

AGENDA
REGULAR CITY COUNCIL MEETING
CITY COUNCIL CHAMBERS
447 North Main Street
Boerne, TX 78006
May 11, 2021 – 6:00 PM

A quorum of the City Council will be present during the meeting at: 447 N Main, Boerne, TX 78006.

During the meeting, the City Council may meet in executive session, as to the posted subject matter of this City Council meeting, under these exceptions of Chapter 551 of the Texas Government Code; sections 551.071 (Consultation with Attorney), 551.072 (Deliberation Regarding Real Property), 551.073 (Deliberation Regarding Gifts), 551.074 (Personnel/Officers), 551.076 (Deliberation Regarding Security Devices), and Section 551.087 (Deliberation Regarding Economic Development Negotiations).

1. CALL TO ORDER – 6:00 PM

INVOCATION

PLEDGE OF ALLEGIANCE TO THE UNITED STATES FLAG

PLEDGE OF ALLEGIANCE TO THE TEXAS FLAG

(Honor the Texas flag, I pledge allegiance to thee, Texas – one state under God, one and indivisible.)

2. CONFLICTS OF INTEREST

3. [2021-439](#) ADMINISTER THE OATH OF OFFICE TO THE MAYOR, CITY COUNCIL MEMBER DISTRICT 2, AND CITY COUNCIL MEMBER DISTRICT 4
4. [2021-440](#) CONSIDER THE ELECTION OF MAYOR PRO-TEM FOR MAY 2021 - MAY 2022.

5. PUBLIC COMMENTS: This is the opportunity for visitors and guests to address the City Council on any issue, in compliance with LGC Section 551.007. City Council may not discuss any presented issue, nor may any action be taken on any issue at this time. (Attorney General opinion – JC-0169)

6. CONSENT AGENDA: All items listed below within the Consent Agenda are considered to be routine by the City Council and may be enacted with one motion. There will be no separate discussion of items unless a Council Member or citizen so requests, in which event the item may be moved to the general order of business and considered in its normal sequence.

A. [2021-438](#) CONSIDER THE MINUTES OF THE REGULAR CALLED CITY COUNCIL MEETING OF APRIL 27, 2021.

B. RECEIVE RECOMMENDATION FROM THE PLANNING AND ZONING COMMISSION AND SET A PUBLIC HEARING FOR JUNE 8, 2021:

[2021-442](#) I. PROPOSED REZONING OF 0.996 ACRES LOCATED BETWEEN 115 STAHL AND 400 ROSEWOOD (KAD NO. 63697) FROM B-2, HIGHWAY COMMERCIAL DISTRICT, TO R-3, HIGH-DENSITY RESIDENTIAL DISTRICT. (Jay Parker, Trophy Properties)

C. RECEIVE RECOMMENDATION FROM THE PLANNING AND ZONING COMMISSION AND SET A PUBLIC HEARING FOR JUNE 8, 2021:

[2021-443](#) PROPOSED REZONING OF 0.302 ACRES LOCATED AT 606 FREY STREET (KAD NO. 18989) FROM R-1, MEDIUM-DENSITY RESIDENTIAL DISTRICT, TO B-1, HIGH-DENSITY RESIDENTIAL AND NEIGHBORHOOD COMMERCIAL DISTRICT. (James S. Schuepback)

REGULAR AGENDA:

7. PRESENTATIONS, PUBLIC HEARINGS, AND ORDINANCES:

A. [2021-444](#) PROPOSED PLANNED UNIT DEVELOPMENT (PUD) PLAN FOR 1.27 ACRES LOCATED BETWEEN STAHL AND NORTH PLANT STREETS (BETWEEN 115 STAHL STREET AND 400 ROSEWOOD - A PORTION OF KAD NO. 20028 AND ALL OF KAD NO. 63697). (Jay Parker/Trophy Properties)

 I. PRESENTATION

 II. PUBLIC HEARING

 III. CONSIDER PROPOSED PLANNED UNIT DEVELOPMENT (PUD)

PLAN FOR 1.27 ACRES LOCATED BETWEEN STAHL AND NORTH PLANT STREETS.

- B. [2021-445](#) CONSIDER PROPOSED PLANNED UNIT DEVELOPMENT (PUD) PLAN FOR 6.479 ACRES LOCATED IN THE COMMONS AT MENDER CREEK ON OLD SAN ANTONIO ROAD (KAD NO. 300529). (Alan Naul/ J-B Boerne Realty, LP)

- C. [2021-446](#) PROPOSED PLANNED UNIT DEVELOPMENT (PUD) OVERLAY DISTRICT FOR 6.479 ACRES LOCATED IN THE COMMONS AT MENDER CREEK ON OLD SAN ANTONIO ROAD (KAD NO. 300529). (Alan Naul/ J-B Boerne Realty, LP)

I. PRESENTATION

II. PUBLIC HEARING

III. CONSIDER ON FIRST READING ORDINANCE NO. 2021-16; 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, APPLYING A PLANNED UNIT DEVELOPMENT (PUD) PLAN OVERLAY DISTRICT DESIGNATION TO THE INDIVIDUAL PROPERTY (6.479 ACRES) LOCATED IN THE COMMONS AT MENDER CREEK ON OLD SAN ANTONIO ROAD (KAD NO. 300529); REPEALING ORDINANCE NO. 2021-09 AND ALL OTHER ORDINANCES IN CONFLICT; CONTAINING A SEVERANCE CLAUSE; AND DECLARING AN EFFECTIVE DATE.

- D. [2021-447](#) CONSIDER ON FIRST READING ORDINANCE NO. 2021-17; AN ORDINANCE AMENDING THE CITY OF BOERNE SUBDIVISION ORDINANCE NO. 2007-56, AS REVISED FEBRUARY 11, 2020, ARTICLE 2. PROCEDURES, TO ADD SECTION 09. DORMANCY FOR PERMITS AND PROJECTS. (Procedures determining vesting rights and dormancy for plats and projects)

8. CITY MANAGER'S REPORT:

- A. [2021-378](#) SEMI-ANNUAL STAFF PRESENTATION FROM THE CONVENTION

AND VISITOR'S BUREAU. (L Woods)

- B. [2021-450](#) FIRE DEPARTMENT ACTIVITY UPDATE. (Hacker)
- C. [2021-441](#) CITIZEN SURVEY UPDATE. (Thatcher)
- D. [2021-454](#) LEGISLATIVE UPDATE (Quirk)

9. COMMENTS FROM COUNCIL – No discussion or action may take place.

10. EXECUTIVE SESSION IN ACCORDANCE WITH THE TEXAS GOVERNMENT CODE:

- A. [2021-451](#) SECTION 551.071 - CONSULTATION WITH ATTORNEY REGARDING LEGAL MATTERS RELATED TO HTeaO APPLICATION.
- B. [2021-452](#) SECTION 551.072 - TO DELIBERATE THE PURCHASE, EXCHANGE, LEASE, OR VALUE OF REAL PROPERTY WHERE DELIBERATION IN AN OPEN MEETING WOULD HAVE A DETRIMENTAL EFFECT ON THE POSITION OF THE CITY IN NEGOTIATIONS WITH A THIRD PERSON.

11. RECONVENE INTO OPEN SESSION AND TAKE ANY NECESSARY ACTION RELATING TO THE EXECUTIVE SESSION AS DESCRIBED ABOVE.

- A. [2021-449](#) CONSIDER RESOLUTION NO. 2021-R17; A RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE THE PURCHASE OF _____ WITH _____.

12. ADJOURNMENT

CERTIFICATION

**I hereby certify that the above notice of meeting was posted on the 7th day of May,
2021 at 4:30 p.m.**


s/s Lori A. Carroll
City Secretary

NOTICE OF ASSISTANCE AT THE PUBLIC MEETINGS

The City Hall is wheelchair accessible. Access to the building and special parking is available at the northeast entrance of the building. Requests for auxiliary aides and special services must be received forty-eight (48) hours prior to the meeting time by calling the City Secretary at 830-249-9511.

Pursuant to Section 30.06 Penal Code (trespass by license holder with a concealed handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a concealed handgun.

Pursuant to section 30.07 Penal Code (trespass by license holder with an openly carried handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a handgun that is carried openly.

	<h2 style="margin: 0;">AGENDA ITEM SUMMARY</h2> <div style="border: 1px dashed purple; padding: 5px; margin-top: 10px;"> <p>District Impacted</p> <p><input type="checkbox"/> 1 = Wolosin</p> <p><input type="checkbox"/> 2 = Woolard</p> <p><input type="checkbox"/> 3 = Scott</p> <p><input type="checkbox"/> 4 = Boddie</p> <p><input type="checkbox"/> 5 = Macaluso</p> <p><input checked="" type="checkbox"/> All</p> </div>
Agenda Date	May 11, 2021
Requested Action	ADMINISTER THE OATH OF OFFICE TO MAYOR, CITY COUNCIL MEMBER DISTRICT 2, AND CITY COUNCIL MEMBER DISTRICT 4.
Contact Person	Lori A. Carroll, City Secretary
Background Information	The Oaths of Office will be administered to the Mayor Tim Handren, City Council Member District 2 Nina Woolard, and City Council Member District 4 Bryce Boddie.
Item Justification	<div style="display: flex; justify-content: space-between;"> <div style="width: 48%;"> <p><input checked="" type="checkbox"/> Legal/Regulatory Obligation</p> <p><input type="checkbox"/> Reduce Costs</p> <p><input type="checkbox"/> Increase Revenue</p> <p><input type="checkbox"/> Drive Down Risk</p> <p><input type="checkbox"/> Master Plan</p> <p style="text-align: center;">Recommendation</p> </div> <div style="width: 48%;"> <p><input type="checkbox"/> Infrastructure Investment</p> <p><input type="checkbox"/> Customer Demand</p> <p><input type="checkbox"/> Service Enhancement</p> <p><input type="checkbox"/> Process Efficiency</p> <p><input type="checkbox"/> Other: _____</p> </div> </div>
Financial Considerations	na
Citizen Input/Board Review	na
Legal Review	na
Alternative Options	na
Supporting Documents	na

In the name and by the authority of

The State of Texas

OATH OF OFFICE

I, _____do solemnly swear (or affirm), that I will faithfully execute the duties of the office of _____ for the City of Boerne, of the State of Texas, and will to the best of my ability preserve, protect, and defend the Constitution and laws of the United States and of this State, so help me God.


Affiant

SWORN TO and subscribed before me by affiant on this 11th day of May, 2021.

Signature of Person Administering Oath

Printed Name

Title

	<div style="text-align: center;">AGENDA ITEM SUMMARY</div> <div style="float: right; border: 1px dashed purple; padding: 5px; margin-top: 10px;"> District Impacted <input type="checkbox"/> 1 = Wolosin <input type="checkbox"/> 2 = Woolard <input type="checkbox"/> 3 = Scott <input type="checkbox"/> 4 = Boddie <input type="checkbox"/> 5 = Macaluso <input checked="" type="checkbox"/> All </div>	
Agenda Date	May 11, 2021	
Requested Action	CONSIDER THE ELECTION OF THE OFFICE OF MAYOR PRO-TEM FOR MAY 2021 - MAY 2022.	
Contact Person	Lori A. Carroll, City Secretary	
Background Information	<p>The Mayor Pro-Tem is elected annually by the City Council as per the City of Boerne Home Rule Charter Section 3.07. "The Mayor Pro-Tem shall be a Council Member elected by the Council at the first regular Council meeting following the canvass of the vote of each regular City election. Should a vacancy occur in the office of Mayor Pro-Tem, by resignation or otherwise, the City Council shall, as soon as practicable, elect a Council Member to serve as Mayor Pro-Tem until the next regular election. The Mayor Pro-Tem shall act as a Mayor during the absence or disability of the Mayor and when acting in this capacity, shall retain the right to vote."</p>	
Item Justification	<div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Legal/Regulatory Obligation <input type="checkbox"/> Reduce Costs <input type="checkbox"/> Increase Revenue <input type="checkbox"/> Drive Down Risk <input type="checkbox"/> Master Plan <input type="checkbox"/> Recommendation </div> <div style="width: 45%;"> <input type="checkbox"/> Infrastructure Investment <input type="checkbox"/> Customer Demand <input type="checkbox"/> Service Enhancement <input type="checkbox"/> Process Efficiency <input type="checkbox"/> Other: _____ _____ </div> </div>	
Financial Considerations	na	
Citizen Input/Board Review	na	
Legal Review	na	
Alternative Options	na	
Supporting Documents	na	

Minutes of the regular called City Council meeting of April 27, 2021.

- A. CONSIDER APPROVAL OF THE MINUTES OF THE REGULAR CITY COUNCIL MEETING OF APRIL 13, 2021.

THE MINUTES WERE APPROVED.

