

VIA TELECONFERENCE



**CITY OF FAIR OAKS RANCH
AGENDA – JOINT PUBLIC HEARING
CITY COUNCIL and PLANNING AND ZONING COMMISSION**

May 14, 2020; 6:30 PM

Via Teleconference

7286 Dietz Elkhorn, Fair Oaks Ranch

THERE EXISTS A PUBLIC HEALTH EMERGENCY RELATED TO THE COVID-19 VIRUS THAT NECESSITATES A MEETING OF THE CITY COUNCIL TO TAKE PLACE VIA TELEPHONE CONFERENCE PURSUANT TO GOVERNMENT CODE CHAPTER 551.125, AS MODIFIED BY EXECUTIVE ORDER OF THE GOVERNOR

You can dial in using your phone:

United States (Local #): 210-714-4201

(Toll-Free #): 1-800-717-4201

Conference ID: 2443302 #

If you wish to address the Council, please select *5 on your phone, this will place you in a queue for speaking. At the appropriate time, the City Secretary will call upon each individual separately

I. OPEN MEETING

A. Roll Call – Declaration of a Quorum

II. CITIZENS and GUEST FORUM / PRESENTATIONS

To address the Council, please select *5 on your phone; this will place you in a queue for speaking. At the appropriate time the City Secretary will call upon each individual separately. In accordance with the Open Meetings Act, Council may not discuss or take action on any item which has not been posted on the agenda.

A. Citizens to be heard.

III. CONSIDERATION/DISCUSSION ITEMS

A. The City Council and the Planning and Zoning Commission of the City of Fair Oaks Ranch, Texas, will conduct a joint public hearing to receive public testimony on a proposed amendment to the Comprehensive Plan (CPA No. 2020-01) to change the land use classification from Neighborhood Residential (NR) to Existing Residential (R1) for approximately 22.60 acres generally located along the east side of Ralph Fair Road at the southeast corner of Ralph Fair Road and the Fair Oaks Parkway/Arbor Falls intersection. Generally known as the Arbors Development.

1. Mayor opens the joint public hearing
2. Staff/consultant presentation of the proposed amendment to the Comprehensive Plan.

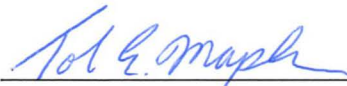
3. Council and P&Z receive citizen testimony for/against the proposed amendment to the Comprehensive Plan with the Mayor serving as the presiding officer
 4. Mayor closes the joint public hearing
 5. Council and P&Z discuss the case, inclusive of questions of the consultant and staff
 6. Public Hearing is adjourned with no formal action necessary
- B. The City Council and the Planning and Zoning Commission of the City of Fair Oaks Ranch, Texas, will conduct a joint public hearing to receive public testimony on the following Zoning Change (ZC) Application ZC No. 2020-01: A request from SF Fair Oaks Development, LLC., applicant and property owner, to change zoning classification from Neighborhood Residential (NR) to Existing Residential 1 (R1) for approximately 22.60 acres generally located along the east side of Ralph Fair Road at the southeast corner of Ralph Fair Road and the Fair Oaks Parkway/Arbor Falls intersection. Generally known as the Arbors Development.

Pgs. 12-33

1. Mayor opens the joint public hearing
2. Staff/consultant presentation of the proposed zoning change application
3. Applicant presentation of the proposed zone change application
4. Council and P&Z receive citizen testimony for/against the zone change application with the Mayor serving as the presiding officer
5. Mayor closes the joint public hearing
6. Council and P&Z discuss the case, inclusive of questions of the consultant and staff.
7. Public Hearing is adjourned with no formal action necessary

IV. ADJOURNMENT

Signature of Agenda Approval:



I, Christina Picioccio, City Secretary, certify that the above Notice of Meeting was posted on the outside bulletin board at the Fair Oaks Ranch City Hall, 7286 Dietz Elkhorn, Fair Oaks Ranch, Texas, and on the city's website www.fairoaksranchtx.org, both places being convenient and readily accessible to the general public at all times. Said Notice was posted by 5:00 PM, May 11, 2020 and remained so posted continuously for at least 72 hours before said meeting was convened.

The Fair Oaks Ranch City Hall is wheelchair accessible at the side entrance of the building from the parking lot. Requests for special services must be received forty-eight (48) hours prior to the meeting time by calling the City Secretary's office at (210) 698-0900. Braille is not available.



**CITY COUNCIL and PLANNING AND ZONING
COMMISSION JOINT PUBLIC HEARING**
City of Fair Oaks Ranch, Texas
May 14, 2020

HEARING TOPIC: To receive public testimony on a proposed amendment to the Comprehensive Plan to change the land use classification from Neighborhood Residential (NR) to Existing Residential (R1) for 22.60 acres generally located along the east side of Ralph Fair Road at the southeast corner of Ralph Fair Road and the Fair Oaks Parkway/Arbor Falls intersection. Generally known as the Arbors Development.

DATE: May 14, 2020

DEPARTMENT: Public Works and Engineering Services

PRESENTED BY: Lata Krishnarao, AICP, LEED ND, Gunda Corporation, 3rd Party Planning Consultant

INTRODUCTION/BACKGROUND:

Sequence for conducting the joint public hearing is as follows:

1. Mayor opens the joint public hearing
2. Staff/consultant presentation of the proposed amendment to the Comprehensive Plan
3. Council and P&Z receive public testimony for/against the proposed amendment to the Comprehensive Plan with the Mayor serving as the presiding officer
4. Mayor closes the joint public hearing
5. Council and P&Z discuss the case, inclusive of asking questions of the owner and staff
6. Public Hearing is adjourned with no formal action necessary

Subsequent to the Council's departure, the P&Z will convene into their regular business meeting to discuss the case and make a recommendation for City Council consideration. The P&Z may recommend approval/denial. The P&Z may choose to table the application request if they determine additional information from the applicant is warranted.

The City Council is the final authority on all amendments to the Comprehensive Plan. Accordingly, the Council will consider the amendment and the P&Z recommendation at their regularly scheduled business meeting on the 1st Thursday of the month following P&Z action.

LEGAL ANALYSIS:

The attached staff report and today's joint public hearing demonstrate compliance with the requirements as prescribed in Chapter 213 of the Local Government Code and Section 3.7 of the City's Unified Development Code.

RECOMMENDATION/PROPOSED MOTION:

Conduct the joint public hearing.

STAFF REPORT

To: City Council and Planning and Zoning Commission
From: Public Works and Engineering Department
Date: May 14, 2020
Re: Comprehensive Plan Amendment 2020-01

Proposed amendment to the Comprehensive Plan to change the land use classification from Neighborhood Residential (NR) to Existing Residential (R1) for approximately 22.60 acres generally located along the east side of Ralph Fair Road at the southeast corner of Ralph Fair Road and the Fair Oaks Parkway/Arbor Falls intersection. Generally known as the Arbors Development.

Summary of Request

This is a City-initiated amendment to change the land use classification of the subject property. The Future Land Use Map (FLUM) contained in the Comprehensive Plan designates this property as Neighborhood Residential (NR). The City is initiating this amendment to change the land use classification to Existing Residential (R1). Existing Residential (R1) is the appropriate single-family residential land use classification on this property that is governed by an existing development agreement approved prior to the adoption of the Comprehensive Plan Update and zoning regulations.

The Comprehensive Plan describes these Future Land Use Designation as follows:

“Neighborhood Residential - The Neighborhood Residential district (NR) serves as a residential zone for areas where low-to-medium density development is appropriate in Fair Oaks Ranch (beyond the Existing Residential districts). The district accommodates a fairly wide variety of housing needs and types by allowing for contextual development standards. NR developments should provide for pedestrian-friendly residential neighborhoods, protected from incompatible uses. Residences in the NR district are appropriate for direct access to primarily Local Connector streets, Local Neighborhood Residential streets and Rural Residential streets.”

“Existing Residential - The Existing Residential (ER) categories are intended to capture the neighborhoods already existing in Fair Oaks Ranch as the comprehensive plan exercise commenced. These neighborhoods were platted, and mostly built-out, before zoning districts were created. Construction standards and densities in these areas have historically been governed by land covenants and deed restriction committees.”

Within Existing Residential designation, the Comprehensive Plan recommends the following four (4) categories based on the lot sizes:

- Existing Residential 1 (R1) for the densest existing residential types, with lot sizes generally under 0.3 acres.
- Existing Residential 2 (R2) for areas where the existing lot sizes are generally 0.3 acres to approximately 1.3 acres.
- Existing Residential 3 (R3) for areas where existing lot sizes are generally between

approximately 1.3 acres and approximately five acres.

- Existing Residential 4 (R4) category for areas where the existing lot sizes are generally larger than five acres.

Site History

A Preliminary Plat establishing the Preserve at Fair Oaks on approximately 145 acres of land generally referred to as the “Owen’s Tract” was submitted to the City in November 2015. Subsequently, in February 2016, a development agreement was signed by the City of Fair Oaks Ranch, David and Dianne Owens, and Scott Felder Homes for this 145-acre tract. This subdivision was renamed as Arbors at Fair Oaks Ranch. The development agreement was approved prior to the creation of the zoning districts.

The development agreement permitted a maximum of 91 residential lots that were generally 80’ wide and 140’ deep and ranging from 0.26 acres to 1.68 acres, with almost half of the lots being less than 0.3 acres. The residential development was proposed to be developed in three (3) phases. Phase 1 has been approved and is under construction. Phase 1 has been designated as Existing Residential on the Future Land Use Map (FLUM). Phase 2 and 3 are in the process of being platted.

Reason for the Request

The City’s Comprehensive Plan was updated in 2018 and the Future Land Use Map (FLUM) of the updated Comprehensive Plan designated the platted Phase 1 of Arbors development as Existing Residential. The Existing Residential designation was appropriate for the area, as approved in the Development Agreement and as platted. As indicated earlier, the Existing Residential classification was created for neighborhoods that were platted and mostly built-out before zoning districts were created and were governed by land covenants and deed restrictions. The remaining two unplatted phases were designated as Neighborhood Residential (NR).

At the time of the Comprehensive Plan update, the Future Land Use Map (FLUM) designated Phases 2 and 3 of Arbors development as Neighborhood Residential (NR), a classification that is appropriate for low to medium density development where the minimum lot size is 1 acre (or 0.75 acre for areas built under the Conservation Development Alternative). The approved lot sizes as prescribed in the approved Development Agreement, do not meet this criterion and therefore the NR designation is not suitable for the approved development. The proposed classification of Existing Residential (R1) is more appropriate and will bring the approved Arbors Development in to conformance with the Future Land Use Map (FLUM) and the Comprehensive Plan.

This Comprehensive Plan amendment will support the proposed zone change request by the owners to rezone the property from NR to R1 to reflect the development that was approved in 2018.

Public Notification

As required, a notice of the public hearing was published in the Boerne Star newspaper on April 24, 2020.

Opposition to or Support of Proposed Request

City staff has not received any public comments in opposition to or in support of the Comprehensive Plan amendment.

Criteria for Review

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 conflicts of proposed amendments with the UDC or Comprehensive Plan will be considered and dealt with prior to the review and adoption of any amendment.
Unified Development Code Compliance and Consideration of Conflicts. 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 approval of the Comprehensive Plan amendment for the following reasons:

- A. The proposed amendment will accurately reflect the approved Development Agreement for the property. The proposed Existing Residential classification was created for neighborhoods, such as the subject development, that were platted and mostly built-out before zoning districts were created and that are also governed by land covenants and deed restrictions.
- B. The proposed amendment will permit the appropriate zoning classification of Existing Residential (R1) to be placed on the property and will permit lot sizes as approved Development Agreement for the property.
- C. Staff believes that the proposed amendment promotes the health, safety, or general welfare of the City and the safe, orderly, and healthful development of the City.
- D. Staff believes the proposed amendment is consistent with other goals and objectives of the Comprehensive Plan.
- E. With approval of the subsequent zone change request any potential conflicts of proposed amendments with the UDC, Comprehensive Plan, or approved Development Agreement will be eliminated.

Amendment Process

The Comprehensive Plan amendment process is similar to a zone change process. After the joint public hearing, Planning and Zoning Commission will review the request and will forward their recommendation to the City Council. The City Council will review the request, consider Planning and Zoning Commission's recommendation, and will take final action on proposed amendment.

Exhibits

1. Aerial Map
2. Existing Future Land Use Map (FLUM)
3. Proposed Future Land Use Map (FLUM)
4. Floodplain Map

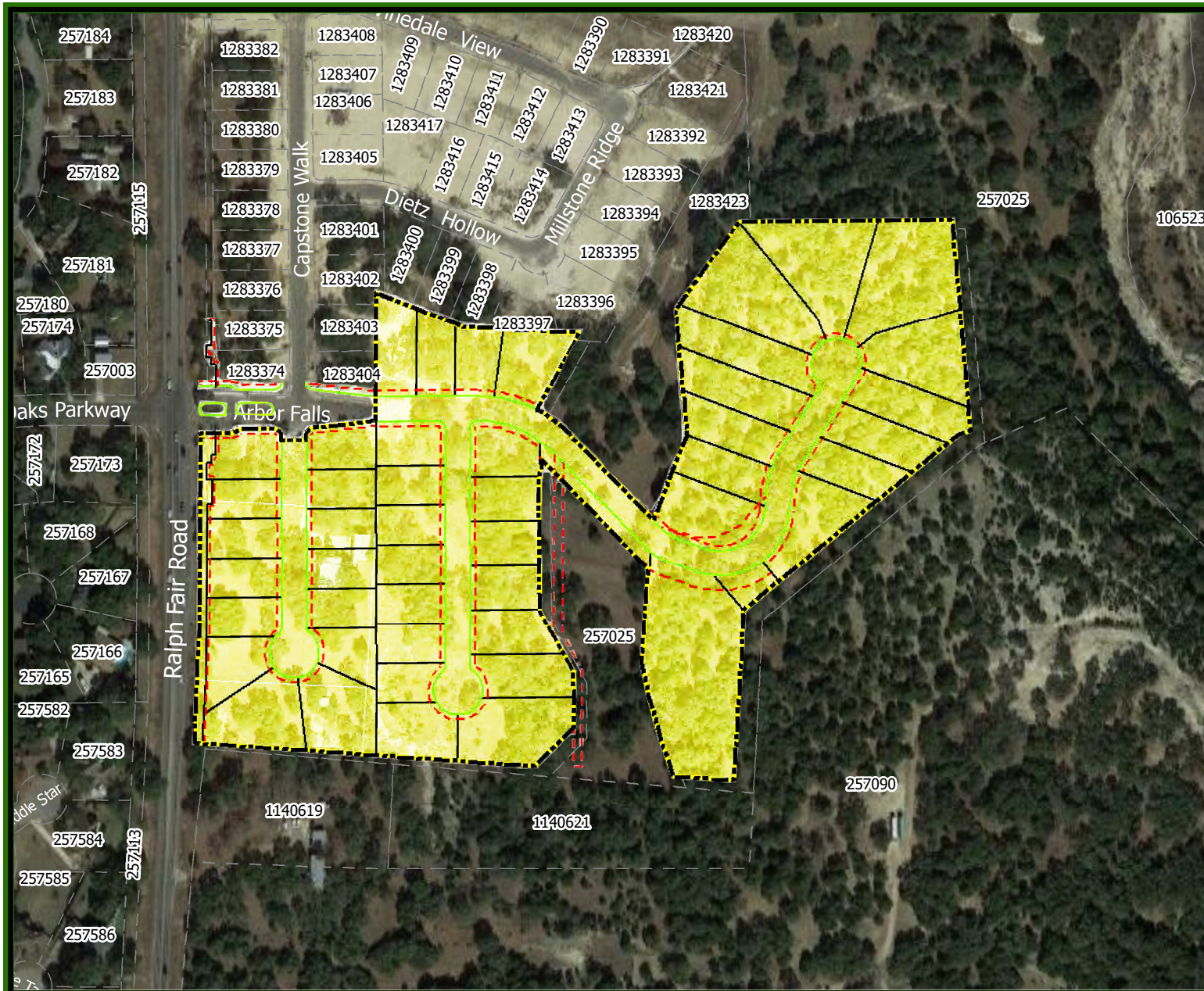
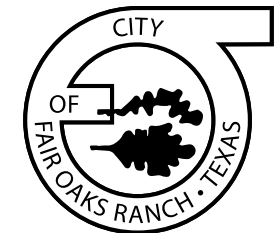


Exhibit 1 AERIAL MAP

Arbors at Fair Oaks Ranch Unit 2A

CPA No. 2020-01

 Subject Property



April 2020



1" ≈ 300'

Disclaimer – The City of Fair Oaks Ranch (COFOR) does not guarantee the accuracy, adequacy, completeness, or usefulness of any information. COFOR does not warrant the completeness, timeliness, or positional, thematic, and attribute accuracy of the GIS Data. The GIS data, cartographic products, and associated applications are not legal representations of the depicted data. GIS data is derived from public records that are constantly undergoing revision. Under no circumstances should GIS products be used for final design purposes. COFOR provides this information on an "as is" basis without warranty of any kind, express or implied, including but not limited to warranties of merchantability or fitness for a particular purpose, and assumes no responsibility for anyone's use of the information.

