

CITY COUNCIL CONSIDERATION ITEM

CITY OF FAIR OAKS RANCH, TEXAS

April 6, 2023

AGENDA TOPIC: Consideration and possible action on a Concept Plan request from the applicant Urbanist Inc. 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). Generally located north-east of the intersection of Dietz Elkhorn Road & Ralph Fair Road

DATE: April 6, 2023

DEPARTMENT: Public Works and Engineering Services

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

SUMMARY:

The applicant is proposing a multi-unit rental residential community development (active adult 55+) 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.

A staff report provided at the P & Z meeting is attached.

PLANNING AND ZONING COMMISSION MEETING:

This item 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.

After hearing concerns from citizens and P & Z members, the applicant requested an extension of time to modify the layout to address the items discussed at the meeting. The P & Z unanimously recommended approval for the extension of time and will consider the revised Concept Plan at a

later meeting. It is expected that the P & Z will make a recommendation to the City Council at that time.

APPROVAL PROCESS:

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

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

LOCATION AND SURROUNDINGS:

The site is generally located north-east of the intersection of Dietz Elkhorn Road and Ralph Fair Road. A summary of the surrounding land uses, and zoning designations can be found in the following table:

Zoning		Land Use
NORTH	Neighborhood Residential	Vacant
SOUTH	Mixed Use Village	Tri-county Meat Market, Brand Liquors, El Poblano Restaurant, Gas Station
WEST	Existing Residential 2	Single Family Residential
EAST	Neighborhood Residential	Vacant

CONFORMANCE WITH COMPREHENSIVE PLAN:

Background:

The City adopted the current Comprehensive Plan in 2018 as part of a mission to strengthen and preserve the City's character.

Purpose of the Comprehensive Plan:

The purpose of the Comprehensive Plan is to determine community vision, goals, and aspiration regarding community development. This living document is intended to guide City's land use, policies, and spending priorities for years to come. It addresses how "...thoughtful design can maintain and improve quality of life for the people who live in Fair Oaks Ranch, and how to balance personal freedom with rules for common protection of property values, safety, and the preservation (and enhancement) of the community character."

As per the Comprehensive Plan – "The Comprehensive Plan will help guide where and how the development happens, and to shape the future growth in ways that will complement and protect the values of the existing community, and serve as a foundational rulebook for the landowners,

developers, surveyors, engineers, and architects and for the City employees who will shepherd them.”

The Comprehensive Plan serves as a guide to frame zoning regulations that regulate all development and land uses.

Process of Adoption of Comprehensive Plan:

The current Comprehensive Plan was created by the citizens of Fair Oaks Ranch and the process spanned over two years (2017-2018). It was led by a steering committee appointed by the City Council who worked with staff and the professional planning team. The citizens and other stakeholders were heard through workshops and City-wide “Town Hall” meetings, as well as numerous smaller meetings, planning exercises, and community surveys. The plan reflected the vision of the community.

Components of the Comprehensive Plan:

The Comprehensive Plan has two components:

1. Text - The Comprehensive Plan contains a Future Land Use chapter that includes the descriptions of the various land use classifications, and recommendations on the appropriate land uses, development regulations, design standards, and zoning categories for each of these land use classifications.
2. Map - The Future Land Use Map (FLUM) included in the Comprehensive Plan shows suitable locations in the City for the various land use classifications. The FLUM classifications should be used in conjunction with associated text descriptions to assess the types of land uses and development desired for in a particular area.

