Bannwolf opened public comments at 6:08 p.m.

No comments were received.

Chairman Bannwolf closed public comments at 6:08 p.m.

6. CONSENT AGENDA:

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

Yea: 6 - Chairman Bannwolf, Commissioner Lemoine, Commissioner Bird, Commissioner Friar, Commissioner Cates, Commissioner Vecino

6.A. [2024-265](#) Consider approval of the minutes of the Planning and Zoning Commission meeting of May 6, 2024.

6.B. [2024-266](#) A request for final plat approval for Esperanza Phase 3E, generally located at Esperanza Boulevard and Fortuna. (Extra Territorial Jurisdiction)

7. REGULAR AGENDA:

7.A. [2024-269](#) Consider a request for a variance to Chapter 8, Section 8.1 Floodplain Management and Chapter 8, Section 8.2 Watershed Protection Zones, of the Unified Development Code for a property

located at 109 Ammann Road (KAD 11864 & 310823.
(Extraterritorial Jurisdiction)

Cheryl Rogers, Assistant City Engineer, presented the proposed variance request.

Representative of the applicant, Pastor Jared Carter, and engineer for the project Aaron Parenica with Kimley Horn introduced themselves to the commission; they explained that the variance request would allow more developable space on the property. They further explained that the proposed design will redirect the natural flow of water by creating something that isn't currently there.

Commission discussion included concerns with changing natural drainage flows, the amount of impervious cover in the plan, and concerns with setting a precedent for allowing variances to floodway zones. Other topics discussed included the trees on site, impact to the property to the south where water will flow, possible flooding issues, building placement, parking, and a previous variance approved for a city park.

Jeff Carroll, Director of Engineering and Mobility, explained that Drainageway Protection Zones (DPZs) help with water quality and that is why one of the staff recommended conditions is to create a natural stream alignment and profile, per recommendation of the San Antonio River Authority (SARA) Natural Channel Design Protocol manual, along the length of the revised DPZ limit to offset the vegetation being lost in the proposed plan.

Aaron Parenica clarified that the existing trees closest to Ammann Road will remain and their plan is to create a berm (by grading and creating more vegetation) that will funnel water into a more narrow section and then on the southern property line the water will spread out into a wider area to help filter water. He also clarified that the neighbor's to the south are aware of project and are not in opposition.

Cheryl Rogers clarified that a DPZ variance previously granted for a city

park had some similar conditions to this proposed variance request, but some different conditions because it was for a public park.

Jeff Carroll clarified that the DPZ variance previously granted for a city park was different from this request as it was at the beginning tip of the DPZ so it was a smaller buffer area; this project is further downstream so is at a wider part of the DPZ.

Jared Carter further explained that the proposed plan allows them to keep the longest length of the building facing Ammann, more parking in the front of the building and more usable space in the rear to remain natural fields.

A motion was made by Commissioner Bird, seconded by Commissioner Cates, to deny a request for a variance to Chapter 8, Section 8.1 Floodplain Management and Chapter 8, Section 8.2 Watershed Protection Zones, of the Unified Development Code for a property located at 109 Ammann Road (KAD 11864 & 310823. (Extraterritorial Jurisdiction). The motion carried by the following vote:

Yea: 5 - Chairman Bannwolf, Commissioner Bird, Commissioner Friar, Commissioner Cates, Commissioner Vecino

Nay: 1 - Commissioner Lemoine

7.B. [2024-267](#) Consider the proposed amendments to the Unified Development Code adopted on November 24, 2020, including but not limited to:

1. Section 2.1.E - Public notice
2. Section 2.6.7 - ETJ plat exemptions
3. Section 3.5 - Dimensional standards for base zoning districts
4. Section 3.7 - Permitted use tables
5. Chapter 3 - Overlay districts related to pylon signs
6. Section 5.6.B.3 - Onsite parking for non-residential properties
7. Section 7.5 - Roadway access design standards
8. Section 8.2 - Environmental Design - watershed protection related to low impact development requirements

9. Chapter 9 - Signs related to pole and pylon signs

- I. Staff presentation
- II. Public hearing
- III. Recommendation

Nathan Crane, Planning Director, presented the proposed amendments to the Unified Development Code.