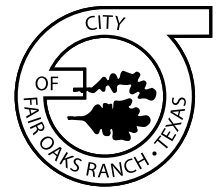
Exhibit 2 FLUM MAP EXISTING

ARBORS AT FAIR OAKS RANCH

Unit 2

CPA No. 2020-01

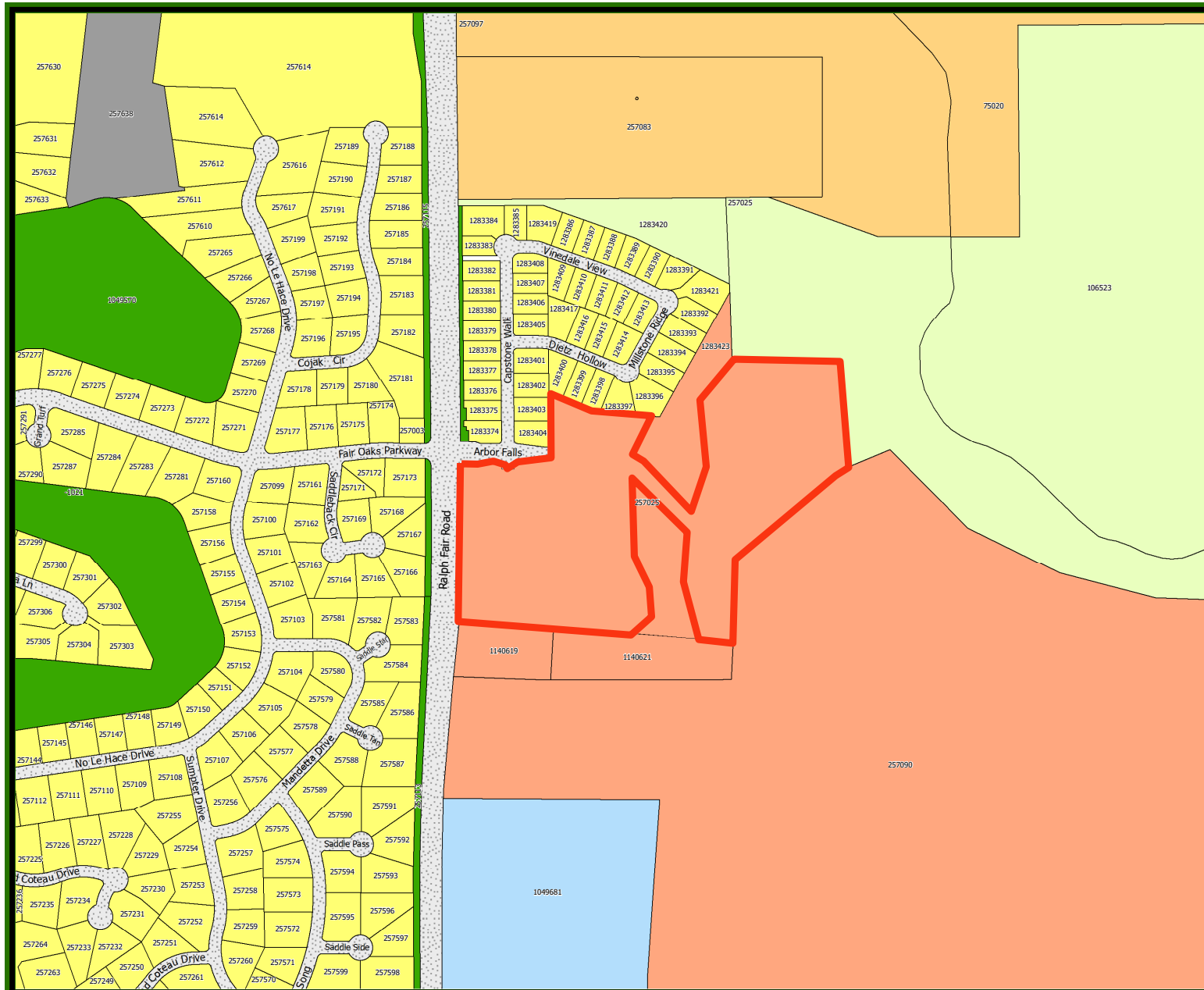
- Subject Property**
- Civic & Community Facilities
- Existing Residential
- Rural Residential
- Neighborhood Residential
- Existing Parks and Open Space
- Parks and Open Space
- Mixed Use Village



April 2020



1" ≈ 600'



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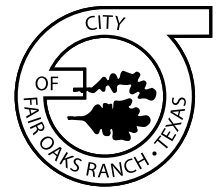
Exhibit 3 FLUM MAP PROPOSED

ARBORS AT FAIR OAKS RANCH

Unit 2

CPA No. 2020-01

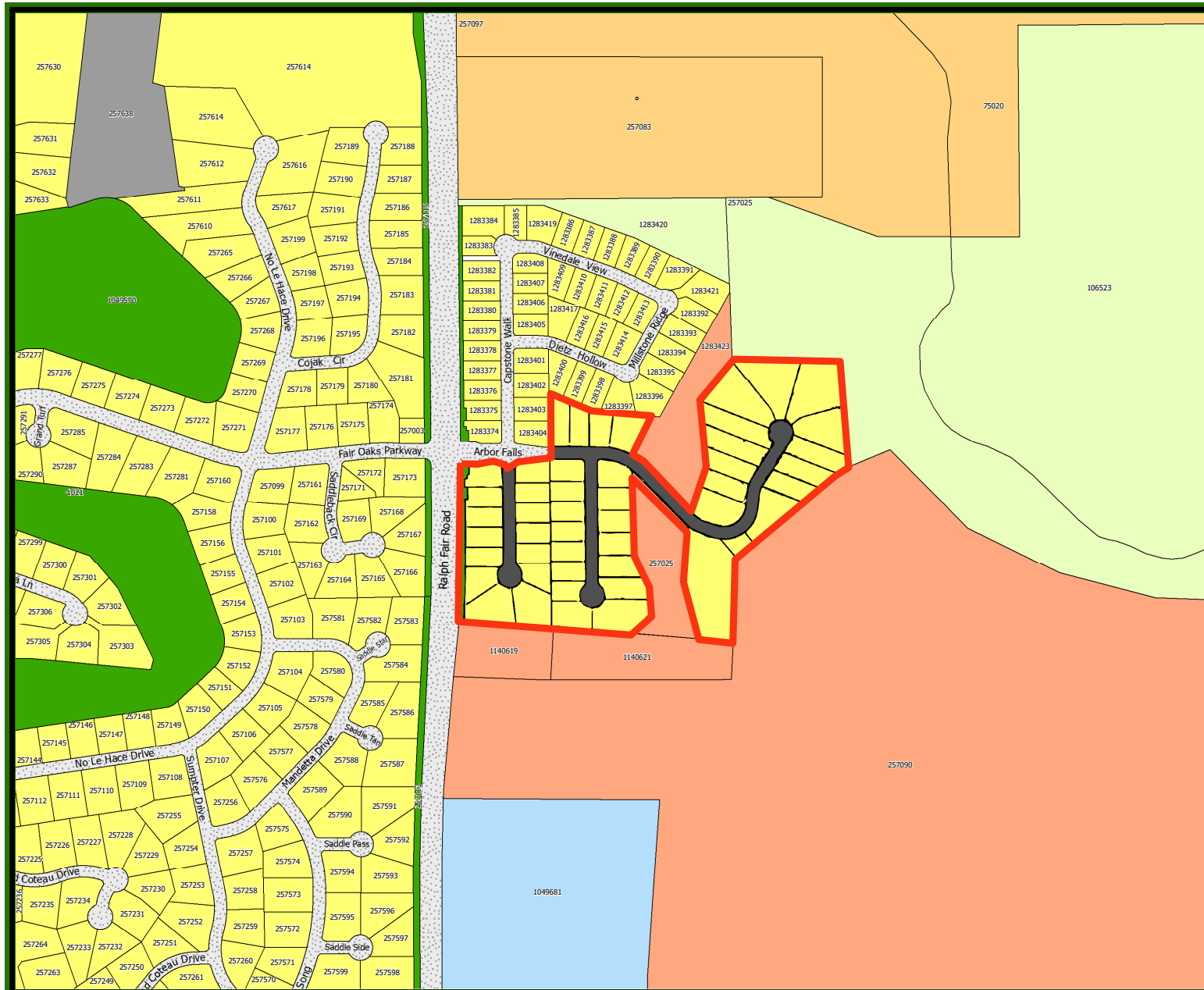
- Subject Property
- Civic & Community Facilities
- Existing Residential
- Rural Residential
- Neighborhood Residential
- Existing Parks and Open Space
- Parks and Open Space
- Mixed Use Village



April 2020



1" ≈ 600'



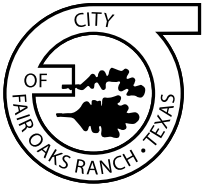
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Exhibit 4 FLOODPLAIN MAP

ARBORS AT FAIR OAKS RANCH Unit 2

CPA No. 2020-01

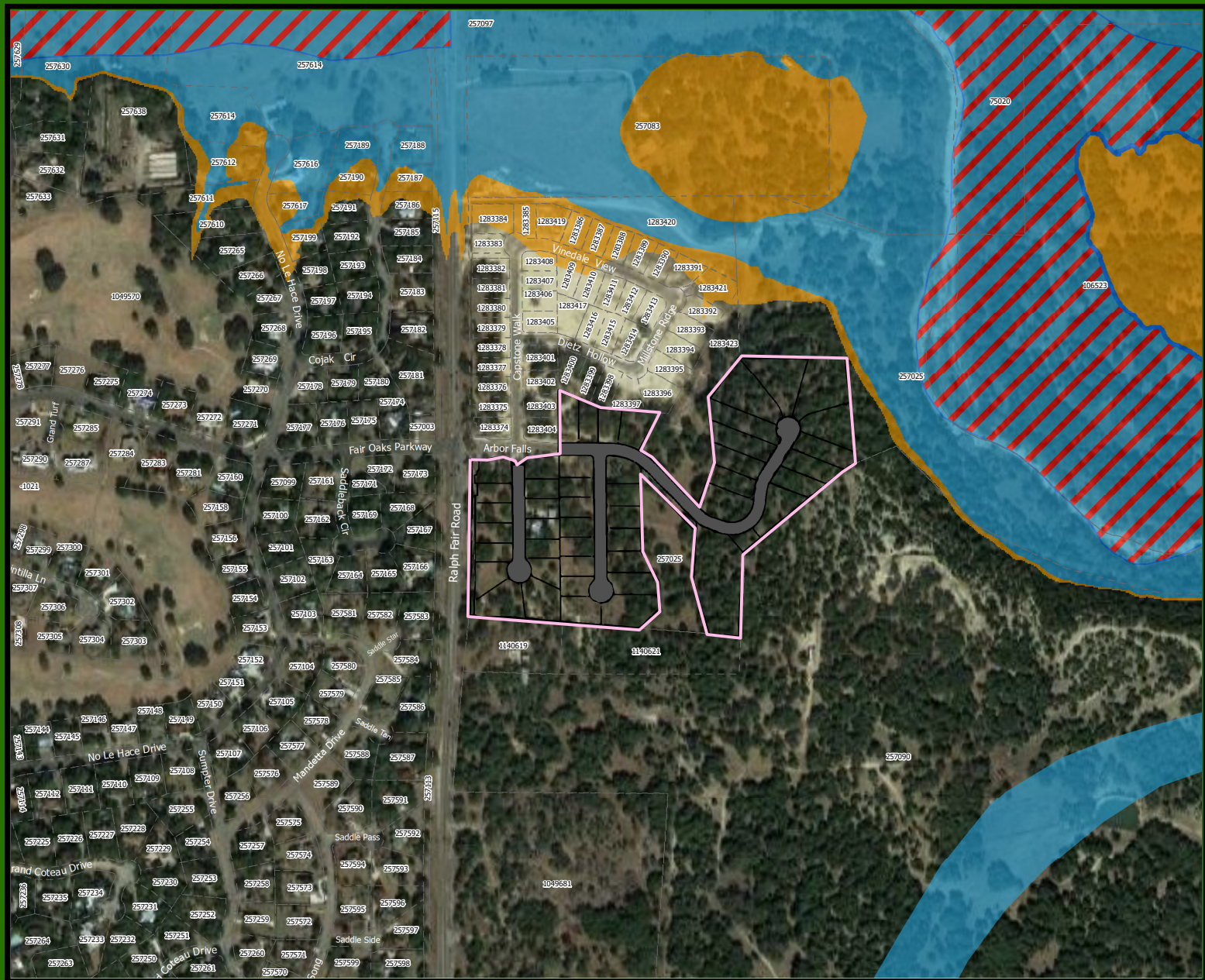
-  Subject Property
-  High Risk Area
-  High Risk Area - Floodway
-  Moderate Risk Area



April 2020



1 " ≈ 600 '



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CITY COUNCIL and PLANNING AND ZONING COMMISSION JOINT PUBLIC HEARING

City of Fair Oaks Ranch, Texas

May 14, 2020

HEARING TOPIC: To receive public testimony on the following Zone Change (ZC) Application ZC 2020-01: A request from SF Fair Oaks Development, LLC., applicant and property owner, to change the zoning classification from Neighborhood Residential (NR) to Existing Residential 1 (R1) for 22.60 acres generally located along the east side of Ralph Fair Road at the southeast corner of Ralph Fair Road and the Fair Oaks Parkway/Arbor Falls intersection. Generally known as the Arbors Development.

DATE: May 14, 2020

DEPARTMENT: Public Works and Engineering Services

PRESENTED BY: Lata Krishnarao, AICP, LEED ND, Gunda Corporation, 3rd Party Planning Consultant

INTRODUCTION/BACKGROUND:

Sequence for conducting the joint public hearing is as follows:

1. Mayor opens the joint public hearing
2. Staff/consultant presentation of the proposed zone change application
3. Applicant presentation of the proposed zone change application
4. Council and P&Z receive public testimony for/against the zone change application with the Mayor serving as the presiding officer
5. Mayor closes the joint public hearing
6. Council and P&Z discuss the case, inclusive of questions of the applicant and staff.
7. Public Hearing is adjourned with no formal action necessary

Subsequent to the Council's departure, the P&Z will convene into their regular business meeting to discuss the case and make a recommendation for City Council consideration. The P&Z may recommend approval/denial. The P&Z may choose to table the application request if they determine additional information from the applicant is warranted.

The City Council is the final authority on all zone change applications. Accordingly, the Council will consider the application and the P&Z recommendation at their regularly scheduled business meeting on the 1st Thursday of the month following P&Z action.

LEGAL ANALYSIS:

The attached staff report and today's joint public hearing demonstrate compliance with the requirements as prescribed in Chapter 211 of the Local Government Code and Section 3.7 of the City's Unified Development Code.

RECOMMENDATION/PROPOSED MOTION:

Conduct the joint public hearing.

STAFF REPORT

To: City Council and Planning and Zoning Commission
From: Public Works Department
Date: May 14, 2020
Re: Zone Change Application No: ZC 2020-01

A request from SF Fair Oaks Development, LLC., applicant and property owner, to change the zoning classification of approximately 23 acres from Neighborhood Residential (NR) to Existing Residential 1 (R1).

General Location: 22.60 acres generally located along the east side of Ralph Fair Road at the southeast corner of Ralph Fair Road and the Fair Oaks Parkway/Arbor Falls intersection. Generally known as the Arbors Development.

Summary of Request

The applicant is requesting rezoning to allow for an appropriate zoning classification to be placed on the subject property for a single-family residential development that is consistent with the existing development agreement. The development agreement was approved prior to the establishment of zoning codes within the city.

The Unified Development Code (UDC) describes the current and proposed zoning categories as follows:

“Neighborhood Residential District (NR): The Neighborhood Residential District (NR) serves as the residential district for areas where low-to-medium density development is appropriate in Fair Oaks Ranch. The lots are a minimum of 1 acre (or an average of 0.75 acres using the Conservation Development Alternative Minimum to incentivize conservation areas). The NR district allows a variety of lot sizes and housing. NR developments provide pedestrian-friendly residential neighborhoods, protected from incompatible uses. Residences in the NR district are appropriate primarily for direct access to Local Connector streets, Local Neighborhood Residential streets and Rural Residential streets.”

“Existing Residential 1 (R1): The Existing Residential 1 (R1) category governs the most dense existing residential types with lot sizes generally under 0.3 acres. Exclusive of city permits and ordinances, all lot, building, landscaping and other standards will be controlled by the applicable deed restrictions in these neighborhoods, in compliance with City ordinance requirements.”

Site History

A Preliminary Plat establishing the Preserve at Fair Oaks on approximately 145 acres of land (generally referred to as the “Owen’s Tract” was submitted to the City in November 2015. Subsequently, in February 2016, a development agreement was signed by the City of Fair Oaks Ranch, David and Dianne Owens, and Scott Felder Homes for this 145-acre tract. This subdivision was renamed as Arbors at Fair Oaks Ranch. The development agreement was approved prior to the creation of the zoning districts.

The development agreement permitted a maximum of 91 residential lots that were generally 80' wide and 140' deep and ranging from 0.26 acres to 1.68 acres, with almost half of the lots being less than 0.3 acres. The residential development was proposed to be developed in three (3) phases. Phase 1 has been platted and is under construction. Phase 1 is zoned Existing Residential 2 (R2). Phase 2 and 3 are in the process of being platted and are included in this zone change application.

