

## CITY OF FAIR OAKS RANCH

# ZONING BOARD OF ADJUSTMENT (ZBOA) MEETING

Wednesday, September 14, 2022 at 6:30 PM

Public Safety Training Room, Police Station, 7286 Dietz Elkhorn, Fair Oaks Ranch

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## AGENDA

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### OPEN MEETING

1. Roll Call - Declaration of a Quorum
2. Pledge of Allegiance

### CONSIDERATION/DISCUSSION ITEMS

3. Consideration and possible action electing an Acting Zoning Board of Adjustment Chairperson during the September 14, 2022 regular ZBOA meeting.

Christina Picioccio, TRMC, City Secretary

### CITIZENS and GUEST FORUM

*To address the Board, please sign the Attendance Roster located on the table at the entrance of the Council Chambers. In accordance with the Open Meetings Act, the Zoning Board of Adjustment may not discuss or take action on any item which has not been posted on the agenda. Speakers shall limit their comments to five (5) minutes each.*

4. Citizens to be heard

### PUBLIC HEARING

5. The Zoning Board of Adjustment of the City of Fair Oaks Ranch, Texas, will conduct a public hearing to receive public testimony on the Variance Application No. ZBOA 2022-09-14 from Ms. Carmen Groth, applicant, on behalf of the property owner, G Leon Family Partnership LTD to grant variances for the property located at 28313 Leslie Pfeiffer Drive, Boerne, TX.
  - A. Chairman opens the public hearing
  - B. Staff presentation of the Variance request
  - C. Applicant presentation of the Variance request
  - D. ZBOA receives public testimony for/against the Variance request with the Chairman serving as the presiding officer
  - E. Chairman closes the public hearing
  - F. ZBOA discuss the request, inclusive of asking questions of the applicant and staff
  - G. ZBOA will consider and take possible action on the Variances under the Consideration/Discussion Items portion of the agenda

Katherine Schweitzer, P.E., Manager, Engineering Services  
Lata Krishnarao, AICP, LEED ND, Consultant, Gunda Corporation

**CONSENT AGENDA**

*All of the following items are considered to be routine by the Zoning Board of Adjustment, there will be no separate discussion on these items and will be enacted with one motion. Items may be removed by any Board Member by making such request prior to a motion and vote.*

6. Approval of the July 27, 2022 Special meeting minutes.

Christina Picioccio, TRMC, City Secretary

**CONSIDERATION/DISCUSSION ITEMS**

7. Consideration and possible action on the Variance Application No. ZBOA 2022-09-14 from Ms. Carmen Groth, applicant, on behalf of the property owner, G Leon Family Partnership LTD to grant the variances for the property located at 28313 Leslie Pfeiffer Drive, Boerne, TX.

Katherine Schweitzer, P.E., Manager, Engineering Services  
Lata Krishnarao, AICP, LEED ND, Consultant, Gunda Corporation

**ADJOURNMENT**

*Request for ZBOA topic needing information/research*

**Signature of Agenda Approval:** s/ Katherine Schweitzer

Katherine Schweitzer, Manager of Engineering Services

I, Christina Picioccio, TRMC, City Secretary, certify that the above Notice of Meeting was posted on the outside bulletin board at the Fair Oaks Ranch City Hall, 7286 Dietz Elkhorn, Fair Oaks Ranch, Texas, and on the City's website [www.fairoaksranchtx.org](http://www.fairoaksranchtx.org), both places being convenient and readily accessible to the general public at all times.

As per Texas Government Code 551.045, said Notice was posted by 6:30 PM, September 11, 2022 and remained so posted continuously for at least 72 hours before said meeting was convened.

The Fair Oaks Ranch Police Station is wheelchair accessible at the front main entrance of the building from the parking lot. Requests for special services must be received forty-eight (48) hours prior to the meeting time by calling the City Secretary's office at (210) 698-0900. Braille is not available.



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## ZONING BOARD OF ADJUSTMENT CONSIDERATION ITEM

### CITY OF FAIR OAKS RANCH, TEXAS

September 14, 2022

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AGENDA TOPIC: Consideration and possible action electing an Acting Zoning Board of Adjustment Chairperson for the September 14, 2022 regular ZBOA meeting

START DATE: September 14, 2022

DEPARTMENT: City Secretary

PRESENTED BY: Christina Picioccio, TRMC, City Secretary

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#### **INTRODUCTION/BACKGROUND:**

According to Chapter 211.008 of the Local Government Code and Rule 7 of the City of Fair Oaks Ranch Zoning Board of Adjustment Meeting Rules of Procedure, a presiding officer of the Zoning Board of Adjustment is required to hold Zoning Board of Adjustment meetings. In the event of an absence of the Chairperson and Vice-chairperson, the ZBOA shall elect an Acting Chairperson.

#### **POLICY ANALYSIS/BENEFIT(S) TO CITIZENS:**

Complies with Local Government Code Chapter 211.008 establishing presiding officers and Rule 7 (Officers) of the City of Fair Oaks Ranch Zoning Board of Adjustment (ZBOA) Meeting Rules of Procedure.

#### **LONGTERM FINANCIAL & BUDGETARY IMPACT:**

None.

#### **LEGAL ANALYSIS:**

N/A

#### **RECOMMENDATION/PROPOSED MOTION:**

I move to elect (INSERT NAME HERE) to serve as the acting Zoning Board of Adjustment Chairperson during the September 14, 2022 Regular ZBOA meeting.



## ZONING BOARD OF ADJUSTMENT CONSIDERATION ITEM

### CITY OF FAIR OAKS RANCH, TEXAS

September 14, 2022

**AGENDA TOPIC:** The Zoning Board of Adjustment of the City of Fair Oaks Ranch, Texas, will conduct a public hearing to receive public testimony on the Variance Application No. ZBOA 2022-09-14 from Ms. Carmen Groth, applicant, on behalf of the property owner, G Leon Family Partnership LTD to grant variances for the property located at 28313 Leslie Pfeiffer Drive, Boerne, TX.

**DATE:** September 14, 2022

**DEPARTMENT:** Public Works and Engineering Services

**PRESENTED BY:** Katherine Schweitzer, P.E., Manager of Engineering Services  
Lata Krishnarao, AICP, LEED ND, Consultant, Gunda Corporation

Prior to taking action on a Variance request, the Zoning Board of Adjustment (ZBOA) is required to conduct a public hearing. The sequence for conducting the public hearing and taking action on the requested variances is as follows:

- A. Chairman opens the public hearing
- B. Staff presentation of the Variance request
- C. Applicant presentation of the Variance request
- D. ZBOA receives public testimony for/against the Variance request with the Chairman serving as the presiding officer
- E. Chairman closes the public hearing
- F. ZBOA discuss the request, inclusive of asking questions of the applicant and staff
- G. ZBOA will consider and take possible action on the Variances under the Consideration/ Discussion Items portion of the agenda

### **STAFF PRESENTATION**

#### **Introduction/Background**

**Location:** The subject parcel is located at 28313 Leslie Pfeiffer Drive, north-east of the intersection of I-10 Frontage Road and Leslie Pfeiffer Drive (see attached **Exhibit A: Location Map**). Street access to the property will be provided from Leslie Pfeiffer Drive. The property is platted, and the site is currently vacant.

The applicant is proposing a new restaurant of approximately 9,200 square feet and associated parking which is a permitted use in this zone.

**CURRENT ZONING:** Mixed Use Village

**PROPOSED USE:** New Restaurant

**PROPERTY SIZE:** 1.729 acres

### **Unified Development Code and Zoning Designation:**

The purpose of adopting the Unified Development Code (UDC) is to promote the public health, safety, and welfare of present and future citizens of the City of Fair Oaks Ranch. The UDC uses zoning to regulate the development of land within the city to achieve balanced growth and quality of life as defined by the citizens. The zoning designation of the property determines the regulations that will be applicable to the development of the property. The subject property is zoned Mixed Use Village (**Exhibit B: Zoning Map**) and the use is permitted by right in this zone.

### **Purpose of Mixed Use Village:** Section 6.8 (1) of the UDC states:

The Mixed Use Village District (MU) indicates areas within the City of Fair Oaks Ranch where the City encourages a mixture of uses that create pedestrian scaled commercial and residential development at major nodes in the City that generally conform to a Hill Country Design aesthetic. Sites in the MU district are appropriate for direct access to primarily Arterial, Collector streets and Local Connector Streets. Development standards in this district will require new buildings to create pedestrian friendly building frontages and generally conform to a Hill Country Design aesthetic. Uses within this Zoning District include commercial (office, retail, and restaurant) with a variety of residential uses also permitted.

### **REQUESTED VARIANCES AND STAFF FINDINGS:**

Preliminary review of the site indicates that the requirements of the UDC in terms of access, landscape screening, parking setback from the street, and number of parking spaces can be met by re-designing the layout per the **Illustration 2: Schematic Diagram** below. Staff's review of each Variance is listed below:

1. Variance from Section 6.8 (1) b (i) – vary the 20' maximum setback requirement along Secondary Frontage (I-10 Frontage Road) to 55'.

The proposed front setback will be 55' to locate parking along I-10 Frontage Road. This will exceed the maximum setback limit along Secondary Frontage (I-10 Frontage Road) for Mixed Use Zone.

**Finding:** Per the **Illustration 2: Schematic Diagram Showing Compliance (prepared by staff)**, it is staff's opinion that the site can be redesigned to meet this requirement. The applicant has not identified any constraints on the property that would prevent the applicant from meeting this UDC requirement. The criteria in UDC Sec. 3.9 (9), do not apply and a deviation is not warranted. Adherence to this requirement will not prohibit or unreasonably restrict the utilization of the property.

2. Variance from 6.7 (5) (a)– Eliminate the required 3' high landscaping screening strip between parking and street.

There is room for landscape screening, however, the existing site plan does not propose any screening.

**Finding:** It is staff's opinion that the 3' high street screen can be provided by redesigning the site to meet this requirement as shown in **Illustration 2: Schematic Diagram Showing Compliance (prepared by staff)**. The criteria in UDC Section 3.9 (9), do not apply and a deviation is not warranted. Adherence to this requirement will not prohibit or unreasonably restrict the utilization of the property. Removal of this landscaping screen will result in no landscaping at all between the building and I-10 Frontage Road, which will adversely affect the character of the area.

3. Variance from the requirements of UDC Section 6.8 (1) (d) (i) - allow parking in front of the building, between the building and I-10 Frontage Road as well as between the building and Leslie Pfeiffer Drive.

The applicant is proposing double the parking spaces required. Current site plan proposes 93 parking spaces whereas the UDC requirement is only 47 spaces.

**Finding:** It is staff's opinion that site can be redesigned to meet this requirement as shown in **Illustration 2: Schematic Diagram Showing Compliance (prepared by staff)**. The criteria in UDC Sec. 3.9 (9), do not apply and a deviation is not warranted. Adherence to this requirement will not prohibit or unreasonably restrict the utilization of the property. Granting this Variance will be not in conformance with the purpose of the Mixed Use Village district, as stated in the UDC and Hill Country Design aesthetic.

#### **Staff Recommendation:**

In conclusion, it is staff's opinion that the requested variances do not meet the criteria listed for findings of a hardship as per UDC Sec. 3.9 (9). The site can be redesigned to meet all the requirements of the UDC. The hardship appears to be self-created, is based solely on economic gain or loss, and will allow development of this parcel in a manner not permitted by the City's zoning regulations. Staff recommends that if the ZBOA approves the variances, the following conditions be considered:

1. A 25 foot wide landscaped strip along the street frontages, with trees and shrubs as required by **Figure 7-16 (UDC Sec. 7.7)** below.
2. Street trees: Spacing shall be an average of 30 feet on center. The minimum caliper size for each tree shall be 2 inches and shall be a minimum of 8 feet in height at planting. Each tree shall be planted in a planting area no less than 36 sq. feet. Species shall be native or adapted species selected from the Approved Plant List, found in Appendix B of the UDC.
3. Shrubs: 3-foot landscaped vegetative screen composed of shrubs planted to be opaque at maturity (see **Figure 7-16**).
4. All other landscaping requirements shall be met.

#### **PUBLIC TESTIMONY**

All real property owners within 200ft were notified and notice of the public hearing has been published. Staff has received zero (0) public comment in favor of the request and zero (0) in opposition.



## UDC Sec. 7.7 (Figure 7-16)

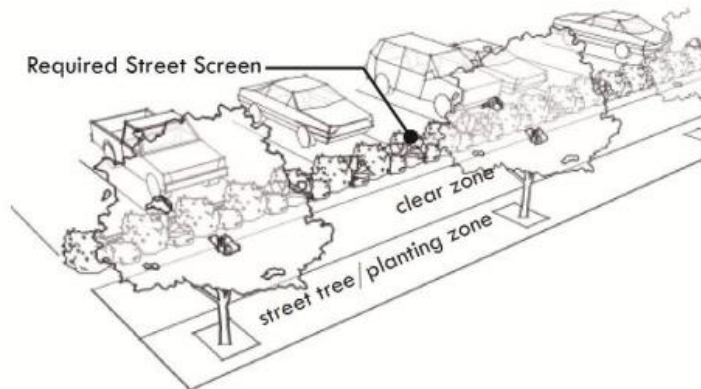


Figure 7-16 Illustration showing required Street Screen along all frontages with surface parking in the setback zone.

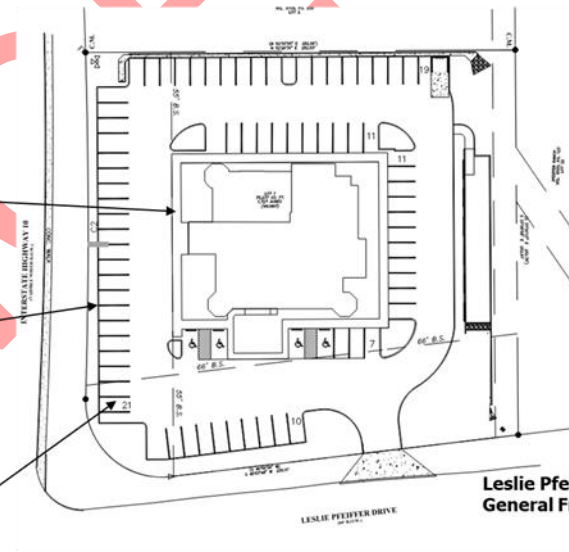
### Illustration 1: Applicant's Proposal (Requested Variances Highlighted)

Variance #1  
Max. 20' setback  
UDC Section 6.8 (1) b(i).  
Proposing 55'.

