

AGENDA
PLANNING AND ZONING COMMISSION MEETING
BOERNE CITY HALL
RONALD C. BOWMAN CITY COUNCIL CHAMBERS
447 North Main Street
Monday, December 2, 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.)

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. [2024-622](#) Consider approval of the minutes of the Planning and Zoning Commission meeting of November 4, 2024.

Attachments: [Official Meeting Minutes 24-1104](#)

4.B. [2024-623](#) Consider approval for Esperanza Phase 4B Final Plat, generally

located south of Splendido and east of Galisteo.
(Extra-Territorial Jurisdiction)

Attachments: [AIS - Esperanza 4B - Final Plat 2024.12.02](#)
[Att 1 - Location Map](#)
[Att 2 - Future Land Use Map](#)
[Att 3 - Proposed Final Plat](#)
[Att 4 - Esperanza Pod GDP Ph 3 and 4 PH 4B](#)

4.C. [2024-624](#) Consider approval for Esperanza Phase 4C Preliminary Plat generally located north of Highway 46 along Galisteo Drive.
(Extra-Territorial Jurisdiction)

Attachments: [AIS - Esperanza 4C - Prelim Plat 2024.12.02 Final](#)
[Att 1 - Location Map](#)
[Att 2 - Future Land Use Map](#)
[Att 3 - Proposed Preliminary Plat](#)
[Att 4 - Approved Pod General Master Development Plan Phase 3 & 4](#)

5. REGULAR AGENDA:

5.A. [2024-626](#) Untable and consider 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 12.02.2024](#)
[Att 1 - Aerial 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. Notice Buffer](#)
[Att 7 - Conceptual Development Plan from 2021 Development Agreemen](#)
[Att 8 - Spencer Ranch Plats Conditions for Approval](#)
[Att 9 - Community Responses](#)
[Att 10 - Annexation Phasing Map](#)

5.B. [2024-627](#) Consider the City of Boerne Planning & Zoning Commission Rules of Decorum and Subcommittee Guidelines.

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

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

6.A. City of Boerne Boards and Commissions Appreciation Open House - December 11th at 6:00 p.m. - 8:00 p.m. at City Hall Lobby.

7. ADJOURNMENT

s/s Nathan Crane

Administrative Officer

CERTIFICATION

I herby certify that the above notice of meeting was posted on the 27th day of November, 2024 at 4:00 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, 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



AGENDA ITEM SUMMARY

Agenda Date	December 2 nd , 2024
Requested Action	Consider approval for Esperanza Phase 4B Final Plat, generally located South of Splendido and East of Galisteo. (Extra-Territorial Jurisdiction)
Contact Person	Jo-Anmarie Andrade, Planner II (830) 816-2040, jandrade@boerne-tx.gov
Background Information	<p>BACKGROUND:</p> <p>The property is owned by Lookout Development Group, LP, and the applicant is Mike Siefert, P.E.</p> <p>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.</p> <p>No zoning classifications apply, as the property is in the city's ETJ, where only subdivision authority is held.</p> <p>The Development Agreement approved in February 2008 and most recently amended in February 2023.</p> <p>The project is vested to regulations in effect as of February 12th, 2008, and is limited to conformance with Subdivision Ordinance No. 2007-56.</p> <p>The preliminary plat for Phase 4B was approved by the Planning & Zoning Commission on December 4, 2023.</p> <p>The final plats for Phases 1 through 3D have been recorded.</p> <p>REQUEST:</p> <ul style="list-style-type: none">• Esperanza Phase 4B includes 129 residential lots and 6 open space lots on 51.38 acres. The density is 2.49 residential lots per acre. Lot sizes range from 0.149 acres to 0.380 acres.• The approved Pod General Development Plan indicates the lots in this area to be approved at a minimum of 50/55, 60/65, and 70/75 feet of frontage. All lots meet the minimum lot size.

- Primary access to the subdivision will be provided by primary collector Galisteo and will connect to the proposed Fandango and Sonador as well as by primary collector Splendido that will collect to the proposed La Alma
- Secondary emergency access will be through Open Space Lot 901 at Block 117 and Block 120.
- The plat includes a total of 9.92 acres of open space. Open space has been provided on lot 901 on blocks 109, 113, 114, 116, 117, and 118 and designated as drainage and utility easements.
- Water and sewer services are provided by the water improvement district. Reclaimed water is provided by the City of Boerne.

ANALYSIS:

Development Master Plan, Zoning, and Preliminary Plat:

- The City’s Future Land Use Plan designates this property as Rural Estate and Neighborhood Residential. The final plat aligns with the Comprehensive Plan’s objectives for maintaining rural character and supporting a mix of low-density and neighborhood-focused 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.

FINDINGS:

- The final plat is consistent with the Comprehensive Master Plan.
- The final plat is consistent with the Esperanza Master Plan and Development Agreement.
- The final plat is consistent with the applicable subdivision regulations.
- The final plat is consistent with the approved preliminary plat.

RECOMMENDATION:

Staff recommends that the Planning and Zoning Commission accept the findings and **APPROVE** the Final Plat for Esperanza Phase 4B subject to the following three stipulations.

1. The recorded plat shall substantially conform to the Final Plat approved on December 2nd, 2024, 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.
3. The plat shall not be recorded until all clerical corrections have been revised as determined by the Planning Director.

MOTIONS FOR CONSIDERATION:

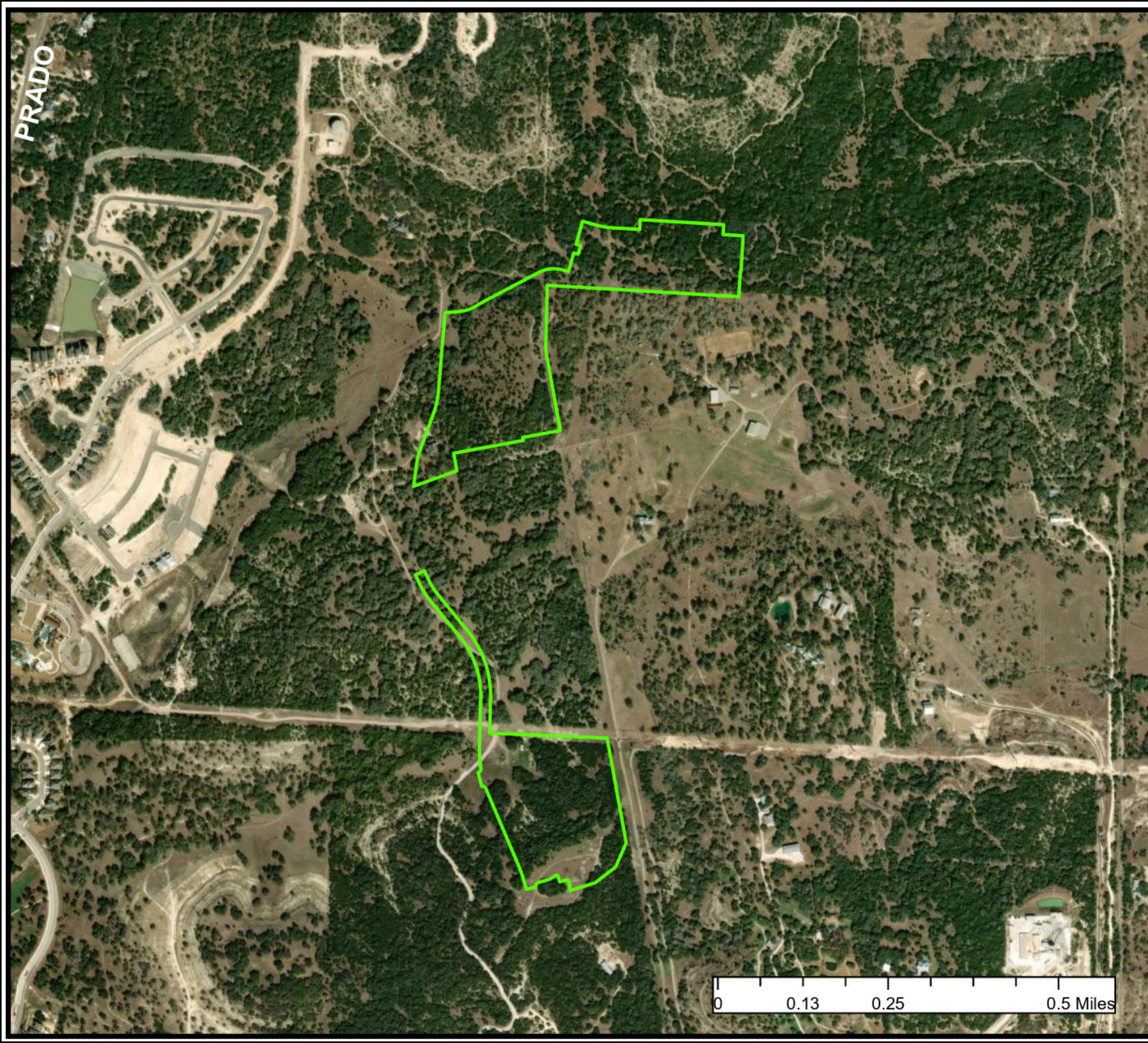
The following motions are provided to assist the Commission's decision.

I move that the Planning and Zoning Commission accept the findings and **APPROVE** the proposed Final Plat.

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.).

Item Justification	<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 type="checkbox"/> Master Plan Recommendation <input type="checkbox"/> Other:
Strategic Alignment	C1 – Offering quality customer experiences. C3 – Collaborating with community partners to enhance quality of life.
Financial Considerations	N/A
Citizen Input/Board Review	Public hearings and notifications are not required for this request.
Legal Review	This action is needed to meet statutory requirements.
Alternative Options	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.
Supporting Documents	Attachment 1 –Aerial Map Attachment 2 – Future Land Use Map Attachment 3 – Proposed Final Plat Approved POD General Master Attachment 4 - Development Plan Phase 3 & 4

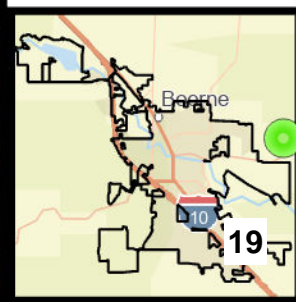
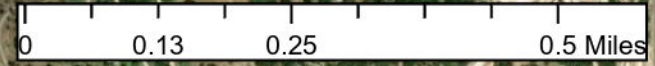


SUBJECT PROPERTY

Esperanza 4B

Legend

-  Parcels
-  SUBJECT PROPERTY






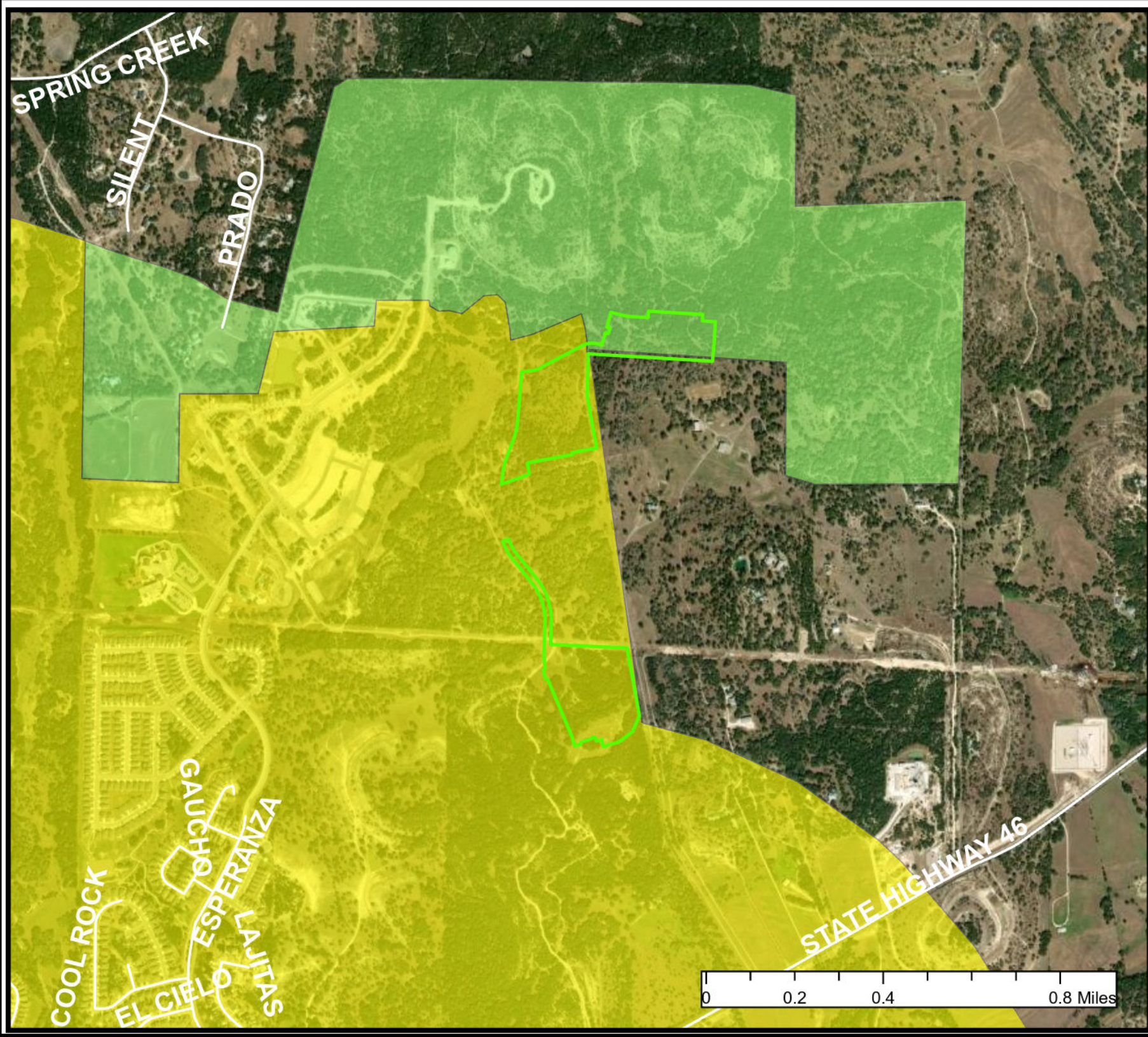


SUBJECT PROPERTY

Esperanza 3F

Legend

- FLU
-  Neighborhood Residential
 -  Rural Estate
 -  Preliminary_Plats selection



FENCE NOTES:
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.

OBSTRUCTIONS OF DRAINAGE: ADEQUATE STRUCTURES SHALL BE PROVIDED TO ALLOW THE UNHINDERED PASSAGE OF ALL STORM AND DRAINAGE FLOWS WHEREVER FENCES CROSS DRAINAGE EASEMENTS.

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.

SIDEWALK NOTE:
FIVE-FEET WIDE (OR LARGER) REINFORCED CONCRETE SIDEWALKS SHALL BE INSTALLED ADJACENT TO ALL PROPERTY LINES OF EVERY LOT FRONTING A STREET AT SUCH TIME AS THAT LOT IS DEVELOPED.

IMPACT FEE ASSESSMENT:
ASSESSMENT AND COLLECTION OF THE CITY OF BOERNE WATER & WASTEWATER UTILITIES' CAPITAL RECOVERY FEES SHALL BE THE AMOUNT PER LOT AS SET FORTH IN THE CITY ORDINANCE #2023-18, SECTION 1.10(5).

HERITAGE LEGACY TREE:
THERE ARE 91 HERITAGE LEGACY TREES, AS DEFINED IN SUBSECTION 2.02.002, IDENTIFIED ON THE SUBSEQUENT PAGES OF THIS PLAT.

SETBACKS NOTES:
LOT SETBACKS ARE DETERMINED BY THE ESPERANZA DEVELOPMENT AGREEMENT, AS AMENDED. UNLESS OTHERWISE IDENTIFIED, THE FRONT SETBACK FOR A PIE SHAPED LOT OR A LOT ON A CURVILINEAR STREET OR CUL-DE-SAC IS MEASURED WHEREVER THE LOT WIDTH MEETS FRONTAGE REQUIREMENTS FOR THE LOT CATEGORY.

- GENERAL NOTES:
- THIS SUBDIVISION CONTAINS 53.53 TOTAL ACRES WITH 129 RESIDENTIAL LOTS FOR A DENSITY OF 2.406 RESIDENTIAL LOTS PER ACRE.
 - NO PART OF THIS SUBDIVISION PLAT IS LOCATED UPSTREAM FROM A CITY WATER SUPPLY LAKE.
 - THE BEARINGS AND COORDINATES SHOWN ON THIS PLAT ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE, NAD83 (2011).
 - 1/2" IRON RODS WITH CAP STAMPED "CUDE" SET AT ALL PROPERTY CORNERS (IF PRACTICAL) UPON COMPLETION OF CONSTRUCTION.
 - THE AREA OF PRIVATE STREETS IN THIS SUBDIVISION IS 7.758 ACRES. THE AREA OF PUBLIC STREETS IN THIS SUBDIVISION IS 4.336 ACRES.
 - THE AREA OF OPEN SPACE REQUIRED IS 10.706 ACRES (20.00%). THIS SUBDIVISION CONTAINS 11.071 ACRES OF COMMUNITY OPEN SPACE OF WHICH 10.796 ACRES COUNT TOWARDS MEETING OPEN SPACE REQUIREMENTS.
 - GARAGE FRONTS THAT FACE THE STREET SHALL BE SET BACK A MINIMUM OF 25 FEET FROM THE PROPERTY LINE.
 - TAX CERTIFICATE AFFIDAVIT FILED THIS DATE IN DOCUMENT # _____, KENDALL COUNTY OFFICIAL RECORDS.
 - LOT 200 IS DESIGNATED AS ELECTRIC, GAS, TELEPHONE, CABLE T.V., SANITARY SEWER, WATER (DOMESTIC & RECLAIM) AND DRAINAGE EASEMENTS. THEREFORE, SUCH EASEMENTS SHALL BE DEEMED TO HAVE BEEN DEDICATED TO THE PUBLIC FOR SUCH EASEMENTS AND PRIVATE STREETS.
 - THE SUBJECT AREA IS WITHIN THE KENDALL COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 2B AND IS SUBJECT TO TAXES BY THE DISTRICT.
 - THE AREA OF THE SMALLEST LOT IS 0.149 OF AN ACRE, LOT 1, BLOCK 116.
 - THE FUNCTIONAL CLASSIFICATION AND DESIGN TYPE OF ALL PROPOSED STREETS BASED ON THE APPROVED DEVELOPMENT AGREEMENT AND/OR THE PROPOSED TRANSPORTATION NETWORK PLAN.
 - ALL STREETS SHOWN WITHIN THE LIMITS OF THIS PLAT (VERDAD WAY, FANDANGO, BESITO, LA ALMA, OLIVADO, SONADOR, PRIMAVERA, FESTIVO) ARE DESIGNATED AS LOT 200, BLOCK 116, 119, AND 122 AND ARE PRIVATE STREETS, EXCEPT GALISTEO & SPLENDIDO, PUBLIC STREET RIGHT-OF-WAYS.
 - A VARIANCE FOR ACCESS RESTRICTED ENTRANCE DESIGN STANDARDS (SECTION 5.11.010 A) WAS APPROVED BY THE CITY OF BOERNE PLANNING AND ZONING COMMISSION ON OCTOBER 4TH, 2021.
 - NO VEGETATION SHALL BE DISTURBED WITHIN THE OPEN SPACE NATURAL AREA OUTSIDE OF THE DRAINAGE AND TRAIL EASEMENTS WITHOUT AUTHORIZATION FROM THE CITY MANAGER OR THEIR DESIGNEE.
 - OPEN SPACE LOT 901, BLOCK 109, 113, 114, 117, 118, AND 120 SHALL BE A DRAINAGE AND UTILITY EASEMENT.

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 4B, 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 DISTRICTS 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. SOLE USE BY PUBLIC UTILITIES BEING SUBORDINATE TO THE DISTRICTS 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 AN 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.

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, BEDS, EMBANKMENTS, SPILLWAYS, APPURTENANCES AND OTHER ENGINEERED DEVICES (THE "DRAINAGE SYSTEM").

TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS OVER PASSABLE AREAS OF 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 COURSE, 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.

- 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.
- THE GRANTEE SHALL MAKE COMMERCIALY 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.
- 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 (DOMESTIC & RECLAIM), 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 THE ADJACENT LAND TO OR FROM 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 THEREOF; 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.

