



Established 1824

The mission of the City of Victoria is to meet or exceed our citizens' expectations in the provision of municipal services.

CITY OF VICTORIA PLANNING COMMISSION
REGULAR MEETING

**THURSDAY, November 17, 2011
5:15 PM**

Council Chamber
107 W. Juan Linn Street

AGENDA

A: CALL TO ORDER

B: APPROVAL OF MEETING MINUTES

October 20, 2011 – Regular Meeting

C: CITIZEN COMMUNICATION

[Chairperson will recognize any citizen wishing to address the Commission on issues not specifically listed on the Agenda.]

D: DEVELOPMENT REVIEWS/FORMAL ACTION

1. LAKE FOREST SECTION II PHASE I RESUBDIVISION #1 AMENDED PLAT – final plat; 25 lots, 1 block, 4.126 acres; patio home residential use; Amberglow Court addressing; DGMP Inc. (owner); Balusek-Frankson (consultant); plat #111101; received 10/31/11.

- a. Planning Staff Briefing
- b. Deliberations

2. SUBDIVISION & DEVELOPMENT ORDINANCE REVISIONS.

A. **Sidewalk Waivers.** A revision to move authority to approve sidewalk waivers from the Public Works Department to the Development Services Department.

Planning Services:
700 Main Center, Suite 115

P.O. BOX 1758
VICTORIA, TX 77902
PHONE (361) 485-3360
FAX (361) 485-3364
www.victoriatx.org



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The mission of the City of Victoria is to meet or exceed our citizens' expectations in the provision of municipal services.

- B. **Cul-de-sacs in Nonresidential Areas.** A revision to remove the separate turnaround radius requirement for cul-de-sacs on nonresidential streets.
- C. **Intersection Separation for Collector and Local Streets.** A revision to increase the separation distance between intersecting local and collector streets.
- D. **Land Use Designations.** A revision to eliminate the separate Office (O) land use designation.
- E. **Site Plans.** This revision will give the Development Services Department sole authority to approve site plans and require an engineer's certification of compliance for improvements constructed in the public right-of-way.
- F. **Off-Street Parking Standards.** This revision will add a parking ratio for dance/gymnastic facilities and simplify the retail parking standards. It will also eliminate the veterinarian office parking standard.
 - 1) Planning Staff Briefing
 - 2) Public Hearing
 - 3) Deliberations

E: OTHER BUSINESS

- 1. Development Services Monthly Development Report

F: ITEMS FROM PLANNING COMMISSIONERS

G: ADJOURNMENT

* In addition to the items listed under "Public Hearings" every item on this agenda shall be considered a public hearing.

** Regardless of the agenda heading under which any item is listed, any subject mentioned in any word or phrase of any item listed on this agenda may be deliberated by the Planning Commission, and it may vote on recommendations and resolutions concerning any such item. Additionally, any ordinance of the City of Victoria relating to the development of land, including, but not limited to, Chapter 21 of the Victoria City Code, may be discussed and deliberated, and the subjects of this agenda are hereby stated as such, regardless of the limitations of any particular item on the Planning Commission agenda. Also, in this meeting, the Planning Commission may discuss: (1) Article XIII, "Signs" of Chapter 5 of the Victoria City Code, (2) the City's adopted Building Code, Electrical Code, Fire Code, Plumbing Code, Residential Building Code, or Minimum Housing Code, (3) the City's unsafe building ordinance, (4) City requirements to extend sewer, water, and other utility lines, (5) the provision of transportation facilities, including sidewalks, roads and public transit, within the City and its extraterritorial jurisdiction (ETJ), (6) the master plans of the City, including the City's Comprehensive Plan, Master Thoroughfare Plan, Master Drainage Plan, and Annexation Plan, (7) City restrictions on private water wells and septic tanks, (8) manufactured housing parks, permitting, and placement, (9) the City's capital improvements plans, (10) federal and state environmental restrictions on the City and residents thereof, (11) the control of nuisances within the City and the City's ETJ, (12) City restrictions on mineral production and exploration, (13) City requirements for landscaping and restrictions thereon, (14) restrictions on development in floodplains and floodways, (15) driveway restrictions, (16) platting requirements and procedures, (17) requirements for dedication and construction of land, easements, and facilities, (18) development guidelines, (19) parking requirements and restrictions, (20) drainage requirements and restrictions, (21) restrictions on fences, lighting, and building height, (22) zoning regulations, (23) infrastructure reimbursement methodology and requirements, (24) building setback requirements, (25) storm water drainage mains, channels, retention ponds, and other drainage facilities, (26) the width and construction requirements for streets and other public facilities, and (27) design principles for subdivision planning and development. No action or failure of the Planning Commission to act in any proceeding or any statement by any member of the Planning Commission may be relied on by any member of the public to limit the Planning Commission's right to discuss any of the aforementioned subjects in any of its meetings. Any statement specifying inclusion of any word or phrase shall not exclude non-listed items.

*** Any item on this agenda may be discussed in executive session if authorized by Texas law regardless of whether any item is listed under "Executive Sessions" of this agenda, regardless of any past or current practice of the Planning Commission. Executive sessions described generally hereunder may include consideration of any item otherwise listed on the agenda plus any subject specified in the executive session notice, to the maximum extent for which executive sessions are permitted pursuant to Chapter 551 of the Texas Local Government Code.

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MEETING MINUTES

Date and Time: October 20, 2011
5:17pm

MEMBERS PRESENT:

Donna Rodriguez- Chairperson
Keith Williams, Vice-Chairperson
Jeff Bauknight, Secretary
Richard Janecka
Gabriel Lopez
Dan Mikulenska
Omar Rachid
Sharon Steen

STAFF PRESENT:

Development Services:
Jared Mayfield, Deputy Director
Monica Leal, Development Coordinator

City Attorney's Office:
Linda Champion, Asst. City Attorney

ABSENT:

Louise Hull-Patillo

A: CALL TO ORDER – Meeting was called to order at 5:15p.m. by Ms. Rodriguez, Chairperson.

B: APPROVAL OF MEETING MINUTES

The September 15, 2011 Regular Meeting Minutes were approved as delivered. Mr. Lopez motioned to approve minutes, seconded by Mr. Williams. Motion passed.

