

CITY COUNCIL and PLANNING & ZONING COMMISSION
JOINT PUBLIC HEARING
CITY OF FAIR OAKS RANCH, TEXAS
October 13, 2022

AGENDA TOPIC: The City Council and the Planning and Zoning Commission of the City of Fair Oaks Ranch, Texas, will conduct a joint public hearing to receive public testimony on a Replat request for Lots 242, 243, and NE IRR 142.64' of Lot 267 of Fair Oaks Ranch Bexar County Unit C to create one lot of 1.091 acres, generally located north-west of the intersection of Dietz Elkhorn Road and FM 3351, Fair Oaks Ranch, Texas

DATE: October 13, 2022

DEPARTMENT: Public Works and Engineering Services

PRESENTED BY: Katherine Schweitzer, P.E., Manager of Engineering Services
Lata Krishnarao, AICP, LEED ND, Consultant, Ardurra

INTRODUCTION/BACKGROUND:

The applicant is proposing this Replat to create Lot 268 by combining Lot 242, 243, and a portion of Lot 267 (see Figure 1 Existing and Proposed Configurations) of Fair Oaks Ranch Bexar County Unit C and remove existing easements along the common property line of Lot 242 and Lot 243. A joint public hearing is required by the Texas Local Government Code (TXLGC) and the Unified Development Code (UDC) of the City of Fair Oaks Ranch for amendments to recorded single-family residential subdivisions that involve removal of easements. This Replat will remove an existing six-foot wide easement along the common property line of Lot 242 and Lot 243 and relocate the six-foot wide easement along the rear property line of Lot 242 to follow the new southern property line. This will enable the applicant to construct a garage for the existing single-family residence on Lot 242.

Currently:

- Lot 242 contains a single-family residence and is zoned Existing Residential 2.
- Lot 243 contains a small wood frame structure and is zoned Existing Residential 2.
- Lot 267 contains a single-family residence and is zoned Neighborhood Residential. The portion of Lot 267 included in this Replat is undeveloped.
- A six-foot wide easement exists along the common property line of Lot 242 and Lot 243 and rear property line of Lot 242. There are no utilities under this easement.

Based on the original recorded subdivision plat and Bexar County property information, it appears that the portion of Lot 267 included in this Replat was separated and sold to the current owners by metes and bounds prior to the adoption of the subdivision regulations. (Please refer to Figure 1 Existing and Proposed Configurations.)

The new lot will contain two zones - Existing Residential 2 and Neighborhood Residential. The property is currently being served by public sewer and water systems.

Staff has reviewed the Replat and relayed review comments to the applicant. All comments except the conditions listed below are addressed in the resubmittal.

PROCESS:

A replat is required to amend or change a residential subdivision plat that is recorded. Texas Local Government Code (TXLGC) requires a public hearing, recommendation by the Planning and Zoning Commission, and action by the City Council for approval of a replat.

Sequence for conducting the joint public hearing is as follows:

1. Mayor opens the joint public hearing
2. Staff presentation of the proposed Replat request
3. Applicant presentation of the Replat request
4. City Council and P&Z receive public testimony for/against the proposed Replat request with the Mayor serving as the presiding officer
5. Mayor closes the joint public hearing
6. City Council and P&Z discuss the request, inclusive of asking questions of the owner and staff
7. Meeting is adjourned with no formal action necessary

Subsequent to the City Council's departure, the P&Z will convene into their regular business meeting to discuss the replat request and make a recommendation for City Council consideration. The P&Z may recommend approval/denial. The P&Z may choose to table the application request if they determine additional information from the applicant is warranted. The City Council is the final authority on all replat requests. Accordingly, the City Council will consider the Replat request and the P&Z recommendation at their next regularly scheduled business meeting following P&Z action.

LONGTERM 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.”

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

PUBLIC COMMENTS:

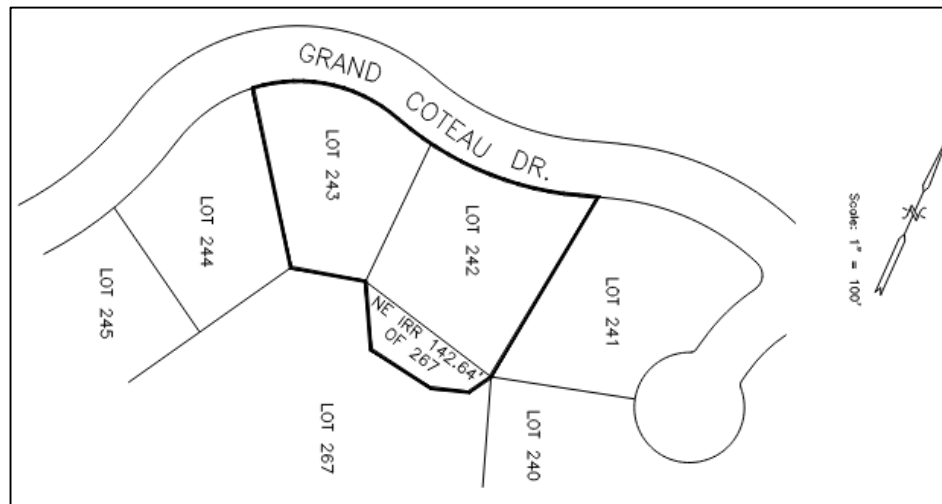
All real property owners within 200 feet were notified and notice of the public hearing has been published. Staff has received one (1) public comments in favor of the request and one (1) in opposition.

