

AGENDA
DESIGN REVIEW COMMITTEE MEETING
RONALD C. BOWMAN CITY COUNCIL CHAMBERS
447 NORTH MAIN STREET
Thursday, November 14, 2024 - 6:00 PM

EXECUTIVE SESSION IN ACCORDANCE WITH THE TEXAS GOVERNMENT CODE: THE DESIGN REVIEW COMMITTEE 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. CONFLICT OF INTEREST

3. PUBLIC COMMENTS: This is the opportunity for visitors and guests to address the Design Review Committee on any issue. The Design Review Committee 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 Design Review Committee and may be enacted with one motion. There will be no separate discussion of items unless a Committee Member or citizen so requests, in which event the item may be moved to the general order of business and considered in its normal sequence.

4.A. [2024-572](#) Consider approval of the minutes of the Design Review Committee meeting of September 12, 2024.

Attachments: [Official Meeting Minutes 24-0912](#)

5. REGULAR AGENDA ITEMS:

5.A. [2024-573](#) Consider a request for a variance to the Unified Development Code (UDC) Nonconforming Signs (Section 9-4.A.2) to allow

continued use of an existing, legally nonconforming pole sign with an updated sign face for a new business located at 1234 South Main Street.

- Attachments:** [AIS - LaFour's Sign Variance](#)
[Att 1 - Location Map](#)
[Att 2 - Zoning Map](#)
[Att 3 - DRC Application](#)
[Att 4 - Site Photos](#)
[Att 5 - Site Plan and Proposed Sign Details](#)

6. COMMENTS FROM COMMITTEE/LEGAL COUNSEL/STAFF – NO DISCUSSION OR ACTION MAY TAKE PLACE.

7. ADJOURNMENT

s/s Francesca "Franci" Linder

Administrative Officer

CERTIFICATION

I hereby certify that the above notice of meeting was posted on the 8th day of November, 2024 at 1:30 p.m.

s/s Heather Wood

Secretary

NOTICE OF ASSISTANCE AT THE PUBLIC MEETING

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 by calling the Planning and Community Development Office 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
DESIGN REVIEW COMMITTEE MEETING
RONALD C. BOWMAN CITY COUNCIL CHAMBERS
447 NORTH MAIN STREET
Thursday, September 12, 2024 - 6:00 PM

Minutes of the Design Review Committee meeting of September 12, 2024 at 6:00 p.m.

Present 3 - Chairman Chris Taylor, Vice Chair Cody Keller, Committee Member Carr Stokes

Absent 2 - Committee Member Chris Harthcock, Committee Member Shelly Condra,

Staff Present: Franci Linder, Heather Wood, Ryan Lewis

Recognized/Registered Guests: Richard Eckersley

1. CALL TO ORDER – 6:00 PM

Chairman Taylor called the Design Review Committee to order at 6:00 p.m.

2. CONFLICT OF INTEREST

No conflicts were declared.

3. PUBLIC COMMENTS

Chairman Taylor opened public comments at 6:00 p.m.

No comments were received.

Chairman Taylor closed public comments at 6:00 p.m.

4. CONSENT AGENDA

A motion was made by Vice Chair Keller, seconded by Committee Member Stokes, to approve the consent agenda as presented.

The motion carried by the following vote:

Yea: 3 - Chairman Taylor, Vice Chair Keller, Committee Member Stokes

- 4.A. [2024-484](#) Consider approval of the minutes of the Design Review Committee meeting of August 8, 2024.

5. REGULAR AGENDA ITEMS:

- 5.A. [2024-485](#) Untable a request for a variance to Chapter 9, Section 9-7.9, General Sign Standards, of the Unified Development Code, located at 208 W Bandera Rd (KAD 24353), to reduce the 8 ft. setback to 0 ft. for a monument sign. (Jaci Clemons, on behalf of St. Mark's Presbyterian Church)

A motion was made by Chairman Taylor, seconded by Committee Member Stokes, to untable a request for a variance to Chapter 9, Section 9-7.9, General Sign Standards, of the Unified Development Code, located at 208 W Bandera Rd (KAD 24353), to reduce the 8 ft. setback to 0 ft. for a monument sign.