- B. CONSIDER ON SECOND READING ORDINANCE NO. 2021-15; AN ORDINANCE AMENDING ORDINANCE NO. 2020-21, CAPTIONED "AN ORDINANCE ADOPTING THE ANNUAL CAPITAL AND OPERATING BUDGETS FOR THE CITY OF BOERNE, TEXAS FOR THE FISCAL YEAR 2020-2021, BEGINNING OCTOBER 1, 2020 AND ENDING SEPTEMBER 30, 2021"; AND AUTHORIZING THE CITY MANAGER TO TRANSFER PART OR ALL OF ANY ENCUMBERED APPROPRIATION BALANCE AMONG PROGRAMS, WITHIN A FUND DEPARTMENT, OFFICE, OR AGENCY AT ANY TIME DURING THE FISCAL YEAR. (Budget amendments)

Council Member Macaluso asked about the distribution of the revenues noted in the amendments.

THE ORDINANCE WAS APPROVED.

A MOTION WAS MADE BY COUNCIL MEMBER WOLOSIN, SECONDED BY COUNCIL MEMBER SCOTT TO APPROVE THE CONSENT AGENDA AS PRESENTED. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 5 - Council Member Wolosin, Mayor Pro Tem Woolard, Council Member Scott, Council Member Boddie, and Council Member Macaluso

Absent: 1 - Mayor Handren

REGULAR AGENDA

5. RESOLUTIONS:

- A. CONSIDER THE UN-TABLING OF RESOLUTION NO. 2021-R16, AS DESCRIBED BELOW. (Tabled on 4/13/21)

A MOTION WAS MADE BY COUNCIL MEMBER SCOTT, SECONDED BY COUNCIL MEMBER WOLOSIN, TO APPROVE THE UN-TABLING OF RESOLUTION NO. 2021-R16, AS DESCRIBED BELOW. (TABLED ON 4/13/21). THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 5 - Council Member Wolosin, Mayor Pro Tem Woolard, Council Member Scott, Council Member Boddie, and Council Member Macaluso

Absent: 1 - Mayor Handren

B. CONSIDER RESOLUTION NO. 2021-R16; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE A PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF BOERNE AND LUCK DESIGN TEAM, LLC FOR WATERWORKS TERRACE PARK AND SPLASH PAD PROJECT FOR AN AMOUNT NOT TO EXCEED \$47,800.00.

Mayor Pro Tem Woolard called on Community Services Director Danny Zincke. Mr. Zincke reminded the City Council of their direction given to staff to amend the scope of the project at the previous City Council meeting. Discussion ensued regarding Phase I being just a feasibility agreement to include a couple of different options for the project.

A MOTION WAS MADE BY COUNCIL MEMBER SCOTT, SECONDED BY COUNCIL MEMBER WOLOSIN, TO APPROVE RESOLUTION NO. 2021-R16; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE A PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF BOERNE AND LUCK DESIGN TEAM, LLC FOR WATERWORKS TERRACE PARK AND SPLASH PAD PROJECT FOR AN AMOUNT NOT TO EXCEED \$47,800.00. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 5 - Council Member Wolosin, Mayor Pro Tem Woolard, Council Member Scott, Council Member Boddie, and Council Member Macaluso

Absent: 1 - Mayor Handren

6. OTHER ITEMS:**A. RECEIVE AND APPROVE THE SECOND QUARTER FINANCIAL AND INVESTMENT REPORT FOR FISCAL YEAR 2021.**

Mayor Pro Tem Woolard called on Ms. Sandy Mattick, Finance Director. Ms. Mattick reviewed the second quarter financial and investment report. She discussed the effects from the winter weather event. The City did not pass on the additional expense the city incurred to the customers. Deputy City Manager Jeff Thompson stated that the existing power supply and gas supply agreements serviced the city well during the winter storm. Discussion ensued regarding sales tax revenue from online sales.

A MOTION WAS MADE BY COUNCIL MEMBER MACALUSO, SECONDED BY COUNCIL MEMBER WOLOSIN, TO RECEIVE AND APPROVE THE SECOND QUARTER FINANCIAL AND INVESTMENT REPORT FOR FISCAL YEAR 2021. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 5 - Council Member Wolosin, Mayor Pro Tem Woolard, Council Member Scott, Council Member Boddie, and Council Member Macaluso

Absent: 1 - Mayor Handren

7. CITY MANAGER'S REPORT:**A. MONTHLY PROJECT UPDATE**

Mayor Pro Tem Woolard called on City Manager Ben Thatcher. Mr. Thatcher provided an update on various City projects.

B. NEW CITY NEWS INITIATIVE (Shadrock)

City Manager Thatcher asked Mr. Chris Shadrock, Communications Manager to provide information on the City's news initiative which has been launched on the city's website. Mr. Shadrock displayed the new Boerne News webpage.

C. LEGISLATIVE UPDATE (Quirk)

City Manager Thatcher asked Ms. Barbara Quirk, City Attorney to provide a legislative update. She stated that the legislative session ends May 31, 2021. Discussion ensued regarding status of various bills.

D. UPDATE ON IMPACTS OF WINTER STORM (Thompson)

The update on the impacts of the winter storm were discussed during the presentation of the quarterly financial reports.

8. COMMENTS FROM COUNCIL – No discussion or action may take place.

Council Member Wolosin expressed congratulations to the Boerne soccer team who won the State Championship and to everyone in the school system.

Council Member Boddie stated that the Transportation Committee meetings have started up again since being delayed due to the pandemic.

9. EXECUTIVE SESSION IN ACCORDANCE WITH THE TEXAS GOVERNMENT CODE:

Mayor Pro Tem Woolard convened the City Council into Executive Session at 6:56 p.m.

A. SECTION 551.087 - DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS WITH DSL HOLDINGS, LLC.

Discussion began at 7:00 p.m.

No action was taken.

B. SECTION 551.087 - DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS WITH SPENCER RANCH AND SECTION 551.071 - CONSULTATION WITH CITY ATTORNEY REGARDING SAME.

Discussion began at 7:22 p.m.

No action was taken.

10. RECONVENE INTO OPEN SESSION AND TAKE ANY NECESSARY ACTION RELATING TO THE EXECUTIVE SESSION AS DESCRIBED ABOVE.

Mayor Pro Tem Woolard reconvened the City Council into Open Session at 7:29 p.m.

No action was taken.

11. ADJOURNMENT


Mayor Pro Tem Woolard adjourned the City Council meeting at 7:29 p.m.

Approved:

Mayor

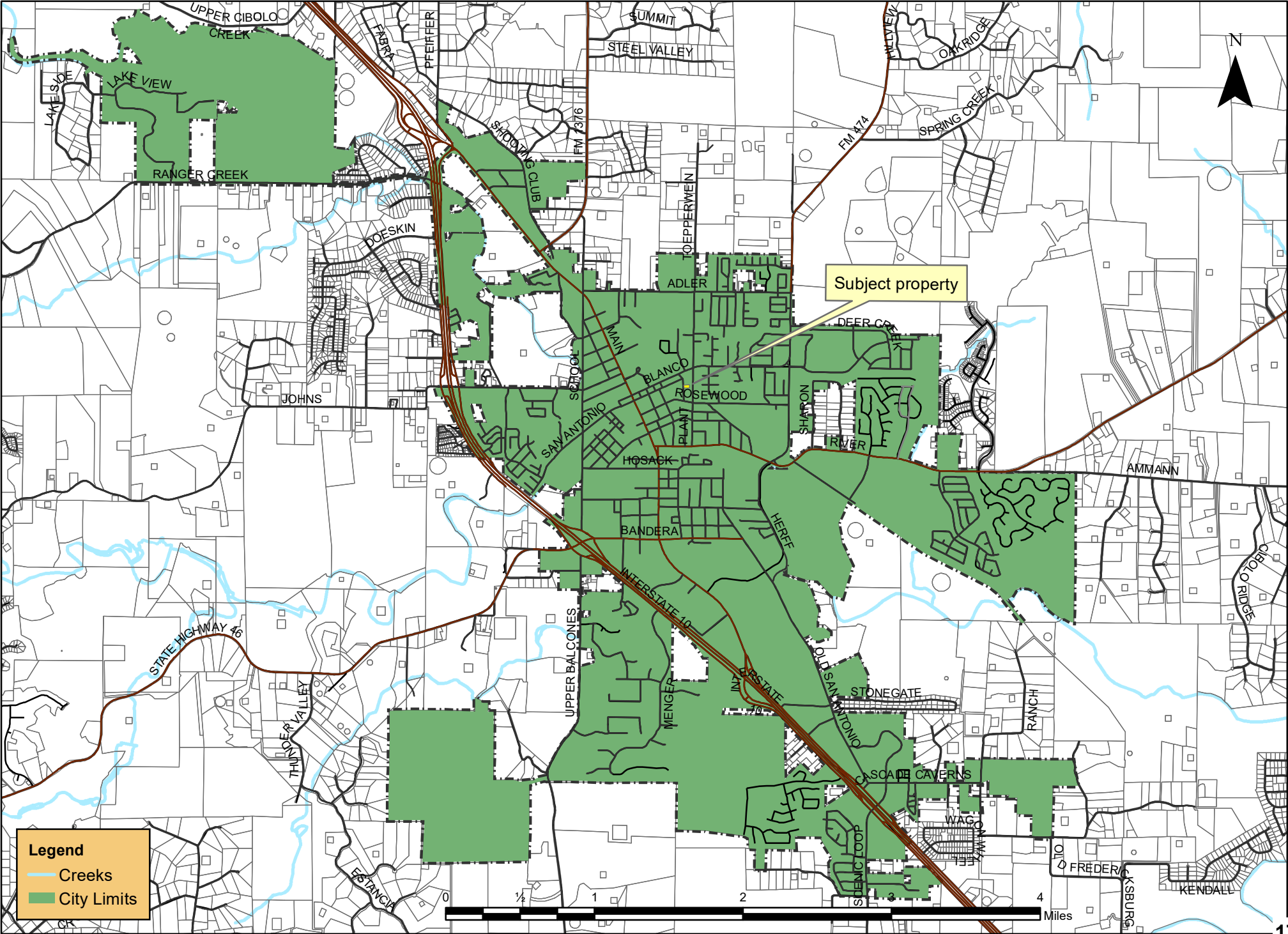
Attest:

City Secretary

	<div style="text-align: center;"> <h2 style="margin: 0;">AGENDA ITEM SUMMARY</h2> </div> <div style="border: 1px dashed purple; padding: 5px; margin-top: 10px;"> <p style="text-align: center; margin: 0;">District Impacted</p> <p><input type="checkbox"/> 1 = Wolosin</p> <p><input type="checkbox"/> 2 = Woolard</p> <p><input checked="" type="checkbox"/> 3 = Scott</p> <p><input type="checkbox"/> 4 = Boddie</p> <p><input type="checkbox"/> 5 = Macaluso</p> <p><input type="checkbox"/> All</p> </div>		
Agenda Date	May 11, 2021		
Requested Action	<p>RECEIVE THE RECOMMENDATIONS FROM THE PLANNING AND ZONING COMMISSION AND SET A PUBLIC HEARING FOR JUNE 8, 2021:</p> <p style="margin-left: 40px;">I. PROPOSED REZONING OF 0.996 ACRES LOCATED BETWEEN 115 STAHL AND 400 ROSEWOOD (KAD NO. 63697) FROM B-2, HIGHWAY COMMERCIAL DISTRICT, TO R-3, HIGH-DENSITY RESIDENTIAL DISTRICT. <i>(Jay Parker, Trophy Properties)</i></p>		
Contact Person	Laura Haning, Planning and Community Development Director		
Background Information	<p>The property under consideration is located mid-block, between Stahl Street and Plant Avenue, Old Number 9 and Rosewood Avenue. This is the beginning process for this project. Once the PUD plan is approved the developer will need to rezone and plat the property.</p> <p>Council will consider the PUD Plan at this meeting and the rezoning at the June 8th meeting. The next step in approval will be to rezone the underlying zoning which is currently a mixture of R-3 and B-2. They have requested a matching residential zoning of R-3 which allows townhomes as proposed for the site and replaces the B-2 commercial zoning. Once the base zone and the PUD Plan is approved, the Overlay District will be applied and the property will be platted.</p> <p>The Planning and Zoning Commission recommended approval by a vote of 6-0.</p>		
Item Justification	<table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top;"> <input type="checkbox"/> Legal/Regulatory Obligation <input type="checkbox"/> Reduce Costs <input type="checkbox"/> Increase Revenue <input type="checkbox"/> Drive Down Risk <input checked="" type="checkbox"/> Master Plan Recommendation </td> <td style="width: 50%; vertical-align: top;"> <input type="checkbox"/> Infrastructure Investment <input checked="" type="checkbox"/> Customer Demand <input type="checkbox"/> Service Enhancement <input type="checkbox"/> Process Efficiency <input type="checkbox"/> Other: _____ </td> </tr> </table>	<input type="checkbox"/> Legal/Regulatory Obligation <input type="checkbox"/> Reduce Costs <input type="checkbox"/> Increase Revenue <input type="checkbox"/> Drive Down Risk <input checked="" type="checkbox"/> Master Plan Recommendation	<input type="checkbox"/> Infrastructure Investment <input checked="" type="checkbox"/> Customer Demand <input type="checkbox"/> Service Enhancement <input type="checkbox"/> Process Efficiency <input type="checkbox"/> Other: _____
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Financial Considerations			

