

City of Wimberley
 City Hall, 221 Stillwater
 Wimberley, Texas 78676
Planning & Zoning Commission
 Minutes of Regular Meeting
 June 28, 2012 at 6:00 p.m.

Meeting called to order by Acting Chair Jean Ross. Present were Commissioners Beth Mitchell, Charles Lancaster, Steve Klepfer, and Rick Burleson. Chairman Tracey Dean was absent.

Staff Present: City Administrator Don Ferguson and City Secretary Cara McPartland

Citizen Communications:

No citizen comments were heard.

1. Consent Agenda

Approval of minutes of the Regular Planning & Zoning Commission meeting on May 24, 2012.

Commissioner Klepfer moved to approve the minutes as presented. Commissioner Lancaster seconded. Motion carried on a vote of 5-0.

2. Discuss and Consider Action

- A. Discuss and consider action on issues relating to the platting and planning procedures of *Chapter 154 Subdivision Control* of the City of Wimberley Code of Ordinances. (*City Administrator*)

City Administrator Ferguson presented a draft revision containing: §154.023 *Minor Plats and Replats*; §154.024 *Replatting*; §154.025 *Amended Plats*; and §154.026 *Construction Plans* (attached to these minutes).

Discussion addressed:

- Acreage threshold for a "minor plat" or "minor replat"
- Administrative approval of minor plats/replats, unless variance(s) are needed or the City Administrator elects for any reason to present the plat/replat to the Commission and City Council
- Whether public hearings/notices are needed for replats
- Change heading for §154.023 from *Minor Plats and Replats* to *Minor Plats and Minor Replats*
- Simplification of wording used in §154.024(6) to explain the "twenty percent (20%) rule"

- Different types of subdivisions and replats
- Inclusion of project description, purpose, or intended use in public notices
- Need for public hearings/notices for subdivisions that do not increase density
- Possible broadening of the definition of *minor plat/replat*
- Public hearing/notice criteria for replats of larger subdivisions
- Purpose of amended plats to correct various types of errors
- Construction plan format, content, and minimum requirements
- Minor versus major revisions to an approved preliminary plat
- Lapse of construction plan approval if a complete application for a final plat is not submitted within two (2) years (from construction plan approval date)

Discussion agreed to leave the public hearing requirement in place for replats, but to create some flexibility for larger subdivisions/replats and/or minor revisions; and simplify "20% rule" language. City Administrator Ferguson requested input from the Commission on any revisions to incorporate into the updated draft version for consideration at its next meeting. No vote was taken.

3. Staff and Commission Reports

- Announcements
- Future Agenda Items

Hearing no announcements or future agenda items, Commissioner Klepfer moved to adjourn. Commissioner Mitchell seconded. Motion carried on a vote of 5-0.

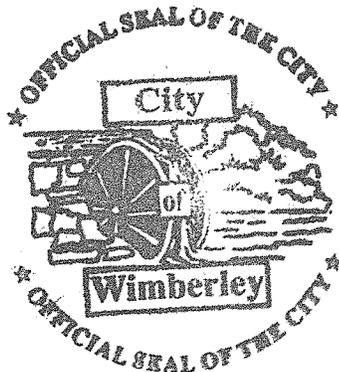
Adjourn at 6:52 p.m.

Recorded by:

Cara McPartland

Cara McPartland

These minutes approved the 12th of July, 2012.



APPROVED:

Tracey Dean

Chair Tracey Dean

§ 154.023 MINOR PLATS AND REPLATS

(A) *Purpose and Applicability.* A minor plat, including a minor replat, is a subdivision which results in four (4) or fewer lots which abut an existing street. Such a subdivision does not create any new streets, new easements or require the extension of any municipal or public facilities to serve any lot within the subdivision. Any property to be subdivided using a minor plat or minor replat shall already be served by all required City and public utilities and services.

(1) A minor plat or replat shall meet all of the informational and procedural requirements set forth in this Chapter for a final plat, and shall be accompanied by the required number of copies of the plat, a completed application form, the required submission fee, and a certificate showing that all taxes have been paid on the subject property and that no delinquent taxes exist against the property.

