

MINUTES
PLANNING AND ZONING COMMISSION MEETING
BOERNE CITY HALL
RONALD C. BOWMAN CITY COUNCIL CHAMBERS
447 North Main Street

Monday, September 8, 2025 – 6:00 p.m.

Present **7 -** Chairman Tim Bannwolf, Vice Chair Lucas Hiler, Commissioner Bob Cates, Commissioner Susan Friar, Commissioner Cody Keller, Commissioner Bill Bird, and Commissioner Carlos Vecino

1. CALL TO ORDER – 6:00 PM

Chairman Bannwolf called the meeting to order at 6:00 p.m.

Chairman Bannwolf led the Pledge of Allegiance to the United States Flag and to the Texas Flag.

2. CONFLICTS OF INTEREST

Commissioner Keller declared a conflict of interest on agenda item 5A and stated that he would recuse himself from both the discussion and vote. He further noted, for transparency, that he is a member of the congregation associated with the property to be discussed under item 5C. However, he clarified that he is not required to recuse himself on that item as advised by the City Attorney.

Commissioner Hiler also stated that he is a member of the same congregation related to agenda item 5C.

3. PUBLIC COMMENTS:

Chairman Bannwolf received a consensus from the Commission to move to agenda 5A to receive a presentation from the Planning Director before hearing public comments.

- A. HOLD A PUBLIC HEARING AND CONSIDERATION OF A REQUEST TO RATIFY THE ZONING DESIGNATION OF C3 - SICO (COMMUNITY COMMERCIAL WITHIN THE SCENIC INTERSTATE CORRIDOR OVERLAY DISTRICT), AS DETERMINED THROUGH LEGAL REVIEW OF THE UNIFIED DEVELOPMENT CODE, FOR AN APPROXIMATELY 5.155-ACRE PROPERTY LOCATED ON IH-10 WEST. THIS TRACT, KNOWN AS THE IH-10 "SURPLUS NORTH" TRACT, ADJOINS THE FUTURE BUC-EE'S DEVELOPMENT AT 33375 IH-10 WEST.

Commissioner Keller stepped away from the dais.

Chairman Bannwolf called on Planning Director Nathan Crane to present details of the agenda item. Director Crane displayed a map of the property under consideration and provided background information, including the zoning history of the location. He emphasized that the agenda item pertained solely to the 5.155-acre tract zoning designation.

City Attorney Mick McKamie clarified that the item was administrative in nature, noting that staff's evaluation was consistent with the prior B-2 district rules and that the purpose of the action was to correct the zoning map.

Discussion followed regarding clarification of applicable law and issues that arose between the July 7th Planning and Zoning meeting and the present. Additional discussion focused on the proposed use of the 5.155-acre tract for parking, drainage and water retention.

Chairman Bannwolf opened the Public Comments at 6:14 p.m.

Amelia Andrews, 108 Kingston expressed concerns with the Buc-ee's development.

Linda Plevak, 319 Deer Creek expressed concerns with the Buc-ee's development.

Dana Mathes, 164 Creek Springs expressed concerns with the Buc-ee's

development.

Kelly Kuhl, 635 Menger Springs expressed concerns with the Buc-ee's development.

Tanji Patton, 634 Menger Springs expressed concerns with the Buc-ee's development.

Kristy Ackerman, 623 Menger Springs expressed concerns with the Buc-ee's development.

Alex Rudd, 68 La Cancion expressed concerns with the Buc-ee's development.

Brian Russell, 157 Bitter Springs expressed concerns with the Buc-ee's development.

Lance Kyle, 26 Cascade Caverns Road expressed concerns with the Buc-ee's development.

John McNamara, 17827 Handies Peak, spoke regarding the Buc-ee's development.

Eric Munoz, 137 Hampton Cove expressed concerns with the Buc-ee's development.

Josh Andrews, 108 Kingston Court expressed concerns with the Buc-ee's development.

Sherry Leighton, 129 Kitty Kat Lane expressed concerns with the Buc-ee's development.

Kristy Ackerman, 623 Menger Springs expressed concerns with the Buc-ee's development.

Chairman Bannwolf closed the Public Comments at 6:56 p.m.

Chairman Bannwolf opened the Public Hearing at 6:57 p.m.

Dana Mathes, 164 Creek Springs questioned the number of parcels included in the 5.155 acres and if there was a letter from TxDOT regarding the zoning.

