

PLANNING AND ZONING COMMISSION MEETING

City Hall Council Chambers, 298 W. Washington Wednesday, May 04, 2022 at 5:30 PM

AGENDA

CALL TO ORDER

PUBLIC HEARING

1. 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.

ADJOURN

In accordance with the Americans with Disabilities Act, persons who need accommodation to attend or participate in this meeting should contact City Hall at 254-918-1287 within 48 hours prior to the meeting to request such assistance.

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
 - 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,
- 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
- 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
 - 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;
 - 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.
 - 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.
 - 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.
- 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.

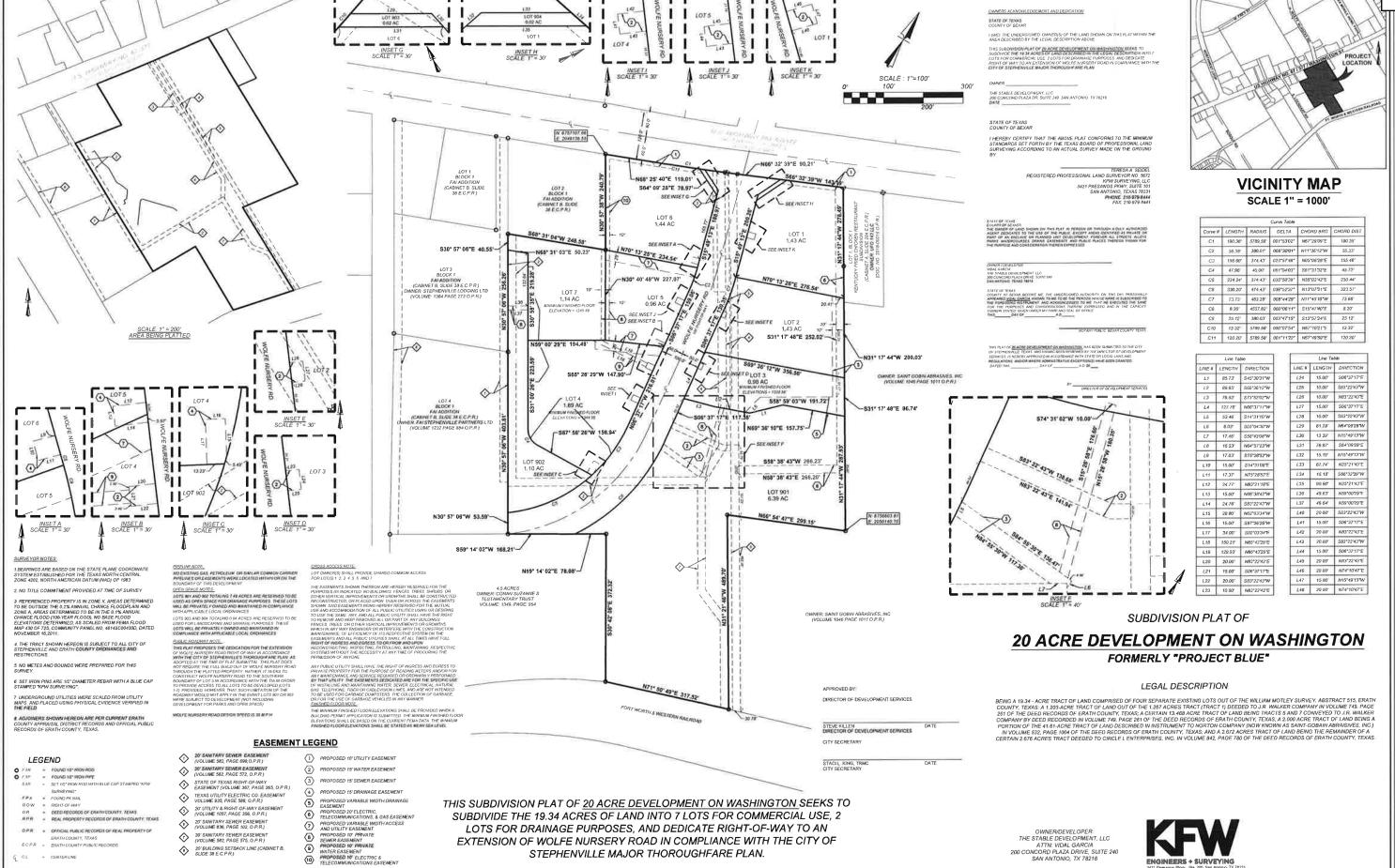
- A. Development Agreements. When any of the required Public Improvements (i.e., water, wastewater, streets, drainage, park improvements etc.) will be postponed and constructed after Final Plat approval and recordation, the Final Plat shall not be accepted for filing, nor shall it be approved, unless 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