(2) Notice, a public hearing, and the approval of other lot owners are not required for the approval a minor plat or replat. Approval of a minor plat or replat shall be by the City Administrator. Should the City Administrator refuse to approve the plat, then the plat shall be referred to the Commission and the City Council for consideration within the time period required by State law. The City Administrator may elect for any reason to present the plat for approval to the Commission and City Council.

(3) The minor plat or replat shall be entitled and clearly state that it is a “minor plat” or “minor replat”.

(4) The minor plat or replat shall be filed with the Hays County Clerk in the same manner as prescribed for a final plat, and approval of a minor plat or replat shall expire if all filing materials are not submitted to the City and if the plat is not filed with the Hays County Clerk within the time periods specified for a final plat.

§ 154.024 REPLATTING

(A) *Purpose and Applicability.* Unless otherwise expressly provided for in this Chapter, a property owner who proposes to replat any portion of an already approved final plat, other than to amend or vacate the plat, must first obtain approval for the replat under the same standards and by the same procedures prescribed for the final platting of land. The replat shall be accompanied by the required number of copies of the plat, a completed application form, the required submission fee, and a certificate showing that all taxes have been paid on the subject property and that no delinquent taxes exist against the property.

(1) All improvements shall be constructed in accordance with the same requirements as for a preliminary or final plat, as provided for in this Chapter. Approval of a replat or minor replat shall be considered to automatically vacate any prior plat, except as set forth in paragraph (b) below.

(2) A replat of a final plat or portion of a final plat may be recorded and is controlling over the preceding plat without vacation of that plat where the following has occurred:

(a) The replat is signed and acknowledged by the owners of the property being replatted (no signatures are required from other owners of lots in the subdivision that are not replatted);

(b) The replat is approved, after a public hearing, by the Commission and City Council.

(c) The replat does not amend or remove any covenants or restrictions previously incorporated in the final plat.

(3) In addition to compliance with subsections (a) through (c) above, a replat without vacation of the preceding plat must conform to the following requirements:

(a) During the preceding five (5) years, any of portion of the area to be replatted was limited by a zoning classification to residential use for not more than two (2) residential units per lot; or

(b) Any lot in the preceding plat was limited by deed restrictions to residential use for not more than two (2) residential units per lot.

(4) Notice of the public hearing required under subsection 2(b) above shall be given on or before the fifteenth (15th) calendar day before the date of the hearing by publication in an official newspaper or a newspaper of general circulation in Hays County.

(5) Written notice of the public hearing shall also be sent, along with a copy or description of any requested exceptions, to the property owners of lots that are in the original subdivision and that are within two hundred (200) feet of the lot(s) to be replatted.

(6) If the property owners of twenty percent (20%) or more of the total land area required to be sent written notice of the hearing by the City file a written protest of the replatting at or before the City Council public hearing, approval of the replat will require the affirmative vote of at least three-fourths (3/4) of the City Council members present. For a written protest to be valid, the protest must be signed by the owner of property immediately adjoining the area

covered by the proposed replat and within two hundred feet (200') from that area, but within the original subdivision. Such a protest must be filed with the City prior to the close of the public hearing. In computing the percentage of land area subject to the "20% rule" described above, the area of streets and alleys shall be included. The "20%" does not apply to Commission votes.

(7) If the replat requires an exception, approval of the replat will require the affirmative vote of at least three-fourths (3/4) of the City Council members present. The "20% rule" does not apply to Commission votes.

(8) Any replat which adds or deletes lots must include the original subdivision and lot boundaries. If a replat is submitted for only a portion of a previously platted subdivision, the replat must reference the previous subdivision name and recording information, and must state on the replat the specific lots which have changed.

(9) If the previous plat is vacated as prescribed in Section 212.013 of the Texas Local Government Code, as amended, a public hearing is not required for a replat of the area vacated.

(10) The title shall identify the document as a "Final Plat" of the" _____ Addition, Block _____, Lot(s) _____, Being a Replat of Block _____, Lot(s) _____ of the _____ Addition, an addition to the City of Wimberley, Texas, as recorded _____ in Volume/Cabinet _____, Page/Slide _____ of the Plat Records of Hays County, Texas".

(11) The replat shall be filed with the Hays County Clerk in the same manner as prescribed for a final plat, and approval of the replat shall expire if all filing materials are not submitted to the City and if the plat is not filed with the Hays County Clerk within the time periods specified for a final plat.

§ 154.025 AMENDED PLATS.

