



GARLAND

NOTICE OF MEETING CITY OF GARLAND, TEXAS

PLAN COMMISSION
City Hall, Council Chambers
William E. Dollar Municipal Building
200 N. Fifth Street
Garland, Texas
February 10, 2025 at 6:30 p.m.

A meeting of the Plan Commission of the City of Garland, Texas will be held at the aforementioned location, date, and time to discuss and consider the following agenda items.

INVOCATION AND PLEDGE OF ALLEGIANCE: It is the custom and tradition of the members of the Plan Commission to have an invocation and recital of the Pledge of Allegiance prior to the beginning of the meeting. Members of the audience are invited to participate. However, members of the audience are not required to participate. The decision to participate is strictly a matter of personal choice and has no bearing on matters to be considered by the Plan Commission and will not affect the decisions to be made during the meeting.

The meeting will be broadcast on City of Garland Government Access Television (CGTV). CGTV is available via GarlandTX.gov, channel 16 (Spectrum), Channel 44 (Frontier), and channel 99 (AT&T U-verse). Meetings are broadcast online via live-streaming, on-demand, and air on CGTV with several rebroadcasts during the week of the meeting.

Public Comments

Your comments must relate to an item on this agenda - non-germane comments are not in order. Time limits will be imposed by the Chairman as appropriate to the nature of the agenda item. Generally, public speakers are given three minutes.

IN-PERSON COMMENTS: Registration will be required for any citizen wishing to speak. Speakers shall register using the electronic registration kiosks in the lobby of City Hall.

Garland City Hall and Council Chambers are wheelchair accessible. Special parking is available on the east side of City Hall and on Austin & State Street west of City Hall. Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services must contact the City Secretary's Office at (972) 205-2404 at least two working days prior to the meeting so that appropriate arrangements can be made. **BRAILLE IS NOT AVAILABLE.**

If the Plan Commission adjourns into executive session during this meeting, the executive session will be conducted between and among the members of the Plan Commission and relevant City staff. Public access to that meeting is prohibited by State law.

CONSENT AGENDA

All items under this section are recommended for approval by a single motion of the Plan Commission, without discussion. The Chairman will announce the agenda and provide an opportunity for members of the audience and the Plan Commission to request that an item be removed and considered separately.

1. MINUTES

- a. Consider approval of the Plan Commission Minutes for January 27, 2025 meeting.

2. PLATS

- a. P 25-02 Westbank Townhomes Addition - Preliminary Plat

ITEMS FOR INDIVIDUAL CONSIDERATION

Speaker Regulations:

Anyone wishing to speak for, against, or on agenda items must fill out a speaker card and give it to the Plan Commission Secretary before speaking (cards are located at the entrance to the Council Chambers). The Chairman will recognize speakers; he may impose a time limit and may provide for rebuttal. All comments and testimony are to be presented from the podium.

3. ZONING

- a. Consideration of the application of **Nayeb Management, LLC.**, requesting approval of 1) a Specific Use Provision for a Tattooing/Body Piercing Establishment Use on a property zoned Planned Development (PD) District 82-59 and 2) a Concept Plan for a Tattooing/Body Piercing Establishment Use. The site is located at 1350 Northwest Highway, Suite #107. (District 5) (File Z 24-29)
- b. Hold a public hearing to consider amendments to Attachment 1 -- Land Use Matrix as it relates to Laundry, Self-Service (Laundromat) use.
- c. Hold a public hearing to consider amendments to the plat approval and relevant procedures.

4. ADJOURN

NOTICE: The Plan Commission may recess from the open session and convene in a closed session if the discussion of any of the listed agenda items concerns matters regarding privileged and unprivileged client information deemed confidential by Rule 1.05 of the Texas Disciplinary Rules of Professional Conduct. Sec. 551.071, Tex. Gov't Code.

NOTE: A quorum of the City Council may be in attendance and may or may not participate in the discussions of the Committee or board.



GARLAND

Plan Commission

1. a.

Meeting Date: 02/10/2025

Item Title: Plan Commission Minutes for January 27, 2025

Summary:

Consider approval of the Plan Commission Minutes for January 27, 2025 meeting.

Attachments

January 27, 2025 Plan Commission Minutes



GARLAND

MINUTES

The Plan Commission of the City of Garland convened in regular session at 6:30 p.m. on Monday, January 27, 2025, in the Council Chambers at the William E. Dollar Municipal Building, 200 N. Fifth Street, Garland, Texas, with the following members present:

Present: Scott Roberts, Chairman
Julius Jenkins, 1st Vice Chair
Wayne Dalton, 2nd Vice Chair
Stephanie Paris, Commissioner
Jaric Jones, Commissioner
Patrick Abell, Commissioner
Michael Rose, Commissioner
Bob Duckworth, Commissioner
Nabila Nur, Planning Director

Absent: Georgie Cornelius, Commissioner

Staff Present: Nabila Nur, Planning Director
Kurt Banowsky, Sr. Assistant City Attorney II
Emma Chetuya, Planning Administrator - Development
Matthew Wolverton, Planner II
Elisa Morales, Recording Secretary

CONSENT AGENDA

All items under this section are recommended for approval by a single motion of the Plan Commission, without discussion. The Chairman will announce the agenda and provide an opportunity for members of the audience and the Plan Commission to request that an item be removed and considered separately.

Motion was made by Commissioner Paris to **approve** the Consent Agenda as presented. Seconded by Commissioner Jenkins. **Motion carried: 8 Ayes, 0 Nays.**

1. MINUTES

a. Consider approval of the Plan Commission Minutes for the January 13, 2025 meeting. **APPROVED**

2. PLATS

a. P 25-01 Swig Arapaho Addition - Final Plat **APPROVED**

ITEMS FOR INDIVIDUAL CONSIDERATION

Speaker Regulations:

Anyone wishing to speak for, against, or on agenda items must fill out a speaker card and give it to the Plan Commission Secretary before speaking (cards are located at the entrance to the Council Chambers). The Chairman will recognize speakers; he may impose a time limit and may provide for rebuttal. All comments and testimony are to be presented from the podium.

3. ZONING

Staff provided an overview of both items 3a and 3c.

- a. Consideration of the application of **Letron Thomas**, requesting approval of a Specific Use Provision (SUP) for a Used Goods, Retail Sales (Indoors) Use. The site is located at 3338 Broadway Boulevard Suite 314. (District 3) (File Z 24-38) **APPROVED**

The applicant, Letron Thomas, 333 Broadway Blvd., Ste. 314, Garland, TX 75043 and the landlord, Kevin Phan, 3616 Dahlia Dr., Grand Prairie, TX 75052, provided an overview of the request and remained available for questions.

The Commission asked several questions regarding the applicant's inventory and timeline.

The applicant and landlord responded to those questions.

Motion was made by Commissioner Paris to **approve** the application as presented with a 5-year SUP. Seconded by Commissioner Rose. **Motion carried: 8 Ayes, 0 Nays.**

- b. Consideration of the application of **Claymoore Engineering**, requesting approval of Specific Use Provision (SUP) for a Car Wash, Automated/Rollover. The site is located at 2660 Belt Line Road. (District 7) (File Z 24-39) (This application has been postponed at the request of the applicant). **POSTPONED**

- c. Consideration of the application of **Yesenia Morales**, requesting approval of a change in zoning from Community Retail (CR) District to Single-Family-5 (SF-5) District. The site is located at 409 School Street (District 8) (File Z 24-40) **APPROVED**

Motion was made by Commissioner Abell to **approve** the application as presented. Seconded by Commissioner Dalton. **Motion carried: 8 Ayes, 0 Nays.**

4. ADJOURN

There being no further business to come forward before the Plan Commission, the meeting adjourned at 6:56 p.m.

CITY OF GARLAND, TEXAS

/s/ Scott Roberts, Chairman

/s/ Elisa Morales, Secretary



GARLAND

Plan Commission

2. a.

Meeting Date: 02/10/2025

Item Title: P 25-02 Westbank Townhomes Addition - Preliminary Plat

Summary:

P 25-02 Westbank Townhomes Addition - Preliminary Plat

Attachments

P 25-02 Westbank Townhomes Addition - Preliminary Plat Report & Attachments

Planning Report

File No: P 25-02 / District 7

Agenda Item:

Meeting: Plan Commission

Date: February 10, 2025



GARLAND

TEXAS MADE HERE

PRELIMINARY PLAT

Westbank Townhomes Addition

LOCATION

2701 Arapaho Road

ZONING

Planned Development (PD) District 24-11

NUMBER OF LOTS

Thirty-Nine (39) residential lots & five (5) HOA lots

ACREAGE

3.999 Acres

BACKGROUND

The purpose of this Preliminary Plat is to construct a 39 single-family-attached development. This plat had been previously approved by the Plan Commission but was not filed with the County Clerk of Dallas, causing it to expire.