Citizen Input/Board Review	As required by State regulation for a zoning, notifications were sent to the property owners within 200 ft from the subject property. A Boerne Open Neighborhood Discussion (BOND) meeting was held on March 30, 2021. One person that lives to the north spoke at the P&Z meeting in opposition of the rezoning due to density concerns. The comments in the initial BOND meeting were favorable for the development.
Legal Review	
Alternative Options	
Supporting Documents	Supporting documentation is attached

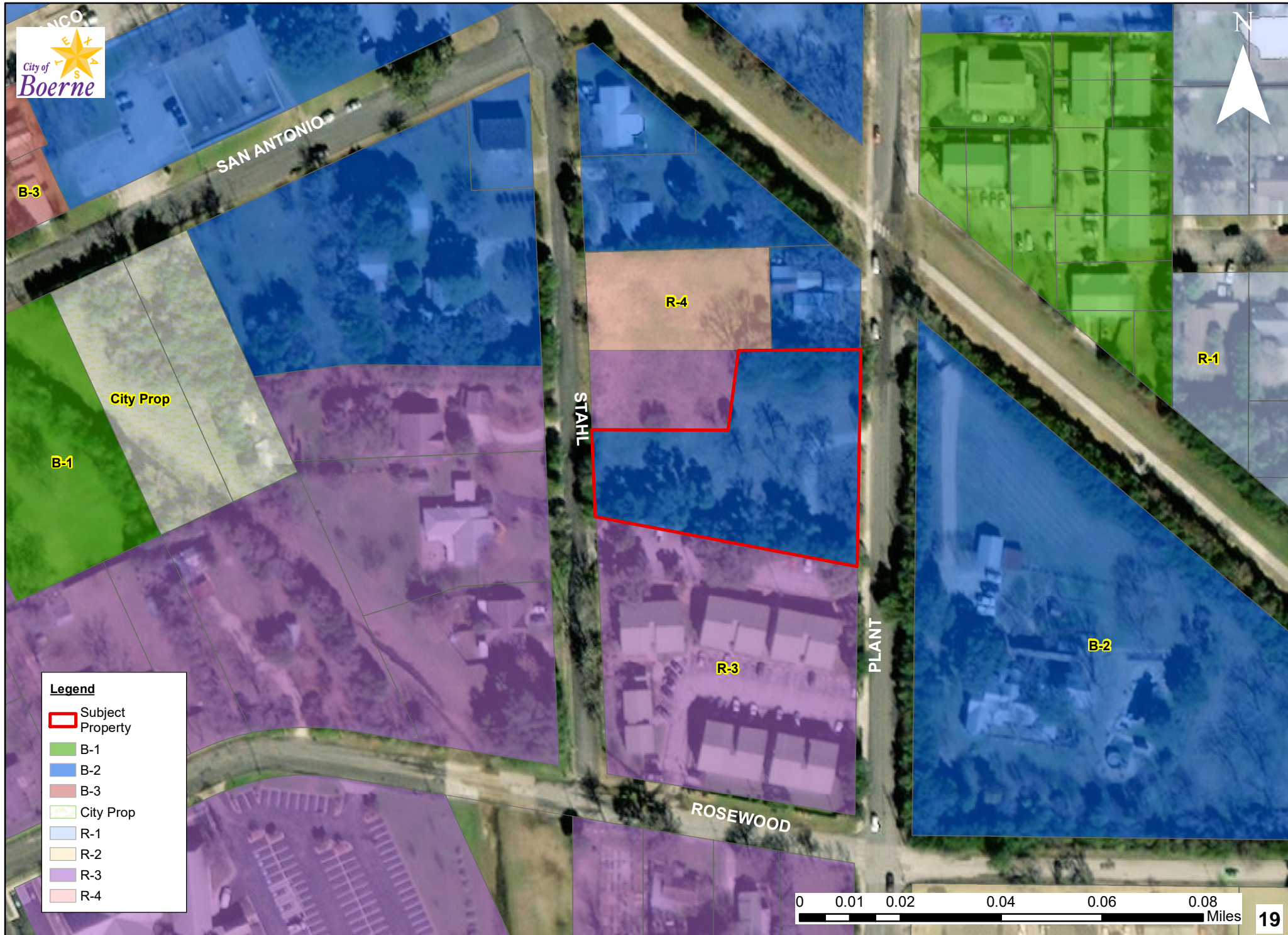
Plant - Stahl Townhome Development



Location Map Plant/Stahl



Current Zoning Plant/Stahl



Legend

- Subject Property
- B-1
- B-2
- B-3
- City Prop
- R-1
- R-2
- R-3
- R-4

0 0.01 0.02 0.04 0.06 0.08 Miles


Proposed Zoning Plant/Stahl



Legend

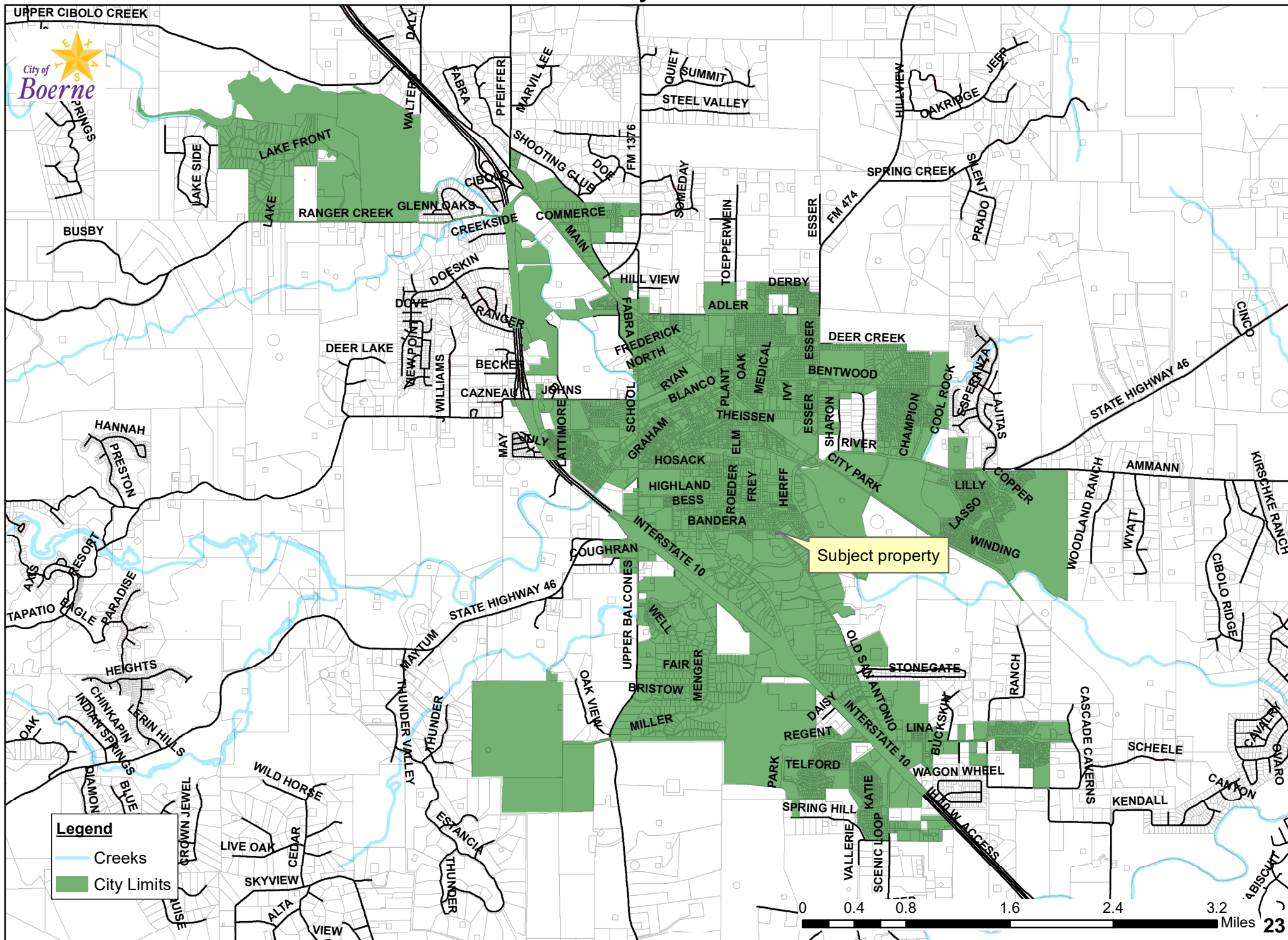
- Subject Property
- B-1
- B-2
- B-3
- City Prop
- R-1
- R-2
- R-3
- R-4

0 0.01 0.02 0.04 0.06 0.08 Miles 20

	<div style="text-align: center;">AGENDA ITEM SUMMARY</div> <div style="border: 1px dashed purple; padding: 5px; float: right; margin-top: 10px;"> District Impacted <input type="checkbox"/> 1 = Wolosin <input type="checkbox"/> 2 = Woolard <input type="checkbox"/> 3 = Scott <input type="checkbox"/> 4 = Boddie <input checked="" type="checkbox"/> 5 = Macaluso <input type="checkbox"/> All </div>												
Agenda Date	May 11, 2021												
Requested Action	<p>6.C. RECEIVE THE RECOMMENDATIONS FROM THE PLANNING AND ZONING COMMISSION AND SET A PUBLIC HEARING FOR JUNE 8, 2021:</p> <p>I. PROPOSED REZONING OF 0.302 ACRES LOCATED AT 606 FREY STREET (KAD NO. 18989) FROM R-1, MEDIUM-DENSITY RESIDENTIAL DISTRICT, TO B-1, HIGH-DENSITY RESIDENTIAL AND NEIGHBORHOOD COMMERCIAL DISTRICT. <i>(James S. Schuepbach)</i></p>												
Contact Person	Laura Haning, Planning and Community Development Director												
Background Information	<p>The property owner of 606 Frey Street is requesting a rezoning. The current zoning of R-1 allows for single-family detached dwellings and the owner would like to convert the existing home into office use. His current plans are to remodel the existing home for his real estate office. The Future Land Use Plan identifies this area as auto-oriented development.</p> <p>To the south the property is zoned B-1 and is being developed as an office complex, and to the north is an O zoning that is being marketed as an office. This property also abuts a residential property to the west. The Planning and Zoning Commission recommended approval of the B-1 zoning by a vote of 6-0.</p>												
Item Justification	<table border="0" style="width: 100%;"> <tr> <td><input checked="" type="checkbox"/> Legal/Regulatory Obligation</td> <td><input type="checkbox"/> Infrastructure Investment</td> </tr> <tr> <td><input type="checkbox"/> Reduce Costs</td> <td><input checked="" type="checkbox"/> Customer Demand</td> </tr> <tr> <td><input checked="" type="checkbox"/> Increase Revenue</td> <td><input type="checkbox"/> Service Enhancement</td> </tr> <tr> <td><input type="checkbox"/> Drive Down Risk</td> <td><input type="checkbox"/> Process Efficiency</td> </tr> <tr> <td><input checked="" type="checkbox"/> Master Plan</td> <td><input type="checkbox"/> Other: _____</td> </tr> <tr> <td colspan="2" style="text-align: center;">Recommendation _____</td> </tr> </table>	<input checked="" type="checkbox"/> Legal/Regulatory Obligation	<input type="checkbox"/> Infrastructure Investment	<input type="checkbox"/> Reduce Costs	<input checked="" type="checkbox"/> Customer Demand	<input checked="" type="checkbox"/> Increase Revenue	<input type="checkbox"/> Service Enhancement	<input type="checkbox"/> Drive Down Risk	<input type="checkbox"/> Process Efficiency	<input checked="" type="checkbox"/> Master Plan	<input type="checkbox"/> Other: _____	Recommendation _____	
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Recommendation _____													
Financial Considerations													
Citizen Input/Board Review	As required by State regulation, notifications were sent to the property owners within 200 ft from the subject property. Staff has not received any comments.												

Legal Review	
Alternative Options	
Supporting Documents	Supporting documentation is attached

Location Map 606 Frey Street



Current Zoning 606 Frey Street



BANDERA

FREY

R-2

R-1

O

B-1

OLD SAN ANTONIO

Legend

 Subject Property

Current Zoning

-  B-1
-  B-2R
-  O
-  R-1
-  R-2
-  R-4

R-4

B-2R

0 0.005 0.01 0.02 0.03 0.04 Miles

Proposed Zoning
606 Frey Street



BANDERA

FREY







R-1

O

B-1

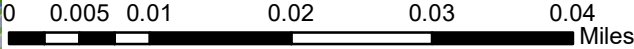
OLD SAN ANTONIO

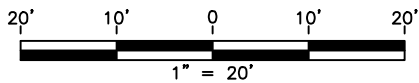
Legend

-  Subject Property
-  B-1
-  B-2R
-  O
-  R-1
-  R-4

R-4

B-2R





NOTE: REFER TO GRAPHIC
"SCALE IN FEET"
IF DRAWING WAS NOT PRINTED FROM
THE ORIGINAL SOURCE ON
STANDARD 11"x17" SHEET.

