

AGENDA
SPECIAL CALLED PLANNING AND ZONING COMMISSION MEETING
BOERNE CITY HALL
RONALD C. BOWMAN CITY COUNCIL CHAMBERS
447 North Main Street
Monday, September 9, 2024 – 6:00 p.m.

A quorum of the Planning and Zoning Commission will be present during the meeting
at: 447 N. Main, 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. [2024-479](#) Consider approval of the minutes of the Planning and Zoning Commission meeting of August 5, 2024.

Attachments: [Official Meeting Minutes 24-0805](#)

4.B. [2024-480](#) A request for final plat approval for 502 South School Street a twelve-lot single family subdivision generally located at Hosack

and School Street.

Attachments: [AIS - 502 South School Street - 20240909 Final](#)
[Attachment 1 - Location Map](#)
[Attachment 2 - Zoning View](#)
[Attachment 3 - Future Land Use Map](#)
[Attachment 4 - Board of Adjustment Application](#)
[Attachment 5 - Approval Preliminary Plat 502 S School 20211207](#)
[Attachment 6 - 502 S. School St. Final Plat](#)

4.C. [2024-481](#) A request for final plat approval for Corley Farms Unit 4 Subdivision a 127-lot single family subdivision generally located North Corley Road and west of Vallerie Lane. (Extra Territorial Jurisdiction)

Attachments: [AIS - Corley Farms U4 9.5.2024](#)
[Attachment 1 - Corley Farms U4 Vicinity Map](#)
[Attachment 2 - Corely Farms U4 Floodplains and DPZ Map](#)
[Attachment 3 - Corley Farms Master Plan \(January 2024 Version\)](#)
[Attachment 4 - Final Plat - Corley Farms Unit 4 9.5.2024](#)

5. REGULAR AGENDA

5.A. [2024-471](#) Consider a request for a variance to Section 2.12.2, throat length, of the Engineering Design Manual for a property located at 612 River Road (KAD 26667).

Attachments: [AIS - 612 River Throat Length Variance](#)
[Variance Application 612 River](#)
[Variance Exhibit 612 River](#)
[612 River Site Photos](#)

5.B. [2024-473](#) Consider a request for a variance to Chapter 8.2, Drainageway Protection Zones, of the Unified Development Code for a property located at 612 River Road (KAD 26667).

Attachments: [AIS - 612 River DPZ Variance](#)
[Variance Application 612 River](#)
[Variance Exhibit 612 River](#)
[612 River Site Photos](#)

6. DISCUSSION ITEMS

6.A. [2024-483](#) Short Term Rental Report

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

8. ADJOURNMENT

s/s Nathan Crane

Administrative Officer

CERTIFICATION

I herby certify that the above notice of meeting was posted on the 5th day of September, 2024 at 6:00 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, August 5, 2024 – 6:00 p.m.

Minutes of the Planning and Zoning Commission meeting of August 5, 2024 at 6:00 p.m.

Present: 7 - Chairman Tim Bannwolf, Vice Chair Lucas Hiler, Commissioner Bill Bird, Commissioner Susan Friar, Commissioner Terry Lemoine, Commissioner Carlos Vecino, Commissioner Bob Cates

Staff Present: Mick McKamie, Kristy Stark, Barrett Squires, Heather Wood, Nathan Crane, Franci Linder, JoAnmarie Andrade, Jeff Carroll, Cheryl Rogers, Liz Huvalla, Ryan Bass, Andrew Wilkinson

Recognized and Registered Guests: Ben Adam, Josh Valenta, James McGarr

1. CALL TO ORDER

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

2. CONFLICTS OF INTEREST

No conflicts were declared.

3. PUBLIC COMMENTS

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:

Yea: 7 - Chairman Tim Bannwolf, Vice Chairman Commissioner Lucas Hiler, Commissioner Susan Friar, Commissioner Bill Bird, Commissioner

Bob Cates, Commissioner Terry Lemoine, Commissioner Carlos Vecino

- 4.A. [2024-406](#) Consider approval of the minutes of the Planning and Zoning Commission meeting of July 1, 2024.

5. REGULAR AGENDA

- 5.A. [2024-408](#) Consider a request for a variance to Chapter 8.2(A)(1), Drainageway Protection Zones, of the Unified Development Code for a property located at 119 Adler, 125 Adler, and 134 Garden (KAD 20010, 20009, and 20007).

Item was postponed by the applicant. No action taken.

- 5.B. [2024-409](#) Untable a request for a variance to Chapter 8.1(D)(3)(i)(i), Floodplain Management, of the Unified Development Code for a property located at 303 James St (KAD 19788)

A motion was made by Commissioner Hiler, seconded by Commissioner Bird, to untable a request for a variance to Chapter 8.1(D)(3)(i)(i), Floodplain Management, of the Unified Development Code for a property located at 303 James St (KAD 19788). The motion carried by the following vote:

Yea: 7 - Chairman Tim Bannwolf, Vice Chairman Commissioner Lucas Hiler, Commissioner Susan Friar, Commissioner Bill Bird, Commissioner Bob Cates, Commissioner Terry Lemoine, Commissioner Carlos Vecino

- 5.C. [2024-407](#) Consider a request for a variance to Chapter 8.1(d)(3)(i)(i), Floodplain Management, of the Unified Development Code for a property located at 303 James St (KAD 19788).

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

Chairman Bannwolf opened public comments for all agenda items at 6:11 p.m.

James McGarr, design engineer representing the property owner,

presented photos to the commission of the proposed house that is intended to be built on the other lot as a second home/rental property for residential use.

Ben Adam, the architect representing the project, explained that the photos being presented are as a follow up to questions brought up at the last meeting where this project was discussed, however, they understand that is not a part of the variance. He additionally discussed the recent base flood elevation certificate done on this property which indicated an elevation of 1395.8 and the elevation of the existing building built in the 1930's is 1399.83 - 4.03 feet higher than the base flood elevation; nowhere is the building 18 inches off of the ground. He suggested that there could be a mound under the house that the LiDAR did not detect when contour studies were done back in 2014/2019.

Chairman Bannwolf closed public comments at 6:15 p.m.

Commission discussion included the elevation differences brought up by Ben Adam, the Federal Emergency Management Agency (FEMA) community rating system, historical flooding in this area of town, concerns with impervious cover and what hardships are being presented for the proposed variance request. The commission also discussed the objective of restricting land parcels smaller than one acre from being developed into lots or habitable structures within the floodplain was primarily driven by public safety considerations.

Cheryl Rogers, Assistant City Engineer, explained that in any FEMA-regulated situation an applicant can provide more precise survey data to demonstrate they are outside the floodplain and receive a letter of map amendment; this information could be reviewed to determine if the house is outside of the floodplain, however, in this case, the entire property would need to be located outside of the floodplain.

Jeff Carroll, Director of Engineering and Mobility, spoke to the history of flooding in the city; he explained that there has not been a 100 year flood event in recent years and that to his knowledge, there has not

been structural flooding in this area. He also explained that the city has adopted higher standards, going above the minimum state requirements, and through the FEMA Community Rating System (CRS) the city now has a Class 7 rating, which provides a 15% discount for all citizens who have flood insurance .

James McGarr stated that the hardship to the current owner was created when the previous owner sold part of a lot and did not sell the two whole lots together. If that would have been the case, they would only have to do an amending plat to move the lot line, and that would not require a variance. However, because they were sold in parts of lots, they must replat to move the lot line, which requires a variance.

Chairman Bannwolf allowed for public comments at 6:40 p.m.

No comments were received.

After weighing the intent of the Unified Development Code floodplain rules, the public safety concerns, and the information presented, the overall consensus of the commission was that the applicant had not demonstrated a sufficient hardship or justification to warrant granting the requested variance.

A motion was made by Commissioner Hiler, seconded by Commissioner Bird, to deny a request for a variance to Chapter 8.1(D)(3)(i)(i), Floodplain Management, of the Unified Development Code for a property located at 303 James St (KAD 19788). The motion carried by the following vote:

Denied: 7 - Chairman Tim Bannwolf, Vice Chairman Commissioner Lucas Hiler, Commissioner Susan Friar, Commissioner Bill Bird, Commissioner Bob Cates, Commissioner Terry Lemoine, Commissioner Carlos Vecino

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

Liz Huvalla, Planning Technician, gave an update on this year's Boerne Neighborhood Discussion meetings; in February Christian Brother's Automotive was discussed and later withdrawn by the applicant, and 101 Village Cove was also discussed and later approved. In March a church on East Blanco Road was discussed and later withdrawn by the applicant.

Chairman Bannwolf wished the Boerne Little League Baseball team success in their upcoming game that could advance them to the world series.

7. ADJOURNMENT

Chairman Bannwolf adjourned the Planning and Zoning Commission at 6:43 p.m.

Chairman

Secretary



AGENDA ITEM SUMMARY

Agenda Date

September 9, 2024

Requested Action

A request for final plat approval for 502 S School St, a twelve-lot single family subdivision generally located at Hosack and School Street.

Contact Person

Sara Varvarigos, Planner II
(830) 248-1630 svarvarigos@boerne-tx.gov

Background Information

BACKGROUND:

- Applicant/Owner:
John Friesenhahn is the owner, and Jesse Valdez with MBC Engineers, is the applicant.
- Zoning:
R1-M (Medium Density Residential).
- The property is vested to development regulations effective on January 25, 2021.
- The preliminary plat for 502 S School St was conditionally approved by the Planning and Zoning Commission in November 2021.
- The Board of Adjustments approved a variance to apply a standard lot type for the zoning and subdivision regulation in effect on June 16, 2021, (minimum frontage 65 ft and minimum lot area of 7,800 SF, without specifying a maximum lot size of 0.25 acre (Attachment 2)). This maximum lot size requirement has been removed from the current version of the UDC.

REQUEST:

- 502 S School St Final Plat includes 12 residential lots and 2 open space lots on 4.898 acres. The density is 2.4 residential lots per acre (Attachment 4).
- There are 2 open space lots located along the northern perimeter of Block 1, open space lots 5 (0.08 acres) and 6 (0.61 acres). These are designated for drainage and utility easements.

- Access to the subdivision will be provided from School St which is a primary collector and W Hosack St, a local neighborhood street that will extend into the subdivision. A 0.883 acre Right-Of-Way dedication has been included for the extension of W Hosack St, and a 0.034 acre Right-Of-Way dedication is included for S School St.
- Water and sewer services are provided by the City of Boerne.

ANALYSIS:

Development Master Plan & Zoning:

- The City’s Future Land Use Map designates this property as Transitional Residential. The final plat is consistent with the Comprehensive Plan.
- This subdivision will extend W Hosack St, a city maintained local neighborhood street, and will be the only interior street.
- The proposed final plat is consistent with subdivision and zoning ordinances.

Landscaping and Open Space:

- The 502 S School Street Final Plat includes 0.72 acres of open space, split between 2 lots.

Utilities, Drainage and Floodplain:

- This final plat contains approximately 0.851 acres of drainage easements (2 open space lots and 1 private drainage easement).
- None of the proposed residential lots overlap with the 100-Year FEMA Floodplain or SARA floodplain. Both cross over the eastern boundary of the property, however they do not affect any residential lots and intersects with an open space area.

FINDINGS:

- The final plat is consistent with the Comprehensive Master Plan.
- The final plat is consistent with the Preliminary Plat.

	<ul style="list-style-type: none"> The final plat is consistent with the applicable subdivision regulations. <p>STAFF RECOMMENDATION:</p> <p>Staff recommends approval of the 502 S School St Final Plat with the following condition included:</p> <ol style="list-style-type: none"> The recorded plat shall substantially conform to the final plat date stamped August 27, 2024. <p>MOTIONS FOR CONSIDERATION:</p> <p>The following motions are provided to assist the Commission’s decision.</p> <ul style="list-style-type: none"> I move that the Planning and Zoning Commission accept the findings and APPROVE the proposed final plat with the conditions recommended by staff. 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	C2 – Seeking customer-driven feedback. F2 – Investing in and maintaining high-quality infrastructure systems and public assets. B2 – Advancing master plan recommendations.
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 the statutory requirements.
Alternative Options	The Commission must approve, approve with conditions, extend the review, or disapprove the plat.
Supporting Documents	Attachment 1 – Location/Aerial Map Attachment 2 – Approved Variance Attachment 3 – Approved Preliminary Plat Attachment 4 – Proposed Final Plat

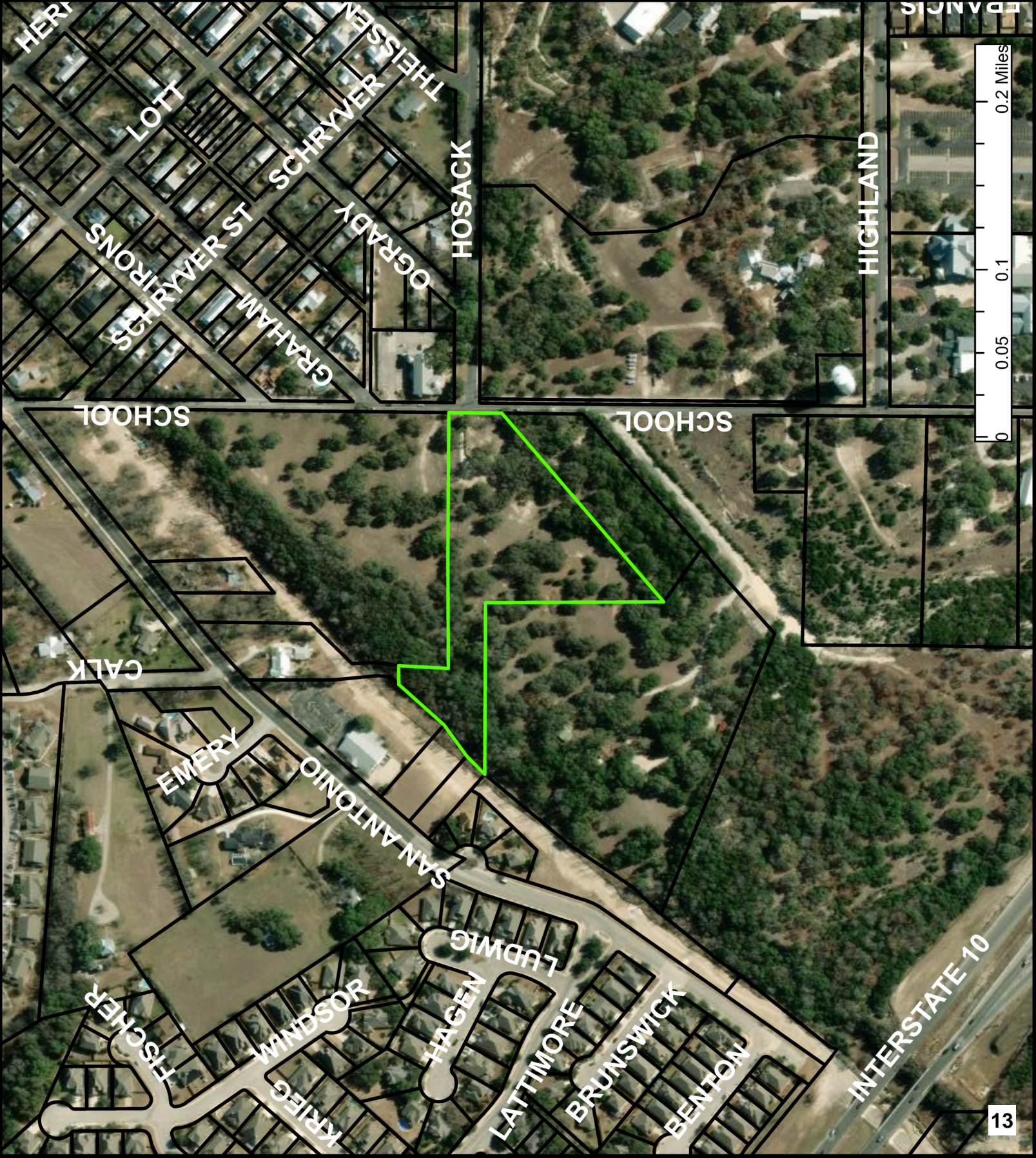
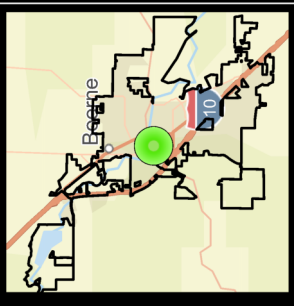


