

MINUTES
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.

Minutes of the Planning and Zoning Commission meeting of November 4, 2024 at 6:00 p.m.

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

Absent: 1 - Commissioner Carlos Vecino

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

Recognized and Registered Guests: John Wolters, Karen Wolters, Tammy Miller, Lee Carriker, Pat Carriker, Anisa Schell, Virginia Nikilich, Kevin DeAnda

1. CALL TO ORDER – 6:00 PM

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

Commissioner Susan Friar arrived at 6:01 p.m.

2. CONFLICTS OF INTEREST

No conflicts were declared.

3. PUBLIC COMMENTS:

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

No comments were received.

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

4. CONSENT AGENDA:

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

Approved: 6-0

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

- 4.A. [2024-556](#) Consider approval of the minutes of the Planning and Zoning Commission meeting of October 7, 2024.
- 4.B. [2024-557](#) Consider approval for Esperanza Phase 3F Final Plat, generally located northeast of Esperanza Boulevard and Dulce Vista. (Extra-Territorial Jurisdiction)
- 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)

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).

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

Anisa Schell, project representative, gave a brief presentation explaining that the master community plan for this project is in alignment with the city's master plan and was accepted by the city prior to adoption of the Unified Development Code. She clarified that they anticipate approximately 2-3 years for construction and that a traffic impact

analysis resulted in the construction of a new southwest-bound deceleration right-turn lane, as well as a new primary collector street at Coughran Road (to accommodate any trips being generated from the homes being built).

Chairman Bannwolf opened the public hearing at 6:14 p.m.

John Wolters, spoke in opposition of the proposed zoning case and high density development. He expressed concerns with the public notice from the city indicating it was not effective in notifying citizens of this case.

Pat and Lee Carriker, residents to the north of the site, spoke in opposition of the proposed zoning case; they expressed safety concerns with added traffic, and Mrs. Carriker read a letter to the Commission that they submitted to staff earlier in the day.

Tammy Miller, spoke on behalf of her father-in-law who owns the adjacent property to the west; she expressed concerns with traffic, perimeter fencing, noise, light pollution, and the potential impact on property values.

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

Commissioner Cates expressed concerns with high-density development, impervious cover, floodplain concerns, and traffic safety on Highway 46. He questioned if steep slope/impervious cover issues had been addressed and if the development reclaimed any parts of the flood zone/updated maps to get more acreage out of the floodway.

Overall Commission discussion included a range of concerns and considerations. They expressed concerns with added traffic, and questioned if a traffic signal would be required. They discussed concerns with the density allowed in R2-M zoning, public notice for this zoning case, and inquired about certain aspects of the development agreement as it relates to the number of units being proposed. The Commission also inquired about previous plat approvals and the limited authority

over density due to the development being situated in the city's extra-territorial jurisdiction (ETJ) at the time those plats were presented and approved.

Nathan Crane, Planning Director, explained that with the property being located in the ETJ, combined with the terms of the development agreement, it allowed the developers to obtain permits through the county, prior to required annexation into the city limits; this allowed road construction and for them to address floodplain concerns. He further explained that the development is bound by the approvals of Phases 1-3, which are consistent with the master community plan that was approved by the Planning and Zoning Commission back in 2018. The development agreement for the project was approved by the Boerne City Council in 2021, granting the developers certain vested rights dating back to the 2018 approval. The agreement provides some specific guidance on zoning approvals that must be obtained from City Council. There were other terms that allowed them to move through the platting process with the city but annexation had to occur in proper order. As for steep slope, he explained that he was unsure if they have been addressed in previous plats, but can find out. As for public notice, he clarified that the city has a number of notification processes and they notify neighbors as close to subject properties as possible. The city has also extended to a 500-foot radius for mail out notification letters. He noted that any multi-family housing components will require a Specific Use Permit (SUP) that will be reviewed by the Planning and Zoning Commission, who will then make a recommendation to Boerne City Council.

Mick McKamie, Associate City Attorney, clarified that zoning is tool to use to control some aspects of density once a property is annexed into the city limits and zoning is applied.

Cheryl Rogers, City Engineer, addressed questions regarding a possible traffic signal and about changes to the floodplain. For the traffic signal, she explained that at some point frontage properties will have to do traffic studies and at a later time one of the property owners will need

to put in the traffic signal. She also clarified that currently there is not a middle turn lane but property owners in the future will need to provide a left turn lane when they decide to develop. As for the floodplain, she explained that Spencer Ranch submitted a letter of map revision (LOMR) to Federal Emergency Management Agency (FEMA) which received approval. Subsequently, FEMA surveyed the bridges, culvert and grading that had been completed, resulting in a reduction in the floodplain area.

The applicant, Kevin DeAnda, requested a continuance to allow for more time to prepare a comprehensive response and acknowledged that a 30-day postponement period was likely sufficient.

