



MEETING MINUTES

Date and Time: May 16, 2019 at 5:15pm

MEMBERS PRESENT:

B J Davis
Michael Atkinson
John Hyak
Julia Welder
Gail Hoad
Mary Anne Wyatt
Brian Rokyta

MEMBERS ABSENT:

Jill Trevino
James Johnson

STAFF PRESENT:

Development Services:

Julie Fulgham, Director of Development Services
Rick Madrid, Assistant Director of Development Services
Alina Phillips, Planning Manager
Lila Foster, Planning Technician

City Manager's Office:

John Kaminski, Assistant City Manager

City Attorney's Office:

Allison Lacey, Assistant City Attorney

A: CALL TO ORDER

Chair Wyatt called the May 16, 2019, Regular Meeting to order at 5:15pm.

Chair Wyatt announced that the Cypress Grove Subdivision agenda item had been withdrawn and would not be presented.

B: APPROVAL OF MEETING MINUTES

April 18, 2019 – Regular Meeting

A motion to approve the minutes from the April 18, 2019 meeting was made by Commissioner Atkinson. Commissioner Hoad seconded motion to accept the minutes as presented. The motion passed unanimously.

C: CITIZEN COMMUNICATION

Chair Wyatt asked if any citizen wished to address the Commission on issues not specifically listed on the Agenda. No citizen approached the Commission.

D: DEVELOPMENT REVIEWS/FORMAL ACTION

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1. **Variance Requests for Warehouse Distributing.** Request for variances to City Code Sections 20-90(b)(5)(c), Nonconforming Driveways and Section 21-54(e)(3), Sidewalks for a tract of land legally described as being Lot 3 in Block 64 of the Jessel Addition to the City of Victoria and located at 1915 North Navarro Street, Victoria, Victoria County, Texas; Warehouse Distributing, Doris Wear Properties (Owner); Cliff Hawkins (Agent).

- a. **Staff Report - presented by Julie Fulgham**

The subject property is located at 1915 N. Navarro St. and legally described as Lot 3 in Block 64 of the Jessel Addition at the corner of North Navarro and East Red River Streets. The applicant is requesting two variances as part of his development application to add a 34.4" x 52' canopy structure onto the existing building located on the site.

The applicant is requesting a variance to Section 20-90(b)(5)(c), which states that the intent of the driveway ordinance is for nonconforming driveways be discontinued and such nonconforming driveways be discontinued at the time any development requiring a site plan be submitted. This variance would allow an existing driveway on E. Red River St., which does not conform to the current driveway design standards, to remain.

The applicant is also requesting a variance to Section 21-54(e)(3) requiring sidewalks to be installed on a property prior to a Certificate of Occupancy being issued, unless a Sidewalk Agreement & Covenant is offered by the City and agreed to by the property owner. This variance would allow the property owner to construct a new structure on the property and a Certificate of Occupancy be issued without installing sidewalks on E. Red River St. The ordinance generally allows the Director of Development Services to offer applicants a Sidewalk Agreement & Covenant when circumstances are such that sidewalk development is not appropriate at the time of new development or feasible due to right-of-way conditions or constraints; however, that is only when a property abuts an open-ditch roadway section. E. Red River St. is developed with curb & gutter and a variance is required in order to offer the property owner a Sidewalk Agreement & Covenant.

The City currently has plans to reconstruct E. Red River St., between Main and Navarro Streets, in the Capital Improvements Program (CIP) for Fiscal Year 2020. With this complete reconstruction, the proposed grade change of the roadway will greatly affect any driveways that currently exist or would be constructed prior to this reconstruction. Any current or new driveways and sidewalks that exists before the reconstruction would be torn out during the reconstruction because of these anticipated grade changes. In addition to the functionality these grade changes would have on existing driveways or sidewalks, these grade changes would also affect compliance with the American Disabilities Act because of the stringent cross slope requirements. Due to the grade changes and street reconstruction, staff recommends approving these variances finding that granting the variance will not have the effect of preventing the orderly development of land in the area in accordance with the provisions of this chapter and that the rebuilding of E. Red River St. constitutes a special or unique circumstance or condition that affects this property. Additionally, at this time, a sidewalk is not proposed along the south side of E. Red River St. as part of this CIP project due to right-of-way constraints.

