

AGENDA
DESIGN REVIEW MEETING
BOERNE CITY HALL
RONALD C. BOWMAN CITY COUNCIL CHAMBERS
447 N. MAIN
Thursday, August 11, 2022 - 6:00 PM

THE CITY OF BOERNE DESIGN REVIEW COMMITTEE RESERVES THE RIGHT TO ADJOURN INTO EXECUTIVE SESSION AT ANY TIME TO DISCUSS ANY OF THE MATTERS LISTED ABOVE, AS AUTHORIZED BY TEXAS GOVERNMENT CODE §551.071 (CONSULTATION WITH ATTORNEY).

1. CALL TO ORDER – 6:00 PM

2. CONFLICT OF INTEREST

3. PUBLIC COMMENTS: This is the opportunity for visitors and guests to address the Design Review Committee on any issue. The Design Review Committee 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

4.A. [2022-644](#) THE MINUTES OF THE DESIGN REVIEW COMMITTEE MEETING OF JULY 14, 2022.

Attachments: [Official Meeting Minutes 22-0714](#)

5. REGULAR AGENDA

5.A. [2022-645](#) CONSIDER A PROPOSED CREATIVE ALTERNATIVE TO THE 2018 ZONING ORDINANCE, ARTICLE 3, GENERAL PROHIBITIONS AND REQUIREMENTS, SECTION 08 COMMERCIAL CENTER DESIGN STANDARDS AND ARTICLE 5, ZONING DISTRICTS AND USE REGULATIONS, 33, NORTH HERFF ROAD OVERLAY DISTRICT FOR THE LEGACY AT CIBOLO, UNIT 1, BLOCK 2, LOT 1 (1.38 ACRES) (KCAD 301674) AND LOT 2 (1.34 ACRES) (KCAD 301675) (HERFF 17 GROUP, LLC). TAKE NECESSARY ACTION.

Attachments: [DRC AIS 8.11.22](#)
 [ATT01 Legacy at Cibolo DRC Locator](#)
 [ATT02 Legacy at Cibolo Aerial](#)
 [ATT03 Site Plan Per Existing Zoning Requirements](#)
 [ATT04 Streetview Per Existing Zoning Requirements](#)
 [ATT05 Streetview Per Existing Zoning Requirements](#)
 [ATT06 Site Plan with Requested Variances](#)
 [ATT07 Street View With Approved Variance](#)
 [ATT08 Streetview with Approved Variance](#)
 [ATT09 Streetview with Approved Variance](#)

6. COMMENTS FROM COMMITTEE/LEGAL COUNSEL/STAFF – NO DISCUSSION OR ACTION MAY TAKE PLACE.

7. ADJOURNMENT

s/s Laura Haning

Administrative Officer

CERTIFICATION

**I hereby certify that the above notice of meeting was posted on the 5th day of
August, 2022 at 5:30 p.m.**

s/s Heather Wood

Secretary

NOTICE OF ASSISTANCE AT THE PUBLIC MEETING

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 by calling the Planning and Community Development Office 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
DESIGN REVIEW MEETING
BOERNE CITY HALL
RONALD C. BOWMAN CITY COUNCIL CHAMBERS
447 N. MAIN
Thursday, July 14, 2022 - 6:00 PM

PRESENT 5 - CHAIRMAN CHRIS TAYLOR, COMMITTEE MEMBER CODY KELLER, COMMITTEE MEMBER CARR STOKES, COMMITTEE MEMBER CHRIS HARTHCOCK, COMMITTEE MEMBER SHELLY CONDRA

STAFF PRESENT: LAURA HANING, RYAN BASS, SHELDON CRAVEY, LESLEY GASTELUM, HEATHER WOOD

PRESENT VIRTUALLY: MICK MCKAMIE

RECOGNIZED/REGISTERED GUESTS: ANTONIO CAVAZOS-ESCOBAR

1. CALL TO ORDER – 6:00 PM

Chairman Taylor called the Design Review Committee to order at 6:00 p.m.

2. CONFLICT OF INTEREST

None declared.

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

Chairman Taylor opened public comments at 6:02 p.m.

No comments were received.

Chairman Taylor closed public comments at 6:02 p.m.