Based on Commission discussion, Chairman Bannwolf summarized a motion as follows:

Motion to take city staff recommended proposed amendments to the Unified Development Code adopted on November 24, 2020, including but not limited to: Section 2.1.E - Public notice, Section 2.6.7 - ETJ plat exemptions, Section 3.5 - Dimensional standards for base zoning districts, Section 3.7 - Permitted use tables, Chapter 3 - Overlay districts related to pylon signs, Section 5.6.B.3 - Onsite parking for non-residential properties, Section 7.5 - Roadway access design standards, Section 8.2 - Environmental Design - watershed protection related to low impact development requirements) as a base recommendation to Boerne City Council with the following modifications:

1. Section 2.1.E - Public Notice Requirements - add back the length of time a sign shall remain at the location of a zoning case application (The applicant shall allow placement of a sign on the subject property at least ten (10) days prior to the scheduled meeting of the decision-making body, and the sign shall remain until after the final scheduled meeting regarding the subject application.)

2. Section 5.6.B.3.b - Onsite Parking for Nonresidential Properties (Drive Aisles) - Drive aisles shall be a minimum of 26' wide.

3. Section 7.5.A.2 - Roadway Access Design Standards (Driveway Spacing and Parking Aisles) - switch to 500' separation distance in lieu of 400'

4. Wordsmith New Section 7.5.A.3

Turn lanes required for the subdivision or development must be built

"contemporaneously with the required" public infrastructure. See the Engineering Design Manual for further information on turn lane requirements.

5. Wordsmith Section 8.2.B.1.c.iii - Watershed Protection (Low Impact Development Requirements) - For development that replaces existing development of similar type (such as tear down and rebuilding of an existing building), the runoff volume resulting from the first 1.35" of rainfall for the entirety of the area of such new development ~~impervious area—the redeveloped area~~. The new development must be in the same location as the existing development, otherwise the new development is subject to the runoff volumes described in Section 8.2(B)(1)(c)(i) or (ii).

6. Section 3.7.B.2 - Permitted Use Tables

~~Remove Multi-family (5-10 units p/ac & 2.5 stories or less), Multi-family (18 units p/ac or less), and Multi-family (over 19 units p/ac) uses from the C2, and C3 Zoning Districts, but they shall remain in C4 Zoning Districts subject to review and approval of a special use permit.~~

Commissioner Friar adopted the motion summary, seconded by Commissioner Cates. The motion carried by the following vote:

Yea: 6 - Chairman Bannwolf, Commissioner Bird, Commissioner Friar, Commissioner Cates, Commissioner Vecino, Commissioner Lemoine

Chairman Bannwolf opened public comments at 7:49 p.m.

No comments were received.

Chairman Bannwolf closed public comments at 7:49 p.m.

Tyler Cain, City Planner II., presented a portion of proposed amendments to the Unified Development Code specific to signage and answered some general questions from the commission.

A motion was made by Commissioner Cates, seconded by Commissioner

Friar, to make a recommendation to Boerne City Council to approve the proposed amendments to the Unified Development Code adopted on November 24, 2020, Chapter 9 - Signs related to pole and pylon signs as presented by staff. The motion carried by the following vote:

Yea: 6 - Chairman Bannwolf, Commissioner Bird, Commissioner Friar, Commissioner Cates, Commissioner Vecino, Commissioner Lemoine

8. DISCUSSION ITEMS:

8.A. [2024-268](#) Proposed amendments to the Unified Development Code -
Appendix D. - Dark Sky Regulations

Franci Linder, Assistant Planning Director, spoke regarding upcoming proposed updates to dark sky regulations.

9. 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 8:11 p.m.

No action was taken.

Chairman Bannwolf reconvened the Planning and Zoning Commission into Open Session at 8:45 p.m.

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

None.

11. ADJOURNMENT

Chairman Bannwolf adjourned the Planning and Zoning Commission at 8:45 p.m.

Chairman

Secretary

