



CITY COUNCIL CONSIDERATION ITEM

CITY OF FAIR OAKS RANCH, TEXAS

January 20, 2022

AGENDA TOPIC: Approval of a Preliminary Plat request from Elkhorn Ridge SA, LLC for Elkhorn Ridge Unit 4 proposing 26 single-family residential lots, generally located north of the intersection of Dietz Elkhorn Road and Elkhorn Ridge, City of Fair Oaks Ranch, Texas

DATE: January 20, 2022

DEPARTMENT: Public Works and Engineering Services

PRESENTED BY: Consent Agenda - Katherine Schweitzer, P.E., Manager, Engineering Services

SUMMARY:

The purpose of this Preliminary Plat is to create 26 residential lots, and one private street (Cheyenne Ridge) that will also be maintained as underground utility easements. The lot sizes range from 0.17 acres to 0.43 acres and the minimum lot width of the lots being platted in this phase is 65 feet except for one lot that is 55 foot wide.

The subdivision is generally located north of the intersection of Dietz Elkhorn Road and Elkhorn Ridge (see attached **Exhibit A: Location Map**). Street access to the subdivision will be provided from Cheyenne Ridge.

BACKGROUND:

In January 2014, the City of Fair Oaks Ranch entered into a development agreement with Elkhorn Ridge SA, LLC for the development of 311 single family residential lots as part of the Elkhorn Ridge subdivision. The referenced agreement stated the following regarding lot size dimensions: "In general all lots are approximately one hundred twenty feet (120 ft) in depth at a minimum with 148 lots being approximately fifty-five (55 ft) wide, 91 lots being approximately sixty-five (65 ft) wide and 72 lots being approximately eighty feet (80 ft) wide as measured from the front building setback line." The agreement also stated – "Any material changes to the Master Plan shall require the approval of City Council, unless such change results in a reduced density."

The Master Plan (**Exhibit B**) approved as part of the agreement contained the following breakdown that was in conflict with the text of the agreement mentioned above.

| LOT SIZES | | | | |
|-----------|-------|-----------|-----------|-------|
| | 55' < | 55' – 64' | 65' – 84' | 85' > |
| UNIT 1 | 25 | 28 | 38 | 3 |
| UNIT 2 | 24 | 13 | 38 | 12 |
| UNIT 3 | 25 | 19 | 27 | 9 |
| UNIT 4 | 47 | 4 | – | – |
| TOTAL | 121 | 64 | 103 | 24 |

Source: Development Agreement dated 2014

Attached **Exhibit C** shows the location of the area being platted in relation to the entire Elkhorn Ridge development. **Exhibit D** shows the current status of the development, number and size of lots, lot configuration, recordation data, and construction status (as of November 2021, as provided by the applicant). A detailed breakdown of the development progress of the various units, as provided by the applicant in November 2021, is summarized below in Table 1.

Table 1: Elkhorn Ridge Development Construction Status

| Status | Constructed | Future |
|----------------|-----------------------|---------|
| Units | 1, 2, 3, 5, 6A, 6B, 9 | 4, 7, 8 |
| Number of lots | 221 | 71 |

Based on a comparative analysis of the development agreement and the subdivision progress provided by the applicant, the lot breakdown and status is summarized in the Table 2 below. The last Section U4 will contain 7.356 acres and will be platted with 25 lots of 65 feet lot width except for one lot of 55-foot width. (**Exhibit D**)

Table 2: Comparative Analysis of the Development Agreement and Updated Master Plan

| Lot Size | Total permitted in the Development Agreement text | Total shown in the map attached to the Development Agreement | Applicant's proposed Master Plan of October 2021 | Number of lots platted w/o U4 (the only remaining section to be platted) | Number of lots proposed to be platted in U4 | Total number including proposed lots in U4 |
|--------------------|---|--|--|--|---|--|
| Min. 55' wide lots | 148 | 185 (0'-64') No min. lot width) | 135 | 134 | 1 | 135 |
| Min. 65' wide lots | 91 | 103 (65'-84' wide lots) | 113 | 88 | 25 | 113 |
| Min. 80' wide lots | 72 | 24 (min. 85' wide) | 44 | 44 | 0 | 44 |
| Total | 311 | 312 | 292 | 266 | 26 | 292 |

Based on previous discussions with staff and legal counsel, the proposed plat will meet the terms of the Development Agreement.

