

CITY COUNCIL CONSIDERATION ITEM
CITY OF FAIR OAKS RANCH, TEXAS
May 5, 2022

AGENDA TOPIC: Approval of a Final Plat request from Elkhorn Ridge SA, LLC for Elkhorn Ridge Unit 7 proposing 18 single-family residential lots, generally located north-east of the intersection of Dietz Elkhorn Road and Elkhorn Ridge, City of Fair Oaks Ranch, Texas

DATE: May 5, 2022

DEPARTMENT: Public Works and Engineering Services

PRESENTED BY: Katherine Schweitzer, P.E., Manager of Engineering Services

SUMMARY:

The purpose of this Final Plat is to create 18 residential lots, one private street (Kearney Ridge), and one reserve that will be maintained as green belt, drainage easement, open space, and underground utility easements. The lot sizes range from 0.22 acres to 0.38 acres. All lots in the proposed subdivision are 80' wide.

The subdivision is generally located north-east of the intersection of Dietz Elkhorn Road and Elkhorn Ridge (see attached **Exhibit A: Location Map Elkhorn Ridge Unit 7**). Street access to the subdivision will be provided from Kearney 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 proposed plat is in conformance with the Development Agreement.

The table shows the status of the entire development as of March 2022.

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

The open space exhibits (**Exhibits E and F**) show the amount and location of open space. As per the Open Space Plan provided by the applicant and dated March 2019, the open space requirement for Unit 7 is 1.36 acres and the plat meets this requirement. **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 protected trees on site that need mitigation. The tree mitigation plan (Tree Plan) was approved prior to approval of the Preliminary Plat.

The Final Plat review is based on the requirements of the Subdivision Regulations contained in Chapter 10 of the Code of Ordinances, that was in effect at the time of the approval of the Master Plan. Staff has reviewed the Final Plat and relayed review comments to the applicant. All comments have been addressed in the resubmittal except the conditions listed below.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

During their April 14, 2022, meeting the Planning & Zoning Commission recommended approval of the Final Plat request from Elkhorn Ridge SA, LLC for Elkhorn Ridge Unit 7 proposing 18 single-family residential lots with the following condition:

1. Resolve the discrepancy between tax certificate and the plat. Tax certificate shows 6.8 acres whereas the plat and Master Plan indicate 7.082 acres. (The shape matches, however, the area/acreage does not).
2. Correct the discrepancy in the area of the Reserve 914. Plat layout shows 1.37 acres whereas the title block shows 1.36 acres.
3. Correct the plat type in the City signature block. (Still shows Preliminary).
4. Correct the plat note regarding the maintenance and ownership responsibilities of Reserve 914 and Kearney Ridge Parcel 913 to clarify the ownership and responsibility. (Does not specify who maintains the reserve).

The motion was passed unanimously (7-0).

POLICY ANALYSIS/BENEFIT(S) TO CITIZENS:

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

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."

PROPOSED MOTION:

Consent Agenda: I move to approve the Final Plat of Elkhorn Ridge Unit 7 with the following conditions:

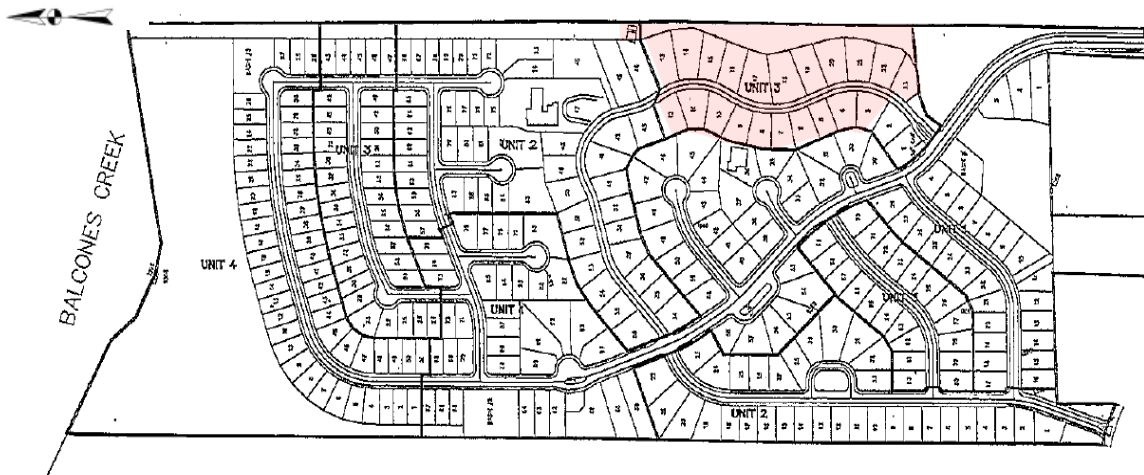
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Exhibit A: Location Map Elkhorn Ridge Unit 7