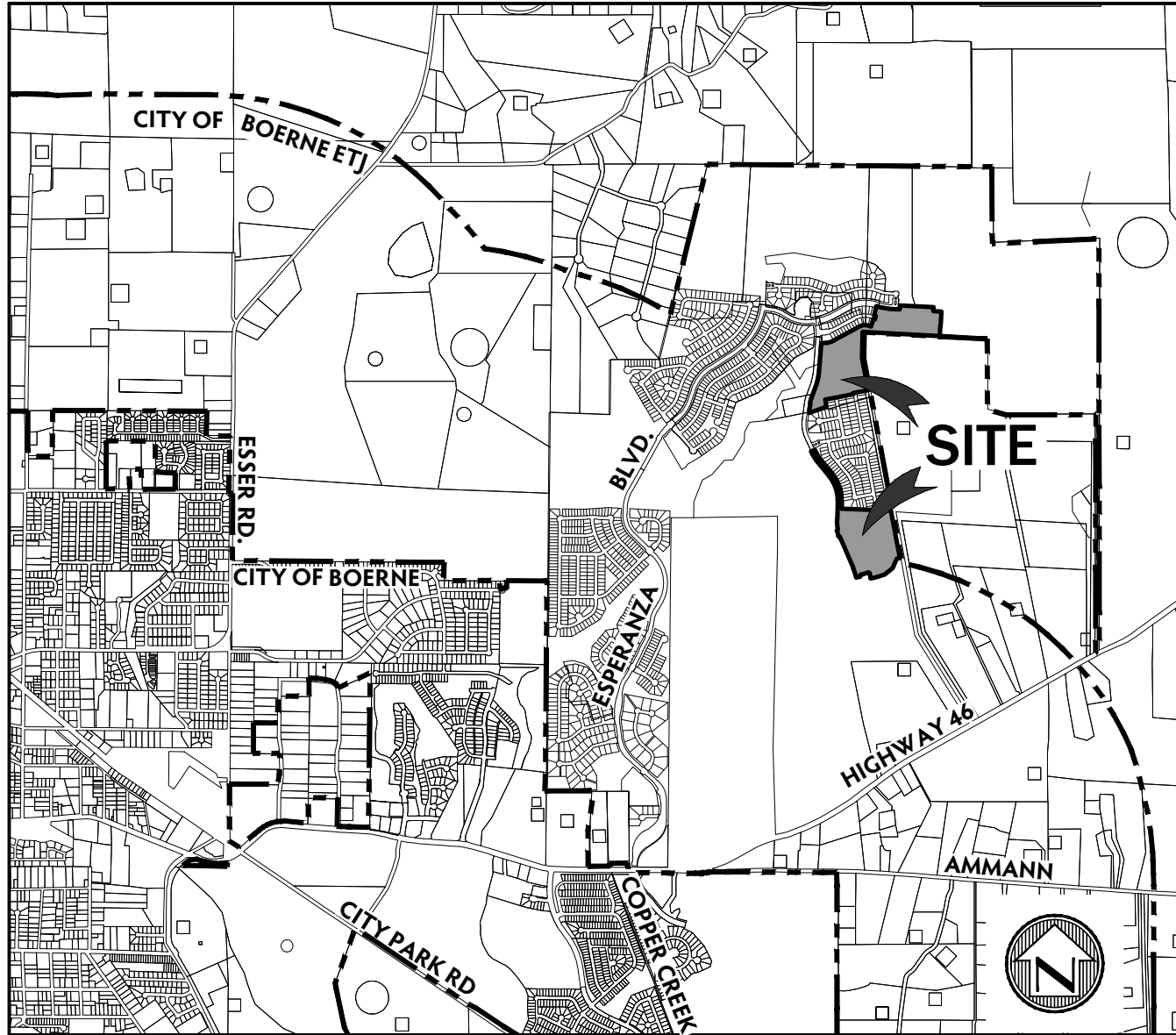
- THE PROPERTY OWNER RETAINS THE RIGHT TO USE ALL OR ANY PART OF THE EASEMENT FOR ANY PURPOSE WHICH DOES NOT DAMAGE, DESTROY, INJURE AND/OR UNREASONABLY INTERFERE WITH THE USE OF THE EASEMENT. HOWEVER, THE EASEMENT SHALL BE KEPT CLEAR OF ALL STRUCTURES OR OTHER IMPROVEMENTS.
- THE CITY (AND/OR DISTRICT) SHALL MAKE COMMERCIALY REASONABLE EFFORTS TO ENSURE THAT DAMAGE TO THE PROPERTY IS MINIMIZED AND, THE CITY (AND/OR DISTRICT) WILL AT ALL TIMES, AFTER DOING ANY WORK IN CONNECTION WITH THE 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 CITY'S (AND/OR DISTRICT) USUAL AND CUSTOMARY PRACTICES.
- THE CITY (AND/OR DISTRICT) SHALL MAKE THE 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.

PEDERNALES 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.

A FINAL PLAT ESTABLISHING ESPERANZA PHASE 4B

BEING 53.53 ACRES SITUATED IN THE JUAN ORTIZ SURVEY 190, ABSTRACT 363, KENDALL COUNTY, TEXAS,
AND BEING A PORTION OF A CALLED 800.258 ACRE TRACT (DESIGNATED AS TRACT 3) CONVEYED TO LOOKOUT
BOERNE HOLDINGS, L.P., AS DESCRIBED IN VOLUME 1389, PAGE 572, OFFICIAL RECORDS OF KENDALL
COUNTY, TEXAS.

129 NEW RESIDENTIAL LOTS AND 10 OPEN SPACE LOTS 2,864 L.F. OF NEW PUBLIC STREET, 4.336 ACRES OF R.O.W. 5,130 L.F. OF NEW PRIVATE STREET, 7.758 ACRES



LOCATION MAP

N.T.S.

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 THE _____ DAY

OF _____ A.D. 2024 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 OFFICIAL SEAL OF OFFICE, THE _____ DAY OF

_____, A.D. 2024.

COUNTY CLERK
KENDALL COUNTY, TEXAS

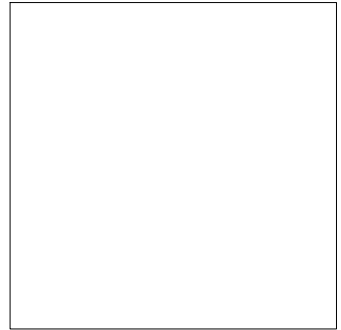
BY: _____ DEPUTY

THIS SUBDIVISION PLAT OF ESPERANZA PHASE 4B HAS BEEN SUBMITTED TO AND CONSIDERED BY THE PLANNING & ZONING COMMISSION OF THE CITY OF BOERNE, TEXAS, AND IS HEREBY APPROVED BY SUCH COMMISSION.	
DATED THIS _____ DAY OF _____, A.D., 2024.	
BY: _____	CHAIRMAN
BY: _____	SECRETARY

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.

M.W. CUDE ENGINEERS, L.L.C.
W. PATRICK MURPHY, P.E.



REGISTERED PROFESSIONAL ENGINEER NO. 111597

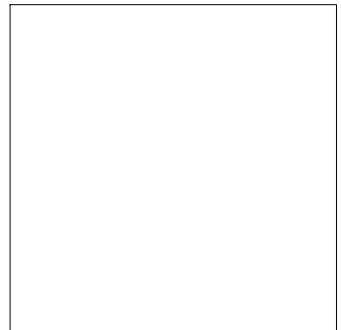
SWORN TO AND SUBSCRIBED BEFORE ME, THE _____ DAY OF _____, A.D., 2024.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

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.

M.W. CUDE ENGINEERS, L.L.C.
YURI V. BALMACEDA WHELOCK, R.P.L.S.



REGISTERED PROFESSIONAL LAND SURVEYOR, NO. 6815

SWORN TO AND SUBSCRIBED BEFORE ME THE _____ DAY OF _____, 2024.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

STATE OF TEXAS
COUNTY OF KENDALL

THE OWNER OF THE 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, WATER COURSES, DRAINS, EASEMENTS AND PUBLIC PLACES THEREON SHOWN FOR THE PURPOSE AND CONSIDERATION THEREIN EXPRESSED.

OWNER/DEVELOPER
LOOKOUT DEVELOPMENT GROUP, L.P.
A TEXAS LIMITED PARTNERSHIP
1001 CRYSTAL FALLS PARKWAY
LEANDER, TX 78641
PH: (512) 690-4322
FAX: (512) 260-9043
CONTACT: MICHAEL SIEFERT, P.E.

BY: MICHAEL SIEFERT, PRESIDENT,
LOOKOUT DEVELOPMENT GROUP, L.P.
THE LOOKOUT GROUP INC., ITS GENERAL PARTNER

DULY AUTHORIZED AGENT

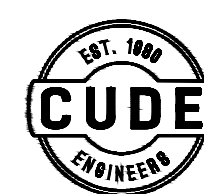
STATE OF TEXAS
COUNTY OF WILLIAMSON

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 THEY EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED AND IN THE CAPACITY THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THE _____ DAY OF _____, A.D., 2024.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

CONTACT: W. PATRICK MURPHY, P.E. PROJECT # 03154.013



CUDE ENGINEERS
4122 POND HILL RD. • SUITE 101
SAN ANTONIO, TEXAS 78231
TEL 210.681.2951 • FAX 210.523.7112
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TBPE #455 - TBPELS #10048500

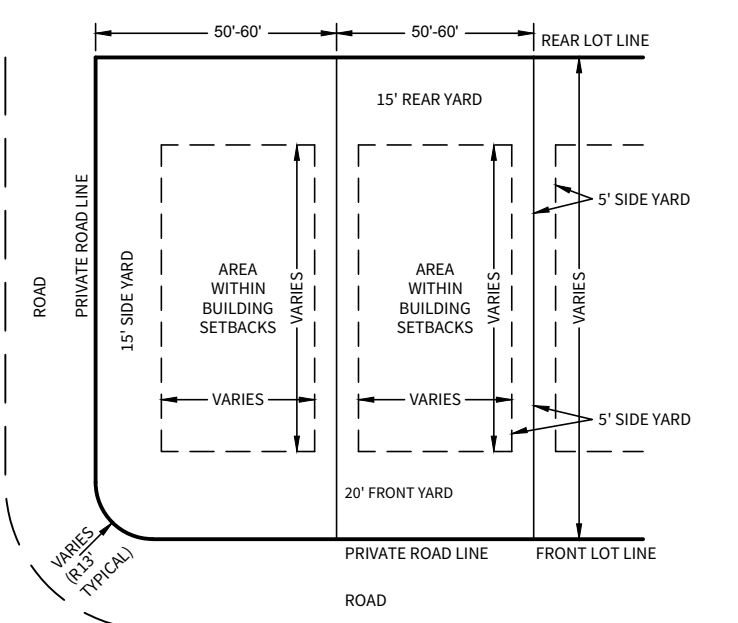
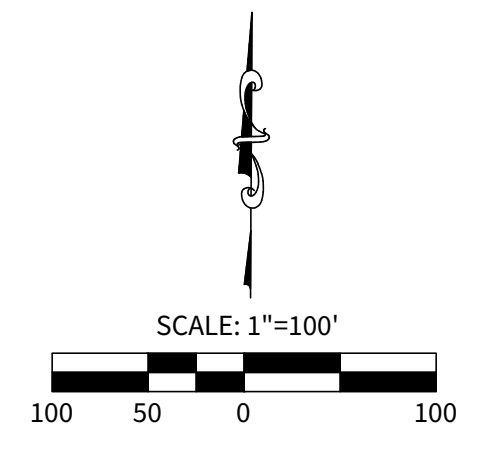
DATE: NOVEMBER 2024

A FINAL PLAT ESTABLISHING ESPERANZA PHASE 4B

BEING 53.53 ACRES SITUATED IN THE JUAN ORTIZ SURVEY 190, ABSTRACT 363, KENDALL COUNTY, TEXAS, AND BEING A PORTION OF A CALLED 800.258 ACRE TRACT (DESIGNATED AS TRACT 3) CONVEYED TO LOOKOUT BOERNE HOLDINGS, L.P., AS DESCRIBED IN VOLUME 1389, PAGE 572, OFFICIAL RECORDS OF KENDALL COUNTY, TEXAS.

LEGEND

- Ac. = ACRES
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- DRN. = DRAINAGE
- E.T.C.A. = ELECTRIC, TELEPHONE, AND CABLE TELEVISION
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- UTIL. = UTILITY
- VAR. = VARIABLE
- VOL. = VOLUME
- WID. = WIDTH
- BOUNDARY NODE = BOUNDARY NODE
- STREET CENTERLINE = STREET CENTERLINE
- EXISTING PROPERTY LINE = EXISTING PROPERTY LINE
- 15' UTIL. ESMT. = 15' UTIL. ESMT.
- HERITAGE LEGACY TREE GREATER THAN 75" T.C. = HERITAGE LEGACY TREE GREATER THAN 75" T.C.



NOTES:
 1) ROOF OVERHANG MAY ENCROACH A MAXIMUM OF 24" INTO THE SETBACK LINE.
 2) GARAGE FRONTS THAT FACE THE STREET SHALL BE SET BACK A MINIMUM OF 25 FEET FROM THE PROPERTY LINE

TYPICAL LOT LAYOUT (ESTABLISHED ON ALL LOTS) N.T.S.

BLOCK SIZE NOTES:

THE EXTERIOR PERIMETER OF THE BLOCKS ARE AS FOLLOWS:

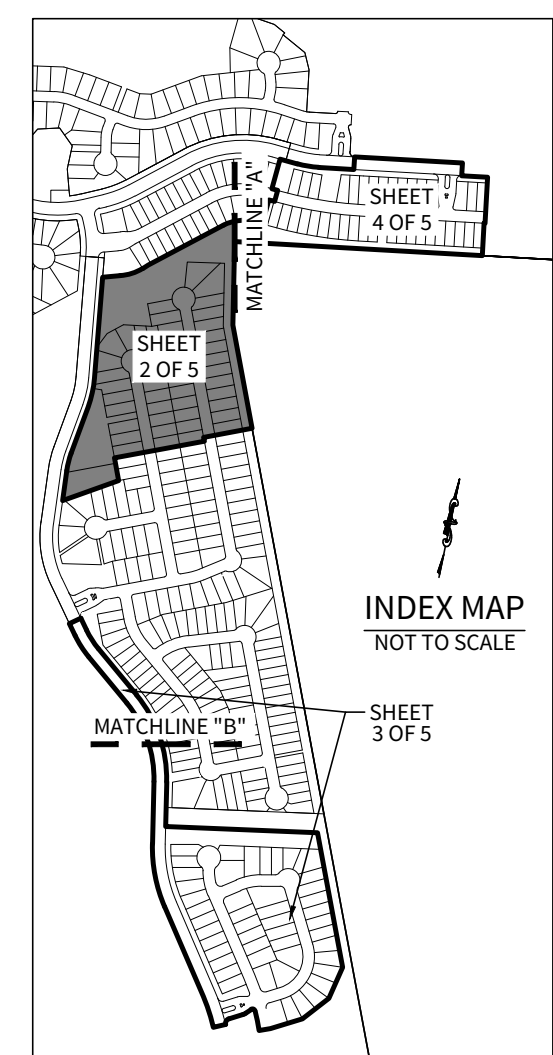
- BLOCK 109 1,466 L.F.
- BLOCK 113 2,034 L.F.
- BLOCK 114 677 L.F.
- BLOCK 115 860 L.F.
- BLOCK 116 2,153 L.F.
- BLOCK 117 2,067 L.F.
- BLOCK 118 2,167 L.F.
- BLOCK 119 1,405 L.F.
- BLOCK 120 1,918 L.F.
- BLOCK 121 3,310 L.F.
- BLOCK 122 1,534 L.F.

TREE TABLE

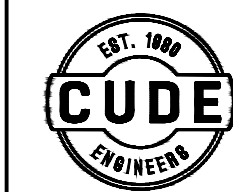
TREE #	DESCRIPTION
10001	97" TC LIVE OAK
10027	80" TC LIVE OAK
10042	119" TC LIVE OAK
10043	77" TC LIVE OAK
10044	86" TC LIVE OAK
10053	96" TC LIVE OAK
10061	106" TC LIVE OAK
10064	92" TC LIVE OAK
10072	81" TC LIVE OAK
10073	118" TC LIVE OAK
10077	97" TC LIVE OAK
10084	81" TC LIVE OAK
30001	79" TC LIVE OAK
30011	86" TC LIVE OAK
30012	78" TC LIVE OAK
30019	141" TC LIVE OAK
30020	106" TC LIVE OAK
30021	82" TC LIVE OAK
30024	87" TC LIVE OAK
30036	80" TC LIVE OAK
30040	94" TC LIVE OAK
30041	134" TC LIVE OAK
30042	87" TC LIVE OAK
30043	100" TC LIVE OAK
30045	80" TC LIVE OAK
30047	88" TC LIVE OAK
30048	84" TC LIVE OAK
30051	82" TC LIVE OAK
30054	176" TC LIVE OAK
30061	105" TC LIVE OAK
30085	93" TC LIVE OAK
30086	76" TC LIVE OAK
30087	89" TC LIVE OAK
30101	80" TC LIVE OAK
30102	80" TC LIVE OAK
30103	95" TC LIVE OAK
30111	83" TC LIVE OAK
30116	91" TC LIVE OAK
30129	90" TC LIVE OAK
30136	78" TC LIVE OAK
30142	81" TC LIVE OAK
30157	80" TC LIVE OAK
30168	83" TC LIVE OAK
30179	80" TC LIVE OAK
30181	207" TC LIVE OAK
30188	159" TC LIVE OAK
30213	114" TC LIVE OAK
30216	123" TC LIVE OAK
30219	146" TC LIVE OAK
30221	80" TC LIVE OAK

TREE TABLE

TREE #	DESCRIPTION
30222	109" TC LIVE OAK
60610	89" TC POST OAK
60625	88" TC LIVE OAK
60634	107" TC LIVE OAK
60640	108" TC LIVE OAK
60659	113" TC LIVE OAK
60661	135" TC LIVE OAK
60669	127" TC LIVE OAK
60694	94" TC LIVE OAK
60695	82" TC LIVE OAK
60708	77" TC LIVE OAK
60739	79" TC LIVE OAK
60747	79" TC LIVE OAK
60752	80" TC LIVE OAK
60767	93" TC LIVE OAK
60788	128" TC LIVE OAK
60801	76" TC LIVE OAK
60802	83" TC LIVE OAK
60803	84" TC LIVE OAK
60805	92" TC LIVE OAK
60820	91" TC LIVE OAK
60821	148" TC LIVE OAK
60867	152" TC LIVE OAK
60875	99" TC LIVE OAK
60878	107" TC LIVE OAK
60915	83" TC LIVE OAK
60936	82" TC LIVE OAK
60951	82" TC LIVE OAK
60956	77" TC LIVE OAK
60961	85" TC LIVE OAK
60962	83" TC LIVE OAK
60999	79" TC LIVE OAK
61001	85" TC LIVE OAK
61002	124" TC LIVE OAK
61011	102" TC LIVE OAK
61013	120" TC LIVE OAK
61015	105" TC LIVE OAK
61043	81" TC LIVE OAK
61046	80" TC LIVE OAK
61048	115" TC LIVE OAK
61064	99" TC LIVE OAK
61066	142" TC LIVE OAK
61072	85" TC LIVE OAK



CONTACT: W. PATRICK MURPHY, P.E. PROJECT # 03154.013 DATE: NOVEMBER 2024

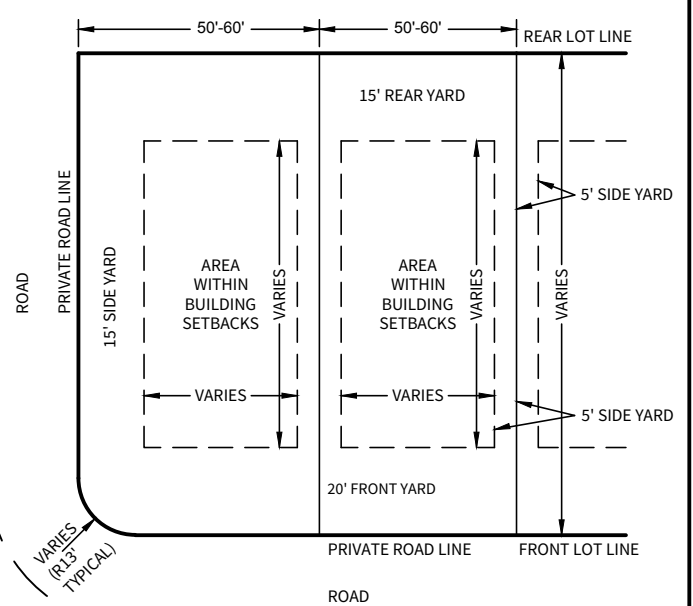
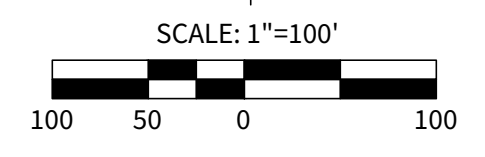
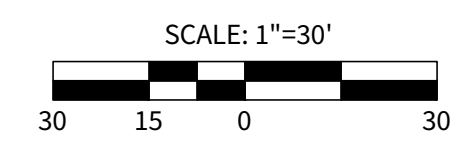


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 - = STREET CENTERLINE
 - = EXISTING PROPERTY LINE
 - = 15' UTIL. ESMT.
 - = HERITAGE LEGACY TREE GREATER THAN 75" T.C.



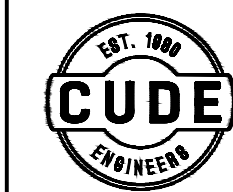
- ### NOTES:
- 1) ROOF OVERHANG MAY ENCRoACH A MAXIMUM OF 24" INTO THE SETBACK LINE.
 - 2) GARAGE FRONTS THAT FACE THE STREET SHALL BE SET BACK A MINIMUM OF 25 FEET FROM THE PROPERTY LINE.

