NOTICE IS HEREBY GIVEN IN ACCORDANCE WITH THE TEXAS OPEN MEETINGS LAW OF THE FOLLOWING MEETING OF A CITY GOVERNMENTAL BODY:

CITY OF VICTORIA PLANNING COMMISSION
REGULAR MEETING

Council Chamber
107 W. Juan Linn Street
Victoria, Texas

Thursday, February 21, 2019
5:15p.m.

April Hilbrich
City Secretary

This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Secretary's office at (361) 485-3040 or FAX (361) 485-3045 for further information.
AGENDA

A: CALL TO ORDER

B: APPROVAL OF MEETING MINUTES
   1. November 15, 2018 – Regular Meeting

C: CITIZEN COMMUNICATION

D: DEVELOPMENT REVIEWS/FORMAL ACTION
   1. Tuscany Subdivision Amending Preliminary Plat and Planned Unit Development

   The property is legally described as being a 73.92 acre tract of land situated in the S. A. & M. G. RR. Company Survey, abstract No. 322, Victoria County, Texas, said 73.92 acres also being comprised of a 35.00 acre tract of land conveyed from Albert Gary Rosenquest, et al to RHP Family Partnership LTD by deed dated March 31, 2008 as recorded in official records instrument No. 200803707 of Victoria County, Texas., a 38.92 acre tract of land conveyed from Albert Gary Rosenquest, et al to RHP Family Partnership LTD by deed dated April 1, 2009 as recorded in official records instrument No. 20093975 of Victoria County, Texas and a portion of a residual 143.009 acre tract of land conveyed from Albert Gary Rosenquest, et al to RHP Family Partnership LTD. By deed dated March 31, 2008 as recorded in official records Instrument No. 200803711 of Victoria County, Texas.

   Amending Preliminary Plat and Planned Unit Development: Tuscany Preliminary Plat was originally platted into 194 single-family lots, 113 patio home lots, and 3 common areas, totaling 310 lots; the Amended Preliminary Plat is being platted into a Planned Unit Development to include 265 single-family lots, 15 patio home lots, and 5 common area lots totaling 285 lots.
a. Staff Report for items D1, D2, and D3
b. Public Hearing for Preliminary Plat
c. Deliberations and Action

2. Tuscany Subdivision Residential Replat of Section 1B, Phase 1

This property is legally described as being a 6.24 acre tract of land situated in the S. A. & M. G. RR. Company Survey, abstract No. 322, Victoria County, Texas, said 6.24 acres being a portion of Tuscany Section 1B-Phase 1, an addition to the City of Victoria, Victoria County, Texas according to the established map and plat of said addition of record in Volume 9, Page 131 A&B of the Plat records of Victoria County, Texas.

Re-plat of Section 1B, Phase 1: replats 6.24 acres of land being 36 patio home lots into 21 single family lots and 15 patio home lots, with associated common area.

a. Public Hearing for Replat
b. Deliberations and Action

3. Tuscany Subdivision Final Plat of Section 1B, Phase 2

This property is legally described as being a 4.57 acre tract of land situated in the S. A. & M. G. RR. Company Survey, abstract No. 322, Victoria County, Texas, said 4.57 acres being a portion of a 35.00 acre tract of land conveyed from Albert Gary Rosenquest, et al to RHP Family Partnership LTD by deed dated March 31, 2008 as recorded in official records instrument No. 200803707 of Victoria County, Texas.

Final Plat Section 1B, Phase 2: plats 4.57 acres of land into 2 blocks and 21 single-family lots with associated common area.

a. Final Plat Deliberations and Action

E: OTHER BUSINESS

1. Introduction of Brianna Annas, Planner

F: ITEMS FROM PLANNING COMMISSIONERS

With respect to items not listed on this agenda, Planning Commissioners may request specific factual information, a recitation of existing policy, or placement of items on the Planning Commission agenda for discussion at the following meeting.
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.
MEETING MINUTES

Date and Time: November 15, 2018, at 5:15pm

MEMBERS PRESENT:
- B J Davis
- Michael Atkinson
- John Hyak
- James Johnson
- Gail Hoad
- Mary Ann Wyatt
- Brian Rokya
- Julia Welder

ABSENT:
- Jill Trevino

STAFF PRESENT:

Development Services:
- Julie Fulgham, Director of Development Services
- Alina Phillips, Planning Manager
- John Johnston, Development Engineer
- Lila Foster, Planning Technician

City Manager’s Office
- Charmelle Garrett
- John Kaminski

City Attorney’s Office:
- Thomas Gwosdz, City Attorney

A: CALL TO ORDER
Chair Wyatt called the November 15, 2018, regular meeting to order at 5:15pm.

B. APPROVAL OF MEETING MINUTES
1. September 20, 2018 – Mr. Johnson made a motion to approve the September 20, 2018 minutes and it was seconded by Ms. Hoad. The motion passed unanimously.