C: CITIZEN COMMUNICATION – None

D: DEVELOPMENT REVIEWS/FORMAL ACTION

1. CONSIDER APPROVAL OF AN EXTENSION TO THE RECORDING REQUIREMENTS FOR A FINAL PLAT FOR COLONY CREEK SUBDIVISION PHASE 1, RESUBDIVISION #11 – preliminary and final plat; 5 lots, 1 block, 52.44 acres; duplex-residential use; 615-621 Charleston Drive; Colony Creek Country Club Land Acquisition Trust (owner); Urban Engineering (consultant); plat #101001; extension requested 09/26/11.

A. Planning Staff Briefing – Monica Leal

The plat was presented to the Planning Commission on October 21, 2010. However, after addressing concerns of adjacent property owners and the Home Owners Association the development was delayed. The Owner is requesting a one year extension and expects construction to start in early 2012. No building permits have

been pulled as the property is not yet platted. Staff recommends approval of the extension.

B. Deliberations –

Motion was made to approve the extension by Mr. Rachid, seconded by Mr. Mikulenska. Motion passed seven (7) in favor with Mr. Janecka opposed.

2. **VARIANCE REQUEST FOR 2506 BLACK STREET.** The property is legally described as Lot 1, Block 1, Black Street Subdivision, Victoria County, Texas. The property is owned by Cynthia Black; received 9/27/11.

The applicant is requesting two (2) variances to the City Code:

1) Section 21-82(g)(5) which requires which requires a minimum front yard setback of 20 feet.

2) Section 21-82(g)(6) which requires a minimum side yard setback of 5 feet.

The variances will allow the property owner to have a manufactured home encroach into the front and side yard setback lines, and a storage building encroach into the front yard setback line.

A. Staff Briefing -

The subject property is a 0.16 acre lot located at 2506 Black Street in the Black Street Subdivision. The property is an interior lot with frontage on Black Street. The property is a manufactured home residence.

The property owner is in the process of placing a manufactured home on the property, and constructing a storage building on the property. The concrete slab for the manufactured home was created prior to the final plat being filed. The slab did not take into account the ten (10) foot dedication of right-of-way that would occur, and encroaches approximately seven (7) feet into the newly platted front yard setback. When the manufactured home was placed, the installer also encroached approximately six (6) inches into the side yard setback. Correcting this would require adding additional concrete to the existing slab, and reinstalling the manufactured home into place.

A storage building is also being constructed on this lot. The property owners shifted the location of the storage building from its original location. This caused the storage building to encroach into the front yard setback. This accessory structure sits approximately two (2) feet off of the front property line; encroaching eighteen (18) feet into the front setback. Any modifications to existing residence would require the structure to be removed.

The proposed variance would allow the property owner to leave all structures in their current placement. Since this is an interior lot, there is only frontage on Black Street. The property owner owns the adjacent lot at the corner of Nova Avenue and Black Street. The driveway for this property will take access off of Black Street.

City Code requires all structures to remain outside of the platted front yard and side yard setback lines. To construct in compliance with the current code the newly placed manufactured home would need to be moved, and the storage building which

is currently under construction would need to be demolished and reconstructed at another location. Staff recommends approval of this variance.

B. Public Hearing – None

C. Variance Deliberations –

Mr. Mikulenko asked why a permit had been issued and Ms. Leal responded that a permit is not required to do flat work. The original information on the storage building was that it would be less than 200 sq. ft. so this would not require a permit. The storage building that was built is in excess of 500 sq. ft. They have gotten a permit and the storage building did pass inspection with the exception of the building line encroachment. The concern is with where the building sits.

Mr. Bauknight pointed out that the variance does not meet Variance Review Criteria #2 which states "*The granting of the variance is not based on a hardship which is self-imposed.*" He commented that this was clearly self-imposed.

Motion was made by Mr. Bauknight and seconded by Mr. Rachid, to deny the variance. Motion passed unanimously. The variance was denied.

E: OTHER BUSINESS

1. Development Services Monthly Development Report – Mr. Mayfield addressed the information in the monthly report.

F: ITEMS FROM PLANNING COMMISSIONERS – None.

G: ADJOURNMENT – Motion to adjourn was made by Mr. Rachid and seconded by Mr. Bauknight. The meeting adjourned at 5:45 p.m.

APPROVED: _____
Donna Rodriguez, Chairperson
Victoria Planning Commission

APPROVED: _____
Jeff Bauknight, Secretary
Victoria Planning Commission



STAFF REPORT

Planning Commission

Agenda Item #: D-1

November 17, 2011

CASE:

1. Final Plat approval of LAKE FOREST SUBDIVISION, SECTION II, PHASE I, RESUBDIVISION #1 AMENDED PLAT.

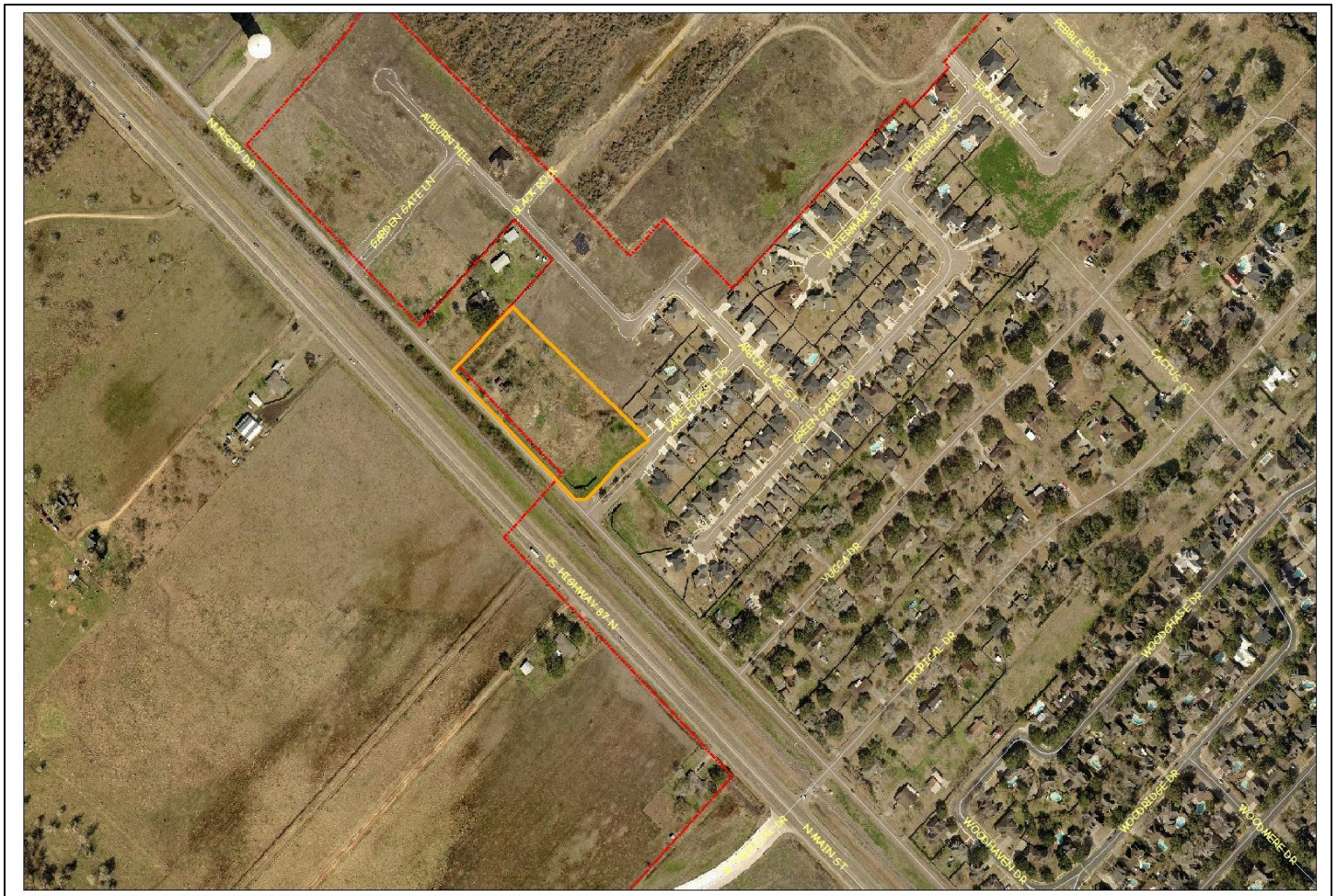
Location: Amberglow Court– 4.126 acres legally described as Lake Forest Subdivision, Section II, Phase I, Resubdivision # 1 of Victoria County, Texas.