BLOCK SIZE NOTES:

THE EXTERIOR PERIMETER OF THE BLOCKS ARE AS FOLLOWS:

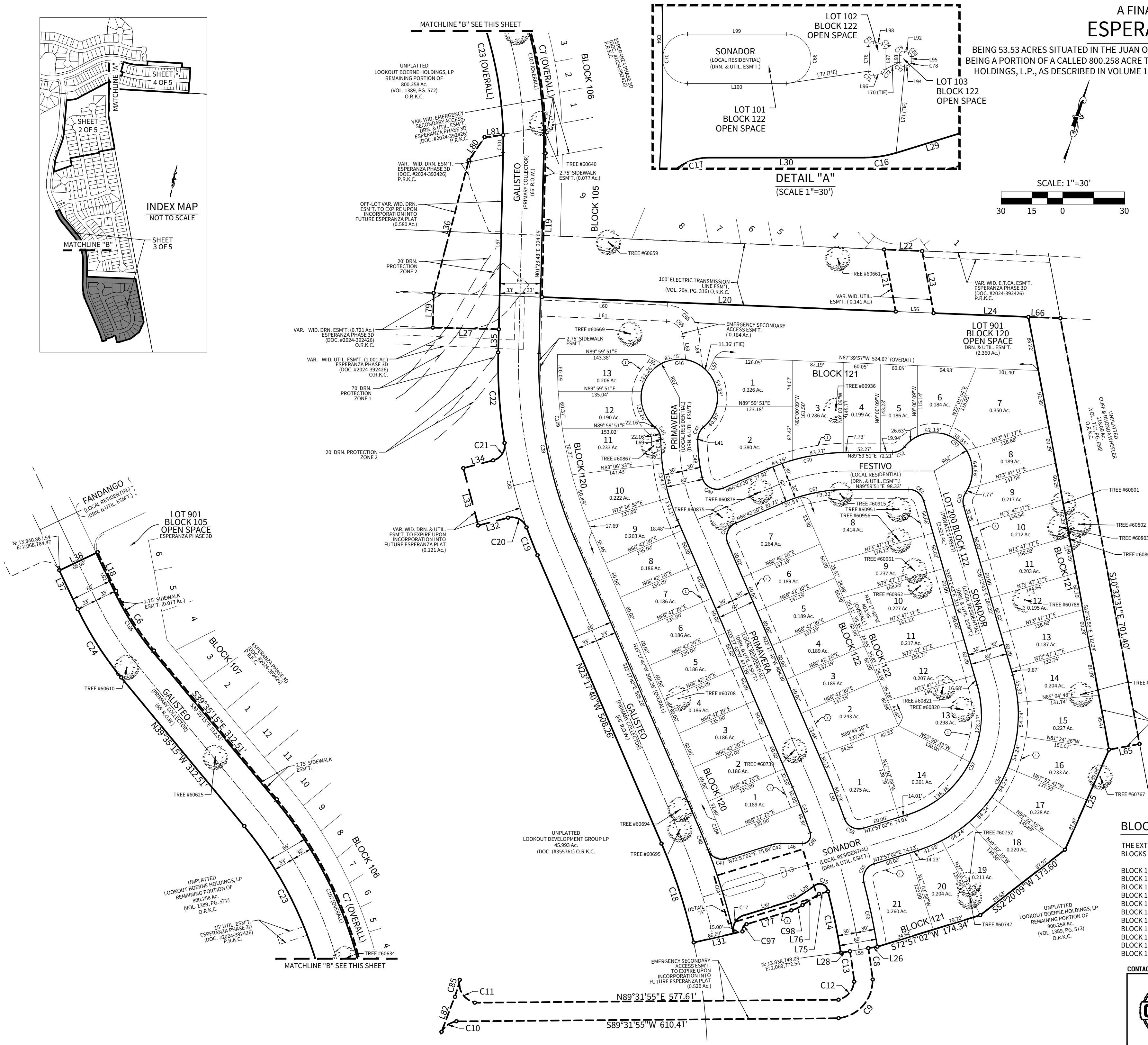
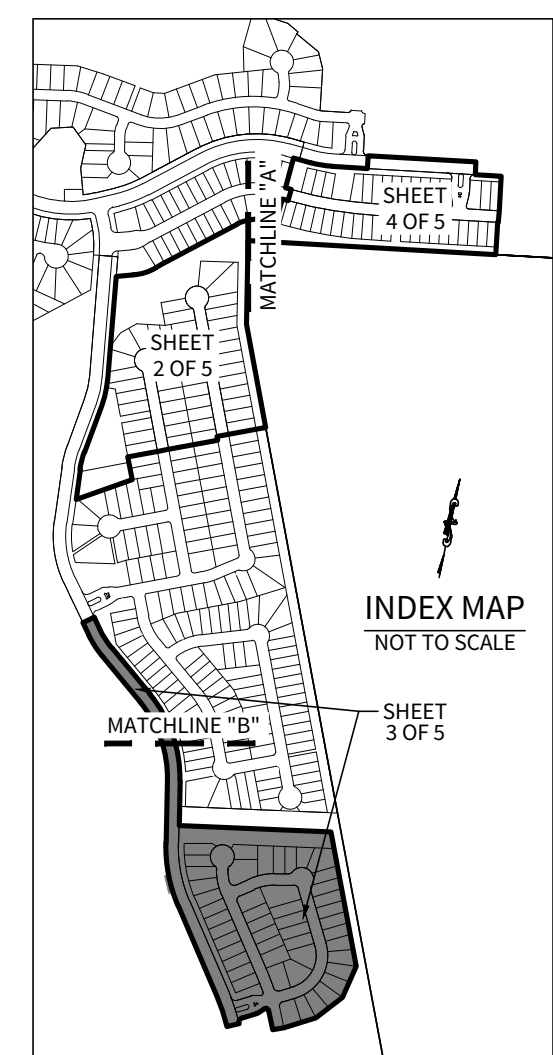
- BLOCK 109 1,466 L.F.
- BLOCK 113 2,034 L.F.
- BLOCK 114 677 L.F.
- BLOCK 115 860 L.F.
- BLOCK 116 2,153 L.F.
- BLOCK 117 2,067 L.F.
- BLOCK 118 2,167 L.F.
- BLOCK 119 1,405 L.F.
- BLOCK 120 1,918 L.F.
- BLOCK 121 3,310 L.F.
- BLOCK 122 1,534 L.F.

CONTACT: W. PATRICK MURPHY, P.E. PROJECT # 03154.013



CUDE ENGINEERS
4122 POND HILL RD. • SUITE 101
SAN ANTONIO, TEXAS 78231
TEL 210.681.2951 • FAX 210.523.7112
WWW.CUDEENGINEERS.COM
REGISTERED ENGINEERING FIRM
TBP# 455 - TBP# 101048500

DATE: NOVEMBER 2024



DETAIL "A"
(SCALE 1"=30')

INDEX MAP
NOT TO SCALE

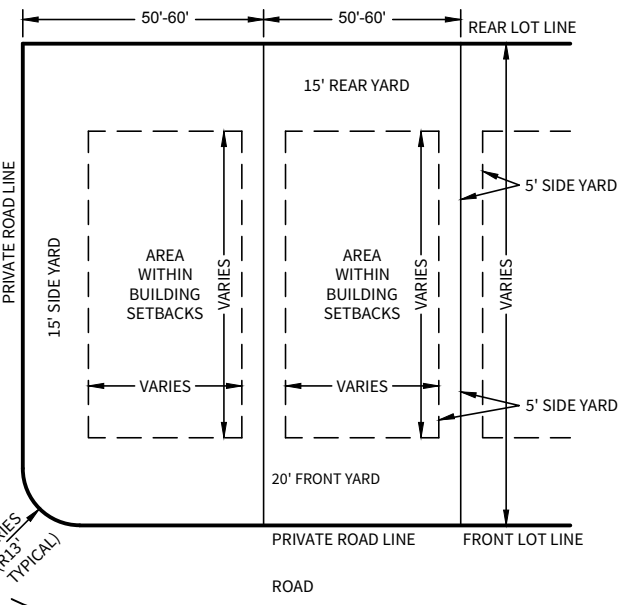
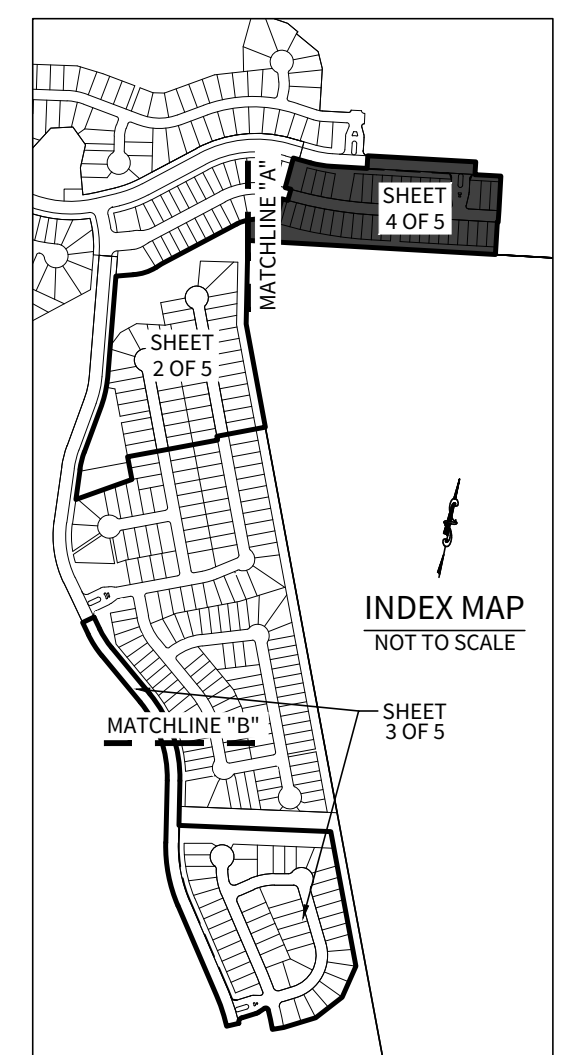
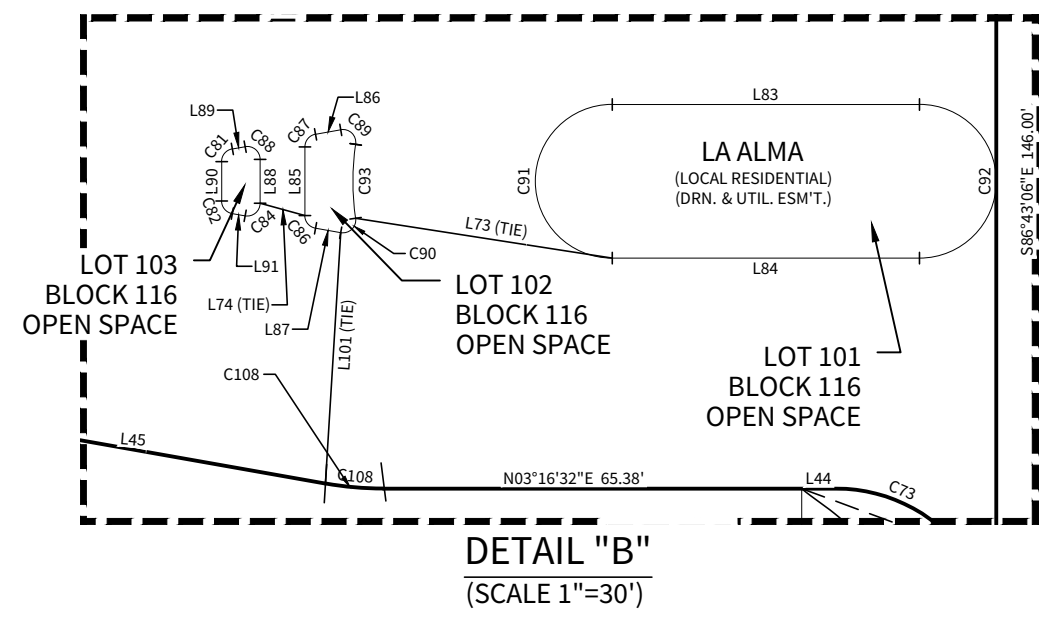
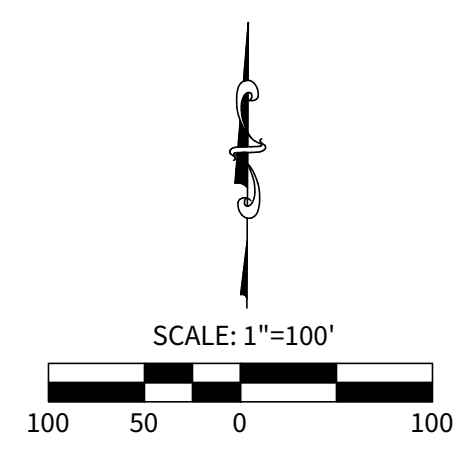
MATCHLINE "B" SEE THIS SHEET

MATCHLINE "B" SEE THIS SHEET

A FINAL PLAT ESTABLISHING ESPERANZA PHASE 4B

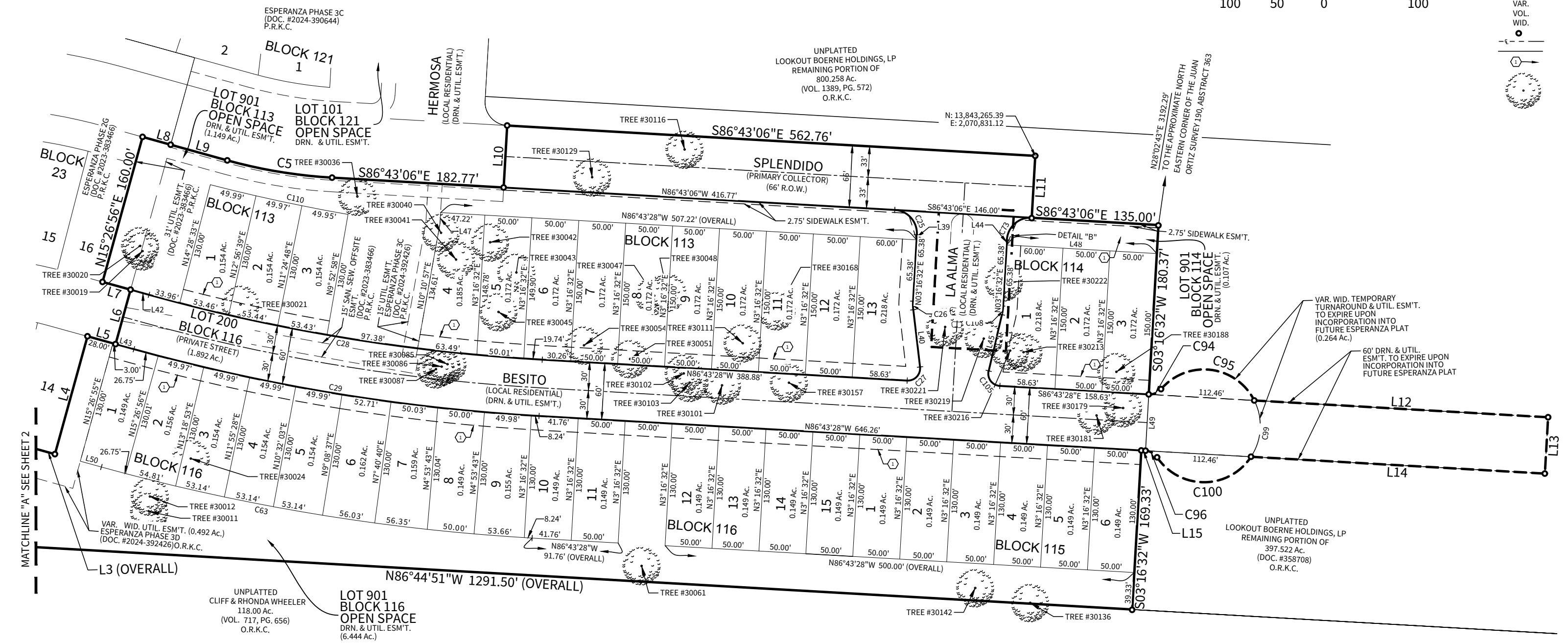
BEING 53.53 ACRES SITUATED IN THE JUAN ORTIZ SURVEY 190, ABSTRACT 363, KENDALL COUNTY, TEXAS, AND BEING A PORTION OF A CALLED 800.258 ACRE TRACT (DESIGNATED AS TRACT 3) CONVEYED TO LOOKOUT BOERNE HOLDINGS, L.P., AS DESCRIBED IN VOLUME 1389, PAGE 572, OFFICIAL RECORDS OF KENDALL COUNTY, TEXAS.

- ### LEGEND
- Ac. = ACRES
 - C1 = CURVE NUMBER
 - DOC. = DOCUMENT
 - DRN. = DRAINAGE
 - E.T.C.A. ESM'T. = ELECTRIC, TELEPHONE, AND CABLE TELEVISION EASEMENT
 - ETJ = EXTRA-TERRITORIAL JURISDICTION
 - L1 = LINE NUMBER
 - NAD = NORTH AMERICAN DATUM
 - NO. = NUMBER
 - N.T.S. = NOT TO SCALE
 - O.R.K.C. = OFFICIAL RECORDS OF KENDALL COUNTY, TEXAS
 - PG. = PAGE
 - PGS. = PAGES
 - P.R.K.C. = PLAT RECORDS OF KENDALL COUNTY, TEXAS
 - R = RADIUS
 - R.O.W. = RIGHT-OF-WAY
 - TC = TRUNK CIRCUMFERENCE
 - UTIL. = UTILITY
 - VAR. = VARIABLE
 - VOL. = VOLUME
 - WID. = WIDTH
 - BOUNDARY NODE = BOUNDARY NODE
 - STREET CENTERLINE = STREET CENTERLINE
 - EXISTING PROPERTY LINE = EXISTING PROPERTY LINE
 - UTIL. ESM'T. = UTIL. ESM'T.
 - HERITAGE LEGACY TREE GREATER THAN 75" T.C. = HERITAGE LEGACY TREE GREATER THAN 75" T.C.



NOTES:
 1) ROOF OVERHANG MAY ENCRoACH A MAXIMUM OF 24" INTO THE SETBACK LINE.
 2) GARAGE FRONTS THAT FACE THE STREET SHALL BE SET BACK A MINIMUM OF 25 FEET FROM THE PROPERTY LINE

TYPICAL LOT LAYOUT
 (ESTABLISHED ON ALL LOTS)
 N.T.S.

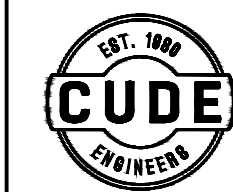


BLOCK SIZE NOTES:

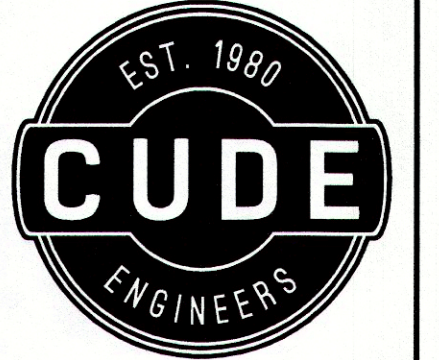
THE EXTERIOR PERIMETER OF THE BLOCKS ARE AS FOLLOWS:

BLOCK 109	1,466 L.F.
BLOCK 113	2,034 L.F.
BLOCK 114	677 L.F.
BLOCK 115	860 L.F.
BLOCK 116	2,153 L.F.
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BLOCK 122	1,534 L.F.

CONTACT: W. PATRICK MURPHY, P.E. PROJECT # 03154.013 DATE: NOVEMBER 2024



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 San Antonio, Texas 78231
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**ESPERANZA SUBDIVISION
 PHASE 3 & 4**

POD GENERAL DEVELOPMENT PLAN (GDP)

DATE
 6/4/2021

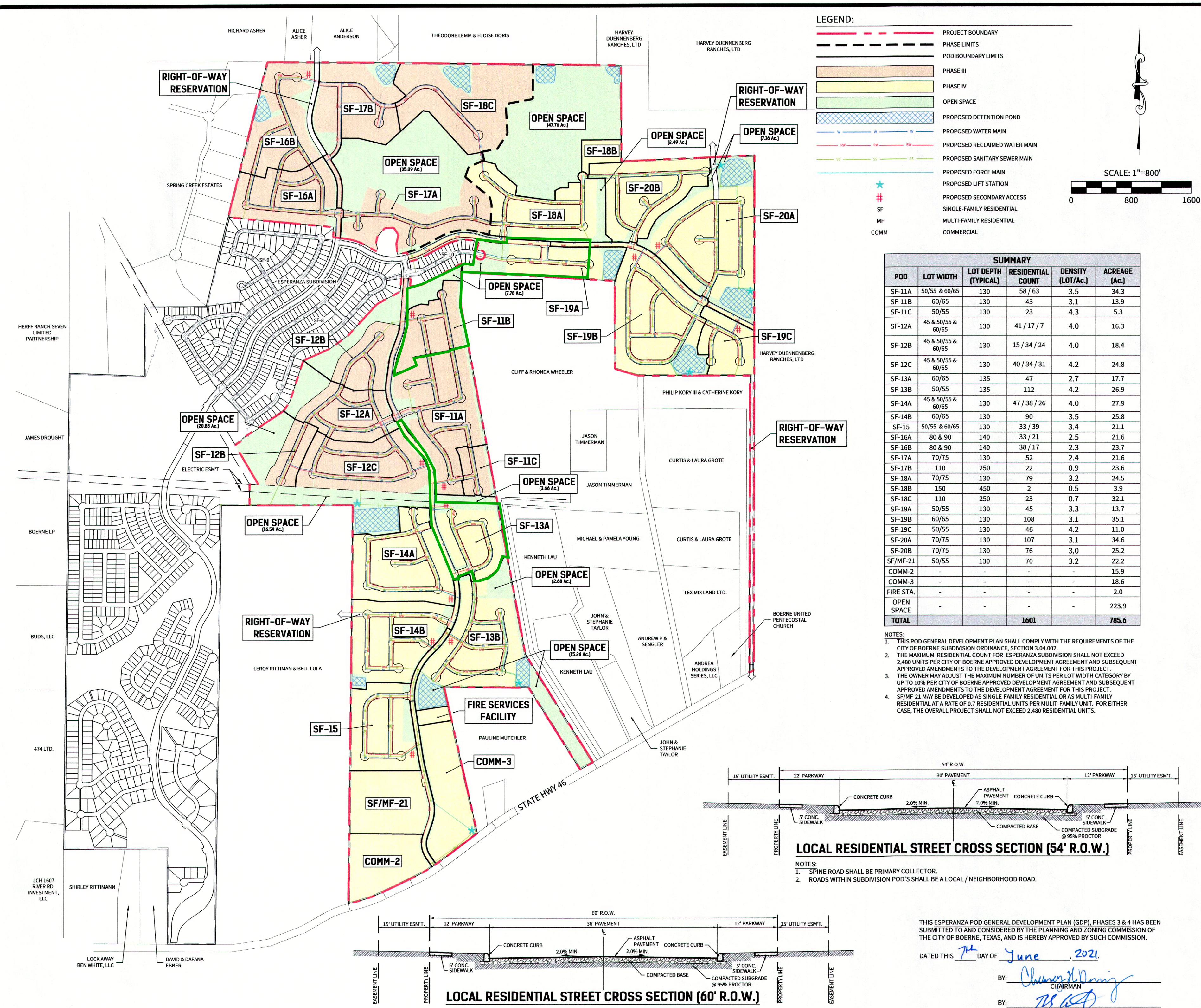
PROJECT NO.
 03156.006.1

DRAWN BY
 J.R.T.

