



AGENDA ITEM SUMMARY

District Impacted

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

AGENDA DATE

October 2, 2017

ITEM NUMBER

DESCRIPTION

Consider the Master Plan for Shoreline Park, a 99.9 acre tract of land located in the Extraterritorial Jurisdiction (ETJ) of the City of Boerne at 122 Ranger Creek Road (KAD No. 12851, 12852, and part of 12854).

STAFF'S RECOMMENDED ACTION (be specific)

Approve the Master Plan for Shoreline Park, a 99.9 acre tract of land located in the Extraterritorial Jurisdiction (ETJ) of the City of Boerne at 122 Ranger Creek Road (KAD No. 12851, 12852, and part of 12854).

CONTACT PERSON SUMMARY

Laura Talley

The property under consideration is located at 122 Ranger Creek Road. This proposed KB Homes master planned community is in the Extraterritorial Jurisdiction (ETJ) of Boerne, a little over a mile from IH-10 and next to Boerne Lake. The proposed plan identifies three phases of development; for a total of 360 homes, 22.8 acres of open space with an average density of 3.6 units per acre.

	PHASE 1	PHASE 2	PHASE 3	TOTAL
6,300 SF (AVG.) LOTS:	99	0	116	215
7,900 SF (AVG.) LOTS:	4	141	0	145
TOTAL LOTS:	103	141	116	360
TOTAL ACREAGE:	33.1 AC	43.7 AC	23.1 AC	99.9 AC
AVERAGE LOTS/ACRE	3.1	3.2	5.0	3.6
LINEAR FEET OF STREET:	4,360 LF	5,620 LF	3,240 LF	13,220 LF
OPEN SPACE:	10.0 AC	9.3 AC	0.5 AC	19.8 AC
PARK/TRAIL CREDITS:	2.5 AC	0.5 AC	—	3.0 AC
TOTAL OPEN SPACE AREA:	12.5 AC	9.8 AC	0.5 AC	22.8 AC (23%)

This type of development in the ETJ is not something the City has seen before; this is the first development that the Commission will be asked to approve in the ETJ that will be provided both public water and sewer from an entity other than the City of Boerne.

What is different about this development is that it will be provided water and sewer from Kendall West Utility (KWU), another public utility provider. This area is within KWU's contracted service area per a 2015 Agreement between KWU and the City of Boerne, and they may serve the area without the city's permission. The stated purpose of the Agreement was to clarify the areas around Boerne that each utility would provide service for if not already accounted for through Certified Service Area designation. Basically, the agreement specifies that the area outside the city limits north of Hwy 46

	<p>and east of IH 10 is primarily to be served by KWU. The core premise of the agreement was to identify the area(s) that KWU would utilize its 1500 acre feet of water rights from the Western Canyon Project (Canyon Lake/GBRA) in Kendall County adjacent to Boerne.</p> <p>In addition to these facts, it would not be financially prudent for the City to forcibly annex this property because the city cannot provide water and sewer service to the area without expending millions of dollars on capital improvements to do so as the area is outside of the city's current water pressure plane limitations to physically do so. If the area was annexed without request of the owner, the city would be required to provide utilities within 30 months.</p> <p>State law is quite specific regarding what a city can and cannot regulate in its ETJ when a development is served by a public utility. A municipality shall not regulate (1) the use of any building; (2) the bulk, height, or number of buildings constructed; (3) the size of a building; or (4) <u>the number of residential units that can be built per acre of land</u>. So we cannot, by law, control density in this development. We may, however, restrict impervious cover to a reasonable extent, in order to provide environmental protection and protect the natural and ecological resources. Article 9 in our subdivision ordinance provides the criteria for development in the ETJ that is provided water and sewer services.</p> <p>KWU is a public water and sewer utility service provider, as is the City of Boerne, and both fall under the regulatory authority of TCEQ. KWU must adhere to the same rules and regulations as the City of Boerne for water quality treatment and distribution services. In addition, KWU has agreed to adhere to all City of Boerne construction standards.</p> <p>Per the city's Interlocal Agreement with Kendall County, city staff reviews plats in the ETJ for conformance to the Subdivision Ordinance and the Planning and Zoning Commission oversees approval of those plats. The developer is required to meet our Subdivision Ordinance regulations, but because they are not in the city limits, the property is not zoned and they are not required to adhere to our Zoning Ordinance. The developer has adhered to the Subdivision Ordinance and, as required by the Subdivision Ordinance, is submitting a master plan for approval because the development will be built in phases.</p> <p>KB Homes has provided the required information with this master plan thereby meeting all the criteria required by the Ordinance. Once the master plan is approved, the developer will submit a preliminary and then a final plat for approval.</p> <p>The master plan is the first step in the platting process. The plats will be much more detailed. As required by the Subdivision Ordinance, they will have to limit impervious cover and provide, among other things, a water protection zone along the lake in which minimum disruption is allowed to protect water quality. Those plans will be submitted with the plat. The</p>
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	<p>purpose of the master plan is to provide a guide for future platting. They are required to show the location of the full development, a north arrow, surrounding property information, total acreage and number of lots, streets, unit locations with lot sizes, streams, density, open space and provide lines for P&Z's signatures.</p> <p>There has been much discussion on the internet regarding this development and there has been a lot of misinformation in that communication. I had received several emails and phone calls about this prior to even having a master plan submittal. As soon as I had something I could share with the people that had expressed interest, I asked for a meeting with County representatives, council member Joe Anzollitto whose district surrounds this subdivision, KB Homes, the property owners and those property owners in the area I'd been in contact with. We met last week to hear concerns, provide them with the facts and go over the details of the development.</p> <p>The master plan does meet the criteria of the ordinance for a development in the ETJ that is provided public water and sewer. The Land Use Plan identifies this area as Residential which allows 2 – 5 dwelling units per acre. There will be much more detail provided through the platting process in which we can look at the specifics that we can require by state law. Staff recommends approval of the master plan as submitted.</p>
COST	
SOURCE OF FUNDS	
ADDITIONAL INFORMATION	

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