

**MINUTES**  
**PLANNING AND ZONING COMMISSION MEETING**  
**BOERNE CITY HALL**  
**RONALD C. BOWMAN CITY COUNCIL CHAMBERS**  
**447 North Main Street**  
**Monday, July 1, 2024 – 6:00 p.m.**

Minutes of the Planning and Zoning Commission meeting of July 1, 2024 at 6:00 p.m.

Present: 5 - Vice Chair Lucas Hiler, Commissioner Bill Bird, Commissioner Susan Friar, Commissioner Terry Lemoine, Commissioner Carlos Vecino

Absent: 2 - Chairman Tim Bannwolf, 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

Recognized and Registered Guests: Pat Gessley, Ben Adam, Joe Wharton, James McGarr, Brandon Melland, Ashley Farrimond

**1. CALL TO ORDER – 6:00 PM**

Vice Chair Lucas Hiler called the Planning and Zoning Commission to order at 6:00 p.m.

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**

No conflicts were declared.

**3. PUBLIC COMMENTS**

Vice Chair Hiler opened public comments at 6:02 p.m.

No comments were received.

Vice Chair Hiler closed public comments at 6:02 p.m.

4. CONSENT AGENDA

Commissioner Friar requested to have item 4.A. pulled from the consent agenda to add an addendum to the June 3, 2024 meeting minutes.

Commissioner Bird requested to have items 4.B. and 4.C. removed from the consent agenda to be discussed and voted on separately.

**4.A.**     [2024-318](#)     Consider approval of the minutes of the Planning and Zoning Commission meeting of June 3, 2024.

Commissioner Friar made a request for an addendum to be included in the meeting minutes of June 3, 2024. The purpose of the addendum was to provide further explanation on the recommendation made to the city council concerning the proposed amendments to the Unified Development Code (UDC) specific to Chapter 9- Signs, related to pole and pylon signs. She asked for the minutes to indicate that any signs not currently existing in overlay districts would be required to adhere to the new UDC regulations.

A motion was made by Commissioner Friar, seconded by Commissioner Lemoine, to approve the June 3, 2024 Planning and Zoning Commission meeting minutes with the addendum. The motion carried by the following vote:

**Yea: 5 -** Commissioner Hiler, Commissioner Bird, Commissioner Friar, Commissioner Lemoine, Commissioner Vecino

**THIS MINUTES WERE APPROVED AS AMENDED.**

**4.B.**     [2024-319](#)     A request for the reconsideration of the preliminary plat approval for The Birch at Spencer Ranch Phase 3 generally located to the west of Spencer Road and north of State Highway 46 (KAD NO. 307605)

Francesca Linder, Assistant Planning Director, explained that the plat expires after two years, and there have been no changes to the plat.

A motion was made by Commissioner Bird, seconded by Commissioner Friar, to approve a request for the reconsideration of the preliminary plat approval for The Birch at Spencer Ranch Phase 3 generally located to the west of Spencer Road and north of State Highway 46 (KAD NO. 307605). The motion carried by the following vote:

**Yea: 5** - Commissioner Hiler, Commissioner Bird, Commissioner Friar, Commissioner Lemoine, Commissioner Vecino

- 4.C. [2024-320](#) A request for final plat approval for Ranches at Creekside, Unit 5, generally located at 125 State Highway 46.

Commissioner Bird asked if there was something pending with the Ranches at Creekside.

Nathan Crane, Planning Director, clarified that the plat being considered does not include the amenity center and previous commission action that added a stipulation to the Ranches at Creekside Unit 6 and 7 plats specific to the amenity center should not have been allowed; the only stipulations that are allowed to be made specific to the amenity center can only be made to the phase in which the amenity center is encompassed.

A motion was made by Commissioner Friar, seconded by Commissioner Vecino, to approve a request for final plat approval for Ranches at Creekside, Unit 5, generally located at 125 State Highway 46. The motion carried by the following vote:

**Yea: 5** - Commissioner Hiler, Commissioner Bird, Commissioner Friar, Commissioner Lemoine, Commissioner Vecino

5. REGULAR AGENDA:

- 5.A. [2024-321](#) Consider a request to rezone 6 tracts consisting of approximately 16.612 acres of land located north of the intersection of Daisy Lane and IH-10, legally described as A10441 - Survey 183 J Small 5.534 acres (KCAD 15889), A10441 - Survey 183 J Small 5.218

acres (KCAD 15846), A10730 - Survey 185 J M Mccullough 4.66 acres (KCAD 17397), A10730 - Survey 185 J M Mccullough 0.65 acres (KCAD 17398), A10247 - Survey 186 S Hewes 0.34 acres (KCAD 13723), And A10730 - Survey 185 J M Mccullough 0.21 acres (KCAD 17405); Kendall County, Texas, from Interim Holding (HOL) Zoning District to Community Commercial Zoning District and Scenic Interstate Corridor Overlay District (C3- SICO).