Source: Provided by the applicant

Exhibit B: Approved Elkhorn Ridge Subdivision Master Plan (Unit 7 Highlighted)

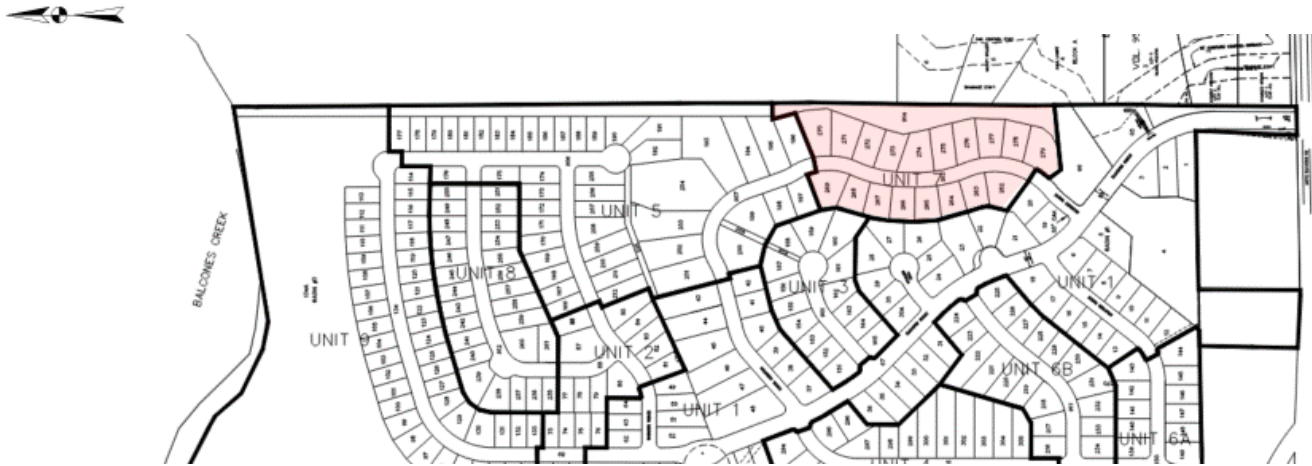


UNIT 1	25	26	38	3
UNIT 2	24	13	38	12
UNIT 3	25	19	27	9
UNIT 4	47	4	—	—
TOTAL	121	64	103	24

UNIT 2	87	8,300	4,060
UNIT 3	80	6,080	2,970
UNIT 4	51	3,080	1,470
TOTAL	318	23,720	14,120

Source: Development Agreement dated 2014

Exhibit C: As Constructed - Elkhorn Ridge Subdivision Master Plan (Unit 7 Highlighted)



Source: Provided by the applicant – March 2022

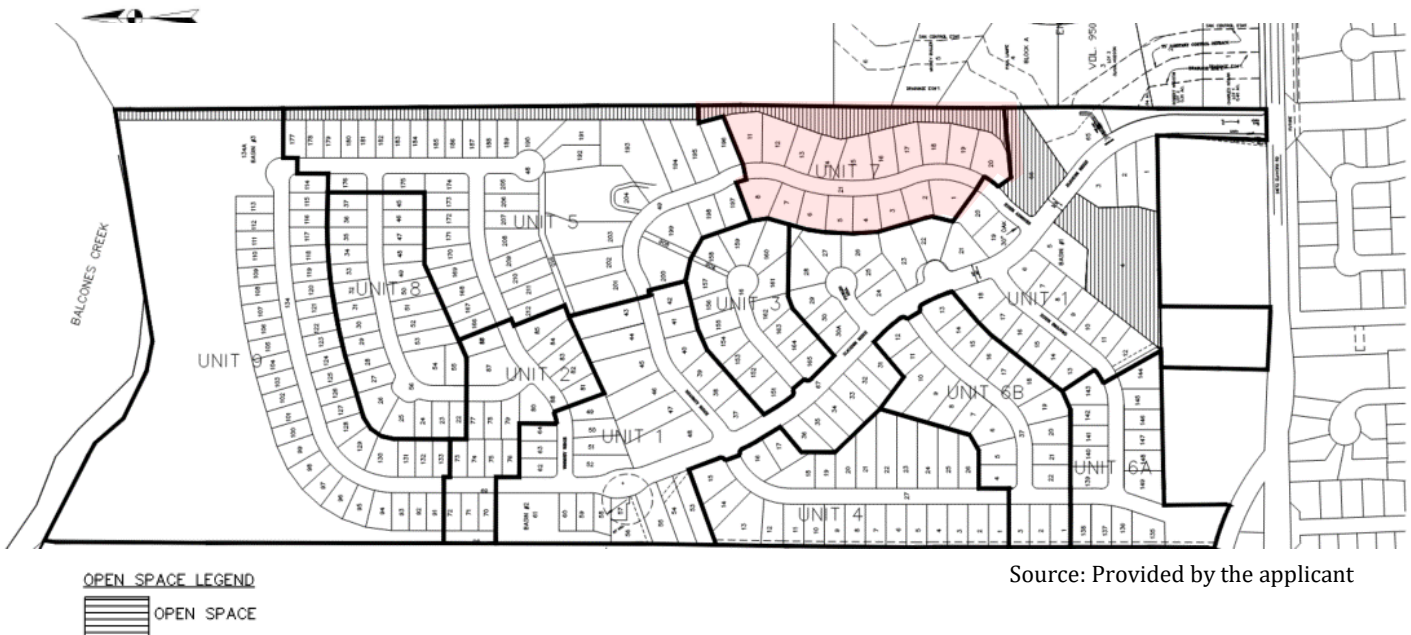
Exhibit D: Elkhorn Ridge Subdivision - Progress Summary Table (March 2022)