The motion carried by the following vote:

Yea: 3 - Chairman Taylor, Vice Chair Keller, Committee Member Stokes

- 5.B. [2024-486](#) Consider a request for a variance to Chapter 9, Section 9-7.9, General Sign Standards, of the Unified Development Code, located at 208 W Bandera Rd (KAD 24353), to reduce the 8 ft. setback to 0 ft. for a monument sign. (Jaci Clemons, on behalf of St. Mark's Presbyterian Church)

Franci Linder, Assistant Planning Director, presented the proposed variance.

Rick Eckersley, co-chair of the St. Mark's sign committee, spoke regarding enforcement of the setback requirement and how it will impact the effectiveness of the proposed sign while providing little to no public benefit. He explained that the proposed sign is consistent with the city's design standards and if they have to relocate the sign to meet the 8-foot setback, they will likely have to remove the tree. He noted that granting this variance will not adversely affect public welfare, will not

impact traffic visibility, and will align with the objectives of the long-term planning requirements. He also indicated that there is no expectation of TxDOT widening Blanco Road in future plans.

Commissioner Keller agreed that there will likely be no foreseeable future plans to widen the TxDot road and that the further the sign is set back from the road, the more distracting it could be for drivers trying to identify the sign for the church.

Chairman Taylor suggested that positioning the sign at the zero setback might be safer, as it would reduce drivers trying to search for it. He also questioned if vehicles in parking lot could potentially block the visibility of the sign either way.

Rick Eckersley clarified that they rarely have vehicles parked in the parking lot.

A motion was made by Chairman Taylor, seconded by Committee Member Stokes, to approve a request for a variance to Chapter 9, Section 9-7.9, General Sign Standards, of the Unified Development Code, located at 208 W Bandera Rd (KAD 24353), to reduce the 8 ft. setback to 0 ft. for a monument sign.

The motion carried by the following vote:

Yea: 3 - Chairman Taylor, Vice Chair Keller, Committee Member Stokes

6. COMMENTS FROM COMMITTEE/LEGAL COUNSEL/STAFF – NO DISCUSSION OR ACTION MAY TAKE PLACE.

There were no additional comments.

7. ADJOURNMENT

Chairman Taylor adjourned the Design Review Committee at 6:26 p.m.

Chairman

Vice Chair



DESIGN REVIEW COMMITTEE AGENDA ITEM SUMMARY

Agenda Date	November 14 th , 2024
Requested Action	Consider a request for a variance to the Unified Development Code (UDC) Nonconforming Signs (Section 9-4.A.2) to allow continued use of an existing, legally nonconforming pole sign with an updated sign face for a new business.
Contact Person	Jo-Anmarie Andrade, Planner II (830) 816-2040, jandrade@boerne-tx.gov
Subject Property:	1234 S Main St.
Background Information	<p>BACKGROUND:</p> <ul style="list-style-type: none">• ETJ/City Limit Status: The subject property is located within the city limits.• Applicant/Owner: The property is owned by Kehler Enterprises, and the applicant is Debbie LaFour.• Zoning: C3-EC (Community Commercial, Entrance Corridors Overlay District).• Current Use: LaFour’s Seafood Restaurant.• Current Signage: The property has a nonconforming freestanding pole sign for a previous business (Guadalajara Mexican Grill) located near the front of the building, facing South Main Street The sign stands approximately 26 feet tall, with a sign face measuring approximately 9.5 feet in height and 8.5 feet in width. <p>REQUEST:</p> <ol style="list-style-type: none">1. The applicant is requesting a variance from UDC Nonconforming Signs (Section 9-4.A.2) to allow continued use of an existing, legally nonconforming pole sign with an updated sign face for a new business, LaFour’s Seafood, without altering the sign’s structure, height, or placement.

