



## AGENDA ITEM SUMMARY FORM

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**MEETING DATE:** September 1, 2022

**PREPARED BY:** Walter E. Reeves Jr., AICP, Development Services Director

**AGENDA CONTENT:** Discussion and possible action on a preliminary plat application and variances for 12.390 acres in the J. De J. Valderas Survey, Abstract No. 380

**AGENDA ITEM SECTION:** Regular Agenda

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**BUDGETED AMOUNT:** None **FUNDS REQUESTED:** None

**FUND:** None

### EXECUTIVE SUMMARY:

An application was submitted to the City on May 9, 2022, for approval of a minor plat of 12.390 acres in the J. De J. Valderas Survey, Abstract No. 380 into two lots with variances. The subject property is located on the northwest corner of Henderson Road and Galaznik Road (Attachments 1 & 2) and consists of 12.390 acres in the Commercial General (CG) zoning district (Attachment 3). On July 7, 2022, The Planning and Zoning Commission voted 2 in-favor/2 opposed/3 absent on a motion to recommend denial of the minor plat and all of the requested variances. On July 19, 2022, a revised application converting the minor plat application to a preliminary plat application with variances (Attachment 4) was received. On July 25, 2022, the minor plat and variances was withdrawn from the City Council's July 26, 2022, regular agenda.

Based on the letter the applicant appears to think that installation of public improvements to service the lots created as part of the subdivision process occurs after the subdivision process and is determined on whatever specific development occurs on the property. Unfortunately, that understanding is incorrect. The subdivision process is designed to assure that adequate public facilities exist to serve any potential use of the property, not some unknown future use. While Section 23-38 does allow for deferral of installation of public improvements it also requires an approved set of construction plans, an approved cost estimate of the public improvements, an escrowing of funds in the amount of the public improvements or an irrevocable letter of credit of 125% of the estimated cost of the construction of the public improvements, and a recommendation from the City Engineer and City Manager. It appears that the goal seems to be to defer everything required as part of the subdivision process (Attachment 5) to whenever development occurs on the property. No reasoning consistent with Section 23-102 Land Development Code Variances was provided.

At the July 7, 2022, Planning and Zoning Commission meeting a question was raised about available water and sewer lines in the area, Attachment 6 provides that information. The City Engineer has provided comments (Attachment 7) on what little information was provided for review.

No action was taken at the August 16, 2022, special meeting of the Commission due to lack of a quorum.

**RECOMMENDATION:**

Staff recommends denial of the denial of the variances and denial of the preliminary plat.

**SUGGESTED MOTION:**

I move we recommend denial of the requested variances and denial of the preliminary plat.