



## AGENDA ITEM SUMMARY

### District Impacted

- ☐ 1 = Wolosin
- ☒ 2 = Woolard
- ☐ 3 = Vacant
- ☐ 4 = Cisneros
- ☐ 5 = Handren
- ☐ All

<b>AGENDA DATE</b>	<i>April 1, 2019</i>
<b>DESCRIPTION</b>	CONSIDER DEVIATIONS FROM THE REQUIREMENTS AS SET FORTH IN THE CITY OF BOERNE SUBDIVISION ORDINANCE NO. 2007-56, ARTICLE 3, PLANNING AND COMMUNITY DESIGN STANDARDS, TABLE 3-4 STREET CROSS-SECTION STANDARDS FOR A DEVELOPMENT PLAT OF BOERNE STATION BUSINESS PARK (ONE COMMERCIAL LOT) (0.896 ACRES) LOCATED AT 209 EBNER STREET (KAD NO. 20071). TAKE NECESSARY ACTION.
<b>STAFF'S RECOMMENDED ACTION (be specific)</b>	APPROVE THE DEVIATION TO THE CROSS-SECTION FOR BOERNE STATION BUSINESS PARK (209 Ebner).
<b>CONTACT PERSON</b>	Laura Talley, Planning and Community Development Director
<b>SUMMARY</b>	<p>Travis Roberson, the owner/developer for the site is requesting a deviation to the Subdivision Ordinance to allow a different cross-section than what is required by the ordinance. They are very close to finalizing the plat and staff has determined that a typical cross-section will not work for this site for various reasons. 1) This area is already developed with a narrow pavement width, 2) the "street" currently exists through an easement by prescription, and 3) development across the street and to the west are not and likely will never be brought up to today's standards due to existing development.</p> <p>Reason 1) The cross-section that is required for local neighborhood street is 54 feet of right-of-way. That encompasses the street pavement, curb, landscape area and sidewalk. None of the lots along Ebner provide sidewalks. The duplexes to the west have very little lot frontage, so if in the future the City were to construct sidewalks along the full length of the street, it would only make sense that we use as little space as absolutely necessary so as to not consume the front yards of the duplex lots to the west, so the sidewalk would likely be built along the curb as we have asked the developer to do in this case. The existing pavement width along this street is +/- 21 feet which is what we've asked the developer to provide.</p>

	<div data-bbox="617 178 1477 546">A detailed cross-section diagram of a street. At the top, a dashed line indicates the 'Right-of-Way' boundary. On either side of the road are 'Private Property' areas, each containing a tree. The street layout from left to right includes: a 'Landscape or Utility Easement (if necessary)' area with a tree; a 'Sidewalk'; a 'Landscape Area'; a 'Parking (if applicable)' area marked with a 'P' in a circle; a 'Travel Lane(s)' with a downward arrow; another 'Travel Lane(s)' with an upward arrow; another 'Parking (if applicable)' area marked with a 'P' in a circle; another 'Landscape Area'; another 'Sidewalk'; and another 'Landscape or Utility Easement (if necessary)' area with a tree. Below the street, utility lines are shown: 'gas' and 'water' on the left, 'storm sewer' in the center, 'waste water' on the right, and 'electric/cable telecomm' on the far right. A note at the bottom left states: 'Tree Location &amp; Utility Location shall be based on section 3.02.003.C.1'.</div> <div data-bbox="673 598 1445 661">Local &amp; Collector Streets (Non Rural)</div> <div data-bbox="568 661 1510 1554"><p>Reason 2)</p><p>An easement by prescription is one that is gained under principles of a legal concept known as "adverse possession", under which someone other than the original property owner gains use or ownership rights to certain property. Prescriptive easements often arise on rural land when landowners fail to realize part of their land is being used, perhaps by an adjoining neighbor (ie. Fences built in incorrect locations often result in the creation of prescriptive easements). If a person uses another's land for more than the statute of limitations period prescribed by state laws on adverse possession, that person may be able to derive an easement by prescription. In this case, Ebner was never officially dedicated as right-of-way and the developer/owner is now dedicating that right-of-way with his plat of Boerne Station Business Park.</p><p>Reason 3)</p><p>The existing street only has a pavement width of +/- 21 feet and does have sidewalks/or curbs. This development will make improvements that are appropriate for the area and specific location based on surrounding conditions. It will include the curb/sidewalk/landscape area but will be a lesser pavement width than what is required and the landscape area will be behind the sidewalk.</p><p>Staff is supportive of the cross-section deviation as submitted.</p></div>
<b>COST</b>	
<b>SOURCE OF FUNDS</b>	
<b>ADDITIONAL INFORMATION</b>	

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