

AGENDA
PLANNING AND ZONING COMMISSION MEETING
BOERNE POLICE AND MUNICIPAL COURT COMPLEX, 124 OLD SAN ANTONIO
Monday, December 2, 2013
6:00 p.m.

1. Call to Order, 6:00
2. Approval of Planning and Zoning Commission Minutes of November 4, 2013.
3. Conflicts of Interest Declaration.
4. Citizens' 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)
5. Public hearing
 - a. To consider the proposed revisions to An Ordinance Amending the City of Boerne Zoning Ordinance No. 2007-64, Article 1, In General, Section 06. Definitions, Article 3, General Prohibitions and Requirements, Section 05. Supplemental Height, Yard, Area and Slope Requirements, Section 06. Accessory Dwellings, Section 07. Neighborhood Design Standards, Section 09. Combined Commercial Design Standards, Article 5, Zoning Districts and Use Regulations, Section 03. Permitted Uses, Table 5-1. Permitted Uses & Base Zoning Districts; and Section 04. Residential Lot Types and Standards
6. Consider approval of a request for the Miller tract subdivision for a variance to the City of Boerne Subdivision Ordinance No. 2007-56, Article 3, Planning and Community Design Standards, Subsection 3.02.002E External Connections, to allow a six foot (6') fence of various materials along the Arterial and Collector streets. Take necessary action.
7. Consider approval and make recommendation to City Council regarding deviations from the requirements as set forth in the City of Boerne Subdivision Ordinance No. 2007-56, Article 3, Planning and Community Design Standards, Table 3-4 Street Cross-Section Standards for Miller tract subdivision (a 12' concrete multi-use trail on one side in lieu of sidewalks on both sides and bike lanes in the street). Take necessary action.
8. Consider approval and make recommendation to City Council regarding deviations from the requirements for pavement width as set forth in the City of Boerne Subdivision Ordinance No. 2007-56, Article 3, Planning and Community Design Standards, Table 3-4 Street Cross-Section Standards for Miller tract subdivision (30' pavement width rather than 36' on streets where lots are 60+ feet in width). Take necessary action.
9. Consider approval of a waiver to the requirements for a sidewalk on both sides of a Local Neighborhood street of the City of Boerne Subdivision Ordinance No. 2007-56, Article 3. Planning and Community Design Standards, Table 3-4 Street Cross-Section Standards for Miller tract subdivision (where a trail provides direct access from each lot or the density is less than 3.5 dwelling units per acre). Take necessary action.
10. Consider approval of a development plat for AllCat, 4.183 acres located at 16 Cascade Caverns Road. Take necessary action.

11. CONSENT AGENDA: All items listed below within the Consent Agenda are considered to be routine by the Planning and Zoning Commission and may be enacted with one motion. There will be no separate discussion of items unless a Commission Member or citizen so requests, in which event the item may be moved to the general order of business and considered in its normal sequence. The following final plats **shall be approved conditionally as is stated in the Subdivision Ordinance Article 2, Section 04. Final Plat Approval, Subsection 2.04.001 B Conditional Approval.**

a. Vacate and final plat for Morningside Ministries, Boerne Campus III (34.26 acres).

12. Adjourn



Administrative Officer

CERTIFICATE

I hereby certify that the above notice of meeting was posted at the Boerne City Hall this the 27th day of November, 2013 by 5:00 p.m.

Secretary

The Police / Municipal Court Complex is wheelchair accessible. Access to the building and special parking are 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 Department at 830-249-9511.



AGENDA ITEM SUMMARY

ITEM NO:	
AGENDA DATE:	DECEMBER 2, 2013
DESCRIPTION:	REVISIONS TO THE ZONING ORDINANCE
RECOMMENDED ACTION (be specific)	Recommend to City Council the revisions to the Zoning Ordinance or Table for further discussion at the January meeting
DEPARTMENT	Planning and Community Development
CONTACT PERSON	Chris Turk
SUMMARY	<p>Staff is suggesting several revisions to the Zoning Ordinance.</p> <p>We are revising a couple of definitions in the ordinance.</p> <ul style="list-style-type: none"> • Steep slope – to further define how and when steep slope is measured on a site. • Gym – we do not have a specific definition for gyms – they do not specifically fall under retail or recreational facilities, but in many ways should be regulated as such. • Rooming House/Boarding House and Household Care Facility – all of these allow non-family members to reside in one household unit – we will go into further detail regarding potential restrictions. <p>We've added a few definitions for personal care type of facilities. The definitions are fairly typical in comparison to other communities. Further detail is needed to add these into the ordinance under the Table of Uses. We continue to look at how we can fairly incorporate these uses into the ordinance while considering how to minimize potential impact on the surrounding community.</p> <ul style="list-style-type: none"> • Disability • Personal care services • Personal care home – 3 or fewer disabled individuals • Community home – less than 6 disabled individuals • Group home – 7 to 15 disabled individuals <p>Steep slope:</p> <p>Staff met with the subcommittee and worked through some of the issues regarding steep slope. Rather than applying steep slope specifically to areas of certain elevations, we thought it</p>

best to simply consider the slope itself. A slope map will be provided at platting or site development phase. Slopes will be identified in ranges and the permitted disturbance of each range will vary. Creative alternatives to steep slopes may be considered by the Planning and Zoning Commission as well as consideration to how terracing may be applied.

Accessory dwelling:

We added a recording fee for the affidavit that is provided that states that the property owner will live in one dwelling or the other. We've also stated that if the accessory dwelling ceases to be used as such, it does not have to be removed from the property. It may be disconnected from utilities, or the kitchen or closets be converted so that it is no longer defined as an accessory dwelling.

