AGENDA PLANNING AND ZONING COMMISSION MEETING BOERNE CITY HALL 447 North Main Street Monday, May 3, 2021 – 6:00 p.m.

1. CALL TO ORDER - 6:00 PM

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. PUBLIC COMMENTS: This is the opportunity for visitors and guests to address the Planning and Zoning Commission on any issue. The Planning and Zoning Commission may not discuss any presented issue, nor may any action be taken on any issue at this time. (Attorney General opinion – JC-0169)

4. CONSENT AGENDA

4.A.	<u>2021-403</u>	THE MINUTES OF THE PLANNING AND ZONING COMMISSION MEETING OF APRIL 5, 2021.
	<u>Attachments:</u>	21-0405 OfficialMeetingMinutes
4.B.	<u>2021-404</u>	THE MINUTES OF THE PLANNING AND ZONING COMMISSION MEETING OF APRIL 19, 2021.
	<u>Attachments:</u>	21-0419 Special Called Official Meeting Minutes
4.C.	<u>2021-405</u>	THE AMENDED MINUTES OF THE PLANNING AND ZONING COMMISSION MEETING OF MARCH 1, 2021.
	<u>Attachments:</u>	21-0301 AMENDED Official Meeting Minutes
5. REC	GULAR AGENDA:	

5.A. 2021-406 TO CONSIDER THE 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).

		I. STAFF PRESENTATION
		II. PUBLIC HEARING
		III. MAKE RECOMMENDATION
	<u>Attachments:</u>	<u>Summary - Stahl-Plant Rezone</u>
		Att 1 - Location Map
		<u>Att 2 - Aerial Map</u>
		Att 3 - Current Zoning
		Att 4 - Proposed Zoning
		<u>Att 5 - Master Plan - Future Land Use</u>
		<u> Att 6 - PUD Plan-The Elevate Townhome Development</u>
		Att 7 - Perspectives - The Elevate Townhome
5.B.	<u>2021-407</u>	TO CONSIDER THE PROPOSED REZONING OF 0.302 ACRES
		LOCATED AT 606 FREY STREET (KAD 18989) FROM R-1,
		MEDIUM-DENSITY RESIDENTIAL DISTRICT, TO B-1,
		HIGH-DENSITY RESIDENTIAL AND NEIGHBORHOOD
		COMMERCIAL DISTRICT (JAMES S. SCHUEPBACK).
		I. STAFF PRESENTATION
		II. PUBLIC HEARING
		III. MAKE RECOMMENDATION
	<u>Attachments:</u>	<u>Summary - 606 Frey Street</u>
		<u>Att 2 - Current Zoning</u>
		Att 3 - Proposed Zoning
		<u> Att 4 - Master Plan - Future Land Use</u>
		<u>Att 5 - Survey</u>
		Att 6 - Street View
5.C.	<u>2021-408</u>	UNTABLE THE PROPOSED CREATIVE ALTERNATIVE FOR THE
		PROPERTY LOCATED AT 1376 SOUTH MAIN STREET (KAD NO.
		42558, MENGER PLACE SUBDIVISION UNIT 1 LOT 1A (REPLAT),
		1.139 ACRES) (RACER CLASSIC CAR WASH) TO ALLOW OPEN CAR
		WASH BAYS FACING THE STREET.
	<u>Attachments:</u>	AIS - Untable Creative Alternative
5.D.	<u>2021-409</u>	CONSIDER THE PROPOSED CREATIVE ALTERNATIVE FOR THE
		PROPERTY LOCATED AT 1376 SOUTH MAIN STREET (KAD NO.
		42558, MENGER PLACE SUBDIVISION UNIT 1 LOT 1A (REPLAT),
		· · · · · · · · · · · · · · · · · · ·

	<u>Attachments:</u>	 1.139 ACRES) (RACER CLASSIC CAR WASH) TO ALLOW OPEN CAR WASH BAYS FACING THE STREET. TAKE NECESSARY ACTION. <u>AIS Creative Alternative</u> <u>Att 1 - Location Map</u> <u>Att 2 - Aerial Map</u> <u>Att 3 - Site Plan</u> <u>Att 4 - Landscape Plan</u> <u>Att 5 - Decempenting views of Baser Car Works in Baserse, TX - 42021</u>
5.E.	<u>2021-410</u>	Att 5 - Perspective views of Racer Car Wash in Boerne, TX - 43021 CONSIDER THE PROPOSED CREATIVE ALTERNATIVE FOR THE PROPERTY LOCATED AT 33565 INTERSTATE HIGHWAY 10 (KAD 15876, A10441 SURVEY 183 J SMALL, 0.829 ACRES) (CHAD CARPENTER) TO ALLOW MORE THAN 15% OF THE PARKING IN FRONT OF THE BUILDING. TAKE NECESSARY ACTION.
	<u>Attachments:</u>	AIS Creative Alternative Att 1 - Location Map Att 2 - Aerial Map Att 3 - Site Plan Att 4 - Perspectives Att 5 - Google Earth
5.F.	<u>2021-411</u>	CONSIDER POD GENERAL DEVELOPMENT PLAN (GDP) FOR ESPERANZA SF-8, SF-9, AND SF-10. TAKE NECESSARY ACTION
	<u>Attachments:</u>	AIS Esperanza Pod GDP SF8 SF9 SF10 20210503 Att 1 - AERIAL MAP Esperanza Pod GDP SF8 SF9 SF10 Att 2 - Esperanza Pod GDP SF8 SF9 SF10 20210429 Att 3 - Exhibit D Master GDP - Various Individual Sub-Exhibits as of 3rd An
5.G.	<u>2021-412</u>	CONSIDER THE PRELIMINARY PLAT FOR BIRCH AT SPENCER RANCH PHASE 2, 19.41 ACRES, 72 RESIDENTIAL LOTS, 3 OPEN SPACE LOT, AND 3.57 ACRES OF RIGHT-OF-WAY (KAD NO. 14916, 63687, 152739). TAKE NECESSARY ACTION
	<u>Attachments:</u>	AIS Birch at Spencer Ranch Ph 2 Prelim Plat 20210503 Att 1- Location Map Birch at Spencer Ranch Phase 2 Preliminary Plat_Pag Att 2 - AERIAL MAP Birch at Spencer Ranch Ph 2 Att 3 - Master Planned Community Plan Approve-Signed Oct0118 Att 4 - Birch at Spencer Ranch Phase 2 Preliminary Plat

5.H.	<u>2021-414</u>	TO CONSIDER PROPOSED AMENDMENTS TO THE UNIFIED
		DEVELOPMENT CODE (UDC) INCLUDING BUT NOT LIMITED TO
		CITYWIDE REZONING, OVERLAY DISTRICTS AND DEVELOPMENT
		PROCESSES.

I. STAFF PRESENTATION II. PUBLIC HEARING

Attachments: Table of Use - Commercial Zoning - Edited 4-30-2021

6. DISCUSSION ITEMS:

- 6.A. 2021-415 AN OVERVIEW OF THE PROPOSED AMENDMENTS TO THE CITY OF BOERNE UDC TREE PRESERVATION PRESENTED BY RYAN BASS, ENVIRONMENTAL PLANNER AND URBAN FORESTER.
- **6.B.** <u>2021-418</u> HOLIDAY CONFLICTS WITH REGULAR SCHEDULED PLANNING AND ZONING COMMISSION MEETINGS.
- 7. EXECUTIVE SESSION IN ACCORDANCE WITH THE TEXAS GOVERNMENT CODE:
- 7.A.
 2021-419
 SECTIONS 551.071 CONSULTATION WITH ATTORNEY

 REGARDING LEGAL MATTERS RELATED TO THE ADOPTION OF
 THE UNIFIED DEVELOPMENT CODE.

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

9. COMMENTS FROM COMMISSION/LEGAL COUNSEL/STAFF - No discussion or action may take place

10. ADJOURNMENT

THE CITY OF BOERNE PLANNING AND ZONING COMMISSION RESERVES THE RIGHT TO ADJOURN INTO EXECUTIVE SESSION AT ANY TIME TO DISCUSS ANY OF THE MATTERS LISTED ABOVE, AS AUTHORIZED BY TEXAS GOVERNMENT CODE §551.071 (CONSULTATION WITH ATTORNEY).

Laura Haning

Administrative Officer

CERTIFICATION

I herby certify that the above notice of meeting was posted on the 30th day of April, 2021 at 5:00 p.m.

Heather Wood

Secretary

NOTICE OF ASSISTANCE AT THE PUBLIC MEETINGS

The City Hall Complex is wheelchair accessible. Access to the building and special parking is available at the front entrance of the building. Requests for special services must be received forty-eight (48) hours prior to the meeting time by calling the Planning and Community Development Department 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.

MINUTES PLANNING AND ZONING COMMISSION MEETING BOERNE CITY HALL 447 North Main Street Monday, April 5, 2021 – 6:00 p.m.

Due to the COVID-19 pandemic, this meeting is being held telephonically only as allowed by the Governor of Texas during this public health emergency. Please do not attend the meeting in person. See attached detailed instructions on how to join the meeting and speak.

MINUTES OF THE PLANNING AND ZONING COMMISSION MEETING OF APRIL 5, 2021 AT 6:00 P.M.

PRESENT 7 - CHAIRMAN TIM BANNWOLF, COMMISSIONER PATRICK COHOON, COMMISSIONER JOE ANZOLLITTO, COMMISSIONER CHESNEY DUNNING, COMMISSIONER BILL BIRD, COMMISSIONER LUCAS HILER

STAFF PRESENT: JEFF THOMPSON, BARBARA QUIRK, LAURA HANING, HEATHER WOOD, ANTONY MOY

STAFF PRESENT VIRTUALLY: JEFF CARROLL, CHERYL ROGERS, REBECCA PACINI, SARA SERRA-BENNETT, RYAN BASS, KRYSTAL BROWN, ROBERT LEE

RECOGNIZED GUEST IN-PERSON: STEVEN GOMEZ HERRERA

RECOGNIZED GUESTS VIRTUALLY: CARISSA COX, CHARLES RIDDLE, JACK SHORT, MAY MCCARTHY, CHRISTINA ZACHARY JEB WAIT, RYHOLM, TAYLOR, ANDREW DOERFLER, DERRICK MERCHANT, GERHARD SCHRUF

EXECUTIVE SESSION IN ACCORDANCE WITH THE TEXAS GOVERNMENT CODE: THE PLANNING AND ZONING COMMISSION MAY, AS PERMITTED BY LAW, ADJOURN INTO EXECUTIVE SESSION AT ANY TIME TO DISCUSS ANY MATTER LISTED BELOW AS AUTHORIZED BY CHAPTER 551 CODE §551.071 (CONSULTATION WITH ATTORNEY)

1. CALL TO ORDER - 6:00 PM

Chairman Bannwolf called the Planning and Zoning Commission to order at 6:02 p.m.

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

No conflicts were declared.

3. RECOGNITION OF RECENTLY RESIGNED PLANNING AND ZONING COMMISSIONER,

RICKY GLEASON.

Mayor Handren presented an award to former Commissioner Ricky Gleason and thanked him for his service to the Boerne community.

4. ADMINISTER OATH OF OFFICE TO LUCAS HILER

Chairman Tim Bannwolf welcomed newly appointed Commissioner Lucas Hiler to the Planning and Zoning Commission.

Mayor Handren administered the Oath of Office to Commissioner Hiler.

Commissioner Hiler took his seat at the dais.

5. PUBLIC COMMENTS: This is the opportunity for visitors and guests to address the Planning and Zoning Commission on any issue. The Planning and Zoning Commission may not discuss any presented issue, nor may any action be taken on any issue at this time. (Attorney General opinion – JC-0169)

Chairman Bannwolf opened Public Comments at 6:00 p.m.

Steven 902 River Gomez Herrera (in-person speaker), Road, spoke in of opposition the proposed citywide rezoning and expressed dissatisfaction notification with the process of the Unified Development Code (hereinafter, UDC).

Jack Short presented the following four questions he had regarding the citywide zoning:

1. What criteria was used to determine the proposed change in zoning for his property?

2. What criteria was used to determine the setbacks that would be used on his properties?

3. Can the zoning change to C1 or C2 if it is currently C3?

4. Why set backs changed from UDC draft in December 2nd?

Chairman Bannwolf closed Public Comments at 6:25 p.m.

6. CONSENT AGENDA:

- A. <u>2021-288</u> THE MINUTES OF THE PLANNING AND ZONING COMMISSION MEETING OF FEBRUARY 25, 2021.
- B. <u>2021-289</u> THE MINUTES OF THE PLANNING AND ZONING COMMISSION MEETING OF MARCH 1, 2021.
- C. <u>2021-290</u> THE MINUTES OF THE PLANNING AND ZONING COMMISSION MEETING OF MARCH 15, 2021.

MOTION WAS MADE ΒY А COMMISSIONER COHOON, SECONDED BY COMMISSIONER ANZOLLITTO, TO APPROVE THE CONSENT AGENDA AS PRESENED. THE MOTION CARRIED BY THE FOLLOWING ROLL CALL VOTE:

YEA: 6- COMMISSIONER ANZOLLITTO, COMMISSIONER BIRD, COMMISSIONER CATES, COMMISSIONER DUNNING, COMMISSIONER COHOON, COMMISSIONER HILER

Approved: 6-0

Chairman Bannwolf asked City Attorney Barbara Quirk to move discussion item 7.A. to the end of the agenda; Ms. Quirk was in favor.

- 8. REGULAR AGENDA:
- A. 2021-346 CONSIDER THE 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. STAFF PRESENTATION II. PUBLIC HEARING III. MAKE RECOMMENDATION

Ms. Sara Serra-Bennett, City Planner II, and Ms. Laura Haning, Director of Planning and Community Development, presented the proposed Planned Unit Development.

Chairman Bannwolf opened the public hearing at 6:39 p.m.

No comments were received.

Chairman Bannwolf closed the public hearing at 6:40 p.m.

Commission discussion included concerns with placement of sidewalks and open spaces.

MOTION WAS ΒY COMMISSIONER ΒY А MADE BIRD, SECONDED APPROVE THE PROPOSED UNIT COMMISSIONER ANZOLLITTO, TO PLANNED DEVELOPMENT (PUD) PLAN FOR **1.27 ACRES** LOCATED BETWEEN **STAHL** AND PLANT STREETS (BETWEEN 115 STAHL STREET 400 NORTH AND ROSEWOOD - A PORTION OF KAD NO. 20028 AND ALL OF KAD NO. 63697) (JAY TROPHY PROPERTIES) WITH THE CONDITION THAT PARKER/ THE FOUR FOOT HARDSCAPE WALKWAY DESIGN INCLUDE SOME TYPE OF ON THE SOUTH SIDE EQUIVALENT TO THE SIDEWALK THAT EXISTS ON THE NORTH SIDE. THE MOTION CARRIED BY THE FOLLOWING ROLL CALL VOTE:

YEA: 6- COMMISSIONER ANZOLLITTO, COMMISSIONER BIRD, COMMISSIONER CATES, COMMISSIONER DUNNING, COMMISSIONER COHOON, COMMISSIONER HILER

Approved: 6-0

 B.
 2021-347
 TO CONSIDER THE PROPOSED PLANNED UNIT DEVELOPMENT (PUD) OVERLAY DISTRICT FOR 6.479 ACRES LOCATED IN THE COMMONS AT MENGER CREEK ON OLD SAN ANTONIO ROAD

 (KAD 300529) (ALAN NAUL/ J-B BOERNE REALTY, LP).

I. STAFF PRESENTATION II. PUBLIC HEARING III. MAKE RECOMMENDATION

Ms. Haning presented the proposed Planned Unit Development Overlay for Commons at Menger Creek on Old San Antonio Road.

Chairman Bannwolf opened the public hearing at 6:53 p.m.

No comments were received.

Chairman Bannwolf closed the public hearing at 6:53 p.m.

Commission discussion ensued regarding parking.

А MOTION WAS MADE ΒY COMMISSIONER ΒY CATES, SECONDED COMMISSIONER ANZILLITTO, ΤO APPROVE THE PROPOSED PLANNED UNIT DEVELOPMENT (PUD) **OVERLAY** DISTRICT FOR 6.479 ACRES LOCATED IN THE COMMONS AT MENGER CREEK ON OLD SAN ANTONIO ROAD (KAD 300529) (ALAN NAUL/ J-B BOERNE REALTY, LP). THE MOTION CARRIED ΒY THE FOLLOWING ROLL CALL VOTE:

YEA: 6- COMMISSIONER ANZOLLITTO, COMMISSIONER BIRD, COMMISSIONER CATES, COMMISSIONER DUNNING, COMMISSIONER COHOON, COMMISSIONER HILER

Approved: 6-0

C. 2021-348 CONSIDER THE PROPOSED CREATIVE ALTERNATIVE FOR THE PROPERTY LOCATED AT 1376 SOUTH MAIN STREET (KAD NO. 42558, MENGER PLACE SUBDIVISION UNIT 1 LOT 1A (REPLAT), 1.139 ACRES) (RACER CLASSIC CAR WASH) TO ALLOW OPEN CAR WASH BAYS FACING THE STREET.

Ms. Serra-Bennett and Ms. Haning presented the requested Creative Alternative.

Commission discussion included concerns with noise, traffic, and the screening/shielding landscaping plan specific to to mitigate parking and sound. Commissioner Bird questioned if the car wash recycles water and Chairman Bannwolf questioned if this location would have an oil change station.

Andrew Doerfler, Project Engineer, spoke stating they do reclaim water and muffle the dryers at the end of the tunnel to mitigate sound. He clarified that this location will not provide oil services.

Commissioner Anzollitto had questions regarding queuing and concerns with overflow cars on Christus Parkway.

Derrick Merchant responded to Commission questions and concerns stating the site plan allows 26 cars in queue for both lanes before they get to the pay gate, leaving fewer cars behind the gate. He explained that employees are trained to hand-dry vehicles at the end of the tunnel and to direct traffic to help traffic flow. He further spoke on behalf of the owners stating they wish to be good neighbors and would be willing to satisfy the City of Boerne and address any concerns.

ANZOLLITTO, SECONDED А MOTION WAS MADE BY COMMISSIONER BY COMMISSIONER COHOON, ТΟ TABLE THE PROPOSED CREATIVE ALTERNATIVE FOR THE PROPERTY LOCATED AT 1376 SOUTH MAIN STREET (KAD NO. 42558, MENGER PLACE SUBDIVISION UNIT 1 LOT 1A (REPLAT). 1.139 ACRES) (RACER CLASSIC CAR WASH) TO ALLOW OPEN CAR WASH BAYS FACING THE STREET, AND WOULD LIKE THE FOLLOWING CONCERNS ADDRESSED:

1. Traffic flow out of the vacuum area

2. Landscaping plan- provide shielding of parking lot on west side with more mature trees to better fill area

3. Decibel reading from equipment to address noise concerns

THE MOTION CARRIED BY THE FOLLOWING ROLL CALL VOTE:

YEA: 6- COMMISSIONER ANZOLLITTO, COMMISSIONER BIRD, COMMISSIONER CATES, COMMISSIONER DUNNING, COMMISSIONER COHOON, COMMISSIONER HILER

Approved: 6-0

D. 2021-349 CONDITIONAL APPROVAL FOR THE DEVELOPMENT PLAT FOR SPENRATH, 2.523 ACRES LOCATED AT 38875 INTERSTATE HIGHWAY 10 (KAD NO. 12908) AS IS PROVIDED BY SECTION 6, PLAT APPROVAL, B.1., OF THE DEVELOPMENT PLAT REGULATIONS

Rebecca Pacini presented the conditional approval for a development plat.

MOTION WAS MADE BY COMMISSIONER CATES, SECONDED ΒY А COMMISSIONER COHOON, ΤO APPROVE THE CONDITIONAL APPROVAL FOR THE DEVELOPMENT PLAT FOR SPENRATH, 2.523 ACRES LOCATED AT 38875 INTERSTATE HIGHWAY 10 (KAD NO. 12908) AS IS PROVIDED BY SECTION 6, PLAT APPROVAL, B.1., OF THE DEVELOPMENT PLAT REGULATIONS. THE MOTION CARRIED ΒY THE FOLLOWING ROLL CALL VOTE:

YEA: 6- COMMISSIONER ANZOLLITTO, COMMISSIONER BIRD, COMMISSIONER CATES, COMMISSIONER DUNNING, COMMISSIONER COHOON, COMMISSIONER HILER

Approved: 6-0

E. 2021-350 CONSIDER PROPOSED AMENDMENTS TO THE UNIFIED DEVELOPMENT CODE (UDC) REGARDING ZONING AND OVERLAY DISTRICTS.

I. STAFF PRESENTATION II. PUBLIC HEARING

Ms. Laura Haning presented update on the status of the Unified an Development Code specific timeline for completion, amendments to to table of zoning/overlay the uses, revisions to base districts and subcommittee involvement.

Chairman Bannwolf opened the public hearing at 7:48 p.m.

Steven Gomez Herrera spoke regarding concerns with the effectiveness of communication to the public throughout the process of the Unified Development.

402 River Keith Moore, owner of Dodging Duck located at Road, shared concerns with the of his property under the use proposed zoning requiring а Special Use Permit in а River Road overlay. He also had definitions concerns with proposed as thev relate to brew pubs, breweries, micro breweries, etc. He mentioned the differences from the TABC) Texas Alcoholic Beverage Commission (hereafter, definitions and proposed definitions.

Charles Riddle, spoke regarding the comparison earlier, pictures shown design questioned background information for proposed zoning and UDC consultant.

Carissa Cox, Planner with Mosaic and UDC consultant, spoke regarding new development versus a development zoning for already in use and their rights of continued use. She clarified her role in the UDC process as consultant and support to staff to update existing regulations and а ensure compliance with and federal law. She explained that state pubs, micro definitions of restaurant breweries, bars, brew breweries, breweries, etc. are still а work in progress and that they relate to the use of properties not to the sale of alcohol. For this regulating reason TABC definitions may not match the proposed UDC definitions.

