



## AGENDA ITEM SUMMARY

<b>Agenda Date</b>	January 28, 2025
<b>Requested Action</b>	RECEIVE THE RECOMMENDATION FROM THE PLANNING AND ZONING COMMISSION, HOLD A PUBLIC HEARING AND APPROVE ON FIRST READING ORDINANCE NO. 2025-01; AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF BOERNE UNIFIED DEVELOPMENT CODE, BY AMENDING CHAPTER 3. ZONING, SECTION 3.2, ZONING MAP, ZONING 71.12 ACRE TRACT FROM A HOL-INTERIM HOLDING ZONING DISTRICT TO R2-M MODERATE DENSITY RESIDENTIAL ZONING DISTRICT, LOCATED AT WEST STATE HIGHWAY 46 (KAD NO. 307605 AND 316184; A10360 - SURVEY 179 NEWTON & TAYLOR 71.12 ACRES) TO ALLOW FOR A SINGLE-FAMILY SUBDIVISION. ( <i>Forestar (USA) Real Estate Group Inc. and Continental Homes of Texas, LP</i> ) ( <i>Spencer Ranch</i> )
<b>Contact Person</b>	Nathan Crane, AICP Planning Director (830) 248.1521 ext. 1105 <a href="mailto:ncrane@boerne-tx.gov">ncrane@boerne-tx.gov</a>
<b>Background Information</b>	<p><b>REVISED REQUEST:</b></p> <p>The applicant has revised their request as of January 21, 2025, adjusting the zoning proposal from HOL to R2-M to HOL to R2-N. Since R2-N zoning permits lower density, the Council may review and consider this request within the scope of the original application.</p> <p>The applicant has also agreed to provide a trail easement within the floodplain along Fredrick Creek and the adjacent tributary as shown of the 2023 Thoroughfare Plan.</p> <p><b>BACKGROUND:</b></p> <p>Forestar (USA) Real Estate Group, Inc. (Mr. Elliott Condos) is the owner, and Kevin DeAnda, Ortiz McKnight, PLLC, serves as the representative.</p> <p>The property is designated as Neighborhood Residential on the Future Land Use Map. The current zoning of the property is HOL-Interim Zoning District.</p> <p>The Planning and Zoning Commission (P&amp;Z) approved a Master Community Plan (Master Development Plan) for The Birch at Spencer Ranch on October 1, 2018. The Master Plan included 209 single family lots for an average</p>

density of 2.94 units per acre. The Master Plan also included a total of 24.48 acres of open space of which 13.5 acres was floodplain and 10.98 acres is greenbelt/park.

The Birch at Spencer Ranch is vested to development regulations in effect as of October 1, 2018.

A Development Agreement was approved by the City Council on June 8, 2021. The development agreement included two different areas:

- Birch at Spencer Ranch which included approval for 209 single family lots on 71.12 acres.
- Frontage Properties which include 87 acres which includes a variety of uses.

The development agreement also outlined the order in which the property would be annexed. The order was determined so that the annexations would meet the contiguous land requirement in State Law for annexation. The HOL-Interim Zoning District has been assigned to all property annexed.

<b>Area</b>	<b>Acres</b>	<b>Annexation Date</b>	<b>Description</b>
1	1.63	September 26, 2023	IH-10 ROW
2	22.65	September 26, 2023	Matkin Properties/DBT Investments
3	1.12	September 26, 2023	SH46 ROW
4	5.98	September 26, 2023	Balous Miller
5	71.12	June 25, 2024	Birch at Spencer Ranch
6	87.03	N/A	Frontage Properties

The Development Agreement allowed for the review and approval of subdivision plats prior to annexation and zoning. This facilitated progression of the development while the property awaited formal annexation. The Planning and Zoning Commission has approved the following subdivision plats:

- April 4, 2022 – Final Plat Phase 1A (Spencer Ranch Boulevard)
- April 4, 2022 – Final Plat Phase 1B (59 single family lots)
- April 3, 2023 – Final Plat Phase 2 (72 single family lots)
- July 1, 2024 – Preliminary Plat Phase 3 (70 single family lots)

The public infrastructure for phases 1B, and a portion of phase 3 has been constructed. Spencer Ranch Boulevard (phase 1A) has also been constructed. Improvements for phase 2 are under construction.

**REQUEST:**

- The request is to rezone 71.12 acres from HOL-Interim Zoning District to R2-N Neighborhood Residential to allow for 201 single family lots. Due to the reduction of eight lots, the density is now 2.82 units per acre.
- The approved plats provide for 28.92 total acres of open space; Phase 1A: 2.62 acres; Phase 1B: 10.36 acres; Phase 2: 9.35 acres; and Phase 3: 6.59 acres. This is 1.82 more acres than what was shown in the Master Plan.
- The approved plats provide for 201 single family lots with a maximum density of 2.82 dwelling units per acre. There are three different lot sizes as follows:

<b><i>Minimum Lot Size (Square Feet)</i></b>	<b><i>Number of Lots</i></b>	<b><i>Percentage of Total Lots</i></b>
4,000 to 5,400	56	28%
5,400 to 7,800	124	62%
7,800 to 10,800	17	8%
Over 10,800	4	2%
Total	201	100%

- In terms of lot coverage (or total percentage of impervious cover by Phase):
  - Phase 1B contains 30.2% impervious cover.
  - Phase 2 contains 42.38% impervious cover.
  - Phase 3 contains 32.98 impervious cover.
- This zoning request does not apply to any of the property outside of the subdivision.