Variance #2  
3' high street screen along I-10 Frontage  
UDC Section 6.7 (5)  
Proposing no landscaping in the front

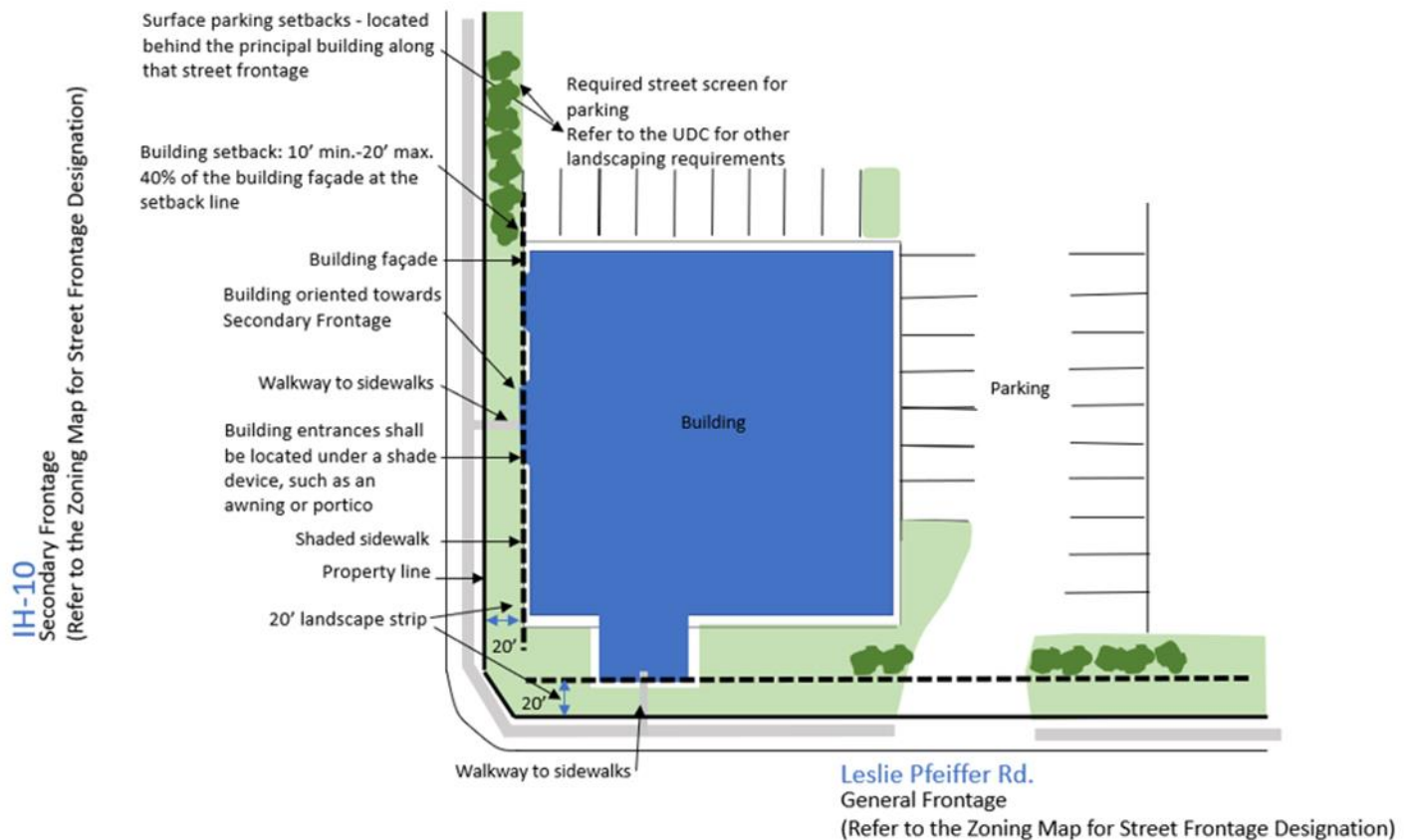
Variance #3  
No parking in front of the building, between the building and I-10 Frontage Road as well as between the building and Leslie Pfeiffer Drive  
UDC Section 6.8 (1) b(i)  
Proposing parking lots abutting the streets with no landscaping.

I-10 Frontage Road  
Secondary Frontage

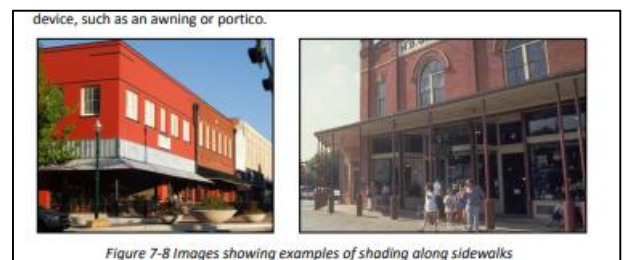
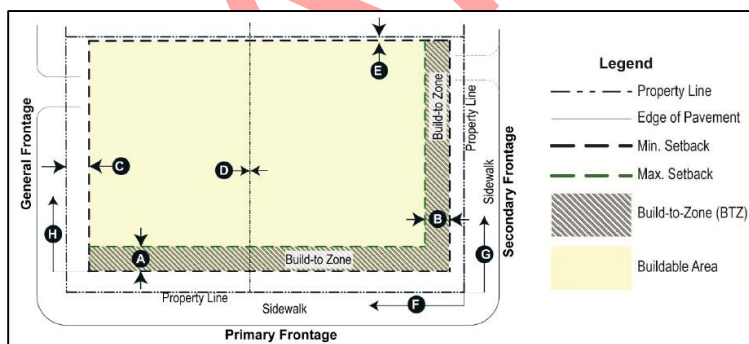


Leslie Pfeiffer Drive  
General Frontage

**Illustration 2: Schematic Diagram Showing Compliance (Shared with the applicant in February 2022)**

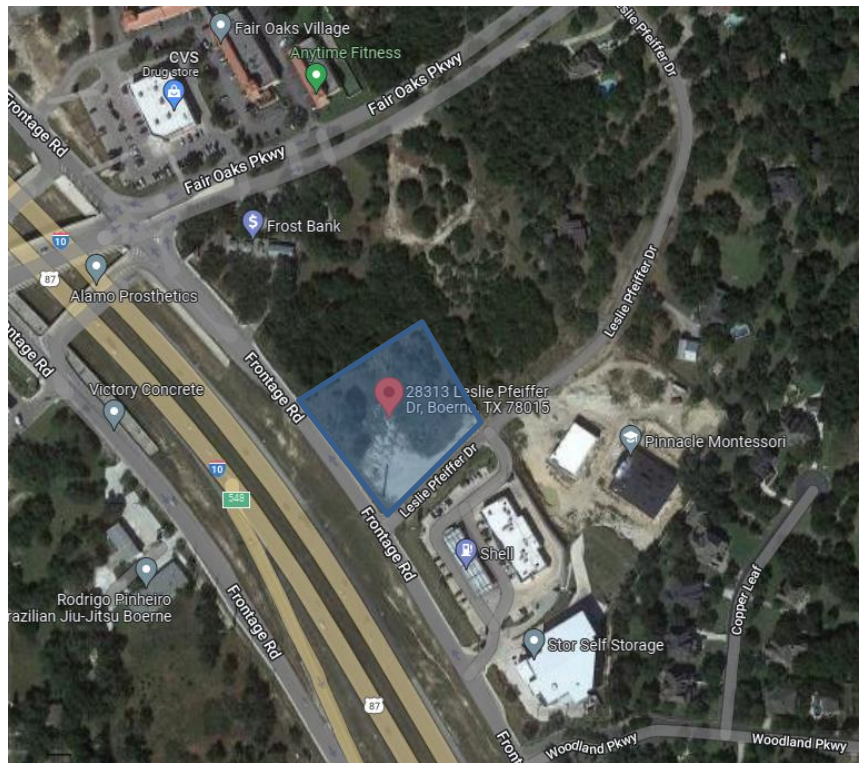


### **Illustration 3: Building Placement (UDC Sec. 6.8 (1) b) and Examples (UDC Sec. 7.8 (4))**





## Exhibit A: Location Map



Source: Google

## Exhibit B: Zoning Map



Source: City of Fair Oaks Ranch

**Attachments:**

1. Universal Application
2. S20 Specific Application
3. Letter of Intent (Applicant's confirmation of variances)
4. Site Plan
5. Notification Map

CANCELLED



# City of Fair Oaks Ranch

7286 Dietz Elkhorn Fair Oaks Ranch, TX 78015

PH: (210) 698-0900.FAX: (210) 698-3565. [bcodes@fairoaksranchtx.org](mailto:bcodes@fairoaksranchtx.org) [www.fairoaksranchtx.org](http://www.fairoaksranchtx.org)

## UNIVERSAL APPLICATION (FORM UA)

All applications must be submitted with:

(1) A complete **Universal Application** form (2 pages), and

(2) A complete **Specific Application Form** with all materials listed in the checklist for the specific application.

The City staff is available to assist you in person at City Hall or over the phone at (210) 698-0900.

### DEVELOPMENT INFORMATION

Project Name/Address/Location: 28313 Leslie Pfeiffer Drive, Boerne, Tx 78006 Acreage: 1.727 ac

Brief Description of Project: Family Restaurant

Is property platted? ☐ No ☒ Yes Subdivision name: Pfeiffer Ranch Corners UT - 1 No. of Lots: 1

Recordation #: Volume 9573, pg 12 Parcel(s) Tax ID#: Property ID 1073601

Existing Use: Vacant Proposed Use: Restaurant

Current Zoning: Mixed Used Village

Proposed Zoning:

Occupancy Type: \_\_\_\_\_ Sq. Ft: \_\_\_\_\_ Bed #: \_\_\_\_\_ Bath #: \_\_\_\_\_ Car Garage #: \_\_\_\_\_

Water System ☐ Well ☒ Public

Flood Zone: ☐ Yes ☒ No

Sewer System: ☐ Septic ☒ Public

### PROPERTY OWNER INFORMATION

Owner: G Leon Family Partnership LTD

Contact Name: Ivan Leon

Address: 3622 Airline Rd, Corpus Christi, TX 78414

City/State/ZIP: 3622 Airline Rd, Corpus Christi, TX 78414

Phone: \_\_\_\_\_

Email: idleon86@gmail.com

### APPLICANT INFORMATION

Applicant/Developer: Carmen Groth

Contact Name: Carmen Groth

Address: 13066 N Hunters Circle

City/State/ZIP: San Antonio, TX 78230

Phone: 210-380-0060

Email: cgroth@projectaengineering.com

### KEY CONTACT INFORMATION

Name of the Individual: Carmen C Groth

Contact Name: Carmen Groth

Address: 13066 N Hunters Circle

City/State/ZIP: San Antonio, TX 78230

Phone: 210-380-0060

E-mail: cgroth@projectaengineering.com

SIGNATURE OF PROPERTY OWNER OR APPLICANT (SIGN AND PRINT OR TYPE NAME)

Signature: *Maddalena Leon*

Date: 5-27-22

(Signed letter of authorization required if the application is signed by someone other than the property owner)

#### \*\*\*\*\*OFFICE USE ONLY\*\*\*\*\*

DATE REC'D: 06/15/2022 BY: KGS

FEES PAID: \$300 APPROVED BY: KGS

DATE APPROVED: To be reviewed by ZBOA

APPLICATION/PERMIT NO: \_\_\_\_\_ EXP DATE: \_\_\_\_\_

Applications shall be processed based on the City's official submission dates. When a completed application packet has been accepted and reviewed, additional information may be required by staff as a result of the review, therefore it may be necessary to postpone the proposed project and remove it from the scheduled agenda and place it on a future agenda.



