

CITY OF FAIR OAKS RANCH

PLANNING AND ZONING COMMISSION MEETING

Thursday, March 13, 2025 at 6:30 PM

Public Safety Training Room, Police Station, 7286 Dietz Elkhorn, Fair Oaks Ranch

AGENDA

OPEN MEETING

1. Roll Call - Declaration of a Quorum
2. Pledge of Allegiance

CITIZENS and GUEST FORUM

To address the Commission, please sign the Attendance Roster located on the table in the foyer of the Public Safety Training Room. 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. Speakers shall limit their comments to five (5) minutes each.

3. Citizens to be heard.

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 by one motion. Items may be removed by any Commissioner by making such request prior to a motion and vote.

4. Approval of the February 13, 2025 Planning and Zoning Commission Regular Meeting Minutes.

Christina Picioccio, TRMC, City Secretary

CONSIDERATION / DISCUSSION ITEMS

5. Consideration and possible action recommending approval of a final plat request from Sitterle Homes LTD, on behalf of Oak Bend Forest, L.C., for Oak Bend Subdivision Phase I proposing 55 single-family residential lots

Lee Muñiz, P.E., CFM, Manager of Engineering Services

WORKSHOP

6. Unified Development Code amendments regarding Conservation Development Alternative and Waiver and Variance Applications

Lee Muñiz, P.E., CFM, Manager of Engineering Services

REQUESTS

7. Request for P&Z commission topic needing information/research.

ADJOURNMENT

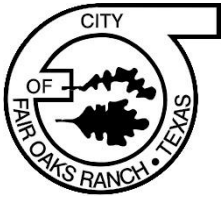
Signature of Agenda Approval: s/Carole Vanzant

Carole Vanzant, Assistant City Manager

I, Christina Picioccio, TRMC, 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.

As per Texas Government Code 551.045, said Notice was posted by 6:30 PM, March 10, 2025 and remained so posted continuously for at least 72 hours before said meeting was convened. A quorum of City Council and various boards, committees, and commissions may attend the Planning & Zoning Commission meeting.

The Fair Oaks Ranch Police Station is wheelchair accessible at the front main 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 OF FAIR OAKS RANCH

PLANNING AND ZONING COMMISSION MEETING

Thursday, February 13, 2025 at 6:30 PM

Public Safety Training Room, Police Station, 7286 Dietz Elkhorn, Fair Oaks Ranch

MINUTES

OPEN MEETING

1. Roll Call - Declaration of a Quorum

Present: Chairperson Bobbe Barnes and Vice-Chairperson David Horwath

Commissioners: Linda Tom, Eric Beilstein, Shawna Verrett, Dale Pearson, and Lamberto "Bobby" Balli

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

2. Pledge of Allegiance – The Pledge of Allegiance was led by Commissioner Horwath.

CITIZENS and GUEST FORUM

3. Citizens to be heard – N/A

CONSENT AGENDA

4. **Approval of the November 14, 2024 Planning and Zoning Commission Regular Meeting Minutes**

MOTION: Made by Vice-Chairperson Horwath, seconded by Commissioner Tom, to approve the consent agenda.

VOTE: 7 - 0, Motion Passed.

CONSIDERATION / DISCUSSION ITEMS

5. **Consideration and possible action recommending approval of a final plat request from Green Land Ventures LTD for Stone Creek Ranch Unit 2B proposing 12 single-family residential lots**

MOTION: Made by Commissioner Balli, seconded by Commissioner Tom, to recommend approval of the final plat for Stone Creek Ranch Unit 2B.

VOTE: 7 - 0, Motion Passed.

WORKSHOP

6. **Unified Development Code amendments regarding Hill Country Aesthetics, Screening, Street Frontage, and Maximum Block Length**

Lee Muñoz, P.E., CFM, Manager of Engineering Services, conducted a workshop on proposed amendments to the Unified Development Code (UDC). The commission concurred with the council's

direction and staff recommendations regarding updates to the following UDC sections: Hill Country Aesthetics, Screening, Street Frontage, and Block Length.

Vice-Chairperson Horwath pointed out that the Rural Residential District (RR) was not included in Table 4.1, which lists residential zoning districts. Additionally, the zoning abbreviation for the Special Districts Conservation Development Alternative needed to be corrected to "CDA." The Manager of Engineering Services acknowledged these issues and confirmed that the necessary corrections will be made on a future UDC amendment.

REQUESTS

7. Request for P&Z commission topic needing information/research

None

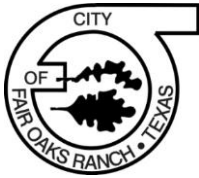
ADJOURNMENT

Chairperson Barnes adjourned the meeting at 7:08 PM.

ATTEST:

Bobbe Barnes, Chairperson

Christina Picioccio,
TRMC, City Secretary



PLANNING & ZONING COMMISSION CONSIDERATION ITEM

CITY OF FAIR OAKS RANCH, TEXAS

AGENDA TOPIC: Consideration and possible action recommending approval of a final plat request from Sitterle Homes LTD, on behalf of Oak Bend Forest, L.C., for Oak Bend Subdivision Phase I proposing 55 single-family residential lots.

DATE: March 13, 2025

DEPARTMENT: Public Works and Engineering Services

PRESENTED BY: Lee Muñoz, P.E., CFM, Manager of Engineering Services

INTRODUCTION/BACKGROUND:

The Oak Bend Subdivision Phase I Final Plat creates 55 single-family residential lots. It is the first of two phases of the Oak Bend subdivision. The subdivision is generally located north of the intersection of Ralph Fair Road and Honeycomb Rock.

The Oak Bend Subdivision is zoned Neighborhood Residential (NR) which requires a lot size of minimum one acre. All lots meet this minimum lot size requirement.

The purpose of the Oak Bend Subdivision Phase I Final Plat is to create 55 residential lots, three reserves, and six private streets for Phase I. Past actions related to the property are summarized below:

- October 19, 2006 - Ordinance 154.0 approved voluntarily annexing the Grona Property into the City of Fair Oaks Ranch.
- September 2, 2008 - Water Supply Agreement, for 15 years, was executed between Oak Bend Forest, LC and the City of Fair Oaks Ranch for the reservation of water service capacity for 130 single-family Living Unit Equivalents ("LUE's") on 149 acres.
- February 17, 2011 - The City Council approved a subdivision plat of Oak Bend Estates consisting of 130 one-plus-acre lots. The lots widths generally ranged from 145 feet to 150 feet.
- June 2018 – The P&Z approved and advanced a final report to the City Council creating zoning district boundaries, inclusive of a zoning map. Ordinance 2018-05 adopting zoning district boundaries was approved by the City Council. The zoning map designated the subject property as Rural Residential (5+ acre lots) creating a conflict with the Agreement.
- October 17, 2022 – The City confirmed a vested right does exist for the Oak Bend Estates project as of September 2, 2008 (filing of plat).
- March 21, 2024 – Resolution 2024-13 extended the 2008 Water Supply agreement for 110 single-family Living Unit Equivalents ("LUE's").

- June 20, 2024 – The City Council approved a Future Land Use Amendment application (requesting NR land use designation) and a Rezoning application (requesting NR zoning designation) in accordance with the 2011 filed plat.
- October 3, 2024 - The City Council approved a Variance request to reduce the required minimum street frontage from the required 150 feet to a range of 107.75 – 148.68 feet for 38 lots in Phase I and the Tree Preservation Plan (Tree Plan). The preliminary plat for the Oak Bend Subdivision Phase I was also approved with the following conditions:
 - The variance to reduce the street lot frontage requirement shall only apply to the 38 lots as presented.
 - Applicant to confirm that the proposed development complies with the requirements of Article II, Section 3 Submission of Final Plat of the old subdivision regulations.
 - Applicant to show that the street, Bald Cypress Court, will be connected to the adjoining future street to the east in Phase II and add a plat note regarding this.
 - Applicant to remove building setback legend from the “existing keynotes” (previously titled as “key notes”) on all pages. All setback requirements need to meet the zoning requirements of the Neighborhood Residential (NR) district.
 - Applicant to provide a metes and bounds description to verify all coordinate points on the plat. The coordinates and distances indicated in the metes and bounds description of the warranty deed do not match the coordinates and distances called out on the plat.
 - Applicant to add a plat note stating “approval of this plat vacates the approved and recorded Oak Bend Estates plat.”
- January 2025 - City staff approved the construction plans for public improvements for the 55-lot Oak Bend Subdivision Phase I.
- February 11, 2025 - The applicant submitted the final plat application for the 55-lot Oak Bend Subdivision Phase I for consideration at the March P & Z meeting.

The applicant has satisfied all preliminary plat conditions in the final plat submittal. Since some streets will dead-end until Phase II is constructed, staff recommends that an all-weather surface be required for all temporary fire truck turnarounds.

The City of Fair Oaks Ranch’s current process requires the Planning and Zoning Commission to consider the final plat application and make a recommendation to the City Council. The City Council has the final authority to act on the plat.

