

# STAFF REPORT



## SUBJECT:

Case No.: FP2022-002

Applicant Vidal Garcia, representing the Stables Development and EG Tejas LLC, is requesting approval of a final plat of the property located at 2798 W Washington, Parcel R22338, of A0515 MOTLEY WILLIAM & CITY ADDITION, Block 157, Lot 10 & 12 (PT Of 12) of the City of Stephenville, Erath County, Texas.

**DEPARTMENT:** Development Services

**STAFF CONTACT:** Steve Killen

## RECOMMENDATION:

The applicant has submitted a Final Plat which, outside minor revisions, conforms with the Preliminary Plat approved by the Commission in May, 2021. The Plat has been reviewed by staff and the following comments have been provided to the applicant:

1. All public improvements must be completed and accepted through the submission of an Engineers' Letter of Certification of Completed Record Drawings – 155.5.06.D
  - a. Test reports must be submitted including water line, sewer line – mandrel CTY scan and water flow.
  - b. Street lights must be installed per plans.
  - c. Storm Water Facility Maintenance Agreement must be approved.
2. A two-year maintenance bond for public improvements must be provided.
3. All review and development fees due to the city must be paid in full.
4. Tax Certificates must be obtained for Recordation with the County. 115.04.06.H.4.e
5. Provide the City's required plat language.
6. Add "All public improvements shall be approved and accepted by the City of Stephenville prior to the issuance of Certificates of Occupancy."
7. Verify accuracy of State of Texas Right of Way, Diamond Shaped #3 note in Easement Legend.
8. Add a plat note that each lot will have shared access points to adjacent lots.

Staff is requesting the Planning and Zoning Commission grant Conditional Approval of the Final Plat pending completion of aforementioned items. Upon completion, the Final Plat will be submitted for recordation purposes.

## BACKGROUND:

The Developer has been working on this project in some capacity since October, 2019. Civil Plan reviews and construction of improvements are underway. Due to a very compressed development schedule, the City and Developer, pursuant to the Developer's agreement, request a conditional approval of the Final Plat. The improvements are anticipated to be completed within the next 30 days, barring unforeseen delays.

### Sec. 155.4.06. Final plat.

- A. *Purpose.* The purpose of a Final Plat is to ensure:

1. That the proposed Subdivision and development of the land is consistent with all standards of this Subdivision Ordinance pertaining to the adequacy of public facilities,
  2. That Public Improvements to serve the Subdivision or development have been installed and accepted by the City, or that provision for such installation has been made, and
  3. That all other City requirements and conditions have been satisfied or provided for to allow the Final Plat to be recorded.
- B. *Applicability.* No subdivision of land shall be allowed without proper submittal, approval, and adoption of a Final Plat.
- C. *Exceptions.* A Final Plat is not required when a Minor Plat is submitted (See Section 4.07).
- D. *Ownership.*
1. 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 Final Plat.
  2. The Final Plat shall be signed by each owner, or by the representative of the owners authorized to sign legal documents for the owners and lienholder, effectively denoting that they are consenting to the platting of the property and to the dedications and covenants that may be contained in the Final Plat.
- E. *Accompanying Applications.*
1. An Application for a Final Plat may be accompanied by Construction Plans if also accompanied by a Development Agreement and appropriate surety in accordance with Section 5.05.
  2. Approval of each shall be separate and in accordance with Section 5.05.
- F. *Prior Approved Preliminary Plat.* The Final Plat and all accompanying data shall conform to the approved Preliminary Plat, or as the Preliminary Plat may have been amended subsequently, incorporating all conditions imposed or required, if applicable.
- G. *Review by City Administrator.* The City Administrator shall:
1. Initiate review of the plat and materials submitted,
  2. Make available Plats and reports to the Commission for review, and
  3. Upon determination that the Application is ready to be acted upon, schedule the Final Plat for consideration on the agenda of the next available meeting of the Commission.
- H. *Action by Planning and Zoning Commission.* The Commission shall:
1. Review the Final Plat Application, the findings of the City Administrator, and any other information available.
    - a. From all such information, the Commission shall determine whether the Final Plat conforms to the applicable regulations of this Subdivision Ordinance.
    - b. All Public Improvements have been installed (For exception, See Section 5.05)
  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 Final Plat, as submitted, shall be deemed to be approved by the Commission.