SUBJECT PROPERTY

502 S SCHOOL ST

Legend

-  Parcels
-  SUBJECT PROPERTY


















SUBJECT PROPERTY
502 S SCHOOL ST

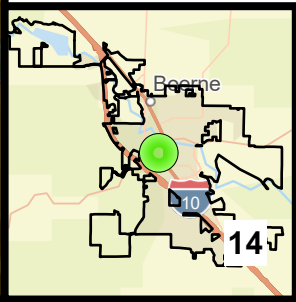
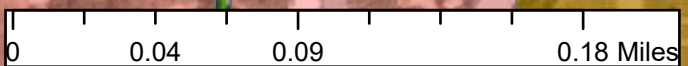
Current Zoning
R1-M

Legend

-  SUBJECT PROPERTY
- Overlay Districts - Scenic Interstate**
-  High Elevation Area
-  Medium Elevation Area
-  Low Elevation Area

Boerne Zoning

-  C1
-  C2
-  C3
-  CIV
-  R1-M
-  R2-M
-  R3-A
-  R4-U
-  RE





SUBJECT PROPERTY

502 S SCHOOL ST

Legend



SUBJECT PROPERTY



FLU

Auto-Oriented Commercial

Commercial

Business Park

Downtown

Neighborhood Commercial

Neighborhood Residential

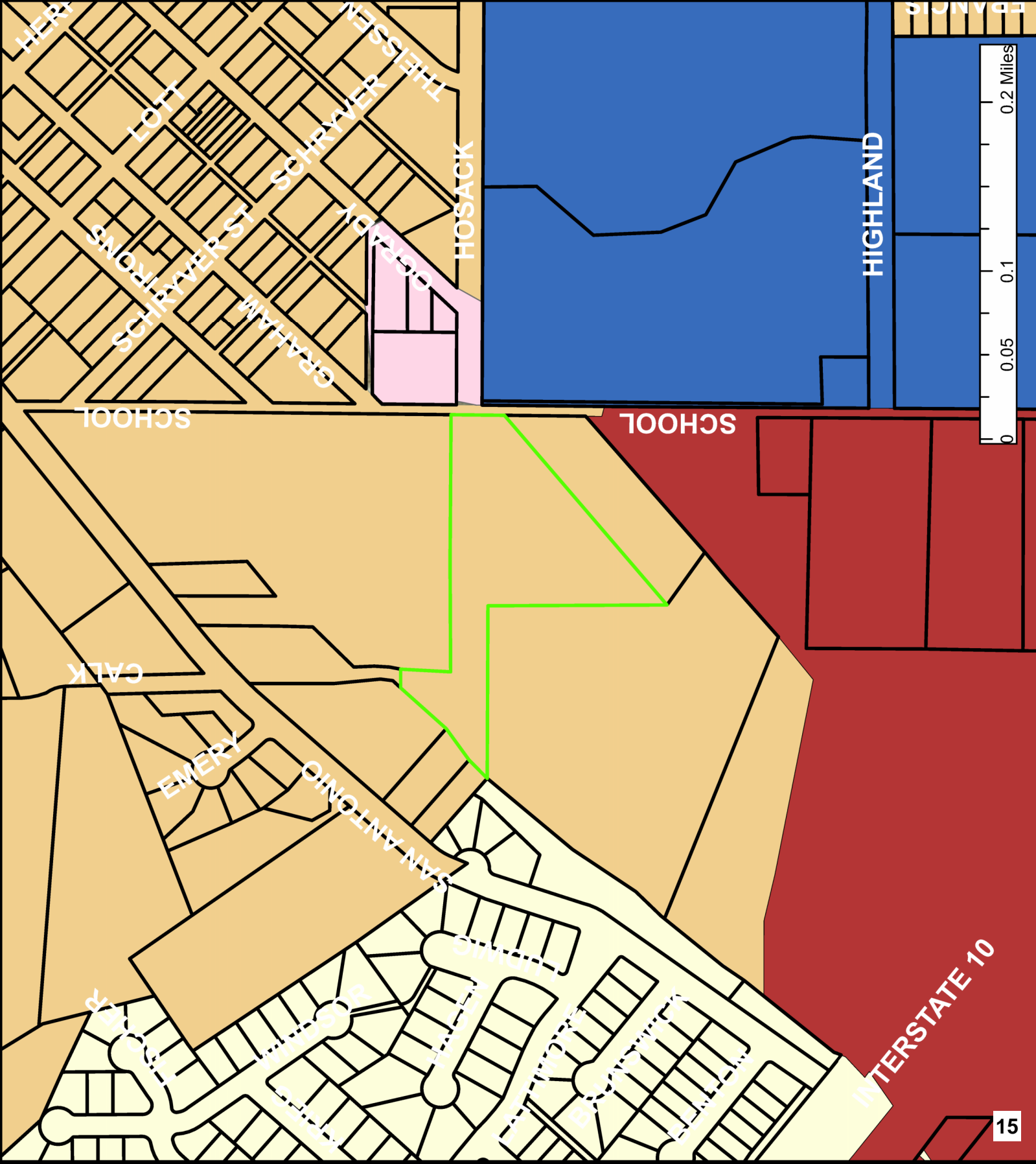
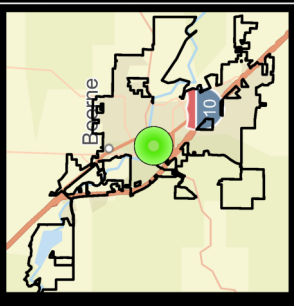
Parks and Open Space

Public and Institutional

Rural Estate

Transitional Residential

<all other values>





May 24, 2021

Board of Adjustment
City of Boerne
447 N. Main St
Boerne, TX 78006

Re: Variance request for 502 S. School St subdivision

Dear Board of Adjustment:

Imagine Built Homes, Ltd is seeking a variance to the Planning staff implied maximum lot area size relating to Article 5, Section 4, Table 5-2: Residential Lot and Dimension Standards for the Subdivision Plat establishing 502 S. School St. that was submitted for review. This is a proposed 12 lot residential subdivision seeking to create Standard Lots based on details listed in Table 5-2. During the plat review, Planning notified us that 7 of the 12 lots exceed .25 acres in area which they state is the maximum area allowed for a Standard Lot based on their interpretation of this table. However, the table only lists minimums for Area and Frontage which the proposed lots meet or exceed. Staff's interpretation and application are that the next larger lot creates a maximum area that the narrower lot cannot exceed. In this case, the Low-Density Lot has a minimum area of $\frac{1}{4}$ acre and a minimum width of 80'. Therefore, under this application, we would be either required to increase the lot widths to 80' minimum or reduce the area to be less than .25 acres.

The residential homes are planned to have detached garages. The additional depth allows these garages to be set behind the home off the front elevation and maintain a usable backyard. This exceeds the City of Boerne intent to remove garages from the fronts of homes that was added with the October 2019 requirement that garages be setback at least 25' from the front property line. The lots proposed are comparable and compatible to the existing lots in the Flats area east of School St from this property and the homes will be consistent with the new homes being built in this area. Furthermore, it was noted that the new UDC would allow the subdivision as proposed to be approved by right. This is based on an additional line being added to the corresponding table in the new UDC that is labeled, "Maximum Lot Area", although, it simply states N/A for all lot types.

For these reasons and the information on the attached application, we ask the Board of Adjustment to issue a variance to staff interpretation of a maximum area and allow this subdivision plat to be approved as planned now without waiting for the new UDC to be adopted in July.

Sincerely,


John Friesenhahn

11467 Huebner Rd, Suite 225
San Antonio, TX 78230

**CITY OF BOERNE
BOARD OF ADJUSTMENT & APPEALS
APPLICATION**

Address of affected property: 502 S School St

Lot: A10310 - SURVEY 178 A LOCKMAR 4.771 ACRES Block: Addition:

Property owner(s): Imagine Built Homes, Ltd Phone No.: (210) 889-7822

Property owner mailing address: 11467 Huebner Rd, Suite 225, San Antonio, TX 78230

Applicant: John Friesenhahn Phone No.: (210) 889-7822
(If different than Owner)

Applicant mailing address:

Owner(s) is(are) giving John Friesenhahn authority to represent him/her at the hearing.
(Applicant)

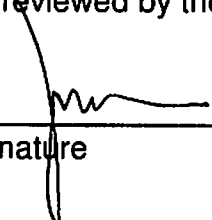
<u></u>	<u>5/24/21</u>	<u> </u>	<u> </u>
Owner Signature	Date	Owner Signature	Date

Request is for Appeal Variance Special Exception

Request is regarding (select one)
 Zoning Ordinance (Article 5, Section 04, Table 5-2)
 Building Code (Code , Section)
 Other

Describe request: Staff interpretation of Article 5, Section 4, Table 5-2: Lot and Dimension Standards limits Standard Lot with minimum 65' frontage to a maximum of .25 acre area. This makes 7 lots of the proposed subdivision with too much area. Table 5-2 lists minimums, but no maximum size, however, staff application is that a lot category cannot exceed the minimum lot area for the next larger lot. The new UDC would allow the subdivision as designed.

I hereby certify that the statements made in this application are true and correct and request this submission be reviewed by the Board of Adjustment for a ruling.

 5/24/21
Applicant's Signature Date

**CITY OF BOERNE
BOARD OF ADJUSTMENT & APPEALS
APPLICATION
(Continued)**

In order to make a finding of hardship and to grant a variance, the Board of Adjustment must determine that a preponderance of the following conditions are met. State how your request meets these conditions. Please note that the stated hardship shall not be financial or self-induced.

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

Article 5, Section 04, Table 5-2: Lot and Dimension Standards shows a minimum lot size and no maximum lot area for the Standard Lot so a literal enforcement of staff's interpretation and application would require a lot with a smaller area creating a denser subdivision. The new UDC will allow the subdivision as planned by right once adopted. This would also limit the ability to place a detached garage behind the home and maintain a usable backyard area.

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

Single family residential is allowed in the current zoning district and it is the intended use. The variance will not change the proposed use of the property, just the maximum lot size area staff is imposing on a Standard Lot.

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

The shape of the property and requirement to align the extension of Hosack St across School St into this property make a single street with residential lots fronting on both sides of the street the best layout. Due to the pie shape of the property, it widens towards the rear making these lots deeper which increases the area above the staff imposed maximum lot size for a Standard Lot at 65' minimum width.

4. The variance will not substantially weaken the general purposes of this ordinance or the regulations herein established for the specific district.

The desired lot width is comparable with the residential lots in the Flats area east of School St. Furthermore, the new UDC that is scheduled to be adopted in July 2021 will allow the proposed subdivision as planned by right so granting this variance will not weaken the general purpose of the ordinance. The lot area also allows the placement of detached garages to the rear of the home meeting the desired intent of the City of Boerne to remove garages from the fronts of homes thus enhancing the street scene.

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

Public health, safety and welfare will not be adversely affected by granting this variance to allow 7 of 12 proposed lots to exceed .25 acre staff imposed maximum lot size. The proposed subdivision will have less density than current zoning code would allow and as stated previously, the new UDC would allow the proposed subdivision by right.

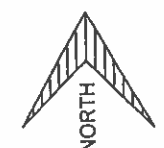
TABLE 5-2: RESIDENTIAL LOT AND DIMENSION STANDARDS

LOT / DWELLING TYPE >		DETACHED DWELLING LOTS								ATTACHED DWELLING LOTS			MIXED-USE
		RURAL LOT	LARGE LOT	MANOR LOT	ESTATE	LOW-DENSITY LOT	STANDARD LOT	NEIGHBORHOOD LOT	SMALL LOT	DUPLEX LOT	ATTACHED	MULTI-DWELLING	
MINIMUM LOT SIZE	AREA	10 acres (435,600 sqft.)	2 acres (87,120 sqft.)	1 acre (43,560 sqft.)	½ acre (21,780 sqft.)	¼ acre (10,890 sqft.)	7,800 sqft.	5,400 sqft.	4,000 sqft.	3,500 sqft.	2,000 sqft.	6,000 sqft. for first two units, plus 1,200 sqft. for each additional unit.	Lots for Mixed-use dwellings are based on the lot standards listed for each specific zoning district in which they are enabled.
	FRONTAGE	300'	200'	150'	100'	80'	65'	50' 60' on corner lots	40' 50' on corner lots	35' 45' on corner lots	20' 25' on end lots	50' 60' on corner lots	
MINIMUM BUILDING SETBACKS (PRINCIPAL) * Creative alternative design options may be approved by the Planning and Zoning Commission (see Section 3.07.001)	FRONT - CURVILINEAR SYSTEM [a]	80'	50'	50'	40'	30'	20' [a]	20' [a]	20' [a]	15' - 30' [a]	0' -20' [a]	15' - 30'	
	FRONT - GRID SYSTEM [a]	80'	50'	50'	40'	30'	20' [a]	20' [a]	20' [a]	15' - 30' [a]	0' -20' [a]	15' - 30'	
	GARAGE FRONT SETBACK	GARAGE FRONTS THAT FACE THE STREET SHALL BE SETBACK A MINIMUM OF 25 FEET FROM THE PROPERTY LINE. REFER TO SECTION 3.07.003 A AND C FOR ORIENTATION AND DESIGN STANDARDS (Ord. No. 2012-04, §5,4-24-2012)											
	MINIMUM 1 SIDE / MINIMUM COMBINED BOTH SIDES	50' / 100'	20' / 40'	20' / 40'	15' / 30'	10' / 20'	5' / 10' 10' additional street side of corner lots	5' / 10' 10' additional street side of corner lots	3' [b] / 10' 10' additional street side of corner lots	0' [c] • 5' end lots • 15' corner lots	• 0' [c] • 5' end lots • 15' corner lots	5' 15' corner structures	
	MINIMUM REAR / MINIMUM COMBINED FRONT AND REAR	150'	50'	50'	25'	25'	20' / 40' [e]	20' / 40' [e]	20' / 40' [e]	20' / 50' [e]	15' / 35' [e]	20' / 50' [e]	
BUILDING SETBACKS (DETACHED ACCESSORY)	FRONT	Behind front building line	5' behind rear building line	5' behind rear building line	5' behind rear building line	5' behind rear building line	5' behind rear building line	5' behind rear building line	5' behind rear building line	10' behind rear building line	10' behind rear building line	n/a	
	SIDE	50'	10' 25' on the street side of corner lots	10' 25' on the street side of corner lots	10' 25' on the street side of corner lots	10' 25' on the street side of corner lots	5' 25' on the street side of corner lots	5' 0' if party wall [d] 25' on the street side of corner lots	5' 0' if party wall [d] 25' on the street side of corner lots	5' 0' if party wall [d] 25' on the street side of corner lots	5' 0' if party wall [d] 25' on the street side of corner lots		
	REAR	50'	10'	10'	10'	5'	5'	5'	5'	5', unless alley loaded	5', unless alley loaded		
MAX. BUILDING HEIGHT (PRINCIPAL)		2.5 story, up to 36'	2.5 story, up to 36'	2.5 story, up to 36'	2.5 story, up to 36'	2.5 story, up to 36'	2.5 story, up to 32'	2.5 story, up to 32'	2.5 story, up to 32'	2.5 story, up to 32'	3 story, up to 38'	4 story, up to 50'	
MAX. BUILDING HEIGHT (ACCESSORY) [d]		2 story, up to 20' 50' for Agriculture accessory building	2 story, up to 20'	2 story, up to 20'	2 story, up to 20'	2 story, up to 20'	2 story, up to 20'	2 story, up to 20'	2 story, up to 20'	2 story, up to 20'	2 story, up to 20'	n/a	

See Notes below

SUBDIVISION PLAT ESTABLISHING 502 S. SCHOOL ST.