Exhibit G shows an aerial view of the Elkhorn Ridge development. The street providing access to this subdivision is constructed and has been accepted by the City. The parcel has no heritage trees on site that need mitigation therefore the applicant has prepared a tree mitigation plan to be reviewed by staff.

The Preliminary Plat review is based on the requirements of the Subdivision Regulations contained in Chapter 10 of the Code of Ordinances, which was in effect at the time of the approval

of the Master Plan. Staff has reviewed the Preliminary Plat and relayed review comments to the applicant. The applicant had requested for a 30-day extension of time to address the staff comments. On December 9, 2021, the P & Z recommended approval for the applicant's request for a 30-day extension of time to address the staff comments. The request was approved by the City Council on December 16, 2021.

POLICY ANALYSIS/BENEFIT(S) TO CITIZENS:

The City of Fair Oaks Ranch's current process requires the Planning and Zoning Commission to consider the Preliminary Plat application and make a recommendation to the City Council. The City Council has the final authority to act on the plat.

LONG-TERM FINANCIAL & BUDGETARY IMPACT:

N/A

LEGAL ANALYSIS:

Sec. 212.006 (a) of the Texas Local Government Code titled, Authority Responsible for Approval Generally, states the following:

"The municipal authority responsible for approving plats under this subchapter is the municipal planning commission or, if the municipality has no planning commission, the governing body of the municipality. The governing body by ordinance may require the approval of the governing body in addition to that of the municipal planning commission."

PLANNING AND ZONING COMMISSION RECOMMENDATION:

During the January 13, 2022 P&Z meeting, Commissioner Ballí, made a motion to recommend approval of the Preliminary Plat request from Elkhorn Ridge SA, LLC for Elkhorn Ridge Unit 4 proposing 26 single-family residential lots with the following minor conditions:

1. Label two-foot contour interval surveys tied to known reference points or USGS benchmarks. Currently, the contour interval is not two-foot.
2. Applicant to provide proof of USPS approval for Cheyenne Ridge prior to recordation.
3. Applicant to correct the year in the City Council approval and notarization fields.

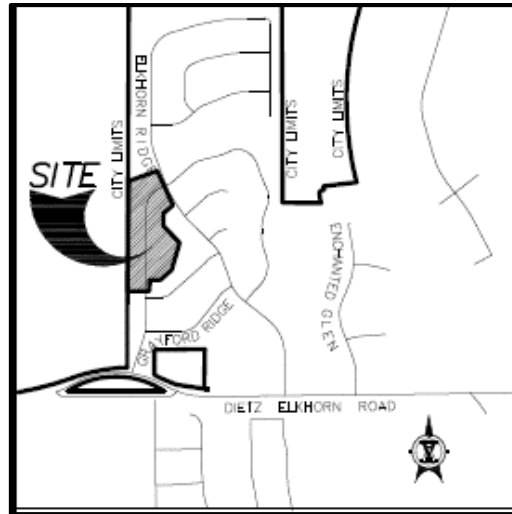
The motion passed unanimously (6-0).

PROPOSED MOTION:

Consent Agenda: (I move to approve the Preliminary Plat of Elkhorn Ridge Unit 4 with the following minor conditions.