Comprehensive Plan Recommendations for this Property:

The FLUM (Exhibit C: Future Land Use Map (FLUM) adopted in June 2018 designates this property as Mixed Use Village. The Comprehensive Plan recommends the following standards:

Mixed-Use Village

Permitted Uses	<ul style="list-style-type: none">• Commercial (office, retail, restaurant)• Residential (Small Lot Single Family, Cottage, Townhouse, Multifamily, Aging Adult)• Auto-oriented site elements are restricted
Lot and Block Standards	<ul style="list-style-type: none">• Walkable rectilinear and/or connected blocks
Building Form and Development Standards	<ul style="list-style-type: none">• 3 stories (max.) 4 stories (max.) allowed within 500’ of Old Fredericksburg Road.• Buildings generally placed with pedestrian friendly frontage at the front of lot facing the primary street or open space• Location of parking regulated (behind or to the side of the primary building)
Building Design Standards	<ul style="list-style-type: none">• Buildings to be oriented towards the primary street with at least one pedestrian entrance on primary street• Compatible with “Hill Country” aesthetic. Generally, masonry or comparable for ground floor facades
Transportation (Street Types)	<ul style="list-style-type: none">• State Highway Major Thoroughfare• Local Multimodal Street• Neighborhood Street• Alley

Relevant Excerpts from the Comprehensive Plan:

The MU designation is described as – “... areas within the City of Fair Oaks Ranch where the City encourages a mixture of uses that create pedestrian scaled development at major transportation nodes. The City encourages development in this area to generally conform to a Hill Country design aesthetic, similar to the materials and massing that can be found in downtown commercial districts in communities such as Boerne, Fredericksburg and Comfort. Sites in the MU district are appropriate for direct access to primarily Arterial, Collector streets and Local Connector Streets.”

The Comprehensive Plan identifies undeveloped or underdeveloped tracts in locations that would be appropriate for MU zones to create unique opportunities for higher quality mixed-use developments. In addition to the subject tract, some of the areas designated as such in the City are following intersections:

- Old Fredericksburg Road and Fair Oaks Parkway
- I-10 Frontage and Leslie Pfeiffer
- I-10 Frontage and Fair Oaks Parkway
- Dietz Elkhorn Road and Elkhorn Ridge Road

The Comprehensive Plan also envisions that mixed-use developments in the MU district will:

- Relieve fiscal pressures by encouraging developments with a stronger tax base
- Create stronger, more resilient development in the core focus areas
- Protect adjacent residential areas and other environmentally sensitive areas
- Incorporate a mix of housing types, including aging adult options allowing older residents the option to downsize their home but remain in the community
- Promote walkability, with a mix of retail, restaurants, offices, civic uses, and housing options
- Serve as connections to the trail system and serve as “gateways” that create gravity for higher-quality development throughout the City
- Promote a sense of “community” and “place”

The Comprehensive Plan recommends that - “Typical development that does not consider adjacent neighborhoods, adjacent parcels or align with the broader goals of the City should be discouraged, in favor of higher-quality developments. Projects that are master planned and developed in a cohesive manner often achieve higher returns and hold stronger values than typical centers.”

Applicant’s response:

As per the applicant, the following measures are proposed to meet the vision of the Comprehensive Plan:

1. In addition to the apartment homes and apartment flats, the community will be staffed full time and operated as a commercial (multifamily) business.
2. Landscaping plan will be submitted as required with the permit submittal.
3. Providing a “neighborhood focus” specifically for the residents of the community and their visitors which may include:
 - A 5,000 sf Amenity Center containing:
 - Leasing Offices
 - Clubroom and Multipurpose Areas
 - Great Room and Kitchen

- Full-service Fitness Center
- Mail room
- Pool, landscaped Pool Deck, and lounge and outdoor dining seating
- Outdoor Kitchen
- Pickleball Courts
- Pocket Parks throughout the community
- Dog Park
- Community Plaza with benches under the existing (saved) Heritage trees, grassy play areas, landscaped edges and showcases, trellises, and a central plaza area for events like group resident activities and family gatherings.

Findings:

- The proposed development is not consistent with the recommendations of the Comprehensive Plan that envisions a mixed use development consisting of retail, restaurants, offices, and civic uses. The proposal is for a rental residential only community comprising of one and two bedrooms units, duplexes, and quadplexes.
- The applicant has not submitted specific site plans that show the proposed landscaping with details, buffers, and building design.
- It is not clear how the images of the proposed buildings relate to the types of the residential and where they are located on the site plan.