POLICY ANALYSIS/BENEFIT(S) TO CITIZENS:

The Oak Bend Subdivision Phase I Final Plat provides the following benefits to citizens:

1. Reduction of lots (110 lots) as compared to the previously approved and recorded subdivision (130 lots)
2. Addition of nine (9) acres of open space to preserve karst features (geological features)
3. Inclusion of a secondary emergency access

LONGTERM FINANCIAL & BUDGETARY IMPACT:

N/A

LEGAL ANALYSIS:

N/A

RECOMMENDATION/PROPOSED MOTION:

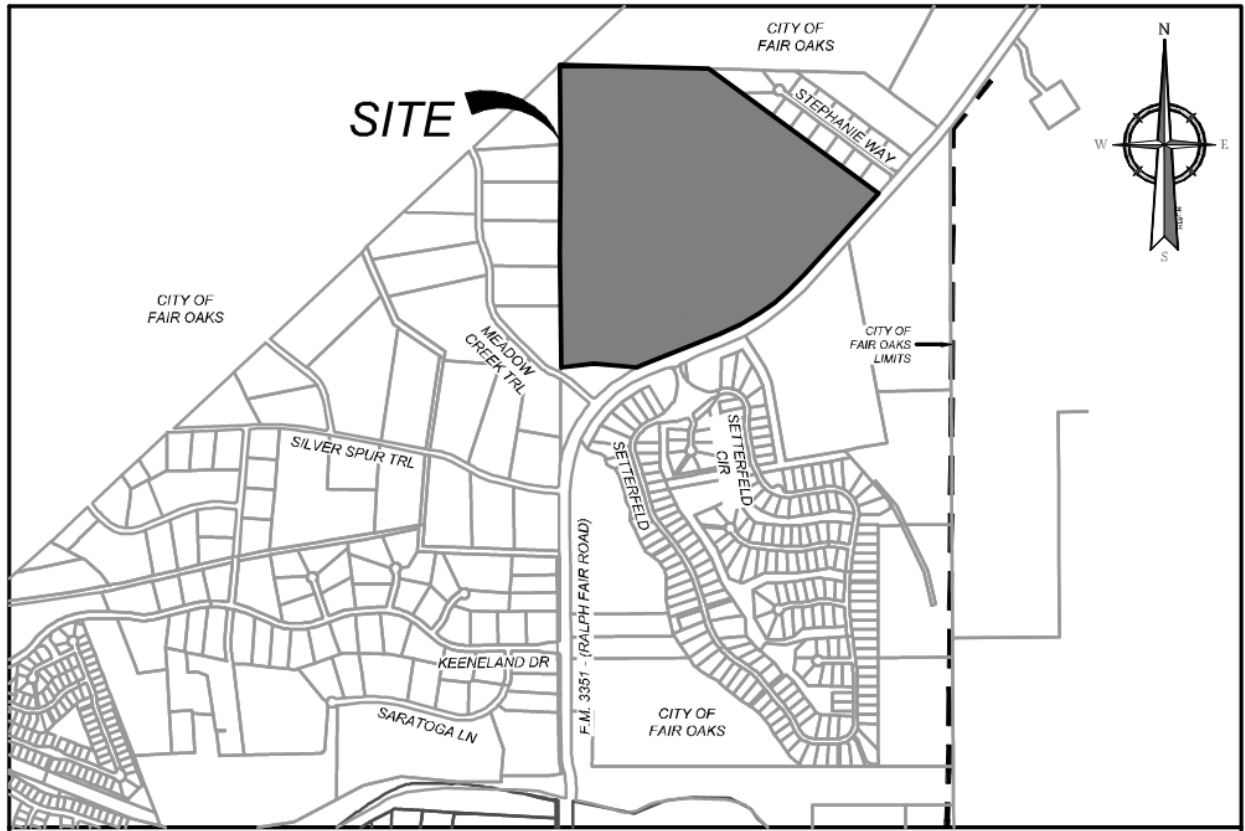
I move to recommend approval of the Final Plat for Oak Bend Subdivision Phase I with the following conditions:

1. Applicant to provide an all-weather surface for all temporary fire truck turnarounds.
2. Applicant to correct all administrative errors on the Final Plat prior to recordation.

Exhibits

- A. Exhibit A – Location Map
- B. Exhibit B - Oak Bend Subdivision Aerial Map
- C. Exhibit C - Oak Bend Subdivision Phase I Master Plan
- D. Exhibit D - Universal Application and Specific Application including Supporting Documents

Exhibit A Oak Bend Subdivision Location Map



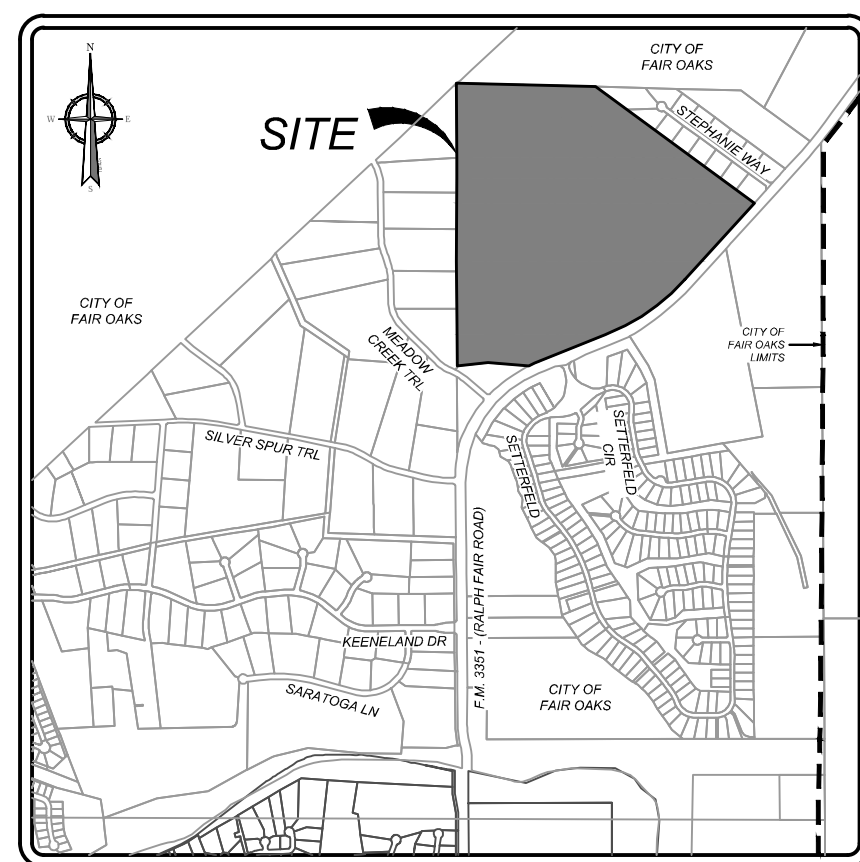
Oak Bend Subdivision Ph I Final Plat Aerial Map



600
US Feet



Maxar, Microsoft, Esri Community Maps Contributors, Texas Parks & Wildlife, ©
OpenStreetMap, Microsoft, CONANP, Esri, TomTom, Garmin, Foursquare,
SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census
Bureau, USDA, USFWS