When the Unified Development Code (UDC) was adopted in 2019, Phases 2 and 3 of the Arbors Development were zoned Neighborhood Residential (NR) in accordance with the Comprehensive Plan's land use designation. However, the Neighborhood Residential (NR) zoning category require larger lots than those approved in the development agreement and therefore conflicts with the development agreement. The applicant is ready to start construction of Phases 2 and 3 and has submitted a subdivision plat. Even though the lot sizes shown on the subdivision plat conform with the development agreement, the subdivision plat cannot be approved as the lot sizes do not conform to the current zoning of the property.

To rectify this situation, as indicated by the application reviewed prior to this one, the City is initiating a Comprehensive Plan amendment to change the land use designation of the property to facilitate approval of the proposed Existing Residential 1 (R1) zoning. Once this rezoning is approved, the applicant will be able to proceed with the subdivision plat approval.

Location and Surroundings

The site, known as Arbors Development, is generally located along the east side of Ralph Fair Road at the southeast corner of Ralph Fair Road and the Fair Oaks Parkway/Arbor Falls intersection. A summary of the surrounding land uses and zoning designations can be found in the following table:

Zoning		Current Land Use
NORTH	Existing Residential 2	Single Family Residential (Arbors Phase I under Construction)
SOUTH	Neighborhood Residential	Rural Acreage/Undeveloped
EAST	Neighborhood Residential	Rural Acreage/Undeveloped
WEST	Existing Residential 2	Single Family Residential
NORTHEAST	Parks and Open Space	Open Space/Creek

Conformance with Future Land Use Map

The Future Land Use Map (FLUM) adopted in June of 2018 designates this property as Neighborhood Residential (NR). The NR designation is described as – "The Neighborhood

Residential district (NR) serves as a residential zone for areas where low-to-medium density development is appropriate in Fair Oaks Ranch (beyond the Existing Residential districts). The district accommodates a fairly wide variety of housing needs and types by allowing for contextual development standards. NR developments should provide for pedestrian-friendly residential neighborhoods, protected from incompatible uses. Residences in the NR district are appropriate for direct access to primarily Local Connector streets, Local Neighborhood Residential streets and Rural Residential streets.”

The proposed zoning category will not be in conformance with the current land use designation. However, as stated earlier, the City is proposing an amendment to the Comprehensive Plan to change the land use classification in the Future Land Use Map from Neighborhood Residential (NR) to Existing Residential (R1). The R1 designation is described as follows – “The Existing Residential (ER) categories are intended to capture the neighborhoods already existing in Fair Oaks Ranch as the comprehensive plan exercise commenced. These neighborhoods were platted, and mostly built-out, before zoning districts were created. Construction standards and densities in these areas have historically been governed by land covenants and deed restriction committees.”

Once the Comprehensive Plan amendment is approved, the proposed zoning category will be in conformance with the Future Land Use Map.

Conformance with the Unified Development Code (UDC)

As per the UDC, Neighborhood Residential (NR) zoning is “... appropriate for low to medium density development where the minimum lot size is 1 acre (or 0.75 acre for areas built under the Conservation Development Alternative).” The lot sizes approved by the development agreement for Arbors, ranging from 0.26 acres to 1.68 acres with almost half of the lots being less than 0.3 acres, do not meet this criterion and therefore the Neighborhood Residential (NR) zoning is not appropriate for the approved development. The proposed zoning of Existing Residential (R1) that permits lot sizes to be under 0.3 acres and other development standards to be controlled by deed restrictions will be more suitable and ensure that the approved Arbors Development is in conformance with the UDC.

Conformance with the Character of the Area

The proposed zoning will allow for development that will be compatible with the existing development in the area and future uses permitted by zoning of surrounding properties. The proposed single family residential in Phases 2 and 3 of the Arbors Development will be similar in character to the homes being constructed in Phase 1.

Conformance with the Availability of Utilities

The development will be adequately serviced by City water and sewer.

Public Notification

As required, City staff sent public notices, public comment forms, and location map to all properties within 200 feet of the subject property, inclusive of the applicant/owner. Additionally, notice of the public hearing was published in the Boerne Star newspaper on April 24, 2020.

Opposition to or Support of Proposed Request

City staff has not received any returned notices in opposition to or in support of the zone change request.

Criteria for Review

The Unified Development Code (UDC) states:

“Zoning changes may be approved when the following standards are met:

1. The zoning change is consistent with the Comprehensive Plan;
2. The zoning change promotes the health, safety, or general welfare of the City and the safe, orderly, and healthful development of the City;
3. The zoning change is compatible with and conforms with uses of nearby property and the character of the neighborhood;
4. The property affected by the zoning change is suitable for uses permitted by the proposed amendment to the zoning map;
5. Infrastructure, including roadway adequacy, sewer, water and storm water facilities, is or is committed to be available that is generally suitable and adequate for the proposed use; and
6. Zoning Variance requests will not be considered. Zoning changes must be made by Zoning Map Amendment. All amendments must be in accordance with the Comprehensive Plan, which may be amended according to the procedure in this Section. Newly annexed areas will be zoned during the annexation process.”

Staff Recommendation

Staff recommends approval of the zoning change request for the following reasons:

1. The zoning change will be consistent with the amended Comprehensive Plan.
2. The proposed zoning change is in conformance with the UDC that recommends Existing Residential (R1) for approved developments that are denser and are controlled by the applicable deed restrictions.
3. The zoning change is compatible with the surrounding properties and the character of the neighborhood, especially Phase I of the Arbors Development;
4. Staff does not believe that the zoning change will have a detrimental effect on the health, safety, or general welfare of the City and the safe, orderly, and healthful development of the City;
5. Staff does not believe the proposed use will have a significant impact on the health, safety and welfare of the surrounding neighborhoods.
6. Staff does not believe the proposed use will have a significant impact on public infrastructure such as roads, parking facilities and water and sewer systems.
7. Staff does not believe the proposed use will have a significant impact on public services such as police and fire protection and solid waste collection.

Exhibits

1. Aerial Map
2. Existing Zoning Map
3. Proposed Zoning Map
4. Existing Future Land Use Map (FLUM)
5. Proposed Future Land Use Map(FLUM)
6. Notification Map
7. Floodplain Map
8. Notification List
9. Applicant Packet and Statement

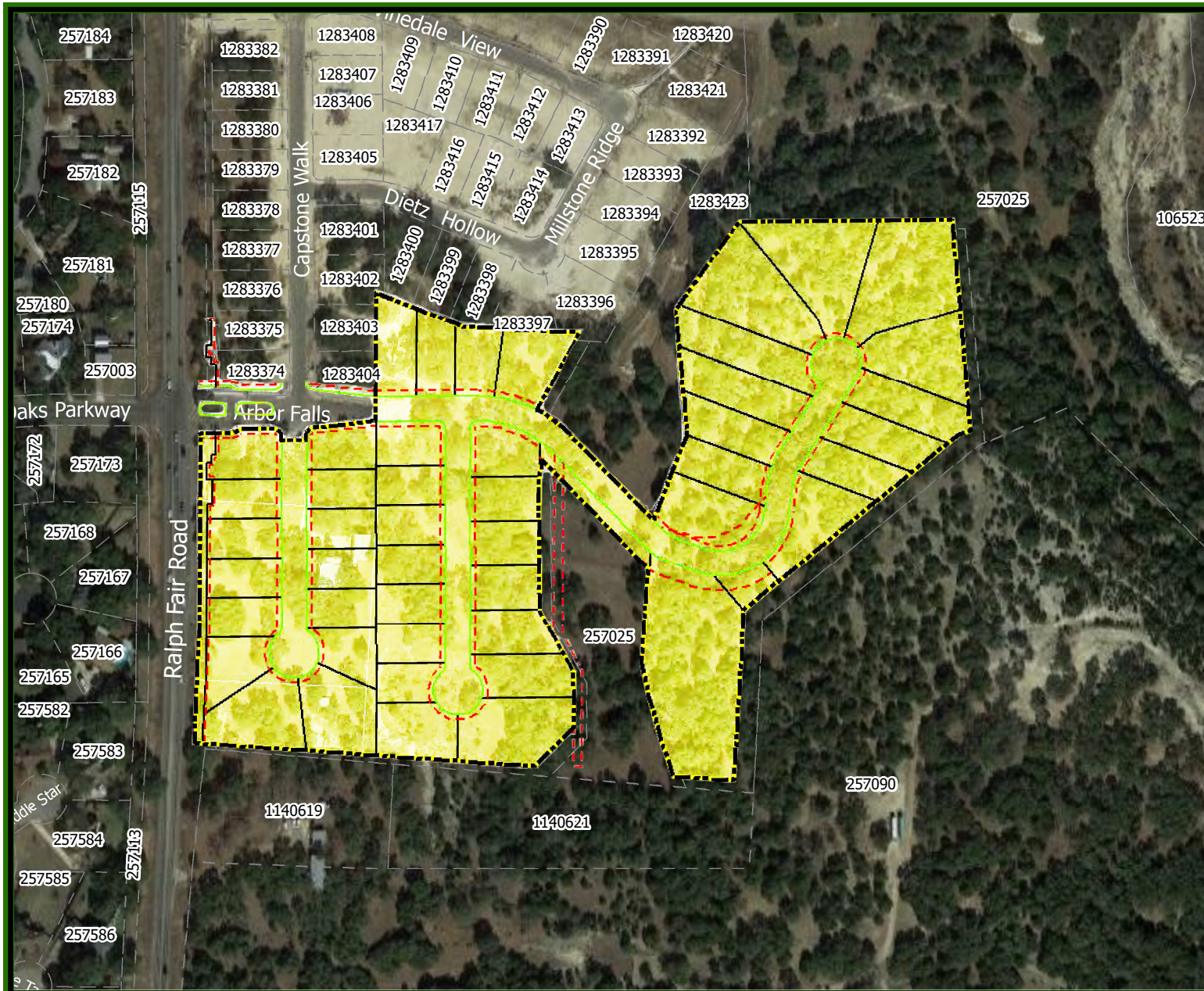
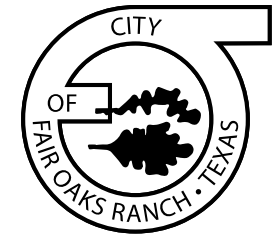


Exhibit 1 AERIAL MAP

ARBORS AT FAIR OAKS RANCH Unit 2A

ZC No. 2020-01

 Subject Property



April 2020

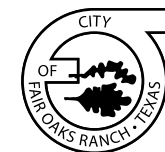


1" ≈ 300'

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ZC No. 2020-01

- Subject Property**
- Civic & Community Facilities
- Existing Residential Two
- Neighborhood Residential
- Rural Residential
- Parks and Open Space
- Mixed Use Village
- Secondary Frontage



April 2020


$$1'' \approx 600'$$

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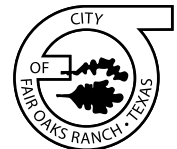
Exhibit 3 ZONING MAP PROPOSED

ARBORS AT FAIR OAKS RANCH

Unit 2

ZC No. 2020-01

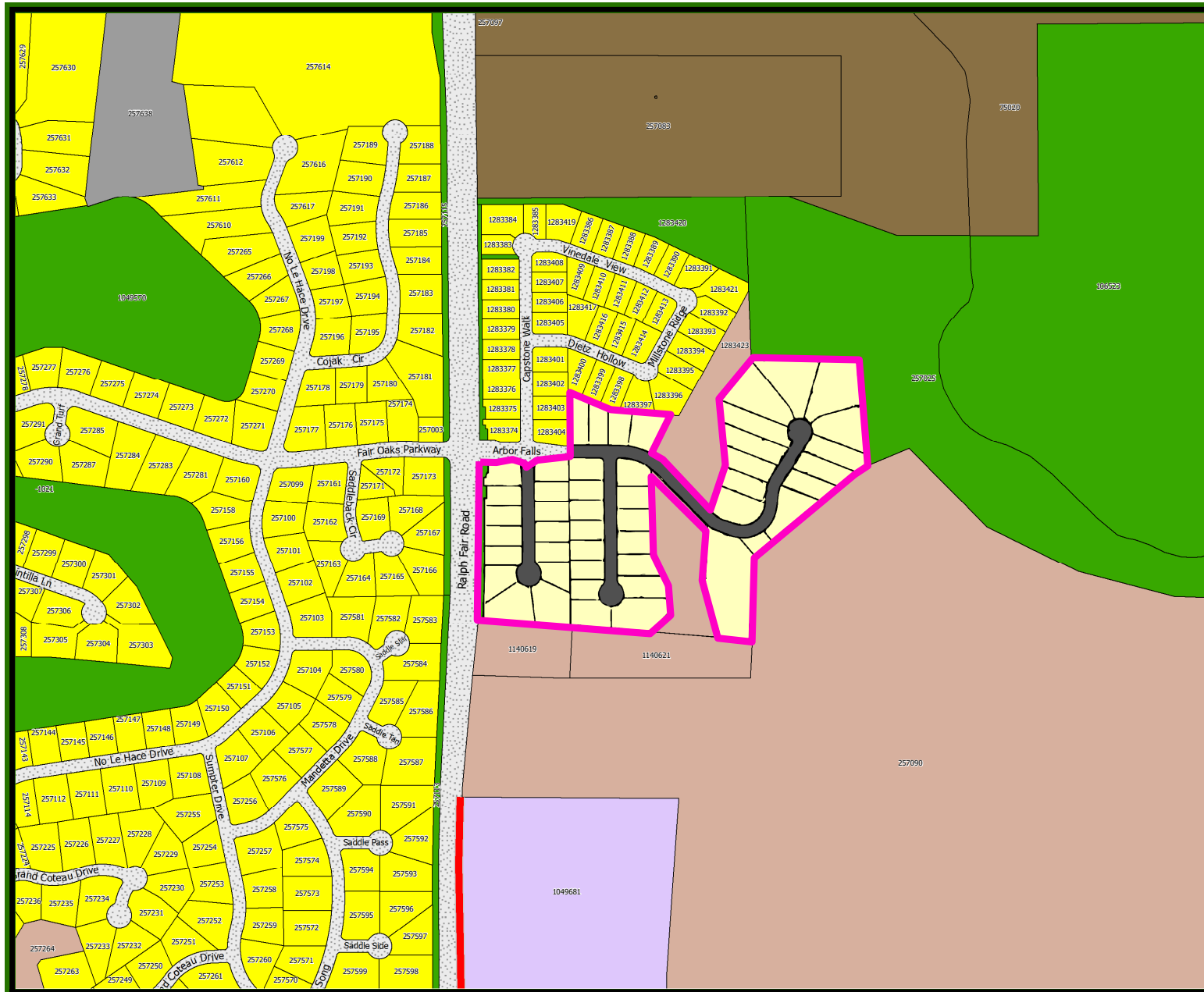
-  Subject Property
-  Civic & Community Facilities
-  Existing Residential One
-  Existing Residential Two
-  Neighborhood Residential
-  Rural Residential
-  Parks and Open Space
-  Mixed Use Village
-  Secondary Frontage



April 2020



1" ≈ 600'



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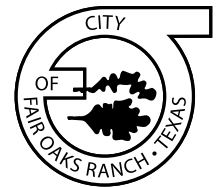
Exhibit 4 FLUM MAP EXISTING

ARBORS AT FAIR OAKS RANCH

Unit 2

ZC No. 2020-01

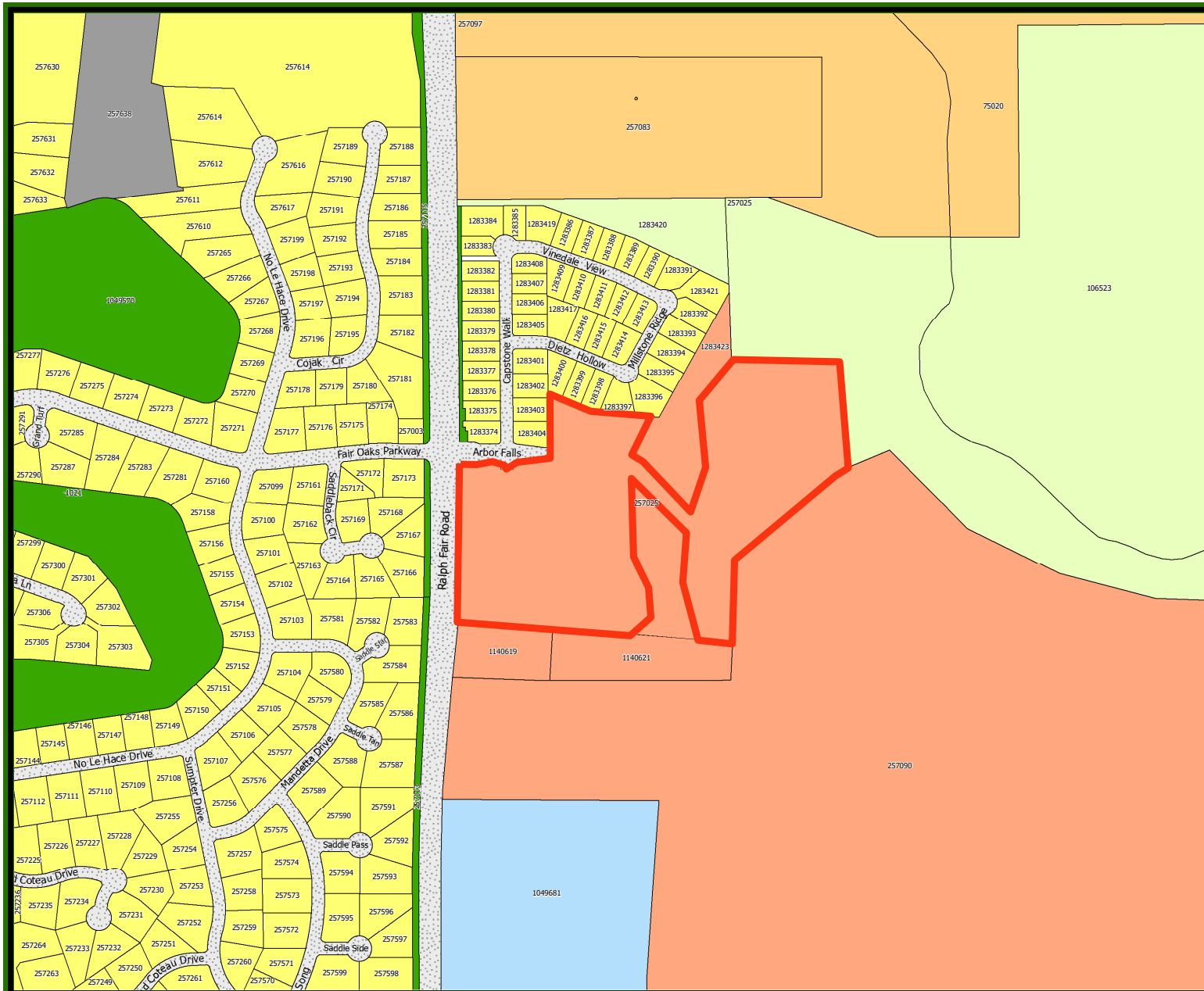
- Subject Property**
- Civic & Community Facilities
- Existing Residential
- Rural Residential
- Neighborhood Residential
- Existing Parks and Open Space
- Parks and Open Space
- Mixed Use Village