CONFORMANCE WITH THE UNIFIED DEVELOPMENT CODE:

The property is currently zoned as MU. As per the UDC, MU zoning encourages a mixture of uses that create pedestrian scaled development at major nodes in the City that generally conform to a Hill Country Design aesthetic.

The Concept Plan provided by the applicant does not propose a mixture of uses as it includes only residential uses such as one bedroom and two bedrooms units, duplexes, and quadplexes. However, these uses are permitted by right in MU Zone as per the UDC use table. As currently written, the MU district does not contain any restriction on the distribution of uses or ratios. The property can be used for any single use or multiple uses permitted in that zone. (See attached Use Table).

Applicant's response:

As per the applicant, the intent of the proposed community is to create a vibrant, pedestrian-friendly community that conforms to a Hill Country aesthetic as recommended by the UDC. The Concept Plan, imagery examples, and the response letter February 15, 2023 indicate that the applicant will conform to the UDC requirements including the design principles required by UDC Sec. 7.4. The applicant has indicated the proposed development will:

- Create a pedestrian oriented public and private realm
- Meet the design compatibility requirements through the use of variations in building elements
- Strengthens Fair Oak Ranch's desire for the Hill Country aesthetic
- Use architectural details to create interest
- Incorporate open spaces (Community Plaza, Amenity decks, Dog Park, and Heritage tree parks) into the fabric of the development

- Create designs that increase the quality, adaptability and sustainability of Fair Oak Ranch's building stock.

As per the applicant, the proposal includes:

- A series of street facing 2-story buildings (labeled A & B in the site plan) with pedestrian entrances facing Ralph Fair Road. It is indicated that direct pedestrian access to the public sidewalk on Ralph Fair Road can occur at each of these buildings if required. Central pedestrian access is shown adjacent to the Amenity Center and the Community Plaza.
- Multiple areas where heritage and small trees being retained within resident parks. Placement of single story residential with conforming to residential transition standards along north, east, and south property lines. Parks, detention, and tree save areas are also designed along these property lines. As per the response letter and example imagery, the applicant has indicated to conform to the UDC recommendation regarding the building form and design.

Findings:

- Use - The proposed residential uses are permitted in the MU District.
- Mix of uses – The proposed development does not include other non-residential uses as per the intent of the MU District in the UDC.
- Concept Plan details- The submittal does not include any specific details of the proposed building design as required by the UDC. The concept imagery provided does not clarify how the images of the proposed buildings relate to the types of the residential units and where they are located on the site plan.
- The landscaping plan provided does not match the revised Concept Plan. An updated landscaping plan with details of the landscaping elements is required to confirm if the proposed development will meet the UDC requirements.

CONFORMANCE WITH THE CHARACTER OF THE AREA:

Existing character:

The adjacent properties on the north and east are zoned Neighborhood Residential which permits one-acre single family uses. Currently these areas are vacant and undeveloped. The area on the west is zoned Existing Residential 2 and consists of existing single-family residences.

Applicant's response:

The setbacks that abut residential zones on the north and east are ten-foot wide, the minimum setbacks required by the UDC for mixed use developments.

As per the applicant, buildings along the north, east, and south will be single story residential and will comply with the residential standards required by the UDC. A six foot high fence, landscaping, several parks, detention, and tree save areas are also proposed along these property lines. Additionally, building in the transition area will not exceed a height of 30 feet.

Findings:

- Setbacks required for residential developments are typically a minimum of 20' in the rear. The proposed 10' setback for units along the property line may adversely affect the proposed residential units as well as the future single-family neighborhoods.
- The traffic generated by the proposed use may have an adverse impact on circulation and safety on surroundings due to inadequate capacity, street continuity, and linkages. This

will need to be properly reviewed with a Traffic Impact Analysis report.