2. October 30, 2018 – Corrections to the minutes of the October 30, 2018 Special Meeting were made by Chair Wyatt. The correction changes the minutes to state the meeting was called to order by the Chair, not Vice-Chair. Ms. Welder made a motion to accept the minutes as corrected and it was seconded by Mr. Atkinson. The motion to approve the minutes as amended passed unanimously.

C. CITIZEN COMMUNICATION
Mayor Paul Polasek was recognized and stated that he was there to thank the Commission for their service on the Planning Commission. He regretted not being able to attend the joint session with City Council on October 30th but he appreciates the tough role the Commissions can sometimes have, and he truly appreciates the time the Commissioners spend in service to the City.

D: DEVELOPMENT REVIEWS/FORMAL ACTION
1. Variance Request for Spring Ridge Subdivision Resub. No. 2 – Request for Variance to City Code for a tract legally described as being 1.07 acres and being part of Spring Ridge Subdivision Lot 3,
A variance request to Section 21-82(c)(5) Single Family residential detached, rural subdivision, Minimum interior side yard setback which requires the interior side yard setback to be 10 feet.

a. Staff Report presented by Julie Fulgham
   The subject property is not located within the city limits of Victoria, Texas. The property lies within the City of Victoria’s Extraterritorial Jurisdiction. Subdivisions created in the city’s extraterritorial jurisdiction are subject to the city’s Subdivision Ordinance, based on an inter-local agreement between the City of Victoria and Victoria County. The property is a 1.07-acre lot located at 97 Brook View Drive and was developed into a single-family residential lot within the Final Plat Spring Ridge Subdivision filed in 2009.

   During the subdivision process, subdivision blocks and lots, infrastructure, utilities, easements, and building setback lines are established. A plat was submitted to the City for review and approval. The plat was approved by the City; it was filed with the County Clerk’s office for their records. The current building setback lines established for the subject property by the recorded plat are as followed: 50’ front yard setback line, 5’ interior yard setback lines and 20’ Drain and Utility Easement in the back yard.

   The applicant is requesting a variance to the minimum interior side setback in order to replat this lot with a 2.5’ interior side setback rather than the minimum 10’ interior side setback currently required by the Subdivision Ordinance. The applicant is requesting this variance to satisfy their mortgage company’s requirements since there is an existing garage structure encroaching in the currently platted interior side setback. When the garage structure was built on this property, the owner was not required to pull a building permit to construct it on their property because the City of Victoria does not have authority to issuing building permits for properties located outside of the city limits or enforce setbacks established by plats on property located outside of the incorporated limits of the City of Victoria.

   The variance would allow the owners to have a 2.5-foot interior building setback line only in the area of the existing garage. The variance, if approved, would allow the owners to have a 2.5-foot interior building setback line versus the 10-foot interior building setback line as required by the Subdivision Ordinance or a 5-foot interior setback line as established by the Spring Ridge Subdivision plat.

   The subject property is not located within the city limits of Victoria, Texas. The property lies within the City of Victoria’s Extraterritorial Jurisdiction. Subdivisions created in the city’s extraterritorial jurisdiction are subject to the city’s Subdivision Ordinance, based on an inter-local agreement between the City of Victoria and Victoria County. The City of Victoria does not have authority to issuing building permits for properties located out of the city limits or enforce setbacks established by plats on property located outside of the incorporated limits of the City of Victoria. Rural residential subdivision lots must be a minimum of one acre in size if there is an absence of public water and wastewater facilities. The subject property is 1.07 acres. The intent of setback lines is to provide a minimum amount of open space and prevent the conflagration of structures in an urbanized area. Staff believes the low density of the Spring Ridge Subdivision, in addition to the lack of regulatory authority concerning the construction of buildings located outside of the City limits, creates a unique condition and circumstance. For these reasons, staff would recommend the approval of this variance.
In answer to Mr. Hyak's question concerning the amount of information sent from adjoining property owners, Ms. Fulgham stated that the Planning Commission is only looking at the setback variance associated with the plat and that the information given to the Commission from adjoining property owners covers many other issues. The City only has authority over platting requirements in the ETJ and does not regulate any sort of building or construction activity in the ETJ. If there are any other issues such as building encroachments or other construction issues then those will need to be enforced privately through the deed restrictions, or if there are easements, then Victoria County may be able to enforce issues related to that.

b. Public Hearing - Grant Van Meter 129 Brook View Victoria, TX 77904
Mr. Van Meter stated that he owns the property adjacent to the subject property. He stated that when Bob Shaffer came to him and told him of plans to build a metal shop, he explained to him that this was a deed restricted neighborhood and that whatever the deed restrictions allowed is what he could build. Mr. Van Meter also stated that he made the HOA president Brad Blanton aware of the situation.

Mr. Van Meter further stated he is not aware of what went on between Mr. Shaffer and Mr. Blanton, but construction began the following January and he assumed the HOA president would do his due diligence when researching this and since Bob (Mr. Shaffer) is an engineer by trade and it was his feeling he should have known better.