Land Use: Patio-Home Residential (R3)

Applicant(s): Balusek-Frankson on behalf of DMPG, Inc. – BJ Davis, President

Staff Contact: Monica Leal, Development Coordinator

LOCATION MAP:



GENERAL DESCRIPTION:

The subject property is a 4.126 acre subdivision of 25 patio home residential lots located on the east side of Nursery Road, just north of Lake Forest Drive. The property is further described as Lake Forest Subdivision, Section II, Phase I, Resubdivision #1 of Victoria, Texas. A preliminary plat for this property was previously approved by Planning Commission in December 2010. The final plat for this property was previously approved by the Planning Commission in February 2011. The final plat was recorded with Victoria County on October 5, 2011.

The proposed amended final plat was submitted to correct the front building line setbacks for lots 15R-26R and lots 35R-39R. These lots will have 20-foot minimum front building lines as required by Code. Lots 27R-34R will maintain the current 25-foot front building line. No other changes are proposed by this amended plat.

INFRASTRUCTURE:

- Water:** Water service is provided by existing 12" line located in Nursery Road.
- Sewer:** Sanitary sewer service will be provided by an existing 8-inch main located within Lake Forest Drive which is then directed to an 18" sewer main located parallel to Spring Creek.
- Streets:** Amberglow Court is a proposed local street with 60' ROW.
- Drainage:** Drainage will be directed to an existing 24" storm sewer main located within Lake Forest Drive which is further directed toward Spring Creek.

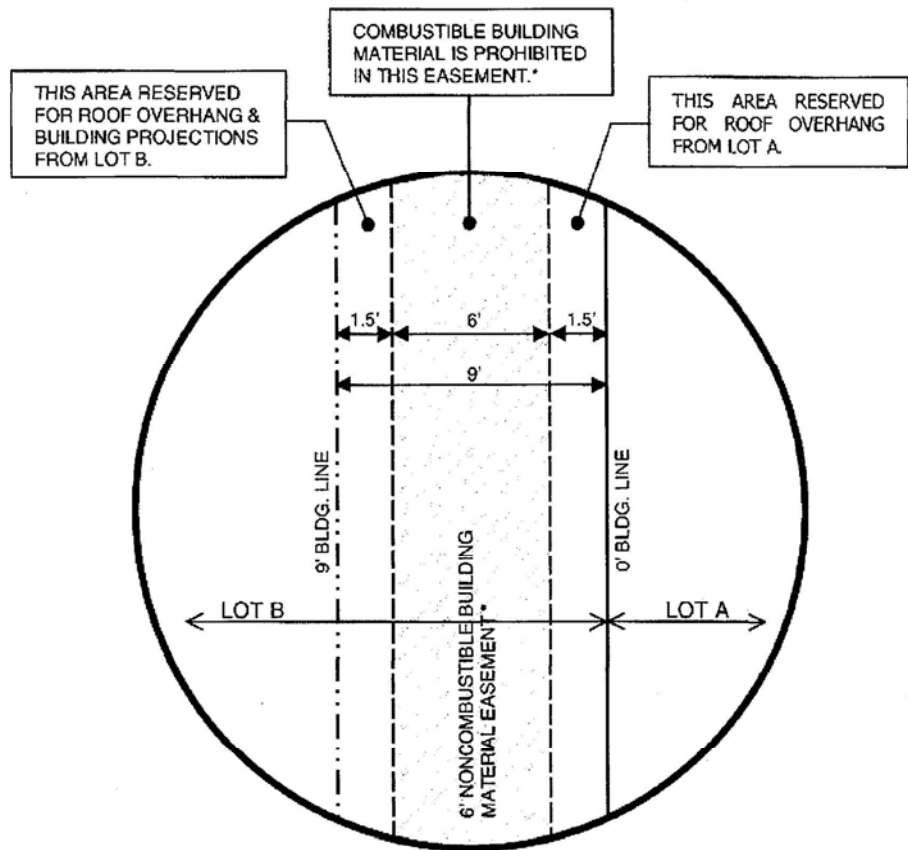
Construction Plans for the proposed public improvements have been reviewed and approved by the Public Works Department.

STAFF RECOMMENDATION:

The proposed plat is in compliance with the minimum requirements for patio-home residential contained within the Subdivision and Development Regulations. Staff recommends approval of the amended final plat for Lake Forest Subdivision, Section II, Phase I, Resubdivision #1 Amended Plat.

- Attachments:**
Final Plat

NONCOMBUSTIBLE BUILDING MATERIAL EASEMENT DETAIL



*Fencing material may cross this easement.

