



MEETING MINUTES

Date and Time: May 18, 2017 at 5:15pm

MEMBERS PRESENT:

Greg Spears
Mary Anne Wyatt
Philip Johns
Michael Atkinson
John Hyak
James Johnson
Bruce Woods
Jill Trevino
Member Absent:
Julia Welder

STAFF PRESENT:

Development Services:

Julie Fulgham, Asst. Director Development Services
Jaron Hogenson, Planner
Lila Foster, Planning Technician

City Manager's Office:

John Kaminski, Assistant City Manager

City Attorney's Office:

A: CALL TO ORDER

May 18, 2017 – Regular Meeting 5:15pm

B: APPROVAL OF MEETING MINUTES

April 20, 2017 – Regular Meeting

Motion to accept the minutes was made by Mr. Woods, seconded by Ms. Wyatt, Motion passed unanimously

C: CITIZEN COMMUNICATION -None

D: DEVELOPMENT REVIEWS/FORMAL ACTION – Jaron Hogenson

1. **Pavliska Subdivision No. 1, Resubdivision No. 1** – Final Plat; 11 lots on a 1.441 acre tract of land situated Farm Lot 1, Block 4, Range 2 East Above Town, in the Original Four League Grant to the Town of Victoria, Victoria County, Texas; 1 Single Family (R-1) lot and 10 Duplex/Two Family Residential Lots (R-2); Gary V. Pavliska (Owner); Urban Engineering (Agent).

Pavliska Subdivision No 1 Resub No 1 is a proposed final plat of 1.441 acres. The subject property is located at the corner of N. Vine Street and W. Crestwood Drive. The property contains an existing single family residence on Lot 1R. The owner wishes to subdivide the property into one Single Family Residential lot and ten Duplex/Two Family Residential lots. A preliminary plat and variance request for the subdivision, to allow a private access drive/street instead of a public right-of-way, was approved by Planning Commission on September 18, 2014. The City Council approved a resolution authorizing the variance request on October 21, 2014. Access to the development will be provided via a private

access easement through the development that connects N. Vine Street and W. Crestwood Drive.

The proposed final plat is in compliance with the minimum requirements for single-family residential development and Duplex/Two Family Residential development contained within the Subdivision and Development Regulations. Staff recommends approval of the final plat for Pavliska Subdivision No 1 Resubdivision No 1 finding it meets all applicable ordinances and regulations.

In response to questions by Mr. Woods, Monica Priddy Urban Engineering, stated that the concerns about fire lanes was stated during the preliminary plat, when they resubmitted they provided a non-buildable area to provide for the fire lane.

Ms. Trevino made a motion to accept the plat as submitted, seconded by Michael Atkinson. Motion passed unanimously.

2. **Lake Forest Section 1 Phase 6** – Final Plat Extension; 6 lots on a 2.686 acre tract of land situated in the J.L. Carbajal League, Abstract 12, Victoria County, Texas; 6 Single Family Lots (R-1); B.J. Davis D.G.M.P. Inc. (Owner); Balusek-Frankson (Agent).

Lake Forest Section 1 Phase VI is a proposed final plat of 2.868 acres. The subject property is located near the intersection of Auburn Hill and Iron Gate Roads. The owner wishes to subdivide the property into two blocks, containing six Single Family Residential lots. The proposed lots will be accessed via Iron Gate Road, a proposed extension of a local street with a 60' ROW.

The final plat for Lake Forest Section 1 Phase VI was approved by Planning Commission at the June 18, 2015 meeting. Construction has not begun on this project due to changes in the financial environment and housing market. The owner is requesting an extension to the final plat's two-year recording/filing deadline. An extension of two-years would be a standard extension length as it is the amount of time allotted for a new final plat to be filed.

Planning Staff recommends approval of an extension to the recording requirements for the Final Plat for two additional years finding conditions in the area have remain unchanged.

Motion to accept the extension was made by Ms. Wyatt, seconded by Ms. Trevino Motion passed unanimously

3. **Capstone Estates** – Preliminary Plat Extension; 120 lots on a 142.47acre tract of land situated in the I.R.R. Company Survey, Section 13, Victoria County, Texas; 117 Single Family Lots (R-1); 2 General Commercial Lots (C-1) and 1 Open Space Lot (P); Timothy and Nita Rampey (Owner); CivilCorp, LLC (Agent).