CHECKED BY
 W.P.M.

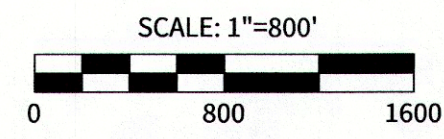
CUDE ENGINEERS
 TBPE No. 0455

M-1



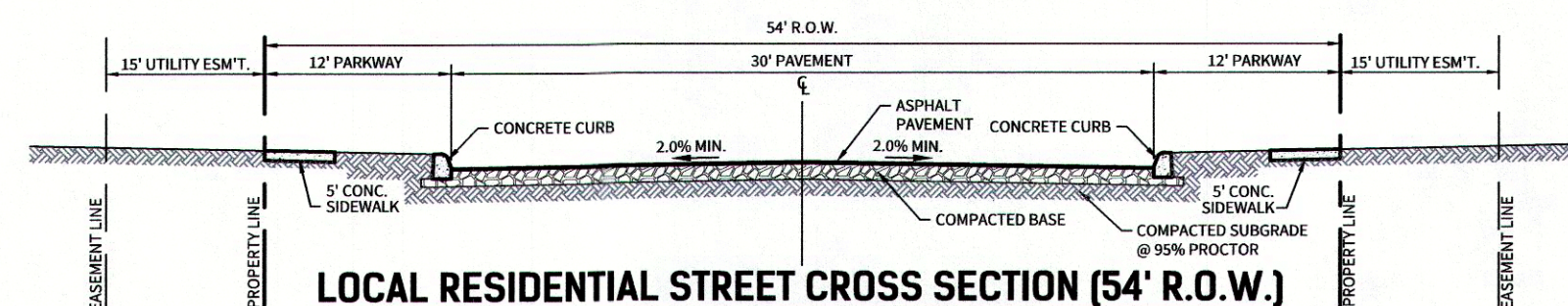
LEGEND:

- PROJECT BOUNDARY
- PHASE LIMITS
- POD BOUNDARY LIMITS
- PHASE III
- PHASE IV
- OPEN SPACE
- PROPOSED DETENTION POND
- PROPOSED WATER MAIN
- PROPOSED RECLAIMED WATER MAIN
- PROPOSED SANITARY SEWER MAIN
- PROPOSED FORCE MAIN
- PROPOSED LIFT STATION
- PROPOSED SECONDARY ACCESS
- # SINGLE-FAMILY RESIDENTIAL
- # MULTI-FAMILY RESIDENTIAL
- # COMMERCIAL

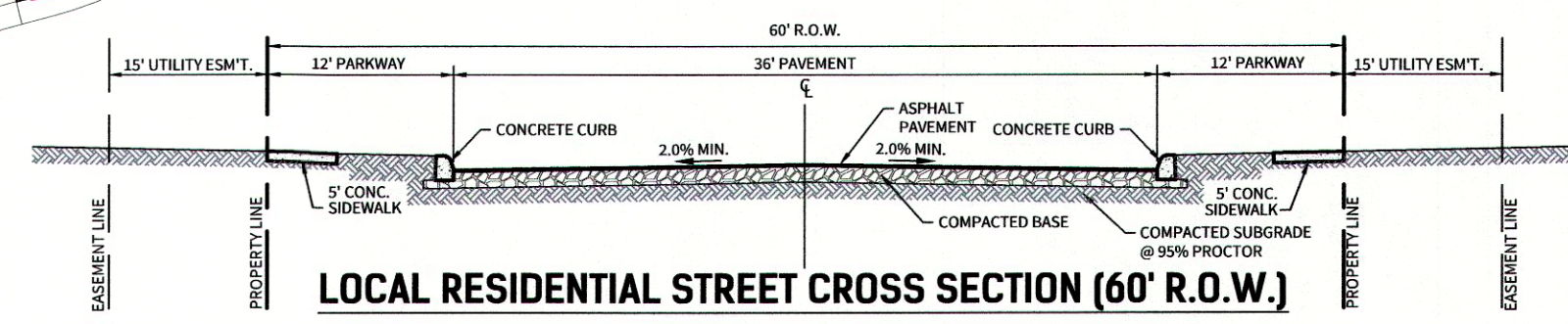


SUMMARY					
POD	LOT WIDTH	LOT DEPTH (TYPICAL)	RESIDENTIAL COUNT	DENSITY (LOT/AC.)	ACREAGE (Ac.)
SF-11A	50/55 & 60/65	130	58 / 63	3.5	34.3
SF-11B	60/65	130	43	3.1	13.9
SF-11C	50/55	130	23	4.3	5.3
SF-12A	45 & 50/55 & 60/65	130	41 / 17 / 7	4.0	16.3
SF-12B	45 & 50/55 & 60/65	130	15 / 34 / 24	4.0	18.4
SF-12C	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
TOTAL			1601		785.6

- NOTES:
- THIS POD GENERAL DEVELOPMENT PLAN SHALL COMPLY WITH THE REQUIREMENTS OF THE CITY OF BOERNE SUBDIVISION ORDINANCE, SECTION 3.04.002.
 - 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.
 - 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.
 - 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:
- SPINE ROAD SHALL BE PRIMARY COLLECTOR.
 - 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: *Cherish M. Denny*
 CHAIRMAN

BY: *W.P.M.*
 SECRETARY



AGENDA ITEM SUMMARY

Agenda Date	December 2 nd , 2024
Requested Action	Consider approval for Esperanza Phase 4C Preliminary Plat generally located north of Highway 46 along Galisteo Drive. (Extra-Territorial Jurisdiction)
Contact Person	Jo-Anmarie Andrade, Planner II (830) 816-2040, jandrade@boerne-tx.gov
Background Information	<p>BACKGROUND:</p> <p>The property is owned by Lookout Development Group, LP, and the applicant is Michael Scholze, P.E.</p> <p>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.</p> <p>No zoning classifications apply, as the property is in the city's ETJ, where only subdivision authority is held.</p> <p>The Development Agreement approved in February 2008 and most recently amended in February 2023.</p> <p>The project is vested to regulations in effect as of February 12th, 2008, and is limited to conformance with Subdivision Ordinance No. 2007-56.</p> <p>Currently, Phases 1 through 3D have been recorded.</p> <p>REQUEST:</p> <ol style="list-style-type: none">1. Esperanza Phase 4C includes 206 residential lots, 11 open space lots, 6.244 acres of public right-of-way, and 11.716 acres of private right-of-way on 83.514 acres. The density is 2.467 residential lots per acre.2. The approved Pod General Development Plan indicates the lots in this area to be approved at a minimum of 50, 60, and 70 ft. of frontage. All lots meet the minimum lot size.

3. Phase 4C includes significant street improvements, including the extension of Galisteo Drive from Highway 46 north to the proposed Palomas Street. This extension will serve as the primary access to the subdivision, functioning as a primary collector that connects directly to Highway 46.
4. The plat includes a total of 25.131 acres of open space across 11 lots, designated for various easements:
 - a. Drainage, Sidewalk, & Utility Easements: Open space Lots 100, 101, 102, 103 - Block 1, Lot 104 - Block 2, Lot 106 - Block 5, and Lot 109 - Block 8.
 - b. Drainage, Sidewalk, Utility, & Emergency Secondary Access Easements: Open space Lot 105 - Block 4, Lot 107 - Block 5, Lot 108 - Block 7, and Lot 110 - Block 9.
5. Water and sewer services are provided by the Kendall County Water Control and Improvement District No. 2. Reclaimed water is provided by the City of Boerne.

ANALYSIS:

Development Master Plan, Zoning, and Preliminary Plat:

- The City's Future Land Use Plan designates this property as Neighborhood Residential, and the preliminary plat aligns with the Comprehensive Plan's objectives for cohesive neighborhood residential development with compatible densities.
- The preliminary plat 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.

FINDINGS:

- The preliminary plat is consistent with the Comprehensive Plan
- The preliminary plat is consistent with the Esperanza Master Plan and Development Agreement.
- The preliminary plat is consistent with the applicable subdivision regulations.

RECOMMENDATION:

Staff recommends that the Planning and Zoning Commission accept the findings and **APPROVE** the Preliminary Plat for Esperanza Phase 4C subject to the following four stipulations.

1. The recorded plat shall substantially conform to the Final Plat approved on December 2nd, 2024, except as modified by these stipulations.
2. The right of way SH46 shall be a minimum of 54 feet from the center of SH46. TxDOT approval of the right of way for SH46 shall be required prior to approval of the final plat.
3. All engineering plans shall be approved by the City Engineer prior to approval of the final plat.
4. The final plat shall not be approved until all clerical corrections have been revised as determined by the Planning Director.

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 preliminary plat subject to the four stipulations recommended by staff.

OR

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

Item Justification	<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:
Strategic Alignment	B2 – Advancing master plan recommendations. C1 – Offering quality customer experiences. C3 – Collaborating with community partners to enhance quality of life.
Financial Considerations	N/A
Citizen Input/Board Review	Public hearings and notifications are not required for this request.
Legal Review	This action is needed to meet statutory requirements.
Alternative Options	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.
Supporting Documents	Attachment 1 –Aerial Map Attachment 2 – Future Land Use Map Attachment 3 - Proposed Preliminary Plat Attachment 4 - POD General Master Development Plan Phase 3 & 4

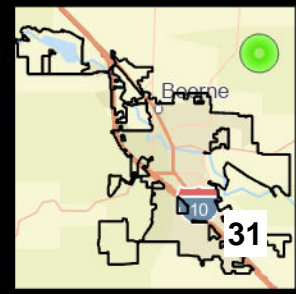
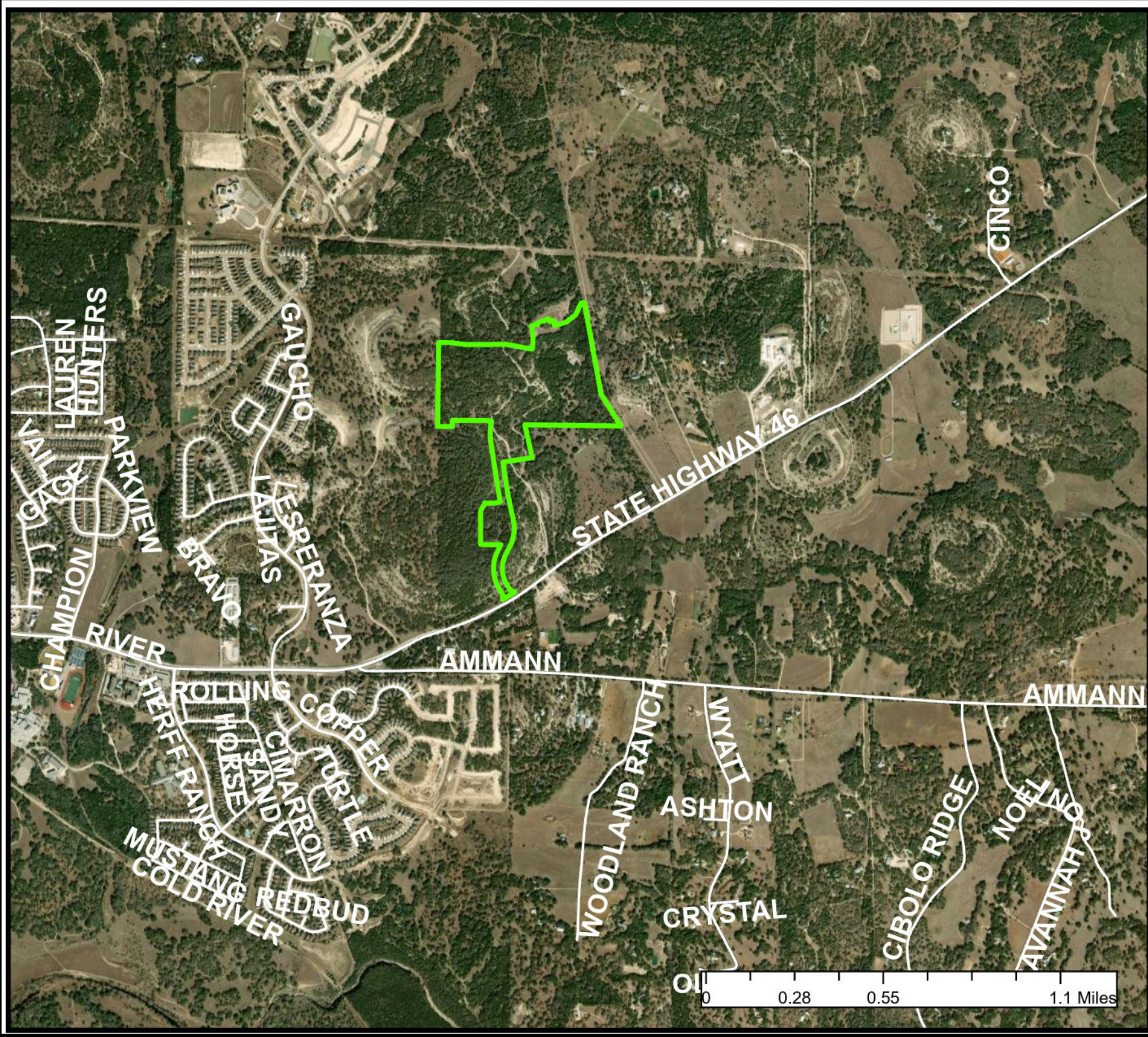


SUBJECT PROPERTY

Esperanza 4C

Legend

 SUBJECT PROPERTY



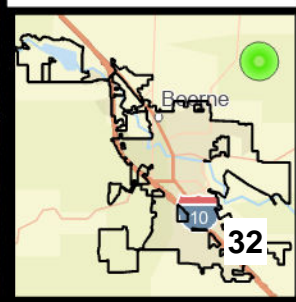
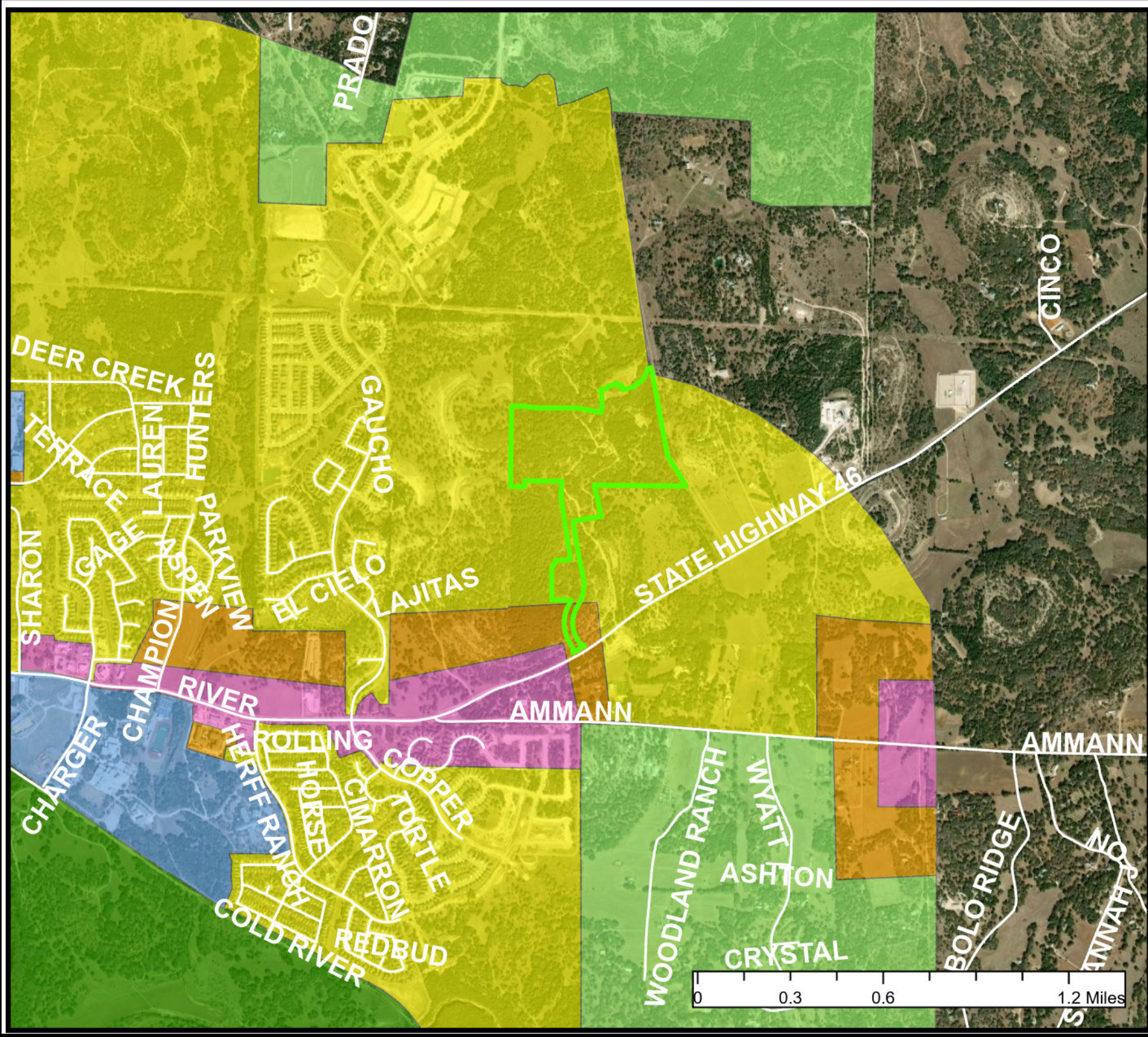


SUBJECT PROPERTY

Esperanza 4C

Legend

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



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, 101, 102, 103 - Block 1, Lot 104 - Block 2, Lot 106 - Block 5, Lot 109 - Block 8 shall be a Drainage, Sidewalk, & Utility Easements. Open space Lot 105 - Block 4, Lot 107 - Block 5, Lot 108 - Block 7, Lot 110 - Block 9 shall be Drainage, Sidewalk, Utility, and Emergency Secondary Access Easements.

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, 201, & 202 shall be dedicated as Private Streets and shall also be dedicated as Drainage and Utility Easements.

Acres and Density:

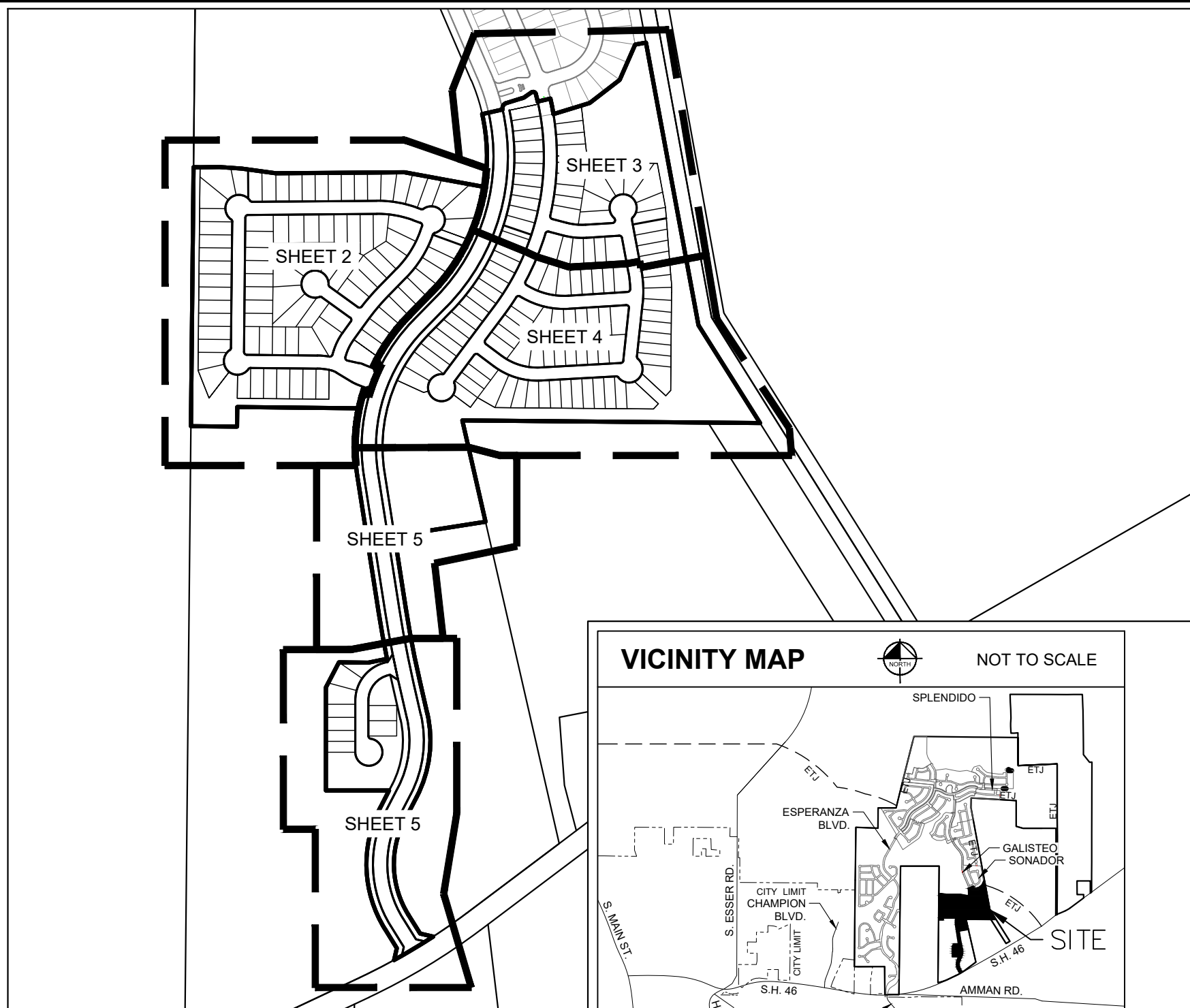
- 1. This subdivision contains 83.514 total acres with 206 residential lots for a density of 2.467 residential lots per acre.
2. This subdivision contains 25,131 acres of open space.
3. The area of the smallest lot is 0.077 acres.
4. The perimeter of the largest block is 3,206 LF. The perimeter of the smallest block is 698 LF.