**SPECIFIC APPLICATION FORM (S1-S39).** Please check the appropriate type below:**Land Use Policy Related**

(Section 3.9 of the UDC)

- ☐ Annexation\* - Form S1
- ☐ Comprehensive Plan Amendment (Text)
- ☐ Unified Development Code (UDC) Text Amendment
- ☐ Rezoning/ FLUM amendment\* - Form S2
- ☐ Special Use Permit\* - Form S3
- ☐ Planned Unit Development (PUD)\* - Form S4
- ☐ Development Agreement
- ☐ Conservation Development Alternative\* (CDA) (Section 4.8) - Form S5

**Subdivision and Property Development Related**

(Section 3.8 of the UDC)

- ☐ Amending Plat\* - Form S6
- ☐ Minor Plat\* - Form S7
- ☐ Development Plat\* - Form S8
- ☐ Concept Plan\*\* - Form S9
- ☐ Preliminary Plat\* - Form S10
- ☐ Final Plat\* - Form S11
- ☐ Replat\* - Form S12
- ☐ Construction Plans\* - Form S13
- ☐ Vacating Plat
- ☐ Plat Extension

**Site Development Related**

(Section 3.9 of the UDC)

- ☐ Vested Rights Verification Letter
- ☐ Zoning Verification Letter
- ☐ Written Interpretation of the UDC
- ☐ Temporary Use Permit\* - Form S14
- ☐ Special Exception\* - Form S15
- ☐ Site Development Permit\* (Site Plan Review) - Form S16
- ☐ Floodplain Development Permit\* - Form S17
- ☐ Stormwater Permit\* - Form S18
- ☐ Certificate of Design Compliance\* - Form S19
- Appeal of an Administrative Decision
- ☐ Zoning ☐ Others
- Variance
- ☒ Policy ☐ Judicial\* - Form S20
- ☐ Sign Special Exception/Appeal to an Administrative Decision
- ☒ Administrative Exception
- ☐ Permit for Repair of Non-Conforming Use/Building
- ☐ Letter of Regulatory Compliance
- ☐ On-Site Sewage Facility Permit (OSSF)
- ☐ Certificate of Occupancy (CO)\* - Form S21
- ☐ Relief from Signage Regulations
- ☐ Group Living Operation License\* - Form S22
- ☐ Grading/Clearance Permit - Form S23

**Building Permits Related****Commercial**

- ☐ New/Remodel/Addition\* - Form S24
- ☐ Fence\* - Form S25
- ☐ Miscellaneous\* - Form S26

**Residential**

- ☐ New Home\* - Form S27
- ☐ Remodel/Addition\* - Form S28
- ☐ Detached Buildings\* - Form S29

**Others**

- ☐ Solar\* - Form S30
- ☐ Swimming Pool\* - Form S31
- ☐ Demolition, Drive or Move
- ☐ New Lawn/Water\* - Form S32
- ☐ Backflow Device/Irrigation Systems - Form S33
- ☐ Sign\* (Permanent) - Form S34 A
- ☐ Sign\* (Temporary) - Form S34 B
- ☐ Appeal of Denial of Sign Permit
- ☐ Master/ Common Signage Plan\* - Form S35
- ☐ Water Heater or Water Softener\* - Form S36
- ☐ Right-of-Way Construction\* - Form S37
- ☐ Flatwork\* - Form S38

**Inspections**

- ☐ Mechanical ☐ Electrical
- ☐ Plumbing ☐ Building
- ☐ Others \_\_\_\_\_

**Water- Wastewater Service**

- ☐ Connect/ Disconnect Form\* - Form S39

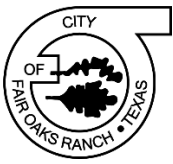
\*These types of applications require additional information as listed in the Specific Application Form. Refer to **Appendix B** of the Administrative Procedures Manual for more information.

\*\* The Concept Plan is required for PUD and CDA, and for Rezoning if included in a previously approved Concept Plan.

**Application Checklist for all Applications**

- ☒ Universal Application Form (Form UA).
- ☒ Items listed in the checklist for the Specific Application Form (Form S#) <sup>1</sup>. (Please make sure the boxes are checked)
- ☒ Application Processing Fees and other application fees.
- ☒ Letter of intent explaining the request in detail and reason for the request.
- ☐ Signed Letter of Authorization required if the application is signed by someone other than the property owner.
- ☒ Site plan and shapefile drawings (if applicable) for the property
- ☒ Location map clearly indicating the site in relation to adjacent streets and other landmarks
- ☒ One (1) copy of proof of ownership (recorded property deed or current year tax statements)
- ☒ One (1) USB drive containing the general required documents in Adobe PDF format (if required)

<sup>1</sup>For items that are duplicated in the specific type of application, only one copy is required.



## S20

### SPECIFIC APPLICATION FORM - VARIANCE

#### Section 3.9 (9) of the Unified Development Code

The following steps must be completed, and the items must be submitted for the application to be deemed complete and processed:

- ☒ Pre-Application Conference prior to application submittal.
- ☐ Concept plan approval (if required).
- ☒ A completed Universal Application and checklist signed by the owner/s of the property.
- ☒ A title report.
- ☐ Payment of all other applicable fees (see Schedule of Fees).
- ☒ 8½ x 11 copy of the legal description (metes and bounds) of the area encompassing the Variance request. If the property is platted, a copy of the plat should be provided.
- ☒ Location/vicinity map showing the location and boundaries of the subject parcel. Indicate scale or not to scale (NTS) and provide north arrow.
- ☒ Acknowledgement that the sign posted by the City on the property fifteen (15) days prior to the public hearing will be maintained until the request is heard at the public hearing.
- ☒ Provide evidence or proof that all taxes and obligations have been paid regarding the subject property.
- ☒ Electronic copies of the required exhibits in "PDF" format and shapefile for property boundary where applicable should be submitted in a USB flash drive or via email.

**Krishna Radhakrishnan**

**From:** Carmen Groth <cgroth@projectaengineering.com>  
**Sent:** Monday, August 22, 2022 10:35 AM  
**To:** Lata Krishnarao; Krishna Radhakrishnan; celismauro@gmail.com; idleon86@hotmail.com  
**Cc:** Carole Vanzant; Grant Watanabe; Sandra Gorski; Katherine Schweitzer; Amanda Valdez; Christina Picioccio  
**Subject:** RE: FOR Leslie Pfeiffer Restaurant ZBOA Variance

Much appreciated. Have a great day!

Best,

Carmen C. Groth, P.E., PMP, MBA  
 Projecta Engineering, PLLC  
 210-380-0060

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**From:** [Lata Krishnarao](#)  
**Sent:** Monday, August 22, 2022 10:33 AM  
**To:** [Carmen Groth](#); [Krishna Radhakrishnan](#); [celismauro@gmail.com](#); [idleon86@hotmail.com](#)  
**Cc:** [Carole Vanzant](#); [Grant Watanabe](#); [Sandra Gorski](#); [Katherine Schweitzer](#); [Amanda Valdez](#); [Christina Picioccio](#)  
**Subject:** RE: FOR Leslie Pfeiffer Restaurant ZBOA Variance

Carmen,

We will go ahead and advertise for #3 also then, based on this e-mail and the site plan submitted.



**Lata Krishnarao, AICP, LEED ND**

Practice Leader, Community Planning  
 lkrishnarao@gundacorp.com  
 TBPE Firm Registration No.: F-3531  
 O: 346-336-4944  
 11750 Katy Freeway, Suite 300, Houston, Texas 77079  
[www.gundacorp.com](http://www.gundacorp.com)



Our parent company, Ardurra is a growing assembly of experts, engineers, and design professionals delivering a unique balance of experience and innovation. To learn more visit [www.ardurra.com](http://www.ardurra.com)




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**From:** Carmen Groth <cgroth@projectaengineering.com>  
**Sent:** Monday, August 22, 2022 10:28 AM  
**To:** Lata Krishnarao <lkrishnarao@ardurra.com>; Krishna Radhakrishnan <KRadhakrishnan@ardurra.com>; celismauro@gmail.com; idleon86@hotmail.com  
**Cc:** Carole Vanzant <CVanzant@fairoaksranchtx.org>; Grant Watanabe <gwatanabe@fairoaksranchtx.org>; Sandra Gorski <sgorski@fairoaksranchtx.org>; Katherine Schweitzer <kschweitzer@fairoaksranchtx.org>; Amanda Valdez <AValdez@fairoaksranchtx.org>; Christina Picioccio <CPicioccio@fairoaksranchtx.org>  
**Subject:** RE: FOR Leslie Pfeiffer Restaurant ZBOA Variance



Good morning, I am glad the variance along Leslie is not required, to clarify during one of our meetings with the team we were told the requirement for no parking at the front of the property was for both I 10 and Leslie Pfeiffer.

Basically we want to be sure parking is allowed all around the building including the setback so that emergency vehicles can drive around the building.

Regards,

Carmen C. Groth, P.E., PMP, MBA  
Projecta Engineering, PLLC  
210-380-0060

**From:** [Lata Krishnarao](#)

**Sent:** Monday, August 22, 2022 10:20 AM

**To:** [Carmen Groth](#); [Krishna Radhakrishnan](#); [celismauro@gmail.com](mailto:celismauro@gmail.com); [idleon86@hotmail.com](mailto:idleon86@hotmail.com)

**Cc:** [Carole Vanzant](#); [Grant Watanabe](#); [Sandra Gorski](#); [Katherine Schweitzer](#); [Amanda Valdez](#); [Christina Picioccio](#)

**Subject:** RE: FOR Leslie Pfeiffer Restaurant ZBOA Variance

**Importance:** High

Carmen,

Looks like there are still some clarifications needed:

1. The variance #1 (see below) request has changed now. Now the request is 55' foot maximum setback along I-10 from 40'. You added variance for Leslie Pfeiffer, which is not needed. **Please clarify.**
2. For variance #3, you have included the wrong section (that variance I not needed) . As shown below in our letter, we had specifically referred to Section 6.8 (1) (d) I – which is still needed. We are not sure why you changed that request. It appears from the site plan and e-mail that you still propose to provide parking between the building and the streets. **Please clarify.**

We need your responses as soon as possible, **latest by end of the day**, to meet the newspaper notification deadline for the public hearing for Sept 14<sup>th</sup> ZBOA meeting.

1. Variance from the requirements of UDC Section 6.8 (1) b (i) to vary the 20' maximum setback requirement along Secondary Frontage (I-10 feeder road) to 40'.
2. Variance from street screening as per UDC Section 6.7 (5) (a) - Allow removal of the three feet high street screen (including all landscaping) required along Secondary Frontage (I-10 feeder) to screen the parking area.
3. Variance from the requirements of UDC Section 6.8 (1) (d) (i) to allow parking along front of the building, between the building and the I-10 feeder road.

**Lata Krishnarao, AICP, LEED ND**

Practice Leader, Community Planning

[lkrishnarao@gundacorp.com](mailto:lkrishnarao@gundacorp.com)

TBPE Firm Registration No.: F-3531

O: 346-336-4944

11750 Katy Freeway, Suite 300, Houston, Texas 77079

[www.gundacorp.com](http://www.gundacorp.com)

Our parent company, Ardurra is a growing assembly of experts, engineers, and design professionals delivering a unique balance of experience and innovation. To learn more visit [www.ardurra.com](http://www.ardurra.com)



**From:** Carmen Groth <[cgroth@projectaengineering.com](mailto:cgroth@projectaengineering.com)>

**Sent:** Friday, August 19, 2022 2:26 PM

**To:** Krishna Radhakrishnan <[KRadhakrishnan@ardurra.com](mailto:KRadhakrishnan@ardurra.com)>; [celismauro@gmail.com](mailto:celismauro@gmail.com); [idleon86@hotmail.com](mailto:idleon86@hotmail.com)

**Cc:** Lata Krishnarao <[lkrishnarao@ardurra.com](mailto:lkrishnarao@ardurra.com)>; Carole Vanzant <[CVanzant@fairoaksranchtx.org](mailto:CVanzant@fairoaksranchtx.org)>; Grant Watanabe <[gwatanabe@fairoaksranchtx.org](mailto:gwatanabe@fairoaksranchtx.org)>; Sandra Gorski <[sgorski@fairoaksranchtx.org](mailto:sgorski@fairoaksranchtx.org)>; Katherine Schweitzer <[kschweitzer@fairoaksranchtx.org](mailto:kschweitzer@fairoaksranchtx.org)>; Amanda Valdez <[AValdez@fairoaksranchtx.org](mailto:AValdez@fairoaksranchtx.org)>; Christina Picioccio <[CPicioccio@fairoaksranchtx.org](mailto:CPicioccio@fairoaksranchtx.org)>

**Subject:** Re: FOR Leslie Pfeiffer Restaurant ZBOA Variance

Thank you very much for the email. Regarding the draft letter, we want to clarify that the request is for both streets.

During one of the meetings, we were told that parking in front of the building was not allowed on either the IH-10 frontage road and Leslie. We respectfully request parking on all sides of the building with enough space for emergency vehicles to drive around as needed.

I hope this helps clarify things a bit.

Regards,  
Carmen

**From:** Krishna Radhakrishnan <[KRadhakrishnan@ardurra.com](mailto:KRadhakrishnan@ardurra.com)>

**Sent:** Friday, August 19, 2022 12:27:35 PM

**To:** Carmen Groth <[cgroth@projectaengineering.com](mailto:cgroth@projectaengineering.com)>; [celismauro@gmail.com](mailto:celismauro@gmail.com) <[celismauro@gmail.com](mailto:celismauro@gmail.com)>; [idleon86@hotmail.com](mailto:idleon86@hotmail.com) <[idleon86@hotmail.com](mailto:idleon86@hotmail.com)>

**Cc:** Lata Krishnarao <[lkrishnarao@ardurra.com](mailto:lkrishnarao@ardurra.com)>; Carole Vanzant <[CVanzant@fairoaksranchtx.org](mailto:CVanzant@fairoaksranchtx.org)>; Grant Watanabe <[gwatanabe@fairoaksranchtx.org](mailto:gwatanabe@fairoaksranchtx.org)>; Sandra Gorski <[sgorski@fairoaksranchtx.org](mailto:sgorski@fairoaksranchtx.org)>; Katherine Schweitzer <[kschweitzer@fairoaksranchtx.org](mailto:kschweitzer@fairoaksranchtx.org)>; Amanda Valdez <[AValdez@fairoaksranchtx.org](mailto:AValdez@fairoaksranchtx.org)>; Christina Picioccio <[CPicioccio@fairoaksranchtx.org](mailto:CPicioccio@fairoaksranchtx.org)>

**Subject:** RE: FOR Leslie Pfeiffer Restaurant ZBOA Variance

Good afternoon Ms. Groth,

The City is processing this request for the September ZBOA meeting. We are sharing a draft of the Newspaper Notice to ensure that the correct variances will be published on the newspaper. Advertising incorrect variances will result in cancellation of the public hearing and the ZBOA meeting.

Please review the draft notice carefully and let us know your input **by Monday, August 22, 2022 by 10 am** to advertise this notice on-time for the September meeting. Our observations regarding variance #3 are inserted as a comment.

If you have any questions, please feel free to contact us.

