



## AGENDA ITEM SUMMARY

### District Impacted

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

<b>AGENDA DATE</b>	May 8, 2018
<b>DESCRIPTION</b>	6.A. CONSIDER ON FIRST READING ORDINANCE NO. 2018-16; 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 4.349 ACRES LOCATED AT 12 HERFF ROAD (KAD NO. 15815) FROM R-1, MEDIUM-DENSITY SINGLE-FAMILY DISTRICT TO B-1, HIGH-DENSITY RESIDENTIAL AND NEIGHBORHOOD COMMERCIAL DISTRICT (+/- .8 ACRES) AND B-2, HIGHWAY COMMERCIAL DISTRICT (+/- 3.5 ACRES); REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SEVERANCE CLAUSE; AND DECLARING AN EFFECTIVE DATE. (ProCore Developments)
<b>STAFF'S RECOMMENDED ACTION (be specific)</b>	Approve Ordinance No. 2018-16; rezoning 4.349 acres located at 12 Herff Road (KAD NO. 15815) from R-1, Medium-Density Single-Family District to B-1, High-Density Residential and Neighborhood Commercial District (+/- .8 acres) and B-2, Highway Commercial District (+/- 3.5 acres). (ProCore Developments)
<b>CONTACT PERSON</b>	Laura Talley
<b>SUMMARY</b>	<p>This property is located on the west side of Herff Road south of River Road and north of Oak Park. The proposed development will abut Green Meadows to the south and a future proposed residential development to the west. The developer is interested in providing a mix of uses that could include a daycare, retail and small restaurant. They plan to make use of the small rock house on the property and blend any new construction with the original home design. They have requested a buffer zoning of B-1 abutting Green Meadows and a less restrictive commercial zoning of B-2 closer to River Road. Heights and design will be restricted by the recently adopted North Herff Road Overlay District which will be applied to this property if it is zoned commercially. That will limit heights to two-stories and provide some additional landscape buffer criteria.</p> <p>The zoning change was approved 4-3 at the Planning and Zoning Commission meeting held April 2<sup>nd</sup>. There was extensive discussion regarding this item by the P&amp;Z. The three Commissioners (Hayward, Sena and Paxton) who voted against the rezoning expressed concern about the change from R-1 to B-2, as the area is shown as Residential in the current Master Plan. They were not as concerned about the B-1 zoning district, but expressed concern regarding the less restrictive uses in a B-2 zone.</p> <p>The developer stated their intended uses for the development would be very much in line with what Commissioner's desired. The limitations of only having right-in and right-out access points from south bound Herff Road and</p>

	<p>one hooded left from the north bound Herff Road limits the types of uses that would be interested in this site. They stated that the end users would be small retail or restaurants, perhaps a dry-cleaners, a bank, a nail salon or a daycare. The developer plans to make use of the existing home and foresees that being a restaurant with outdoor seating under the trees. The developer has also stated that they will provide a buffer between this development and Green Meadows which will preserve the trees along the fence line and they will construct a solid fence to screen the site.</p> <p>Council recently approved the North Herff Overlay District (NHOD) which limits heights of all buildings to a maximum of 2-stories, provides a landscape buffer along Herff Road and enforces some additional design criteria. If this property is zoned commercially, the NHOD criteria will apply to this site. All other regulatory criteria will apply as well, lighting, detention, drainage, low impact development, noise, landscaping, tree preservation, etc.</p> <p>There are +/- 35 remaining developable acres in this area which have the potential to develop in the future. These properties are located between Herff, River Road and Frey. 5 ½ of those 35 acres are already being considered for a residential (garden home) community that runs between this development and Frey Street. There is no connecting street between the two. Staff would anticipate that development along Herff Road and River Road will be commercial while the uses that are closer to Frey would be residential in nature. The expansion of Herff Road and continued increase in traffic have been impactful to those properties closest to it. Commercial growth along Herff Road makes sense, but as we develop closer to the existing neighborhood, those uses should be less impactful and would likely be some type of residential infill.</p> <p>Staff notified 15 property owners within 200 feet of the site. We received 6 written responses – 3 opposed, 2 neutral and 1 in favor. We have since received a petition opposing the rezoning. Of the 15 property owners identified within 200 feet, we received five signatures opposing the rezoning, two of those signatures were viable (lived within 200 feet). That is less than the 20% requirement that forces a super-majority vote. This is as of May 4, 2018.</p> <p>The Planning and Zoning Commission voted 4-3 to recommend to Council the rezoning as submitted. Staff is supportive of the rezoning to B-1 and B-2 as presented.</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.