BEING 4.852 ACRES ESTABLISHING LOTS 1 - 5, BLOCK 1, AND LOTS 1 - 8, BLOCK 2, KENDALL COUNTY, TEXAS, OUT OF THE ANTHONY LOCKWOOD SURVEY No. 178, ABSTRACT No. 311, KENDALL COUNTY, TEXAS, RECORDED IN VOLUME 517, PAGE 87, KENDALL COUNTY DEED RECORDS.



SCALE: 1" = 50'



MACINA • BOSE • COPELAND & ASSOC., INC.
CONSULTING ENGINEERS AND LAND SURVEYORS
1035 Central Parkway North, San Antonio, Texas 78233
(210) 545-1122 Fax (210) 545-6002 www.mbceng.com
PRM REGISTRATION NUMBER: T.B.P.E. F-704 & T.A.P.L.S. 10011700
JOB NO. 32653/BOERNE

STATE OF TEXAS
COUNTY OF BEXAR

THE OWNER OF LAND SHOWN ON THIS PLAT, IN PERSON OR THROUGH A DULY AUTHORIZED AGENT, DEDICATES TO THE USE OF THE PUBLIC, EXCEPT AREAS IDENTIFIED AS PRIVATE OR PART OF AN ENCLAVE OR PLANNED UNIT DEVELOPMENT, FOREVER ALL STREETS, ALLEYS, PARKS, WATERCOURSES, DRAINS, EASEMENTS AND PUBLIC PLACES THEREON SHOWN FOR THE PURPOSE AND CONSIDERATION THEREIN EXPRESSED.

OWNER/DEVELOPER: IMAGINE BUILT HOMES, LTD
JAMES BASTON
11482 HUBNER RD., SUITE #233
SAN ANTONIO, TEXAS 78230
TEL. NO. (210) 383-3953

DULY AUTHORIZED AGENT

STATE OF TEXAS
COUNTY OF BEXAR

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.

OWNER
DULY AUTHORIZED AGENT

STATE OF TEXAS
COUNTY OF KENDALL

THIS PLAT OF 502 S. SCHOOL ST. 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: _____
CHAIR

BY: _____
SECRETARY

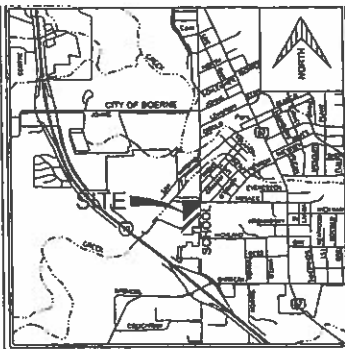
STATE OF TEXAS
COUNTY OF KENDALL

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. 2021 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, WITH MY HAND AND OFFICIAL SEAL OF OFFICE, THIS _____ DAY OF _____ A.D. 2021.

COUNTY CLERK
KENDALL COUNTY, TEXAS

BY: _____
DEPUTY



SURVEYOR'S NOTES:
1. PROPERTY CORNERS ARE MONUMENTED WITH A CAP OR DISK MARKED "MBC ENGINEERS" UNLESS NOTED OTHERWISE.
2. BEARINGS AND COORDINATES SHOWN ARE BASED ON THE NORTH AMERICAN DATUM OF 1983 (NAD83) FROM THE TEXAS COORDINATE SYSTEM ESTABLISHED FOR THE SOUTH CENTRAL ZONE DISPLAYED IN GRID VALUES DERIVED FROM THE NGS COOPERATIVE COORDS NETWORK.

DRAINAGE EASEMENT NOTE:
DRAINAGE, WATER DIVERSION, AND SANITARY CONTROL, INCLUDING WITHOUT LIMITATION, WALLS, BEOB, EMBANKMENTS, SPILLWAYS, APPLICANCES, 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 ADJUTS PUBLIC RIGHT-OF-WAY IS OBSTRUCTED AND/OR UNACCESSIBLE, 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 DO OUT SUCH STREAM COURSE, ESTABLISH OR CHANGE STREAM EMBANKMENTS WITHIN THE EASEMENT, INSTALL STORM SEWER SYSTEMS, CONDUITS, WATER GAPS, AND PROTECTIVE BARRS, THE RIGHT TO REMOVE FROM THE EASEMENT ALL TREES AND PARTS THEREOF, OR OTHER OBSTRUCTIONS, WHICH REASONABLY OBSCURE 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 EXPRESSLY 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.

GATES ACROSS EASEMENT NOTE:
DOUBLE SWING GATES WITH A MINIMUM CLEAR OPENING OF 12 FEET WIDE SHALL BE INSTALLED WHEREVER FENCES CROSS UTILITY AND DRAINAGE EASEMENTS

UTILITIES, INCLUDING, WITHOUT LIMITATION, SEWER, WATER, GAS, ELECTRICITY, TELEPHONE, AND CABLE TELEVISION, WITH ALL NECESSARY ANCHOR DESIRABLE LINE LATERALS AND/OR APPURTENANCES THEREOF (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 ADJUTS PUBLIC RIGHT-OF-WAY IS OBSTRUCTED AND/OR UNACCESSIBLE, 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 OBSCURE 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 SHALL MAKE COMMERCIALY 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.

SIDEWALK NOTE:
AT SUCH TIME AS A LOT IS DEVELOPED, A FIVE-FOOT WIDE REINFORCED CONCRETE SIDEWALK SHALL BE INSTALLED ADJACENT TO ALL PROPERTY LINES OF EACH LOT WHERE THE LOT ADJUTS PUBLIC OR PRIVATE STREET.

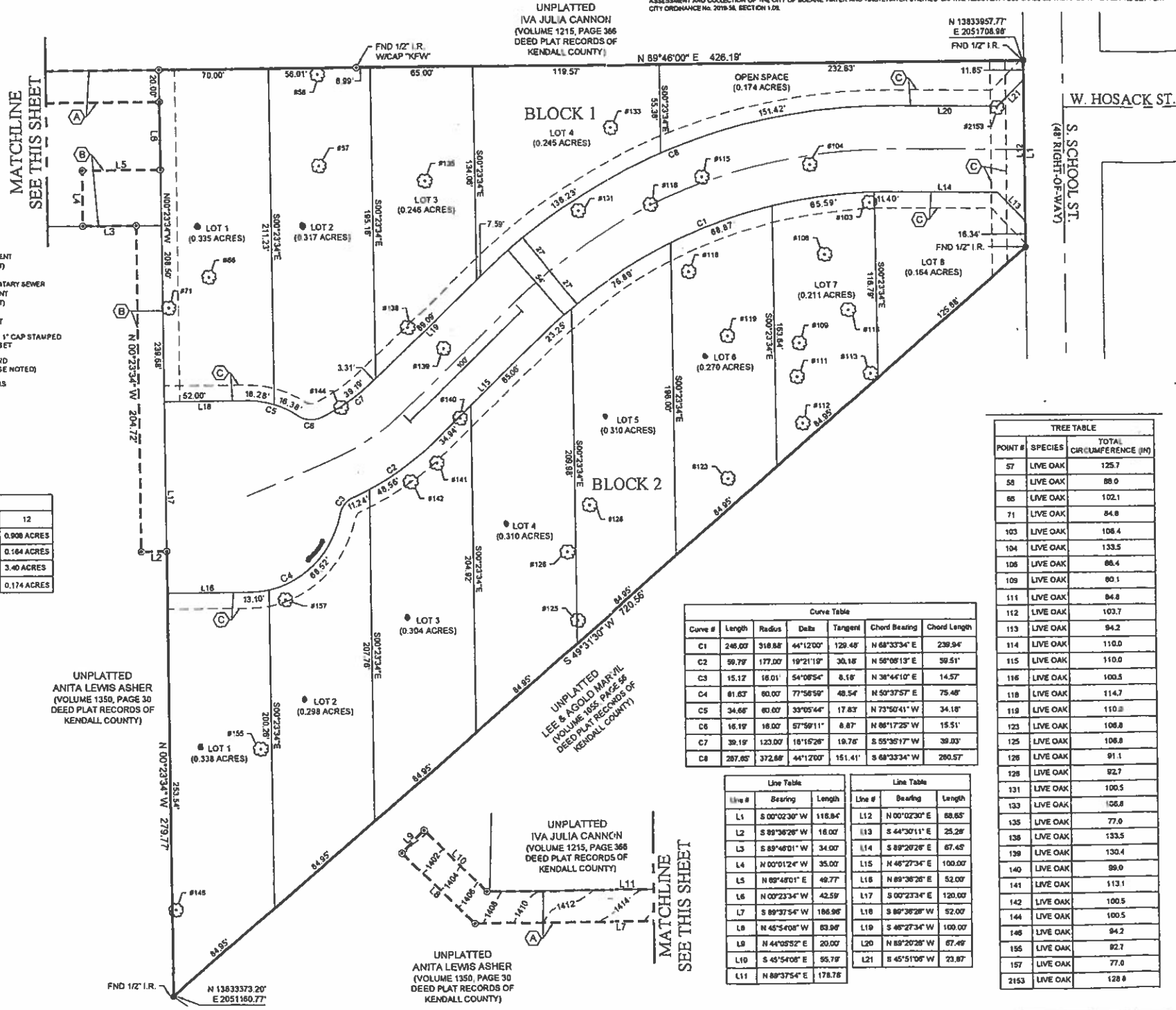
SETBACKS IN CITY LIMITS NOTE:
SETBACKS IN CITY LIMITS LOT SETBACKS ARE DETERMINED BY THE CITY OF BOERNE ZONING ORDINANCE ENFORCED AT THE TIME OF DEVELOPMENT AND ARE BASED ON ZONING LOT SIZE, UNLESS OTHERWISE IDENTIFIED. THE FRONT SETBACK FOR A P.E. SHOWN LOT OR A LOT ON A CURVILINEAR STREET OR CUL-DE-SAC IS MEASURED WHEREVER THE LOT WIDTH MEETS FRONTAGE REQUIREMENTS FOR THE LOT CATEGORY.

HERITAGE LEGACY NOTE:
THERE ARE 33 HERITAGE LEGACY TREES AS DEFINED IN SUBSECTION 2.02.02 IDENTIFIED ON THIS PLAT.

TAX CERTIFICATE NOTE:
TAX CERTIFICATE AFFIDAVIT FILED THIS DATE IN VOLUME, PAGE, KENDALL COUNTY OFFICIAL RECORDS.

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

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. 2019-3A, SECTION 1.02.



- LEGEND:**
- (A) 20' DRAINAGE EASEMENT (0.112 ACRES OFF-LOT)
 - (B) VARIABLE WIDTH SANITARY SEWER & DRAINAGE EASEMENT (0.113 ACRES OFF-LOT)
 - (C) 10' UTILITY EASEMENT
 - (D) 1/2" IRON ROD WITH 1" CAP STAMPED "MBC ENGINEERS" SET
 - (E) 1/2" IRON ROD FOUND (UNLESS OTHERWISE NOTED)
 - (F) EXISTING CONTOURS

SUMMARY TABLE

NUMBER OF LOTS	12
ACREAGE OF RIGHT-OF-WAY	0.908 ACRES
AREA OF SMALLEST LOT	0.164 ACRES
GROSS DENSITY	3.40 ACRES
ACREAGE OF OPEN SPACE	0.174 ACRES

Curve Table

Curve #	Length	Radius	Delta	Tangent	Chord Bearing	Chord Length
C1	246.00	318.88	44°12'00"	120.48	N 68°33'34" E	238.94'
C2	99.79	177.00	19°21'19"	30.18	N 50°09'13" E	59.51'
C3	15.12	16.01	54°08'54"	8.18	N 38°44'10" E	14.57'
C4	81.63	80.00	77°58'59"	48.54	N 50°37'57" E	75.48'
C5	34.68	80.00	33°05'44"	17.83	N 73°50'41" W	34.18'
C6	16.19	16.00	57°59'11"	8.87	N 66°17'25" W	15.51'
C7	39.19	123.00	18°16'28"	19.76	S 55°39'17" W	39.20'
C8	287.85	372.88	44°12'00"	151.41	S 68°33'34" W	280.57'

Line Table

Line #	Bearing	Length	Line #	Bearing	Length
L1	S 00°02'30" W	118.84	L12	N 00°02'30" E	88.65
L2	S 89°38'28" W	18.00	L13	S 44°30'11" E	25.28
L3	S 89°46'01" W	34.00	L14	S 89°20'28" E	87.45
L4	N 00°01'24" W	35.00	L15	N 48°27'34" E	100.00
L5	N 89°48'01" E	49.77	L16	N 89°38'28" E	52.00
L6	N 00°23'34" W	42.59	L17	S 00°23'34" E	120.00
L7	S 89°37'54" W	186.98	L18	S 89°38'28" W	52.00
L8	N 45°54'08" W	89.94	L19	S 45°27'34" W	100.00
L9	N 44°08'52" E	20.00	L20	N 89°20'28" W	87.45
L10	S 45°54'08" E	95.79	L21	S 45°51'00" W	23.87
L11	N 89°37'54" E	178.76			

TREE TABLE

POINT #	SPECIES	TOTAL CIRCUMFERENCE (IN)
57	LIVE OAK	125.7
58	LIVE OAK	88.0
66	LIVE OAK	102.1
71	LIVE OAK	84.8
103	LIVE OAK	108.4
104	LIVE OAK	133.5
106	LIVE OAK	86.4
109	LIVE OAK	80.1
111	LIVE OAK	84.8
112	LIVE OAK	103.7
113	LIVE OAK	94.2
114	LIVE OAK	110.0
115	LIVE OAK	110.0
116	LIVE OAK	100.3
118	LIVE OAK	114.7
119	LIVE OAK	110.0
123	LIVE OAK	106.8
125	LIVE OAK	106.8
126	LIVE OAK	91.1
128	LIVE OAK	92.7
131	LIVE OAK	100.5
133	LIVE OAK	106.8
135	LIVE OAK	77.9
136	LIVE OAK	133.5
139	LIVE OAK	130.4
140	LIVE OAK	89.9
141	LIVE OAK	113.1
142	LIVE OAK	100.5
144	LIVE OAK	100.5
146	LIVE OAK	94.2
155	LIVE OAK	92.7
157	LIVE OAK	77.8
2153	LIVE OAK	128.8



P.O. Box 1677 • 447 N. Main
Boerne, Texas 78006

December 7, 2021

Daniel Espinosa
MBC Engineers
1035 Central Parkway North
San Antonio, Texas 78232

Mr. Espinosa:

MBC Engineers submitted a response on November 22nd to the City of Boerne regarding the Planning & Zoning Commission conditional approval of 502 S School St Preliminary Plat. Finding that the conditions for approval have been met, the City of Boerne certifies that 502 S School St Preliminary Plat is approved.

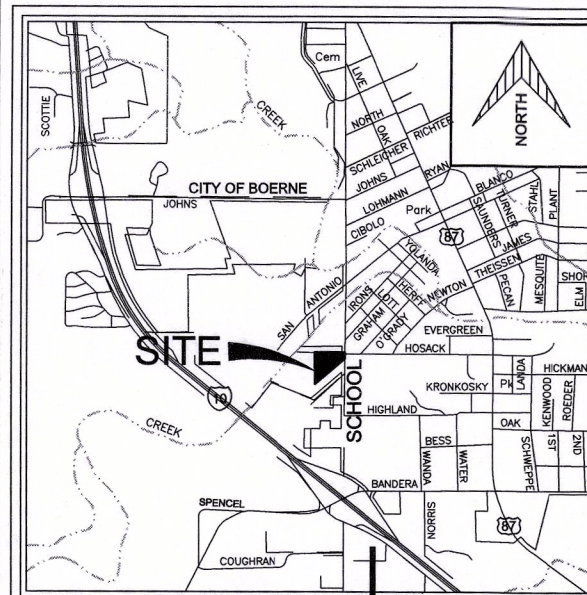
Regards,

for 
for Laura Haning
Director, Planning and Community Development

CC: John Friesenhahn, Imagine Homes
Richard Hendrix, MBC Engineers

PRELIMINARY
SUBDIVISION PLAT
ESTABLISHING
502 S. SCHOOL ST.