April 2020



1" ≈ 600'



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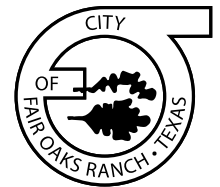
Exhibit 5 FLUM MAP PROPOSED

ARBORS AT FAIR OAKS RANCH

Unit 2

ZC No. 2020-01

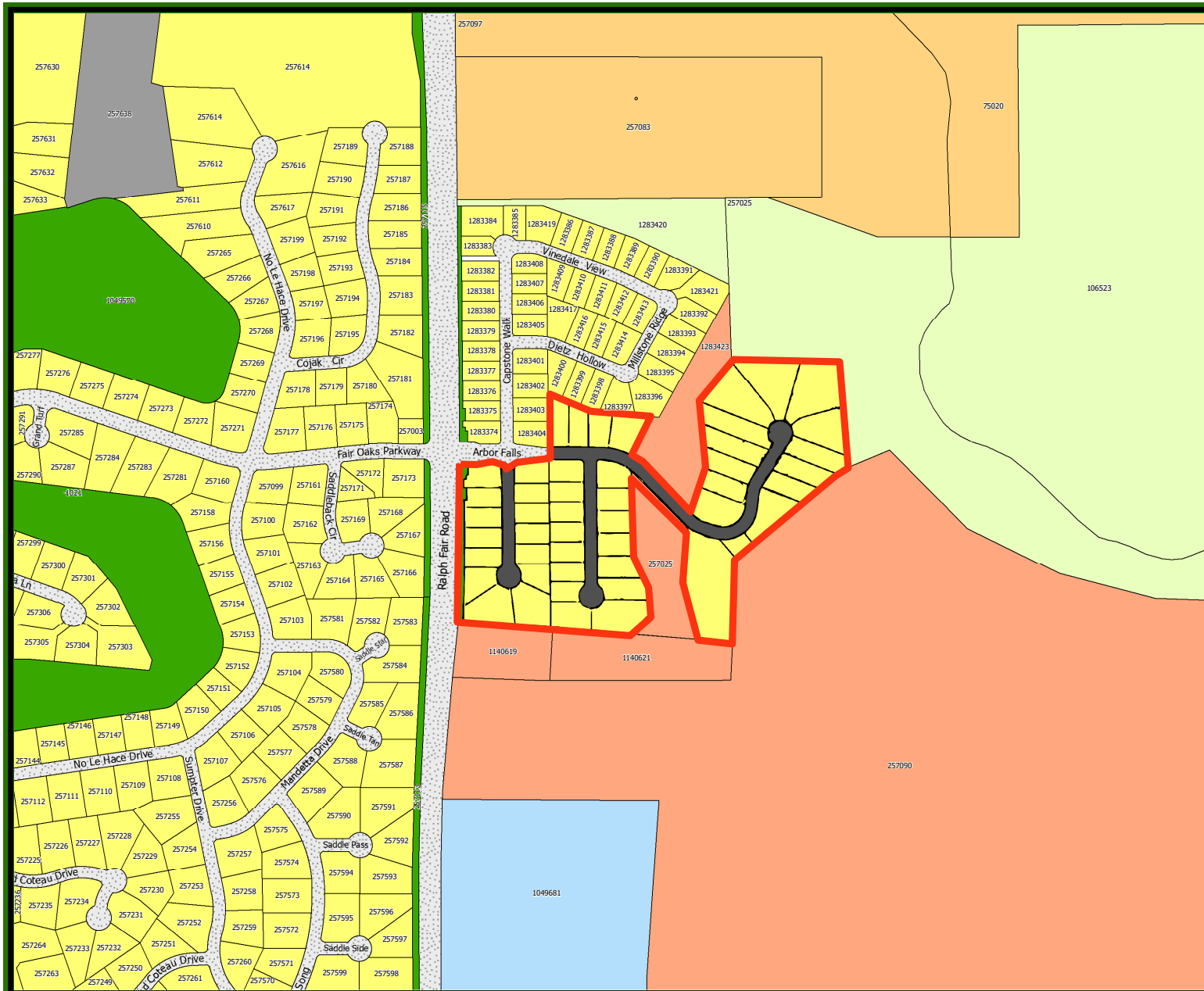
- Subject Property
- Civic & Community Facilities
- Existing Residential
- Rural Residential
- Neighborhood Residential
- Existing Parks and Open Space
- Parks and Open Space
- Mixed Use Village



April 2020



1" ≈ 600'



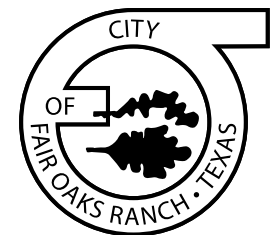
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Exhibit 6 NOTIFICATION MAP

ARBORS AT FAIR OAKS RANCH Unit 2

ZC No. 2020-01

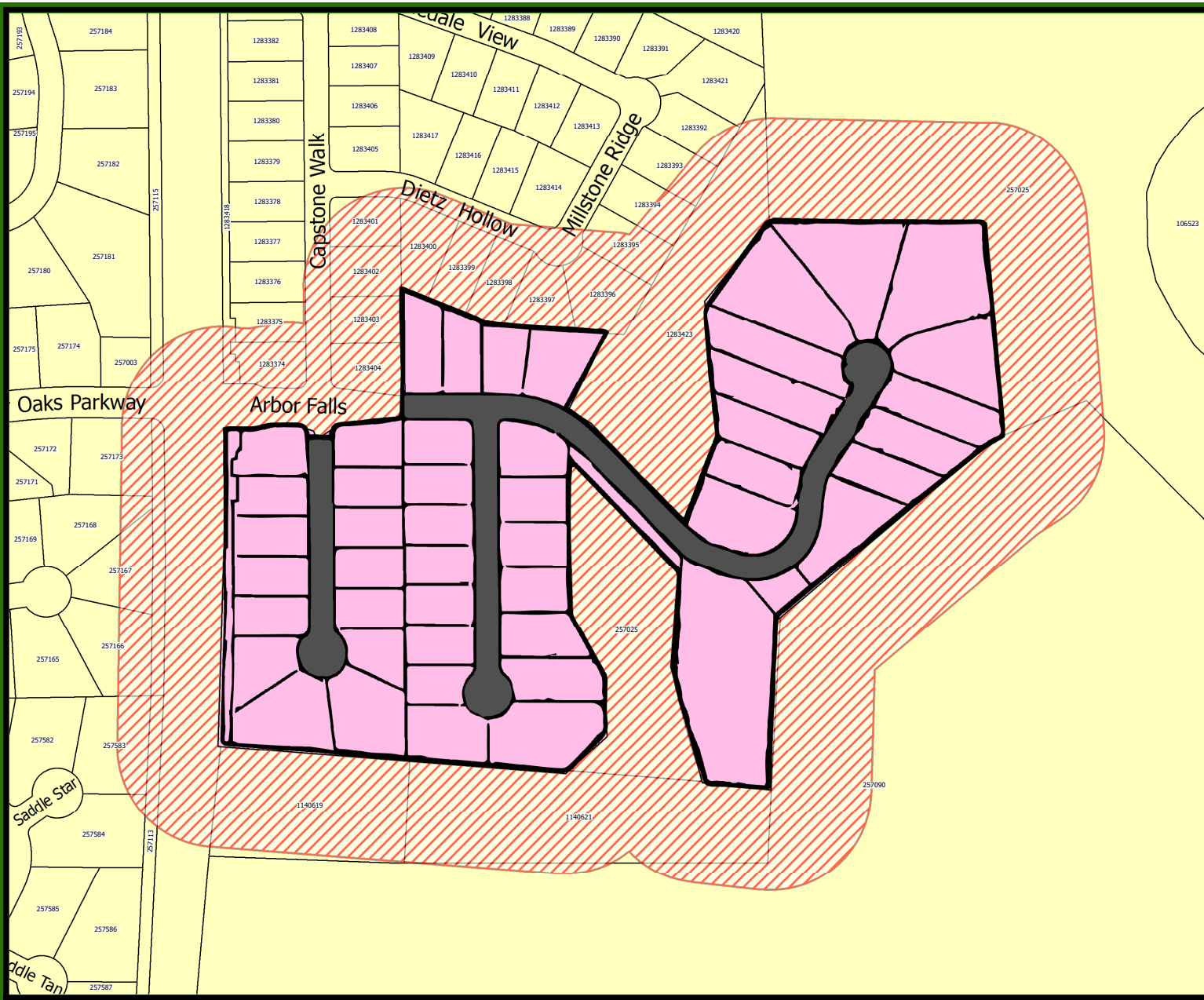
-  Subject Property
-  Notification Area
-  FOR Jurisdictional Area



April 2020



1" ≈ 300'



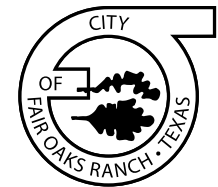
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Exhibit 7 FLOODPLAIN MAP

ARBORS AT FAIR OAKS RANCH Unit 2

ZC No. 2020-01

-  Subject Property
-  High Risk Area
-  High Risk Area - Floodway
-  Moderate Risk Area



April 2020



1" ≈ 600'



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Site Address	Mailing Address	Prop ID	Ac.	Owner	Legal Description
29580 RALPH FAIR RD	PO BOX 561655 CHARLOTTE, NC 28256-1655	257090	159.74	CENTURY OAKS LAND LLC	CB 4741 P-29 ABS 257 FORMERLY P-3
29580 RALPH FAIR RD	7143 VALBURN DR AUSTIN, TX 78731-1812	257025	39.72	SF FAIR OAKS DEVELOPMENT LLC	CB 4741 P-3B ABS 257
RALPH FAIR RD	7286 DIETZ ELKHORN RD FAIR OAKS RANCH, TX 78015-4707	257115	1.62	FAIR OAKS RANCH HOA INC	CB 4741A P-101 (COMMON AREA)
7201 FAIR OAKS PKWY	% RASH & ASSOC PO BOX 1600 ROWLETT, TX 75030-1600	257003	0.23	GUADALUPE VALLEY TELEPHONE	CB: 4741 P-1C ABS: 257 FAIR OAKS RANCH UNIT-O
RALPH FAIR RD	7286 DIETZ ELKHORN RD FAIR OAKS RANCH, TX 78015-4707	257113	0.13	FAIR OAKS RANCH HOA INC	CB 4741A P-100 (COMMON AREA)
29708 SADDLEBACK CIR	29708 SADDLEBACK CIR BOERNE, TX 78015-4531	257166	0.58	MARTINEZ MARIANNE R	CB 4741A BLK LOT 148
7190 FAIR OAKS PKWY	31038 KEENELAND DR FAIR OAKS RANCH, TX 78015-4247	257173	0.56	KRISTIANSEN MARIA & DENISE	CB 4741A BLK LOT 153
29716 SADDLEBACK CIR	29716 SADDLEBACK CIR FAIR OAKS RANCH, TX 78015-4531	257168	0.53	MCCARTY JULIANNE	CB 4741A BLK LOT 150
29712 SADDLEBACK CIR	29712 SADDLEBACK CIR BOERNE, TX 78015-4531	257167	0.5	BROWNE DREW A & YVONNE	CB 4741A BLK LOT 149
7202 SADDLE STAR	7202 SADDLE STAR BOERNE, TX 78015-4531	257584	0.66	UNKNOWN	CB: 4741A LOT: 774 FAIR OAKS RANCH UNIT-N
7203 SADDLE STAR	7203 SADDLE STAR FAIR OAKS RANCH, TX 78015-4588	257583	0.66	MCCLINTOCK REED & NANCY M	CB: 4741A LOT: 773 FAIR OAKS RANCH UNIT-N
RALPH FAIR RD	8515 FAIRWAY BEND DR FAIR OAKS RANCH, TX 78015-4932	1140621	5.89	STEMEN & CO LLC	CB 4741 P-33 ABS 257
VINEDALE VEW	7143 VALBURN DR AUSTIN, TX 78731-1812	1283421	0.49	SF FAIR OAKS DEVELOPMENT LLC	CB 4741A (ARBORS AT FAIR OAKS RANCH UT 1), LOT 904
DIETZ HOLLOW	7143 VALBURN DR AUSTIN, TX 78731-1812	1283423	2.94	SF FAIR OAKS DEVELOPMENT LLC	CB 4741A (ARBORS AT FAIR OAKS RANCH UT 1), LOT 905
29806 CAPSTONE WALK	7676 WOODWAY DR STE 104 HOUSTON, TX 77063-1521	1283403	0.3	MHI PARTNERSHIP LTD	CB 4741A (ARBORS AT FAIR OAKS RANCH UT 1), LOT 30
DIETZ HOLLOW	7143 VALBURN DR AUSTIN, TX 78731-1812	1283398	0.31	SF FAIR OAKS DEVELOPMENT LLC	CB 4741A (ARBORS AT FAIR OAKS RANCH UT 1), LOT 25
DIETZ HOLLOW	7143 VALBURN DR AUSTIN, TX 78731-1812	1283399	0.31	SF FAIR OAKS DEVELOPMENT LLC	CB 4741A (ARBORS AT FAIR OAKS RANCH UT 1), LOT 26
CAPSTONE WALK	7143 VALBURN DR AUSTIN, TX 78731-1812	1283404	0.31	SF FAIR OAKS DEVELOPMENT LLC	CB 4741A (ARBORS AT FAIR OAKS RANCH UT 1), LOT 31
CAPSTONE WALK	7143 VALBURN DR AUSTIN, TX 78731-1812	1283401	0.32	SF FAIR OAKS DEVELOPMENT LLC	CB 4741A (ARBORS AT FAIR OAKS RANCH UT 1), LOT 28
29812 CAPSTONE WALK	6414 RIVER PLACE BLVD STE 100 AUSTIN, TX 78730-1158	1283402	0.32	SCOTT FELDER HOMES LLC	CB 4741A (ARBORS AT FAIR OAKS RANCH UT 1), LOT 29

DIETZ HOLLOW	7143 VALBURN DR AUSTIN, TX 78731-1812	1283400	0.35	SF FAIR OAKS DEVELOPMENT LLC	CB 4741A (ARBORS AT FAIR OAKS RANCH UT 1), LOT 27
MILLSTONE RIDGE	6414 RIVER PLACE BLVD STE 100 AUSTIN, TX 78730-1158	1283396	0.46	SCOTT FELDER HOMES LLC	CB 4741A (ARBORS AT FAIR OAKS RANCH UT 1), LOT 23
DIETZ HOLLOW	6414 RIVER PLACE BLVD STE 100 AUSTIN, TX 78730-1158	1283397	0.33	SCOTT FELDER HOMES LLC	CB 4741A (ARBORS AT FAIR OAKS RANCH UT 1), LOT 24
29806 MILLSTONE RIDGE	7676 WOODWAY DR STE 104 HOUSTON, TX 77063-1521	1283395	0.35	MHI PARTNERSHIP LTD	CB 4741A (ARBORS AT FAIR OAKS RANCH UT 1), LOT 22
CAPSTONE WALK	7143 VALBURN DR AUSTIN, TX 78731-1812	1283375	0.26	SF FAIR OAKS DEVELOPMENT LLC	CB 4741A (ARBORS AT FAIR OAKS RANCH UT 1), LOT 2
CAPSTONE WALK	7143 VALBURN DR AUSTIN, TX 78731-1812	1283376	0.28	SF FAIR OAKS DEVELOPMENT LLC	CB 4741A (ARBORS AT FAIR OAKS RANCH UT 1), LOT 3
CAPSTONE WALK	7143 VALBURN DR AUSTIN, TX 78731-1812	1283374	0.28	SF FAIR OAKS DEVELOPMENT LLC	CB 4741A (ARBORS AT FAIR OAKS RANCH UT 1), LOT 1
29814 MILLSTONE RIDGE	6414 RIVER PLACE BLVD STE 100 AUSTIN, TX 78730-1158	1283393	0.35	SCOTT FELDER HOMES LLC	CB 4741A (ARBORS AT FAIR OAKS RANCH UT 1), LOT 20
MILLSTONE RIDGE	7676 WOODWAY DR STE 104 HOUSTON, TX 77063-1521	1283394	0.35	MHI PARTNERSHIP LTD	CB 4741A (ARBORS AT FAIR OAKS RANCH UT 1), LOT 21
VINEDALE VEW	6414 RIVER PLACE BLVD STE 100 AUSTIN, TX 78730-1158	1283392	0.33	SCOTT FELDER HOMES LLC	CB 4741A (ARBORS AT FAIR OAKS RANCH UT 1), LOT 19
ARBOR FALLS	7143 VALBURN DR AUSTIN, TX 78731-1812	1283418	0.33	SF FAIR OAKS DEVELOPMENT LLC	CB 4741A (ARBORS AT FAIR OAKS RANCH UT 1), LOT 901
DIETZ HOLLOW	7143 VALBURN DR AUSTIN, TX 78731-1812	1283414	0.36	SF FAIR OAKS DEVELOPMENT LLC	CB 4741A (ARBORS AT FAIR OAKS RANCH UT 1), LOT 45
29580 RALPH FAIR RD	8515 FAIRWAY BEND DR FAIR OAKS RANCH, TX 78015-4932	1140619	2.86	STEMEN & CO LLC	CB: 4741 P-34 ABS 257 LABEL: TEX0445285/4
29580 RALPH FAIR RD	7143 VALBURN DR AUSTIN, TX 78731-1812	257025	39.72	SF FAIR OAKS DEVELOPMENT LLC	CB 4741 P-3B ABS 257
F.M. 3351	4615 NW 410 SAN ANTONIO, TX 78229			ATT: CLAYTON RIPPS (EMAIL SCANNED NOTIFICATION: RICHARD.DELACRUZ@TXDOT.GOV)	F.M. 3351



**City of Fair Oaks Ranch
ZONING CHANGE APPLICATION**

(Please type or Print)

Property Owner Information:

Name: SF Fair Oaks Development, LLC
 Contact Person: C.A. Elder
 Address: 8200 N. MOPAC, Suite 300
 City: Austin State: TX Zip: 78759
 Telephone No: 512-698-8468
 E-Mail: caelder@mhinc.com

Owner Signature: *[Signature]* Date: 2/10/2020
FOR CAPITAL REALTY ADVISORS, G.P. FOR S.F. FAIR OAKS DEVELOPMENT, LLC
 I am the owner of the herein described property and _____ is
 authorized to file this application on my behalf.