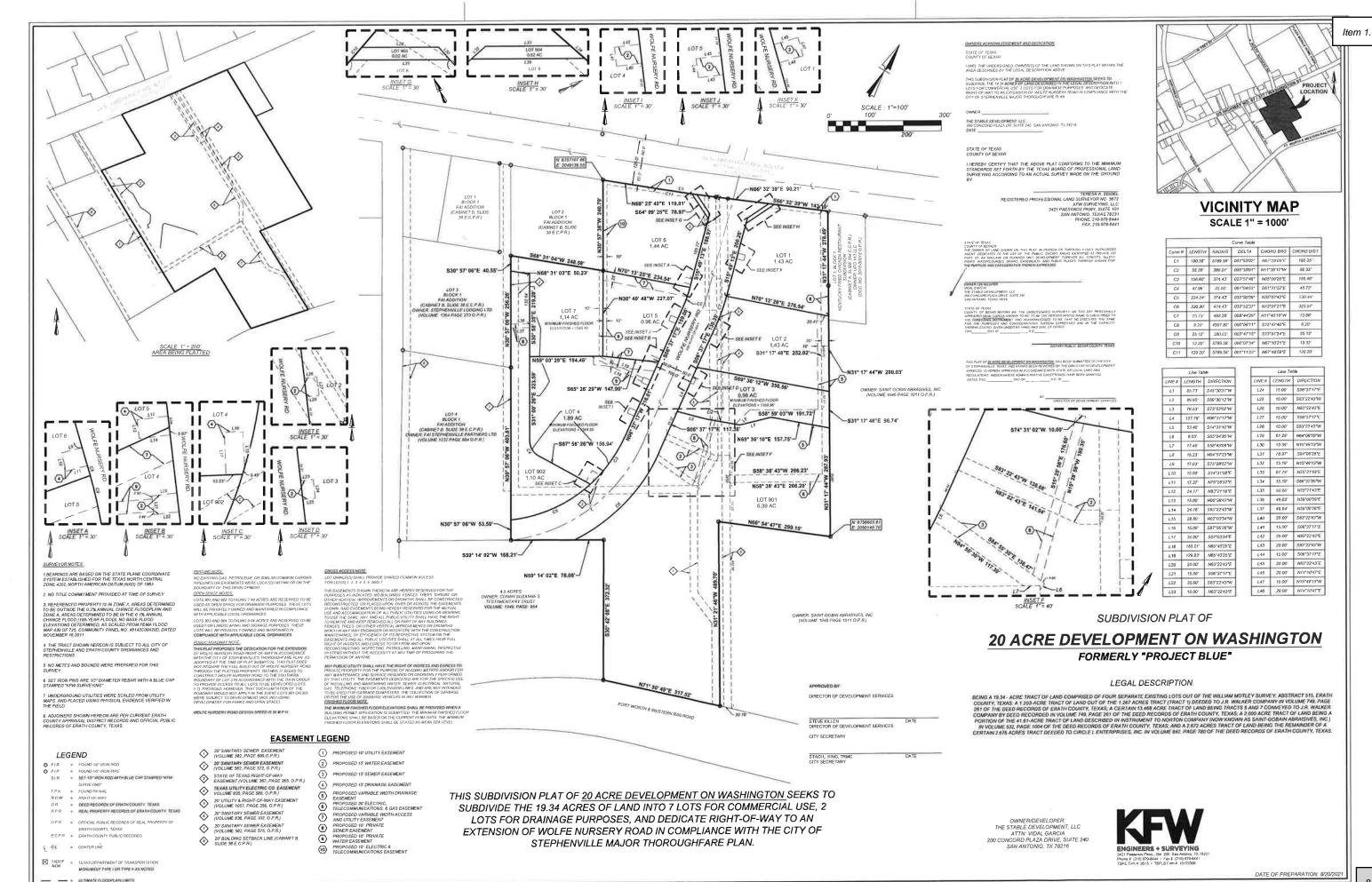
- 1. Approve the Final Plat;
- 2. Approve the Final Plat with conditions, which shall mean that the Final Plat shall be considered to have been approved once such conditions are fulfilled, and until the conditions are satisfied, it is considered denied; or
- 3. Deny the Final Plat.

