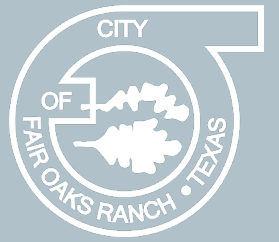


City Council Public Hearing Oak Bend Subdivision Phase I Variance Request

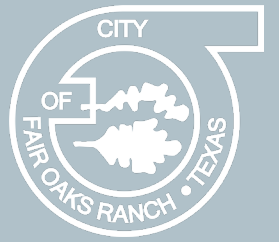


October 03, 2024

PV# 2024-01

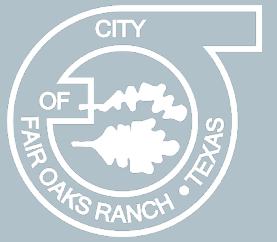
Grant Watanabe, P.E., CFM
Director of Public Works

Introduction



Proposed Variance Request (PV No. 2024-01) will change the required street lot frontage requirements based on Chapter 10 Subdivision Regulations for approximately 149 acres generally located north of the intersection of Ralph Fair Road and Honeycomb Rock. The property is currently platted as Oak Bend Estates.

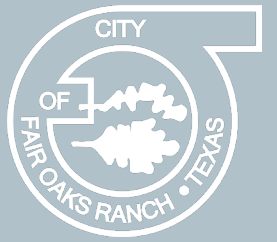
Reason for Request



- The proposed variance is part of a Preliminary Plat that will revise the previously approved Oak Bend Estates plat.
- The Subdivision Regulations requires a minimum of 150 feet of street frontage for lots served by public water and private sewer septic.
- Thirty-eight (38) lots with street frontage less than the required 150 feet are proposed in this subdivision.

Lots in a subdivision within the corporate limits of the City and outside the corporate limits of the City, but within the limits of its extraterritorial jurisdiction which are served by either individual private wells and public sewer systems, or public water systems and private on-site sewage disposal systems, shall have a minimum street frontage of 150 feet and total lot area greater than 45,000 square feet.

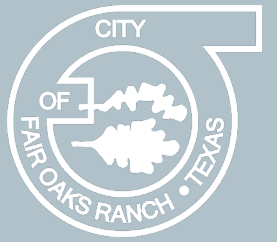
Criteria for Review



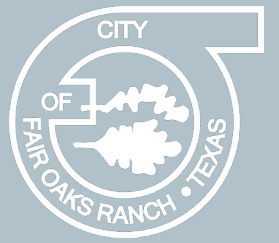
According to Section 3.9 (g) of the UDC, no Variance will be granted unless the authorizing body finds that all of the following apply (further detailed in Staff Report):

- 1. Extraordinary or special conditions affecting the land involved such that strict application of the provisions of this Code deprives the applicant of a reasonable use of its land;*
- 2. Preserves property rights of the applicant;*
- 3. Ensures public health, safety, or welfare is upheld;*
- 4. Ensures there is no detrimental effect to surrounding properties;*
- 5. Conditions do not create a need for additional variances to surrounding properties;*

Criteria for Review, Cont'd



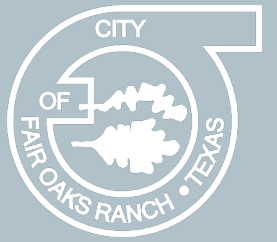
6. *Conditions that create the need for the Variance are not the result of the applicant's own actions;*
7. *Does not substantially conflict with the Comprehensive Plan and the purposes of this Code;*
8. *Application of this Code effectively prohibits or unreasonably restricts the utilization of the property; and,*
9. *Insufficient Findings - the following types of possible findings do not constitute sufficient grounds for granting a Variance:*
 - a. *Property cannot be used for its highest and best use;*
 - b. *There is a financial or economic hardship. There is a self-created hardship by the property owner his / her agent; or*
 - c. *The development objectives of the property owner are or will be hindered.*



Public Notices/Comments

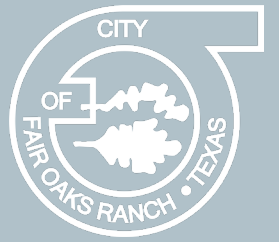
- All public hearing requirements, as prescribed in LGC and UDC, have been met:
 - Letters sent to property owners within a 200 feet of the development
 - Notice published in the Boerne Star
 - A public hearing sign was erected on the property limits
- At the Planning and Zoning Commission public hearing, one resident spoke in support of the proposed variance. Written testimony was also received expressing opposition and support for the proposed variance.

Staff Recommendation



- Minimum street frontages for 38 lots range from 107.75 to 148.68 feet. Six lots have less than 145 feet of street frontage, while 32 lots have a minimum street frontage of 145 feet.
- The Oak Bend Subdivision was previously platted and recorded with similar reduced street frontages in 2011.
- Additional features of the proposed Oak Bend Subdivision:
 - ✓ Reduction of lots (110 lots) as compared to the previously approved subdivision (130 lots) proposed
 - ✓ Addition of nine (9) acres of open space to preserve Karst features (geological feature)
 - ✓ Inclusion of an emergency access
- The Oak Bend Subdivision is in Comal County and the County's minimum lot frontage requirement is 40 feet.
- The existing Water Supply Agreement allows for the construction of 110 single family residential lots.

Next Steps



- City Council will consider and take possible action on the requested variance during the related consideration item.