

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

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

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

Late: 1 - Chairman Tim Bannwolf arrived at 6:01 p.m.

Absent: 1 - Commissioner Carlos Vecino

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

Recognized and Registered Guests: Mark Santos, Billy Green Jr., Jeff Hutzler, Abby Gillfillan

**1. CALL TO ORDER – 6:00 PM**

Chairman Bannwolf called the Planning and Zoning Commission to order at 6:02 p.m.

Chairman Bannwolf led the Pledge of Allegiance to the United States Flag and the Texas Flag.

**2. CONFLICTS OF INTEREST:**

No conflicts were declared.

**3. PUBLIC COMMENTS:**

Chairman Bannwolf opened public comments at 6:03 p.m.

No comments were received.

Chairman Bannwolf closed public comments at 6:03 p.m.

4. CONSENT AGENDA:

Commissioner Bob Cates requested to have item 4.B. removed from the consent agenda and to be voted on separately.

A motion was made by Commissioner Friar, seconded by Commissioner Hiler, to approve consent agenda items 4.A., and 4.C. - 4.E. The motion carried by the following vote:

**Yea: 6** - Chairman Bannwolf, Commissioner Lemoine, Commissioner Bird, Commissioner Friar, Commissioner Cates, Commissioner Hiler

**4.A.** [2024-198](#) Consider approval of the minutes of the Planning and Zoning Commission meeting of April 1, 2024.

**4.B.** [2024-213](#) A request for approval for Commons at Menger Creek Unit 11 Subdivision Plat located at 20 Old San Antonio Road.

Sara Varvarigos, City Planner II, presented the Commons at Menger Creek Unit 11 Subdivision Plat.

Commission discussion ensued regarding the SoBo overlay district that is a part of this proposed plat and the importance of the character outlined in it (pedestrian friendly, walkable, and for small boutiques, shopping, dining types businesses). The commission questioned if the road alignments in this plat meets fire code regulations and also questioned what triggers the enforcements of a past agreement that required improvements to Old San Antonio Road.

Chery Rogers, Assistant City Engineer, clarified that improvements to widen Old San Antonio Road would be required by an adjacent property; this proposed plat is not adjacent so does not trigger any improvements.

Jeff Carroll, Engineering and Mobility Director, clarified that an original development agreement (prior to Commons at Menger Creek) had

specific language on where Herff Road was going to be constructed and is what defined the layout of Herff Road as it exists to date. He explained that the original lot layouts for this project have changed over time. The developer has now split the lots into different pieces; this plat being considered does not have lots fronting Old San Antonio Road which does not trigger road improvements on that portion of public right-of way. He also confirmed that the proposed road meets current fire code.

A motion was made by Commissioner Cates, seconded by Commissioner Hiler, to approve the Commons at Menger Creek Unit 11 Subdivision Plat located at 20 Old San Antonio Road with the conditions outlined in the staff memo. The motion carried by the following vote:

**Yea: 6** - Chairman Bannwolf, Commissioner Lemoine, Commissioner Bird, Commissioner Friar, Commissioner Cates, Commissioner Hiler

- 4.C. [2024-214](#) A request for preliminary plat approval for Corley Farms U5, generally located north of the intersection of Scenic Loop Road and Corley Road. (Extra-Territorial Jurisdiction)
- 4.D. [2024-215](#) A request for final plat approval for Esperanza Phase 4A, generally located at Esperanza Boulevard and Navarro. (Extra Territorial Jurisdiction)
- 4.E. [2024-216](#) A request for preliminary plat approval for Esperanza Phase 3F, generally located northeast of Galisteo Ave and Splendido Drive. (Extra-Territorial Jurisdiction)

5. REGULAR AGENDA:

- 5.A. [2024-218](#) Consider a request for a special use permit for an automobile service center (with no outside storage) within the C2 SoBo MU-CZ (Transitional Commercial South Boerne Overlay District, Mixed-use Character Zone) on a 1-acre portion of a property located at 20 Old San Antonio Road (part of KAD 39338). Take necessary action.
  - I. Staff presentation
  - II. Public hearing

## III. Recommendation

Sara Varvarigos, City Planner II, presented the proposed request for a special use permit.

Chairman Bannwolf opened the public hearing at 6:50 p.m.

Mark Santos, LGA engineering, made himself available for questions.

Chairman Bannwolf closed the public hearing at 6:51 p.m.

Chairman Bannwolf announced that a Planning and Zoning Commission subcommittee that included himself, Commissioner Cates and Commissioner Friar was established to assess the proposed project.

Commissioner Friar, chair the subcommittee, gave feedback from discussions they had with the developer and city staff. There were concerns regarding the intent of the SoBo overlay district being overlooked, and concern with special permissions being given for this type of use that is not granted by zoning rights.

