Texas Department of Housing and Community Affairs



Governing Board

Board Action Request

File #: 1198 Agenda Date: 11/6/2025 Agenda #:

Presentation, discussion, and possible action regarding a Material Amendment to the Housing Tax Credit Application for Bluffview at Frederick Creek (HTC #22457)

RECOMMENDED ACTION

WHEREAS, Bluffview at Frederick Creek (the Development) received a 4% Housing Tax Credit (HTC) award in 2022 to construct 192 units of multifamily housing in Boerne, Kendall County;

WHEREAS, Roers Boerne Apartments Owner LLC (Development Owner or Owner) requests approval to decrease the size of the Development site from 10.05 acres to 7.26 acres, due to the dedication of 2.79 acres to meet parkland requirements, which results in a 38.43% increase in residential density from 19.104 units per acre to 24.446 units per acre;

WHEREAS, Board approval is required for a modification of the residential density of at least 5% as directed in Tex. Gov't Code §2306.6712(d)(6) and 10 TAC §10.405(a)(4)(F), and the Owner has complied with the amendment requirements therein; and

WHEREAS, the requested change does not materially alter the Development in a negative manner, was not reasonably foreseeable or preventable by the Applicant at the time of Application, and would not have adversely affected the selection of the Application;

NOW, therefore, it is hereby

RESOLVED, that the requested material amendment of the Application for Bluffview at Frederick Creek is approved as presented at this meeting, and the Executive Director and his designees are each authorized, directed, and empowered to take all necessary action to effectuate the Board's determination.

BACKGROUND

Bluffview at Frederick Creek received a 4% Housing Tax Credit award in 2022 to construct 192 units of multifamily housing in Boerne, Kendall County. Construction of the Development is nearing completion, and a request for drafting of the Land Use Restriction Agreement (LURA) is currently being processed by the Department. During the drafting of the LURA, it was determined that a greater than 5% change in residential density had occurred since the representation at initial Application, and in a letter received as of September 19, 2025, Brian J. Roers, the representative for the Development Owner, requested approval to modify the total acreage to represent the actual size of the Development site due to the dedication of a parcel

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of land as parkland.

At the time of Application, the original Development site was identified as 10.05 acres, but the final area of the Development site is 7.26 acres. The difference between the acreage at Application and the final acreage is entirely attributable to a parkland dedication identified on the plat recorded in the records of Kendall County on October 24, 2023. As a result, the residential density changed from 19.104 to 24.446 units per acre, which represents an increase of 38.43%, requiring approval by the Board under Tex. Gov't Code §2306.6712(d)(6) and 10 TAC §10.405(a)(4)(F).

While technically the density increased due to the acreage of the Development site shrinking, none of the private living areas have become denser. The building spacing, public use areas, number of units, play areas and parking areas should remain the same as represented at application. The enclosed table compares the site plan of the Development at Application and the recorded plat showing the parkland designation as mostly overlapping the undevelopable FEMA flood zone.

The requested amendment does not materially alter the Development in a negative manner and would not have affected the selection of the Development for the HTC award.

Staff recommends approval of the requested material amendment to the Application, and if approved, the LURA will be recorded to reflect the acreage as platted.

Material Alterations as defined in Texas Gov't Code §2306.6712(d)(6) and 10 TAC §10.405(a)(4)(F) **Application** Amendment Density: 19.104 units/acre (192 units on a 10.05-acre tract) Density: 24.446 units/acre (192 units on a 7.26-acre tract)



Texas Department of Housing and Community Affairs 221 E 11th St # 400 Austin, TX 78701

Re: Material Amendment to Application Request – Roers Boerne Apartments Owner LLC – File #22457

To whom it may concern:

Please use this letter as evidence of our formal request for a material amendment to application request due to a modification of the residential density of at least 5%. This is due to the dedication of 2.794 acres as identified in the recorded plat which was not submitted at the time of application. The dedication was a city requirement to meet parkland requirements. Because the project unit count did not change from 192 total units, this dedication resulted in the application density of 19.2 units/acre being increased to 26.4 units/acre, exceeding the 5% threshold.