STAFF RECOMMENDATION

Approval of the Preliminary Plat. All technical requirements have been addressed and the plat is in accordance with the zoning and is in order as submitted.

ADDITIONAL INFORMATION

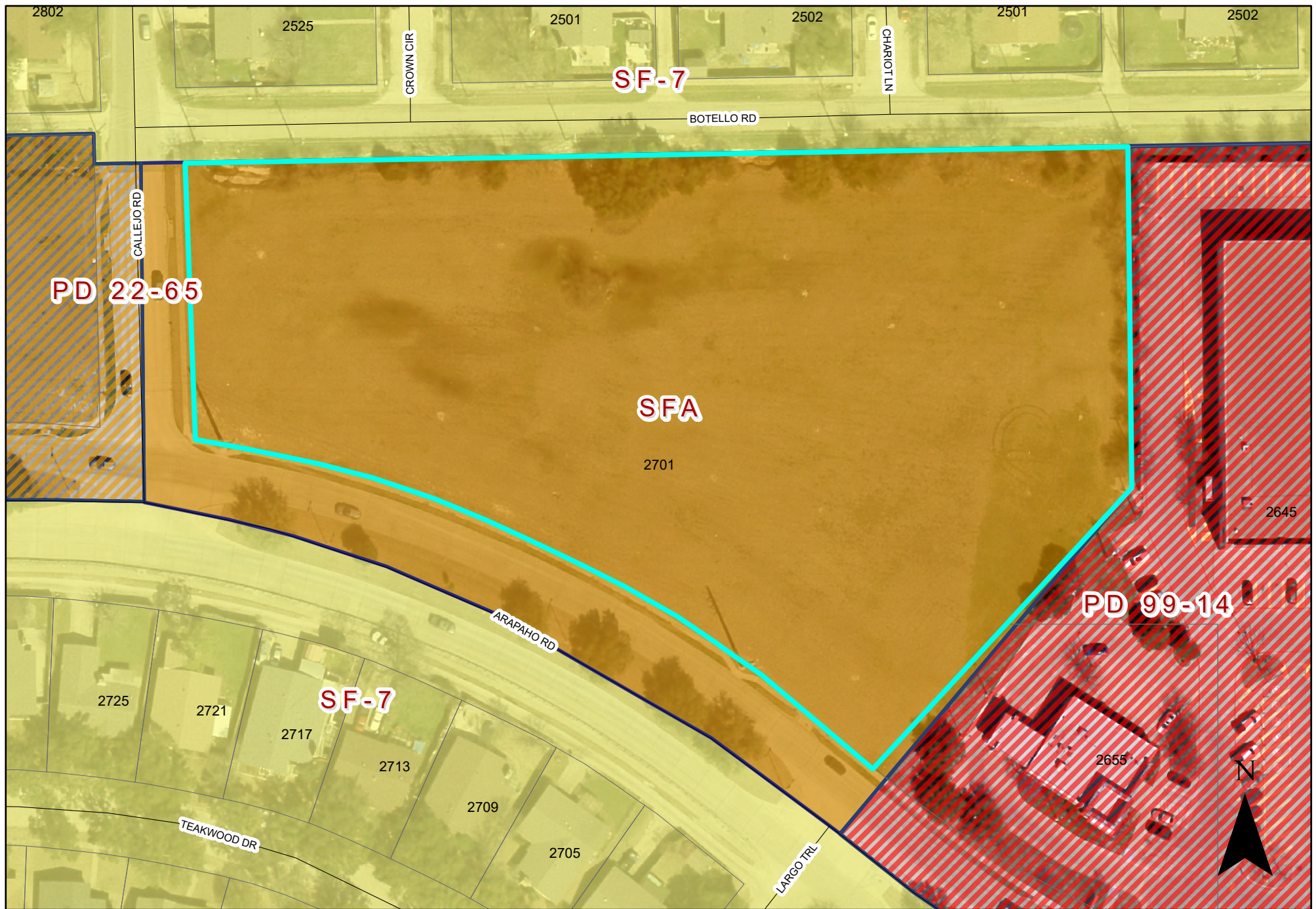
- i. Location Map
- ii. Plat

PREPARED BY:

Matthew Wolverton
Planner II
Planning & Development
972-205-2454
mwolverton@garlandtx.gov

REVIEWED BY:

Nabila Nur, AICP
Director
Planning and Development
972-205-2449
nnur@garlandtx.gov



0 100 200 Feet

PLAT MAP P 25-02

 INDICATES AREA OF REQUEST

2701 Arapaho Road



VICINITY MAP
1" = 2000'

CURVE TABLE					
TAG NO.	RADIUS	LENGTH	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	850.00'	450.43'	30°21'43"	N65°58'09"W	445.18'
C2	49.00'	2.79'	3°15'51"	N38°37'30"W	2.79'
C3	49.00'	117.78'	137°43'01"	N28°36'05"E	91.40'
C4	49.00'	36.98'	43°14'12"	N15°22'28"W	36.11'
C5	49.00'	10.30'	12°02'54"	N12°16'05"E	10.28'
C6	49.00'	21.75'	25°26'03"	N31°00'33"E	21.57'
C7	49.00'	26.39'	30°51'46"	N59°09'28"E	26.08'
C8	49.00'	19.56'	22°52'15"	N86°01'28"E	19.43'
C9	325.00'	11.16'	1°58'03"	S55°29'24"W	11.16'
C10	325.00'	25.36'	4°28'18"	S52°16'14"W	25.36'
C11	325.00'	25.11'	4°25'36"	S47°49'18"W	25.10'
C12	325.00'	35.02'	6°10'24"	S42°31'18"W	35.00'
C13	325.00'	31.79'	5°36'15"	S36°37'58"W	31.78'
C14	699.00'	187.34'	15°21'23"	S58°26'48"E	186.78'
C15	325.00'	4.79'	0°50'41"	S34°15'11"W	4.79'
C16	375.00'	2.92'	0°26'44"	S33°59'01"W	2.92'
C17	375.00'	29.60'	4°31'19"	S36°01'19"W	29.59'
C18	375.00'	35.05'	5°21'19"	S40°57'38"W	35.04'
C19	375.00'	25.02'	3°49'21"	S45°32'58"W	25.01'
C20	375.00'	25.13'	3°50'24"	S49°22'50"W	25.13'
C21	375.00'	25.36'	3°52'30"	S53°14'17"W	25.36'
C22	375.00'	23.84'	3°38'31"	S56°59'48"W	23.83'
C23	14.50'	10.08'	39°50'18"	N38°53'54"E	9.88'
C24	14.50'	5.10'	20°08'24"	N08°54'33"E	5.07'
C25	850.00'	57.69'	3°53'19"	N60°19'19"W	57.68'
C26	850.00'	39.48'	2°39'42"	N63°35'50"W	39.48'
C27	850.00'	27.65'	1°51'51"	N65°51'36"W	27.65'
C28	850.00'	27.25'	1°50'13"	N67°42'38"W	27.25'
C29	850.00'	26.89'	1°48'46"	N69°32'07"W	26.89'
C30	850.00'	26.58'	1°47'29"	N71°20'15"W	26.57'
C31	850.00'	36.74'	2°28'35"	N73°28'17"W	36.74'
C32	850.00'	95.55'	6°26'26"	N77°55'48"W	95.50'
C34	39.52'	41.56'	60°15'16"	N28°58'27"E	39.67'
C35	350.00'	154.33'	25°15'53"	N46°29'09"E	153.09'
C36	375.00'	8.48'	1°17'45"	S37°38'06"W	8.48'
C37	325.00'	11.89'	2°05'47"	S38°23'12"W	11.89'
C38	14.50'	15.18'	59°58'42"	N28°49'42"E	14.50'
C39	375.00'	164.00'	25°03'24"	S46°17'21"W	162.69'
C40	325.00'	128.44'	22°38'35"	S45°09'08"W	127.60'

LEGEND/ABBREVIATIONS

IRF	IRON ROD FOUND
CRF	CAPPED IRON ROD FOUND
POB	POINT OF BEGINNING
OPRDCT	OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS
MRDCT	MAP RECORDS, DALLAS COUNTY, TEXAS
DRDCT	DEED RECORDS, DALLAS COUNTY, TEXAS
CC	COUNTY CLERK
DE	DRAINAGE EASEMENT
UE	UTILITY EASEMENT
MEAS.	MEASURED
SUE	STREET & UTILITY EASEMENT
GPL UE	GARLAND POWER & LIGHT UTILITY EASEMENT
PDE	PRIVATE DRAINAGE EASEMENT
PUE	PEDESTRIAN AND UTILITY EASEMENT
PE	PEDESTRIAN EASEMENT
VAM	VISIBILITY, ACCESS, AND MAINTENANCE EASEMENT
CM	CONTROLLING MONUMENT
●	2" ALUMINUM CAP STAMPED RPLS 5438

