CITY OF FAIR OAKS RANCH
AGENDA – PLANNING AND ZONING COMMISSION
REGULAR MEETING
February 13, 2020; 6:30 PM
City Hall Council Chambers
7286 Dietz Elkhorn, Fair Oaks Ranch

I. OPEN MEETING
   A. Roll Call – Declaration of a Quorum
   B. Pledge of Allegiance.

II. CITIZENS and GUEST FORUM / PRESENTATIONS
To address the P&Z Commission, please sign the Attendance Roster located on the table at the entrance of the Council Chamber. In accordance with the Open Meetings Act, the P&Z Commission may not discuss or take action on any item which has not been posted on the agenda.
   A. Citizens to be heard.
   B. Introduction of the City Planning Consultant, Lata Krishnarao, AICP, LEED ND, with Gunda Corporation.
   C. Introduction of the Deputy City Secretary, Amanda Valdez.

III. CONSENT AGENDA
All of the following items are considered to be routine by the P&Z Commission, there will be no separate discussion on these items and will be enacted with one motion. Items may be removed by any Commissioner by making such request prior to a motion and vote.
   A. Approval of the December 12, 2019 Regular Meeting Minutes. Pgs. 2-3

IV. CONSIDERATION/DISCUSSION ITEMS
   A. Consideration and possible action recommending the approval of a Final Plat establishing Front Gate Unit 5. Ron Emmons, P.E., Public Works Director Pgs. 4-9

V. REPORTS FROM STAFF
   A. Update on Planning and Zoning Rules of Procedure.
      Christina Picioccio, City Secretary

VI. ADJOURNMENT

Signature of Agenda Approval: Tobin E. Maples

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, February 10, 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.
I. OPEN MEETING
   A. Roll Call
   Present: Chairperson Michael Rey and Vice-Chairperson Frank Trapasso
   Commissioners: David Horwath, Douglas Leonard, Dale Pearson, Bobbe Barnes, and Linda Tom

   With a quorum present, the meeting was called to order at 6:30 PM.

   B. The Pledge of Allegiance was said in unison.

II. CITIZENS AND GUEST FORUM / PRESENTATIONS
   A. There were no citizens to be heard.

   B. City Attorney, Habib Erkan, Jr., provided a Legislative Update on the 2019 Legislative Session.

III. CONSENT AGENDA
   A. Approval of the October 10, 2019 Joint City Council and Planning & Zoning Commission Public Hearing Minutes.

   B. Approval of the October 10, 2019 Regular Meeting Minutes.

   MOTION: Made by Commissioner Leonard, seconded by Commissioner Trapasso to approve the minutes as written.

   VOTE: 7-0, Motion Passed

IV. DISCUSSION/CONSIDERATION ITEMS
   A. Consideration and possible action approving a Tree Preservation Plan for Front Gate Unit 5.

   MOTION: Made by Commission Barnes, seconded by Commissioner Leonard to recommend approval of the Tree Preservation Plan for the proposed subdivision of Front Gate Unit 5.

   VOTE: 7-0; Motion Passed

   B. Consideration and possible action recommending the approval of a preliminary plat establishing Front Gate Unit 5.

   MOTION: Made by Commission Leonard, seconded by Commissioner Trapasso to recommend approval of the preliminary plat that establishes Front Gate Unit 5.

   VOTE: 7-0; Motion Passed
C. Consideration and possible action recommending changes to the Planning and Zoning Rules of Procedure.

P&Z Commissioners reviewed the current Planning & Zoning Rules of Procedure and made the following recommendations:

Section 5.1: The Planning and Zoning Commission has the following planning responsibilities:

- Make recommendations to the City Council on the adoption of or revisions to the City’s comprehensive plan; and
- Make recommendations to the City Council on the adoption of or revisions to subdivision and other land use and development regulations; and

Section 8.0 Agendas

Add: 8.4

Commission Member can suggest agenda items (with sufficient notice for staff study).

There shall be no deliberation of the merits of the proposed agenda item

Address the following issues:

- Inclusion of P&Z in the appointment process of new commissioners.
- Timing of appointments
- Misalignment of Chairman/Vice-Chairman (July) selection by commission and appointment of members (May)
- Procedure for commissioner to indicate interest in staying on the commission

MOTION: Made by Commission Leonard, seconded by Commissioner Trapasso to approve the recommend edits by Commissioners Horwath and Leonard on page 32 of the agenda packet.

VOTE: 7-0; Motion Passed

V. ADJOURNMENT

Chairperson Michael Rey adjourned the meeting at 8:19 PM.

____________________________
Michael Rey, Chairperson

ATTEST:

____________________________
Christina Picioccio, City Secretary
AGENDA TOPIC: Consideration and possible action recommending the approval of a Final Plat establishing Front Gate Unit 5

DATE: February 13, 2020

DEPARTMENT: Public Works

PRESENTED BY: Ronald C. Emmons, P.E., Public Works Director

INTRODUCTION/BACKGROUND:

In January 2020, a Final Plat, establishing Front Gate Unit 5, was submitted to the Public Works Department by Vickrey and Associates, Inc. This tract of land is generally located in the south east section of the Front Gate private subdivision. This subdivision is the tenth unit in the Front Gate subdivision. Pertinent information regarding the progress of the subdivision can be found in the table below:

<table>
<thead>
<tr>
<th>Front Gate Unit</th>
<th>Final Plat Approval Date</th>
<th>Total Area (ac)</th>
<th>Residential Lots</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>3/15/2012</td>
<td>21.71</td>
<td>59</td>
</tr>
<tr>
<td>2A</td>
<td>7/6/2016</td>
<td>7.78</td>
<td>19</td>
</tr>
<tr>
<td>2B</td>
<td>5/16/2019</td>
<td>12.11</td>
<td>26</td>
</tr>
<tr>
<td>3</td>
<td>4/18/2013</td>
<td>16.58</td>
<td>56</td>
</tr>
<tr>
<td>4</td>
<td>3/21/2019</td>
<td>21.94</td>
<td>65</td>
</tr>
<tr>
<td>5</td>
<td>-</td>
<td>14.75</td>
<td>49</td>
</tr>
<tr>
<td>8</td>
<td>5/16/2013</td>
<td>15.85</td>
<td>51</td>
</tr>
<tr>
<td>9</td>
<td>5/31/2017</td>
<td>12.44</td>
<td>54</td>
</tr>
<tr>
<td>10</td>
<td>10/20/2014</td>
<td>12.37</td>
<td>44</td>
</tr>
<tr>
<td>12</td>
<td>1/25/2018</td>
<td>20.33</td>
<td>62</td>
</tr>
<tr>
<td>6 &amp; 7</td>
<td>-</td>
<td>28</td>
<td>57</td>
</tr>
<tr>
<td>*Total</td>
<td>-</td>
<td>184</td>
<td>542</td>
</tr>
</tbody>
</table>

*All values are based on the original master plan and may be subject to change.
On January 2, 2020 City Council voted to approve the tree preservation and protection plan that called for the removal of eight (8) Heritage Trees from the area of the proposed street location. To mitigate, twenty-four (24) trees with a caliper of at least two and one half - inches (2.5") will be planted. This action satisfied the prerequisite requirement for approval of the preliminary plat.

On January 2, 2020, City Council voted to approve the preliminary plat after the Planning and Zoning Commission voted to recommend approval at their December 12, 2019 regularly scheduled meeting. A couple weeks following the preliminary play approval by City Council, Vickrey and Associates submitted a final plat, construction documents, and the remaining administrative items to the City.

After one round of review and comments, Vickrey and Associates submitted an updated final plat package with varying supporting documentation. The updated final plat does not satisfy all of the requirements of the City’s Subdivision Ordinance.

The items on the Final Plat submittal that remain deficient as of February 6, 2020 are:

1. Submit certificates from each tax collector of a political subdivision in which the property is located showing all taxes owing to the State, County, School District, City, and/or other political subdivision have been paid in full to date. **This item is still outstanding.**

2. Submit a letter of approval from each affected utility provider as to the adequacy and proper location of utility easements, such easements are to be shown on the subdivision plat. **The plat under consideration needs to include the redline comments as shown on Exhibit A.**

3. Per the approved tree preservation and protection plan, the applicant will be installing twenty-four new trees. **The location of the new mitigation tree on Lot 906 (greenbelt) is located on top of the sanitary sewer line and, therefore, appears to create a future encroachment conflict (Exhibit B). This tree needs to be relocated to ensure the integrity of the utility.**

The Public Works Department recommends the P&Z Commission disapprove the final plat that establishes Front Gate Unit 5 due to the above referenced deficiencies.

**POLICY ANALYSIS/BENEFIT(S) TO CITIZENS:**

Article II, Section 5 of the City Subdivision Ordinance titled, Processing of Final Plat contains the following:

A. **Staff Review.**

City Staff will inspect the Final Plat and the Plans and Specifications to verify that the submittal conforms to all of the requirements of this Ordinance. The Subdivider will be informed in writing by the City Administrator of any deficiencies. Prior to final plat approval, City staff shall furnish the Fair Oaks Ranch Public Works Department a report concerning utility and street construction plans, bonding requirements and filing fees. When the Public Works Department is satisfied that all conditions and requirements have been met, the Public Works Department shall recommend approval of the plat at their next scheduled meeting.

B. **Recommendation by the Fair Oaks Ranch Public Works Department.**

The Fair Oaks Ranch Public Works Department shall recommend that City Council approve or disapprove the final plat, plans and specifications within 30 days of the date on which a complete
final plat submission is received by the City Administrator. The Public Works Department’s recommendation of the final plat, plans and specifications shall not constitute final plat approval, but is the authorization to present the plat, plans and specifications to the City Council for final approval. If any major changes are required by the Public Works Department, the Public Works Department may require submission of another final plat.

C. Approval by the Fair Oaks Ranch City Council.
The Fair Oaks Ranch Public Works Department shall forward its recommendation for approval or disapproval to the City Council for action at its next scheduled meeting. Final plats shall be considered filed with the City Council (The Municipal Approving Authority) on the date that the agenda is posted for the meeting that City Council shall initially consider approval of the final plat.

**LONGTERM FINANCIAL & BUDGETARY IMPACT:**

N/A

**LEGAL ANALYSIS:**

Sec. 212.006 (a) of the Texas Local Government Code titled, Authority Responsible for Approval Generally, states the following:

“The municipal authority responsible for approving plats under this subchapter is the municipal planning commission or, if the municipality has no planning commission, the governing body of the municipality. The governing body by ordinance may require the approval of the governing body in addition to that of the municipal planning commission.”

Sec. 212.009 (b) of the Texas Local Government Code titled, Approval Procedure: Initial Approval, states the following:

“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.”

**RECOMMENDATION/PROPOSED MOTION:**

Due to the above referenced deficiencies and to ensure compliance with 30-day rules, I move to recommend disapprove of the final plat that establishes Front Gate Unit 5.
TYPICAL LOT 906 SECTION

LEGEND

SCALE: 1" = 100'

TREE
FENCE
FENCE
4' SIDEWALK
8' SEWER
8' CHANNEL

EXHIBIT B

VICKREY & ASSOCIATES, INC.
CONSULTING ENGINEERS
CIVIL • ENVIRONMENTAL • SURVEY

PG. 9