UDC Section 9-4.A.2 states that “ *If the use of a nonconforming sign is discontinued for a period of ninety (90) consecutive days or more, then the sign must be removed by the responsible party without compensation and any future use of the sign must be in full compliance with this ordinance.* ”

FINDINGS AND ANALYSIS:

Per the UDC, the DRC may grant a variance when all five conditions are met. Below is Staff’s analysis of each condition:

1. A literal enforcement of the provisions of the requirements will result in unnecessary hardship.

The variance must prevent an unnecessary hardship that is not financial in nature. The hardship must be significant and affect the property's use or value.

The property was developed prior to the adoption of the UDC, with both the primary building and the existing pole sign set back approximately 20 feet from South Main Street. The current placement of the pole sign strikes a balance between providing business visibility and maintaining a relatively low profile, so it doesn’t dominate the viewshed. Relocating or replacing the sign to meet current UDC standards would create an unnecessary hardship by disrupting this balanced placement, as it would be difficult to achieve similar visibility for the business without making the sign more visually prominent or requiring substantial site modifications.

2. Such variance will not authorize the operation of a use other than one which is specifically authorized for the district in which the subject property is located.

The variance must not allow a use that is not already permitted within the zoning district.

The variance request pertains only to signage and does not propose any changes to the permitted use of the property, which is consistent with C3-EC (Community Commercial, Entrance Corridors Overlay District).

- 3. The plight of the owner of the property for which the variance is sought is due to unique circumstances existing on the property, and the unique circumstances were not created by the owner of the property and are not due to or the result of general conditions in the district in which the property is located.**

The variance must be a unique circumstance. The unique circumstance must not have been created by the owner or the result of a general condition in the district where the property is located.

This property was developed long before the adoption of the UDC and is designed to minimize the sign's impact on the viewshed, offering a more restrained visual profile compared to nearby properties, such as the Motel 6. Recent UDC changes under Ordinance No. 2024-10 prohibit all new pole signs. The combination of the property's pre-UDC development, its specific layout that balances visibility with minimal visual impact, and recent code changes collectively create a unique situation specific to this site.

- 4. The variance will not substantially weaken the general purposes of this ordinance or the regulations herein nor alter the essential character of the specific district.**

The variance must not weaken the overall goals of the zoning ordinance or change the nature of the district.

Allowing the applicant to update the sign face while retaining the existing pole structure aligns with the overall goals of the ordinance and preserves the district's visual character. The existing sign structure and proposed sign face complies with the City's dark sky standards, preventing additional light pollution.

- 5. The variance will not adversely affect public health, safety, or welfare.**

The variance must not negatively impact the community's health, safety, or overall well-being.

Maintaining the existing sign structure does not introduce any new risks to public health, safety, or welfare. The sign remains

	<p>unobtrusive, does not obstruct any critical sightlines, and poses no adverse effects on the community’s well-being. This variance only applies to the current 90-day lapse of use. If approved, the sign would remain legally nonconforming. Should the sign be discontinued for a period of 90-days or more in the future, removal would be required under UDC Sec 9-4.A.2</p> <p>STAFF RECOMMENDATION:</p> <p>Staff recommends that the Design Review committee accept the findings of staff and APPROVE the variance request.</p> <p>MOTIONS FOR CONSIDERATION:</p> <p>The following motions are provided to assist the Commission’s decision and motion.</p> <p>Motion to Approve: I move that the Design Review Committee accept the findings and APPROVE the variance request as recommended by staff.</p> <p>OR</p> <p>Motion to Deny: I move that the Design Review Committee DENY the variance request. (The Commission will need to state the reasons for the denial. These reasons should reference specific regulations in the UDC.).</p>										
Item Justification	<table border="0"> <tr> <td><input type="checkbox"/> Legal/Regulatory Obligation</td> <td><input type="checkbox"/> Infrastructure Investment</td> </tr> <tr> <td><input type="checkbox"/> Reduce Costs</td> <td><input checked="" type="checkbox"/> Customer Pull</td> </tr> <tr> <td><input type="checkbox"/> Increase Revenue</td> <td><input type="checkbox"/> Service Enhancement</td> </tr> <tr> <td><input type="checkbox"/> Mitigate Risk</td> <td><input type="checkbox"/> Process Efficiency</td> </tr> <tr> <td><input type="checkbox"/> Master Plan Recommendation</td> <td><input type="checkbox"/> Other:</td> </tr> </table>	<input 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 type="checkbox"/> Master Plan Recommendation	<input type="checkbox"/> Other:
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Strategic Alignment	C1 - Offering quality customer experiences										
Financial Considerations	None										

