

**AGENDA**  
**PLANNING AND ZONING COMMISSION MEETING**  
**BOERNE CITY HALL**  
**RONALD C. BOWMAN CITY COUNCIL CHAMBERS**  
**447 North Main Street**  
**Monday, February 2, 2026 – 6:00 p.m.**

A quorum of the Planning and Zoning Commission will be present during the meeting at: 447 N. Main St., Boerne, TX 78006

EXECUTIVE SESSION IN ACCORDANCE WITH THE TEXAS GOVERNMENT CODE: THE PLANNING AND ZONING COMMISSION MAY, AS PERMITTED BY LAW, ADJOURN INTO EXECUTIVE SESSION AT ANY TIME TO DISCUSS ANY MATTER LISTED BELOW AS AUTHORIZED BY TEXAS GOVERNMENT CODE §551.071 (CONSULTATION WITH ATTORNEY)

1. CALL TO ORDER – 6:00 PM

Pledge of Allegiance to the United States Flag

Pledge of Allegiance to the Texas Flag

(Honor the Texas flag, I pledge allegiance to thee, Texas – one state under God, one and indivisible.)

2. CONFLICTS OF INTEREST

3. PUBLIC COMMENTS: This is the opportunity for visitors and guests to address the Planning and Zoning Commission on any issue. The Planning and Zoning Commission may not discuss any presented issue, nor may any action be taken on any issue at this time. (Attorney General opinion – JC-0169)

4. CONSENT AGENDA: All items listed below within the consent agenda are considered routine by the Planning and Zoning Commission and may be enacted with one motion. There will be no separate discussion of items unless there is a Commission member or citizen request, in which event the item may be moved to the general order of business and considered in its normal sequence.

- A.     [2026-018](#)           CONSIDER APPROVAL OF THE MINUTES OF THE PLANNING AND ZONING COMMISSION MEETING OF JANUARY 12, 2026.

**Attachments:**     [PZ Minutes 1.12.2026](#)

- B. [2026-019](#) CONSIDER APPROVAL FOR BUC-EE'S #41A MAJOR SUBDIVISION PLAT, CONTAINING A PORTION OF THE "IH-10 SURPLUS NORTH" TRACT, GENERALLY LOCATED AT 33365 INTERSTATE 10 W, BOERNE, TEXAS, 78006.

**Attachments:** [AIS -Buc-ee's TxDot](#)  
[Attachment 1 – Aerial Map](#)  
[Attachment 2 – Future Land Use Map](#)  
[Attachment 3 - Zoning Map](#)  
[Attachment 4 – Environmental Constraints Map](#)  
[Attachment 5 – Proposed Buc-ee’s #41A Major Subdivision Plat](#)

5. REGULAR AGENDA:

- A. [2026-020](#) CONSIDER A REQUEST FOR A VARIANCE TO CHAPTER 8, SECTION 8.2(A) 2.B. RESTRICTIONS WITHIN WATERSHED PROTECTION ZONES, OF THE UNIFIED DEVELOPMENT CODE FOR A PROPERTY LOCATED AT 727A JOHNS ROAD (KAD NO. 14393).

**Attachments:** [AIS - 727A Johns Road DPZ Variance](#)  
[23-10-2238 - DPZ Variance Application - SIGNED](#)  
[727A Johns Road DPZ Map](#)

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

7. ADJOURNMENT

s/s Nathan Crane

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Administrative Officer

CERTIFICATION

I herby certify that the above notice of meeting was posted on the 27th day of January,  
2026 at 5:00 p.m.

s/s Misti Rains

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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**  
**SPECIAL CALLED PLANNING AND ZONING COMMISSION MEETING**  
**BOERNE CITY HALL**  
**RONALD C. BOWMAN CITY COUNCIL CHAMBERS**  
**447 North Main Street**  
**Monday, January, 12, 2026 – 6:00 p.m.**

**Present**           **6 -** Vice Chair Lucas Hiler, Commissioner Bob Cates, Commissioner Susan Friar, Commissioner Cody Keller, Commissioner Bill Bird, and Commissioner Carlos Vecino

**Absent**           **1 -** Chairman Tim Bannwolf

**Staff Present:** Nathan Crane, Franci Linder, Sarah Riggs, Jeff Carroll, Mick McKamie, Abigail Knott, Misti Rains, and Siria Arreola.

**Recognized/Registered Guests:** John, McNamare, Virginia Nikolich, Tanji Patton, Dana Mathes, Susan and Skipper Welson, James and Emma Willis, Mike and Carol Schultz, Mickey Starnes, Jan Rider, Karen Hawkins, Kathie Maxfield, Mark Hawkins, Denise Bruchmiller, Carol Towery, and Perry Bush.

**1. CALL TO ORDER – 6:00 PM**

Vice Chairman Hiler called the meeting to order at 6:00 p.m. He led the Pledge of Allegiance to the United States Flag and the Texas Flag, followed by a moment of silence.

**2. CONFLICTS OF INTEREST**

Commissioner Keller declared a conflict with agenda item 5A.

**3. PUBLIC COMMENTS:**

Dana Mathes, 164 Creek Springs, shared his concerns regarding Buc-ee's and requested that the commission withhold plat approval until the development agreement is finalized.

Mark Hawkins, 530 Oak Park, voiced concerns about the project at Siena Court and Mr. Luciani.

**4. CONSENT AGENDA:**

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

**Yeah:** 6 - Vice Chair Hiler, Commissioner Cates, Commissioner Friar, Commissioner Keller, Commissioner Bird, and Commissioner Vecino

**A. [2025-652](#) CONSIDER APPROVAL OF THE MINUTES OF THE PLANNING AND ZONING COMMISSION MEETING OF DECEMBER 1, 2025.**

The Minutes were approved.

Commissioner Keller stepped away from the Dais at 6:01 p.m.

**A. [2025-651](#) CONSIDER APPROVAL FOR BUC-EE'S #41 FINAL PLAT GENERALLY LOCATED AT 33375 INTERSTATE 10 W.**

Franci Linder, Assistant Planning Director, presented the location map for the proposed final plat and noted that the preliminary plat was approved on October 5, 2020. Ms. Linder displayed the future land use map, indicating that the property is designated for commercial use, and reviewed the proposed final plat, which includes a lot dedication to the City of Boerne for open space. Primary access to the property will be from IH 10 via Buc-ee's Way.

Ms. Linder reviewed the staff recommendation, which is to approve the final plat subject to the following conditions: 1. The recorded plat must substantially conform to the version dated January 8, 2026 and 2. The final plat shall not be recorded until all clerical corrections have been completed to the satisfaction of the Planning Director.

Discussion ensued regarding missing approval stamps on the Buc-ee's plat. Ms. Linder clarified that the plat has received full departmental review and that staff has provided a clean copy. Additional discussion followed regarding the Traffic Impact Analysis (TIA).

Vice Chairman Hiler called on Mr. Dana Mathes to address the Commission. Mr. Mathes stated that a community group had previously met with the Mayor, City Manager, and City Staff to discuss concerns.

Vice Chairman Hiler called on Mr. Jon McNamare, representative for Buc-ee's, who explained that the final plat was resubmitted in November and that Buc-ee's had been waiting for the completion of other related processes.

Nathan Crane, Planning Director, clarified that the open space is dedicated to the City of Boerne for park use, which does not require additional zoning action. He also reviewed with the Commission the criteria for final plat approval as outlined in the Unified Development Code (UDC).

A MOTION WAS MADE BY COMMISSIONER CATES, SECONDED BY COMMISSIONER BIRD, TO APPROVE THE FINAL PLAT FOR BUC-EE'S #41 GENERALLY LOCATED AT 33375 INTERSTATE 10 W, WITH THE FOLLOWING STIPULATIONS: 1. THE RECORDED PLAT SHALL SUBSTANTIALLY CONFORM TO THE FINAL PLAT DATE STAMPED JANUARY 8, 2026 AND 2. THE FINAL PLAT SHALL NOT BE RECORDED UNTIL ALL CLERICAL CORRECTIONS HAVE BEEN REVISED AS DETERMINED BY THE PLANNING DIRECTOR. THE MOTION CARRIED BY THE FOLLOWING VOTE:

**Yeah:** 5 - Vice Chair Hiler, Commissioner Cates, Commissioner Friar, Commissioner Bird, and Commissioner Vecino

**Recused:** 1 - Commissioner Keller

Commissioner Keller returned to the Dais at 6:37 p.m.

**B. [2025-653](#) CONSIDER APPROVAL FOR SIENA COURT GARDEN HOMES FINAL PLAT APPROVAL GENERALLY LOCATED NORTHEAST OF DAILEY STREET AND FREY STREET.**

Ms. Franci Linder presented the location and future land use maps for the Siena Court subdivision. She noted the property, formerly owned by J.L. Muell, had a preliminary plat approved on November 15, 2018, which expired on April 6, 2021. The proposed final plat shows subdivision access from Siena Court.

The Planning and Zoning Commission previously denied the plat on November 3, 2026, per the UDC for stated reasons.

Ms. Linder reported that ownership has since changed and that the applicant submitted a letter included in the meeting packet. Staff recommended approval of the final plat with six stipulations, including repairs to the Siena Court pavement.

Vice Chairman Hiler called on Mr. Mitchell Stars to speak. Mr. Stars is representing the new ownership under Mr. Jesse Moreno of 310 Sunset, San Antonio, who stated that the goal is to complete the project.

Vice Chairman Hiler called on Ms. Jan Rider, 530 Oak Park, she stated residents never received what they were promised.

Commissioners discussed the change in ownership, the new owner's financial capacity, the timing of required stipulations, and clarification of the ownership name shown on the plat.