Flood Statement:

According to Map No. 48259C0420F, 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 91 Heritage Legacy Trees, as defined in Subsection 2.02.002, identified on this plat.



SHEET INDEX MAP

1" = 600'

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 4C, 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 4C 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

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

By: _____
Secretary

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

PRELIMINARY PLAT ESTABLISHING
ESPERANZA
PHASE 4C

83.514 ACRES

6.244 ACRES PUBLIC R.O.W.

11.716 ACRES PRIVATE R.O.W.

206 RESIDENTIAL LOTS

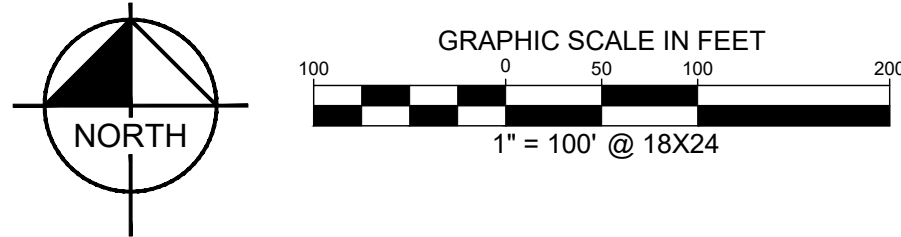
11 OPEN SPACE LOTS

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

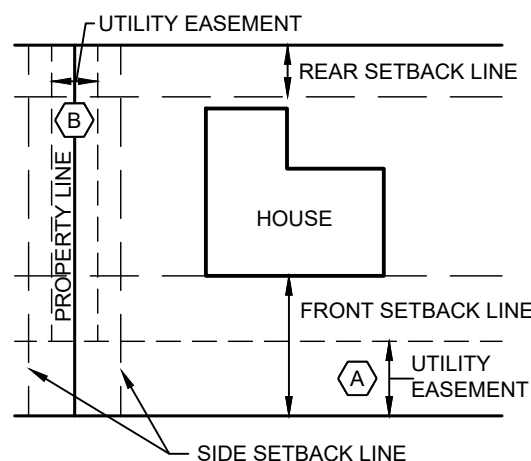
10101 Reunion Place, Suite 400 Tel. No. (210) 541-9166
San Antonio, Texas 78216 FIRM # 10193973 www.kimley-horn.com

Table with 6 columns: Scale, Drawn by, Checked by, Date, Project No., Sheet No. Values: AS SHOWN, JPV, JGM, 10/8/2024, 068686338, 1 OF 7



LEGEND

- 1/2" IRON ROD W/ "KHA" CAP SET
- FOUND MONUMENT
- B.S.L. BUILDING SETBACK LINE
- OPRKC OFFICIAL PUBLIC RECORDS OF KENDALL COUNTY, TEXAS
- BLOCK XX BLOCK IDENTIFICATION
- (A) 15' UTILITY EASEMENT
- (B) LOT 105 BLOCK 4, 0.117 AC. OPEN SPACE, DRAINAGE, SIDEWALK, UTILITY, & EMERGENCY SECONDARY ACCESS EASEMENT
- (C) LOT 106 BLOCK 4, 0.242 AC. OPEN SPACE, DRAINAGE, SIDEWALK, & UTILITY EASEMENT
- (D) LOT 109 BLOCK 7, 0.077 AC. OPEN SPACE, DRAINAGE, SIDEWALK, & UTILITY EASEMENT
- PROPOSED PLAT BOUNDARY
- ADJACENT PROPERTY BOUNDARY
- CITY OF BOERNE ETJ BOUNDARY
- [Cross-hatch pattern] EXISTING SLOPES 15%-25%
- [Diagonal line pattern] EXISTING SLOPES >25%



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

Surveyors Notes:

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BUILDING SETBACKS							
PER DA AMENDED 2/16/2023 & PER CITY COUNCIL 2/14/2023 APPROVAL							
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SINGLE FAMILY	60'	6,500	5'	10'	25'	20'	15'
SINGLE FAMILY	70'	8,000	5'	10'	25'	20'	15'

TYPICAL BUILDING SETBACK ON INTERIOR PROPERTY LINE

- (a) Add 5 additional feet of frontage for a corner lot.
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PRELIMINARY PLAT ESTABLISHING ESPERANZA PHASE 4C

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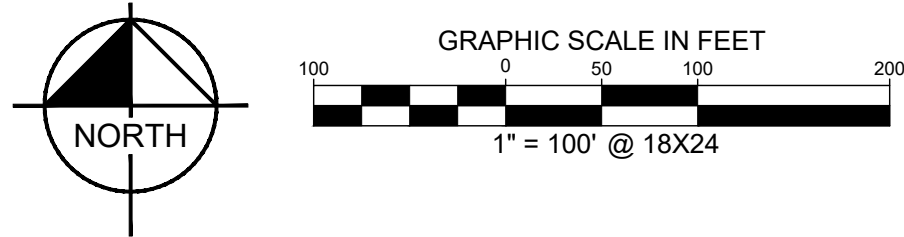
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Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
AS SHOWN	JPV	JGM	10/8/2024	068686338	2 OF 7

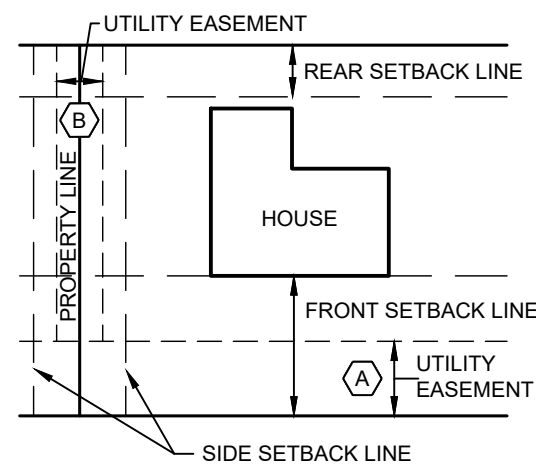
OWNER:
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 1001 CRYSTAL FALLS PARKWAY
 LEANDER, TEXAS 78641
 CONTACT: MIKE SIEFERT, P.E.

CIVIL ENGINEER:
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 SAN ANTONIO, TEXAS 78216
 TBPE #928

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



LEGEND	
○	1/2" IRON ROD W/ "KHA" CAP SET FOUND MONUMENT
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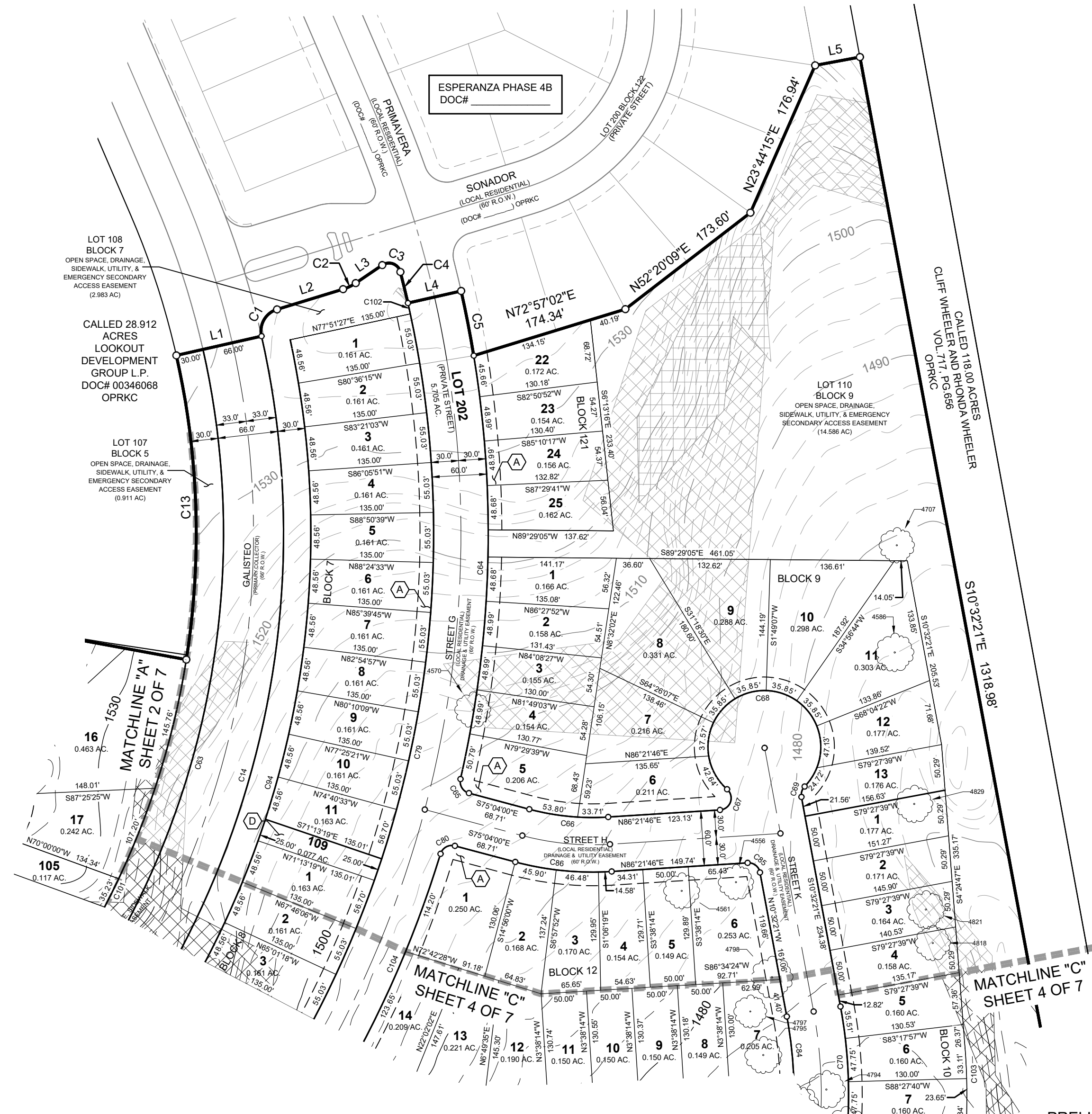


TYPICAL BUILDING SETBACK AND EASEMENT LOCATIONS
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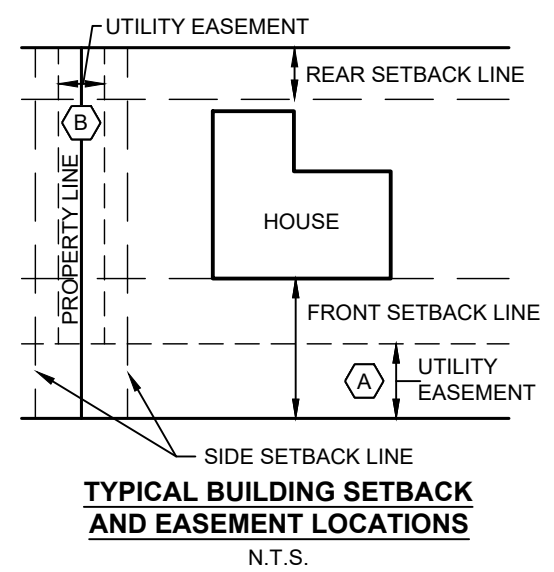
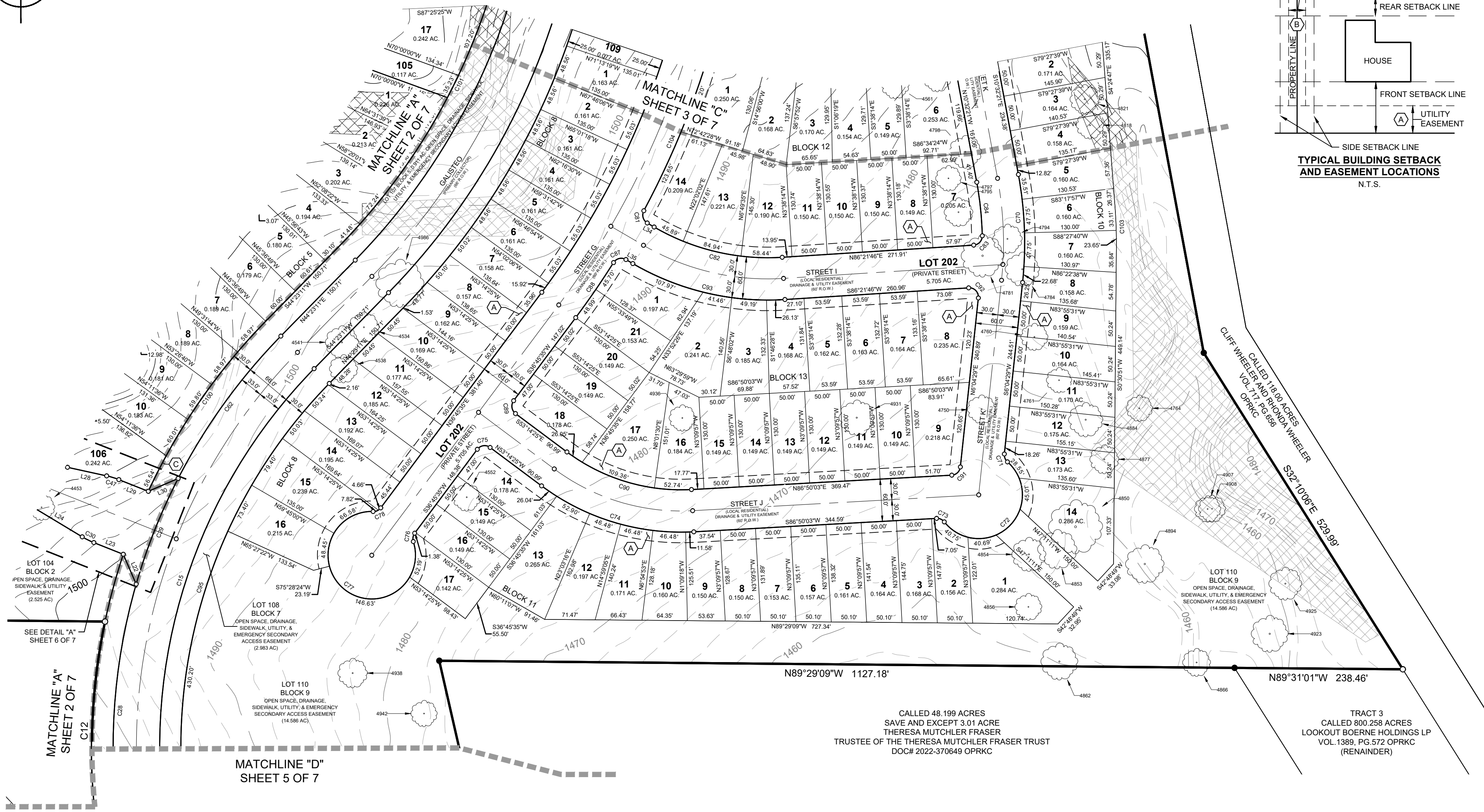
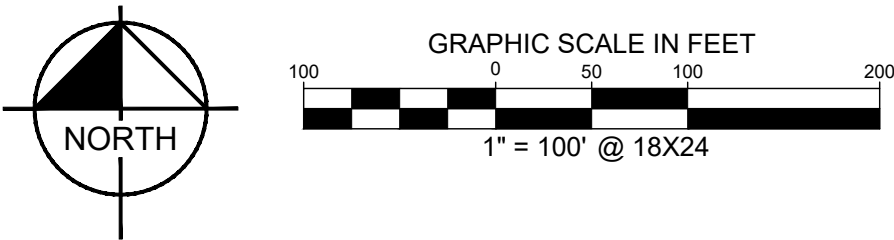
PRELIMINARY PLAT ESTABLISHING
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Kimley»Horn

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Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
AS SHOWN	JPV	JGM	10/8/2024	068686338	3 OF 7



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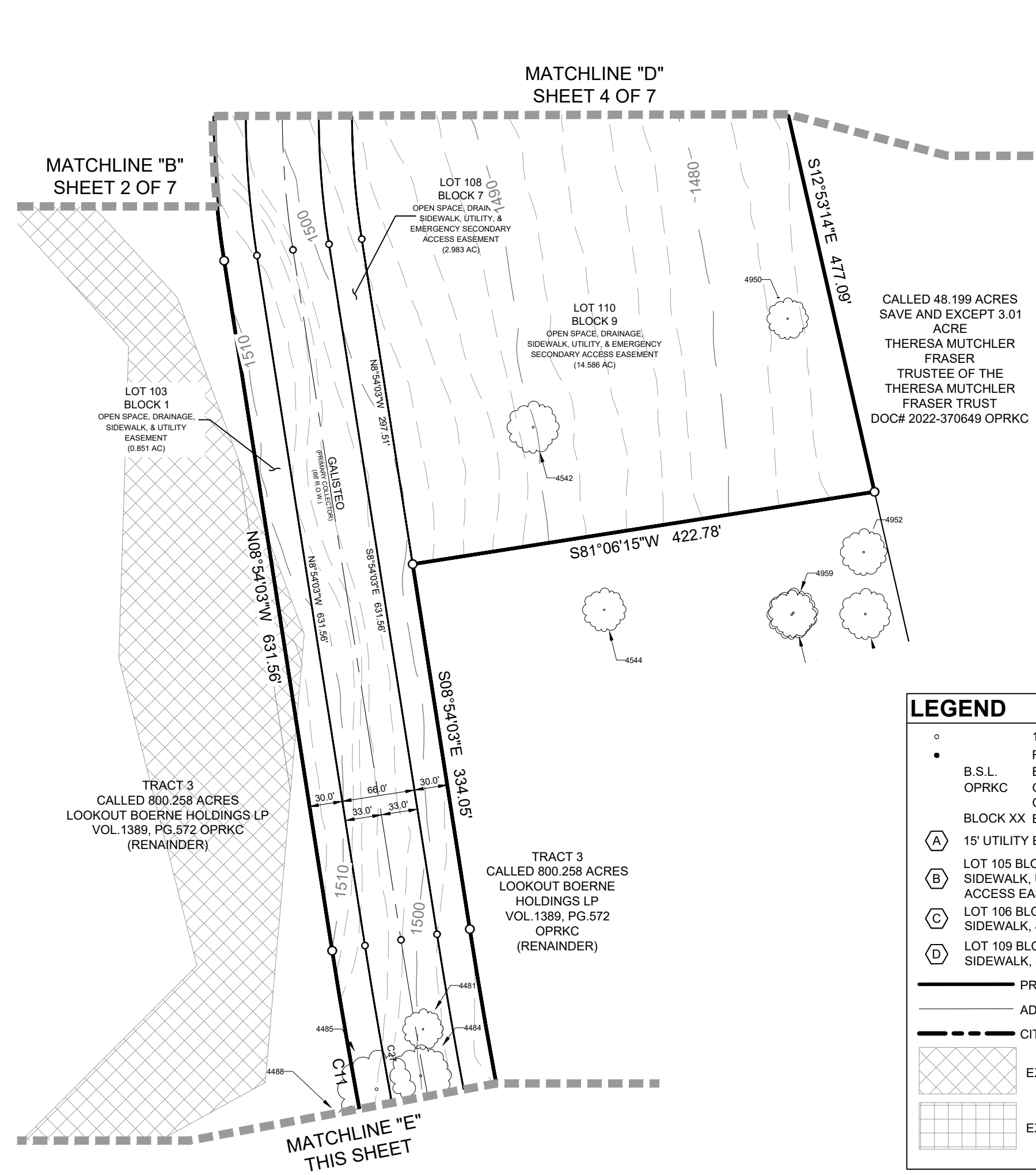
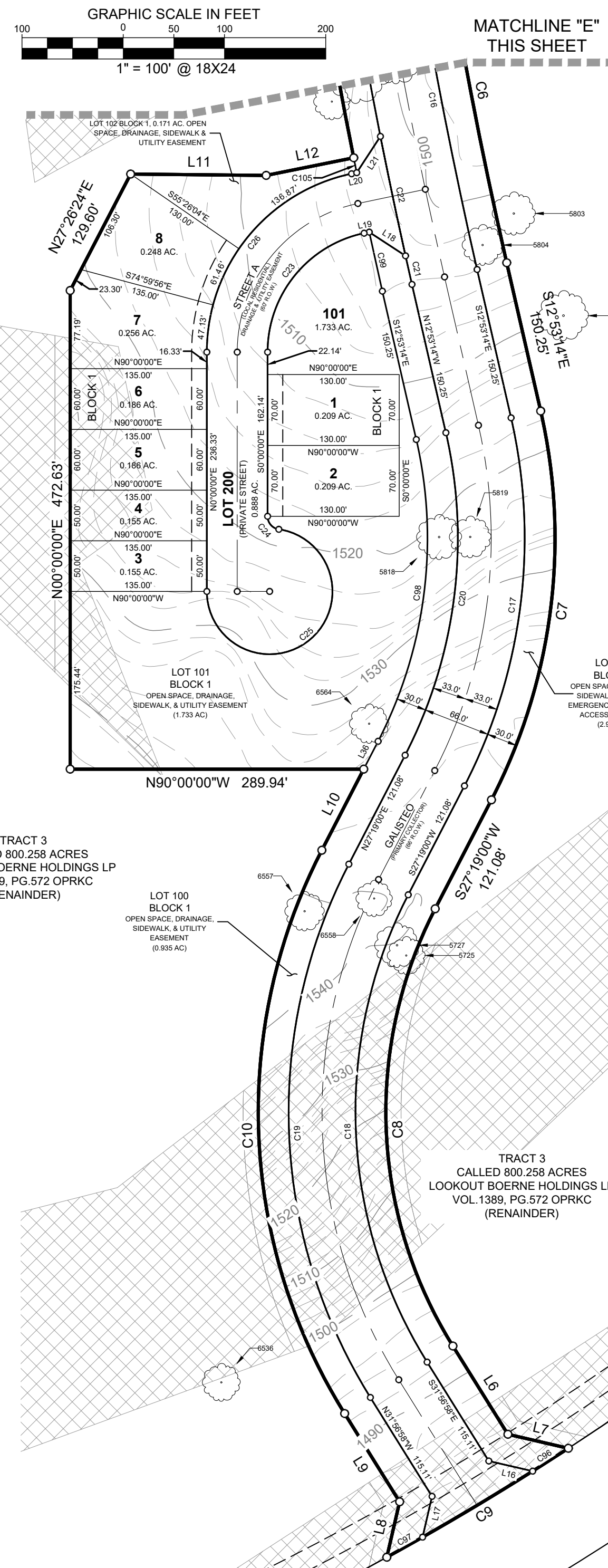
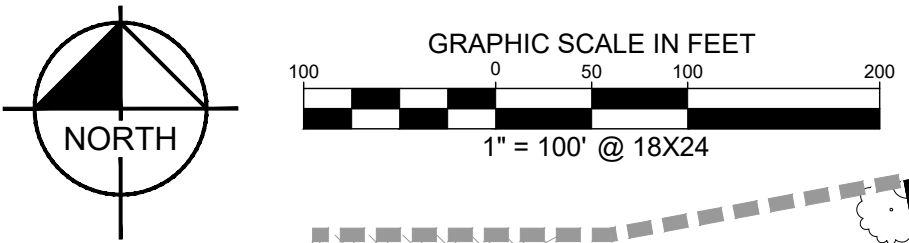
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Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
AS SHOWN	JPV	JGM	10/8/2024	068686338	4 OF 7



