

CITY OF BOERNE
PLANNING AND ZONING COMMISSION

VARIANCE APPLICATION

APPLICANT: ProCore Developments 1, LLC PHONE NO. (713) 614-4600

PROPERTY ADDRESS: 12 Herff Road

LOT: _____ BLOCK: _____ SUBDIVISION: _____

OWNER: _____ PHONE NO. _____

(If different from Applicant)

MAILING ADDRESS FOR NOTIFICATION OF PENDING COMMISSION MEETING:

18518 Muesckhe Rd, Cypress, TX 77433

Owner is giving Jeff Carroll authority to represent him/her at the hearing.

(Applicant)

 as member
(Owner's Signature)

8-29-19
(Date)

1. Applicant is making a request from the Boerne Subdivision Ordinance
(Article & Section No. Article 3, Section 04 (3.04.004B / Table 3-16))

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

2. Describe request:

The subject property is located on Herff Road, which is classified as a Major Arterial by the City's Thoroughfare Plan. According to Table 3-16, no driveways are permitted on Major Arterial Roadways. Due to the physical constraints of the property, as described further on the worksheet below, the applicant requests that an access driveway be permitted for the proposed site. The applicability of the exceptions listed in Section 03.04.004B3 are also described below.

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.

(Applicant's Signature)

(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.

The subject property is bound on the west and south by single family developments and to the north by undeveloped land. The subject property does not have direct access to any non-arterial roadways and will have extremely limited site circulation and access without driveway access onto Herff Road. These are physical constraints not typical to other lands.

- 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.

The need for a driveway to this property is not specific to this proposed use. Due to the physical conditions of the limited depth of the property, any development on this lot would have the same issue with access, which is beyond the owner's control.

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

In order to minimize the deviation from the intent of the code, the proposed development driveway was designed with a hooded left at the existing median cut along Herff Road. Additionally, the proposed development will provide a deceleration lane to provide a designated lane for turning cars to slow down and make the necessary turn into the development. This will minimize cars from slowing in the through lanes of Herff Road and slowing down the flow of traffic.

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

This variance to the Subdivision Ordinance will not negatively impact the ability to meet any specific standard contain in the Zoning Ordinance.

- 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.

1. The current Master Plan designate this portion of town as Neighborhood Commercial, appropriate for nonresidential uses that are compatible with nearby residential uses.
2. The purpose of these regulations is to provide orderly access to roadways, and the proposed driveway takes this into account with the proposed design.
3. The intent of the standards is to provide some arterial roadways within the City of Boerne with limited driveways and keep vehicles moving throughout town. The proposed design took into consideration accepted TxDOT standards and includes a deceleration lane to mitigate for the additional access point on this stretch of Herff Road and maintain the intent of the standards.

- 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.

The variance will not have an adverse affect on existing adjacent land owners. The subject site is separated by a fence from the existing adjacent residential sites, and the proposed driveway would be shared with the lots within the development, thereby improving the overall traffic circulation of this area of development. No other existing or potential development within the area would be impacted by the granting of this variance.

- 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.

The variance will not negatively impact the development of the land and surrounding areas.

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

The proposed driveway with right deceleration lane and hooded left turn lane will not reduce the level of service (LOS) of Herff Road. Therefore, the variance will not adversely impact the general health, safety and welfare of the public.

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.