Citizen Input/Board Review	None
Legal Review	None
Alternative Options	None
Supporting Documents	Attachment 1 – Aerial Location Map Attachment 2 – Zoning Map Attachment 3 – DRC Application Attachment 4 – Site Photos Attachment 5 – Site Plan and Proposed Sign Details

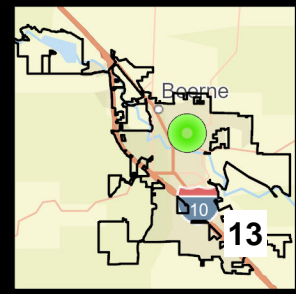
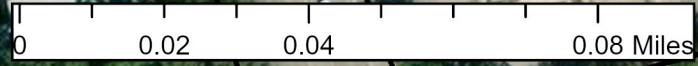
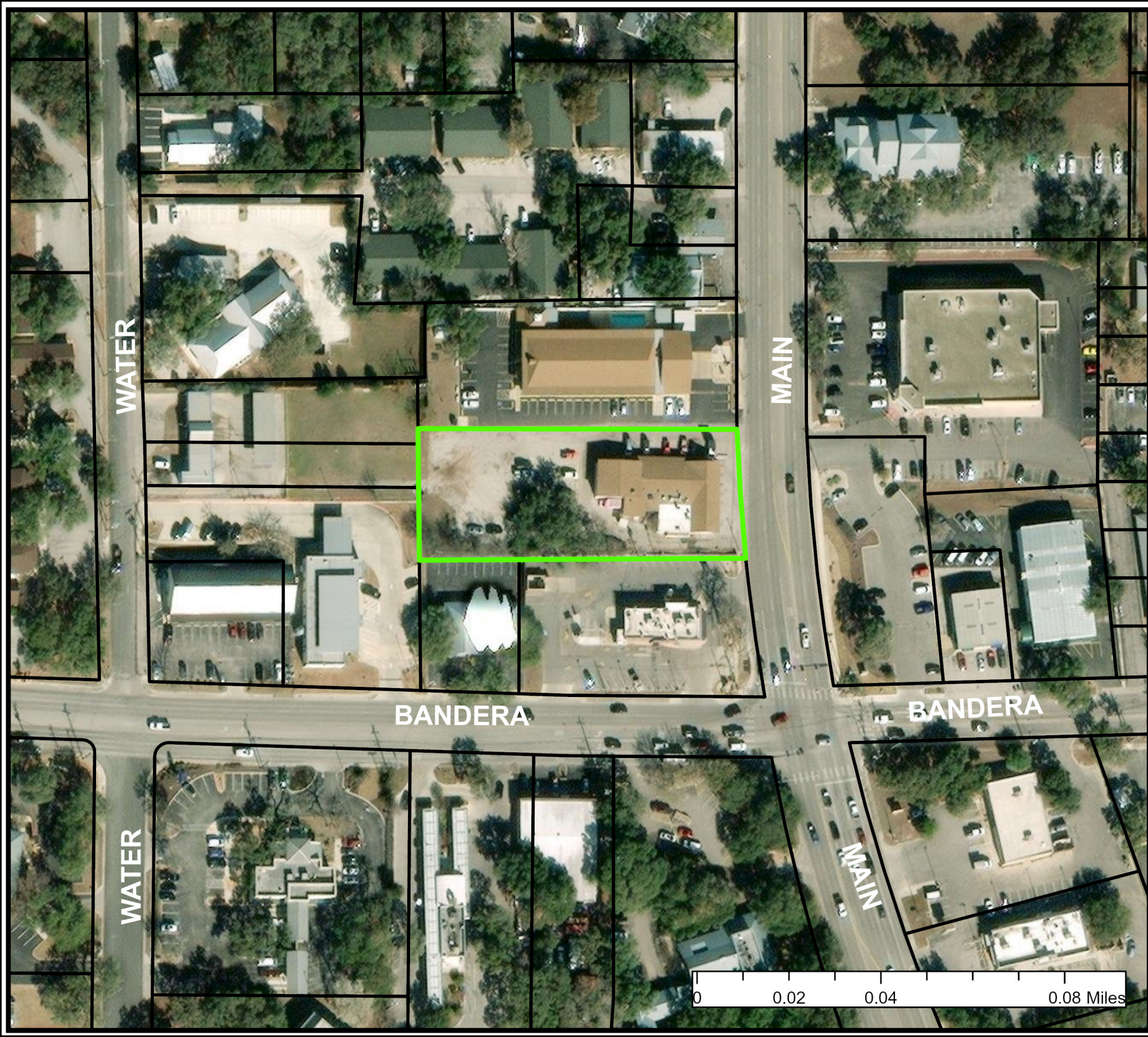