A MOTION WAS MADE BY COMMISSIONER FRIAR, SECONDED BY COMMISSIONER VECINO, TO APPROVE THE FINAL PLAT FOR SIENA COURT GARDEN HOMES GENERALLY LOCATED NORTHEAST OF DAILEY STREET AND FREY STREET WITH THE STIPULATION THAT THE OWNER'S NAME BE ADDED TO THE FINAL PLAT AND 1. THE RECORDED PLAT SHALL SUBSTANTIALLY CONFORM TO THE FINAL PLAT DATE STAMPED OCTOBER 20, 2025. 2. PRIOR TO FINAL ACCEPTANCE, ALL EXISTING OR PROPOSED FENCES/RETAINING WALLS NOT INCLUDED AS PART OF THE PUBLIC IMPROVEMENTS WILL NEED TO HAVE PERMITS SUBMITTED, REVIEWED, AND APPROVED. THIS INCLUDES PROVIDING GATES CROSSING UTILITY EASEMENTS AND REPAIRING/IMPROVING THE FENCE ABUTTING THE COTTAGES ON OAK PARK BASED ON A STRUCTURAL ENGINEER'S ANALYSIS. 3. PRIOR TO FINAL ACCEPTANCE OF THE PUBLIC IMPROVEMENTS THE DEVELOPER MUST CONDUCT ALL REQUIRED TESTING OF THE WATER, SEWER, AND GAS INFRASTRUCTURE AND MAKE ANY REPAIRS NECESSARY TO MEET CITY SPECIFICATIONS AS DETERMINED BY THE CITY ENGINEER. THIS INCLUDES, BUT IS NOT LIMITED TO: REPAVING THE ENTIRE CUL-DE-SAC AND REPAIRING/IMPROVING DRAINAGE FOR THE INLET INTERCEPTING THE STORMWATER RUNOFF LEAVING THE COTTAGES ON OAK PARK DETENTION FACILITIES. 4. A 2-YEAR, 20% WARRANTY BOND SHALL BE PROVIDED AT FINAL ACCEPTANCE. 5. PRIOR TO RECORDATION, FINANCIAL GUARANTEE SHALL BE PROVIDED FOR THE CURRENT COST OF STREETS, DRAINAGE, AND UTILITIES IMPROVEMENTS IF THESE IMPROVEMENTS HAVE NOT BEEN ACCEPTED BY THE CITY. 6. THE FINAL PLAT SHALL NOT BE RECORDED UNTIL ALL CLERICAL CORRECTIONS HAVE BEEN REVISED AS DETERMINED BY THE PLANNING DIRECTOR. THE MOTION CARRIED BY THE FOLLOWING VOTE:

**Yeah:** 6 - Vice Chair Hiler, Commissioner Cates, Commissioner Friar, Commissioner Keller, Commissioner Bird, and Commissioner Vecino

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

Planning Director Nathan Crane introduced Ms. Misti Raines, Executive Assistant for the Planning Department.

**7. ADJOURNMENT**



Vice Chairman Hiler adjourned the Planning and Zoning Commission Meeting at 7:04 p.m.

\_\_\_\_\_  
Vice Chair

\_\_\_\_\_  
Administrative Officer



## AGENDA ITEM SUMMARY

<b>Agenda Date</b>	February 2, 2026
<b>Requested Action</b>	Consider approval for Buc-ee's #41A Major Subdivision Plat, containing a portion of the "IH-10 Surplus North" tract, generally located at 33365 Interstate 10 W, Boerne, Texas, 78006.
<b>Contact Person</b>	Francesca "Franci" Linder, AICP - Assistant Planning Director (830) 248-1528, <a href="mailto:flinder@boerne-tx.gov">flinder@boerne-tx.gov</a>
<b>Background Information</b>	<p><b>BACKGROUND:</b></p> <p>The property is owned by Buc-ee's LTD. Robert Lewis, P.E. of Kimley-Horn serves as the applicant's representative.</p> <p>The City entered into a 380 Economic Development Agreement with Buc-ee's LTD., effective August 19<sup>th</sup>, 2016. On October 27, 2025, City Council authorized City Management to continue negotiating the first amendment to this agreement to strengthen design standards, infrastructure commitments, and community benefits. City Council approved an amendment to the 380 Economic Development Agreement on January 27, 2026.</p> <p>Additionally, the developer also entered into a 381 Agreement (Agreement to Stimulate, Encourage and Develop Business Location and Commercial Activity) with Kendall County, effective October 6th, 2016.</p> <p>The Minor Master Development Plan was administratively approved on December 4, 2025.</p> <p>The property is zoned C-3 (Community Commercial). The zoning was ratified following Planning and Zoning Commission recommendation for approval on December 1, 2025, and City Council approval after public hearings on January 13, 2026 (first reading) and January 27, 2026 (second reading).</p> <p>The plat was re-submitted on January 22, 2026. Per UDC Sec. 2-6.A. 8.h. fifteen day review period expires on February 6, 2026.</p>

	<p><b>REQUEST:</b></p> <ol style="list-style-type: none"><li>1. The request is to consider approval of a proposed plat that contains 2 commercial lots across 3.976 acres of land. This represents an average density of 1.988 acres per lot.</li><li>2. The plat contains 1.19 acres of drainage and 0.3835 acres of utility easement.</li><li>3. From IH-10 Frontage Road, Buc-ee’s Way (primary collector) will provide primary access to the site. Buc-ee’s Way is identified as a primary collector on the City’s Thoroughfare Plan and in the Development Agreement.</li><li>4. The City of Boerne will provide sanitary sewer, water, and natural gas service to the property. Bandera Electric Cooperative, Inc. will also service the site.</li></ol> <p><b>ANALYSIS:</b></p> <p><u>Comprehensive Master Plan &amp; Zoning:</u></p> <ul style="list-style-type: none"><li>• The City’s Future Land Use Map designates this property as Auto-Oriented Commercial. The proposed plat is consistent with the Comprehensive Plan.</li><li>• The plat is consistent with the C3– SIC (Community Commercial within the Scenic Interstate Corridor Overlay District).</li><li>• The proposed plat is consistent with the terms of the original and amended 380 Development Agreement, and the applicable subdivision regulations in effect at the time of Development Agreement approval, including lotting and block configuration.</li></ul> <p><u>Landscaping and Open Space:</u></p> <ul style="list-style-type: none"><li>• The larger lot (Lot 4) is 2.982 acres and represents the core of the proposed development. Lot 5 in the southeastern corner is the smaller lot (0.997 acres) and mostly consists of a drainage easement.</li><li>• There are 9 Heritage Legacy trees identified on the plat.</li></ul> <p><u>TIA, Utilities, Drainage and Floodplain:</u></p>
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	<ul style="list-style-type: none"><li>• The traffic impact analysis for this plat meets all applicable requirements and was approved by City of Boerne Engineering &amp; Mobility Department on January 7, 2026.</li><li>• This plat contains approximately 1.19 acres of drainage easements total, with 0.4194 acres within Lot 4 and 0.7715 acres within Lot 5.</li><li>• There is no Floodplain or Drainage Protection Zones on the subject property.</li><li>• The City of Boerne will provide sanitary sewer, water, and natural gas service to the property. Bandera Electric Cooperative, Inc. will service the site. The public infrastructure construction plans were approved by the City on January 21, 2026.</li></ul> <p><b>FINDINGS:</b></p> <p>Based on the above analysis, Staff finds the plat to be consistent with:</p> <ul style="list-style-type: none"><li>• The plat is consistent with the Comprehensive Master Plan.</li><li>• The plat is consistent with the Development Agreement Development Agreement and Amendment.</li><li>• The plat has been reviewed by all pertinent departments and is consistent with the applicable subdivision regulations.</li></ul> <p><b>RECOMMENDATION:</b></p> <p>The Planning and Zoning Commission should determine if the request meets the requirements of UDC Section 2-6 Platting Procedure. If the Commission chooses to recommend approval, staff recommends the inclusion of the following stipulations</p> <ol style="list-style-type: none"><li>1. The recorded plat shall substantially conform to the plat date stamped January 22, 2026.</li><li>2. The plat shall not be recorded until all clerical corrections have been revised as determined by the Planning Director.</li></ol> <p><b>MOTIONS FOR CONSIDERATION:</b></p> <p>The following motions are provided to assist the Commission’s decision.</p> <p>I move that the Planning and Zoning Commission accept the findings and <b>APPROVE</b> the proposed plat subject to the stipulation recommended by staff.</p>
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	<p>OR</p> <p>I move that the Planning and Zoning Commission <b>DENY</b> the proposed 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.).</p>
<b>Strategic Alignment</b>	
<b>Financial Considerations</b>	N/A
<b>Citizen Input/Board Review</b>	Public notice or hearing is not required for plats.
<b>Legal Review</b>	This action is needed to meet statutory requirements.
<b>Alternative Options</b>	The Commission may approve, approve with conditions, extend the review, or disapprove the plat.
<b>Supporting Documents</b>	<p>Attachment 1 – Aerial Map</p> <p>Attachment 2 – Future Land Use Map</p> <p>Attachment 3 – Zoning Map</p> <p>Attachment 4 – Environmental Constraints Map</p> <p>Attachment 5 – Proposed Buc-ee's #41A Major Subdivision Plat</p>