THE PROPERTY CONTAINED ON THIS PLAT IS LOCATED WITHIN THE CORPORATE LIMITS OF THE CITY OF VICTORIA.

LOT SIZES

- 15R - 5259 S.F.
- 16R - 4692 S.F.
- 17R - 5252 S.F.
- 18R - 5632 S.F.
- 19R - 8211 S.F.
- 20R - 6563 S.F.
- 21R - 5594 S.F.
- 22R - 4707 S.F.
- 23R - 4743 S.F.
- 24R - 4778 S.F.
- 25R - 4814 S.F.
- 26R - 4849 S.F.
- 27R - 5001 S.F.
- 28R - 6774 S.F.
- 29R - 11796 S.F.
- 30R - 6141 S.F.
- 31R - 6975 S.F.
- 32R - 7432 S.F.
- 33R - 5276 S.F.
- 34R - 5249 S.F.
- 35R - 5039 S.F.
- 36R - 5039 S.F.
- 37R - 5039 S.F.
- 38R - 5039 S.F.
- 39R - 5689 S.F.

25 LOTS
4.126 ACRES

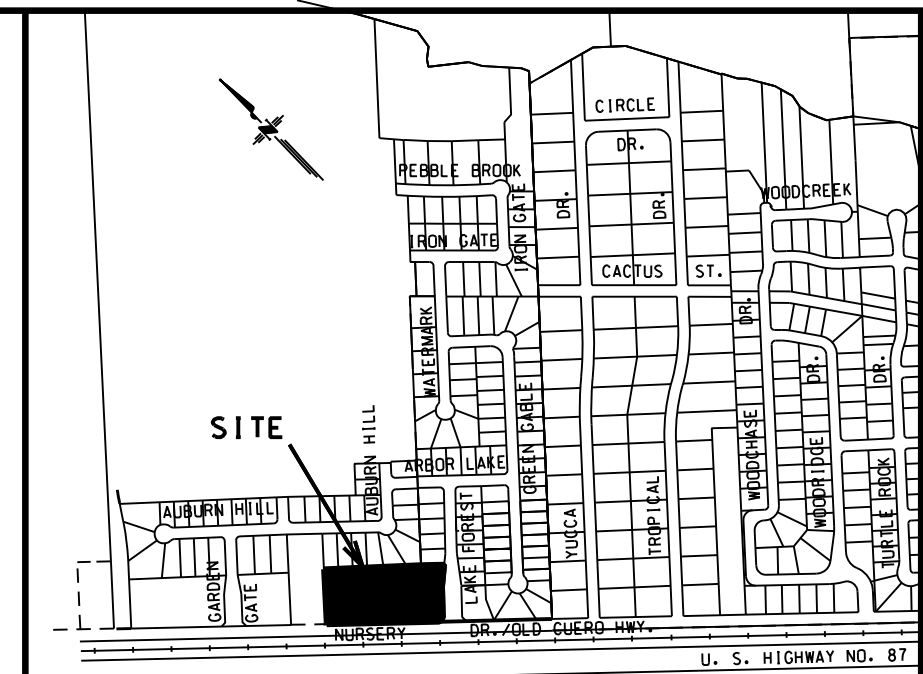
NO DRIVEWAY ACCESS ONTO LAKE FOREST DRIVE FROM LOTS 29R, 30R, AND 31R, BLOCK 6.

NO DRIVEWAY ACCESS ONTO NURSERY DRIVE FROM LOTS 15R AND 32R THROUGH 39R, BLOCK 6.

CURVE	DELTA	RADIUS	ARC	CHORD BEARING	CHORD LENGTH
(A)	90°00'00"	15.00'	23.56'	S 89°59'10" E	21.21'
(B)	30°55'57"	27.34'	14.76'	N 29°32'48" E	14.58'
(C)	151°51'55"	50.00'	132.53'	S 89°59'10" E	97.00'
(D)	30°55'57"	27.34'	14.76'	S 29°31'09" E	14.58'
(E)	42°08'57"	27.34'	20.11'	S 66°03'38" E	19.66'
(F)	264°17'54"	50.00'	230.65'	S 45°00'52" W	74.14'
(G)	42°08'57"	27.34'	20.11'	N 23°54'42" W	19.66'
(H)	90°00'00"	10.00'	15.71'	N 89°59'10" W	14.14'
(I)	90°00'00"	15.00'	23.56'	S 00°00'50" W	21.21'

AFTER REVIEWING THE DEDICATIONS AND IMPROVEMENTS REQUIRED BY THE ORDINANCES OF THE CITY OF VICTORIA CODE, AND THE CITY OF VICTORIA'S ADOPTED MASTER PLANS FOR THE APPROVAL OF THIS SUBDIVISION, I HAVE DETERMINED AND APPROVED THAT THE DEVELOPER'S PORTION OF THE CITY'S REQUIRED COSTS FOR THE CITY'S APPROVAL OF THIS PROPERTY DEVELOPMENT PROJECT DOES NOT EXCEED AN AMOUNT THAT WOULD BE ROUGHLY PROPORTIONATE TO THIS PROPOSED PROPERTY DEVELOPMENT PROJECT.

DEVELOPMENT SERVICES ENGINEER



LAND USE: LOCATION MAP 1" = 1000'

PATIO HOME RESIDENTIAL (R3)

BUILDING LINES:
PATIO HOME RESIDENTIAL (R3)
LOTS 15R - 39R

- 25' FRONT (LOTS 27R - 34R)
- 20' FRONT (LOTS 15R - 26R & 35R - 39R)
- 0' INTERIOR SIDE
- 9' INTERIOR SIDE (SEE DETAIL)
- 10' REAR

LEGEND:

- B.L. BUILDING LINE
- D.E. DRAINAGE EASEMENT
- P.D.E. PRIVATE DRAINAGE EASEMENT
- U.E. UTILITY EASEMENT
- EXISTING IRON ROD
- SET IRON ROD

KNOW ALL MEN BY THESE PRESENTS THAT I, A.C. FRANKSON, DO HEREBY CERTIFY THAT THE FOREGOING PLAT WAS PREPARED IN ACCORDANCE WITH THE SUBDIVISION AND DEVELOPMENT ORDINANCE OF THE CITY OF VICTORIA, TEXAS.