Neighborhood Design Standards:

The garage setback under the dimension standards in Table 5-2 is 25'. This is now reflected in the body of the ordinance as well. Under Façade Design we've added a section limiting how much foundation may be exposed to 36". This ties in with steep slope requirements. Xeriscaping has been added to Landscape Design. It was not officially permitted prior to this addition.

Combined Commercial Design Standards:

Staff has been using a combination of residential and commercial design standards when working with apartment builders. We've not had anything specific in the ordinance regarding design for apartments. This small addition is a bandaid fix, but will serve the purpose until we can look at it in more detail. It essentially requires that the primary facades use a variety of architectural features and materials and secondary facades incorporate some of those features.

Permitted Uses Table:

The use of a hospital in a B-2 will require City Council approval. A full scale hospital anywhere in the city would be impactful enough that it should require City Council review before it is permitted. We are in the process of reviewing Household Care Facilities/Personal Care Facilities and where they can be permitted. We've had quite a bit of interest in this use lately and feel that it deserves more attention. So far we have determined that the uses should be considered in different categories based on the number of individuals being cared for and the potential

	<p>impact the facility may have on the surrounding neighborhood and how to best commingle them in the community. We are still working with the City attorney to make sure we address these uses in an ethical, nondiscriminatory manner.</p> <p>Residential Lot and Dimension Standards:</p> <p>It has been determined by the City attorney that if no setback has established by a previous plat, that the current ordinance' setbacks will be applied when the lot is developed. There are several old areas of town in which no setbacks were applied to lots. If someone wants to construct a new home on an old lot which has no setbacks, then the current setbacks will apply.</p>
COST	
SOURCE OF FUNDS	
ADDITIONAL INFORMATION	
POWER POINT?	

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

ORDINANCE NO. 2013-__

An Ordinance Amending the City of Boerne Zoning Ordinance No. 2007-64, Article 1, In General, Section 06. Definitions, Article 3, General Prohibitions and Requirements, Section 05. Supplemental Height, Yard, Area and Slope Requirements, Section 06. Accessory Dwellings, Section 07. Neighborhood Design Standards, Section 09. Combined Commercial Design Standards, Article 5, Zoning Districts and Use Regulations, Section 03. Permitted Uses, Table 5-1. Permitted Uses & Base Zoning Districts; and Section 04. Residential Lot Types and Standards

To consider the proposed revisions to the City of Boerne Zoning Ordinance No. 2007-64, Article 1, In General, Section 06. Definitions, Article 3, General Prohibitions and Requirements, Section 05. Supplemental Height, Yard, Area and Slope Requirements, Section 06. Accessory Dwellings, Section 07. Neighborhood Design Standards, Section 09. Combined Commercial Design Standards, Article 4. Tree Preservation Requirements, Article 5, Zoning Districts and Use Regulations, Section 03. Permitted Uses, Table 5-1. Permitted Uses & Base Zoning Districts; and Section 04. Residential Lot Types and Standards

WHEREAS, the City Council has received recommendations of the Planning and Zoning Commission concerning matters herein, which recommendations were made after holding a public hearing before said Commission and;

Whereas, the City Council held various workshops and public hearings on this matter and;

Whereas the City Council of Boerne has determined that it is in the best interest of the Boerne community to take into consideration the public health, safety and welfare to adopt the amendments included herein;

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

ARTICLE 1. IN GENERAL

SECTION 06. DEFINITIONS

Disability: Mental or physical impairments which substantially limit one or more major life activities. The term mental or physical impairment may include conditions such as blindness, hearing impairment, mobility impairment, mental retardation, learning disability, and head injury but in the State of Texas this does not include individuals with alcohol or drug addiction. The term major life activity may include seeing, hearing, walking, breathing, performing manual tasks, caring for one's self, learning, speaking, or working. The Fair Housing Act affords no protections to individuals with or without disabilities who present a direct threat to the persons or property of others.

Personal care services: Assistance with feeding, dressing, moving, bathing, or other personal needs or maintenance; administration of medication by a person licensed or otherwise authorized in this State to administer the medication or provide assistance with or supervision of the administration of medication; or general supervision or oversight of the physical and mental well-being of a person who needs assistance to maintain a private and independent residence or who needs assistance to manage the person's personal life, regardless of whether a guardian has been appointed for the person.

Personal care home: A residential establishment that provides food, shelter and personal care services to three (3) or fewer persons unrelated to the proprietor of the establishment.

Community home: A residential establishment licensed by the State of Texas, where not more than six (6) disabled persons and two (2) supervisors may reside at the same time, and where the disabled persons are provided food and shelter, personal guidance as well as supervised care and rehabilitation. The limitation on the number of persons with disabilities applies regardless of the legal relationship of those persons to one another.

Group home: A residential establishment licensed as an assisted living facility under V.T.C.A., Health and Safety Code Ch. 247 that provides food, shelter and personal care services to seven (7) or more, but fifteen (15) or fewer persons. Supervisors may reside in the establishment, provided that no more than a total of fifteen (15) persons may reside therein, regardless of the legal relationship of those persons to one another.

Steep Slope: Land area where the inclination of the land's surface from the horizontal plane is fifteen percent (15%) or greater. Slope is determined from on-site topographic surveys prepared with two-foot contour interval or topography taken from controlled aerial photography at two foot contour intervals. The percent of slope shall be calculated for each two-foot contour interval and shall be established by measurement of distance perpendicular to the contour of the slope (rise in feet per horizontal distance in feet). Man-made slopes (such as a quarry or retaining wall) constructed prior to 2013 shall not be considered steep slopes. (Ord. No. 2008-25, §1, 8-12-2008)

Steep Slope Area: That part of the lot that encompasses the steep slope.