SUBJECT PROPERTY

1234 S Main St.

Legend

-  Parcels
-  Subject Property










SUBJECT PROPERTY
1234 S Main St.

Current Zoning
C3-EC


Legend

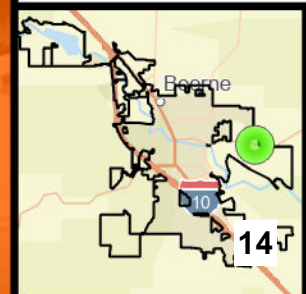
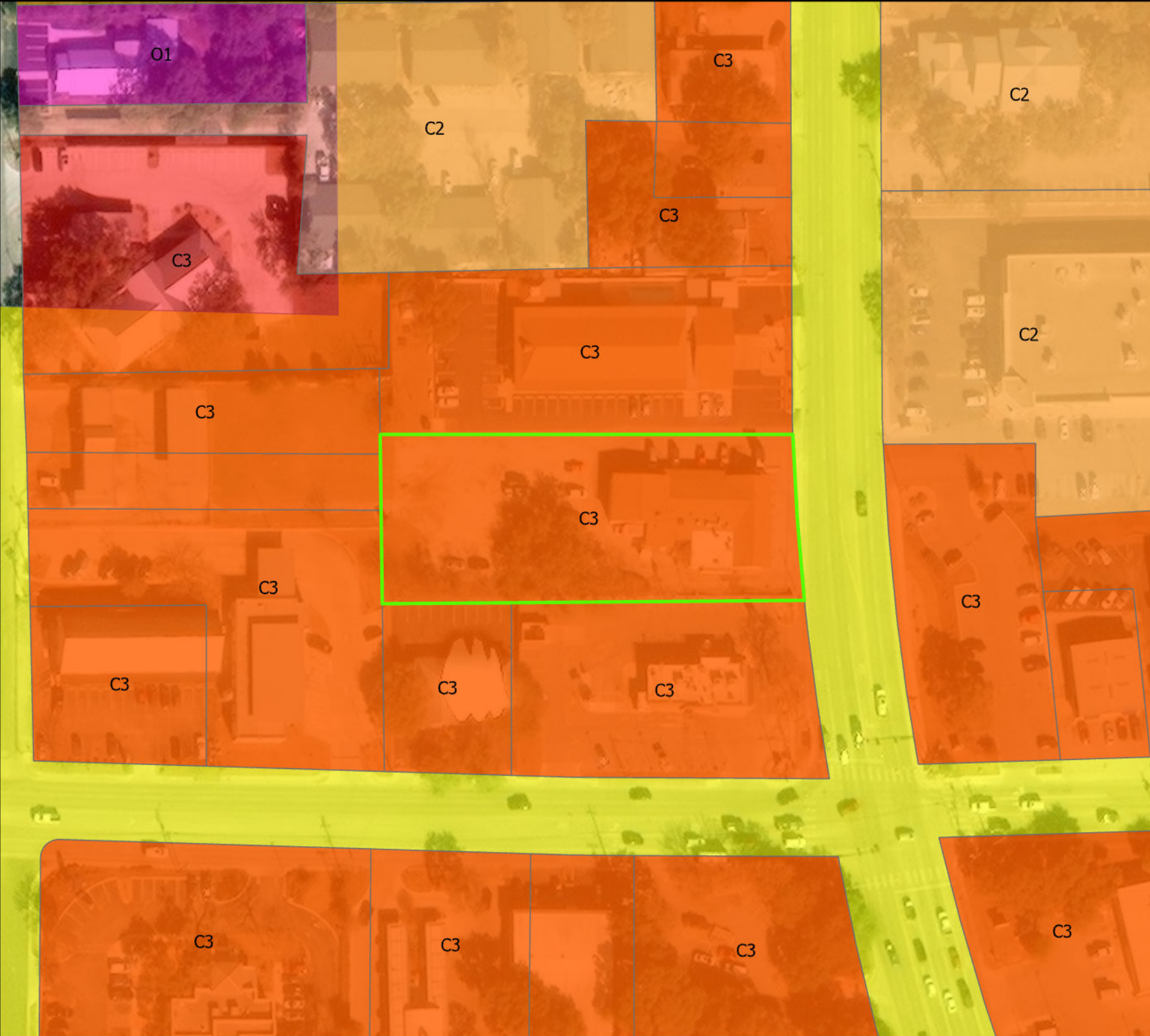
 SUBJECT PROPERTY