Regards,



**Krishna Radhakrishnan**

Planner, Community Planning

[kradhakrishnan@ardurra.com](mailto:kradhakrishnan@ardurra.com)

TBPE Firm Registration No.: F-3531

Direct: 346-336-4940

11750 Katy Freeway, Suite 300, Houston, Texas 77079

[www.ardurra.com](http://www.ardurra.com)



**\*\* Please note my new email address [kradhakrishnan@ardurra.com](mailto:kradhakrishnan@ardurra.com) \*\***

---

**From:** Carmen Groth <[cgroth@projectaengineering.com](mailto:cgroth@projectaengineering.com)>

**Sent:** Thursday, August 11, 2022 8:03 PM

**To:** Katherine Schweitzer <[kschweitzer@fairoaksranchtx.org](mailto:kschweitzer@fairoaksranchtx.org)>; [celismauro@gmail.com](mailto:celismauro@gmail.com); [idleon86@hotmail.com](mailto:idleon86@hotmail.com)

**Cc:** Lata Krishnarao <[lkrishnarao@ardurra.com](mailto:lkrishnarao@ardurra.com)>; Krishna Radhakrishnan <[KRadhakrishnan@ardurra.com](mailto:KRadhakrishnan@ardurra.com)>; Carole Vanzant <[CVanzant@fairoaksranchtx.org](mailto:CVanzant@fairoaksranchtx.org)>; Grant Watanabe <[gwatanabe@fairoaksranchtx.org](mailto:gwatanabe@fairoaksranchtx.org)>; Sandra Gorski <[sgorski@fairoaksranchtx.org](mailto:sgorski@fairoaksranchtx.org)>

**Subject:** RE: Leslie Pfeiffer Restaurant

Good afternoon,

Please find attached revisions/ clarification as requested.

Regards,

Carmen C. Groth, P.E., PMP, MBA  
Projecta Engineering, PLLC  
210-380-0060

---

**From:** [Katherine Schweitzer](#)

**Sent:** Monday, August 8, 2022 3:02 PM

**To:** [Carmen Groth](#); [celismauro@gmail.com](mailto:celismauro@gmail.com); [idleon86@hotmail.com](mailto:idleon86@hotmail.com)

**Cc:** [Lata Krishnarao](#); [Krishna Radhakrishnan](#); [Carole Vanzant](#); [Grant Watanabe](#); [Sandra Gorski](#)

**Subject:** Leslie Pfeiffer Restaurant

**Importance:** High

Carmen/Leon,

Please see the attached letter.

Let me know if you have any questions.

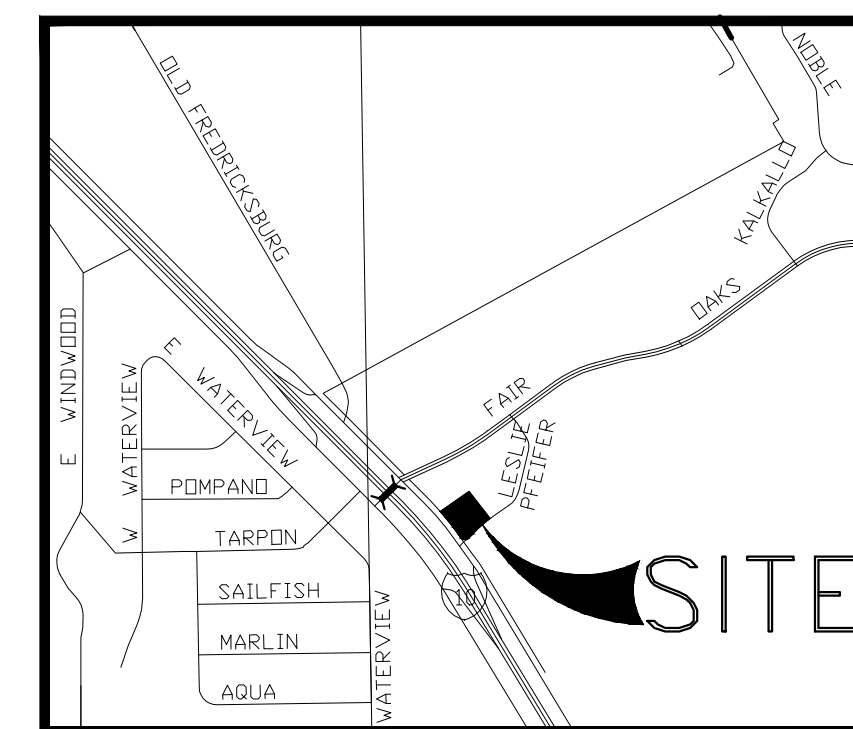
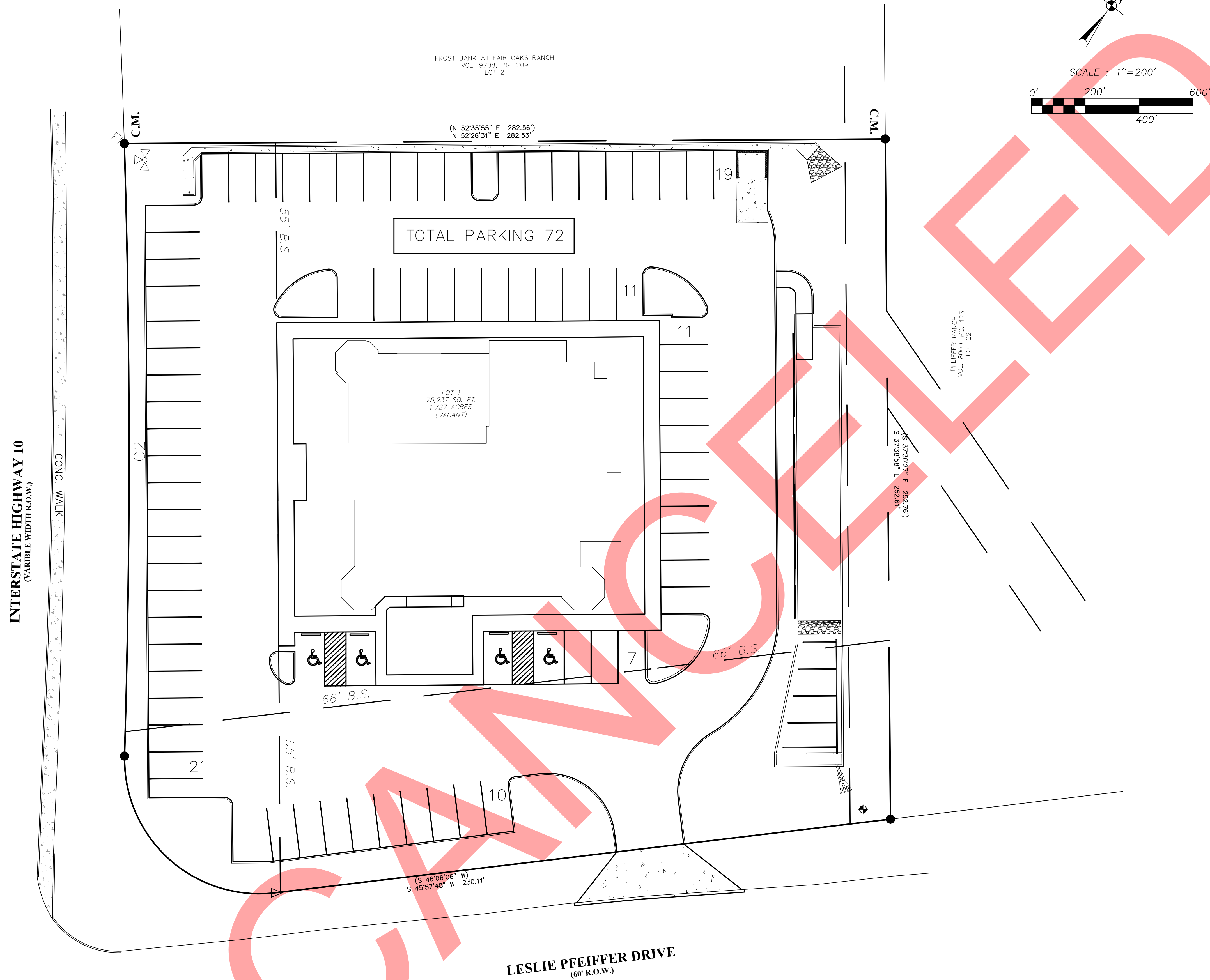
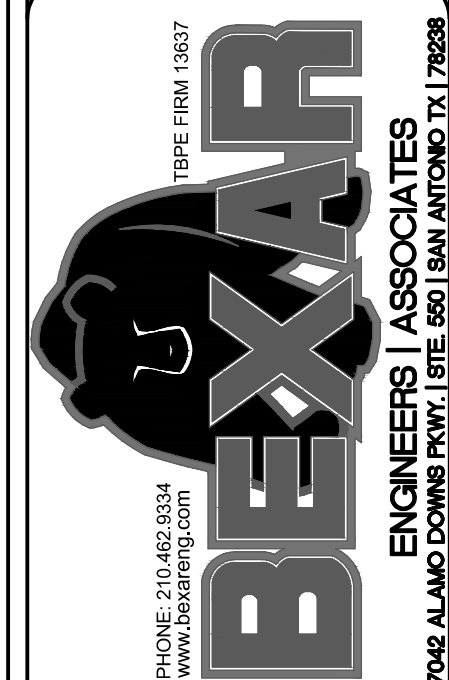
Thank you,

**Katie Schweitzer, P.E.**

Manager of Engineering Services  
7286 Dietz Elkhorn  
Fair Oaks Ranch, TX 78015  
210-698-0900 x215  
[kschweitzer@fairoaksranchtx.org](mailto:kschweitzer@fairoaksranchtx.org)



CANCELLED

[illegible]

**FAIR OAKS RESTAURANT**  
NEW CONSTRUCTION  
28313 LESLIE PFEIFFER DR.  
BOERNE TEXAS 78006

DESIGN	RL
DRAWN	SA
CHECKED	DA
DATE	8/19/2022
JOB NO.	200421
SHEET	

SITE INFORMATION	
PARKING SPACES =	89
HANDICAP PARKING SPACES =	4
TOTAL SPACES =	93
BUILDING AREA =	± 9,202 S.F.
BUILDING USE =	RESTAURANT
MIN. REQUIRED SPACES =	46

- BENCHMARK #1:**  
X ON CONCRETE  
(GPS TRAV) ELEV. = 1380.85'
- BENCHMARK #2:**  
SPINDLE IN POWER POLE  
(GPS TRAV) ELEV. = 1402.88'

## ADDRESS

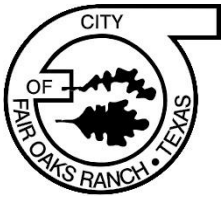
28313 LESLIE PFEIFFER DR.  
BOERNE, TEXAS 78006

## LEGAL DESCRIPTION

LOT 1  
COUNTY BLOCK 4709  
PLAT NAME: PFEIFFER RANCH CORNERS, UNIT 1  
VOLUME 9573, PAGE 12







## CITY OF FAIR OAKS RANCH

# ZONING BOARD OF ADJUSTMENT (ZBOA) MEETING

Wednesday, July 27, 2022 at 6:30 PM

Public Safety Training Room, Police Station, 7286 Dietz Elkhorn, Fair Oaks Ranch

## MINUTES

### OPEN MEETING

1. Roll Call - Declaration of a Quorum

Members Present: Michael Rey, Rich Nichols, J.C. Taylor, and Roderick Terrell

Members Absent: Dean Gaubatz

With a quorum present, the meeting was called to order at 6:34 PM.

2. Pledge of Allegiance – The Pledge of Allegiance was recited in unison.

*Jonathan Lisenby arrived at 6:36 PM.*

### CITIZENS and GUEST FORUM

3. Citizens to be heard.

David Horwath, P&Z Vice Chairman, let the Board know he was attending to observe as he is curious about how the ZBOA conducts business.

### CONSENT AGENDA

4. Approval of the June 22, 2022 Special ZBOA meeting minutes.

MOTION: Made by Board Member Nichols, seconded by Board Member Taylor, to approve the Consent Agenda.

VOTE: 5-0; Motion Passed.

### CONSIDERATION/DISCUSSION ITEMS

5. Consideration and possible action on the Variance Application No. ZBOA 2022-06-22 from Damon Gray of D & A Gray Enterprises LLC, applicant and property owner, to grant the variances for the property located at 29105 Noll Road, Fair Oaks Ranch, TX, also listed as 29105 Noll Road, Boerne, TX in the Bexar County Property Records.

#### Variance # 1

MOTION: Made by Board Member J.C. Taylor (friendly motion adjustments made by Chairperson Rey and accepted by Board Member J.C. Taylor), seconded by Board Member Jonathan Lisenby, to approve the following Variance as per the attached Site Layout Exhibit (Attachment 4), **Variance from Section 6.7 (4) c – Allow access to parking lots directly from the street and not from an aisle or driveway** with the following conditions:

1. Add the following notes to the site plan:
  - a. All other requirements of the UDC and other applicable codes, not specifically mentioned in the variance request shall be met.
  - b. No outdoor activity is permitted on site.
  - c. Allow direct access from the street and waive the 3' parking setback and 3' tall landscape screening for the seven existing spaces, the garage access, and the four new parking spaces as shown by the shaded area.
2. No parking spots be constructed within the area under the mature pecan trees on the northeast side of the property as indicated on the site plan.
3. Variances are approved as shown on the site plan.

VOTE: 4-1; Motion Passed. Board Member Nichols voted nay.

### **Variance # 2**

MOTION: Made by Board Member Jonathan Lisenby, seconded by Chairman Michael Rey, to approve the following Variance as per the attached Site Layout Exhibit (Attachment 4), **Variance from Section 6.7, Table 6.2 – Reduce the number of parking spaces from 19 spaces to 11 spaces** with the following conditions:

1. The mature pecan trees identified on the site map will not be removed as part of this construction.
2. All other requirements of the UDC and other applicable codes, not specifically mentioned in the variance request shall be met.
3. The constructed height of the building not exceed 16 feet.

VOTE: 4-1; Motion Passed. Board Member Nichols voted nay.

### **Variance # 3**

MOTION: Made by Board Member Jonathan Lisenby, seconded by Board Member J.C. Taylor, to approve the following Variance as per the attached Site Layout Exhibit (Attachment 4), **Variance from Section 6.8, (2) d – Eliminate requirement for a 3' parking setback from the street** with the following conditions:

1. All other requirements of the UDC and other applicable codes, not specifically mentioned in the variance request shall be met.
2. All construction is maintained in accordance with the site plan.