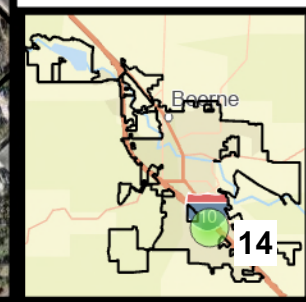
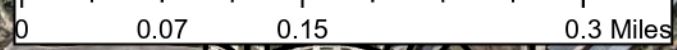
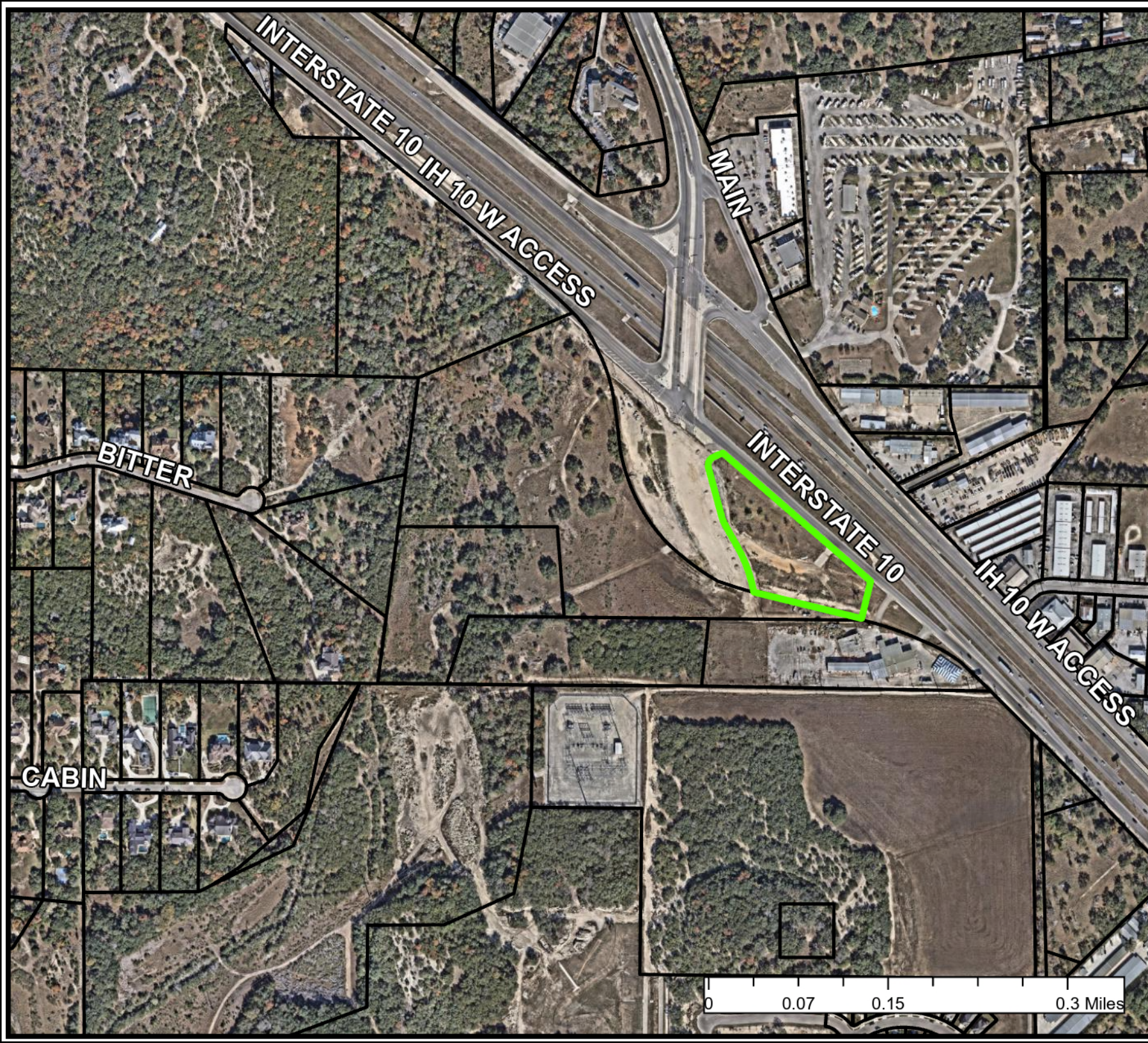


# SUBJECT PROPERTY

Buc-ee's TXDOT

## Legend

-  Parcels
-  Subject Property





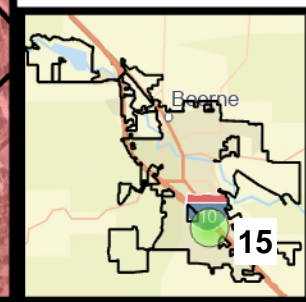
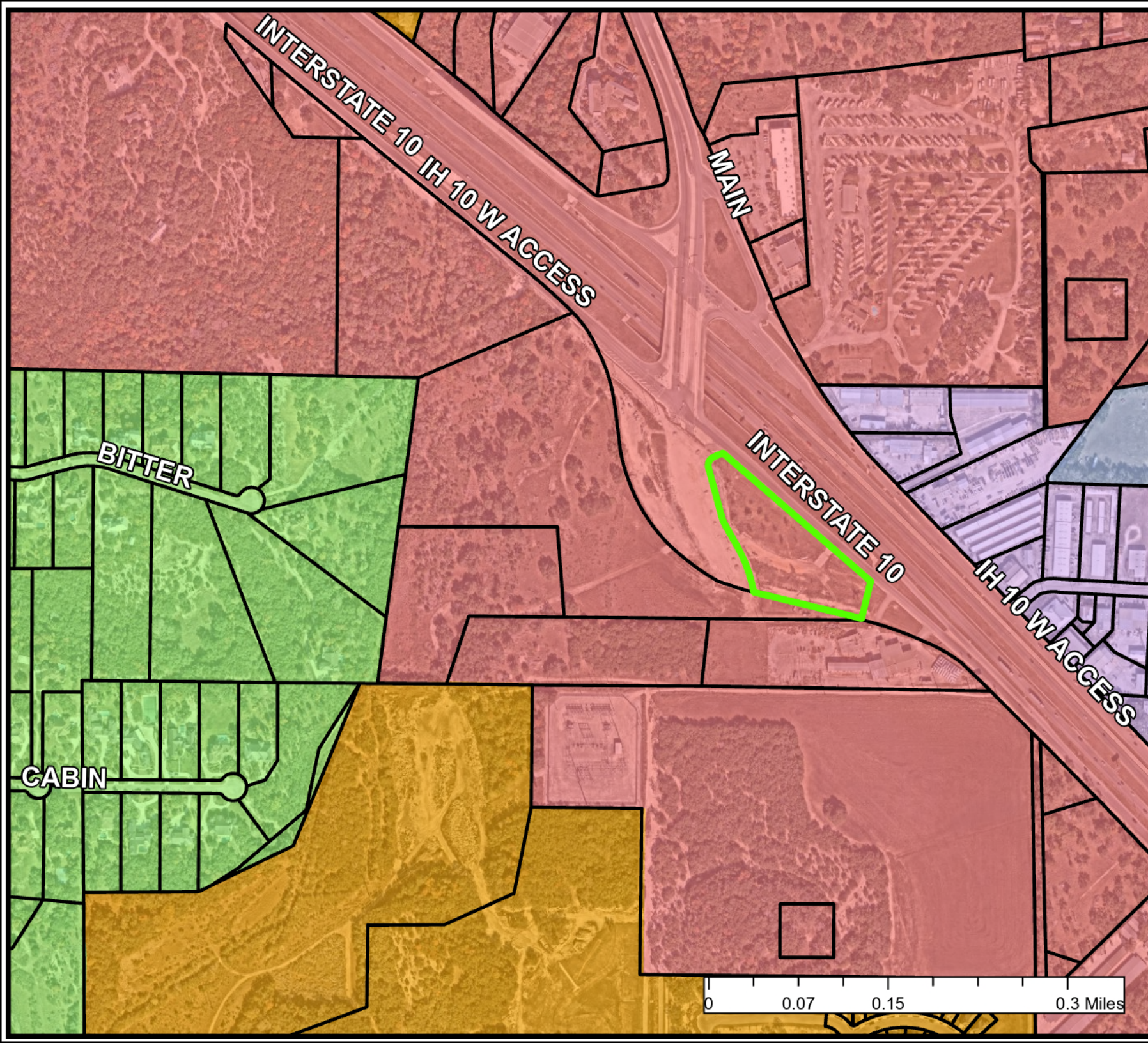


SUBJECT PROPERTY

Buc-ee's TXDOT

Legend

- Parcels
- Subject Property
- Auto-Oriented Commercial
- Business Park
- Public and Institutional
- Rural Estate
- Transitional Residential