Boerne Zoning

-  C1
-  C2
-  C3
-  O1
-  R1-M

Overlay Districts

-  Entrance Corridor



Amount Recd.: _____	CC
Receipt No.: _____	Cash
Check No.: _____	Check
Submittal date: _____	
<i>Official use only</i>	

Planning Department
 447 N. Main St.
 Boerne, TX 78006
 830-248-1501
www.ci.boerne.tx.us



Design Review Committee Application

Property Owner: Kehler Enterprises
 Applicant (if Different than owner): LaFour's Seafood Restaurant/Debbie LaFour
 Address: 1234 South Main St, Boerne Tx
 Mobile: 830-285-0181 Home: _____ Office: 830-331-4262
 Email: lafour44@hotmail.com

Please select appropriate construction activity:


<input type="checkbox"/> New Construction	<input type="checkbox"/> Reconstruction	<input type="checkbox"/> Structural Alteration	<input checked="" type="checkbox"/> Sign
<input type="checkbox"/> Restoration	<input type="checkbox"/> Relocation	<input type="checkbox"/> Demolition	<input type="checkbox"/> Building Permit

Property Address: 1234 South Main St, Boerne Tx
 Section / Article of Ordinance: 9-4.A.2

Please describe the reason for a creative alternative or variance:
See Attached

(Provide attachments and supporting documentation if needed or required)

DRC Application Fee: \$500 (Fee must accompany application)

Signature: _____ Date: _____
 Property Owner*
 Signature:  _____ Date: _____
 Applicant/Agent*

*If the applicant is a person other than the owner, a letter of authorization must be provided from owner. Signature indicates authorization for plat application and acceptance of waiver statement.

Please submit this for and all required attachments, included in the checklist below, at least **10 calendar days** prior to the date of the meeting. Documents can be submitted in person to the Planning and Community Development Department at Boerne City Hall located at 447 N. Main Street, Boerne, TX 78006. Meetings are held at 6:00PM on the 2nd Thursday of each month in the City Council Chambers at Boeren City Hall.