4. CONSENT AGENDA:

4.A. [2022-579](#) THE MINUTES OF THE DESIGN REVIEW COMMITTEE MEETING OF MARCH 10, 2022 AND THE MINUTES OF THE DESIGN REVIEW

COMMITTEE MEETING OF JUNE 09, 2022.

A MOTION WAS MADE BY COMMITTEE MEMBER KELLER, SECONDED BY COMMITTEE MEMBER STOKES, TO APPROVE THE CONSENT AGENDA AS PRESENTED. THE MOTION CARRIED BY THE FOLLOWING VOTE:

YEA: 4- COMMITTEE MEMBER KELLER, COMMITTEE MEMBER STOKES, COMMITTEE MEMBER HARTHCOCK, COMMITTEE MEMBER CONDRA

NAY: 0

Approved: 4-0

5. REGULAR AGENDA:

- 5.A.** [2022-578](#) CONSIDER A PROPOSED SIGN VARIANCE FOR THE PROPERTY LOCATED AT 1002 EAST BLANCO, STE 200, BOERNE, TX., A BUSINESS KNOWN AS FREEDOM SPINE AND PAIN CENTER (KCAD 298100) TO ALLOW FOR AN ADDITIONAL FREE STANDING DECORATIVE POST AND PANNEL SIGN WHICH EXCEEDS THE NUMBER OF SIGNS ALLOWED ON A PROPERTY AS DETAILED IN THE UNIFIED DEVELOPMENT CODE, SECTION 9.7.C, FREE STANDING SIGNS. TAKE NECESSARY ACTION.

Mr. Ryan Bass, City Environmental Planner/Urban Forester, presented the proposed sign variance.

Mr. Antonio Cavazos-Escobar, representative of Freedom Spine, explained the reason for the request for the sign variance is to have a visible sign that customers can see from Blanco Road to indicate where to turn on Oak Park for their business.

Committee discussion ensued regarding other existing/future signage in this area and what other options the tenants have.

Mr. Bass clarified that they would be allowed to have a wall sign, as long as it followed city regulations, and that a multi-tenant sign is an option, however, the neighboring business is not in favor of this option.

Ms. Laura Haning, Planning and Community Development Director, explained that separation distances from other signs are required to avoid clutter. There are two buildings on one lot at this location. Normally a multi-tenant sign would be used to advertise for both businesses. In this case, there is already one sign for one business. The second business owner is requesting a second sign.

A MOTION WAS MADE BY COMMITTEE MEMBER CONDRA, SECONDED BY COMMITTEE MEMBER STOKES, TO APPROVE THE PROPOSED SIGN VARIANCE FOR THE PROPERTY LOCATED AT 1002 EAST BLANCO, STE 200, BOERNE, TX., A BUSINESS KNOWN AS FREEDOM SPINE AND PAIN CENTER (KCAD 298100) TO ALLOW FOR AN ADDITIONAL FREE STANDING DECORATIVE POST AND PANEL SIGN WHICH EXCEEDS THE NUMBER OF SIGNS ALLOWED ON A PROPERTY AS DETAILED IN THE UNIFIED DEVELOPMENT CODE, SECTION 9.7.C, FREE STANDING SIGNS.

Committee discussion ensued regarding separation distance requirements in city code that would become a conflict if a condition was not placed on this variance request.

Mr. Bass indicated that staff would recommend 100 feet of separation distance from other signs to avoid clutter and code enforcement violations.

THIS MOTION TO APPROVE WITHOUT CONDITIONS FAILED BY THE FOLLOWING VOTE:

YEA: 1- COMMITTEE MEMBER STOKES

NAY: 3 - COMMITTEE MEMBER KELLER, COMMITTEE MEMBER HARTHCOCK, COMMITTEE MEMBER CONDRA

Motion Failed: 3-1

A NEW MOTION WAS MADE BY COMMITTEE MEMBER KELLER, SECONDED BY COMMITTEE MEMBER HARTHCOCK, TO APPROVE THE PROPOSED SIGN

VARIANCE FOR THE PROPERTY LOCATED AT 1002 EAST BLANCO, STE 200, BOERNE, TX., A BUSINESS KNOWN AS FREEDOM SPINE AND PAIN CENTER (KCAD 298100) TO ALLOW FOR AN ADDITIONAL FREE STANDING DECORATIVE POST AND PANEL SIGN WHICH EXCEEDS THE NUMBER OF SIGNS ALLOWED ON A PROPERTY AS DETAILED IN THE UNIFIED DEVELOPMENT CODE, SECTION 9.7.C, FREE STANDING SIGNS WITH THE FOLLOWING CONDITION:

A MINIMUM OF 100 FEET OF SEPARATION DISTANCE FROM OTHER SIGNS

THE MOTION CARRIED BY THE FOLLOWING VOTE:

YEA: 4- COMMITTEE MEMBER KELLER, COMMITTEE MEMBER STOKES, COMMITTEE MEMBER HARTHCOCK, COMMITTEE MEMBER CONDRA

NAY: 0

Approved: 4-0

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

No comments.