LAND TITLE SURVEY

JOHN SMALL SURVEY No.183,
ABSTRACT No.441

BURT SPONHALTZ AND
WIFE, JOYCE SPONHALTZ
0.341 ACRE TRACT
VOL. 393, PG. 378, O.R.

WOOD PRIVACY FENCE (MEANDERING)
N 77°57'13" E ~ 176.70'

0.303 ACRE TRACT

MAURICE ANDREWS AND
WIFE, STACI ANDREWS
0.342 ACRE TRACT
VOL. 1670, PG. 602, O.R.

WOOD PRIVACY FENCE (TYP.)
N 03°57'35" W
115.28'
CHAINLINK FENCE (LEANING WEST)
N 04°12'06" W ~ 70.00'

GARDEN
SHED
(ON SLAB)
(10'x10')

S 76°52'23" W ~ 214.57'
(RECORD: S 76°30'00" W ~ 214.93') (R1)
(BEARING BASIS)
CHAINLINK FENCE (MEANDERING)

MMS PROPERTIES, LLC.
1.546 ACRES
DOC. NO. 00332627, O.R.
(VOL. 1701, PG. 1086)

E. BANDERA RD.

OVERHEAD POWER/ELECTRIC
SERVICE LINE (ITEM 10.B)

S. FREY STREET
(VARIABLE WIDTH - OCCUPATIONAL R.O.W. ITEM 10.C)

3.306 ACRE TRACT
VOL. 316, PG. 239, O.R.

LEGAL DESCRIPTION

LAND SURVEY OF 0.303 ACRE TRACT OF LAND IN THE CITY OF BOERNE, KENDALL COUNTY, TEXAS, OUT OF THE JOHN SMALL SURVEY No. 183, ABSTRACT No.441, BEING THAT SAME TRACT OF LAND CALLED 0.303 ACRES DESCRIBED IN A CONVEYANCE TO TIMOTHY S. FLYNN AND WIFE, PEARL FLYNN BY HERINDA H. FLYNN, FOUND OF RECORD IN DOCUMENT NO. 00226296 (VOLUME 1313, PAGE 100), OFFICIAL PUBLIC RECORDS OF KENDALL COUNTY, TEXAS.

TITLE COMMITMENT

THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY THE SURVEYOR. THE EXCEPTIONS FROM COVERAGE INCLUDED ON SCHEDULE B OF THE TITLE COMMITMENT HAVE BEEN LISTED BELOW. ITEMS BELIEVED TO AFFECT SUBJECT PROPERTY (ASP), ITEMS THAT ARE SPATIALLY DEFINED AND LOCATABLE ARE SHOWN HEREON (SH), ITEMS WHICH ARE NOT SPATIALLY DEFINITIVE (NSD) OR "NOT A MATTER OF SURVEY", ARE NOTED BELOW, PER COMMITMENT FOR TITLE INSURANCE G.F. NO. 20210064, ISSUED FEBRUARY 10, 2021:

SCHEDULE 'B' EXCEPTIONS:

- 10.A NOT A MATTER OF SURVEY
10.B OVERHEAD POWER/ELECTRIC SERVICE LINE (ASP/SH)
10.C ADJOINS PUBLIC RIGHT-OF-WAY (ASP/SH)
10.D NOT A MATTER OF SURVEY
10.E NOT A MATTER OF SURVEY

NOTES

- CLIENT: SCHUEPBACH INVESTMENTS, LTD
SITUS: 606 FREY STREET, BOERNE, TEXAS 78006
- DATE OF FIELD SURVEY COMPLETION: MARCH 9, 2021
 - THE RECORD BASIS OF BEARINGS IS THE SOUTH LINE OF THE HEREIN DESCRIBED TRACT BASED ON CONTROLLING MONUMENTS FOUND AND SHOWN HEREON, WITH BEARING OBSERVED (RECORD: S 76° 30' 00" W).
 - THE SUBJECT TRACT APPEARS TO LIE WITHIN ZONE "X" (UNSHADED) ACCORDING TO FEMA FLOOD INSURANCE RATE MAP (FIRM) No.48259C0415F, WHICH IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA (SFHA). MAP REPORTS AN EFFECTIVE DATE DECEMBER 17, 2010. FLOODPLAIN LINES WERE NOT FIELD VERIFIED AND NO DETERMINATION WAS MADE AS TO WHETHER OR NOT ANY PORTION OF THE SUBJECT TRACT OF ANY OF THE IMPROVEMENTS SHOWN HEREON ARE ABOVE FLOOD ELEVATION.
 - VISIBLE ABOVE GROUND IMPROVEMENTS AND UTILITIES ARE SHOWN HEREON. OTHER UTILITIES MAY EXIST THAT ARE NOT SHOWN HEREON.
 - WATER DISTRICT: COW CREEK GROUND WATER CONSERVATION DISTRICT
 - R1: VOL. 1313, PG. 100, O.P.R.K.C.T.

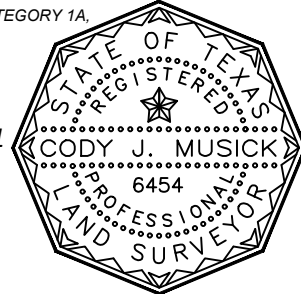
LEGEND & NOTES

- STEEL BAR FOUND (WITH NO IDENTIFICATION)
- ⊙ STEEL BAR FOUND WITH PLASTIC CAP
- ⊗ 1/2"Ø REBAR SET WITH CAP "F+R 6454"
- FENCE CORNER POST
- P.O.B. PLACE OF BEGINNING
- B.S.L. BUILDING SETBACK LINE
- P.U.E. PUBLIC UTILITY EASEMENT
- ESMT. RECORD EASEMENT
- C.M. CONTROLLING MONUMENT
- P.R. PLAT RECORDS, KENDALL COUNTY, TEXAS
- O.P.R. OFFICIAL PUBLIC RECORDS, KENDALL COUNTY, TEXAS
- D.R. DEED RECORDS, KENDALL COUNTY, TEXAS
- O.R. OFFICIAL RECORDS, KENDALL COUNTY, TEXAS
- R.O.W. RIGHT-OF-WAY
- S.B. SUBJECT PROPERTY
- (R#) REFERENCE TO PUBLIC RECORD INSTRUMENT/DOC.
- (N-°-'-"-E XXX') RECORD BEARING AND DISTANCE
- x---x--- Wire Fence
- Wood Privacy Fence
- Chainlink Fence
- OHP Overhead Powerline
- == Road Way
- Survey Line
- Subject Tract
- Creek Centerline
- ⊙ Propane Valve
- ⊙ Water Valve
- ⊙ Septic Clean out
- ⊙ Telephone Pedestal
- ⊙ Light Pole
- ⊙ Guy Wire
- ⊙ Power Pole
- ⊙ Power Pole w/ transformer
- ⊙ Asphalt
- ⊙ Gravel
- ⊙ Electric Meter


CERTIFICATION

TO: TEXAS INVESTORS TITLE, LLC., FIRST AMERICAN TITLE INSURANCE COMPANY, ITS SUCCESSORS AND/OR ASSIGNS, AND TO JOHN SCHUEPBACH AND CHARLOTTE SCHUEPBACH. I HEREBY CERTIFY THAT THIS MAP AND ACCOMPANYING FIELD NOTES REPRESENTS A SURVEY MADE ON THE GROUND UNDER MY SUPERVISION AND THAT THERE ARE NO INTRUSIONS OR PROTRUSIONS OF IMPROVEMENTS ACROSS THE BOUNDARY LINES OF THIS TRACT OF LAND OR INTO ANY OF THOSE DEFINED EASEMENTS OR BUILDING SETBACKS LISTED IN FIRST AMERICAN TITLE INSURANCE CO., COMMITMENT FOR TITLE INSURANCE G.F. NO. 20210064, ISSUED FEBRUARY 10, 2021, AS PROVIDED BY TEXAS INVESTOR TITLE, LLC., VISIBLE OR APPARENT ON THE GROUND, EXCEPT AS SHOWN HEREON, AND THAT THIS SURVEY SUBSTANTIALLY COMPLIES WITH THE CURRENT TEXAS SOCIETY OF PROFESSIONAL SURVEYORS STANDARDS AND SPECIFICATIONS FOR A CATEGORY 1A, CONDITION 3, LAND TITLE SURVEY.

Cody J. Musick 03/11/2021
Cody J. Musick, RPLS 6454
F+R LAND SURVEYING, Firm No. 10194626
PO Box 687, Comfort, TX 78013-9998
F: 830-431-1905 | Cody@CodyMusick.com
JOB No. 202012-02, GF No. 20200402
SHEET 1 OF 1



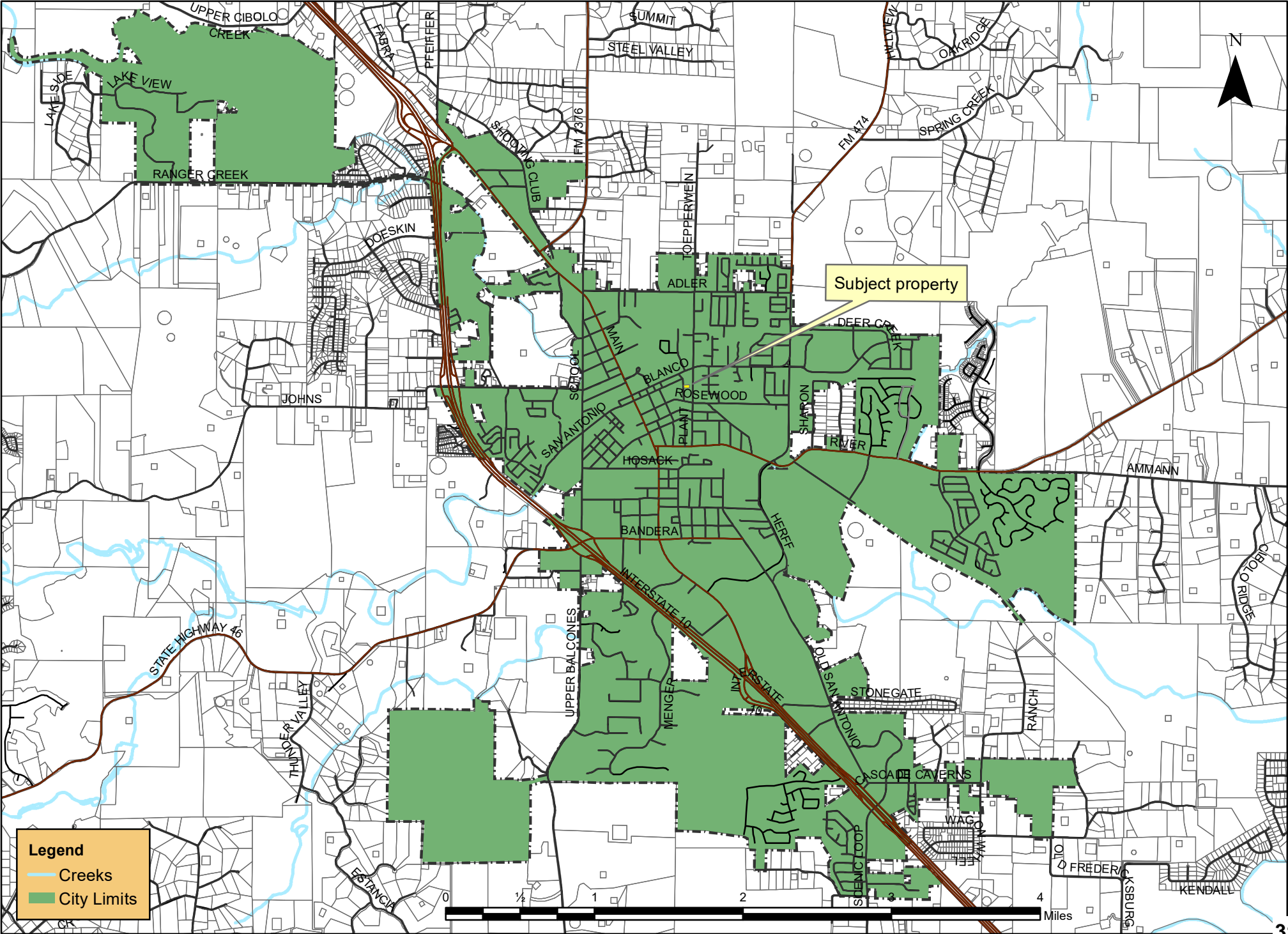


	<div style="text-align: center;">AGENDA ITEM SUMMARY</div> <div style="border: 1px dashed purple; padding: 5px; float: right;"> District Impacted <input type="checkbox"/> 1 = Wolosin <input type="checkbox"/> 2 = Woolard <input checked="" type="checkbox"/> 3 = Scott <input type="checkbox"/> 4 = Boddie <input type="checkbox"/> 5 = Macaluso <input type="checkbox"/> All </div>
Agenda Date	May 11, 2021
Requested Action	<p>A. PROPOSED PLANNED UNIT DEVELOPMENT (PUD) PLAN FOR 1.27 ACRES LOCATED BETWEEN STAHL AND NORTH PLANT STREETS (BETWEEN 115 STAHL STREET AND 400 ROSEWOOD – A PORTION OF KAD NO. 20028 AND ALL OF KAD NO. 63697). <i>(Jay Parker/Trophy Properties)</i></p> <p style="padding-left: 40px;">I. PRESENTATION</p> <p style="padding-left: 40px;">II. PUBLIC HEARING</p> <p style="padding-left: 40px;">III. CONSIDER PROPOSED PLANNED UNIT DEVELOPMENT (PUD) PLAN FOR 1.27 ACRES LOCATED BETWEEN STAHL AND NORTH PLANT STREETS.</p>
Contact Person	Laura Haning, Planning and Community Development Director
Background Information	<p>The property under consideration is located mid-block, between Stahl Street and Plant Avenue, Old Number 9 and Rosewood Avenue. This is the beginning process for this project. Once the PUD plan is approved the developer will need to rezone and plat the property.</p> <p>Approval of the Planned Unit Development (PUD) Plan is the first step in the process for this infill development. A PUD is an overlay district which may be applied to land less than 25 acres. It allows for creative development while defining specifics about the development. The PUD Plan identifies streets, lots, open spaces, and various aspects of the subdivision. The next step will be to rezone the underlying zoning which is currently a mixture of R-3 and B-2. They have requested a matching residential zoning of R-3 which allows townhomes as proposed for the site. Once the base zone and the PUD Plan is approved, the Overlay District will be applied and the property will be platted.</p> <p>The PUD Plan is approved by the Planning and Zoning Commission and City Council in the same way as zoning change is made. The flexibility that a PUD plan offers is a way to create infill development without requiring multiple variances. It also allows the public to preview how the property will be developed, providing a certain level of comfort in</p>