Mr. Van Meter explained that the applicant wanted to build right on the building line and any prudent person would know that a survey is required, and he didn’t get a survey. Since then, a survey has been done and showed he was over on the building line. Mr. Van Meter believes there are issues with propane tanks, with sanitation easements in the front of the garage and his driveway. He asked how the Commission can grant a waiver when they don’t have the authority to force a survey, but when someone make a mistake because they didn’t get a survey they can come to the planning commission and ask for an out?

In response to Commissioner Davis' question, City Attorney Gwosdz stated that the issue of whether the Home Owners Association has approved a variance to their deed restrictions is a separate issue that is not before this Commission. The Commission’s sole decision is to determine if this variance is appropriate to the plat.

In response to the fire concern posed by Commissioner Davis, Ms. Fulgham stated that normally it is a three (3) foot rule but that it can be reduced depending on the materials. This property is constructed with a metal roof and hardy plank which has the same R factor as brick, but these fire codes apply to properties within the City only and do not apply in this case.

c. Variance Deliberations and Action
A motion to approve the variance was made by Ms. Welder and seconded by Ms. Hoad Commissioners Atkinson, Hoad, Rokyta, Welder voted to approve the variance and it passed. Commissioners Hyak, Davis, Johnson voted against the motion to approve the variance.

2. Variance Requests for McDonald’s – Request for Variances to City Code for a tract legally described as
being 0.6887 acres and being part of the Indian Trails Subdivision, Section One, Resubdivision No. 7, Lot 3C located at 7808 North Navarro Street; McDonald’s Corporation (owner); Pape-Dawson Engineers (agent).

Variance requests to:

Various sections within Chapter 20:
Section 20-82 (Maximum Number of Driveways), Section 20-83 (Location of Driveways), Section 20-90 (Nonconforming Driveways), and

Various sections within Chapter 21:
Section 21-64 (Building Setback Lines), Section 21-92 (Off-Street Parking Requirements, General), Section 21-96 (Queuing Spaces), and Section 21-101 (Landscaping).

a. Staff Report
The subject property is located at 7808 North Navarro Street and is owned by McDonald’s Corporation. The site is developed with an existing McDonald’s Restaurant. The property owner is proposing to tear down the existing restaurant and rebuild a new restaurant, which is 885 square feet larger, on the existing site. The applicant is requesting a total of seven variances which includes variances to the following sections: Section 20-82 (Maximum Number of Driveways), Section 20-83 (Location of Driveways), Section 20-90 (Nonconforming Driveways), Section 21-64 (Building Setback Lines), Section 21-92 (Off-Street Parking Requirements, General), Section 21-96 (Queuing Spaces), and Section 21-101 (Landscaping).

The following sections of Chapter 20, Streets, Sidewalks, Curbs, and Gutters are the sections requested to be varied from:

Section 20-82- Maximum Number of Driveways
(b) A commercial or multifamily land use on a street other than a freeway shall be permitted access only in accordance with the following:
(1) A driveway onto a street from a land use with less than two hundred (200) feet of frontage on that street shall be permitted in accordance with special conditions established by the director in accordance with section 20-91

Section 20-83- Location of Driveways
(d) Successive driveways located on the same property shall be located no closer together than one hundred (100) feet as measured between the adjacent driveway throats or the sum of the adjacent curb radii of the two (2) driveways plus a sixty-foot tangent length, whichever is greater, as shown in figure 20-83(d).

Section 20-90- Nonconforming Driveway
(a) It is the intent of this section that nonconforming driveways be discontinued and that driveways be required to conform to the regulations prescribed herein with nonconforming status applying only under the appropriate circumstances. It is the further intent of this section that nonconforming driveways will eventually be eliminated through the natural course of application of this section and the need for repair and reconstruction or changes in use. Nonconforming status is intended to be a status to prevent a property owner from having to pay to bring a driveway into compliance with newer
regulations after its original construction. Nonconforming status is not intended to guarantee a driveway will avoid alteration.

(b) Any driveway access that does not conform to the provisions of this chapter but legally existed as a conforming driveway prior to May 1, 2010 may be permitted to continue as a nonconforming driveway until:

(4) A driveway is reconstructed as defined by Section 20-80; or
(5) Any development that is required by the City Code to be accompanied by a site plan.

Additionally, the applicant is requesting variances to the following sections of Chapter 21, Subdivision and Development:

Section 21-64- Building Setback Lines
Building setback lines, as specified in Article III, Division 1, Development Guidelines, shall be provided for every lot. Such lines shall be drawn on the preliminary and final plats. When public utility easements in excess of the setback requirements exist or are established on a lot, the building setback lines shall be adjusted to conform, at a minimum, to the easement dimensions. No building permit or building moving permit shall be issued for a building which will encroach any minimum building setback line. Except the owner of two (2) adjoining residential lots may obtain a building permit to construct a house or structure across the interior building setback lines of the recorded lots.

