

STAFF REPORT



SUBJECT: Case No.: PP2025-001

Applicant Cody Farr, representing Alps-Stephenville, LLC., is requesting a preliminary plat of property located at 3040 W Washington ST, being Parcel R77987, A0613 Pearson Henry, of the City of Stephenville, Erath County, Texas.

DEPARTMENT: Development Services

STAFF CONTACT: Steve Killen, Director of Development Services

RECOMMENDATION:

Staff recommends conditional approval. The conditions are as follows:

1. The Preliminary Plat must conform to design requirements and construction standards as set forth in the Engineering Standards Manual.
2. Additional easements as required for Backflow Preventor Assembly Vaults, Access & Utility Easements, retaining wall easements, Floodplain and others that may be required as identified during the review process.
3. Structures may not be placed over easements.
4. Ensure all required Plat language is provided.
5. Update Plat dates.
6. Final Plat to be recorded after acceptance of improvements and floodplain modeling.

BACKGROUND:

This property was acquired via a conveyance plat when a larger acreage parcel was subdivided. Staff has been working with the Developer on Building and Civil permit review. The Civil permit was approved and site work started in late 2024. The Developer will return for the approval of a Final Plat once civil work is completed and accepted.

PROPERTY PROFILE:



Complete Neighborhood

The Complete Neighborhood land use accommodates a mix of uses at a moderate density. A mix of housing types is encouraged to accommodate a range of residents. Local retail and service businesses are located on active corridors and parks and green spaces are integrated within the district.

Guiding Principles

Land Use: Land uses are characterized by primarily residential neighborhoods with some commercial along major corridors or at corners.

Build Form: Buildings are primarily one to two stories with some three story buildings along major corridors. Purpose built student housing is discouraged.

Mobility: Streets should provide separate facilities for pedestrians, safe travel for bicycles and other non-motorized mobility solutions should be accommodated along corridors and at key nodes.

Parking: Parking is not located between the building and the street.

Parks and Open Space: New development should include a park space within a 1/4 mile of all residences and consider the need for new civic buildings as part of the approval process.

\$4,000 per acre - Targeted property tax revenue per acre is moderate. City infrastructure spending in developed complete neighborhoods should be accompanied by new infill development and targeted to achieve mobility or safety goals. New developments should be able to support both retail and long-term infrastructure costs.

Sec. 155.4.05. Preliminary plat.

- A. *Purpose.* The purpose of a Preliminary Plat shall be to determine the general layout of the subdivision, the adequacy of public facilities needed to serve the intended development, and the overall compliance of the land division with applicable requirements of this Subdivision Ordinance.
- B. *Applicability.* No subdivision of land shall be allowed without proper submittal, approval, and adoption of a Preliminary Plat.
- C. *Exceptions.*
 - 1. A Preliminary Plat is not required when a Minor Plat is submitted (refer to 4.07).
 - 2. A Final Plat in accordance with Section 4.06 may be submitted in lieu of a Preliminary Plat if a Development Agreement and appropriate surety are submitted along with the Application.
- D. *Accompanying Applications.*
 - 1. *Preliminary and Other Types of Plans.* An Application for a Preliminary Plat shall be accompanied by the following:
 - a. Preliminary Drainage Plan;
 - b. Preliminary Storm Water Management Plan;
 - c. Preliminary Utility Plan; and
 - d. Other plans if deemed necessary for thorough review by the Responsible Official, such as a Planned Development Master Plan.

Approval of each shall be separately included with this application.

2. *Current Title Commitments.* The Applicant shall furnish with the Application to the City a current title commitment issued by a title insurance company authorized to do business in Texas, a title opinion letter from an attorney licensed to practice in Texas, or some other acceptable proof of ownership, identifying all persons having an ownership interest in the property subject to the Preliminary Plat.

E. *Review by City Administrator/Responsible Official.* The City Administrator shall:

1. Initiate review of the plat and materials submitted.
2. Make available Plats and reports to the Commission for review.
3. Upon determination that the Application is ready to be acted upon, schedule the Preliminary Plat for consideration on the agenda of the next available meeting of the Planning and Zoning Commission.

F. *Action by the Planning and Zoning Commission.* The Commission shall:

1. Review the Preliminary Plat Application, the findings of the City Administrator and any other information available.
 - a. From all such information, the Commission shall determine whether the Preliminary Plat conforms to this Subdivision Ordinance.
2. Act within thirty (30) calendar days following the Official Submission Date, unless the Applicant submits a Waiver of Right to 30-Day Action.
 - a. If no decision is rendered by the Commission within the thirty (30) day period described above or such longer period as may have been agreed upon, the Preliminary Plat, as submitted, shall be deemed approved by the Commission.
3. Take one of the following actions:
 - a. Approve the Preliminary Plat;
 - b. Approve the Preliminary Plat with conditions, which shall mean that the Preliminary Plat shall be considered to have been approved once such conditions are fulfilled and until the conditions are satisfied, it is considered denied; or
 - c. Deny the Preliminary Plat.

G. *Criteria for Approval.* The following criteria shall be used by the Commission to determine whether the Application for a Preliminary Plat shall be approved, approved with conditions, or denied:

1. All Plats must be drawn to conform to the zoning regulations currently applicable to the property. If a zoning change for the property is proposed, then the zoning change must be completed before the approval of any Preliminary Plats/Final Plats;
2. No Plat or Replat may be approved that leaves a structure located on a remainder lot.
3. The Preliminary Plat is consistent with any approved Development Agreement;
4. The proposed provision and configuration of Public Improvements including, but not limited to, roads, water, wastewater, storm drainage, park facilities, open spaces, habitat restoration, easements and Right-of-Way are adequate to serve the development, meet applicable standards of this Subdivision Ordinance, and conform to the City's adopted master plans for those facilities;
5. The Preliminary Plat has been duly reviewed by applicable City staff;
6. The Preliminary Plat conforms to design requirements and construction standards as set forth in the Engineering Standards Manual.
7. The Preliminary Plat is consistent with the adopted Comprehensive Plan, except where application of the Plan may conflict with State law;
8. The proposed development represented on the Preliminary Plat does not endanger public health, safety or welfare; and
9. The Preliminary Plat conforms to the City's subdivision Application checklists.