Applicant Information:

Name: SF Fair Oaks Development, LLC
 Contact Person: C.A. Elder
 Address: 8200 N. MOPAC, Suite 300
 City: Austin State: TX Zip: 78759
 Telephone No: 512-698-8468
 E-Mail: caelder@mhinc.com
 Applicant Signature: _____ Date: _____

Planner/Engineer Information:

Name: KFW Engineers & Surveying
 Contact Person: Blaine Lopez, P.E.
 Address: 3421 Paesanos Parkway, Suite 200
 City: San Antonio State: TX Zip: 78231
 Telephone No: 210-979-8444
 E-Mail: blopez@kfwengineers.com

Surveyor Information:

Name: KFW Surveying
 Contact Person: Teresa Seidel, RPLS
 Address: 3421 Paesanos Parkway, Suite 100
 City: San Antonio State: TX Zip: 78231
 Telephone No: 210-979-8444
 E-Mail: tseidel@kfwengineers.com



Subject Property Information

Lot: P-3B
Block: CB 4741, ABS 257
Subdivision:
General location: NE Intersection of Ralph Fair Road & Arbor Falls Road

* If the request is for a portion of a platted lot or the property is not platted, a legal description of the property for which the zoning change is requested **must** be completed as "EXHIBIT A" and attached hereto. The legal description shall include the distance and bearing calls starting and closing from a point of beginning, inclusive of a map/survey exhibit.

Existing Zoning: Neighborhood residential
Acreage: 43.56-acres
Future Land Use Map Recommendation: Future residential
Proposed Zoning, Justification, Uses, Acreage, etc. (use attachment if needed): Existing residential one
Current zoning is in direct conflict with recorded development agreement between City of Fair Oaks Ranch and Developer. Proposed zoning will be in compliance with said development agreement.

City Office Use Only

Date Received:
Application Fee Due:
Application Fee Attached: Yes: ☐ No: ☐
Application Administratively Complete: Yes: ☐ No: ☐*

*Explanation:

Revised Boundaries Proposed by the Applicant

FIELD NOTES FOR A 22.60 ACRE TRACT (PHASE 2 - REZONING)

A **22.60 acre** tract of land, out of the Maria De La Luz Guerra Survey No. 172, Abstract 257, Bexar County, Texas and being a portion of a called 145.4 acre tract of land conveyed to SF Fair Oaks Development, LLC., of record in Volume 17835, Page 1589 of the Official Public Records of Bexar County, Texas, and being more particularly described by metes and bounds as follows:

COMENCING at a found ½" iron rod in a curve in the east line of F.M. 3351, a 100.00 wide right-of-way, also known as Ralph Fair Road, for the northwest corner of a called 8.750 acre tract of land conveyed to Stemen & Co., LLC., of record in Volume 14036, Page 405 of the Official Public Records of Bexar County, Texas, the southwest corner of the 145.4 acre tract, from which a found 1" iron square for a point of tangency of the 145.4 acre tract bears, with a non-tangent curve to the left having a radius of 5779.58 feet, a delta angle of 03° 27' 01", an arc length of 348.04 feet and a chord bears N 01° 13' 29" E, a distance of 347.99 feet;

THENCE: S 85° 26' 51" E, leaving the east line of Ralph Fair Road, along and with the north line of the 8.750 acre tract, the south line of the 145.4 acre tract, a distance of 10.00 feet to a set ½" iron rod with a blue plastic cap stamped "KFW SURVEYING" for a point of curvature to the left, the southwest corner and **POINT OF BEGINNING** of the tract described herein;

THENCE: leaving the north line of the 8.750 acre tract, into and across the 145.4 acre tract, the following twenty-four courses:

1. With the curve to the left having an arc length of **348.92 feet**, a radius of **5789.58 feet**, a delta angle of **03° 27' 11"** and a chord bears **N 01° 13' 34" E**, a distance of **348.87 feet** to a set ½" iron rod with a blue plastic cap stamped "KFW SURVEYING" for a point of tangency of the tract described herein,
2. **N 00° 30' 01" W**, a distance of **277.90 feet** to a set ½" iron rod with a blue plastic cap stamped "KFW SURVEYING" for the most westerly northwest corner of the tract described herein,
3. **S 89° 44' 55" E**, a distance of **60.60 feet** to a set ½" iron rod with a blue plastic cap stamped "KFW SURVEYING" for an angle point of the tract described herein,
4. **N 69° 10' 03" E**, a distance of **22.93 feet** to a set ½" iron rod with a blue plastic cap stamped "KFW SURVEYING" for an angle point of the tract described herein,
5. **S 89° 44' 55" E**, a distance of **68.11 feet** to a set ½" iron rod with a blue plastic cap stamped "KFW SURVEYING" for a point of curvature to the right of the tract described herein,
6. With the curve to the right having an arc length of **23.37 feet**, a radius of **15.00 feet**, a delta angle of **89° 14' 54"** and a chord bears **S 45° 07' 28" E**, a distance of **21.07 feet** to a set ½" iron rod with a blue plastic cap stamped "KFW SURVEYING" for a point of tangency of the tract described herein,
7. **S 00° 30' 01" E**, a distance of **10.25 feet** to a set ½" iron rod with a blue plastic cap stamped "KFW SURVEYING" for an interior corner of the tract described herein,
8. **N 89° 29' 59" E**, a distance of **50.00 feet** to a set ½" iron rod with a blue plastic cap stamped "KFW SURVEYING" for an interior corner of the tract described herein,
9. **N 00° 30' 01" W**, a distance of **10.55 feet** to a set ½" iron rod with a blue plastic cap stamped "KFW SURVEYING" for a point of curvature to the right of the tract described herein,

10. With the curve to the right having an arc length of **22.15 feet**, a radius of **15.00 feet**, a delta angle of **84° 36' 09"** and a chord bears **N 41° 48' 03" E**, a distance of **20.19 feet** to a set ½" iron rod with a blue plastic cap stamped "KFW SURVEYING" for a point of tangency of the tract described herein,
11. **N 84° 06' 08" E**, a distance of **116.58 feet** to a set ½" iron rod with a blue plastic cap stamped "KFW SURVEYING" for an angle point of the tract described herein,
12. **S 89° 44' 55" E**, a distance of **10.80 feet** to a set ½" iron rod with a blue plastic cap stamped "KFW SURVEYING" for an interior corner of the tract described herein,
13. **N 00° 15' 05" E**, a distance of **50.00 feet** to a set ½" iron rod with a blue plastic cap stamped "KFW SURVEYING" for an angle point of the tract described herein,
14. **N 00° 33' 28" W**, a distance of **211.22 feet** to a set ½" iron rod with a blue plastic cap stamped "KFW SURVEYING" for an exterior corner of the tract described herein,
15. **S 67° 59' 27" E**, a distance of **191.25 feet** to a set ½" iron rod with a blue plastic cap stamped "KFW SURVEYING" for an angle point of the tract described herein,
16. **S 86° 10' 59" E**, a distance of **233.28 feet** to a set ½" iron rod with a blue plastic cap stamped "KFW SURVEYING" for an exterior corner of the tract described herein,
17. **S 29° 11' 51" W**, a distance of **175.27 feet** to a set ½" iron rod with a blue plastic cap stamped "KFW SURVEYING" for an interior corner and point of curvature to the right of the tract described herein,
18. With the curve to the right having an arc length of **82.78 feet**, a radius of **255.00 feet**, a delta angle of **18° 35' 59"** and a chord bears **S 53° 33' 31" E**, a distance of **82.42 feet** to a set ½" iron rod with a blue plastic cap stamped "KFW SURVEYING" for a point of tangency of the tract described herein,
19. **S 44° 15' 31" E**, a distance of **246.87 feet** to a set ½" iron rod with a blue plastic cap stamped "KFW SURVEYING" for an interior corner of the tract described herein,
20. **N 21° 18' 53" E**, a distance of **183.20 feet** to a set ½" iron rod with a blue plastic cap stamped "KFW SURVEYING" for an angle point of the tract described herein,
21. **N 05° 59' 53" W**, a distance of **253.50 feet** to a set ½" iron rod with a blue plastic cap stamped "KFW SURVEYING" for an angle point of the tract described herein,
22. **N 35° 51' 42" E**, a distance of **219.73 feet** to a set ½" iron rod with a blue plastic cap stamped "KFW SURVEYING" for an angle point of the tract described herein,
23. **N 89° 46' 29" E**, a distance of **429.66 feet** to a set ½" iron rod with a blue plastic cap stamped "KFW SURVEYING" for an angle point of the tract described herein,
24. **S 05° 20' 39" E**, a distance of **428.06 feet** to a set ½" iron rod with a blue plastic cap stamped "KFW SURVEYING" in a north line of a called 159.74 acre tract of land conveyed to the Corley Family LLC., described by Exhibit A, in a Partition Deed of record in Volume 9675, Page 2082 of the Official Public Records of Bexar County, Texas, and Document No. 200206038282 of the Official Public Records of Comal County, Texas, for the most easterly southeast corner of the tract described herein;

THENCE: Along and with the common line between the 159.74 acre tract and the 145.4 acre tract, the following three (3) courses

1. **S 67° 21' 29" W**, a distance of **25.31 feet** to a found ½" iron rod with a red plastic cap stamped "CUDE" for an angle point of the tract described herein,
2. **S 51° 01' 46" W**, a distance of **557.40 feet** to a found ½" iron rod with a red plastic cap stamped "CUDE" for an interior corner of the tract described herein, and

3. **S 02° 59' 24" W**, a distance of **345.30 feet** to a red plastic cap stamped "MATKIN HOOVER" for the northeast corner of the 8.750 acre tract, the most southerly southeast corner of the tract described herein, from which a found ½" iron rod with a red plastic cap stamped "CUDE" for the southeast corner of the 8.750 acre tract, a called 154.12 acre tract conveyed to David A. Owens, described by Exhibit B, in a Partition Deed of record in Volume 9675, Page 2082 of the Official Public Records of Bexar County, Texas, and Document No. 200206038282 of the Official Public Records of Comal County, Texas, and an interior corner of the 159.74 acre tract bears S 02° 59' 24" W, a distance of 331.85 feet;

THENCE: N 85° 26' 51" W, leaving the west line of the 159.74 acre tract, along and with the north line of the 8.750 acre tract, the south line of the 145.4 acre tract, a distance of **1088.71 feet**;

THENCE: leaving the north line of the 8.750 acre tract, into and across the 145.4 acre tract, the following sixteen (16) courses:

1. With the curve to the left having an arc length of **348.92 feet**, a radius of **5789.58 feet**, a delta angle of **03° 27' 11"** and a chord bears **N 01° 13' 34" E**, a distance of **348.87 feet** to a set ½" iron rod with a blue plastic cap stamped "KFW SURVEYING" for a point of tangency of the tract described herein,
2. **N 20° 24' 42" W**, a distance of **60.44 feet** to a set ½" iron rod with a blue plastic cap stamped "KFW SURVEYING" for an angle point of the tract described herein,
3. **N 15° 34' 48" W**, a distance of **108.19 feet** to a set ½" iron rod with a blue plastic cap stamped "KFW SURVEYING" for an angle point of the tract described herein,
4. **N 12° 10' 17" W**, a distance of **66.91 feet** to a set ½" iron rod with a blue plastic cap stamped "KFW SURVEYING" for an angle point of the tract described herein,
5. **N 03° 50' 56" W**, a distance of **229.66 feet** to a set ½" iron rod with a blue plastic cap stamped "KFW SURVEYING" for an angle point of the tract described herein,
6. With the curve to the left having an arc length of **16.64 feet**, a radius of **135.00 feet**, a delta angle of **07° 03' 52"** and a chord bears **N 47° 47' 27" W**, a distance of **16.63 feet** to a set ½" iron rod with a blue plastic cap stamped "KFW SURVEYING" for a point of tangency of the tract described herein,
7. **N 44° 15' 31" W**, a distance of **271.53 feet** to a set ½" iron rod with a blue plastic cap stamped "KFW SURVEYING" for a point of curvature to the left of the tract described herein,
8. With the curve to the left having an arc length of **31.08 feet**, a radius of **205.00 feet**, a delta angle of **08° 41' 16"** and a chord bears **N 48° 36' 09" W**, a distance of **31.05 feet** to a set ½" iron rod with a blue plastic cap stamped "KFW SURVEYING" for an angle point of the tract described herein,
9. **S 00° 30' 01" E**, a distance of **346.81 feet** to a set ½" iron rod with a blue plastic cap stamped "KFW SURVEYING" for an angle point of the tract described herein,
10. **S 30° 14' 31" E**, a distance of **138.33 feet** to a set ½" iron rod with a blue plastic cap stamped "KFW SURVEYING" for an angle point of the tract described herein,
11. **S 00° 14' 31" E**, a distance of **111.84 feet** to a set ½" iron rod with a blue plastic cap stamped "KFW SURVEYING" for an angle point of the tract described herein,
12. **S 43° 40' 39" W**, a distance of **89.18 feet** to a set ½" iron rod with a blue plastic cap stamped "KFW SURVEYING" for an angle point of the tract described herein,
13. **N 85° 26' 51" W**, a distance of **68.09 feet** to a set ½" iron rod with a blue plastic cap stamped "KFW SURVEYING" for an angle point of the tract described herein,
14. **S 67° 20' 43" W**, a distance of **10.94 feet** to a set ½" iron rod with a blue plastic cap stamped "KFW SURVEYING" for an angle point of the tract described herein,
15. **N 85° 26' 51" E**, a distance of **610.13 feet** to a set ½" iron rod with a blue plastic cap stamped "KFW SURVEYING" for an angle point of the tract described herein,