Required Attachments

Applicant	Attachment(s)
x	Proposed site plan that depicts as-built and proposed building or sign locations.
	If application is NOT for a sign the proposed North, South, East and West elevations of structure should be prepared (scaled drawings required).
x	A photograph of the original structure or sign as viewed from the street.
x	Detailed illustration or computer-generated image of proposed sign design, colors, lighting, and content. Include description of materials and sign dimensions.
x	Sign Permit request approval or denial form issued by Code Enforcement (249-9511 ext. 1107).
x	A representative MUST attend the meeting to present the request to the Design Review Committee

1234 S Main Street Sign Variance Request

Due to the proximity of the busy roadway and the constant intrusion of traffic into the parking area by drivers attempting to access the turn lane onto Bandera Road, it is impossible to utilize any type of monument sign in that space

Because of the coverage of visibility by the Motel 6 for a potential wall mounted sign, that option is also not a reliable and viable option to inform citizens of the tenants business

On the opposite side of the building, Wendy's prevents visibility from the roadway headed north on Main Street

Rooftop signage is not feasible because of the parallel nature of the building to the roadway and the lack of visibility. Drivers finding this location by a rooftop sign would be stopping suddenly and causing traffic backup and potential accidents and hazards due to the immediacy of the signage

The location of the building and proximity to the roadway do not have enough front setback for signage that will comply with city ordinances. Options other than the existing signage will present traffic interference due to the driver usage of the parking area as a pass through into the turn lane on Bandera Rd.

The existing conditions prevent compliance and do not allow the tenant to meet city requirements in the following ways:

- The "drive through" exit is used for deliver and potential drive through business
- The front parking area is allotted for handicap accessibility and cannot be encroached on
- The front setback from the roadway is insufficient for signage of any kind
- Signage visibility from the roadway is only feasible by utilizing the current sign

The tenant intends to bring the sign as close to compliance as possible by adjusting the lighting, refacing the sign with complaint coloring, and by not adding any additional height to the existing structure of the sign.

Because of the continued usage as a restaurant, we kindly request the variance be granted to allow for the tenant to have success in relocating their 41 year old business into Boerne without additional financial strife. The renovation and safety updates to the location were extreme and extensive and additional financial burdens will make succes harder to attain. We are willing to be as complaint with city codes and requirements as possible, unfortunately, there are just occasions or circumstances that are impossible to work around. We appreciate your consideration in this request.

Kehler Enterprises

215 West Bandera Rd
Suite 114 Box 115
210-452-1865
kehlereenterprises@gmail.com

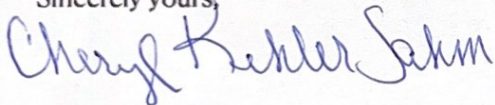
October 15, 2024

Nathan Crane
City Of Boerne

The City of Boerne,

I am giving authorization to LaFours Restaurant to replace their temporary sign on the pole at 1234 South Main Street Boerne, TX with a professional sign on the existing pole located in front of the building.

Sincerely yours,



Cheryl Kehler Sahn

LaFour's
Seafood
Restaurant
Est. 1985

LaFour's Restaurant
OPEN
Tuesday - Saturday
11-2PM - 4-9PM





La Tour's
Seafood

1234

La Tour's
Seafood
Res. & Grill

Fresh
Texas
Oysters



Total Sign Height 26.0 ft

2 ft.

9.5 ft.

8'-5 1/2"

14.5 ft.

Lafours Restaurant
OPEN
Tuesday-Saturday
11-2PM 64-9PM

LA FOUR'S



SEAFOOD

EST. 1983

830-331-4262

22

LA FOUR'S



SEAFOOD

EST. 1983

830-331-4262

FOR LEASE

GLEN BOGHA, CCIM

COMMERCIAL BROKER

210-213-6886

www.TX-CRE.com



23