	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	7.082	5.98	23.90	107.948
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.0692/P.179	V.0714/P.123	V.20001/P.2218	FUTURE	V.20002/P.621	V.20001/P.1443	V.20002/P.1223	PRELIMINARY APPROVED	PRELIMINARY APPROVED	V.20001/P.1245	
CONSTRUCTION STATUS	COMPLETED	COMPLETED	COMPLETED	FUTURE	COMPLETE	COMPLETED	COMPLETE	FUTURE	FUTURE	COMPLETED	

TOTAL ROAD = 13,450 L.F.

Source: Provided by the applicant

Exhibit E: Elkhorn Ridge Subdivision Open Space Plan (Unit 7 Highlighted)



Source: Provided by the applicant

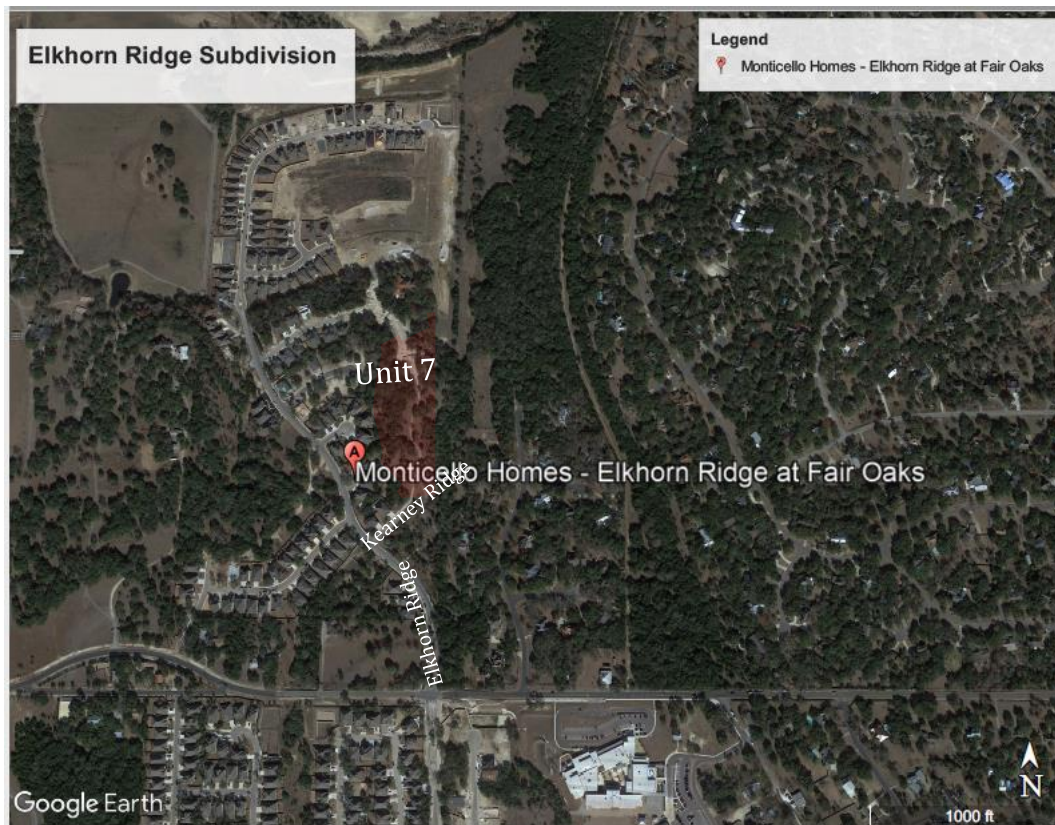
Exhibit F: Open Space Requirement

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

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

Source: Provided by the applicant

Exhibit G – Elkhorn Ridge Subdivision Aerial View (Unit 7 Highlighted)



Attachments:

1. Appendix A Universal Application
2. S11 Final Plat Specific Application Form
3. Letter of Intent
4. Elkhorn Ridge Unit 7 Subdivision Plat
5. Elkhorn Ridge Masterplan
6. Elkhorn Ridge Open Space Exhibit