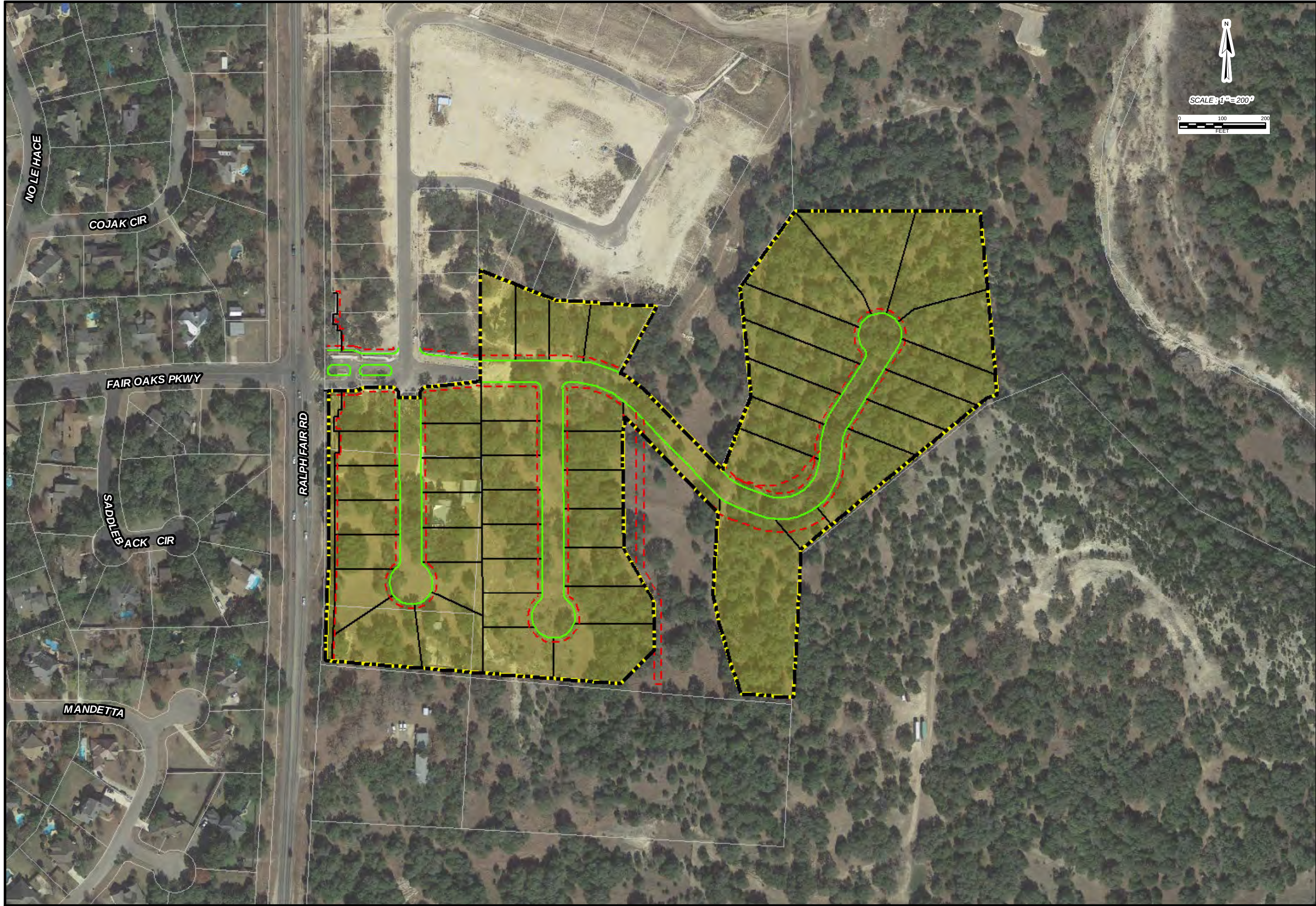
16. **S 03° 09' 22" W**, a distance of **13.00 feet** to a set ½" iron rod with a blue plastic cap stamped "KFW SURVEYING" for a point on the north line of the 8.750 acre tract, an angle point of the tract described herein,

THENCE: N 85° 26' 51" W, along and with the north line of the 8.750 acre tract, the south line of the 145.4 acre tract, a distance of **15.01 feet** to the **POINT OF BEGINNING** and containing **22.60 acres** situated in Bexar County, Texas. Bearings are based on NAD83 (2011) Texas State Plane South Central Zone, 4204. Distances recited herein are surface distances using an average combined scale factor of 0.99982917988.

Job No.: 15-133
Prepared by: KFW Surveying
Date: November 30, 2017
File: S:\Draw 2015\15-133 FM 3351 145 Acres\DOCS\Zoning FN\FN – 22.60 Arbors at Fair Oaks Ph 2
Rezoning

NOTE: THIS LEGAL DESCRIPTION IS INTENDED FOR REZONING PURPOSES ONLY AND DOES NOT REPRESENT A LEGAL BOUNDARY SURVEY.

Date: Apr 07, 2020, 11:59:52 AM User: KLara
File: N:\49010103\design\shells\GISE\200-007-Exst_Conditions_11x17.mxd



ISSUE DATE
REVISIONS

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ARBORS AT FAIR OAKS RANCH
UNIT 2
PROPOSED SITE PLAN

JOB NO. 490-01-03
DATE: April 2020
DRAWN: KL CHECKED: BL

SHEET NUMBER:
1
Pg. 33

JOINT PUBLIC HEARING CITY COUNCIL AND PLANNING AND ZONING COMMISSION

May 14, 2020
6:30 PM



CPA No. 2020-01



Proposed amendment to the Comprehensive Plan (CPA No. 2020-01) to change the land use classification from **Neighborhood Residential (NR) to Existing Residential (R1)** for approximately 22.60 acres generally located along the east side of Ralph Fair Road at the southeast corner of Ralph Fair Road and the Fair Oaks Parkway/Arbor Falls intersection.

Generally known as the Arbors Development.



SEQUENCE

1. Mayor opens the joint public hearing
2. Staff/consultant presentation
3. Council and P&Z receive citizen testimony for/against the proposed amendment
4. Mayor closes the joint public hearing
5. Council and P&Z discuss the case, inclusive of questions of the consultant and staff
6. Public Hearing is adjourned - no formal action necessary



NEXT STEPS

- * P&Z will convene into their regular business meeting to discuss the case and make a recommendation for City Council consideration.
- * The P&Z may recommend approval/denial/table action.
- * City Council will consider the amendment and the P&Z recommendation at their next regularly scheduled meeting on May 21, 2020.
- * The City Council is the final authority on all amendments to the Comprehensive Plan.



LEGAL ANALYSIS:

The attached staff report and today's joint public hearing demonstrate compliance with the requirements as prescribed in Chapter 213 of the Local Government Code and Section 3.7 of the City's Unified Development Code.



SUMMARY OF REQUEST

- * City-initiated amendment.
- * Current FLUM designation - Neighborhood Residential (NR).
- * Proposed FLUM designation - Existing Residential (R1).
- * Existing Residential (R1) is the appropriate single-family residential land use classification on this property that is governed by an existing development agreement approved prior to the adoption of the Comprehensive Plan Update and zoning regulations.

CPA No. 2020-01



COMPREHENSIVE PLAN DESCRIPTIONS

Neighborhood Residential (NR) - appropriate for low-to-medium density development

Accommodates a wide variety of housing types by allowing for contextual development standards.

Provides for pedestrian-friendly residential neighborhoods, protected from incompatible uses.

Existing Residential (R1) - intended to capture the existing neighborhoods.

Neighborhoods platted, and mostly built-out, before zoning districts were created and governed by land covenants and deed restriction committees.

CPA No. 2020-01

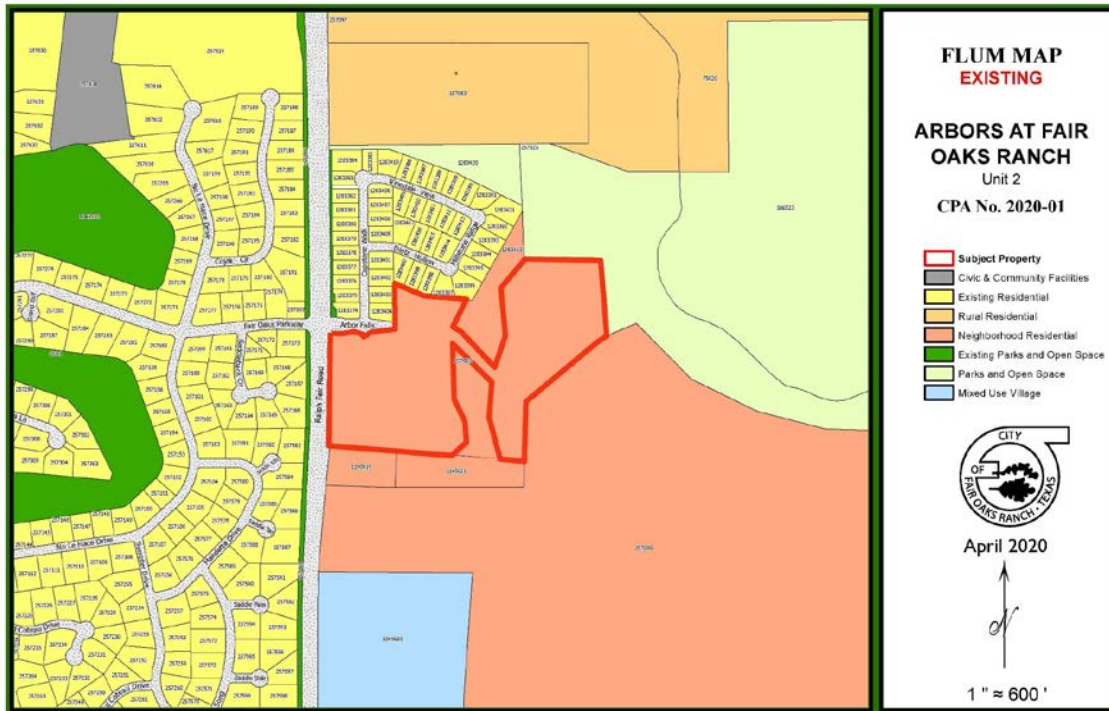


COMPREHENSIVE PLAN DESCRIPTIONS

Within Existing Residential designation, there are 4 categories based on the lot sizes:

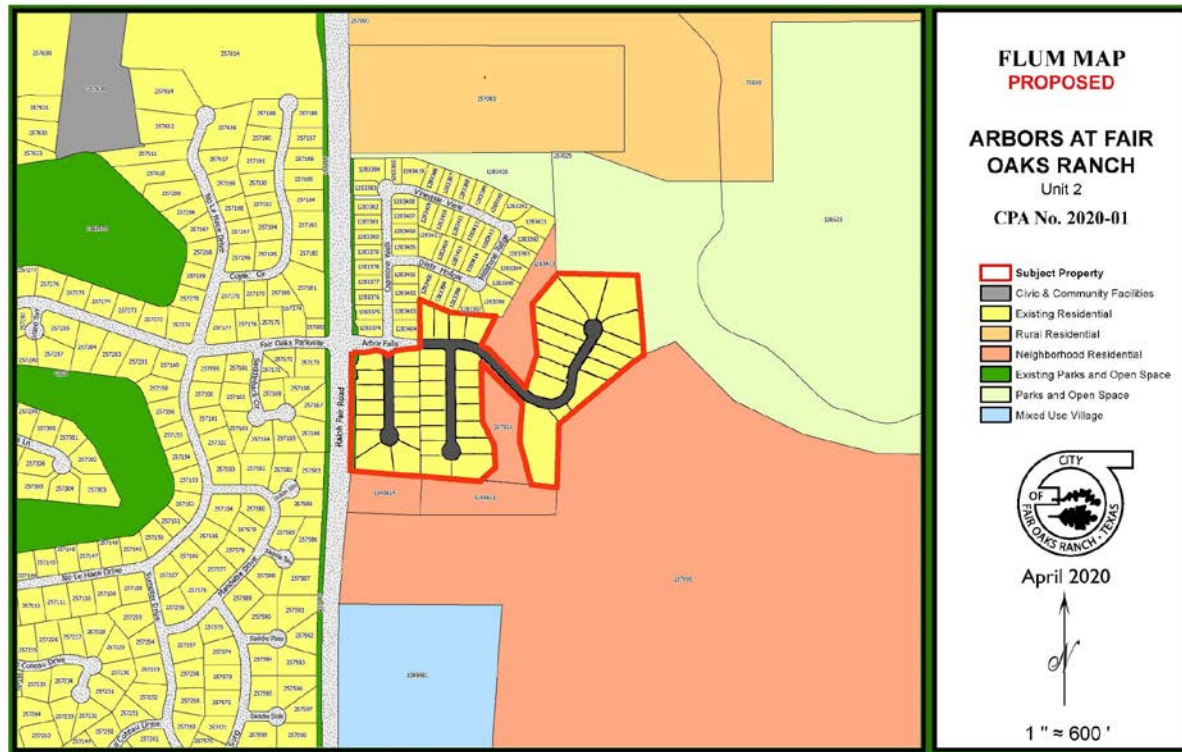
- Existing Residential 1 (R1) - under 0.3 acres.
- Existing Residential 2 (R2) - 0.3 acres to 1.3 acres.
- Existing Residential 3 (R3) - 1.3 acres to 5 acres.
- Existing Residential 4 (R4) - larger than 5 acres.



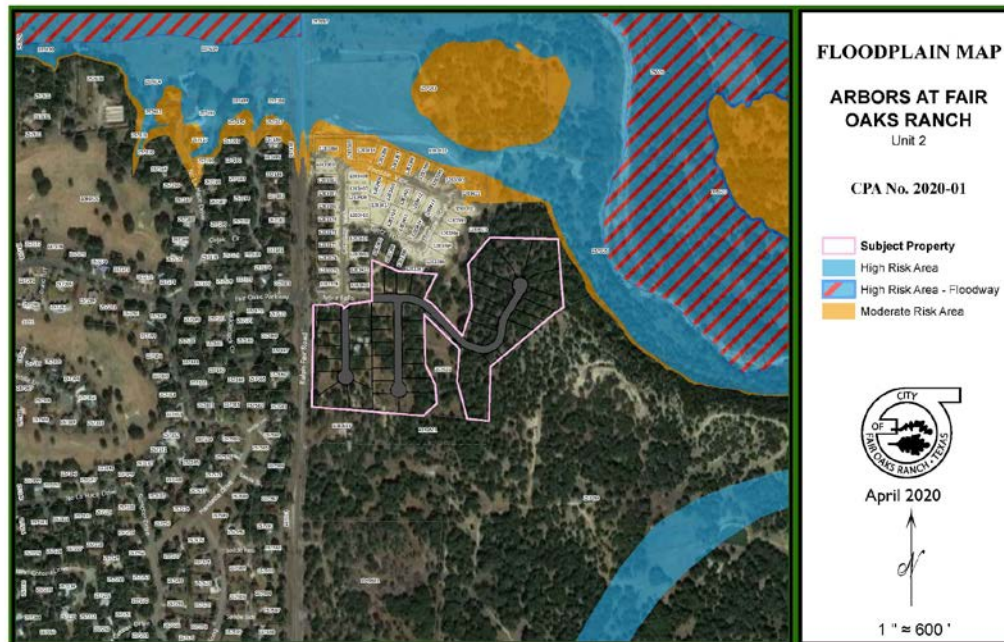


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CPA No. 2020-01



CPA No. 2020-01



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CPA No. 2020-01

SITE HISTORY

- Preserve at Fair Oaks plat submitted in November 2015.
- In February 2016, a development agreement was signed, prior to the adoption of the Future Land Use Map (FLUM) and creation of the zoning districts (vested).
- Approved 91 lots, generally 80' wide and 140' deep; ranging from 0.26 acres to 1.68 acres; half of the lots being less than 0.3 acres.
- The development was proposed in 3 phases.
- Phase 1 was approved and is under construction.
- Phase 1 was designated as Existing Residential (ER) on the Future Land Use Map (FLUM).
- Phase 2 and 3 are in the process of being platted.
- Requirement of the development agreement completed/deeded:
19-acre green buffer area, 5-acre dedication to the City, a 75-acre natural Preserve, 4,100 linear feet of 10-foot wide trails, roadway access to the nature trail with parking and related improvement.



REASON FOR THE REQUEST

- 2018 FLUM designated the platted Phase 1 as Existing Residential, a designation conformed to the Development Agreement and plat.
- The remaining two unplatted phases were designated as Neighborhood Residential (NR).
- NR classification is appropriate for low to medium density development with min. lot size of 1 acre (or 0.75 acre for areas built under the Conservation Development Alternative). Half of the approved are less than 0.3 acres.
- The proposed Existing Residential (R1) is appropriate and will bring the approved Arbors Development into conformance with the FLUM.
- This amendment will support the proposed zone change request by the owners to rezone the property from NR to R1



PUBLIC NOTIFICATION

As required, a notice of the public hearing was published in the Boerne Star newspaper on April 24, 2020.

OPPOSITION TO OR SUPPORT OF PROPOSED REQUEST

City staff has not received any public comments in opposition to or in support of the Comprehensive Plan amendment. |



CRITERIA FOR REVIEW IN THE UDC

Whether the proposed amendment

- * promotes the health, safety, or general welfare of the City and the safe, orderly, and healthful development of the City.
- * is consistent with the Future Land Use element of the most recent version of Comprehensive Plan.
- * is consistent with other goals and objectives of the Comprehensive Plan.
- * Unified Development Code Compliance
- * Other criteria deemed relevant and important by the City Council in relationship to the proposed amendment in taking final action on the proposed amendment.”



CRITERIA FOR REVIEW IN THE UDC

Unified Development Code Compliance and Consideration of Conflicts:

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.



STAFF RECOMMENDATION

Approve the amendment for the following reasons:

- * The proposed amendment will accurately reflect the approved Development Agreement for the property.
- * The proposed Existing Residential (ER) classification was created for neighborhoods, such as the subject development, that were platted and mostly built-out before zoning districts were created and that are also governed by land covenants and deed restrictions.
- * The proposed amendment will permit the appropriate zoning classification of Existing Residential (R1) to be placed on the property and will permit lot sizes as approved Development Agreement for the property.



STAFF RECOMMENDATION (Contd.)

Approve the amendment for the following reasons:

- * Staff believes that the proposed amendment promotes the health, safety, or general welfare of the City and the safe, orderly, and healthful development of the City.
- * Staff believes the proposed amendment is consistent with other goals and objectives of the Comprehensive Plan.
- * With approval of the subsequent zone change request any potential conflicts of proposed amendments with the UDC, Comprehensive Plan, and approved Development Agreement will be eliminated.