VOTE: 4-1; Motion Passed. Board Member Nichols voted nay.

**Variance # 4**

MOTION: Made by Board Member Jonathan Lisenby, seconded by Chairman Michael Rey, to approve the following Variance as per the attached Site Layout Exhibit (Attachment 4), **Variance from Section 7.7 (1) – Allow removal of the three feet high street screen required along the street to screen the parking area** with the following conditions:

1. All other requirements of the UDC and other applicable codes, not specifically mentioned in the variance request shall be met.
2. All construction is maintained in accordance with the site plan as amended.

VOTE: 4-1; Motion Passed. Board Member Nichols voted nay.

**ADJOURNMENT**

Chairperson Rey adjourned the meeting at 7:19 PM.

ATTEST:

\_\_\_\_\_  
Michael Rey, Chairperson

\_\_\_\_\_  
Christina Picioccio, TRMC  
City Secretary



## ZONING BOARD OF ADJUSTMENT CONSIDERATION ITEM

### CITY OF FAIR OAKS RANCH, TEXAS

September 14, 2022

**AGENDA TOPIC:** Consideration and possible action on the Variance Application No. ZBOA 2022-09-14 from Ms. Carmen Groth, applicant, on behalf of the property owner, G Leon Family Partnership LTD to grant the variances for the property located at 28313 Leslie Pfeiffer Drive, Boerne, TX

**DATE:** September 14, 2022

**DEPARTMENT:** Public Works and Engineering Services

**PRESENTED BY:** Katherine Schweitzer, P.E., Manager of Engineering Services  
Lata Krishnarao, AICP, LEED ND, Consultant, Gunda Corporation

### **INTRODUCTION/BACKGROUND**

**Location:** The subject parcel is located at 28313 Leslie Pfeiffer Drive, north-east of the intersection of I-10 Frontage Road and Leslie Pfeiffer Drive (see attached **Exhibit A: Location Map**). Street access to the property will be provided from Leslie Pfeiffer Drive. The property is platted, and the site is currently vacant.

The applicant is proposing a new restaurant of approximately 9,200 square feet and associated parking which is a permitted use in this zone.

**CURRENT ZONING:** Mixed Use Village

**PROPOSED USE:** New Restaurant

**PROPERTY SIZE:** 1.729 acres

### **Unified Development Code and Zoning Designation:**

The purpose of adopting the Unified Development Code (UDC) is to promote the public health, safety, and welfare of present and future citizens of the City of Fair Oaks Ranch. The UDC uses zoning to regulate the development of land within the city to achieve balanced growth and quality of life as defined by the citizens. The zoning designation of the property determines the regulations that will be applicable to the development of the property. The subject property is zoned Mixed Use Village (**Exhibit B: Zoning Map**) and the use is permitted by right in this zone.

### **Purpose of Mixed Use Village:** Section 6.8 (1) of the UDC states:

The Mixed Use Village District (MU) indicates areas within the City of Fair Oaks Ranch where the City encourages a mixture of uses that create pedestrian scaled commercial and residential development at major nodes in the City that generally conform to a Hill Country Design aesthetic. Sites in the MU district are appropriate for direct access to primarily Arterial, Collector streets and Local Connector Streets. Development standards in this district will require new buildings to create pedestrian friendly building frontages and generally conform

to a Hill Country Design aesthetic. Uses within this Zoning District include commercial (office, retail, and restaurant) with a variety of residential uses also permitted.

### **REQUESTED VARIANCES AND STAFF FINDINGS:**

Preliminary review of the site indicates that the requirements of the UDC in terms of access, landscape screening, parking setback from the street, and number of parking spaces can be met by re-designing the layout per the **Illustration 2: Schematic Diagram** below. Staff's review of each Variance is listed below:

1. Variance from Section 6.8 (1) b (i) – vary the 20' maximum setback requirement along Secondary Frontage (I-10 Frontage Road) to 55'.

The proposed front setback will be 55' to locate parking along I-10 Frontage Road. This will exceed the maximum setback limit along Secondary Frontage (I-10 Frontage Road) for Mixed Use Zone.

**Finding:** Per the **Illustration 2: Schematic Diagram Showing Compliance (prepared by staff)**, it is staff's opinion that the site can be redesigned to meet this requirement. The applicant has not identified any constraints on the property that would prevent the applicant from meeting this UDC requirement. The criteria in UDC Sec. 3.9 (9), do not apply and a deviation is not warranted. Adherence to this requirement will not prohibit or unreasonably restrict the utilization of the property.

2. Variance from 6.7 (5) (a)– Eliminate the required 3' high landscaping screening strip between parking and street.

There is room for landscape screening, however, the existing site plan does not propose any screening.

**Finding:** It is staff's opinion that the 3' high street screen can be provided by redesigning the site to meet this requirement as shown in **Illustration 2: Schematic Diagram Showing Compliance (prepared by staff)**. The criteria in UDC Section 3.9 (9), do not apply and a deviation is not warranted. Adherence to this requirement will not prohibit or unreasonably restrict the utilization of the property. Removal of this landscaping screen will result in no landscaping at all between the building and I-10 Frontage Road, which will adversely affect the character of the area.

3. Variance from the requirements of UDC Section 6.8 (1) (d) (i) - allow parking in front of the building, between the building and I-10 Frontage Road as well as between the building and Leslie Pfeiffer Drive.

The applicant is proposing double the parking spaces required. Current site plan proposes 93 parking spaces whereas the UDC requirement is only 47 spaces.

**Finding:** It is staff's opinion that site can be redesigned to meet this requirement as shown in **Illustration 2: Schematic Diagram Showing Compliance (prepared by staff)**. The criteria in UDC Sec. 3.9 (9), do not apply and a deviation is not warranted. Adherence to this requirement will not prohibit or unreasonably restrict the utilization of the property. Granting this Variance will be not in conformance with the purpose of the Mixed Use Village district, as stated in the UDC and Hill Country Design aesthetic.

**VARIANCE REQUIREMENTS:**

The Zoning Board of Adjustment (ZBOA) may authorize, in specific cases, a Variance from zoning regulations, unless specified otherwise, if:

1. the Variance is not contrary to the public interest and,
2. due to special conditions, a literal enforcement of the regulation would result in unnecessary hardship, and
3. so that the spirit of the regulation ordinance adopted hereunder is observed and substantial justice is done.

A Variance **shall not be granted to**

1. relieve a self-created or personal hardship, nor
2. shall it be based solely on economic gain or loss, nor
3. shall it permit any person a privilege in developing a parcel of land not permitted by the City's zoning regulations.

In order to make a finding of hardship and grant a Variance from the zoning regulations, the Board must meet the findings laid out in Chapter 3.9 (9) of this Code.

No Variance will be granted unless the authorizing body finds that all of the following apply:

1. There are extraordinary or special conditions affecting the land involved such that strict application of the provisions of this Code will deprive the applicant of a reasonable use of its land. For example, a Variance might be justified because of topographic, or other special conditions unique to the property and development involved, while it would not be justified due to inconvenience or financial disadvantage;
2. The Variance is necessary for the preservation of a substantial property right of the applicant;
3. Granting of the Variance will not be detrimental to the public health, safety, or welfare, or injurious to other property in the area, or to the City in administering this Code;
4. Conditions that create the need for the Variance do not generally apply to other property in the vicinity;
5. Conditions that create the need for the Variance are not the result of the applicant's own actions;
6. Granting of the Variance would not substantially conflict with the Comprehensive Plan and the purposes of this Code; and
7. Because of the conditions that create the need for the Variance, the application of this Code to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property.

**Insufficient Findings:**

The fact that property may be utilized more profitably should a Variance be granted may not be considered, standing alone, as grounds for a Variance. Additionally, the following types of possible findings do not constitute sufficient grounds for granting a Variance:

1. Property cannot be used for its highest and best use;
2. There is a financial or economic hardship. There is a self-created hardship by the property owner his / her agent; or
3. The development objectives of the property owner are or will be frustrated.



**Further limitation of authority:**

The ZBOA May not grant a Variance when the effect of the Variance would allow any of the following:

1. The establishment of a use not otherwise permitted in the applicable Zoning District;
2. Increase the density of a use above that permitted by the applicable district;
3. A nonconforming use of land to be physically extended;
4. Change the Zoning District boundaries shown on the Official Zoning Map; or
5. Conflicts with any State or Federal regulations.

**Staff Recommendation:**

In conclusion, it is staff's opinion that the requested variances do not meet the criteria listed for findings of a hardship as per UDC Sec. 3.9 (9). The site can be redesigned to meet all the requirements of the UDC. The hardship appears to be self-created, is based solely on economic gain or loss, and will allow development of this parcel in a manner not permitted by the City's zoning regulations. Staff recommends that if the ZBOA approves the variances, the following conditions be considered:

1. A 25 foot wide landscaped strip along the street frontages, with trees and shrubs as required by **Figure 7-16 (UDC Sec. 7.7)** below.
2. Street trees: Spacing shall be an average of 30 feet on center. The minimum caliper size for each tree shall be 2 inches and shall be a minimum of 8 feet in height at planting. Each tree shall be planted in a planting area no less than 36 sq. feet. Species shall be native or adapted species selected from the Approved Plant List, found in Appendix B of the UDC.
3. Shrubs: 3-foot landscaped vegetative screen composed of shrubs planted to be opaque at maturity (see **Figure 7-16**).
4. All other landscaping requirements shall be met.

**RECOMMENDED MOTION:**

Staff recommends that all three Variance requests be denied. The recommended language for the motion is an affirmative position and the ZBOA may vote in favor or opposition. Each Variance should be considered separately. The ZBOA may approve any of the motions with conditions as they deem necessary. If the ZBOA needs additional information to make a decision, then the ZBOA may table action on the item.

Variance 1 - Motion: I make a motion to approve the following Variance as per the attached site plan (**Attachment 4**) with the following conditions: (add any conditions that the ZBOA deems necessary):

Variance from Section 6.8 (1) b (i) – vary the 20' maximum setback requirement along Secondary Frontage (I-10 Frontage Road) to 55'.

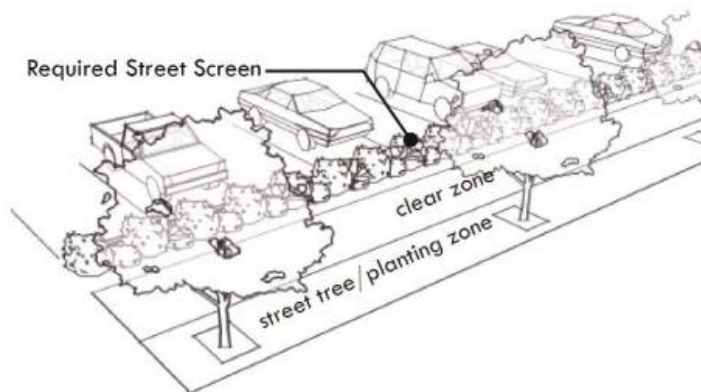
Variance 2 - Motion: I make a motion to approve the following Variance as per the attached site plan (**Attachment 4**) with the following conditions: (add any conditions that the ZBOA deems necessary):

Variance from 6.7 (5) (a)– Eliminate the required 3' high landscaping screening strip between parking and street.

