



AGENDA ITEM SUMMARY

District Impacted

- ☐ 1 = Anzolitto
- ☐ 2 = Woolard
- ☐ 3 = Boyd
- ☒ 4 = Cisneros
- ☐ 5 = Colvin
- ☐ All

DESCRIPTION	CONSIDER ON FIRST READING ORDINANCE NO. 2017-15; AN ORDINANCE AMENDING THE CITY OF BOERNE ZONING ORDINANCE NO. 2007-64, CAPTIONED, "ZONING ORDINANCE OF THE CITY OF BOERNE, TEXAS", DATED DECEMBER 18, 2007, BY AMENDING ARTICLE 3, SECTION 13, PERMANENT ZONING OF 26.582 ACRES LOCATED AT 17 HERFF ROAD FROM TEMPORARY ZONING R-A, SINGLE-FAMILY RURAL RESIDENTIAL- AGRICULTURAL DISTRICT +/-14 ACRES (KAD NOS. 15847, A PORTION OF 15848, AND 15849) TO MU-2, MIXED-USE COMMUNITY DISTRICT AND +/- 12 ACRES (A PORTION OF KAD NO. 15848 AND 12536) TO R-4, MULTI-FAMILY RESIDENTIAL DISTRICT; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SEVERANCE CLAUSE; AND DECLARING AN EFFECTIVE DATE. <i>(CT 17 Herff Land LP)</i>
STAFF'S RECOMMENDED ACTION (be specific)	APPROVE ON FIRST READING ORDINANCE NO. 2017-15; AN ORDINANCE AMENDING THE CITY OF BOERNE ZONING ORDINANCE NO. 2007-64, CAPTIONED, "ZONING ORDINANCE OF THE CITY OF BOERNE, TEXAS", DATED DECEMBER 18, 2007, BY AMENDING ARTICLE 3, SECTION 13, PERMANENT ZONING OF 26.582 ACRES LOCATED AT 17 HERFF ROAD FROM TEMPORARY ZONING R-A, SINGLE-FAMILY RURAL RESIDENTIAL- AGRICULTURAL DISTRICT +/-14 ACRES (KAD NOS. 15847, A PORTION OF 15848, AND 15849) TO MU-2, MIXED-USE COMMUNITY DISTRICT AND +/- 12 ACRES (A PORTION OF KAD NO. 15848 AND 12536) TO R-4, MULTI-FAMILY RESIDENTIAL DISTRICT; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SEVERANCE CLAUSE; AND DECLARING AN EFFECTIVE DATE. <i>(CT 17 Herff Land LP)</i>
DEPARTMENT	Planning and Community Development
CONTACT PERSON	Laura Talley
SUMMARY	<p>The property under consideration is located at 17 Herff Road. The property has recently been annexed and is now under consideration for permanent zoning of MU-2, Mixed Use Community and R-4, Multi-family.</p> <p>It is Staff's and Planning and Zoning Commission's recommendation to zone +/- 15 acres MU-2 and +/- 12 acres R-4. There are a number of factors that went into the consideration of the permanent zoning of this property.</p>