ZC 2020-01



A request from SF Fair Oaks Development, LLC., applicant and property owner, to **change the zoning classification** of approximately 23 acres from Neighborhood Residential (NR) to Existing Residential 1 (R1) for 22.60 acres generally located along the east side of Ralph Fair Road at the southeast corner of Ralph Fair Road and the Fair Oaks Parkway/Arbor Falls intersection.

Generally known as the Arbors Development.



ZC 2020-01

SEQUENCE

1. Mayor opens the joint public hearing
2. Staff/consultant presentation
3. **Applicant presentation**
4. Council and P&Z receive citizen testimony for/against the proposed amendment
5. Mayor closes the joint public hearing
6. Council and P&Z discuss the case, inclusive of questions of the consultant and staff
7. Public Hearing is adjourned - no formal action necessary



NEXT STEPS

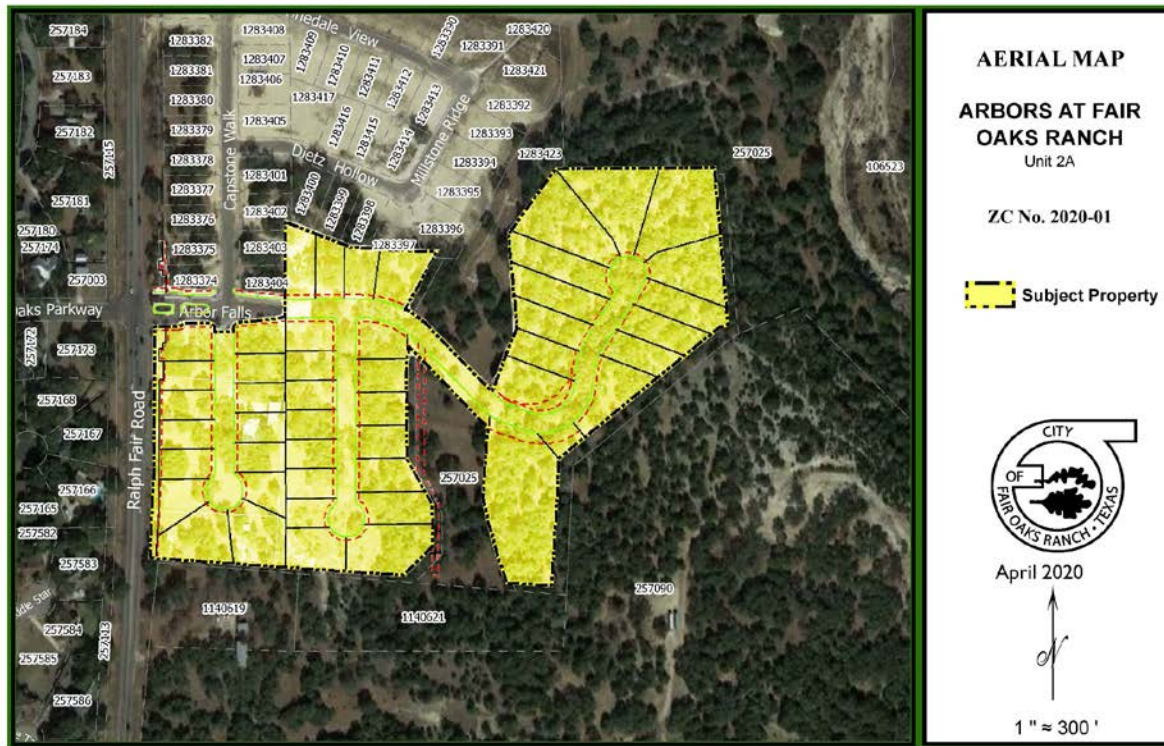
- * P&Z will convene into their regular business meeting to discuss the case and make a recommendation for City Council consideration.
- * The P&Z may recommend approval/denial/table action.
- * City Council will consider the amendment and the P&Z recommendation at their next regularly scheduled meeting on May 21, 2020.
- * The City Council is the final authority on all zoning changes.



LEGAL ANALYSIS:

The attached staff report and today's joint public hearing demonstrate compliance with the requirements as prescribed in Chapter 211 of the Local Government Code and Section 3.7 of the City's Unified Development Code (UDC).





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ZC 2020-01

SUMMARY OF REQUEST

- * Neighborhood Residential (NR) to Existing Residential 1 (R1)
- * Appropriate zoning classification for a single-family residential development
- * Consistent with the existing development agreement approved prior to zoning



UDC DESCRIPTIONS

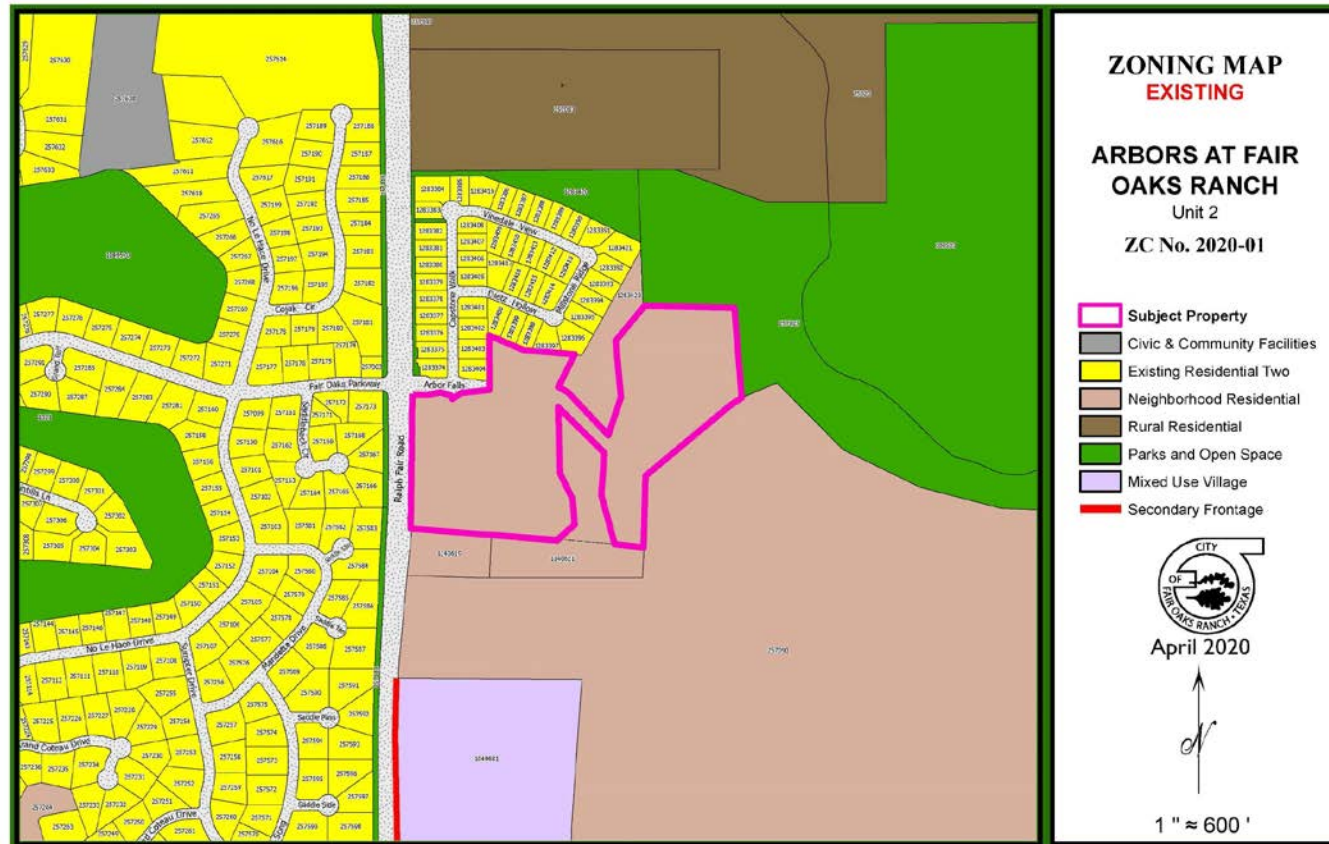
Neighborhood Residential (NR)

- * Appropriate for low-to-medium density development.
- * Minimum of 1 acre lots.
- * Accommodates a wide variety of housing types by allowing for contextual development standards.

Existing Residential 1 (R1)

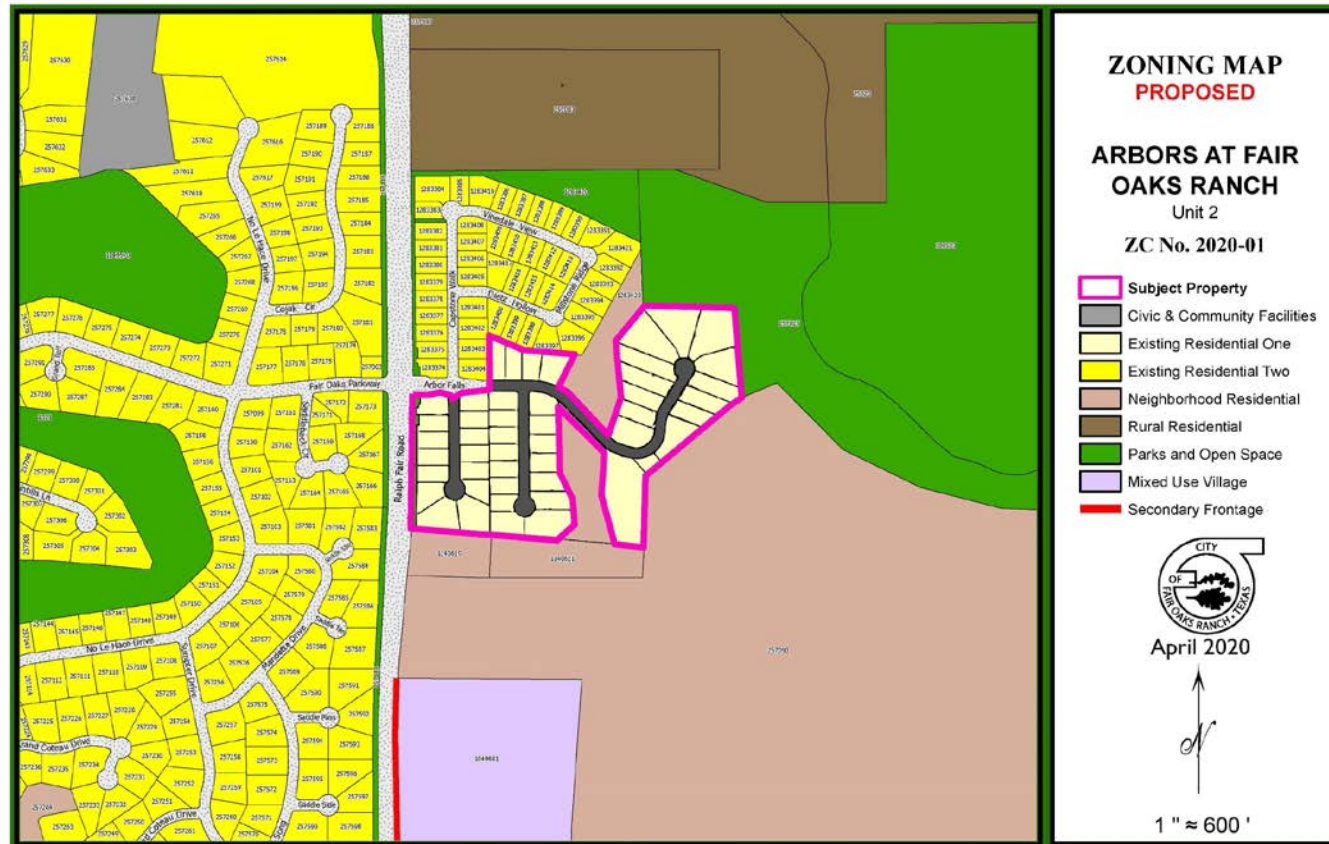
- * Appropriate for most dense existing residential types
- * Lot sizes generally under 0.3 acres
- * Appropriate where other development standards are controlled by deed restrictions





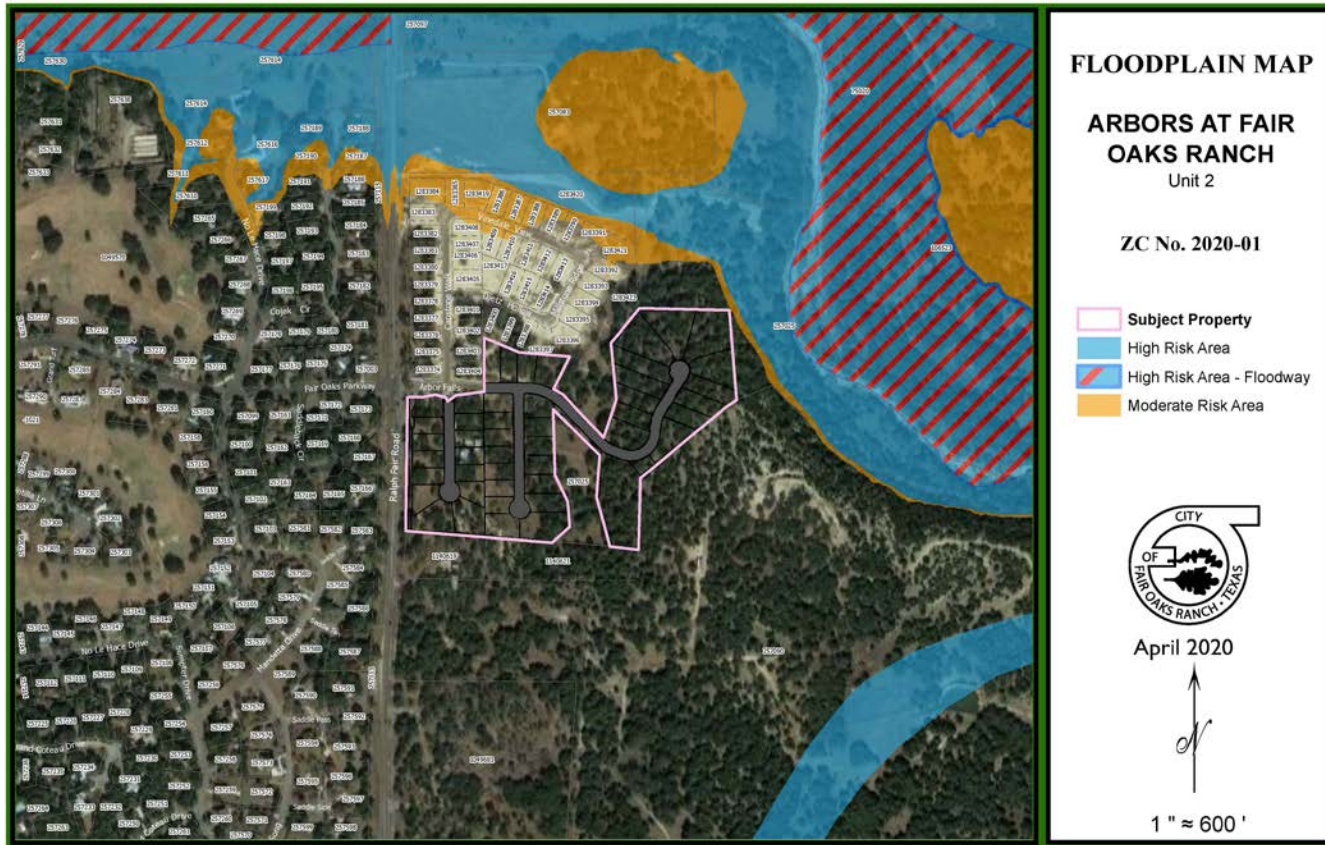
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ZC 2020-01

SITE HISTORY

- Preliminary Plat for the Preserve at Fair Oaks on 145 acres submitted in November 2015.
- In February 2016, a development agreement was signed.
- Development vested (signed prior to adoption of zoning).
- Approved 91 lots, generally 80' wide and 140' deep; ranging from 0.26 acres to 1.68 acres; half of the lots being less than 0.3 acres.
- 3 phase development.
- Phase 1 approved and under construction.
- Phase 1 zoned Existing Residential 2 (R2).
- Phase 2 and 3 zoned **Existing Residential 1 (R1)**



REASON FOR THE REQUEST

Current zoning (min. lot size 1 acre) does not support the lot sizes (less than 0.3 acres) approved by the development agreement.