Linda Plevak, 319 Deer Creek stated she does not want Buc-ee's at this location.

John McNamara, 17827 Handies Creek clarified that agenda item is not a rezoning for Buc-ee's. The location on the highway is commercial. Director Crane explained the process for determining zoning.

Alex Rudd, 68 La Cancion spoke regarding impervious cover and potential run-off during rain events causing groundwater contamination.

Amelia Andrews, 108 Kingston clarified that when Buc-ee's purchased the property it was zoned B-2. Any commercial use would be allowed in a C-3 zone.

Tanji Patton, 634 Menger Springs noted that the city would give Buc-ee's sales tax revenue when the property was going to be pad sites.

John Waldron, 200 Madrone Trail stated that this item is purely procedural but not procedurally correct.

Chairman Bannwolf closed the Public Hearing at 7:06 p.m.

Chairman Bannwolf asked if there were any questions or comments from the Commissioners. Discussion followed covering several topics, including: zoning remaining with the property; the final traffic study; vesting; Chapter 2.45 of the Development Agreement; permitted uses within the C-3 zoning district; the Buc-ee's site and parking lot being designed for a 100-year rain event; dark sky compliance; ensuring fair treatment of the applicant; signage; the absence of a legal document outlining Buc-ee's commitments; clarification that the City, not Buc-ee's, is the applicant for the request; the City Council's role in making the final decision; the allowance of a gas station as a proper use under the zoning designation, which is why a public hearing was not required; and the concept of down zoning.

A MOTION WAS MADE BY VICE CHAIR HILER, SECONDED BY COMMISSIONER FRIAR, TO TABLE THE REQUEST FOR 90 DAYS TO RATIFY THE ZONING DESIGNATION OF C3 - SICO (COMMUNITY COMMERCIAL WITHIN THE SCENIC INTERSTATE CORRIDOR OVERLAY DISTRICT), AS DETERMINED THROUGH LEGAL REVIEW OF THE UNIFIED DEVELOPMENT CODE, FOR AN APPROXIMATELY 5.155-ACRE PROPERTY LOCATED ON IH-10 WEST. THIS TRACT, KNOWN AS THE IH-10 "SURPLUS NORTH" TRACT, ADJOINS THE FUTURE BUC-EE'S DEVELOPMENT AT 33375 IH-10 WEST.

VICE CHAIR HILER WITHDREW HIS MOTION FOR FURTHER DISCUSSION. COMMISSIONER FRIAR WITHDREW THE SECOND.

A MOTION WAS MADE BY VICE CHAIR HILER, SECONDED BY COMMISSIONER FRIAR, TO TABLE THE REQUEST FOR 60 DAYS TO RATIFY THE ZONING DESIGNATION OF C3 - SICO (COMMUNITY COMMERCIAL WITHIN THE SCENIC INTERSTATE CORRIDOR OVERLAY DISTRICT), AS DETERMINED THROUGH LEGAL REVIEW OF THE UNIFIED DEVELOPMENT CODE, FOR AN APPROXIMATELY 5.155-ACRE PROPERTY LOCATED ON IH-10 WEST. THIS TRACT, KNOWN AS THE IH-10 "SURPLUS NORTH" TRACT, ADJOINS THE FUTURE BUC-EE'S DEVELOPMENT AT 33375 IH-10 WEST. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 6 - Chairman Bannwolf, Vice Chair Hiler, Commissioner Cates, Commissioner Friar, Commissioner Bird, and Commissioner Vecino

Abstain: 1 - Commissioner Keller

Commissioner Keller returned to the dais.

Commissioner Cates asked for a short pause in the meeting.

Chairman Bannwolf convened the Commissioners to a recess at 8:10 p.m.

Chairman Bannwolf reconvened the Commissioners into Open Session at 8:20 p.m.

4. CONSENT AGENDA:

A MOTION WAS MADE BY COMMISSIONER FRIAR, SECONDED BY COMMISSIONER BIRD TO APPROVED THE CONSENT AGENDA AS PRESENTED. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 7- Chairman Bannwolf, Vice Chair Hiler, Commissioner Cates, Commissioner Friar, Commissioner Keller, Commissioner Bird, and Commissioner Vecino

A. CONSIDER THE APPROVAL OF THE MINUTES OF THE PLANNING AND ZONING COMMISSION MEETING OF AUGUST 4, 2025.

THE MINUTES WERE APPROVED.