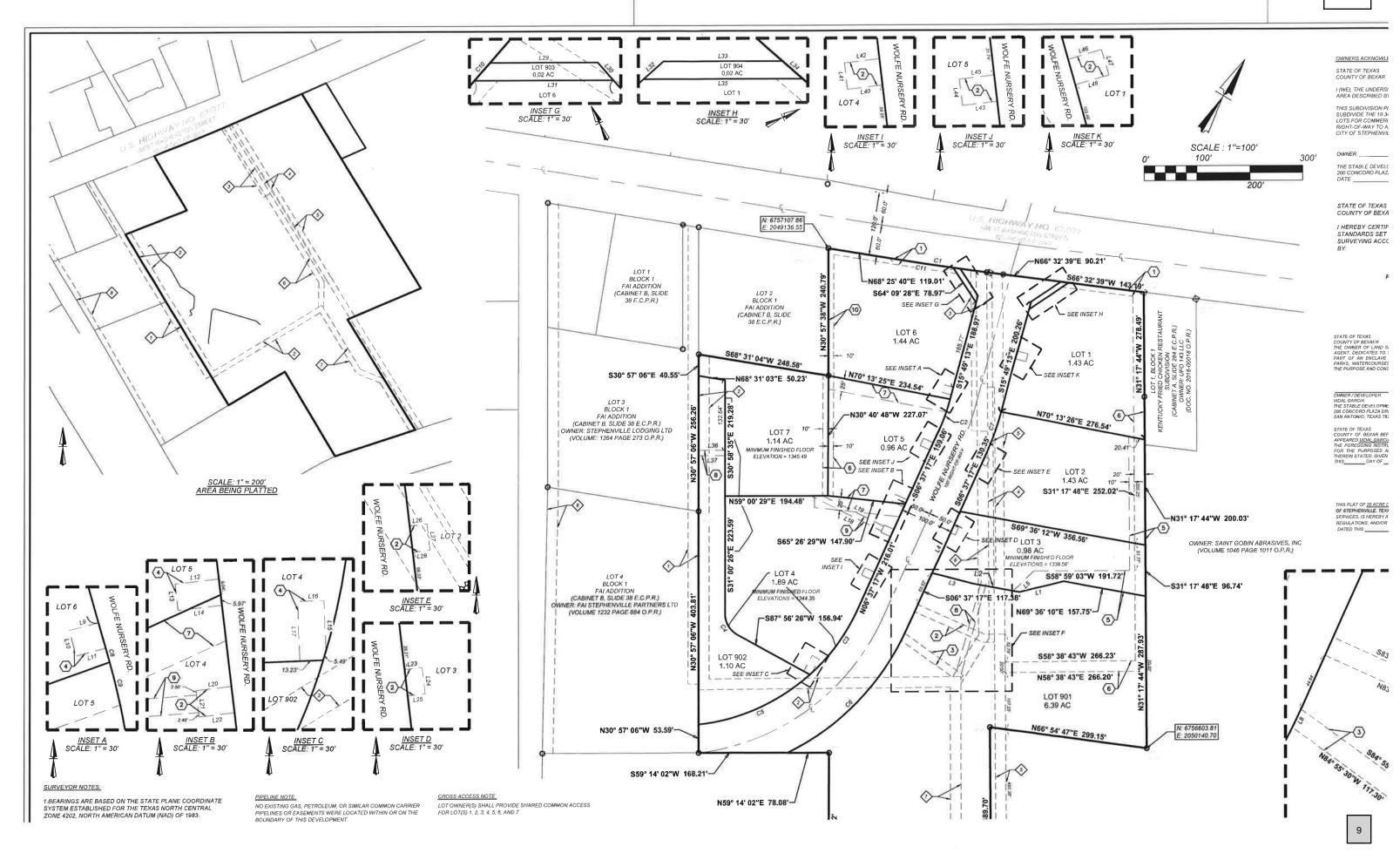


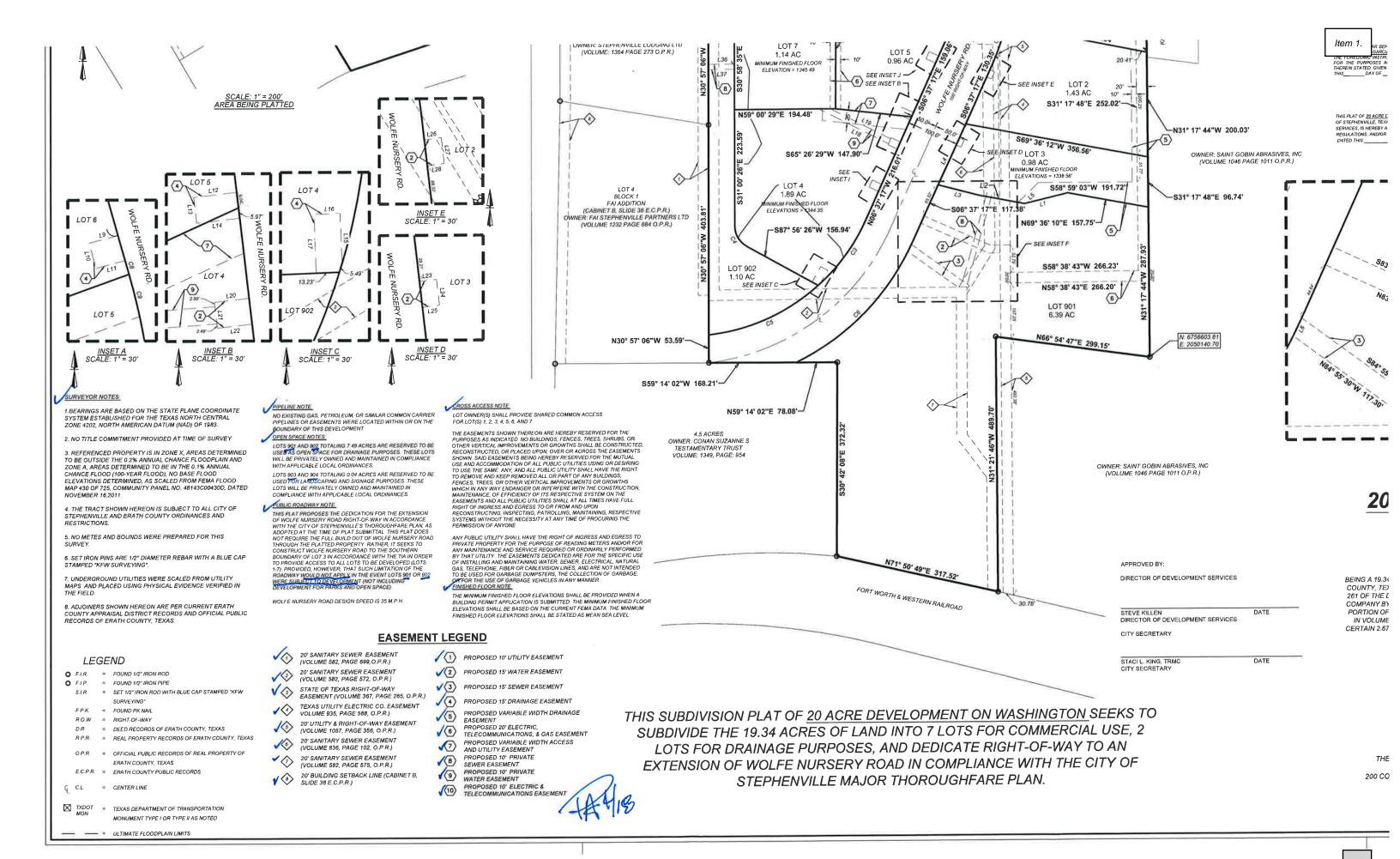


X TXDOT = TEXAS DEPARTMENT OF TRANSPORTATION

DATE OF PREPARATION: 8/20/20









298 W. Washington, Stephenville TX 76401

Phone: (254) 918-1213 www.stephenvilletx.gov

Plat Application and Checklist

Please note that this checklist is intended to assist developers and design professionals in the preparation of submittals for DRC review and are generally what is needed to facilitate the review of the proposed plat. A submittal of a complete application will facilitate a timely review. Failure of the applicant to provide required information will result in application not being processed. Under special circumstances, additional items may be required through the Development Review Committee process prior to approval.

Please check the Appropriate Box: Final Plat Preliminary Plat Amended Plat Minor Plat Residential Replat Replat Conveyance Plat
PROPERTY INFORMATION:
Project Name: 20 Acre Development on Washington Parcel(s) Tax ID# (Required): R22338
Project Address (Location): 2798 W. Washington St Total Acres: 19.34
Previous Project Number (If Applicable):
Existing Zoning: Industrial # of Existing Lots: 4 # of Existing Units:
Proposed Zoning:# of Proposed Lots:# of Proposed Units:
SIGNATURE:
Owner Information and Authorization
Name:Matthew Hilbig
Company Name: KFW Engineers & Surveying
Address: 3421 Paesanos Parkway, Suite 200, San Antonio, TX 78231
Telephone:210-979-8444Email:mhilbig@kfwengineers.com • Please Note: e-mail addresses will be used to notify the owner or representative of the status of the plat.