1.07.005. Service Use Category.

O. Gym (Fitness facility). A person, firm, corporation, organization, club or association engaged in the sale of instruction, training, or assistance in a program of physical exercise or weight reduction. The zoning, lighting, parking and design regulations fall under the category of Retail (Neighborhood, General or Major).

AA. *Rooming House or Boarding House.* A business in which three or more persons who are not members of the family residing in a dwelling are provided lodging or furnished rooms for hire within the dwelling, with or without meals. This use is distinguished from a Bed & Breakfast by its clientele of short-term or permanent residents of the community, rather than tourists

1.07.001. Residential Use Category.

I. *Household Care Facility.* A facility which provides residence and care to not more than nine persons, regardless of legal relationship, who are either elderly, or disabled, or orphaned, abandoned, abused or neglected children, or victims of domestic violence, or temporarily homeless due to fire, natural disaster or financial setbacks, living together with not more than two supervisory personnel as a single housekeeping unit. The number of persons residing in the facility shall be no more than two persons per bedroom.

ARTICLE 3. GENERAL PROHIBITIONS AND REQUIREMENTS

SECTION 05. SUPPLEMENTAL HEIGHT, YARD, AREA AND SLOPE REQUIREMENTS

3.05.003. Steep slope.

The maximum percentage of lot area or site area of a development which may be disturbed, graded, and cleared of vegetation during development and construction of the public and private improvements with the exception of incidental grading for structure construction is as follows: (Ord. No. 2010-01, §3, 1-26-2010)

- A. **Purpose.** The purpose of this ordinance is to regulate the intensity of use in areas of steeply sloping, elevated terrain while promoting future development on a scale that maintains the hill country character and identity by preserving the natural environment and scenic corridors.
- B. **Applicability.** This ordinance shall be applicable to any subdivision or development located in city limits of the City of Boerne. Land disturbance for the purpose of this ordinance shall mean any activity involving the clearing, cutting, excavation, grading, filling, storing, transporting of land or any other activity which causes land to be exposed.
- C. **Requirements for Nonresidential, Residential Subdivisions or Residential Planned Developments.** The maximum percentage of lot area or site area of a development which may be disturbed, graded, and cleared of vegetation during development and construction of the public and private improvements with the exception of incidental grading for structure construction is identified in the sections below. If steep slope is present on the site, a slope map shall be provided as described below to the City of Boerne demonstrating any slope of 15% or greater.

Slope Map:

- (i) All site development and subdivision plans shall include a slope map depicting slopes of 15–25%, 25–35%, and over 35%. Slopes shall be calculated for each two-foot contour interval over 50 horizontal feet and shall be established by measurement of distance perpendicular to the contour of the slope (rise in feet per horizontal distance in feet).
- (ii) Information from the slope map shall be used to calculate the area of disturbance on a site and assist in appropriate layout of lots, streets, trails, parks and building placement within the development.

(1) Nonresidential Development. If steep slope of 20% or greater is present on the site, no more than 15% of the steep slope area may be disturbed. If disturbance is necessary for site development, it shall be achieved by terracing as outlined in item (3) below.

(2) Residential Development. Any residential development that has slope of 15% or greater shall limit the steep slope area disturbance as follows:

- (i) 15% - 25% steep slope - 35% of the site may be disturbed
- (ii) 25% or greater steep slope – 15% of the site may be disturbed

(3) Any terracing, regardless of grade shall be achieved by the following:

a) Terracing the area by allowing no more than eight (8) vertical feet of area disturbed at a time, and then a minimum of ten (10) feet of horizontal area creating a terrace.

- 1) The terraces must be designed by an engineer and certified after construction by the design engineer.
- 2) The terrace must be constructed using vegetated retaining walls to allow for drainage and plant growth.
- 3) The vertical terraces should allow natural growth through and the horizontal sections shall be irrigated and planted with climbing/draping vines or similar types of plants that will grow along the vertical sections. In addition the horizontal section of the terrace shall be fully landscaped to include planted trees that typically do not achieve a height of thirty (30) feet.
- 4) The terraced area shall not count towards a setback or open space whereas the steep slope, left undisturbed, may count toward the required open space. *(Ord. No. 2010-10, §3, 5-25-2010)*

D. A creative alternative to Section C (1), (2) and (3) may be approved by the Planning and Zoning Commission if the intent of this section is met.

SECTION 06. ACCESSORY DWELLINGS.

B. The property owner, which shall include title holders and contract purchasers, must occupy either the principal unit or the accessory dwelling as their residence, and shall at no time receive rent for the owner-occupied unit. 'Owner occupancy' means a property owner, as reflected in title records, makes his or her legal residence at the site, as evidenced by voter registration, vehicle registration, or similar means. The property owner shall sign an affidavit before a notary public affirming that the owner occupies either the main building or the accessory dwelling. The applicant shall provide a covenant suitable for recording with the County Recorder and the appropriate recording fee, providing notice to future owners or long term leasers of the subject lot that the existence of the accessory dwelling unit is predicated upon the occupancy of either the accessory dwelling or the principal dwelling by the person to whom the certificate of occupancy has been issued. The covenant shall also require any owner of the property to notify a prospective buyer of the limitations of this Section and to provide for the removal or disconnection of improvements that cause added to convert the premises to defined as an accessory dwelling and the restoration of the site to a single family dwelling in the event that any condition of approval is violated.

SECTION 07. NEIGHBORHOOD DESIGN STANDARDS

3.07.003

Design Options.

