



## AGENDA ITEM SUMMARY

### District Impacted

- ☐ 1 = Wolosin
- ☐ 2 = Woolard
- ☐ 3 = Scott
- ☐ 4 = Fowler
- ☐ 5 = Macaluso
- ☐ All

### AGENDA DATE

*August 31, 2020*

### DESCRIPTION

Consider a variance request to Subdivision Ordinance Article 5, Section 5.11.003, Certain Streets Excluded that would allow for a private street be allowed for the Thoroughfare located at 10 Spencer Road (Matkin-Hoover Engineering & Surveying for the owner, Forestar (USA) Real Estate Group, Inc.)

### CONTACT PERSON

Laura Talley, Planning and Community Development Director

### SUMMARY

The Birch at Spencer Ranch development is a master planned residential community in the City of Boerne's Extraterritorial Jurisdiction (ETJ) along State Highway 46 west of IH-10 near the intersection with Coughran Road. The master plan identifies three phases for development that totals 209 homes on 17.98 acres. If you will recall, pursuant to the State no governmental jurisdiction is allowed to limit density in the ETJ if the development is provided public water and sewer (KWU).

Per the City of Boerne regulations, this development is required to provide right-of-way dedication to the site. In this case, they are accessing their site via our thoroughfare. Our ordinance requires that the Thoroughfare be a public roadway. In the city limits this is no issue... the developer would dedicate and build the proportional section of the Thoroughfare and the city would maintain it. In the ETJ though, the County typically does not maintain new streets, thus they are private and are maintained by the development.

We do not allow thoroughfares to be private roads for a number of reasons; 1) they typically provide a high degree of mobility that connect different areas of town and connect to arterials 2) they generally serve higher-volume of traffic; 2) they accumulate traffic from local streets and/or collectors and connect them to arterials; 3) thus they serve the entire community including those in the county; and 4) they are built to move traffic. We are currently working with County representatives to address thoroughfare sections in the ETJ and how we can modify regulations to allow maintenance of those roads, keeping them public. We are also in preliminary negotiations on a DA, so as of yet we have no guarantee that the roadway will

	<p>come into the city limits.</p> <p>Staff cannot approve plans for a private road that is our thoroughfare. Therefore Forestar as at a crossroads – they either need to provide another access point that is a private street (not our thoroughfare) or the City can grant a variance to allow our thoroughfare to become a private street or we can enter into a development agreement that provides for conditions that would make the road public in the near future.</p> <p>The section of the ordinance for which the applicant is requesting a variance is as follows:</p> <p><i>Section 11. Private Streets</i></p> <p><i>5.11.003 Certain Streets Excluded</i></p> <p><i>Roads or streets that are shown on the City's Thoroughfare Plan, such as highways, major or minor thoroughfares or arterials, or collectors, shall not be used, maintained or constructed as private streets, and a private street subdivision shall not cross or interfere with an existing or future collector or arterial street. Also, the Planning and Zoning Commission may deny the creation of any private street if, in their sole determination, the private street would negatively affect traffic circulation on public streets, or if it would impair access to the subject or adjacent property; impair access to or from public facilities including schools or parks; or if it would cause possible delays in the response time of emergency vehicles.</i></p>
<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.