Section 21-92- Off-Street Parking Requirements
(a) Off-street parking required. At the time that any building, use or structure is initiated, erected, enlarged or converted from one (1) land use to another land use which requires an increase in the number of parking spaces, off-street parking facilities shall be provided in accordance with these regulations for the use of occupants, employees, visitors and patrons. The provisions of this section shall not apply to properties located within the designated Downtown Business District, as described in Section 5-149 of the City Code.

(c) Amount of off-street parking spaces required: the required number of off-street parking spaces for any building, use or structure shall be determined by the list of land use classifications and corresponding parking standards contained in Table 3.1, of this section

Table 3.1: Restaurant, fast food 1 space per 100 sq. ft. of gross floor area

Section 21-96- Queuing Spaces
Uses which have drive-through window services shall provide queuing spaces. A fast-food restaurant with drive-through services shall provide a minimum of 5 queuing spaces. For other uses with drive-through services, the minimum number of queuing spaces required shall be determined by the Director of Development Services. Where such queuing spaces are provided, they shall conform to the following standards:

(4) Queuing lanes shall not interfere with parking spaces, parking aisles, loading areas, internal circulation or driveways.

Section 21-101- Landscaping
(d) Landscaped Area Required. A minimum of 10 percent of the total building site, as defined herein, shall be devoted to landscaping; except that the square footage of all portions of the building site covered by buildings footprints or areas designated as fenced and secured storage areas shall be subtracted from the building site area prior to making the 10 percent calculation. At least 70 percent of the required landscaped area shall be located within the street yard, as illustrated in Figure 3.6 of this section. For multiple-family developments, where it would be more desirable to disperse the
landscaping throughout the site, the percentage of landscaping to be located in the street yard may be reduced by the Director of Development Services.

Chapter 20, Article VI, Driveway Construction Variances:

Chapter 20, Article VI, Driveway Construction sets forth variance procedures in Section 20-91. Variances to driveway regulations differ from variances to the subdivision regulations in that the Planning Commission does not have a set of criteria to measure the variance requests against. The applicant must submit a request stating the circumstances showing that the literal enforcement of such provisions will result in an unnecessary and extraordinary hardship. The applicant’s agent has submitted their request and it is attached.

In this situation, the driveways have existed in this configuration since the site was developed with this building in 1995. There are two driveways on a site with only 161.68 feet of frontage instead of the minimum 200 feet of frontage required for two driveways and which are separated by only approximately 60 feet instead of the minimum 100 feet of separation required by the ordinance.

Driveway regulations are intended to reduce the number of potential conflicts between vehicles on a roadway and on an adjacent site and provide adequate ingress and egress to a property while maintaining adequate traffic flow on the adjacent roadway. Prior to the construction of the median in front of this property, there were a high rate of crashes on this segment of Navarro. However, after the introduction of the roadway median, a 36% reduction in collisions occurred between Loop 463 and Broadmoor on Navarro Street. A signalized intersection, to the south of the property, maintains and improves the safety of Victoria Mall's private drive and LaSalle Crossing, a local city street. Signalized intersections improve safety by managing high volumes of motorized traffic and controlling speed on a roadway.

Therefore, staff concludes that the median and signalized driveway, located immediately south of this property, mitigates safety concerns of multiple driveways without adequate spacing due to the inability to make left turns into or out of the driveways and the probability of reduced speeds on the roadway in front of this property because of the signal. However, reducing the number of driveways improves traffic flow (which is a large factor in roadway capacity) on an adjacent roadway. A recent example of a site redeveloped to be in compliance with this article is the Frost Bank site currently under construction south of this property.

Chapter 21, Subdivision and Development Variances:

Variances to Chapter 21, Subdivision and Development must meet the criteria established in Section 21-16. Staff's analysis and recommendation of the requested variances to Chapter 20 is explained below. The criteria established in Section 21-16 is as follows:

1) The granting of the variance will not be detrimental to the public safety, health, or welfare, or be injurious to surrounding property;
2) The granting of the variance is not based on a hardship which is self-imposed;
3) The hardship is not based solely on the cost of complying with the regulation;
4) The granting of the variance will not have the effect of preventing the orderly development of other land in the area in accordance with the provisions of this chapter; and
5) There are special or unique circumstances or conditions affecting the land involved such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of the property.

The property owner has requested four variances to Chapter 21. The requested variances include a variance to the minimum 25-foot front building setback to allow the encroachment of a canopy 3’ into the required front setback, a variance to the minimum number of required off-street parking spaces to allow only 32 parking spaces rather than the required 43 parking spaces, a variance to the regulation that queuing lanes shall not interfere with parking spaces, parking aisles, loading areas, internal circulation or driveways; and a variance to the landscaping requirements to allow only 39% of the 70% of landscaping required to be in the front street yard.

While the ordinance does differentiate between a restaurant (1 parking space per 3 seats is required) and a fast-food restaurant (1 parking space per 100 square feet of gross floor area), staff recognizes that a fast food restaurant is a convenience driven business and the functionality of the site is dependent on adequate queuing or parking spaces. The introduction of a second drive-thru order window on this property will reduce the length of the vehicular queue, enhancing functionality. Furthermore, the existence of a rear access point on this property to the Victoria Mall (authorized by a cross-access agreement) allows for even greater functionality and is a mitigating factor in any reduction in the number of off-street parking spaces or in designing parking spaces blocked by queuing space.

