



AGENDA ITEM SUMMARY

Agenda Date	November 4 th , 2024
Requested Action	Rezoning from a HOL-Interim Zoning District to R2-M Moderate Density Residential Zoning District for a 71.12 acre tract of land (The Birch at Spencer Ranch).
Contact Person	Tyler Cain, Planner II (830) 248-1628, tcain@boerne-tx.gov
Subject Property	This property is generally located at the southwest intersection of Spencer Ranch and Highway 46, in the City of Boerne, Kendall County, Texas.
Background Information	<p>BACKGROUND:</p> <ul style="list-style-type: none">• Applicant/Owner: Forestar (USA) Real Estate Group, Inc. (Mr. Elliott Condos) is the owner, and Josh Valenta, a VP at MatkinHoover Engineering & Surveying serves as the representative.• Current Zoning: HOL-Interim Zoning District• Any other relevant cases/permits: P&Z approved a Master Community Plan (Master Development Plan) for The Birch at Spencer Ranch on October 1st, 2018. <p>The developer subsequently entered into a Development Agreement with the City of Boerne effective June 16th, 2021.</p> <p>This property also has four associated Subdivision Plats that have been approved as follows:</p> <ul style="list-style-type: none">○ Phase 1A – Final Plat Conditionally Approved by P&Z April 4th, 2022.○ Phase 1B – Final Plat Conditionally Approved by P&Z April 4th, 2022.○ Phase 2 – Final Plat Conditionally Approved by P&Z April 3rd, 2023.

- Phase 3 – Preliminary Plat Conditionally Approved by P&Z on January 10th, 2022. Preliminary Plat approval was then extended by P&Z on July 1st, 2024.

The City Council approved the annexation on June 25th, 2024 (ORDINANCE NO. 2024-08).

The subject property is currently surrounded by the Extra-Territorial Jurisdiction (ETJ) on all sides. The current rezoning request is based on, and in alignment with, the approved Master Community Plan and Development Agreement for Spencer Ranch.

Lastly, there were two other cases/requests associated with this subject property over the years:

- Vesting: Spencer Ranch is vested to development regulations in effect as of October 1, 2018 (Vested rights determination file #VR2021-006, signed March 21, 2022)
- Variance: There was a previous variance application (pertaining to Subdivision Ordinance Article 5, Section 5.11.003), that requested a private street be allowed on a thoroughfare located at 10 Spencer Road. However, this request was denied by P&Z on August 31st, 2020.

REQUEST:

- The request is to rezone 71.12 acres from HOL-Interim Zoning District to R2-M Moderate Density Residential.

FINDINGS AND ANALYSIS:

Comprehensive Master Plan

- The City’s Future Land Use Plan classifies this property as Neighborhood Residential. The zoning change request is consistent with the Comprehensive Plan. The Comprehensive Master Plan states, “The Neighborhood Residential future land use category is intended for areas that will be primarily developed with new single-family detached residential subdivisions. Development reflects a suburban to auto-oriented character; meaning that these areas are predominantly dominated by streets, driveways, and garages. Lot sizes and architectural styles are fairly uniform; but generally, new development density is between two and six units per acre (depending on required open space ratios).”

Development Agreement and Master Development Plan

- The Zoning Change Request would conform to the Spencer Ranch Development Agreement. The Conceptual Development Plan exhibit contained within in the Development Agreement identified the subject property as single family residential. This zoning change request to R2-M Moderate Density Residential formalizes that intention articulated within the Development Agreement. Additionally, the Development Agreement also indicates, "... initiate permanent zoning of the newly annexed area as soon as possible after annexation." With the property recently annexed in June of 2024, it is an appropriate time to visit and deliberate the topic of zoning.
- Zoning change request would also align with the Spencer Ranch Master Community Plan (Master Development Plan) approved by P&Z 2018. It articulates a total of 209 units across 3 total phases of development. There will be an average of 2.94 lots per acre, with an average lot size of 5,400 sq. ft. for individual lots. There is also 17.98 acres identified as open space.

Proposed Zoning District

- UDC Chapter 3-Zoning, Section 3-4. – Base zoning categories defines Moderate-Density Residential (R2-M) as a residential category "for compact, walkable neighborhoods in close proximity to activity centers and commercial areas, which provide many of the daily needs and services sought by residents...Moderate density residential is applicable in areas where a more compact neighborhood development pattern is desired, which are designated as neighborhood residential in the Boerne Comprehensive Master Plan."
- With Spencer Ranch lot sizes ranging from 5,000 to 14,000 sq. ft., these dimensions are consistent with the R2-M Moderate Density Residential zoning district dimensional standards, which requires a minimum lot size of 4,000 sf (.091 acres) with no maximum lot size.
- Additionally, Spencer Ranch is within proximity of various existing commercial businesses concentrated at the junction of IH-10 and Bandera Road and planned future commercial development adjacent to the subject property. This aligns with positioning R2-M zoning districts near "*activity centers and commercial areas.*"

<p>Citizen Input/Board Review</p>	<p>In coordination with the City, the applicant appeared at a Boerne Neighborhood Discussion (BND) Meeting the evening of Tuesday, October 15th, 2024 via Zoom. There were not any virtual attendees from the public. No concerns were expressed during the meeting. The meeting was recorded for public viewing and posted on the City website.</p> <p>A notice of the Planning Commission hearing of November 4th, 2024, was published in the Boerne Star on October 20th, 2024. Letters were mailed out to 17 property owners on October 18th, 2024.</p> <p>Two property owners reached out with concerns about traffic and water service capacity, but did not indicate a stance in favor or opposition of the rezoning request. One property owner opposed the request via email to the Planning and Zoning Commission.</p>
<p>Legal Review</p>	<p>This action is a statutory requirement for rezoning approval.</p>
<p>Alternative Options</p>	<p>The Commission may recommend approval; approval in part; denial; or denial in part. Each condition or reason for denial must be directly related to the requirements of city regulations and may not be arbitrary.</p>
<p>Supporting Documents</p>	<p>Vicinity Map Zoning Map Future Land Use Map Spencer Ranch Master Community Plan Section 2.5.C.5 Approval Criteria 500 ft. Buffer Property Owner Responses BND Meeting Report</p>