SEE PAGE 2 OF 2 FOR OWNER'S CERTIFICATE,
OWNER'S DEDICATION AND GENERAL NOTES



LOT & BLOCK TABLE			
LOT NO.	BLOCK NO.	ACREAGE	SQUARE FEET
1	1	0.086	3,745
2-5	1	0.050	2,160
6-7	1	0.062	2,700
8-9	1	0.052	2,250
10-11	1	0.062	2,700
12-15	1	0.050	2,160
16	1	0.080	3,488
1	2	0.072	3,149
2	2	0.057	2,503
3	2	0.063	2,740
4	2	0.068	2,999
5	2	0.075	3,282
6	2	0.117	5,118
7	2	0.073	3,184
8	2	0.052	2,268
9	2	0.053	2,310
10	2	0.052	2,299
11	2	0.079	3,420
1	3	0.073	3,240
2-4	3	0.052	2,250
5	3	0.052	2,248
6	3	0.070	3,066
1	4	0.068	3,315
2	4	0.058	2,540
3	4	0.067	2,939
4	4	0.073	3,186
5	4	0.076	3,301
6	4	0.188	4,724
1-X (HOA)	1	0.354	6,790
2-X (HOA)	1	0.049	7,913
3-X (HOA)	1	0.173	2,174
1-X (HOA)	3	0.129	14,354
1-X (HOA)	4	0.080	3,481

LINE TABLE		
TAG NO.	BEARING	DISTANCE
L1	N50°34'25"W	71.27'
L2	N43°50'22"E	2.12'
L4	S07°30'03"E	8.55'
L5	N08°00'05"W	25.80'
L6	S88°50'22"W	2.64'
L7	S43°50'22"W	21.21'
L9	S74°41'05"E	30.22'
L10	S50°31'00"E	20.43'
L11	S49°55'11"E	12.57'

LINE TABLE		
TAG NO.	BEARING	DISTANCE
L12	N09°24'37"W	13.93'
L13	S39°29'05"W	10.73'
L14	S88°16'36"E	18.01'
L15	N58°49'03"E	2.05'
L16	S76°02'47"W	15.57'
L17	N01°09'38"W	46.52'
L18	N46°09'38"W	21.21'
L19	N46°23'11"W	3.81'
L20	S07°30'03"E	11.57'

LINE TABLE		
TAG NO.	BEARING	DISTANCE
L21	N07°30'03"W	1.51'
L22	N88°50'22"E	10.06'
L23	N01°46'51"E	39.31'
L24	S88°50'22"W	2.69'
L25	N88°50'22"E	7.11'
L26	S88°50'22"W	165.58'
L27	S01°09'38"E	9.25'
L28	N62°07'50"E	21.72'



OWNER / DEVELOPER:
ARAPAHO CAMELOT TOWNHOMES, LLC
CONTACT: ERIC ZHENG
PHONE: 469-394-0220
9848 DERBYSHIRE DRIVE
FRISCO, TX 75035

ENGINEER:
CARNEY ENGINEERING, PLLC.
CONTACT: CRAIG CARNEY
PHONE: 469-443-0861
5465 LEGACY DRIVE, SUITE 650
PLANO, TX 75024

PRELIMINARY PLAT
WESTBANK TOWNHOMES ADDITION
LOTS 1-16, BLOCK 1, LOTS 1-11 & 1-X, 2-X, 3-X, BLOCK 2,
LOTS 1-6 & 1-X BLOCK 3, & LOTS 1-6 & 1-X BLOCK 4
FREDERICK MOSS SURVEY ~ ABSTRACT NO. 941
CITY OF GARLAND, DALLAS COUNTY, TEXAS
CITY CASE NO. 210928-2

OWNER'S CERTIFICATE

STATE OF TEXAS)
COUNTY OF DALLAS)

WHEREAS, ARAPAHO CAMELOT TOWNHOMES, LLC, A TEXAS LIMITED LIABILITY COMPANY, IS THE OWNER OF A 3.999 ACRE TRACT OF LAND LOCATED IN THE F. MOSS SURVEY, ABSTRACT NO. 941, IN THE CITY OF GARLAND, DALLAS COUNTY, TEXAS, BEING ALL OF A CALLED 3.999 ACRE TRACT OF LAND AS DESCRIBED IN THE SPECIAL WARRANTY DEED TO ARAPAHO CAMELOT TOWNHOMES, LLC, A TEXAS LIMITED LIABILITY COMPANY, FILED FOR RECORD IN COUNTY CLERK'S INSTRUMENT NO. 202300186388, OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS (OPRDCT), SAID 3.999 ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES & BOUNDS AS FOLLOWS:

BEGINNING AT A 1/2 INCH IRON ROD FOUND WITH RED CAP STAMPED "PACHECO KOCH" FOR THE WESTERNMOST CORNER OF LOT 4, BLOCK 1, SHILOH/ARAPAHO ADDITION, AN ADDITION TO THE CITY OF GARLAND, DALLAS COUNTY, TEXAS, FILED FOR RECORD IN VOLUME 99205, PAGE 2252, MAP RECORDS, DALLAS COUNTY, TEXAS (MRDCT), AND BEING ON THE NORTHEAST RIGHT-OF-WAY LINE OF ARAPAHO ROAD, A 100-FOOT PUBLIC RIGHT-OF-WAY AT THIS POINT, AS DESCRIBED IN THE RIGHT-OF-WAY DEED TO THE CITY OF GARLAND, FILED FOR RECORD IN VOLUME 72116, PAGE 607, DEED RECORDS, DALLAS COUNTY, TEXAS (DRDCT), SAID BEGINNING POINT HAVING A NAD83 TEXAS COORDINATE SYSTEM POSITION (GRID) OF N:7037158.0 E:2530268.7 (BEARINGS & COORDINATE VALUES SHOWN HEREON ARE IN REFERENCE TO THE TEXAS COORDINATE SYSTEM OF 1983, NORTH CENTRAL ZONE (4202), BASED ON GPS OBSERVATIONS UTILIZING THE LEICA GPS REFERENCE NETWORK);

THENCE NORTH 50 DEGREES 34 MINUTES 25 SECONDS WEST, ALONG SAID NORTHEAST RIGHT-OF-WAY LINE, A DISTANCE OF 71.27 FEET, TO A 1/2 INCH IRON ROD FOUND WITH RED CAP STAMPED "PACHECO KOCH", BEING THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 850.00 FEET;

THENCE ALONG SAID CURVE TO THE LEFT, IN AN NORTHWESTERLY DIRECTION, AND ALONG SAID NORTHEAST RIGHT-OF-WAY LINE, THROUGH A CENTRAL ANGLE OF 30 DEGREES 21 MINUTES 43 SECONDS, AN ARC LENGTH OF 450.43 FEET, AND HAVING A LONG CHORD WHICH BEARS NORTH 65 DEGREES 58 MINUTES 09 SECONDS WEST, A CHORD LENGTH OF 445.18 FEET, TO AN "X" CUT FOUND IN CONCRETE ON THE EAST RIGHT-OF-WAY LINE OF CALLEJO ROAD, A 60-FOOT RIGHT-OF-WAY AS DESCRIBED IN THE SPECIAL RIGHT-OF-WAY DEED TO THE CITY OF GARLAND, FILED FOR RECORD IN VOLUME 87025, PAGE 4749, DRDCT, SAID "X" CUT FOUND HAVING A NAD83 TEXAS COORDINATE SYSTEM POSITION (GRID) OF N:7037384.5 E:2529807.1, FROM WHICH A MAG NAIL WITH SHINER SET ON THE WEST RIGHT-OF-WAY LINE OF SAID CALLEJO ROAD BEARS A CHORD BEARING OF NORTH 82 DEGREES 51 MINUTES 27 SECONDS WEST, A CHORD LENGTH OF 60.80 FEET;

THENCE NORTH 02 DEGREES 08 MINUTES 12 SECONDS WEST, ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 177.70 FEET, TO A 1/2 INCH IRON ROD FOUND WITH YELLOW CAP STAMPED "AZB", BEING AT THE INTERSECTION OF SAID EAST RIGHT-OF-WAY LINE AND THE SOUTH RIGHT-OF-WAY LINE OF BOTELLO DRIVE, A VARIABLE WIDTH PUBLIC RIGHT-OF-WAY, SAID CAPPED IRON ROD SET HAVING A NAD83 TEXAS COORDINATE SYSTEM POSITION (GRID) OF N:7037562.1 E:2529800.4;