CHECK ONE OF THE FOLLOWING:
I will represent the application myself; or
I hereby designate KFW Engineers c/o Matthew Hilbig (name of project representative) to act
in the capacity as my agent for submittal, processing, representation, and/or presentation of
this development application. The designated agent shall be the principal contact person for
responding to all requests for information and for resolving all issues of concern relative to this
application.
I hereby certify that I am the owner of the property and further certify that the information provided on this development application is true and correct. By signing below, I agree that the City of Stephenville (the "City") is authorized and permitted to provide information contained within this application, including the provide information contained
this application, including the small address to the public. The City is also authorized and normitted to remain a second control of the control of the city is also authorized and normitted to remain a second control of the city is also authorized and normitted to remain a second control of the city is also authorized and normitted to remain a second control of the city is also authorized and normitted the remain and the city is also authorized and normitted the remain and the city is also authorized and normitted the remain and the city is also authorized and normitted the remain and the city is also authorized and normitted the remain and the city is also authorized and normitted the remain and the city is also authorized and normitted the remain and the city is also authorized and a second city is also authorized and a second city is also and a second city is also and a second city is also at the city is also
information submitted in connection with the application, if such reproduction is associated with the application in response to a Public Information Request.
Owner's Signature: Date: W. Zoz Z
THE STABLE DEVElopment LLC
BEFORE ME, a Notary Public, on this 18 day personally
appeared Preston Atkinson (printed owner's name) the above signed, who, under oath, stated the following: "I hereby certify that am the owner, for the purposes of this application; that all information submitted herein is true and
correct." SUBSCRIBED AND SWORN TO before me, this the
1
GRACE J DODSON NOTARY PUBLIC STATE OF TEXAS
Notary Signature NOTARY ID 12589490-5 (seal)



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Plat Application and Checklist

Please note that this checklist is intended to assist developers and design professionals in the preparation of submittals for DRC review and are generally what is needed to facilitate the review of the proposed plat. A submittal of a complete application will facilitate a timely review. Failure of the applicant to provide required information will result in application not being processed. Under special circumstances, additional items may be required through the Development Review Committee process prior to approval.