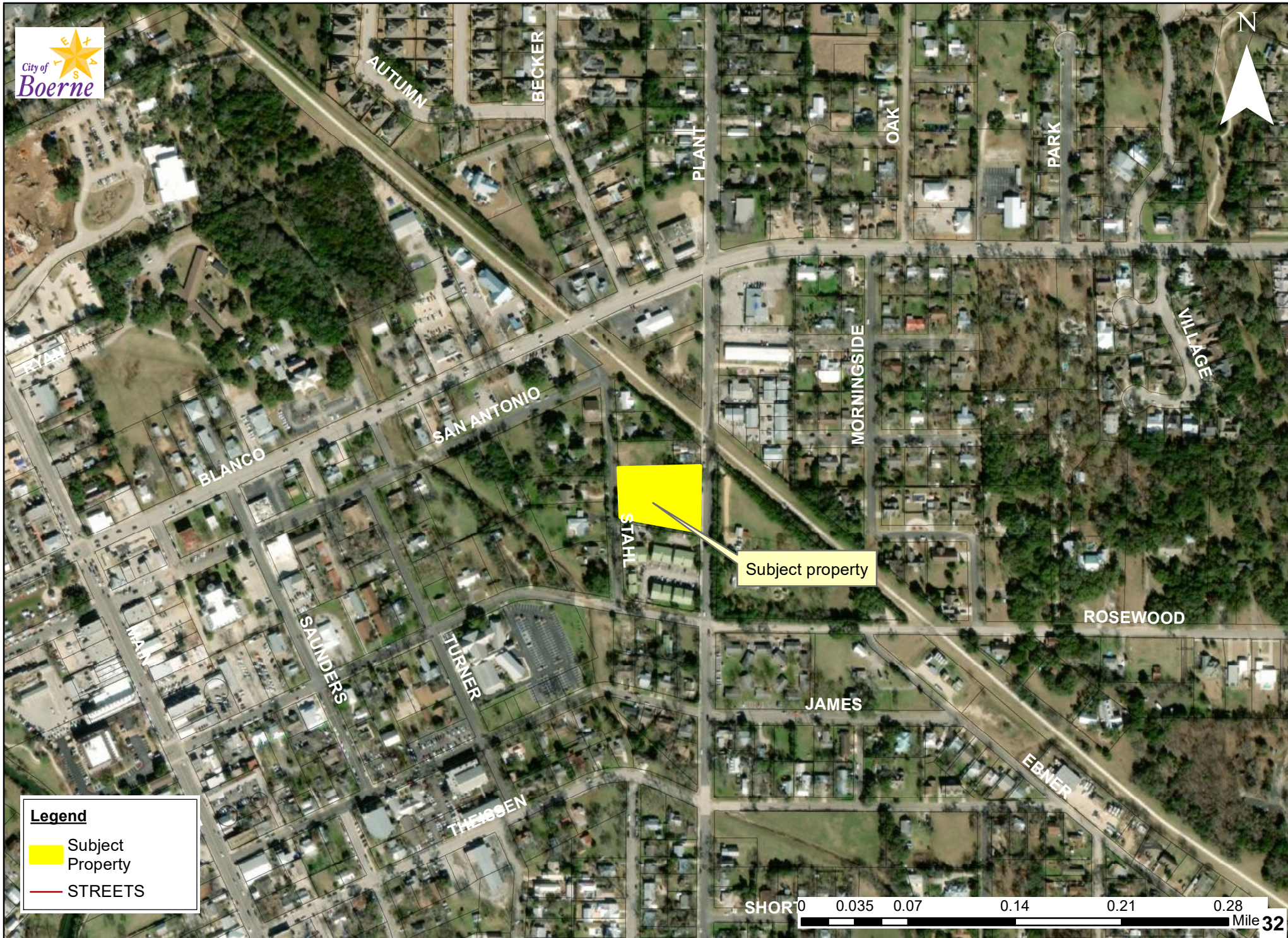
	<p>knowing what specifically will be built.</p> <p>The Plan presented is proposing 18 three-story townhomes, most with elevators, garages underneath and a rooftop deck on top, 31' of right-of-way (with 26' of pavement), a sidewalk on the north side only, 4 parking spaces for visitors, and 12% of open space. The smallest frontage will be 22' for mid-units, and smallest lot will be 1650 sf. The north side garages are setback 20 feet from the property line, but with the sidewalk (which is in the right-of-way) that adds another 4 feet. It is not gated, and the street will be private and there will be no on-street parking.</p> <p>The City held a BOND (Boerne Open Neighborhood Discussion) meeting on March 30th. Neighbors withing <u>400 feet</u> from the property were notified of the meeting. Jay Parker was joined by Ken Kolacny (Matkin/Hoover Engineer) and Frank Valadez (SA Partnership Architects) to explain the proposed development to the neighbors that attended the meeting. We had five community members attend along with City Council member Scott. The link for the meeting is provided below.</p> <p>https://youtu.be/61zfT44HyFg</p> <p>Mr. Parker is marketing this development to older couples and empty nesters interested in downsizing. That demographic typically does not produce high traffic volumes during peak hours. Their engineer did provide a traffic impact analysis and used ranges almost twice what they should be (for detached dwellings), but the traffic count for a.m. peak hour was shown as 13 trips and the evening peak hour trips were 18. Very minimal traffic impact.</p> <p>Approval of the PUD Plan still allows for some minor adjustments to be made by staff once the plat is being considered. The PUD Plan is a general plan as the basis for development of a plat. Any substantial changes to the PUD Plan must come back to P&Z and Council for approval. Substantial changes may be a change in land use or an increase or decrease in density by more than 10%.</p> <p>The Planning and Zoning Commission recommended approval by a vote of 6-0 with the condition that the design include some type of four-foot hardscape walkway on the south-side equivalent to the sidewalk that exists on the north side of the street.</p>
--	--

Item Justification	<div> <input type="checkbox"/> Legal/Regulatory Obligation <input type="checkbox"/> Infrastructure Investment </div> <div> <input type="checkbox"/> Reduce Costs <input checked="" type="checkbox"/> Customer Demand </div> <div> <input type="checkbox"/> Increase Revenue <input type="checkbox"/> Service Enhancement </div> <div> <input type="checkbox"/> Drive Down Risk <input type="checkbox"/> Process Efficiency </div> <div> <input checked="" type="checkbox"/> Master Plan Recommendation <input type="checkbox"/> Other: _____ </div>
Financial Considerations	
Citizen Input/Board Review	As required by State regulation for a PUD, notifications were sent to the property owners within 400 ft from the subject property. A Boerne Open Neighborhood Discussion (BOND) meeting was held on March 30, 2021. Staff has received no return comments from the neighbors. The comments in the BOND meeting were in general favorable for the development.
Legal Review	
Alternative Options	
Supporting Documents	Supporting documentation is attached

Plant - Stahl Townhome Development



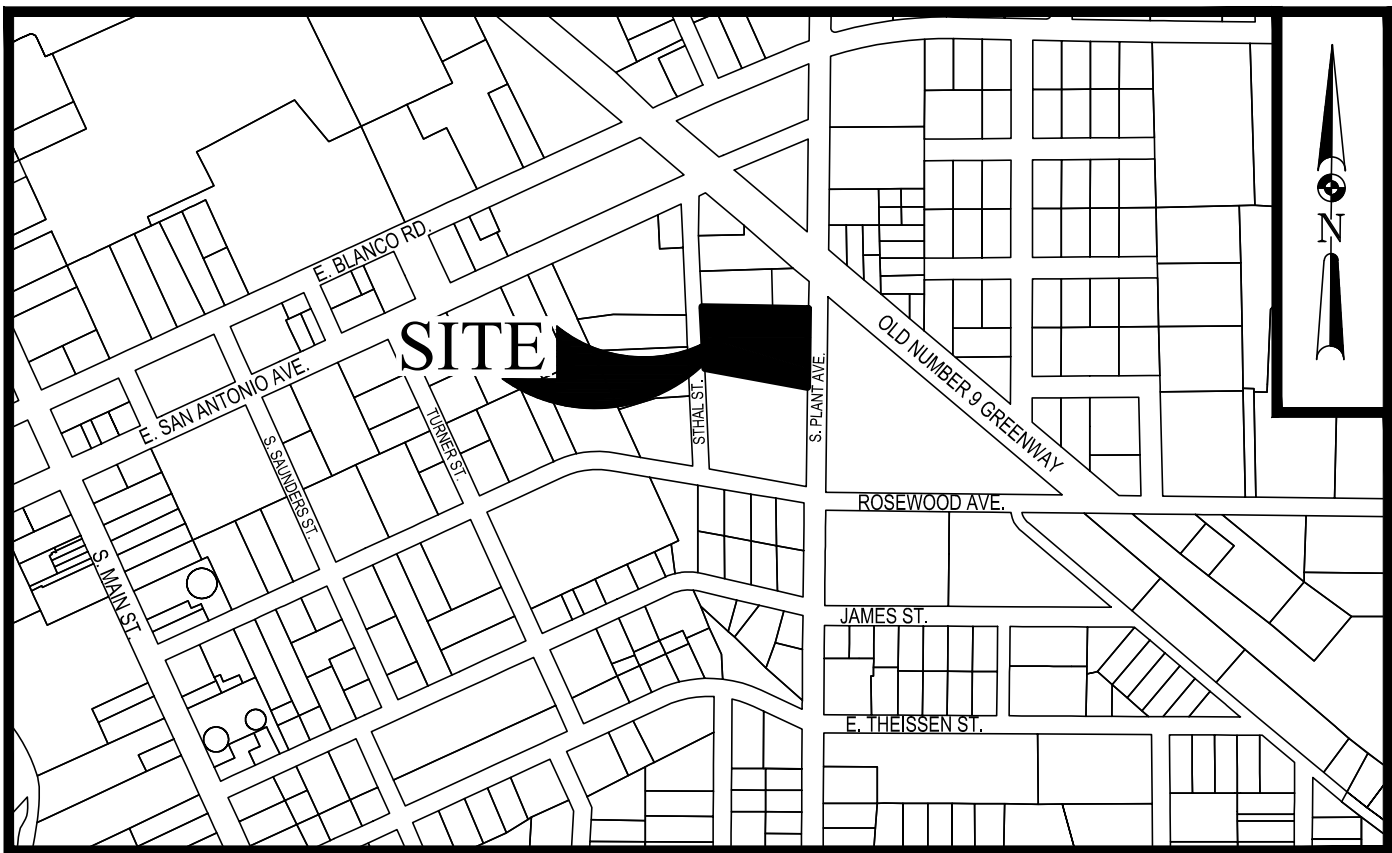
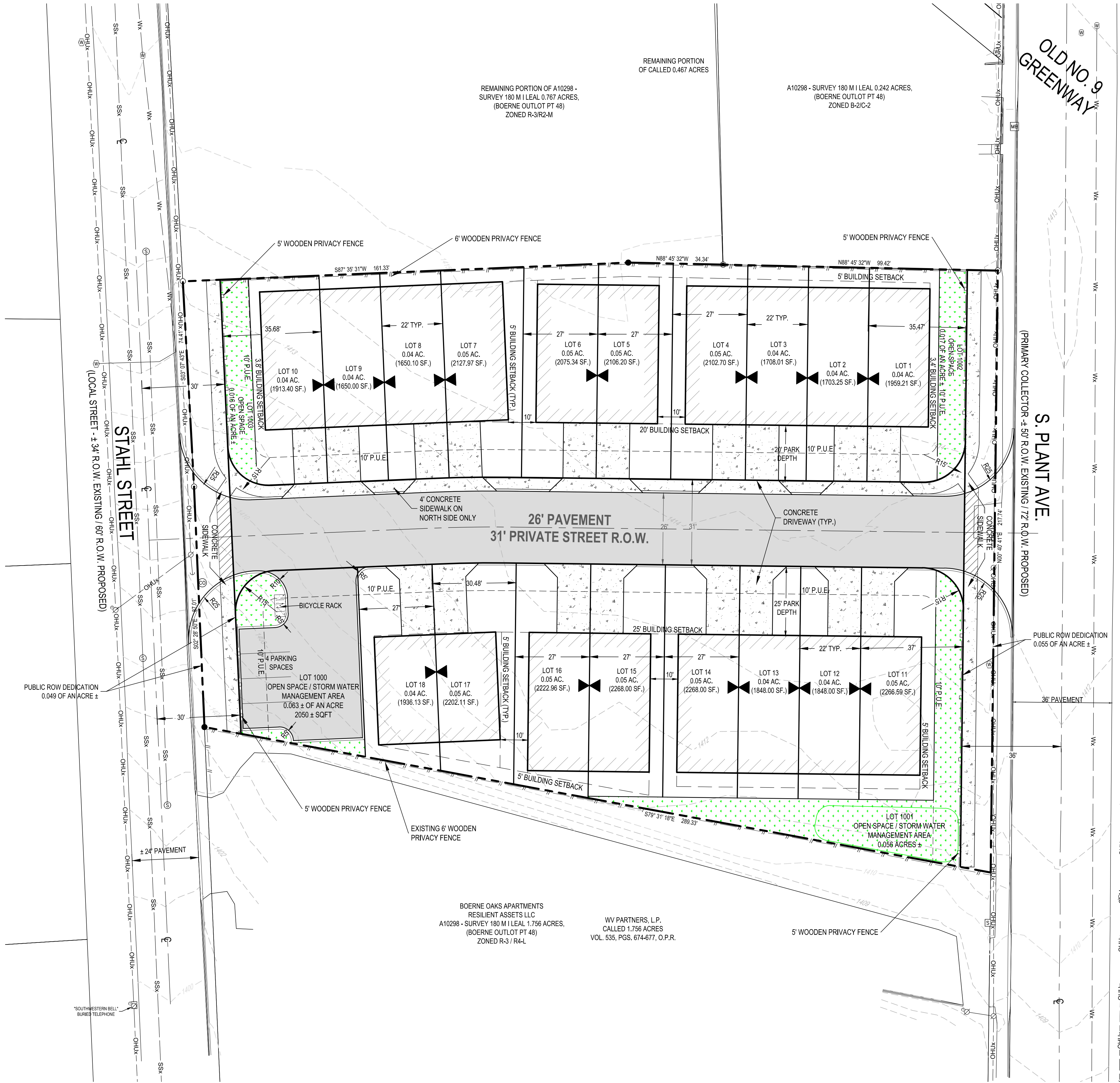
Location Map Plant/Stahl