**ANALYSIS:**

*Comprehensive Master Plan*

- The City’s Future Land Use Plan classifies this property as Neighborhood Residential. Forty percent of the city is classified as Neighborhood Residential.
- The Neighborhood Residential 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. Generally, new development density is between two and six units per acre.

- The proposed residential subdivision with a density of 2.82 dwelling units per acre (201 residential lots across 71.12 acres) will be compatible with future development in the area.
- The proposed zoning district is consistent with the Master Plan.

*Master Community Plan and Development Agreement*

- The Spencer Ranch Master Community Plan (MCP) approved by P&Z in 2018 articulates a total of 209 units across 3 total phases of development. The average density is 2.94 lots per acre, with an average lot size of 5,400 sq. ft. for individual lots. The approved MCP is referenced in the development agreement.
- The following charts compare the approved MCP with the approved plats.

<b><i>Number of Lots</i></b>			
Area	Master Plan	Development Agreement	Plat
Phase 1	62	62	59
Phase 2	73	73	72
Phase 3	74	74	70
Total	209	209	201

<b><i>Average Lot Size</i></b>			
Area	Master Plan	Development Agreement	Plat
Phase 1	5,400	5,400	6,127
Phase 2	5,400	5,400	6,068
Phase 3	5,400	5,400	6,653

- At the time of approval of the MCP, a total of 14.2 acres of open space was required. However, the MCP provided 24.48 acres of open space. This was increased to 28.92 acres of open space during the platting process. The applicant has also agreed to provide a trail easement along Fredrick Creek and its tributary as shown on the 2023 Thoroughfare Plan. The trail would be constructed by the city in the future.

- The developer will be responsible for a proportionate share of a traffic signal at the intersection of Spencer Ranch Boulevard and SH46.
- The proposed zoning district is consistent with the Master Development Plan and Development Agreement.

Utilities and Impervious Coverage

- Water and sewer are provided by Texas Water. There is an agreement for 6 years (from 2020) for the city to be the wholesale sewer provider for Spencer Ranch until Texas Water can transfer and treat the sewer as was provided for in the development agreement.
- According to the master drainage study, the impervious cover for the entire subdivision is 34.9%. This is less than the maximum impervious cover allowed by the 2018 subdivision code of 50%.

Proposed Zoning District

- Zoning District Standards
  - Minimum lot size R2-N: 5,400 square feet
  - Setbacks: front yard 15' (garage 25'), side yard 5', corner side yard 10', rear yard 15'
  - Building Height: 36'
  - Impervious Cover: 60%
  - Note: The R2-N District did not exist until the adoption of the new UDC. Further, the front and rear yard setbacks have been reduced from the 2018 Zoning Ordinance (front and rear yard 20' ft) to the UDC (see above).
- Overall Development
  - Total Lots: 201
  - 147 of 201 lots meet lot area requirements for R2-N
  - 59 of the lots would be non-conforming.
  - Average Lot Size: 6,280 square feet
- Phase 1A (Completed)
  - No residential lots. Spencer Ranch Boulevard. This is the road that is on our Thoroughfare Master Plan.
- Phase 1B (Completed)
  - Total Lots: 59
  - 50 of the 59 lots meet the lot area requirements for R2-N.
  - 9 lots would be non-conforming.

- The average lot size for these nine lots is 5,178 square feet.
- There is one lot that is 4,791 square feet which is the smallest.
- All others are: 5,227 square feet.
  
- Phase 2 (Under Construction)
  - Total Lots: 72
  - 50 of the 72 lots meet the lot area requirements for R2-N.
  - 22 lots would be non-conforming.
  - The average lot size for these 22 lots is 5,207 square feet.
  - There is one lot that is 4,791 square feet which is the smallest.
  - All others are: 5,227 square feet.
  
- Phase 3 (Under Construction)
  - Total Lots: 70
  - 47 of the 70 lots meet the lot area requirements for R2-N.
  - 23 lots would be non-conforming.
  - The average lot size for these 23 lots is 5,208.
  - There is one lot that is 4,791 square feet which is the smallest.
  - All others are: 5,227 square feet.
  - In other words,
  
- Staff compared the zoning and density of several subdivisions within the city. The UDC defines density as the number of dwelling units per acre of land. Lot sizes are impacted by open space, flood plains, detention ponds, etc.

