

STAFF REPORT

To: Planning and Zoning Commission
From: Public Works and Engineering Department
Date: May 9, 2024
Re: Request to amend the Future Land Use Map contained in the Comprehensive Plan (Application No. CPA# 2024-01) - A request from the applicant Sitterle Homes LTD, on behalf of the property owner, Oak Bend Forest, L.C. to change the Future Land Use Map designation of approximately 149 acres generally located north of the intersection of Ralph Fair Road and Honeycomb Rock, platted as Oak Bend Estates subdivision, from Rural Residential (RR) to Neighborhood Residential (NR)

SUMMARY:

The applicant is requesting an amendment to change the land use designation of the subject property. The Future Land Use Map (FLUM) contained in the Comprehensive Plan designates the subject property as Rural Residential (RR) and the property is zoned Rural Residential (RR). The minimum lot size required is 5 acres.

The property is governed by an existing Water Supply Agreement that was approved prior to the adoption of the 2018 Comprehensive Plan and zoning regulations. Based on the lot density contained in the Agreement, the subsequent subdivision plat created one-acre lots.

The applicant is requesting this amendment to change the land use designation to Neighborhood Residential (NR), which is the appropriate designation for one-acre single-family residential lots. As the next step, the applicant is requesting a zone change to Neighborhood Residential (NR) that would be in conformance with this requested land use designation of NR.

SITE HISTORY:

Previous approvals on the subject property are:

- October 19, 2006 - Ordinance 153.0 accepting the City of San Antonio's Ordinance 2006-6-29-9772 releasing approximately 3,258 acres of property directly adjacent to the North, East, and Southwest of Fair Oaks Ranch city limit line from the City of San Antonio's Extraterritorial Jurisdiction was approved.
- October 19, 2006 - Ordinance 154.0 voluntarily annexing the subject Property into the City of Fair Oaks Ranch was approved.
- September 2, 2008 - Water Supply Agreement for 15 years is executed between Oak Bend Forest, LC and the City of Fair Oaks Ranch for the reservation of water service capacity for 130 single-family Living Unit Equivalents ("LUE's") on 149 acres.
- September 23, 2008 - The City and GBRA enter into a Second Amendment to the 2000 Agreement to increase the Raw Water Reservation amount by 250 acre-feet per year and the Annual Commitment by 50-acre feet per year.
- February 17, 2011 - The City Council approved a Subdivision Plat of Oak Bend Estates consisting of 130 one+ acre lots. Shortly thereafter, the plat was recorded in Comal County.

- February 16, 2017 – Ordinance 2017-02 amended Chapter 1; Article 1.02 of the City’s code of ordinances by adopting vested rights pursuant to LGC 245 (Vested Rights). It provides an opportunity for landowners or developers to “grandfather” or “vest” government regulations that apply to development at the time of the filing of a permit application.
- May 2018 – The Planning & Zoning Commission (“P&Z”) approved and advanced a preliminary report creating draft zoning district boundaries, inclusive of a draft zoning map. The City Council received the P&Z’s preliminary report and a joint public hearing on May 21, 2018 was conducted with no action taken.
- June 2018 – The P&Z approved and advanced a final report to the City Council creating zoning district boundaries, inclusive of a zoning map. Ordinance 2018-05 adopting zoning district boundaries is approved by City Council. The zoning map designated the subject property as Rural Residential (5+ acre lots) creating a conflict with the Agreement.
- October 17, 2022 – The City confirms a vested right does exist for the Oak Bend Estates project as of September 2, 2008 (plat recordation date).
- March 21, 2024 – Resolution 2024-13 extended the 2008 Water Supply agreement for 110 single-family Living Unit Equivalents, reducing the number of lots from 130. Doing so preserves the geological features on the property.
- April 3, 2024 – In accordance with the 2011 recorded plat, the property owner files a Future Land Use Amendment application requesting NR land use designation and Rezoning application requesting NR zoning designation.

REASON FOR THE REQUEST:

To develop the subdivision with one-acre lots as per the existing Agreement, the applicant is requesting a FLUM land use designation amendment and zone change designation to NR. Per the UDC, any zone change must be in accordance with the FLUM. The land use designation and zoning changes must occur before the applicant can submit a replat designating a reduced number of lots. This amendment will remove the conflict between the approved existing Agreement and the FLUM, allowing for the appropriate development of the property.

	Current	Proposed
FLUM Designation	RR	NR
Zoning	RR	NR

PUBLIC NOTICES/COMMENTS:

As required, a notice of the public hearing was published in the Boerne Star newspaper on April 21, 2024. Additionally, abutting residents were notified via US Mail. Staff will provide a summary of responses received from the public at the public hearing.

CRITERIA FOR REVIEW:

The Comprehensive Plan Amendment, Section 3.7 (1) of the Unified Development Code (UDC) states:

“In determining whether to approve, approve with modifications, or disapprove a proposed amendment, the City Council will consider the following matters regarding the proposed amendment:

- i. *Whether the proposed amendment promotes the health, safety, or general welfare of the City and the safe, orderly, and healthful development of the City.*
- ii. *Whether the proposed amendment is consistent with the Future Land Use element of the most recent version of Comprehensive Plan.*
- iii. *Whether the proposed amendment is consistent with other goals and objectives of the Comprehensive Plan.*
- iv. *Unified Development Code Compliance. No requirement of the procedure for Comprehensive Plan or Code amendments may govern if in conflict with specific provisions of this Code or Comprehensive Plan. Any potential conflict between the proposed amendment(s) and the UDC or other parts of the Comprehensive Plan should be dealt with prior to (or as part of) the adoption of any amendment.*
- v. *Other criteria deemed relevant and important by the City Council in relationship to the proposed amendment in taking final action on the proposed amendment.*

STAFF RECOMMENDATION:

Staff recommends the P&Z considers the following in approving this proposed Comprehensive Plan amendment:

- A. The proposed amendment will accurately reflect the approved Agreement for the property that preceded adoption of the Comprehensive Plan and UDC (zoning).
- B. The proposed amendment will permit the appropriate zoning classification of NR to be placed on the property and will permit lot sizes as approved in the Agreement for the property.
- C. With approval of the subsequent zone change request any potential conflicts of proposed amendments with the UDC, Comprehensive Plan, or approved Agreement will be eliminated.
- D. Additionally, reduction of lots from 130 to 110 will enable preservation of geological features on site and provide a second emergency entrance/exit to the development.

Exhibits

- A. Subject Property Aerial Map
- B. Future Land Use Map (FLUM) - Existing and Proposed
- C. Zoning Map - Existing and Proposed
- D. Notification Map
- E. Universal Application and Specific Application (Rezoning/FLUM Amendment) including Supporting Documents
- F. Property Owner Response Map
- G. Property Owner Comment Forms