(A) *Purpose and Applicability.* An amended plat that meets all of the informational requirements set forth in this Chapter may be approved by the City Administrator without notice or approval of other lot owners within the platted subdivision, provided that the owner of the amended lot, and any persons with a vested interest affected by the plat amendment, signs the plat and application, and that the purpose of the amendment is:

- (1) To correct an error in any course or distance shown on the prior plat;
- (2) To add any course or distance that was omitted on the prior plat;
- (3) To correct an error in the description of the real property shown on the prior plat;

(4) To indicate monuments set after death, disability, or retirement from practice of the engineer or surveyor charged with responsibilities for setting monuments;

(5) To show the proper location or character of any monument which has been changed in location or character or which originally was shown at the wrong location or incorrectly as to its character on the prior plat;

(6) To correct any other type of scrivener or clerical error or omission as previously approved by the Commission and City Council; these errors and omissions may include, but are not limited to, lot numbers, acreage, street names, and identification of adjacent recorded plats;

(7) To correct an error in courses and distances of lot lines between two (2) adjacent lots where lot owners join in the application for plat amendment and neither lot is abolished, provided that the amendment does not attempt to remove recorded covenants or restrictions and does not have a material adverse effect on the property rights of the other owners in the plat;

(8) To relocate a lot line in order to cure an inadvertent encroachment of a building or improvement on a lot line or on an easement; or

(9) To relocate one or more lot lines between one or more adjacent lots where the owner or owners of all those lots join in the application for the plat amendment, provided that the amendment does not attempt to remove recorded covenants or restrictions, or increase the number of lots.

(B) *Procedure.*

(1) The City Administrator may approve an amended plat meeting the requirements of this and sub-section (A) above. The City Administrator shall approve any amended plat meeting the requirements of these regulations within thirty (30) days of receipt of a complete submittal. Should the City Administrator refuse to approve the plat, then the plat shall be referred to the Commission and the City Council for consideration within the time period required by State law. The City Administrator may elect for any reason to present the plat for approval to the Commission and City Council.

(2) The amended plat may be submitted without approval of a final plat or construction plans. The plat, prepared and sealed by a surveyor, and engineer if required by the City Administrator, shall be submitted to the City Administrator with a completed application and all required fees, for approval before recordation of the plat.

(3) Legible prints, as indicated on the application form, shall be submitted to the City Administrator along with the following:

(a) Completed application forms signed by the property owner(s) and the payment of all required fees;

(b) An 11 ½ inch by 17 inch ~~8½-inch by 11-inch~~ reduction of the plat document; and

(c) The City Administrator shall require the following note on the amended plat: "This subdivision is subject to all general notes and restrictions appearing on the plat of Lot(s) _____, recorded at Cabinet _____, Slide _____ of the plat records of the county."

(4) Approval of an amended plat shall expire if that plat is not recorded in the plat records of the county within six months of the City Administrator's approval.

§ 154.026 CONSTRUCTION PLANS.

(A) *Purpose and applicability.* Construction plans, based upon the approved preliminary plat and applicable City Codes shall consist of detailed specifications and diagrams illustrating the location, design, and composition of all improvements identified in the preliminary plat. Such plans shall be submitted to the City for any project that necessitates the construction, reconstruction, or modification of new or existing improvements. The plans shall be kept by the City as a permanent record of required improvements in order to:

(1) Provide records that facilitate subsequent improvements as well as the operation and maintenance of the required improvements;

(2) Provide data for evaluation of materials, methods of construction, and design; and

(3) Provide documentation of approved public improvements to ensure that all such improvements are built to City standards and specifications. No final plat shall be certified by the City Administrator until such time as construction plans, completely describing the on-site and off-site improvements required by this and other City Codes, have been constructed or written financial guarantees have been provided to the City for completion of the construction of the subdivision improvements.

(B) *Format.* All construction drawings shall be dated, signed and sealed by a registered professional engineer, licensed to practice in this State, and shall bear the responsible engineer's registration number, and his or her designation of "professional engineer". Drawings shall be on 24-inch by 36-inch sheets at a horizontal scale of 50 feet to 1 inch and a vertical scale of 5 feet to 1 inch, except as otherwise required or allowed by the City. An electronic version of the submission materials shall be provided to the City in a format acceptable to the City.