The subject property is a rural subdivision located within the City's Extraterritorial Jurisdiction (ETJ). The ETJ extends 3.5 miles beyond the city limits. The property is bordered to the north and northwest by Tate Road, to the southwest by Northside Road, and to the northeast by North Navarro (US 77) and is owned by Timothy & Nita Rampey. The preliminary plat shows 117 single family residential lots, two general commercial lots

and one open space lot. The commercial and open space lots will be placed along Northside Road. The lot sizes range from 1 to 2 acres for the residential lots, from 2 to 6 acres for the commercial lots and ½ acre for the open space lot.

The preliminary plat for Capstone Estates Subdivision was approved by Planning Commission at the June 21, 2007 meeting. Construction of the first phase and second phase of this project are complete, work on the next phase has started. The final plat of Phase 2, Section 1 was amended in February of 2017 and is valid for a period of two years, until February of 2019, but construction work is ongoing and the plat is expected to be filed well before the expiration. Extensions for the preliminary plat were previously approved in 2012, 2013, 2014, 2015, and 2016. The owner is requesting a sixth one-year extension to the preliminary plat's five-year effective period.

PHASING OF FINAL PLATS

Section 21-39: "Where only a portion of an approved preliminary plat is submitted for final plat approval, a final plat of the remaining area may be submitted at any time within 5 years of the date of preliminary plat approval. If the final plat for the remaining area does not conform substantially with the approved preliminary plat, the remaining area of the preliminary plat shall be deemed null and void. If a final plat of the remaining area has not been submitted within the five year time period, the portion of the preliminary plat for which no final plat has been submitted shall be deemed null and void. However, if at least one phase of the preliminary plat has received final plat approval, its public improvements have been completed, and it has been filed in accordance with these regulations, an extension to the five year time limit shall be granted by the Director of Development Services upon request by the developer unless the Director of Development Services determines that development conditions have substantially changed since the date of preliminary plat approval, in which case the request shall be forwarded to the Planning Commission. The Planning Commission may deny the request if it determines that development conditions have substantially changed, and such conditions shall be stated in the minutes of the meeting. A request for the extension must be submitted to the Director of Development Services prior to the 5 year deadline date. Such extensions shall be for a period of one year, and may be renewed annually."

Staff continues to believe development conditions in this area have changed since the preliminary plat was originally approved in 2007, with the build out of Tuscany Subdivision across Northside Road. City water can easily serve any future phases and sanitary sewer lines are approximately 3/4 mile away from this subdivision. The highlighted blocks on the enclosed preliminary plat depict the portions of the preliminary plat that are yet to be developed, specifically being Block 6 and the northern half of Block 7 which comprise Phase 2, Section II and Blocks 2 and 4, which comprise Phase 3 and all remain undeveloped. Additionally, sewer upgrades in this area of the City have increased the available capacity and there are no hindrances to developing the remaining property in this vicinity with utilities.

These changes in the area are the reason the requested extension cannot be approved by staff. The Planning Commission must determine whether to extend the preliminary plat for an additional year or allow it to expire. As a reminder, after Dr. Rampey's last extension request, the Commission asked staff to research preliminary plat extensions. Staff prepared the attached memo detailing the results of that research.

Dr. Tim Rampey 104 Wilshire Victoria Texas

This is the same issue we addressed last year, it is in the city's best interest to have smaller lots, we intend to develop with either one acre or half acre lots. Jared Mayfield asked me if we would be interested in half acre lots and I agreed that would be best for the city, however it was felt that the city did not have the funds to do that. Water is across the street and it is not a difficult thing to get water to that area. That would allow half acre lots which would allow double the tax base for the city in the long run and double the number of lots for me.

Ms. Trevino asked Mr. Rampey if that meant that he was not averse to connecting to the city services, he stated that he was not averse to it at all it is across the street. Ms. Trevino further stated that we review this every year and conditions have changed significantly. So, does the plat extension need to be denied and a new preliminary plat submitted to make sure that city services are incorporated into this or is it feasible to extend it and still make sure that it happens. Ms. Fulgham, stated that if water and sewer were extended through this preliminary plat I'm not sure we would consider it to be in substantial conformance. A final plat must be in substantial conformance with the preliminary plat. If you are cutting the lot size in half and providing water and sewer you are not in substantial conformance with the preliminary plat, so we would ask for a new preliminary plat to reflect that.