ITEMS TO BE SUBMITTED: Application and Checklist. Associated Fee(s): as listed on the Development Review Fee Schedule. Project Narrative: Written proposal for the project. Plats: Plats will be drawn on a sheet size of 24" x 36" with a 3" x 3" clear box in the right hand corner (these are county requirement for filing). Two Mylar and two paper copies are required to be submitted. Smaller or larger sheet size may be accepted only if approved by Director of Planning and Building Departments. Plats will be drawn to a scale no smaller than 1" = 100' unless otherwise approved by the Director. Black and white originals are preferred as color lines are sometimes hard to pick-up via copy. ∇ 24" x 36" Engineering/Support Documents (if required) Engineering/support documents are required for all public improvements, including sidewalks. Engineering/support documents will be drawn to a plan view scale not smaller than 1'' = 100' with exception to the drainage area map which may be a scale not smaller than 1'' = 400' unless otherwise approved by the Director. All documents shall bear appropriate seals, stamps or other validations/certifications of work as applicable in accordance with State law and local requirements. **Utilities Acceptance Form** Plat Checklist: I have reviewed the checklist and all submittals for completeness and accuracy. Digital Submission: All items should be submitted digitally in PDF format.

GENERAL INFORMATION:

A plat is intended to serve as the official recorded map of the property to be developed, showing thereon the boundaries, lots, public streets and easements and other significant public facilities and features which are necessary to serve the development, as required by the Stephenville Subdivision Ordinance. A plat of the property to be subdivided or developed is required of all development to which Stephenville Subdivision Ordinance applies. For a development to be constructed in phases, the plat may include only a portion of the land included in a general development plan and/or preliminary plat.

Applicant information required: the applicant, owner and contact information must be provided in entirety. If multiple design professionals are involved in the preparation of the plat document, list the principal design professional. All correspondence relating to the plat will be directed to the contact designated on the application.

Owner signature: the plat application is required to be signed by the current property owner. If the property owner is not available to sign the application, then a notarized letter of authorization from the property owner is required to be submitted which empowers a designee to sign for the property owner.

Acceptance of plat application: All plat applications will be reviewed for completeness in accordance with this checklist before they are accepted by City Staff. Failure of applicant to provide required information constitutes grounds for refusal of plat acceptance for processing; or staff recommendation of denial when application is scheduled for consideration.



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PLAT SHALL CONTAIN:						
On Plat	N/A					
		The date, written and graphic scale, north arrow, proposed name of the development, key map showing the location of the development in relation to existing streets and highways and dates of preparation and revisions.				
		The signature block of the owner or owners of the land included within the plat, acknowledged in the form required for the acknowledgement of deeds.				
abla		Name of the subdivider or developer, record owner and surveyor.				
abla		Provide a note on the plat stating the purpose of the Plat.				
		Title Block containing: Proposed name of the subdivision or lot on record, acres in previously platted and unplatted land and total of those acres, survey and jurisdiction (City of Stephenville, County of Erath, Texas, for example).				
✓		Proposed name of the subdivision, development or lot on record, which shall not have the same spelling or be pronounced similarly to the name of any other development located on land within the jurisdiction of the city. Developers of phased development shall use the same base name for different sections, identified by a section number.				
e		The development boundary lines, shown by a continuous dark line of sufficient width to be easily identified, as shown by a survey performed by a registered professional land surveyor describing the boundaries of the development by metes and bounds. The survey shall: Locate the boundaries with respect to a corner of the survey or tract or any original corner of the original survey abstract of which it is a part (provide a note of description of the location of the survey abstract). At least one corner shall be tied by course and distance to a corner in a recorded subdivision or to a right-of-way pin at an intersection. (Note describing corner markers should be included); Describe and locate all permanent survey monuments, pins, and control points and tie and reference the survey corners to the Texas State Plane Coordinate System. Identify the dimensions of the development with a legal description and bearings and distances on the boundary of the plat.				
\checkmark		Location of development by city, county and state.				
		Please provide a location map showing the relation of the subdivision to streets and other prominent features.				
√		Please show the names of the adjoining subdivisions or the names of the adjoining property owners, together with their respective plat or deed references.				
\checkmark		Show boundaries streets and/or right of way on the plat				
√1		The exact location, dimension and description of all existing or recorded public or private easements, and public rights-of-way within the development, intersecting or contiguous with its boundary or forming such boundary.				
✓		The dimensions of all existing or proposed lots and blocks within the development identified by letter or number running consecutively throughout the development.				