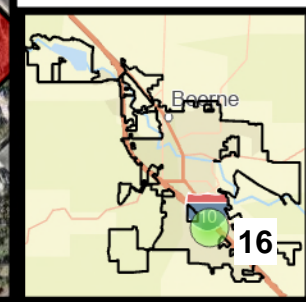
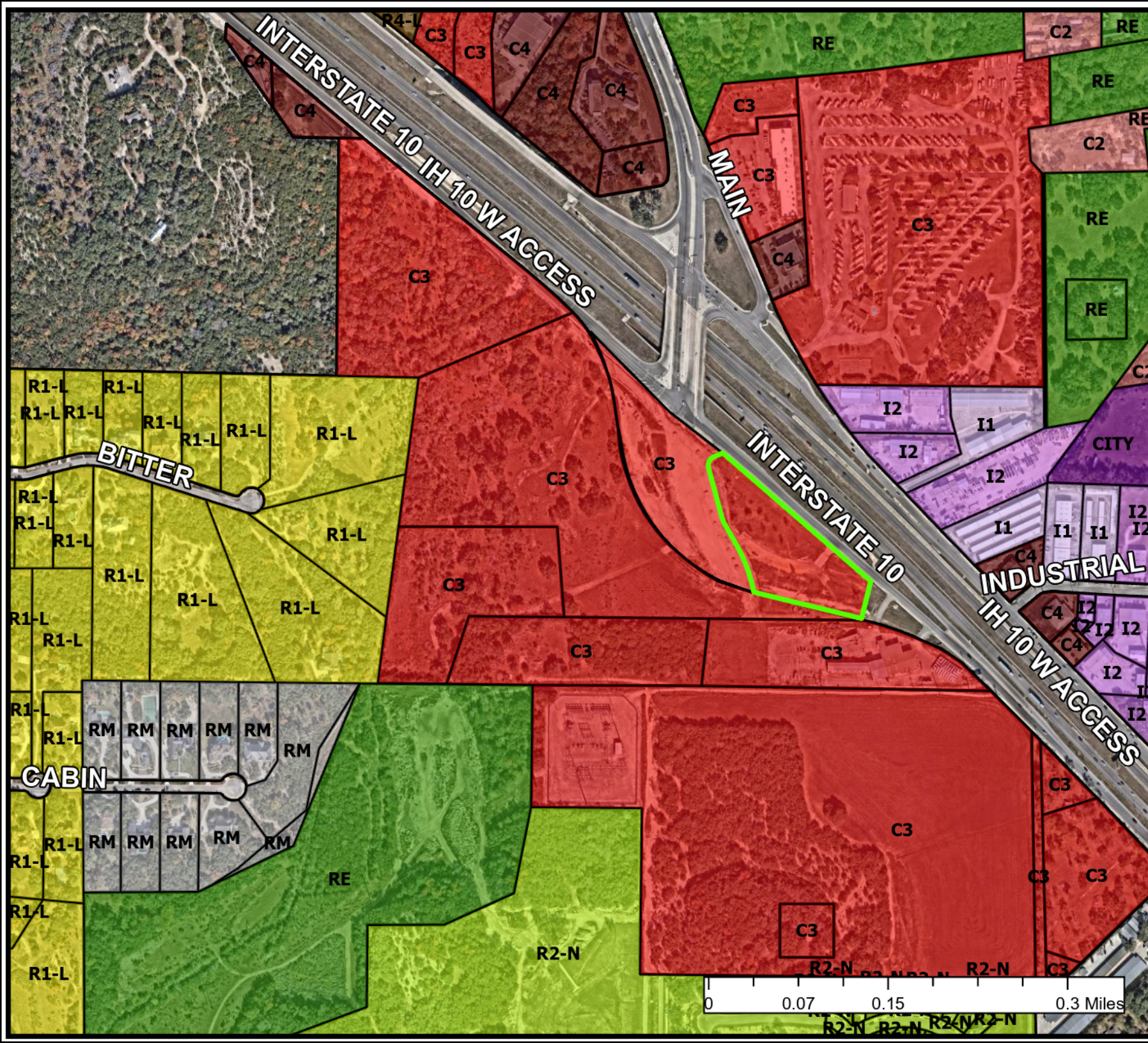


# SUBJECT PROPERTY

Buc-ee's TXDOT

## Legend

- Parcels
- C2
- C3
- C4
- CITY
- I1
- I2
- R1-L
- R2-N
- RE
- RM
- R3-A
- R4-L
- Subject Property





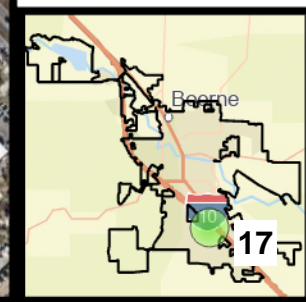
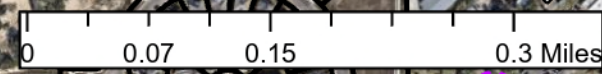
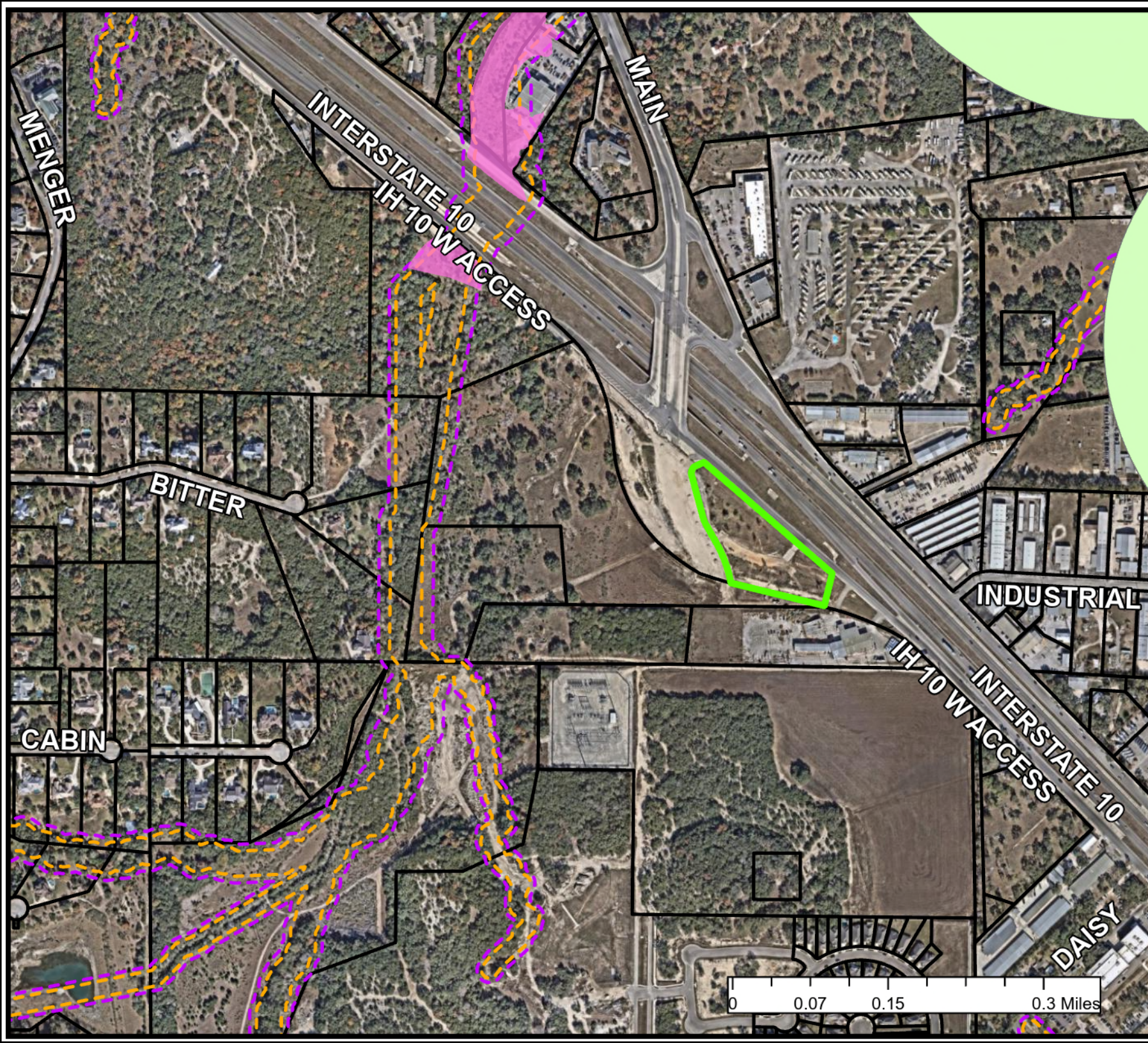


# SUBJECT PROPERTY

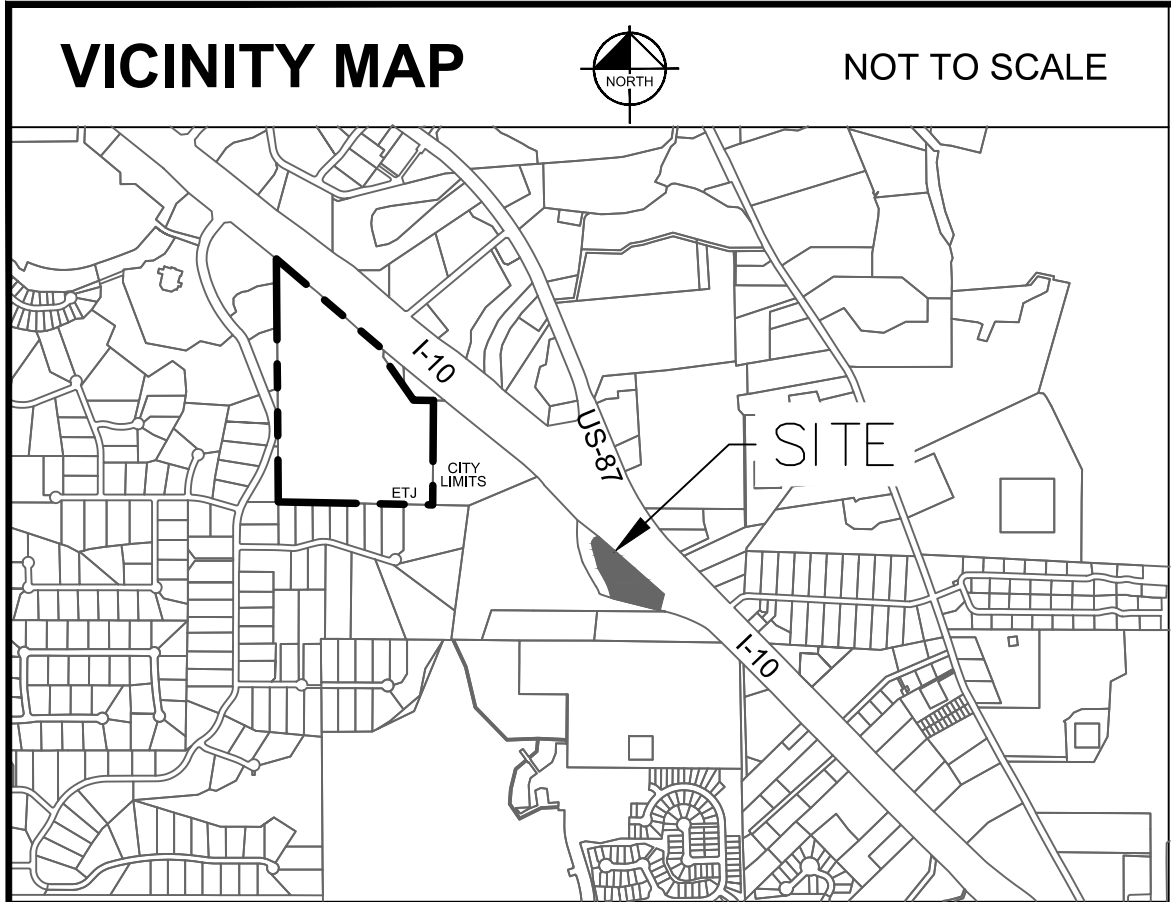
Buc-ee's TXDOT

## Legend

- Parcels
- Subject Property
- DPZ 1
- DPZ 2
- SARA Floodplain
- SARA Floodway
- Lower Glenrose Buffer