THENCE NORTH 88 DEGREES 50 MINUTES 22 SECONDS EAST, ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 622.72 FEET, TO A 5/8 INCH IRON ROD FOUND WITH YELLOW CAP STAMPED "MYCOSKIE MCINNIS", BEING THE NORTHWEST CORNER OF LOT 1, BLOCK 1, OF SAID SHILOH/ARAPAHO ADDITION, FROM WHICH A 1/2 INCH IRON ROD FOUND WITH YELLOW CAP STAMPED "AZB" (2014), BEARS SOUTH 31 DEGREES 13 MINUTES 18 SECONDS EAST, A DISTANCE OF 1.75 FEET, SAID CAPPED "MYCOSKIE MCINNIS" IRON ROD FOUND HAVING A NAD83 TEXAS COORDINATE SYSTEM POSITION (GRID) OF N:7037574.7 E:2530423.0;

THENCE SOUTH 01 DEGREES 04 MINUTES 30 SECONDS EAST, ALONG THE WEST LINE OF SAID LOT 1, BLOCK 1, A DISTANCE OF 224.37 FEET, TO A 1/2 INCH IRON ROD FOUND, SAID 1/2 INCH IRON ROD FOUND HAVING A NAD83 TEXAS COORDINATE SYSTEM POSITION (GRID) OF N:7037350.4 E:2530427.2, FROM WHICH A SECOND 1/2 INCH IRON ROD FOUND (NO CAP) BEARS SOUTH 26 DEGREES 07 MINUTES 47 SECONDS EAST, A DISTANCE OF 1.65 FEET;

THENCE SOUTH 39 DEGREES 29 MINUTES 05 SECONDS WEST, AT A DISTANCE OF 119.83 FEET, PASSING THE NORTHWEST CORNER OF SAID LOT 4, BLOCK 1, SHILOH/ARAPAHO ADDITION, AND CONTINUING IN ALL A TOTAL DISTANCE OF 249.31 FEET, TO THE POINT OF BEGINNING AND CONTAINING 3.999 ACRES (174,135 SQUARE FEET) OF LAND, MORE OR LESS.

OWNER'S DEDICATION

NOW THEREFORE, KNOW ALL BY THESE PRESENTS:

THAT ARAPAHO CAMELOT TOWNHOMES, LLC, A TEXAS LIMITED LIABILITY COMPANY, THE OWNER OF THE PROPERTY DESCRIBED IN THIS PLAT, ACTING BY AND THROUGH ITS DULY AUTHORIZED AGENT, DOES HEREBY ADOPT THIS PLAT, DESIGNATING THE PROPERTY AS WESTBANK TOWNHOMES ADDITION, AN ADDITION TO THE CITY OF GARLAND, DALLAS COUNTY, TEXAS AND DOES HEREBY DEDICATE, IN FEE SIMPLE AND TO THE PUBLIC USE FOREVER, THE STREETS AND ALLEYS SHOWN THEREON AND DOES FURTHER DEDICATE TO THE PUBLIC USE FOREVER THE EASEMENTS SHOWN THEREON FOR THE PURPOSES INDICATED, PROVIDED, HOWEVER, THAT NO PUBLIC DEDICATION IS MADE OR INTENDED AS TO ANY PRIVATE EASEMENT, SCREEN WALL EASEMENT, OR WALL MAINTENANCE EASEMENT SHOWN ON THIS PLAT. ALL EASEMENTS DEDICATED BY THIS PLAT SHALL BE OPEN TO, WITHOUT LIMITATION, ALL PUBLIC AND PRIVATE UTILITIES USING OR DESIRING TO USE THE SAME FOR THE PURPOSES DEDICATED. NO BUILDING, FENCE, TREE, SHRUB, OR OTHER STRUCTURE, IMPROVEMENT OR GROWTH SHALL BE CONSTRUCTED, RECONSTRUCTED OR PLACED UPON, OVER OR ACROSS ANY PUBLIC EASEMENT DEDICATED BY THIS PLAT IN SUCH A MANNER AS TO RESTRICT THE USE OR SCOPE OF, OR INTERFERE WITH THE PURPOSE AND INTENT OF THE EASEMENT. ANY PUBLIC OR PRIVATE UTILITY SHALL HAVE: (1) THE RIGHT TO REMOVE AND KEEP REMOVED ALL OR ANY PART OF ANY BUILDING, FENCE, TREE, SHRUB, OR OTHER STRUCTURE, IMPROVEMENT OR GROWTH WHICH IN ANY WAY MAY ENDANGER OR INTERFERE WITH THE CONSTRUCTION, RECONSTRUCTION, MAINTENANCE, OPERATION OR EFFICIENCY OF SUCH UTILITY WITHIN A PUBLIC EASEMENT; AND (2) THE RIGHT OF INGRESS AND EGRESS TO OR FROM AND UPON THE SUCH EASEMENTS FOR THE PURPOSE OF CONSTRUCTING, RECONSTRUCTING, INSPECTING, PATROLLING, MAINTAINING AND ADDING TO, ENLARGING, OR REMOVING ALL OR PARTS OF ITS OPERATION WITHOUT THE NECESSITY AT ANY TIME OF PROCURING THE PERMISSION OF ANYONE. THE MAINTENANCE OF PAVING ON UTILITY EASEMENTS AND FIRE LANES IS THE RESPONSIBILITY OF THE PROPERTY OWNER, ANY AND ALL MAINTENANCE OF HOME OWNERS ASSOCIATION COMMON AREAS OR LOTS, PRIVATE EASEMENTS, SCREENING WALLS, SCREEN WALL EASEMENTS AND WALL MAINTENANCE EASEMENTS IS THE RESPONSIBILITY OF THE HOME OWNERS ASSOCIATION, ITS SUCCESSORS, OR ASSIGNS.

ALL UTILITY EASEMENTS DEDICATED BY THIS PLAT SHALL ALSO INCLUDE AN ADDITIONAL AREA OF WORKING SPACE FOR CONSTRUCTION, RECONSTRUCTION, ADDITIONS, ENLARGEMENTS, AND MAINTENANCE INCLUDING SUCH ADDITIONAL AREA NECESSARY FOR INSTALLATION AND MAINTENANCE OF MANHOLES, CLEANOUTS, FIRE HYDRANTS, WATER SERVICES AND WASTEWATER SERVICES FROM THE MAIN TO THE CURB OR PAVEMENT LINE.

THE CITY OF GARLAND, TEXAS SHALL NOT BE RESPONSIBLE FOR THE MAINTENANCE OR OPERATION OF ANY DETENTION AREA DESIGNATED ON THIS PLAT OR FOR ANY DAMAGE OR INJURY TO PROPERTY OR PERSONS THAT RESULTS FROM THE FLOW OF WATER ALONG, INTO OR OUT OF THOSE DETENTION AREAS, OR FOR THE CONTROL OF EROSION, THE CONSTRUCTION, OPERATION, AND MAINTENANCE OF ANY DETENTION AREA DESIGNATED ON THIS PLAT IS CONTROLLED BY AND SUBJECT TO THE APPLICABLE PROVISIONS OF THE CODE OF ORDINANCES OF THE CITY OF GARLAND, AS AMENDED, OR THE GARLAND DEVELOPMENT CODE, AS AMENDED.