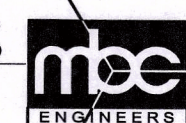
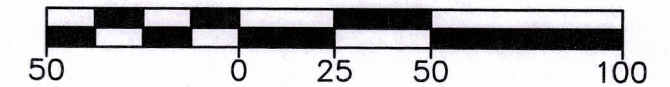
BEING A 4.8328 ACRE TRACT OF LAND OUT OF THE ANTONIO LOCKMAR SURVEY NO. 179, KENDALL COUNTY, TEXAS, AND BEING COMPRISED OF A CALLED 4.69 ACRE TRACT AS DESCRIBED IN WARRANTY DEED RECORDED IN DOCUMENT NO. 2021-352232, SAVE & EXCEPT THE 0.838 ACRE TRACT AS DESCRIBED IN SPECIAL WARRANTY DEED RECORDED IN DOCUMENT NO. 352267, AND BEING ALL OF THAT 0.919 OF AN ACRE AS DESCRIBED IN SPECIAL WARRANTY DEED RECORDED IN DOCUMENT NO. 2021-352266, ALL OF THE OFFICIAL PUBLIC RECORDS OF KENDALL COUNTY, TEXAS.



LOCATION MAP
NOT TO SCALE



SCALE: 1" = 50'



MACINA • BOSE • COPELAND & ASSOC., INC.
CONSULTING ENGINEERS AND LAND SURVEYORS

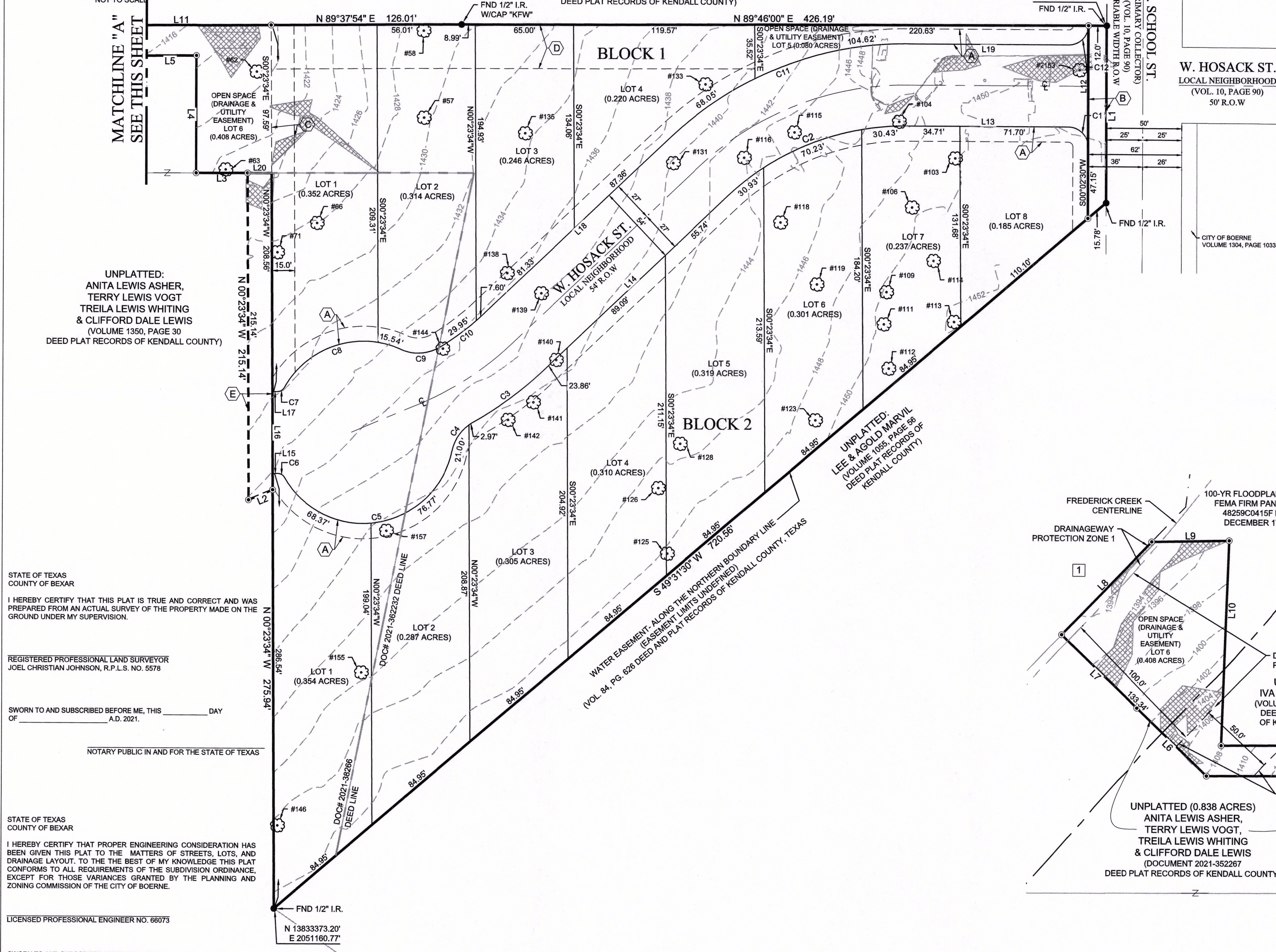
1035 Central Parkway North, San Antonio, Texas 78232
(210) 545-1122 Fax (210) 545-9302 www.mbcengineers.com
FIRM REGISTRATION NUMBER: T.B.P.E. F-784 & T.B.P.L.S. 10011700

JOB NO.: 32653/BOERNE

10/27/2021

LEGEND:

- (A) — 10' UTILITY EASEMENT
- (B) — 12' RIGHT-OF-WAY DEDICATION TO THE CITY OF BOERNE (0.034 ACRES)
- (C) — 15' X 208.50' PRIVATE DRAINAGE EASEMENT (0.082 ACRES)
- (D) — 25' PRIVATE DRAINAGE EASEMENT (0.213 ACRES)
- (E) — 16' UTILITY EASEMENT (0.078 ACRES) (OFF-LOT)
- (1) — UNPLATTED: SORACE PROPERTIES, LLC (VOLUME 1215, PAGE 366 DEED PLAT RECORDS OF KENDALL COUNTY)
- — 1/2" IRON ROD WITH 1" CAP STAMPED "MBC ENGINEERS" SET
- — 1/2" IRON ROD FOUND (UNLESS OTHERWISE NOTED)
- — EXISTING CONTOURS
- Z- — LAND TIE/HOOK
- — LIMITS OF LOT DOC # 2021-352266
- ▨ — AREA OF STEEP SLOPE (15% OR GREATER)



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.

REGISTERED PROFESSIONAL LAND SURVEYOR
JOEL CHRISTIAN JOHNSON, R.P.L.S. NO. 5578

SWORN TO AND SUBSCRIBED BEFORE ME, THIS _____ DAY
OF _____ A.D. 2021.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

STATE OF TEXAS
COUNTY OF BEXAR

I HEREBY CERTIFY THAT PROPER ENGINEERING CONSIDERATION HAS BEEN GIVEN 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.

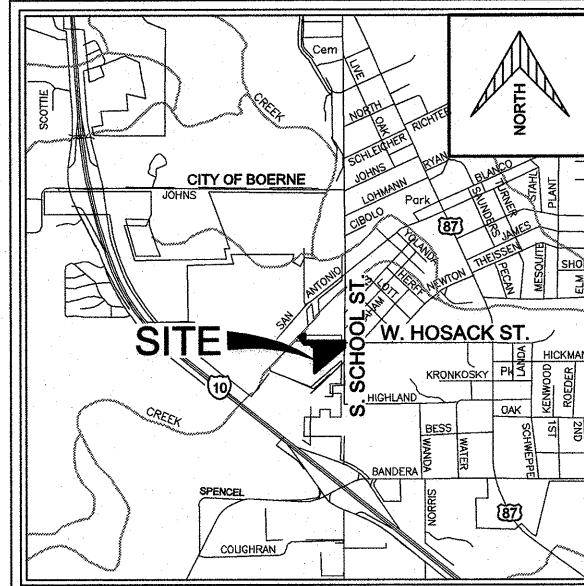
LICENSED PROFESSIONAL ENGINEER NO. 66073

SWORN TO AND SUBSCRIBED BEFORE ME, THIS _____ DAY
OF _____ A.D. 2021.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

PLAT NOTES AND LEGEND APPLY TO EVERY PAGE OF THIS MULTIPLE PAGE PLAT.

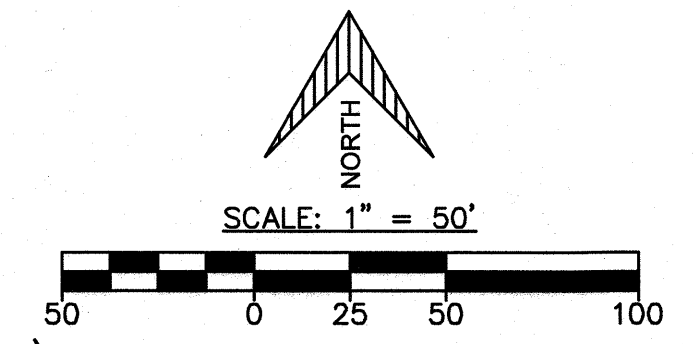
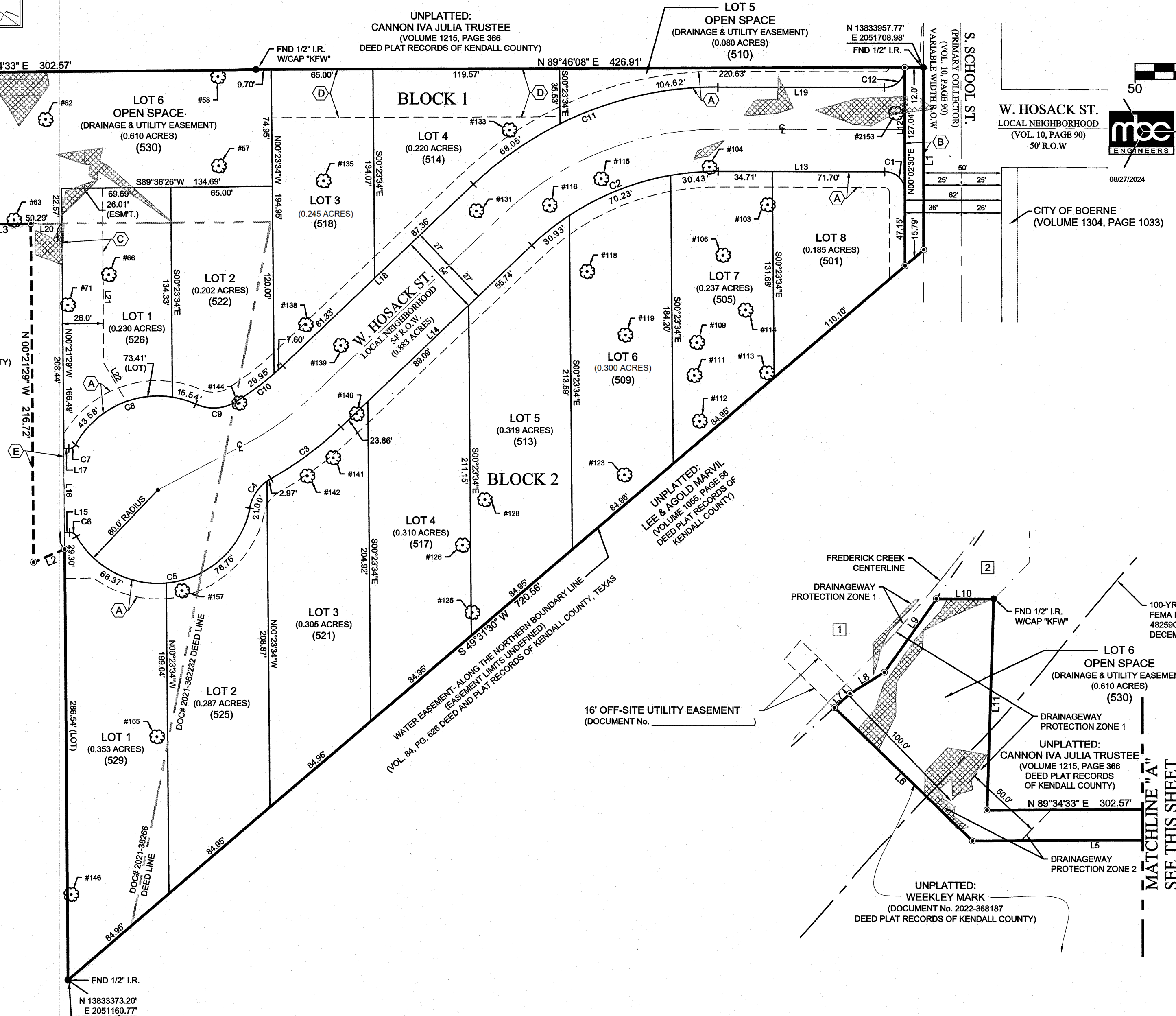




LOCATION MAP
NOT TO SCALE

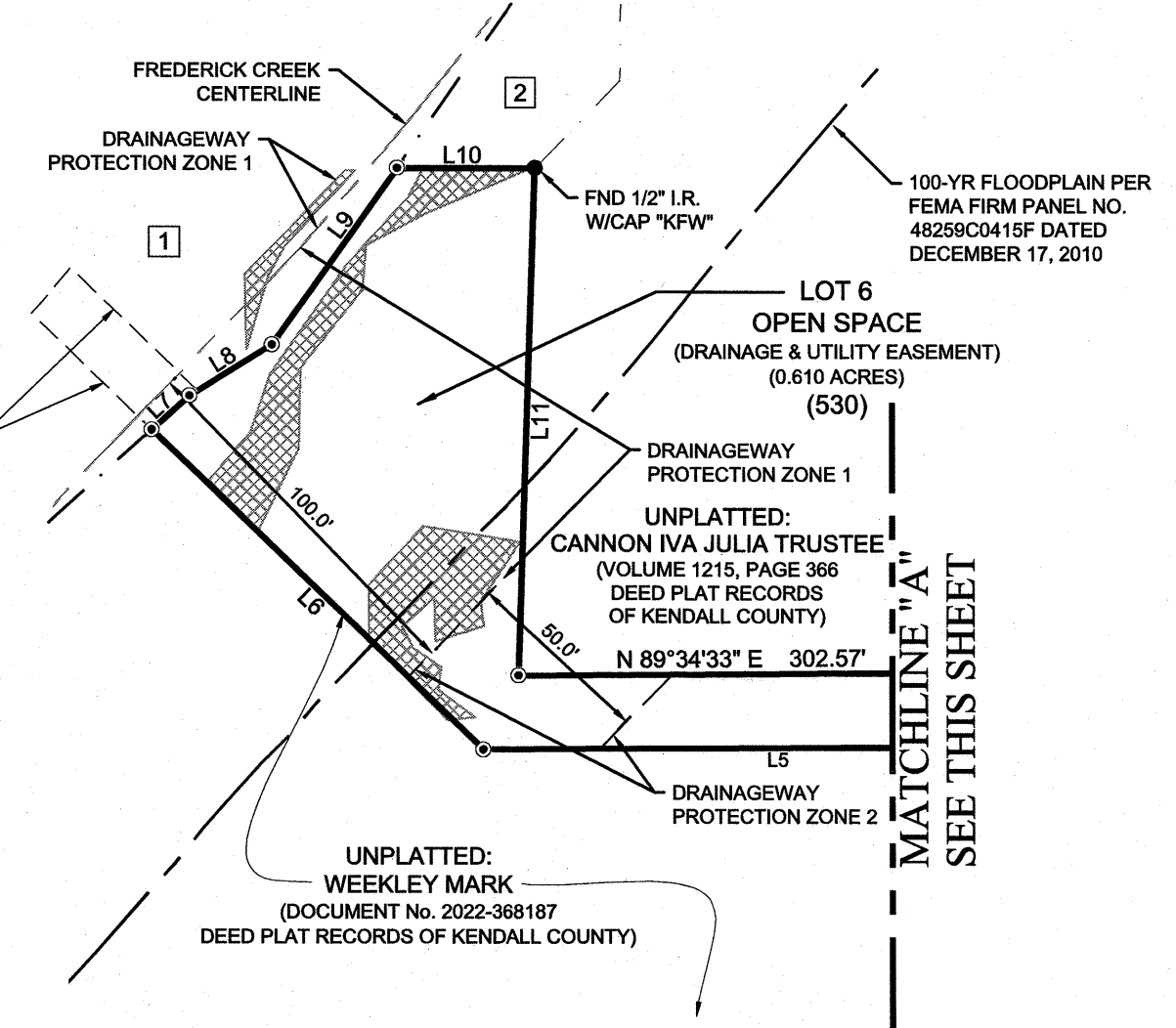
MATCHLINE "A"
SEE THIS SHEET

UNPLATTED:
WEEKLEY MARK
(DOCUMENT No. 2022-368187
DEED PLAT RECORDS OF KENDALL COUNTY)



