



## AGENDA ITEM SUMMARY FORM

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**MEETING DATE:** July 26, 2022

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

**AGENDA CONTENT:** Discussion and possible action on a minor 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. 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 May 16, 2022, the application was determined to be incomplete for the reasons identified in the completeness determination (Attachment 4). On June 21, 2022, a request for variances was received from the applicant (Attachment 5).

Among other items, Attachment 4 identified that the proposed minor plat could not be processed as a minor plat because as water and sewer services are not available to the subject property, and extensions of those services are required, means the application did not meet the criteria. As this application cannot be processed as a minor plat, the applicant was instructed to convert the minor plat application to a preliminary plat application, pay the additional fee required and provide the other identified items required to be submitted with the application. The variances requested in Attachment 5 are items required by City code to accompany a subdivision application, which are the basis for determining if an application is complete. 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 to whenever development occurs on the property. No reasoning consistent with Section 23-102 Land Development Code Variances was provided.

The minor plat application remains incomplete. Staff cannot support the requested variances or any deferral of required public improvements.

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.

**RECOMMENDATION:**

Staff recommends denial of the minor plat and all of the requested variances.

**SUGGESTED MOTIONS:**

I move we deny the minor plat and all of the requested variances.