ZC 2020-01

LOCATION AND SURROUNDINGS

Zoning		Current Land Use
NORTH	Existing Residential 2	Single Family Residential (Arbors Phase I under construction)
SOUTH	Neighborhood Residential	Rural Acreage/Undeveloped
EAST	Neighborhood Residential	Rural Acreage/Undeveloped
WEST	Existing Residential 2	Single Family Residential
NORTHEAST	Parks and Open Space	Open Space/Creek



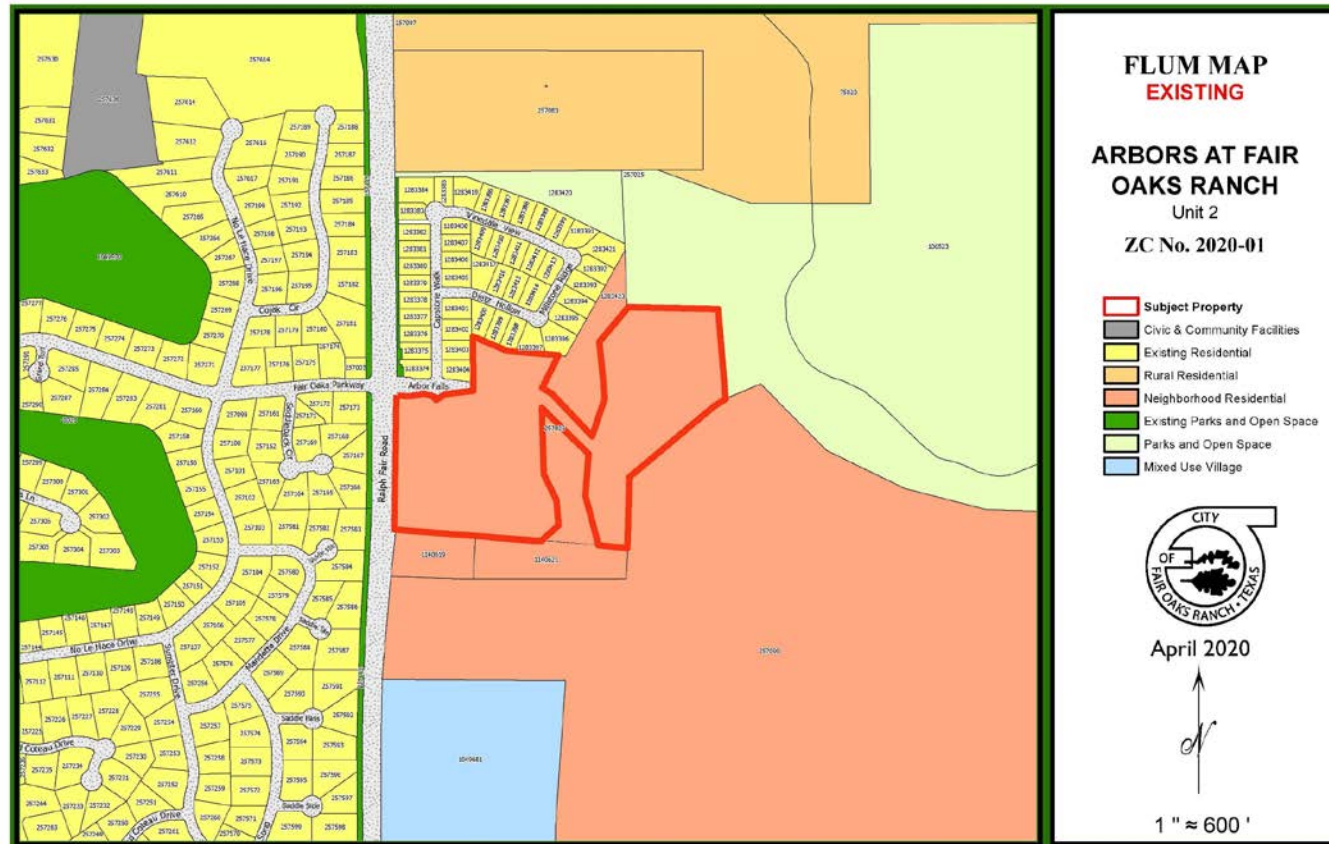
ZC 2020-01

CONFORMANCE WITH FUTURE LAND USE MAP

The proposed zoning category will be in conformance with the amended Future Land Use Map.

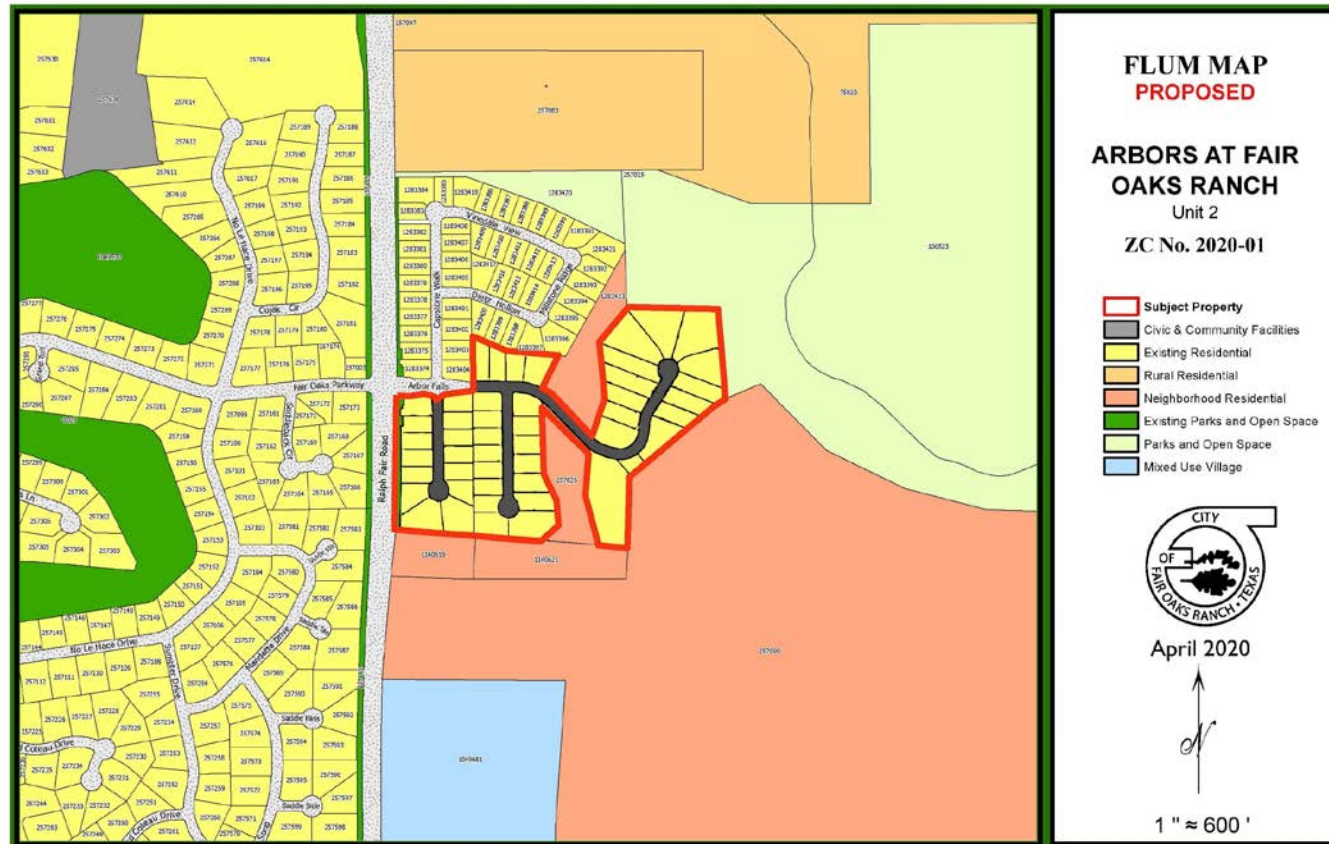


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ZC 2020-01

CONFORMANCE WITH THE UDC

The proposed R1 zone that permits lot sizes to be under 0.3 acres and other development standards to be controlled by deed restrictions will ensure that the approved Arbors Development is in conformance with the UDC.



CONFORMANCE WITH THE CHARACTER OF THE AREA

R1 zoning will:

- Allow development that will be compatible with the existing and future development on surrounding properties.
- Allow single family residential in Phases 2 and 3 that will be similar to the homes being constructed in Phase I of Arbors Development.



ZC 2020-01

PUBLIC NOTIFICATION

Notice of the public hearing was published in the Boerne Star newspaper on April 24, 2020.

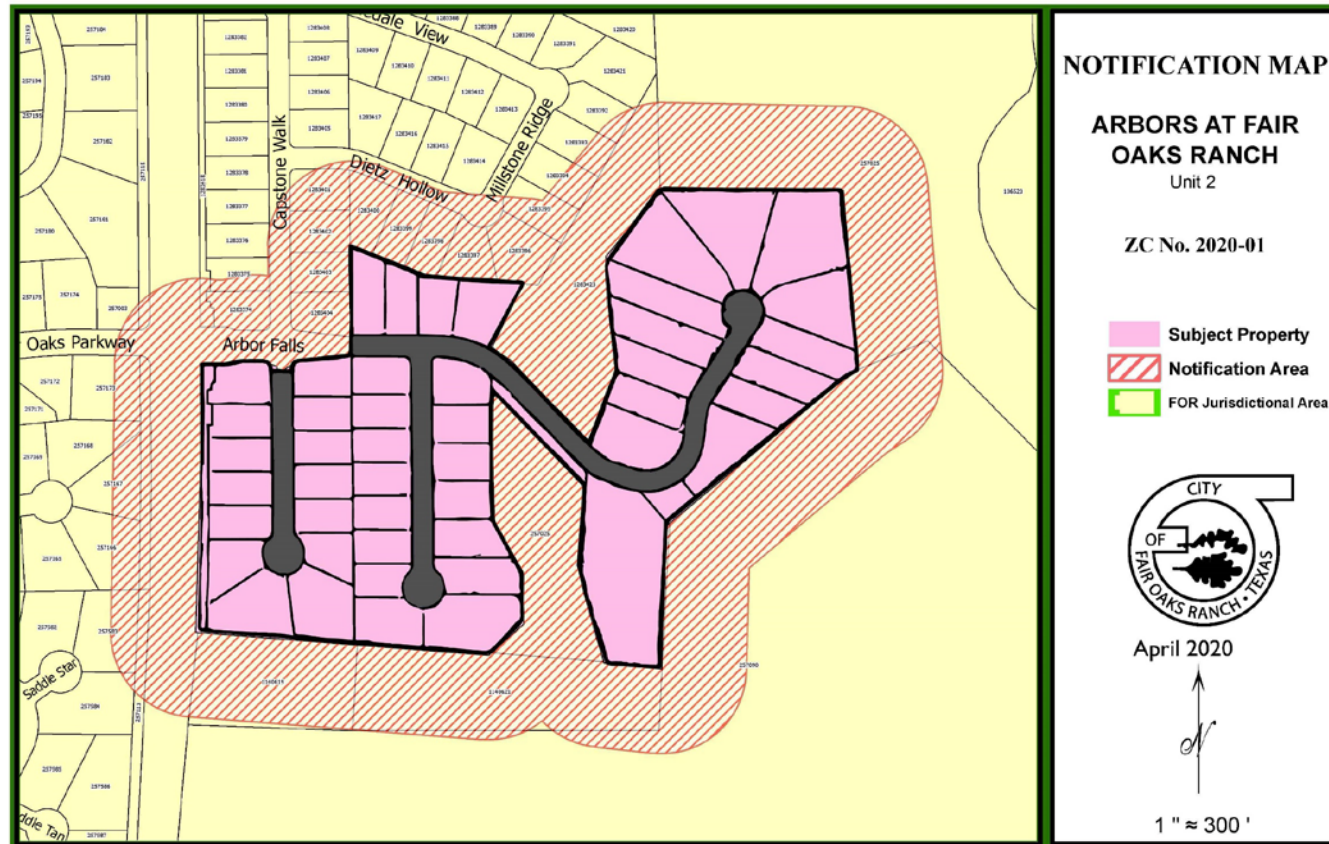
Notification sent to all properties within 200 feet of the subject property, inclusive of the applicant/owner.

OPPOSITION TO OR SUPPORT OF PROPOSED REQUEST

City staff has not received any public comments in opposition to or in support of the request. |



ZC 2020-01



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ZC 2020-01

GENERAL CRITERIA FOR REVIEW IN THE UDC

- * Zoning change is consistent with the Comprehensive Plan;
- * Zoning change promotes the health, safety, or general welfare of the City and the safe, orderly, and healthful development of the City;
- * Zoning change is compatible with and conforms with uses of nearby property and the character of the neighborhood;
- * The property affected by the zoning change is suitable for uses permitted by the proposed amendment to the zoning map;
- * Infrastructure, including roadway adequacy, sewer, water and storm water facilities, is or is committed to be available that is generally suitable and adequate for the proposed use.



STAFF RECOMMENDATION

Staff recommends approval for the following reasons:

The zoning change

- * will be consistent with the amended Comprehensive Plan.
- * is in conformance with the UDC that recommends R1 for approved developments that are denser and are controlled by the applicable deed restrictions.
- * is compatible with the surrounding properties and the character of the neighborhood, especially Phase I of the Arbors Development.



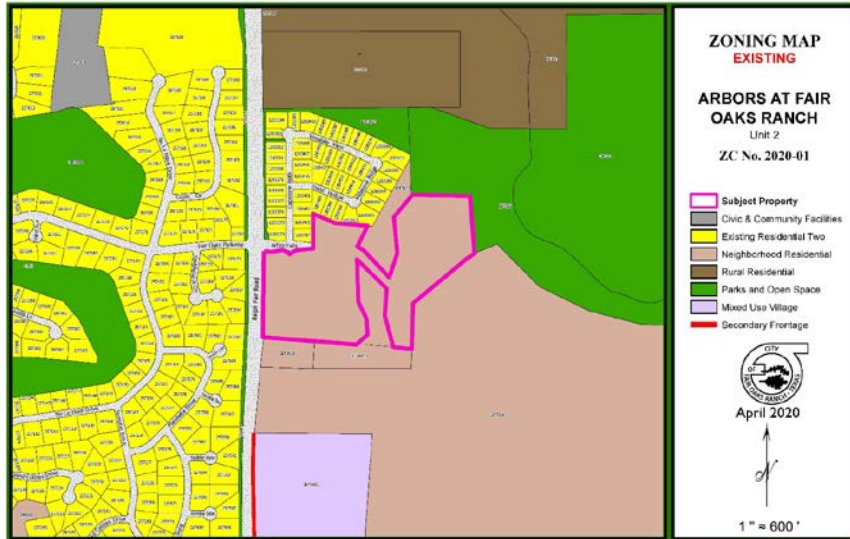
ZC 2020-01

STAFF RECOMMENDATION (Contd.)

The zoning change

- * will not have a detrimental effect on the health, safety, or general welfare of the City and the safe, orderly, and healthful development of the City;
- * will not have a significant impact on the health, safety and welfare of the surrounding neighborhoods.
- * will not have a significant impact on public infrastructure such as roads, parking facilities and water and sewer systems.
- * will not have a significant impact on public services such as police and fire protection and solid waste collection.



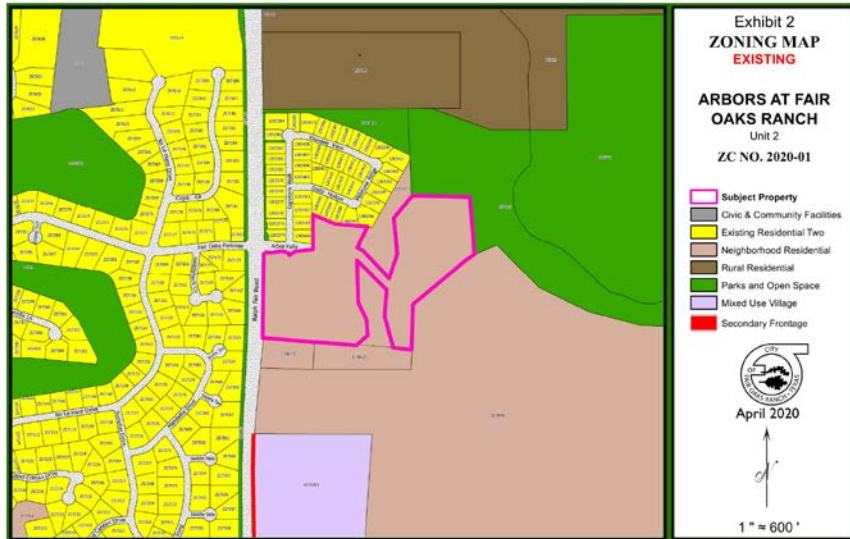


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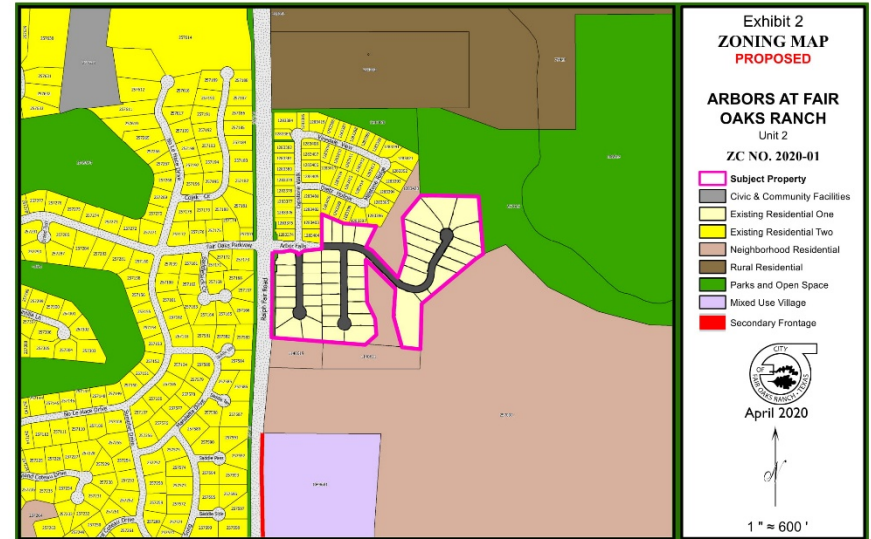


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ZC 2020-01



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ZC 2020-01