APPROVAL OF THE PLANNING AND ZONING COMMISSION:

THIS PLAT OF BUC-EE'S #41A 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

THE OWNER OF LAND SHOWN ON THIS MAJOR SUBDIVISION 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:  
BUC-EE'S, LTD.  
CONTACT: SCOTT RAY  
327 FM-2004  
LAKE JACKSON, TX 77566

OWNER: BUC-EE'S, LTD

DULY NOTED AGENT

STATE OF TEXAS  
COUNTY OF BEXAR

BEFORE ME, THE UNDERSIGNED AUTHORITY ON THIS DAY PERSONALLY APPEARED  
KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE  
FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT SHE EXECUTED THE SAME FOR THE PURPOSES AND  
CONSIDERATIONS THEREIN EXPRESSED AND IN THE CAPACITY THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ A.D. 20\_\_\_\_\_

NOTARY PUBLIC IN AN FOR THE STATE OF TEXAS

SUMMARY TABLE

TOTAL ACREAGE:	3.976 AC
NUMBER OF LOTS:	2 LOTS (COMMERCIAL)
COMMERCIAL ACREAGE:	3.976 AC
TOTAL ACREAGE OF RIGHT-OF-WAY:	0.00 AC
TOTAL ACREAGE OF OPEN SPACE:	0.00 AC
TOTAL AREA OF IMPERVIOUS COVER PROPOSED:	1.48 AC
TOTAL PERCENTAGE OF IMPERVIOUS COVER:	37.2%
EXISTING ZONING:	B-2 (PENDING C-3 RATIFICATION)
PLAT DENSITY:	2 LOTS
LARGEST LOT SIZE:	2.98 AC
SMALLEST LOT SIZE:	~1.00 AC

SURVEYORS NOTES:

- PROPERTY CORNERS ARE MONUMENTED WITH 1/2" IRON ROD WITH A PLASTIC CAP STAMPED "KHA" PRIOR TO LOT SALES UNLESS NOTED OTHERWISE.
- THE BEARINGS SHOWN HEREON ARE THE TEXAS STATE PLANE SYSTEM, SOUTH CENTRAL ZONE (FIPS 4204) (NAD'83). ALL DISTANCES SHOWN HEREON ARE ON THE SURFACE. THE GRID TO SURFACE SCALE FACTOR IS 1.00017 FEET. THE UNIT OF LINEAR MEASUREMENT IS U.S. SURVEY FEET.
- TREE AND TOPOGRAPHY PROVIDED BY COLLIER'S ENGINEERING SURVEY.

OWNER:  
BUC-EE'S, LTD.  
327 FM 2004  
LAKE JACKSON, TEXAS 77566  
CONTACT: SCOTT RAY  
CIVIL ENGINEER:  
KIMLEY-HORN AND ASSOCIATES, INC.  
2600 N. CENTRAL EXPRESSWAY  
SUITE 400  
RICHARDSON, TEXAS 75080  
TBPE #928  
SURVEYOR:  
KIMLEY-HORN AND ASSOCIATES, INC.  
10101 REUNION PLACE, SUITE 400  
SAN ANTONIO, TEXAS 78216

EASEMENT NOTES

DRAINAGE EASEMENT:  
DRAINAGE, WATER DIVERSION AND SANITARY CONTROL, INCLUDING WITHOUT LIMITATION, WALLS, BED, EMBANKMENTS, SPILLWAYS, APPURTENANCES AND OTHER ENGINEERED DEVICES (THE "DRAINAGE SYSTEM").

TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS OVER PASSABLE AREAS OF THE GRANTOR'S ADJACENT LAND, WHEN THE DELINEATED ENTRANCE POINT THAT ABUTS PUBLIC RIGHT OF WAY IS OBSTRUCTED AND/OR INACCESSIBLE, EITHER IN WHOLE OR IN PART, IN ORDER TO ACCESS OR LEAVE THE EASEMENT FOR THE PURPOSE OF CONSTRUCTING, RECONSTRUCTING, INSPECTING, PATROLLING, OPERATING, MAINTAINING, REPAIRING, AND REMOVING THE DRAINAGE SYSTEM; THE RIGHT TO CHANGE THE SIZE OF THE DRAINAGE SYSTEM WITHIN THE EASEMENT; THE RIGHT TO RELOCATE ALONG THE SAME GENERAL DIRECTION OF THE DRAINAGE SYSTEM; THE RIGHT TO CREATE AND/OR DREDGE A STREAM COURSES, REFILL, OR DIG OUT SUCH STREAM COURSE, ESTABLISH OR CHANGE STREAM EMBANKMENTS WITHIN THE EASEMENT, INSTALL STORM SEWER SYSTEMS, CULVERTS, WATER GAPS, AND PROTECTING RAILS; THE RIGHT TO REMOVE FROM THE EASEMENT ALL TREES AND PARTS THEREOF, OR OTHER OBSTRUCTIONS, WHICH REASONABLY ENDANGER OR MAY REASONABLY INTERFERE WITH THE EFFICIENCY OF THE DRAINAGE SYSTEM; AND THE RIGHT TO PLACE TEMPORARY STRUCTURES FOR USE IN CONSTRUCTING OR REPAIRING THE DRAINAGE SYSTEM.

WITH RESPECT TO THE DRAINAGE SYSTEM, IT IS EXPRESSLY AGREED AND UNDERSTOOD BY ALL PARTIES HERETO, THAT THE INTENTION IS TO IMPROVE CONDITIONS OF SANITATION AND WATER DRAINAGE CONTROL ON THE PROPERTY FOR THE BENEFIT OF THE PROPERTY, ADJACENT PROPERTY AND THE COMMUNITY, BUT THE CITY DOES NOT GUARANTEE OR WARRANT THAT SUCH CONTROL WORK WILL BE EFFECTIVE, NOR DOES THE CITY ASSUME ANY ADDITIONAL LIABILITY WHATSOEVER FOR THE EFFECTS OF FLOOD, STANDING WATER OR DRAINAGE ON OR TO THE PROPERTY OR ANY OTHER PROPERTY OR PERSONS THAT MIGHT BE AFFECTED BY SAID STREAM, WASH OR GULLY IN ITS NATURAL STATE OR AS CHANGED BY THE CITY.

- THE GRANTOR SPECIFICALLY RESERVES THE RIGHT TO USE ALL OR ANY PART OF THE EASEMENT FOR ANY PURPOSE, WHICH DOES NOT DAMAGE, DESTROY, INJURE, AND/OR UNREASONABLY INTERFERE WITH THE GRANTEE'S USE OF THE EASEMENT.
- THE GRANTEE SHALL MAKE COMMERCIALY REASONABLE EFFORTS TO ENSURE THE DAMAGE TO THE PROPERTY IS MINIMIZED AND WILL AT ALL TIMES, AFTER DOING ANY WORK IN CONNECTION WITH THE DRAINAGE SYSTEM, RESTORE THE PROPERTY TO THE CONDITION IN WHICH THE PROPERTY WAS FOUND BEFORE SUCH WORK WAS UNDERTAKEN TO THE EXTENT THAT SUCH RESTORATION IS REASONABLE IN ACCORDANCE WITH THE GRANTEE'S USUAL AND CUSTOMARY PRACTICES.
- THE GRANTEE SHALL MAKE NECESSARY MODIFICATIONS AND IMPROVEMENTS TO CONFORM WITH THE CITY OF BOERNE DRAINAGE POLICY AND PLAN AT SUCH A TIME AS THE SAID PLAN AND POLICY ARE ENACTED BY CITY COUNCIL OF THE CITY OF BOERNE, TEXAS.

UTILITY EASEMENT:  
UTILITIES, INCLUDING, WITHOUT LIMITATION, SEWER, WATER, GAS, ELECTRICITY, TELEPHONE, AND CABLE TELEVISION, WITH ALL NECESSARY AND/OR DESIRABLE LINES, LATERALS AND/OR APPURTENANCES THERETO (THE "UTILITIES").

TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS OVER PASSABLE AREAS OF THE GRANTOR'S ADJACENT LAND, WHEN THE DELINEATED ENTRANCE POINT THAT ABUTS PUBLIC RIGHT OF WAY IS OBSTRUCTED AND/OR INACCESSIBLE, EITHER IN WHOLE OR IN PART, IN ORDER TO ACCESS OR LEAVE THE EASEMENT FOR THE PURPOSE OF CONSTRUCTING, RECONSTRUCTING, INSPECTING, PATROLLING, OPERATING, MAINTAINING, REPAIRING AND REMOVING THE UTILITIES; THE RIGHT TO PLACE NEW OR ADDITIONAL UTILITIES IN THE EASEMENT AND TO CHANGE THE SIZE OF THE UTILITIES WITHIN THE EASEMENT; THE RIGHT TO RELOCATE ALONG THE SAME GENERAL DIRECTION OF THE UTILITIES; THE RIGHT TO REMOVE FROM THE EASEMENT ALL TREES AND PARTS THEREOF OR OTHER OBSTRUCTIONS, WHICH REASONABLY ENDANGER OR MAY REASONABLY INTERFERE WITH THE EFFICIENCY OR OPERATION OF THE UTILITIES; AND THE RIGHT TO PLACE TEMPORARY STRUCTURES FOR USE IN CONSTRUCTING OR REPAIRING THE UTILITIES.

- THE PROPERTY OWNER RETAINS THE RIGHT TO USE ALL OR ANY PART OF THE EASEMENT FOR ANY PURPOSE WHICH DOES NOT DAMAGE, DESTROY, INJURE AND/OR UNREASONABLY INTERFERE WITH THE USE OF THE EASEMENT. HOWEVER, THE EASEMENT SHALL BE KEPT CLEAR OF ALL STRUCTURES OR OTHER IMPROVEMENTS.
- THE CITY (AND/OR DISTRICT) SHALL MAKE COMMERCIALY REASONABLE EFFORTS TO ENSURE THAT DAMAGE TO THE PROPERTY IS MINIMIZED AND THE CITY 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.

HERITAGE LEGACY TREE NOTE:  
THERE ARE 15 HERITAGE LEGACY TREES, AS DEFINED IN SUBSECTION 2.02.002, IDENTIFIED ON THIS MAJOR SUBDIVISION PLAT.

FENCE NOTES:

- GATES ACROSS EASEMENT: DOUBLE SWING GATES WITH A MINIMUM CLEAR OPENING OF 12 FEET WIDE SHALL BE INSTALLED WHEREVER FENCES CROSS UTILITY AND DRAINAGE EASEMENTS.
- OBSTRUCTIONS OF DRAINAGE: ADEQUATE STRUCTURES SHALL BE PROVIDED TO ALLOW THE UNHINDERED PASSAGE OF ALL STORM AND DRAINAGE FLOWS WHEREVER FENCES CROSS DRAINAGE EASEMENTS.

SIDEWALK NOTE:  
10-FOOT WIDE REINFORCED CONCRETE SIDEWALKS SHALL BE INSTALLED ADJACENT TO ALL STREET FRONTAGE PROPERTY LINES OF EACH LOT FRONTING A STREET AT SUCH TIME AS THAT LOT IS DEVELOPED.

IMPACT FEE ASSESSMENT NOTE:  
ASSESSMENT AND COLLECTION OF THE CITY OF BOERNE WATER AND WASTEWATER UTILITIES' CAPITAL RECOVERY FEES SHALL BE THE AMOUNT PER LOT AS SET FORTH IN CITY ORDINANCE NO. 2023-18, SECTION 1.10(5).

OPEN SPACE NOTES:  
5% OF ALL BUILDING FOOTPRINTS AND AREAS OF IMPERVIOUS SURFACE DEDICATED TO VEHICLE ACCESS AND PARKING. 0.074 ACRES REQUIRED, DEDICATED BY SEPARATE PLAT FOR TOTAL DEVELOPMENT.

DRAINAGE BASIN NOTE:  
NO PART OF THIS MAJOR SUBDIVISION PLAT IS LOCATED UPSTREAM FROM A CITY WATER SUPPLY LAKE.

FLOOD STATEMENT:  
ACCORDING TO MAP NO. 48259C0415F, DATED 12/17/2010 OF THE NATIONAL FLOOD INSURANCE PROGRAM MAP, FLOOD INSURANCE RATE MAP OF KENDALL COUNTY, TEXAS AND INCORPORATED AREAS, FEDERAL EMERGENCY MANAGEMENT AGENCY, FEDERAL INSURANCE ADMINISTRATION, THE PROPERTY IS WITHIN ZONE "X" (UN-SHADED) DEFINED BY FEMA AS "AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN." ALL ZONE DELINEATIONS SHOWN HEREON ARE APPROXIMATE. THIS STATEMENT DOES NOT IMPLY THAT ANY PORTION OF THE SUBJECT TRACT IS TOTALLY FREE OF POTENTIAL FLOOD HAZARD. LOCALIZED FLOODING CAN OCCUR DUE TO NATURAL AND/OR MAN-MADE INFLUENCES. THIS FLOOD STATEMENT SHALL CREATE NO LIABILITY ON THE PART OF KIMLEY-HORN OR THE UNDERSIGNED.

BLOCK PERIMETER:  
BLOCK PERIMETER IS APPROXIMATELY 1,920 LINEAR FEET.

STORAGE VOLUME:  
STORAGE VOLUME REQUIREMENT FOR THIS DEVELOPMENT IS 5.21 AC-FT. DESIGNED 5.3 AC-FT ARE CONTAINED WITHIN THE DRAINAGE EASEMENTS SHOWN ON THE FOLLOWING PAGE.

TXDOT NOTES:

- FOR DEVELOPMENTS DIRECTLY ADJACENT TO STATE RIGHT-OF-WAY, THE DEVELOPER AND/OR LANDOWNER SHALL BE RESPONSIBLE FOR ADEQUATE SETBACK AND/OR SOUND ABATEMENT MEASURES FOR PRESENT AND/OR FUTURE NOISE MITIGATION.
- THE DEVELOPER AND/OR FUTURE LANDOWNER IS RESPONSIBLE FOR PREVENTING ANY ADVERSE IMPACT TO TXDOT HIGHWAY AND DRAINAGE SYSTEM WITHIN THE RIGHT-OF-WAY. A HYDRAULIC REVIEW IS REQUIRED.
- INTERSECTION AND/OR DRIVEWAY ACCESS TO THE STATE HIGHWAY, INCLUDING QUANTITY AND LOCATIONS OF DRIVEWAYS, WILL BE REGULATED AS DIRECTED BY THE CURRENT EDITION OF THE TXDOT ACCESS MANAGEMENT MANUAL.
- IF SIDEWALKS ARE REQUIRED BY TXDOT OR THE APPROPRIATE CITY ORDINANCE, THE LOCATION, THE DESIGN, AND SPECIFICATIONS SHALL ADHERE TO TXDOT REQUIREMENTS WHEN PERMITTED IN TXDOT RIGHT-OF-WAY. A TDLR INSPECTION REPORT WILL BE REQUIRED.
- TXDOT WILL USE THE CURRENT EDITIONS OF THE APPROPRIATE MANUALS WHEN ISSUING PERMITS. TYPICAL MANUAL USED, BUT NOT LIMITED TO ARE: TXDOT ACCESS MANAGEMENT MANUAL, SAN ANTONIO DISTRICT DRIVEWAY, SIDEWALK, LANDSCAPING, AND DRAINAGE PERMIT PACKAGE, TXDOT ROADWAY DESIGN MANUAL, TXDOT HYDRAULIC MANUAL, TXDOT CONSTRUCTION SPECIFICATIONS, AND TXDOT STANDARD SHEETS, WHEN SITE DEVELOPS.
- MAXIMUM ACCESS POINTS TO STATE HIGHWAY FROM THIS PROPERTY WILL BE REGULATED AS DIRECTED BY "ACCESS MANAGEMENT MANUAL". THIS PROPERTY IS ELIGIBLE FOR A MAXIMUM COMBINED TOTAL OF \_\_\_\_\_ ACCESS POINT(S) ALONG IH10 W FRONTAGE RD BASED ON THE OVERALL PLATTED HIGHWAY FRONTAGE OF 748.90'.

TEXAS DEPARTMENT OF TRANSPORTATION  
EXECUTED BY AND APPROVED FOR THE TEXAS TRANSPORTATION COMMISSION FOR THE PURPOSE AND EFFECT OF ACTIVATING AND/OR CARRYING OUT THE ORDERS, ESTABLISHED POLICIES OR WORK PROGRAMS HERETOFORE APPROVED AND AUTHORIZED BY THE TEXAS TRANSPORTATION COMMISSION.

KYLE MADSEN  
RIGHT OF WAY DIVISION DIRECTOR

DATE

STATE OF TEXAS  
COUNTY OF \_\_\_\_\_

BEFORE ME, THE UNDERSIGNED AUTHORITY ON THIS DAY PERSONALLY APPEARED \_\_\_\_\_ KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED AND IN THE CAPACITY THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ A.D. 20\_\_\_\_\_

NOTARY PUBLIC IN AN FOR THE STATE OF TEXAS

Kimley»Horn

10101 Reunion Place, Suite 400  
San Antonio, Texas 78216 FIRM # 10193973

Tel. No. (210) 541-9166  
www.kimley-horn.com

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
N/A	DJG	JGM	1/22/2026	068570016	1 OF 2

MAJOR SUBDIVISION PLAT  
**BUC-EE'S #41A**  
3.976 ACRES  
2 COMMERCIAL LOTS  
BEING ALL OF THAT CERTAIN 3.210 ACRE TRACT AND ALL  
OF THAT CERTAIN 0.7660 ACRE TRACT RECORDED IN  
DOCUMENT NO. 2025-399365, IN THE OFFICIAL PUBLIC  
RECORDS OF KENDALL COUNTY, TEXAS  
JOHN SMALL SURVEY NO. 183, ABSTRACT NO. 441  
CITY OF BOERNE, KENDALL COUNTY, TEXAS

STATE OF TEXAS §  
COUNTY OF BEXAR §

I HEREBY CERTIFY THAT THIS MAJOR SUBDIVISION PLAT IS TRUE AND CORRECT AND WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE ON THE GROUND UNDER MY SUPERVISION.