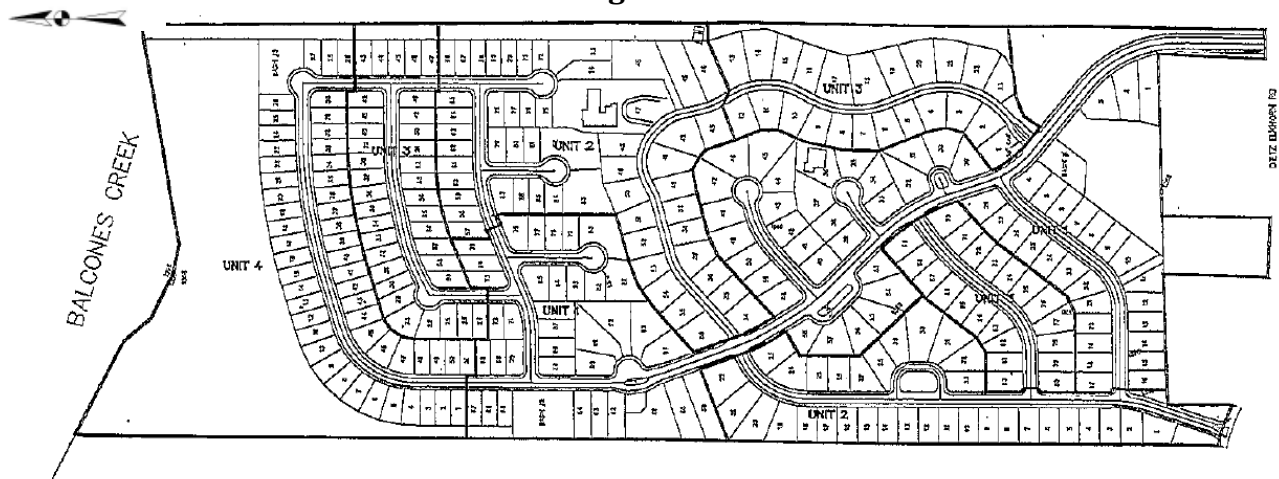
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2. Applicant to provide proof of USPS approval for Cheyenne Ridge prior to recordation.
3. Applicant to correct the year in the City Council approval and notarization fields.)

Exhibit A: Elkhorn Ridge Unit 4 Location Map



Source: Provided by the applicant

Exhibit B: Elkhorn Ridge Subdivision Master Plan

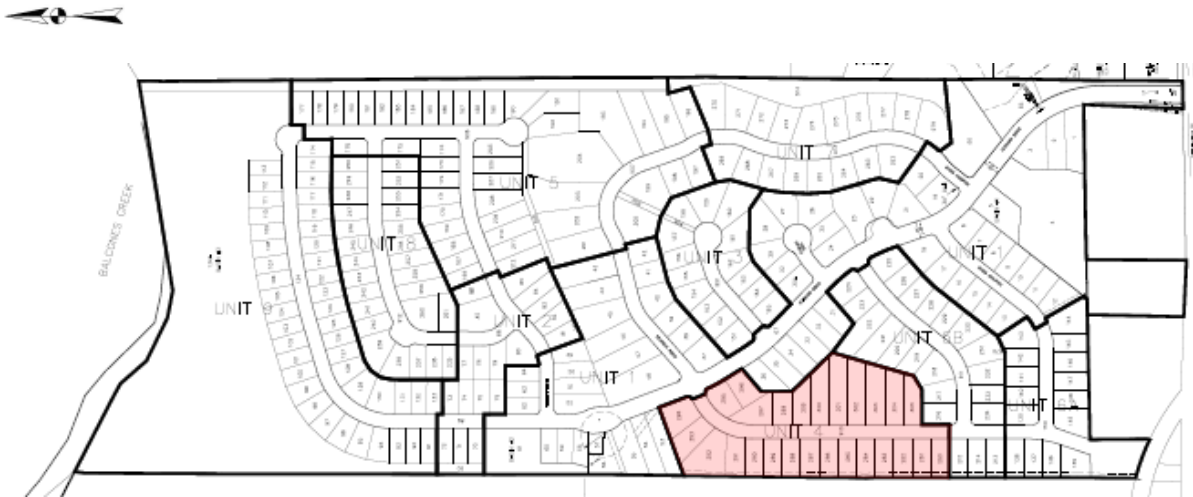


| | | | | |
|--------|-----|----|-----|----|
| UNIT 1 | 25 | 28 | 38 | 3 |
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| UNIT 4 | 47 | 4 | - | - |
| TOTAL | 121 | 64 | 103 | 24 |

| | | | |
|--------|-----|--------|--------|
| UNIT 2 | 87 | 8,300 | 4,080 |
| UNIT 3 | 80 | 6,080 | 2,970 |
| UNIT 4 | 51 | 3,020 | 1,470 |
| TOTAL | 318 | 28,720 | 14,120 |

Source: Development Agreement dated 2014

Exhibit C: Elkhorn Ridge Subdivision Master Plan (Unit 4 Highlighted)