THE AREA OR AREAS SHOWN ON THE PLAT AS "VAM" (VISIBILITY, ACCESS AND MAINTENANCE) EASEMENT(S) ARE HEREBY GIVEN AND GRANTED TO THE CITY OF GARLAND ("CITY"), ITS SUCCESSORS AND ASSIGNS, AS AN EASEMENT TO PROVIDE VISIBILITY, RIGHT OF ACCESS, AND MAINTENANCE UPON AND ACROSS SAID VAM EASEMENT. PROPERTY OWNERS OF CORNER LOTS SHALL MAINTAIN THE VAM EASEMENT(S) IN ACCORDANCE WITH CHAPTER EIGHT OF THE TECHNICAL STANDARDS MANUAL OF THE CITY OF GARLAND, TEXAS. THE CITY SHALL HAVE THE RIGHT, BUT NOT THE OBLIGATION, TO MAINTAIN ALL LANDSCAPING WITHIN THE VAM EASEMENT. SHOULD THE CITY EXERCISE THIS MAINTENANCE RIGHT IT SHALL BE PERMITTED TO REMOVE AND DISPOSE OF ANY AND ALL LANDSCAPING IMPROVEMENTS, INCLUDING WITHOUT LIMITATION, ANY TREES, SHRUBS, FLOWERS, GROUND COVER, STRUCTURE AND/OR FIXTURES. THE CITY IN ITS SOLE DISCRETION MAY WITHDRAW MAINTENANCE OF THE VAM EASEMENT AT ANY TIME. THE ULTIMATE MAINTENANCE RESPONSIBILITY FOR THE VAM EASEMENT SHALL REST WITH THE PROPERTY OWNER(S). NO BUILDING, FENCE, WALL, SCREEN, BERM, SIGN, PARKING STALL, DRIVE AISLE, DRIVEWAY, HEDGE, SHRUB, TREE, OR OTHER IMPROVEMENTS OR GROWTHS, WHICH IN ANY WAY ENDANGER OR INTERFERE WITH THE VISIBILITY, SHALL BE CONSTRUCTED IN, ON, OVER, OR ACROSS THE VAM EASEMENT. THE CITY SHALL ALSO HAVE THE RIGHT, BUT NOT THE OBLIGATION, TO ADD ANY LANDSCAPE IMPROVEMENTS TO THE VAM EASEMENT, TO ERECT ANY TRAFFIC CONTROL DEVICES OR SIGNS ON THE VAM EASEMENT, AND TO REMOVE ANY OBSTRUCTION THEREON. THE CITY, ITS SUCCESSORS, ASSIGNS, OR AGENTS SHALL HAVE THE RIGHT AND PRIVILEGE AT ALL TIMES TO ENTER UPON THE VAM EASEMENT OR ANY PART THEREOF FOR THE PURPOSES AND WITH ALL RIGHTS AND PRIVILEGES SET FORTH HEREIN.

THIS PLAT APPROVED SUBJECT TO ALL APPLICABLE ORDINANCES, RULES, REGULATIONS, AND RESOLUTIONS OF THE CITY OF GARLAND, TEXAS. WITNESS, MY HAND AT GARLAND, TEXAS, THIS THE _____ DAY OF _____, 2024.

ARAPAHO CAMELOT TOWNHOMES, LLC, A TEXAS LIMITED LIABILITY COMPANY

YAOTING ZHENG, MANAGER

STATE OF TEXAS)
COUNTY OF DALLAS)

BEFORE ME, THE UNDERSIGNED AUTHORITY, A NOTARY PUBLIC, IN AND FOR SAID COUNTY AND STATE, ON THIS DAY PERSONALLY APPEARED _____, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSE AND CONSIDERATIONS THEREIN EXPRESSED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS THE ____ DAY OF JANUARY, 2024.

NOTARY PUBLIC, STATE OF TEXAS

GENERAL NOTES

- BEARINGS & COORDINATE VALUES SHOWN HEREON ARE IN REFERENCE TO THE TEXAS COORDINATE SYSTEM OF 1983, NORTH CENTRAL ZONE (4202) BASED ON OBSERVATIONS UTILIZING THE TOPNET GPS REFERENCED NETWORK.
- ALL LOT CORNERS CALLED SET ARE 5/8 INCH YELLOW CAPPED IRON RODS STAMPED "MWM RPLS 5438" UNLESS DENOTED OTHERWISE.
- ALL BLOCK CORNERS CALLED SET ARE 5/8 INCH IRON RODS WITH 2 INCH ALUMINUM CAP STAMPED "MWM RPLS 5438" UNLESS DENOTED OTHERWISE.
- ALL BOUNDARY CORNERS CALLED SET ARE 5/8 INCH IRON RODS WITH 3-1/4 INCH ALUMINUM CAP STAMPED "WESTBANK TOWNHOMES ADDITION - 2024" UNLESS DENOTED OTHERWISE.
- SELLING A PORTION OF THIS ADDITION BY METES AND BOUNDS IS A VIOLATION OF CITY OF GARLAND DEVELOPMENT CODE AND IS SUBJECT TO WITHHOLDING OF UTILITIES AND BUILDING PERMITS.
- PROPERTY OWNERS OF CORNER LOTS SHALL MAINTAIN SIGHT VISIBILITY TRIANGLES IN ACCORDANCE WITH CHAPTER EIGHT OF THE TECHNICAL STANDARDS MANUAL OF THE CITY OF GARLAND, TEXAS.
- ANY AND ALL MAINTENANCE OF HOA COMMON AREAS, HOA LOTS, SCREEN WALLS, SCREEN WALL EASEMENTS AND WALL MAINTENANCE IS THE RESPONSIBILITY OF THE HOME OWNERS ASSOCIATION, ITS SUCCESSORS, OR ASSIGNS.
- ALL EASEMENTS ARE DEDICATED BY THIS PLAT UNLESS DENOTED WITH RECORDING INFORMATION.

APPROVED AND ACCEPTED FOR THE CITY OF GARLAND THE ____ DAY OF _____, 2024
BY THE CITY PLAN COMMISSION OF THE CITY OF GARLAND, TEXAS.

DIRECTOR OF PLANNING

CHAIRMAN OF PLAN COMMISSION

THE APPROVAL OF THIS PLAT IS CONTINGENT UPON THE PLAT BEING FILED WITH THE COUNTY CLERK OF DALLAS COUNTY WITHIN 180 DAYS FROM THE ABOVE DATE.

SPACE RESERVED FOR
COUNTY RECORDING LABEL

SURVEYOR'S STATEMENT

I, MERLE W. MILLER, A REGISTERED PROFESSIONAL LAND SURVEYOR, LICENSED BY THE STATE OF TEXAS, AFFIRM THAT THIS PLAT WAS PREPARED UNDER MY DIRECT SUPERVISION, FROM RECORDED DOCUMENTATION, EVIDENCE COLLECTED ON THE GROUND DURING FIELD OPERATIONS AND OTHER RELIABLE DOCUMENTATION; AND THAT THIS PLAT SUBSTANTIALLY COMPLIES WITH THE RULES AND REGULATIONS OF THE TEXAS BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS, TEXAS LOCAL GOVERNMENT CODE, CHAPTER 212, AND THE CITY OF GARLAND DEVELOPMENT CODE. I FURTHER AFFIRM THAT MONUMENTATION SHOWN HEREON WAS EITHER FOUND OR PLACED AS DESCRIBED HEREON AND IS IN SUBSTANTIAL COMPLIANCE WITH THE CITY OF GARLAND DEVELOPMENT CODE; AND THAT THE DIGITAL DRAWING FILE ACCOMPANYING THIS PLAT IS A PRECISE REPRESENTATION OF THIS SIGNED FINAL PLAT DATED THIS THE 29TH DAY OF JANUARY, 2024.


MERLE W. MILLER DATE: JANUARY 29, 2024
REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 5438
STATE OF TEXAS

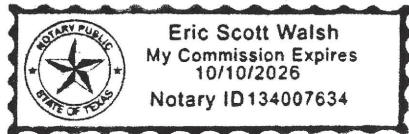


STATE OF TEXAS)
COUNTY OF TARRANT)

BEFORE ME, THE UNDERSIGNED AUTHORITY ON THIS DAY PERSONALLY APPEARED **MERLE W. MILLER**, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED IN THE CAPACITY THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE ON THIS 29th DAY OF JANUARY, 2024.


NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS



MWM
LAND SURVEYING

MERLE W. MILLER LAND SURVEYING
5049 EDWARDS RANCH ROAD, STE 300
FORT WORTH, TX 76109
PHONE: 817.228.7870
TBPELS FIRM #10194766
MERLE@MWM-LANDSURVEYING.COM

OWNER / DEVELOPER:
ARAPAHO CAMELOT TOWNHOMES, LLC
CONTACT: ERIC ZHENG
PHONE: 469-394-0220
9848 DERBYSHIRE DRIVE
FRISCO, TX 75035

ENGINEER:
CARNEY ENGINEERING, PLLC.
CONTACT: CRAIG CARNEY
PHONE: 469-443-0861
5465 LEGACY DRIVE, SUITE 650
PLANO, TX 75024

PRELIMINARY PLAT
WESTBANK TOWNHOMES ADDITION
LOTS 1-16, BLOCK 1, LOTS 1-11 & 1-X, 2-X, 3-X, BLOCK 2,
LOTS 1-6 & 1-X BLOCK 3, & LOTS 1-6 & 1-X BLOCK 4
FREDERICK MOSS SURVEY ~ ABSTRACT NO. 941
CITY OF GARLAND, DALLAS COUNTY, TEXAS
CITY CASE NO. 210928-2



GARLAND

Plan Commission

3. a.