A. Subdivision Design

- a. Vary the relationship between buildings (does not apply to lots 80' or greater at the front setback):
 - i. The front façade of a single-story detached dwelling or the covered front porch of a detached dwelling may encroach up to 10' into the front setback but no more than 10' from the front lot line. No more than 25% on each block shall encroach 10' from the front lot line and no less than 10% on each block shall be constructed at the building setback -5 feet. If a dwelling on one side of the street

encroaches, the dwelling on the opposite side of the street shall not encroach at all. If the front façade does encroach, the garage shall be constructed a minimum of ~~25'~~ 20' behind the front lot line unless an elbow driveway is provided. The building envelope shall not exceed the requirements set forth in Article 5, Table 5-2.

B. Façade Design

- a. Provide at least 3 standard plans for subdivisions with 50 or fewer lots, and 6 for those with greater than 50 lots.
 - b. Provide at least 3 body colors/shades of color for homes in a subdivision with 50 or less homes and 6 body colors/shades of color for subdivisions with more than 50 homes.
 - c. Provide 3 roof forms below or provide different street orientations using one of the forms below (does not apply to lots 80' or greater at the front setback). Roof forms are as follows:
 - i. Gable
 - ii. Hip
 - iii. Shed *
 - iv. Flat *
- * Shed or flat roofs may be used for porches or other wings to the main roof form provided the shed or flat roofs do not exceed more than 20% of the total roof area of the structure.
- d. Provide at least one exterior accent material (e.g. brick, stone, masonry, stucco textures).
 - d. Provide exterior detailing on all elevations visible from public streets, such as recesses, pop-outs, accent materials or corbels.
 - e. Second story or above cannot exceed garage front setback.
 - f. No more than 36" of foundation may be exposed on any elevation. That shall be accomplished by providing a masonry drop lug or elevating earthen landscaping or a combination thereof.

D. Landscape Design

- a. Provide 3 different front yard plant palettes with consistent themes.
 - i. Lots over 45' at the front setback, the palettes shall consist of at least 2 – 6" in circumference (2" caliper) shade trees, 5 shrubs and turf or ground cover.
 - ii. Lots 45' or less at the front setback, the palette shall consist of at least 1 - 6" in circumference (2" caliper) shade tree, 5 shrubs and turf or ground cover,
 - iii. Xeriscaping is permitted on any lot. The xeriscaped area shall consist of 1 – 6" in circumference (2" caliper) ornamental/shade tree and a combination of drought tolerant plants that incorporate dimension into the palette and does not require irrigation. The ground cover shall be minimum of ¾" rock and an edging shall be provided of 5-6" to protect against run-off of the ground material.

iv. A combination of xeriscaping and typical landscaping is permitted. At a minimum there shall be 1 – 6" circumference (2" caliper) ornamental/shade tree shall be planted. Depending on the percentage of xeriscaping in a front yard, the remaining area shall provide typical landscaping as stated above in an amount relative to the percentage of remaining yard. The ground cover shall be a minimum of ¾" rock and an edging shall be provided of 5-6" to protect against run-off of the ground material.

b. Offer evidence of a comparable landscaping incentive package provided to the homeowner and installed prior to the issuance of a Certificate of Occupancy.

SECTION 09. COMBINED COMMERCIAL DESIGN STANDARDS

3.09.001. Specific Intent.

A. **Purpose.** The Combined Commercial Design Standards are intended to enhance the community character in Regional Centers and/or in the following Use Categories: Civic, Employment, Retail, and Service and Section 3.09.002B 2, 3, 4, 5, 9, and 11 apply to multi-family apartment structures. Specifically they are intended to allow the flexibility to create character and identity through a wide variety of diverse architectural details, and to create consistent well-designed frontages along streets and other public or community spaces. Creativity is encouraged to avoid dull or homogeneous buildings, while incorporating elements of the Texas Hill Country style. To the greatest extent possible, buildings shall be located on front building lines as outlined in 3.09.002 and 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. On-site parking areas shall not be located between the front building line of any principal building and a street except for conditions outlined in Section 3.09.003. (Ord. No. 2008-25, §3, 8-12-2008) Structures located in an Industrial District shall incorporate into their building design only the primary façade standards identified in Section 3.09.002.B.3. (Ord. No. 2013-23, §3, 7-23-2013)

ARTICLE 5. ZONING DISTRICTS AND USE REGULATIONS.

SECTION 03. PERMITTED USES

TABLE 5-1: PERMITTED USES & BASE ZONING DISTRICTS

PERMITTED USES BY DISTRICT P= Permitted generally, subject to ordinance standards R= Restricted, subject to specific conditions in this Ordinance CC= Conditional, subject to City Council review and approval	R-3	B-1 *	B-2 **	B-2R *	B-3 **	RR	MU-1	MU-2
Residential Use Category								
<i>Household Care Facility</i>	P	P	P	P	CC		CC	P

PERMITTED USES BY DISTRICT P= Permitted generally, subject to ordinance standards R= Restricted, subject to specific conditions in this Ordinance CC= Conditional, subject to City Council review and approval	R-3	B-1*	B-2**	B-2R*	B-3**	RR	MU-1	MU-2
Service Use Category								
<i>Hospital</i>		CC	CC P	CC				
<i>Long Term Care Facility</i>	C C	CC	P	P	CC		CC	P
<i>Household Care Facility</i>	P	P	P	P	CC		P	P
<i>Gym (Neighborhood)</i>		P	P	P	P	P	P	P
<i>Gym (General)</i>		P	P	CC	CC		P	P
<i>Gym (Major)</i>			CC					CC

SECTION 04. RESIDENTIAL LOT TYPES AND STANDARDS

TABLE 5-2: RESIDENTIAL LOT AND DIMENSION STANDARDS

- a. On any street where the City has formally adopted a specific setback or specific front building line map for a block face, that specific line established on that map shall control. If no setback has been established by a previous plat, then the current ordinance in place will apply. In a Grid system, staggered front setbacks are required under Section 3.07.003. In a Grid or Curvilinear system, encroachments into the front setbacks are permitted under Section 3.07.003.