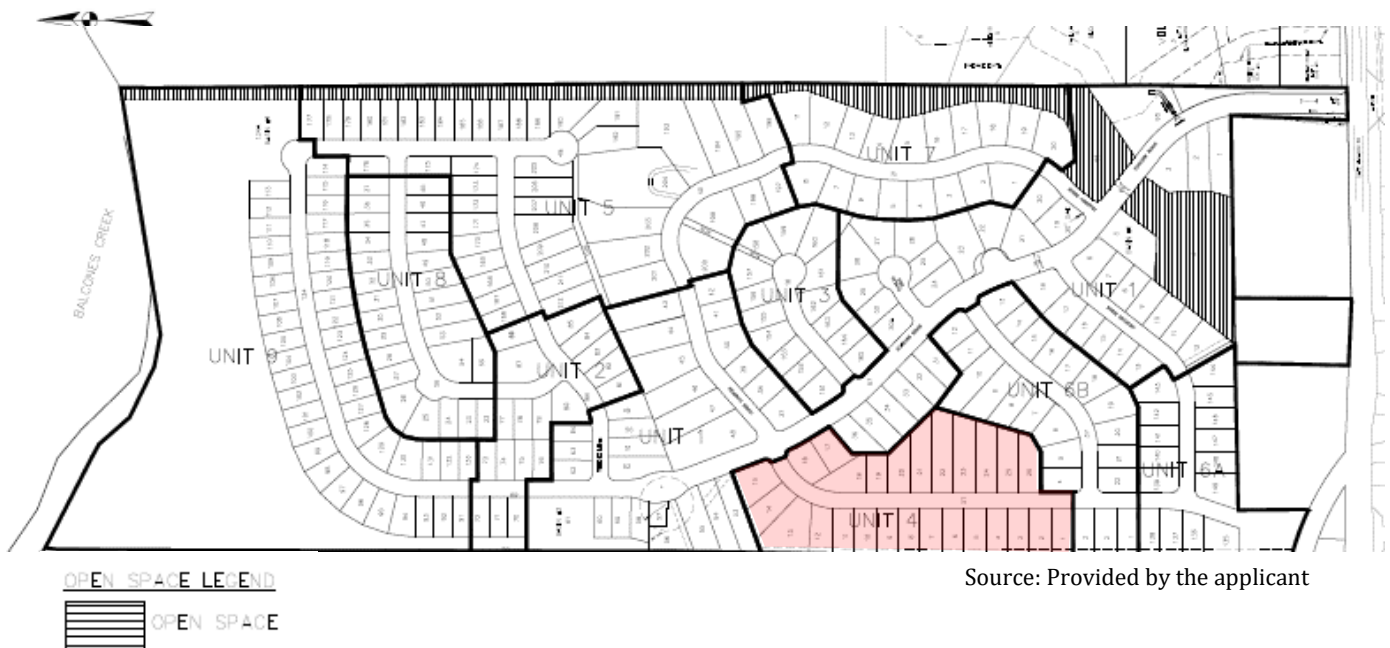


Source: Provided by the applicant

Exhibit D: Elkhorn Ridge Subdivision - Progress Summary Table Provided by the Applicant (November 2021)

| | U 1 | U 2 | U 3 | U 4 | U 5 | U 6A | U 6B | U 7 | U 8 | U 9 | TOTAL |
|---------------------|--------------|--------------|----------------|--------|---------------|----------------|----------------|--------|--------|--------|----------------|
| AREA(AC) | 28.72 | 4.35 | 3.92 | 7.356 | 16.28 | 4.36 | 6.00 | 7.07 | 5.98 | 23.90 | 107.94 |
| 55' LOTS | 135 | 11 | 18 | 1 | 35 | — | — | — | 27 | 43 | |
| 65' LOTS | 113 | 36 | — | 15 | 25 | 15 | 22 | — | — | — | |
| 80' LOTS | 44 | 14 | — | — | 12 | — | — | 18 | — | — | |
| TOTAL | 292 | 61 | 18 | 15 | 26 | 47 | 15 | 22 | 18 | 27 | 43 |
| RECORDING DATA | V 9682/P 178 | V 9714/P 183 | V 20001/P 2218 | FUTURE | V 20002/P 621 | V 20001/P 1443 | V 20002/P 1829 | FUTURE | FUTURE | FUTURE | V 20001/P 1845 |
| CONSTRUCTION STATUS | COMPLETED | COMPLETED | COMPLETED | FUTURE | COMPLETED | COMPLETED | COMPLETED | FUTURE | FUTURE | FUTURE | COMPLETED |

