



## AGENDA ITEM SUMMARY

### District Impacted

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

<b>AGENDA DATE</b>	April 24, 2018
<b>DESCRIPTION</b>	7. CONSIDER ON SECOND READING ORDINANCE NO. 2018-11; 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 14, REZONING 2.16 ACRES LOCATED AT 110 BLUEBONNET CIRCLE (KAD NO. 22517) FROM RMO-3, MODULAR RESIDENTIAL DISTRICT TO R-4, MULTI-FAMILY RESIDENTIAL DISTRICT; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SEVERANCE CLAUSE; AND DECLARING AN EFFECTIVE DATE. (Rene Gonzalez)
<b>STAFF'S RECOMMENDED ACTION (be specific)</b>	Approve on second reading Ordinance No. 2018-11; Amending the Zoning Ordinance No. 2007-64, rezoning 2.16 acres located at 110 Bluebonnet Circle (KAD No. 22517) from RMO-3, Modular Residential District to R-4, Multi-Family Residential District.
<b>CONTACT PERSON</b>	Laura Talley
<b>SUMMARY</b>	<p>This property is located on the west side of Bluebonnet Circle, just north of Wild Rose Street. It is currently zoned RMO-3, Modular Residential District. The property owner is requesting a rezoning to R-4, Multi-Family Residential District.</p> <p>The RMO-3 zoning allows for manufactured or modular housing. We have not been successful in attracting a viable development at this site with the existing zoning for well over 10 years. The developer is seeking a change in zoning in order to construct an apartment complex at this site. While the current land use plan identifies everything north of Adler as large lot residential, that seems no longer applicable at this location as the surrounding area is already subdivided into small lots. Staff and the Planning and Zoning Commission (by 5-2 vote) believe that a mix of uses including some small pods of multi-family in this area would be appropriate. The developer has informed us that he has been a project manager and general contractor on several quality projects in Boerne, including the Gateway Office Building on the south side of town. This property has LCRA overhead power lines, the County law enforcement center to the west, a drainage area to the north and two single-family residences to the south making this is a very challenging property to develop.</p> <p>The developer, Rene Gonzalez, is proposing a 69 unit, three story apartment complex. There are two forced buffers; one on the north and the other on the south side. To the south is the 70' LCRA power line easement and to the north is a 150' drainage easement. The zoning ordinance limits height for</p>

	<p>this site. Typically multi-family can be up to four stories, but multi-family buildings that are located within 75 to 150 feet of a residential zoning are limited to three stories. This greatly limits the potential development of the site.</p> <p>The developer has provided a site plan and expressed the desire to build three story apartments on the entire site. Mr. Gonzalez explained that the market dictates that anything over three stories would need to provide an elevator to the higher floors, and for such a small complex the cost of providing elevators to the fourth floor would not be financially feasible. He would have to build two elevators (one for each complex) and only gain 9 units. The developer is not required to plat the lot, because it is already part of a platted subdivision and therefore falls under the criteria enforced at the time of platting. He is not required to provide LID features. The development will still need to meet the State of Texas Guidelines which provide for mitigation of the development with regard to drainage. In short, a downstream property owner must accept water flow that naturally discharges onto their property and an upstream owner cannot divert surface water flows in a manner that causes harm to his neighbor. The developer has a responsibility to therefore control the rate of flow off their site to avoid causing harm (flooding) of downstream properties even though the city cannot apply its current ordinance requirements. Mr. Gonzalez has provided the city with a letter of intent (attached) in which he states he will incorporate LID features into the development and limit the heights of the buildings to three stories. He does not own the property yet and therefore cannot provide deed restrictions that would bind the property. He also demonstrated (attached) how he will incorporate LID to control and filter the runoff from the site. He intends to capture runoff from the roof tops and the parking lot and then filter it using a pervious paving system, rain gardens and vegetated swales in the open space and landscape areas. A different developer of this site may not be willing to incorporate any LID features.</p> <p>The developer provided a traffic impact analysis. The trips during the peak hours are minimal. A total of 26 cars exiting the development over a two hour timeframe equates to 13 cars in an hour's time or about one car every five minutes at peak. As the property is currently zoned, a developer could potentially build anywhere between 20 single family homes to 30 townhome units, which during peak hours calculates to +/- 10 trips in an hour's time or one trip every six minutes at peak. The difference is negligible.</p> <p>The Planning and Zoning Commission recommended approval of the rezoning by a vote of 5-2 (Chapman and Sena dissenting). The Commissioners that voted against this item were concerned about flooding due to impervious cover and they were not in favor of the potential for 4-story heights. The developer has since provided the letter of intent and a description for LID features that he intends to incorporate into the site.</p>
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	<p>The proximity of the proposed apartments to Curington Elementary School, the Northside Park and the YMCA makes this a productive location for infill and a walkable community. This appears to be a good use of a nonperforming site on a very challenged lot due to the proximity to the power line easement, the drainage channel and the law enforcement center. The development meets two of the goals of our Economic Development Work Plan:</p> <ol style="list-style-type: none"> <li>1) Provide 69 units of housing in a lower price range than other new complexes (housing diversity);</li> <li>2) Infill project avoiding sprawl and taking advantage of existing utility infrastructure.</li> </ol> <p>Staff is supportive of the multi-family use on this site.</p>
<b>COST</b>	
<b>SOURCE OF FUNDS</b>	
<b>ADDITIONAL INFORMATION</b>	

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