JOHN G. MOSIER  
REGISTERED PROFESSIONAL LAND SURVEYOR #6330

PRELIMINARY

THIS DOCUMENT SHALL  
NOT BE RECORDED FOR  
ANY PURPOSE AND  
SHALL NOT BE USED OR  
VIEWED OR RELIED  
UPON AS A FINAL  
SURVEY DOCUMENT

BEFORE ME, THE UNDERSIGNED AUTHORITY ON THIS DAY PERSONALLY APPEARED \_\_\_\_\_ KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATION THEREIN EXPRESSED AND IN THE CAPACITY THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_\_.

NOTARY PUBLIC, STATE OF TEXAS

STATE OF TEXAS §  
COUNTY OF DALLAS §

I HEREBY CERTIFY THAT PROPER ENGINEERING CONSIDERATION HAS BEEN GIVEN IN THIS MAJOR SUBDIVISION PLAT TO THE MATTERS OF STREETS, LOTS, AND DRAINAGE LAYOUT. TO THE BEST OF MY KNOWLEDGE, THIS MAJOR SUBDIVISION 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.

JONATHAN C. KERBY, P.E. # 127734  
LICENSED PROFESSIONAL ENGINEER

BEFORE ME, THE UNDERSIGNED AUTHORITY ON THIS DAY PERSONALLY APPEARED \_\_\_\_\_ KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATION THEREIN EXPRESSED AND IN THE CAPACITY THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_\_.

NOTARY PUBLIC, STATE OF TEXAS

Received by  
City of Boerne  
1/22/2026

LINE TABLE			LINE TABLE			LINE TABLE			LINE TABLE			LINE TABLE			LINE TABLE		
NO.	BEARING	LENGTH	NO.	BEARING	LENGTH	NO.	BEARING	LENGTH	NO.	BEARING	LENGTH	NO.	BEARING	LENGTH	NO.	BEARING	LENGTH
L1	N76°28'11"W	425.31'	L9	S49°23'25"E	50.72'	L17	S37°44'01"W	16.97'	L25	S49°23'25"E	5.95'	L33	N49°23'25"W	20.50'	L41	S40°36'35"W	15.00'
L2	N66°01'10"E	38.46'	L10	N40°36'35"E	207.38'	L18	N89°35'18"W	66.86'	L26	S40°36'35"W	15.00'	L34	S40°36'35"W	92.95'	L42	S49°23'25"E	6.00'
L3	N71°28'30"E	14.90'	L11	S54°18'40"E	117.83'	L19	N49°23'25"W	38.12'	L27	N49°23'25"W	5.95'	L35	S40°36'39"W	39.26'	L43	S40°36'34"W	6.50'
L4	N24°42'46"W	46.84'	L12	S16°21'27"E	12.52'	L20	S43°28'07"W	20.03'	L28	S40°36'35"W	12.73'	L36	N49°23'25"W	7.00'			
L5	N32°39'20"W	64.93'	L13	N73°38'33"E	41.43'	L21	N76°28'17"W	6.96'	L29	N49°23'25"W	12.50'	L37	S40°36'35"W	15.00'			
L6	N42°58'44"E	13.93'	L14	S73°38'33"W	48.64'	L22	N08°04'44"W	10.91'	L30	S40°36'35"W	60.37'	L38	S49°23'25"E	7.00'			
L7	S49°23'25"E	270.63'	L15	S16°21'27"E	62.54'	L23	S71°28'30"W	15.25'	L31	S49°23'25"E	20.50'	L39	S40°36'35"W	167.03'			
L8	S43°28'07"W	41.26'	L16	S37°53'18"W	28.57'	L24	S40°36'35"W	60.83'	L32	S40°36'35"W	15.00'	L40	N49°23'25"W	6.00'			

OWNER:  
BUC-EE'S, LTD.  
327 FM 2004  
LAKE JACKSON, TEXAS 77566  
CONTACT: SCOTT RAY  
CIVIL ENGINEER:  
KIMLEY-HORN AND ASSOCIATES, INC.  
2600 N. CENTRAL EXPRESSWAY  
SUITE 400  
RICHARDSON, TEXAS 75080  
TBPE #928  
SURVEYOR:  
KIMLEY-HORN AND ASSOCIATES, INC.  
10101 REUNION PLACE, SUITE 400  
SAN ANTONIO, TEXAS 78216

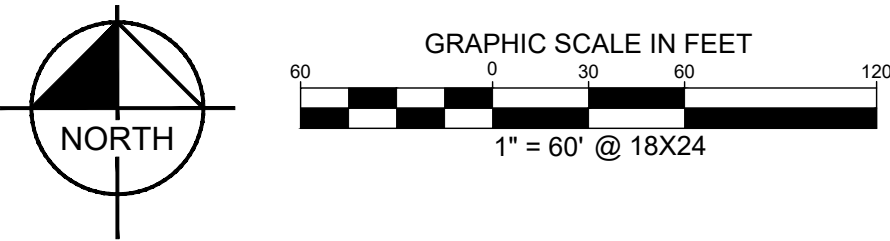
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Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
1" = 60'	DJG	JGM	1/22/2026	068570016	2 OF 2

MAJOR SUBDIVISION PLAT  
**BUC-EE'S #41A**  
3.976 ACRES  
2 COMMERCIAL LOTS

BEING ALL OF THAT CERTAIN 3.210 ACRE TRACT AND ALL  
OF THAT CERTAIN 0.7660 ACRE TRACT RECORDED IN  
DOCUMENT NO. 2025-399365, IN THE OFFICIAL PUBLIC  
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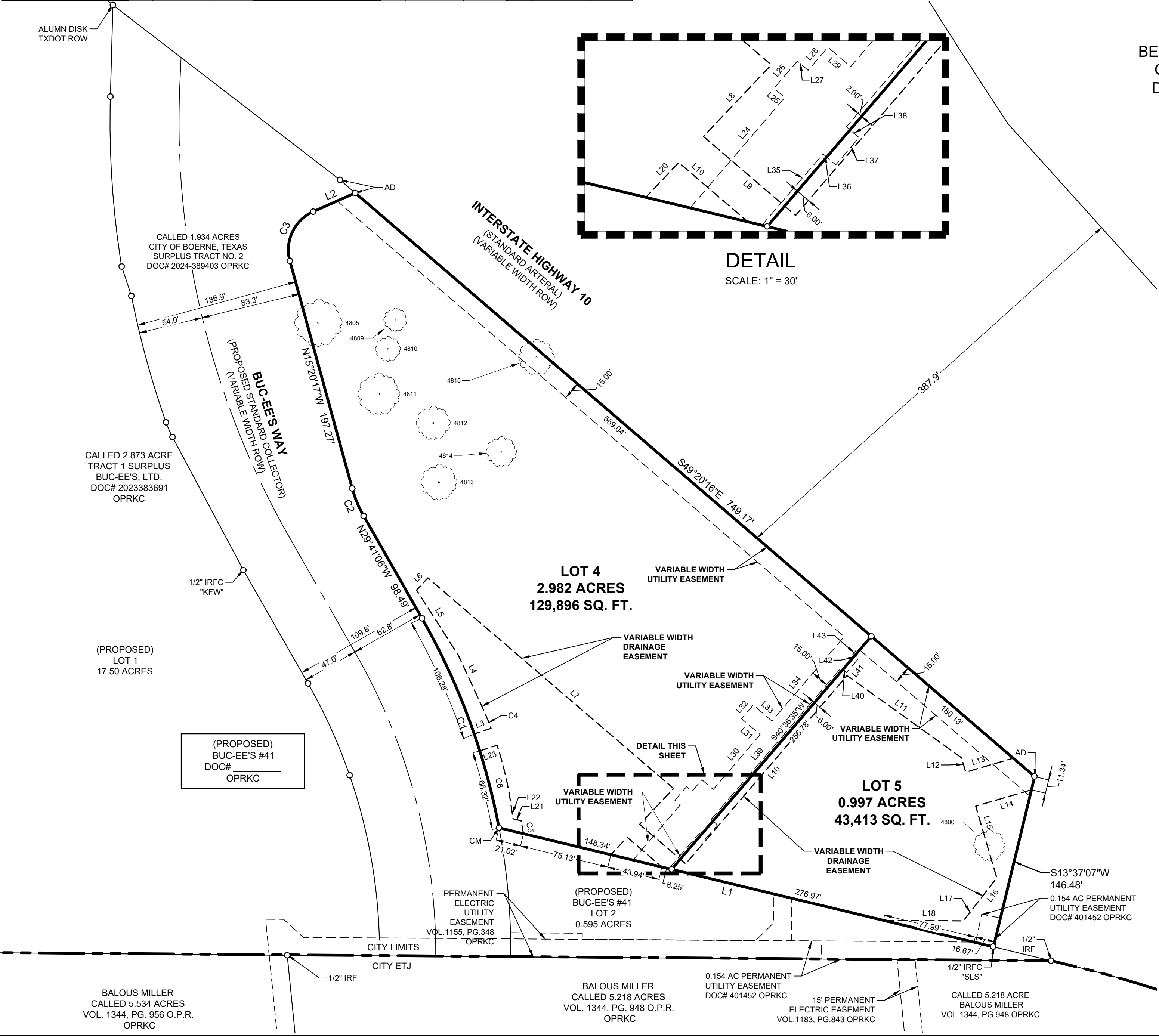