- I. Staff Presentation
- II. Public Hearing
- III. Recommendation

Francesca Linder, Assistant Planning Director, presented the proposed rezoning.

Vice Chair Hiler opened the public hearing at 6:18 p.m.

Ashley Farrimond, attorney representing the owner, gave a brief overview of the proposed rezoning; the property is being annexed and they are requesting Community Commercial Zoning District (C3) zoning category that is consistent with the city's Future Land Use Map and is consistent with the surrounding properties.

Vice Chair Hiler closed the public hearing at 6:21 p.m.

A motion was made by Commissioner Bird, seconded by Commissioner Lemoine, to make a recommendation to the Boerne City Council to approve a request to rezone 6 tracts consisting of approximately 16.612 acres of land located north of the intersection of Daisy Lane and IH-10, legally described as A10441 - Survey 183 J Small 5.534 acres (KCAD 15889), A10441 - Survey 183 J Small 5.218 acres (KCAD 15846), A10730 - Survey 185 J M Mccullough 4.66 acres (KCAD 17397), A10730 - Survey 185 J M Mccullough 0.65 acres (KCAD 17398), A10247 - Survey 186 S Hewes 0.34 acres (KCAD 13723), And A10730 - Survey 185 J M Mccullough 0.21 acres (KCAD 17405); Kendall County, Texas, from Interim Holding (HOL) Zoning District to Community Commercial Zoning District and Scenic Interstate Corridor Overlay District (C3- SICO). The motion carried by the

following vote:

**Yea: 5** - Commissioner Hiler, Commissioner Bird, Commissioner Friar, Commissioner Lemoine, Commissioner Vecino

- 5.B.** [2024-322](#) 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 floodplain variance request.

Joseph Wharton, owner of the property, spoke regarding the proposed floodplain variance request to possibly build a second home on the other lot and either use it as their part time residence or as a rental property.

James McGarr, Civil Engineer involved in the project, discussed the necessity of replatting the parcels to clean up the plat and reorient the lots, with the intention of keeping two lots and not adding more. He explained that the replatting process will still require them to adhere to new drainage rules and still meet the requirements of the floodplain regulations. If granted the variance, the owner would reorient the existing lot line that the house was built on, so that the existing home is situated within a single lot, not on the lot line and allow for a second buildable lot.

Commission discussion ensued regarding the house being built over a lot line, the one acre threshold rule for residential lots not allowed to be created in the floodplain, and concerns with the Federal Emergency Management Agency (FEMA) community rating system being impacted due to the amount of floodway variances granted by the commission.

Cheryl Rogers clarified that it was common in the past to have a house built over lot lines. She further explained that the one acre threshold was put in the Unified Development Code in an effort to limit the amount of homes that can be built in the floodplain for public safety reasons and for preservation of rural lots. As for the FEMA community

rating system, she explained that likely FEMA reviewers will recognize that variances can be granted due to exceptional hardships and would take a look at the code and the variances granted to determine if an exceptional hardship was met. It is possible that the city could lose points, but there are other avenues to continue to gain points.

A motion was made by Commissioner Friar, seconded by Commissioner Vecino, to deny 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 failed by the following vote:

**Yea: 2** - Commissioner Friar, Commissioner Vecino

**Nay: 3** - Commissioner Hiler, Commissioner Bird, Commissioner Lemoine

The commission's general consensus was that further deliberation should take place when more commissioners are in attendance.

A motion was made by Commissioner Friar, seconded by Commissioner Bird, to table the 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) to the next Planning and Zoning Commission meeting. The motion carried by the following vote:

**Yea: 5** - Commissioner Friar, Commissioner Vecino, Commissioner Hiler, Commissioner Bird, Commissioner Lemoine

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

Vice Chair Hiler extended his congratulations to his fellow commissioners for their recent reappointments to the Planning and Zoning Commission. He also extended his gratitude to them for re-electing him as the vice chair of the commission.

7. ADJOURNMENT

Vice Chair Hiler adjourned the Planning and Zoning Commission at 6:51 p.m.

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Chairman

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Secretary