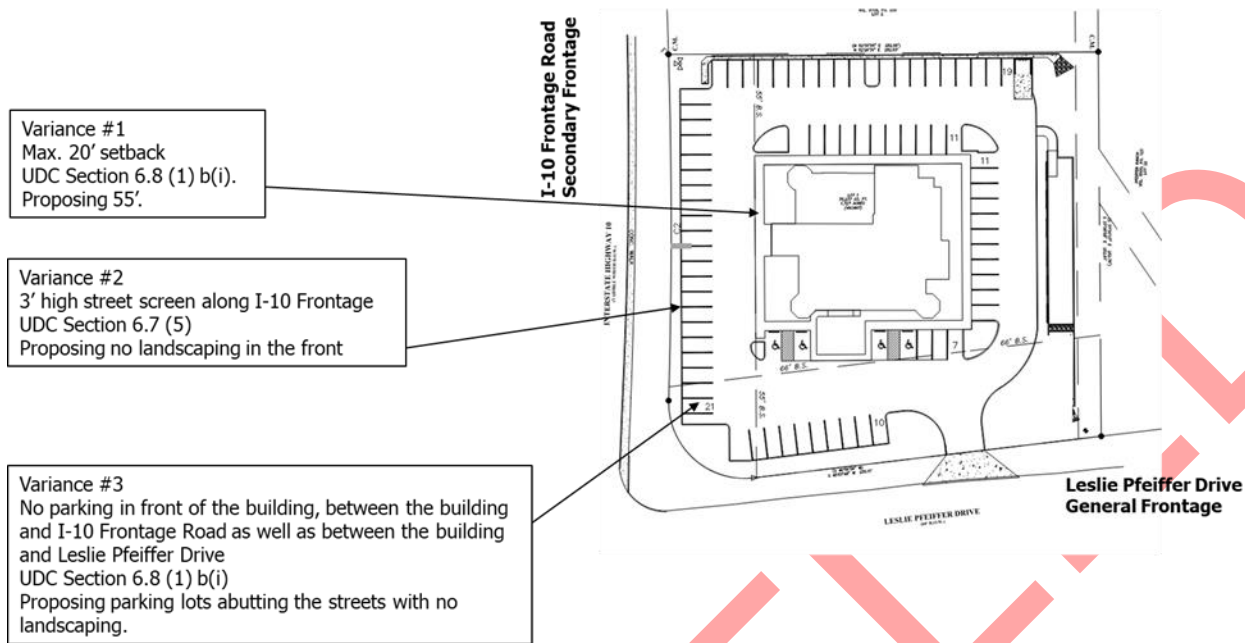
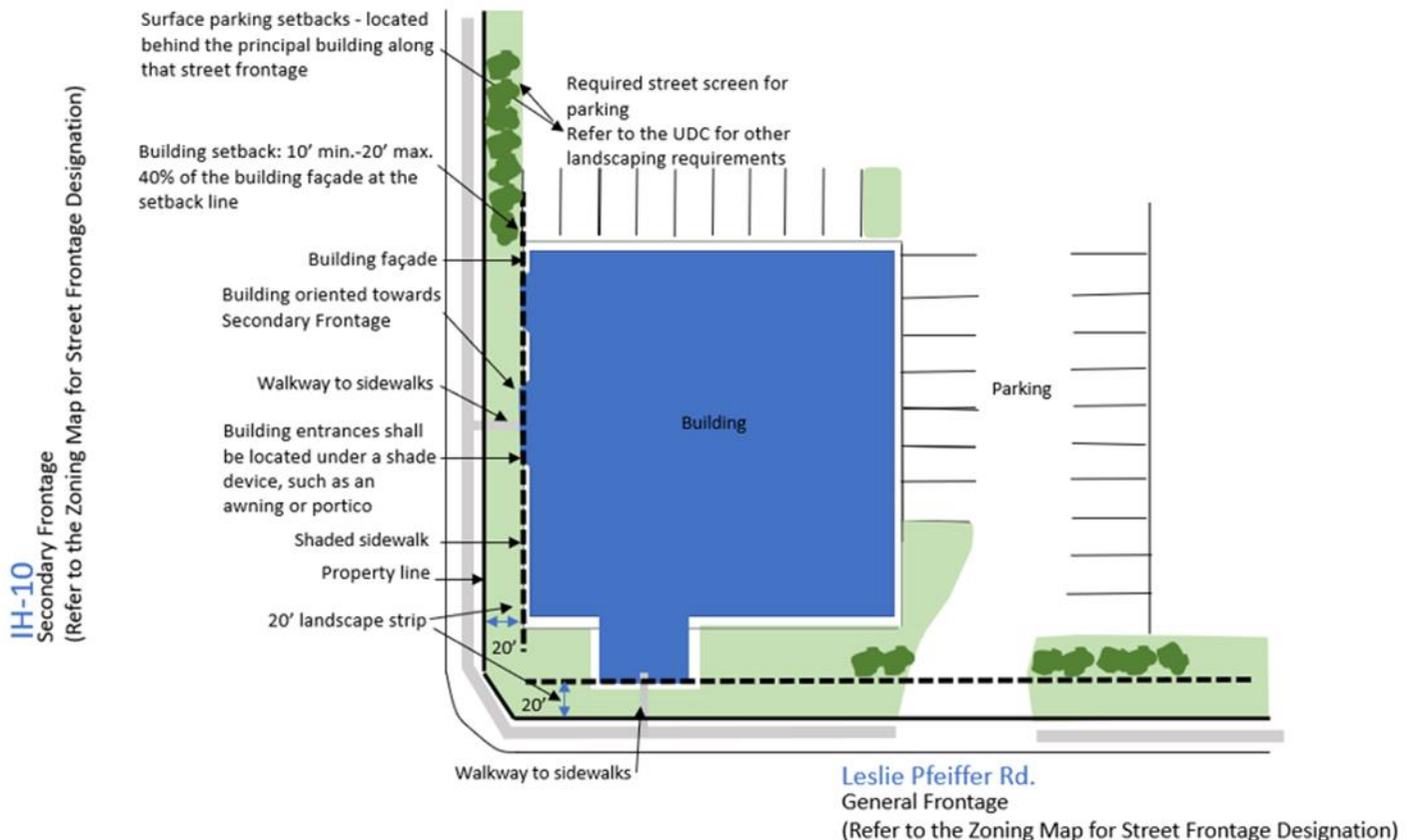
Variance 3 - Motion: I make a motion to approve the following Variance as per the attached site plan (**Attachment 4**) with the following conditions: (add any conditions that the ZBOA deems necessary):

Variance from the requirements of UDC Section 6.8 (1) (d) (i) - allow parking in front of the building, between the building and I-10 Frontage Road as well as between the building and Leslie Pfeiffer Drive.

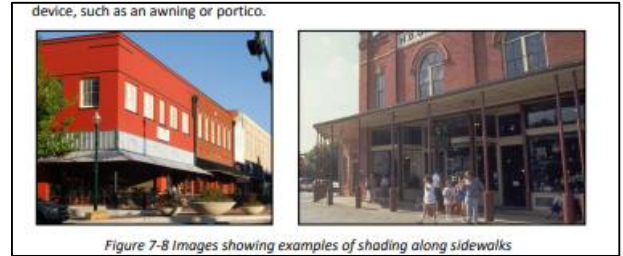
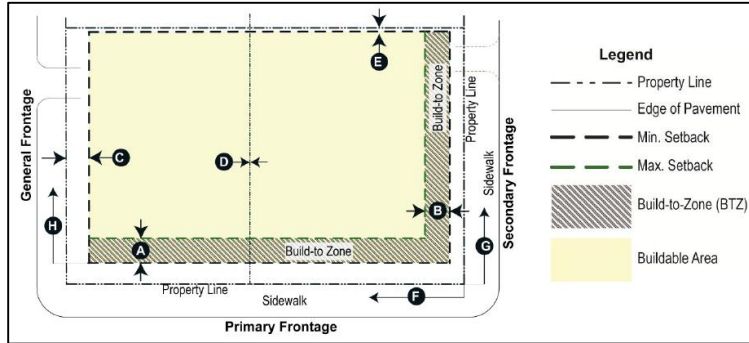
**UDC Sec. 7.7 (Figure 7-16)**



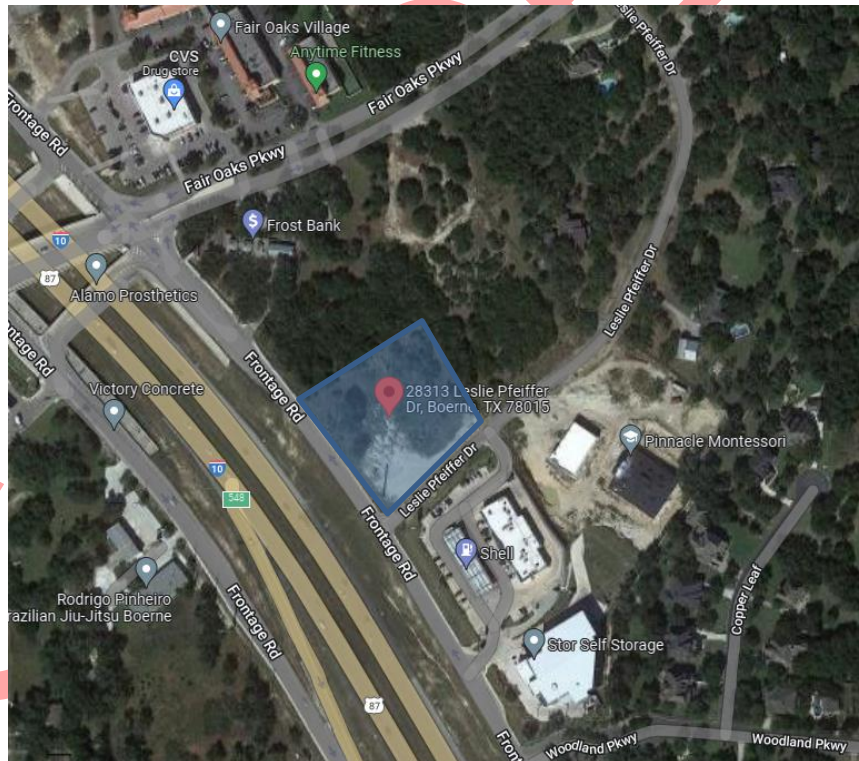
*Figure 7-16 Illustration showing required Street Screen along all frontages with surface parking in the setback zone.*

**Illustration 1: Applicant's Proposal (Requested Variances Highlighted)****Illustration 2: Schematic Diagram Showing Compliance (Shared with the applicant in February 2022)**

### Illustration 3: Building Placement (UDC Sec. 6.8 (1) b) and Examples (UDC Sec. 7.8 (4))



### Exhibit A: Location Map



Source: Google



## Exhibit B: Zoning Map



Source: City of Fair Oaks Ranch

### Attachments:

1. Universal Application
2. S20 Specific Application
3. Letter of Intent (Applicant's confirmation of variances)
4. Site Plan
5. Notification Map



# City of Fair Oaks Ranch

7286 Dietz Elkhorn Fair Oaks Ranch, TX 78015

PH: (210) 698-0900.FAX: (210) 698-3565. [bcodes@fairoaksranchtx.org](mailto:bcodes@fairoaksranchtx.org) [www.fairoaksranchtx.org](http://www.fairoaksranchtx.org)

## UNIVERSAL APPLICATION (FORM UA)

All applications must be submitted with:

- (1) A complete **Universal Application** form (2 pages), and
  - (2) A complete **Specific Application Form** with all materials listed in the checklist for the specific application.
- The City staff is available to assist you in person at City Hall or over the phone at (210) 698-0900.

### DEVELOPMENT INFORMATION

Project Name/Address/Location: 28313 Leslie Pfeiffer Drive, Boerne, Tx 78006 Acreage: 1.727 ac  
 Brief Description of Project: F amily Restaurant  
 Is property platted? ☐ No ☒ Yes Subdivision name: Pfeiffer Ranch Corners UT - 1 No. of Lots: 1  
 Recordation #: Volume 9573, pg 12 Parcel(s) Tax ID#: Property ID 1073601  
 Existing Use: Vacant Proposed Use: R estaurant  
 Current Zoning: Mixed Used Village Proposed Zoning: \_\_\_\_\_  
 Occupancy Type: \_\_\_\_\_ Sq. Ft: \_\_\_\_\_ Bed #: \_\_\_\_\_ Bath #: \_\_\_\_\_ Car Garage #: \_\_\_\_\_  
 Water System ☐ Well ☒ Public Flood Zone: ☐ Yes ☒ No Sewer System: ☐ Septic ☒ Public

### PROPERTY OWNER INFORMATION

Owner: G Leon Family Partnership LTD Contact Name: Ivan Leon  
 Address: 3622 Airline Rd, Corpus Christi, TX 78414 City/State/ZIP: 3622 Airline Rd, Corpus Christi, TX 78414  
 Phone: \_\_\_\_\_ Email: idleon86@gmail.com

### APPLICANT INFORMATION

Applicant/Developer: Carmen Groth Contact Name: Carmen Groth  
 Address: 13066 N Hunters Circle City/State/ZIP: San Antonio, TX 78230  
 Phone: 210-380-0060 Email: cgroth@projectaengineering.com

### KEY CONTACT INFORMATION

Name of the Individual: Carmen C Groth Contact Name: Carmen Groth  
 Address: 13066 N Hunters Circle City/State/ZIP: San Antonio, TX 78230  
 Phone: 210-380-0060 E-mail: cgroth@projectaengineering.com

SIGNATURE OF PROPERTY OWNER OR APPLICANT (SIGN AND PRINT OR TYPE NAME)

Signature: *Maddame Groth* Date: 5-27-22

(Signed letter of authorization required if the application is signed by someone other than the property owner)

#### \*\*\*\*\*OFFICE USE ONLY\*\*\*\*\*

DATE REC'D: 06/15/2022 BY: KGS  
 FEES PAID: \$300 APPROVED BY: KGS  
 DATE APPROVED: To be reviewed by ZBOA  
 APPLICATION/PERMIT NO: \_\_\_\_\_ EXP DATE: \_\_\_\_\_

Applications shall be processed based on the City's official submission dates. When a completed application packet has been accepted and reviewed, additional information may be required by staff as a result of the review, therefore it may be necessary to postpone the proposed project and remove it from the scheduled agenda and place it on a future agenda.



**SPECIFIC APPLICATION FORM (S1-S39).** Please check the appropriate type below:**Land Use Policy Related**

(Section 3.9 of the UDC)

- ☐ Annexation\* - Form S1
- ☐ Comprehensive Plan Amendment (Text)
- ☐ Unified Development Code (UDC) Text Amendment
- ☐ Rezoning/ FLUM amendment\* - Form S2
- ☐ Special Use Permit\* - Form S3
- ☐ Planned Unit Development (PUD)\* - Form S4
- ☐ Development Agreement
- ☐ Conservation Development Alternative\* (CDA) (Section 4.8) - Form S5

**Subdivision and Property Development Related**

(Section 3.8 of the UDC)

- ☐ Amending Plat\* - Form S6
- ☐ Minor Plat\* - Form S7
- ☐ Development Plat\* - Form S8
- ☐ Concept Plan\*\* - Form S9
- ☐ Preliminary Plat\* - Form S10
- ☐ Final Plat\* - Form S11
- ☐ Replat\* - Form S12
- ☐ Construction Plans\* - Form S13
- ☐ Vacating Plat
- ☐ Plat Extension

**Site Development Related**

(Section 3.9 of the UDC)

- ☐ Vested Rights Verification Letter
- ☐ Zoning Verification Letter
- ☐ Written Interpretation of the UDC
- ☐ Temporary Use Permit\* - Form S14
- ☐ Special Exception\* - Form S15
- ☐ Site Development Permit\* (Site Plan Review) - Form S16
- ☐ Floodplain Development Permit\* - Form S17
- ☐ Stormwater Permit\* - Form S18
- ☐ Certificate of Design Compliance\* - Form S19
- Appeal of an Administrative Decision
- ☐ Zoning ☐ Others
- Variance
- ☒ Policy ☐ Judicial\* - Form S20
- ☐ Sign Special Exception/Appeal to an Administrative Decision
- ☒ Administrative Exception
- ☐ Permit for Repair of Non-Conforming Use/Building
- ☐ Letter of Regulatory Compliance
- ☐ On-Site Sewage Facility Permit (OSSF)
- ☐ Certificate of Occupancy (CO)\* - Form S21
- ☐ Relief from Signage Regulations
- ☐ Group Living Operation License\* - Form S22
- ☐ Grading/Clearance Permit - Form S23

**Building Permits Related****Commercial**

- ☐ New/Remodel/Addition\* - Form S24
- ☐ Fence\* - Form S25
- ☐ Miscellaneous\* - Form S26

**Residential**

- ☐ New Home\* - Form S27
- ☐ Remodel/Addition\* - Form S28
- ☐ Detached Buildings\* - Form S29

**Others**

- ☐ Solar\* - Form S30
- ☐ Swimming Pool\* - Form S31
- ☐ Demolition, Drive or Move
- ☐ New Lawn/Water\* - Form S32
- ☐ Backflow Device/Irrigation Systems - Form S33
- ☐ Sign\* (Permanent) - Form S34 A
- ☐ Sign\* (Temporary) - Form S34 B
- ☐ Appeal of Denial of Sign Permit
- ☐ Master/ Common Signage Plan\* - Form S35
- ☐ Water Heater or Water Softener\* - Form S36
- ☐ Right-of-Way Construction\* - Form S37
- ☐ Flatwork\* - Form S38

**Inspections**

- ☐ Mechanical ☐ Electrical
- ☐ Plumbing ☐ Building
- ☐ Others \_\_\_\_\_

**Water- Wastewater Service**

- ☐ Connect/ Disconnect Form\* - Form S39

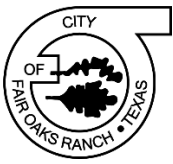
\*These types of applications require additional information as listed in the Specific Application Form. Refer to **Appendix B** of the Administrative Procedures Manual for more information.