Meeting Date: 02/10/2025

Item Title: Z 24-29 Nayeb Management, LLC (District 5)

Summary:

Consideration of the application of **Nayeb Management, LLC.**, requesting approval of 1) a Specific Use Provision for a Tattooing/Body Piercing Establishment Use on a property zoned Planned Development (PD) District 82-59 and 2) a Concept Plan for a Tattooing/Body Piercing Establishment Use. The site is located at 1350 Northwest Highway, Suite #107. (District 5) (File Z 24-29)

Attachments

Z 24-29 Nayeb Management, LLC Report & Attachments

Z 24-29 Nayeb Management, LLC Responses

Planning Report

File No: Z 24-29/District 5

Agenda Item: 2

Meeting: Plan Commission

Date: February 10, 2025



GARLAND

TEXAS MADE HERE

REQUEST

Approval of 1) a Specific Use Provision for a Tattooing/Body Piercing Establishment Use on a property zoned Planned Development (PD) District 82-59 and 2) a Concept Plan for a Tattooing/Body Piercing Establishment Use.

LOCATION

1350 Northwest Highway, Suite #107

APPLICANT

Nayeb Management, LLC

OWNER

1350 NW, LLC

BACKGROUND

The subject property is developed with a shopping center. The applicant proposes to open a Tattooing/Body Piercing Establishment Use in one of the suits. Per the GDC, the Tattooing/Body Piercing Establishment Use is only allowed by Specific Use Provision (SUP).

SITE DATA

The subject site is an approximately 1,048 square foot suite within a 1.787-acre property and has approximately 450 linear feet of frontage along Northwest Highway and 170 linear feet along Saturn Road. The site can be accessed from two points along Northwest Highway and one point along Saturn Road. The site is also accessible from two mutual access drives that continue East to other commercial developments.

USE OF PROPERTY UNDER CURRENT ZONING

The site is zoned Planned Development (PD) District 82-59. This is a mixed use Planned Development where there is an apartment area to the South and a retail area on the Northern half of the site. The subject site is located within the retail area and follows the Community Retail (CR) District as the base zoning. The Community Retail (CR) District is intended to accommodate a variety of retail, service, and business establishments that may or may not be designed in a shopping center configuration. The district may be used as a transition district between lower intensity retail or office uses and more intense uses. A Community Retail (CR) District is generally appropriate along major transportation corridors but is generally not appropriate in proximity to low-density residential districts without significant buffering and screening features. An example of allowed use in a CR district is a retail shopping area that may be large in scale with very limited or no outside storage. Traffic generated by uses in a Community Retail (CR) District must be focused onto the major thoroughfare network. Development in a Community Retail (CR) District may not be designed in a manner that increases traffic through residential areas.

CONSIDERATIONS

Specific Use Provision:

1. The applicant is requesting the SUP to be twenty (10) years. The SUP time period guide recommends a period of 5-10 years.

COMPREHENSIVE PLAN

The Future Land Use Map of the Envision Garland Plan recommends Community Centers for the subject site. Community centers are areas with compact development, primarily non-residential, which serves nearby neighborhoods with a mix of uses that include retail, office, multi-family, and entertainment.

It is envisioned that retail centers such as these promote high quality retail and service uses which promote placemaking and desirable destinations. The proposed use is not compatible with the vision of the Comprehensive Plan.

COMPATIBILITY OF REQUEST WITH SURROUNDING ZONING AND LAND USES

Section 2.52 (A) (6) of the Garland Development Code requires a 500 feet distance separation between tattoo shops and daycares, residences, places of worship, public or private schools, public parks or hospitals, senior living facility, or other tattooing/body piercing establishment. Although the proposed use will not be within 500 feet of the named uses, a daycare is located directly north, and residences are located directly south of this site. The properties to the North are zoned Community Retail (CR) District and contain retail, office, restaurant, a day care center, and a veterinary clinic. The properties to the East are also zoned Planned Development (PD) District 82-59, containing a shopping center with a mix of uses like restaurant, medical clinic, retail, office, personal services, and more. The properties to the South are zoned Planned Development (PD) District 82-59 and contains multi-family. Finally, the properties to the West are zoned Planned Development (PD) District 83-38 and Planned Development (PD) District 69-31 which contain the Texas Department of Public Safety, indoor recreation, personal services, restaurant, retail, and more.

There are a variety of residential areas located in close proximity to this site, and the proposed use is not compatible with those areas.

STAFF RECOMMENDATION

As the proposed Tattooing/Body Piercing Establishment Use is not consistent with the Future Land Use Map and not compatible with the surrounding areas, staff recommends denial of 1) a Specific Use Provision for a Tattooing/Body Piercing Establishment Use on a property zoned Planned Development (PD) District 82-59 and 2) a Concept Plan for a Tattooing/Body Piercing Establishment Use.

ADDITIONAL INFORMATION

- i. Location Map
- ii. SUP Conditions
- iii. Concept Plan
- iv. Site Photos

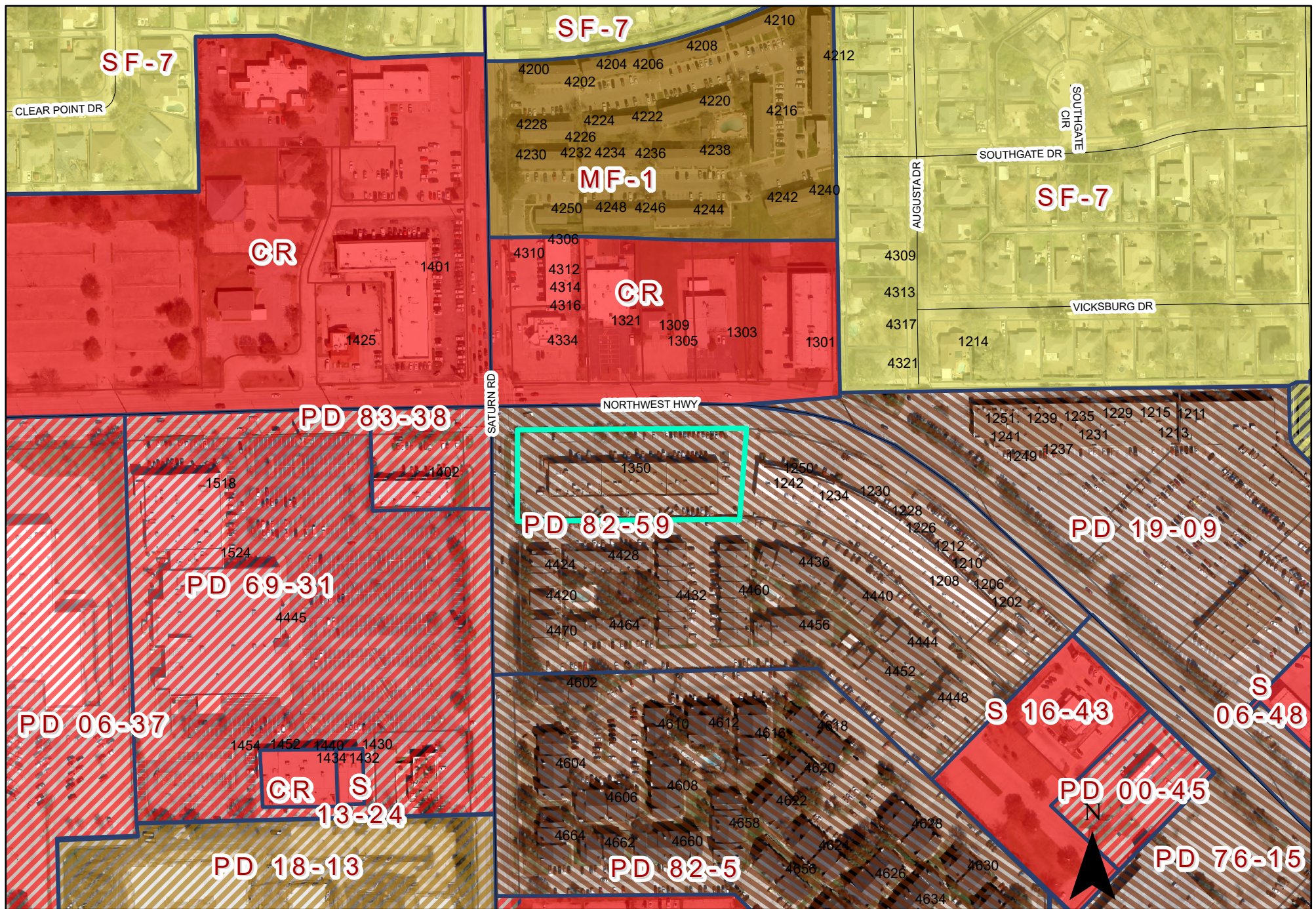
CITY COUNCIL DATE: March 4, 2025

PREPARED BY:

Emma Chetuya, PhD, AICP
Planning Administrator
Planning & Development
972-205-2453
echetuya@garlandtx.gov

REVIEWED BY:

Nabila Nur, AICP
Director
Planning and Development
972-205-2449
nnur@garlandtx.gov



ZONING MAP Z 24-29

1350 Northwest Hwy, Suite 107

**SPECIFIC USE PROVISION CONDITIONS
REQUESTED BY THE APPLICANT**

ZONING FILE Z 24-29

1350 Northwest Highway, Suite 107

- I. Statement of Purpose:** The purpose of this Specific Use Provision is to allow a Tattooing/Body Piercing Establishment Use.
- II. Statement of Effect:** This Specific Use Provision shall not affect any regulation found in the Garland Development Code, Ordinance No. 6773, as amended prior to adoption of this ordinance, except as specifically provided herein.
- III. General Regulations:** All regulations of the Planned Development (PD) District 82-59 and Community Retail (CR) District as set forth in Chapter 2 of the Garland Development Code Ordinance 6773, are included by reference and shall apply, except as otherwise specified by this ordinance.
- IV. Abandonment:** In the event the land use for which this Specific Use Provision was granted ("Land Use") is abandoned, the SUP and all rights to the Land Use are automatically terminated, and the premises must be used in conformance with the PD, GDC, federal, and state law.