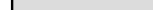
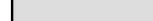
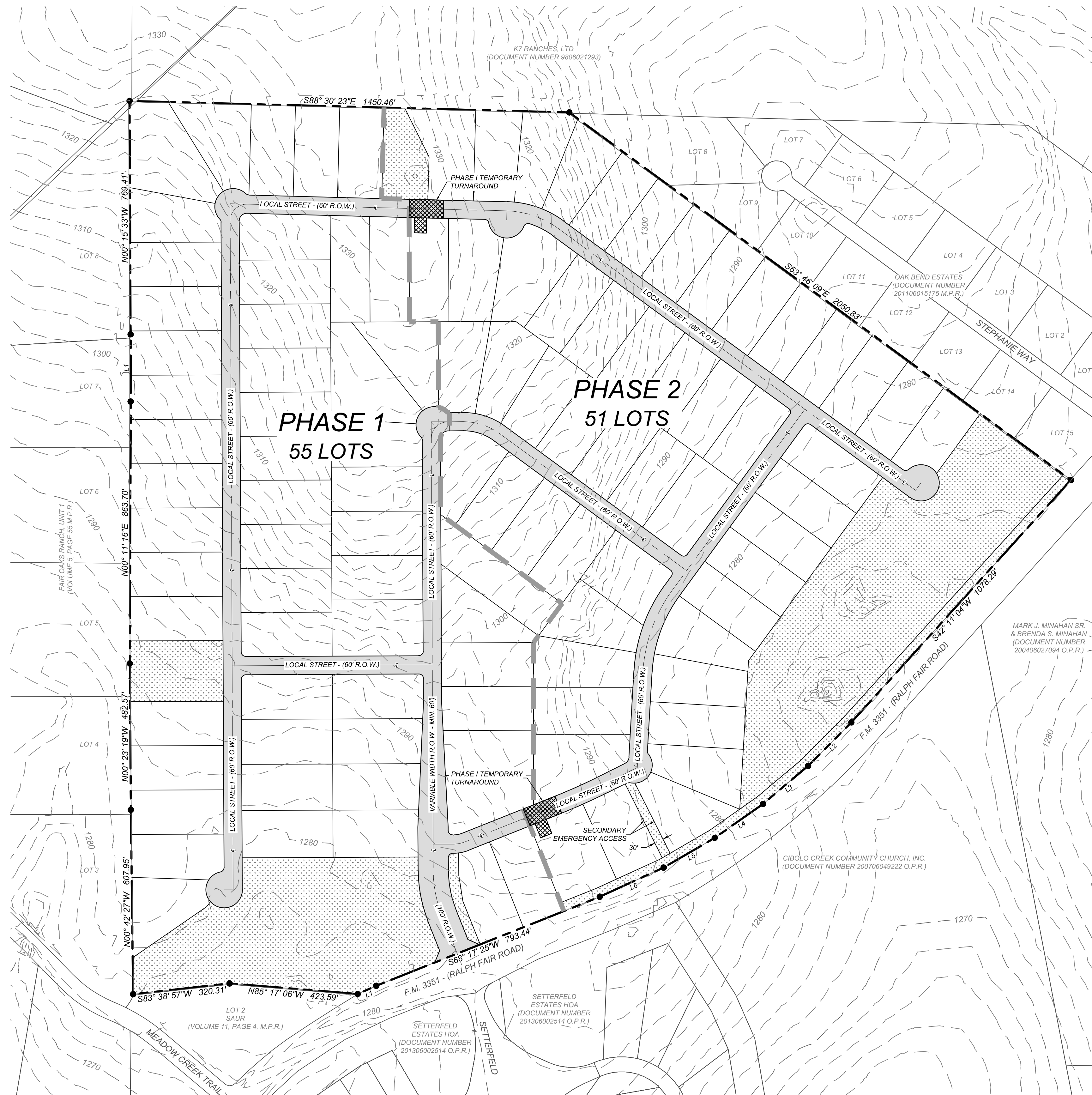
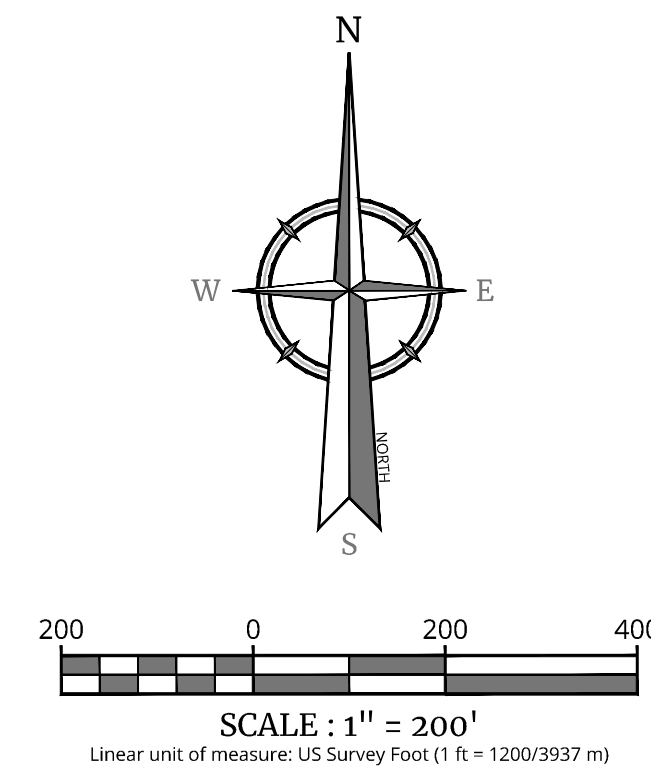
	= OPEN SPACE / DRAINAGE
	= PROPOSED RIGHT-OF-WAY
	= CONTOURS
	= PHASING LIMITS
M.P.R.	= M. PUBLIC RECORDS OF COMAL COUNTY, TEXAS
R.O.W.	= RIGHT-OF-WAY
	= CENTERLINE
	= CROSS-HATCHED AREA IS A TEMPORARY EASEMENT FOR TURNAROUND PURPOSES UNTIL THE STREET IS EXTENDED TO THE EAST ON A RECORDED PLAT (OAK BEND SUBDIVISION PHASE II)

Exhibit C Master Plan



Line Table		
Line #	Length	Direction
L1	221.62'	N00° 05' 12"W
L1	66.87'	S86° 12' 51"W
L2	201.98'	S44° 46' 26"W
L3	194.77'	S49° 50' 55"W
L4	194.62'	S54° 55' 05"W
L5	194.80'	S59° 50' 00"W
L6	231.76'	S65° 24' 25"W

LAND USE		
PHASE	RESIDENTIAL (ACRES)	RESIDENTIAL (LOTS)
1	75.50	55
2	73.52	51
TOTAL	149.02	106

RESIDENTIAL LOTS = 106

[illegible]



City of Fair Oaks Ranch

7286 Dietz Elkhorn Fair Oaks Ranch, TX 78015
 PH: (210) 698-0900 FAX: (210) 698-3565. awade@fairoaksranchtx.org www.fairoaksranchtx.org

UNIVERSAL APPLICATION (FORM UA)

All applications must be submitted with:

- (1) A complete **Universal Application** form (2 pages), and
 - (2) A complete **Specific Application Form** with all materials listed in the checklist for the specific application.
- The City staff is available to assist you in person at City Hall or over the phone at (210) 698-0900.

DEVELOPMENT INFORMATION

Project Name/Address/Location: Oak Bend Subdivision / Intersection of Ralph Fair Rd and Honeycomb Rock Acreage: 149
 Brief Description of Project: Single Family Residential
 Is property platted? ☐ No ☒ Yes Subdivision name: Oak Bend Subdivision No. of Lots: 55
 Recordation #: Doc # 201106015175 Parcel(s) Tax ID#: _____
 Existing Use: Residential Proposed Use: Single-Family Homes
 Current Zoning: Neighborhood Residential Proposed Zoning: Neighborhood Residential
 Occupancy Type: Residential Sq. Ft: _____ Bed #: _____ Bath #: _____ Car Garage #: _____
 Water System ☐ Well ☒ Public Flood Zone: ☐ Yes ☒ No Sewer System: ☒ Septic ☐ Public

PROPERTY OWNER INFORMATION

Owner: Oak Bend Forest, L.C. Contact Name: James M. Grona
 Address: 120 Oak Creek Court, Suite 100 City/State/ZIP: San Antonio, Texas 78232
 Phone: 210-960-2750 Email: omar.espinosa@collierseng.com

APPLICANT INFORMATION

Applicant/Developer: Sitterle Homes LTD Contact Name: Frank Sitterle
 Address: 2015 Evans Road, Suite 100 City/State/ZIP: San Antonio, Texas 78258
 Phone: 210-494-9192 Email: Frank@sitterlehomes.com

KEY CONTACT INFORMATION

Name of the Individual: Colliers Engineering & Design Contact Name: Omar Espinosa, P.E
 Address: 3421 Paesanos Parkway Suite 200 City/State/ZIP: San Antonio, Texas 78231
 Phone: 210-979-8444 E-mail: omar.espinosa@collierseng.com

Signature: Date: 02/04/2005
 Print Name: JAMES GRONA

(Signed letter of authorization required if the application is signed by someone other than the property owner)

*****OFFICE USE ONLY*****

DATE REC'D: 02/11/2005 BY: Lee Muñoz, P.E., CFM
 FEES PAID: 02/14/2005 APPROVED BY: _____
 DATE APPROVED: _____
 APPLICATION/PERMIT NO: _____ EXP DATE: _____

Applications shall be processed based on the City's official submission dates. When a completed application packet has been accepted and reviewed, additional information may be required by staff as a result of the review, therefore it may be necessary to postpone the proposed project and remove it from the scheduled agenda and place it on a future agenda.

