



AGENDA ITEM SUMMARY

Agenda Date	June 1, 2026
Requested Action	Consider a request for variance to Chapter 7-3.B Required Street Improvements and 7-3.D, Fee in Lieu of Sidewalks, of the Unified Development Code (UDC) for a property located at 417 Hickman (KCAD 18982).
Contact Person	Abigail Knott – City Engineer
Background Information	<p>The applicant is building a new home at 417 Hickman Street and has requested a variance to the Unified Development Code (UDC) to waive the requirement to construct a sidewalk and pay “fee in lieu of sidewalk construction” requirements entirely.</p> <p>BACKGROUND: In February 2021, City Council adopted the UDC. The items pertaining to sidewalk and street design were included and approved to improve safety, reduce congestion, provide better access, and confirm long-term benefits. In 2023, the City Council approved an amendment to the UDC to allow for “fee in lieu of sidewalk construction.”</p> <p>ANALYSIS: The site is located at the southwest corner of the intersection of Hickman Street and Phil Wilson Street. Hickman Street is classified as a local street. The properties were replatted into two lots and recorded in November 2023. The lot in development is approximately 0.570 acres, and the proposed use is a single-family home. The additional lot, currently undeveloped, is approximately 0.29 acres.</p> <p>The current UDC requires that in the city limits or in the Extraterritorial Jurisdiction (ETJ) of the City of Boerne, the developer shall, at his/her sole cost and expense, provide all necessary street improvements, to include sidewalks. These improvement shall be made at such time as subdivision or development occurs.</p> <p>The UDC allows an exception to sidewalk installation, which is payment instead of sidewalk installation as approved by the Director of Engineering and Mobility if any of six conditions apply.</p>

This property meets both the following conditions:

- (1) Less than fifty (50) percent of the block face on which the property is located has a sidewalk and
- (2) There are no sidewalks in the vicinity, and it is unlikely that there will be development nearby that would require installation of sidewalks.

Payment received for approved sidewalk exemptions are provided to a dedicated sidewalk fund from which City staff identifies and constructs gaps in sidewalks or repairs areas that do not meet current ADA requirements.

The applicant has provided a cost estimate of \$8,040.00 to construct the required sidewalk. However, the applicant has requested a variance such that they are not required to construction the sidewalk or pay into the sidewalk fund.

ROUGH PROPORTIONALITY POLICY:

The City's Rough Proportionality Policy provides the legal framework under which roadway and sidewalk improvements may be required of developers as a condition proportional to the impacts of their development. Under Chapter 395 of the Texas Local Government Code, and consistent with established rough proportionality legal precedent, new residential subdivisions that generate pedestrian demand may be required to construct roadway or sidewalk infrastructure they necessitate. This is a standard and legally defensible development condition applied by municipalities throughout Texas.

Requiring sidewalks with new home construction is the mechanism by which Boerne's residential growth improves the city's pedestrian network. City-wide surveys and engagement activities have consistently and repeatedly identified the lack of connected sidewalks as a quality-of-life issue, a safety concern, and an accessibility barrier. The 2022 *County at a Crossroads: A Citizens' Plan for Transportation in Kendall County* reiterated the importance of walkable, connected communities. Absent new sidewalk construction with each new home, the City will continue to accumulate a pedestrian infrastructure deficit that must eventually be remediated at the entire public's expense, or left as an ongoing public safety and ADA compliance liability.

VARIANCE REQUEST:

The application seeks to waive the requirement for sidewalk construction and payment instead of sidewalk construction.

	<p>MOTIONS FOR CONSIDERATION: The following motions is provided to assist the Commission’s decision.</p> <p>I move that the Planning and Zoning Commission APPROVE the variance request to Unified Development Code Chapter 7-3.D to waive sidewalk installation and payment in .</p> <p>OR</p> <p>I move that the Planning and Zoning Commission DENY the variance request to Unified Development Code Chapter 7-3.D to waive payment instead of sidewalk installation.</p>
Item Justification	<input type="checkbox"/> Legal/Regulatory Obligation <input type="checkbox"/> Infrastructure Investment <input type="checkbox"/> Reduce Costs <input type="checkbox"/> Customer Pull <input type="checkbox"/> Increase Revenue <input type="checkbox"/> Service Enhancement <input type="checkbox"/> Mitigate Risk <input type="checkbox"/> Process Efficiency <input type="checkbox"/> Master Plan Recommendation <input checked="" type="checkbox"/> Other: <u>Variance Request</u>
Strategic Alignment	N/A
Financial Considerations	N/A
Citizen Input/Board Review	Public hearings and notifications are not required for this request.
Legal Review	This action is needed to meet statutory requirements.
Alternative Options	The Commission must approve, approve with conditions, extend the review, or deny the request. Each condition or reason for denial must be directly related to requirements of city regulations and may not be arbitrary.

Supporting Documents	Attachment 1 - Location Map Attachment 2 - Variance Application Attachment 3 – Letters of Support Attachment 4 - Photos Attachment 5 - Applicant Statement
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