

**MINUTES**  
**PLANNING AND ZONING COMMISSION MEETING**  
**BOERNE CITY HALL**  
**RONALD C. BOWMAN CITY COUNCIL CHAMBERS**  
**447 North Main Street**  
**Monday, March 4, 2024 – 6:00 p.m.**

Minutes of the Planning and Zoning Commission meeting of March 4, 2024 at 6:00 p.m.

Present: 6 - Chairman Tim Bannwolf, Vice Chair Lucas Hiler, Commissioner Bill Bird, Commissioner Bob Cates, Commissioner Susan Friar, Commissioner Carlos Vecino

Absent: 1 - Commissioner Terry Lemoine

Staff Present: Mick McKamie, Kristy Stark, Mike Raute, Heather Wood, Sara Serra-Bennett, Nathan Crane, Martha Bernal, Liz Huvalla, Sara Varvarigos, Jeff Carroll, Cheryl Rogers, Andrew Wilkerson,

Recognized and Registered Guests: Shawna Dunaway, Thom Dunaway, Mark Romsower

**1. CALL TO ORDER – 6:00 PM**

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:** 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)

Chairman Bannwolf opened public comments at 6:01 p.m.

No comments were received.

Chairman Bannwolf closed public comments at 6:01 p.m.

4. CONSENT AGENDA: 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 motion was made by Commissioner Friar, seconded by Commissioner Bird, to approve the consent agenda as presented. The motion carried by the following vote:

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

- 4.A. [2024-090](#) Consider approval of the minutes of the Planning and Zoning Commission meeting of February 5, 2024.
- 4.B. [2024-104](#) Consider a request for a 30-Day Time Extension of the Preliminary plat of Ranches at Creekside Unit 7 & 8 located southwest of the intersection of State Hwy 46 and the proposed extension of Copper Creek.

#### 5. REGULAR AGENDA

- 5.A. [2024-105](#) Consider a request for a variance to Chapter 8, Section 8.2(a) Watershed Protection Zones, of the Unified Development Code to allow for construction within drainage protection zones for a property located at 101 Village Cove (KAD 39576). Take necessary action.

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

Ashley Farrimond, attorney representing the property owners, gave a brief presentation regarding the proposal.

Commission discussion included questions regarding the proposed LID features, impervious cover rules, and the trees at the rear of the property.

The applicant, Thom Dunaway, further explained that the existing downspouts on the rear of the house will flow to the existing rear lawn; the new installed downspouts will flow underground to the new rain garden, and terraced garden presented in the site plan. He also clarified that currently there is no ground cover where the proposed features are shown on the plan. Separately, he provided information regarding the existing trees, stating they previously had a tree survey done and most of them have oak wilt, which are currently on a treatment plan. The presented plan will result in the loss of trees in the footprint but they are trees that have oak wilt; all alive trees will remain. He also stated that they do not intend on renting the unit out if the project is approved.

Cheryl Rogers confirmed the limit for impervious cover is 60%. She also presented information regarding requirements for Low Impact Development (LID) features; the applicant is only required to provide one LID feature, but is going over and above by proposing three features to help reduce any impact from the expansion and to help treat pollutants.

Chairman Bannwolf called on Jeff Carroll, Director of Engineering and Mobility. Mr. Bannwolf recalled recent discussions about possible consequences if too many variances to Drainageway Protection Zones (DPZ) are granted.

Jeff Carroll explained that could have been in relation to the FEMA Community Rating System (CRS) but that program is geared more towards floodplain rules, and would not be applicable to this proposed DPZ variance.

A motion was made by Commissioner Bird, seconded by Commissioner Hiler, to approve a variance to Chapter 8, Section 8.2(a) Watershed Protection Zones, of the Unified Development Code to allow for construction within drainage protection zones for a property located at 101 Village Cove (KAD 39576. The motion carried by the following vote:

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

- 5.B.** [2024-106](#) Consider a request for a special use permit for an accessory dwelling unit on a R2-M (Moderate Density Residential District) located at 101 Village Cove (KAD 39576). Take necessary action.

- I. Staff presentation
- II. Public hearing
- III. Recommendation

Sara Serra-Bennett, City Planner II, presented the proposed special use permit.

Chairman Bannwolf opened the public hearing at 6:46 p.m.

Ashley Farrimond, attorney for the proposed project, gave a brief presentation regarding the proposed request for the accessory dwelling unit.

Chairman Bannwolf closed the public hearing at 6:48 p.m.

Commissioner Bird questioned if the existing privacy fence at the rear of the building would be replaced.

Thom Dunaway explained that the fence will remain but is several years old so likely will be need to be replaced.

A motion was made by Commissioner Hiler, seconded by Commissioner Friar, to make a recommendation to City Council to approve a special use permit for an accessory dwelling unit on a R2-M (Moderate Density Residential District) located at 101 Village Cove (KAD 39576) with the following conditions:

1. The use shall comply with the site plan, floor plan, and elevations date stamped February 29, 2024.
2. Prior to the issuance of a certificate of occupancy, an affidavit affirming that the owner shall occupy either the main building or

the accessory dwelling shall be filed with the City.

3. Prior to the issuance of a certificate of occupancy, the owner shall provide a restrictive covenant as required in Section 3.6 E.3 of the UDC.

The motion carried by the following vote:

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

## 6. DISCUSSION ITEMS

- 6.A. [2024-107](#) Presentation, overview of the city's environmental program objectives with a focus on water conservation, surface water quality, urban forestry and dark skies.

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

Sara Varvarigos, City Planner II, invited the Commission and staff to attend the Historic Hill Festival that will be held on April 13, 2024 at the Kuhlmann-King Historic Complex.

## 8. ADJOURNMENT

Chairman Bannwolf adjourned the Planning and Zoning Commission at 6:54 p.m.

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Chairman

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Secretary