7. ADJOURNMENT

Chairman Taylor adjourned the Design Review Committee at 6:23 p.m.

THE CITY OF BOERNE DESIGN REVIEW COMMITTEE RESERVES THE RIGHT TO ADJOURN INTO EXECUTIVE SESSION AT ANY TIME TO DISCUSS ANY OF THE MATTERS LISTED ABOVE, AS AUTHORIZED BY TEXAS GOVERNMENT CODE §551.071 (CONSULTATION WITH ATTORNEY).

Chairman

CERTIFICATION

I hereby certify that the above notice of meeting was posted on the 11th day of July, 2022 at 4:15 p.m.

Vice Chairman



AGENDA ITEM SUMMARY

District Impacted

- ☐ 1 = Wolosin
- ☐ 2 = Woolard
- ☐ 3 = Scott
- ☒ 4 = Boddie
- ☐ 5 = Macaluso
- ☐ All

Agenda Date

August 11, 2022

Requested Action

Consider a proposed creative alternative to the 2018 Zoning Ordinance, Article 3, General Prohibitions and Requirements, Section 08 Commercial Center Design Standards and Article 5, Zoning Districts and Use Regulations, 33, North Herff Road Overlay District for the Legacy at Cibolo, Unit 1, Block 2, Lot 1 (1.38 Acres) (KCAD 301674) and Lot 2 (1.34 Acres) (KCAD 301675) (Herff 17 Group, LLC). Take necessary action.

Contact Person

Ryan Bass, Environmental Planner / Urban Forester

Background Information

The applicant entered into a Development Agreement with the City in 2018. As a result of vesting to the date of the DA, the City of Boerne 2018 development regulations apply to this project. The 2018 zoning ordinances allowed for creative alternatives for the design sections of the ordinance. The zoning for the property in 2018 was an MU-1 which came with design standards that were created for a mixed-use walkable environment. The property also fell into the North Herff Road Overlay District which has additional setback and screening requirements. The applicant now has a developer for the site and is requesting creative alternatives to develop the site for retail/restaurant/office uses.

Landscape Setback Distance:

Zoning Ord Art 5, Section 33.D. NH - North Herff Road Overlay District, Setbacks.

The landscape setbacks contained herein should be measured from Herff Road and do not necessarily reflect the lot front setback. A landscape setback shall be ten feet (10') measured from the right-of-way and outside of any easement. It shall be used only for the purpose of landscaping or screening and shall not be utilized for parking or internal circulation or drive purposes, except that a driveway may cut through for the purpose of reaching the area behind the setback

Creative Alternative Request:

10' landscape setback is provided for most of Herff Rd frontage. 222 sq. ft. encroaches on easement to provide root protection area and facilitate saving Oak tree across the drive.

Parking, Requirement:

Zoning Ord, Article 5, Section 33.F.3. NH - North Herff Road Overlay District, Parking.

No more than 15% of the required parking spaces may be located between the principal building front building line and the front set back.

Creative alternative Request: Parking proposed between principal building and front setback is proposed to exceed 15% to maximize tree-saving efforts, to have consistency with the adjacent developments, to maximize parking, and to promote better traffic circulation.

Required Front Building Line, Requirement:

Zoning Ord, Article 3, Section 3.08.002.A.2 Commercial Center Design Standards, Building Frontage and Orientation, Required Frontage and Orientation

The primary façade shall occupy at least 75% of the Required Front Building Line, except:

On secondary or support streets that are not the primary pedestrian and retail streets of the Center, the Planning Commission may approve a building façade that occupies as little as 30% of the Front Building Line, provided it does not impair the design standards for the public streetscape and is consistent with the site design of adjacent property; and where on-site parking is permitted to the side of the building, according to Subsection 3.08.005 an Alternative Street Wall of between 3 and 5 feet and matching the materials or ornamentation of the building shall be at the extension of the Front Building Line to screen parking areas.