Chairman Bannwolf closed the public hearing at 8:11 p.m.

Chairman Bannwolf and Ms. Haning addressed questions from Jack Short brought up earlier in Public Comments. Ms. Haning explained that the criteria used for the proposed zoning was based on proximity to residential. Chairman Bannwolf mentioned that modifications many and the UDC improvements have occurred in process since December. He explained that rezoning be requested after UDC completion, will can but have to go through the public process and be brought before the Planning and Zoning Commission make recommendation to to City Council.

Commission discussion included the possibility of waiving applicant fees rezoning for certain period of time, Bed and Breakfast for а classifications that will now fall under short term rental category and Ms. Cox's Carissa role in the UDC process. Commissioner Dunning spoke involvement from the regarding Ms. Cox's beginning being one of a facilitator, bringing topics of concern to everyone's attention. She explained that Ms. Cox was very instrumental in bringing feedback from address the Steering Committee to areas of concerns and to get everyone to come to a resolution on particular topics. She mentioned that Ms. Cox previously worked with other cities who were ahead of the and was able to provide that information to staff and the curve committee to assist in making decisions.

7. DISCUSSION ITEMS:

A. LEGISLATIVE UPDATE

City Attorney Barbara Quirk presented a brief update on the proposed legislative bills pertaining to municipalities in relation to planning, building codes and adoption of national codes.

9. COMMENTS FROM COMMISSION/LEGAL COUNSEL/STAFF - No discussion or action may take place

There were no comments.

10. ADJOURNMENT

Chairman Bannwolf adjourned the Planning and Zoning Commission meeting at 8:38 p.m.

Chairman

CERTIFICATION

I herby certify that the above notice of meeting was posted on the 1st day of April, 2021 at 5:30 p.m.

Secretary

MINUTES SPECIAL CALLED PLANNING AND ZONING COMMISSION MEETING BOERNE CITY HALL 447 North Main Street Monday, April 19, 2021 – 6:00 p.m.

MINUTES OF THE SPECIAL CALLED PLANNING AND ZONING COMMISSION MEETING OF APRIL 19, 2021 AT 6:00 P.M.

PRESENT 7 - CHAIRMAN TIM BANNWOLF, COMMISSIONER PATRICK COHOON, COMMISSIONER CHESNEY DUNNING, COMMISSIONER BILL BIRD, COMMISSIONER LUCAS HILER

LATE: COMMISSIONER JOE ANZOLLITTO (6:05 P.M.)

STAFF PRESENT: JEFF THOMPSON, BARBARA QUIRK, LAURA HANING, SQUIRES, HEATHER WOOD, BARRETT REBECCA PACINI, SARA SERRA-BENNETT, CHRISTOPHER SHADROCK

RECOGNIZED GUESTS: CARISSA COX, CHARLES RIDDLE, JACK SHORT, JEB WAIT, MAY MCCARTHY, STEVEN GOMEZ HERRERA, SUSANNE RITTIMANN, CHRISTINA BERGMANN, JP PRITKO, MARGARET JONES, PAUL HOLEKAMP

EXECUTIVE SESSION IN ACCORDANCE WITH THE TEXAS GOVERNMENT CODE: THE PLANNING AND ZONING COMMISSION MAY, AS PERMITTED BY LAW, ADJOURN INTO EXECUTIVE SESSION AT ANY TIME TO DISCUSS ANY BELOW AUTHORIZED BY CHAPTER MATTER LISTED AS **551 TEXAS** GOVERNMENT CODE §551.071 (CONSULTATION WITH ATTORNEY)

1. CALL TO ORDER – 6:00 PM

Chairman Bannwolf called the Special Called Planning and Zoning Commission meeting to order at 6:00 p.m.

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.)

MOMENT OF SILENCE

2. PUBLIC COMMENTS: This is the opportunity for visitors and guests to address the Planning and Zoning Commission on any issue. The Planning and Zoning Commission may not discuss any presented issue, nor may any action be taken on any issue at this time. (Attorney General opinion – JC-0169)

Chairman Bannwolf opened public comments at 6:01 p.m. and stated that public comments will be allowed at the beginning and end of this Special Called Planning and Zoning Commission meeting.

Christina Bergmann, resident at 248 Katie Court, spoke regarding pub definitions of of brew categories, the implementation Special Use Permits (hereinafter, SUPs), proposed uses that fall in this category, and had questions specific to who makes decisions approving SUPs.

JP Pritko, resident at 361 Chaparral Creek, spoke regarding zoning concerns he has for his in-laws property located on State Highway 46 the permitted proposed East, specific to uses in the new zoning He requested consideration of a C3 zoning category for categories. the property.

Commissioner Joe Anzollitto arrived at 6:05 p.m.

May McCarthy, of properties North and South Main Street, owner on spoke regarding the effectiveness of the small group meetings recently held by the sub-committee, the ineffective communication for public proposed notification of extending timeline for the zonings, and the public comment after future notification is received.

Charles Riddle spoke regarding a potential plan to allow the community address concerns they may have with the proposed zoning, to the time public input and proper notification frame for to the public about base zoning changes/uses.

Susanne Rittimann, resident at 423 Oak Park, shared concerns with base zoning, the rezoning process after the proposed zonings in the UDC take effect and the timeline for UDC completion.

Margaret Jones, resident at 15 Nollkamper Road and property of owner properties North and South Main Street, spoke regarding the burden of demonstrating nonconformity and asked if form could а be made available to existing property owners regarding nonconformity.

Chairman Bannwolf closed the first public comment session at 6:18 p.m.

3. TO CONSIDER PROPOSED AMENDMENTS TO THE UNIFIED DEVELOPMENT CODE (UDC) INCLUDING BUT NOT LIMITED TO CITYWIDE REZONING, OVERLAY DISTRICTS AND DEVELOPMENT PROCESSES.

Chairman Bannwolf called on Ms. Laura Haning, Director of Planning and Community Development. Ms. Haning brief background gave а on regulations updated zoning and development as thev have been responsive to growth over the past seven decades. She explained the change in zoning categories reflect the master plan. She presented a project timeline of UDC meetings to include Steering Committee/public meetings/public workshops public notification various and on and ways the City attempted public outreach for the UDC.

Shadock, Director Ms. Talley called on Chris of Communications. Mr. Shadrock spoke regarding public notification efforts made by the City to community mentioned involve the in the UDC process. He Facebook UDC posts that included links to websites, а video that included members of the Steering Committee, the Mayor's Minutes that provided updates, emails that were sent to anyone signed up to receive City who notifications (approximately 5000 people), and а continuously updated UDC webpage on the City's website.

Commissioner offered information Cates about а more targeted of communicating with paid advertising geofencing approach via on Instagram and Facebook.

Commission included regarding the total discussion questions budget for communications, scheduling an open house forum in the month of May with UDC educational stations, scheduling additional public meetings, and allowing time for public responses and adjusting accordingly.

Carissa Cox, spoke regarding specific definitions referencing manufacturing, accessory use, primary use, and a new craft category.

Commission discussion continued regarding subcommittee of review Table of Uses. more official letter notifications that will go to out property owners citywide to include a Frequently Asked Questions (FAQ) Code sheet/Quick Response (QR) and scheduling of additional public meetings in May to include an open house with educational stations.

Chairman Bannwolf opened the final Public Comment session at 7:50 p.m.

JP Pritko, spoke regarding outdated information and constant updates with the UDC process. He had questions specific to nonconforming uses, and other specific zoning categories.

Charles Riddle, spoke regarding future public notification, tracking communication and community feedback.

Susanne Rittimann, spoke in opposition of the proposed timeline for completion of the UDC.

Paul Holekamp, resident at 333 Highway 46 East, spoke in opposition of the proposed timeline for completion of the UDC.

Steven Gomez-Herrera spoke in opposition of the proposed timeline for completion of the Unified Development Code.

4. ADJOURNMENT

Chairman Bannwolf adjourned the Special Called Planning and Zoning Commission meeting at 8:14 p.m.

Chairman

CERTIFICATION

I herby certify that the above notice of meeting was posted on the 16th day of April, 2021 at 4:00 p.m.

Secretary

AMENDED MINUTES PLANNING AND ZONING COMMISSION WORKSHOP BOERNE CITY HALL 447 North Main Street Monday, March 1, 2021 – 6:00 p.m.

Minutes of the Planning and Zoning Commission Meeting of March 1, 2021 at 6:00 p.m.

Present Virtually 7-Chairman Tim Bannwolf, Commissioner Patrick Commissioner Bill Bird, Cohoon, Commissioner Joe Anzollitto, Commissioner Ricky Gleason, Commissioner Bob Cates, Commissioner **Chesney Dunning**

Staff Present: Barbara Quirk, Laura Haning, Heather Wood, Barrett Squires, Rebecca Pacini, Sara Serra-Bennett, Ryan Bass

Staff Present (Virtually): Jeff Carroll, Cheryl Rogers

Recognized Guests: Jerry Nicholson, Carol Nicholson

Recognized Guests (Virtually): Carissa Cox, Sharon Ramey, Paul Ramey, John Wolters, Andy Brewer, Sherry Brewer, Charles Riddle, Adam Harkrider, Jack Short, Laurie Hakspiel, Jeb Wait, May McCarthy, Christina Ryholm

Due to the COVID-19 pandemic, this meeting is being held telephonically only as allowed by the Governor of Texas during this public health emergency. Please do not attend the meeting in person. See attached detailed instructions on how to join the meeting and speak; you may also visit the City of Boerne website at boerne-tx.gov to view instructions.

You may join the Planning and Zoning Commission Meeting from your phone or computer:

Join Zoom Meeting by computer: https://us02web.zoom.us/j/89162327102

Meeting ID: 891 6232 7102 Passcode: 9511248

Dial in Toll Free: 1-877-853-5247 Or 1-888-788-0099

Meeting ID: 891 6232 7102

EXECUTIVE SESSION IN ACCORDANCE WITH THE TEXAS GOVERNMENT CODE: THE PLANNING AND ZONING COMMISSION MAY, AS PERMITTED BY LAW, ADJOURN INTO EXECUTIVE SESSION AT ANY TIME TO DISCUSS ANY MATTER LISTED ABOVE AS AUTHORIZED BY CHAPTER 551 CODE §551.071 (CONSULTATION WITH ATTORNEY)

1. CALL TO ORDER – 6:00 PM

Chairman Bannwolf called the Planning and Zoning Commission meeting to order at 6:00p.m.

Chairman Bannwolf asked for a roll call of commissioners present.

Present Chairman Bannwolf, Commissioner Virtually 7-Tim Patrick Cohoon, Commissioner Bill Bird, Commissioner Joe Anzollitto, Commissioner Rickv Gleason, Commissioner Bob Cates. Commissioner **Chesney Dunning**

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

Commissioner Cohoon declared a conflict with agenda item 4.B.

City Attorney Barbara Quirk clarified that Commissioner Cohoon can stay logged in via Zoom but will not participate in discussion or vote of agenda item 4.B. and the item will be removed from the Consent Agenda to allow the Commission to vote on it separately.

3. PUBLIC COMMENTS: This is the opportunity for visitors and guests to address the Planning and Zoning Commission on any issue. The Planning and Zoning Commission may not discuss any presented issue, nor may any action be taken on any issue at this time. (Attorney General opinion – JC-0169)

May McCarthy spoke in opposition of the proposed rezoning. She expressed concerns with loss of rights, property value, and process of public notification for the proposed zoning.

Patti Mainz, owner of property and business located at 101 South Main (Black Rifle Coffee). She expressed concerns with the process of public notifications, and stated she is opposed to the proposed rezoning.

Ms. Laura Haning, Director of Planning and Community Development, clarified that Patti Mainz is currently Commissioner the а on Historic Landmark Commission.

Charles Riddle spoke regarding concerns with proposed rezoning to include the Special Use Permits (SUP). He stated that many property were unaware that their owners property would be rezoned and that the post card notification sent from the City was not effective.

Adam Harkrider, owner of a property located at 7 Herff Road, expressed concerns with new zoning that could impact his intended use for a medical office.

Andy Brewer stated that they were unaware of zoning rights being taken away with the proposed rezoning.

spoke regarding their plan to develop their Sherry Brewer property at some point and she now has concerns with the proposed zoning changes.

Kevin Stringer, owner of properties at 926 North Main Street and 806 Blanco Road, spoke regarding concerns with converted zoning categories and possibly losing property rights.

Valenta, Matkin Hoover, spoke regarding SUPs Josh engineer with in the will create new code. pressure they on the Planning and Zoning Commission. and the possibility of considering period for а grace property owners in the planning stages of development.

Grace Poulsen had comments for item 5.A. Ms. Haning explained that that item had been withdrawn by the applicant. Ms. Poulsen chose to hold her comments at this point.

Jack Short spoke regarding the public notification that went out from the City. He expressed concerns with not receiving the notification and concerns of possible diminishing property the values resulting from proposed rezoning.

Chairman Bannwolf closed Public Comments at 6:29 p.m.

4. CONSENT AGENDA

4.A. <u>2021-214</u> THE MINUTES OF THE PLANNING AND ZONING COMMISSION MEETING OF FEBRUARY 1, 2021.

MOTION WAS MADE BY COMMISSIONER COHOON, А SECONDED BY COMMISSIONER ANZOLLITTO, ΤO APPROVE THE MINUTES OF THE AND ZONING COMMISSION OF PLANNING MEETING FEBRUARY 2021. 1, THE MOTION CARRIED BY THE FOLLOWING ROLL CALL VOTE:

YEA: 6- JOE ANZOLLITTO, BILL BIRD, RICKY GLEASON, BOB CATES,

CHESNEY DUNNING, COMMISSIONER COHOON

Approved: 6-0

4.B. 2021-220 CONDITIONAL APPROVAL FOR THE FINAL PLAT FOR E BANDERA, 2.493 ACRES, 6 RESIDENTIAL LOTS AND 0.034 ACRES OF RIGHT-OF-WAY (KAD NO. 300528) AS IS PROVIDED BY ARTICLE 2, SECTION 2.04.001B OF THE SUBDIVISION ORDINANCE.

Commissioner Cohoon abstained from conversation and vote.

Α MOTION WAS MADE BY COMMISSIONER GLEASON, SECONDED BY COMMISSIONER BIRD, TO APPROVE THE FINAL PLAT FOR Ε BANDERA, 2.493 ACRES, 6 RESIDENTIAL LOTS AND 0.034 ACRES OF **RIGHT-OF-WAY** (KAD NO. 300528) AS IS PROVIDED BY ARTICLE 2, SECTION 2.04.001B OF THE SUBDIVISION ORDINANCE. THE MOTION CARRIED BY THE FOLLOWING **ROLL CALL VOTE:**

YEA: 5- JOE ANZOLLITTO, BILL BIRD, RICKY GLEASON, BOB CATES, CHESNEY DUNNING

Approved: 5-0

- 5. REGULAR AGENDA:
- 5.A. 2021-225 TO CONSIDER THE PROPOSED REZONING OF 0.3616 ACRES LOCATED AT 303 HERFF STREET (KAD 23540, IRONS & GRAHAMS ADD LOT 109) FROM R-2, MODERATE-DENSITY RESIDENTIAL DISTRICT, TO R-4, MULTI-FAMILY RESIDENTIAL DISTRICT (ABEL AND PATRICIA GUTIERREZ).
 - I. STAFF PRESENTATION
 - II. PUBLIC HEARING
 - III. MAKE RECOMMENDATION

This item was withdrawn by the applicant. However, the Public Hearing was held in accordance with state law.

Chairman Bannwolf opened he Public Hearing at 6:33p.m.

Grace Poulsen asked for clarification on the process if/when this request comes before the Commission at a later date.

Rick and Cheryl Barnett spoke regarding notification if this item comes back before the Commission.

Leslie Brown spoke zoning with regarding the proposal and concerns notification only going out to property owners within 200 feet of the project.

Allerkamp spoke opposition Breanna in of the proposed rezoning and auestions had about the process for turning in future letters of opposition to the City/Commission.

Ms. Haning explained that the public notification process would the be same to include notification to of property owners within 200 feet the proposed rezoning property, and posting in local newspaper.

Chairman Bannwolf closed the Public Hearing at 6:39 p.m.

5.B. 2021-226 TO CONSIDER THE PROPOSED ADOPTION OF THE REVISED ZONING MAP AND AMENDMENTS TO THE UNIFIED DEVELOPMENT CODE (UDC).

Ms. Haning introduced new Planning and Community Development member Environmental Programs Administrator/Urban Forester, Ryan Bass.

Mr. Bass gave a brief background of his education and work experience.

Ms. Haning reviewed the public notification process of the UDC and explained that zoning map. She zoning is not vested, that the new zoning map is rules based and is more impactful to commercial property She provided details regarding the similarity owners. between the new Permits Special Use (SUPs) and the old (current) City Council approval (CC) requirements.

Commission discussion included concerns with the enforcement process ordinance violations predevelopment for state law and city during construction, time frames for current uses of properties with the adoption of UDC, classifications/definitions/edits the the and to proposed Table of Uses.

5.C. 2021-227 CONSIDER THE PRELIMINARY PLAT FOR BENT TREE UNIT 3, 40.04 ACRES, 25 RESIDENTIAL LOTS, 2 OPEN SPACE LOT, AND 2.77 ACRES OF PRIVATE RIGHT-OF-WAY (KAD NO. 13824). TAKE NECESSARY ACTION.

Ms. Rebecca Pacini, City Planner III., presented the preliminary plat and stated that it meets the master plan/master development plan and requirements of subdivision ordinance.

Α MOTION WAS MADE BY COMMISSIONER CATES, SECONDED BY PRELIMINARY COMMISSIONER COHOON. TO APPROVE THE PLAT FOR BENT TREE UNIT 3, 40.04 ACRES, **25 RESIDENTIAL** LOTS, 2 OPEN SPACE LOT, AND 2.77 ACRES OF PRIVATE RIGHT-OF-WAY (KAD NO. 13824). THE MOTION CARRIED BY THE FOLLOWING ROLL CALL VOTE: YEA: 6-JOE ANZOLLITTO, BILL BIRD, RICKY GLEASON, CATES, BOB

Approved: 6-0

CHESNEY DUNNING, COMMISSIONER COHOON

5.D. 2021-240 CONSIDER THE PRELIMINARY PLAT FOR REGENT PARK UNIT 9, 89.182 ACRES, 110 RESIDENTIAL LOTS, 7 OPEN SPACE LOT, AND 8.688 ACRES OF RIGHT-OF-WAY (KAD NO. 291871, 291872, and 306990). TAKE NECESSARY ACTION.

Ms. Rebecca Pacini presented the preliminary plat and stated that itmeets the master plan/master development plan and requirements ofsubdivision ordinance. staff recommends approval of the preliminary plat with the following condition:

<u>That the Unit 9 alignment of the thoroughfare be consistent with Section</u> <u>3.02.002</u> Commission discussion ensued regarding erosion control, developers following state law requirements and staff's role in monitoring the sites to ensure there are no violations.

spoke addressing Applicant Patrick Murphy erosion control concerns and previous violations that have since been remedied with Texas Commission on Environmental Quality (TCEQ).

WAS MADE ΒY А MOTION COMMISSIONER GLEASON, SECONDED BY COMMISSIONER DUNNING. TO APPROVE THE PRELIMINARY PLAT FOR REGENT PARK UNIT 9, 89.182 ACRES, **110 RESIDENTIAL** LOTS, 7 OPEN SPACE LOT, AND 8.688 ACRES OF RIGHT-OF-WAY NO. (KAD 291871, 306990) AS THE 291872, AND PRESENTED. MOTION CARRIED BY THE FOLLOWING ROLL CALL VOTE:

YEA: 6- JOE ANZOLLITTO, BILL BIRD, RICKY GLEASON, BOB CATES, CHESNEY DUNNING, COMMISSIONER COHOON

Approved: 6-0

6. DISCUSSION ITEM:

6.A. PROPOSED ADOPTION OF THE REVISED CITYWIDE ZONING MAP, POSSIBLE ADDITIONAL NOTIFICATION(S) TO BE SENT TO PROPERTY OWNERS OF CURRENT SPECIFIC ZONING CLASSIFICATION(S) AND ALLOWABLE USE(S) AND PROPOSED REVISIONS TO SAME, AND REVIEW PROCESSES AVAILABLE UNDER THE NEW UNIFIED DEVELOPMENT CODE (UDC) TO PROPERTY OWNERS HAVING QUESTIONS/CONCERNS RELATED THERETO.

Commission public notification discussion ensued regarding for rezoning under the new UDC. The Commission suggested staff that send notifications in letter form(to include links that direct to old and new Table of Uses/Map) to land owners to inform them of the proposed use table rezoning classifications individual and as thev relate to their properties.

Public Comments:

Lori Hakspiel spoke regarding the fees and SUP permit and timeline. She expressed concerns with commercial transactions having an undetermined future due to proposed zoning changes.

Valenta notifications referencing UDC Josh spoke regarding public the updates. He stated they should include more specific terminology for rezoning.

Charles Riddle spoke regarding stripping of landowner rights.

Mr. Harkrider requested clarification of medical categories specific to medical office(s).

Kevin Stringer had questions regarding possibly grandfathering of properties and if any studies were done to see how land values might be impacted with the proposed rezoning.

Ms. Haning clarified the process for new categories as they will follow properties not property owners and that no studies were done for property values with the proposed rezoning.

Mr. Short spoke in opposition of the proposed rezoning.

Jeb Wait spoke about methods of notification and possibly sending them out with utility bills from the City.

Chairman Bannwolf asked for volunteers for a subcommittee to address some of the concerns brought up by citizens and property owners.

Commissioner Dunning, Chairman Bannwolf and Commissioner Gleason volunteered for the subcommittee.

Chairman Bannwolf called for a special Planning and Zoning workshop, via Zoom, to be scheduled for March 15, 2021 at 6 p.m.

7. COMMENTS FROM COMMISSION/LEGAL COUNSEL/STAFF - No discussion or action may take place

No comments.

8. ADJOURNMENT

Chairman Bannwolf closed the Planning and Zoning Commission meeting at 9:49p.m.