AGENDA ITEM SUMMARY

ITEM NO:	
AGENDA DATE:	DECEMBER 2, 2013
DESCRIPTION:	Consider approval of a request for the Miller tract subdivision for a variance to the City of Boerne Subdivision Ordinance No. 2007-56, Article 3, Planning and Community Design Standards, Subsection 3.02.002E External Connections, to allow a six foot (6') fence of various materials along the Arterial and Collector Streets.
RECOMMENDED ACTION (be specific)	Approve the fence height with a caveat that the mix of materials be approved prior to installation of the fence
DEPARTMENT	Planning and Community Development
CONTACT PERSON	Chris Turk
SUMMARY	<p>Section 3.02.002E of Article 3 of the subdivision ordinance states:</p> <p>A solid masonry fence shall be constructed at the perimeter of a residential area along the following street classifications. The height of the fence is based on the classification below: Adjacent to a Collector - 6' Adjacent to an Arterial - 7' Adjacent to a Major Thoroughfare - 8'</p> <p>The developer has requested that the fence height along both the Arterial and the Collector be six feet (6') and that they be permitted to use a mix of materials. Staff has not seen a specific design for the fence yet.</p> <p>The main goal of the fencing requirement was to make an effort to insure that the fences that are visible along what should be very busy streets be attractive – I am not sure why the fence heights vary other than the fact that the property lines are further back on the larger streets and they would appear to be the same heights.</p> <p>Staff has no problem with the requested height of the fence. We do request that the Planning and Zoning Commission require that "mixture of fence materials" that are described in the applicaton be approved either by the Planning and Zoning</p>

	Commission or the Planning staff prior to installation.
COST	
SOURCE OF FUNDS	
ADDITIONAL INFORMATION	
POWER POINT ?	

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

Pal 11-18-13
JT

CITY OF BOERNE
PLANNING AND ZONING COMMISSION

VARIANCE APPLICATION

APPLICANT: M/I Homes PHONE NO. 210.562.3460

PROPERTY ADDRESS: IH 10 West @ Highway 87

LOT: n/a BLOCK: n/a SUBDIVISION: Miller Tract Master Planned Community

OWNER: Balous & Julie Miller PHONE NO. 210.225.4461
(If different from Applicant)

MAILING ADDRESS FOR NOTIFICATION OF PENDING COMMISSION MEETING:

Owner is giving M/I Homes authority to represent him/her at the hearing. (Applicant)

[Signature]
(Owner's Signature)

11/18/13
(Date)

1. Applicant is making a request from the Boerne Subdivision Ordinance (Article & Section No.) No. 2007-56, Article 3, Section 3.02.002E

Check one: Variance Appeal Special Exception

2. Describe request:

Variance to Subdivision Ordinance regarding fencing materials for fences located along Arterial and Collector Roads to allow for a six (6') fence of various materials.

3. Applicant hereby requests this case be reviewed by the Planning and Zoning Commission for a decision. I do hereby certify that the above statements are true and correct.

[Signature]
(Applicant's Signature)

1-18-2013
(Date)

**CITY OF BOERNE
PLANNING & ZONING COMMISSION
ZONING VARIANCE WORKSHEET**

Commission's Power to Grant Variances.

The Planning and Zoning Commission may grant a variance from the requirements of this ordinance when, in the Commission's judgment, the application of a subdivision standard to a particular property or project meets the required findings of section 2.06.002 of the Subdivision Ordinance.

Procedures for Variances.

The subdivider shall submit to the City Manager a written application for each variance which is requested, 14 days prior to the meeting at which the variance is to be considered, along with the appropriate filing fee established by City Council. The Planning and Zoning Commission shall not consider any action on the variance request until this fee has been paid. The findings of the Commission, together with the specific facts upon which such findings are based, shall be incorporated into the minutes of the Commission meeting at which the variance is granted.

In order to make a finding of hardship and to grant a variance, the Planning and Zoning Commission must determine that all of the following conditions are met. State how your request meets these conditions.

Findings Required for Variances.

A variance to the standards in the subdivision ordinance may be granted where the Planning and Zoning Commission finds that the following conditions exist:

- A. Are there unusual topographic or other physical conditions of the land or surrounding area, and these conditions are not typical to other lands in the area.

No.

- B. Is the condition beyond the control of the subdivider and is not due to the convenience or needs of a specific application or development proposal.

No.

- C. Is the deviation minimal from the required standard necessary to allow a more appropriate design.

M/I Homes requests the variance to the all-masonry fence requirement to introduce a mixture of fence materials, landscaped berms, trees and blending with native vegetation to achieve a softer more hill country oriented presentation along the major roads and entries into individual residential phases.

- D. Will the variance alter, negate or negatively impact the ability to meet any specific standard contained in the City of Boerne Zoning Ordinance.

No.

- E. Demonstrate that the required standard is inapplicable to the specific site, so that the proposed plat equally or better meet all of the following:
1. The goals and policies of the Master Plan;
 2. The purposes of these regulations; and
 3. The intent of the standards.

The intent of the fencing requirement is well noted and appreciated by M/I Homes. As M/I Homes embarks on a major investment in the community of Boerne, it is also our desire that the overall aesthetic of the city is preserved via these fencing requirements as others build in the community as well. In the absence of a vision for the monumentation and landscaping features of the community, it is reasonable that the city stands on a blanket fencing requirement. The Master Plan is clear in its intent to preserve the hill country character and Boerne heritage as it grows. Again, the purpose of the code is to enforce that vision in the absence of any alternatives. It is the intent of M/I Homes to exceed the aesthetic appeal of its major roadways and windows into the community by incorporating existing vegetation with landscaping, landscaped berms, and a fence material mixture that blends with the overall landscaping plan. We feel this master landscape plan approach will increase the aesthetic appeal of the community through all elements of the landscape, tie all the entry and roadway elements together and won't require a singular premium on fencing material. By investing more dollars into drought tolerant landscaping and berms over fencing we feel the product will be more environmentally friendly as well.