Exhibit D

SPECIFIC APPLICATION FORM (S1-S25). Please check the appropriate type below:**Land Use Policy Related**

(Section 3.9 of the UDC)

- ☐ Annexation* - Form S1
- ☐ Comprehensive Plan Amendment (Text)
- ☐ Unified Development Code (UDC) Text Amendment
- ☐ Rezoning/ FLUM amendment* - Form S2
- ☐ Special Use Permit* - Form S3
- ☐ Planned Unit Development (PUD)* - Form S4
- ☐ Development Agreement
- ☐ Conservation Development Alternative* (CDA) (Section 4.8) - Form S5

Subdivision and Property Development Related

(Section 3.8 of the UDC)

- ☐ Amending Plat* - Form S6
- ☐ Minor Plat* - Form S7
- ☐ Development Plat* - Form S8
- ☐ Concept Plan** - Form S9
- ☐ Preliminary Plat* - Form S10
- ☒ Final Plat* - Form S11
- ☐ Replat* - Form S12
- ☐ Construction Plans* - Form S13
- ☐ Vacating Plat
- ☐ Plat Extension

Site Development Related

(Section 3.9 of the UDC)

- ☐ Vested Rights Verification Letter (Refer to UDC Section 4.2 (3))
- ☐ Zoning Verification Letter
- ☐ Written Interpretation of the UDC
- ☐ Temporary Use Permit* - Form S14
- ☐ Special Exception* - Form S15
- ☐ Site Development Permit* (Site Plan Review) - Form S16
- ☐ Floodplain Development Permit* - Form S17
- ☐ Stormwater Permit* - Form S18
- ☐ Certificate of Design Compliance* - Form S19
- Appeal of an Administrative Decision
☐ Zoning ☐ Others
- Variance
☐ Policy ☐ Judicial* - Form S20
- ☐ Sign Special Exception/Appeal to an Administrative Decision
- ☐ Administrative Exception
- ☐ Permit for Repair of Non-Conforming Use/Building
- ☐ Letter of Regulatory Compliance
- ☐ On-Site Sewage Facility Permit (OSSF)
- ☐ Certificate of Occupancy (CO)* - Form S21
- ☐ Relief from Signage Regulations
- ☐ Group Living Operation License* - Form S22
- ☐ Grading/Clearing Permit - Form S23

Miscellaneous Permits

- ☐ Appeal of Denial of Sign Permit
- ☐ Master/ Common Signage Plan* - Form S24
- ☐ Right-of-Way Construction* - Form S25

Building Permits Related

For the following permits, please visit:

<http://fairoaksranchtx.org/77/Building-Codes>**Commercial**

New/Remodel/Addition

Residential

New Home

Remodels/Additions

Detached Buildings

Others

Fence

Solar Panels

Swimming Pools

Backflow Device/Irrigation System

Signs

Master/ Common Signage Plan

Water Heater or Water Softener

Miscellaneous

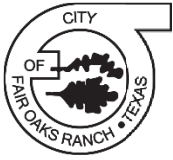
*These types of applications require additional information as listed in the Specific Application Form.

** The Concept Plan is required for PUD and CDA, and for Rezoning if included in a previously approved Concept Plan.

Application Checklist for all Applications

- ☒ Universal Application Form (Form UA).
- ☒ Items listed in the checklist for the Specific Application Form (Form S#) ¹. (Please make sure the boxes are checked)
- ☒ Application Processing Fees and other application fees.
- ☐ Letter of intent explaining the request in detail and reason for the request.
- ☐ Signed Letter of Authorization required if the application is signed by someone other than the property owner.
- ☐ Site plan and shapefile drawings (if applicable) for the property
- ☒ Location map clearly indicating the site in relation to adjacent streets and other landmarks
- ☒ A copy of proof of ownership (recorded property deed or current year tax statements)

¹For items that are duplicated in the specific type of application, only one copy is required.



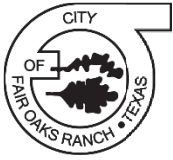
S11

SPECIFIC APPLICATION FORM - FINAL PLAT

Section 3.8 (5) of the Unified Development Code

All documents shall be sent via email or through ShareSync/FTP file. The following steps must be completed, and the items must be submitted for the application to be deemed complete and processed:

- ☒ A completed Universal Application and checklist signed by the owner/s of the property.
- ☒ Payment of all other applicable fees (see Schedule of Fees).
- ☒ An accurate metes and bounds description of the subject property (or other suitable legal description).
- ☒ Location/vicinity map showing the location and boundaries of the subject parcel. Indicate scale or not to scale (NTS) and provide north arrow.
- ☒ Tax certificate/s showing that all taxes owing to the State, County, School District, City and/or any other political subdivision have been paid in full to date.
- ☐ Pre-Application Conference prior to application submittal (if required).
- ☒ Approved copy of the Preliminary Plat, Replat and Concept Plan or other approved plats, if applicable.
- ☒ A copy of approved sets of construction plans.
- ☐ Concept plan approval (if required).
- ☒ A title report.
- ☒ A copy of proposed plat.
- ☐ Letter of Acceptance of Public Improvements by the City, or Fiscal Surety for Public Improvements.
- ☐ Maintenance Bond for Public Improvements.
- ☒ Letter of Certification from each utility provider servicing this area (CPS, PEC, SAWS, Timewarner, Grey Forest, GBRA, Spectrum, etc.).
- ☒ Letter from USPS and other service providers to ensure the name of the proposed subdivision, or any of the physical features, (such as streets, parks, etc.) must not be so similar to the names of any similar features in the county or in any incorporated town or city therein. Streets, which are a continuation of any existing street, shall take the name of the existing street.
- ☒ Drainage/Stormwater plan, if any grade changes.
- ☐ A certificate of ownership and dedication to the City of all streets, easements, alleys, parks, playgrounds or other dedicated public uses, signed and acknowledged before a notary public by



7286 Dietz Elkhorn Fair Oaks Ranch, TX 78015

PH: (210) 698-0900 FAX: (210) 698-3565 awade@fairoaksranchtx.org www.fairoaksranchtx.org

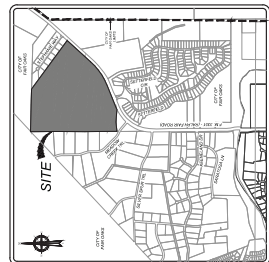
the owners and by any holders of liens against the land. The dedications must be absolute. In lieu of a separate document, a note on the face of the plat meeting all of the above requirements is acceptable.

- ☒ Approved Tree Plan designating all trees proposed for removal or preservation and describing the measures proposed to protect remaining trees during development as per Unified Development Code Section 8.8.

Note: Removal of Protected trees need approval by staff. Removal of Heritage trees need approval by Planning and Zoning Commission.

- ☐ Electronic copies of the required exhibits in "PDF" format and shapefile for property boundary where applicable should be submitted in a USB flash drive or via email.
- ☒ Acknowledgment that the applicant or representative will attend all Planning and Zoning Commission meetings, City Council meetings, and any other applicable meetings where this request is discussed.

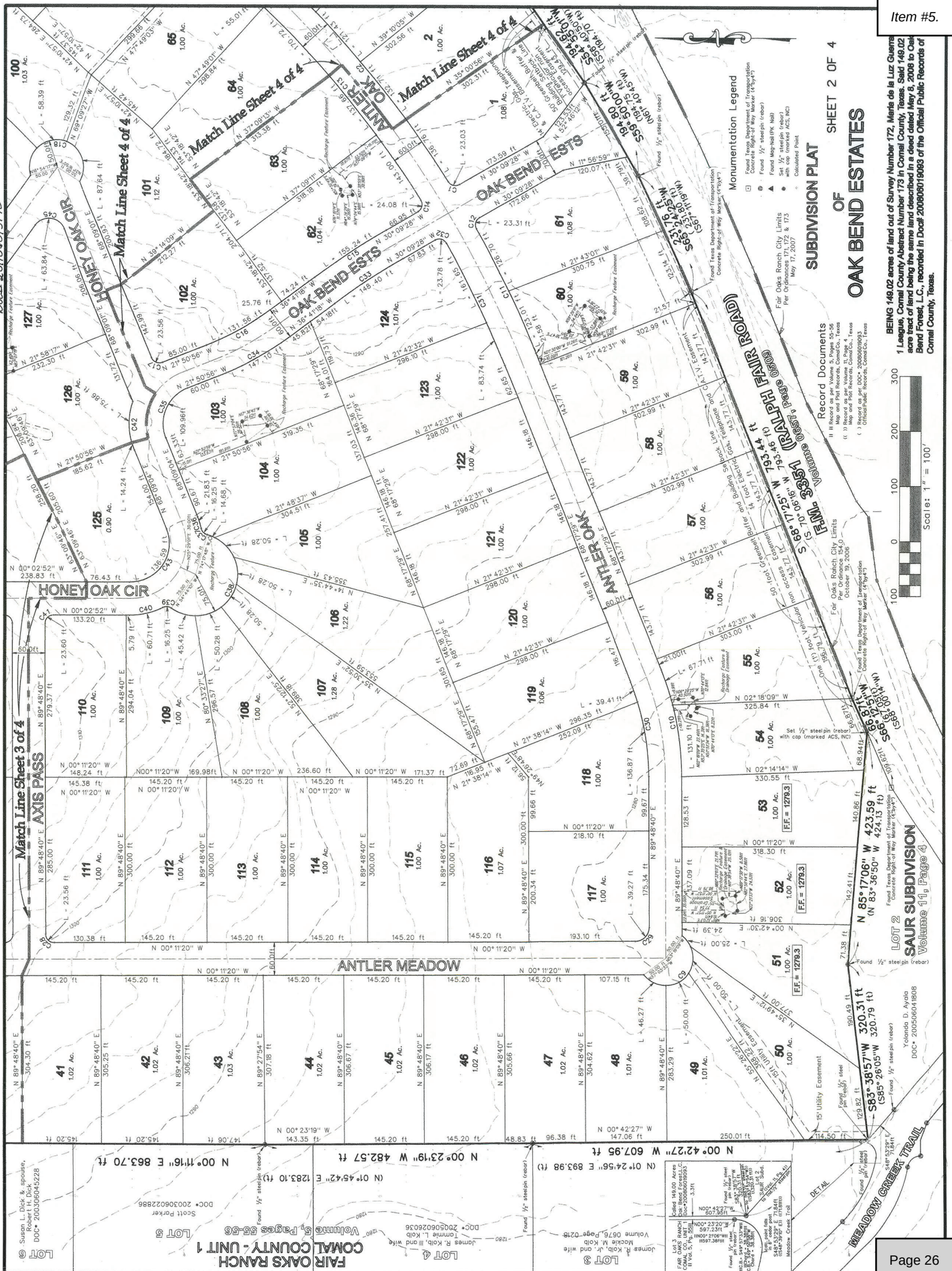
Additional Requirements. The City Manager (or designee) may, from time to time, identify additional requirements for a complete application that are not contained within but are consistent with the application contents and standards set forth in the UDC and state statutes.