Staff recommends approval of the variance request to allow the non-conforming driveway to remain and to allow the Director of Development Services to grant a Sidewalk Agreement and Covenant to the property owner for this development.

b. Public Hearing for Variance

No one from the public addressed the Commission on this item and the public hearing was closed.

c. Variance Deliberations and Action

A motion to approve the variance was made by Commissioner Welder. Commissioner Atkinson seconded the motion. The motion passed unanimously.

2. **Preliminary Plat for TerraVista Subdivision Phases X thru XV** – Preliminary Plat: one hundred fifty (150) Single Family Residential (R1) Lots within Phases X, XI, XII, XIV, & XV, and being a 38.815-acre tract of land situated in the Jose L. Carbajal Grant, Abstract 12, Victoria County, Texas, situated in a portion of the Levi & Co. Subdivision according to the established map and plat of record in Volume 59, Page 506 of the Deed Records of Victoria County and located near the northwest corner of Ball Airport Road and Glasgow Street in Victoria, Victoria County, Texas. Landmark Residential Holdings, LTD (Owner); Urban Engineering (Agent)

a. Staff Report - presented by Julie Fulgham

Terra Vista Subdivision – Phases X thru XV is a proposed preliminary plat of 38.815 acres. The subject property is located along the northside of Ball Airport Road between Mallette Drive and Glasgow Street. The property is undeveloped and is being platted into one hundred fifty Single Family Residential lots (R-1) contained within Phases X through XV.

The proposed preliminary plat shows the future dedication and construction of eight local streets: Brushy Creek, Cobble Stone Court, and Flint Rock Court, Raindance Court, Persimmon Court, Silver Spur, Dripping Spring, and Rust Nail Court. Access to the subdivision will be provided via internal streets to Ball Airport Road and Glasgow Street.

The proposed preliminary plat is in compliance with the minimum requirements for single-family residential development contained within the Subdivision and Development Regulations. Staff recommends approval of the preliminary plat for Terra Vista Subdivision Phases X, XI, XII, XIV and XV, finding it meets all applicable ordinances and regulations.

b. Public Hearing for Preliminary Plat

No one from the public addressed the Commission on this item and the public hearing was closed.

c. Preliminary Plat Deliberations and Action

A motion to approve the plat was made by Commissioner Welder. Commissioner Atkinson seconded the motion to approve the preliminary plat. The motion passed unanimously.

3. Preliminary Plat for Lake Forest Subdivision Section 2, Phases III – VI

Preliminary Plat; ninety-seven (97) Single Family Residential (R1) Lots within Phases III through VI being a 27.36-acre tract of land out of the J.L. Carbajal Survey, Abstract No. 12, and situated partially within in the City of Victoria and wholly within Victoria County, Texas and located east of Black Rock and Auburn Hill Streets and east of Nursery Drive. D.G.M.P., Inc. (Owner); Urban Engineering (Agent).

Prior to review of this item Commissioner Davis recused himself from the deliberations, having majority interest in this project.

a. Staff Report

Lake Forest Subdivision Section 2, Phase III – VI is a proposed Preliminary Plat of 27.36 acres. The subject located east of Nursery Drive and continues the Lake Forest Subdivision to the east and north to the Ball Airport Road right-of-way. Most of the preliminary plat is located within the City's Extraterritorial Jurisdiction. The property is undeveloped and is being platted into ninety-seven Single Family Residential Lots within Phases III through VI. Development of Lake Forest Subdivision Section 2 shall be completed in four phases.

The proposed plat will dedicate two new local streets: Quarry Cove, and Silver Lake. The proposed plat will also dedicate right-of-way for the extension and constructions of Black Rock and Auburn Hill Streets. Access to the subdivision will be provided via internal streets to Nursery Drive.

b. Public Hearing for Preliminary Plat

Richard Jones 106 Arbor Lake Victoria Tx 77904

Richard Jones expressed concern about drainage in the area. He stated that the area has historically had drainage problems. Director Fulgham stated that the construction plans, which include drainage, have been reviewed and approved by our engineering department, and we can pass on those concerns to the engineer.

Merle Thompson 204 Watermark Victoria TX 777904

Merle Thompson stated that the water tower in the area is not currently working. She asked when it will be completed and how it will service the new development. Director Fulgham stated that the project is scheduled to go throughout the summer and that existing infrastructure and will not affect the proposed development.