- F. Will the variance have an adverse affect on existing adjacent landowners, potential future landowners in and adjacent to the subdivision, existing or potential development within any area of impact of the proposed subdivision.

No. In fact, it is the wish of M/I Homes that other proposed communities mimic the hill-country flavor and environmentally friendly aspect of mixing fencing and vegetation materials in its plans.

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- G. Will the variance negatively impact efficient development of the land and surrounding areas based on sound planning principles and the goals and policies of the Master Plan.

No. See above.

-
- H. Will the variance adversely impact the general health, safety and welfare of the public.

No. See above.

Each subdivision standard for which a variance is requested shall be specifically identified as a Note on the final plat.

Conditions.

In granting approval of a subdivision with a variance, the Planning Commission may prescribe conditions to secure the objectives and interest of the City, and to enforce the purpose and intent of these regulations. In granting a variance, the Commission shall prescribe only conditions that it deems necessary to or desirable in the public interest.



AGENDA ITEM SUMMARY

ITEM NO:	
AGENDA DATE:	DECEMBER 2, 2013
DESCRIPTION:	Consider approval and make recommendation to City Council regarding deviations from the requirements as set forth in the City of Boerne Subdivision Ordinance No. 2007-56, Article 3, Planning and Community Design Standards, Table 3-4 Street Cross-Section Standards for Miller tract subdivision (a 12' concrete multi-use trail on one side in lieu of sidewalks on both sides and bike lanes in the street).
RECOMMENDED ACTION (be specific)	Make recommendation to City Council for approval of the use of a 12' concrete multi-use trail on one side in lieu of sidewalks on both sides and bike lanes in the street
DEPARTMENT	Planning and Community Development
CONTACT PERSON	Chris Turk
SUMMARY	<p>Subdivision Ordinance, Article 3, Table 3-4, Street Cross-section:</p> <p><i>Cross sections with deviations from these standards may be approved by the Planning Commission and Council, subject to the recommendation of the City Manager, and based upon the General and Specific Intent statements of this Article, the context of the proposed subdivision, and sound transportation planning principles.</i></p> <p>The developer has requested a deviation from our typical cross-sections standards. The typical cross-section along an Arterial or Collector has bike lanes in the street section, 8' – 10' parkways on each side with 5' sidewalks in the parkways. The developer is suggesting taking the bike lanes out of the street section and providing a wider parkway (20') with a multi-use concrete trail (12') on one side that will provide plenty of space for bicyclists and pedestrians.</p> <p>Staff agrees that this is an appealing and likely safer option to having bikes on a heavily trafficked street. The subdivision ordinance provides a description for a multi-use trail which is 10' – 12' in width. The developer is offering to construct a 12' wide</p>



November 18, 2013

City of Boerne
Attn.: Mr. Jeff Thompson
Deputy City Manager & Economic Development Director
c/o Mr. Chris Turk
402 East Blanco
Boerne, Texas 78006

Re: Miller Tract - Request for Approval of Multi-Use Trail (Ordinance 2007-56, Article 3, Table 3-4)

Dear Mr. Thompson,

On behalf of M/I Homes, Cude Engineers respectfully requests consideration for approval of a deviation from the requirements as set forth in the City of Boerne Subdivision Ordinance No. 2007-56, Article 3, Table 3-4 regarding sidewalk and bike lane requirements along the proposed east-west arterial and north south collector roadway as depicted on the approved Master Planned Community Plan. It is the intent of M/I Homes to provide for an oversized concrete 12' Urban Corridor Trail to run parallel to both the arterial and collector roadways. The intent of this paved trail is in lieu of providing sidewalks on both sides of the street and also in lieu of providing bike lanes on the asphalt adjacent to the vehicle lanes.

The Master Plan includes a strategic system of public parks, open space and trails for the connectivity of pedestrian and bike routes throughout the development and for future connectivity outside the development. It has been our experience that the usability and aesthetic quality of the pedestrian trails that parallel arterial and collector roads is better served with one oversized pedestrian and bike facility located further away from the proposed street section. Residents tend to find the oversized width more conducive for activities beyond just pedestrian travel (i.e. exercise, dog walking, etc.). To accommodate this trail, we included an additional 20 feet of greenway immediately adjacent to these roadways beyond what the code allows. We hope this fact supports our desire to provide the open space and amenities that will make this a great community even if it deviates from the established code.

M/I Homes will provide a master plan showing the pedestrian circulation throughout the community as part of the presentation for consideration at Planning and Zoning and City Council. M/I Homes respectfully requests your consideration for approval and we appreciate your guidance during this process.

If you have any questions, please feel free to contact me at 210.681.2951 ext. 118.