MACINA • BOSE • COPELAND & ASSOC., INC.
CONSULTING ENGINEERS AND LAND SURVEYORS
1035 Central Parkway North, San Antonio, Texas 78232
(210) 545-1122 Fax: (210) 545-9302 www.mbcengineers.com
FIRM REGISTRATION NUMBER: T.B.P.E. F-784 & T.B.P.L.S. 10011700
JOB NO.: 32653/BOERNE
08/27/2024

- LEGEND:**
- (A) — 10' UTILITY EASEMENT
 - (B) — 12' RIGHT-OF-WAY DEDICATION TO THE CITY OF BOERNE (0.034 ACRES)
 - (C) — VAR. WD. PRIVATE DRAINAGE EASEMENT (0.098 ACRES)
 - (D) — 31' PRIVATE DRAINAGE EASEMENT (0.131 ACRES)
 - (E) — 20' UTILITY EASEMENT (0.098 ACRES) (OFF-LOT)
 - 1 — UNPLATTED: SORACE PROPERTIES, LLC (VOLUME 1215, PAGE 366 DEED PLAT RECORDS OF KENDALL COUNTY)
 - 2 — UNPLATTED: BARDEN RONALD D. & ELOISA (VOLUME 1652, PG. 896 DEED PLAT RECORDS OF KENDALL COUNTY)
 - — 1/2" IRON ROD WITH 1" CAP STAMPED "MBC ENGINEERS" SET
 - — 1/2" IRON ROD FOUND (UNLESS OTHERWISE NOTED)
 - Z- — LAND TIE/HOOK
 - — LIMITS OF LOT DOC.# 2021-352266
 - ▨ — AREA OF STEEP SLOPE (15% OR GREATER)
 - (XXX) — ADDRESS



MATCHLINE "A"
SEE THIS SHEET

PLAT NOTES AND LEGEND APPLY TO EVERY PAGE OF THIS MULTIPLE PAGE PLAT.



AGENDA ITEM SUMMARY

Agenda Date	September 9, 2024
Requested Action	A request for final plat approval for Corley Farms Unit 4 subdivision name/unit generally located north Corley Road and West of Vallerie Lane. (Extra Territorial Jurisdiction)
Contact Person	Tyler Cain, Planner II (830) 248-1628, tcain@boerne-tx.gov
Background Information	<p>BACKGROUND:</p> <ul style="list-style-type: none"> • ETJ/City Limit Status: Corley Farms Unit 4 is within the Extra-Territorial Jurisdiction (ETJ). The city has subdivision authority but does not have zoning authority in the ETJ. The City Council approved a Development Agreement in November 2019, with four subsequent amendments, the most recent of which was executed August 2023. The Corley Farms Master Plan, an exhibit of the Development Agreement, indicates an overall gross density of 3.0 dwellings per acre. It includes 1,122 lots and 88.48 acres of open space/ park area, subdivided into 16 units. • Applicant/Owner: Boernebak II, LLC/Pulte Homes of Texas, LP is the owner, and Andy Lowry, PE, with Cude Engineers serves as the applicant’s representative. • Zoning: N/A; Within the ETJ and must abide by Development Agreement. • Any other relevant cases/permits: The Corley Farms Unit 4 Preliminary Plat was conditionally approved by the Planning and Zoning Commission on August 1, 2022. Staff certified the Preliminary Plat fulfilled/met the conditions on August 30, 2022. <p>REQUEST:</p> <ul style="list-style-type: none"> • Corley Farms Unit 4 includes 127 residential lots on 35.89 acres. The density is 3.54 per acre. Lot sizes range from 4,356 sq. feet (.10 acres) to 12,414 square feet (.285 acres).

- From Scenic Loop Road, Homestead Ridge will provide primary access to the site. Homestead Ridge is identified as an arterial on the City’s Thoroughfare Plan and a primary collector within the original Development Agreement 2019-R183. Additionally, Corley Rd. will provide access along the southern boundary of the Unit.
- The Kendall County Water Control Improvement District #3A (WCID) is the retail provider of water service. Wholesale sewer service is provided by the City of Boerne. The City of Boerne is the sole retail gas provider.

ANALYSIS:

Development Master Plan & Zoning:

- The City’s Future Land Use Map designates this property as Transitional Residential and Neighborhood Residential. The final plat is consistent with the Comprehensive Plan.
- The Proposed Final Plat aligns with the Corley Farms Master Plan, which approved a total of 127 lots for Unit 4.
- The proposed Unit 4 plat is consistent the terms of the Development Agreement, and the applicable subdivision regulations in effect at the time of Development Agreement approval, including lotting and block configuration.

Landscaping and Open Space:

- The Corley Farms Master Plan articulates that Unit 4 offers 7.12 acres of open space. Portions of Blocks 27, 28, 31, 43, 46, 48, and 49 will be utilized as open space. The Unit 4 final plat identifies 7.50 combined acres of open space.

Utilities, Drainage and Floodplain:

- This Unit contains approximately 7.24 acres of drainage easements in Block 48, 49, 43, and 46.
- The FEMA 100-Year Floodplain is depicted on the plat. The construction of a new culvert crossing and realignment the channel is requiring the applicant to submit a proposed Conditional Letter of Map Revision (CLOMR) to FEMA. Three

conditions have been included to require approval of the CLOMR before recordation of the plat, construction plan approval, and construction of the Unit.

- Corley Farms is within WCID #3A. Bandera Electric Cooperative provides electricity. The City of Boerne is the gas provider and provides wholesale sewer. The public infrastructure construction plans have been reviewed and conditionally approved by the City. Additionally, public infrastructure construction plans are pending approval by the County.

FINDINGS:

- The final plat is consistent With the Comprehensive Master Plan.
- The final plat is consistent with existing Development Agreement.
- The final plat is consistent with the applicable subdivision regulations.

STAFF RECOMMENDATION:

Staff recommends approval of the Corley Farms Unit 4 Final Plat with the following condition included:

1. The recorded plat shall substantially conform to the final plat date stamped September 5, 2024.
2. Plat cannot be recorded until the CLOMR has been approved by FEMA.
3. Corley Road Improvements Phase II plans must be approved prior to recordation of the plat.
4. If a financial guarantee is provided to record the plat, the financial guarantee must include engineering, survey, and filing fees, etc. for the LOMR.
5. Floodplain permit is required before construction in the channel can occur that will revise the floodplain.
6. Construction on Unit 4 cannot begin until the Corley Road Improvements Phase II plans are approved.

MOTIONS FOR CONSIDERATION:

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

	<ul style="list-style-type: none"> • I move that the Planning and Zoning Commission accept the findings and APPROVE the proposed final plat subject with the conditions recommended by staff. • 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	C2 – Seeking customer-driven feedback. F2 – Investing in and maintaining high-quality infrastructure systems and public assets. B2 – Advancing master plan recommendations.
Financial Considerations	N/A
Citizen Input/Board Review	This plat does not meet the public notice or hearing requirements under LGC Sec. 212.015.
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 the requirements of city regulations and may not be arbitrary.
Supporting Documents	Attachment 1 – Vicinity Map Attachment 2 – Floodplain and DPZ Map Attachment 3 – Corely Farms Approved Master Plan January 2024 Attachment 4 – Proposed Corely Farms Unit 4 Final Plat

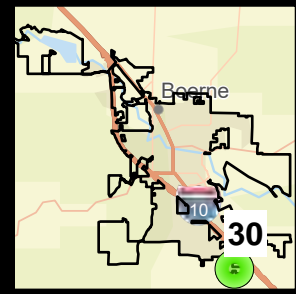
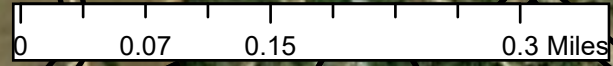


SUBJECT PROPERTY

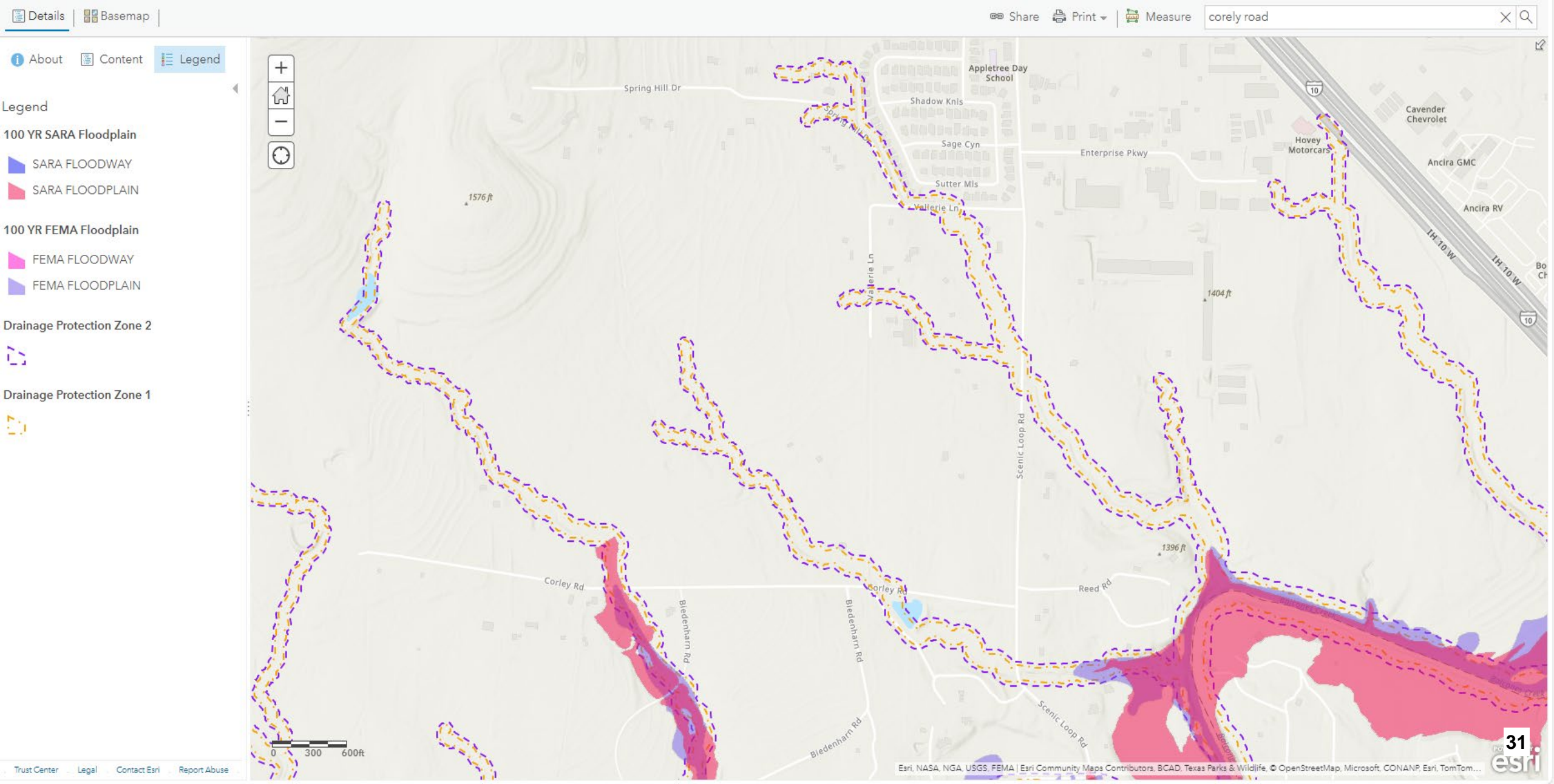
Corley Farms Unit 4

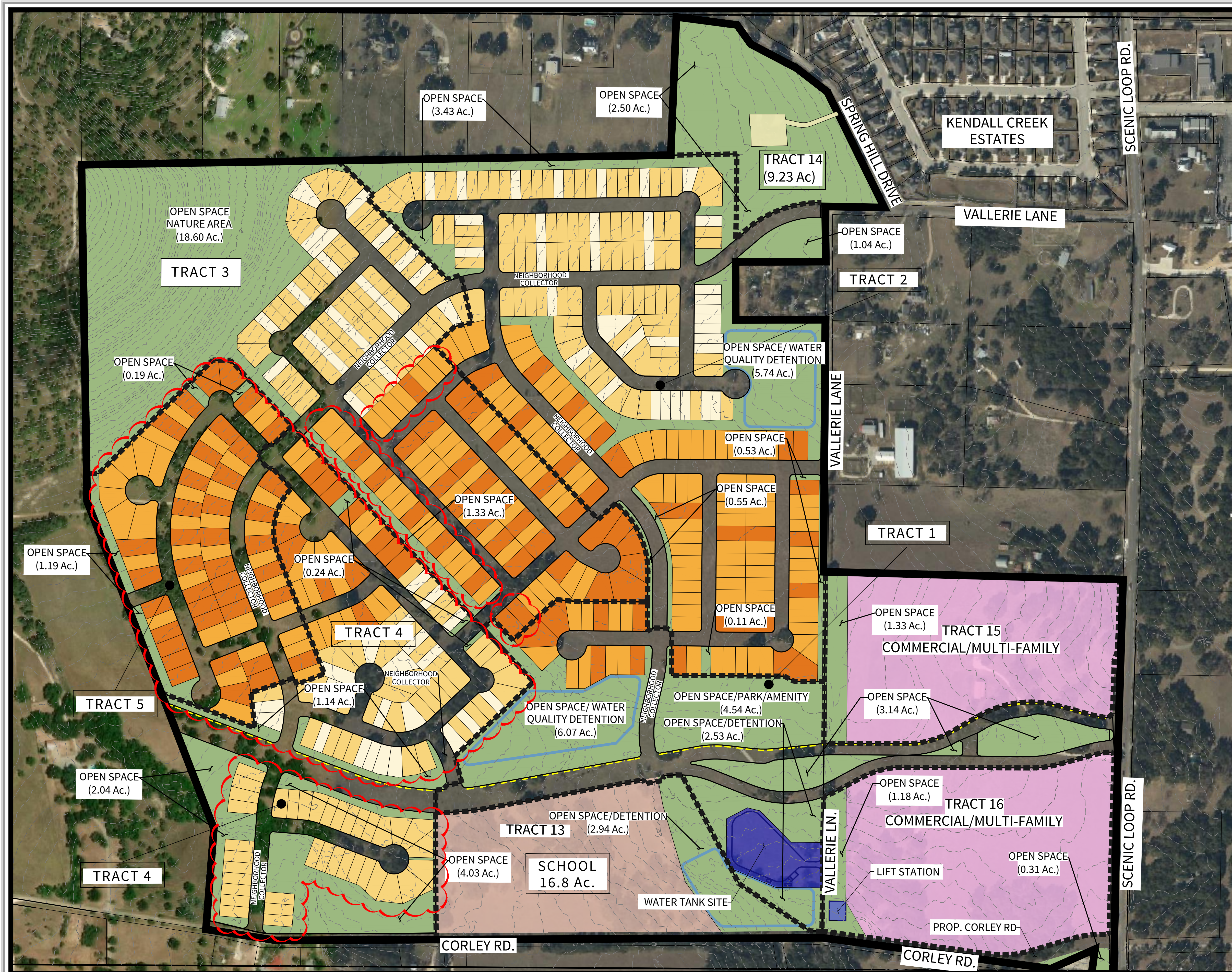
Legend

-  SUBJECT PROPERTY
-  Parcels



Corley Farms U4 – Floodplains and Drainage Protection Zones





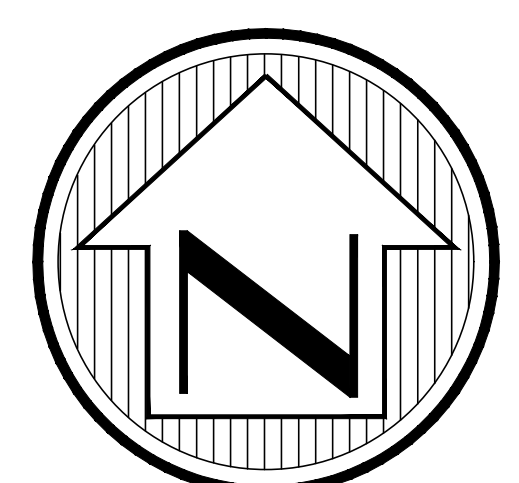
LEGEND

- = BOUNDARY
- = UNIT BOUNDARY
- = OPEN SPACE/DETENTION/DRAINAGE
- = SCHOOL
- = COMMERCIAL/MULTI-FAMILY
- = SINGLE FAMILY RESIDENTIAL
- = 40' LOTS
- = 45' LOTS
- = 50' LOTS
- = 60' LOTS
- = DETENTION POND
- = INFRASTRUCTURE LOT
- = 10' CONCRETE MULTI-USE PATH

