

MINUTES
REGULAR MEETING
HELOTES CITY COUNCIL
October 13, 2022

The City of Helotes City Council met for a regular meeting on Thursday, October 13, 2022, at 7:00 p.m. in the City Hall Council Chamber, 12951 Bandera Road, Helotes, Texas. This was an open meeting, subject to the open meeting laws of the State of Texas.

Present: Rich Whitehead, Mayor
Jen Sones
Matthew McCrossen
Matthew Merchant

Absent: Craig Sanders
Cynthia Massey

Staff Present: Marian Mendoza, City Administrator
Celina Perez, City Secretary
Frank Garza, City Attorney

1. Call to Order.

Mayor Whitehead called the meeting to order at 7:00 p.m. Pastor Cheryl Broome, Helotes Hills United Methodist Church, led the invocation. Mayor Whitehead led the pledge to the U.S. flag and the Texas flag.

PUBLIC HEARING:

- 2. Public Hearing to give all interested persons the right to appear and be heard on a request by Texas Grounds, LLC for a Specific Use Permit authorizing the use of an existing drive-thru facility for a new coffee and bagel restaurant located at 9708 Business Parkway, Suite 128, Helotes, Texas 78023, in the Helotes Town Center, a multi-tenant shopping center on property zoned General Business District (B-3), and identified as BCAD Property ID No. 1189831.**

Mayor Whitehead opened the public hearing at 7:02 p.m. No one signed up to speak on this item. Mayor Whitehead closed the public hearing at 7:02 p.m.

- 3. Public Hearing to give all interested persons the right to appear and be heard on a land use request by Killen, Griffin, Farrimond, PLLC for a Planned Unit Development (PUD) establishing Bandera Ranch, a proposed mixed-use commercial and residential project on property zoned General Business District (B-3), located at 15030 Bandera Road, Helotes, Texas 78023, and identified as BCAD Property ID No. 242013.**

Mayor Whitehead opened the public hearing at 7:03 p.m.

Charles James spoke against the planned unit development. Concerns were density per acre (max of 10 dwelling units per acre), drainage, and traffic on Scenic Loop Road. Mr. James added he was likely to go for all retail development, so that at least the citizens of Helotes could get something out of it.

Lisa Pack spoke against the planned unit development, citing that Scenic Loop Road, a two lane “country road”, could not sustain the traffic this development will bring. Mrs. Pack stated she had ambiguous feelings about a big box development versus a planned unit development, nonetheless, wanted assurances that a rural and more peaceful existence are maintained in Helotes.

David Bowles spoke against the planned unit development, objecting to the lesser setback on the North side of the property, versus that of the West side (North side has a 25’ buffer and the West side has a 100’ buffer) and had concerns on possible impact to well water users.

Mayor Whitehead asked if there were any other individuals (who did not sign up) wishing to speak. Steve Hodges commented on his experience as the former Mayor of Helotes, meeting with developers and concessions to keep the community rural. Jason Wightman strongly suggested for the City to look at the first 100 feet of Scenic Loop Road and work with TxDOT during the platting stage to try and resolve any lingering traffic impacts.

There being no further speakers, Mayor Whitehead closed the public hearing at 7:19 p.m.

OPEN SESSION:

4. Citizens to be Heard.

Johnathan McCord acknowledged the City’s efforts in trying to keep the streets of Beverly Hills Subdivision as light, neighborhood traffic. Specifically, he thanked the Helotes Police Department for enforcing traffic laws.

CONSENT AGENDA (ITEM NOS. 5 - 6): All items marked with an asterisk (*) on the consent agenda were voted on by one motion. Motion was made by Council Member McCrossen, second by Council Member Sones, to approve items 5 and 6 on the consent agenda. Motion to approve carried unanimously by those present.