CALLED 48.199 ACRES
SAVE AND EXCEPT 3.01
ACRE
THERESA MUTCHLER
FRASER
TRUSTEE OF THE
THERESA MUTCHLER
FRASER TRUST
DOC# 2022-370649 OPRKC

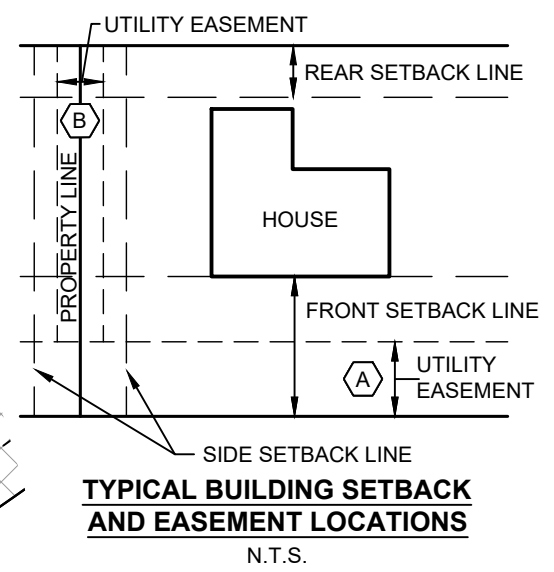
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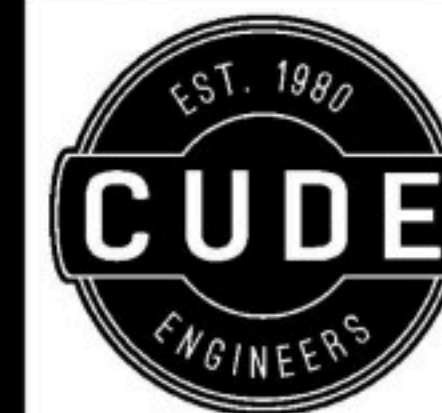
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SAN ANTONIO, TEXAS 78216
TBPE #928

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



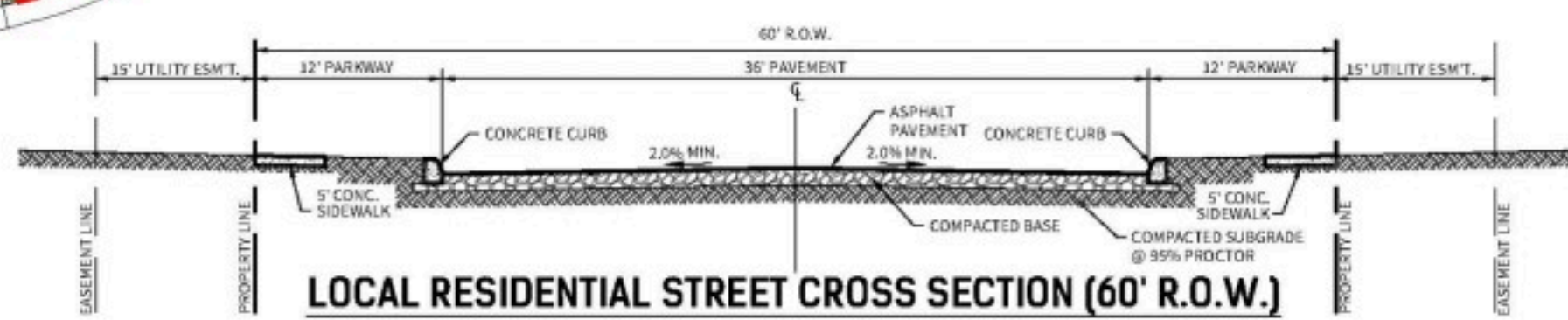
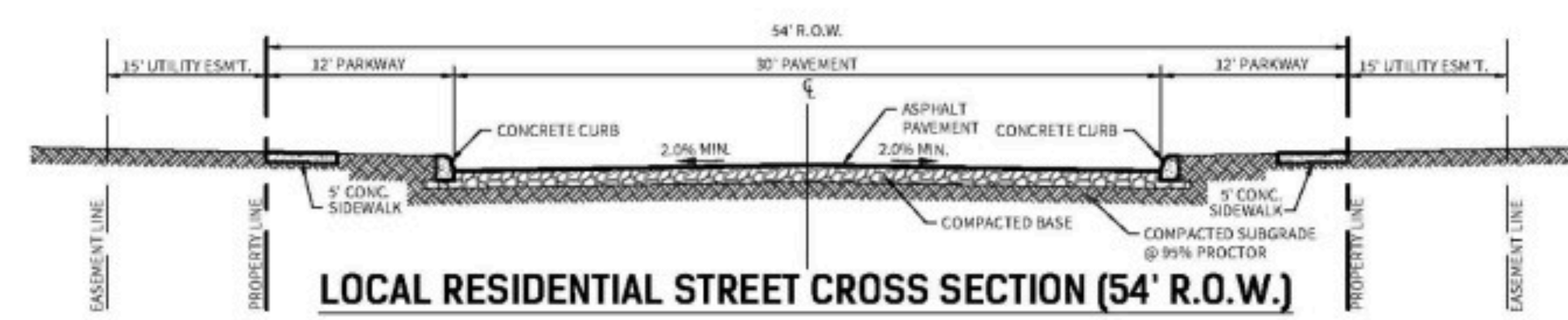
4122 Pond Hill Road, Suite 101
 San Antonio, Texas 78231
 P:(210) 681.2951 F: (210) 523.7112

**ESPERANZA SUBDIVISION
 PHASE 3 & 4**

POD GENERAL DEVELOPMENT PLAN (GDP)

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
TOTAL			1601		785.6

- 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 MULTI-FAMILY UNIT. FOR EITHER CASE, THE OVERALL PROJECT SHALL NOT EXCEED 2,480 RESIDENTIAL UNITS.



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 _____ DAY OF _____

BY: _____ CHAIRMAN

BY: _____ SECRETARY

DATE
6/4/2021

PROJECT NO.
03156.006.1

DRAWN BY
J.R.T.

CHECKED BY
W.P.M.

CUDE ENGINEERS
 TBPE No. 0455

M-1



AGENDA ITEM SUMMARY

Agenda Date	December 2 nd , 2024
Requested Action	Rezoning from a HOL-Interim Zoning District to R2-M Moderate Density Residential Zoning District for a 71.12-acre tract of land. The property is generally located at the southwest intersection of Spencer Ranch and Highway 46 (The Birch at Spencer Ranch).
Contact Person	Tyler Cain, Planner II (830) 248-1628, tcain@boerne-tx.gov
Background Information	<p>PRIOR REVIEW:</p> <p>The Planning and Zoning Commission held a Public Hearing on November 4, 2024, and tabled the request to the December 2, 2024, meeting.</p> <p>BACKGROUND:</p> <p>Forestar (USA) Real Estate Group, Inc. (Mr. Elliott Condos) is the owner, and Kevin DeAnda, Ortiz McKnight, PLLC, serves as the representative.</p> <p>The property is designated as Neighborhood Residential on the Future Land Use Map. The current zoning of the property is HOL-Interim Zoning District.</p> <p>The Planning and Zoning Commission (P&Z) approved a Master Community Plan (Master Development Plan) for The Birch at Spencer Ranch on October 1, 2018. The Master Plan included 209 single family lots for an average density of 2.94 units per acre. The Master Plan also included a total of 24.48 acres of open space of which 13.5 acres was floodplain and 10.98 acres is greenbelt/park.</p> <p>The Birch at Spencer Ranch is vested to development regulations in effect as of October 1, 2018.</p> <p>A Development Agreement was approved by the City Council on June 8, 2021. The development agreement included two different areas:</p> <ul style="list-style-type: none"> • Birch at Spencer Ranch which included approval for 209 single family lots on 71.12 acres. • Frontage Properties which include 87 acres which includes a variety of uses.

The development agreement also outlined the order in which the property would be annexed. The order was determined so that the annexations would meet the contiguous land requirement in State Law for annexation. The HOL-Interim Zoning District has been assigned to all property annexed.

<i>Area</i>	<i>Acres</i>	<i>Annexation Date</i>	<i>Description</i>
1	1.63	September 26, 2023	IH-10 ROW
2	22.65	September 26, 2023	Matkin Properties/DBT Investments
3	1.12	September 26, 2023	SH46 ROW
4	5.98	September 26, 2023	Balous Miller
5	71.12	June 25, 2024	Birch at Spencer Ranch
6	87.03	N/A	Frontage Properties

The Development Agreement allowed for the review and approval of subdivision plats prior to annexation and zoning. This facilitated progression of the development while the property awaited formal annexation. The Planning and Zoning Commission has approved the following subdivision plats:

- April 4, 2022 – Final Plat Phase 1A (Spencer Ranch Boulevard)
- April 4, 2022 – Final Plat Phase 1B (59 single family lots)
- April 3, 2023 – Final Plat Phase 2 (72 single family lots)
- July 1, 2024 – Preliminary Plat Phase 3 (70 single family lots)

The public infrastructure for phases 1B, and a portion of phase 3 has been constructed. Spencer Ranch Boulevard (phase 1A) has also been constructed. Improvements for phase 2 are also under construction.

REQUEST:

- The request is to rezone 71.12 acres from HOL-Interim Zoning District to R2-M Moderate Density Residential to allow for a 201 single family lots. Due to the reduction of eight lots, the density is now 2.82 units per acre.
- The approved plats provide for 26.3 total acres of open space; Phase 1B: 10.36 acres; Phase 2: 9.35 acres; and Phase 3: 6.59 acres. This is 1.82 more acres than what was shown in the Master Plan.
- The approved plats provide for a 201 single family lots with a maximum density of 2.82 dwelling units per acre. There are three different lot sizes as follows:

Minimum Lot Size (Square Feet)	Number of Lots	Percentage of Total Lots
4,000 to 5,400	56	28%
5,400 to 7,800	124	62%
7,800 to 10,800	17	8%
Over 10,800	4	2%
Total	201	100%

- In terms of lot coverage (or total percentage of impervious cover by Phase):
 - Phase 1B contained 30.2% impervious cover.
 - Phase 2 contained 42.38% impervious cover.
 - Phase 3 contained 32.98 impervious cover.
- This rezoning request does not apply to Spencer Ranch Boulevard outside of the subdivision.

ANALYSIS:

Comprehensive Master Plan

- The City’s Future Land Use Plan classifies this property as Neighborhood Residential. Forty percent of the city is classified as Neighborhood Residential.
- The Neighborhood Residential 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. Generally, new development density is between two and six units per acre.
- The proposed residential subdivision with a density of 2.82 dwelling units per acre (201 residential lots across 71.12 acres) will be compatible with future development in the area.
- The proposed rezoning is consistent with the Master Plan.

Master Development Plan and Development Agreement

- The Spencer Ranch Master Community Plan approved by P&Z 2018 articulates a total of 209 units across 3 total phases of development.

The average density is 2.94 lots per acre, with an average lot size of 5,400 sq. ft. for individual lots.

- The Master Development Plan and Development Agreement allow for 209 single family lots on this parcel. The approved Master Development Plan is referenced in the development agreement.
- The developer will be responsible for a proportionate share of a traffic signal at the intersection of Spencer Ranch Boulevard and SH46.
- The proposed R-2M Zoning District is consistent with the Master Development Plan and Development Agreement.

Utilities and Impervious Coverage

- Water and sewer are provided by Texas Water. There is an agreement for 6 years (from 2020) for the city to be the wholesale sewer provider for Spencer Ranch until Texas Water can transfer and treat the sewer as was provided for in the development agreement.
- According to the master drainage study, the impervious cover for the entire subdivision is 34.9%. This is less than the maximum impervious cover allowed by the 2018 subdivision code of 50%.

Proposed Zoning District

- The minimum lot sizes for common residential zoning districts:
 - R2-M (Moderate Density Residential) – 4,000 square feet
 - R2-N (Neighborhood Density Residential) – 5,400 square feet
 - R1-M (Medium Density Residential) – 7,800 square feet
 - R1-L (Low Density Residential) – 10,800 square feet
- An analysis of the approved lot sizes and conformance with the common residential zoning districts is as follows:
 - If the property is zoned R2-M all of the lots would be in conformance with the R2-M zoning district.
 - If the property is zoned R2-N only 145 of the lots would be in conformance with the R2-N zoning district.
 - If the property is zoned R1-M only 21 of the lots would be in conformance with the R1-M zoning district.
 - If the property is zoned R1-L only 4 of the lots would be in conformance with the R1-L zoning district.

- Staff also compared the zoning and density of several subdivisions within the city:

<i>Development</i>	<i>Density (lots per acre)</i>	<i>Zoning</i>
Champion Heights	3.17	R2-M
Birch at Spencer Ranch	2.82	R2-M (proposed)
Ranches at Creek Side	2.86	R1-M and R2-M
Regent Park	2.26	R2-M and R2-N
Woods of Boerne	2.67	R2-N

- The proposed zoning district is consistent with the approved plats.

FINDINGS:

The proposed rezoning meets the follow findings:

- It is consistent with Master Plan and Future Land Use Map.
- It is consistent with the Development Agreement and approved Master Community Plan (Master Development Plan).
- It meets the approval criteria stipulated in (UDC 2-5.C.5).

RECOMMENDATION:

Staff recommends that the Planning and Zoning hold a public hearing and recommend **APPROVAL** of the proposed rezoning.

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 rezoning.

OR

I move that the Planning and Zoning Commission recommended **DENIAL** based on the following findings: (The Commission will need to draft appropriate findings.)

Item Justification

- | | |
|---|--|
| <input checked="" type="checkbox"/> Legal/Regulatory Obligation | <input type="checkbox"/> Infrastructure Investment |
| <input type="checkbox"/> Reduce Costs | <input checked="" type="checkbox"/> Customer Pull |
| <input checked="" type="checkbox"/> Increase Revenue | <input type="checkbox"/> Service Enhancement |

	<input type="checkbox"/> Mitigate Risk <input checked="" type="checkbox"/> Master Plan Recommendation	<input type="checkbox"/> Process Efficiency <input type="checkbox"/> Other:
Strategic Alignment	C2 – Seeking customer-driven feedback. B2 – Advancing master plan recommendations.	
Financial Considerations	N/A	
Citizen Input/Board Review	<p>In coordination with the City, the applicant appeared at a Boerne Neighborhood Discussion (BND) Meeting the evening of Tuesday, October 15th, 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 4th, 2024, was published in the Boerne Star on October 20th, 2024. Letters were mailed out to 17 property owners on October 18th, 2024. A public hearing sign was posted on the subject property to notice the Rezoning request in anticipation of the November 4th P&Z meeting.</p> <p>Two property owners submitted written comments in opposition to the request.</p> <p>Three property owners provided verbal public comment in opposition of the request during the November 4th P&Z meeting.</p> <p>A notice of the Planning Commission hearing of December 2nd, 2024, was published in the Boerne Star on November 17th, 2024. Letters were mailed out to 17 property owners on November 14th, 2024. A notice of public hearing sign was posted on November 17th, 2024.</p>	
Legal Review	This action is a statutory requirement for rezoning approval.	
Alternative Options	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.	

Supporting Documents	Attachment 1 - Aerial Map Attachment 2 - Zoning Map Attachment 3 - Future Land Use Map Attachment 4 - Spencer Ranch Master Community Plan Attachment 5 - Section 2.5.C.5 Approval Criteria Attachment 6 - 500 ft. Notice Buffer Attachment 7 - Conceptual Development Plan Exhibit from Development Agreement Attachment 8 - Spencer Ranch Plats Conditions for Approval Attachment 9 - Community Responses Attachment 10 - Annexation Phasing Map
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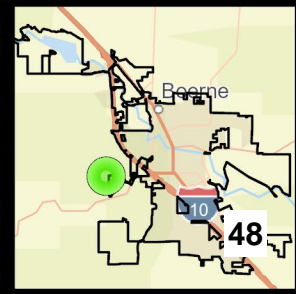
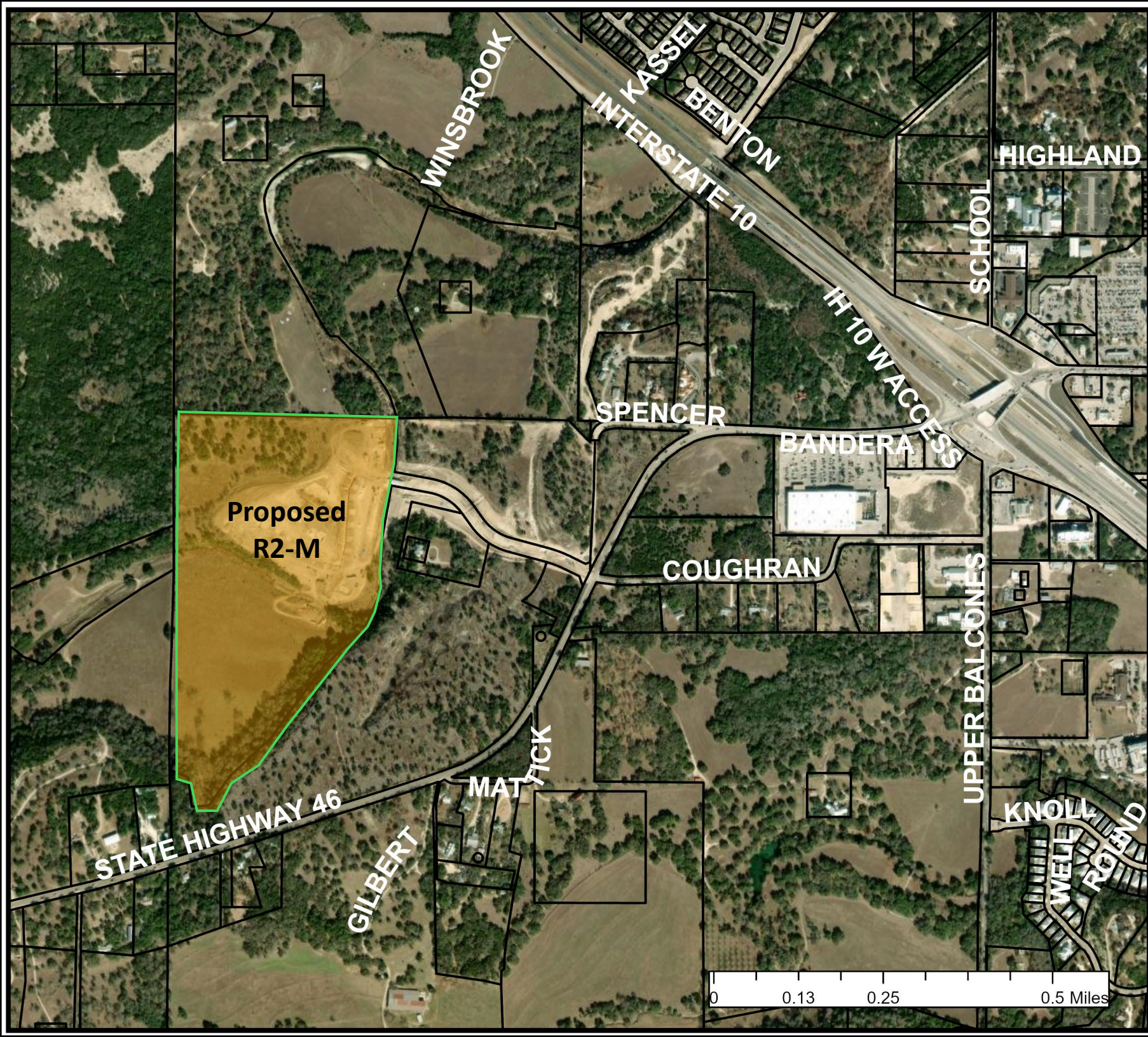
SUBJECT PROPERTY

