

CITY OF BOERNE  
PLANNING AND ZONING COMMISSION

VARIANCE APPLICATION

APPLICANT: Cude Engineers PHONE NO. 210.681.2951

PROPERTY ADDRESS: Southglen Parkway & Cascade Caverns Road

LOT: N/A BLOCK: N/A SUBDIVISION: Southglen Subdivision Phases 4, 8 & 9

OWNER: ML&E Landquest Cascade Caverns PHONE NO. 210.834.6655  
(If different from Applicant)

MAILING ADDRESS FOR NOTIFICATION OF PENDING COMMISSION MEETING:

Owner is giving Cude Engineers authority to represent him/her at the hearing.

By Landquest Acquisitions, LLC, Manager  
D. H. Wilson, Member  
(Owner's Signature)

5/22/2017  
(Date)

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1. Applicant is making a request from the Boerne Subdivision Ordinance  
(Article & Section No. 2.02.008 – Expiration of Plat Approval)

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Check one: (X) Variance ( ) Appeal ( ) Special Exception

2. Describe request:

Please see attached request letter

3. Applicant hereby requests this case be reviewed by the Planning and Zoning Commission for a decision. I do hereby certify that the above statements are true and correct.

[Signature]

(Applicant's Signature)

5/22/17

(Date)

CITY OF BOERNE  
PLANNING & ZONING COMMISSION

ZONING VARIANCE WORKSHEET

Commission's Power to Grant Variances.

The Planning and Zoning Commission may grant a variance from the requirements of this ordinance when, in the Commission's judgment, the application of a subdivision standard to a particular property or project meets the required findings of section 2.06.002 of the Subdivision Ordinance.

Procedures for Variances.

The subdivider shall submit to the City Manager a written application for each variance which is requested, 14 days prior to the meeting at which the variance is to be considered, along with the appropriate filing fee established by City Council. The Planning and Zoning Commission shall not consider any action on the variance request until this fee has been paid. The findings of the Commission, together with the specific facts upon which such findings are based, shall be incorporated into the minutes of the Commission meeting at which the variance is granted.

In order to make a finding of hardship and to grant a variance, the Planning and Zoning Commission must determine that all of the following conditions are met. State how your request meets these conditions.

Findings Required for Variances.

A variance to the standards in the subdivision ordinance may be granted where the Planning and Zoning Commission finds that the following conditions exist:

- A. Are there unusual topographic or other physical conditions of the land or surrounding area, and these conditions are not typical to other lands in the area.

Phase 9 access is provided through Phase 8, thus delaying submittal of Phase 9 final plat

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- B. Is the condition beyond the control of the subdivider and is not due to the convenience or needs of a specific application or development proposal.

Delays to construction plan approval for Phase 8 are due the buyer of Phase 11 changing the land plan configuration (which changes Phase 8 sewer alignment).

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- C. Is the deviation minimal from the required standard necessary to allow a more appropriate design.

Variance request is not design specific.

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D. Will the variance alter, negate or negatively impact the ability to meet any specific standard contained in the City of Boerne Zoning Ordinance.

All ordinance regulations will be met.

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E. Demonstrate that the required standard is inapplicable to the specific site, so that the proposed plat equally or better meet all of the following:

1. The goals and policies of the Master Plan;
2. The purposes of these regulations; and
3. The intent of the standards.

The proposed plat meets all of the following. The variance is a request to procedural rules and not ordinance or design standards.

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F. Will the variance have an adverse affect on existing adjacent landowners, potential future landowners in and adjacent to the subdivision, existing or potential development within any area of impact of the proposed subdivision.

No

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G. Will the variance negatively impact efficient development of the land and surrounding areas based on sound planning principles and the goals and policies of the Master Plan.

No

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H. Will the variance adversely impact the general health, safety and welfare of the public.

No

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Each subdivision standard for which a variance is requested shall be specifically identified as a Note on the final plat.

Conditions.

In granting approval of a subdivision with a variance, the Planning Commission may prescribe conditions to secure the objectives and interest of the City, and to enforce the purpose and intent of these regulations. In granting a variance, the Commission shall prescribe only conditions that it deems necessary to or desirable in the public interest.

May 22, 2017

Laura H. Talley  
City of Boerne  
Planning and Community Development Director  
402 E. Blanco  
Boerne, TX 78006

RE: Southglen Subdivision, Phases 4, 8 & 9  
Boerne Subdivision Ordinance Sec. 2.02.008  
Variance Request – Expiration of Plat Approval

Ms. Talley,

The Southglen Subdivision is a Master Planned Community located in the City of Boerne in south Kendall County. Preliminary plats for phases 4, 8 & 9 were approved by the City of Boerne Planning and Zoning (P&Z) Commission on April 4, 2016. Section 2.02.008 of the Boerne Subdivision Ordinance states “approval of the preliminary plat shall lapse one year from the date of initial approval”. We request the preliminary plat expiration date be extended an additional six (6) months to October 4, 2016 for phases 4, 8 & 9. It is the intent to submit for final plat approval by the P&Z Commission before the new expiration date.

Southglen phase 8 is the remaining extension of Southglen Parkway and includes providing utilities to the proposed amenity center for the community. Questions about future phasing and how to provide utility service to the amenity center have allowed the construction plan approval process to drag on longer than anticipated after beginning in October 2016. More specifically, the proposed sewer extension for phase 8 includes sewer in the phase 11 area. Since the initial submittal, the phase 11 land plan has changed multiple times as different builders have looked at purchasing that phase. Everytime the phase 11 limits have changed, so have the phase 8 sewer plans which has slowed the resubmittal and approval process. Currently, the Public Works Department has reviewed phase 8 construction plans and Cude Engineers is currently working through addressing comments for final construction plan approval. By extending the preliminary plat expiration date, Cude Engineers would be allowed to resubmit construction plans for a re-review without waiting for preliminary plat re-approval by the Planning & Zoning Commission. It is the intent to resubmit the plans for final review immediately following the approval of this variance, if granted.

Southglen phase 4 construction plans were approved on April 6, 2017. The granting of this variance would allow Pulte Homes of Texas to immediately submit the final plat for review by the Planning Department.

Southglen phase 9 construction plans were approved in late May 2016. Access to Southglen phase 9 is provided through the right of way being platted by phase 8. Meritage Homes requested the final plat be submitted for review in June 2016, however Cude Engineers could not have signed a plat without legal access to the site which was being created by phase 8. Thus, the phase 9 final plat approval was contingent upon the phase 8 plans and plat being approved first. Given the phase 8 plans and plat have not been approved, the phase 9 plat was not able to be submitted for final plat P&Z consideration prior to the expiration of the preliminary plat. The extension of the preliminary plat expiration date would allow the Developer to submit the final plat for review concurrently with Phase 8.

In my professional opinion, this variance request provides the best solution to allow the project to keep moving forward in construction, while eliminating the review of same documents previously provided and approved during the preliminary plat and construction plan reviews. Please review this request and contact me by phone at (210) 681-2951 or by email at [dcupit@cudeengineers.com](mailto:dcupit@cudeengineers.com) if you have any questions or require any additional information.

Sincerely,



David Cupit, P.E.  
Project Manager  
M.W. Cude Engineers, LLC (TBPE Firm #455)