The commission discussed the intent of the SoBo overlay and the city's future land use plan in detail. Questions were raised regarding the number of employees, and if there will be air conditioning in the bay areas. Other concerns discussed included parking, screening, and noise generated from this type of business.

Project representative Billy Green Jr. clarified that they anticipate approximately 8-10 employees, including the franchisee owner, and that the service bays will be climate controlled. He explained that out of all of their locations, the minimum parking spaces are 30 and this number is based on peak times such as major holidays, and is no different than other retail businesses. He further clarified that they do not repair engines onsite, rather they send them off to be repaired, which usually the transaction occurs in one day.

Commission discussion continued and the overall consensus was that,

based on future planning, this type of use will not be suitable for this specific area.

A motion was made by Commissioner Friar, seconded by Commissioner Bird, to make a recommendation to Boerne City Council to deny a request for a special use permit for an automobile service center (with no outside storage) within the C2 SoBo MU-CZ (Transitional Commercial South Boerne Overlay District, Mixed-use Character Zone) on a 1-acre portion of a property located at 20 Old San Antonio Road (part of KAD 39338). The motion carried by the following vote:

**Yea: 6** - Chairman Bannwolf, Commissioner Lemoine, Commissioner Bird, Commissioner Friar, Commissioner Cates, Commissioner Hiler

- 5.B.** [2024-217](#) A request for preliminary plat approval for Ranches at Creekside, Units 7 & 8, generally located southwest of the intersection of State Highway 46 and the proposed extension of Copper Creek.

Nathan Crane, Planning Director, introduced new City of Boerne Assistant Planning Director, Franci Linder.

Franci presented the proposed preliminary plat.

Jeff Carroll clarified that the road alignments shown on the plat are part of the current thoroughfare plan and will eventually connect to the east from the Southglen subdivision.

During commission discussion, concerns were raised about the walking trails, the amenity center construction, and past drainage issues expressed by homeowners in previous public meetings.

Jeff Hutzler, the developer's representative, provided updates on the amenity center construction, mentioning that the restroom construction has commenced and sidewalks are progressing as planned. He also explained that on the east side there was overhead electric, and to preserve trees and a buffer area, the development has opted to go underground with electric. He further explained that units 7 and 8 have been combined to streamline the plat review process. He clarified that

they have reduced approximately 40+ lots from the original master plan. To address the question regarding drainage concerns, he explained that once streets are built and approved by the city, it becomes the builder's responsibility.

A motion was made by Commissioner Friar, seconded by Commissioner Cates, to approve the preliminary plat for the Ranches at Creekside Units 7 and 8 with the conditions stated by the city (1. The final plat shall substantially conform to the preliminary plat date stamped May 2, 2024. 2. The final plat will not be recorded until such time as the infrastructure is completed and accepted by the City, thereby negating the requirement for a financial guarantee or the financial guarantee for the entire cost of infrastructure is received and approved, per Subdivision Ordinance 2007-56, Article 2, Section 2.04.001 B.) and adding the condition that all amenities that have been guaranteed to the residents must be complete prior to the start of construction of the units 7 and 8 (that is, all amenities that have been guaranteed in the master plan as amended and/or amenities in previous phases of plat approvals).

The motion carried by the following vote:

**Yea: 6** - Chairman Bannwolf, Commissioner Lemoine, Commissioner Bird, Commissioner Friar, Commissioner Cates, Commissioner Hiler

#### 6. DISCUSSION ITEMS:

**6.A.** [2024-219](#) Unified Development Code Update - Plat Review Process, Food Trucks, Noise Regulations and Other Amendments

Abby Gillfillan, representative from LionHeart Consulting, provided an overview of upcoming ordinance updates.

Commission discussion ensued regarding state legislation restricting cities authority over development.

Associate City Attorney Mick McKamie stated that in the past four legislative sessions, there have been attempts to limit the authority of

planning and zoning commissions and city councils when it comes to platting decisions. The argument put forth has been that arbitrary discussions are being made by planning and zoning commissions and city councils around the state that then delays development from happening. He emphasized that the lobbying power of Texas developers surpasses that of any other group. He further explained that there was also some misconception on how often planning and zoning commissions meet across the state; not all meet on a weekly basis as assumed.

Commission and staff continued to discuss the various Unified Development Code amendments that are intended to be presented for commission action at the June 3, 2024 meeting.

6.B. [2024-220](#) New Staff Introductions

Nathan Crane introduced Jo-Anmaire Andrade, new City Planner II.

Jo-Anmaire Andrade shared her appreciation for her new position with the city and expressed her enthusiasm to contribute to the community.

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

Chairman Bannwolf recognized Jeff Carroll, Director of Engineering and Mobility for the City of Boerne, for being named the 2024 Floodplain Manager of the Year by the Texas Floodplain Management Association. He also congratulated a few council members that were recently reelected.

8. ADJOURNMENT

Chairman Bannwolf adjourned the Planning and Zoning Commission at 8:46

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Chairman

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Secretary