H. *Effect of Approval.*

1. Approval of a Preliminary Plat shall allow the Applicant to proceed with the development and platting process by submitting Construction Plans and Final Plat.
2. Approval of the Preliminary Plat shall be deemed general approval of the subdivision's layout only, and shall not constitute approval or acceptance of Construction Plans or a Final Plat.

I. *Expiration.*

1. *Two-Year Validity.*
 - a. The approval of a Preliminary Plat shall remain in effect for a period of two (2) years following the date of approval, during which period the Applicant shall submit and receive approval for Construction Plans and a Final Plat for the land area shown on the Preliminary Plat.
 - b. If Construction Plans and a Final Plat Application have not been approved within the two (2) year period, the Preliminary Plat shall expire.
2. *Relationship to Construction Plans.* A Preliminary Plat shall remain valid for the period of time in which approved Construction Plans are valid (See Section 5.01.G).
3. *Action on Final Plat.* Should a Final Plat Application be submitted within the two (2) year period, but not be acted upon by the Commission within the two (2) year period, the Preliminary Plat shall expire unless an extension is granted.
4. *Void If Not Extended.* If the Preliminary Plat is not extended as provided in J below, it shall expire and shall become null and void.

J. *Preliminary Plat Extension.* A Preliminary Plat may be extended for a period not to exceed one (1) year beyond the Preliminary Plat's initial expiration date. A request for extension shall be submitted to the City Administrator in writing at least thirty (30) calendar days prior to expiration of the Preliminary Plat, and shall include reasons why the Preliminary Plat should be extended.

1. *Decision by the City Administrator.*
 - a. The City Administrator will review the extension request and shall approve it, approve it with conditions, or deny the extension request within thirty (30) calendar days following the Official Vesting Date of the request.
 - b. Should the City Administrator fail to act on an extension request within thirty (30) calendar days, the extension shall be deemed to be approved.
2. *Considerations.* In considering an extension, the City Administrator shall consider whether the following conditions exist:
 - a. A Final Plat has been submitted and/or approved for any portion of the property shown on the Preliminary Plat;
 - b. Construction Plans have been submitted and/or approved for any portion of the property shown on the Preliminary Plat;
 - c. Construction is occurring on the subject property;
 - d. The Preliminary Plat complies with new ordinances that impact the health, safety and general welfare of the community; and/or
 - e. If there is a need for a park, school or other public facility or improvement on the property.
3. *Conditions.*
 - a. In granting an extension, the City Administrator may impose such conditions as are needed to ensure that the land will be developed in a timely fashion and that the public interest is served.
 - b. Any extension may be predicated upon compliance with new development regulations and/or the Applicant waiving any vested rights.
4. *Appeal of Denial for Extension.*
 - a. Appeal of the City Administrator's Decision on a Preliminary Plat Extension
 - i. The denial of an extension by the City Administrator may be appealed to the Commission.
 - ii. A written request for such appeal shall be received by the City Administrator within fourteen (14) calendar days following the denial.

- iii. The Commission shall hear and consider such an appeal within thirty (30) calendar days following receipt of the appeal request by the City Administrator.
 - b. Appeal of the Commission's Decision on a Preliminary Plat Extension
 - i. The denial of an extension by the Commission may be appealed to the City Council.
 - ii. A written request for such appeal shall be received by the City Administrator within fourteen (14) calendar days following the denial.
 - iii. The City Council shall hear and consider such an appeal within thirty (30) calendar days following receipt of the appeal request by the Planning and Development Department.
 - iv. The decision of the City Council is final.
- K. *Amendments to Preliminary Plats Following Approval.*
1. *Minor Amendments to Preliminary Plats.*
 - a. Minor amendments to the design of the subdivision subject to an approved Preliminary Plat may be incorporated in an Application for approval of a Final Plat without the necessity of filing a new Application for re-approval of a Preliminary Plat.
 - b. Minor amendments may only include minor adjustments in street or alley alignments, lengths and paving details, and minor adjustments to lot lines that:
 - i. Do not result in creation of additional lots or any non-conforming lots (such as to zoning standards), and
 - ii. Are consistent with approved prior Applications.
 2. *Major Amendments to Preliminary Plats.* All other proposed changes to the design of the subdivision subject to an approved Preliminary Plat shall be deemed major amendments that require submittal and approval of a new Application for approval of a Preliminary Plat (including new fees, new reviews, new Official Vesting Date, new Official Submission Date, etc.) before approval of Construction Plats and/or a Final Plat.
 3. *Determination of Minor or Major Amendment.* The City Administrator shall decide of whether proposed amendments are deemed to be minor or major, thereby requiring new submittal of a Preliminary Plat.

FACTORS TO CONSIDER:

- Compliance with Comprehensive Plan?
- Is application consistent with Plan?
- If not, have conditions changed or new information been offered to support change?
- Surrounding Zoning and Land Use
- Infrastructure Impacts
- Size and Location of Parcel – is land large enough and in property location for proposed use?
- Reasonable Use of Property – does proposed change provide reasonable use of property?
- Zoning has great discretion – deny if applicant has not proven it is in the best interest of City to approve

ALTERNATIVES:

- 1) Approve the replat.
- 2) Approve the replat with conditions.
- 3) Disapprove of the replat.