The Birch
at Spencer Ranch

Legend

 Parcels

 SUBJECT PROPERTY









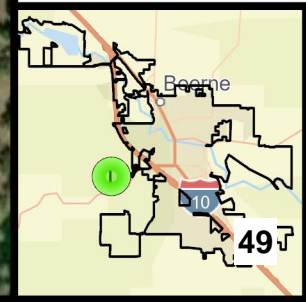
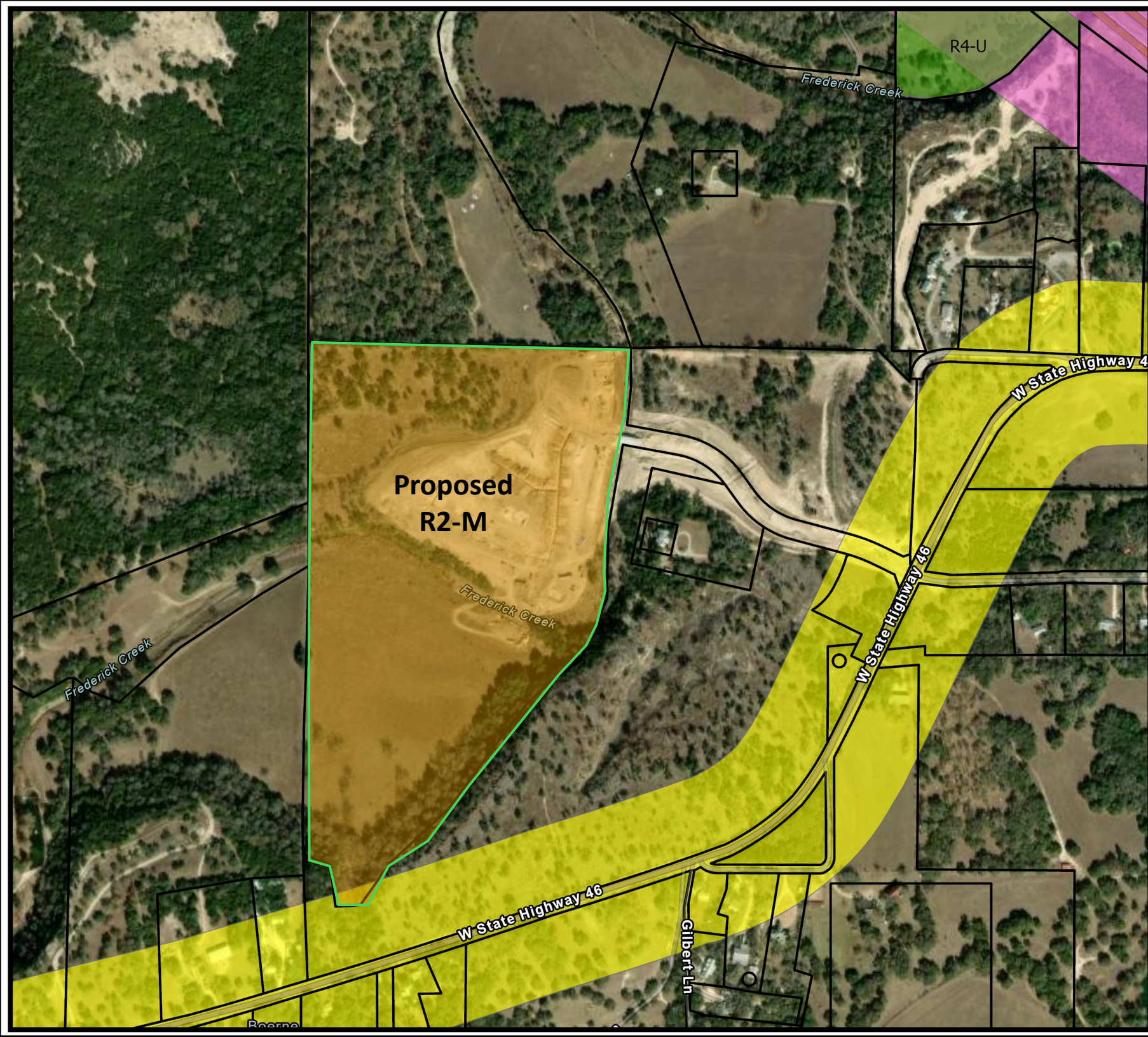
SUBJECT PROPERTY
The Birch
at Spencer Ranch

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



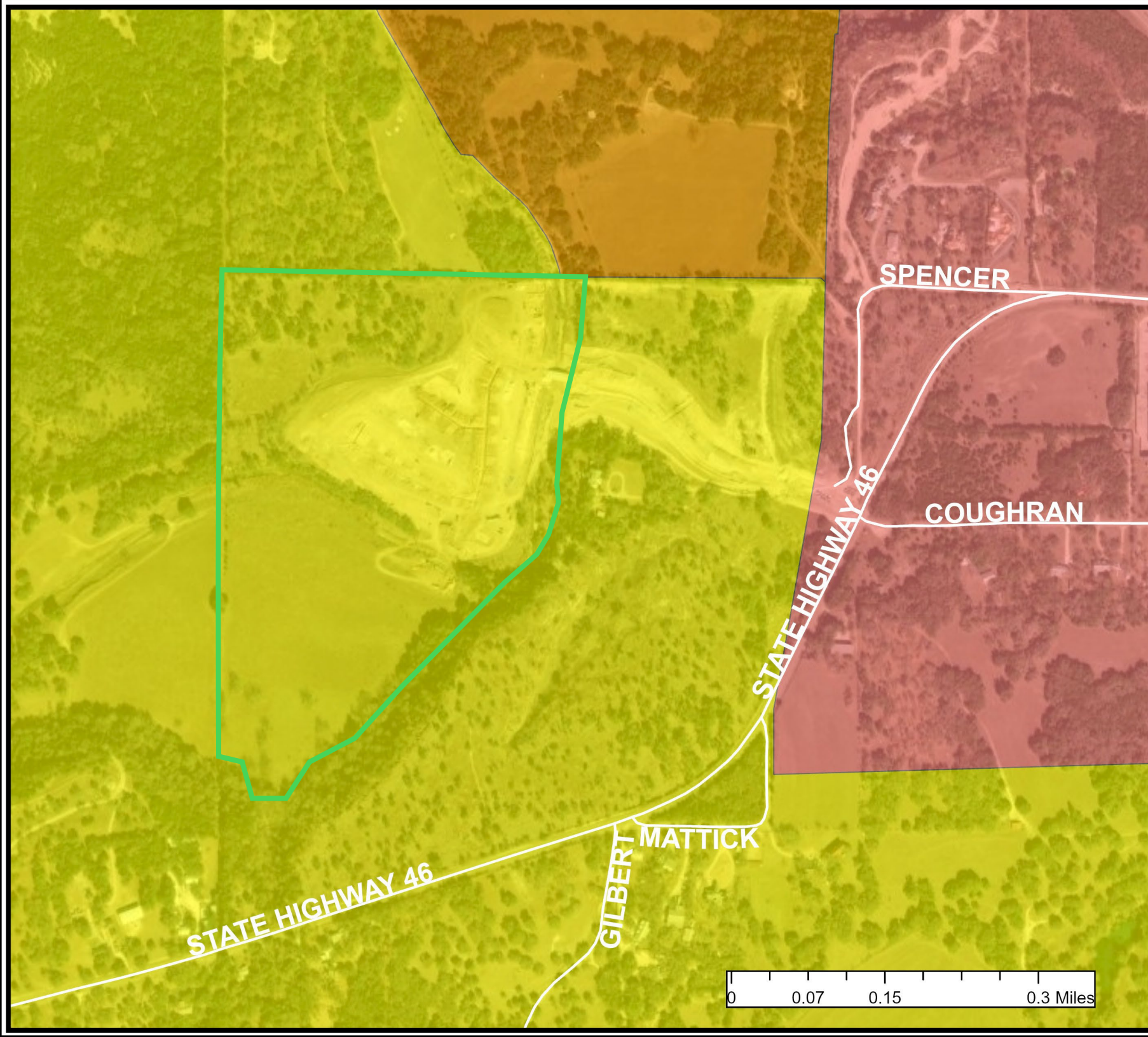


SUBJECT PROPERTY

The Birch
at Spencer Ranch

Legend

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



STATE HIGHWAY 46

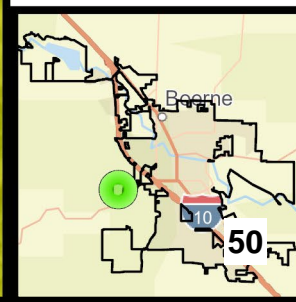
GILBERT

MATTICK

SPENCER

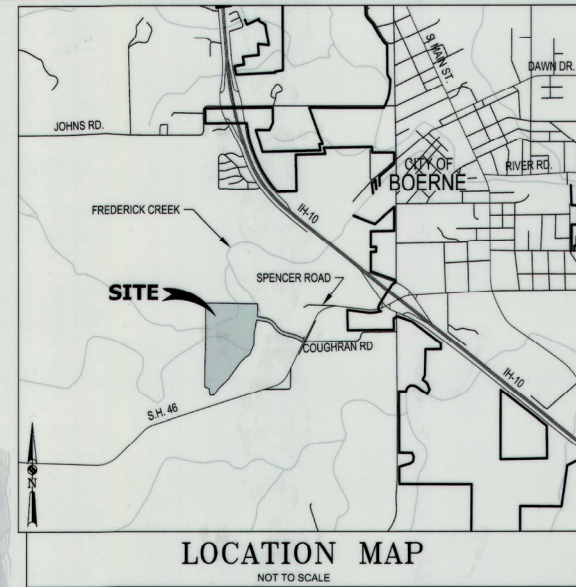
COUGHRAN

STATE HIGHWAY 46



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

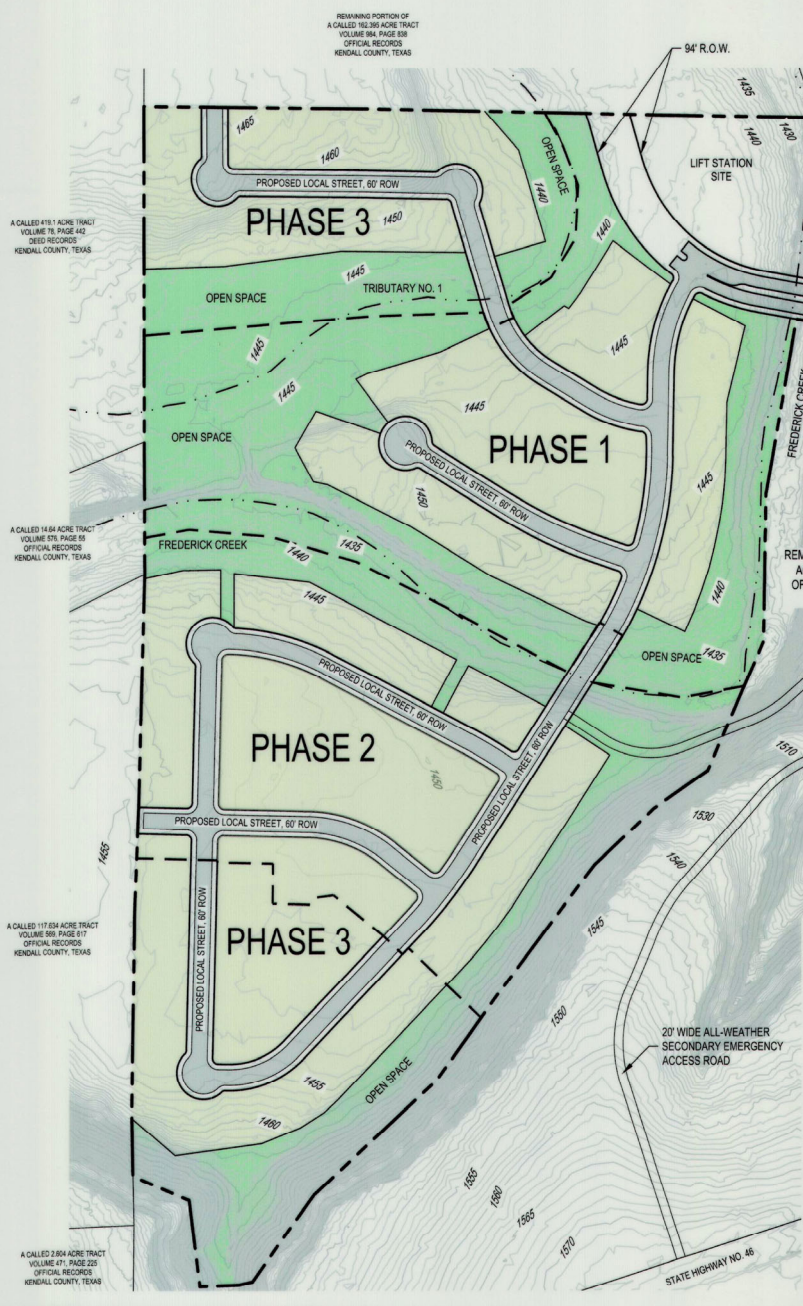
MATKINHOOPER

ENGINEERING
& SURVEYING

300 SHIELL ROAD SUITE 100
BOERNE, TEXAS 78009
OFFICE: 381.390.0600
CELL: 381.390.0600
TEXAS REGISTERED ENGINEERING FIRM F-006512 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 1ST 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







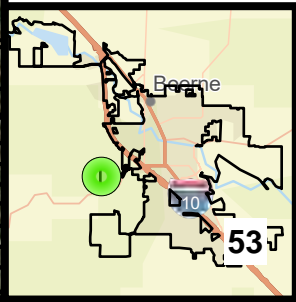
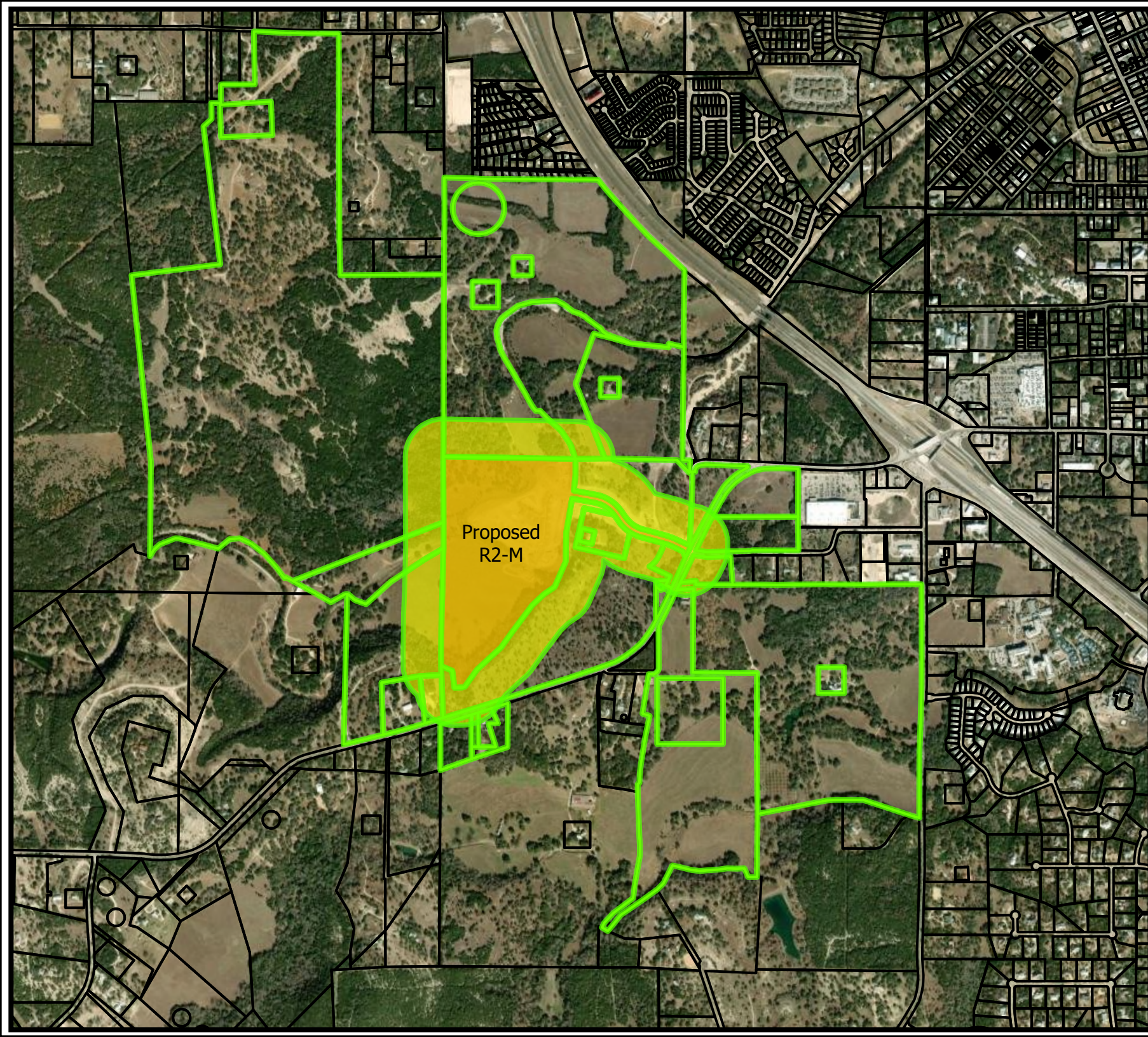
SUBJECT PROPERTY
The Birch
at Spencer Ranch

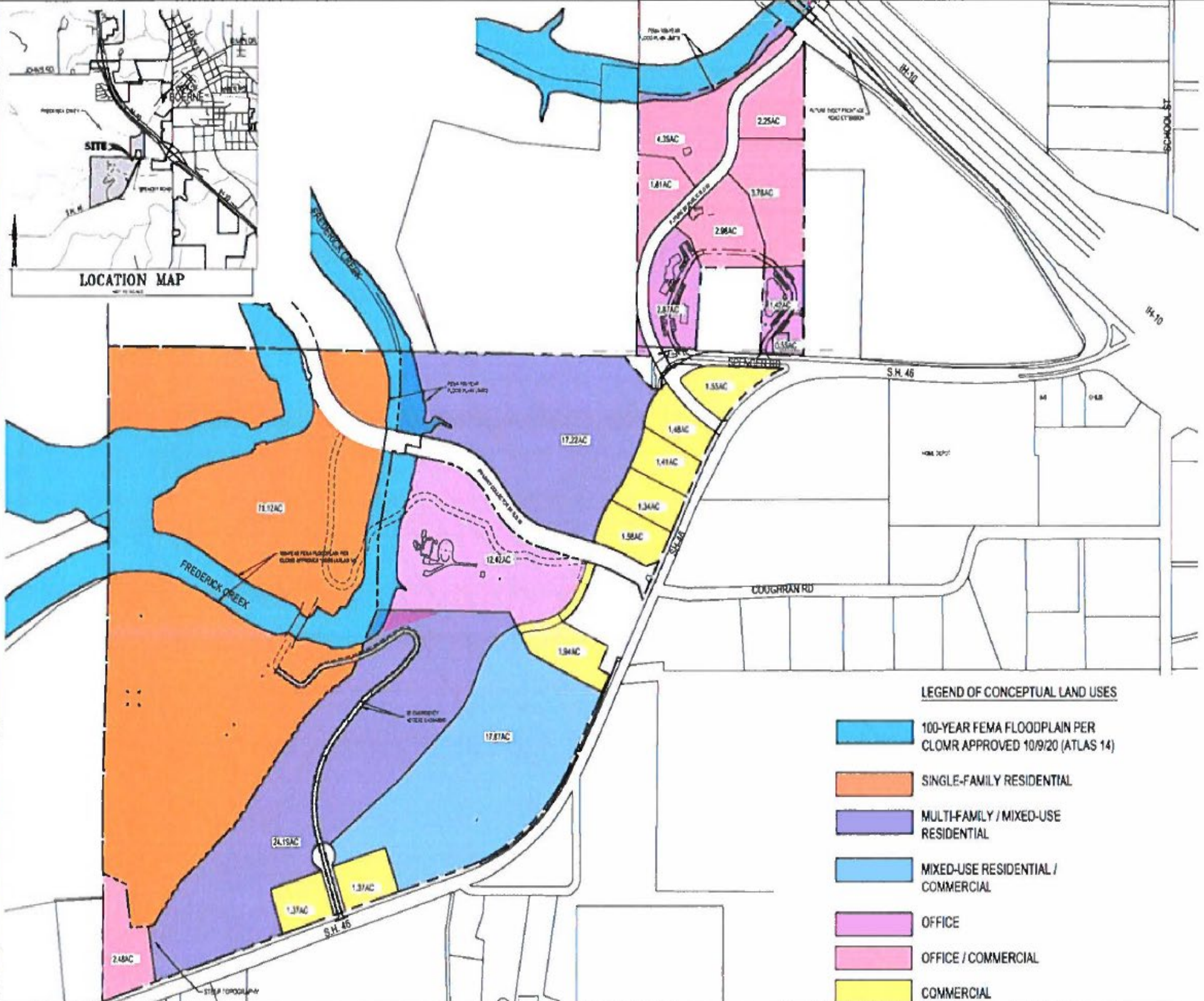
Current Zoning
HOL - Interim
Holding

Proposed Zoning
R2-M
Moderate Density
Residential

Legend

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





LEGEND OF CONCEPTUAL LAND USES

- 100-YEAR FEMA FLOODPLAIN PER CLOMR APPROVED 10/9/20 (ATLAS 14)
- SINGLE-FAMILY RESIDENTIAL
- MULTI-FAMILY / MIXED-USE RESIDENTIAL
- MIXED-USE RESIDENTIAL / COMMERCIAL
- OFFICE
- OFFICE / COMMERCIAL
- COMMERCIAL

N

SCALE 1"=80'

SHEET 002 OF 107

This document is released for REVIEW PURPOSES ONLY. NOT FOR CONSTRUCTION and was prepared under the supervision of Ken Kinney, Registered Professional Engineer, State of Texas, Registration No. 85303. DATE: SEPTEMBER 2020

MATKINHOOVER

ENGINEERING & SURVEYING

1000 W. BURNETT BLVD. SUITE 100
BOERNE, TEXAS 78005
TEL: 817.251.1100
WWW.MATKINHOOVER.COM

SPENCER RANCH CONCEPTUAL DEVELOPMENT PLAN

183 ACRES
BOERNE, TEXAS

EXHIBIT D

JOB NO. 2019-001
DESIGNED BY M
DRAWN BY C
DATE: 9/20/20

54

BY C/ENR

Spencer Ranch Phase 1A Final Plat - April 4, 2022 - Planning & Zoning Commission

CONSIDER CONDITIONAL APPROVAL FOR THE BIRCH AT SPENCER RANCH PHASE 1A FINAL PLAT, 7.33 ACRES, 1 NON-**RESIDENTIAL** LOT, AND 4.71 ACRES OF PRIVATE RIGHT-OF-WAY (KAD NO. 307605, 63687, & 14916) AS IS PROVIDED BY ARTICLE 2, SECTION 2.04.001 B OF THE SUBDIVISION ORDINANCE

Passed Unanimously (7-0) on the Consent Agenda:

“The plat meets all the requirements of the subdivision ordinance. The only remaining condition is that the infrastructure be built and accepted by the City.”