A.C. FRANKSON
Professional Engineer
Texas Registration No. 22861

KNOW ALL MEN BY THESE PRESENTS THAT I, A.C. FRANKSON, DO HEREBY CERTIFY THAT I MADE AN ACTUAL AND ACCURATE SURVEY OF THE PLATTED LAND AND THAT THE CORNER MONUMENTS SHOWN ON THE FOREGOING PLAT WERE PROPERLY PLACED UNDER MY PERSONAL SUPERVISION, IN ACCORDANCE WITH THE SUBDIVISION AND DEVELOPMENT ORDINANCE OF THE CITY OF VICTORIA, TEXAS.

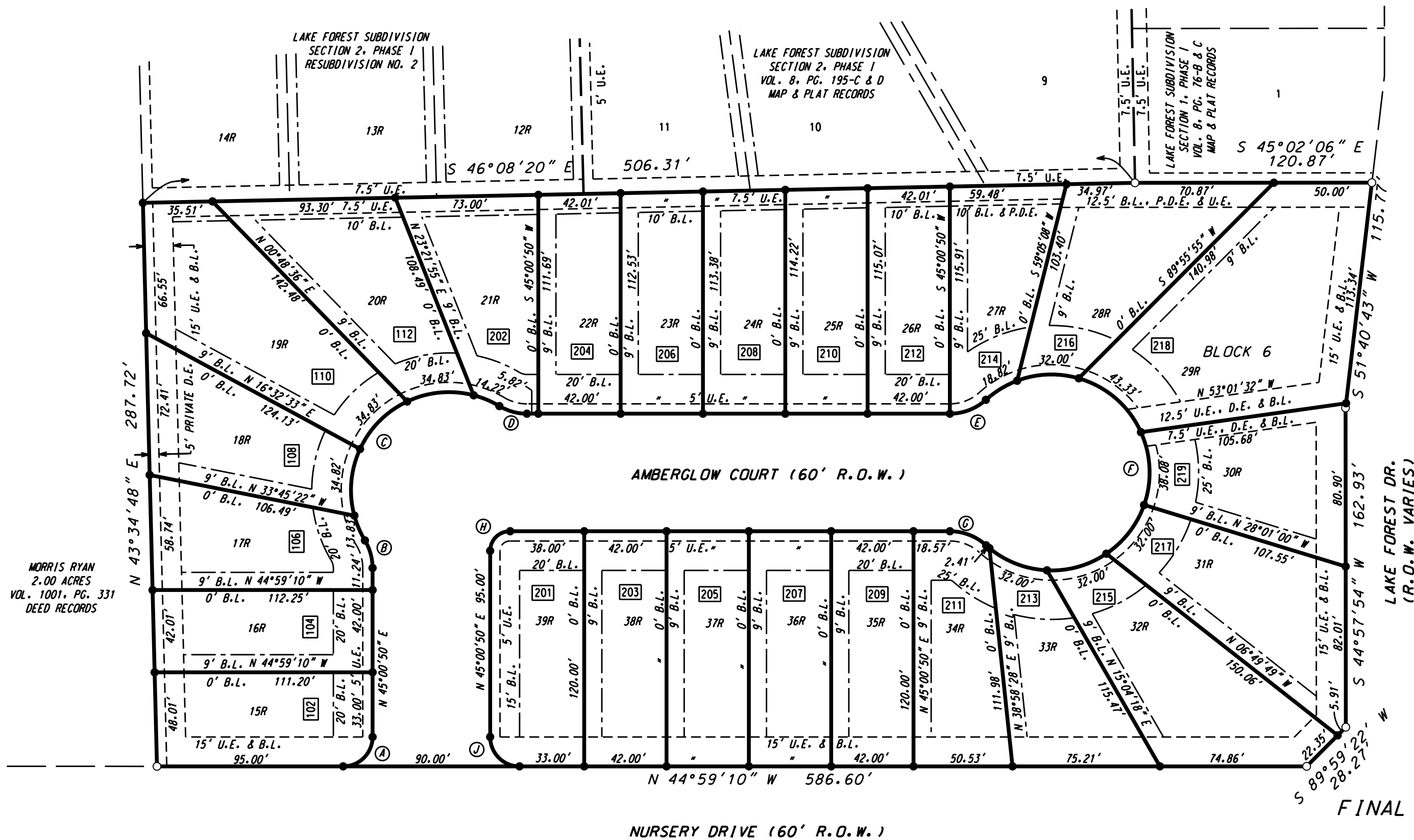
A.C. FRANKSON
Registered Professional
Land Surveyor
Texas Registration No. 2239

APPROVED THIS THE _____ DAY OF _____, 20____, AS A MAJOR PLAT, BY THE CITY PLANNING COMMISSION OF THE CITY OF VICTORIA, TEXAS.

CHAIRPERSON:

ATTEST

SECRETARY:



FINAL PLAT

RECORDED IN VOL. _____, PG. _____ OF THE MAP AND PLAT RECORDS OF VICTORIA COUNTY, TEXAS.

CITY PLAT FILE NO. 111101

Drawn By: C.D.
Approved By: A.C.F.
Date: 10-27-11
Job No. 08-093
Scale: 1" = 50'

BALUSEK-FRANKSON
F-9183
ENGINEERS & SURVEYORS
308 E. GOODWIN AVE.
VICTORIA, TEXAS 77901
PHONE: (361) 578-9956
FAX: (361) 573-6991

AMENDING PLAT
LAKE FOREST SUBDIVISION
SECTION 2, PHASE I
RESUBDIVISION NO. 1
BEING A 4.126 ACRE PORTION OF LAKE FOREST SUBDIVISION SECTION 2, PHASE I AS RECORDED IN VOLUME 8, PAGES 195C & 195D OF THE MAP & PLAT RECORDS OF VICTORIA COUNTY, TEXAS.