5.* Approval of the minutes of the Regular Meeting dated September 22, 2022. (Staff)

6.* Approval of cancelling the regular City Council Meetings on November 24, 2022, (Thanksgiving Holiday) and December 22, 2022 (Christmas Holiday). (Staff)

MAYOR’S REPORT:

7. Updates on the following:

- **Recognition of Tony Morado, former student and custodian of 45 years at Helotes Elementary;**
- **The YOLO, TX episode showcasing Helotes aired on October 8, 2022;**
- **Takeaways from the 110th Texas Municipal League (TML) Annual Conference;**

- **A Town Hall Meeting will be held on October 20, 2022, at 7:00 p.m. to provide more information on the upcoming sales tax election; and**
- **Reminder: The second regular City Council Meeting scheduled on October 27, 2022, is canceled due to the Chamber Room being used as an early vote center for the November 8, 2022 Election.**

Mayor Whitehead recognized Tony Morado for his many decades of service as a custodian at Helotes Elementary. Mr. Morado attended Helotes Elementary, became a custodian there, and recently retired after 45 years. Next, the YOLO, TX episode showcasing Helotes aired on television on October 8. This project was made possible by the Helotes Economic Development Corporation (HEDC). The episode is linked on the City website and social media for anyone that missed it. Marian Mendoza, City Administrator, spoke on attending the Texas Municipal League (TML) Annual Conference. First, she recognized Josh Mair, Public Works Director, who was a presenter at the conference. Josh spoke on essential services provided to citizens by Helotes Public Works and on maintenance activities used by department. Next, Marian spoke briefly about the Texas Law Enforcement Accreditation Program. The program isn't a requirement; however, she plans to meet with the police department to discuss the benefits of becoming an accredited police agency. Mayor Whitehead went on to talk about the Town Hall on October 20. The purpose of this forum is to provide more information on the upcoming sales tax election. Questions for the Town Hall can be submitted on the City website. The last update was on the cancellation of the regular City Council Meeting on October 27. The meeting cancellation is due to the Council Chamber being used as an early voting location.

ITEMS FOR INDIVIDUAL CONSIDERATION:

- 8. Discussion of and action on a request by the Historical Society of Helotes for approval of seven (7) interpretative signs identifying historical buildings in the Old Town Helotes Special District pursuant to Municipal Code of Ordinances Chapter 98 Zoning, Section 98-72 Old Town Helotes Special District, subparagraph (g)(7) Creative Sign Review, and authorizing the installation at the following addresses:**
 - a) The Cottage located at 14392 Old Bandera Road, Helotes, Texas 78023, more particularly described as BCAD Prop. ID No. 242137;**
 - b) The Helotes General Store located at 14436 Old Bandera Road, Helotes, Texas 78023, more particularly described as BCAD Prop. ID No. 242097;**
 - c) The Hilemen-Riggs House located at 14391 Old Bandera Road, Helotes, Texas 78023, more particularly described as BCAD Prop. ID No. 1151554;**
 - d) The Riggs Gas Station & Garage located at 14392 Old Bandera Road, Helotes, Texas 78023, more particularly described as BCAD Prop. ID No. 242137;**
 - e) The Riggs Grocery Store located at 14391 Old Bandera Road, Helotes, Texas 78023, more particularly described as BCAD Prop. ID No. 1151554;**
 - f) The Ross Barham House located at 14743 Old Bandera Road, Helotes, Texas 78023, more particularly described as BCAD Prop. ID No. 1154308; and**
 - g) The Terry Residence located at 14391 Old Bandera Road, Helotes, Texas 78023, more particularly described as BCAD Prop. ID No. 1151554. (Applicant)**

(Note: On October 4, 2022, the Planning & Zoning Commission recommended approval of the above seven (7) signs through the Creative Sign Review for the Historical Society of Helotes.)

Motion was made by Council Member McCrossen, second by Council Member Merchant, to discuss and act on this item as written.

Discussion included future maintenance of the signage. Marian Mendoza, City Administrator, advised the Historical Society of Helotes would be responsible for the upkeep of the signs.