Legend

- Subject Property
- STREETS

SHOR 0 0.035 0.07 0.14 0.21 0.28 Mile 32



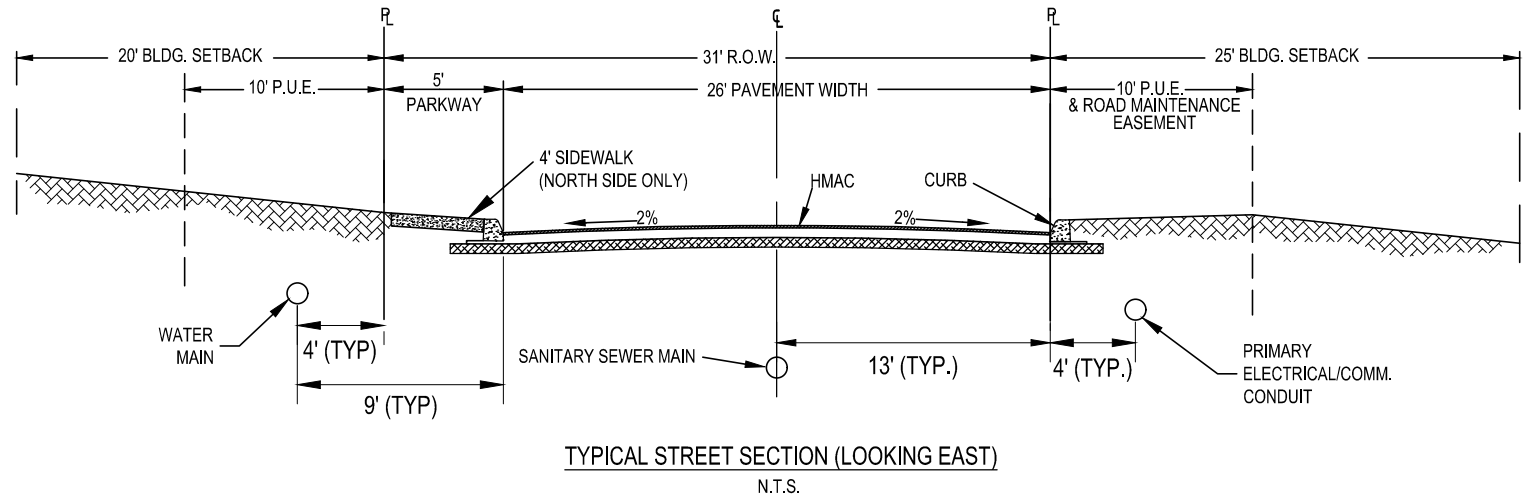
VICINITY MAP
N.T.S.

LEGEND

- PROPERTY BOUNDARY
- EXISTING 1' CONTOURS
- EXISTING 5' CONTOURS
- CENTERLINE
- EXISTING OVERHEAD UTILITY LINE
- EXISTING WATER LINE
- EXISTING SEWER MAIN
- EXISTING GAS MAIN
- ZERO LOT LINE
- 6' WOODEN PRIVACY FENCE
- 5' WOODEN PRIVACY FENCE
- PUBLIC UTILITY EASEMENT

LAND USE SUMMARY		
NUMBER OF SINGLE FAMILY LOTS	18	
	ACRES	SQUARE FEET
TOTAL PROJECT AREA	1.27	55,477 SQFT
SINGLE FAMILY LOT AREA	0.826 +/- of an Acre	35,879 SQFT
PUBLIC STREET R.O.W.	0.104 +/- of an Acre	876 SQFT
PRIVATE STREET R.O.W.	0.193 +/- of an Acre	8,410 SQFT
OPEN SPACE	0.153 +/- of an Acre	6,650 SQFT
PERCENT OPEN SPACE	12.0%	
LOT DENSITY (LOT/ACRE) ¹	15.4	

- NOTES:
- DENSITY CALCULATION EXCLUDES PUBLIC STREET ROW AREA.
 - NO PARKING WILL BE ALLOWED ON THE 26 FT. WIDE PRIVATE STREET. "NO-PARKING" SIGNAGE AND/OR FIRELANE MARKINGS WILL BE REQUIRED TO MEET FIRE CODE REQUIREMENTS.



ENGINEER / SURVEYOR:
E: KEN KOLACNY
S: KYLE PRESSLER
MATKIN-HOOVER ENGINEERING &
SURVEYING
8 SPENCER ROAD SUITE 100
BOERNE TX 78006
O: 830.249.0600

OWNER / DEVELOPER:
TROPHY PROPERTIES
MR. JAY PARKER
10004 JOHNS ROAD
BOERNE, TX 78006
O: 830.386.3352

JOB NO. 3138.00
DESIGNED BY: KBK
DRAWN BY: RJV
CHECKED BY: KBK
SHEET # 1 of 1

PLANNED UNIT DEVELOPMENT (P.U.D.)

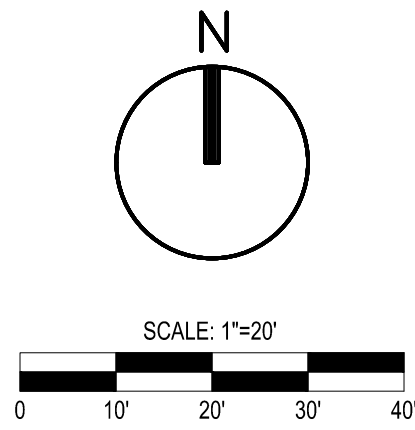
FOR
"THE ELEVATE" TOWNHOME DEVELOPMENT
BOERNE, TEXAS

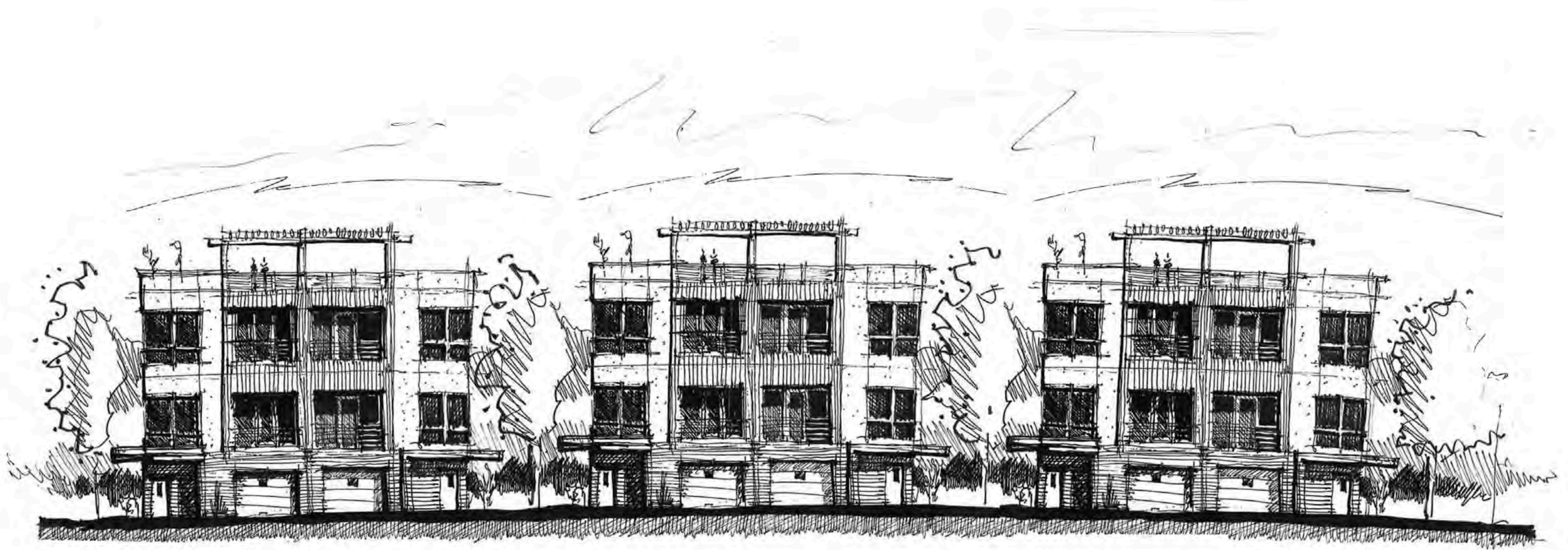
MATKIN-HOOVER
ENGINEERING & SURVEYING

8 SPENCER ROAD SUITE 100
BOERNE, TEXAS 78006
CONTACT: MATKIN-HOOVER.COM
TEXAS REGISTERED ENGINEERING FIRM E-004512 SURVEYING FIRM F-10524000

REVISIONS:

This document is released for
REVIEW PURPOSES ONLY,
NOT FOR CONSTRUCTION
and was prepared under the
authorization of
Kenneth B. Kolacny,
Registered Professional
Engineer, State of Texas,
Registration No. 86300.
DATE: MARCH 2021