Additionally, the applicant has requested a variance to allow for a 3-foot encroachment into the required 25-foot front setback to allow the construction of a canopy. The general requirements of setbacks allow for minor encroachments such as open eaves, cornices, windowsills, or canopies of up to 2 feet. The encroachment of a 3-foot overhang exceeds the minimum standards, when including the exceptions allowed by ordinance, by only 1-foot. This minimum encroachment has little to no effect on the orderly development of land and the intent of setbacks is still adhered to with the structural components of the building located outside of the minimum setbacks.

Lastly, the applicants are requesting a variance to the landscaping requirement that 70% of the required landscaping be located in a street yard, which is defined in the landscaping section as the area of a building site between the street right-of-way line and the actual front wall line of the building. This street yard applies to all sides of a lot fronting a public right-of-way. In this circumstance, there is a unique condition in that the site is located along a private drive, which is signalized. The mall access drive is not a dedicated right-of-way, but functions like one. If the mall access drive were to be viewed as public right-of-way, then the landscaping abutting the side property line would be considered ‘street yard frontage’ and the landscaping would be in compliance. It is preferable that the landscaping be spread between the street yard frontage on Navarro as well as the mall access drive to prevent corridors devoid of any vegetation.

For these reasons listed above, staff recommends approving the variances to Chapter 21, as requested.

b. Public Hearing

Nathan Billiott of Houston, TX addressed the Commission. He stated he is with Pape Dawson Engineers and is the Engineer of Record for this project. He stated he was before the
Commission to answer any questions. He further stated this property is routinely serviced by 18 wheelers and it is their position that trying to get them in and out the same driveway would prove difficult and to address the traffic backup onto Navarro we are planning to put in 2 drive throughs order lanes.

Variance Deliberations and Action
Various sections within Chapter 20:
A motion to accept the variances to Chapter 20, Driveways, was made by Mr. Johnson and seconded by Ms. Welder. The motion passed unanimously

Various sections within Chapter 21:
A motion to accept the variances to Chapter 21, Subdivision and Development, was made by Mr. Hyak and seconded by Ms. Hoad. The motion passed unanimously.

E: OTHER BUSINESS

Questions and Discussion related to the Joint Meeting with City Council held on October 30, 2018 and the Unified Development Code.

There was some discussion concerning the drafting of the unified development code under Chapter 211 which would allow direct enforcement authority and make it simpler for developers. It was explained that this would not develop a zoning map, but it would allow the city to streamline the process while not creating a zoning map. In reference to Mr. Atkinsons’ question about zoning and borders, Mr. Gwosdz explained that the border would be the City limits and not broken into a zoning map as we know it.

The Development Services Monthly Development Report was presented by Ms. Fulgham.

F: ITEMS FROM PLANNING COMMISSIONERS - None

ADJOURNMENT

There being no further business, the meeting was adjourned at 6:08 p.m.

APPROVED: ______________________________
Mary Anne Wyatt, Chairperson
Victoria Planning Commission

APPROVED: ______________________________
James Johnson, Secretary
Victoria Planning Commission
Agenda Items #: D-1, D-2, & D-3

CASE:
D-1: Amended Preliminary Plat and Planned Unit Development, Tuscany Subdivision
D-2: Replat of Section 1B, Phase 1, Tuscany Subdivision
D-3: Final Plat of Section 1B, Phase 2, Tuscany Subdivision

Location: The subject property is located south of Northside Road between Paco and Ball Airport Roads, including property east of Ball Airport Road
Land Use: Single Family Residential (R-1) and Patio Home (R-3)
Applicant(s): CivilCorp, LLC, on behalf of Ball Airport Road Development, LLC
Staff Contact: Brianna Annas, Planner & Julie Fulgham, Director of Development Services

LOCATION MAP:
GENERAL DESCRIPTION:

Tuscany Amending Preliminary Plat and Planned Unit Development:
The Tuscany Preliminary Plat was originally approved in September of 2008 and was comprised of both single-family residential lots as well as patio home lots. Most recently, Section 1B, Phase 1 was platted in June of 2014. This phase consisted of 36 patio homes. However, the market for patio homes has made completing the phase difficult and the property owner and applicant wishes to redesign the subdivision for single-family residential homes.

Tuscany was originally platted into 194 single-family lots, 113 patio home lots, and 3 common areas, totaling 310 lots. The property owner wishes to amend the preliminary plat into a planned unit development to include 265 single-family lots, 15 patio home lots, and 5 common area lots totaling 285 lots. 18 lots do not meet the minimum 6,000 square foot lot size and to offset the increased density, the developer proposes to provide approximately 4,690 linear feet of walking trail accessed through 5 access easements as an amenity to the subdivision in order to make the substantial amount of common area dedicated within the subdivision as usable open space. Other than the 18 lots being below the required minimum lot size, there are no deviations to other applicable regulations such as setbacks, sidewalks, right-of-way widths, or construction standards.