Line Table		
Line #	Length	Direction
2.1	221.60'	M00' 05' 12"W
2.1	88.87'	S08' 12' 51"W
2.2	201.98'	S44' 48' 20"W
2.2	194.77'	S48' 53' 55"W
2.4	194.82'	S54' 53' 05"W
2.5	194.93'	S19' 50' 00"W

LAND USE		
PHASE	RESIDENTIAL (ACRES)	RESIDENTIAL (LOTS)
1	75.50	50
2	73.62	51

Doc# 20106015175



Item #5.

SHEET 2 OF 4

OAK BEND ESTATES

SUBDIVISION PLAT

Record Documents

- 1. Record as per Volume 5, Page 55-56
- 2. Map and Plat Records, Comal Co., Texas
- 3. Fair Oaks Ranch City Limits
- 4. Per Ordinance 171, 172 & 173
- 5. May 11, 2007

Record Documents

- 1. Record as per Volume 5, Page 55-56
- 2. Map and Plat Records, Comal Co., Texas
- 3. Fair Oaks Ranch City Limits
- 4. Per Ordinance 171, 172 & 173
- 5. May 11, 2007



Doc# 201106015175

SUBDIVISION PLAT
OF
OAK BEND ESTATES

SHEET 4 OF 4

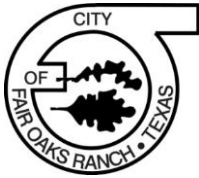
BEING 149.02 acres of land out of Survey Number 172, Merits de la Luz Guerra, 1 League, Comal County Abstract Number 173 in Comal County, Texas. Said 149.02 acre tract of land being the same land described in a deed dated May 8, 2008 to Oak Bend Forest, L.C., recorded in Doc# 200806019093 of the Official Public Records of Comal County, Texas.

Curve Table

NUMBER	RADIUS	DELTA ANGLE	ARC LENGTH	CHORD	DIRECTION	CHORD LENGTH	TANGENT
C1	15.00	87°58'33"	23.03	19.50	N 5°49'48" E	20.84	14.48
C2	15.00	87°58'33"	23.03	19.50	N 5°49'48" E	20.84	14.48
C3	50.00	202°13'00"	176.47	105.47	N 55°47'45" W	88.13	52.54
C4	63.75	09°25'38"	104.63	104.63	N 49°03'38" W	104.72	52.54
C5	1039.33	87°57'20"	342.03	342.03	N 53°46'29" W	340.49	177.58
C6	642.31	54°43'50"	386.34	386.34	N 71°08'22" W	363.41	200.86
C7	50.00	197°56'40"	172.74	172.74	N 45°39'11" E	96.78	52.54
C8	50.00	197°56'40"	172.74	172.74	N 45°39'11" E	96.78	52.54
C9	50.00	197°56'40"	172.74	172.74	N 45°39'11" E	96.78	52.54
C10	50.00	197°56'40"	172.74	172.74	N 45°39'11" E	96.78	52.54
C11	1908.95	07°29'42"	249.71	249.71	N 64°32'38" E	249.53	125.03
C12	15.00	89°02'45"	23.31	19.50	N 74°40'51" E	20.84	14.48
C13	1848.95	15°41'32"	506.59	506.59	N 50°07'43" E	504.81	254.79
C14	15.00	89°02'45"	23.31	19.50	N 74°40'51" E	20.84	14.48
C15	15.00	89°02'45"	23.31	19.50	N 74°40'51" E	20.84	14.48
C16	507.86	14°50'21"	131.56	131.56	N 29°16'07" W	131.20	66.15
C17	15.00	89°02'45"	23.31	19.50	N 74°40'51" E	20.84	14.48
C18	50.00	228°10'07"	99.13	99.13	N 07°10'07" E	91.29	25.00
C19	50.00	228°10'07"	99.13	99.13	N 07°10'07" E	91.29	25.00
C20	15.00	90°00'00"	23.56	19.50	N 44°52'54" E	21.19	14.56
C21	15.00	90°00'00"	23.56	19.50	N 44°52'54" E	21.19	14.56
C22	22.00	97°41'04"	40.00	40.00	N 45°39'11" E	35.87	22.75
C23	15.00	97°41'04"	40.00	40.00	N 45°39'11" E	35.87	22.75
C24	15.00	97°41'04"	40.00	40.00	N 45°39'11" E	35.87	22.75
C25	679.15	09°25'38"	104.71	104.71	N 49°03'38" W	104.58	57.48
C26	25.00	95°57'28"	41.87	41.87	N 05°47'45" W	37.14	27.76
C27	25.00	95°57'28"	41.87	41.87	N 05°47'45" W	37.14	27.76
C28	25.00	95°57'28"	41.87	41.87	N 05°47'45" W	37.14	27.76
C29	25.00	95°57'28"	41.87	41.87	N 05°47'45" W	37.14	27.76
C30	469.34	27°31'11"	176.28	176.28	N 79°03'04" E	170.24	86.89
C31	1848.95	15°41'32"	506.59	506.59	N 50°07'43" E	504.81	254.79
C32	15.00	95°57'28"	41.87	41.87	N 05°47'45" W	37.14	27.76
C33	15.00	95°57'28"	41.87	41.87	N 05°47'45" W	37.14	27.76
C34	15.00	95°57'28"	41.87	41.87	N 05°47'45" W	37.14	27.76
C35	15.00	95°57'28"	41.87	41.87	N 05°47'45" W	37.14	27.76
C36	15.00	95°57'28"	41.87	41.87	N 05°47'45" W	37.14	27.76
C37	15.00	95°57'28"	41.87	41.87	N 05°47'45" W	37.14	27.76
C38	15.00	95°57'28"	41.87	41.87	N 05°47'45" W	37.14	27.76
C39	15.00	95°57'28"	41.87	41.87	N 05°47'45" W	37.14	27.76
C40	15.00	95°57'28"	41.87	41.87	N 05°47'45" W	37.14	27.76
C41	15.00	95°57'28"	41.87	41.87	N 05°47'45" W	37.14	27.76
C42	15.00	95°57'28"	41.87	41.87	N 05°47'45" W	37.14	27.76
C43	15.00	95°57'28"	41.87	41.87	N 05°47'45" W	37.14	27.76
C44	15.00	95°57'28"	41.87	41.87	N 05°47'45" W	37.14	27.76
C45	15.00	95°57'28"	41.87	41.87	N 05°47'45" W	37.14	27.76

- Monumentation Legend
- Found (Texas Department of Transportation)
 - Continuation of Key Marker (4" x 4")
 - Found (Metal Pipe Stake)
 - Found (Metal Pipe Stake)
 - Set 1/2" diameter (red)
 - Set 1/2" diameter (red) with cap (marked ACS, INC)
 - Calculated Point

Record Date per Doc# 200806019093
Official Public Records, Comal County, Texas.



PLANNING & ZONING COMMISSION WORKSHOP

CITY OF FAIR OAKS RANCH, TEXAS

AGENDA TOPIC: Unified Development Code amendments regarding Conservation Development Alternative and Waiver and Variance Applications

DATE: March 13, 2025

DEPARTMENT: Public Works and Engineering Services

PRESENTED BY: Lee Muñoz, P.E., CFM, Manager of Engineering Services

INTRODUCTION/BACKGROUND:

On October 17, 2024, during a regular City Council meeting, the Council reviewed and provided direction on proposed Unified Development Code (UDC) amendments. The Council supported changes related to the following categories.

- Hill Country Aesthetics
- Screening
- Conservation Development Alternative
- Subdivision Design - Street Frontage (staff addition)
- Site Development – Waiver and Variance Applications (staff addition)
- Table 4.2 Uses
- Conditional Uses
- Trees
- Signs

On November 14, 2024, staff recapped the categories and Council direction to the Planning and Zoning Commission (P&Z). The P&Z reviewed the priority order listed above and established a series of four workshops as follows.

- 1st Workshop – Hill Country Aesthetics, Screening, Subdivision Design (Street Frontage and Maximum Block Length)
- 2nd Workshop – Conservation Development Alternatives and Site Development (Waiver and Variance Applications)
- 3rd Workshop – Table 4.2 and Conditional Uses
- 4th Workshop – Trees and Signs

The first workshop was held on February 13, 2025. This second workshop will cover Conservation Development Alternative (CDA) and Waiver and Variance Applications. A summary of the proposed amendments is shown in **Exhibit A** and a copy of the proposed redline changes is included in **Exhibit B**.