Speaking on this item was Alan Holmes, Historical Society of Helotes. The seven (7) interpretative signs tie into the *Old Town Helotes Historic Walking Tour Map*. This project is a joint venture with the Helotes Economic Development Corporation, and the Society is appreciative of their financial sponsorship.

Motion to approve the item as written carried unanimously by those present.

- 9. Discussion of and action on a request by Texas Grounds, LLC for a Specific Use Permit authorizing the use of an existing drive-thru facility for a new coffee and bagel restaurant located at 9708 Business Parkway, Suite 128, Helotes, Texas 78023, in the Helotes Town Center, a multi-tenant shopping center on property zoned General Business District (B-3), and identified as BCAD Property ID No. 1189831. (Applicant)**

(Note: On October 4, 2022, the Planning & Zoning Commission recommended approval of the Specific Use Permit authorizing the use of an existing drive-thru for Texas Grounds Coffee.)

Motion was made by Council Member Merchant, second by Council Member Sones, to discuss and act on this item as written.

Motion to approve the item as written carried unanimously by those present.

- 10. Discussion of and action on a land use request by Killen, Griffin, Farrimond, PLLC for a Planned Unit Development (PUD) establishing Bandera Ranch, a proposed mixed-use commercial and residential project on property zoned General Business District (B-3), located at 15030 Bandera Road, Helotes, Texas 78023, and identified as BCAD Property ID No. 242013. (Applicant)**

(Note: On October 4, 2022, the Planning & Zoning Commission recommended approval (4-2) of the Planned Unit Development (PUD) land use request by Killen, Griffin, Farrimond, PLLC.)

Motion was made by Council Member McCrossen, second by Council Member Sones, to discuss and act on this item as written.

Mayor Whitehead advised the applicant would give a presentation, but before that, he wanted to address some of the concerns raised. Regarding drainage, the specific plans have not been turned in since this project is in its early stages. Drainage will be reviewed during the platting phase. The development must comply with all regulations and can not cause any run-off or drainage problems. Regarding density and traffic, the concern raised was 220 residential homes using two exits. For perspective, Cedar Springs Subdivision has 501 residential homes and uses two exits. Iron Horse Canyon Subdivision has 638 residential homes and uses one exit. Mayor Whitehead invited the applicant to proceed with their presentation.

Speaking on this item were the following project representatives: Ashley Farrimond, Killen, Griffin, Farrimond, PLLC (land use attorney); Adam Love, SCC Development (commercial development) Curtis Thigpen, Paravel Capital (residential development), and Tom Carter, Pape-Dawson (engineer).

Ashely kicked off the presentation by showing the original commercial concept plan for the subject property. The original plan for the 31 acre site showed a 100,000+ square foot big box retail development located towards the rear of the property and 9 pad sites towards the front of the property along Bandera Road/Scenic Loop Road. This plan type would require more lighting, a sea of parking at 65% impervious coverage, and reduced buffer/green space. When looking at the property, it was determined that an all commercial development wasn't the best fit in the area, and that a Planned Unit Development (PUD) was a better option. A PUD heightens the development standards and provides certainty for the site. The PUD would follow City code and a more intense ordinance, which was included in the online City Council meeting packet. The ordinance outlines the site plan, open space plan, lighting plan, design/building standards, fencing requirements, additional landscaping/tree planting requirements, permitted commercial uses, and signage restrictions. The PUD site plan identifies 8 acres for commercial fronting Bandera Road and 23 acres for residential towards the rear of the property. The PUD plan has 45% impervious coverage, or about 12 acres of buffer/green space throughout the site. In closing, Ashley indicated her office would be happy to continue being the project liaison and answer any questions from the community moving forward.

Adam spoke briefly on the commercial part of the project. In his opinion, a PUD plan allows for his company to go after a different type of a tenant. This means a higher end tenant, rather than standard big box chains.