Assistant City Manager John Kaminski stated the contract is expected to be complete by the end of May. Once it is back in service, there is not a capacity issue for this neighborhood or any other.

Ron Foster – 212 Wood Bridge Victoria TX 77904

Ron Foster stated that the water pressure problem has been going on for about 7 or 8 months. He said this is not a subdivision problem, it is a City problem. He said the water has been known to shut off in the middle of a shower.

Commission Hyak suggested Mr. Foster speak to his City Councilman.

Councilman Davis stated that he had taken part in the development of Lake Forest, and

agreed this problem has been going on for about nine months. He further stated that when he went down and spoke with the water department, they stated it pertains to peak usage at certain times of day. Currently, the supply is coming from the tower by Popeyes and Walmart on Navarro. When the level gets low and the pumps cavitate, the water shuts off. Once the water tower off Nursery Dr. is in service, we will have more than enough capacity and water pressure. We have been there 19 years without a problem until now. The water tower being out of service is the problem.

c. Preliminary Plat Deliberations and Action

A motion to approve the plat was made by Commissioner Hoad. Commissioner Welder seconded the motion to accept the plat. The motion passed unanimously.

4. Final Plat for Lake Forest Subdivision, Section 2, Phase III

Final Plat; twenty-four (24) Single Family Residential (R1) Lots on a 5.98-acre tract of land situated partially within the City of Victoria and wholly within Victoria County, Texas, out of the J.L. Carbajal Survey, Abstract No. 12, Victoria County, Texas and being an extension east of Auburn Hill Street. D.G.M.P., Inc. (Owner); Urban Engineering (Agent).

Prior to review of this item, Commissioner Davis recused himself from the deliberations, having majority interest in this project.

a. Staff Report presented by Julie Fulgham

Lake Forest Subdivision Section 2, Phase III is a proposed Final Plat of 5.98 acres. The subject property is located east of Nursery Drive and 3.19 acres is located within the City's Extraterritorial Jurisdiction; a request for annexation for these 3.19 acres has been submitted for City Council's action. The property is undeveloped and is being platted into twenty-four Single Family Residential (R-1) lots.

The proposed plat will dedicate 60' of right-of-way (ROW) required for the construction of one new local street, Silver Lake Street. The proposed plat will also dedicate 60' of ROW required for the extension and constructions of two local streets, Black Rock and Auburn Hill Streets. Access to the subdivision will be provided via internal streets to Nursery Drive.

The Subdivision & Development Ordinance requires construction plans when public improvements are proposed. These plans are submitted at the time of final plat submittal and must be approved prior to Planning Commission approval of the final plat. The construction plans for the proposed public improvements have been reviewed by the Public Works Department and have been approved. The Subdivision & Development Ordinance requires construction plans when public improvements are proposed. These plans are submitted at the time of final plat submittal and must be approved prior to Planning Commission approval of the final plat. The construction plans for the proposed public improvements have been reviewed by the Public Works Department and have been approved.

The proposed preliminary and final plats are in compliance with the minimum requirements for Single Family Residential development contained within the Subdivision and Development Regulations. Staff recommends approval of the Lake Forest Subdivision Section 2, Phases III – VI Preliminary Plat and the Lake Forest

Subdivision Section 2, Phase III Final Plat, finding they meet all applicable ordinances and regulations.

b. Final Plat Deliberations and Action

A motion to approve the plat was made by Commissioner Welder. Commissioner Atkinson seconded the motion to accept final plat. The motion passed unanimously.

5. **Final Plat for Springwood Medical Plaza 2** - Final Plat; Lots 1 & 2, Block 1 and Lots 1 & 2, Block 2; General Commercial (C1) being on a 14.471-acre tract of land situated in Farm Lot No. 2, Block No. 5, in Range No. 3, East above Town in the Original Four League Grant to the Town of Victoria, Victoria County, Texas and located on Nursery Drive between Springwood and Medical Drives. Diversified Wellness Associates, LLC (Owner); Urban Engineering (Agent)

a. Staff Report presented by Julie Fulgham

Springwood Medical Plaza 2 is a proposed Final Plat of 14.471 acres. The subject property is located along the eastside of Nursery Drive, south of Zac Lentz Parkway. The property is undeveloped and is being platted into four General Commercial Lots (C-1) contained within Blocks 1 and 2.