Ms. Wyatt asked if the preliminary plat were being submitted today would it be approved because it would require the water and sewer. Ms. Fulgham stated that was correct it would not be approved.

Ms. Wyatt and Ms. Trevino agreed that in the last ten years since the initial submittal conditions have changed substantially.

Mr. Rampey stated that during conversations with Mr. Mayfield, Mr. Kaminski and our former City Manager they told me it was a mistake not to get water when I first wanted to get water and that would allow smaller lots and a greater tax base.

Mr. Kaminski stated that he wanted to clarify the discussions that have occurred regarding water and sewer, but primarily water service for this property. I'm going to go back to at least 2014, the context of the discussion between Mr. Mayfield, myself and the developer were in the context of the City attempting to negotiate a voluntary annexation of the remaining undeveloped portions of this property. We were willing to enter into a development agreement with Mr. Rampey to allow water only to be extended, which is not typical of what we do, but we were satisfied with that in exchange for an agreement to petition for voluntary annexation of the remainder of the undeveloped portions. The first proposal that we made, prior to the phase on the west side of the property being developed. Our first proposal was that the developer could extend water from Ball Airport Road up Northside and it would be an oversize main; the City would provide a reimbursement of the oversize cost and the developer would extend water into the subdivision. He chose not to accept that option based on the cost. We (the City) said OK we can live with that, continue to develop the west side in one acre lots as you have an approved preliminary plat to do. This was three years ago. We came back with a second proposal which was for the portion on the east side of the existing development whereby the City would extend, at our expense of approximately \$200,000, an oversized water

line from Ball Airport Road to the proposed entrance of this phase of the subdivision. Again Mr. Rampey chose not to accept that option and went forward with the request of the planning commission for that year, 2014, to extend the preliminary plat. It was approved and subsequent years it has continued to be approved. If you approve an extension for another year and he wants to come back and negotiate with the City about a voluntary annexation petition conditioned upon the extension of water we are willing to discuss that, but the offer of the City paying to extend that oversized main from Ball Airport Road to the entrance to the subdivision is no longer on the table. I cannot speak for the City Manager as to whether we would put it back on the table but we don't have funds available today for it. So, if he wants to extend water only and replat the remainder of this property into half acre lots it is at his cost and he has indicated in the past that he is not willing to bear that cost. The reality is that we have been trying for five or six years to work out a way to annex this subdivision not because of the tax revenue, when it comes to ad-velorum taxes annexing a subdivision there is no net gain. It is going to cost us as much to provide services to that subdivision as we are going to get in ad-velorum taxes in return and it will take decades to recoup that cost of extending water and sewer. Our only purpose in wanting to annex this subdivision is to prevent being cut off from annexations further north from our current city limit line. That has been our position from day one and continues to be our position. The only thing that has changed in the last year, is a year ago we had a project on the five-year capital improvement program to do a major utility upgrade to extend oversized sanitary sewer to the point it could serve this entire subdivision and further subdivisions. During the last CIP discussion City Council removed that project from the five-year funding window in the CIP. It came down in priority other higher priority projects pushed it out so there is not an annexation project on the horizon, certainly not within the next five years that will allow us to serve this subdivision with sewer. We could serve it with water today but that is not at our expense. It would be a voluntary annexation and it would be up to the developer to do that. It will probably be many years before we are going to have sewer capacity for this area. It is a very expensive project, somewhere in the neighborhood of eight million dollars, it involves a significant sanitary sewer lift station in addition to those oversize mains that have to come essentially from Mallette Road.

I wanted you to have the background, every year when we come to this we are reminded that staff has told Mr. Rampey that we would prefer the half acre lots, again those conversations need to be kept in context. Our only concern and our only goal was to affect an agreement to achieve voluntary annexation of this property. You can choose to extend this plat another year and continue to develop one acre lots, the reason we (staff) cannot extend this is because conditions have changed since the time of the preliminary plat approval.

Motion was made, by Ms. Trevino, to deny the extension of the preliminary plat. Motion was seconded by Mr. Woods. Motion passed unanimously.

E: OTHER BUSINESS

Development Services Monthly Development Report – Jaron Hogenson

F: ITEMS FROM PLANNING COMMISSIONERS

None

G: ADJOURNMENT

Time 5:45pm

APPROVED: _____
Greg Spears, Chairperson
Victoria Planning Commission

APPROVED: _____
James Johnson, Secretary
Victoria Planning Commission