	<p>1) While the Land Use Plan identifies this area as residential, a number of significant changes have taken place since the plan was formed in 2006 most notably the expansion of Herff Road as a result of new current and future development on Hwy 46. The site is located at the crossroads of Hwy 46 and the new 4 lane arterial roadway. The expansion of Herff Road from a quiet 2 lane street to a 4 lane arterial changed the dynamics of the area. This fact was discussed on numerous occasions during the City and the County's presentations on expansion of Herff Road beginning in 2009.</p> <p>The 2006 Master Plan land use designation of Neighborhood Residential for this property would allow 5 – 10 dwelling units per acre. This would potentially produce +/- 130 homes on the site. It is staff's opinion that the Land Use Plan for this area is out of date and requires modification and we are in the process now of reviewing the Master Plan and updating the Land Use Plan. The Land Use Plan is meant to be used as a guide, not as a rule, and is not property specific. It should be noted that the City Council has authorized zoning which is not strictly compliant with the Master Plan in the past when appropriate. One recent example is the residential zoning of Durango, which was listed as Industrial in the 2006 Master Plan. Another is the zoning of the neighboring property to 17 Herff; Herff Farm was annexed and permanently zoned R-A to allow for the unique uses, as opposed to following the Master Plan land use designation of high density residential which would allow for about 300 homes on the site.</p> <p>2) The properties that directly adjoin 17 Herff are Herff Farm and City Park. City Park houses the city pool, soccer fields, tennis courts and the Cibolo Nature Center. 17 Herff is actually right across the creek from the soccer fields and tennis courts, not the Cibolo Nature Center area. The neighbor to the south is Herff Farm which is a 60 acre property with commercial uses in an agricultural setting. It is home to the Farmers Market, community gardens, the historic Herff home and it provides a venue for events and classes. To the north is the Hwy 46 intersection and No. 9 Depot convenience store/Longhorn Café and a nursing home. Across the street is 23 acres of vacant land that is currently zoned R-1. Staff anticipates that this property will likely be requested to be rezoned and developed as commercial as well for all the same reasons. In the area there are a mix of residential uses that includes Green</p>
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	<p>Meadows Subdivision, Burning Tree Condominiums and Village at Herff Townhomes.</p> <p>3) In order to combat urban sprawl, it has been Council's direction that staff focus on infill development as well as on the Live-Work-Play concepts that were identified in the 2006 Master Plan, then discussed in the 2008 Rudat study and further refined in the 2015 SoBo study. In following through with Council's direction that Staff identify areas of infill, this site was one of those properties that was surrounded by the city limits, has utilities close by and is afforded controlled and efficient access by the traffic light at Oak Park. The recommended zoning adheres to the goals stated during the SoBo study encouraging mixed use, Live-Work-Play developments.</p> <p>4) As traffic concerns on River Road have mounted, particularly on Hwy 46 East, the city has attempted to identify routes to help relieve congestion off of River Road and downtown Main Street. With the impending development of 5,000+ homes on the east side of town and traffic counts now over 14,000 trips per day on Hwy 46 East, the expansion of Herff Road was necessary to move traffic quickly off of Hwy 46 to Main Street/Hwy 87 and then onto IH-10. This was known in 2008 when the TIA (traffic impact analysis) for Esperanza was completed and the development agreement was created calling for a \$2.3 million contribution toward the expansion of Herff Road. The \$11+ million expansion of the roadway to four-lanes was recently completed by Kendall County. The properties that directly adjoin Herff Road have clearly been affected by this change.</p> <p>This property is located at the traffic light at Oak Park and Herff Road which presents an attractive opportunity to mitigate the impact to mobility on Herff Road. The light at this location will provide the primary access to the site. There is scientific data that supports staff's view that multi-family development generates less traffic than single family residential. The commercial mix and apartment traffic move at different times of the day, so the overall impact of traffic from this site would be distributed throughout the day at different times, rather than at peak traffic times as is the typical pattern for single family residential. Staff has included an excerpt from a Harvard study that speaks to the traffic specifically from the multi-family vs. single family residential.</p>
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5) Apartments on this sight were considered and recommended in part because of the proximity to so much open space. The MU-2 district allows apartments but is very limiting. Only 50 units are permitted within 1,000 feet of each other. The R-4 zoning on +/- 12 acres was recommended so as to limit the multi-family density but allow community living within walking distance to open space and commercial properties– a true Live-Work-Play area. It was Staff and the Planning and Zoning Commission’s opinion by 7-1 vote, that multi-family can fit in nicely adjacent to the City Park and Herff Farm. Our ordinances require that single family residential developments incorporate sidewalks and trails that connect one neighborhood to another and provide 20% open space which generally means each development has acres of open space in addition to backyards for people to enjoy. Residents in apartments typically are not afforded that type of availability to open space. It is Staff’s belief that apartment dwellers, whenever possible, should be afforded those amenities as well. Limiting the acreage for the apartments would accomplish this without overwhelming the 26 acre property with density. The remaining property would be allowed to develop as an MU-2 with commercial/retail uses that will also have accessibility to the sidewalks and trails. The proposed zoning would create a good infill development that, like SoBo, is pedestrian friendly and easily accessed by nearby neighborhoods promoting the Live-Work-Play environment.

Traffic:

On average, apartment residents own fewer cars than single-family homeowners: the latter average two cars per household compared with only one for the former. Beyond that, single-family housing generates more automobile trips per household,.

On weekdays, a single-family detached house generates 42 percent more trips than does a unit in an apartment. The difference is even greater on the weekend: 58 percent more trips on Saturdays, and 50 percent more trips on Sundays. Excerpt from Joint Center for Housing Studies - Harvard University

A full study by the Urban Land Institute and a summary of the Myths and Facts about higher density development is attached to this AIS.

There have been various comments made by the community that Staff would like the opportunity to address and clarify.