Chairman

CERTIFICATION

I herby certify that the above notice of meeting was posted on the 26th day of February, 2021 at 5:00 p.m.

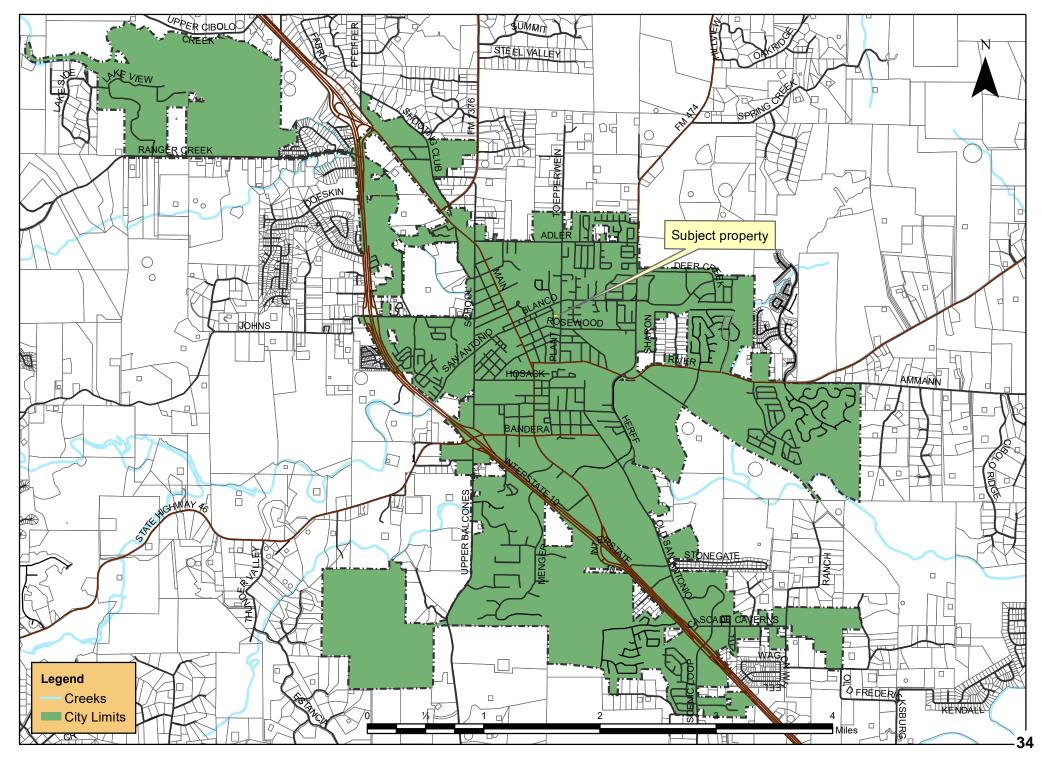
Secretary

City of Boerne	AGENDA ITEM SUMMARY
Agenda Date	May 3, 2021
Requested Action	To consider the 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).I.Staff Presentation II.II.Public Hearing III.III.Make Recommendation
Contact Person	Sara Serra, Planner II, Laura Haning, Planning and Community Development Director
Background Information	The property under consideration is located mid-block, between Stahl Street and Plant Avenue, Old Number 9 and Rosewood Avenue. The property was recently considered by the Planning and Zoning Commission for a PUD Plan. The Commission recommended approval of the Plan at the April 5 th meeting. The whole PUD is 1.27 acres. They are requesting a change in zoning for the commercial portion of the site (.996 ac) that will bring the entire 1.27 ac project under one residential zoning of R- 3.
	This request to rezone the south portion of the PUD from a B-2 (Highway Commercial District), to a R-3 (High-Density Residential district) will make them consistent throughout the development. The R-3 district allows for different size lots, starting at 2000 sqft attached (townhome) lots. The Master Plan describes this area as part of the Downtown land use category.
	The previously considered PUD plan has 18 townhomes. The flexibility that a PUD plan offers a way to create infill development without requiring multiple variances. This development fulfills the intention of the Downtown category and the rezoning to R-3 for the remaining .996 acres accomplishes that as well.
	Master Plan The Downtown future land use category is intended for areas that include a mix of uses developed with an urban character situated in a higher density/intensity, pedestrian-friendly environment. The tegrity + Service + Excellence + Respect + Collaboration

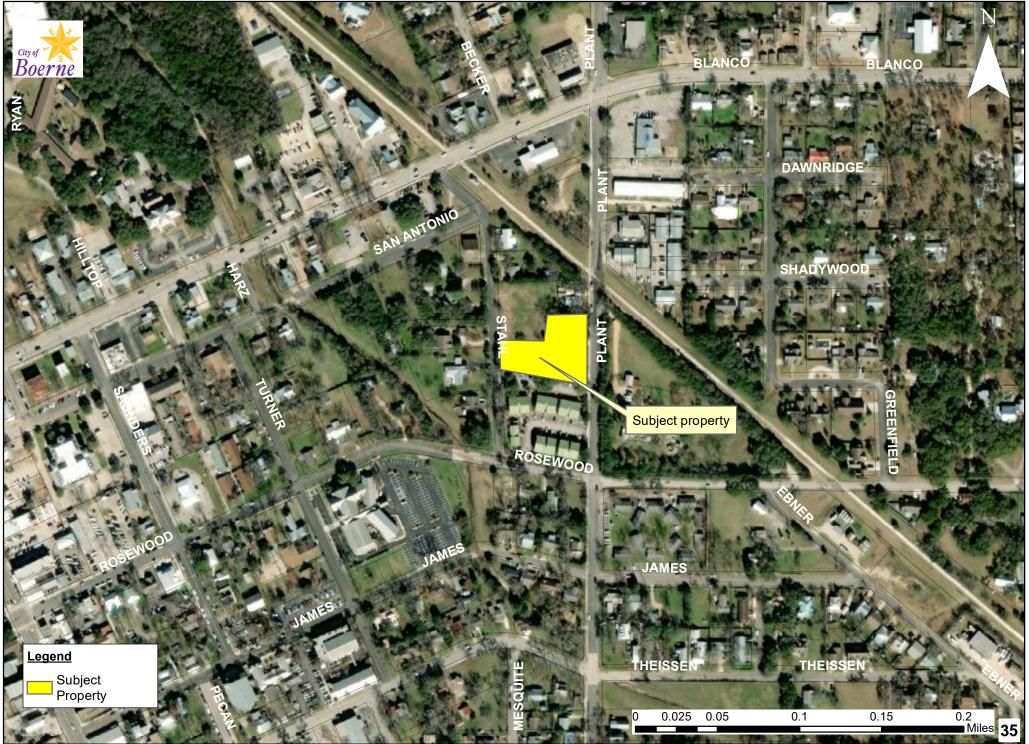
	urban character of downtown is characterized by buildings being located close to the street (i.e., build-to lines), parking is either on- street or in public parking lots, and the pedestrian environment has equal consideration, if not priority, over the vehicle. The appropriate primary uses allowed in areas designated as Downtown include brew pubs and night clubs, government facilities, multi-family, offices (including medical), parks and recreation, retail sales and services, restaurants, single-family attached residential (i.e., townhouses built with an urban character), safety services, and schools. Appropriate secondary uses include such things as assembly uses, local utility services, home professions, hotels, personal care homes, recreation and entertainment facilities, and transportation uses. New Downtown development should be subject to a "build-to" requirement as to prevent auto-oriented character from disrupting the intended urban character of the Downtown area. New Downtown development should be designed for two or more stories as to create a sense of enclosure necessary to foster an urban environment. 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. https://youtu.be/61zfT44HyFg
Item Justification	[X] Legal/Regulatory Obligation [] Infrastructure Investment
	[] Reduce Costs [X] Customer Demand [] Increase Revenue [] Service Enhancement [] Drive Down Risk [] Process Efficiency [X] Master Plan [] Other: 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. 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



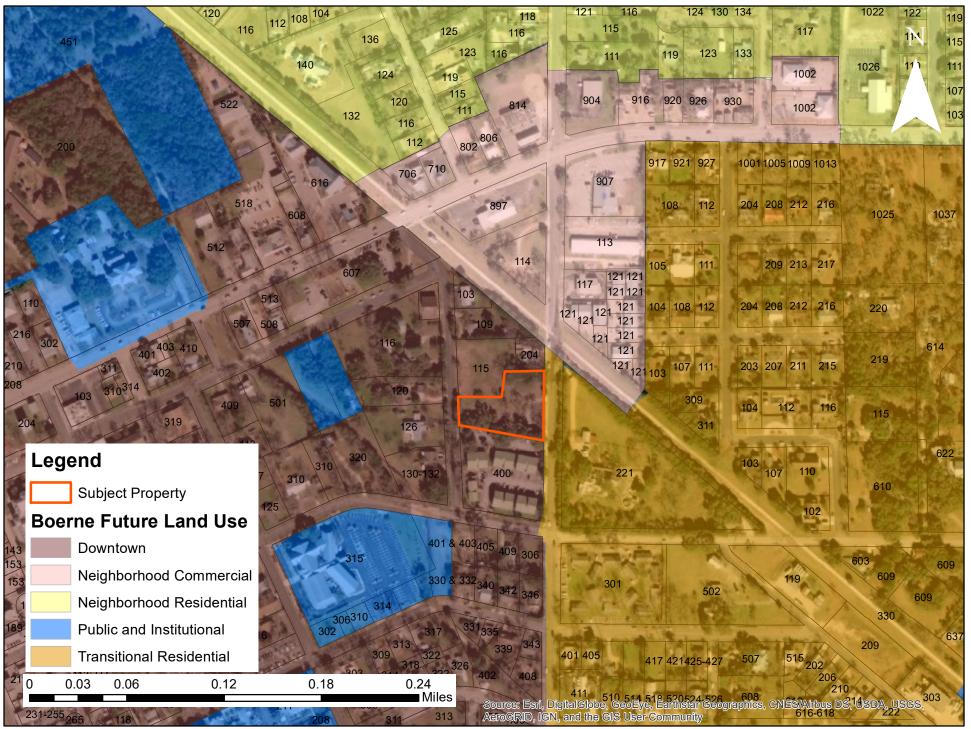
Current Zoning Plant/Stahl

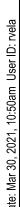


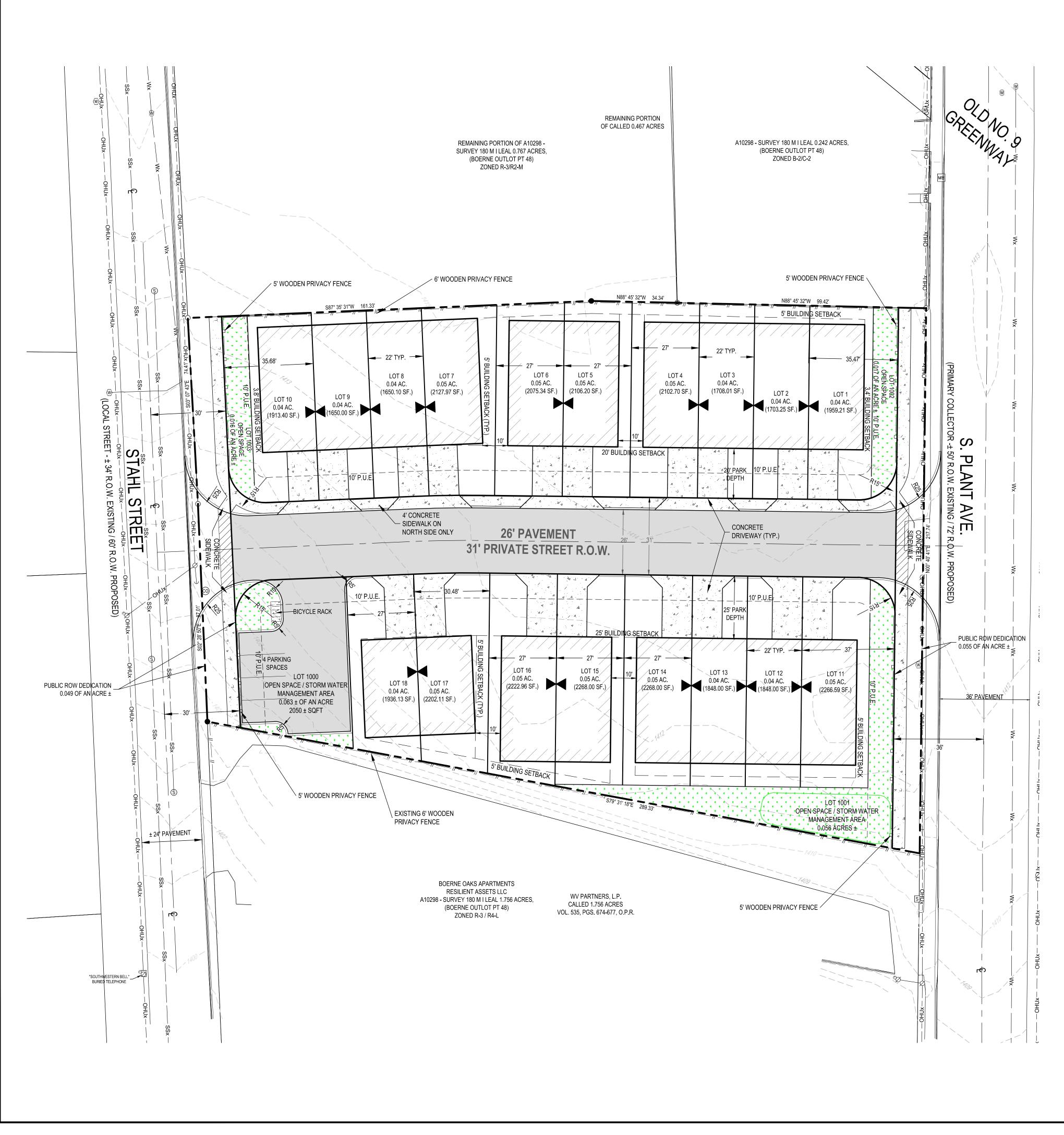
Proposed Zoning Plant/Stahl



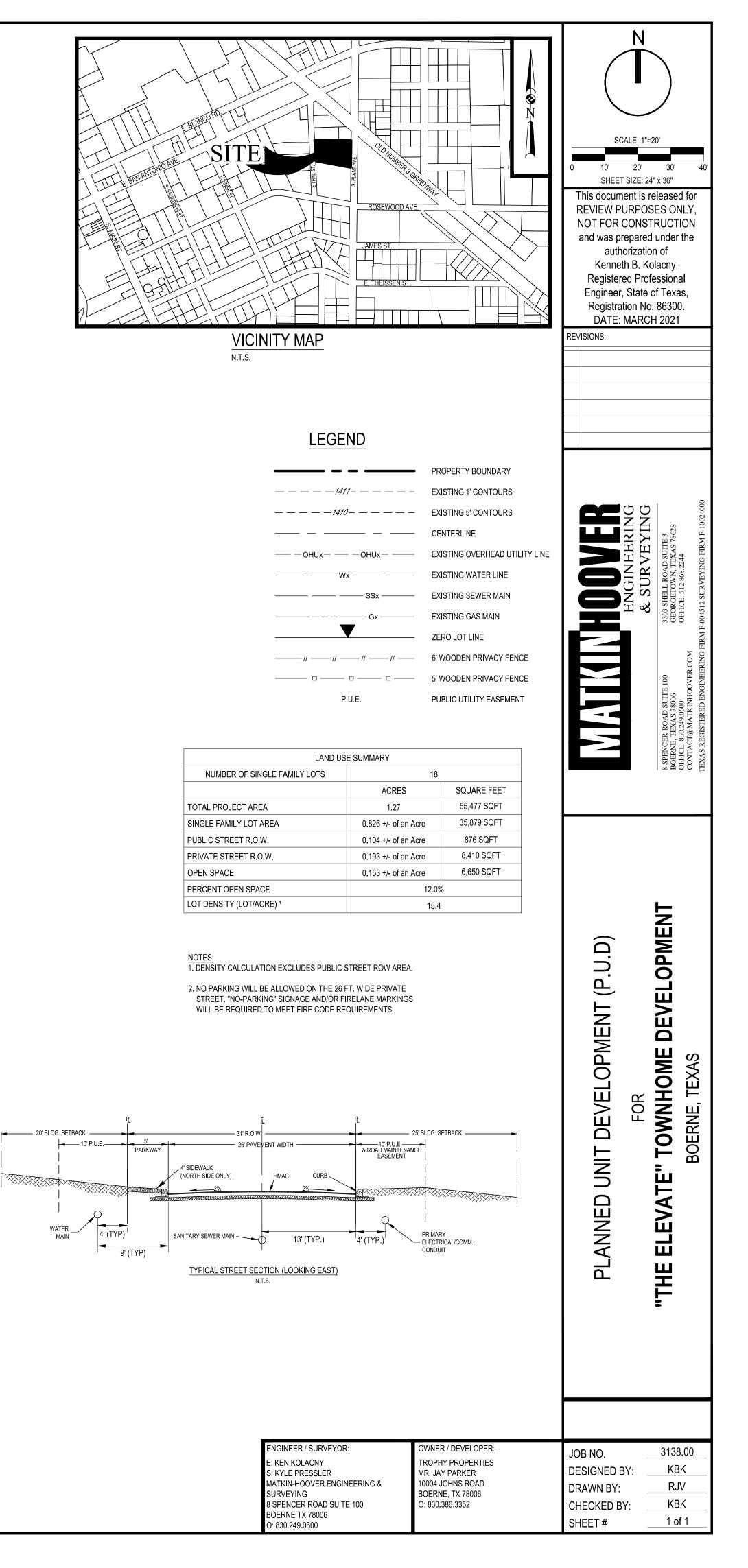
SUBJECT PROPERTY Plant/ Stahl (KAD 63697)







PROJECTS\3138 - Stahl Street Residentia\Exhibits\Fig. 4.0 STAHL ST. & S. PLANT ST. PUD.dv





07.24.20 54 ARCHITECTS INTERIORS PLANNING GRAPHICS 40



07.24.20 SA ARCHITECTS INTERIORS PLANNING GRAPHICS 41



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07.24.20 SA ARCHITECTS INTERIORS PLANNING GRAPHICS 42



07.24.20 SA ARCHITECTS INTERIORS PLANNING GRAPHICS 43



City of Boerne	AGENDA ITEM SUMMARY District Impacted 1 = Wolosin 2 = Woolard 3 = Scott 4 = Boddie 5 = Macaluso All		
Agenda Date	May 3, 2021		
Requested Action	To consider the proposed rezoning of 0.302 acres located at 606 Frey Street (KAD No. 18989) from R-1, Medium-Density Single- Family District, to B-1 High-Density Residential and Neighborhood Commercial District (James Schuepbach). I. Staff Presentation II. Public Hearing III. Make Recommendation		
Contact Person	Sara Serra, Planner II, Laura Haning, Planning and Community Development Director		
Background Information	 The property owner of 606 Frey Street is requesting a rezoning. The current zoning R-1 zoning allows single-family use and the owner would like to convert the property for an 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. The requested zoning category would allows neighborhood offices, limited apartments and low impact commercial development. To the south of this property is a B-1 zoning that is currently being developed as an office complex, and to the north is an O zoning that is being marketed as an office. It also abuts a residential property to the west. 		
	MASTER PLAN The "Auto-Oriented Commercial" future land use category is intended for areas that will be developed to support local and regional nonresidential businesses that rely on higher traffic volumes (e.g., I-10 and portions of SH 46). These areas are typically comprised of nonresidential uses of varying lot sizes and intensities and configured in a manner that predominantly serves the automobile. The appropriate primary uses allowed in areas designated as "Auto-Oriented Commercial" include assembly uses, automobile sales and services, brew pubs and night clubs, convenience		

	stores, day / adult care, hotels and motels, offices (including medical), parks and recreation, personal care homes, retail sales and services (including heavy retail), restaurants, safety services, and schools. Appropriate secondary uses include such things as local utility services, government facilities, recreation and entertainment facilities, recreational vehicle parks, shopping centers, and transportation uses. All these activities are compatible with a B-2, Highway Commercial District, and B-2R, Highway Commercial-Restricted District.	
Item Justification	[X] Legal/Regulatory Obligation	
	[] Reduce Costs	[X] Customer Demand
	[X] Increase Revenue	[] Service Enhancement
	[] Drive Down Risk	[] Process Efficiency
	[X] Master Plan	[] Other:
	Recommendation	
Financial Considerations		
Citizen Input/Board Review	As required by State regulation, r	
Review	property owners within 200 ft from the subject property. Staff has not received any comments.	
Legal Review		
Alternative Options		
Supporting Documents	Supporting documentation is atta	ched