The proposed plat will dedicate 60' of right-of-way (ROW) required for the construction a new local street, Spring Green Boulevard. Access to the subdivision will be provided via this new internal street from Nursery Drive.

The Subdivision & Development Ordinance requires construction plans when public improvements are proposed. These plans are submitted at the time of final plat submittal and must be approved prior to Planning Commission approval of the final plat. The construction plans for the proposed public improvements have been reviewed by the Public Works Department and have been approved.

The proposed final plat is in compliance with the minimum requirements for General Commercial development contained within the Subdivision and Development Regulations. Staff recommends approval of the Springwood Medical Plaza 2 Final Plat, finding it meets all applicable ordinances and regulations.

b. Final Plat Deliberations and Action

A motion to approve the plat was made by Commissioner Atkinson. Commissioner Hoad seconded the motion to accept final plat. The motion passed unanimously.

6. **Final Plat Extension for Lake Forest Subdivision Section 1, Phase VI – Final Plat Extension**; six (6) Single Family Residential (R-1) Lots on a 2.86-acre tract of land situated in the J.L. Carbajal League, Abstract 12, Victoria County, Texas; D.G.M.P., Inc. (Owner); Urban Engineering (Agent).

Prior to review of this item Commissioner Davis recused himself from the deliberations, having majority interest in this project.

a. Staff Report presented by Julie Fulgham

The applicant is requesting a deadline extension to file the plat for Lake Forest Section 1, Phase VI. This is a proposed final plat of 2.868 acres. The subject property is located near the intersection of Auburn Hill and Iron Gate Roads, and located east of Nursery Drive. 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. The Planning Commission granted a prior extension on May 18, 2017. The final plat for Lake Forest Section 1, Phase VI is set to expire on June 18, 2019.

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.

Staff recommends approval of an extension to the recording requirements for the Lake Forest Subdivision Section 1, Phase 6 final plat for two additional years, finding conditions in the area have remained unchanged.

b. Final Plat Extension Deliberations and Action

A motion to approve the plat extension was made by Commissioner Atkinson. Commissioner Welder seconded the motion to extend this plat. The motion passed unanimously.

E: OTHER BUSINESS

1. Development Services Monthly Development Report
2. Discussion on Agenda Format

Director Fulgham discussed reasons for changing the format. Tonight we approved minutes and three separate final plats. She said when she and the City Attorney spoke to the Commission they talked about plats being ministerial actions, meaning the Commission must find that the plat does not meet city ordinance in some way, to offer a reason to deny the plat. She noted that final plats go through a very extensive review process through the Development Review Team, which is made up of all the departments that have a say in administrating the Subdivision Ordinance. Director Fulgham recommended putting the final plats, plus routine items, such as minutes, on a consent agenda similar to what City Council does for their routine items. She noted that if there was a consent agenda tonight, four items could have been taken care of in one action. She said with a consent agenda, if you wish to discuss an item in more detail, you can request, at the beginning of the meeting, to take that one item off the consent agenda. Or, if you have a simple question, it can be proposed during the discussion portion of the consent agenda.

It was agreed that consent agenda items would make the meeting more efficient.

F: ITEMS FROM PLANNING COMMISSIONERS

Commissioner Hyak asked how to follow up with the citizens' concerns. Director Fulgham stated that the concerns would be passed on to Public Works, and we would work with them to notify the area. All existing infrastructure is maintained by our Public Works Department. Chair Wyatt suggested a follow-up at the next Planning Commission meeting.

In reference to Mr. Jones concerns about the drainage near his property and the new development, Commissioner Davis stated that there are plans for additional drainage that will relieve that area behind the Auburn Hill properties, where water stood after Hurricane Harvey.

Commissioner Atkins suggested that since this meeting is recorded and available for viewing, the City Council and Public Works Director watch this to get a better idea of what is going on and the citizens' concerns.

G: ADJOURNMENT

Having no further business, Chairman Wyatt adjourned the meeting at 5:43.

APPROVED:

Mary Anne Wyatt, Chairperson
Victoria Planning Commission

APPROVED:

James Johnson, Secretary
Victoria Planning Commission