



## AGENDA ITEM SUMMARY

<b>Agenda Date</b>	September 12, 2023																					
<b>Requested Action</b>	PRESENTATION, PUBLIC HEARING AND CONSIDER ON FIRST READING ORDINANCE NO. 2023-32; AN ORDINANCE ANNEXING A 2.807 ACRE PORTION OF WEST STATE HIGHWAY 46 TO THE CITY OF BOERNE, KENDALL COUNTY, TEXAS, AND EXTENDING THE BOUNDARY LIMITS OF SAID CITY SO AS TO INCLUDE SAID HEREINAFTER DESCRIBED PROPERTY WITHIN SAID CITY LIMITS, AND GRANTING TO ALL THE INHABITANTS OF SAID PROPERTY ALL THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BINDING SAID INHABITANTS BY ALL OF THE ACTS, ORDINANCES, RESOLUTIONS, AND REGULATIONS OF SAID CITY. <i>(One of one public hearing and consider the first reading of an ordinance annexing a portion of W Hwy 46, at the request of Forestar (USA) Real Estate Group, Inc., Matkin Properties, LP, Equity Trust Company Custodian FBO Harold T. duPerier III IRA, and Equity Trust Company Custodian FBO John-Mark Matkin IRA.)</i>																					
<b>Contact Person</b>	Nathan Crane, Interim Planning Director																					
<b>Background Information</b>	<p>This request is to hold a public hearing and consider the first reading of an ordinance to approve the voluntary annexation of 2.807 acres. The second reading of the ordinance will be held on September 26, 2023.</p> <p>The entire request totals 34.199 acres and is divided into five separate areas. Each area will be considered as a separate agenda item.</p> <table border="1" style="margin-left: auto; margin-right: auto; border-collapse: collapse;"> <thead> <tr> <th style="text-align: center;">Area</th> <th style="text-align: center;">Owner</th> <th style="text-align: center;">Acres</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">1</td> <td>TxDOT (I-10)</td> <td style="text-align: center;">1.633</td> </tr> <tr> <td style="text-align: center;">2</td> <td>Matkin Properties and DBT Investments</td> <td style="text-align: center;">22.653</td> </tr> <tr> <td style="text-align: center;">3</td> <td>Kendall County (Spencer Road)</td> <td style="text-align: center;">1.122</td> </tr> <tr> <td style="text-align: center;">4</td> <td>Balous and Julie Miller</td> <td style="text-align: center;">5.984</td> </tr> <tr style="background-color: #e0e0e0;"> <td style="text-align: center;">5</td> <td>TxDOT (State Hwy 46)</td> <td style="text-align: center;">2.807</td> </tr> <tr> <td style="text-align: center;">Total</td> <td></td> <td style="text-align: center;">34.199</td> </tr> </tbody> </table> <p><i>*Shaded row indicates current agenda item.</i></p>	Area	Owner	Acres	1	TxDOT (I-10)	1.633	2	Matkin Properties and DBT Investments	22.653	3	Kendall County (Spencer Road)	1.122	4	Balous and Julie Miller	5.984	5	TxDOT (State Hwy 46)	2.807	Total		34.199
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***Development Agreement***

The Spencer Ranch Development Agreement was approved by the Council on June 8, 2021. As part of this agreement the property is to be annexed into the City.

The agreement includes approximately 183 acres. The development plan includes the following uses:

<i>Land Use Category</i>	<i>Acres</i>
Single Family	71.12
Mixed Use Residential	21.41
Office	16.97
Commercial/Office	15.19
Mixed Use	23.7
Right of Way	3.82

***Municipal Service Plan***

A Municipal Service Plans (MSP) is required as part of each annexation. The MSP outlines how property in the annexed area will be served with municipal services. All owners have approved the Municipal Service Plans (MSP).

Texas Water will be the permanent water and sewer provider. The City of Boerne will be responsible for Fire, Police, Road Maintenance, and all other government functions.

Access to the site is provided from Highway 46 through a new proposed collector known as Spencer Ranch Road. The 2023 Mobility Master Plan identifies Spencer Ranch as a Collector Road. It also identifies Fredrick’s Creek as a location for a future trail.

***Current and Future Zoning***

In accordance with Section 2.5 of the Unified Development Code, the property will be designated as a Holding (HOL) district until such time as the property is permanently zoned by the Council. Individual landowners will be responsible for applying to rezone their property.

	<p><b><i>Birch at Spencer Ranch</i></b></p> <p>The single-family portion of the development is known as the Birch at Spencer Ranch which includes 209 single-family homes on 71.12 acres. The density is 2.93 units per acre. Kendall County has issued a permit to allow grading of the site for the single-family portion of the development. The Planning and Zoning Commission has approved the final plats for phases 1A, 1B, and 2 and the preliminary plat for phase 3.</p> <p>Plat recordation is contingent on the construction of Spencer Ranch Boulevard and approval from the Federal Emergency Management Association (FEMA) of a LOMR (Letter of Map Revision).</p>
<p><b>Item Justification</b></p>	<p> <input checked="" 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 checked="" type="checkbox"/> Master Plan Recommendation      <input type="checkbox"/> Other: </p>
<p><b>Strategic Alignment</b></p>	<p>C1 – Offering Quality Customer Experiences B2 – Advancing Master Plan Recommendations</p>
<p><b>Financial Considerations</b></p>	
<p><b>Citizen Input/Board Review</b></p>	<p>The private property owners provided consent of the annexation with approval of the Development Agreement. They have also approved the Municipal Service Plans in May and June 2023.</p> <p>Kendall County was notified of the annexation in October 2022 and TxDot was notified in May 2023. No comments have been received. Municipal Service Plans are not required for roadways.</p> <p>All other required notifications for annexation were completed on August 27, 2023.</p> <p>The property is part of the City’s Extra-Territorial Jurisdiction (ETJ) and has been designated as Auto Oriented Commercial and Neighborhood Residential on the Future Land Use Map.</p> <p>The 2023 Mobility Master Plan identifies Spencer Ranch as a Collector Road. It also identifies Fredrick’s Creek as a location for a future trail.</p> <p>On September 8, 2023, the Council set the date and time for a public</p>

	hearing to be held on September 12, 2023.
<b>Legal Review</b>	This action is a statutory requirement for annexation.
<b>Alternative Options</b>	
<b>Supporting Documents</b>	Attachment 1 – Resolution Attachment 2 – Spencer Ranch Agreement Executed Jun1621 Attachment 3 - Annexation Area Map Attachment 4 – Field Notes and Exhibit – Portion of Hwy 46 ROW – 2.807 Acres Attachments 5 - Location Map Attachment 6 – TxDOT Notification Letter