The Amending Preliminary Plat and Planned Unit Development consist of Sections 1C, 1A and Section 2A, which have already been developed. Section 1B has been partially developed and a resubdivision and final plat for this section has been submitted concurrently with this amending preliminary plat. Sections 2B and 2C are future phases.

Section 1B, Phase 1 Resubdivision & Phase 2 Final Plat:
The need for a planned unit development is a result of the infrastructure for Section 1B, Phase 1 already having been constructed. This phase was originally constructed with 36 patio home lots. Converting patio home lots that have not yet been developed into single-family residential results in 18 lots that do not meet the minimum lot standards. These 18 lots range from 4,278 square feet to 5,367 square feet with an average lot size of 4,472 square feet. The developers are also proposing to dedicate 2.65 acres of common area in Section 1B, Phase 1. However, most of this land is already being utilized for a detention and open space area, but in order to provide an enhanced area and more usable space within Section 1B, the developer is proposing to construct 1,320 linear feet of walking trail and provide 4 access easements to the trail to facilitate a neighborhood park environment and provide adequate open space, which minimum lot size standards achieve.
INFRASTRUCTURE:

Water: Water service will be provided by City of Victoria
Sewer: Sanitary sewer service will be provided by City of Victoria
Streets: Extension of Villagio Circle and San Savino Court as well as dedication of Chianti Drive and several unnamed new streets in future phase 2C; all 60’ local streets.
Drainage: Drainage is in accordance with the master drainage plan of the City of Victoria.

STAFF RECOMMENDATION:

Staff recommends approval of the Tuscany Amending Preliminary Plat and Planned Unit Development. Staff believes the addition of the walking trail and large amount of open space in the common areas off-set the 18 lots below the minimum lot standard of 6,000 square feet. Additionally, the mixture of lots types and sizes provide for several different housing types within the neighborhood but are similar enough to provide a cohesive neighborhood environment.

With approval of the Amending Preliminary Plat and Planned Unit Development of Tuscany Subdivision, the Section 1B, Phase 1 Resubdivision and Section 1B, Phase 2 Final Plat meets all applicable ordinances and regulations and staff recommends approval of these plats.

Attachments: 1) Planned Unit Development Master Plan

2) Amending Preliminary Plat and Planned Unit Development

3) Section 1B, Phase 1 Resubdivision

4) Section 1B, Phase 2 Final Plat
**PROPOSED WALKING TRAIL BREAKDOWN**

- 550 L.F. OF WALKING TRAIL IS PROPOSED WITH SECTION 1B
- 760 L.F. OF WALKING TRAIL IS PROPOSED WITH SECTION 2B
- 3,370 L.F. OF WALKING TRAIL IS PROPOSED WITH SECTION 2C

**LEGEND**
- EXISTING DEVELOPED PHASES
- EXISTING CONCRETE STREET
- EXISTING EASEMENT
- EXISTING PAVEMENT
- FUTURE PHASES
- FUTURE CONCRETE STREET
- FUTURE EASEMENT
- FUTURE PAVEMENT
- PROPOSED SECTION 1B
- PROPOSED WALKING TRAIL
- PROPOSED SIDEWALKS
- PROPOSED WALKING TRAIL BREAKDOWN
- PROPOSED WALKING TRAIL PROPOSED WITH PHASE 2 SECTION 1B
- PROPOSED SIDEWALKS PROPOSED WITH PHASE 2 SECTION 1B

**TUSCANY**

**SECTION 1B PLANNED UNIT DEVELOPMENT EXHIBIT**

**SCALE 1"=200'**

**FEBRUARY 2019**
3. Storm Drainage is in accordance with the Master Drainage

4. All proposed lots meet the appropriate lot size requirements

- Block 3 Lots 1-45
- Block 4 Lots 1-31
- Block 7 Lots 1-10
- Block 9 Lots 1-4

Exceptions for PUD (in Section 1B, 32% of lots do not meet min. lot size)

- Block 8 Lots 7-11 (Min. 4,278 SQ FT)
- Block 9 Lots 7-11 (Min. 4,370 SQ FT)

6. No fences, structures, outbuildings, vehicles, building encroachment into the drainage easements.

Access shall not be allowed to Pacific Road for the following lots:

- Block 1 Lots 1-9
- Block 3 Lots 1-10
- Block 6 Lots 1-10
- Block 1 Lots 1 & 44
- Block 3 Lot 1
- Block 5 Lot 1
- Block 11 Lot 1
The State of Texas
County of Victoria

Legal Description:

Being a 4.57 acre tract of land situated in the S. A. & M. G. RR. Subdivision and Development Ordinance of the City of Victoria, Texas, and being a portion of a 35.00 acre tract of land conveyed from Albert Gary Rosenquest, et al., to the RHP Family Partnership Ltd. by deed dated March 31, 2008, as recorded in Official Records Instrument No. 200803707 of Victoria County, Texas, being a portion of the City of Victoria, Texas, and being more particularly described by metes and bounds as follows:

Beginning at a point for the east corner of the herein described tract, said point being the north corner of Lot 35 of Tuscan Section 1B-Phase 2, as recorded in Official Records Instrument No. 529 of Victoria County, Texas, at the southeast corner of a 35.00 acre tract of land conveyed from Albert Gary Rosenquest, et al., to the RHP Family Partnership Ltd. by deed dated March 31, 2008, as recorded in Official Records Instrument No. 200803707 of Victoria County, Texas,

THENCE, South 45°10'00" East, crossing the 35.00 acre RHP Family Partnership Ltd. tract, a distance of 307.00 feet to a 5/8 inch diameter iron rod with yellow plastic cap stamped "CIVILCORP" set for an exterior corner of the herein described tract;

THENCE, North 44°50'00" West, crossing the 35.00 acre RHP Family Partnership Ltd. tract, a distance of 78.00 feet to a 5/8 inch diameter iron rod with yellow plastic cap stamped "CIVILCORP" set for an exterior corner of the herein described tract;

THENCE, North 45°10'00" East, crossing the 35.00 acre RHP Family Partnership Ltd. tract, a distance of 5.00 feet to a 5/8 inch diameter iron rod with yellow plastic cap stamped "CIVILCORP" found for the interior corner of the herein described tract;

THENCE, South 45°10'00" West, crossing the 35.00 acre RHP Family Partnership Ltd. tract, a distance of 354.00 feet to a 5/8 inch diameter iron rod with yellow plastic cap stamped "CIVILCORP" set for the interior corner of the herein described tract;

THENCE, South 45°10'00" West, crossing the 35.00 acre RHP Family Partnership Ltd. tract, a distance of 307.00 feet to a 5/8 inch diameter iron rod with yellow plastic cap stamped "CIVILCORP" set for the interior corner of the herein described tract;

THENCE, South 45°10'00" West, crossing the 35.00 acre RHP Family Partnership Ltd. tract, a distance of 20.00 feet to a 5/8 inch diameter iron rod with yellow plastic cap stamped "CIVILCORP" found for an exterior corner of the herein described tract;

THENCE, South 45°10'00" West, crossing the 35.00 acre RHP Family Partnership Ltd. tract, a distance of 15.00 feet to a point for the exterior corner of the herein described tract;

THENCE, South 45°10'00" West, crossing the 35.00 acre RHP Family Partnership Ltd. tract, a distance of 15.00 feet to the point of beginning of the herein described tract, said point also being the north corner of Lot 35 of Tuscan Section 1B-Phase 2, as recorded in Official Records Instrument No. 529 of Victoria County, Texas.

Surveyor's Certificate/Engineer's Certificate:

KNOW ALL MEN BY THESE PRESENTS

The undersigned, a duly licensed Professional Land Surveyor in Victoria County, Texas, and a duly licensed Professional Engineer in Victoria County, Texas, hereby certify that the foregoing plat was prepared in accordance with the Subdivision and Development Ordinance of the City of Victoria, Texas, and the City of Victoria's adopted master plans for the city's approved subdivision project.

By: Randy Janak
Professional Engineer
Texas Registration No. No. 65
3424

CivilCorp, LLC

PLAT WERE PROPERLY PLACED UNDER MY PERSONAL SUPERVISION, IN ACCORDANCE WITH THE PROPORTIONATE TO THIS PROPOSED PROPERTY DEVELOPMENT PROJECT DOES NOT EXCEED AN AMOUNT THAT WOULD BE ROUGHLY DEVELOPER'S PORTION OF THE CITY'S REQUIRED COSTS FOR THE CITY'S APPROVAL OF THIS SUBDIVISION, I HAVE DETERMINED AND APPROVED THAT THE PROPERTY DEVELOPMENT PROJECT DOES NOT EXCEED AN AMOUNT THAT WOULD BE ROUGHLY PROPORTIONAL TO THIS PROPOSED PROPERTY DEVELOPMENT PROJECT.

By: Wm. Patrick Holt
Registered Professional Land Surveyor

City of Victoria, Texas

City Plat File No. - 190102

Tuscany Section 1B - Phase 2

City of Victoria Code and Section 212.0065 of the Texas Local Government Code.