Creative alternative Request:

Primary facade will occupy 92% of Front Building line. Front Building Line will be set at 80' to maximize tree-saving efforts, to have consistency with the adjacent developments, to maximize parking, and to promote better traffic circulation.

Parking Design and Circulation, Requirements:

Zoning Ord, Article 3, Section 3.08.005.A. and D. Parking Design and Circulation and Screening Requirements:

(3.08.005.A) On-street and shared central parking areas shall be the primary parking strategy for commercial development.

All parking shall be setback at least 10' from the lot frontage with a 3'-5' high landscape screen or alternative street wall, or located behind the building.

(3.08.005.D) A building shall occupy at least 50% of the Required Front Building Line on the lot.

An Alternative Street Wall of between 3 and 5 feet and matching the materials or ornamental features of the building, or shall be used to screen the parking at the extension of the Front Building Line. Alternatively, the parking may be screened by landscape.

Creative alternative:

The layout maximizes the number of parking spaces relative to commercially feasible alternatives. The parking is set back at least 10' for most of Herff Rd frontage. 12 parking spaces encroach on easement to provide root protection area and facilitate saving Oak tree across the drive. 3'-5' high landscape screen will be provided with grade and vegetative coverage. Reference Front Building Line Percentage on previous comment.

Buildings, Requirement:

Zoning Ord, Article 5, Section 3.08.008.B Design Guidelines. Buildings: Buildings should be built to the front-lot line in most circumstances and occupy a significant portion of the lot frontage.

Creative alternative:

A street wall will be achieved with the landscape design which will allow a transition from the public realm to the private realm. Primary facade will occupy 92% of Front Building line. Front Building Line will be set at 80' to maximize tree saving efforts, to have consistency with the adjacent developments, to maximize parking, and to promote better traffic circulation.

Sites, Requirement:

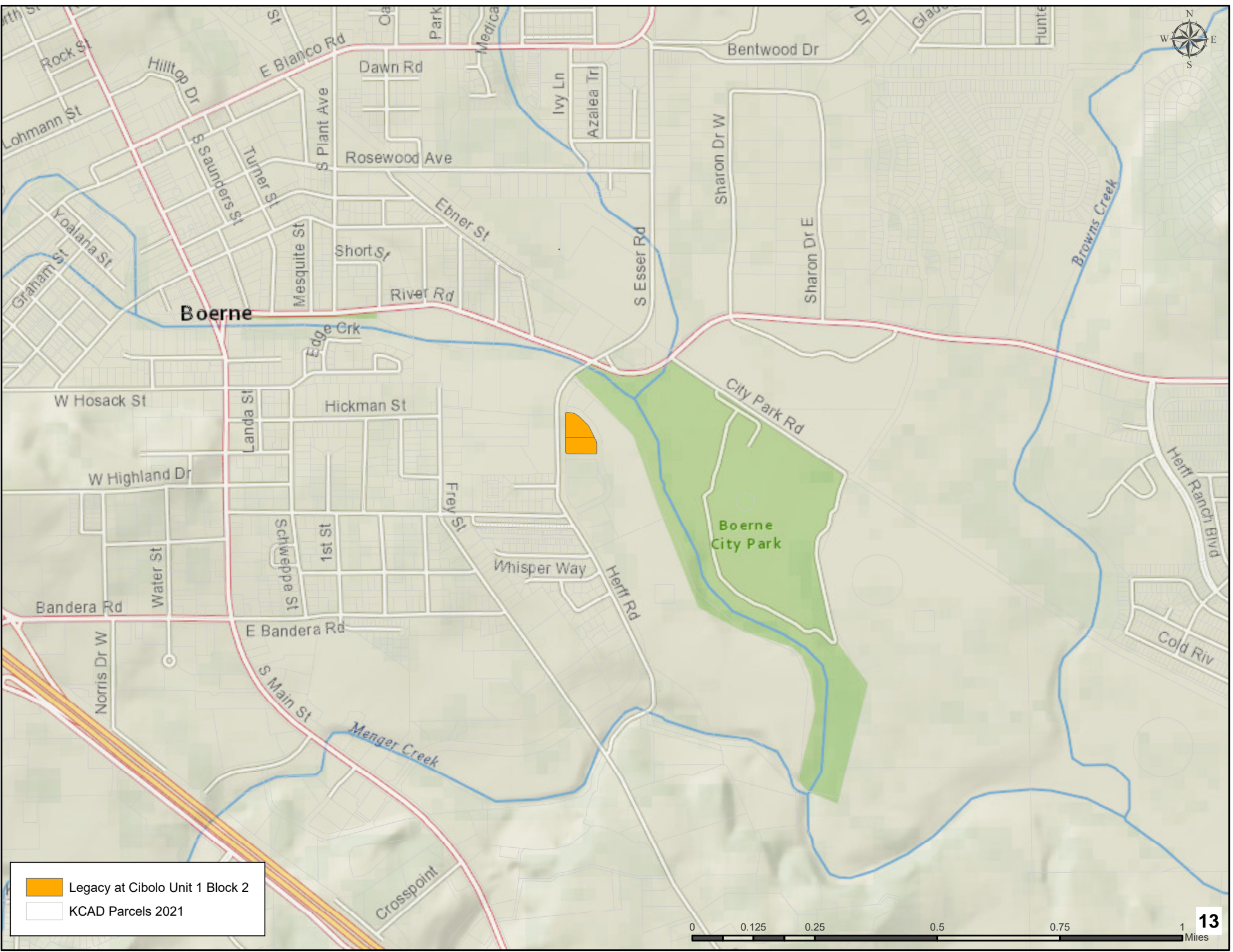
Zoning Ord, Article 5, Section 3.08.008.C. Design Guidelines. Sites: Any On-site parking should be located behind buildings out of view from public streets, wherever possible. When located on the sides of buildings, parking areas should be screened from the streetscape by a combination of ornamental walls and landscape materials, matching the design and creating a continuation of the street wall.