TOWN HOUSE DEVELOPMENT BOERNE, TX

07.24.20



TOWN HOUSE DEVELOPMENT BOERNE, TX

07.24.20



TOWN HOUSE DEVELOPMENT BOERNE, TX

07.24.20




TOWN HOUSE DEVELOPMENT BOERNE, TX

07.24.20



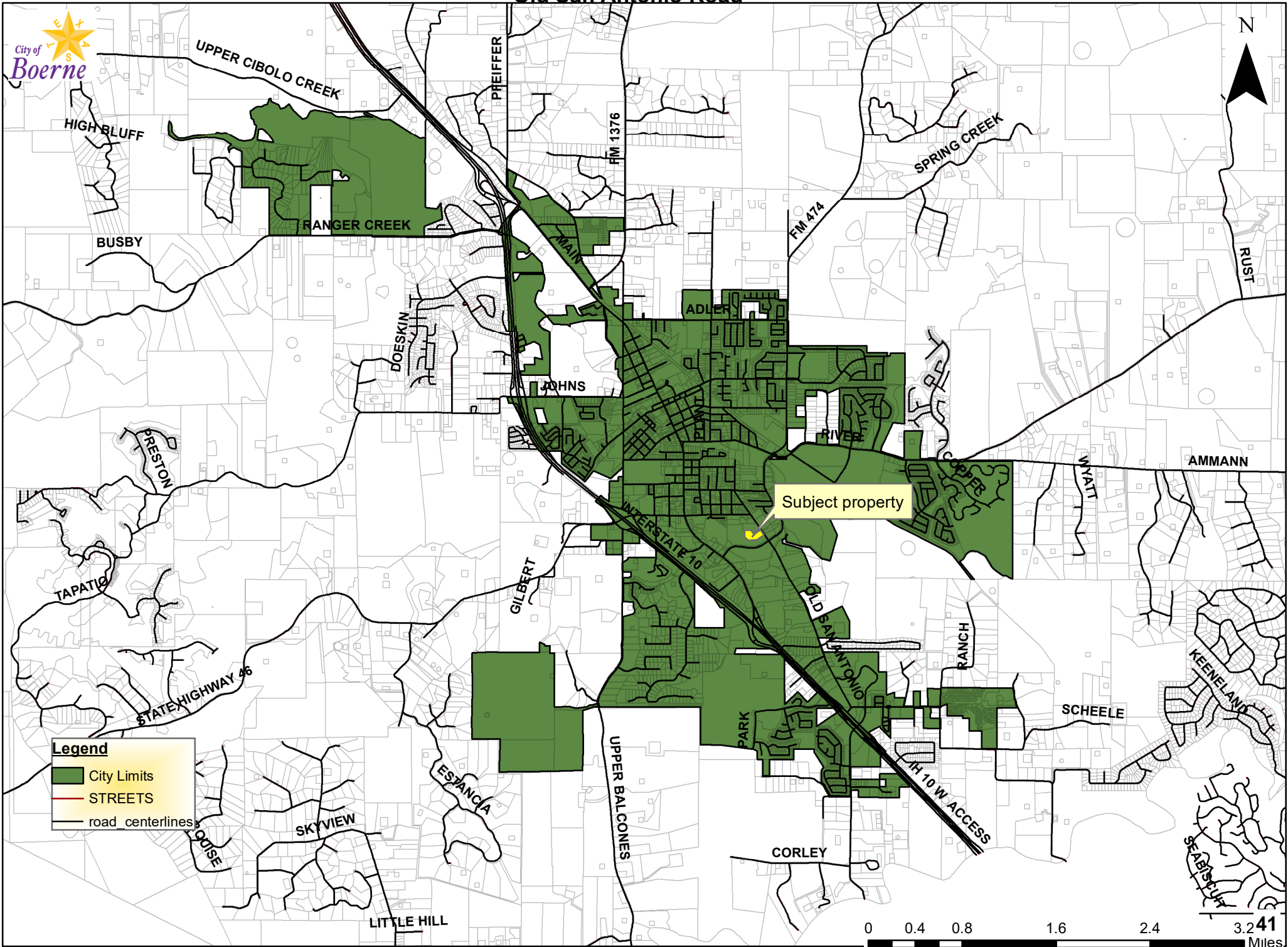
TOWN HOUSE DEVELOPMENT
BOERNE, TX

07.24.20

	<div style="text-align: center;"> <h2 style="margin: 0;">AGENDA ITEM SUMMARY</h2> </div> <div style="border: 1px dashed purple; padding: 5px; float: right; margin-top: 10px;"> <b style="color: purple;">District Impacted <input type="checkbox"/> 1 = Wolosin <input type="checkbox"/> 2 = Woolard <input type="checkbox"/> 3 = Scott <input type="checkbox"/> 4 = Boddie <input checked="" type="checkbox"/> 5 = Macaluso <input type="checkbox"/> All </div>			
Agenda Date	May 11, 2021			
Requested Action	CONSIDER PROPOSED PLANNED UNIT DEVELOPMENT (PUD) PLAN FOR 6.479 ACRES LOCATED IN THE COMMONS AT MENDER CREEK ON OLD SAN ANTONIO ROAD (KAD NO. 300529). <i>(Alan Naul/ J-B Boerne Realty, LP)</i>			
Contact Person	Laura Haning, Planning and Community Development Director			
Background Information	<p>At the February Council meeting, Council saw the PUD Plan for 70 townhomes in the SoBo area off of Old San Antonio. After some discussion it was approved. Attached to that approval was an ordinance for the Overlay District. The Plan and the Overlay are two different things and we need to clarify that at this meeting. Since the ordinance for the Overlay was attached, that muddled the approval of the actual Plan.</p> <p>This agenda item will clarify approval of the Plan. Nothing at all has changed on the Plan and the Planning and Zoning Commission is still in support of approval of the Plan. We are simply rectifying a discrepancy so we can move on to the official approval of the Overlay District which is the next item on the agenda.</p>			
Item Justification	<table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top;"> <input type="checkbox"/> Legal/Regulatory Obligation <input type="checkbox"/> Reduce Costs <input type="checkbox"/> Increase Revenue <input type="checkbox"/> Drive Down Risk <input type="checkbox"/> Master Plan Recommendation </td> <td style="width: 50%; vertical-align: top;"> <input type="checkbox"/> Infrastructure Investment <input checked="" type="checkbox"/> Customer Demand <input type="checkbox"/> Service Enhancement <input type="checkbox"/> Process Efficiency <input type="checkbox"/> Other: _____ _____ </td> </tr> </table>		<input type="checkbox"/> Legal/Regulatory Obligation <input type="checkbox"/> Reduce Costs <input type="checkbox"/> Increase Revenue <input type="checkbox"/> Drive Down Risk <input type="checkbox"/> Master Plan Recommendation	<input type="checkbox"/> Infrastructure Investment <input checked="" type="checkbox"/> Customer Demand <input type="checkbox"/> Service Enhancement <input type="checkbox"/> Process Efficiency <input type="checkbox"/> Other: _____ _____
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Financial Considerations				
Citizen Input/Board Review	All property owners within 400 feet of the property were notified. Staff has received no comments.			
Legal Review				

Alternative Options	
Supporting Documents	Supporting documentation is attached

Location Map Old San Antonio Road



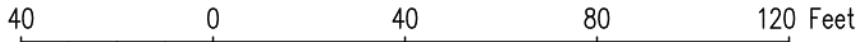


Lot Summary					
Type	# of Units	Min. Lot Dimensions	Front Yard Setback	Side Yard Setback	Rear Yard Setback
Townhomes					
Front Entry End Units	32	32'x85'	7.5'	0'/5' by street	5'
Front Entry Middle Units	28	24'x85'	7.5'	0'/5' by street	5'
Rear Entry End Units	4	27'x72'	7.5'	0'/5' by street	5'
Rear Entry Middle Units	6	22'x72'	7.5'	0'/5' by street	5'
Total Units	70				
Total Aux. Parking Space	48				
Total Acreage	6.40				
Density	10.94				
Open Space AC.	1.05				
U.E. (Utility ESMT)	0.40 Acres				
A.U.E. (Access Utility ESMT)	1.30 Acres				




The John R. McAdams
Company, Inc.
111 Hillside Drive
Lewisville, Texas 75057
972.438.9712
201 Country View Drive
Roanoke, Texas 76262
940.240.1012
TBP#: 19762 TBP#: 10194440
www.gacon.com
www.mcadamsco.com

Concept B
Boerne Townhomes
+/- 6.4 Acres
City of Boerne
Kendall County, Texas

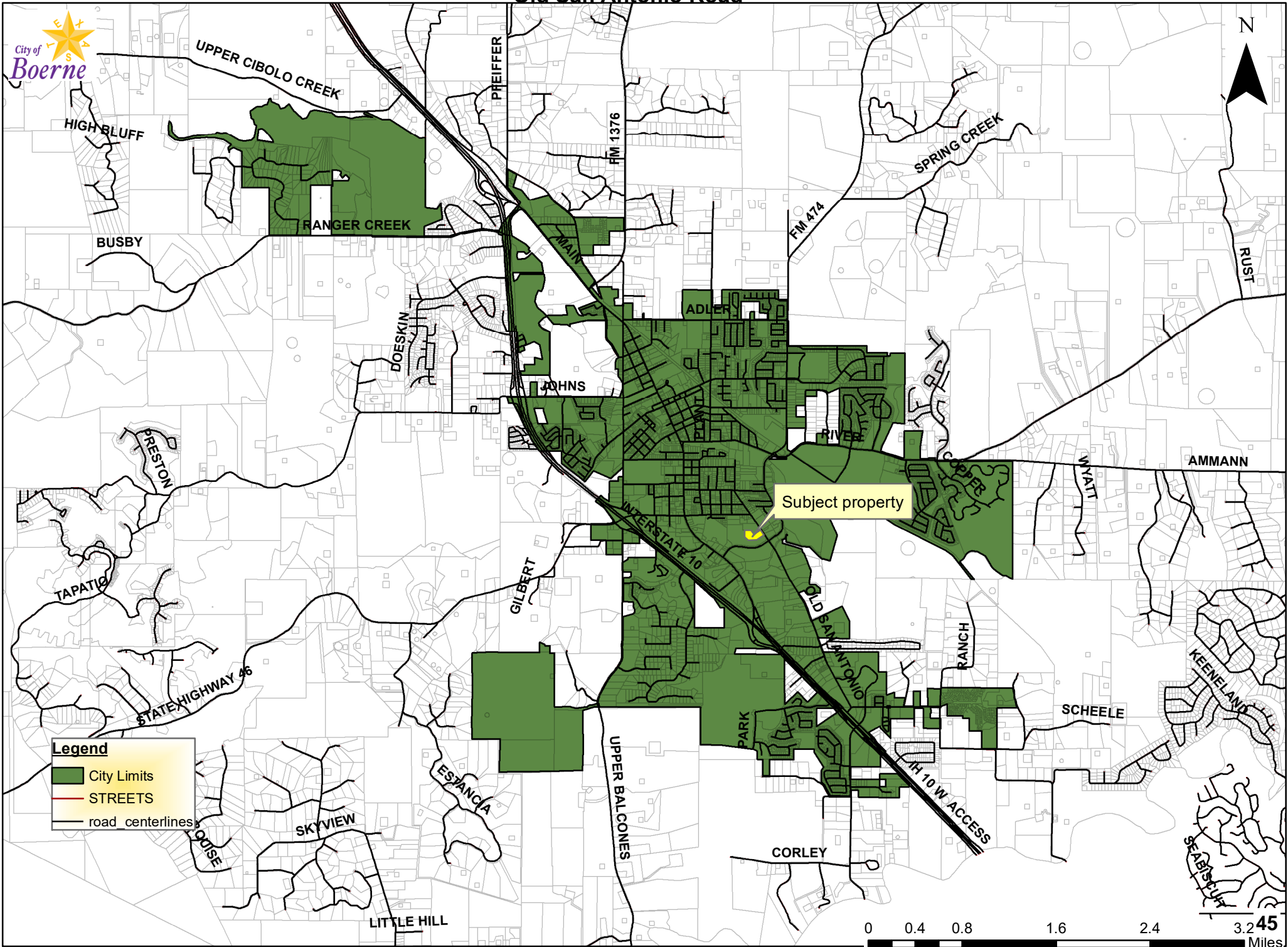


Job No. P202031213 Date: February 08, 2021 By: RS
M:\Promotional\DFW\3110\P202031213_Boerne Townhomes\04-Production\Planning and LA\Exhibits\Planning
This concept plan is intended for conceptual
developmental use and shall not be interpreted
as an official or submitted document. All aerial
and map images were obtained from best
available information. This plan is subject to
change.