(C) *Content.* Construction plans shall include all on- and off-site improvements required to serve the proposed development, as indicated on the approved preliminary plat and in compliance with City Codes and other applicable governmental entities. No development right, if any, shall vest until the application for a construction plan is expressly deemed to be administratively complete by the City Administrator.

(1) The following shall be the minimum requirements for construction plans:

- (a) Title sheet as provided by City.
- (b) Approved preliminary plat.
- (c) Detailed development plan when required under the planned development district provisions.
- (d) For street and roadway systems:
 - (i) The horizontal layout and alignment showing geometric data and other pertinent design details. The horizontal layout shall also show the direction of storm water flow and the location of manholes, inlets, and special structures.
 - (ii) Profile showing existing and proposed elevation along the centerline, side drains, rights-of-way, and curb tops of all roads.
 - (iii) Typical right-of-way cross-sections showing pertinent design details and elevations, as prescribed in the City's construction standards and specifications for roads, streets, structures, and utilities.
 - (iv) Typical paving sections showing design details and type of material.
- (e) Engineer's report containing any additional information required to evaluate the proposed improvements.
- (f) For sidewalks:
 - (i) Typical cross-section showing design detail and type of material.
 - (ii) Location in street and crosswalk rights-of-way.
 - (iii) Design detail and location for all curb ramps.
- (g) For storm water management and control systems:

- (i) An engineer's report pursuant to § 154.057, watershed provisions, herein.
 - (ii) Detailed design of all drainage facilities, including typical channel or paving section, storm sewers, and other storm water control facilities.
 - (iii) Accurate cross-sections, plans, and profile of every conduit channel shall be shown.
 - (iv) A drainage study, consisting of a drainage area map, including 2-foot contours, and location and capacities of existing and proposed drainage features; and a table showing the DA#, C, I, A, Tc, S, and the Qs calculated for the 25- and 100-year storms for each drainage area, to provide adequate site drainage information to ensure the property will be developed in accordance with City Code.
- (h) For erosion and sediment control, where required:
- (i) Proposed fill or other structure elevating techniques, levees, channel modifications, and detention facilities.
 - (ii) Existing area proposed topographic conditions with vertical intervals not greater than two (2) feet referenced to a U.S. Geological Survey or Coastal Area Geodetic Survey bench mark or monument.
 - (iii) The location, size, and character of all temporary and permanent erosion and sediment control facilities with specifications detailing all on-site erosion control measures which will be established and maintained during all periods of development and construction.
 - (iv) A plan for restoration and mitigation of erosion in all areas disturbed during construction.
- (i) For water distribution systems:
- (i) The layout, size, and specific location of the existing and proposed water mains, pump stations, elevated tanks, and other related structures as identified in the preliminary plat phase and in accordance with all current City standards and specifications.
 - (ii) The existing and proposed location of fire hydrants, valves, meters, and other fittings.

- (iii) Design details showing the connection with the existing water system.
 - (iv) The specific location and size of all individual lot's water service connections, when applicable.
 - (v) Engineer's report containing any additional information required to evaluate the proposed improvements.
- (j) For sanitary sewer systems:
- (i) The layout, size, and specific location of the existing and proposed wastewater lines, lift stations, and other related structures as identified in the preliminary plat, in accordance with all current City standards and specifications.
 - (ii) A complete sewage flow map with flow calculations at outfall points. Plan and profile for each line showing existing ground level elevation at centerline of pipe, pipe size, and flow line elevation at all bends, drops, turns, and station numbers at 50-foot intervals, unless otherwise required or permitted by the City Administrator.
 - (iii) Design details for manholes and special structures. Flow line elevations shall be shown at every point where the line enters or leaves the manholes.
 - (iv) Detailed design for lift stations, lagoon oxidation ponds, package plants, or other special structures.
 - (v) Engineer's report containing any additional information required to evaluate the proposed improvements and an application for State Health Department approval.
- (k) For electrical, street lighting, street signs, gas, postal, and telecommunication services, detailed information shall be provided regarding the location, size, type, and description of street lights, light intensity levels, lines, poles, transformers, meters, and other appurtenances according to City standards.
- (l) Required and proposed improvements for parks and other public and common areas as identified and approved pursuant to provisions set forth in this Chapter.
- (m) Final design criteria, reports, calculations, and all other related computations, if not previously submitted with the preliminary plat. These

reports shall include a copy of the water pollution abatement plan submitted to the TCEQ, if not submitted with the preliminary plat; and a copy of the complete application for floodplain map amendment as required by the Federal Emergency Management Agency (FEMA).