No.	Date	Revision

Sheet Number
1 of 2

A FIELDNOTE DESCRIPTION FOR
4.126 ACRES OF LAND

THE STATE OF TEXAS §
COUNTY OF VICTORIA §

BEING 4.126 acre portion of Lots 12, 13 and 14, Block 6 and all of Lots 15, 16 and 17, Block 6 of Lake Forest Subdivision Section 2, Phase I as recorded in Volume 8, Pages 195C & 195D of the Map & Plat Records of Victoria County, Texas said 4.126 acres of land being more fully described by metes and bounds as follows:

BEGINNING at an existing iron rod in the Northeast right-of-way line of Nursery Drive/Old Cuero Highway (60' wide) at the intersection of Nursery Drive and Lake Forest Drive, said iron rod also being the common corner of said Lake Forest Subdivision Section 2, Phase I and Lake Forest Section 1, Phase I, as recorded in Volume 8, Pages 76B & 76C of the Map & Plat Records of Victoria County, Texas, said iron rod also being the PLACE OF BEGINNING and the most Southern corner of the herein described tract;

THENCE, N. 44° 59' 10" W., a distance of 586.60 feet along the Northeast right-of-way line of said Nursery Drive to an existing iron rod at the most Southern corner of the Morris Ryan 2.00 acre tract of land described in a deed recorded in Volume 1001, Page 331 of the Deed Records of Victoria County, Texas, said iron rod also being a corner of the herein described tract;

THENCE, N. 43° 34' 48" E., a distance of 287.72 feet along the Southeast line of the Morris Ryan 2.00 acre tract to a 5/8" iron rod set for a corner of the herein described tract;

THENCE, S. 46° 08' 20" E., a distance of 224.93 feet along the Southwest line of Lots 12R, 13R and 14R, Block 6 of Lake Forest Subdivision Section 2 Phase I, Resubdivision No. 2 to an existing iron rod at the common corner of Lots 11 and 16, Block 6 of said Lake Forest Subdivision Section 2, Phase I and Continuing S 46° 08' 20" E., a distance of 281.38 feet along the Northeast line of Lots 16 and 17, Block 6 of said Lake Forest Subdivision Section 2, Phase I for a TOTAL DISTANCE of 506.31 feet to an existing 5/8 inch iron rod marking the common corner of said Lake Forest Subdivision Section 1, Phase I and the said Lake Forest Subdivision Section 2, Phase I, said iron rod also being a corner of the herein described tract;

THENCE, S. 45° 02' 06" E., a distance of 120.87 feet along the common line of the said Lake Forest Subdivision Section 1, Phase I and said Lake Forest Subdivision Section 2, Phase I to an existing iron rod in the Northwest right-of-way line of Lake Forest Drive (right-of-way varies), said iron rod also being a corner of the herein described tract;

THENCE, S. 51° 40' 43" W., a distance of 115.77 feet along the Northwest right-of-way line of said Lake Forest Drive to an existing iron rod, said iron rod also being a corner of the herein described tract;

THENCE, S. 44° 57' 54" W., a distance of 162.93 feet along the Northwest right-of-way line of said Lake Forest Drive to an existing iron rod, said iron rod also being a corner of the herein described tract;

THENCE, S. 89° 59' 22" W., a distance of 28.27 feet along the right-of-way line of said Lake Forest Drive to the PLACE OF BEGINNING containing within these metes and bounds 4.126 acres of land.

All 5/8 inch iron rod set with yellow plastic cap stamped Ganem and Kelly Surveying, Inc.

THE STATE OF TEXAS §
COUNTY OF VICTORIA §

This is to certify that DAVID HURST CONSTRUCTION INC. is the legalowner of Lot 28R, Block 6 of Lake Forest Subdivision Section 2, Phase I, Resubdivision No. 1 by deed dated November 4, 2011 and recorded in Instrument No. 201111089 of the Official Records of Victoria County, Texas, and designated herein as, AMENDING PLAT LAKE FOREST SUBDIVISION SECTION 2, PHASE I RESUBDIVISION NO. 1, to the City of Victoria, Texas.

FURTHER, I, the undersigned, do hereby DEDICATE to the use of the public forever all streets, alleys, parks, water courses, drains, easements, and public places shown on this plat for the purpose and considerations therein expressed.

DAVID HURST CONSTRUCTION, INC.
2523 Old Goliad Road Victoria, Texas 77905

THE STATE OF TEXAS §
COUNTY OF VICTORIA §

BEFORE ME, the undersigned authority, on this day personally appeared David Hurst known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that such person executed the same for the purposes and considerations therein stated.

Given under my hand and seal of office on this the _____ day of _____, 20__.

Notary Public, State of Texas

THE STATE OF TEXAS §
COUNTY OF VICTORIA §

This is to certify that D. G. M. P., INC. is the legalowner of Lots 15R thru 27R and 29R thru 39R, Block 6 of Lake Forest Subdivision Section 2, Phase I, Resubdivision No. 1 same being the land shown on this plat being a portion of the tracts of land as described by deed dated November 6, 2006 and recorded in Instrument No. 200614913 of the Official Records of Victoria County, Texas, and deed dated November 10, 2006 and recorded in Instrument No. 200614915 of the Official Records of Victoria County, Texas and deed dated May 1, 2000 and recorded in Instrument No. 200005742 of the Official Records of Victoria County, Texas and deed dated May 30, 2007 and recorded in Instrument No. 200706990 of the Official Records of Victoria County, Texas and deed dated January 26, 2011 and recorded in Instrument No. 201101246 of the Official Records of Victoria County, Texas and deed dated January 11, 2011 and recorded in Instrument No. 201101245 of the Official Records of Victoria County, Texas and designated herein as, AMENDING PLAT LAKE FOREST SUBDIVISION SECTION 2, PHASE I RESUBDIVISION NO. 1, to the City of Victoria, Texas.

FURTHER, I, the undersigned, do hereby DEDICATE to the use of the public forever all streets, alleys, parks, water courses, drains, easements, and public places shown on this plat for the purpose and considerations therein expressed.

D. G. M. P., INC.
B.J. Davis, President
7988 Nursery Dr. Victoria, Texas 77904

THE STATE OF TEXAS §
COUNTY OF VICTORIA §

BEFORE ME, the undersigned authority, on this day personally appeared B.J. Davis known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that such person executed the same for the purposes and considerations therein stated.

Given under my hand and seal of office on this the _____ day of _____, 20__.

Notary Public, State of Texas

THE STATE OF TEXAS §
COUNTY OF VICTORIA §

This is to certify that JAY M. EASLEY, Separate Property, owner and holder of a lien against the property shown on this plat, said lien being evidenced by Instrument No. 201103699 of the Official Records of Victoria County, Texas, do hereby in all things subordinate our interest in said property to the purpose and effects of said plat and the dedications and restrictions shown herein to said plat. Further, we hereby confirm that we are the present owners of said lien and have not assigned the same or any part thereof.

Jay M. Easley, Separate Property

THE STATE OF TEXAS §
COUNTY OF VICTORIA §

BEFORE ME, the undersigned authority, on this day personally appeared Jay M. Easley known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that such person executed the same for the purposes and considerations therein stated.

Given under my hand and seal of office on this the _____ day of _____, 20__.