\*\* The Concept Plan is required for PUD and CDA, and for Rezoning if included in a previously approved Concept Plan.

**Application Checklist for all Applications**

- ☒ Universal Application Form (Form UA).
- ☒ Items listed in the checklist for the Specific Application Form (Form S#) <sup>1</sup>. (Please make sure the boxes are checked)
- ☒ Application Processing Fees and other application fees.
- ☒ Letter of intent explaining the request in detail and reason for the request.
- ☐ Signed Letter of Authorization required if the application is signed by someone other than the property owner.
- ☒ Site plan and shapefile drawings (if applicable) for the property
- ☒ Location map clearly indicating the site in relation to adjacent streets and other landmarks
- ☒ One (1) copy of proof of ownership (recorded property deed or current year tax statements)
- ☒ One (1) USB drive containing the general required documents in Adobe PDF format (if required)

<sup>1</sup>For items that are duplicated in the specific type of application, only one copy is required.



## S20

### SPECIFIC APPLICATION FORM - VARIANCE

#### Section 3.9 (9) of the Unified Development Code

The following steps must be completed, and the items must be submitted for the application to be deemed complete and processed:

- ☒ Pre-Application Conference prior to application submittal.
- ☐ Concept plan approval (if required).
- ☒ A completed Universal Application and checklist signed by the owner/s of the property.
- ☒ A title report.
- ☐ Payment of all other applicable fees (see Schedule of Fees).
- ☒ 8½ x 11 copy of the legal description (metes and bounds) of the area encompassing the Variance request. If the property is platted, a copy of the plat should be provided.
- ☒ Location/vicinity map showing the location and boundaries of the subject parcel. Indicate scale or not to scale (NTS) and provide north arrow.
- ☒ Acknowledgement that the sign posted by the City on the property fifteen (15) days prior to the public hearing will be maintained until the request is heard at the public hearing.
- ☒ Provide evidence or proof that all taxes and obligations have been paid regarding the subject property.
- ☒ Electronic copies of the required exhibits in "PDF" format and shapefile for property boundary where applicable should be submitted in a USB flash drive or via email.

**Krishna Radhakrishnan**

**From:** Carmen Groth <cgroth@projectaengineering.com>  
**Sent:** Monday, August 22, 2022 10:35 AM  
**To:** Lata Krishnarao; Krishna Radhakrishnan; celismauro@gmail.com; idleon86@hotmail.com  
**Cc:** Carole Vanzant; Grant Watanabe; Sandra Gorski; Katherine Schweitzer; Amanda Valdez; Christina Picioccio  
**Subject:** RE: FOR Leslie Pfeiffer Restaurant ZBOA Variance

Much appreciated. Have a great day!

Best,

Carmen C. Groth, P.E., PMP, MBA  
 Projecta Engineering, PLLC  
 210-380-0060

---

**From:** [Lata Krishnarao](#)  
**Sent:** Monday, August 22, 2022 10:33 AM  
**To:** [Carmen Groth](#); [Krishna Radhakrishnan](#); [celismauro@gmail.com](#); [idleon86@hotmail.com](#)  
**Cc:** [Carole Vanzant](#); [Grant Watanabe](#); [Sandra Gorski](#); [Katherine Schweitzer](#); [Amanda Valdez](#); [Christina Picioccio](#)  
**Subject:** RE: FOR Leslie Pfeiffer Restaurant ZBOA Variance

Carmen,

We will go ahead and advertise for #3 also then, based on this e-mail and the site plan submitted.



**Lata Krishnarao, AICP, LEED ND**

Practice Leader, Community Planning  
 lkrishnarao@gundacorp.com  
 TBPE Firm Registration No.: F-3531  
 O: 346-336-4944  
 11750 Katy Freeway, Suite 300, Houston, Texas 77079  
[www.gundacorp.com](http://www.gundacorp.com)



Our parent company, Ardurra is a growing assembly of experts, engineers, and design professionals delivering a unique balance of experience and innovation. To learn more visit [www.ardurra.com](http://www.ardurra.com)




---

**From:** Carmen Groth <cgroth@projectaengineering.com>  
**Sent:** Monday, August 22, 2022 10:28 AM  
**To:** Lata Krishnarao <lkrishnarao@ardurra.com>; Krishna Radhakrishnan <KRadhakrishnan@ardurra.com>; celismauro@gmail.com; idleon86@hotmail.com  
**Cc:** Carole Vanzant <CVanzant@fairoaksranchtx.org>; Grant Watanabe <gwatanabe@fairoaksranchtx.org>; Sandra Gorski <sgorski@fairoaksranchtx.org>; Katherine Schweitzer <kschweitzer@fairoaksranchtx.org>; Amanda Valdez <AValdez@fairoaksranchtx.org>; Christina Picioccio <CPicioccio@fairoaksranchtx.org>  
**Subject:** RE: FOR Leslie Pfeiffer Restaurant ZBOA Variance

Good morning, I am glad the variance along Leslie is not required, to clarify during one of our meetings with the team we were told the requirement for no parking at the front of the property was for both I 10 and Leslie Pfeiffer.

Basically we want to be sure parking is allowed all around the building including the setback so that emergency vehicles can drive around the building.

Regards,

Carmen C. Groth, P.E., PMP, MBA  
Projecta Engineering, PLLC  
210-380-0060

**From:** [Lata Krishnarao](#)

**Sent:** Monday, August 22, 2022 10:20 AM

**To:** [Carmen Groth](#); [Krishna Radhakrishnan](#); [celismauro@gmail.com](mailto:celismauro@gmail.com); [idleon86@hotmail.com](mailto:idleon86@hotmail.com)

**Cc:** [Carole Vanzant](#); [Grant Watanabe](#); [Sandra Gorski](#); [Katherine Schweitzer](#); [Amanda Valdez](#); [Christina Picioccio](#)

**Subject:** RE: FOR Leslie Pfeiffer Restaurant ZBOA Variance

**Importance:** High

Carmen,

Looks like there are still some clarifications needed:

1. The variance #1 (see below) request has changed now. Now the request is 55' foot maximum setback along I-10 from 40'. You added variance for Leslie Pfeiffer, which is not needed. **Please clarify.**
2. For variance #3, you have included the wrong section (that variance I not needed) . As shown below in our letter, we had specifically referred to Section 6.8 (1) (d) I – which is still needed. We are not sure why you changed that request. It appears from the site plan and e-mail that you still propose to provide parking between the building and the streets. **Please clarify.**

We need your responses as soon as possible, **latest by end of the day**, to meet the newspaper notification deadline for the public hearing for Sept 14<sup>th</sup> ZBOA meeting.

1. Variance from the requirements of UDC Section 6.8 (1) b (i) to vary the 20' maximum setback requirement along Secondary Frontage (I-10 feeder road) to 40'.
2. Variance from street screening as per UDC Section 6.7 (5) (a) - Allow removal of the three feet high street screen (including all landscaping) required along Secondary Frontage (I-10 feeder) to screen the parking area.
3. Variance from the requirements of UDC Section 6.8 (1) (d) (i) to allow parking along front of the building, between the building and the I-10 feeder road.

**Lata Krishnarao, AICP, LEED ND**

Practice Leader, Community Planning

[lkrishnarao@gundacorp.com](mailto:lkrishnarao@gundacorp.com)

TBPE Firm Registration No.: F-3531

O: 346-336-4944

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[www.gundacorp.com](http://www.gundacorp.com)

Our parent company, Ardurra is a growing assembly of experts, engineers, and design professionals delivering a unique balance of experience and innovation. To learn more visit [www.ardurra.com](http://www.ardurra.com)



**From:** Carmen Groth <[cgroth@projectaengineering.com](mailto:cgroth@projectaengineering.com)>

**Sent:** Friday, August 19, 2022 2:26 PM

**To:** Krishna Radhakrishnan <[KRadhakrishnan@ardurra.com](mailto:KRadhakrishnan@ardurra.com)>; [celismauro@gmail.com](mailto:celismauro@gmail.com); [idleon86@hotmail.com](mailto:idleon86@hotmail.com)

**Cc:** Lata Krishnarao <[lkrishnarao@ardurra.com](mailto:lkrishnarao@ardurra.com)>; Carole Vanzant <[CVanzant@fairoaksranchtx.org](mailto:CVanzant@fairoaksranchtx.org)>; Grant Watanabe <[gwatanabe@fairoaksranchtx.org](mailto:gwatanabe@fairoaksranchtx.org)>; Sandra Gorski <[sgorski@fairoaksranchtx.org](mailto:sgorski@fairoaksranchtx.org)>; Katherine Schweitzer <[kschweitzer@fairoaksranchtx.org](mailto:kschweitzer@fairoaksranchtx.org)>; Amanda Valdez <[AValdez@fairoaksranchtx.org](mailto:AValdez@fairoaksranchtx.org)>; Christina Picioccio <[CPicioccio@fairoaksranchtx.org](mailto:CPicioccio@fairoaksranchtx.org)>

**Subject:** Re: FOR Leslie Pfeiffer Restaurant ZBOA Variance

Thank you very much for the email. Regarding the draft letter, we want to clarify that the request is for both streets.

During one of the meetings, we were told that parking in front of the building was not allowed on either the IH-10 frontage road and Leslie. We respectfully request parking on all sides of the building with enough space for emergency vehicles to drive around as needed.

I hope this helps clarify things a bit.

Regards,  
Carmen

**From:** Krishna Radhakrishnan <[KRadhakrishnan@ardurra.com](mailto:KRadhakrishnan@ardurra.com)>

**Sent:** Friday, August 19, 2022 12:27:35 PM

**To:** Carmen Groth <[cgroth@projectaengineering.com](mailto:cgroth@projectaengineering.com)>; [celismauro@gmail.com](mailto:celismauro@gmail.com) <[celismauro@gmail.com](mailto:celismauro@gmail.com)>; [idleon86@hotmail.com](mailto:idleon86@hotmail.com) <[idleon86@hotmail.com](mailto:idleon86@hotmail.com)>

**Cc:** Lata Krishnarao <[lkrishnarao@ardurra.com](mailto:lkrishnarao@ardurra.com)>; Carole Vanzant <[CVanzant@fairoaksranchtx.org](mailto:CVanzant@fairoaksranchtx.org)>; Grant Watanabe <[gwatanabe@fairoaksranchtx.org](mailto:gwatanabe@fairoaksranchtx.org)>; Sandra Gorski <[sgorski@fairoaksranchtx.org](mailto:sgorski@fairoaksranchtx.org)>; Katherine Schweitzer <[kschweitzer@fairoaksranchtx.org](mailto:kschweitzer@fairoaksranchtx.org)>; Amanda Valdez <[AValdez@fairoaksranchtx.org](mailto:AValdez@fairoaksranchtx.org)>; Christina Picioccio <[CPicioccio@fairoaksranchtx.org](mailto:CPicioccio@fairoaksranchtx.org)>

**Subject:** RE: FOR Leslie Pfeiffer Restaurant ZBOA Variance

Good afternoon Ms. Groth,

The City is processing this request for the September ZBOA meeting. We are sharing a draft of the Newspaper Notice to ensure that the correct variances will be published on the newspaper. Advertising incorrect variances will result in cancellation of the public hearing and the ZBOA meeting.

Please review the draft notice carefully and let us know your input **by Monday, August 22, 2022 by 10 am** to advertise this notice on-time for the September meeting. Our observations regarding variance #3 are inserted as a comment.

If you have any questions, please feel free to contact us.

Regards,



**Krishna Radhakrishnan**

Planner, Community Planning

[kradhakrishnan@ardurra.com](mailto:kradhakrishnan@ardurra.com)

TBPE Firm Registration No.: F-3531

Direct: 346-336-4940

11750 Katy Freeway, Suite 300, Houston, Texas 77079

[www.ardurra.com](http://www.ardurra.com)



**\*\* Please note my new email address [kradhakrishnan@ardurra.com](mailto:kradhakrishnan@ardurra.com) \*\***

---

**From:** Carmen Groth <[cgroth@projectaengineering.com](mailto:cgroth@projectaengineering.com)>

**Sent:** Thursday, August 11, 2022 8:03 PM

**To:** Katherine Schweitzer <[kschweitzer@fairoaksranchtx.org](mailto:kschweitzer@fairoaksranchtx.org)>; [celismauro@gmail.com](mailto:celismauro@gmail.com); [idleon86@hotmail.com](mailto:idleon86@hotmail.com)

**Cc:** Lata Krishnarao <[lkrishnarao@ardurra.com](mailto:lkrishnarao@ardurra.com)>; Krishna Radhakrishnan <[KRadhakrishnan@ardurra.com](mailto:KRadhakrishnan@ardurra.com)>; Carole Vanzant <[CVanzant@fairoaksranchtx.org](mailto:CVanzant@fairoaksranchtx.org)>; Grant Watanabe <[gwatanabe@fairoaksranchtx.org](mailto:gwatanabe@fairoaksranchtx.org)>; Sandra Gorski <[sgorski@fairoaksranchtx.org](mailto:sgorski@fairoaksranchtx.org)>

**Subject:** RE: Leslie Pfeiffer Restaurant

Good afternoon,

Please find attached revisions/ clarification as requested.