Secretary

Development Services Engineer / City Engineer
## Development Services
### Monthly Development Report

#### Jan-19

<table>
<thead>
<tr>
<th>Minor Plat</th>
<th>Name</th>
<th>Address</th>
<th>Owner(s)</th>
<th>Agent</th>
<th>Land Use</th>
<th>Acreage</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Tuscany Subd. Preliminary</td>
<td>Ball Airport Road</td>
<td>Ben Gonzales</td>
<td>Civil Corp</td>
<td>R-1-R-3</td>
<td>73.92</td>
<td>1/21/2019</td>
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<tr>
<td>2</td>
<td>Tuscany Sect 1B Ph 2</td>
<td>212-408 Villaggio Circle</td>
<td>Ben Gonzales</td>
<td>Civil Corp</td>
<td>R-1</td>
<td>4.57</td>
<td>1/21/2019</td>
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<tr>
<td>3</td>
<td>Tuscany Sect 1B Ph 1 RESUB</td>
<td>420 - 424 Villagio, 101 -112 Lucca and 101-111 Pienza</td>
<td>Ben Gonzales</td>
<td>Civil Corp</td>
<td>R-1</td>
<td>6.24</td>
<td>1/22/2019</td>
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<table>
<thead>
<tr>
<th>Major Plat</th>
<th>Name</th>
<th>Address</th>
<th>Owner(s)</th>
<th>Agent</th>
<th>Land Use</th>
<th>Acreage</th>
<th>Date</th>
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<tbody>
<tr>
<td>1</td>
<td>Staff Concrete</td>
<td>4703 John Stockbauer</td>
<td>Keith Staff-Staff Concrete</td>
<td>Civil Corp</td>
<td>C-1</td>
<td>4</td>
<td>12/17/2018</td>
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<td>2</td>
<td>Frost Insurance ATM AMENDED</td>
<td>6835 N Main St.</td>
<td>Frost Bank Dena Allen</td>
<td>Krueger Cont.</td>
<td>C-1</td>
<td>2</td>
<td>1/28/2019</td>
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<tr>
<td>3</td>
<td>The Storage Place Ph III AMENDED</td>
<td>4401 N John Stockbauer</td>
<td>Patrick H. Nolan</td>
<td>Balusek-Frankson</td>
<td>C-1</td>
<td>1.51</td>
<td>1/28/2019</td>
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<td>4</td>
<td>Professional Office w/ Storage Bldg</td>
<td>1213 E Virginia</td>
<td>Kimiko Peterson</td>
<td>Elite Engineering</td>
<td>C-1</td>
<td>0.24</td>
<td>1/28/2019</td>
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<thead>
<tr>
<th>City Council Action</th>
<th>PC Recommendation</th>
<th>Council Action</th>
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<tbody>
<tr>
<td>1</td>
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### City of Victoria
#### Monthly Activity Report

**Jan-19**  
**Fisc. YTD - 4th month of year**  

<table>
<thead>
<tr>
<th>Description</th>
<th>Total #</th>
<th>Valuation (rounded)</th>
<th>Total #</th>
<th>Valuation (rounded)</th>
<th>Total #</th>
<th>Valuation (rounded)</th>
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</thead>
<tbody>
<tr>
<td>Residential Single Family</td>
<td>4</td>
<td>$792,327.00</td>
<td>23</td>
<td>$3,840,839.00</td>
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<td>$1,070,989.00</td>
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<tr>
<td>RMH Placement</td>
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<td>20</td>
<td>$371,626.00</td>
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<td>Res Multi. Family</td>
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<td>$</td>
<td></td>
<td>$</td>
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<tr>
<td>Res Add/Repairs</td>
<td>64</td>
<td>$399,538.00</td>
<td>285</td>
<td>$2,404,482.00</td>
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<td>$3,030,765.00</td>
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<td>$750,000.00</td>
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<tr>
<td>Comm. Add/Repair</td>
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<td>$2,841,094.00</td>
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<td>$22,093,645.00</td>
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<td>$</td>
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**TOTAL:**  
154 | $4,888,804.00 | 717 | $38,405,873.00 | 520 | $8,930,298.00 |

### M.E.P. Permits Issued

**Jan-19**  
**Fisc. YTD - 4th month of year**  

<table>
<thead>
<tr>
<th>Description</th>
<th>Total</th>
<th>Electrical Permits</th>
<th>Total</th>
<th>Mechanical Permits</th>
<th>Total</th>
<th>Plumbing Permits</th>
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</thead>
<tbody>
<tr>
<td>Electrical Permits</td>
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<td>216</td>
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<td>184</td>
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<tr>
<td>Mechanical Permits</td>
<td>42</td>
<td>184</td>
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<td>184</td>
<td></td>
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<tr>
<td>Plumbing Permits</td>
<td>56</td>
<td>222</td>
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<td>222</td>
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<td></td>
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</tbody>
</table>

**TOTAL:**  
147 | 622 |

### Permit Fees Collected

**Jan-19**  
**Fisc. YTD - 4th month of year**  

<table>
<thead>
<tr>
<th>Description</th>
<th>Total</th>
<th>Building</th>
<th>Total</th>
<th>Building</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building</td>
<td>$19,809.00</td>
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<td>Electrical</td>
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<td>Mechanical</td>
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<td>$13,587.00</td>
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<td>Plumbing</td>
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<tr>
<td>License Fee</td>
<td>$6,400.00</td>
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<td>Plan Review Fees</td>
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<td>Misc. Fees</td>
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<td>$2,056.00</td>
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**TOTAL:**  
$41,206.00 | $371,452.00 | $94,354.00 |