Notary Public, State of Texas

Drawn By: C.D.

Approved By: A.C.F.

Date: 10-27-11

Job No. 08-093

Scale: 1" = 50'

BALUSEK-FRANKSON
F-9183
ENGINEERS & SURVEYORS
308 E. GOODWIN AVE.
VICTORIA, TEXAS 77901
PHONE: (361) 578-9956 FAX: (361) 573-6991

AMENDING PLAT
LAKE FOREST SUBDIVISION
SECTION 2, PHASE I
RESUBDIVISION NO. 1
BEING A 4.126 ACRE PORTION OF LAKE FOREST SUBDIVISION
SECTION 2, PHASE I AS RECORDED IN VOLUME 8, PAGES 195C
& 195D OF THE MAP & PLAT RECORDS OF VICTORIA COUNTY,
TEXAS.

No.	Date	Revision

Sheet Number

2 of 2

FINAL PLAT

RECORDED IN VOL. _____, PG. _____
OF THE MAP AND PLAT RECORDS OF
VICTORIA COUNTY, TEXAS.

CITY PLAT FILE NO. 111101



Agenda Item #: D-2

November 17, 2011

CASE:

Subdivision & Development Ordinance Revisions

Staff Contact: Jared Mayfield, AICP, Deputy Director

PROPOSED REVISIONS:

- a) Sidewalk Waivers – This revision will move authority to approve sidewalk waivers from Public Works Department to the Development Services Department. Development Services has been processing and approving the waivers for the last several years. City Code has not been updated to reflect this change in administration. This provision will simply clean up the ordinance to be clear.

Sec. 21-54(e)(3) The developer of a new single family residence in an existing, substantially built-out residential neighborhood in which sidewalks are not predominant may apply for a waiver of the requirement to install sidewalks. Additionally, a commercial or industrial developer may apply for a waiver on an open ditch, stripped-paved roadway. In any case, a parcel shall be eligible for a waiver only if the block-face on which the parcel is located is lacking continuous sidewalks, and the sidewalk required along the subject parcel would not complete the installation of sidewalks for the block-face. Such sidewalk waivers are subject to the approval of the Director of ~~Public Works~~ **Development Services**. As a condition of the waiver, the property owner(s) shall enter into a Sidewalk Agreement and Covenant with the City in the form approved by the City Attorney, which shall bind the owner(s) and subsequent owners to pay a pro-rata share of the cost of constructing a sidewalk along the street(s) adjacent to the subject property at such time in the future when the sidewalk is constructed. Once Sidewalk Agreements and Covenants have been entered into by the owners of all lots on a given block-face, or once a combination of existing sidewalks and sidewalk agreements are in place for an entire block-face, the City shall have a sidewalk installed on such block-face, and each property owner shall pay the pro-rata share of the cost of constructing such sidewalk.

- b) Cul-de-sacs in Nonresidential Areas – This revision will remove the separate turnaround radius for residential and nonresidential streets. Victoria does not classify streets as residential vs. commercial. Most cul-de-sacs in Victoria have been constructed to the 50 foot radius standard providing adequate turnaround space for emergency vehicles. Staff recommends revising this section to eliminate any confusion of which standard to apply.

Sec. 21-55(f): *Cul-de-sacs*. A cul-de-sac is a local street which is open at one end, with the closed end having a turnaround with a sufficient radius to facilitate the reversal of traffic movement. A cul-de-sac shall not exceed a maximum length of 750 feet; except that upon the recommendation of the Director of Development Services and with the approval of the Planning Commission, a cul-de-sac serving twenty-four (24) or fewer dwelling units may exceed 750 feet in length. For the purposes of this section, cul-de-sac length shall be

measured from the nearest right-of-way line of the intersecting street, along the centerline of the cul-de-sac, to the center of the turning radius of the turnaround.

~~A cul-de-sac turnaround in a residential area shall have a minimum right-of-way radius of fifty (50) feet. A cul-de-sac turnaround in a nonresidential area shall have a minimum right-of-way radius of eighty (80) feet.~~

The terminus of a cul-de-sac, which shall be considered to be the right-of-way line at the end of the cul-de-sac, shall not be less than one hundred (100) feet from the right-of-way line of another street.

- c) Intersection Separation for collector and local streets – This revision will increase the separation distance between intersecting local and collector streets. Recent development submittals highlight the need to review our intersection separation requirements. The re-subdivision of commercial tracts along the front of Lake Forest Subdivision into smaller residential subdivisions created additional public streets and additional traffic conflict points along a heavily traveled section of Nursery Drive. [Additional information will be provided at the Planning Commission meeting.](#)

Sec. 21-55(c):

Table 2.2
Intersection Separation and Off-Set Requirements for New Streets

NEW STREET	EXISTING STREET				
	FREEWAY	ARTERIAL		COLLECTOR	LOCAL
		35 MPH OR LOWER	40 MPH OR GREATER		
COLLECTOR	600 FT	300 FT	600 FT	300 FT	N/A
LOCAL	N/A	300 FT	600 FT	150 FT 200 FT	150 FT 200 FT

- d) Land Use Designations – This revision will eliminate the Office (O) land use designation. There are no longer specific platting requirements for this land use as it follows the general commercial guidelines.

Sec. 21-81(a):

Land Use Designations. For the purposes of this ordinance, the following Land Use Designations have been established:

- Single Family Residential (R1)
- Duplex/Two Family Residential (R2)
- Patio Home Residential (R3)
- Multiple Family Residential (R4)
- Townhouse Residential (R5)
- Manufactured Home Residential (R6)
- Rural Residential (R7)
- General Commercial (C1)
- Planned Shopping Center (C2)
- ~~Office (O)~~
- Industrial (I)
- Quasi-Public/Institutional (Q)
- Park, Recreation or Open Space (Public or Private) (P)

- e) Site Plans – This revision will give the Development Services Department the sole authority to approve site plans. Development Services has been processing and approving site plans for the last several years. City Code has not been updated to reflect this change in administration. Additionally, this revision will require the developer's engineer to provide a certificate of compliance for improvements constructed in the public right-of-way.

Sec. 21-91(c) *Review and approval.* Two (2) complete sets of site plans shall be submitted to the Director of Development Services on or before the date of any site plan submittal deadline, as established by a schedule to be prepared and distributed by the Development Services Department. No site plan will be accepted for review which does not clearly and satisfactorily contain the information listed in Section 21-91(b) above. The Director of Development Services shall coordinate the review of site plans by the Department of Public Works, Fire Marshall's Office, and other appropriate departments.