Next steps for UDC amendments include:

1. Staff will collect P&Z input and make any necessary changes to the proposed amendments. Future workshops will be scheduled for the remaining categories.
2. Once all categories have been covered, staff will summarize the proposed amendments for the City Council and request to schedule public hearings.
3. P&Z will conduct a public hearing on the proposed amendments to receive public testimony and will make a recommendation to City Council.
4. City Council will conduct a public hearing and is the final authority on the proposed UDC amendments.

POLICY ANALYSIS/BENEFIT(S) TO CITIZENS:

1. Supports Priorities 2.1.2 and 2.2.5 of the Strategic Action Plan to evaluate and update the Unified Development Code.
2. Complies with established processes and procedures for amending the Unified Development Code.

LONGTERM FINANCIAL & BUDGETARY IMPACT:

N/A

Exhibit A
Summary of Proposed UDC Categories

Category	Conservation Development Alternative
UDC Section(s):	Table 8.1, 8.3 (2)(d), 8.3 (5)(a-b)
What is the problem: As written, a minimum blended average of lot sizes with no specified minimum lot size may result in developers incorporating smaller and non-uniform lots in a Conservation Development area. The criteria in determining the density calculation needs to be further defined. Council Direction: Recommend a minimum lot size instead of blended averages. Staff changes: Table 8.1 was updated to remove any indication of blended average and was revised to show requirements for maximum gross density and minimum lot size. The proposed maximum gross density for Neighborhood Residential and Rural Residential zones is 1.1 and 0.3 dwelling units per acre, respectively. The proposed minimum lot size for Neighborhood Residential and Rural Residential is 0.5 and 1.75 acres, respectively. Staff also provided clarification that the total net lot area excludes streets, ROW, and common areas. The example in Section 8.3 (d) on how to calculate gross density and number of lots in a Conservation Development has been revised. Finally, the proposed minimum required conservation area was changed from 30 percent to 40 percent.	

Category	Site Development Applications - Plat Waiver
UDC Section(s):	Table 3.1, Section 3.8(7), 3.9(9), and 4.6(1)
What is the problem: Plat waivers and variances are used interchangeably. In one section it specifically states that a plat waiver is NOT a variance but states a plat waiver should be considered using the variance criteria. Ideally, definitions, processes, and criteria are needed to provide a clear distinction between the two. A. Plat waivers are waivers of the standards required for plat approval. For example, deviation from standard plat notes and signature lines, minimum lot dimensions, lot street frontage, block length, easement width, etc. may be considered as a plat waiver. B. Variances are formal approval to depart from the strict application of a UDC provision. For example, zoning-related variances may include landscaping requirements, parking, setbacks, etc. which are specific to each zoning district. In another example, policy-related variances may include tree mitigation requirements, drainage criteria, etc. Council Direction: Provide a recommendation on definitions, processes, and criteria for approval of each. Ensure they are clear and distinct. Staff changes: Staff has generated a proposed list of plat components or features that may be subject to a plat waiver, added criteria for plat waiver review, and clarified plat waivers are distinct from variances.	

Section 3.2 Types of Applications and Permits

Application and permit types can be categorized as (a) Policy Related Applications and Permits, (b) Subdivision-Related Applications and Permits, or (c) Development-Related Applications and Permits. Review authorities for applicable development applications and permits are described in Table 3.1, below. The Administrative Procedures Manual (developed by the City Manager) establishes timelines for review and references applicable fees established by City Council. Certain procedures apply inside city limits that do not apply in the ETJ. Table 3.1 also provides guidelines for the procedures that apply in the city limits or ETJ.

(3) Site Development Related Applications and Permits

Development in the City must occur in compliance with all regulations of this Code, and development in the extraterritorial jurisdiction must occur in compliance with certain elements of this Code (See Section 1.4 and Table 3.1 for applicability of requirements to the ETJ). Any necessary modification to those standards must occur before a development project may be permitted that deviates from existing plans, standards, or requirements. In addition, land must be appropriately subdivided and platted before any development project may occur. Development related applications and permits include Letters of Regulatory Compliance (Zoning Verification Letter and Legal Lot Verification Letter), Written Interpretation of this Code, Master or Common Sign Plans, Temporary Use Permits, Special Exceptions, Site Plan Reviews and Site Development Permits, Stormwater Permits, Certificate of Design Compliances, Appeal of Administrative Decisions, Variances, Sign Permits and On-Site Wastewater (OSSF) Permits. Before any new well may be drilled or completed it must be registered with the appropriate underground water district and receive specific authorization before drilling commences.

Table 3.1: Summary of Review Authority

Permit or Application	Within City Limits	Within ETJ		Pre-application Conference	Administrative Review	Planning and Zoning Commission	Zoning Board of Adjustment	City Council	Appropriate County
POLICY RELATED APPLICATION PERMITS									
Comprehensive Plan Amendment	+	+		O	O	O		X	
UDC Text Amendment	+			O	O	O		X	
Special Use Permit	+			O	O	O		X	
Zoning Map Amendment (Zoning or Rezoning)	+			O	O	O		X	
Planned Unit Development	+			O	O	O		X	
Conservation Development Alternative (CDA)	+			O	O	O		X	
Annexation		+		O	O			X	
Concept Plan (if required)	+			O	O	O		X	
Development Agreement	+	+		O	O	O		X	
PROPERTY DEVELOPMENT RELATED APPLICATIONS AND PERMITS									
Zoning Verification Letter	+				X				
Letter of Regulatory Compliance	+	+			X				
Appeal of Administrative Decision (Zoning)	+	+					X		
Appeal of Administrative Decision (All others)	+	+						X	
Special Exception	+	+			O		X		
Policy Variance (Standards that are not required in the UDC and are Non-zoning related development standards or other city wide policies.)	+	+		O	O	O		X	
Judicial Variance (zoning-related development standards of this Code required by the UDC, ex. Setbacks, Building Frontage, Landscaping, Parking, etc. that are not related to or required for platting or subdivision approvals)	+			O	O		X		
Plat waivers/ Subdivision Variance (Waivers of the standards required for plat approval and are contained in the Subdivision regulations during the plat process)	+	+			O	O		X	
Floodplain Development Permit	+	+			X				
Master/Common Sign Plan	+	+			X				
Sign Permit	+	+			X				
Relief from Signage (Variance)	+	+			O		X		
Master Signage Plan	+	+			X				
Appeal of Denial of Sign Permit	+	+			O		X		
Temporary Use Permit	+	+			X				
On-site Wastewater (OSSF) Permit	+	+							X
Building Permit	+			O	X				
Certificate of Occupancy	+				X				
Group Living Operating License	+			O	X				
SUBDIVISION RELATED APPLICATIONS									
Minor Plat	+	+		O	X				
Amending Plat	+	+			X				
Replat	+	+		O	O	O		X	
Development Plat	+	+		O	O	O		X	
Preliminary Plat	+	+			O	O		X	
Final Plat	+	+			O	O		X	
Construction Plan	+	+			X				
+ - Applicable; X - Final Action; O - Review/Recommendation In the event of a conflict between this chart and the applicable written text, the written text will control.									

Section 3.8 Subdivision and Property Development Related Applications

This section applies to the following subdivision-related applications:

- Administrative Plats
- Preliminary Plat
- Final Plat
- Replat
- Development Plat
- Construction Plans

(7) **Plat** Waivers

Waivers of the standards required for plat approval are not considered variances and must be requested during the plat submittal and review process. The Commission may recommend to City Council the approval, approval with conditions, or disapproval of plat waivers. ~~of the standards required for plat approval, by using the criteria for consideration of Variances in Section 3.9. The request for waivers will be approved prior to approval of Plats.~~

- a. Applicability. A representative list of plat elements or features subject to the plat waiver process include the following:
 - I. Lot Dimensions
 - II. Plat Notes
 - III. Easement Dimensions
 - IV. Lot Street Frontage Width
 - V. Block Length
 - VI. Cul-de-sac dimensions
- b. For plat elements or features not listed in Section 3.8 (7) (a), the City Manager or designee shall have the authority to determine if a request is a plat waiver or a variance.
- c. Criteria for plat waiver review:
 - I. Granting of the waiver will not be detrimental to public health, safety, or welfare, or injurious to other property in the area
 - II. Generally conforms to the Comprehensive Plan
 - III. Will not result in the need for additional waivers and/or variances
 - IV. Will not create an undue hardship for adjacent property owners
 - V. Remains compliant with state and federal requirements and associated agencies
 - VI. Will not result in creating an undevelopable lot
- d. Responsibility for Final Action. The City Council is responsible for final action on all plat waivers.

Section 3.9 Site Development Related Applications

This section applies to general issues related to development within the City of Fair Oaks Ranch and within the City's extraterritorial jurisdiction (ETJ).