High-impact site elements, storm water facilities, storage areas, or loading areas and should be limited or located and designed to minimize impact on the streetscape design. Design site utility areas to perform multiple functions wherever possible, such as parking areas designed to host occasional special events or designed with landscape and screening that infiltrates storm water.

Creative alternative:

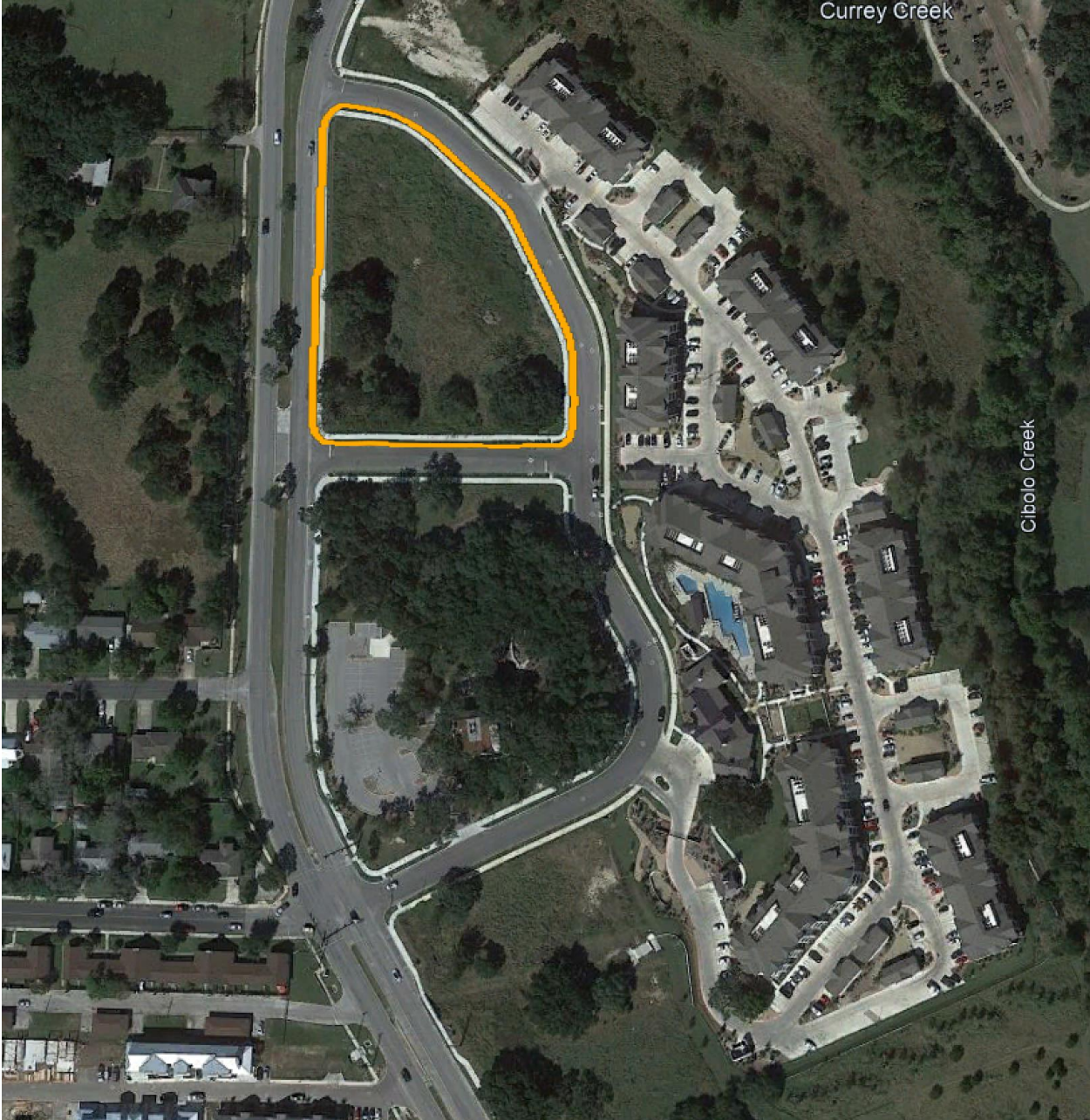
Parking proposed between principal building and front set-back is proposed to maximize tree saving efforts, to have consistency with the adjacent developments, to maximize parking, and to promote better