CONFORMANCE WITH THE AVAILABILITY OF UTILITIES:

Location of utilities:

City water and sewer is not available in the immediate vicinity of the subject property. The applicant will need to put in water and sewer main connections as well as up size a portion for the sewer system.

Capacity: The adequacy of water and sewer utilities and the City's infrastructure, including roadway and storm drainage facilities, will need to be reevaluated to ensure adequacy for the proposed development, due to the higher intensity of the proposed use.

Applicant's proposal:

The applicant is proposing water and sewer extensions from the Arbors subdivision, located to the north of the subject property.

Findings:

- This property is within water and wastewater certificates of convenience and necessity (CCN) for the City of Fair Oaks Ranch and therefore the City of Fair Oaks Ranch is obligated to provide these services to the property.
- A study for water and wastewater will be needed to verify existing infrastructure is adequate for the proposed use. Any inadequacies will need to be upgraded at the expense of the developer.

CONFORMANCE WITH THE TRANSPORTATION MAP:

The traffic generated by the proposed development will impact City roads. The site is directly accessed by Dietz Elkhorn Road. Fair Oaks Parkway and Dietz Elkhorn Road provide connections from I-10 to the proposed development.

- Fair Oaks Parkway is a Collector Road. Currently it is a two-lane road. The typical right of way width required is 83'. No significant expansion is contemplated for this road. Improvements may be needed to adequately support a mixed-use development. A Traffic Impact Analysis (TIA) will be required to determine the extent of improvements.
- Dietz Elkhorn Road is a Collector Road. Currently it is a two-lane road. The typical right of way width is 83'. No expansion is recommended for this road; however, improvements may be needed to adequately support a mixed use development. A Traffic Impact Analysis (TIA) will be required to determine the extent of improvements.

Applicant's proposal:

The applicant has provided a preliminary traffic analysis and is proposing a detailed Traffic Impact Analysis (TIA). As per the applicant, a right-hand deceleration lane for northbound traffic on Ralph Fair Road is proposed. Secondary access will be limited to residents exiting and emergency only. This will need to be coordinated with TXDOT as FM3351 is a TXDOT road.

Findings:

- City's roadway infrastructure may not be suitable and adequate for the proposed development. Further study with a Traffic Impact Analysis (TIA) is needed.

STAFF ANALYSIS:

Based on the review of the application and supporting documents, UDC, Comprehensive Plan, and other applicable City standards, the staff's observations are as follows:

1. The proposed use is allowed by the UDC, but the proposed development with only residential uses does not meet the intent of the Mixed Use district, as described in the Comprehensive Plan or the UDC.
2. The submittal does not include any plans or specific details showing conformance to the building design standards and landscaping standards required by the UDC. This information is required to confirm if the proposed development will meet the UDC requirements and the intent of the Comprehensive Plan.
3. The proposed development may have a significant impact on public infrastructure such as roads, water, sewer, and drainage systems.
4. The proposed development may have a significant impact on public services such as police and fire protection.
5. Street improvements will be needed to alleviate congestion due to the development. Further study is needed for the extent of improvements needed.
6. Staff review comments (All materials received by February 15, 2023):
 - i. A revised landscaping plan that matches the revised layout (addition of new parking spaces near parks 4, 6, 9, 10, 13, 14 etc.) are not found in the resubmittal. These parking spaces appear to be a part of the areas shown as parks in the previous submittal. This may also affect the area of landscaping.
 - ii. Some fields in the Universal Application form are blank (e.g. contact name, address etc. in the Property owner Information section).

CRITERIA FOR REVIEW:

As per UDC, the Concept Plan needs to be reviewed for:

- a. Compliance with the Comprehensive Plan, UDC, and any additional adopted plans (e.g., Water, Wastewater, and Reuse Master Plan; Master Drainage Plan).
- b. Compatibility of land uses, and
- c. Coordination of improvements within and among individual parcels of land or phases of development.