Sincerely,



Joshua Cude, P.E.
Managing Partner

JMC/jmc



AGENDA ITEM SUMMARY

ITEM NO:	
AGENDA DATE:	DECEMBER 2, 2013
DESCRIPTION:	Consider approval and make recommendation to City Council regarding deviations from the requirements for pavement width as set forth in the City of Boerne Subdivision Ordinance No. 2007-56, Article 3, Planning and Community Design Standards, Table 3-4 Street Cross-Section Standards for Miller tract subdivision (30' pavement width rather than 36' on streets where lots are 60+ feet in width).
RECOMMENDED ACTION (be specific)	Make recommendation to City Council allowing 30' of pavement
DEPARTMENT	Planning and Community Development
CONTACT PERSON	Chris Turk
SUMMARY	<p>Background:</p> <p>Our pavement widths for residential streets have changed over the years; pre 2007 they were 30' – 36' and from 2007 until about two years ago they were 25' to 34'. In 2007 we went to residential lot width based formula - if your lots were 65' or wider the pavement width would be 30' and if the lot widths were less than 65' the pavement width would be 36'.</p> <p>Since we have had a full time fire department, Staff has included them in review of the subdivision ordinances and plat reviews. The latest revisions were worked out with the fire department following either the Saddlehorn subdivision or Champion Heights. The difference in residential street widths was agreed to by all city departments after driving through various subdivisions and looking at the existing street widths, lot widths and amount of on street parking at various times of the day and night. The most congested area was the Villas of Hampton Place that has 40' lots with 30' pavement sections in some areas. The least were in the larger (65') lot areas of the Trails of Herff Ranch where there were 36' wide streets.</p> <p>The goal of the fire department was in case of a fire, they needed enough space to set up a fire truck and be able to move around it. They believe 20' provides them the space they need. From this, we decided on the 65' lot break point for the reduction</p>

of pavement width. Having 30' of pavement with cars or pickups (maximum width of a pickup is 6.5') parked on both sides of the street one foot from the curb gives them about 15 feet' to work in. In higher density neighborhoods we agreed that a 36' pavement section would afford them the optimum space, but in lower density areas we all agreed that having cars parked on the street front fender to tail pipe would be less likely just because there was more space in front of the home and the fire department would be able to set up comfortably on a 30' section.

As apppoint of reference no city in the San Antonio area (outside of Fredericksburg) requires a residential street wider than 30'. San Antonio's standard is 28'.

Request:

M/I's request reads as follows "It is the intent of M/I Homes to build houses with three-car garages on lots of a width of 60 feet and greater therefore minimizing the amount of street parking and potential obstruction for a fire apparatus." M/I believes that the three car garage with a wider driveway area close the garage will provide the same parking efficiency as 65' wide lots. They go on to say that there will not be any mixture of lots i.e. 50' and 60' wide lots in the same pod.

Section 3.02.003 allows for the modifications of street cross sections provided the City Manager, Planning and Zoning Commission and City Council approve.

3.02.003 Street Cross-section Standards.

All streets in a Transportation Network Plan shall meet one of the following Functional Classification / Design Type combinations and cross-section design standards in Table 3-4. The appropriate application of each particular design type shall be based upon the planned land uses immediately abutting the street, the overall function of the Transportation Network Plan, the Major Thoroughfare Plan, and any Traffic Impact Analysis required by the City's TIA ordinance, all subject to the review and approval of the City Manager. The cross-section of a street shall be determined based on both functional classification and anticipated traffic volume on the roadway. Developers shall submit a traffic analysis that quantifies build out level traffic conditions on proposed roadways, to justify proposed cross-section based on volume ranges contained in Table 3-4 and a capacity analysis. **Cross sections with deviations from these standards may be approved by the Planning Commission and Council, subject to the recommendation of the City Manager,**

	<p>and based upon the General and Specific Intent statements of this Article, the context of the proposed subdivision, and sound transportation planning principles</p> <p>Recommendation:</p> <p>The Deputy City Manager and I have discussed the request with the Fire Chief and we all agree that M/I's request for the street cross-section for those areas where there are 60' lots should be the same as the cross-section for lots of 65' or larger as described in Table 3-4. We are in agreement that 30' of pavement is sufficient in those areas.</p>
COST	
SOURCE OF FUNDS	
ADDITIONAL INFORMATION	
POWER POINT?	

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



November 18, 2013

City of Boerne
Attn.: Mr. Jeff Thompson
Deputy City Manager & Economic Development Director
c/o Mr. Chris Turk
402 East Blanco
Boerne, Texas 78006

Re: Miller Tract - Request for Approval of Reduced Pavement Width (Ordinance 2007-56, Article 3, Table 3-4)

Dear Mr. Thompson,

On behalf of M/I Homes, Cude Engineers respectfully requests approval of a deviation from the requirements for 36 foot pavement width for Local Neighborhood streets as specified in the City of Boerne Subdivision Ordinance No. 2007-56, Article 3, Table 3-4. It is the intent of M/I Homes to build houses with three-car garages on lots of a width 60 feet and greater therefore minimizing the amount of street parking and potential obstruction for a fire apparatus. The development is planned where a residential pod (where lot size is isolated within an enclosed street pattern) will be made up of lots with a consistent lot width (i.e. a pod will consist of all 50 foot lots or all 60 foot lots etc.). M/I Homes requests approval of a 30 foot pavement width where the lot size is 60 foot or greater in width.

M/I Homes respectfully requests your consideration of this request and we appreciate your guidance during this process.

If you have any questions, please feel free to contact me at 210.681.2951 ext. 118.

Sincerely,

A handwritten signature in blue ink, appearing to read "Joshua Cude", is written over a circular blue stamp. The stamp contains the text "Joshua Cude, P.E. Managing Partner".