SINGLE FAMILY LOT SUMMARY (PHASING)

PHASE/ UNIT	AMENITY CENTER	OPEN SPACE	40'X120'	45'X120'	50'X120'	60'X120'	TOTAL LOTS	±ACRES
TRACT 1	4.55 AC.	15.23 AC.	---	---	9	6	15	24.02
TRACT 2	---	11.41 AC.	35	89	81	20	225	56.05
TRACT 3	---	19.94 AC.	21	50	47	32	150	49.52
TRACT 4	---	7.45 AC.	23	74	18	12	127	36.50
TRACT 5	---	1.38 AC.	---	---	36	40	76	19.79
TRACT 13	---	2.94 AC.	---	---	---	---	---	16.80
TRACT 14	---	2.50 AC.	---	---	---	---	---	9.75
TRACT 15	---	1.33 AC.	---	---	---	---	---	16.47
TRACT 16	---	4.65 AC.	---	---	---	---	---	22.54
TOTAL	4.55 AC.	66.83 AC.	79	213	191	110	593	251.44

*NOTES:
 1. RESIDENTIAL GROSS DENSITY = 2.36 LOT/ACRE (TRACTS 1-5 & TRACT 14 ONLY)



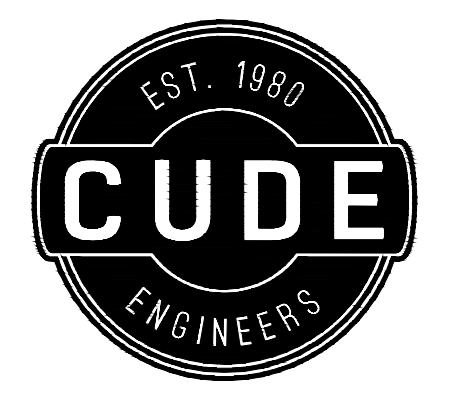
CORLEY FARMS / MASTER LAND PLAN

Boerne ETJ, TX

JANUARY 2024



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



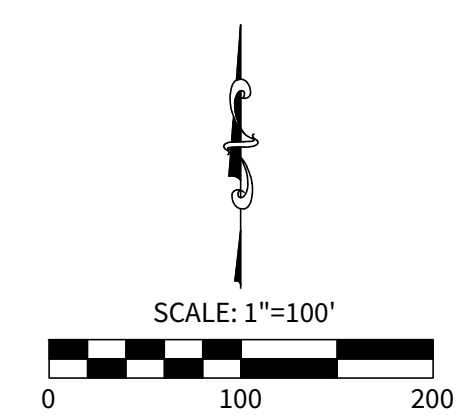
P:\03481\000\2-Drawings\Exhibits\Master Land Plan\231209 - Corley Farms MLP.dwg 2024/01/23 4:43pm rchaire

A FINAL PLAT ESTABLISHING CORLEY FARMS UNIT 4

38.16 ACRES OF LAND LOCATED IN THE ANTONIO CRUZ SURVEY, NUMBER 170, ABSTRACT NUMBER 97, KENDALL COUNTY, TEXAS AND BEING A PORTION OF THAT CERTAIN 212.337 ACRES OF LAND CONVEYED TO BOERNEBAK II, LLC AS DESCRIBED IN VOLUME 1630, PAGE 731, ALL IN THE OFFICIAL RECORDS OF KENDALL COUNTY, TEXAS.

LEGEND

Ac.	= ACRES
B.S.L.	= BUILDING SETBACK LINE
C1	= CURVE NUMBER
D.R.K.C.	= DEED RECORDS OF KENDALL COUNTY
DRN.	= DRAINAGE
ESMT.	= EASEMENT
E.G.T.C.A.	= ELECTRICAL, GAS, TELEPHONE, CABLE
EX.	= EXISTING
L1	= LINE NUMBER
L.F.	= LINEAR FOOTAGE
L.S.	= LANDSCAPE
NO.	= NUMBER
N.T.S.	= NOT TO SCALE
O.R.K.C.	= OFFICIAL RECORDS OF KENDALL COUNTY
P.R.K.C.	= PLAT RECORDS OF KENDALL COUNTY
PG.	= PAGE
PGS.	= PAGES
PROP.	= PROPOSED
R.O.W.	= RIGHT-OF-WAY
UTIL.	= UTILITY
VAR.	= VARIABLE
VOL.	= VOLUME
WAT.	= WATER
WID.	= WIDTH
- - -	= RIGHT OF WAY
- · - · -	= EXISTING RIGHT OF WAY
- - - - -	= BOUNDARY LINE
- · - - -	= BOUNDARY EASEMENT LINE
- · - · -	= STREET CENTERLINE
- · - >	= CREEK CENTERLINE
- · - >	= STREAM SETBACK ZONE 1
- · - >	= STREAM SETBACK ZONE 2
- · - >	= 1% ANNUAL CHANCE FLOODPLAIN
- · - >	= 1/2" IRON ROD WITH RED PLASTIC CAP STAMPED "CUDE" UNLESS OTHERWISE NOTED
○	= HERITAGE TREE



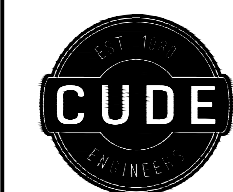
KEYNOTES

- 1 10' UTILITY EASEMENT
- 2 10' PEDESTRIAN ACCESS EASEMENT
- 3 16' DRAINAGE EASEMENT
- 4 14' DRAINAGE EASEMENT
- 5 OFF-LOT 58' x 50' DRAINAGE, GRADING, UTILITY, WATER, & SANITARY SEWER EASEMENT TO EXPIRE UPON INCORPORATION OF FUTURE PLATTED UNIT (0.07 AC.)
- 6 OFF-LOT VARIABLE WIDTH TEMPORARY TURNAROUND ESMT TO EXPIRE UPON INCORPORATION OF FUTURE PLATTED UNIT (0.19 AC.)
- 7 OFF-LOT VARIABLE WIDTH DRAINAGE EASEMENT TO EXPIRE UPON INCORPORATION OF FUTURE PLATTED UNIT (1.11 AC.)
- 8 OFF-LOT VARIABLE WIDTH DRAINAGE, GRADING, UTILITY, WATER, & SANITARY SEWER EASEMENT TO EXPIRE UPON INCORPORATION OF FUTURE PLATTED UNIT (0.07 AC.)
- 9 OFF-LOT VARIABLE WIDTH DRAINAGE, GRADING, UTILITY, WATER, & SANITARY SEWER EASEMENT TO EXPIRE UPON INCORPORATION OF FUTURE PLATTED UNIT (0.07 AC.)
- 10 OFF-LOT VARIABLE WIDTH DRAINAGE, GRADING, UTILITY, WATER, & SANITARY SEWER EASEMENT TO EXPIRE UPON INCORPORATION OF FUTURE PLATTED UNIT (0.07 AC.)
- 11 EXISTING VARIABLE WIDTH OVERHEAD ELECTRIC EASEMENT. (DOC # 2021-361490, O.R.K.C.)
- 12 EXISTING 12' UTILITY EASEMENT (DOC # 2021-361490, O.R.K.C.)
- 13 12' SANITARY SEWER EASEMENT
- 14 17' DRAINAGE EASEMENT
- 15 VARIABLE WIDTH RIGHT OF WAY DEDICATION (DOC#)
- 16 9' PRIVATE DRAINAGE EASEMENT



INDEX MAP N.T.S.

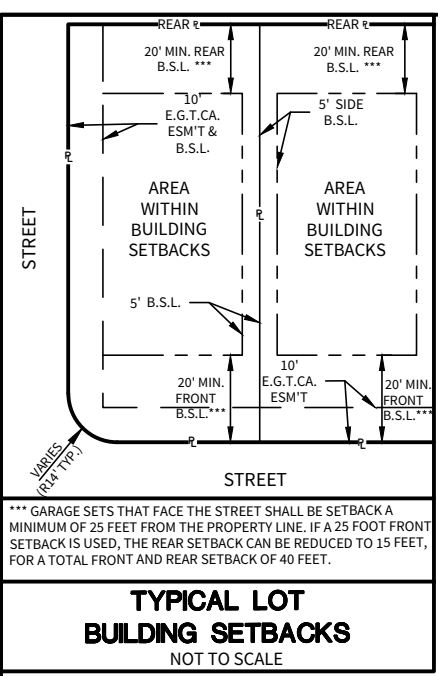
CONTACT: ANDREW R. LOWRY, P.E. PROJECT # 03481.008



CUDE ENGINEERS, L.L.C.
4122 POND HILL RD. SUITE 101
SAN ANTONIO, TEXAS 78231
TEL 210.681.2951 • FAX 210.523.7112
WWW.CUDEENGINEERS.COM
TBPE FIRM #455
TBPELS FIRM # 10048500

DATE:
SEPTEMBER 2024

2 OF 3



REMAINING PORTION OF TRACT A-212.337 ACRE TRACT
OWNER: BOERNEBAK II, LLC
VOL. 1630, PG. 731, (O.R.K.C.)

REMAINING PORTION OF TRACT A-212.337 ACRE TRACT
OWNER: BOERNEBAK II, LLC
VOL. 1630, PG. 731, (O.R.K.C.)

REMAINING PORTION OF 390.8354 ACRE TRACT
OWNER: LTB INTERESTS, LTD
(VOL. 308, PG. 254, O.R.K.C.)

901 OPEN SPACE BLOCK 46
VARIABLE WIDTH DRAINAGE & UTILITY ESMT
(0.40 ACRES)

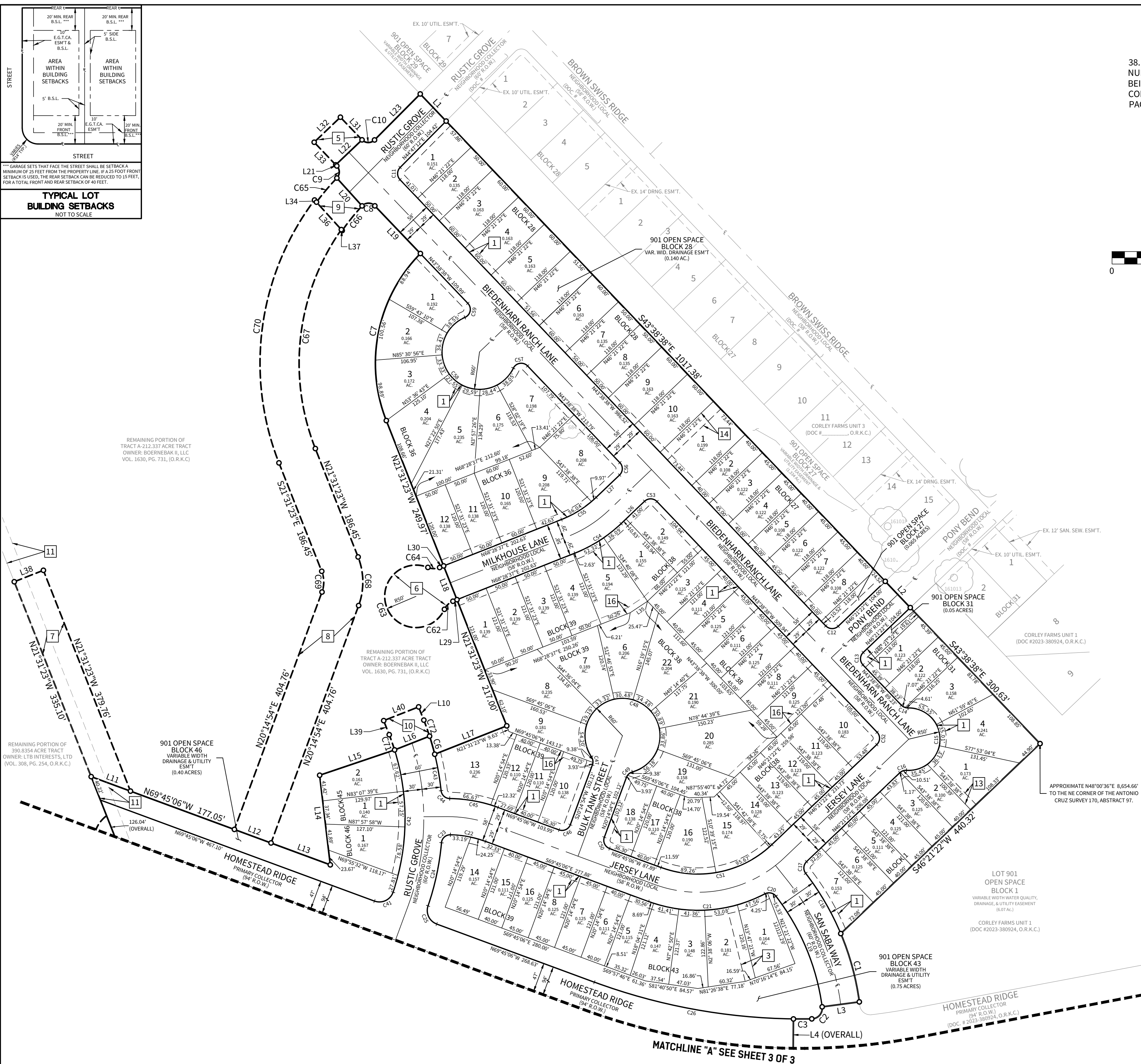
LOT 901
OPEN SPACE BLOCK 1
VARIABLE WIDTH WATER QUALITY, DRAINAGE, & UTILITY EASEMENT
(6.97 AC.)

CORLEY FARMS UNIT 1
(DOC #2023-380924, O.R.K.C.)

901 OPEN SPACE BLOCK 43
VARIABLE WIDTH DRAINAGE & UTILITY ESMT
(0.75 ACRES)

APPROXIMATE N48°00'36"E 8,654.66'
TO THE NE CORNER OF THE ANTONIO
CRUZ SURVEY 170, ABSTRACT 97.

