

AN ORDINANCE

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAIR OAKS RANCH, TEXAS, CHANGING THE LAND USE CLASSIFICATION FROM RURAL RESIDENTIAL (RR) TO NEIGHBORHOOD RESIDENTIAL (NR) FOR APPROXIMATELY 149 ACRES GENERALLY LOCATED ALONG THE NORTH SIDE OF RALPH FAIR ROAD AND HONEYCOMB ROCK GENERALLY KNOWN AS OAK BEND ESTATES.

WHEREAS, the City of Fair Oaks Ranch Comprehensive Plan provides guidance on future land use and zoning; and,

WHEREAS, on September 2, 2008 an Agreement between the City of Fair Oaks Ranch and the property owner, Oak Bend Forest, L.C. was executed allowing for the development of one (1) plus-acre single family residential lots on land generally located north of Meadow Creek Trail on Ralph Fair Road; and,

WHEREAS, on February 17, 2011, the City Council approved a 149-acre subdivision plat of Oak Bend Estates consisting of 130 one-plus acre lots as shown in attached **Exhibit A**; and,

WHEREAS, on June 21, 2018, the City Council approved the City of Fair Oaks Ranch Comprehensive Plan inclusive of future land use and zoning maps. The Future Land Use Map (FLUM) designates said property as Rural Residential (RR); and,

WHEREAS, on April 3, 2024 Oak Bend Forests, L.C. filed an application (CPA 2024-01) to amend the Comprehensive Plan changing the Land Use Classification from Rural Residential (RR) to Neighborhood Residential (NR) of the Oaks Bend Estates subdivision; and,

WHEREAS, Neighborhood Residential (NR) is the appropriate single-family residential land use classification on said property governed by the executed Agreement and recorded subdivision plat prior to the adoption of the Comprehensive Plan; and,

WHEREAS, on May 9, 2024, the Planning and Zoning Commission conducted a public hearing on the proposed change to the land use classification and after considering the testimony and evidence, hereby made a recommendation of approval of the reclassification to Neighborhood Residential; and,

WHEREAS, on June 06, 2024, the City Council conducted a public hearing on the proposed change to the land use classification; and,

WHEREAS, the City Council after considering testimony, evidence and recommendation by the Planning and Zoning Commission, determined it to be in the public interest to approve the proposed change to the land use classification to Neighbor Residential, which in its best judgement promotes the health, safety, morals, and general welfare and protects the use and enjoyment of property throughout the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAIR OAKS RANCH, TEXAS:

- Section 1.** The Property generally known as Oak Bend Estates located along the north side of Ralph Fair Road and Honeycomb Rock and as more particularly described in the attached **Exhibit B** is hereby classified as Neighborhood Residential (NR).
- Section 2.** The Official Future Land Use Map of the City of Fair Oaks Ranch shall be revised to reflect the Amendment.
- Section 3.** That the recitals contained in the preamble hereto are hereby found to be true and such recitals are hereby made a part of this ordinance for all purposes and are adopted as a part of the judgment and findings of the Council.
- Section 4.** It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this ordinance be severable, and, if any phrase, clause, sentence, paragraph, or section of this ordinance shall be declared invalid by judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this ordinance and the remainder of this ordinance shall be enforced as written.
- Section 5.** That it is officially found, determined, and declared that the meeting at which this ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this ordinance, was given, all as required by Chapter 551, as amended, Texas Government Code.
- Section 6.** The provisions of this ordinance shall be cumulative of all ordinances not repealed by this ordinance and ordinances governing or regulating the same subject matter as that covered herein.
- Section 7.** If any provision of this ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City hereby declares that this ordinance would have been enacted without such invalid provision.
- Section 8.** All ordinances, or parts thereof, which are in conflict or inconsistent with any provision of this ordinance are hereby repealed to the extent of such conflict, and the provisions of this ordinance shall be and remain controlling as to the matters ordained herein.
- Section 9.** This ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.
- Section 10.** The provisions of this ordinance shall be cumulative of all ordinances not repealed by this ordinance and ordinances governing or regulating the same subject matter as that covered herein.
- Section 11.** This ordinance shall take effect immediately from and after its second reading, passage and any publication requirements as may be required by governing law.

PASSED and APPROVED on first reading by the City Council of the City of Fair Oaks Ranch, Texas, on this 6th day of June 2024.

PASSED, APPROVED, and ADOPTED on second and final reading by the City Council of the City of Fair Oaks Ranch, Texas, on reading this 20th day of June 2024.

Gregory C. Maxton, Mayor

ATTEST:

APPROVED AS TO FORM:

Christina Picioccio, TRMC
City Secretary

Denton Navarro Rodriguez Bernal Santee & Zech
P.C., City Attorney