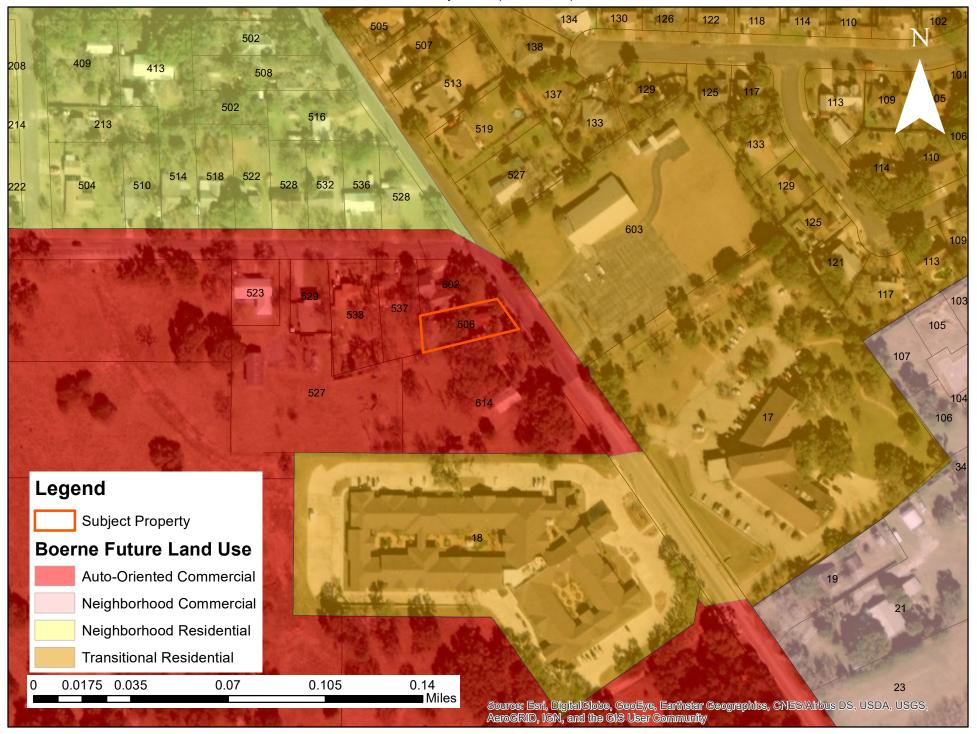
Current Zoning 606 Frey Street

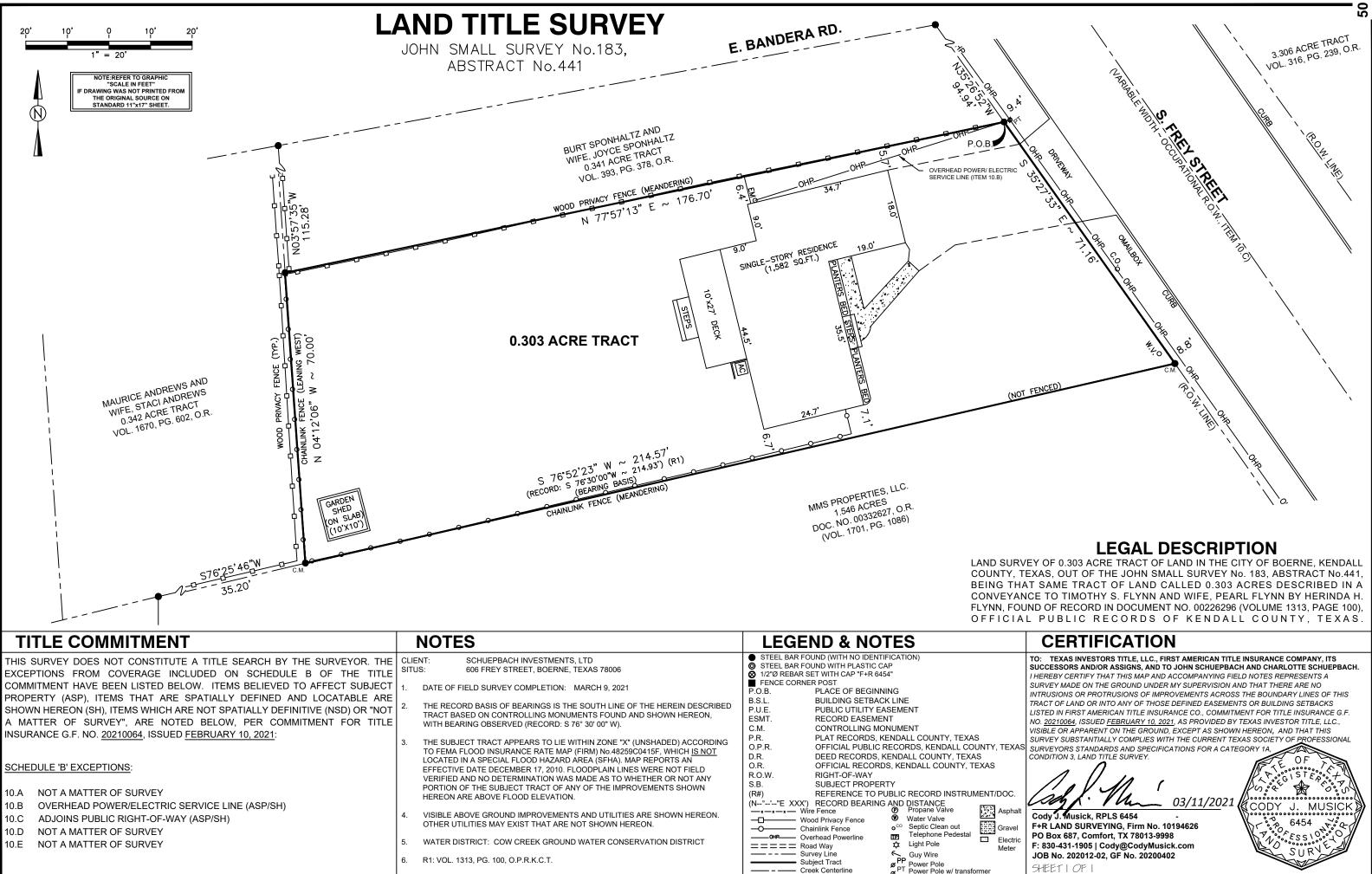


Proposed Zoning 606 Frey Street



SUBJECT PROPERTY 606 Frey Street (KAD 18989)





Creek Centerlin

	6EITH IOATION
	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.,
AS	VISIBLE OR APPARENT ON THE GROUND, EXCEPT AS SHOWN HEREON, AND THAT THIS SURVEY SUBSTANTIALLY COMPLIES WITH THE CURRENT TEXAS SOCIETY OF PROFESSIONAL
alt I	O3/11/2021 CODY J. MUSICK Cody J. Musick, RPLS 6454 CODY J. MUSICK F+R LAND SURVEYING, Firm No. 10194626 6454 PO Box 687, Comfort, TX 78013-9998 6454 F: 830-431-1905 Cody@CodyMusick.com 700 JOB No. 202012-02, GF No. 20200402 SURVEY



City of Boerne	AGENDA ITEM SUMMARY		
Agenda Date	May 3, 2021		
Requested Action	UNTABLE THE PROPOSED CREATIVE ALTERNATIVE FOR THE PROPERTY LOCATED AT 1376 SOUTH MAIN STREET (KAD NO. 42558, MENGER PLACE SUBDIVISION UNIT 1 LOT 1A (REPLAT), 1.139 ACRES) (RACER CLASSIC CAR WASH) TO ALLOW OPEN CAR WASH BAYS FACING THE STREET.		
Contact Person	Sara Serra-Bennett, Planner II, Planning and Community Development Department		
Background Information	 The site is the old location for the Herbst Veterinary Clinic at the corner of South Main and Christus Parkway. This item was considered at the April P&Z meeting and was Tabled at that time. The Commission asked for further detail regarding the landscaping, traffic flow on the site, noise and screening between the properties to the north and west of this site. The Commission simply needs to Untable the item to consider it further. 		
Item Justification	[] Legal/Regulatory Obligation[] Infrastructure Investment[] Reduce Costs[X] Customer Demand[] Increase Revenue[] Service Enhancement[] Drive Down Risk[] Process Efficiency[] Master Plan[] Other:Recommendation		
Financial Considerations			
Citizen Input/Board Review			

Legal Review	
Alternative Options	
Supporting Documents	Attached are maps, plat, site plans, and perspectives.

City of Boerne	AGENDA ITEM SUMMARY		
Agenda Date	May 3, 2021		
Requested Action	Consider the proposed Creative alternative for the property located at 1376 South Main Street (KAD no. 42558, Menger Place Subdivision Unit 1 lot 1A (Replat), 1.139 acres) (Racer Classic Car Wash) to allow open car wash bays facing the street.		
Contact Person	Sara Serra-Bennett, Planner II, Planning and Community Development Department		
Background Information	 This creative alternative request was presented during the April Planning and Zoning Commission meeting. The Commission Tabled it at that time. The new property owner plans to build a Racer Car Wash on this site. They are requesting a creative alternative to address the car wash bays that would face the street. While a car wash is allowed by the B-2 base zoning, there are other sections of the Zoning Ordinance that also come into play. They are as follows: 3.09.002 Combined Commercial Design standards Loading docks, bays or service areas shall not be visible from the primary street. A loading dock, bay or service area may face a secondary street if it is screened by dense landscaping and/or a minimum of a 6 foot masonry or like fence to be determined by the Planning Director. If they are not visible from a street, no screening is required. Article 5, Section 25, E. Entrance Corridor parking standards To the greatest extent possible, on-site parking areas shall be designed to reduce the negative visual effects of vast paved areas and shall contain landscape planting islands and defined pedestrian walkways. The location of the on-site parking surface areas shall be located to the side or rear of a building. 		

be located between the principal building front building line and the front set back.

Article 5, Section 32 H for SoBo design standards...Where permitted drive-through lanes, auto service bays, and gas station canopies for commercial uses shall not be located fronting Main Street, Herff Road, Old San Antonio Road and Christus Parkway. Drive-through lanes may be permitted along all other streets, service drives or alleys. Drive-through lanes, auto service bays, and gas station canopies shall be hidden behind a 3' to 5' high Street Screen along all streets.

All three sections of the ordinance do allow for a creative alternative which basically states that "creative alternative design options may be approved by the Planning and Zoning Commission if the intent of each section is met and demonstrated". The SoBo Overlay provides more specific direction regarding consideration of a creative alternative.

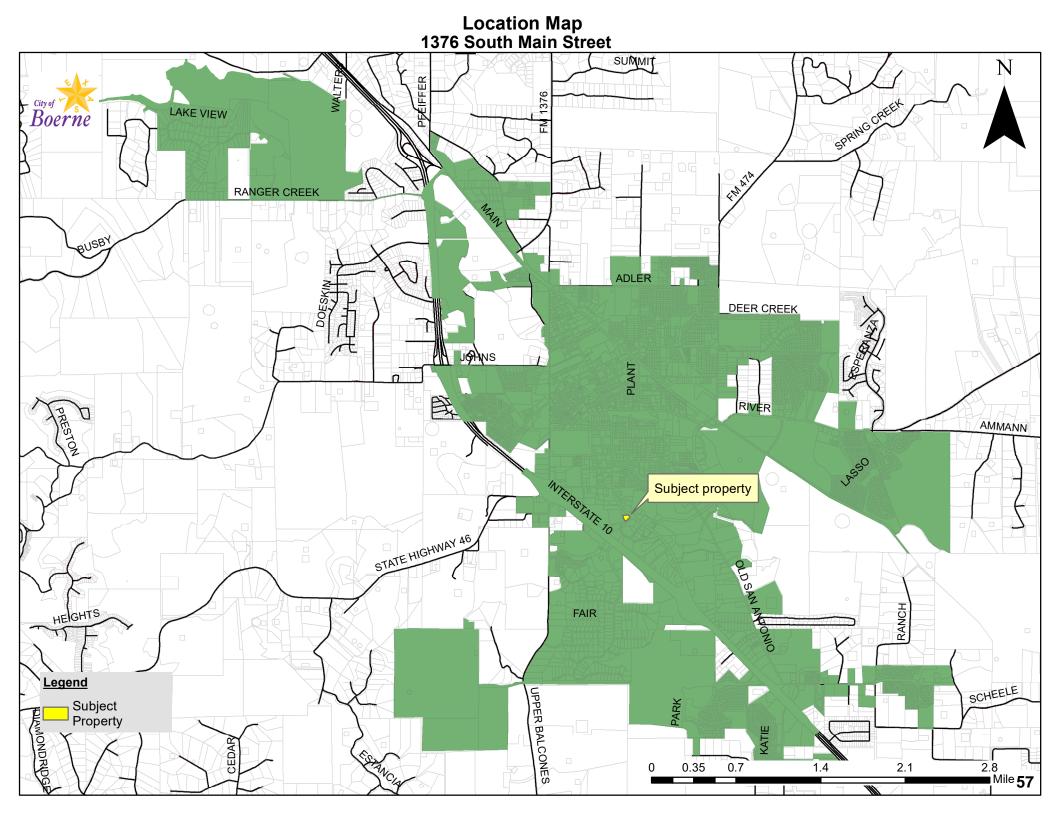
<u>**Plan Review.**</u> Building Plans shall be reviewed by the City Manager or designee and approved prior to the issuance of a building permit for new construction (or remodeling) in the SoBo Overlay District to evaluate the compatibility of the plans with the factors mentioned in this Section. Creative alternative design options may be approved by the Planning and Zoning Commission. Such application shall be accompanied by the appropriate fee established by City Council.

- 2. Factors to be considered:
 - a. The effect of the proposed structure upon the general historic, cultural and architectural character of the SoBo Overlay District or the City of Boerne.
 - b. The appropriateness of the exterior architectural features, which are visible from the corridors and adjacent area.
 - c. Harmony with adjacent buildings and structures in terms of scale, height and mass.

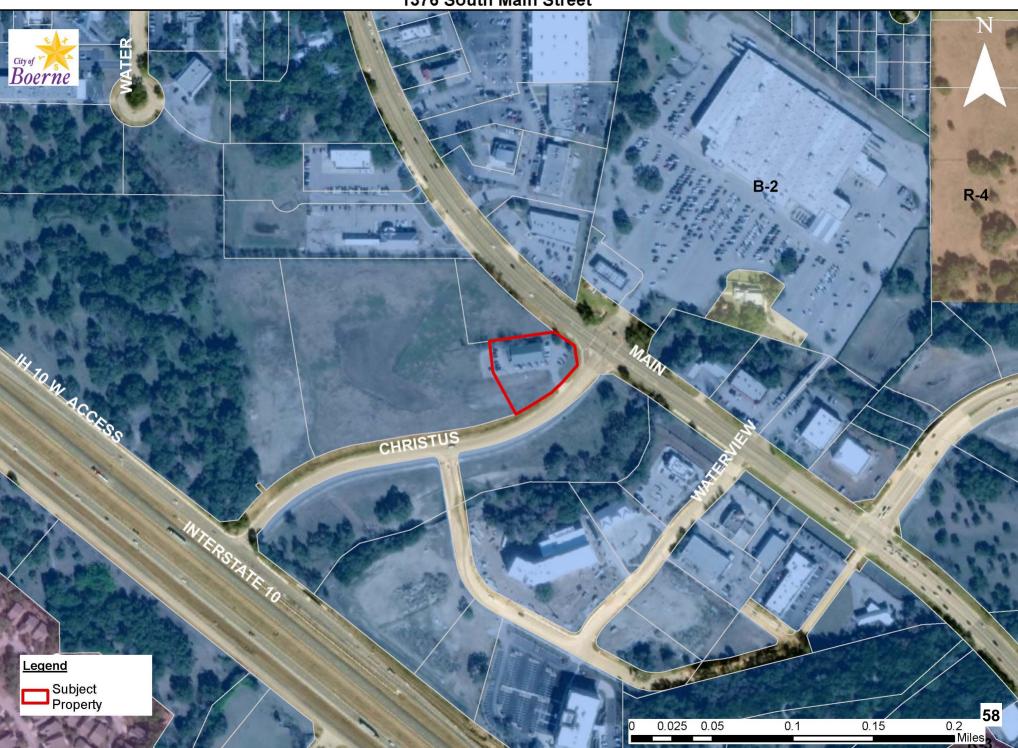
The SoBo and Entrance Corridor Overlay Districts, among other things, are intended to preserve the hill country character along the vehicular entrances to the City.

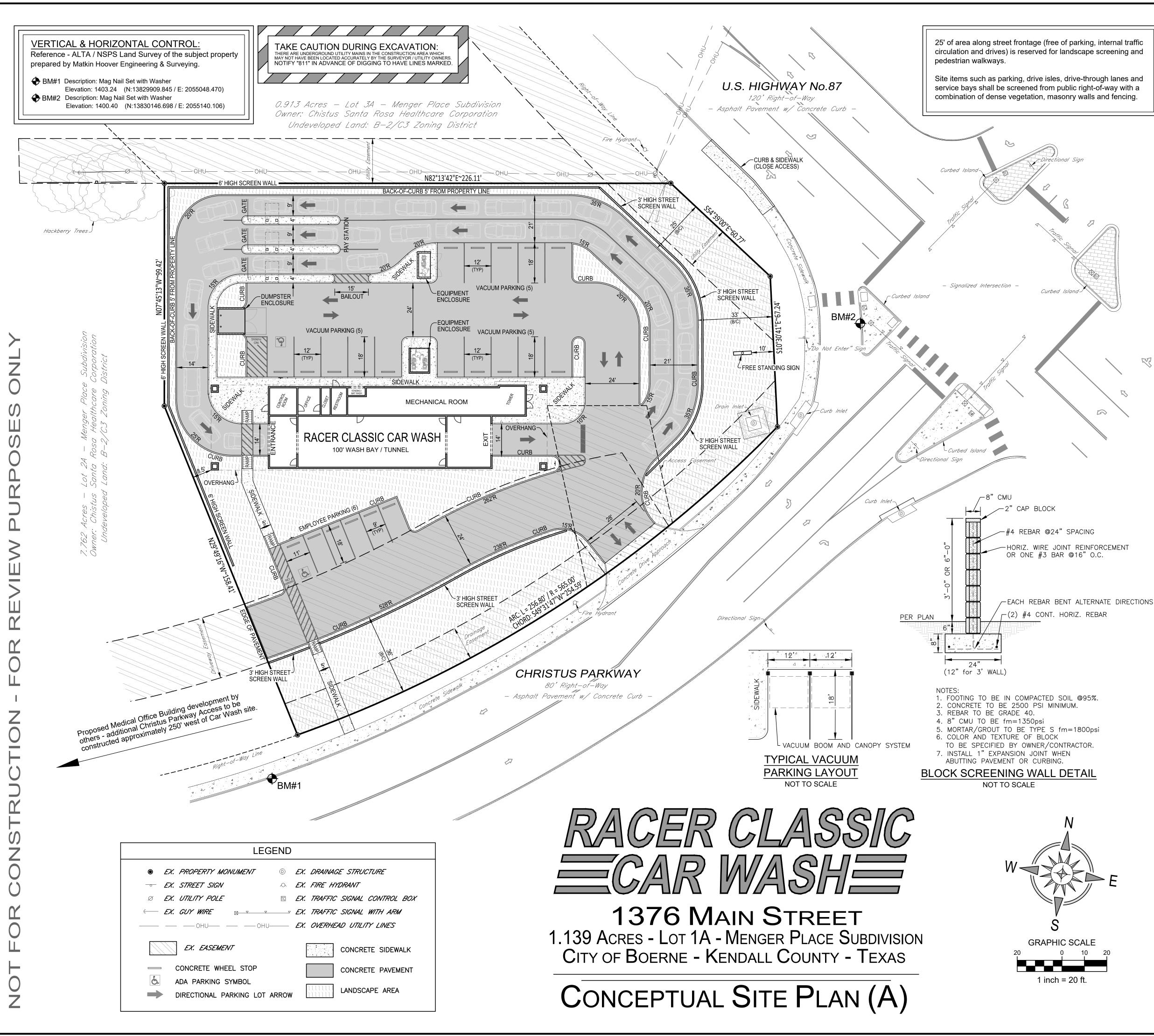
Considering the specific characteristics of this parcel, the location of easements and the design standard recommendations, the developer is requesting that the building be setback from Main Street and Christus Parkway, with driveway access coming from Christus Parkway and cross access provided with the neighboring

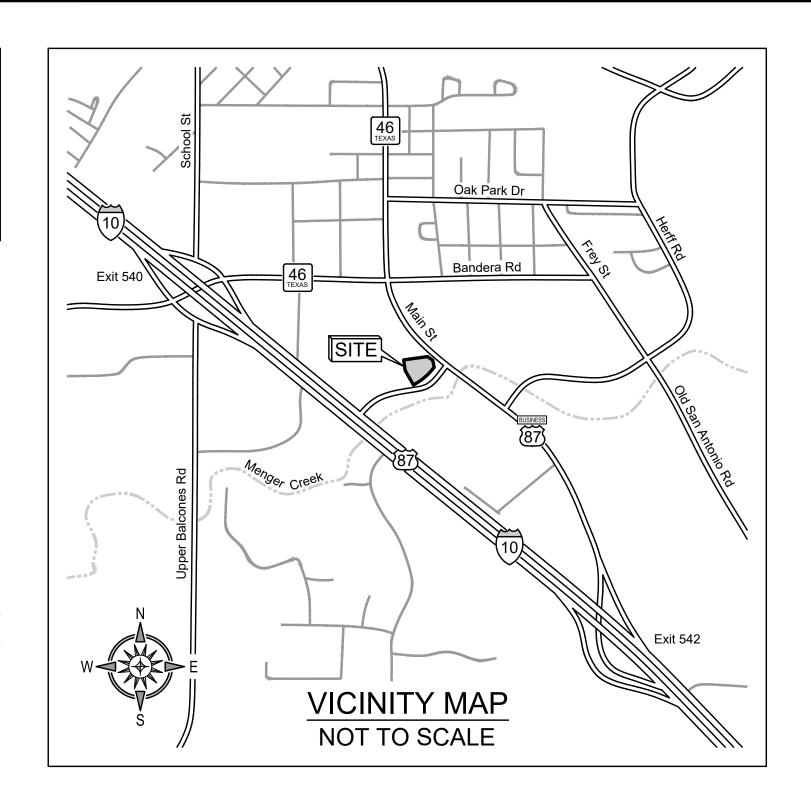
	property to the west.		
	After the April meeting, the applicant has worked with staff to do their best to address the Commission's comments. They have provided additional landscaping, and plan to address during the meeting the question of noise, internal circulation, fencing, water recycling and landscape screening.		
Item Justification	 [] Legal/Regulatory Obligation [] Reduce Costs [] Increase Revenue [] Drive Down Risk [] Master Plan 	 [] Infrastructure Investment [X] Customer Demand [] Service Enhancement [] Process Efficiency [] Other: 	
Financial	Recommendation		
Considerations			
Citizen Input/Board Review			
Legal Review			
Alternative Options			
Supporting Documents	Attached are maps, plat, site plans,	and perspectives.	