For the purposes of this Specific Use Provision, Abandonment is any of the following acts:

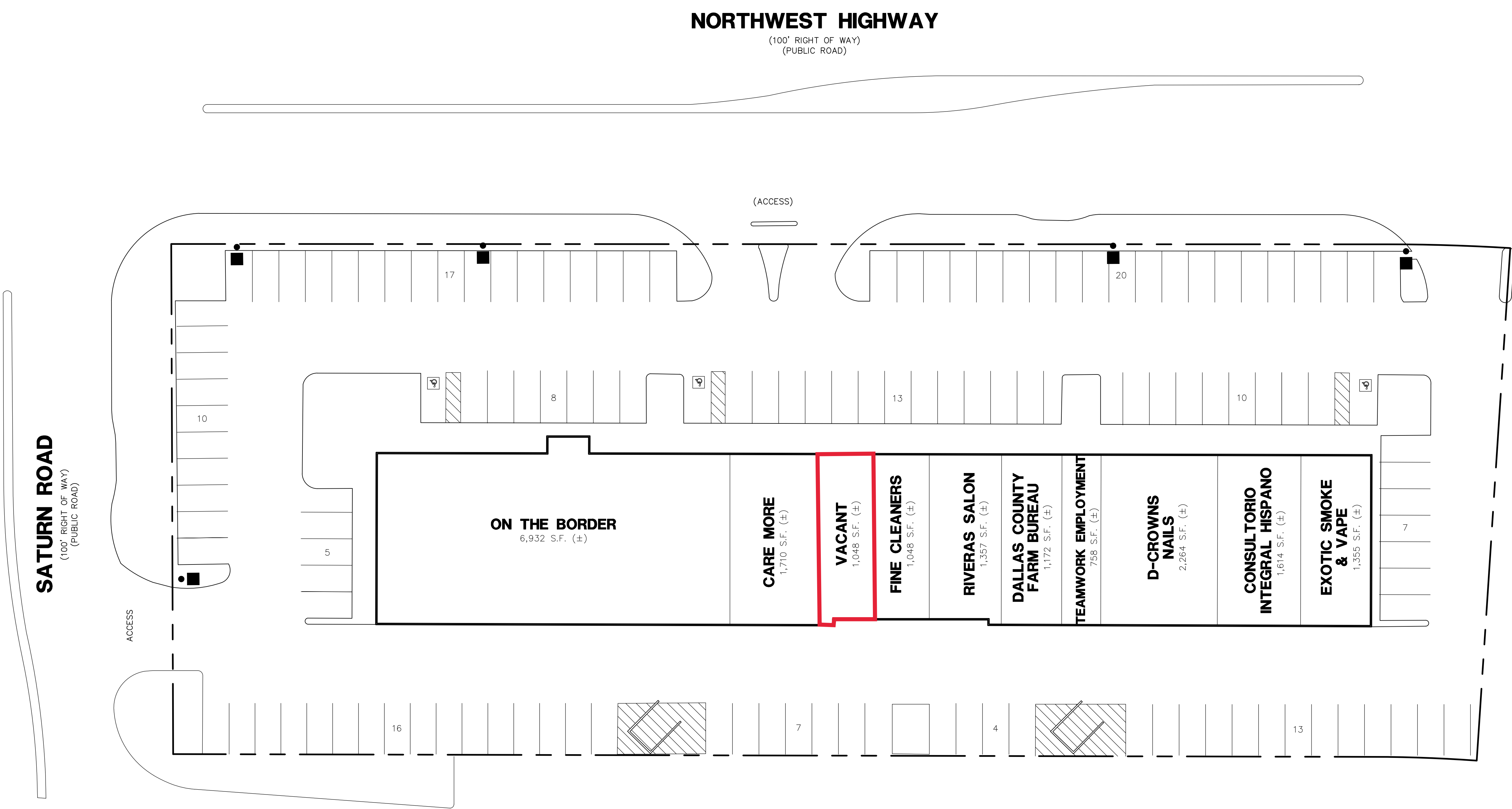
- A. A failure to apply for a site or building permit on the premises, where applicable, within 180 days of the effective date of this SUP;
- B. A failure to obtain a certificate of occupancy for the Land use within 730 days of the effective date of this SUP;
- C. A failure to commence operating the Land Use on the premises within 90 days of receiving a final certificate of occupancy for the Land Use;
- D. Discontinuance of the Land Use for a period of 180 days;
- E. Applying for, and receiving, a new Certificate of Occupancy for a use other than the Land Use; or

F. Operating a use on the premises, whether as a primary or secondary use, that is not allowed within the PD District, by the GDC, or by state or federal law.

The termination of utilities on the premises for a period of 180 calendar days is prima facie evidence of abandonment and the owner shall have the burden to prove that the Land Use has not been abandoned.

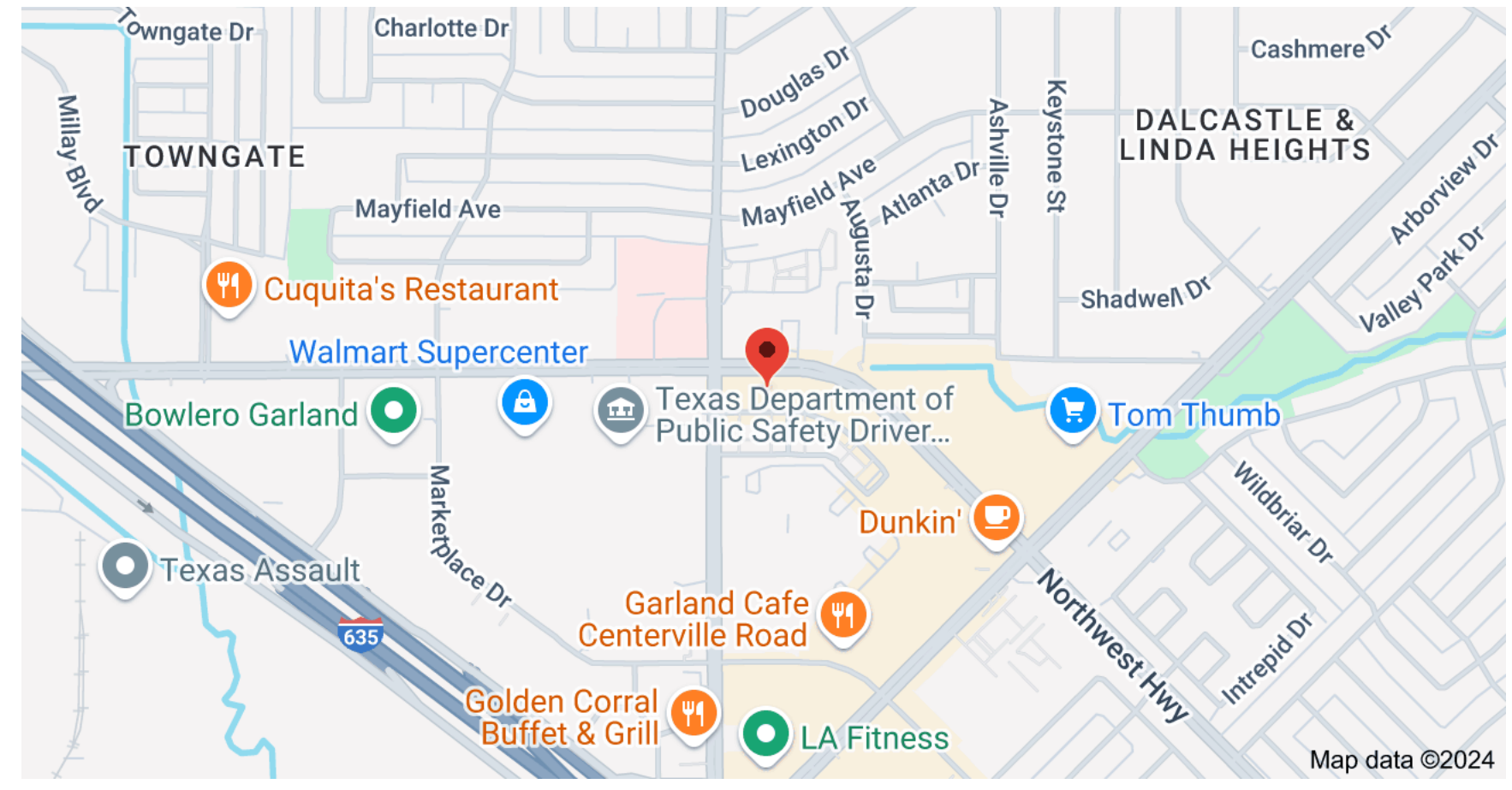
V. Specific Regulations:

Time Period: The Specific Use Provision shall have a ten year time period.