Within ten (10) working days after the date of application, the site plans shall be returned to the applicant with staff analysis and commentary. Once corrections have been made by the applicant, six (6) corrected sets of site plans shall be submitted to the Director of Development Services. Within five (5) working days after the date of resubmittal, the Director of Development Services and the Director of Public Works shall review the final plans and either approve, disapprove or conditionally approve the plans. No building permit will be issued until the infrastructure plan has been approved by the Director of Public Works and the general plan and landscape site plan have been approved by the Director of Development Services. **If a site plan requires improvements in the right-of-way (such as storm water drainage, driveways, sidewalks, and ADA ramps), the developer's engineer shall certify that such improvements were constructed in compliance with all city, state and federal requirements.** No Certificate of Occupancy shall be granted unless and until all construction conforms to the approved site plan.

- f) Off-Street Parking Standards – This revision would add a parking ratio for dance/gymnastic facilities and simplify the retail parking requirements. It will also eliminate the veterinarian office parking standard, such uses would then follow the existing medical office standards.

Sec. 21-92(b):

Table 3.1

<u>Land Use</u>	<u>Parking Standard</u>
Recreation and Entertainment:	
Dance/Gymnastics Studio:	1 space per 400 sf of gross floor area
Retail Sales and Services:	
Discount Store	1 space per 300 sf of gross floor area
Hardware/Paint/Home Improvement	1 space per 400 sf of gross floor area
Retail, General	1 space per 250 sf of gross floor area
Retail, Outdoor Sales	1 space per 500 sf of gross floor area
Shopping Center	1 space per 300 sf of gross floor area
Retail/Shopping Center <30,000 sf	1 space per 250 sf of gross floor area
Retail/Shopping Center >30,000 sf	1 space per 350 sf of gross floor area
Supermarket	1 space per 250 sf of gross floor area
Veterinarian office, pet grooming	1 space per 200 sf of examining, operating or grooming areas + 1 space per 400 sf of additional floor area



*DEVELOPMENT SERVICES DEPARTMENT
MONTHLY DEVELOPMENT REPORT
October 11, 2011 thru November 7, 2011*

MINOR PLATS RECEIVED:

The Storage Place 2 Subdivision – 1 Commercial lot; 4401 N. John Stockbauer; 4.395 acres; Patrick Nolan (owner); Balusek-Frankson (agent).

Villa Real Subdivision No.1 Resubdivision No.1 – 2 Commercial lots; 2208 & 2306 Leary Lane; 4.95 acres; Carlos Villareal (owner); Civilcorp (agent).

MAJOR PLATS RECEIVED:

Lake Forest Subdivision Section 2, Phase 1, Resubdivision No.1 Amending Plat – 25 Patio Home Residential lots; Amberglow Court; 4.126 acres; D.G.M.P., Inc. (owner); Balusek-Frankson (agent).

MINOR PLATS APPROVED:

None.

MAJOR PLATS APPROVED: *None.*

DEED APPROVAL APPLICATIONS RECEIVED: *None.*

SITE PLANS RECEIVED:

The Storage Place 2 – General Commercial; 4401 N. John Stockbauer; 4.395 acres; Patrick Nolan (owner); Balusek-Frankson (agent).

SITE PLANS APPROVED:

Ben Wilson Apartments – Multi-Family Residential (244 units); 2402 N. Ben Wilson; Gulf States Investment Corp. (owner); Urban Engineering (agent).

The Storage Place 2 – General Commercial; 4401 N. John Stockbauer; 4.395 acres; Patrick Nolan (owner); Balusek-Frankson (agent).

PLATS RECORDED (*Major & Minor*):

Lake Forest Subdivision, Section 2, Phase I, Resubdivision No.3 – 10/24/11

CITY COUNCIL ACTION: *None.*

City of Victoria Monthly Activity Report

October 2011			Fiscal YTD - 1 months of year		October 2010	
Description	Total #	Valuation (rounded)	Total #	Valuation (rounded)	Total #	Valuation (rounded)
Residential Single Family	10	\$ 1,704,309.00	10	\$ 1,704,309.00	3	\$ 574,000.00
RMH Placement	3	\$ 75,000.00	3	\$ 75,000.00	5	\$ 68,500.00
Res Multi. Family	0	\$ -	0	\$ -	0	\$ -
Res Add/Repairs	43	\$ 271,069.00	43	\$ 271,069.00	26	\$ 263,915.00
Comm. New Constr	5	\$ 27,595,000.00	5	\$ 27,595,000.00	2	\$ 2,685,000.00
Comm. Add/Repair	21	\$ 1,536,889.00	21	\$ 1,536,889.00	23	\$ 948,250.00
Signs	8	\$ 45,789.00	8	\$ 45,789.00	5	\$ 4,700.00
Other	58	\$ 137,791.00	58	\$ 137,791.00	31	\$ -
Plan Reviews	9	\$ -	9	\$ -	6	\$ -
Total:	157	\$ 31,365,847.00	157	\$ 31,365,847.00	101	\$ 4,544,365.00

M.E.P. Permits Issued

October 2011		Fiscal YTD - 1 months of year		October 2010	
	Total		Total		Total
Electrical Permits	58	Electrical Permits	58	Electrical Permits	47
Mechanical Permits	33	Mechanical Permits	33	Mechanical Permits	37
Plumbing Permits	46	Plumbing Permits	46	Plumbing Permits	30
Total	137		137		114

Permit Fees Collected

October 2011		Fiscal YTD - 1 months of year		October 2010	
	Total		Total		Total
Building	\$ 14,259.00	Building	\$ 14,259.00	Building	\$ 7,015.00
Electrical	\$ 4,059.00	Electrical	\$ 4,059.00	Electrical	\$ 2,766.00
Mechanical	\$ 6,512.00	Mechanical	\$ 6,512.00	Mechanical	\$ 2,135.00
Plumbing	\$ 3,212.00	Plumbing	\$ 3,212.00	Plumbing	\$ 2,098.00
License Fees	\$ 3,600.00	License Fees	\$ 3,600.00	License Fees	\$ 2,200.00
Plan Review Fees	\$ 10,203.00	Plan Review Fees	\$ 10,203.00	Plan Review Fees	\$ 1,845.00
Misc. Fees	\$ 1,391.00	Misc. Fees	\$ 1,391.00	Misc. Fees	\$ 1,434.00
Total	\$ 43,236.00		\$ 43,236.00		\$ 19,493.00