



## AGENDA ITEM SUMMARY

<b>Agenda Date</b>	July 1, 2024
<b>Requested Action</b>	A request for the reconsideration of the preliminary plat approval for The Birch at Spencer Ranch Phase 3 generally located to the west of Spencer Road and north of State Highway 46 (KAD NO. 307605)
<b>Contact Person</b>	Francesca Linder, Assistant Planning Director (830) 248-1528, flinder@boerne-tx.gov
<b>Background Information</b>	<p><b>BACKGROUND:</b></p> <p>Forestar (USA) Real Estate Group, Inc. (Mr. Elliott Condos) is the owner, and Josh Valenta, a VP at MatkinHoover Engineering &amp; Surveying serves as the applicant/applicant's representative.</p> <p>The property is not located within the city limits but is within the Extra-Territorial Jurisdiction (ETJ). The city has subdivision authority but does not have zoning authority in the ETJ.</p> <p>There was a Development Agreement executed for this subdivision on June 16, 2021 (no subsequent amendments).</p> <p>The Birch at Spencer Ranch Phase 3 is a part of a master-planned community, its Preliminary Plat was first approved in by P&amp;Z on January 10, 2022, subject to the following conditions:</p> <ol style="list-style-type: none"><li>1. Prior to final plat approval of Phase 3, Phase 1B must be replatted to show the required connection between Hazel Peak and Sycamore Pond such that Phase 3 will be in accordance with Subdivision Ordinance 3.02.002 E, 3.04.002, and 2.05.002 N; and</li><li>2. The Letter of Map Revision must be approved by FEMA prior to recordation of the plat to remove the single-family residential lots from the FEMA 100-year floodplain (UDC 8.1.D.3.i.(a)).</li></ol> <p>The applicable regulations are those that were in effect as of October 4, 2021.</p> <p>Plat review is an administrative action and is limited to conformance with the Unified Development Code (UDC).</p> <p><b>REQUEST:</b></p>

- Phase 3 It has an overall gross density of 3.09 dwellings per acre. The preliminary plat consists of 70 residential lots, 5 open space lots, and 3.35 acres of right-of-way, on a total of 22.62 acres.
- The Birch at Spencer Ranch, Phase 3, requests a reconsideration of the approval of its Preliminary Plat. There were no changes made to the Preliminary compared to the previously approved version.
- Sycamore Pond and Hazel Peak (future construction; local private streets, 60' ROW) will provide primary access to the northern units. The southern units in this Phase will be served by Caledonian Pine and Mahogany Rapids (future construction; local private streets, 60' ROW).
- Interior streets within the subdivision are private roads and will be owned and maintained by the Homeowners Association.
- The City of Boerne is temporarily providing sewer services and water is provided by Kendall West Utility (KWU).

#### **ANALYSIS:**

##### *Development Master Plan & Zoning:*

- The property is located in the ETJ, and the City's Future Land Use Plan designates this property as Neighborhood residential the preliminary plat is consistent with the Comprehensive Plan.
- On October 1, 2018, P&Z approved a Master Plan for The Birch at Spencer Ranch, which depicted 209 total lots on 71.12 total acres with 14.2 required acres of open space. Phase 3 was approved for 74 total lots across 21.2 total acres, with 4.2 acres of open space. (A total average of 2.94 dwellings per acre.)
- The Preliminary Plat is consistent with the approved Master Plan, and the terms of the active Development Agreement, and the applicable subdivision regulations in effect at the time of Development Agreement approval, including lotting and block configuration.

##### *Landscaping and Open Space:*

- The Birch at Spencer Ranch Phase 3 Preliminary Plat identifies 6.59 acres of open space.

*Utilities, Drainage and Floodplain:*

- Block 13 Lot 908 (2.70 acres) identifies an open space/private drainage easement to service the northern units (Sheet 2). Block 9 Lot 913 and Block 10 lot 912 also identifies open space/private drainages easement to service the southern units (Sheet 3). Stormwater Detention will be provided unless otherwise agreed by the City of Boerne or Kendall County.
- None of the proposed lots overlap with the 100-Year FEMA Floodplain.
- The City of Boerne is temporarily providing sewer services and water is provided by Kendall West Utility (KWU).

**FINDINGS:**

- The preliminary plat is consistent with the Comprehensive Master Plan.
- The preliminary plat is consistent with the existing Development Agreement.
- The plat is consistent with the applicable subdivision regulations.

**RECOMMENDATION:**

Staff recommends that the Planning and Zoning Commission approve the preliminary plat subject to the following conditions:

1. Prior to final plat approval of Phase 3, Phase 1B must be replatted to show the required connection between Hazel Peak and Sycamore Pond such that Phase 3 will be in accordance with Subdivision Ordinance 3.02.002 E, 3.04.002, and 2.05.002 N; and
2. The Letter of Map Revision must be approved by FEMA prior to recordation of the plat to remove the single-family residential lots from the FEMA 100-year floodplain (UDC 8.1.D.3.i.(a)).

**MOTIONS FOR CONSIDERATION:**

The following motions are provided to assist the Commission's decision.

	<ul style="list-style-type: none"> <li>• I move that the Planning and Zoning Commission accept the findings and <b>APPROVE</b> the proposed final plat subject to the two (2) stipulations recommended by staff.</li> <li>• I move that the Planning and Zoning Commission <b>DENY</b> the proposed final plat based on the following findings: (The Commission will need to state the reasons for the denial. These reasons should reference specific regulations in the UDC.).</li> </ul>
<b>Item Justification</b>	<div> <div>[X] Legal/Regulatory Obligation</div> <div>[ ] Reduce Costs</div> <div>[ ] Increase Revenue</div> <div>[ ] Mitigate Risk</div> <div>[ ] Master Plan Recommendation</div> </div> <div> <div>[ ] Infrastructure Investment</div> <div>[X] Customer Pull</div> <div>[ ] Service Enhancement</div> <div>[ ] Process Efficiency</div> <div>[ ] Other:</div> </div>
<b>Strategic Alignment</b>	C2 – Seeking customer-driven feedback. F2 – Investing in and maintaining high-quality infrastructure systems and public assets. B2 – Advancing master plan recommendations.
<b>Financial Considerations</b>	N/A
<b>Citizen Input/Board Review</b>	Public notice or hearing is not required for preliminary plats.
<b>Legal Review</b>	This action is needed to meet statutory requirements.
<b>Alternative Options</b>	The Commission may approve, approve with conditions, extend the review, or disapprove the plat.
<b>Supporting Documents</b>	Attachment 1 – Location Map Attachment 2 – Preliminary Plat Attachment 3 – Master Plan Attachment 4 – Preliminary Plat Extension Request Letter