RECOMMENDATION:

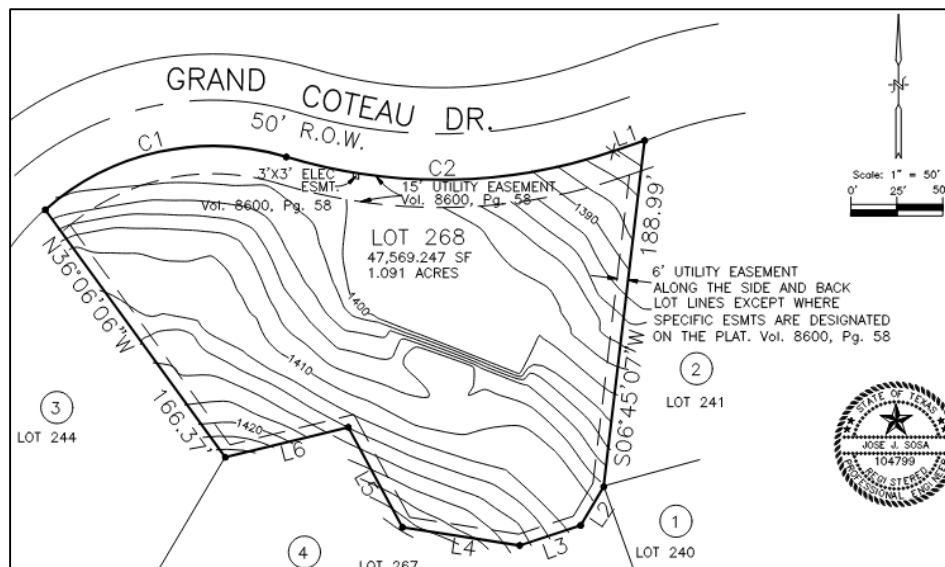
Staff has reviewed the Replat request and recommends approval with the following conditions.

1. Provide updated tax certificate that matches the plat area prior to recordation.
2. Add the legal descriptions of all tracts (Tracts 1, 2, and 3) as indicated in the survey to the plat.
3. Update the plat note to indicate that the plat area contains both Existing Residential 2 and Neighborhood Residential zones.

Figure 1: Proposed and Existing Configurations

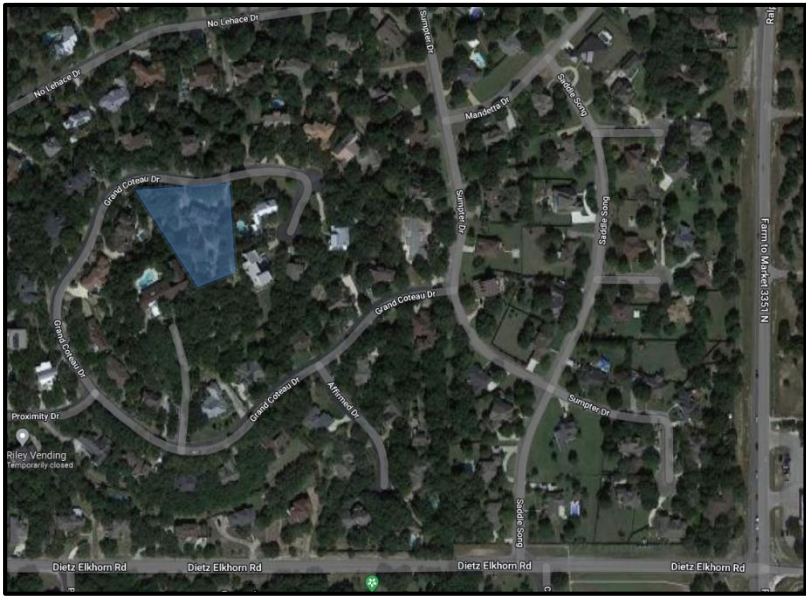


Existing Configuration



Proposed Configuration

Exhibit A: Location Map and Existing Conditions



Source: Google Maps



Source: Google Maps

Exhibit C: Zoning Map



Source: City of Fair Oaks Ranch

Attachments:

1. Universal Application
2. S12 Replat Specific Application Form
3. Letter of Intent
4. Proposed Replat
5. Property Owner Response Map
6. Property Owner Comment Forms