The material amendment fee of \$2,500 is enclosed in this request as well.

Please let us know of any questions on this request.

Sincerely,

Roers Boerne Apartments Owner LLC, a Minnesota limited liability company

By: Roers Boerne Apartments Managing Member LLC,

a Minnesota limited liability company

Its: Managing Member

Brian J. Roers

Authorized Signer

EASEMENTNOTES

ALL PROPERTIES DESIGNATED AS EASEMENTS SHALL OR MAY BE UTILIZED FOR THE FOLLOWING PU

DRAINGE KASEMENT:

DRAINGE WATER DIVERSION, AND SMITTAY CONTROL INCLUSING WITHOUT IMITATION, WALLS BEDS, EMBANKMENTS, SPILLWAYS, APPURTENINGS, AND OTHER HORSESSON, CONTROL INCLUSING WITHOUT IMITATION, WALLS BEDS, EMBANKMENTS, SPILLWAYS, APPURTENINGS, AND OTHER HORSESSON EXPORTS AND ADMINISTRATION OF THE GRANTOR'S ADJACENT LAND, WHEN THE DELINEATED ENTRANCE POINT THAT ABUTS PUBLIC RIGHT-OF-WAY IS GESTRUCTED ANDOR INADOCESSIBLE, ETHER IN WHICLE OR IN FART, IN ORDER TO ACCESS ON LEAVE THE EASEMENT FOR THE PURPOSE OF CONTINUEDING, RECONSTRUCTION, INSPECTION, PARKELING, GESTRUM WITHIN THE MANISTRATION, REPORTING AND REMOVING THE DRAINGE SYSTEM WITHIN THE MANISTRATION, REPORTING AND REMOVING THE PUBLIC REPORT OF THE DRAINGE SYSTEM WITHIN THE EASEMENT INSTALL STORM SEWER SYSTEMS, CULVERTS, WATER GAPS, AND PROTECTION FAULS, THE RIGHT TO REMOVE FROM THE EASEMENT INSTALL STORM SEWER SYSTEMS, CULVERTS, WATER GAPS, AND PROTECTION FAULS, THE RIGHT TO REMOVE FROM THE EASEMENT INSTALL STORM SEWER SYSTEMS, CULVERTS, WATER GAPS, AND PROTECTION FAULS, THE RIGHT TO REMOVE FROM THE EASEMENT INSTALL STORM SEWER SYSTEMS, CULVERTS, WATER GAPS, AND PROTECTION FAULS, THE RIGHT TO REMOVE FROM THE PROMINENT STATEMENT OF THE PROPERTY ON THE PROPERTY OR PERSONNEL ON THE PROPERTY OR AND CHARGE SYSTEM.

- THE GRANTOR SPECIFICALLY RESERVES THE RIGHT TO USE ALL OR ANY PART OF THE EASEMENT FOR ANY PURPOSE, WHICH DOES NOT ACCOUNT OF THE MASSIMENT.
- THE GRANTES SHALL MAST COMMERCIALLY REASONABLE EFFORTS TO ENSURE THE CAMAGE TO THE PROPERTY IS MINIMIZED AND WILL AT ALL THES, A FIFED DOIS ANY WORK IN CONNECTION WITH THE DRAINING SYSTEM, RESTORE THE PROPERTY TO THE CONDITION IN WHICH THE PROPERTY WAS FOUND BEFORE SUCH WORK WAS UNDERTAKEN TO THE EXTENT THAT SUCH RESTORATION IS REASONABLE IN COCCOMBACE WITH THE GRANTESS SULLA MOD CUSTOMARY PRACTICES.
- THE GRANTEE SHALL MAKE NECESSARY MODIFICATIONS AND IMPROVEMENTS TO CONFORM WITH THE CITY OF BOERNE DRAINAGE POLICY AND PLAN AT SUCH A TIME AS THE SAID PLAN AND POLICY ARE ENACTED BY CITY COUNCIL OF THE CITY OF BOERNE, TEXAS.