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

Tabled: 6-0

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

Mick McKamie provided more detail to the commission regarding zoning considerations with or without development agreements. He noted that the City of Boerne has negotiated development agreements before they were even recognized by state statute and that every major development agreement has language that the developer must divulge the terms of the agreement and any covenants included, to future purchasers, for the benefit of the residents; therefore, there would be something recorded for this development. A new developer could seek a new agreement but regardless, with or without a development agreement, the zoning considerations following annexation would remain the same.

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

Francesca "Franci" Linder, Assistant Planning Director, presented the proposed Unified Development Code updates.

Chairman Bannwolf questioned if a pole sign can remain with a new owner.

Franci Linder clarified that in the case of a new business/new owner, the sign would be allowed as a non-conforming sign. However, if the business is not in operation within 90 days, the sign would then need to come down.

Commissioner Bird questioned if the grant has a limit since it has a 1:1 match.

Franci Linder clarified that there is an upper limit of \$14,500.

Chairman Bannwolf opened the public hearing at 7:24 p.m.

No comments were received.

Chairman Bannwolf closed the public hearing at 7:24 p.m.

A motion was made by Commissioner Cates, seconded by Commissioner Friar, to make a recommendation to the Boerne City Council to approve 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

The motion carried by the following vote:

Recommend Approval: 6-0

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

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

Tyler Cain, City Planner II, presented the proposed code of ordinance updates specific to amplified sound and sound measurement.

Commission discussion ensued regarding enforcement rules, measurement of sound and concerns with the amount of equipment patrol units have access to use.

Commissioner Bird expressed his satisfaction of where they have arrived with the proposed ordinance amendments. He noted that he previously donated six calibrated units to the police department for their use for enforcement.

Tyler Cain confirmed that the portion of the ordinance regarding enforcement is not being updated, but, at the discretion of the police department, any person in violation shall be fined.

Chairman Bannwolf asked who will follow up regarding the amount of units available to the police department. Nathan Crane confirmed that staff will take care of it.

A motion was made by Commissioner Bird, seconded by Commissioner Friar, to make a recommendation to the Boerne City Council to approve 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

The motion carried by the following vote:

Recommend Approval: 6-0

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

- 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

Jo-Anmarie Andrade, City Planner II, presented the proposed UDC amendments specific to mobile food units (MFU) and mobile food parks.

Chairman Bannwolf noted that Commissioner Bird, Commissioner Cates, and Commissioner Hiler served as a subcommittee to review the proposed mobile food related code updates.

Commissioner Cates, who chaired the subcommittee, expressed that he was pleased with the updates and asked if "temporary use" was defined.

Jo-Anmarie Andrade noted that it is not defined, however, when a temporary use permit is granted, they will be separate permits, which allows for flexibility; it will be up to staff to limit the number of days the permit will be valid and overnight stay is not up for negotiation.

Commissioner Friar questioned if a food truck that is located over by the movie theater is considered mobile as they have been there for a while.

Nathan Crane, Planning Director, explained that previous city staff reached an agreement with the previous owner of that mobile food location and allowed them to operate while the ordinance was being completed; current city staff is now getting in position to notify them of the ordinance changes and will give them a reasonable period of time to

come into compliance with the updated ordinance.

Chairman Bannwolf opened the public hearing at 8:02 p.m.

No comments were received.

Chairman Bannwolf closed the public hearing at 8:02 p.m.

A motion was made by Commissioner Cates, seconded by Commissioner Bird, to make a recommendation to the Boerne City Council to approve 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

The motion carried by the following vote:

Recommend Approval: 6-0

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

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

Heather Wood, Planning Administrative Assistant, presented the proposed 2025 meeting dates.

Chairman Bannwolf and Commissioner Hiler stated they would not be available for the January 6th meeting and would like to move that meeting to January 13, 2025.

A motion was made by Commissioner Hiler, seconded by Commissioner Friar, to approve the 2025 Planning and Zoning Commission meeting dates as amended. The motion carried by the following vote:

Approved as amended: 6-0

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

6. DISCUSSION ITEMS:

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

Mick McKamie, Associate City Attorney, discussed the City of Boerne Planning & Zoning Commission Rules of Decorum and Subcommittee Guidelines that will be presented as an action item at next month's Planning and Zoning Commission meeting.

7. COMMENTS FROM COMMISSION/LEGAL COUNSEL/STAFF:

Franci Linder shared with the Commission that the Planning department recently received an award that is given to only 53 out of 1200 cities. This award required staff and commissioners to have successfully completed requisite training and certifications in planning principles.

Chairman Bannwolf commended staff for this recognition as it is a reflection of the exceptional caliber of the planning department's expertise and the meticulous care they take in their work.

Nathan Crane took a moment to highlight a recent team-building initiative undertaken by the planning team; the team volunteered at St. Peter's Church, contributing their time to the "Blessings in a Backpack" program, which aims to provide nourishment to local schoolchildren who may lack access to regular meals over the weekends.

8. ADJOURNMENT

Chairman Bannwolf adjourned the Planning and Zoning Commission at 8:14 p.m.

Chairman

Secretary