Concept Plans will be reviewed by the Planning and Zoning and the recommendation will be forwarded to City Council for review and final action.

POLICY ANALYSIS:

The City of Fair Oaks Ranch's current process requires the P & Z to consider the Concept Plan application and make a recommendation to the City Council. The City Council has the final authority to act on the Concept Plan.

LEGAL ANALYSIS:

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

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:

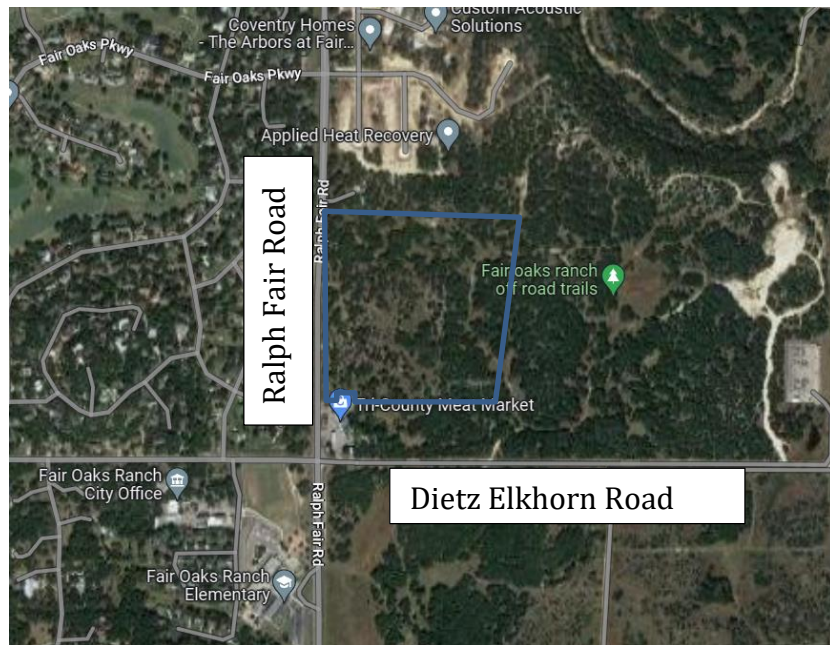
Staff recommends approval of the extension of time to provide the applicant with the opportunity to address the items discussed at the P & Z meeting. In addition to the concerns raised by P & Z, the staff has several review comments that have not been addressed.

Motion: I move to approve the extension of time request from the applicant Urbanist Inc. 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).

If Council is not interested in approval of the extension of time, staff recommends that the applicant's letter and supporting documents dated February 15, 2023, and additional details regarding landscaping, buffers, and building design be added as conditions of approval if the City Council decides to approve this Concept Plan request.

Motion: I move to approve the Concept Plan request from the applicant Urbanist Inc. 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), with conditions. (List conditions, if any)