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UTILITIES, NCLLIONING, WITHOUT LIMITATION, SEMEN, WATER, GAS, ELECTRICITY, TELEPHONE, AND CABLE TELEVISION, WITH ALL NECESSARY UTILITIES, NCLLIONING, LATERAL ANDORA MERITATION APPLIET THE THE THE OFFICE OF THE THE THROUGH OF THE OFFICE AND THE GRANTORS ADD ACCENT LAND, WHEN THE DELINEATED ENTERONE POINT THAT REGIST OF THE OFFICE OF CORE TRUTHS AND THE OFFICE AND THE ACCESS ONE LAND, WHEN THE DELINEATED ENTERONE POINT AND REPORT OF THE THROUGH OF THE OFFICE OF CONSTRUCTION, RECONSTRUCTION, INSPECTIORS, FORTCHLING, OFFICE OFFICE AND THE ACCESS ONE LEAST THE EASEMENT OF THE THE OFFICE OF CONSTRUCTION, RECONSTRUCTION, INSPECTIORS, FORTCHLING, OFFICE OFFIC

THE PROPERTY OWNER RETAINS THE RIGHT TO USE ALL OR ANY PART OF THE EASEMENT FOR ANY PURPOSE WHICH DOES NOT DAMAGE, LESTROY, NUIRE, ANDIOR LUNREASONABLY INTERFERE WITH THE USE OF THE EASEMENT. HOWEVER, THE EASEMENT SHALL KEPT CLEAR OF ALL STRUCTURES OR OTHER IMPROVEMENTS.

2. THE CITY SHALL MAKE COMMERCIALLY REASONABLE EFFORTS TO BUSINET THAT DAMAGE TO THE PROPERTY IS IMMINISED AND THE CITY BULL AT ALL TREAS, A TETER CORES AND WORK IN COMMERCE ON WITH HE CITY BUTLIES, RESTORE THE PROPERTY TO THE CONDITION IN WHICH THE PROPERTY TO A TO THE CONDITION IN WHICH THE PROPERTY USES TO ALL DO SENDED AND A TO THE CONDITION IN WHICH THE CITY SUBJECT AND THE CONDITION IN PROPERTY OF THE CITY OF THE PROPERTY OF THE CONDITION IN WHICH THE CITY SUBJECT AND THE PROPERTY OF THE CONDITION OF THE

PLAT NOTES

- GATES ACROSS EASEMENT:DOUBLE SWINS GATES WITH A MINIMUM CLEAR OPENING OF 12 FEET WIDE SHALL 3E INSTALLED WHEREVER FENCES CROSS UTILITY AND DRAINAGE EASEMENTS.
- 2. OBSTRUCTIONS OF DRAINAGE: ADEQUATE STRUCTURES SHALL BE PROVIDED TO ALLOW THE UNHINDERED PASSAGE OF ALL STORM AND DRAINAGE FLOWS WHEREVER RENCES CROSS DRAINAGE FLASHBENTS.

AT SUCH TIME AS LOT IS DEVELOPED, A TEN-FOOT WIDE REINFORCED CONCRETE SIDEWALKS SHALL BE INSTALLED ADJACENT TO ALL STREET FRONTING PROPERTY LINES OF EACH LOT FRONTING A STREET.

IMPACT FEE ASSESSMENT NOTE:

ASSESSMENT AND COLLECTION OF THE CITY OF BOERNE WATER AND WASTEWATER UTILITIES' CAPITAL RECOVERY FEES SHALL SE THE AMOUNT PER LOT AS SET FORTH INCITY ORDINANCE NO. 2014-56, SECTION 1.10 (5)

TAX CERTIFICATE NOTE:

DOLUMENT # 384323 TAX CERTIFICATE AFFIDAVIT FILED THIS DATE IN VOLUME PAGE , KENDALL COUNTY OFFICIAL RECORDS.