	<div style="text-align: center;"> <h2>AGENDA ITEM SUMMARY</h2> </div> <div style="border: 1px dashed purple; padding: 5px; margin-top: 10px;"> <p>District Impacted</p> <p><input type="checkbox"/> 1 = Wolosin</p> <p><input type="checkbox"/> 2 = Woolard</p> <p><input type="checkbox"/> 3 = Scott</p> <p><input type="checkbox"/> 4 = Boddie</p> <p><input checked="" type="checkbox"/> 5 = Macaluso</p> <p><input type="checkbox"/> All</p> </div>
Agenda Date	May 11, 2021
Requested Action	<p>C. PROPOSED PLANNED UNIT DEVELOPMENT (PUD) OVERLAY DISTRICT FOR 6.479 ACRES LOCATED IN THE COMMONS AT MENDER CREEK ON OLD SAN ANTONIO (KAD NO. 300529). <i>(Alan Naul/ J-B Boerne Realty, LP)</i></p> <p>I. PRESENTATION</p> <p>II. PUBLIC HEARING</p> <p>III. CONSIDER ON FIRST READING ORDINANCE NO. 2021-16; 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, APPLYING A PLANNED UNIT DEVELOPMENT (PUD) PLAN OVERLAY DISTRICT DESIGNATION TO THE INDIVIDUAL PROPERTY (6.479 ACRES) LOCATED IN THE COMMONS AT MENDER CREEK ON OLD SAN ANTONIO ROAD (KAD NO. 300529); REPEALING ORDINANCE NO. 2021-09 AND ALL OTHER ORDINANCES IN CONFLICT; CONTAINING A SEVERANCE CLAUSE; AND DECLARING AN EFFECTIVE DATE.</p>
Contact Person	Laura Haning, Planning and Community Development Director
Background Information	<p>Council has now seen this PUD a couple of times and this is the final step in a lengthy process.</p> <p>The property is part of the Commons at Menger Creek Master Plan. As you'll recall, the PUD Plan provided for 70 townhome lots in the SoBo area along Old San Antonio.</p> <p>The PUD Overlay is the final step in the PUD process. The PUD Plan was reviewed and considered at the February Council meeting; however, while staff was speaking specifically to the PLAN, the ordinance that was attached was an approval for the Overlay. They are two different things. Per the zoning ordinance, first the underlying zoning is changed (B-2 to R-2), then the PUD Plan is considered and finally the Overlay District is approved.</p>

	<p>Because there was an error in the Plan approval, we are “reconsidering” that at this meeting and now considering the Overlay District. A new ordinance will be created to officially approve the Overlay.</p> <p>The Planning and Zoning Commission did consider the overlay district and recommended approval by a vote of 6-0.</p>
Item Justification	<div style="display: flex; justify-content: space-between;"> <div style="width: 48%;"> <input type="checkbox"/> Legal/Regulatory Obligation <input type="checkbox"/> Reduce Costs <input type="checkbox"/> Increase Revenue <input type="checkbox"/> Drive Down Risk <input type="checkbox"/> Master Plan <input type="checkbox"/> Recommendation </div> <div style="width: 48%;"> <input type="checkbox"/> Infrastructure Investment <input checked="" type="checkbox"/> Customer Demand <input type="checkbox"/> Service Enhancement <input type="checkbox"/> Process Efficiency <input type="checkbox"/> Other: _____ _____ </div> </div>
Financial Considerations	
Citizen Input/Board Review	All property owners within 400 feet of the property were notified. Staff has received no comments.
Legal Review	
Alternative Options	
Supporting Documents	Supporting documentation is attached

Location Map Old San Antonio Road





Lot Summary					
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www.mcadamsco.com

Concept B
Boerne Townhomes
+/- 6.4 Acres
City of Boerne
Kendall County, Texas

40 0 40 80 120 Feet



Job No. P202031213 Date: February 08, 2021 By: RS
M:\Promotional\DFW\3110\P202031213_Boerne Townhomes\04-Production\Planning and LA\Exhibits\Planning
This concept plan is intended for conceptual
developmental use and shall not be interpreted
as an official or submitted document. All aerial
and map images were obtained from best
available information. This plan is subject to
change.

ORDINANCE NO. 2021-16

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, APPLYING A PLANNED UNIT DEVELOPMENT (PUD) PLAN OVERLAY DISTRICT DESIGNATION TO THE INDIVIDUAL PROPERTY (6.479 ACRES) LOCATED IN THE COMMONS AT MENDER CREEK ON OLD SAN ANTONIO ROAD (KAD NO. 300529); REPEALING ORDINANCE NO. 2021-09 AND ALL OTHER ORDINANCES IN CONFLICT; CONTAINING A SEVERANCE CLAUSE; AND DECLARING AN EFFECTIVE DATE

WHEREAS, the City Council of the City of Boerne has complied with all requirements of notice of public hearing as required by the Zoning Ordinance of the City of Boerne; and

WHEREAS, the City Council is required to permanently zone properties that have been annexed into the City; and

WHEREAS, it is the intent of the City Council to provide harmony between existing zoning districts and proposed land uses; and

WHEREAS, the City Council held a public hearing on February 9, 2021 on the proposed rezoning and a public hearing on the proposed Planned Unit Development Plan (PUD) for this property; and

WHEREAS, the City Council approved Ordinance No. 2021-09 on February 23, 2021 to apply a PUD Overlay District to the property but has now found it necessary to repeal Ordinance No. 2021-09; and

WHEREAS, the PUD Plan was approved by City Council on May 11, 2021 and it is now necessary to apply a PUD Overlay District; and

WHEREAS, the City Council finds it is in the best interest and welfare of the citizens of Boerne to amend the Zoning Map by applying a PUD Overlay District designation to the individual property (6.479 acres) located at the Commons at Menger Creek on Old San Antonio Road (KAD No. 300529).

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BOERNE, TEXAS:

Section 1.

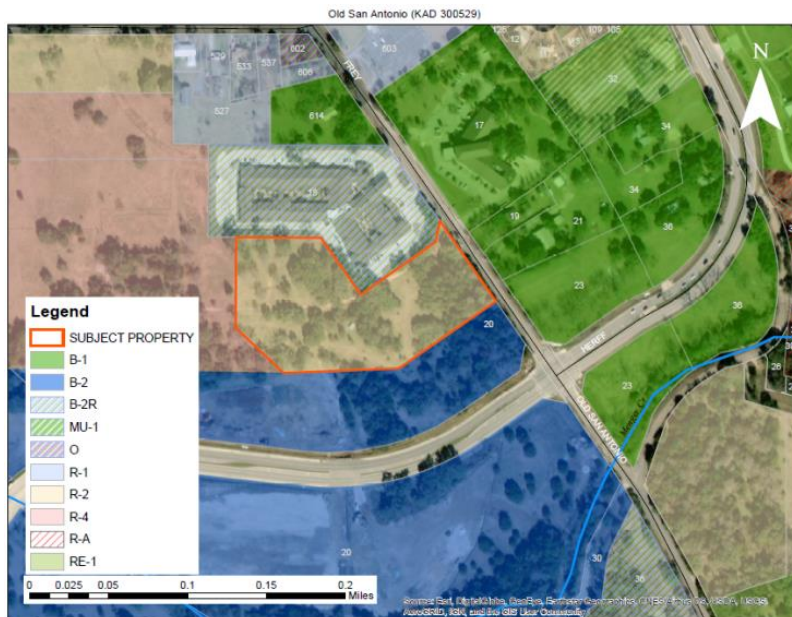
That Ordinance No. 2021-09 is hereby repealed in its entirety.

Section 2.

That Article 3, Section 14, of the Zoning Ordinance of the City of Boerne, Texas, and particularly the Zoning Map of the City of Boerne, is amended by applying a PUD Overlay District Designation to the individual property (6.479 acres) located at the Commons at Menger Creek on Old San Antonio Road (KAD No. 300529).

Section 3.

That the Zoning Maps of the City of Boerne be amended to indicate the previously described change as shown below:



Section 4.

That all provisions of the Code of Ordinances of the City of Boerne not herein amended or repealed shall remain in full force and effect.

Section 5.

That all other ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent that they are in conflict.

Section 6.

That if any provisions of this ordinance shall be held void or unconstitutional, it is hereby provided that all other parts of the same which are not held void or unconstitutional shall remain in full force and effect.

Section 7.

This ordinance will take effect upon the second and final reading of same.

PASSED AND APPROVED on this the first reading the ____ day of May, 2021.

PASSED, APPROVED AND ADOPTED on this the second reading the ____ day of May, 2021.

APPROVED:


Mayor

ATTEST:

City Secretary

APPROVED AS TO FORM:

City Attorney

	<div style="text-align: center;"> <h2 style="margin: 0;">AGENDA ITEM SUMMARY</h2> </div> <div style="border: 1px dashed purple; padding: 5px; margin-top: 10px;"> <p>District Impacted</p> <p><input type="checkbox"/> 1 = Wolosin</p> <p><input type="checkbox"/> 2 = Woolard</p> <p><input type="checkbox"/> 3 = Scott</p> <p><input type="checkbox"/> 4 = Boddie</p> <p><input type="checkbox"/> 5 = Macaluso</p> <p><input checked="" type="checkbox"/> All</p> </div>
Agenda Date	May 11, 2021
Requested Action	D. CONSIDER ON FIRST READING ORDINANCE NO. 2021- ; AN ORDINANCE AMENDING THE CITY OF BOERNE SUBDIVISION ORDINANCE NO. 2007-56, AS REVISED FEBRUARY 11, 2020, ARTICLE 2. "PROCEDURES", TO ADD SECTION 09. "DORMANCY FOR PERMITS AND PROJECTS."
Contact Person	Laura Haning, Planning and Community Development Director
Background Information	<p>Chapter 245 of the Local Government Code authorizes cities to regulate the expiration of permits and projects. With the update to our regulations there has been much discussion regarding vesting of rights. Vesting and dormancy will be addressed with the UDC, but we currently have nothing in place in our ordinances that provides for expirations of permits or projects.</p> <p>A project is vested with the submission of a plan to the city, and there is no legal requirement for a "plan" to be detailed. That being said, as discussion of the UDC has progressed much attention is being given to vesting of rights to use development code regulations in place when submitted. Vesting of rights provides developers and property owners certainty regarding development of their site. The city cannot change development rules in the middle of a project and require a developer to follow them. While vesting makes perfect sense for a good development, we do not want ill-conceived plans to be vested forever. Chapter 245 vesting is not related to zoning a property.</p> <p>Staff is proposing an expiration of five years for projects and two years for permits. Projects refers to a development as a whole, while permits are for individual pieces of a project. The expiration of a permit does not mean the project expires; individual permits may expire (like a building permit), but as long as there is continued progress on the project then it would not expire. With the addition of this ordinance, when there is no activity/permit for five years, a project would expire at that time.</p>

Item Justification	<div> <input type="checkbox"/> Legal/Regulatory Obligation <input type="checkbox"/> Infrastructure Investment </div> <div> <input type="checkbox"/> Reduce Costs <input type="checkbox"/> Customer Demand </div> <div> <input type="checkbox"/> Increase Revenue <input type="checkbox"/> Service Enhancement </div> <div> <input checked="" type="checkbox"/> Drive Down Risk <input type="checkbox"/> Process Efficiency </div> <div> <input type="checkbox"/> Master Plan <input type="checkbox"/> Other: _____ </div> <div> Recommendation </div>
Financial Considerations	
Citizen Input/Board Review	
Legal Review	
Alternative Options	
Supporting Documents	Supporting documentation is attached

ORDINANCE NO. 2021-17

AN ORDINANCE AMENDING THE CITY OF BOERNE SUBDIVISION ORDINANCE NO. 2007-56, AS REVISED FEBRUARY 11, 2020, ARTICLE 2. PROCEDURES, TO ADD SECTION 09. DORMANCY FOR PERMITS AND PROJECTS

WHEREAS, Section 245.002 of the Texas Local Government Code (“LGC”) provides that with the exception of exemptions listed in Section 245.004, permit applications are to be considered by the City on the basis of requirements in effect at the time the original application for the permit, plan for development, or plat application giving the City fair notice of the project and the nature of the permit sought is filed for review, or, where a series of permits is required for a project, requirements in effect at the time the original application for the first permit in that series is filed;

WHEREAS, LGC Section 245.001 differentiates between a “permit” (“...form of authorization required by law, rule, regulation, order, or ordinance that a person must obtain to perform an action or to initiate, continue, or complete a project...”) and a “project” (“an endeavor over which a regulatory agency exerts its jurisdiction and for which one or more permits are required to initiate, continue, or complete the endeavor”);

WHEREAS, LGC Section 245.005 authorizes the City to enact an ordinance placing an expiration date of not less than two years on an individual permit if no progress has been made towards completion of the project and placing an expiration date on a project of no earlier than the fifth anniversary of the date the first permit application was filed for the project if no progress has been made towards completion of the project; and

WHEREAS, the City Council of the City of Boerne now finds that it is in the best interest of the public health, safety and welfare of the citizens of Boerne to cause permits and projects to expire when no progress has been made on the projects by adopting the amendments included hereinbelow;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BOERNE, TEXAS:

The City of Boerne Subdivision Ordinance No. 2007-56, as revised February 11, 2020, Article 2. “Procedures,” is hereby amended to add Section 09. “Dormancy for Plats and Projects,” to read as follows:

SECTION 09. DORMANCY FOR PERMITS AND PROJECTS

2.08.001 Purpose, Intent and Applicability

This Section is adopted pursuant to Section 245.005 of the Texas Local Government Code to provide expiration dates for permits and projects that lack an expiration date under other applicable regulations. This section also applies to any development permit or approval, not only those permits issued under this subdivision ordinance.

2.08.002 Dormancy for Individual Permits

This Section does not apply to a permit that is subject to an earlier expiration date under other regulations applicable to the permit.

- A. For purposes of this Section, a permit which has been granted by the City but is not subject to an expiration date under such other regulations is an "unexpired permit."
- B. If the application for an unexpired permit was filed prior to the effective date of this Section, the individual permit shall expire two years after the effective date of this Section, unless the applicant submits evidence sufficient to show that progress towards completion of the project (as defined in LGC Section 245.005(c)).
- C. If the application for an unexpired permit is filed after the effective date of this Section, the individual permit shall expire two years after the date the permit is approved, unless the applicant submits evidence sufficient to show that progress towards completion of the project (as defined in LGC Section 245.005(c)).

2.08.003 Dormancy for Projects

- A. For projects which require a series of permits, a project shall expire on the fifth anniversary of the date on which the first permit application was filed for the project unless the applicant submits evidence sufficient to show that progress towards completion of the project (as defined in LGC Section 245.005(c)).

PASSED AND APPROVED on this the first reading the ____ day of May, 2021.

PASSED, APPROVED, and ADOPTED on this the ____ day of May, 2021.

APPROVED:

Mayor

ATTEST:

City Secretary

APPROVED AS TO FORM:

City Attorney