



AGENDA ITEM SUMMARY

District Impacted

- ☐ 1 = Anzolitto
- ☐ 2 = Woolard
- ☐ 3 = Boyd
- ☐ 4 = Cisneros
- ☒ 5 = Colvin
- ☐ All

DESCRIPTION:

Consider a request for a variance to the City of Boerne Subdivision Ordinance No. 2007-56, Article 8, Utility Extensions and General Subdivision Improvements, Section 8.01.006 Final Plans and Acceptance for the Regent Park, Unit 1, Phase 1 and 2 to allow final acceptance prior to issuance of a letter from the Texas Department of Transportation. Take necessary action.

RECOMMENDED ACTION (be specific)

Approve the request for a variance to the City of Boerne Subdivision Ordinance No. 2007-56, Article 8, Utility Extensions and General Subdivision Improvements, Section 8.01.006 Final Plans and Acceptance for the Regent Park, Unit 1, Phase 1 and 2 to allow final acceptance prior to issuance of a letter from the Texas Department of Transportation. Take necessary action.

DEPARTMENT

Planning and Community Development

CONTACT PERSON

Laura Talley

SUMMARY

The Planning and Zoning Commission conditionally approved the final plat for the Regent Park, Unit 1, Phase 1 in March of 2015. Phase 2 was recorded the same month and included 16 lots.

The applicant is requesting a variance from the City of Boerne Subdivision Ordinance to allow final acceptance of Regent Park Unit 1, Phase 1 and 2 prior to issuance of a letter from the Texas Department of Transportation stating their right-of-way has been satisfactorily restored.

Our ordinance requires that a letter from TXDOT be provided stating that "their respective jurisdictional right-of-way has been satisfactorily restored". TXDOT would not be willing to provide this at this time because the work is incomplete. If the variance is granted, this does not override the specific ordinance requirement for an approval letter from TXDOT.

Staff is supportive of the variance request to allow acceptance of Phase 1 without the TXDOT approval letter if the developer agrees to tie the TXDOT improvements to the completion of Phase 3 later. Staff suggests the variance require that the City

	would make the determination in this particular case about when the TXDOT work is complete for acceptance purposes with the infrastructure of Phase 3. The variance would not release the developer from any obligations to or agreements they have with TXDOT and the City will still require a copy of the approval letter from TXDOT when that is issued at a future date.
COST	
SOURCE OF FUNDS	
ADDITIONAL INFORMATION	

This summary is not meant to be all inclusive. Supporting documentation is attached.