HERITAGE LEGACY TREE NOTE:

THERE EXISTS NINETEEN (19) HERITAGE LEGACY TREES, AS DEFINED IN SUBSECTION 2.(2.002, IDENTIFIED ON SITE

LOT SETBACKS ARE DETERMINED BY THE CITY OF BOERNE ZONING ORDINANCE ENFORCED AT THE TIME OF DEVELOPMENT AND ARE BASED ON ZONINALOT SIZE. UNILESS OTHERWISE IDENTIFIED, THE FRONT SETBACK FOR A PIE SHAPED LOT OR A LOT ON A CUPYLINEAR STREET OR CULD-ES-ACE BIR ASSURED WHEREVER THE LOT WINDH MEETS FRONTIAGE REQUIREMENTS FOR THE LOT CATEGORY.

TOTAL OPEN SPACE PROVIDED SHALL BE 5% OF ALL BUILDING FOOTPRINTS AND AREAS OF IMPERVIOUS SURFACE DEDICATED TO VEHICLE ACCESS AND PARKING ON EACH LOT.

RESIDENTIAL LOTS IN EXCESS OF 15.00 SQUARE FEET OWAL ONLY IMPRIGATE THE AREA THAT LIES WITHIN A FEET OF THE MAIN RESIDENCE. THEY GRANGES EXAM, LEE LIMITED 10 ZOYAR, BIFFAND OR BERMAND, GRANGES OR OTHER GRANGES APPROVED IN THE CITY MANAGES OR HIS OR HER DESIGNATED REPRESENTATIVE, (ORD. NO. 2004-29), XERISCAPING IS PERMITTED AS DESCRIBED IN THE CITY OF BOETRIE ZONING ORDINANCE, ARTICLE, 3, SECTION 3, 70.001.

DRAINAGE BASIN NOTE:

THE SUBJECT AREA IS NOT UPSTREAM FROM A CITY WATER SUPPLY LAKE.

- BOERNE'S UNIFIED DEVELOPMENT CODE: SECTION 8.2 WATEFSHED PROTECTION

 1. PROTECTION ZONE 1 IS APPROXIMATELY THE WIDTH OF THE RIPARIAN ZONE AND IS MEASURED FROM THE DRAINAGEWAY

- PROJECTION ZONE 1 SA PREADED TO PROTECTION OF THE RIPARIAN ZONE AND IS MEASURED FROM THE DRAINAGENAY OF THE PROPERTY OF THE REPRESENTATION OF THE PHYSICAL AND ECOLOGICAL INTEGRITY OF NATURAL STREAM CORRIDORS.

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 NATURAL STREAM CORRIDORS.

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GENERALNOTE

GENERALIZATION

LOT AREA INFCRMATION

TOTAL PLATTED ACREAGE = 10.054 ACRE

TOTAL LOTS = 1 OPEN SPACE / PARKLAND

- 340 ACRE

ACREAGE AND DENSITY: TOTAL OPEN SPACE = 2.705 ACRES TOTAL LOT = 10.054 ACRES GROSS DENSITY = 3.717 ACRES

OWNER'S ACKNOWLEDGEMENT

STATE OF TEXAS

STATE OF TEAMS COUNTY OF KENDALL
THE OWNER OF LAND SHOWN ON THIS PLAT, IN PERSON OR THROUGH A DULY AUTHORIZED AGENT,
DEDICATES TO THE USE OF THE PUBLIC, FOREVER ALL STREETS, ALLEYS, PARKS, WATERCOURSES,
DRAINS, EASEMENTS AND PUBLIC PLACES THEREON SHOWN FOR THE PURPOSE AND CONSIDERATION

ROERS BOERNE APARTMENTS OWNER, LLC. 2 CAFLSON PARKWAY NORTH SUITE 400 PLYMOUTH, MINNESOTA 55447



Filed for Record in the Official Records Of: Kendall County On: 10/24/2023 9:47:23 AM In the PLAT Records Blaffview Multi Family Subdivision Plat Doc Number: 2023 – 384324 Number of Pages: 2 Amount: 85.00 Order#:20231024000011

STATE OF TEXAS §
COUNTY OF KENDALL §

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED LAND SUBJECT OF THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FORECOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE EAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN STATED.