Exhibit A: Aerial Map and Existing Site Conditions



Source: Google

Exhibit B: Current Zoning Map

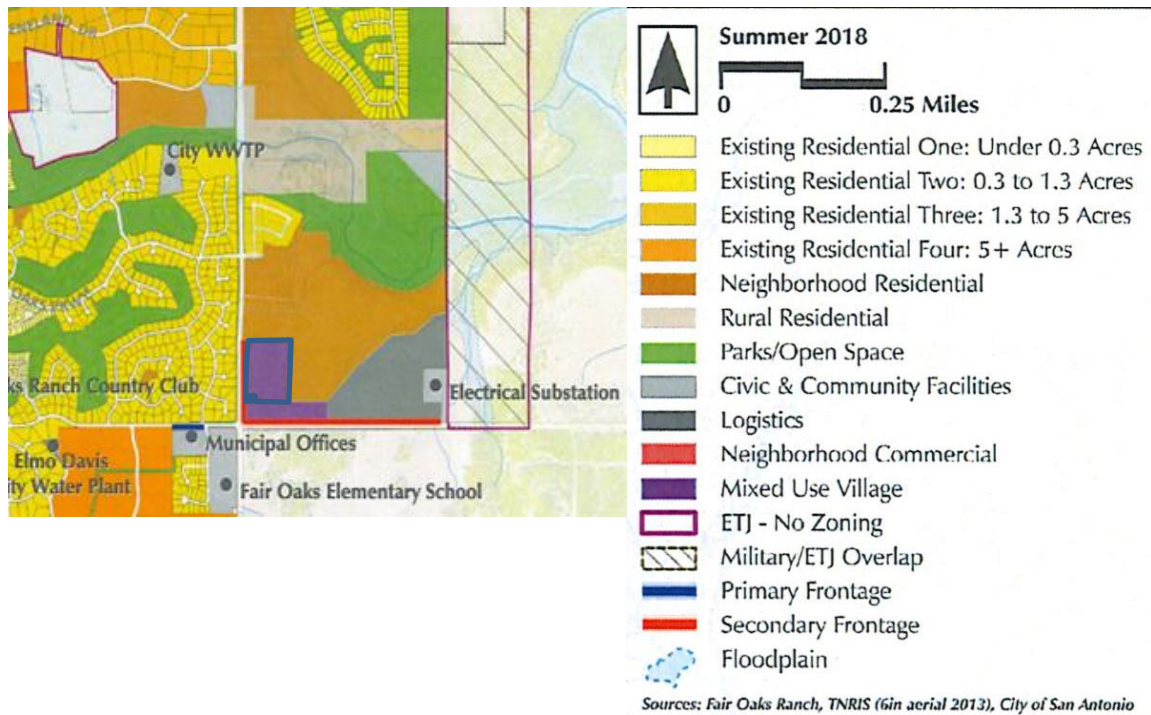
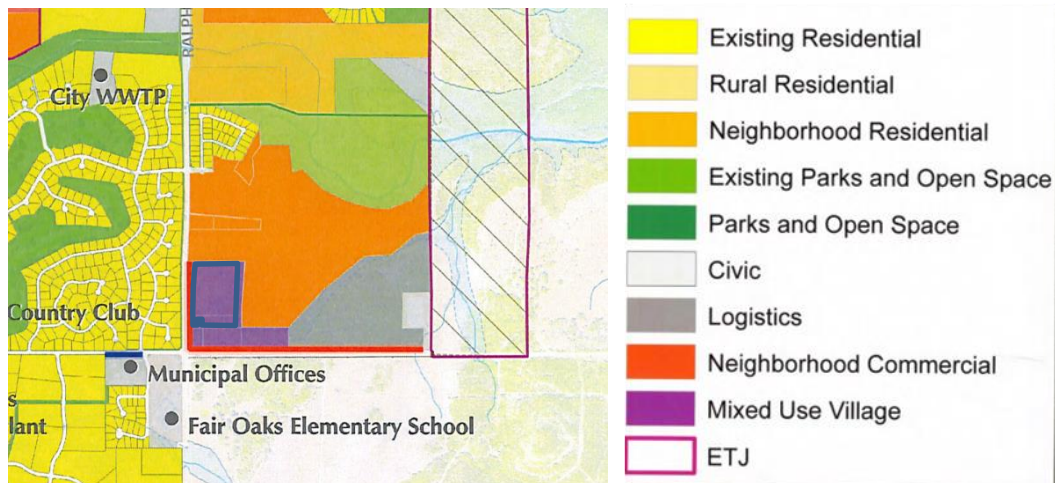


Exhibit C: Future Land Use Map (FLUM)



Attachments:

1. Universal Application
2. S9 Concept Plan Application Form
3. Supporting Documents Provided by the Applicant
4. Use Table
5. Concept Plan Extension Request