Regards,

Carmen C. Groth, P.E., PMP, MBA  
Projecta Engineering, PLLC  
210-380-0060

---

**From:** [Katherine Schweitzer](#)

**Sent:** Monday, August 8, 2022 3:02 PM

**To:** [Carmen Groth](#); [celismauro@gmail.com](mailto:celismauro@gmail.com); [idleon86@hotmail.com](mailto:idleon86@hotmail.com)

**Cc:** [Lata Krishnarao](#); [Krishna Radhakrishnan](#); [Carole Vanzant](#); [Grant Watanabe](#); [Sandra Gorski](#)

**Subject:** Leslie Pfeiffer Restaurant

**Importance:** High

Carmen/Leon,

Please see the attached letter.

Let me know if you have any questions.

Thank you,

**Katie Schweitzer, P.E.**



Manager of Engineering Services  
7286 Dietz Elkhorn  
Fair Oaks Ranch, TX 78015  
210-698-0900 x215  
[kschweitzer@fairoaksranchtx.org](mailto:kschweitzer@fairoaksranchtx.org)

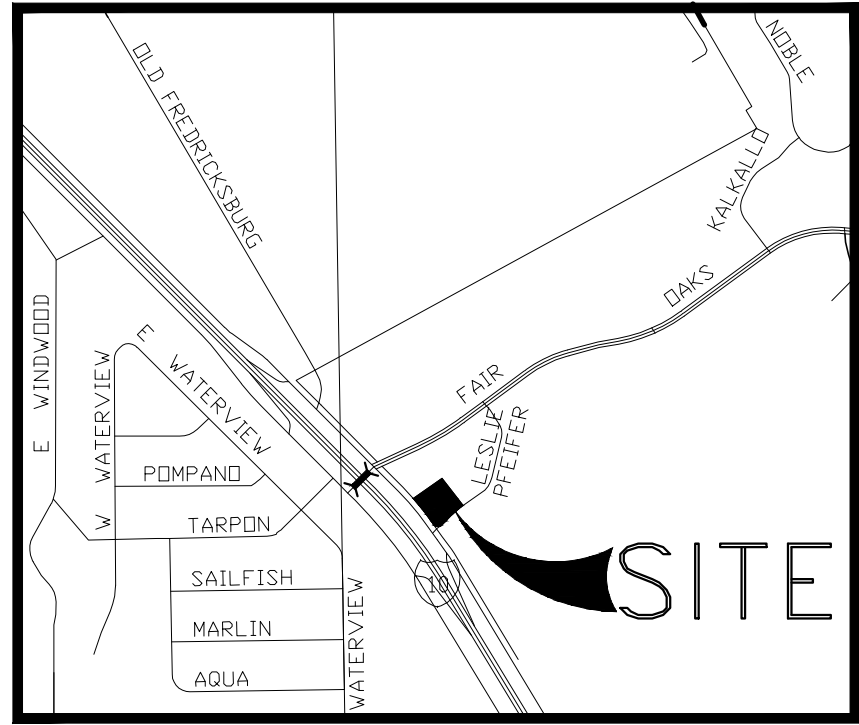
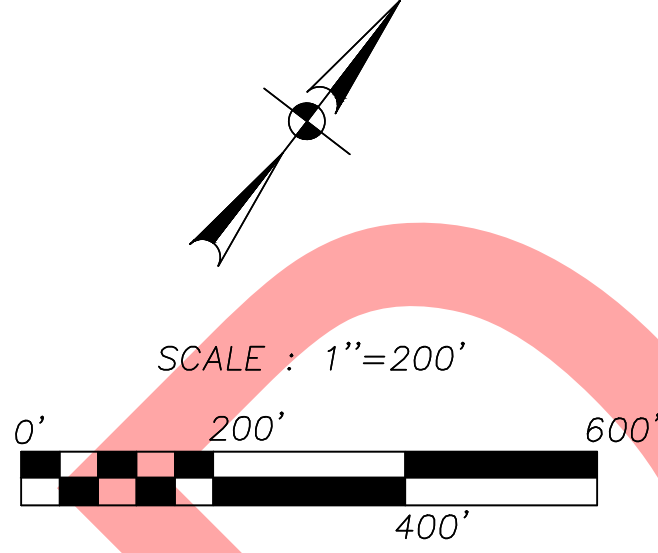
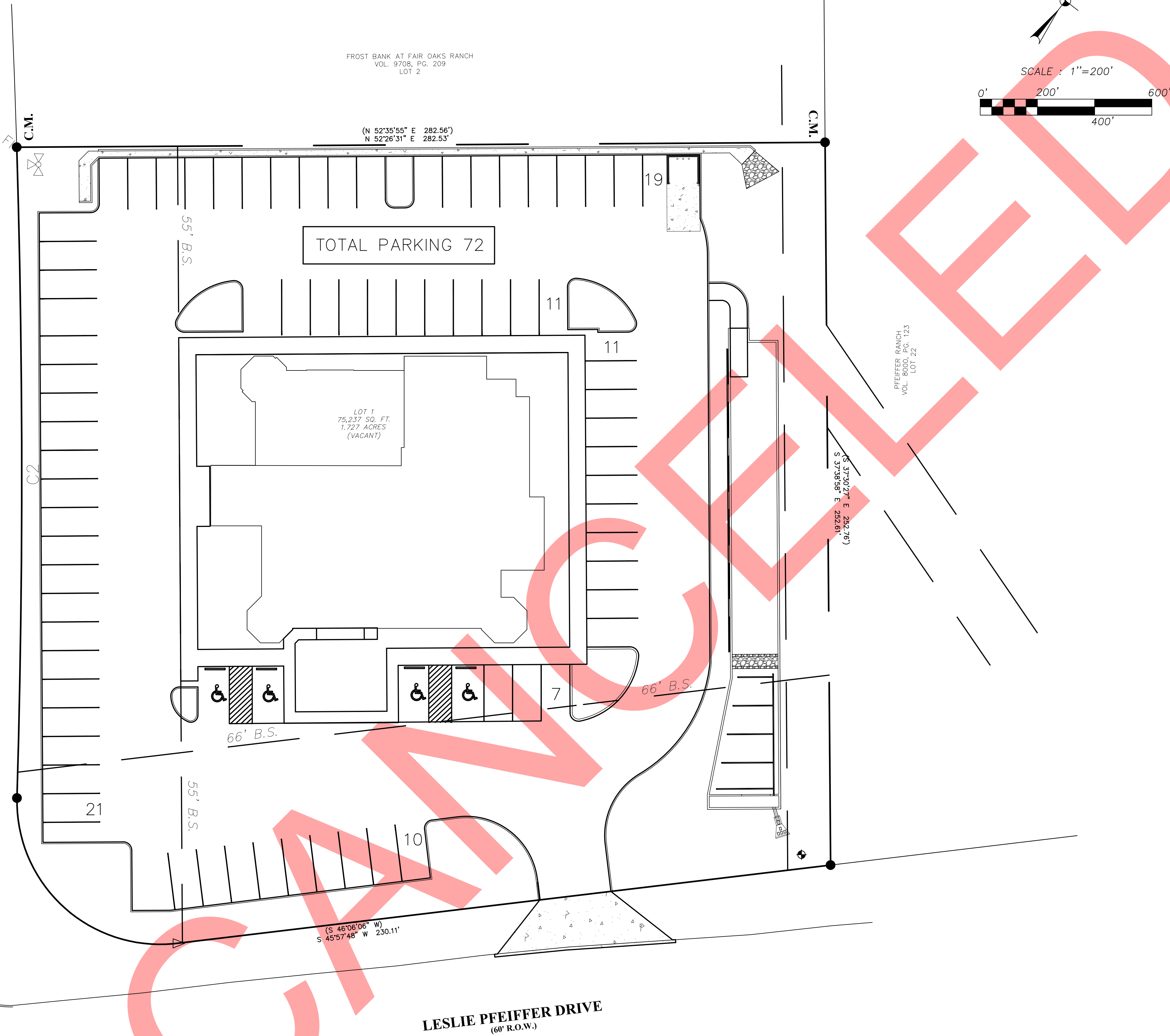


CANCELLED

Date: Aug 19, 2022, 2:39pm User ID: sqgul  
File: S:\200421-FAIR OAKS RESTAURANT\SITE PLAN\220819- PROPOSED SITE PLAN CONVERTED TO CIVIL UNITS.dwg

INTERSTATE HIGHWAY 10  
(VARIABLE WIDTH R.O.W.)

CONC. WALK



LOCATION MAP  
NOT TO SCALE

SITE INFORMATION	
PARKING SPACES =	89
HANDICAP PARKING SPACES =	4
TOTAL SPACES =	93
BUILDING AREA =	± 9,202 S.F.
BUILDING USE =	RESTAURANT
MIN. REQUIRED SPACES =	46

- BENCHMARK #1 :  
X ON CONCRETE  
(GPS TRAV) ELEV. = 1380.85'
- BENCHMARK #2 :  
SPINDLE IN POWER POLE  
(GPS TRAV) ELEV. = 1402.88'

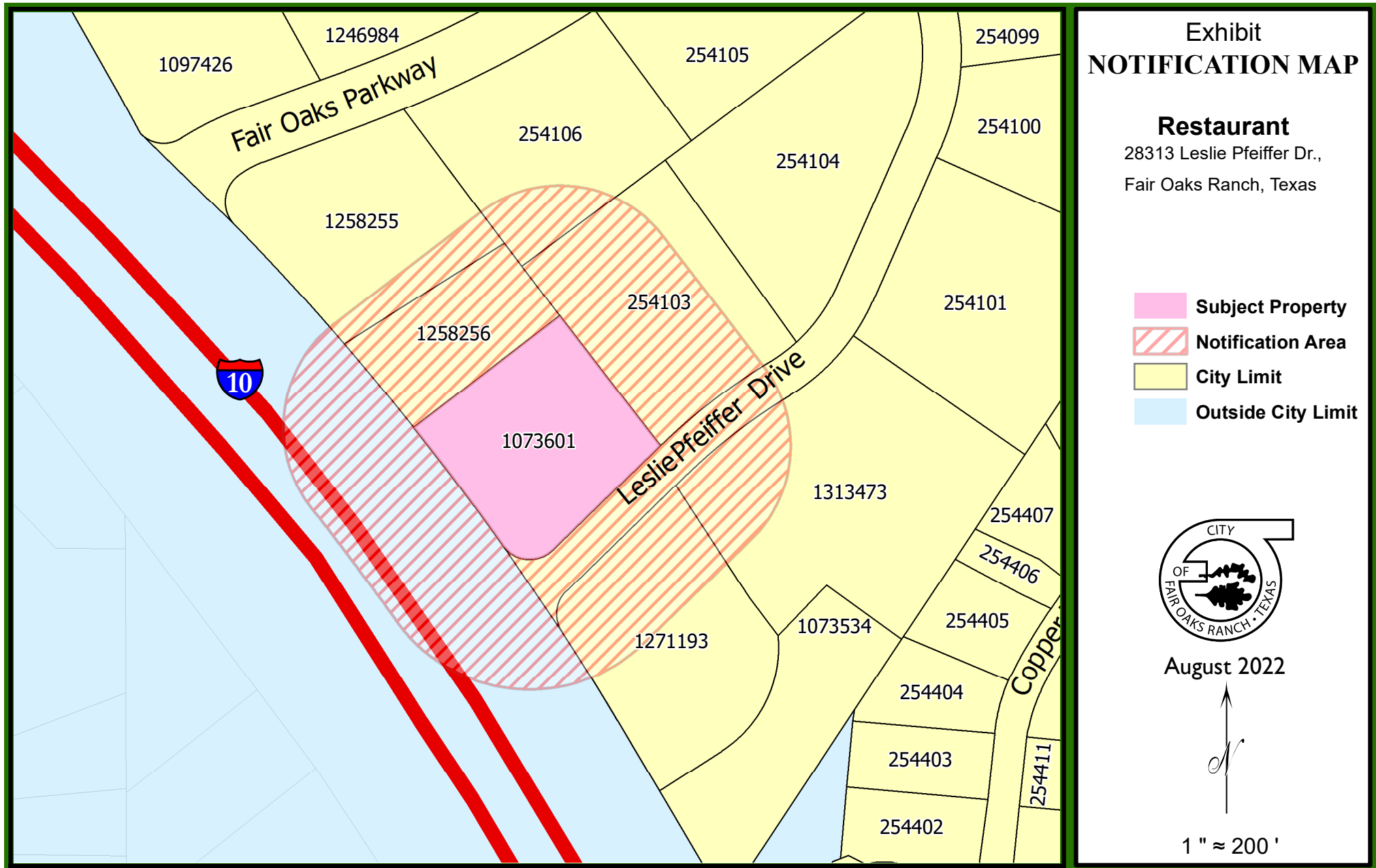
**ADDRESS**  
28313 LESLIE PFEIFFER DR.  
BOERNE, TEXAS 78006

**LEGAL DESCRIPTION**  
LOT 1  
COUNTY BLOCK 4709  
PLAT NAME: PFEIFFER RANCH CORNERS, UNIT 1  
VOLUME 9573, PAGE 12



**FAIR OAKS RESTAURANT**  
NEW CONSTRUCTION  
28313 LESLIE PFEIFFER DR.  
BOERNE TEXAS 78006

DESIGN	RL
DRAWN	SA
CHECKED	DA
DATE	8/19/2022
JOB NO.	200421
SHEET	



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