1376 South Main Street







DEVELOPMENT / DESIGN TEAM

DEVELOPER 7B Building and Development Contact: Derrick Merchant Phone: 806.368.7843 Email: derrick@7bdev.com

CIVIL ENGINEER / CONSULTANT Burkhardt Engineering Contact: Ryan Morrissey Phone: 937.388.0060 Email: rmorrissey@burkhardtinc.com

PROJECT SUMMARY

CURRENT OWNER 1376 South Main, LLC Contact: John Callahan Phone: 210.957.0905 Email: jc@jci.inc

ARCHITECT / STRUCTURAL / MEP C.L. Helt Architect Contact: Diana Myers Phone: 704.342.1686 Email: dianam@clhelt.com

Project will include the demolition and removal of an existing Veterinary Hospital building and associated pavement, etc. as necessary to construct a new Racer Classic Car Wash and its associated pavement, parking facilities, utilities, landscaping, signage and any other proposed improvements which are needed to service the facility.

LAND USE SUMMARY

Address: 1376 Main Street, Boerne, TX 78006 Legal Description: Lot 1A - Menger Place Subdivision (1.139 acres) Zoning: B-2 "Highway Commercial District" (current) C3 "Community Commercial" (proposed per UDC) EC "Entrance Corridor Overlay District" SBD "SoBo Overlay District" Lot Size: 1.139 acres (49,609 sq-ft) Landscape Area = 16,824 sq-ft (34%) Pavement Area = 28,905 sq-ft (58%) Building Footprint Area = 3,880 sq-ft (8%) Minimum Yard Requirements: Interior - none Cristus Parkway - 20 ft US Highway 87 - 25 ft (per EC)

DRAINAGE SUMMARY

Flood Zone Designation: FIRM # 48259C0415F, effective date: December 17, 2010 Zone "X" : Areas determined to be outside the 0.2% annual chance floodplain Existing Impervious Cover = 55% Proposed Impervious Cover = 66%

*Minimal storm water detention volume anticipated (less than 1,000 cu-ft)

SITE TRAFFIC SUMMARY

Employee Parking Provided = 6 spaces Vacuum Parking Provided = 15 spaces Wash Bay Stacking Provided = 36 vehicles Weekday PM Peak Hour = 45 vehicles (50% enter / 50% exit) *Per ITE Trip Generation Manual (9th Edition) land use code (948) Automated Car Wash



TBPE Firm No.: 16636

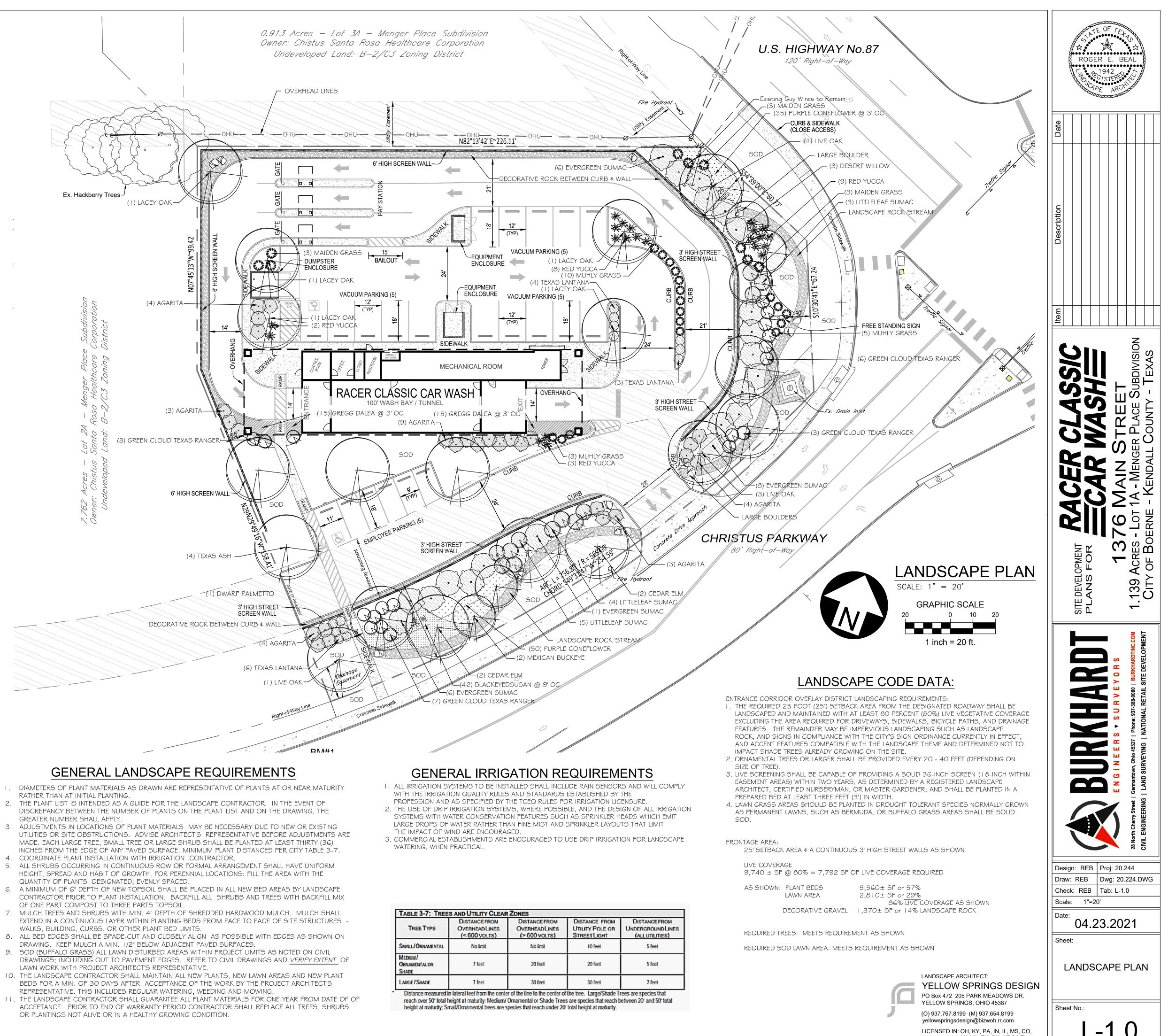
Design: RJM Proj: 20.244 Draw: RJM Dwg: 20-244.dwg Check: RJM Tab: CSP Scale: 1"=20'

04.14.2021

1 of 1

PLANT MATERIALS LIST

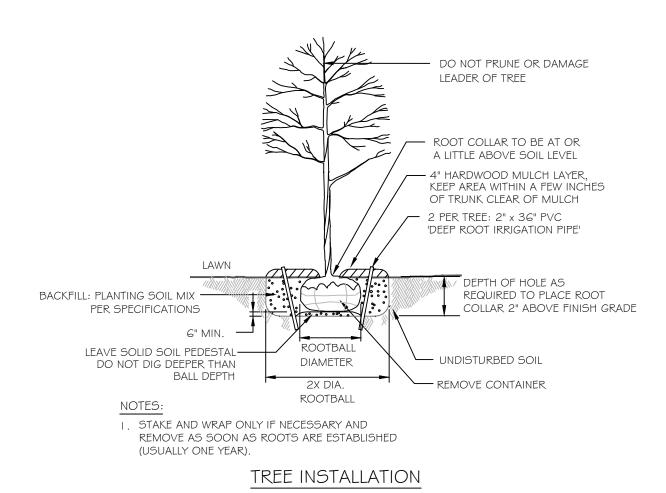
QTY.	PLANT NAME	MINIMUM INSTALLED SIZE
	CANOPY TREES	
4	TEXAS ASH - Fraxinus albicans	3" cal. Boxed or 45 gal.
5	LIVE OAK - Quercus virginiana	3"- 4" cal. Boxed or 45 gal.
5	LACEY OAK - Quercus laceyı	3" cal. Boxed or 45 gal.
4	CEDAR ELM - Ulmus crassifolia	3" cal. Boxed or 45 gal.
	MEDIUM TREES	
3	DESERT WILLOW - Chilopsis linearis	30 gal. Multı-Stem
2	MEXICAN BUCKEYE - Ungnadia speciosa	30 gal. Multı-Stem
	SHRUBS/ SMALL TREES	
27	AGARITA - Berberis trifoliolata	5 gal. cont.
12	LITTLELEAF SUMAC - Rhus microphylla	10 gal. cont.
21	EVERGREEN SUMAC - Rhus virens	l 5 gal. cont.
22	RED YUCCA - Hesperaloe parviflora	15 gal. cont.
19	GREEN CLOUD TEXAS RANGER - Leucophyllum frut. 'Green Cloud'	7 gal. cont.
	ORNAMENTAL GRASSES	
9	MAIDEN GRASS - Miscanthus sinensis	7 gal. cont.
18	MUHLY GRASS – Muehlenbergia lindheimeri	5 gal. cont.
	PERENNIALS ∉ GROUNDCOVER	
85	PURPLE CONEFLOWER - Echinacea purpurea	l gal. cont.
30	GREGG DALEA - Dalea greggii	l gal. cont.
13	TEXAS LANTANA - Lantana urticoides (L. horrida)	3 gal. cont.
42	BLACKEYED SUSAN - Rudbeckia hirta	l gal. cont.

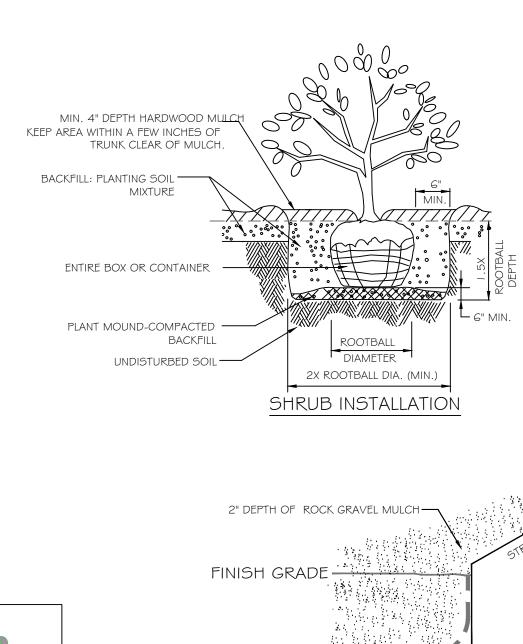


- 6. A MINIMUM OF 6" DEPTH OF NEW TOPSOIL SHALL BE PLACED IN ALL NEW BED AREAS BY LANDSCAPE
- 7. MULCH TREES AND SHRUBS WITH MIN. 4" DEPTH OF SHREDDED HARDWOOD MULCH. MULCH SHALL
- 8. ALL BED EDGES SHALL BE SPADE-CUT AND CLOSELY ALIGN AS POSSIBLE WITH EDGES AS SHOWN ON 9. SOD (BUFFALO GRASS) ALL LAWN DISTURBED AREAS WITHIN PROJECT LIMITS AS NOTED ON CIVIL
- 10. THE LANDSCAPE CONTRACTOR SHALL MAINTAIN ALL NEW PLANTS, NEW LAWN AREAS AND NEW PLANT
- II. THE LANDSCAPE CONTRACTOR SHALL GUARANTEE ALL PLANT MATERIALS FOR ONE-YEAR FROM DATE OF OF



ALL PLANTS LISTED ARE PER THE RECOMMENDED NATIVE PLANTS FOR BOERNE & SURROUNDING COUNTIES NATIVE PLANT SOCIETY OF TEXAS - BOERNE CHAPTER





5 OZ. WOVEN WEED BARRIER UNDER GRAVEL MULCH

OVERLAP JOINTS AND TURN UP

DECORATIVE GRAVEL DETAIL

AGAINST BUILDING, WALKS AND CURBS.



TREE TYPE	DISTANCE FROM OVERHEAD LINES (< 600 VOLTS)	DISTANCE FROM OVERHEAD LINES (> 600 VOLTS)	DISTANCE FROM UTILITY POLE OR STREET LIGHT	DISTANCE FROM UNDERGROUNDLINES (ALLUTILITIES)
SMALL/ORNAMENTAL	No limit	No limit	10 feet	5 feet
Medium/ Ornamentalor Shade	7 feet	20 feet	20 feet	5 feet
LARGE/SHADE	7 feet	30 feet	30 feet	7 feet

LICENSED IN: OH, KY, PA, IN, IL, MS, CO, MI, VA, TX, OK, AZ & UT





Perspective Front View of Racer Car Wash







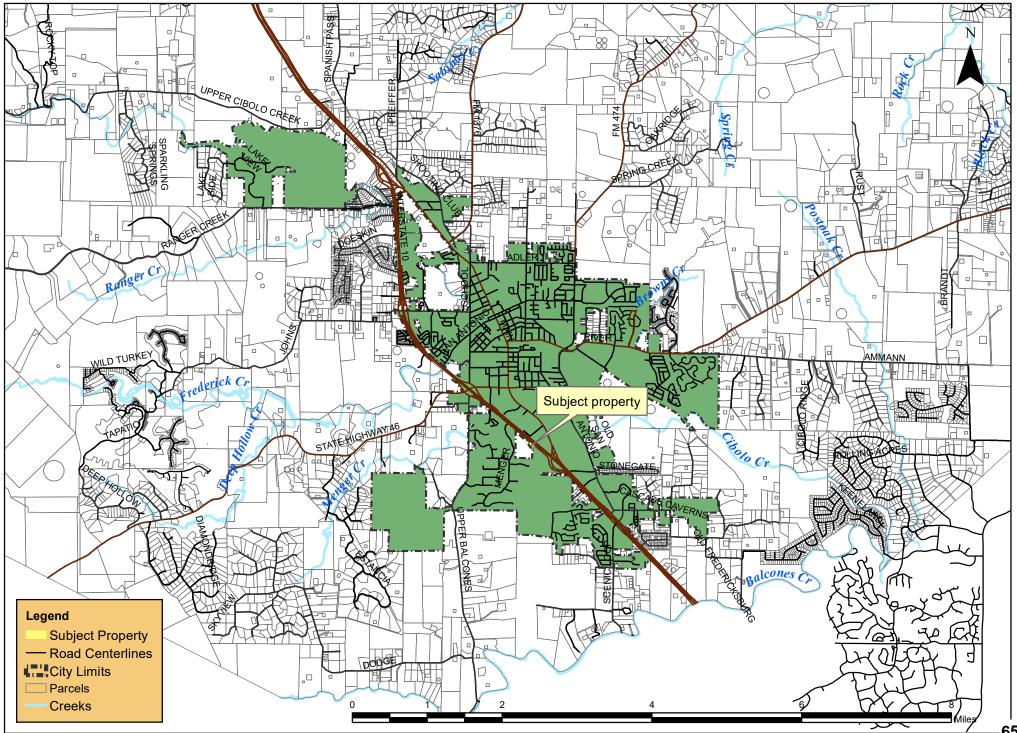
Perspective Rear View of Racer Car Wash



City of Boerne	AGENDA ITEM SUMMARY		
Agenda Date	May 3, 2021		
Requested Action	CONSIDER THE PROPOSED CREATIVE ALTERNATIVE FOR THE PROPERTY LOCATED AT 33565 INTERSTATE HIGHWAY 10 (KAD 15876, A10441 SURVEY 183 J SMALL, 0.829 ACRES) (CHAD CARPENTER) TO ALLOW MORE THAN 15% OF THE PARKING IN FRONT OF THE BUILDING. TAKE NECESSARY ACTION.		
Contact Person	Sara Serra-Bennett, Planner II, Planning and Community Development Department		
Background Information	This property was annexed by the City of Boerne in 2019 as part of our strategic annexation. After the annexation was complete the property was zoned B-2 and the Entrance Corridor Overlay district was applied to the property. The property owner would like to construct an office building at this location. Based on the design standards for B-2 with an Entrance Corridor, only 15% of the parking can be placed between the building and IH-10 and the developer needs to provide 25 ft of landscaping to screen any parking. The owner is requesting a creative alternative to allow 100% of his parking in front of the building. Due to its close proximity to the access road, the topography, the location of the septic system and location of the access that was dictated by TxDOT, he feels the best location for the building on the site is toward the back, which then leaves all the parking in the front. James McGarr, Engineer for the development, is making the request for the property owner. According to information provided by the applicant the current entrance is located in the middle of the frontage of the property, and with only one access point the placement of the building on the back of the lot allows for easier access and maneuverability by the public, Fire and EMS. The developer is proposing some landscape, as provided in the attached exhibit, along with an existing rock retaining wall which		

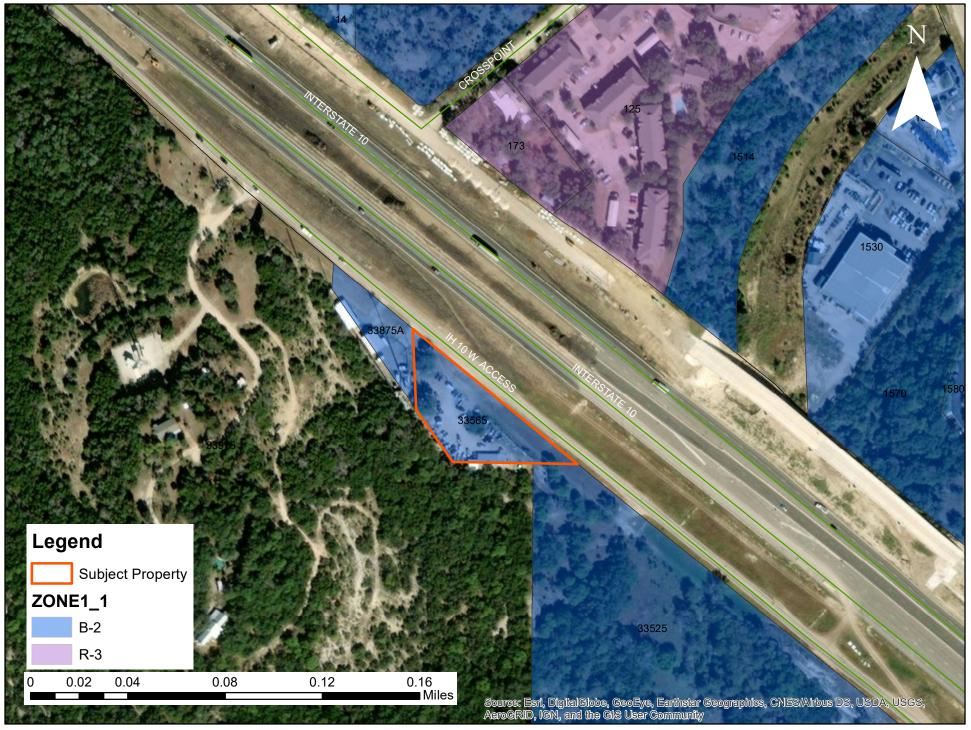
	and soft curb appeal, while still accommodating enough space for utility easements.		
Item Justification	[] Legal/Regulatory Obligation	[] Infrastructure Investment	
	[] Reduce Costs	[X] Customer Demand	
	[] Increase Revenue	[] Service Enhancement	
	[] Drive Down Risk	[] Process Efficiency	
	[] Master Plan	[] Other:	
	Recommendation		
Financial Considerations			
Citizen Input/Board Review			
Legal Review			
Alternative Options			
Supporting Documents	Attached are maps, plat, site plans, and perspectives.		

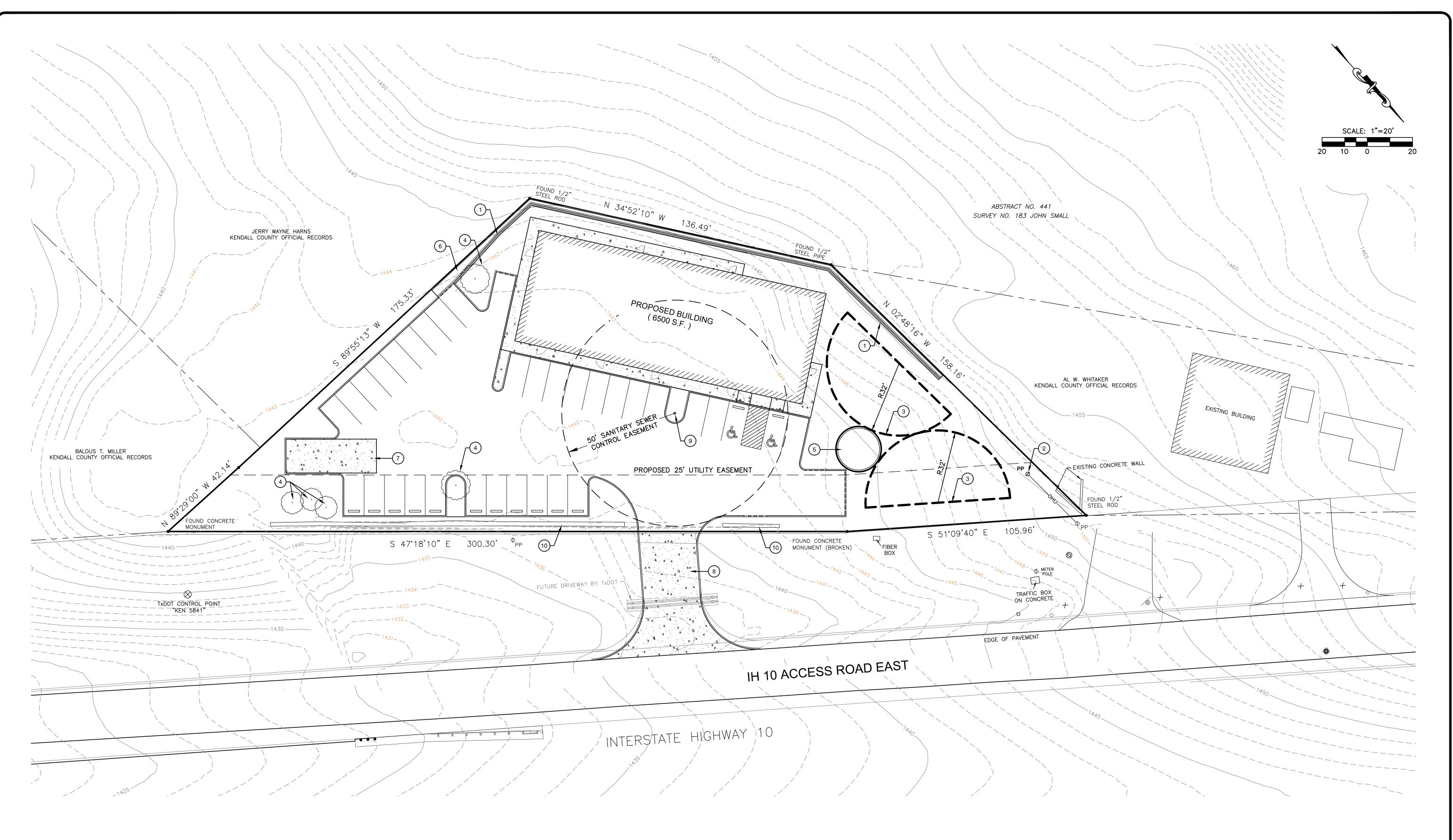
33565 IH 10



-65

SUBJECT PROPERTY 33565 IH 10 (KAD 15876)





PARKING COUNT

90 °	HANDICAP	PARKING	W/VAN2
90 °	PARKING S	STALLS	
тот	AL PARKIN	G STALLS.	