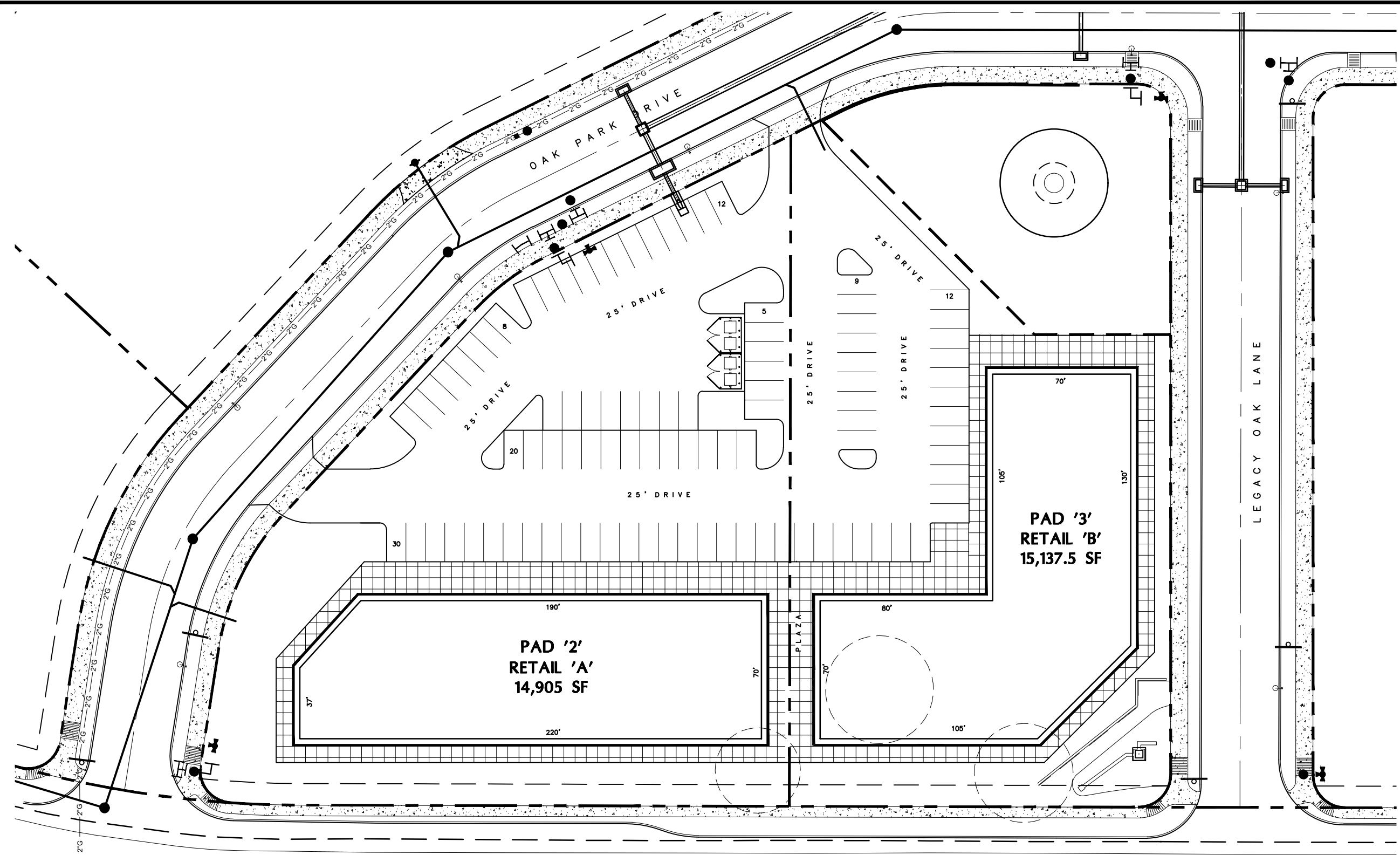
	traffic circulation.
Item Justification	<div> <div> <input type="checkbox"/> Legal/Regulatory Obligation <input type="checkbox"/> Reduce Costs <input type="checkbox"/> Increase Revenue <input type="checkbox"/> Drive Down Risk <input type="checkbox"/> Master Plan Recom. </div> <div> <input type="checkbox"/> Infrastructure Investment <input checked="" type="checkbox"/> Customer Demand <input type="checkbox"/> Service Enhancement <input type="checkbox"/> Process Efficiency <input type="checkbox"/> Other: _____ </div> </div>
Financial Considerations	None
Citizen Input/Board Review	None
Legal Review	None
Alternative Options	
Supporting Documents	Attached are exhibits.