MATCHLINE "A" SEE SHEET 3 OF 3





AGENDA ITEM SUMMARY

Agenda Date	September 9, 2024
Requested Action	Consider a request for a variance to Section 2.12.2, throat length, of the Engineering Design Manual for a property located at 612 River Road (KAD 26667).
Contact Person	Cheryl Rogers – City Engineer
Background Information	<p>APPLICATION REQUEST:</p> <p>The applicant requests a variance for the property at 612 River Road to construct a driveway with a throat length of 5’ instead of the required 40’.</p> <p>BACKGROUND:</p> <p>In 2021, City Council adopted codes in EDM 2.12.2 requiring a minimum throat length for driveways leading to parking lots. The throat length provides a space for vehicles to queue off the roadway and is measured from the property line to the first conflict (i.e. a parking space or parking aisle). The purpose of providing adequate throat length for driveways is to ensure vehicles may enter, exit, and circulate on a site without interference with each other or with through traffic on the adjacent roadway.</p> <p>ANALYSIS:</p> <p>Due to the site constraints, the parking lot is proposed in front of the building. With a property line to the west and a retaining wall to the east, there is not enough space on either side of the building to provide a two-way driveway for parking in the rear.</p> <p>River Road is a TxDOT roadway and classified as a major arterial on the City’s major thoroughfare plan. The annual average daily traffic (AADT) for this section of River Road is 13,690 trips according to TxDOT’s state traffic count map. TxDOT approved the driveway permit to change the size, location, and use of the driveway.</p>

	<p>Based on the Institute of Transportation Engineers (ITE) Manual, the projected peak hour traffic for the business on Saturday is 7 trips (3 inbound, 4 outbound). The project PM peak hour traffic on weekdays is 2 trips (1 inbound, 1 outbound).</p> <p><u>ADDITIONAL VARIANCE REQUIRED – ZONING BOARD OF ADJUSTMENT AND APPEALS (BOA)</u></p> <p>If this variance is approved by the Planning & Zoning Commission, an additional variance will be required from the BOA for the proximity of the parking spaces to the right-of-way (ROW) and adjacent residential property. UDC Section 5-6(B)(3)(d) requires parking spaces be located at least 15’ from neighboring residential lots and 10’ from the ROW. The applicant is proposing to provide 5’ from the adjacent property and 5’ from the ROW.</p> <p><u>MOTIONS FOR CONSIDERATION:</u></p> <p>The following motions are provided to assist the Commission’s decision.</p> <ul style="list-style-type: none"> - I move that the Planning and Zoning Commission APPROVE the variance request to Engineering Design Manual Section 2.12.2 for a reduced throat length. Approval is conditioned upon receiving a variance from the Zoning Board of Adjustments for parking lot setbacks. - I move that the Planning and Zoning Commission DENY the variance request to Engineering Design Manual Section 2.12.2. 										
Item Justification	<table border="0"> <tr> <td><input type="checkbox"/> Legal/Regulatory Obligation</td> <td><input type="checkbox"/> Infrastructure Investment</td> </tr> <tr> <td><input type="checkbox"/> Reduce Costs</td> <td><input type="checkbox"/> Customer Pull</td> </tr> <tr> <td><input type="checkbox"/> Increase Revenue</td> <td><input type="checkbox"/> Service Enhancement</td> </tr> <tr> <td><input type="checkbox"/> Mitigate Risk</td> <td><input type="checkbox"/> Process Efficiency</td> </tr> <tr> <td><input type="checkbox"/> Master Plan Recommendation</td> <td><input checked="" type="checkbox"/> Other: <u>Variance Request</u></td> </tr> </table>	<input type="checkbox"/> Legal/Regulatory Obligation	<input type="checkbox"/> Infrastructure Investment	<input type="checkbox"/> Reduce Costs	<input 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 checked="" type="checkbox"/> Other: <u>Variance Request</u>
<input type="checkbox"/> Legal/Regulatory Obligation	<input type="checkbox"/> Infrastructure Investment										
<input type="checkbox"/> Reduce Costs	<input 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 checked="" type="checkbox"/> Other: <u>Variance Request</u>										
Strategic Alignment <i>(Example: C2 – Customer Feedback, B1 – Data Driven Decision)</i>	N/A										
Financial Considerations	N/A										
Citizen Input/Board Review	N/A										

Legal Review	N/A
Alternative Options	N/A
Supporting Documents	Variance Application, Variance Exhibit, Site Photos

CITY OF BOERNE
PLANNING AND ZONING COMMISSION

VARIANCE APPLICATION

APPLICANT: Nancy L. Garcia PHONE NO. 956 465-8874

PROPERTY ADDRESS: 612 River Rd Boerne, TX 78006

LOT: — BLOCK: 3 PT SUBDIVISION: Sunrise Addition

OWNER: — PHONE NO. —
(If different from Applicant)

MAILING ADDRESS FOR NOTIFICATION OF PENDING COMMISSION MEETING:

Owner is giving — authority to represent him/her at the hearing. (Applicant)

[Signature]
(Owner's Signature)

7-15-2024
(Date)

1. Applicant is making a request from the Boerne Subdivision Ordinance (Article & Section No UDC 8.2 (DPZ) and EDM 2.12.2 (Throat length)

Check one: Variance () Appeal () Special Exception

2. Describe request:

Request to build parking lot in DPZ.
and reduce throat length from the front property line to the first parking space.

3. Applicant hereby requests this case be reviewed by the Planning and Zoning Commission for a decision. I do hereby certify that the above statements are true and correct.

[Signature]
(Applicant's Signature)

7-15-2024
(Date)

CITY OF BOERNE PLANNING & ZONING COMMISSION ZONING VARIANCE WORKSHEET

Commission's Power to Grant Variances. The Planning and Zoning Commission may grant a variance from the requirements of this ordinance when, in the Commission's judgment, the application of a subdivision standard to a particular property or project meets the required findings of section 2.06.002 of the Subdivision Ordinance.

Procedures for Variances.

The subdivider shall submit to the City Manager a written application for each variance which is requested, 14 days prior to the meeting at which the variance is to be considered, along with the appropriate filing fee established by City Council. The Planning and Zoning Commission shall not consider any action on the variance request until this fee has been paid. The findings of the Commission, together with the specific facts upon which such findings are based, shall be incorporated into the minutes of the Commission meeting at which the variance is granted.

In order to make a finding of hardship and to grant a variance, the Planning and Zoning Commission must determine that all of the following conditions are met. State how your request meets these conditions.

Findings Required for Variances.

A variance to the standards in the subdivision ordinance may be granted where the Planning and Zoning Commission finds that the following conditions exist:

A. Are there unusual topographic or other physical conditions of the land or surrounding area, and these conditions are not typical to other lands in the area.

The 0.645 acre of land is elevated at the site of the building, this upper bank is lined off by a stone retaining wall, it is here that the land drops down into a lower bank. This lower bank is a Riparian area which is the remaining section of the 0.645 acre filled with natural vegetation including several trees, grass and open space. The neighboring lands do not have this exact condition.

A total of 94.7% of the property is located in the Drainage Protection Zones, 68.6% of the property is located in DPZ1 and 26.2% is located in DPZ2.

B. Is the condition beyond the control of the subdivider and is not due to the convenience or needs of a specific application or development proposal.

The condition is a natural occurring physical condition of the land and is not within the control of the developer.

Only 5.3% of the property is outside the DPZs, presenting a major hardship.

C. Is the deviation minimal from the required standard necessary to allow a more appropriate design.

No deviation is required to the land in terms of changing topographic features of the land. Elevation and slope of the land would remain the same. Water will continue to drain naturally.

D. Will the variance alter, negate or negatively impact the ability to meet any specific standard contained in the City of Boerne Zoning Ordinance. The changes require additional variance request for

the short driveway throat length of the proposed site plan and the encroachments of on-site proposed parking spots into the 15 ft residential and 10 ft ROW commercial parking buffers required in section 5.6.B.3 of the UDC. This additional variance is necessary because of the limitations of the available land for the parking spaces. The UDC requires parking for a non-residential building and the land has limitations due to existing building, retaining wall and drop off of land to the lower bank.

E. Demonstrate that the required standard is inapplicable to the specific site, so that the proposed plat equally or better meet all of the following:

1. The goals and policies of the Master Plan;

This property is zoned C2, indicating the property is for commercial use. The city recognized the need for onsite parking in The Unified Development Code section 5-6 noting an onsite parking requirement. This states that no nonresidential building or structure shall be designed, erected, altered, used, or occupied, and no nonresidential use shall be operated, unless the on-site parking requirements are satisfied. There is no on street parking available in this section of River Rd., therefore the parking requirement must be satisfied onsite and the City would have known this upon making this a C2 zoned property.

Boerne's Master Plan Goal 1 addresses land use and development guiding principles and indicates a desire to promote private investment in downtown Boerne, the plan encourages redevelopment in areas where public services and utilities are already in place. This property is located just a few blocks off Main Street in the River Road Overlay area and has all city utilities and services available. The Plan further notes that Boerne is favored for economic growth and has seen growth in retail development. This will be a retail business, thereby contributing to the growth to retail development in Boerne.

2. The purposes of these regulations. The goal of stormwater management is to improve the quality of runoff before it enters local waterways. The standards were developed to maintain the quality of surface waters in Texas to support public health, recreational use and protect aquatic life. Currently the property has a large Riparian zone to mitigate runoff before it enters the drainage area.

3. The intent of the standards is to promote quality of water with the DPZ. The Riparian area with trees and native vegetation will not be affected by the parking area, and an LID feature will be added as needed to improve or maintain its ability to filter water drainage. An example of the proposed LID feature includes a Rain Garden.

F. Will the variance have an adverse effect on existing adjacent landowners, potential future landowners in and adjacent to the subdivision, existing or potential development within any area of impact of the proposed subdivision.

No, the variance will not have an adverse effect on the existing adjacent landowner, potential future landowners in and adjacent to the property, existing or potential development within any area of impact of the proposed parking lot.

G. Will the variance negatively impact efficient development of the land and surrounding areas based on sound planning principles and the goals and policies of the Master Plan.

The variance will not negatively impact efficient development of the land and surrounding areas based on sound planning principles and the goals and policies of the Master Plan.

NOTE: there are no trees in the area where the proposed parking lot will be. There is one Magnolia tree off to the side of the house close to the retaining wall that will not be affected. Currently the ground where the proposed parking will be is covered with dirt and weeds, there is a sidewalk and an asphalt driveway.

H. Will the variance adversely impact the general health, safety and welfare of the public.

No, the variance will not adversely Impact the general health, safety and welfare of the public.

Each subdivision standard for which a variance is requested shall be specifically identified as a Note on the final plat.

Conditions.

In granting approval of a subdivision with a variance, the Planning Commission may prescribe conditions to secure the objectives and interest of the City, and to enforce the purpose and intent of these regulations. In granting a variance, the Commission shall prescribe only conditions that it deems necessary to or desirable in the public interest.

NO ADVERSE IMPACT LETTER

**** SITE EXHIBIT WITH EXISTING AND PROPOSED DRAINAGE FLOW LINES MUST BE ATTACHED ****

Property Address: 612 River Rd Boerne TX 78006

Date Submitted: 7-10-2024

Contact Information

Property Owner

Name: Nancy L Garcia

Telephone #: 956 465 8874

Email: nlg825@yahoo.com

Project Description

Requesting for variance for parking lot in DPZ 1-2
and special permit. C-2 property requires 4
parking spaces per code. additional variance request continues below.

Construction of this project will not alter the existing drainage patterns and will not adversely affect any of the adjacent neighbors or downstream properties.

I acknowledge that Section 11.086 of the Texas Water Code states that no person may divert or impound the natural flow of surface waters in a manner that damages the property of another and that I may be held responsible if a person's property is injured by an overflow of water resulting from this project.

additional request for variance: for the short driveway throat length of the proposed site plan and the encroachments of on-site proposed parking spots into the 15 ft residential and 10 ft ROW commercial parking buffers required in section 5.6.B.3 of the UDC.



Property Owner Signature



EXISTING LAYOUT



PROPOSED LAYOUT

EXISTING IMPERVIOUS COVER CALCULATIONS

	AREA OUTSIDE OF DPZ (SF)	AREA INSIDE OF DPZ1 (SF)	AREA INSIDE OF DPZ2 (SF)	TOTAL (SF)	TOTAL (AC)	TOTAL %
PROPERTY *	1491	19262	7352	28105	0.645	-
IC: EXISTING PAVING	972	-	358	1330	0.03	4.7%
IC: BUILDINGS	37	17	1519	1573	0.04	5.6%
IC: TOTAL	1009	17	1877	2903	0.07	10.3%
OFFSITE PAVING	152	-	67	219	0.005	-

* A TOTAL OF 94.7% OF THE PROPERTY IS LOCATED WITHIN DRAINAGEWAY PROTECTION ZONES. 68.6% OF THE PROPERTY IS LOCATED WITHIN DPZ1 AND 26.2% IS LOCATED WITHIN DPZ2.

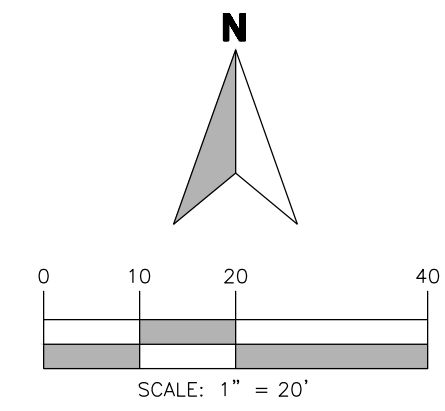
PROPOSED IMPERVIOUS COVER CALCULATIONS

	AREA OUTSIDE OF DPZ (SF)	AREA INSIDE OF DPZ1 (SF)	AREA INSIDE OF DPZ2 (SF)	TOTAL (SF)	TOTAL (AC)	TOTAL %
PROPERTY *	1491	19262	7352	28105	0.645	-
IC: PAVING	502	-	1842	2344	0.05	8.3%
IC: BUILDINGS	37	-	1470	1507	0.03	5.4%
IC: TOTAL	539	-	3312	3851	0.09	13.7% **
OFFSITE PAVING	44	-	200	244	0.006	-

* A TOTAL OF 94.7% OF THE PROPERTY IS LOCATED WITHIN DRAINAGEWAY PROTECTION ZONES. 68.6% OF THE PROPERTY IS LOCATED WITHIN DPZ1 AND 26.2% IS LOCATED WITHIN DPZ2.

** 3.3% INCREASE IN IMPERVIOUS COVER IS PROPOSED

A DECREASE OF 17 SF IS PROPOSED WITHIN DPZ 1 AND AN INCREASE OF 1435 SF IS PROPOSED WITHIN DPZ2.



LEGEND

- PROPERTY LINE
- - - ADJACENT PROPERTY LINE
- 1300--- EXISTING MAJOR CONTOUR
- 1301--- EXISTING MINOR CONTOUR
- EXISTING DPZ
- EXISTING BUILDING
- SARA 100-YEAR FLOODPLAIN
- STREAM CENTERLINE
- XXXXXXXXXX EXISTING TO BE DEMOLISHED

NOTES:

1. CONTOURS SHOWN ARE BASED ON 2021 LIDAR DATA, OBTAINED FROM TNRIS.
2. DRAINAGEWAY PROTECTION ZONES SHOWN ARE DELINEATED BASED ON THE CITY OF BOERNE REQUIREMENTS FOR WATERSHEDS GREATER THAN 640 ACRES.
3. CONCEPTUAL PARKING SITE PLAN TAKEN FROM SKETCH PROVIDED BY PROPERTY OWNER. SETBACKS SHOWN ARE BASED ON RIVER ROAD OVERLAY DISTRICT.
4. CONCEPTUAL LOW IMPACT DEVELOPMENT DESIGN FEATURE SHOWN TO CAPTURE AND TREAT RUNOFF FROM THE INCREASED IMPERVIOUS COVER PROPOSED.
5. LID STRUCTURE IS ANTICIPATED TO BE A RAIN GARDEN SIZED TO TREAT THE ADDED IMPERVIOUS COVER.