(1)	PROPOSE
2	PROPOSE
3	PROPOSE
4	PROPOSE
5	PROPOSE
6	PROPOSE
7	PROPOSE
8	PROPOSE
9	PROPOSE
10	EXISTING

(210) 365-5029 E, TEXAS 78006 РГГ TECH, CONSULTANTS Firm No. 13711 P.O. BOX 2203 CIVIL ENGINEERS \mathbf{H} TE OF TE * JAMES P. McGARR 108753 K/CENSE Imes Thether 4/12/2021 _ 4 TEXAS BOERNE, LAN МE Ū OUNTR ROAD, OSED ACCESS C ЪR 10 HILL Ŧ **C2.0**

KEYNOTES

- PROPOSED RETAINING WALL
 - SED RISER/DROP POLE
 - SED SEPTIC FIELD
 - SED LANDSCAPE TREE(S)
 - SED WATER STORAGE TANK (FIRE)
 - SED CONCRETE CHANNEL
 - SED DUMPSTER PAD
 - SED CONCRETE DRIVEWAY
 - SED WATER WELL
- EXISTING ROCK WALL



- _ _ _ _ 1441 _ _ ---6
- BOUNDARY/PROPERTY LINE ADJACENT/PROPERTY LINE ---------- PROPOSED EASEMENT LINE EXISTING CONCRETE CURB PROPOSED CONCRETE CURB EXISTING CONTOURS PROPOSED CONCRETE KEYNOTES

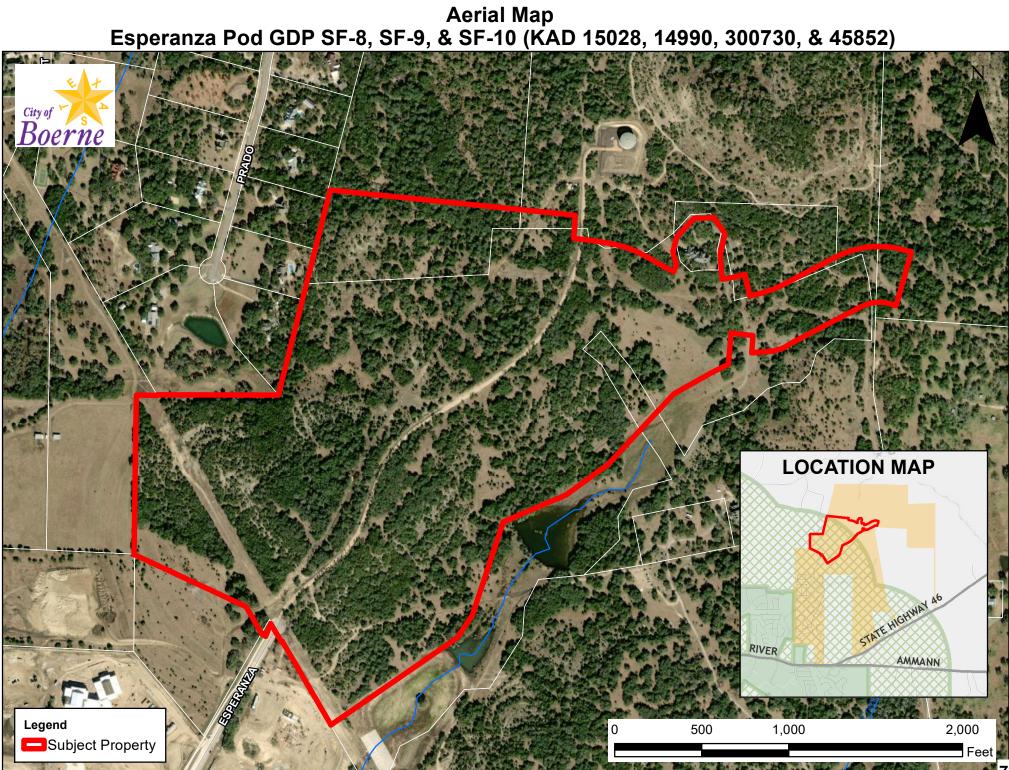




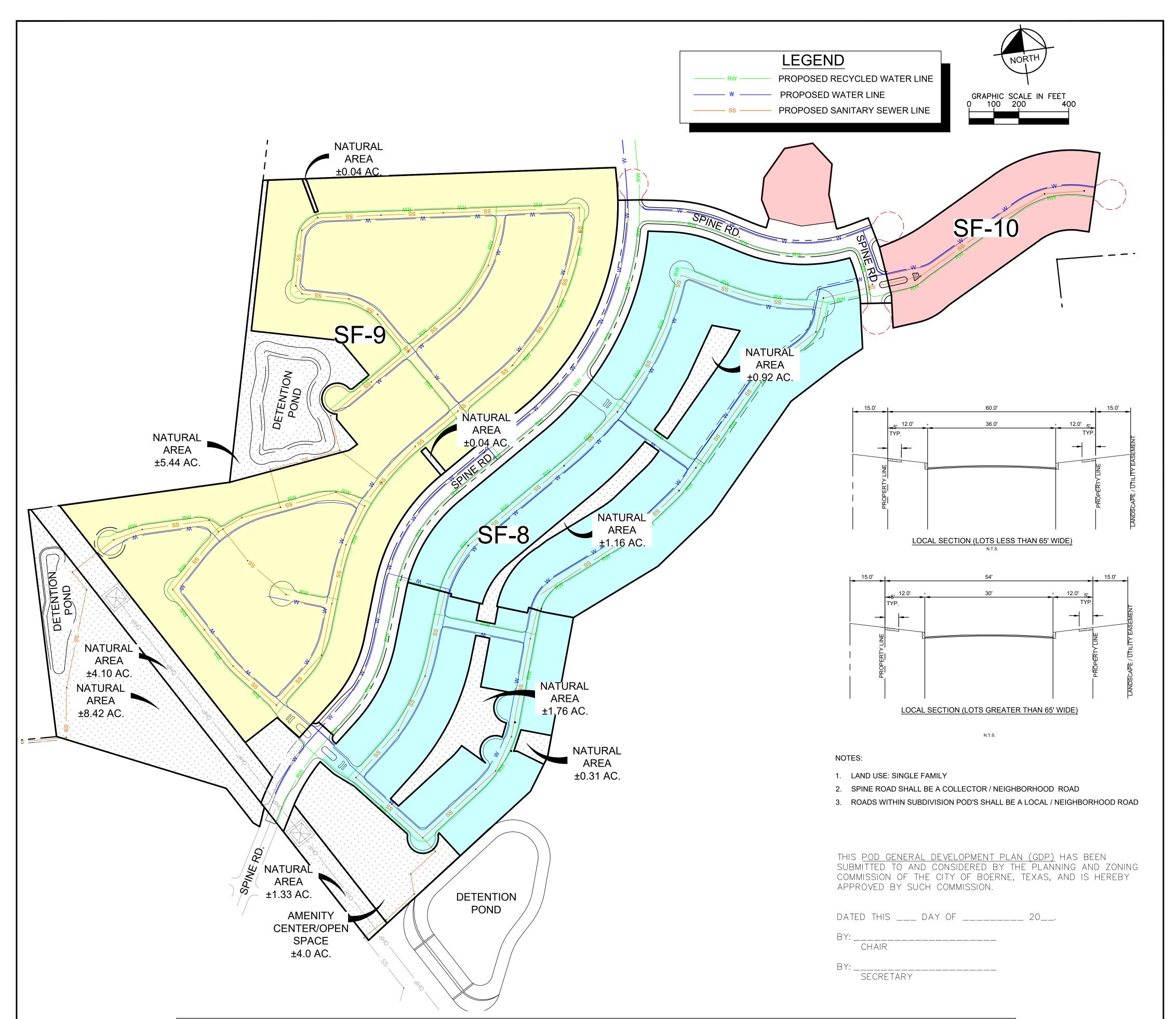


City of Boerne	AGENDA ITEM SUMMARY	
Agenda Date	May 3, 2021	
Requested Action	CONSIDER POD GENERAL DEVELOPMENT PLAN (GDP) FOR ESPERANZA SF-8, SF-9, AND SF-10. TAKE NECESSARY ACTION.	
Contact Person	Rebecca Pacini, AICP, Planner III, Planning & Community Development	
Background Information	 The City of Boerne approved a development agreement (DA) with Lookout Group for the Esperanza WCID No. 2 in 2014. The DA has been amended several times since the initial adoption. The General Development Plan (GDP) was adopted by City Council as a part of the DA and is comprised of various individual sub-exhibits found in Exhibit D. The DA requires that a Pod GDP be submitted to the City prior to submittal of the first plat application within a Pod. SF-8 and SF-9 Pod GDP was approved in August 2019 and is proposed to be amended by this Pod GDP. Land use and street realignments in SF-8 and the inclusion of SF-10 necessitated an update to the approved Pod GDP. Per Section 2.2(b) in the second DA amendment, each Pod GDP 	
	shall: "(i) identify proposed land uses, densities, general layout of developable land, streets, drainage ways, utility trunk lines, location of sites for parks, schools, open space, common areas, and other public uses as applicable within such Pod; and (ii) show the relationship among the Pod and immediately adjacent areas with respect to interconnectivity of streets, drainage ways, and utility trunk lines. Each Pod GDP shall be effective to the review and approval of the Planning and Zoning Commission solely to determine compliance with the Governing Regulations. Each Pod GDP shall be effective to the review and approval of the Planning and Zoning Commission solely to determine compliance with the Governing Regulations. Each Pod GDP shall be effective when approved by the Planning and Zoning Commission. No plat shall be approved within a Pod except in substantial conformity with the approved Pod GDP. If an applicant applied for a plat within a Pod subject to an existing Pod GDP and the proposed application would require revisions of the Master GDP, then the applicant must accompany the	

	proposed plat application with a proposed amendment to the Master GDP." The Pod GDP includes 401 residential units. This is a decrease from the previously approved 417 residential units even with the additional 30 units proposed by adding SF-10 to the Pod GDP. Overall density is decreasing for the Pod although there is a shift to slightly smaller lots in SF-8.		
	The Pod GDP SF-8, SF-9, and SF-10 adheres to the GDP as approved by Council.		
Item Justification	 [✓] Legal/Regulatory Obligation [] Reduce Costs [] Increase Revenue [] Drive Down Risk [] Master Plan Recommendation 	 [] Infrastructure Investment [✓] Customer Demand [] Service Enhancement [] Process Efficiency [] Other: 	
Financial Considerations			
Citizen Input/Board Review			
Legal Review			
Alternative Options			
Supporting Documents			



3



SUMMARY										
POD	LOT WIDTH	LOT DEPTH	RESIDENTIAL COUNT	DENSITY (LOTS/ACRE)	ACREAGE					
	45	130	74	4.4	16.8					
SF-8	55	130	66	4.4	14.9					
	65	130	45	4.4	10.2					
	50	120	50	3.6	13.8					
SF-9	60	125	71	3.6	19.6					
	70	130	64	3.6	17.7					
05.0	50	130	30	4.3	6.9					
SF-9	-	-	1	0.56	1.78					
NATURAL AREA (OPEN SPACE, DETENTION, AMENITY)	-	_	-	_	27.52					
SPINE ROAD	-	-	-	-	13.5					
TOTAL	-	-	401	-						

POD GENERAL DEVELOPMENT PLAN (GDP)

TRANSPORTATION NETWORK PLAN & OPEN SPACE SYSTEM PLAN



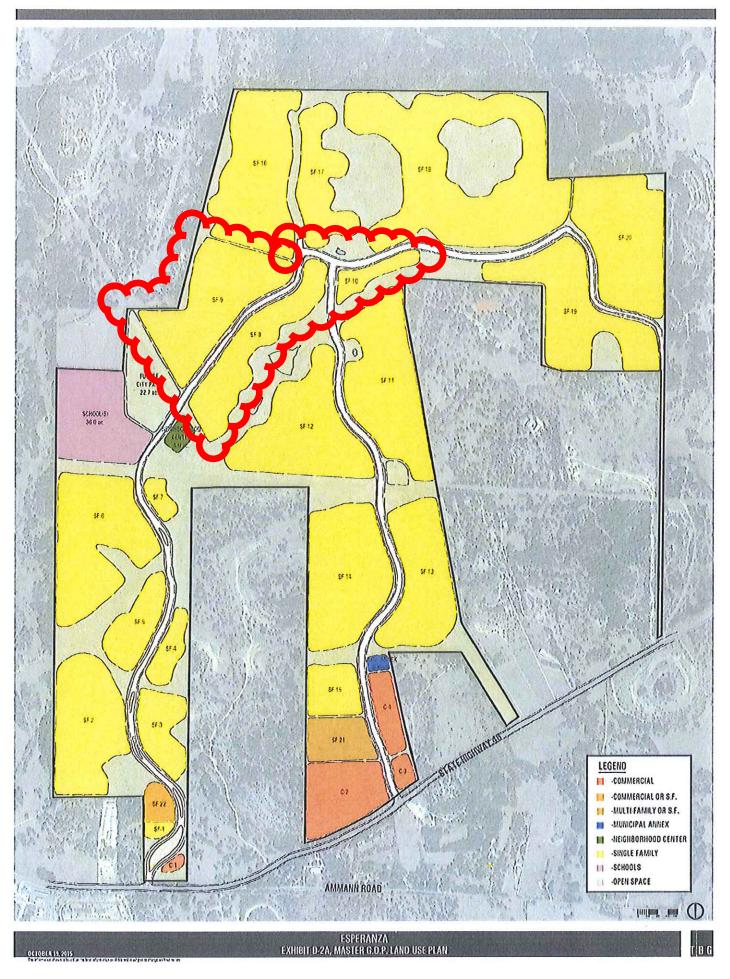
PODS SF-8, SF-9 AND SF-10

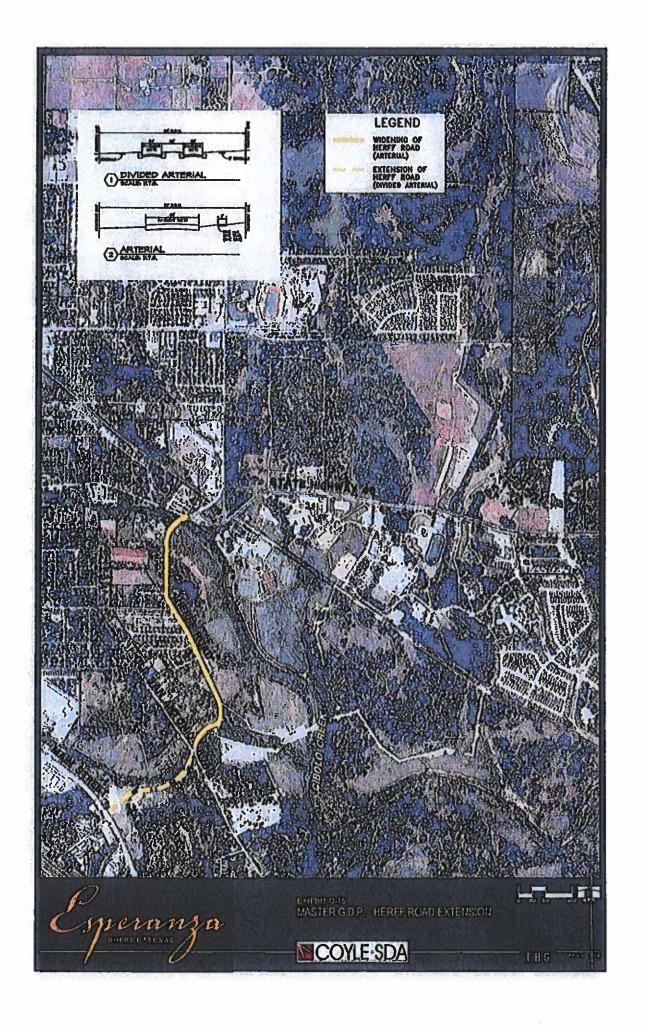


601 NW LOOP 410, SUITE 350, SAN ANTONIO, TEXAS 78216 PHONE: 210-541-9166 FAX: 210-541-8699 WWW.KIMLEY-HORN.COM C 2021 KIMLEY-HORN AND ASSOCIATES, INC. TBPE Firm No. 928

Drawing name: K: \SNA_Civil\068686326-Esperanza2G2H\CAD\Exhibits\POD GDP\POD-GDP-SF8-9-10.dwg POD G.D.P. Apr 29, 2021 2:30pm by: javier.alonzo

This document, together with the concepts and designs presented herein, as an instrument of service, is intended only for the specific purpose and client for which it was prepared. Reuse of and improper reliance on this document without written authorization and adaptation by Kimley-Horn and Associates, Inc. shall be without liability to Kimley-Horn and Associates, Inc.

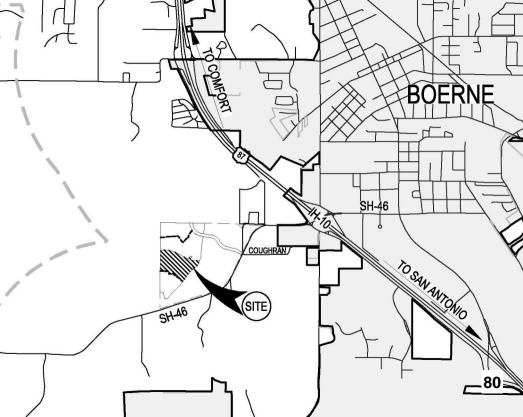




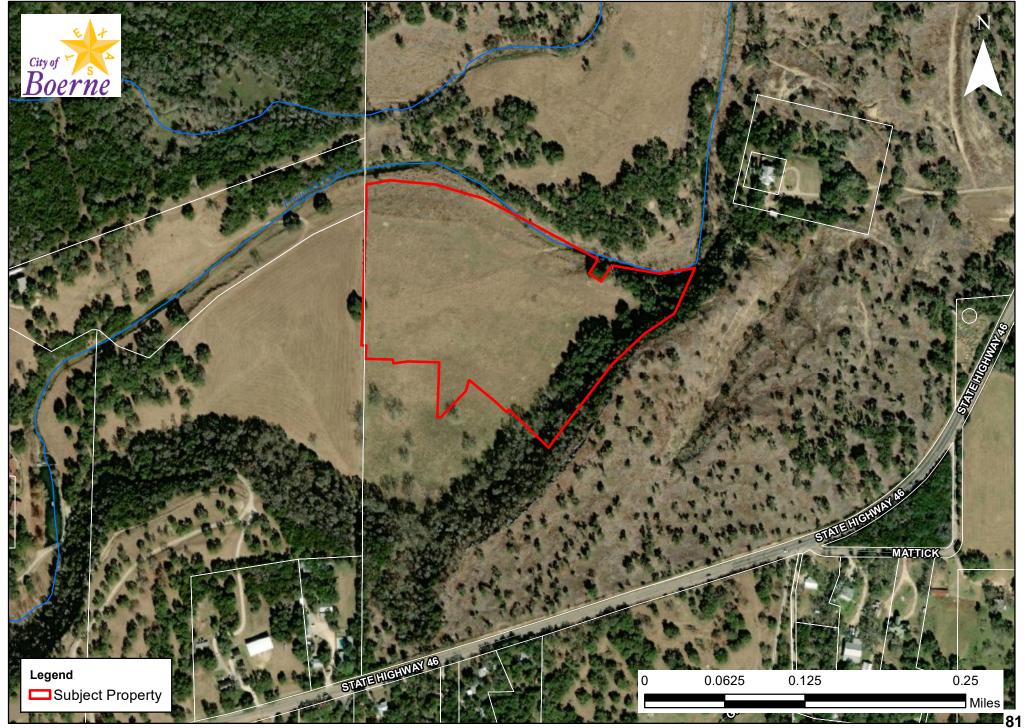
city of Boerne	AGENDA ITEM SUMMARY
Agenda Date	May 3, 2021
Requested Action	CONSIDER THE PRELIMINARY PLAT FOR BIRCH AT SPENCER RANCH PHASE 2, 19.41 ACRES, 72 RESIDENTIAL LOTS, 3 OPEN SPACE LOT, AND 3.57 ACRES OF PRIVATE RIGHT-OF-WAY (KAD NO. 307605). TAKE NECESSARY ACTION.
Contact Person	Rebecca Pacini, AICP, Planner III, Planning and Community Development Department
Background Information	 This is the preliminary plat Birch at Spencer Ranch Phase 2. The Preliminary Plat consists of 72 residential lots, 3 open space lot, and 3.57 acres of private right-of-way, on 19.41 acres. The Master Plan designates the Future Land Use for this property as Neighborhood Residential. The Master Planned Community Plan was approved in 2018. The preliminary plat is in conformance with both the Master Plan and the Master Development Plan. The plat does not meet all the requirements of the subdivision ordinance. It is not in compliance with Article 5, Section 11, of the Subdivision Ordinance. Specifically, Section 5.11.014 B. states the following: 5.11.014 Property Owner's or Homeowners' Associations (the "Association agreement consistent with State and other appropriate laws must be submitted to and approved by the City Manager and made a part of the final plat documents. The restrictive covenants Covenants, Conditions and Restrictions ("CCRs") and the Association documents including articles of incorporation and by-laws shall be submitted to the City for review and approval along with the preliminary plat application, and shall be filed at Kendall County prior to final plat acceptance in order to ensure that there is an entity in place for long-term maintenance of these Common Areas. The Association's CCRs shall provide for continuous maintenance and control of the Common Areas by