(n) Engineer's certified cost estimate of each required improvement.

(o) A construction traffic routing proposal identifying a route to be followed by all construction related vehicles. This proposal shall take into consideration street conditions and neighborhood characteristics and gauge any possible negative impacts on the surrounding areas.

(p) If the subdivision will include private streets, and a gate is proposed to limit access to the private street, include details regarding the gate construction, operation, maintenance, and provisions for emergency access.

(q) Screening and retaining wall plans.

(r) Landscaping and irrigation plans.

(s) Utility demand data, consistent with the proposed uses indicated on the plat, to determine the adequacy and the consistency of land use intensities with the Comprehensive Plan.

(t) A letter of certification, when applicable, that the plat has been submitted to the City Sanitarian for review (applicable to all projects proposing septic systems or containing any portion of the 100-year floodplain outside of the city).

(u) Letters indicating approval of easements, capacity, and commitment to serve the development from any utility companies having easements or service area that overlaps the proposed subdivision.

(D) *Revisions to Approved Preliminary Plat.* Where the preparation of construction plans reveals the need for revisions to the approved preliminary plat, such revisions shall be considered minor or major according to this section.

(1) Minor Revisions

(a) No revision to a preliminary plat shall be considered minor if it is requested more than ninety (90) calendar days after initial approval of the preliminary plat.

(b) Minor revisions shall include, but not be limited to, the slight enlargement or shifting of easements or lot lines, the addition of private or franchise utility easements, correction of bearings or distances, correction

of minor labeling errors, the addition of erroneously omitted informational items and labels, modification of a plat note that does not amend the covenants and restrictions, and other similar revisions as determined by the City Administrator. Such revisions may occur on the final plat without having to re-approve the preliminary plat and without altering the plat's status under Chapter 245.

(2) Major Revisions

(a) Major revisions shall include, but not be limited to, the obvious reconfiguration of lot lines or easements, relocation of driveways or access easements or fire lanes, any modification to the perimeter or boundary of the property, and relocation or addition or deletion of any public improvement, including corresponding easement. Such major revisions shall necessitate re-submission and re-approval of the plat as a "revised preliminary plat" and shall be considered a new project for the purpose of determining applicable regulations.

(b) The procedures for such re-approval shall be the same as for a preliminary plat, and such re-approval shall constitute a new project necessitating submission of a new application form, payment of new fees, and other requirements.

(E) *Plan Approval.*

(1) The City Administrator shall review these construction plans and specifications to ensure compliance with the regulations set forth in this Chapter and good engineering practices. Within thirty (30) days of the date on which all necessary information has been submitted, the City Administrator shall either approve the plans and specifications or notify the applicant in writing of the disapproval of the plans and specifications and indicate the requirements needed to bring the documents into compliance.

(2) If construction plans are approved, then the City Administrator shall sign all the completed copies of all the plans, returning two signed copies to the applicant and retaining the other signed copies for City records.

(3) If construction plans are approved conditionally or disapproved, the City Administrator shall inform the subdivider, in writing, of the reason for that decision and return one (1) complete set of plans which identifies the problem area(s) on which the action is based.

(4) Completion of the improvements set forth in approved construction plans or submission of the proper assurances for construction of same, authorizes the subdivider to submit an application for final plat approval.

(5) The construction plan approval shall lapse where a complete application for a final plat is not submitted within two (2) years of the date of approval of the construction plans.

(F) *Revisions to Approved Construction Plan.* Where the need exists to revise approved construction plans, such revisions shall be considered minor or major according to this section.

(1) Minor Revisions

(a) It is generally recognized that minor revisions to construction plans may be needed.

(b) Such minor revisions, as determined by the City Engineer, shall occur prior to submission of the final plat, and may occur without having to re-approve the preliminary plat.

(2) Major Revisions

(a) Major revisions shall necessitate re-submission and re-approval of the construction plans.

(b) The procedures for such re-approval shall be the same as for the original approval, and such re-approval may constitute a new project, thus necessitating submission of a new application form, payment of new fees, and other requirements.