Exhibit E: Elkhorn Ridge Subdivision Open Space Plan (Unit 4 Highlighted)



Source: Provided by the applicant

Exhibit F: Open Space Requirement

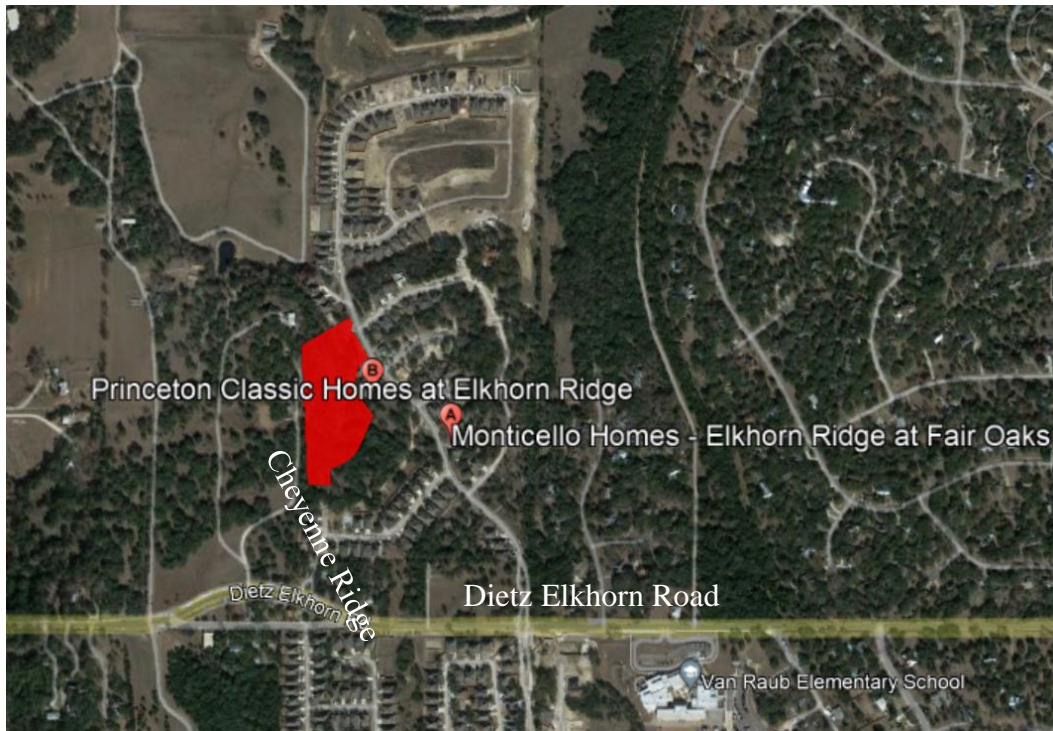
| OPEN SPACE REQUIREMENT | | |
|--|-------------------|---------|
| AREA = 292 LOTS / (100 LOTS / AC) = 2.92 AC. | | |
| UNIT NO. | OPEN SPACE AC. | STATUS |
| 1 | 3.08 ¹ | 2015 |
| 2 | 0 | 2017 |
| 3 | 0 | 2019 |
| 4 | 0 | UNKNOWN |
| 5 | 1.26 | 2021 |
| 6A | 0 | 2020 |
| 6B | 0 | 2021 |
| 7 | 1.36 | 2022 |
| 8 | 0 | 2022 |
| 9 | 0.43 | 2019 |
| TOTAL | 6.13 | |

¹ THE OPEN SPACE REQUIRED FOR THE ENTIRE SUBDIVISION WAS PROVIDED WITH UNIT-1.

ALL CURRENT AND FUTURE OPEN SPACE WILL BE DEDICATED TO ELKHORN RIDGE HOA.

Source: Provided by the applicant

Exhibit G - Elkhorn Ridge Subdivision Aerial View (Unit 4 Highlighted)



Attachments:

1. Universal Application
2. S10 Preliminary Plat Specific Application Form
3. Letter of Intent
4. Elkhorn Ridge Unit 4 Subdivision Preliminary Plat
5. Elkhorn Ridge Masterplan
6. Elkhorn Ridge Open Space Exhibit