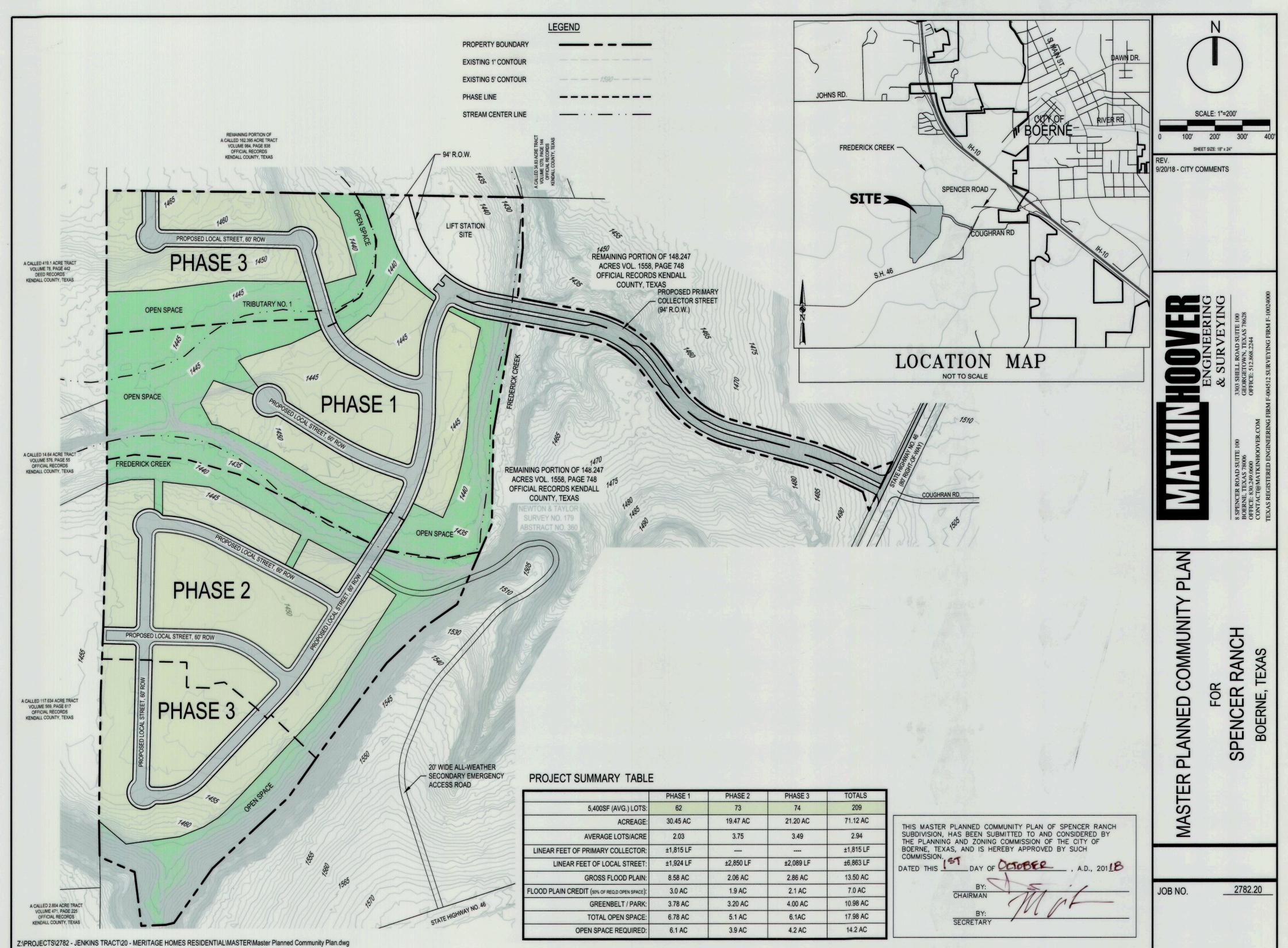
	 a responsible body, in perpetuity, for the benefit of the homeowners. Such maintenance and control shall be performed without using public funds. In the approval of the above documents, the City shall determine that the proper legal position is ensured and that the proposed Association will function properly both during and after the time in which the developer is active in the subdivision. While the CCRs are a requirement of the preliminary plat submittal, Council is considering a Development Agreement with the owners of properties in this area to include this development. The DA proposes a path to annexation thereby changing the CCRs funding requirements. The developer has actually provided CCRs, but they are not in compliance with the requirements of the ordinance (e.g. 20 years of funds for maintenance of private streets). They are more reflective of what the CCRs would be after an approved DA. Therefore staff cannot approve the CCRs until a DA is entered into. The DA is on the May 11th Council meeting. CCRs will still be required but can be submitted and recorded after consideration of the DA and prior to approval of a final plat. The Commission may make a recommendation of approval of the preliminary plat with the condition that the Covenants, Conditions, and Restrictions (CCRs) be approved by the City Manager and filed with the Kendall County Clerk prior to the final plat approval
Item Justification	Approving the preliminary plat with this condition will allow them to move forward with submittal of infrastructure documents and then eventually onto final plat submittal. [X] Legal/Regulatory Obligation [] Infrastructure Investment [] Reduce Costs [X] Customer Demand [] Increase Revenue [] Service Enhancement [] Drive Down Risk [] Process Efficiency [] Master Plan [] Other: Recommendation []
Financial Considerations	
Citizen Input/Board Review	Approved Master Development Plan
Legal Review	

Alternative Options	
Supporting Documents	Attached maps and plat.



Aerial Map Birch at Spencer Ranch Phase 2 (KAD 307605)





Date: Sep 21, 2018, 10:48am User ID: slorch

82

STATE OF TEXAS
COUNTY OF KENDAI

I HEREBY CERTIFY THAT PROPER ENGINEERING CONSIDERATION HAS BEEN GIVEN IN THIS PLAT TO THE MATTERS OF STREETS, LOTS AND DRAINAGE LAYOUT. TO THE BEST OF MY KNOWLEDGE THIS PLAT CONFORMS TO ALL REQUIREMENTS OF THE SUBDIVISION ORDINANCE, EXCEPT FOR THOSE VARIANCES GRANTED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF BOFRNE



KENNETH B. KOLACNY LICENSED PROFESSIONAL ENGINEER #86300 MATKIN HOOVER ENGINEERING

STATE OF TEXAS COUNTY OF KENDALL

BEFORE ME, THE UNDERSIGNED AUTHORITY ON THIS DAY PERSONALLY APPEARED KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED AND IN THE CAPACITY THEREIN STATED. GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS __DAY OF___ A.D. 20

NOTARY PUBLIC KENDALL COUNTY, TEXAS

STATE OF TEXAS COUNTY OF KENDALL

I HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECT AND WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE ON THE GROUND UNDER MY SUPERVISION



KYLE L. PRESSLEP REGISTERED PROFESSIONAL LAND SURVEYOR #6528 MATKIN HOOVER LAND SURVEYING

STATE OF TEXAS COUNTY OF KENDALL

BEFORE ME, THE UNDERSIGNED AUTHORITY ON THIS DAY PERSONALLY APPEARED KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED AND IN THE CAPACITY THEREIN STATED. GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS DAY OF A.D. 20

NOTARY PUBLIC KENDALL COUNTY, TEXAS

STATE OF TEXAS COUNTY OF KENDALL

THE OWNER OF LAND SHOWN ON THIS PLAT, IN PERSON OR THROUGH A DULY AUTHORIZED AGENT, DEDICATES TO THE USE OF THE PUBLIC, EXCEPT AREAS IDENTIFIED AS PRIVATE, FOREVER ALL STREETS, ALLEYS, PARKS, WATERCOURSES, DRAINS, EASEMENTS AND PUBLIC PLACES THEREON SHOWN FOR THE PURPOSE AND CONSIDERATION THEREIN EXPRESSED.

OWNER

DULY AUTHORIZED AGENT

STATE OF TEXAS COUNTY OF KENDALL

BEFORE ME. THE UNDERSIGNED AUTHORITY ON THIS DAY PERSONALLY APPEARED KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE/SHE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED AND IN THE CAPACITY THEREIN STATED. GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS _____DAY OF___ A.D. 20 .

NOTARY PUBLIC KENDALL COUNTY, TEXAS

STATE OF TEXAS COUNTY OF KENDALL

COUNTY CLERK OF SAID COUNTY DO HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT OF WRITING WITH ITS CERTIFICATE OF AUTHENTICATION WAS FILED FOR RECORD IN MY OFFICE, ON THE DAY OF , A.D.,20___, AT _____, _____.M., IN THE RECORDS OF DEEDS AND PLATS OF SAID COUNTY, IN BOOK VOLUME ON PAGE UN TESTIMONY WHEREOF, WITNESS BY HAND AND OFFICIAL SEAL OF OFFICE, THIS DATE IN VOLUME PAGE DAY OF A.D., 20 . TAX CERTIFICATE AFFIDAVIT FILED THIS DATE IN VOLUME KENDALL COUNTY OFFICIAL RECORDS. IN TESTIMONY WHEREOF, WITNESS BY HAND AND OFFICIAL SEAL OF OFFICE, THIS DAY OF ____, A.D., 20____

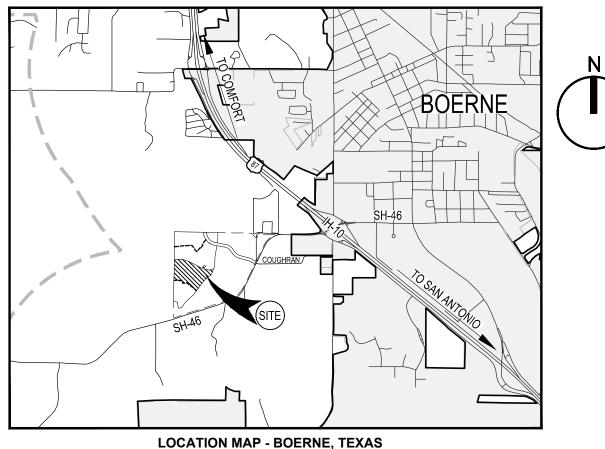
COUNTY CLERK, KENDALL COUNTY, TEXAS

DEPUTY

A PRELIMINARY PLAT ESTABLISHING THE BIRCH AT SPENCER RANCH PHASE 2

BEING A 19.41 ACRE TRACT OF LAND LOCATED IN THE NEWTON & TAYLOR SURVEY NO. 179, ABSTRACT NO. 360, KENDALL COUNTY, TEXAS, AND BEING A PORTION OF A 71.12 ACRE TRACT, RECORDED IN VOLUME 1735, PAGE 54, OFFICIAL RECORDS OF KENDALL COUNTY, TEXAS.

72 NEW RESIDENTIAL LOTS, 3 OPEN SPACE LOTS, 3.57 ACRES RIGHT-OF-WAY.



NOT TO SCALE

PLAT NOTES:

SETBACKS IN THE ETJ:

LOT SETBACKS ARE DETERMINED BY THE CITY OF BOERNE ZONING ORDINANCE ENFORCED AT THE TIME OF DEVELOPMENT. THE USE THAT IS BEING CONSTRUCTED AND THE LOT SIZE SHALL DETERMINE WHICH SETBACK SHALL APPLY.

FENCE NOT GATES ACROSS EASEMENT: DOUBLE SWING GATES WITH A MINIMUM CLEAR OPENING OF 12 FEET WIDE SHALL BE INSTALLED WHEREVER FENCES CROSS UTILITY AND DRAINAGE EASEMENTS.

OBSTRUCTIONS OF DRAINAGE: ADEQUATE STRUCTURES SHALL BE PROVIDED TO ALLOW THE UNHINDERED PASSAGE OF ALL STORM AND DRAINAGE FLOWS WHEREVER FENCES CROSS DRAINAGE EASEMENTS.

LANDSCAPE NOTE

RESIDENTIAL LOTS IN EXCESS OF 12,500 SQ FT SHALL ONLY IRRIGATE THE AREA THAT LIES WITHIN 75 FEET OF THE MAIN RESIDENCE. TURF GRASSES SHALL BE LIMITED TO ZOYSIA, BUFFALO OR BERMUDA GRASSES OR OTHER GRASSES APPROVED BY THE CITY MANAGER OR HIS OR HER DESIGNATED REPRESENTATIVE. (ORD. NO. 2004-20). XERISCAPING IS PERMITTED AS DESCRIBED IN THE CITY OF BOERNE ZONING ORDINANCE, ARTICLE 3, SECTION 3.07.003D

SIDEWALK NOTE

AT SUCH TIME AS A LOT IS DEVELOPED, A FIVE-FOOT WIDE REINFORCED CONCRETE SIDEWALK SHALL BE INSTALLED ADJACENT TO ALL PROPERTY LINES OF EACH LOT WHERE THE LOT ABUTS PUBLIC OR PRIVATE STREET.

TAX CERTIFICATE

TAX CERTIFICATE AFFIDAVIT FILED THIS DATE IN VOLUME _____, PAGE _____, KENDALL COUNTY OFFICIAL RECORDS.

FIRE MARSHALL APPROVAL

AT TIME OF DEVELOPMENT OF THE SUBDIVISION, THE OWNER / DEVELOPMENT SHALL OBTAIN A DEVELOPMENT PERMIT FOR KENDALL COUNTY; SUBMIT A SITE PLAN FOR THE PROPOSED DEVELOPMENT AND A LETTER OF APPROVAL FROM THE KENDALL COUNTY FIRE MARSHALL

DETENTION SHALL BE PROVIDED FOR THE SUBDIVISION UNLESS OTHERWISE APPROVED BY THE CITY OF BOERNE AND KENDALL COUNTY, PRIOR TO ANY IMPROVEMENTS BEING MADE IN THE SUBDIVISION, CITY OF BOERNE SHALL REVIEW AND APPROVE DETENTION FOR THE SITE. KENDALL COUNTY RESERVES THE RIGHT TO COMMENT ON THE DETENTION PLAN.

CK PERIMETER

BLOCK PERIMETERS ARE AS FOLLOWS. THE SMALLEST PERIMETER (BLOCK 9) IS 96 FEET. THE LARGEST PERIMETER (BLOCK 6) IS 2,079 FEET. BLOCK 4 = 660 FFFT

BLOCK 5 = 1,176 FEET BLOCK 6 = 2,079 FEET BLOCK 7 = 824 FEET BLOCK 9 = 96 FEET

PROJECT SUMMARY TABLE

DESCRIPTION	PHASE 2
TOTAL RESIDENTIAL LOTS	72
TOTAL OPEN SPACE LOTS	3
TOTAL ACREAGE	19.41 AC
AVERAGE DWELLINGS/ACRE	3.71
LINEAR FEET OF STREET	2,831 LF
OPEN SPACE	5.67 AC
ROW ACREAGE	3.57 AC

		H, PHASE 2 HAS BEEN SUBMITTED TO AND CONSIDERED BY THE PLANNING AND NE, TEXAS AND IS HEREBY APPROVED BY SUCH COMMISSION.
DATED THIS	DAY OF	, A.D. , 20 <u>.</u>
		BY : CHAIR
		BY: SECRETARY

IMPERVIOUS COVER CALCULATION

DESCRIPTION	IMPERVIOUS COVER
STREETS & SIDEWALK	3.09 AC
HOUSES	4.41 AC
DRIVEWAYS	0.53 AC
CONC. RIP-RAP/DRAINS	0.20 AC
TOTAL	8.23 AC
% IMPERVIOUS	42.4%

GENERAL NOTES

- THE AREA OF THE SMALLEST LOT IN THIS SUBDIVISION IS 0.11 ACRES.
- THIS SUBDIVISION CONTAINS 19.41 TOTAL ACRES WITH 72 LOTS FOR A GROSS DENSITY OF 3.71 LOTS PER ACRE. NO PART OF THIS SUBDIVISION IS LOCATED UPSTREAM FROM A CITY WATER SUPPLY LAKE.
- WATER SERVICE SHALL BE PROVIDED BY KENDALL WEST UTILITIES.
- SEWAGE FACILITIES SHALL BE PROVIDED BY KENDALL WEST UTILITIES
- THIS SUBDIVISION IS LOCATED WITHIN THE BOERNE INDEPENDENT SCHOOL DISTRICT.
- BASIS OF BEARING WAS ESTABLISHED USING THE TRIMBLE VRS NETWORK, NAD (83), TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE, 4204, US SURVEY FOOT, GRID. 8. UNLESS OTHERWISE NOTED, ALL CORNERS AND ANGLES ARE SET 1/2" REBAR WITH RED "MATKIN HOOVER ENG. & SURVEY"
- PLASTIC CAPS 9. THERE ARE 18 HERITAGE LEGACY TREES, AS DEFINED IN SUBSECTION 2.02.002, IDENTIFIED ON THIS PLAT.
- 10. THE TOPOGRAPHICAL INFORMATION IS BASED ON VERTICAL DATUM NAVD 88.
- 11. ALL STREETS WITHIN THIS SUBDIVISION WILL BE PRIVATE. 12. THE AREA OF OPEN SPACE IS 5.67 AC.
- 13. THIS PLAT IS LOCATED WITHIN CITY OF BOERNE ETJ.
- 14. LOTS 904, 905 AND 906 ARE DEDICATED AS OPEN SPACE, UTILITY AND DRAINAGE EASEMENT
- 15. LOT 907 IS DEDICATED AS PRIVATE RIGHT-OF-WAY AND SHALL BE OWNED AND MAINTAINED BY THE POA 16. THE MINIMUM BUILDING SLAB ELEVATION SHALL BE 1 FOOT ABOVE 100-YEAR FLOODPLAIN BASE FLOOD ELEVATION.

EASEMENT NOTES ALL PROPERTIES DESIGNATED AS EASEMENTS SHALL OR MAY BE UTILIZED FOR THE FOLLOWING PURPOSES:

DRAINAGE EASEMENT

DRAINAGE, WATER DIVERSION, AND SANITARY CONTROL, INCLUDING WITHOUT LIMITATION, WALLS, BEDS, EMBANKMENTS, SPILLWAYS, APPURTENANCES, AND OTHER ENGINEERED DEVICES (THE "DRAINAGE SYSTEM").

TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS OVER PASSABLE AREAS OF THE GRANTOR'S ADJACENT LAND, WHEN THE DELINEATED ENTRANCE POINT THAT ABUTS PUBLIC RIGHT-OF-WAY IS OBSTRUCTED AND / OR INACCESSIBLE, EITHER IN WHOLE OR IN PART, IN ORDER TO ACCESS OR LEAVE THE EASEMENT FOR THE PURPOSE OF CONSTRUCTING, RECONSTRUCTING, INSPECTING, PATROLLING, OPERATING, MAINTAINING, REPAIRING, AND REMOVING THE DRAINAGE SYSTEM; THE RIGHT TO CHANGE THE SIZE OF THE DRAINAGE SYSTEM WITHIN THE EASEMENT; THE RIGHT TO RELOCATE ALONG THE SAME GENERAL DIRECTION OF THE DRAINAGE SYSTEM; THE RIGHT TO CREATE AND / OR DREDGE A STREAM COURSE, REFILL, OR DIG OUT SUCH STREAM COURSE, ESTABLISH OR CHANGE STREAM EMBANKMENTS WITHIN THE EASEMENT, INSTALL STORM SEWER SYSTEMS, CULVERTS, WATER GAPS, AND PROTECTING RAILS; THE RIGHT TO REMOVE FROM THE EASEMENT ALL TREES AND PARTS THEREOF, OR OTHER OBSTRUCTIONS. WHICH REASONABLY ENDANGER OR MAY REASONABLY INTERFERE WITH THE EFFICIENCY OF THE DRAINAGE SYSTEM; AND THE RIGHT TO PLACE TEMPORARY STRUCTURES FOR USE IN CONSTRUCTING OR REPAIRING THE DRAINAGE SYSTEM.

WITH RESPECT TO THE DRAINAGE SYSTEM, IT IS EXPRESSLY AGREED AND UNDERSTOOD BY ALL PARTIES HERETO, THAT THE INTENTION IS TO IMPROVE CONDITIONS OF SANITATION AND WATER DRAINAGE CONTROL ON THE PROPERTY FOR THE BENEFIT OF THE PROPERTY, ADJACENT PROPERTY, AND THE COMMUNITY, BUT THE CITY DOES NOT GUARANTEE OR WARRANT THAT SUCH CONTROL WORK WILL BE EFFECTIVE, NOR DOES THE CITY ASSUME ANY ADDITIONAL LIABILITY WHATSOEVER FOR THE EFFECTS OF FLOOD, STANDING WATER, OR DRAINAGE ON OR TO THE PROPERTY, OR ANY OTHER PROPERTY OR PERSONS THAT MIGHT BE AFFECTED BY SAID STREAM, WASH, OR GULLY IN ITS NATURAL STATE OR AS CHANGED BY THE CITY

- 1. THE GRANTOR SPECIFICALLY RESERVES THE RIGHT TO USE ALL OR ANY PART OF THE EASEMENT FOR ANY PURPOSE, WHICH DOES NOT DAMAGE, DESTROY, INJURE, AND / OR UNREASONABLY INTERFERE WITH THE GRANTEE'S USE OF THE EASEMENT.
- 2. THE GRANTEE SHALL MAKE COMMERCIALLY REASONABLE EFFORTS TO ENSURE THE DAMAGE TO THE PROPERTY IS MINIMIZED AND WILL AT ALL TIMES, AFTER DOING ANY WORK IN CONNECTION WITH THE DRAINAGE SYSTEM, RESTORE THE PROPERTY TO THE CONDITION IN WHICH THE PROPERTY WAS FOUND BEFORE SUCH WORK WAS UNDERTAKEN TO THE EXTENT THAT SUCH
- RESTORATION IS REASONABLE IN ACCORDANCE WITH THE GRANTEE'S USUAL AND CUSTOMARY PRACTICES. 3. THE GRANTEE SHALL MAKE NECESSARY MODIFICATIONS AND IMPROVEMENTS TO CONFORM WITH THE CITY OF BOERNE DRAINAGE POLICY AND PLAN AT SUCH A TIME AS THE SAID PLAN AND POLICY ARE ENACTED BY CITY COUNCIL OF THE CITY OF BOERNE, TEXAS.