LEGEND	
O	USED TO SHOW GEOMETRIC BREAKS UNLESS OTHERWISE NOTED
IRSC	1/2" IRON ROD W/"KHA" CAP SET
IRFC	IRON ROD FOUND (W/CAP STAMPED "_____")
IRF	1/2" IRON ROD FOUND
CM	TxDOT TYPE I CONCRETE MONUMENT
AD	TxDOT TYPE III ALUMINUM DISC
VOL	VOLUME
PG	PAGE
OPRKC	OFFICIAL PUBLIC RECORDS OF KENDALL COUNTY, TEXAS
—	PROPOSED MAJOR SUBDIVISION PLAT BOUNDARY
- - -	ADJACENT PROPERTY BOUNDARY
- - - - -	CITY OF BOERNE ETJ BOUNDARY

CURVE TABLE					
NO.	DELTA	RADIUS	LENGTH	CHORD BEARING	CHORD
C1	18°59'14"	566.09'	187.60'	N20°11'15"W	186.74'
C2	14°20'39"	100.00'	25.04'	N22°30'41"W	24.97'
C3	81°21'49"	35.00'	49.70'	N25°20'26"E	45.63'
C4	3°48'06"	300.00'	19.90'	N22°48'43"W	19.90'
C5	1°04'54"	585.00'	11.04'	N10°23'11"W	11.04'
C6	9°58'01"	300.00'	52.19'	N13°03'44"W	52.12'

TREE TABLE	
NO.	DESCRIPTION
4800	17.5" COTTONWOOD
4805	26.5" ASH
4809	13" ASH
4810	14" ASH
4811	23.5" ASH
4812	19" ASH
4813	20" ASH
4814	17" ASH
4815	20" ASH

LOT TABLE		
LOT NO.	ACRES	SQ. FT.
4	2.982	129,896
5	0.997	43,413
R.O.W.	0	0





## AGENDA ITEM SUMMARY

<b>Agenda Date</b>	February 2, 2026
<b>Requested Action</b>	CONSIDER A REQUEST FOR A VARIANCE TO CHAPTER 8, SECTION 8.2(A)2.B. RESTRICTIONS WITHIN WATERSHED PROTECTION ZONES, OF THE UNIFIED DEVELOPMENT CODE FOR A PROPERTY LOCATED AT 727A JOHNS ROAD (KCAD 14393).
<b>Contact Person</b>	Abigail Knott – City Engineer
<b>Background Information</b>	<p>The applicant is requesting a variance to the City’s Drainageway Protection Zone (DPZ) requirements in order to build a local road crossing in their proposed Planned Use Development. This PUD was conditionally approved by P&amp;Z on September 8, 2025. As part of the conditions, it was stipulated that:</p> <ol style="list-style-type: none"> <li>1. All private streets shall be designed and constructed in accordance with UDC and applicable construction details for publicly dedicated streets as described in UDC 7.4(b). and</li> <li>2. Street layouts, drainage features, utilities, or other improvements shown herein are conceptual only and shall not be considered approved for construction. Final design and construction are subject to full compliance with all city codes, ordinances, and standards.</li> </ol> <p><b>BACKGROUND:</b></p> <p>In February 2020, City Council adopted changes to the City’s code to establish drainageway protection zones for any watershed greater than 25 acres. A tributary to Cibolo Creek bisects the lot with a total width of 35’ and 55’ offset on both sides from the centerline of the creek for DPZs 1 and 2, respectively. Under current rules, neighborhood local streets shall not cross a watershed protection zone.</p> <p>The primary purpose of these DPZs includes protection of natural waterways and riparian buffer zones to protect 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</p>



	<p>and grasses in riparian areas stabilize streambanks and reduce floodwater velocity, resulting in reduced downstream flood peaks.</p> <p><b>ANALYSIS:</b></p> <p>The UDC states perpendicular local street crossings may be authorized by the city manager for extenuating circumstances, such as fire protection or street connectivity, if all of the following conditions are met:</p> <ol style="list-style-type: none"><li>1. Proposed perpendicular street crossings are located a minimum of one thousand (1,000) feet from any existing or proposed perpendicular crossings.</li><li>2. Street crossings that traverse any drainageway shall be designed to minimize any permanent impact to the drainageway crossing by designing street crossing such that no permanent improvements are within the ordinary high-water mark of the drainageway.</li></ol> <p>The proposed crossing is within 1,000 feet of 3 other crossings, including the Frontage Road of IH-10, a local driveway, and Lattimore Boulevard. In addition, box culverts proposed would likely impact the ordinary high-water mark for the DPZ, however, no environmental determination delineating the ordinary high-water mark has been provided for this location.</p> <p><b>VARIANCE REQUEST:</b></p> <p>Per the provided variance application, the applicant proposes to construct a single perpendicular local road crossing with box culverts. If the commission chooses to recommend approval, staff recommends the inclusion of the following stipulation:</p> <ol style="list-style-type: none"><li>1. This DPZ variance will only be effective for this specific PUD development.</li></ol> <p><b><u>MOTIONS FOR CONSIDERATION:</u></b></p> <p>The following motions are provided to assist the Commission’s decision.</p> <ul style="list-style-type: none"><li>- I move that the Planning and Zoning Commission <b>APPROVE</b> the variance request to Unified Development Code Chapter 8.2(A)2.b to waive both local road crossings requirements for the Drainage Protection Zone subject to the stipulation recommended by staff.</li><li>- I move that the Planning and Zoning Commission <b>DENY</b> the</li></ul>
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	variance request to Unified Development Code Chapter 8.2(A)2.b to waive both local road crossings requirements for the Drainage Protection Zone.
<b>Strategic Alignment</b>	N/A
<b>Financial Considerations</b>	N/A
<b>Citizen Input/Board Review</b>	N/A
<b>Legal Review</b>	N/A
<b>Alternative Options</b>	N/A
<b>Supporting Documents</b>	Variance Application and DPZ exhibit for 727A Johns Road.

**CITY OF BOERNE  
PLANNING AND ZONING COMMISSION**

**VARIANCE APPLICATION**

**APPLICANT:** \_\_\_\_\_ **PHONE NO.** \_\_\_\_\_

**PROPERTY ADDRESS:** \_\_\_\_\_

**LOT:** \_\_\_\_\_ **BLOCK:** \_\_\_\_\_ **SUBDIVISION:** \_\_\_\_\_

**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)

\_\_\_\_\_  
(Owner's Signature)

\_\_\_\_\_  
(Date)

\*\*\*\*\*

1. Applicant is making a request from the Boerne Subdivision Ordinance  
(Article & Section No. \_\_\_\_\_)

Check one: ( ) Variance ( ) Appeal ( ) Special Exception

2. Describe request:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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.

\_\_\_\_\_  
(Applicant's Signature)

\_\_\_\_\_  
(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.

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- 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.

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

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- D. Will the variance alter, negate or negatively impact the ability to meet any specific standard contained in the City of Boerne Zoning Ordinance.

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- 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;
  2. The purposes of these regulations; and
  3. The intent of the standards.

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- F. Will the variance have an adverse affect 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.

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- 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.

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

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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.

**Project: 727A Johns Road – Residential Development****Findings Required for Variance:****A. Unusual topographic or other physical conditions**

Yes. The subject tract is uniquely constrained by an existing natural drainageway that traverses the property in a manner that physically divides the site. The resulting Drainageway Protection Zone (DPZ) configuration is not typical of surrounding properties and creates a site-specific constraint that limits reasonable access, circulation, and subdivision layout. This condition is inherent to the land and not common to other developable tracts in the area.

**B. Condition beyond the control of the subdivider**

Yes. The location and alignment of the drainageway and associated DPZ are natural conditions beyond the control of the subdivider. The variance request is not based on convenience, preference, or economic considerations, but rather on the necessity of providing compliant access and circulation for a small infill residential development.

**C. Minimal deviation necessary**

Yes. The requested variance is limited to a single perpendicular roadway crossing of the DPZ. Permanent improvements are strictly confined to the minimum footprint required for the roadway and drainage conveyance. All other portions of the DPZ will remain undisturbed. The deviation is the smallest possible departure from the standard necessary to allow an appropriate and functional subdivision design.

**D. No negation of other ordinance standards**

No. The requested variance does not alter, negate, or negatively impact compliance with any other applicable standards of the City of Boerne Zoning Ordinance or Subdivision Ordinance. The project will meet all applicable drainage, floodplain, water quality, Low Impact Development (LID), and engineering design requirements. The proposed box culverts will be designed to convey ultimate design flows with no increase in upstream water surface elevation (WSEL) and no adverse upstream or downstream impacts. Existing facilities both up and down stream of the proposed development utilize culverts for this drainageway, including TXDOT, City Street, and Access Easement.

**E. Standard inapplicable as applied to this site**

Yes. Strict application of the DPZ prohibition on permanent improvements is inapplicable to this specific infill site due to the drainageway's location, the site's limited size, and access limitations. The proposed plat equally or better meets the goals and policies of the Master Plan, the purposes of the regulations, and the intent of the standards by protecting drainage function, preserving water quality, and allowing reasonable development.

**F. No adverse effect on adjacent or future landowners**

No. The variance will not adversely affect existing adjacent landowners, future landowners, or development within the area of impact. The proposed crossing maintains existing drainage conditions, does not increase flood risk, and is consistent with existing upstream and downstream drainage improvements along the same drainageway.

**G. Supports efficient development and sound planning principles**

No. Granting the variance will not negatively impact efficient development. Instead, it supports sound planning principles by allowing logical access, internal circulation, and emergency response while avoiding unnecessary grading or inefficient site design.

**H. No adverse impact on health, safety, and welfare**

No. The variance will not adversely impact the general health, safety, or welfare of the public. The proposed design improves site accessibility, supports emergency vehicle access, maintains drainage capacity, and incorporates water quality protections consistent with City standards.