5. REGULAR AGENDA:

B. HOLD A PUBLIC HEARING AND CONSIDER A PROPOSED PLANNED UNIT DEVELOPMENT (PUD) FOR A 6.46 ACRE TRACT OF LAND, LOCATED AT 727A JOHNS ROAD.

Chairman Bannwolf called on Tyler Holyoak to present the request for a Planned Unit Development (PUD).

Ms. Holyoak displayed a map of the property under consideration and provided background information. She noted that the item had previously been discussed by the Planning and Zoning Commission on April 7, 2025, and again as a rezoning request at the June 2, 2025 meeting. At that time, the request was for a 30-duplex subdivision, but it was withdrawn during the meeting.

The applicant has now submitted a new proposal for a PUD. Ms. Holyoak explained that a PUD allows consideration of unique factors while still providing for a cohesive design of the property, with specific deviations from code standards highlighted on the screen. A conceptual rendering of the project was also displayed.

Discussion followed regarding drainage, emergency access, landscaping, and roadway easements. Applicant representative Daniel Wetzel, 101 Woods of Boerne, stated that the HOA for Villas at Hampton Place would not permit the proposed emergency access. Jeff Carroll, Engineering and Mobility Director, clarified how emergency access is handled in other locations around Boerne

and displayed a map indicating a potential emergency access location. Additional discussion followed on the possibility of a deed restriction and the proposal to file a five-foot non-access easement along the south property line.

Chairman Bannwolf opened the Public Hearing at 8:51 p.m.

Kirk Riggs, 537 Johns Road, expressed concern about additional traffic.

Ramiro Guerrero, Director of Operations for BISD, stated that the district has not had discussions regarding the PUD and expressed concerns for health and safety related to the school.

Daniel Wetzel responded that they had met with BISD in 2024. Mr. Guerrero stated he had not met with anyone but was willing to do so. Mr. Wetzel added that he had met with Mark Stahl in October of last year.

Karen Graves, 112 Hampton Way, speaking on behalf of her subdivision, stated she supported the non-access easement but felt there were still many unanswered questions.

Eric Munoz, 137 Hampton Cove, stated there was still no resolution or clear commitment.

Brenda Alexander, 226 Hampton Run, HOA Board member, expressed concern about ensuring an access point is available at all times.

Chairman Bannwolf closed the Public Hearing at 9:11 p.m.

He then asked for comments or discussion from the Commissioners. Discussion ensued regarding emergency access, obtaining a commitment from BISD, the requirement for annexation prior to zoning, and clarification on the number of lots proposed in the development.

A MOTION WAS MADE BY COMMISSIONER CATES, SECONDED BY COMMISSIONER BIRD, TO APPROVE A PROPOSED PLANNED UNIT DEVELOPMENT (PUD) FOR A 6.46 ACRE TRACT OF LAND, LOCATED AT 727A JOHNS ROAD. TO INCLUDE 9 STIPULATIONS; 1) THE PUD SHALL SUBSTANTIALLY CONFORM TO THE PUD PLAN PACKET DATE STAMPED SEPTEMBER 2, 2025. 2) AN EMERGENCY ACCESS EASEMENT SHALL BE APPROVED BY BISD THAT MEETS ALL CITY AND FIRE CODE REQUIREMENTS. 3) ALL PRIVATE STREETS SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE UDC AND APPLICABLE CONSTRUCTION DETAILS FOR PUBLICLY DEDICATED STREETS AS DESCRIBED IN UDC 7.4(B). 4) GATED ENTRANCE LAYOUT TO COMPLY WITH REQUIREMENTS OF UDC 7.5(B) AND EDM 2.9.1. 5) ALL DEAD END ROADWAYS SHALL COMPLY WITH EDM 2.1.10. 6) STREET LAYOUTS, DRAINAGE FEATURES, UTILITIES, OR OTHER IMPROVEMENTS SHOWN HEREIN ARE CONCEPTUAL ONLY AND SHALL NOT BE CONSIDERED APPROVED FOR CONSTRUCTION. FINAL DESIGN AND CONSTRUCTION ARE SUBJECT TO FULL COMPLIANCE WITH ALL CITY CODES, ORDINANCES, AND STANDARDS. 7) THIS PUD SHALL BE NULL AND VOID IF ANY OF THESE CONDITIONS ARE NOT MET. ADDITIONALLY, THE PUD MUST COMPLY WITH THE EXPIRATION AND AMENDMENT REGULATIONS OUTLINED IN UDC 2-5. 8) FIVE FOOT NON-ACCESS EASEMENT MUST BE RECORDED IN ORDER FOR THE PUD TO BE EFFECTIVE. 9) PROOF BE PROVIDED ON ACCESS EASEMENT DOWN PRIVATE ROAD TO CITY ATTORNEY. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 7 - Chairman Bannwolf, Vice Chair Hiler, Commissioner Cates, Commissioner Friar, Commissioner Keller, Commissioner Bird, and Commissioner Vecino