Joshua Cude, P.E.
Managing Partner

JMC/jmc



AGENDA ITEM SUMMARY

ITEM NO:	
AGENDA DATE:	DECEMBER 2, 2013
DESCRIPTION:	Consider approval of a waiver to the requirements for a sidewalk on both sides of a Local Neighborhood street of the City of Boerne Subdivision Ordinance No. 2007-56, Article 3. Planning and Community Design Standards, Table 3-4 Street Cross-Section Standards for Miller tract subdivision (where a trail provides direct access from each lot or the density is less than 3.5 dwelling units per acre).
RECOMMENDED ACTION (be specific)	As mentioned below we have not seen the master plan for pedestrian circulation and at this time do not have a recommendation to forward to the Planning and Zoning Commission
DEPARTMENT	Planning and Community Development
CONTACT PERSON	Chris Turk
SUMMARY	<p>We have not seen the master plan for pedestrian circulation as of yet so it is difficult to evaluation this request. The subdivision ordinances do allow for the waiver as stated below in sections b and c. The sections themselves could use a little expanding. We added section b when we began to develop the trail connectivity requirements in the ordinance and our only concern may be phrase "direct access" taken literally in order to qualify there should be a trail right behind the backyard fence and in some cases in this development that is the case, in others it could be across a stream. In any case there would be a sidewalk on one side of the street in front.</p> <p>Section "c" came from the ordinance update in 2007. We have not applied Section "c" as of yet and were not quite sure how to apply it. We have come up with an interpretation that makes sense in that the waiver can be considered in areas that have very wide/large lots where sidewalks on one side of the street might make sense. A good example of this is The Bristow off Upper Balcones where the Planning and Zoning Commission only required a sidewalk on one side of the street.</p>

	<p>Here is the equation we used to determine “c”:</p> <ol style="list-style-type: none"> a. Block face – equates to the lots in a block that face a street b. Area – the area of the lots in the block face c. When you determine the area of the block face you divide it by 43,560 sf (an acre) and then multiply that number by 3.5. If the number of lots in the block face is less than 3.5 then the Planning and Zoning Commission could consider the waiver request. <p>Based on what we just presented you, the lot sizes would need to have 80’-100’ wide lots or some very long narrow lots. We believe the intention of “c” is to an area of wide lots.</p> <p>If M/I ultimately designs blocks that meet that criteria, staff would suggest that the Planning and Zoning Commission should consider the waiver at that time.</p> <p><i>Pedestrian Facilities.</i></p> <p><i>Pedestrian facilities required by Table 3-4 shall always be separated from moving traffic lanes of the roadway by a landscape buffer and only located immediately adjacent to the finished street as an expanded pedestrian amenity area where on-street parking will likely be present.</i></p> <ol style="list-style-type: none"> a. <i>In all cases where sidewalks are provided they shall be at least 5 feet wide to permit two persons to walk side-by-side comfortably.</i> b. <i>If direct access to a trail from each lot is provided the Planning and Zoning Commission may waive the requirement to have sidewalks on both sides of the street.</i> c. <i>On any block face below 3.5 dwelling units per acre, sidewalks on only one side may be acceptable, provided the Planning Commission determine that the street is not important to the overall pedestrian network.</i> d. <i>On any block face that includes a Green Way and 10’ to 12’ multi-purpose trail, sidewalks are not required.</i>
COST	
SOURCE OF FUNDS	
ADDITIONAL INFORMATION	
POWER POINT?	

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



November 18, 2013

City of Boerne
Attn.: Mr. Jeff Thompson
Deputy City Manager & Economic Development Director
c/o Mr. Chris Turk
402 East Blanco
Boerne, Texas 78006

Re: Miller Tract - Sidewalk Waiver (Ordinance 2007-56, Article 3, Table 3-4)

Dear Mr. Thompson,

On behalf of M/I Homes, Cude Engineers respectfully requests consideration of a waiver to the requirements for sidewalk on both sides of a Local Neighborhood street as specified in the City of Boerne Subdivision Ordinance No. 2007-56, Article 3, Table 3-4. It is the intent of M/I Homes to provide pedestrian circulation through a combination of sidewalks along streets and direct access to a trail system from the lots where the residential pods have multiple means of access. The code provides for two options for eliminating sidewalk on one side of the street:

1. Direct Access to a Trail System by each lot
2. Where density of a pod (an area of the master plan where the typical lot size is the same) and the density is less than 3.5 Du/acre, the sidewalk will not be required on both sides of the street (per Section 3.02.003(C)(2)(c))

M/I Homes will provide a master plan showing the pedestrian circulation throughout the community as part of the presentation for consideration at Planning and Zoning and City Council.

M/I Homes respectfully requests your consideration of this waiver and we appreciate your guidance during this process.

If you have any questions, please feel free to contact me at 210.681.2951 ext. 118.

Sincerely,



Joshua Cude, P.E.
Managing Partner

JMC/jmc

Memorandum Public Works

DATE: November 26, 2013
TO: Planning and Zoning Commission
FROM: Michael Mann – Director of Public Works
RE: Development Plat – Allcat Development

The Public Works Department is writing to inform the Commission about the status of required submittals for the above referenced plat that fall under our jurisdiction.

Because of an agreement between the City and the Developer, the City is responsible for extending water, sewer and gas mains along the Cascade Caverns Road frontage of the property. Therefore, there are no developer provided infrastructure construction documents or construction cost estimates for review/comment.

On the basis of the above, the Public Works Department recommends approval of the proposed re-plat.

Please feel free to call if you have any questions regarding this matter.

Memorandum Public Works

DATE: November 26, 2013
TO: Planning and Zoning Commission
FROM: Michael Mann – Director of Public Works
RE: Development Plat – Morningside Ministries

It is our understanding that the Morningside Ministries development will abandon and re-plat their property for the purpose of constructing new facilities that conflict with various existing public utility infrastructure.

The Public Works Department is writing to inform the Commission about the status of required submittals for the above referenced plat that fall under our jurisdiction.

The necessary public infrastructure design documents (water, gas, and electric) have been reviewed and deemed suitable for plat approval.

The required Engineer's Estimate of Probable Cost was received and reviewed.

On the basis of the above, the Public Works Department recommends approval of the proposed re-plat.

Please feel free to call if you have any questions regarding this matter.

