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**PLANNING AND ZONING COMMISSION CONSIDERATION ITEM**  
**CITY OF FAIR OAKS RANCH, TEXAS**  
**April 13, 2023**

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AGENDA TOPIC: Request of extension of time for consideration and possible action regarding the approval of a Preliminary Plat request from the applicant UGro-P6 Botanica Fair Oaks LLC on behalf of the property owners Brenda Minahan and Mark Minahan for a proposed multi-unit residential community on approximately 19.8 acres zoned Mixed Use Village District (MU) known as Botanica. Generally located north-east of the intersection of Dietz Elkhorn Road Ralph Fair Road

MEETING DATE: April 13, 2023

DEPARTMENT: Public Works and Engineering Services

PRESENTED BY: Lata Krishnarao, AICP, LEED ND, Consultant, Ardurra

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**REQUEST:**

The applicant has requested an extension of time. Prior to approval of a Preliminary Plat the following approvals are required:

- a. Concept Plan approval – An amended Concept Plan has been submitted for review and the current Preliminary Plat submittal does not reflect the amended Concept Plan that is under review. The staff comments will be finalized once the revised Concept Plan is approved.
- b. Heritage Plan - The applicant seeking an extension on the Heritage Plan, that is under review.

If the extension is approved, no action is needed on the next item on the agenda.

**SUMMARY:**

The applicant is proposing a multi-unit rental residential community development consisting of one and two bedrooms units, duplexes, and quadplexes. The total number of units proposed is 207 units as per the Concept Plan. As per the Unified Development Code (UDC) Sec. 3.8 (3), a Concept Plan is required to be approved prior to the approval of the Preliminary Plat for this development since it will require off-site roadway, drainage, and utility connections or improvements that will have a substantial impact or effect on other properties or developments.

The subject tract is zoned Mixed Use Village District (MU) and the current UDC allows the entire tract to be developed as multi-family residential use, as proposed.

The 19.8-acre parcel is currently vacant and undeveloped.

## **APPROVAL PROCESS:**

The Unified Development Code requires the following approvals for this proposed development in the Mixed Use District (MU).

1. Approval of a Concept Plan – P & Z recommendation and City Council action
2. Approval of a Heritage Plan – P & Z recommendation and City Council action
3. Approval of a Preliminary Plat in compliance with the Concept Plan – P&Z recommendation and City Council action
4. Approval of public improvements – Staff
5. Approval of a Final Plat – P & Z recommendation and City Council action
6. Approval of building permits – Staff

## **PLANNING AND ZONING COMMISSION MEETING OF MARCH 9, 2023:**

The Concept Plan was considered by the Planning and Zoning Commission (P & Z) meeting of March 9, 2023.

At the meeting citizens voiced concerns regarding this development with 207 units. Their concerns included the detrimental effect of the increased density on the police department, schools, traffic, “dark skies”, Camp Bullis, trees, water, property values, and small community feel. They also expressed their preference for ownership versus rental units.

The P & Z concerns included lack of ownership options, golf cart circulation, connectivity to surroundings; impact of traffic on surrounding streets and uses (including a school); and adequacy of utilities. The P & Z encouraged the applicant to comply with the Comprehensive Plan’s vision for the Mixed Use district by incorporating a mix of uses and a “village” design concept.

The applicant requested an extension of time to modify the layout to address the items discussed at the meeting. The P & Z approved the extension of time at their meeting of March 9, 2023 and this request has been placed on the City Council agenda of April 6, 2023 for their consideration. An update will be provided regarding the City Council action at this meeting. The P & Z will consider the Concept Plan at this meeting (April 13, 2023).

## **POLICY ANALYSIS:**

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.

## **LEGAL ANALYSIS:**

Sec. 212.009 (b-2) of the Texas Local Government Code sets the following guidelines for approval of a plat.

*Sec. 212.009. APPROVAL PROCEDURE: INITIAL APPROVAL.*

*(a) The municipal authority responsible for approving plats shall approve, approve with conditions, or disapprove a plan or plat within 30 days after the date the plan or plat is filed. A plan or plat is approved by the municipal authority unless it is disapproved within that period and in accordance with Section 212.0091.*

*(b) If an ordinance requires that a plan or plat be approved by the governing body of the municipality in addition to the planning commission, the governing body shall approve,*

*approve with conditions, or disapprove the plan or plat within 30 days after the date the plan or plat is approved by the planning commission or is approved by the inaction of the commission. A plan or plat is approved by the governing body unless it is disapproved within that period and in accordance with Section 212.0091.*

Additionally, the code allows for **extension of time** as follows:

*(b-2) Notwithstanding Subsection (a) or (b), the parties may extend the 30-day period described by those subsections for a period not to exceed 30 days if:*

*(1) the applicant requests the extension in writing to the municipal authority responsible for approving plats or the governing body of the municipality, as applicable; and*

*(2) the municipal authority or governing body, as applicable, approves the extension request.*

**RECOMMENDED MOTION/ PROPOSED MOTION:**

Staff recommends approval of the extension of time.

Motion: I move to recommend approval of the extension of time request for the Preliminary Plat from the applicant UGro-P6 Botanica Fair Oaks LLC on behalf of the property owners Brenda Minahan and Mark Minahan for a proposed multi-unit residential community on approximately 19.8 acres zoned Mixed Use Village District (MU) known as Botanica.

Attachments:

1. Time Extension Request