	<p>Cibolo Creek is located on city property that runs behind this site. The creek is anywhere from 120 to 300 feet from the 17 Herff Rd property line. This property is outside of what is described as a Riparian Zone.</p> <p><i>“Riparian areas are lands that occur along watercourses and water bodies. Typical examples include flood plains and streambanks. They are distinctly different from surrounding lands because of unique soil and vegetation characteristics that are strongly influenced by the presence of water.”</i></p> <p>USDA Natural Resources Conservation Service</p> <p>Staff recognizes that any development near a creek should be considered with more scrutiny. The City encourages LID (low impact development) and does have LID guidelines in place if a developer so chooses to use them.</p> <p>In 2009, the City initiated work to develop a Watershed Protection Plan for the Upper Cibolo Creek Watershed. During this process, a diverse group of stakeholders and a technical advisory group were recruited to address an ongoing bacterial impairment in Upper Cibolo Creek and proactively address any anticipated water quality concerns throughout the watershed. In 2011, Stakeholders were initially presented with LID techniques as a potential management strategy to improve overall stormwater quality.</p> <p>Stakeholders realized there would be challenges associated with the wide-spread implementation of LID techniques throughout the watershed. However, stakeholders recommended LID practices be utilized whenever possible on new construction and retrofit projects in an effort to reduce the amount of contaminants that enter local waterways during rain events. In August of 2015 the City began discussions with the San Antonio River Authority (SARA) to utilize the San Antonio River Basin Low Impact Development Technical Guidance Manual as a local resource for LID projects. In February of 2017, in cooperation with SARA, the City developed a Boerne Edition of this LID technical guidance manual to assist landowners with the evaluation of their site and selection of appropriate LID strategies.</p> <p>It has been suggested that all or part of these LID strategies be incorporated into City Ordinances and, if City Council desires, that can indeed be one of the next steps. It should be noted, however, that the vast majority of the SARA guidelines are promoted through incentives and cost offsets to the developer as opposed to being required on every development. The appropriate use and effectiveness of LID differs from site to site and a blanket requirement for use would be costly, ineffective and ill advised.</p>
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	<p>The City already has a number of ordinances in place that regulate <u>all</u> development in a thoughtful, responsible manner:</p> <ul style="list-style-type: none">a. Stream setbacks: In 2012 the City added a section to its ordinances that provides stream corridor setbacks. Essentially a stream corridor setback provides a natural buffer based on the amount of water that flows through an area – the larger the watershed that feeds the creek, the larger the setback. Around the stream, the area shall remain natural and just outside of that area development is limited. This is true for all perennial creeks in Boerne, not just Cibolo Creek. In this case the setback is 100 feet from the centerline of the creek. 17 Herff is outside of the stream corridor setback.b. Tree preservation: The City has tree preservation requirements which preserve larger trees and regulate removal of protected trees.c. Stormwater Detention requirements: The City has ordinances in place which require post development flow off a property to not exceed predevelopment flow.d. Lighting ordinance: This site, if developed, would fall under one of the most restricted lighting districts designated in the ordinance. All development is required to be dark sky compliant.e. Traffic Impact Ordinance: A Traffic Impact Analysis is required no matter the type of development that may occur on the site. Specific traffic mitigation is required if a particular development is shown to worsen traffic.f. Noise Ordinance: Limits the decibel levels of noise that may be heard within a certain distance of the site.g. Design criteria: All developments have design criteria that they must follow, including apartments. This limits the types of materials, requires articulation of buildings, etc. The MU-2 district has the most restrictive design criteria.h. Entrance Corridor: Increased design criteria and landscape requirements can be applied in these overlay districts. It only applies to commercial property, and if Council chooses, they could apply this to all of Herff Road from Old San Antonio to Hwy 46.i. Animal waste: Anywhere in the city, animal waste must be picked up, except in a backyard. <p>It has been suggested that the city should acquire the property as a park. The property was not on the market for sale but if it had been listed, it would likely have been priced at its highest and best use with a likely cost of greater than \$7m for just 26 acres. By comparison, the city purchased property on Adler and Toepperwein roads for park</p>
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	<p>land for less than \$1.5m for 39 acres. Those funds came from the 2007 Bond Issue for that purpose and no such funding for parks acquisition exists today.</p> <p>The Parks Master Plan details a number of priorities and the current most pressing needs are for development of active fields, aquatic facilities and other amenities. If funding was available, it would very likely be directed toward the community park site on Adler and Toepperwein for those purposes.</p> <p>This site is next to the current City Park. If funding were available for park acquisition, it would likely be directed to other parts of the city where park amenities could be provided closer to home for other residents.</p> <p>Staff continues to believe that the proposed zoning provides for the highest and best use for the site including from the environmental, traffic impact and quality of life standpoints. It is in alignment with the goals stated during the SoBo study encouraging mixed use, live/work/play development as well as with the City's Economic Development Workplan to provide for high quality commercial development in Boerne at the same time providing for diversity of housing options and improving quality of life.</p> <p>While not the top point of consideration the economic development potential for the site is considerable. The gain in revenue to the City from a balance of economic sources versus relying on current tax payers is crucial to the long term financial viability of the City. New revenue from ad valorem tax, sales tax, and utilities provides funding for quality of life projects such as new parks and trails and helps to meet the ever increasing needs for funding of public safety and road improvements.</p> <p>The Planning and Zoning Commission voted 7-1 in favor of staff's recommended zoning for the site.</p>
COST	
SOURCE OF FUNDS	
ADDITIONAL INFORMATION	

This summary is not meant to be all inclusive. Supporting documentation is attached.