Next, Curtis spoke on the residential part of the project. Initially, the residential portion was 250 two-story single-family rental homes, however, it was reduced to 230 homes. Changes since the initial presentation (June 2022) include completely enclosing the residential part with cedar fence on the retail side, rod iron fence with native stone along Scenic Loop Road, access gates at both entrances, and an enhanced landscape buffer along Scenic Loop Road to maintain the feel and natural environment of the roadway. This includes saving as many mature trees as possible and if necessary, planting more mature trees than what is currently required by Code. The community is intended for a higher end demographic and will have a Texas Hill Country "farmhouse" feel. The community will be two-story paired homes, with a majority of the homes being 2 and 3 bedrooms. Based off demographics in the area, it would not be feasible to build one-story homes.

Finally, Tom spoke on drainage, traffic, and tree preservation concerns. He started off by saying, approval of this agenda item is simply giving permission to fully design the project and take it to the next phase. The platting process will address drainage and traffic and will drill down on what is required. The project will be serviced by San Antonio Water Systems (SAWS) for sewer and water (no disturbance to well water users). Two levels of drainage must be complied with. The first are the water quality standards set by the Texas Commission on Environmental Quality (TCEQ) and the second are the stormwater detention standards set by the City. With regards to traffic, the residential community is about 2/3 the size of a typical apartment complex. Peak traffic is estimated to occur during the evening, at a car or two per minute. A traffic impact analysis will be done during platting and must be reviewed by the City and Texas Department of Transportation (TxDOT). There was talk of turning the intersection of Bandera Road and Scenic Loop Road into

a super street, however, it is uncertain what TxDOT intends to do. An item of certainty for this project is that TxDOT will require decelerated lanes on Bandera Road. Pedestrian traffic (foot and bicyclist) is important in Helotes and will be worked into the traffic plan. Lastly, trees will be preserved in all the open spaces/buffers and the developer intends to work really hard to save the trees in the core of the project. Trees bring value to the property and the building footprint will include saving as many healthy trees as possible.

Discussion included various development and procedural clarifications pertaining to this project. The City's Master Plan (2009 *ed.*) talks about mixed-use development and presumably, is why a Planned Unit Development (PUD) use was written into the City's code. If this PUD plan is approved, the following items would still require review and approval: the Planning & Zoning Commission would need to consider the master sign plan and plat; the City Council would need to consider the plat, stormwater plan, and traffic impact analysis. Council Member Sones had remarks on the Scenic Loop Road corridor. If this item is approved, she encouraged the applicant to continue its communication with the community, and to remember the historical significance and scenery of Scenic Loop Road. Ultimately, the general consensus of Council was that the City had exercised its legal authority, in terms of what is allowed by zoning right on this property. It also appeared that the project representatives really want to work with the community.

There being no further comments, Mayor Whitehead called the question.

Motion to approve the item as written carried unanimously by those present.

- 11. Discussion of and action on a request by Edward Villanueva for approval of a variance to Municipal Code of Ordinances Chapter 18 *Buildings and Building Regulations*, Section 18-12 (b) *International Building Code Adopted*, Subsection 312.2 *Access Control Gate Systems* authorizing one (1) vehicular access gate to encroach on the required setback of twenty feet (20') from the property line for Dominion Commercial Management LLC, DBA Owens Law Firm, located at 14237 Old Bandera Road, Helotes, Texas 78023, and identified as BCAD Prop. ID No. 242276. (Applicant)**

Motion was made by Council Member Sones, second by Council Member McCrossen, to discuss and act on this item as written.

Speaking on this item was Edward Villanueva, property owner. The reason for installing the access gate is due to security concerns. The vehicular access gate will be a rolling type and run in line with the existing fence. The existing fence with stone columns was granted through a variance circa 2014. The current business is a law firm and has no commercial type vehicles/trailers that would impede traffic on Old Bandera Road.

Motion to approve the item as written carried unanimously by those present.

Adjourn.

With no more business to come before Council, Mayor Whitehead adjourned the meeting at 8:40 p.m.



Rich Whitehead, Mayor

ATTEST:



Celina Perez, City Secretary

