



## AGENDA ITEM SUMMARY

### District Impacted

- ☐ 1 = Anzolitto
- ☐ 2 = Woolard
- ☐ 3 = Tye
- ☒ 4 = Cisneros
- ☐ 5 = Handren
- ☐ All

<b>AGENDA DATE</b>	September 11, 2018
<b>DESCRIPTION</b>	CONSIDER ON SECOND READING ORDINANCE NO. 2018- 33; 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 0.48 ACRES LOCATED AT THE CORNER OF EAST HIGHLAND AND SCHWEPPE (KAD NO. 21623) FROM R-1, MEDIUM-DENSITY SINGLE-FAMILY DISTRICT TO R-4, MULTI-FAMILY RESIDENTIAL DISTRICT; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SEVERANCE CLAUSE; AND DECLARING AN EFFECTIVE DATE. (Robert S. Thornton)
<b>STAFF'S RECOMMENDED ACTION (be specific)</b>	Approve on second reading Ordinance No. 2018-33; Amending Zoning Ordinance No. 2007-64, by amending Article 3, Section 14, rezoning 0.48 acres located at the corner of East Highland and Schweppe (KAD No. 21623) from R-1, Medium-Density Single-Family District to R-4, Multi-Family Residential District.
<b>CONTACT PERSON</b>	Laura Talley, Director of Planning and Community Development
<b>SUMMARY</b>	<p>This property is located on the southwest corner of the intersection of East Highland and Schweppe. This area is currently zoned R-1. The owner is requesting a R-4 zoning for the site.</p> <p>The owner has stated that they are planning to create a condominium ownership on the lot that is being rezoned. A condominium ownership scenario is described below:</p> <p><i>A condominium</i> is a form of property ownership involving multiple unit dwellings where a person owns his or her individual unit, but the common areas are owned in common. All members share in the costs and maintenance of the common areas.</p> <p>Multiple living units on one lot are considered multi-family by strict definition of the zoning ordinance.</p> <p><i>Multi-family Dwelling.</i> A building or portion thereof, arranged, intended, or designed for occupancy by three or more families, being separate quarters and living independently of each other. Multi-family dwelling also means more than three dwelling units on a single lot or parcel, whether attached or detached (commonly referred to as Apartments or Plexes with more than two units).</p>

	<p>Staff has discussed with the owner the plan for the site. After combing through the ordinance for a definition that would most effectively apply to this creative infill project, it was determined that the most appropriate zoning for multiple units on one lot was the R-4, multi-family zoning. A draft site plan has been provided by the owner that demonstrates how the buildings will be placed on the site.</p> <p>They have individual living units with dual attached garages. They've also provided some pictures of design features that they anticipate incorporating into the structures. We've attached these for your review. Below is the statement from the owner/developer regarding their plan. Council held a public hearing August 14<sup>th</sup> in which they described their plan for the site.</p> <p><i>"In quick review of the site plan you'll find we're proposing each of the four (4) lofts have 5' clear between lofts, and a two-car enclosed garage (each 2 car garage is connected to one other garage). This separation alone will clearly communicate that these aren't apartments, but rather well-planned, quaint homes that will invariably be a tremendous asset to the neighborhood. We've dodged existing trees, although two of them appear sick and in need of removal. The site will be heavily landscaped and meticulously maintained by an association. The separation of lofts is aesthetically fantastic, alleviates "shared walls", creates natural light and egress opportunities and helps with the transition of existing topography. Each loft has a fantastic rooftop deck/garden area at the front elevation (on top of the garage below). The aesthetics, materials and proportions have everything to do with the existing Oak Park gas station, as we sought to complement the simplicity of the structure, but not compete or diminish. We would introduce reclaimed materials where able to provide an earthy palate and patina that only reclaimed materials can do".</i></p> <p>The property owner/developer has recorded deed restrictions for the property (attached). The deed restrictions limit the number of units on the site to four, limit height of the buildings to no more than 2-stories and provides that each unit will have a garage. As Council is aware, deed restrictions are currently those of the individual property owner/developer for the site, but it does demonstrate some level of good faith on their part to follow through with the plan as presented.</p> <p>The recently update Master Plan, which includes an update of the Land Use Plan identifies this area as an extension of downtown. Types of development to be anticipated in downtown development are infill residential, mixed use type of development that can include some retail, office as well. These infill type of developments encourage walkability and are less auto-oriented in character.</p> <p>This is a vote on a rezoning, not an approval of a specific project, thus it is possible that, after the rezoning is approved, the owner would take the project in a different direction, or the property could be sold and the new owner choose to build something else on the property. Deed restrictions aside, there are restricting factors on this site that provide constraints. Any</p>
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	<p>other development other than single family on the property will be limited with regards to height or density. Per the zoning ordinance, due to the site's proximity to residential zoning true multi-family would be limited to one story with a little room for two stories near the street corner due. Further, an increase in density would necessitate an increase in parking and drainage features, which is restricted based on the 10-foot drop in elevation from the back to the front of the site. There are also a couple of heritage trees on the site that would also have to be planned around. These limiting factors make the proposed plan among the highest level of development possible for the site.</p> <p>Staff sent out 15 notifications to surrounding property owners and received two responses, one response in favor which was the property owner and one opposed. The neighbor spoke at P&amp;Z regarding the development, but seemed mainly concerned about property lines. Staff had numerous calls inquiring about the development, but nobody spoke in opposition of the proposed rezoning.</p> <p>Staff recommends approval of the rezoning for this location for various reasons; it is an infill project that encourages walkability simply due to its proximity to Main Street attractions, it adheres to the land use plan, makes productive use of a difficult to build upon undeveloped lot, and staff is comfortable with the R-4 zoning on this specific site because any increased development of this lot would be extremely limited due to factors (as stated above) of lot size, topography and proximity to surrounding residential zonings.</p> <p>Staff continues to be supportive of the rezoning as requested. The Planning and Zoning Commission recommended approval by a vote of 8-0 and Council at first reading voted 4-1 in favor of the rezoning.</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.