GIVEN UNDER MY HAND SEAL OF OFFICE THIS TO DAY OF 20 3

NOTARY BUBLIC IN AND FOR THE STATE OF TEXAS

STATE OF TEXAS



STATE OF TEXAS COUNTY OF KENDALL Denist Maxwell origina was filed

HEREBY CERTIFY THAT THIS PLAT WAS FILED FOR RECORD IN MY OFFICE. ON THE

24th DAY OF COODER A.D. 2003 AT 147 MM, AND DULY RECORDED THE 34th DAY CHICAGO AD 20 ATM IN THE RECORDS OF PLATS
BOOKWOLUME ON PAGE DOLL MENT 384344 OF SAID COUNTY. IN

IN TESTIMONY WHEREOF, WITNESS MY HAND AND SEAL OF OFFICE THIS 21 DAY OF CALDLEST AD

Denise Maxwell BY Cheistre Maching

- FOR RESIDENTIAL DEVELOPMENT DIRECTLY ADJACENT TO STATE RIGHT-OF-WAY, THE DEVELOPER SHALL BE RESPONSIBLE FOR ADEQUATE SETBACK AND/OR SOUND ABATEMENT MEASURES FOR FUTURE NOISE REDUCTION.
- THE DEVELOPER/OWNER IS RESPONSIBLE FOR PREVENTING ANY ADVERSE IMPACT TO THE EXISTING DRAINAGE SYSTEM WITHIN THE HIGHWAY RIGHT-OF-WAY.
- NAXIMUM ACCESS POINTS TO THE STATE HIGHWAY FROM THIS PROPERTY, WILL BE REGULATED AS DIRECTED BY "REGULATIONS FOR ACCESS DRIVEWAYS TO STATE HIGHWAYS". THIS PROPERTY IS ELIGIBLE FOR ONE (1) ACCESS POINT BASED ON THE AVAILABLE FROMTAGE.
- ANY CURRENT OR FUTURE TRAFFIC CONTROL MEASURES AS A RESULT OF THIS DEVELOPMENT, ILEFT TURN LANE, RIGHT TURN LANE, SIGNAL, ETC.) FOR ANY ACCESS FRONTING A STATE MAINTAINED ROADWAY SHALL BE ITHE RESPONSIBILITY OF THE DEVELOPER/COMIRER.
- THE DEVELOPER WILL BE REQUIRED TO INSTALL AN APPROVED MAIL DELIVERY SYSTEM OUTSIDE OF THE STATE RIGHT-OF-WAY FOR POSTAL PATRONS OCCUPYING THE DEVELOPMENT/PROPERTY.

FINISHED FLOOR OF PROPOSED STRUCTURES TO BE PLACED MUST COMPLY WITH FEMA NFIP AND CITY OF BOERNE FLOODPLAIN REQUIREMENTS.

PROPERTY CORNERS WILL BE MONUMENTED WITH 1/2" IRON ROD WITH A PLASTIC CAP STAMFED "KHA", UNLESS NOTED OTHERWISE.