- Letter of Regulatory Compliance
- Written Interpretation of the Unified Development
- Master or Common Sign Plan
- Temporary Use Permit
- Special Exception
- Site Plan Review, Site Development Permit, and Floodplain Development Permit

- Stormwater Permit
- Certificate of Design Compliance (reserved)
- Appeal of an Administrative Decision
- Variance
- Sign Permit
- On-Site Sewage Facility Permit (OSSF)
- Building Permits
- Certificates of Occupancy
- Relief from Signage Regulations
- Group Living Operators License

(9) Variance

- a. Applicability:
 - i. Judicial Variance. The Zoning Board of Adjustment will have the authority to hear and grant requests for a Variance or exception to the zoning-related development standards of this Code.
 - ii. Policy Variance. The City Council will have the authority to hear and grant requests for a Variance from all other development standards upon the recommendation of the Planning and Zoning Commission.
 - ~~iii. —Waivers of plat approval standards. Waivers of the standards required for plat approval are not considered Variances and must be requested from the Planning and Zoning Commission and then the City Council during the plat review process. These waivers must be approved prior to approval of the plat.~~
 - iv. Minimum or Maximum Measurement. Any Variance request up to ten (10) percent of any minimum or maximum measurement required by this Code may be treated as a Special Exception as per Section 3.9 of this Unified Development Code
 - v. Precedent. A Variance to the development standards of this Code will be considered an exception to the regulations contained herein. Granting of a Variance in one case does not set a precedent for a subsequent case. Each Variance request will be judged on its own merit based on subparagraph (b) below.

Section 4.6 Zoning Districts

The following Zoning Districts reflect the existing land uses, applicable zoning districts, and recommended future land use classifications included in the City of Fair Oaks Ranch's Comprehensive Plan's Future Land Use Map (FLUM). Portions of the City of Fair Oaks Ranch, as specified on the Official Zoning Map of the City, are hereby divided into the following zoning districts. (Refer to Table 4.2 for allowable uses within each Zoning District):

Table 4.1 Zoning Districts

RESIDENTIAL DISTRICTS	ZONING ABBREVIATIONS	EQUIVALENT FLUM CLASSIFICATION
Neighborhood Residential	NR	Neighborhood Residential
Existing Residential 1	R1	Existing Residential 1
Existing Residential 2	R2	Existing Residential 2
Existing Residential 3	R3	Existing Residential 3
Existing Residential 4	R4	Existing Residential 4
NON-RESIDENTIAL DISTRICTS		
Mixed Use Village	MU	Mixed Use Village
Neighborhood Commercial	NC	Neighborhood Commercial
Community Facilities	CF	Community Facilities
Logistics	LO	Logistics
Parks/Open Spaces/Existing Parks	OS	Parks/Open Spaces/Existing Parks
SPECIAL DISTRICTS		
Planned Unit Development	PUD	None
Conservation Development Alternative	RR or NR	Rural Residential or Neighborhood Residential

(1) Residential Districts

All residential development shall adhere to applicable development standards found in Chapter 5, Subdivision Standards and Chapter 6, Site Development Standards, as well as other applicable standards found in this UDC.

a. Rural Residential District (RR)

The Rural Residential District (RR) is a residential district that includes land subdivided for single-family residential purposes and associated uses. The lots are a minimum of 5 acres (or ~~an average of 3.75~~ 1.75 acres using the Conservation Development Alternative ~~Minimum in Section 8.3~~ to incentivize conservation areas), and are generally not served by urban infrastructure, such as City sewer service. This district is intended to retain a rural character. Residences in the RR district is appropriate primarily for direct access to Local Rural Residential streets. In addition to applicable City ordinance requirements, the lot, building, landscaping and other similar standards are regulated through private deed restrictions in these neighborhoods and owners are strongly encouraged to review their deed restrictions before beginning a development project. The City does not enforce private deed restrictions or HOA regulations.

b. 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 0.750.5~~ acres using the Conservation Development Alternative ~~Minimum~~ in Section 8.3 to incentivize conservation areas). The NR district allows a variety of lot sizes and housing. NR developments provide pedestrian-friendly residential 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 is appropriate primarily for direct access to Local Connector streets, Local Neighborhood Residential streets and Rural Residential streets. In addition to applicable City

Section 8.3 Conservation Development Alternative

A Conservation Development is a development of land, occupying ten (10) contiguous acres or more, that is developed in a manner consistent with LID principles as per Section 8.2 (2) of this UDC, is under unified control and is planned and developed as a whole in a single development operation or programmed series of development stages. The development may cover more than one parcel as long as all parcels are contiguous, but the entirety of each included parcel will be included in the gross area of the development. The requirements for approval are similar to a Planned Unit Development according to this UDC. A Conservation Development requires a certain amount of permanently protected Conservation Area and allows flexibility on ~~minimum~~ lot sizes and densities. A Conservation Development must be clearly indicated as such on its Preliminary and Final Plats.

(1) Purpose and Intent

Conservation Developments provide a development option that permits flexibility of design in order to promote environmentally sensitive and efficient uses of the land. Conservation Developments will also provide the following:

- a. Preservation in perpetuity of unique or sensitive natural resources such as groundwater, floodplains, wetlands, streams, steep slopes, woodlands, and wildlife habitats;
- b. Preservation of important historic and archaeological sites;
- c. Clustering of houses and structures on less environmentally sensitive soils which will reduce the amount of infrastructure, including paved surfaces and utility easements, necessary for residential development;
- d. Reduction of erosion and sedimentation by minimizing land disturbance and removing vegetation in residential development through a reduced building footprint;
- e. Promotion of interconnected greenways and corridors throughout the community and of contiguous green space with adjacent jurisdictions;
- f. Encourage street designs which reduce traffic speeds and reliance on major arteries;
- g. Promotion of construction of convenient landscaped walking trails and bike paths both within the subdivision and connected to neighboring communities, businesses, and facilities to reduce reliance on automobiles;
- h. Conservation of scenic views and a reduction in perceived density by maximizing the number of houses with direct access to and views of open space; and
- i. Preservation of prime agricultural and forest lands and a reduction in the economic pressures for converting such land to urbanized uses.

(2) Design Criteria

- a. Districts. The Conservation Development Alternative may be used in the Rural Residential or Neighborhood Residential Districts. The Developer will comply with all other provisions of zoning and this Code and with all other applicable laws, except those that are expressly

- addressed by, and inconsistent with, the provisions of this Section. A Conservation Development does not require amending or adjusting the Zoning Map.
- b. **Unified Control.** The parcel or parcels of land for a Conservation Development will be in unified control, and will be owned or controlled by either a single person, corporation, agency, group of individuals, or like organizations. The Developer will maintain and provide for unified control of the Conservation Development until the project is complete. The entity designated to provide unified control will ensure that all conditions of development are met. Individual properties may be sold after appropriate approvals and recordings have been completed and the proper recordings have been made which ensures the continuance of the Conservation Development as approved. Responsibility for unified control will be assigned to a Homeowners Association, in accordance with Section 8.7 which will provide for the maintenance of any common property and Open Space and for improvements.
 - c. **Maximum Number of Lots—~~Lot Size and Density~~.** In order to incentivize Conservation Development, larger areas of contiguous conservation area and encourage the implementation of LID principles a density bonus is allowed. The allowed number of lots is calculated by taking the total ~~net lot gross~~ area (not including ~~streets and ROW's streets, ROW and common areas~~) and multiplying it by the maximum gross density ~~dividing it by the Conservation Alternative Minimum~~ in Table 8.1. Each lot in a Conservation Development shall meet the minimum lot size specified in Table 8.1 and ~~There is no individual lot size minimum using the Conservation Development but the lots~~ shall conform to the base zoning setback requirements.

Table 8.1 Conservation Development Alternative Lot Size and Density Incentive

Zoning District	Neighborhood Residential	Rural Residential
<u>Maximum Gross Density</u> Conventional Lot Size Minimum	<u>1.1 lots per acre</u> 1 Acre	<u>0.3 lots per acre</u> 5 Acre
<u>Minimum Lot Size</u> Conservation Development Alternative Minimum	<u>0.5-acre</u> .75 Acre (blended average)	<u>1.75-acre</u> 3.75 Acre (blended average)

- d. **~~Density and Open Spaces Calculation~~Gross Density:**

Gross density shall be calculated by dividing the ~~total gross acreage in the development (including developable and undevelopable land)~~ by the number of proposed lots. number of proposed lots in the development by the gross area (not including streets, ROW and common areas). ~~For example, a hypothetical 100-acre tract in the rural residential area with a net lot area of 80 acres would be able to be developed into 16—5 ac lots with 0 ac of protected open space. With the Conservation Development Alternative, the net lot area of 90 acres, requires less area dedicated to streets and could be built to have 22 total clustered lots of which 27 acres of the 90 acres is protected conservation area. (Minimum of 30 percent of the site as protected conservation areas)~~

- e. **Example.** The following example compares development by traditional zoning to a

Conservation Development Alternative for a hypothetical 100-acre tract in the rural residential district.