UTILITY EASEMENT (U.E.):

UTILITIES, INCLUDING, WITHOUT LIMITATION, SEWER, WATER, GAS, ELECTRICITY, TELEPHONE AND CABLE TELEVISION, WITH ALL NECESSARY AND/OR DESIRABLE LINES, LATERALS AND/OR APPURTENANCES THERETO (THE "UTILITIES").

TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS OVER THE PASSABLE AREAS OF THE GRANTOR'S, ADJACENT LAND, WHEN THE DELINEATED ENTRANCE POINT THAT ABUTS PUBLIC RIGHT-OF-WAY IS OBSTRUCTED AND/OR INACCESSIBLE, EITHER IN WHOLE OR IN PART, IN ORDER TO ACCESS OR LEAVE THE EASEMENT FOR THE PURPOSE OF CONSTRUCTING, RECONSTRUCTING, INSPECTING, PATROLLING, OPERATING, MAINTAINING, REPAIRING, AND REMOVING THE UTILITIES; THE RIGHT TO PLACE NEW OR ADDITIONAL UTILITIES IN THE EASEMENT AND TO CHANGE THE SIZE OF THE UTILITIES WITHIN THE EASEMENT; THE RIGHT TO RELOCATE ALONG THE SAME GENERAL DIRECTION OF THE UTILITIES: THE RIGHT TO REMOVE FROM THE EASEMENT ALL TREES AND PARTS THEREOF, OR OTHER OBSTRUCTIONS. WHICH REASONABLY ENDANGER OR MAY REASONABLY INTERFERE WITH THE EFFICIENCY OR OPERATION OF THE UTILITIES; AND THE RIGHT TO PLACE TEMPORARY STRUCTURES FOR USE IN CONSTRUCTING OR REPAIRING THE UTILITIES

- 1. THE PROPERTY OWNER RETAINS THE RIGHT TO USE ALL OR ANY PART OF THE EASEMENT FOR ANY PURPOSE WHICH DOES NOT DAMAGE, DESTROY, INJURE, AND/OR UNREASONABLY INTERFERE WITH THE USE OF THE EASEMENT. HOWEVER, THE EASEMENT SHALL BE KEPT CLEAR OF ALL STRUCTURES OR OTHER IMPROVEMENTS.
- 2. THE CITY SHALL MAKE COMMERCIALLY REASONABLE EFFORTS TO ENSURE THE DAMAGE TO THE PROPERTY IS MINIMIZED AND THE CITY WILL AT ALL TIMES, AFTER DOING ANY WORK IN CONNECTION WITH THE UTILITIES, RESTORE THE PROPERTY TO THE CONDITION IN WHICH THE PROPERTY WAS FOUND BEFORE SUCH WORK WAS UNDERTAKEN TO THE EXTENT THAT SUCH
- RESTORATION IS REASONABLE IN ACCORDANCE WITH THE CITY'S USUAL AND CUSTOMARY PRACTICES. 3. PROPERTY OWNER SHALL NOT MAKE ANY IMPROVEMENTS IN THE UTILITY/ELECTRIC EASEMENTS THAT CONFLICTS WITH THE NATIONAL ELECTRIC SAFETY CODE (NESC). THE UTILITY IS NOT RESPONSIBLE FOR REMOVAL OF ANY IMPROVEMENTS IN CONFLICT WITH THE NESC.

WATER SERVICE

WATER SERVICE SHALL BE PROVIDED BY A PUBLIC WATER SYSTEM MEETING THE REQUIREMENTS OF TEXAS COMMISSION ON ENVIRONMENTAL QUALITY (TCEQ) AND ANY OTHER GOVERNMENTAL OR QUASI-GOVERNMENTAL AGENCY HAVING JURISDICTION OVER PUBLIC WATER SYSTEMS. THE PUBLIC WATER SYSTEM SHALL BE OPERATED PURSUANT TO CERTIFICATE OF CONVENIENCE AND NECESSITY NO 12977 (OCN) BY ITS HOLDER, KENDALL WEST UTILITIES, OWNER, FOR ITSELF, SUCCESSORS, AND RESERVES THE RIGHT TO DRILL, OPERATE AND MAINTAIN PRIVATE OR PUBLIC WATER WELLS INCLUDING REDRILLING, REPLACEMENT, REWORKING AND ENLARGEMENT OF EXISTING WELLS. OTHER THAN THE RESERVATION OF RIGHTS PREVIOUSLY RESERVED UNTO THE OWNER, IT SUCCESSORS AND ASSIGNS, PRIVATE WATER WELLS ARE NOT PERMITTED ON ANY LOTS WITHOUT THE EXPRESS WRITTEN AUTHORIZATION OF THE OWNER. KENDALL COUNTY REGULATIONS PROHIBIT PRIVATE INDIVIDUAL WATER WELLS ON A RESIDENTIAL LOT CONTAINING S THAN 3 ACRES THAT IS ALSO SERVED BY A PRIVATE INDIVIDUAL ONSITE SEWAGE FACILITY

SEWAGE SERVICE

SEWAGE SERVICE SHALL BE PROVIDED BY EITHER CONNECTION TO A WASTEWATER COLLECTION AND TREATMENT SYSTEM (SEWAGE SYSTEM) BEING OPERATED BY KENDALL WEST UTILITIES (KWU) PURSUANT TO A CERTIFICATE OF CONVENIENCE AND NECESSITY APPROVED BY TCEQ OR CONSTRUCTION BY THE LOT OWNER OF A PRIVATE INDIVIDUAL ON-SITE SEWAGE FACILITY (OSSF IN ACCORDANCE WITH CONDITIONS LISTED BELOW.

IF THE SEWAGE SYSTEM IS FULLY COMPLETED AND OPERATIONAL WHEN THE OWNER OF A LOT SUBMITS PLANS OF ANY PROPOSED IMPROVEMENT OR RESIDENCE TO THE ARCHITECTURAL REVIEW COMMITTEE (ARC) OF THE PROPERTY OWNER'S ASSOCIATION FOR REVIEW AND APPROVAL, THEN THE LOT OWNER SHALL BE REQUIRED TO CONNECT TO THE SEWAGE SYSTEM AND DESIGN, INSTALL AND CONSTRUCT TO THE SEWAGE CONNECTION ON EACH LOT IN CONFORMITY WITH THE DESIGN GUIDELINES AND SPECIFICATION REQUIRED BY THE ARC AND/OR KWU. IF THE SEWAGE SYSTEM IS NOT FULLY COMPLETELY AND OPERATIONAL WHEN THE OWNER OF A LOT SUBMITS PLANS OF ANY PROPOSED IMPROVEMENT OR RESIDENCE TO THE ARC FOR REVIEW AND APPROVAL. THEN THE LOT OWNER SHALL CONSTRUCT AN OSSF ON EACH LOT.

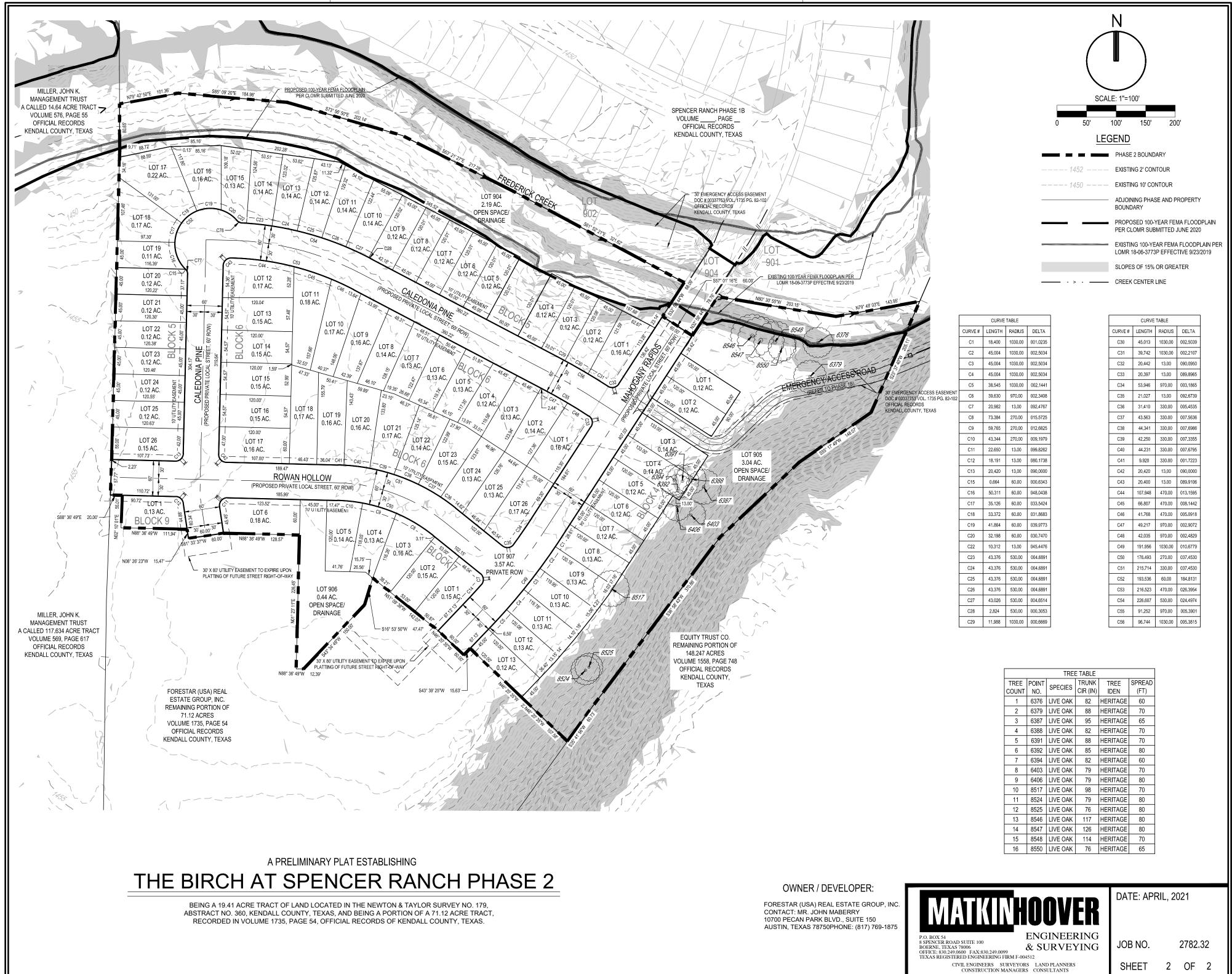
CONSTRUCTED IN ACCORDANCE WITH THE RULES, REGULATIONS, AND STATUTES OF KENDALL COUNTY, TEXAS COMMISSIONER'S COURT, THE TCEQ AND ANY OTHER GOVERNMENTAL OR QUASI-GOVERNMENTAL BODY OR ENTITY HAVING JURISDICTION OVER THE INSTALLATION AND USE OF PRIVATE SEWAGE, SEPTIC AND WASTEWATER FACILITIES. IF, AT THE TIME A LOT OWNER SUBMITS PLANS OF ANY PROPOSED IMPROVEMENT OR RESIDENCE TO THE ARC. ALL NECESSARY PERMITS, CONSENTS, AND APPROVALS NECESSARY FOR THE CONSTRUCTION AND OPERATION OF THE SEWAGE SYSTEM HAVE BEEN OBTAINED BY OWNER. AND THE COMPLETION DATE FOR THE SEWAGE SYSTEM IS PROJECTED TO OCCUR PRIOR TO THE COMPLETION OF THE CONSTRUCTION OF THE PROPOSED RESIDENCE, THEN OWNER AND/OR THE ARC MAY REQUIRE THE LOT OWNER TO CONNECT TO THE SWAGE SYSTEM AS DESCRIBED ABOVE

IF A PARTICULAR LOT IS REQUIRED TO BE CONNECTED TO AND USE THE SEWAGE SYSTEM AS DESCRIBED ABOVE, THEN THE CONSTRUCTION OR USE OF ANY OSSF ON SUCH LOT SHALL BE PROHIBITED.

OWNER / DEVELOPER:

FORESTAR (USA) REAL ESTATE GROUP, INC CONTACT: MR. JOHN MABERRY 10700 PECAN PARK BLVD., SUITE 150 AUSTIN, TEXAS 78750PHONE: (817) 769-1875

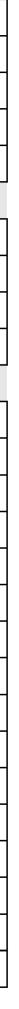




USE	C1	C2	C3	C4	CR	01	02	03	I1	I2	I2
Table of Uses P=Allowed Uses S = Requires a Special Use Permit Blank means the use is not allowed Some uses MAY be restricted or allowed by an Overlay District	Neighborhood Commercial	Transitional Commercial	Community Commercial	Regional Comercial	Craft Industry	Community Office	Office Park	Industrial Office	Storage and Transportation	Light Industry	General Industry
Residential Use Group	C1	C2	C3	C4	CR	01	02	03	I1	I2	I3
Assisted Living Facility	Р	Р	Р	S							
Community Home	S	S			S						
Halfway House	S	S			S						
Live-Work Unit	Р	Р	Р		Р				S	S	
Multifamily (18 units p/ac or less)		S	S	S							
Multifamily (over 18 units p/ac)			S	S							
Nursing/Residential Care Facility	S	Р	Р	S							
Single Family Attached Dwelling	Р	S			S						
Single Family Detached Dwelling	Р	S			S						
Civic Use Group	C1	C2	C3	C4	CR	01	02	03	I1	I2	I3
Assembly	S	Р	Р	Р	S	S	S	S	S	S	S
Cemetery											
Club or Lodge		S	Р		Р					Р	
College or University				S						Р	
Correctional Facility or Jail											
Developed Athletic Field or Stadium											
Government Facility	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р
Library		Р	Р	Р						S	
Museum		Р	Р	Р						S	



Park or Open Space, Private	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р
Park or Open Space, Public	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р
Public Recreational facility											
Public Safety facility	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р
School		S	S	S	Р		S	Р			
Employment Use Group	C1	C2	C3	C4	CR	01	02	03	I1	I2	13
Business Park or Campus							Р	Р		Р	S
Office, 1 story	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	S
Office, 2 stories	S	Р	Р	Р	Р	Р	Р	Р	Р	Р	S
Office, over 2 stories			S	Р			Р	Р	S	Р	S
Retail Use Group	C1	C2	C3	C4	CR	01	02	03	I1	I2	13
Automobile Parts & Parts Sales		S	Р	Р	S				Р	Р	
Automobile Sales			S	S					Р		
Bar	S	S	S	Р	Р						
Brew Pub	S	S	Р	Р	Р						
Brewery or Distillery				S	S					S	Р
Convenience Store	S	Р	Р	Р				Р	Р		
Gas Station		S	S	Р	S			Р	Р		Р
Grocery Store	Р	Р	Р	Р							
Microbrewery or Micro-distillery		S	Р	Р	Р					Р	Р
Mobile Food Vendor Park	S	S	S		Р						
Restaurant with drive-thru	S	S	S	Р							
Restaurant, no drive-thru	Р	Р	Р	Р	S						
Retail sales	Р	Р	Р	Р							
Shopping Center			S	S							
Thrift Store, no outside storage/donation bin	S	S	S	S	S						
Thrift Store, with outside storage/donation bin			S	S	S						Р



Warehouse Retail				S			Р				S
Service Use Group	C1	C2	C3	C4	CR	01	02	03	I1	I2	I3
Animal Boarding - indoor	S	Р	Р	Р						Р	
Animal Boarding - outdoor									Р	S	Р
Automobile Rental			S	Р					Р	S	
Automobile Service, no outside storage		S	Р	Р	Р					Р	Р
Automobile Service, with outside storage			S	Р						Р	Р
Bank and Financial Institutions	S	Р	Р	Р							
Barber and Beauty Shop	Р	Р	Р	Р	Р	Р					
Bus Terminal			S	S				S	Р	S	Р
Car Wash			Р	Р						Р	Р
Commercial Communication System	S	S	S	Р	Р	S	Р	Р	Р	Р	Р
Commercial Mail Facility	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р
Commercial Recreation - Indoor		S	Р	Р	S						
Commercial Recreation - Outdoor			S	Р							
Day Care / Adult	S	S	S								
Day Care Facility (more than 6 children, not home occupation)	S	S	S							S	
Funeral Home or Mortuary		S	Р	Р						S	
Gym or Sports Training Facility, 10,000 sf or less	Р	Р	Р	Р	Р						
Gym or Sports Training Facility, over 10,000 sf			Р	Р							
Hotel - Boutique (30 rooms or less)		S	S	Р							
Hotel or Motel			S	Р							
Laboratory	S	S	S	S	Р					Р	
Laundry (Self Service)	S	S	Р		Р		S	Р			
Medical - Freestanding Emergency Room		S	Р	Р							
Medical - Hospital/Inpatiwent Care Facility			S	Р							
Medical - Laboratory/Diagnostic Services	Р	Р	Р	Р							



Medical - Offices and Outpatient	Р	,	Р	Р	Р		S					
Medical - Pharmacy	s		Р	Р	Р		S					
Medical - Surgical Center			S	Р	Р							
Medical - Urgent Care or Walk-in Clinic	s		Р	Р	Р							
Mixed-Use Lot				S		Р	Р					
Movie Theater			S	S	Р							
Parking Lot - Surface (stand alone)			S	S	Р	Р			Р	Р	Р	Р
Parking - Garage (stand-alone, multi-level)			S	S	Р	Р			Р	Р	Р	Р
Pawn Shop				S	S	S			S			
RV Park					S					S		
Short-term rental (was B&B)	S		S	S	S	S						
Spa	Р		Р	Р	Р		Р					
Trade School				S	Р	Р			Р		Р	Р
Veterinary Clinic, Indoor Boarding	S		Р	Р	Р						Р	
Veterinary Clinic, No Boarding	S		Р	Р	Р						Р	Р
Veterinary Clinic, Outdoor Boarding										Р	S	Р
Wholesale					S	Р			Р	Р		Р
Industrial and Utility Use Group	C	1	C2	C3	C4	CR	01	02	03	I1	I2	I3
Commercial Communication System					S					Р	Р	Р
Contractor	S		S	S	S	Р			Р		Р	Р
Fabrication, Indoors						Р					Р	Р
Industrial Arts Studio			S	S		Р			S		Р	Р
Industrial Park									Р		Р	Р
Junk Yard												S
Maintenance Facility										Р	Р	Р
Manufacturing											S	Р



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					,						
Mini-Warehouse				S				Р	Р		S
Oversize Vehicle and Machinery Rental, Sales and Service									Р		Р
Portable Building Sales									Р		Р
Processing										S	Р
Railroad Facility									Р	Р	Р
Regional Detention Facility								Р		Р	
Research and Development Facility								S		Р	
Utility Station, Sub-station, or Service Center										Р	Р
Warehousing									p	Р	Р
Agriculture and Natural Resource Use Group	C1	C2	C3	C4	CR	01	02	03	I1	I2	13
Commercial Agriculture									Р		
Commercial Stable									Р		
Community Garden	S	S	S	S	S						
Exhibition or Fairgrounds			S	S						S	
Farmers Market	S	S	S	S	S						
Plant Nursery		Р	Р	Р	Р						
Produce Stand	S	S	S	S	S						
Urban Farm, Large (one acre and larger)		S	S	S							
Urban Farm, Small (less than one acre)	S	S	S	S							
SOB Use Group	C1	C2	C3	C4	CR	01	02	03	I1	I2	13
Adult Bookstore											S
Adult Entertainment Establishment											S
Adult Motion Picture Theater											S
Accessory Use Group (a use that is incidental to a primary use	C1	C2	C3	C4	CR	01	02	03	I1	I2	I3
Accessory Garden as an accessory use	Р	Р	Р	Р	Р						
Bank Kiosks as an accessory use	Р	Р	Р	Р	Р	Р	Р	Р		Р	
Car Wash as an accessory use	S	S	S	Р					Р		Р



Childcare as an accessory use	Р	Р	Р	Р	s	Р	Р	Р	S	S	S
Convenience Store as an accessory use		Р	Р	Р	Р		Р	Р	Р	Р	Р
Drive-Through Facility as an accessory use		S	S	S			S	S			
Maintenance Facility as an accessory use			S	S					Р	Р	Р
Outdoor Donation Bin as an accessory use	S	S	S	S	S			S	Р	Р	Р
Outdoor Display/Sales Area as an accessory use	S	S	S	S	Р						
Outdoor Sales Yard as an accessory use			S	Р	S					Р	Р
Parking Garage as an accessory use		S	S	Р	Р		Р	Р	Р	Р	Р
Portable Buildings as an accessory use					Р				Р	Р	Р
Processing as an accessory use		S	S	S	S			S	Р	Р	Р
School as an accessory use	S	S	Р	Р				Р	Р	Р	
Temporary Use Group	C1	C2	C3	C4	CR	01	02	03	I1	I2	I3
Carnival, Circus, Amusement Rides			Т	Т	Т						
Mobile Food Vendors	Т	Т	Т	Т	Т	Т	Т	Т	Т	Т	Т
On-site Construction Offices	Т	Т	Т	Т	Т	Т	Т	Т	Т	Т	Т
Outdoor Donation Bin	Т	Т	Т	Т	S			S	Р	Р	Р
Outdoor Equipment Storage					Т						
Portable Buildings					Т			Т	Т	Т	Т
Portable Storage Units					Т				Т	Т	Т



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