GEODETIC BASIS STATEMENT:

HCRIZONTAL CONTROL: THE BEARINGS, DISTANCES, AREAS AND COORDINATES SHOWN HEREON ARE
THE TEXAS STATE PLANE COORDINATE SYSTEM GRID, SOUTH CENTRAL, ZONE (PIPS 4204) (NAD/B3), AS
DETERMINED BY THE GLOBAL POSITIONING SYSTEM (GPS), ALL DISTANCES SHOWN HEREON ARE ON
THE GRID. THE UNIT OF ILMEAN MEASUREMENTS US. SURVEY FEET,

VERTICAL CONTROL. ANY ELEVATIONS SHOWN HEREON ARE REFERENCED TO THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVORB)

STATE OF TEXAS COUNTY OF KENDALL

I HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECT AND WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE ON THE GROUND UNDER MY SUPERVISION.

John Is Mosser 10-16-2003

JOHN G. MOSIER REGISTERED PROFESSIONAL LAND SURVEYOR NO. 6330 KIMLEY-HORN AND ASSOCIATES, INC. 10101 REUNION PLACE SUITE 400 SAN ANTONIO, TEXAS 78216 PH. 210-321-3402 GREG.MOSIER@KIMLEY-HORN.COM

* JOHN G. MOSIER 6330 Essio

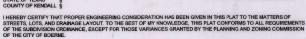
STATE OF TEXAS §
COUNTY OF KENDALL §

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED TO ACKNOWLEDGED TO ME THAT HE TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FORECOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS TRICRIED EXPRESSED AND IN THE CAPACHTY THEREIN

GIVEN UNDER MY HAND SEAL OF OFFICE THIS 6 DAY OF 000 2000 2000

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

STATE OF TEXAS
COUNTY OF KENDALL



MATHEW G. MATNEY
REGISTERED PROFESSIONAL ENGINEER NO. 136733 KIMLEY-HORN AND ASSOCIATES, INC. 10101 REUNION PLACE SUITE 400 SAN ANTONIO, TEXAS 78216 PH. 210-321-3419 MATTHEW.MATNEY@KMLEY-HORN.COM



MICHAELA ERNANT

otary Public State of Tay

Notary ID 133036080

STATE OF TEXAS §
COUNTY OF KENDALL § BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED MANHOUSE NAME IS SUBSCRIBED TO THE PERSON WHOSE NAME IS SUBSCRIBED TO THE PORECOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED AND IN THE CAPACITY THEREIN

GIVEN UNDER MY HAND SEAL OF OFFICE THIS 16 DAY OF OCTOBER 2023

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS STATE OF TEXAS

STATE OF TEXAS §
COUNTY OF KENDALL §

Comm. Expires 04-14-202

APPROVAL OF THE PLANNING AND ZONING COMMISSION:

THIS PLAT OF <u>BLUFFVIEW MULTI-FAMILY MAJOR SUBDIVISION PLAT</u> HAS BEEN SUBMITTED TO AND CONSIDERED BY THE FLANNING AND ZONING COMMISSION OF THE CITY OF BOERNE, TEXAS, AND IS HEREBY APPROVED BY SUCH COMMISSION.

DATED THIS DAY OF DEST 2023 CHAIR TIM BANNWOLF

(127) SECRETARY BOB CATES

BLUFFVIEW MULTI-FAMILY MAJOR SUBDIVISION PLAT 10.054 ACRES

BEING A 10.054 ACRE TRACT OF LAND SITUATED IN THE A. LOCKMAR SURVEY NO. 178, ABSTRACT NO. 311, CITY OF BOERNE ETJ, KENDALL COUNTY. TEXAS, AND BEING ALL OF THAT CERTAIN 10,054 ACRE TRACT OF LAND DESCRIBED IN INSTRUMENT TO ROERS BOERNE APARTMENTS OWNER, LLC, RECORDED IN DOCUMENT NO. 2022-375598. OFFICIAL PUBLIC RECORDS OF KENDALL COUNTY

Tel. No. (210) 541-9166 FIRM # 10193973 www.kimlev-horn.com Drawn by Checked by Project No.

DATE REVISION DESCRIPTION

Scale

TGC

JGM

Date 10/12/2023 069290301 Sheet No. 10F2