Legacy at Cibolo Unit 1 Block 2

KCAD Parcels 2021





PROPOSED SITE DEVELOPMENT PLAN

SCALE: GRAPHIC



CONCEPTUAL PLAN ONLY. NOT TO BE RELIED UPON UNTIL FINALIZED

THIS CONCEPTUAL SITE PLAN IS FOR MARKETING PURPOSES ONLY, AND HAS BEEN PREPARED FOR CLIENT BASED UPON PRELIMINARY AVAILABLE SITE INFORMATION DEEMED RELIABLE. ALL DIMENSIONS, GRADES AND AREA CALCULATIONS ARE SUBJECT TO VERIFICATION AND MODIFICATION BY A PROFESSIONAL CIVIL ENGINEER FOR COMPLIANCE WITH ALL NATIONAL, STATE, AND LOCAL REGULATIONS. NOT FOR REGULATORY APPROVAL, PERMITTING, OR CONSTRUCTION.

SP1-080322

VILLA PARK
ARCHITECTURE/INTERIORS, PLLC
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PROPOSED SITE DEVELOPMENT PLAN

HERFF ROAD & OAK PARK DRIVE
BOERNE, TEXAS

DRAWN
NZ/AM
CHECKED
MDN
DATE
08/03/22
PROJECT
HERFF ROAD
JOB NO.
21-317
SHEET

SP1

Exhibit E Per Existing Zoning Requirements

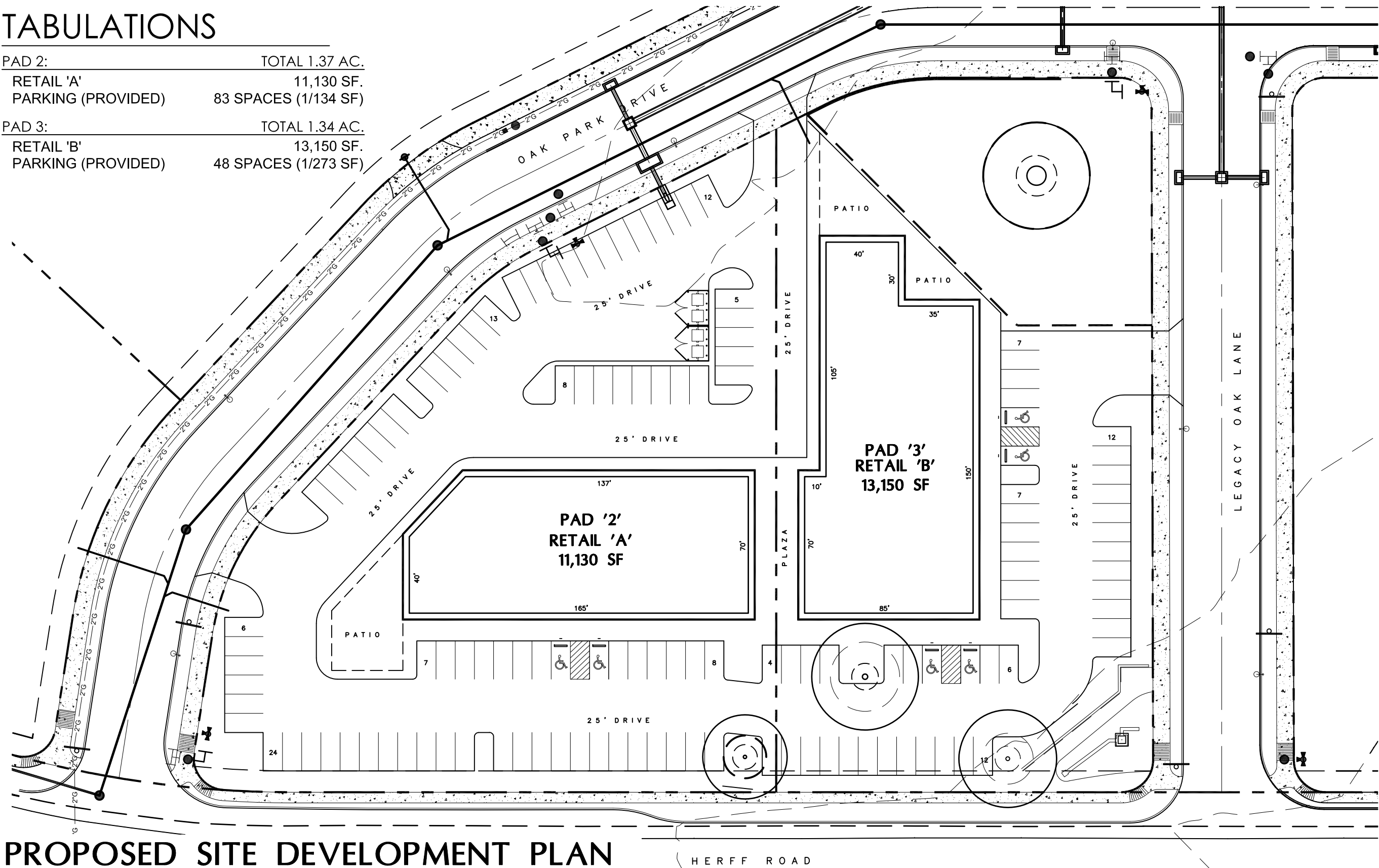


Exhibit D per Existing Zoning Requirements

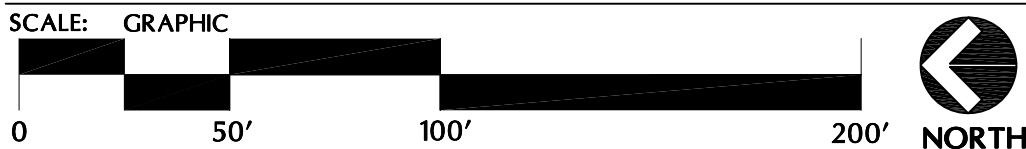


TABULATIONS

PAD 2:	TOTAL 1.37 AC.
RETAIL 'A'	11,130 SF.
PARKING (PROVIDED)	83 SPACES (1/134 SF)
PAD 3:	TOTAL 1.34 AC.
RETAIL 'B'	13,150 SF.
PARKING (PROVIDED)	48 SPACES (1/273 SF)



PROPOSED SITE DEVELOPMENT PLAN



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SP1-072722

Exhibit A per DRC Variances Approval



Exhibit B per DRC Variances Approval



Exhibit C per DRC Variances Approval