IMAGE:	NA
ISSUE DATE:	07/11/2024
DRAWN BY:	JSK
CHECKED BY:	CLH
SCALE:	1" = 20'
JOB NO.:	11568-002

SHEET NO.:
01
OF 01

WESTWARD
Environmental, Engineering, Natural Resources,
P.O. Box 2205 Boerne, Texas 78006
(830) 249-8284 Fax: (830) 249-0221
TBPE REG. NO.: F-4524
TBPE REG. NO.: 50112

REV.	DESCRIPTION	DATE	BY

8/12/2024
STATE OF TEXAS
CHESLEY L. HOUY
107400
Professional Engineer
Chesley L. Houy, P.E.
License No. 107400

DRAINAGE PROTECTION ZONE EXHIBIT
NANCY GARCIA
612 RIVER RD

**612 River – Site Photos
September 4, 2024**







AGENDA ITEM SUMMARY

Agenda Date	September 9, 2024
Requested Action	Consider a request for a variance to Chapter 8.2, Drainageway Protection Zones, of the Unified Development Code for a property located at 612 River Road (KAD 26667).
Contact Person	Cheryl Rogers – City Engineer
Background Information	<p><u>DRAINAGEWAY PROTECTION ZONE VARIANCE</u></p> <p>APPLICATION REQUEST: The applicant requests a variance for the property at 612 River Road to construct a parking lot in Drainageway Protection Zones (DPZ) 2 and a rain garden in DPZ 1.</p> <p>BACKGROUND: In February 2020, City Council adopted codes establishing DPZs based on a recommendation from the 2017 Master Plan. The primary purpose of DPZs includes protection of natural drainageways and riparian buffer zones to promote water quality. A secondary benefit is protecting the public in drainage events. The riparian areas are the land along the drainageways which contain unique soil and vegetation that are influenced by being within the natural waterway. The riparian areas help control nonpoint source pollution by trapping sediment and using nutrients for treatment. Trees and grasses in riparian areas stabilize streambanks and reduce floodwater velocity, resulting in reduced downstream flood peaks. DPZ 2 does not allow for impervious cover to be added for a parking lot, and DPZ 1 does not allow for low impact development facilities, including rain gardens.</p> <p>ANALYSIS: The site at 612 River Road is approximately 0.65 acres and currently zoned C2. “No Name Creek” traverses through the site. The applicant purchased the property with the intent to change the use from single family residential to commercial for a salon business. For this commercial use, the Unified Development Code requires four parking spaces be provided, one of which being an accessible parking space. In order to provide the required number of parking spaces and prevent vehicles from backing up into River Road, the applicant requests to</p>

construct a new parking lot in front of the building within DPZ 2.

The property contains the 100-year FEMA effective floodplain and draft San Antonio River Authority 100-year floodplain (SARA floodplain). Approximately 95% of the property is within DPZs 1 and 2. The proposed parking lot is within the SARA floodplain and DPZ 2. The parking lot is proposed to be 2,344 square feet which results in an increase in impervious cover of 1,435 square feet within DPZ 2. The applicant also intends to remove small sheds in the backyard which would result in a decrease in impervious cover of 17 square feet within DPZ 1.

The existing conditions of the proposed parking lot is a manicured lawn and paved driveway. To meet the required water quality treatment, the applicant proposes a rain garden within DPZ 1 to capture runoff directly from the parking lot. No trees will be removed as part of the improvements.

ADDITIONAL VARIANCE REQUIRED – ZONING BOARD OF ADJUSTMENT AND APPEALS (BOA)

If this variance is approved by the Planning & Zoning Commission, an additional variance will be required from the BOA for the proximity of the parking spaces to the right-of-way (ROW) and adjacent residential property. UDC Section 5-6(B)(3)(d) requires parking spaces be located at least 15’ from neighboring residential lots and 10’ from the ROW. The applicant is proposing to provide 5’ from the adjacent property and 5’ from the ROW.

MOTIONS FOR CONSIDERATION:

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

- I move that the Planning and Zoning Commission **APPROVE** the variance request to Unified Development Code Chapter 8.2 to construct a parking lot within Drainageway Protection Zone 2 and a rain garden with Drainageway Protection Zone 1. Approval is conditioned upon receiving a variance from the Zoning Board of Adjustments for parking lot setbacks.

- I move that the Planning and Zoning Commission **DENY** the variance request to Unified Development Code Chapter 8.2 and Engineering Design Manual Section 2.12.2.

Item Justification	<input type="checkbox"/> Legal/Regulatory Obligation <input type="checkbox"/> Infrastructure Investment <input type="checkbox"/> Reduce Costs <input 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 checked="" type="checkbox"/> Other: <u>Variance Request</u>
Strategic Alignment <i>(Example: C2 – Customer Feedback, B1 – Data Driven Decision)</i>	N/A
Financial Considerations	N/A
Citizen Input/Board Review	N/A
Legal Review	N/A
Alternative Options	N/A
Supporting Documents	Variance Application, Variance Exhibit, Site Photos

CITY OF BOERNE
PLANNING AND ZONING COMMISSION

VARIANCE APPLICATION

APPLICANT: Nancy L. Garcia PHONE NO. 956 465-8874

PROPERTY ADDRESS: 612 River Rd Boerne, TX 78006

LOT: — BLOCK: 3 PT SUBDIVISION: Sunrise Addition

OWNER: — PHONE NO. —
(If different from Applicant)

MAILING ADDRESS FOR NOTIFICATION OF PENDING COMMISSION MEETING:

Owner is giving — authority to represent him/her at the hearing. (Applicant)

[Signature]
(Owner's Signature)

7-15-2024
(Date)

1. Applicant is making a request from the Boerne Subdivision Ordinance (Article & Section No UDC 8.2 (DPZ) and EDM 2.12.2 (Throat length)

Check one: Variance () Appeal () Special Exception

2. Describe request:

Request to build parking lot in DPZ.
and reduce throat length from the front property line to the first parking space.

3. Applicant hereby requests this case be reviewed by the Planning and Zoning Commission for a decision. I do hereby certify that the above statements are true and correct.

[Signature]
(Applicant's Signature)

7-15-2024
(Date)

CITY OF BOERNE PLANNING & ZONING COMMISSION ZONING VARIANCE WORKSHEET

Commission's Power to Grant Variances. The Planning and Zoning Commission may grant a variance from the requirements of this ordinance when, in the Commission's judgment, the application of a subdivision standard to a particular property or project meets the required findings of section 2.06.002 of the Subdivision Ordinance.

Procedures for Variances.

The subdivider shall submit to the City Manager a written application for each variance which is requested, 14 days prior to the meeting at which the variance is to be considered, along with the appropriate filing fee established by City Council. The Planning and Zoning Commission shall not consider any action on the variance request until this fee has been paid. The findings of the Commission, together with the specific facts upon which such findings are based, shall be incorporated into the minutes of the Commission meeting at which the variance is granted.

In order to make a finding of hardship and to grant a variance, the Planning and Zoning Commission must determine that all of the following conditions are met. State how your request meets these conditions.

Findings Required for Variances.

A variance to the standards in the subdivision ordinance may be granted where the Planning and Zoning Commission finds that the following conditions exist:

A. Are there unusual topographic or other physical conditions of the land or surrounding area, and these conditions are not typical to other lands in the area.

The 0.645 acre of land is elevated at the site of the building, this upper bank is lined off by a stone retaining wall, it is here that the land drops down into a lower bank. This lower bank is a Riparian area which is the remaining section of the 0.645 acre filled with natural vegetation including several trees, grass and open space. The neighboring lands do not have this exact condition.

A total of 94.7% of the property is located in the Drainage Protection Zones, 68.6% of the property is located in DPZ1 and 26.2% is located in DPZ2.

B. Is the condition beyond the control of the subdivider and is not due to the convenience or needs of a specific application or development proposal.

The condition is a natural occurring physical condition of the land and is not within the control of the developer.

Only 5.3% of the property is outside the DPZs, presenting a major hardship.

C. Is the deviation minimal from the required standard necessary to allow a more appropriate design.

No deviation is required to the land in terms of changing topographic features of the land. Elevation and slope of the land would remain the same. Water will continue to drain naturally.

D. Will the variance alter, negate or negatively impact the ability to meet any specific standard contained in the City of Boerne Zoning Ordinance. The changes require additional variance request for

the short driveway throat length of the proposed site plan and the encroachments of on-site proposed parking spots into the 15 ft residential and 10 ft ROW commercial parking buffers required in section 5.6.B.3 of the UDC. This additional variance is necessary because of the limitations of the available land for the parking spaces. The UDC requires parking for a non-residential building and the land has limitations due to existing building, retaining wall and drop off of land to the lower bank.

E. Demonstrate that the required standard is inapplicable to the specific site, so that the proposed plat equally or better meet all of the following:

1. The goals and policies of the Master Plan;

This property is zoned C2, indicating the property is for commercial use. The city recognized the need for onsite parking in The Unified Development Code section 5-6 noting an onsite parking requirement. This states that no nonresidential building or structure shall be designed, erected, altered, used, or occupied, and no nonresidential use shall be operated, unless the on-site parking requirements are satisfied. There is no on street parking available in this section of River Rd., therefore the parking requirement must be satisfied onsite and the City would have known this upon making this a C2 zoned property.

Boerne's Master Plan Goal 1 addresses land use and development guiding principles and indicates a desire to promote private investment in downtown Boerne, the plan encourages redevelopment in areas where public services and utilities are already in place. This property is located just a few blocks off Main Street in the River Road Overlay area and has all city utilities and services available. The Plan further notes that Boerne is favored for economic growth and has seen growth in retail development. This will be a retail business, thereby contributing to the growth to retail development in Boerne.

2. The purposes of these regulations. The goal of stormwater management is to improve the quality of runoff before it enters local waterways. The standards were developed to maintain the quality of surface waters in Texas to support public health, recreational use and protect aquatic life. Currently the property has a large Riparian zone to mitigate runoff before it enters the drainage area.

3. The intent of the standards is to promote quality of water with the DPZ. The Riparian area with trees and native vegetation will not be affected by the parking area, and an LID feature will be added as needed to improve or maintain its ability to filter water drainage. An example of the proposed LID feature includes a Rain Garden.

F. Will the variance have an adverse effect on existing adjacent landowners, potential future landowners in and adjacent to the subdivision, existing or potential development within any area of impact of the proposed subdivision.

No, the variance will not have an adverse effect on the existing adjacent landowner, potential future landowners in and adjacent to the property, existing or potential development within any area of impact of the proposed parking lot.

G. Will the variance negatively impact efficient development of the land and surrounding areas based on sound planning principles and the goals and policies of the Master Plan.

The variance will not negatively impact efficient development of the land and surrounding areas based on sound planning principles and the goals and policies of the Master Plan.

NOTE: there are no trees in the area where the proposed parking lot will be. There is one Magnolia tree off to the side of the house close to the retaining wall that will not be affected. Currently the ground where the proposed parking will be is covered with dirt and weeds, there is a sidewalk and an asphalt driveway.

H. Will the variance adversely impact the general health, safety and welfare of the public.

No, the variance will not adversely Impact the general health, safety and welfare of the public.

Each subdivision standard for which a variance is requested shall be specifically identified as a Note on the final plat.

Conditions.

In granting approval of a subdivision with a variance, the Planning Commission may prescribe conditions to secure the objectives and interest of the City, and to enforce the purpose and intent of these regulations. In granting a variance, the Commission shall prescribe only conditions that it deems necessary to or desirable in the public interest.

NO ADVERSE IMPACT LETTER

**** SITE EXHIBIT WITH EXISTING AND PROPOSED DRAINAGE FLOW LINES MUST BE ATTACHED ****

Property Address: 612 River Rd Boerne TX 78006

Date Submitted: 7-10-2024

Contact Information

Property Owner

Name: Nancy L Garcia

Telephone #: 956 465 8874

Email: nlg825@yahoo.com

Project Description

Requesting for variance for parking lot in DPZ 1-2
and special permit. C-2 property requires 4
parking spaces per code. additional variance request continues below.

Construction of this project will not alter the existing drainage patterns and will not adversely affect any of the adjacent neighbors or downstream properties.

I acknowledge that Section 11.086 of the Texas Water Code states that no person may divert or impound the natural flow of surface waters in a manner that damages the property of another and that I may be held responsible if a person's property is injured by an overflow of water resulting from this project.

additional request for variance: for the short driveway throat length of the proposed site plan and the encroachments of on-site proposed parking spots into the 15 ft residential and 10 ft ROW commercial parking buffers required in section 5.6.B.3 of the UDC.



Property Owner Signature



EXISTING LAYOUT



PROPOSED LAYOUT

EXISTING IMPERVIOUS COVER CALCULATIONS

	AREA OUTSIDE OF DPZ (SF)	AREA INSIDE OF DPZ1 (SF)	AREA INSIDE OF DPZ2 (SF)	TOTAL (SF)	TOTAL (AC)	TOTAL %
PROPERTY *	1491	19262	7352	28105	0.645	-
IC: EXISTING PAVING	972	-	358	1330	0.03	4.7%
IC: BUILDINGS	37	17	1519	1573	0.04	5.6%
IC: TOTAL	1009	17	1877	2903	0.07	10.3%
OFFSITE PAVING	152	-	67	219	0.005	-

* A TOTAL OF 94.7% OF THE PROPERTY IS LOCATED WITHIN DRAINAGEWAY PROTECTION ZONES. 68.6% OF THE PROPERTY IS LOCATED WITHIN DPZ1 AND 26.2% IS LOCATED WITHIN DPZ2.

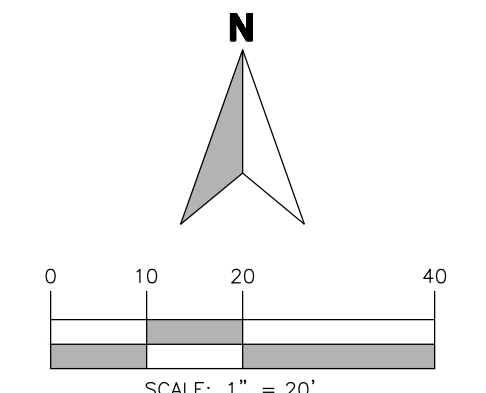
PROPOSED IMPERVIOUS COVER CALCULATIONS

	AREA OUTSIDE OF DPZ (SF)	AREA INSIDE OF DPZ1 (SF)	AREA INSIDE OF DPZ2 (SF)	TOTAL (SF)	TOTAL (AC)	TOTAL %
PROPERTY *	1491	19262	7352	28105	0.645	-
IC: PAVING	502	-	1842	2344	0.05	8.3%
IC: BUILDINGS	37	-	1470	1507	0.03	5.4%
IC: TOTAL	539	-	3312	3851	0.09	13.7% **
OFFSITE PAVING	44	-	200	244	0.006	-

* A TOTAL OF 94.7% OF THE PROPERTY IS LOCATED WITHIN DRAINAGEWAY PROTECTION ZONES. 68.6% OF THE PROPERTY IS LOCATED WITHIN DPZ1 AND 26.2% IS LOCATED WITHIN DPZ2.

** 3.3% INCREASE IN IMPERVIOUS COVER IS PROPOSED

A DECREASE OF 17 SF IS PROPOSED WITHIN DPZ 1 AND AN INCREASE OF 1435 SF IS PROPOSED WITHIN DPZ2.



LEGEND

- PROPERTY LINE
- - - ADJACENT PROPERTY LINE
- 1300- EXISTING MAJOR CONTOUR
- 1301- EXISTING MINOR CONTOUR
- EXISTING DPZ
- EXISTING BUILDING
- SARA 100-YEAR FLOODPLAIN
- STREAM CENTERLINE
- XXXXXXXXXX EXISTING TO BE DEMOLISHED

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612 RIVER RD

**612 River – Site Photos
September 4, 2024**



