



CITY COUNCIL CONSIDERATION ITEM

CITY OF FAIR OAKS RANCH, TEXAS

AGENDA TOPIC: Consideration and possible action on a resolution approving Amendment No. 1 to the Post Oak Development Agreement and authorizing the City Manager to execute all related documents

DATE: August 7, 2025

DEPARTMENT: Administration

PRESENTED BY: Scott M. Huizenga, ICMA-CM, City Manager
Caroline McDonald, Brown & McDonald PLLC

INTRODUCTION/BACKGROUND:

On May 20, 2025, the City Council approved Resolution 2025-26, authorizing an amendment to the development agreement (DA) for The Reserve at Fair Oaks Ranch, now renamed the Post Oak Subdivision. This approval marked the initial step in a series of City Council actions supporting the Post Oak Subdivision. The City Council on July 3:

- Annexed the 345-acre property (Ordinance 2025-11)
- Created the Public Improvement District (Resolution 2025-44)

The developer, Bitterblue Inc., and staff have identified proposed updates to the agreement that align with the spirit of the agreement and benefit both parties. Notable changes include a further reduction in density, alignment of drainage standards, a reduction in the required street frontage per lot, and clarification regarding impact fees.

The following is a short summary of pertinent proposed amendments:

1. Adds definitions: developer, owner and impact fee
2. Standardizes 90-day deadlines across applicable provisions
3. Revises the lot frontage requirements to allow for a curvilinear development while retaining a 1-acre minimum lot size
4. Modifies drainage standards to address conflicts in Section 9.7 of the current Unified Development Code (UDC). This will also be addressed in the next update to the UDC
5. Reduces the total development from 278 single-family lots to 227 lots in all applicable provisions and exhibits
6. Clarifies the DA and the Utility Services Agreement to confirm that:
 - a. Impact fees are assessed at plat recording and are distinct from water capacity
 - b. Fees are due at time of building permit issuance

Exhibit A of the accompanying resolution provides a comprehensive list of the proposed amendments. **Exhibit B** is a redline version of the amended Post Oak Subdivision development agreement, reflecting the current DA and proposed amendments.

POLICY ANALYSIS/BENEFIT(S) TO CITIZENS:

1. Supports Strategic Action Plan Pillar 2 Responsible Growth Management.
2. Provides additional development standards aligned with the City's Unified Development Code.
3. Reduction in density helps preserve the character of Fair Oaks Ranch and its resources.

LONGTERM FINANCIAL & BUDGETARY IMPACT:

None

LEGAL ANALYSIS:

Approved as to form.

RECOMMENDATION/PROPOSED MOTION:

I move to approve a resolution approving Amendment No. 1 to the Post Oak Development Agreement and authorizing the execution of all related documents by the City Manager.