V	The exact location, dimensions and description of all proposed public or private easements, parks, other areas, reservations, and other rights-of-way to be dedicated to the public, located within, intersecting or contiguous with its boundary or forming such boundary.
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PLAT	SHALL C	ONTAIN:				
Ø		All proposed street right of ways or changes to be made in existing right of ways shall be described with accurate bearings or deflecting angles and radii, area and central angle, degree of curvature, tangent distance and length of all curves where appropriate, and the primary control points.				
Ø		Approved name and dimensioned width of each street right of way. Street names are required for all no created streets on the final plat document. Please note that street names will not be considered "reser prior to the submission of a final plat document.				
		Show centerline of existing streets. Dimension from centerline to edge of existing right-of-way and from centerline to edge of proposed right-of-way.				
		Existing and proposed easements – labeled, dimensioned, and instrument used to create or abandon such easements.				
ď		The identification, location and size of all existing gas, petroleum, or similar common carrier easements located within or on the boundary of the development. If no easements or pipelines are located on the property, add a note to that effect.				
$ \sqrt{} $		Boundary lines of open spaces to be dedicated or granted for use by the public or inhabitants of the development. Parkland dedications should be noted.				
		Reference by record name to recorded subdivision plats or adjoining platted land with recording information.				
ď		Label lots in or adjacent to a floodplain or adjacent to a drainage easement and in other locations if required by the City Engineer with the following: "minimum finished floor elevations required."				
₫		Provide a note on the plat stating: <u>"The minimum finished floor elevations shall be provided when a building permit application is submitted. The minimum finished floor elevations shall be based on the current FEMA data. The minimum finished floor elevations shall be stated as mean sea level."</u>				
ď		All required dedication and certification statements.				
Ŋ		Certification that basic documentation has been set in order to determine location of public improvements.				
ď		Signature block for approving body.				
M		Traffic Impact Analysis (TIA) may be required at the time of Preliminary Plat submittal for all site developments. For phased developments, the TIA shall include an analysis for each phase of the development and the threshold for the TIA shall be for the entire development. O Threshold for a Traffic Impact Analysis: Residentially zoned Subdivisions that are projected to generate more than 1,000 new average daily trips (ADT) shall require a TIA. Office zoned Subdivisions that are projected to generate more than 500 new average daily trips (ADT) shall require a TIA. Nonresidential zoned Subdivisions that are projected to generate more than 2,500 new				
		average daily trips (ADT) shall require a TIA. Industrial zoned Subdivisions that are projected to generate more than 500 new average				

daily trips (ADT) shall require a TIA.



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REQUIREME	NTS I	OR RE	CORDING	FINAL	PLAT.
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V	Plats shall be filed prior to formal acceptance of any public improvements and prior to issuance of building permits. In order to comply with the county's plat filing requirements, the following must be completed or the final plat document.
V	All documents shall bear appropriate seals, stamps or other validations/certifications of work as applicable in accordance with State law and local requirements.
\checkmark	All stamps and seals must be legible.
$\overline{\mathbf{A}}$	Tax certificates are required with the filing of each plat from all taxing entities.
✓	All property owner signatures must be original and acknowledged (notary public) and each name must be printed below each signature.

This document contains a summary list of requirements for a Plat submittal. Additional documents may be requested. For detailed information, visit our website at www.stephenvilletx.gov. Below is a quick reference guide to help in your navigation to more detailed information.

Stephenville Subdivision Ordinance

http://www.stephenvilletx.gov/wp-content/uploads/2018/01/1-2-18-Adopted-Subdivision.pdf

Stephenville Engineering Standards Manual

<u>www.stephenvilletx.gov/wp-content/uploads/2018/01/Engineering-Standards-Manual-2018 01-02-ADOPTED.pdf</u>

Stephenville 2030 Comprehensive Plan

www.stephenvilletx.gov/2030-comprehensive-plan/

Forms and Documents

http://www.stephenvilletx.gov/residents/forms/

Fees (others may be applicable):

Subdivision Filing Fees:

Preliminary Plat (per plat) Final Plat (per plat) \$200.00 (per lot) \$10.00 \$200.00 (per lot) \$10.00

Replat (per plat)

\$200.00