Spencer Ranch Phase 1B Final Plat - April 4, 2022 - Planning & Zoning Commission

CONSIDER CONDITIONAL APPROVAL FOR THE BIRCH AT SPENCER RANCH PHASE 1B FINAL PLAT, 21.27 ACRES, 59 RESIDENTIAL LOTS, 4 OPEN SPACE LOTS, AND 2.61 ACRES OF PRIVATE RIGHT-OF-WAY (KAD NO. 307605) AS IS PROVIDED BY ARTICLE 2, SECTION 2.04.001 B OF THE SUBDIVISION ORDINANCE AND BASED ON COMMENTS STATED IN STAFF’S REVIEW MEMO

Passed Unanimously (7-0) on the Consent Agenda:

“The plat meets all the requirements of the subdivision ordinance with the conditions identified in the staff review memo.”

“To: Cody Morris and Josh Valenta, Matkin-Hoover Engineering

From: Rebecca Pacini, AICP, Planner III

Date: April 1, 2022

Re: Review Comments – The Birch at Spencer Ranch Phase 1B Final Plat

All comments have been addressed with the following conditions to be addressed prior to recording:

- Phase 1A must be recorded and Spencer Ranch Boulevard must be constructed prior to Phase 1B final plat recordation per Subdivision Ordinance 3.02.002 E.3; and*
- The Letter of Map Revision must be approved by FEMA prior to recordation of the plat to remove the single-family residential lots from the FEMA 100-year floodplain (UDC 8.1.D.3.i.(a)).”*

Spencer Ranch Phase 2 Final Plat - April 3, 2023 - Planning & Zoning Commission

CONSIDER CONDITIONAL APPROVAL FOR THE BIRCH AT SPENCER RANCH PHASE 2 FINAL PLAT, 23.09 ACRES, 72 RESIDENTIAL LOTS, 3 OPEN SPACE LOTS, AND 3.57 ACRES OF PRIVATE RIGHT-OF-WAY (KAD NO. 307605) AS IS PROVIDED BY ARTICLE 2, SECTION 2.04.001 B OF THE SUBDIVISION ORDINANCE AND BASED ON COMMENTS STATED IN STAFF'S REVIEW MEMO

Passed Unanimously (6-0) on the Consent Agenda:

“The plat meets all the requirements of the subdivision ordinance with the conditions identified in the staff review memo to be addressed prior to plat recordation.”

“To: Joshua Valenta, Matkin-Hoover Engineering

From: Martha E Bernal, Planner II

Date: March 30, 2023

Re: Review Comments – The Birch at Spencer Ranch Phase 2 Final Plat

The above referenced application is found to be Technically Incompliant for the following reasons listed below:

Planning Comments:

- a. Per Subdivision Ordinance, Article 2, Section 5, 2.05.002 A, Identify the scale, location map, and the location of the subdivision in reference to an original corner of the original survey of which said land is a part.
 - i. Update the city limits line on the location map.**
- b. Per Subdivision Ordinance, Article 2, Section 5, 2.05.002 I, The name and location of adjacent streets, alleys, easements, watercourses, and other required information, all lines outside of the subdivision boundaries to be dashed.
 - i. Verify and update recording information for 30' Emergency Access Easement, if applicable.*
 - ii. Provide a heavy line weight along the plat boundaries to clearly reflect the area being platted.**
- c. Per Subdivision Ordinance, Article 2, Section 5, 2.05.002 L, Locations, dimensions, acreage and purposes of any easements or other rights-of-way to be dedicated to public use.
 - i. Delete any dashed lines indicating easements, if not needed or label and provide recording information if previously recorded. See redline.**
- d. Per Subdivision Ordinance, Article 5, Section 11, 5.11.006, Private Street Lots: Private streets must conform to the City's standards for public street rights-of-way. An easement covering the street lot shall be granted to the City and its employees providing unrestricted access to and use of the private streets and*

private street lot in pursuit of their official duties, private Street ROW's or lot shall be dedicated as utility easements so that the utilities can be installed in their usual locations and configurations.

i. Label private ROWs as utility easements.

e. Per Subdivision Ordinance, Article 5, Section 11, 5.11.014:

An Association agreement consistent with State and other appropriate laws must be submitted to and approved by the City Manager and made a part of the final plat documents. The restrictive covenants --Covenants, Conditions and Restrictions ("CCRs")

i. Submit an approved CCR

f. Per Subdivision Ordinance, Article 3, Section 02, 3.02.002 E.3, all Residential development shall have at least one connection to an existing external Arterial or Collector Street in the surrounding transportation network, or to a newly proposed Arterial or Collector street connected to the external network.

i. Reflect the recording information of Birch at Spencer Ranch Phase 1B on the face of the plat and ensure recordation of Birch at Spencer Ranch, Phase 1A and that Spencer Ranch Boulevard is constructed prior to Phase 2 final plat recordation.

Development Services & Utilities Comments:

a. See redline plat comments – revise and resubmit

Fire Department Comments:

a. No comments

Kendall County Comments:

a. No comment”

Spencer Ranch Phase 3 Preliminary Plat – January 10, 2022 - Planning & Zoning Commission

CONSIDER CONDITIONAL APPROVAL FOR THE BIRCH AT SPENCER RANCH PHASE 3 PRELIMINARY PLAT, 22.62 ACRES, 70 RESIDENTIAL LOTS, 5 OPEN SPACE LOTS, AND 3.35 ACRES OF RIGHT-OF-WAY (KAD NO. 307605).

Passed Unanimously (5-0) on the Regular Agenda:

“The plat as currently submitted meets all the requirements of the subdivision ordinance with the following conditions:

1. *Prior to final plat approval of Phase 3, Phase 1B must be replatted to show the required connection between Hazel Peak and Sycamore Pond such that Phase 3 will be in accordance with Subdivision Ordinance 3.02.002 E, 3.04.002, and 2.05.002 N; and*
2. *The Letter of Map Revision must be approved by FEMA prior to recordation of the plat to remove the single-family residential lots from the FEMA 100-year floodplain (UDC 8.1.D.3.i.(a)).”*

Hello to all of the Planning & Zoning Commission Members & City Council Members,

This message is from Lee & Pat Carriker, who own approximately 65 acres of property at #6 Spencer Road in Boerne. We have lived in our home on the Spencer Road property for 35 years.....since 1989. We originally rented our home beginning in 1989 from our landlords Murray and Barbee Winn. We loved it so much that we happily purchased our home & property in 1993 from the Winns.

We have recently found out that a zoning change request has been made for the 71.12 acre tract of land for The Birch at Spencer Ranch housing development. That development is on the property next to the south side of our property. We recently received a mailed notice about the November 4th meeting that will discuss the proposal of the zoning change. After receiving the mailed notice, we drove over to the parkway that leads into the newly proposed housing development. We were shocked to find a bent sign announcing this Public Hearing posted on that parkway in an area where only construction crews might see the sign. We noticed that the sign is way off of the well-travelled Highway 46W. The parkway is not a road where people travel on a daily basis, so the general public was not likely to see the public notice sign. Then, facing downward in a nearby dirt area, by a fire hydrant, was a smaller handwritten sign that mentioned the same November 4th meeting and other future meetings. No one passing by the area on Highway 46W would have seen either of those two signs. It seems like someone didn't really care for many people to be aware of the public hearing and/or the chance to voice their opinion or opposition to the proposed zoning change. We would think that the City of Boerne would place a better & bigger sign along Highway 46W where the people most impacted (nearby residents and drivers) would really see it and could give their views on this rezoning.

We did receive the one mailed notice regarding the hearing, so we will respond to it here. We understand that only 18 nearby property owners received that mailed notice.

We oppose this rezoning and housing development at that location for many reasons. One of the main reasons we oppose this rezoning is a safety factor. That housing development road/parkway opens onto Highway 46W in a dangerous location, between two blind curves, where traffic on Highway 46W usually is very heavy and very fast.... and there is no traffic light there. We already have to enter Highway 46W, from our Spencer Road, near one of those blind curves, and we risk our lives often, just trying to get onto Highway 46W from Spencer Road with the current busy traffic going both directions. Cars coming west out of Boerne on Highway 46W are often in a constant row of traffic that is accelerating to a speed that we assume is over the speed limit, so it's hard to cross that traffic to travel east into Boerne. We sometimes can drive out of our Spencer Road, toward Boerne, when the Hwy 46W road is totally clear both directions and will then find a car driving right up to our bumper the moment we get turned to come east into Boerne. Those cars are speeding into Boerne and appear from around those blind curves before you can even see that they were coming. The road/parkway entrance into the Birch at Spencer Ranch is in between TWO of those blind curves on Hwy 46W, so it will become a very dangerous area with all the new traffic that will be going in & out of that parkway along with the already busy Hwy 46W traffic. If you are talking about over 200 medium density homes being built first..... and then 560 more multi-family units being built later in that development, you will be adding a minimum of 1,500 vehicles that will be having to risk driving in & out of that parkway/Highway 46W intersection between those two blind curves with all the speeding Highway 46W traffic. Highway 46W is already a dangerous road without adding all of that traffic. There have already been numerous accidents and some fatalities along these areas of Highway 46W in the past. There have been fatalities on these curves, even though it did not even involve people pulling out onto Hwy 46W. It will only get worse with all this new traffic. We don't feel like adding all that traffic in that area is a safe and wise move. We don't want to see fatalities occurring in that area before a traffic light is installed, and we have been told that no traffic light is planned for that intersection at this time.

We also are opposed to this zoning that will add all this housing when there is such a water shortage in our area. The City of Boerne seems to have severe drought restrictions in place already and then we hear of more high/medium density housing and more multi-family units being built. The city has already allowed a 190-unit multi-family low-income housing apartment complex to be built at Frederick Creek/IH-10 area, which is next to the north side of our property. Now 200+ homes, with front & back yards, and 560 more multi-family units are planned near the south side of our property. All of these new residences will need water provided by City of Boerne, and Boerne is already imposing drought restrictions regarding water usage. This whole area is having an issue with water supplies being used up and drying up. Look at Boerne Lake, Cibolo Creek, Frederick Creek, Canyon Lake, etc..

As we said, we have lived in our house for 35 years. When we moved here, Frederick Creek was a live creek that constantly flowed well on 2 borders of our property.... on the west side and the north side. It flowed all of the time back in the earlier part of our residency on this property. Our older children were allowed to swim in the clear flowing creek for most of their childhood. After our last son was born in 1997, we rarely allowed him to swim in the murky, barely flowing creek. By then, Frederick Creek was always either too dry or not flowing at all. It was not flowing clearly enough for safe swimming. It has been that way for most of his life, and he is now almost 27 years old. We have not seen that creek flowing well in many, many years. Cibolo Creek seemed to do a little better, but it, too, has seemed to have quit flowing. And I hear about how low Boerne Lake is now. So, I think that the water issues should really be considered when allowing all these new housing developments.

On the signs at The Birch at Spencer Ranch, we saw where the developers were given a permit to water their landscaping with water from Frederick Creek for 6 months. That was shocking. We don't believe nearby homeowners are allowed to use creek water to irrigate their properties near the creek. Plus, the creek has already been so very dry... and maybe that is why it has been so dry. That is water that would normally be allowed to flow on into Boerne to join up with the Cibolo Creek to form the downtown creek. We went to the downtown Cibolo Creek one week ago and were saddened to see the dry creek bed.

Resident's water wells are also drying up and many residents are having water brought in by trucks for their household water needs. The lack of water in this area is a big concern. So, it would seem that approving zoning for high/medium density housing developments would be postponed until we are past this long drought that our area has had. Please consider waiting to approve such zoning until we have our lake filled and rivers and creeks flowing regularly again and water wells not going dry. Please consider waiting until the City of Boerne has enough water to not have to impose drought restrictions.

I will mention something else for everyone to think about. If Frederick Creek does start flowing well again, it will have the main part of the Frederick Creek and several Frederick Creek tributaries flowing through the middle of The Birch at Spencer Ranch property. So, it will be getting drainage from those Spencer Ranch streets, driveways, yards, and properties in that development. So, all the trash, oils, gasolines, fertilizers, insecticides, and other chemicals will be flowing into the Frederick Creek and on downstream in the water into the downtown Boerne Cibolo Creek if the creeks are flowing well. If the Frederick Creek is barely flowing, all that pollution will end up hanging around our property, which we hate to think about. We definitely won't be allowing our grandchildren to swim in the Frederick Creek in the times ahead if a housing development with all those houses is allowed on the Frederick Creek just upstream of us. What a way to spoil the wonderful creek that used to flow into Boerne.

Along with other reasons that we object to approval of this rezoning is that we know that all these new developments next to our property will bring new trespassing on our property by teens and other people who don't belong here. We already have had numerous trespassing teens that come from the other side of Interstate 10. They have no business being on our property, and it is often worrisome regarding what their intentions are. With 190 new low-income

housing apartments next to one corner of our land and 200+ homes and 560 more multi-family units on the other side of us, we hate to think of all the new trespassers that will be wandering across our land where they do not belong. It may become unsafe to even live here anymore. Think of residents from that many homes & units wandering through your own private back yard without your permission. It's hard to put up enough "No Trespassing" signs to get the point across to these people who want to wander around our property without permission.

Last, but not least, we worry about all these multi-family apartments/units (some low income housing) and high/medium density housing developments hurting the value of our land and spoiling our life that we have had out here for 35 years. This has been our home. We wanted it to be our home for ever. But, it won't be the same if you approve all this new rezoning for all this construction and water usage.

Thank you for listening and for your consideration regarding not approving the rezoning of the Spencer Ranch property.

Dr. Lee and Pat Carriker
6 Spencer Road, Boerne, Texas 78006
830-431-3165
aggiefamilyranch@yahoo.com





Notice of Planning and Zoning Commission Public Hearing

Case Manager: Tyler Cain

☎: 830-248-1628

Email: tcain@boerne-tx.gov

The City of Boerne has received an application described below, and you are encouraged to attend the public hearing as an interested party. You will have the opportunity to express your opinion either in support or opposition to the request by mailing the response portion of this notice or by emailing the case manager listed above. Please contact the case manager if you have questions or need further information. Your participation in this process is encouraged. You may watch the proceedings of this meeting by visiting the City's official webpage.

Meeting Location: **Boerne City Hall - City Council Chambers**
447 North Main Street
Boerne, TX – 78006

Date and Time: **Monday, December 2, 2024**
6:00 p.m.

Proposal: **A zoning change request from a HOL-Interim Zoning District to R2-M Medium Density Residential Zoning District for a 71.12 acre tract of land, generally located at the western intersection of Coughran Road and Highway 46 to allow for a single family subdivision (KAD: 307605).**

Authorized Agent: **Forestar (USA) Real Estate Group Inc. and Continental Homes of Texas, L.P.**

**CASE: Zoning – The Birch at Spencer Ranch (TC)
PZ – December 2, 2024**

Please return this notice whether or not you plan to attend the hearing. For further information, please call 830-248-1501.

Name: John WELTERS

Address: 47 STATE HWY 46 West

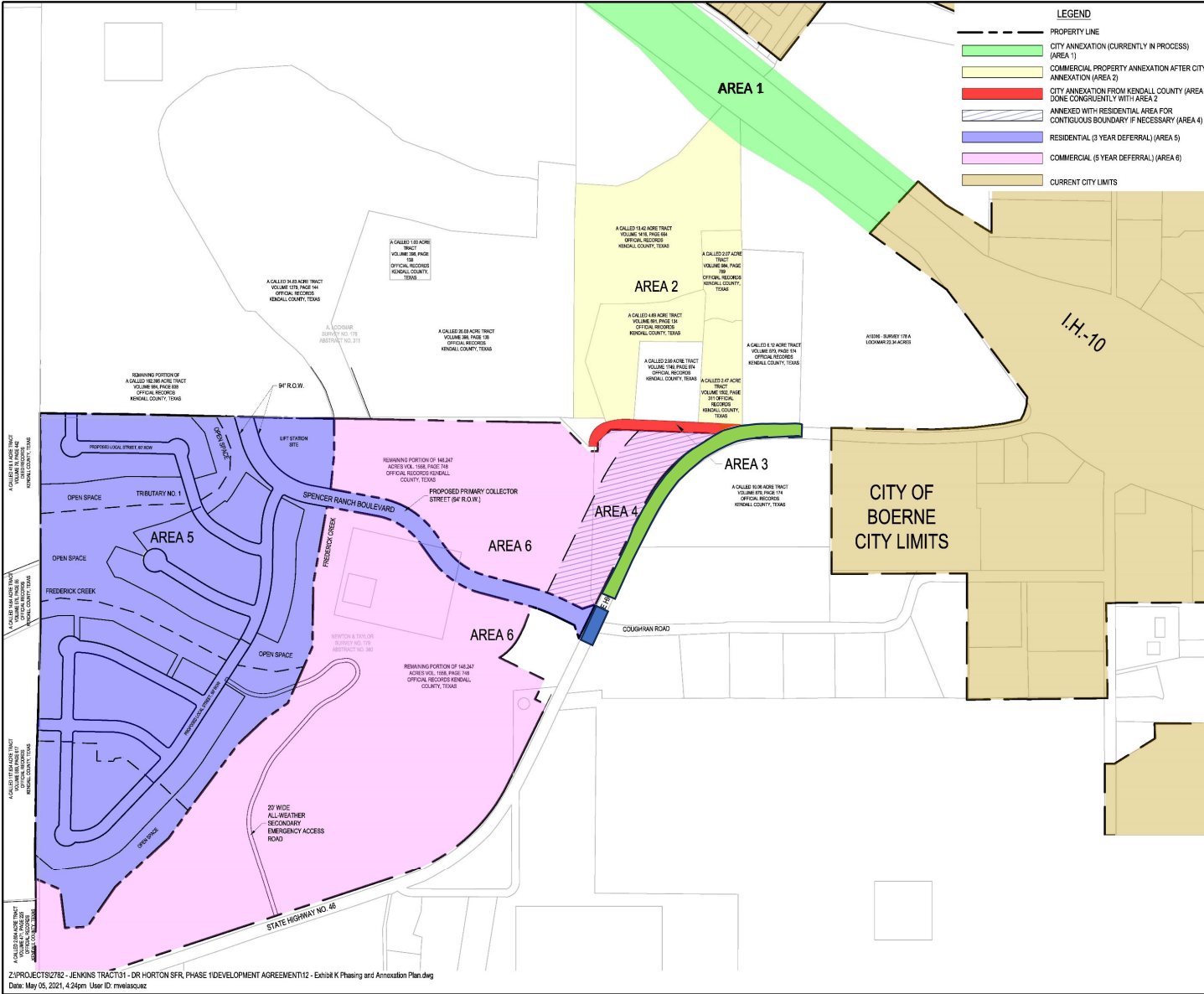
() In Favor (X) Oppose

Reason: High Density CAUSES TRAFFIC AND High WATER USE

INTEGRITY • COLLABORATION • RESPECT • SERVICE • EXCELLENCE

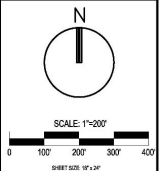
Planning Department: 447 N. Main St. | Boerne, TX 78006

Phone: (830) 248-1628 Email: tcain@boerne-tx.gov



LEGEND

- PROPERTY LINE
- CITY ANNEXATION (CURRENTLY IN PROCESS) (AREA 1)
- COMMERCIAL PROPERTY ANNEXATION AFTER CITY ANNEXATION (AREA 2)
- CITY ANNEXATION FROM KENDALL COUNTY (AREA 3) DONE CONGRUENTLY WITH AREA 2
- ANNEXED WITH RESIDENTIAL AREA FOR CONTIGUOUS BOUNDARY IF NECESSARY (AREA 4)
- RESIDENTIAL (3 YEAR DEFERRAL) (AREA 5)
- COMMERCIAL (5 YEAR DEFERRAL) (AREA 6)
- CURRENT CITY LIMITS



This document is released for REVIEW PURPOSES ONLY, NOT FOR CONSTRUCTION and was prepared under the authorization of JOSHUA J. VALENTA, Registered Professional Engineer, State of Texas, Registration No. 114592.

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 1335 SHILOH, TEXAS 78061
 BOERNE, TEXAS 78009
 CONTACT: USA@MATKIN-HOOVER.COM
 TEXAS REGISTERED ENGINEERING FIRM # 00511 SURVEYING FIRM # 10023000

PHASING / ANNEXATION PLAN FOR SPENCER RANCH BOERNE, TEXAS

EXHIBIT K

JOB NO. 2782.20
 DESIGNED BY: CDK
 DRAWN BY: RJV
 CHECKED BY: KBK

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.