



ZONING BOARD OF APPEALS CONSIDERATION ITEM CITY OF FAIR OAKS RANCH, TEXAS

AGENDA TOPIC: Consideration and possible action on the Variance Application No. ZBOA 2024-01 from the applicant Cude Engineers, on behalf of property owners Gerald W Rentz Jr. and Lisa Rentz, to grant variances for the property located at 8923 and 8979 Dietz Elkhorn Road, Boerne, TX.

DATE: May 15, 2024

DEPARTMENT: Public Works and Engineering Services

PRESENTED BY: Lee Muñiz, P.E., CFM, Manager of Engineering Services

INTRODUCTION/BACKGROUND:

The applicant is proposing a development that will consist of a daycare/childcare facility located at 8923 and 8979 Dietz Elkhorn Road, northwest of the intersection of Dietz Elkhorn Road and Elkhorn Ridge. Street access to the development will be provided from Dietz Elkhorn Road. The property is not platted, and the site contains a single-family residential structure. The proposed daycare/childcare facility is approximately 13,500 square feet.

Current Zoning: Mixed Use Village

Proposed Use: Daycare/childcare facility (Permitted with Conditions)

Property Size: 4.289 acres

Variations Requested: On April 09, 2024, the applicant submitted a complete variance application requesting variances to the UDC sections listed below.

1. Variance from the requirements of UDC Section 6.8 (1) b (i) to vary the Build-to Zone (maximum building setback requirement) along Primary Frontage (Dietz Elkhorn Road) from 20 feet to 140 feet.
2. Variance from the requirements of UDC Section 6.8 (1) (d) (i) to allow surface parking in the area located between the building and the Dietz Elkhorn Road.

All supporting documents for this consideration item are attached to the related public hearing item in the agenda packet.

POLICY ANALYSIS/BENEFIT(S) TO CITIZENS:

The public hearing process and multiple means of notification afford citizens the opportunity to provide input to the governing body before decisions are made.

LONGTERM FINANCIAL & BUDGETARY IMPACT:

N/A

LEGAL ANALYSIS:

The attached staff report and today's public hearing demonstrate compliance with the requirements as prescribed in Texas Local Government Code and the City's Unified Development Code.

RECOMMENDATION/PROPOSED MOTION:

If the ZBOA recommends in favor of the variances, staff recommends that the following conditions be considered:

1. The development shall follow the layout in the attached Site Plan.
2. The sidewalk shall extend the entire length of the parcel and tie into the sidewalk at Elkhorn Ridge to promote pedestrian connectivity.
3. Provide a 25-foot-wide landscaped strip and screening along all street frontages as per UDC Sec. 7.7 below:
 - a. Street trees: Spacing shall be an average of 30 feet on center. The minimum caliper size for each tree shall be 2 inches and shall be a minimum of 8 feet in height at planting. Each tree shall be planted in a planting area no less than 36 sq. feet. Species shall be native or adapted species selected from the Approved Plant List, found in Appendix B of the UDC.
 - b. Shrubs: 3-foot landscaped vegetative screen composed of shrubs planted to be opaque at maturity (see Figure 7-16).
4. Preserve existing trees within 25' from the front property line.
5. All other UDC requirements shall be met.

The recommended language for the motion is an affirmative position and the ZBOA may vote in favor or opposition. Each Variance should be considered separately. The ZBOA may approve any of the motions with conditions as they deem necessary. If the ZBOA needs additional information to make a decision, then the ZBOA may table action on the item.

Variance 1 - Motion: I move to approve the following Variance (with the following conditions):

Variance from the requirements of UDC Section 6.8 (1) b (i) to vary the Build-to Zone (maximum building setback requirement) along Primary Frontage (Dietz Elkhorn Road) from 20' to 140'.

Conditions of approval – to be added as appropriate

Variance 2 - Motion: I move to approve the following Variance (with the following conditions):

Variance from the requirements of UDC Section 6.8 (1) (d) (i) to allow surface parking in the area located between the building and the Dietz Elkhorn Road.

Conditions of approval – to be added as appropriate