C. CONSIDER A REQUEST FOR A VARIANCE TO CHAPTER 2.11.10(A), LEFT TURN LANES, OF THE ENGINEERING DESIGN MANUAL FOR A PROPERTY LOCATED AT 109 AMMANN ROAD (KCAD 310823 AND 11864).

Chairman Bannwolf called on Jeff Carroll, Engineering and Mobility Director, to present the request for a turn lane on Ammann Road. Mr. Carroll displayed a map of the location and explained that the property lies outside the city limits but within the city's ETJ. He noted that the speed limit along this rural roadway is 45 mph and that there are no curbs or sidewalks. A Traffic Impact Analysis (TIA) conducted in February indicated approximately 1,800 vehicles on a Sunday. The proposed use of the property is for a 54,000 square foot church.

Based on the TIA, peak hour projections showed 256 vehicles making a right turn into the site and 13 vehicles making a left turn.

Rob Killen, attorney with the law firm of Killen Griffin and Fairmont in San Antonio, addressed the Commission, noting that the traffic concern occurs only on Sunday mornings between 9:00 a.m. and 11:00 a.m. He explained that the church is currently operating at a temporary location on Herff Road, with Ammann Road intended to serve as its permanent home. Mr. Killen also addressed a letter from Kendall County expressing disagreement with the engineer's findings, stating that the church plans to use Sheriff's Deputies to help control traffic.

Matthew Matney, engineer for the development, clarified the traffic study findings, noting that installing a turn lane could result in a heavier impact on nearby residents. Pastor Jared Patrick asked the Commission to consider the stewardship of the church's financial resources. Jonathan Collins, an Elder of the church, stated that the church has not received any complaints nor experienced any vehicle accidents at its current location.

Discussion ensued regarding the need to address traffic in the area beyond Sunday mornings, safety concerns for both the congregation and nearby residents, and whether it was fair to require the church to make a significant infrastructure investment for use only one day per week. Commissioners also discussed potential alternatives and mechanisms to require an updated Traffic Impact Analysis in the future.

A MOTION WAS MADE BY COMMISSIONER CATES, SECONDED BY VICE CHAIR HILER, APPROVE A REQUEST FOR A VARIANCE TO CHAPTER 2.11.10(A), LEFT TURN LANES, OF THE ENGINEERING DESIGN MANUAL FOR A PROPERTY LOCATED AT 109 AMMANN ROAD (KCAD 310823 AND 11864). THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 4 - Chairman Bannwolf, Vice Chair Hiler, Commissioner Cates, and Commissioner Keller

Nay: 3 - Commissioner Friar, Commissioner Bird, and Commissioner Vecino

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

Chairman Bannwolf asked for updates for a future Planning and Zoning Commission meeting from the 89th legislative session pertaining to municipalities. He also acknowledged Tyler Holyoak resigning from the city and moving out of state. He acknowledged City Attorney Mick McKamie on receiving the 2025 Amicus Award by the International Municipal Lawyers Association. He is one of the 55 recipients nationwide who received the award.

A. Texas APA Conference October 21st and 22nd in Bryan/College Station.

Director Crane reminded the Commissioners of the Texas Chapter of the American Planning Association conference on October 21st and 22nd in Bryan-College Station. If you are interested in attending, please let us know as soon as possible so we can get you registered.

B. Agenda posting deadline update.

Director Crane stated that effective September 1, 2025 state law requirements for public meeting agenda posting is now three business days instead of 72 hours. The three business days does not include day of posting and day of meeting and excludes holidays.

7. ADJOURNMENT

Chairman Bannwolf adjourned the meeting at 10:19 p.m.

Approved:

Chairman

Attest:

Planning Director