3. Take one of the following actions:
  - a. Approve the Final Plat;
  - b. Approve the Final Plat with conditions, which shall mean that the Final 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 Final Plat.
4. A motion to approve a Final Plat shall be subject to the following conditions, whether or not stated in the motion to approve:
  - a. All required fees shall be paid.
  - b. All conditions required by ordinances have been reviewed and approved by the City.
  - c. On-site easements and rights-of-way have been dedicated and filed of record and properly described and noted on the proposed plat.
  - d. All required abandonments of public rights-of-way or easements that must be approved by the City Council and the abandonment ordinance numbers are shown on the plat.
  - e. Original tax certificates have been presented from each taxing unit with jurisdiction of the real property showing the current taxes are paid.
- I. *Final Plat Criteria for Approval.* The following criteria shall be used by the Commission to determine whether the Application for a Final Plat shall be approved, approved with conditions, or denied.
  1. *With Prior Approved Preliminary Plat.*
    - a. The Final Plat conforms to the approved Preliminary Plat except for minor amendments that are authorized under Section 4.05.K.1 and that may be approved without the necessity of revising the approved Preliminary Plat;
    - b. All conditions imposed at the time of approval of the Preliminary Plat, as applicable, have been satisfied;
    - c. The Construction Plans conform to the requirements of Section 5 and have been approved by the City Administrator.
    - d. Where Public Improvements have been installed, the improvements conform to the approved Construction Plans and have been approved for acceptance by the City Administrator;
    - e. Where the City Administrator has authorized Public Improvements to be deferred, a Development Agreement has been executed and submitted by the property owner in conformity with Section 5.05;
    - f. The final layout of the Subdivision or development meets all standards for adequacy of public facilities contained in this Subdivision Ordinance;
    - g. The Plat conforms to design requirements and construction standards as set forth in the Engineering Standards Manual; and
    - h. A plat prepared by a registered public surveyor conforms to the City Administrator's subdivision Application checklists and Subdivision Ordinance regulations.
- J. *Procedures for Final Plat Recordation upon Approval.* The Applicant shall supply to the City Administrator the required number of signed and executed copies of the Final Plat that will be needed to file the Plat, upon approval, with the County (in the County's required format) at least seven (7) calendar days prior to the meeting at which it will be considered for approval.

1. *General.*
  - a. Signatures. After approval of the Final Plat, the City Administrator shall procure the appropriate City signatures on the Final Plat.
  - b. Recording upon Performance. The Final Plat shall be recorded after:
    - i. The Final Plat is approved by the City;
    - ii. All required Public Improvements have been completed and accepted by the City or a Development Agreement has been executed and appropriate surety provided in accordance with Section 5.05; and
    - iii. All County filing requirements are met.
2. *Submittal of Final Plat Where Improvements Installed.* Where all required Public Improvements have been installed prior to recording of the Final Plat, the Applicant shall meet all requirements in accordance with Section 4.06.I.
3. *Submittal of Final Plat Where Improvements Have Not Been Installed.* Where some or all required Public Improvements are not yet completed in connection with an approved Final Plat, the Applicant shall submit the Final Plat as approved, revised to reflect any conditions imposed as part of approval.
4. *Update of Proof of Ownership.* If there has been any change in ownership since the time of the Proof of Ownership provided under 4.05.D, the Applicant shall submit a new consent agreement executed by each owner and lienholder consenting to the platting of the property and the dedications and covenants contained in the Plat.

K. *Effect of Approval.* The approval of a Final Plat:

1. Supersedes any prior approved Preliminary Plat for the same land.
2. If applicable, authorizes the Applicant to install any improvements in public Right-of-Way in conformance with approved Construction Plans and under a Development Agreement (refer to 5.05).
3. Authorizes the Applicant to seek Construction Release and/or issuance of a Building Permit.

**Sec. 155.5.05. Development agreements and security for completion.**

A. *Development Agreements.* When any of the required Public Improvements (i.e., water, wastewater, streets, drainage, park improvements etc.) will be postponed and constructed after Final Plat approval and recordation, the Final Plat shall not be accepted for filing, nor shall it be approved, unless and until the Applicant enters into a Development Agreement of standardized format approved by the City by which the

1. *Applicant:*
  - a. Will complete the improvements;
  - b. Warrants the improvements for a period of two (2) years following final and formal acceptance by the City;
  - c. Provides a maintenance bond in the amount of one hundred and ten percent (110%) of the costs of the improvements for such period to ensure the repair and replacement of all defects due to faulty materials and workmanship that appear within the two (2) year period following date of acceptance;
  - d. Provides provisions (e.g., performance and payment bonds) for securing the obligations of the agreement consistent with Section 5.05.D Security for Completion of Improvements; and

- e. Outlines other terms and conditions as are agreed to by the Applicant and the City, or as may be required by this Subdivision Ordinance, including insurance requirements and covenants to comply with other ordinances of the City.

## ALTERNATIVES

1. Approve the Final Plat;
2. Approve the Final Plat with conditions, which shall mean that the Final Plat shall be considered to have been approved once such conditions are fulfilled, and until the conditions are satisfied, it is considered denied; or
3. Deny the Final Plat.