<b><i>Development</i></b>	<b><i>Density (lots per acre)</i></b>	<b><i>Zoning</i></b>
Champion Heights	3.17	R2-M
Birch at Spencer Ranch	2.82	R2-N (proposed)
Ranches at Creek Side	2.86	R1-M and R2-M
Regent Park	2.26	R2-M and R2-N
Woods of Boerne	2.67	R2-N

**FINDINGS:**

The proposed zoning meets the follow findings:

- It is consistent with Comprehensive Master Plan and Future Land Use Map.
- It is consistent with the Development Agreement and approved Master Community Plan.
- It meets the approval criteria stipulated in (UDC 2-5.C.5).

	<p><b>PLANNING AND ZONING COMMISSION ACTION:</b></p> <p>The Planning and Zoning Commission held a Public Hearing on November 4, 2024, and tabled the request for further discussion at the December 2, 2024, meeting. The recording of the meeting can be found here: <a href="https://boernetx.new.swagit.com/videos/319228?Mode2=Video">https://boernetx.new.swagit.com/videos/319228?Mode2=Video</a></p> <p>At their December 2, 2024, meeting, the Planning and Zoning Commission voted 6-0 to recommend <b>DENIAL</b> of the zoning request. The recording of the meeting can be found here: <a href="https://boernetx.new.swagit.com/videos/321520?Mode2=Video">https://boernetx.new.swagit.com/videos/321520?Mode2=Video</a>.</p> <p>The meeting minutes from both meetings are attached.</p> <p><b>RECOMMENDATION:</b></p> <p>Staff recommends that the City Council hold a public hearing and determine the appropriate zoning district for the property.</p> <p><b>MOTIONS FOR CONSIDERATION:</b></p> <p>The following motions are provided to assist the Council’s decision.</p> <p>I move that the City Council accept the findings and <b>APPROVE</b> the proposed zoning from HOL-Interim to R2-N.</p> <p>OR</p> <p>I move that the City Council <b>DENY</b> based on the following findings: (The Council will need to draft appropriate findings.)</p>
<b>Item Justification</b>	<p><input checked="" type="checkbox"/> Legal/Regulatory Obligation    <input type="checkbox"/> Infrastructure Investment</p> <p><input type="checkbox"/> Reduce Costs    <input checked="" type="checkbox"/> Customer Pull</p> <p><input checked="" type="checkbox"/> Increase Revenue    <input type="checkbox"/> Service Enhancement</p> <p><input type="checkbox"/> Mitigate Risk    <input type="checkbox"/> Process Efficiency</p> <p><input checked="" type="checkbox"/> Master Plan    <input type="checkbox"/> Other:</p> <p>Recommendation</p>
<b>Strategic Alignment</b>	<p>C2 – Seeking customer-driven feedback.</p> <p>B2 – Advancing master plan recommendations.</p>
<b>Financial Considerations</b>	<p>N/A</p>

<p><b>Citizen Input/Board Review</b></p>	<p>In coordination with the city, the applicant appeared at a Boerne Neighborhood Discussion (BND) Meeting the evening of Tuesday, October 15<sup>th</sup>, 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 4<sup>th</sup>, 2024, was published in the Boerne Star on October 20<sup>th</sup>, 2024. Letters were mailed out to 17 property owners on October 18<sup>th</sup>, 2024. A public hearing sign was posted on the subject property to notice the Zoning request in anticipation of the November 4<sup>th</sup> P&amp;Z meeting.</p> <p>Two property owners submitted written comments in opposition to the request.</p> <p>Three property owners provided verbal public comment in opposition of the request during the November 4<sup>th</sup> P&amp;Z meeting.</p> <p>A notice of the Planning Commission hearing of December 2<sup>nd</sup>, 2024, was published in the Boerne Star on November 17<sup>th</sup>, 2024. Letters were mailed out to 17 property owners on November 14<sup>th</sup>, 2024. A notice of public hearing sign was posted on November 17<sup>th</sup>, 2024.</p> <p>The applicant updated the public notice sign as of January 5, 2025, to advertise the January 14<sup>th</sup> City Council meeting.</p> <p>A notice of the January 28, 2025, City Council meeting was published in the Boerne Star on January 12, 2024. The applicant also updated the public notice sign on January 18, 2024.</p>
<p><b>Legal Review</b></p>	<p>This action is a statutory requirement for zoning approval.</p>
<p><b>Alternative Options</b></p>	<p>The Council 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><b>Supporting Documents</b></p>	<p>Ordinance No. 2025-01  Aerial Map  Zoning Map  Future Land Use Map  Spencer Ranch Master Community Plan  UDC Section 2.5.C.5 Approval Criteria  500 ft. Notice Buffer  Conceptual Development Plan Exhibit from Development Agreement  Spencer Ranch Plats Conditions for Approval  Community Responses</p>



	<p>Annexation Phasing Map Open Space Map Excerpt of the Minutes of the November 4, 2024, and the December 2, 2024, Planning and Zoning Commission Meetings</p>
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