- Traditional zoning. Assuming 20 percent of the tract is designated for streets, right of way and common areas, the remaining 80 acres is the gross area. Since the rural residential district requires lots to be a minimum of five acres, the development is limited to 16 lots.
- Conservation Development Alternative. Since lots will be clustered, it is assumed that only 10 percent of the tract is designated for streets, right of way and common areas. The remaining 90 acres is the gross area. Multiplying the gross area (90 acres) by the maximum gross density (0.30 lots per acres) results in 27 lots allowed. If 40 percent of the gross area (36 acres) is set aside as Conservation Area, the remaining 54 acres is the buildable area. The average lot size would be two acres (54 acres divided by 27 lots), with no lot smaller than 1.75 acres. The increased number of allowed lots may incentivize a developer to set aside the large Conservation Area.

(3) Standards

The following standards will apply to all Conservation Developments:

- a. All street and utility improvements will be constructed to standards specified by the City. Private street widths may vary with City Manager (or designee) approval from widths required in the subdivision regulations, and interior streets may be either public or private. Streets intended to be dedicated to the City must meet minimum standards set forth in Chapter 9.4, Streets.
- b. All Conservation Developments will provide for continuous and perpetual maintenance of stormwater management facilities, common open space, common recreation facilities, private roads, utilities, parking areas, and other similar development within the boundaries of the development in a form and manner acceptable to the City.
- c. Platting will be required for all projects that involve or contemplate the subdivision of land. Lots in a platted Conservation Developments may be sold to separate owners.
- d. To encourage design flexibility, conservation of natural amenities, and innovations that result in a higher quality residential environment than traditional subdivisions, comprehensive site planning is required of all Conservation Developments.

(4) Application Requirements

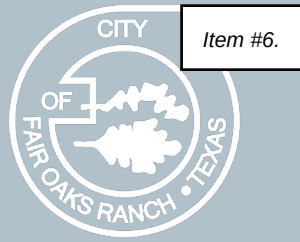
- a. Site Analysis Map. In addition to meeting the process requirements in Chapter 3, Applications and Permits, of this Code, the Developer must show the following features on a Conservation Development site analysis map to be submitted concurrent with the submission of Conservation Development Site Plan to include the following:
 - i. Exact property boundaries, topographic contours, delineated wetlands, special flood hazard areas, existing roads, and existing structures based on an on the ground survey or aerial imagery;
 - ii. All streams, rivers, lakes, and other hydrologic features;
 - iii. General vegetation characteristics;
 - iv. General soil types as determined from the latest soil survey by the Natural Resources Conservation Service of the United States Department of Agriculture;
 - v. Planned location of protected Open Space;
 - vi. Total acreage of buildable area, **conservation area and proposed lots** in the Conservation

- Development;
- vii. Potential connections with existing green space and trails; and
 - viii. Location and total area of proposed impervious surfaces.
- b. Management Plan. A Management Plan, as described in Section 8.7(4), will be prepared and submitted with the Conservation Development Site Plan.
 - c. Legal Instrument of Permanent Protection. A Conservation Easement, as described in Section 8.3 (7), will be placed on the Open Space no later than the recording of the Final Plat. The conservation easement and the Final Plat will be filed simultaneously and will make reference to each other. Each will not be complete without the other.
 - d. Other Requirements. The Developer will adhere to all other zoning and subdivision requirements. A Conservation Development will be approved in accordance with the procedures established in this Code. It will be clearly indicated on the Preliminary and Final Plats that the proposed subdivision is a Conservation Development.

(5) Standards to Determine Open Space and Buildable Area

- a. Gross Area. The total area of the parcel or tract minus streets, ROW and common areas.
- b. Buildable Area. The buildable area is the gross area (excluding streets, ROW and common areas) of the Conservation Development tract minus the protected Conservation areas.
- c. Conservation Areas. ~~The minimum restricted conservation area will comprise all of the types as defined below.~~ The minimum restricted Conservation Area will total not less than ~~304.0~~ percent of the total buildable area gross area (excluding streets, ROW and/or common areas) of the Conservation Development. The following ~~are~~ should be considered for inclusion in the Conservation Area. ~~s and are required to be included within the protected Conservation Area, unless the Developer demonstrates that this provision would constitute an unusual hardship and be counter to the purposes of this Code:~~
 - i. Riparian Zones. Riparian zones of at least 75 foot width on each side from the centerline of every perennial and intermittent stream shown on the United States Geological Survey (USGS) quadrangle topographic maps.
 - ii. Slopes. Slopes above 25 percent of at least 5000 square feet contiguous area.
 - iii. Wetlands. Wetlands determined to be jurisdictional by the U.S. Army Corps of Engineers (USACE) pursuant to Section 404 of the Clean Water Act, including non-jurisdictional wetlands that meet the definition of a wetland given in the 1987 USCAE *Wetlands Delineation Manual*.
 - iv. Forest. Existing healthy, native forests of at least one-acre contiguous area.
 - v. Floodplains. The 100-year floodplain.
 - vi. Important Sites. Historic sites, archaeological sites, cemeteries, and burial grounds.
 - vii. Natural Features. Other significant natural features such as Heritage Trees (TC 75 inches or larger), karst features, caves, recharge features and scenic viewsheds such as ridge lines, peaks, and rock outcroppings, particularly those that can be seen from public roads.
 - viii. Agricultural land. Prime agricultural lands of at least five acres.
 - ix. Trails. Existing trails that connect the Conservation Development to neighboring areas.
 - x. Endangered Species Habitat. Populations of endangered or threatened species, or habitat for such species.

UDC Policy Amendment - Conservation Development Alternative (CDA)



March 13, 2025

Lee Muñiz

Manager of Engineering Services

Definitions

- CDA: Conservation Development Alternative
- Gross Area: The total area of the tract minus streets, ROW and common areas
- Buildable Area: The Gross Area minus the protected Conservation Area
- Conservation Area: Protected areas that typically consist of riparian zones, steep slopes (>25 percent), wetlands, forest, natural features, important sites (historic sites), natural features (karst features), trails, endanger species habitat, and agricultural land
- Gross Density: The number of lots divided by the Gross Area
- Blended Average: The weighted average of lots per acre for the entire CDA development

Current CDA Process

- The UDC currently does not have a minimum lot size for CDA
- The calculations utilizes a blended average to determined amount of lots
- ROW is not included as part of the “Developable Area”
- CDA can only be done in Rural Residential and Neighborhood Residential zone districts
- A minimum 30 percent of the gross area will need to be the Conservation Area

Example: 100-acre Rural Residential

10 percent (10 acres) assumed ROW

90 acres x 0.30 = 27 acres minimum Conservation Area

90 acres – 27 acres = 63 acres for cluster of lots

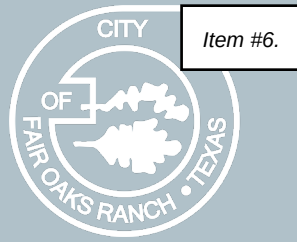
63 acres utilizing 3.75 blended average per lot:

$$(2 \text{ lots} \times 10 \text{ acre} + 7 \text{ lots} \times 5 \text{ acre} + 2 \text{ lots} \times 3 \text{ acre} + 1 \text{ lot} \times 1 \text{ acre} + 2 \text{ lots} \times 0.5 \text{ acres} + 3 \text{ lots} \times 0.25 \text{ acres}) / (17 \text{ number of lots}) = 3.75 \text{ blended average}$$

Proposed CDA Process

- Establish a minimum lot size of 0.5 acres for Neighborhood Residential and 1.75 acres for Rural Residential
- Max Gross Density will now be regulated instead of blended average: NR= 1.1 lots per acre and RR= 0.3 lots per acre
- ROW, streets, and common areas are not included as part of the “Developable Area”
- The minimum conservation area minimum is increased from 30 percent to 40 percent.

CDA Example (NR Zoning District)



Example: Traditional Zoning for 100-acre Neighborhood Residential

20 percent (20 acres) assumed ROW

80 acres/1-acre lots = 80 lots

80 lots/80 acres = 1.0 lot per acre (Gross Density)

0 acres of Conservation Area

Example: CDA for 100-acre Neighborhood Residential

10 percent (10 acres) assumed ROW

90 acres x 1.1 lots per acre (Max Gross Density) = 99 lots

90 acres x 0.40 = 36 acres minimum Conservation Area

90 acres – 36 acres = 54 acres Buildable Area

54 acres/99 lots = 0.54 acres per lot meets minimum of 0.5 acres per lot

CDA Example (RR Zoning District)

Example: Traditional Zoning for 100-acre Rural Residential

20 percent (20 acres) assumed ROW

80 acres/5-acre lots = 16 lots

16 lots/80 acres = 0.2 lots per acre (Gross Density)

0 acres of Conservation Area

Example: CDA for 100-acre Rural Residential

10 percent (10 acres) assumed ROW

90 acres x 0.3 lots per acre (Max Gross Density) = 27 lots

90 acres x 0.40 = 36 acres minimum Conservation Area

90 acres – 36 acres = 54 acres Buildable Area

54 acres/27 lots = 2 acres per lot meets minimum of 1.75 acres per lot