AREA SIZE IN SQ Feet
Building19,258 sq ft
Suite 107. 1,048 sqft
Case # 201507-3
Zone PD 02-59

Site design and construction plans shall conform to all requirements of the Garland Development Code (GDC), Technical Standard Manual (TSM), and City codes unless an approved PD narrative condition expressly provides otherwise. The concept plan shall be used to represent the general idea of the proposed land use and site elements. The concept plan shall not supersede, and shall be subordinate to, the standards, requirements, and conditions of the GDC, TSM, City code, or the approved PD.



Z 24-29



View of the subject site from the parking lot of the shopping center.



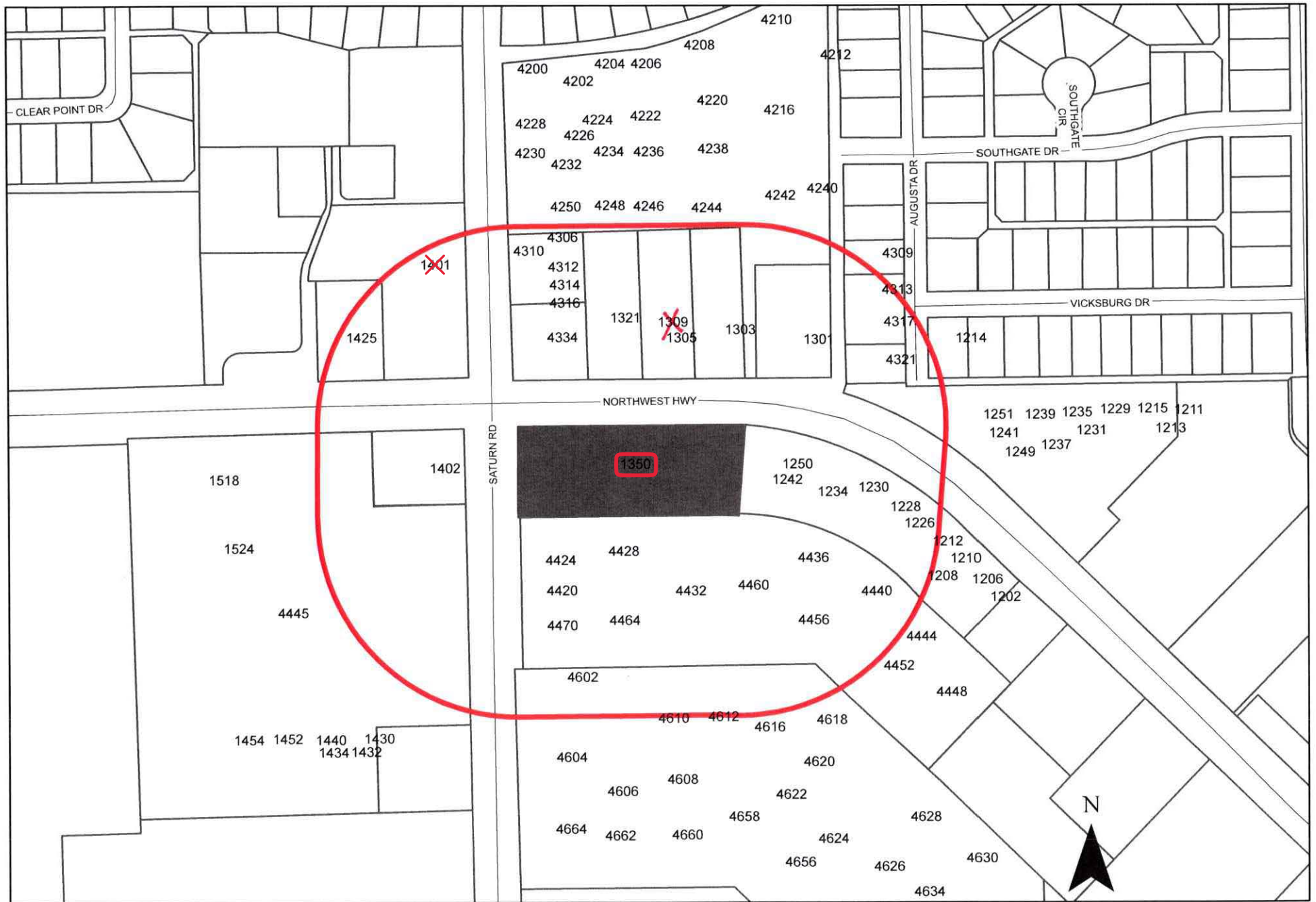
View from the subject site looking East down Northwest Highway.



View from the subject site looking West down Northwest Highway.



View of the shopping Center to the North from the subject site.



ZONING MAP Z 24-29

1350 Northwest Hwy, Suite 107

Zoning Response Case Comments

Case Number	PC Hearing Date	CC Hearing Date	Planner Name
Z 24-29	February 10, 2025	March 4, 2025	Matthew Wolverton

Z 24-29 Naye Management, LLC. The applicant proposes a Specific Use Provision (SUP) for a Tattoo/Body Piercing Establishment. The site is located at 1350 Northwest Highway, Suite 107. (District 5)

Jessie Greer

Against

2/4/2025
6:39:43 PM

506 Valencia Dr

Outside the Notification Area

Garland

Texas

United States

75041

We have enough of these business in Garland, It would draw a lot of traffic to an already busy area. There is a children's learning center across the street and a tattoo body piercing business does not fit in the neighborhood.

Comment Form

Case Z 24-29

Z 24-29 Nayeb Management, LLC. The applicant proposes a Specific Use Provision (SUP) for a Tattoo/Body Piercing Establishment. The site is located at 1350 Northwest Highway, Suite 107. (District 5).

Z 24-29 Nayeb Management, LLC. El solicitante propone una Disposición de uso específico (SUP) para un establecimiento de tatuajes/perforaciones corporales. El sitio está ubicado en 1350 Northwest Highway, Suite 107. (Distrito 5).

Z 24-29 Nayeb Management, LLC. Người nộp đơn đề xuất Điều khoản sử dụng cụ thể (SUP) cho Cơ sở xăm hình/xò khuyên trên cơ thể. Địa điểm tọa lạc tại 1350 Northwest Highway, Suite 107. (Quận 5).

Please Check One Below / Marque uno a continuación / Vui lòng kiểm tra một bên dưới

☐

For / A Favor / Đúng

☒

Against / En Contra / Không

Please complete the following information and email the form to Planning@garlandtx.gov; deliver to the Planning Department at 800 Main Street Garland, TX; or mail to City of Garland, Planning Department, P.O. Box 469002 Garland, TX 75406-9002./ Por favor Complete la siguiente información y envíe el formulario por correo electrónico a Planning@garlandtx.gov; entregar al Departamento de Planificación en 800 Main Street Garland, TX; o envíelo por correo a City of Garland, Planning Department, P.O. Box 469002 Garland, TX 75406-9002./ Vui lòng điền đầy đủ thông tin sau và gửi biểu mẫu qua email tới Planning@garlandtx.gov; giao cho Phòng Kế hoạch tại 800 Main Street Garland, TX; hoặc gửi thư đến Thành phố Garland, Sở Kế hoạch, P.O. Hộp 469002 Garland, TX 75406-9002.

KIRK MEZA

Printed Name & Title / Nombre Impreso y Título / Tên in và Tiêu đề

(Property Owner, Business Owner, Tenant, etc.) / (Dueño de la propiedad, Dueño de la empresa, Inquilino, etc.) / (Chủ sở hữu bất động sản, Chủ doanh nghiệp, Người thuê, v.v.)

1401 NORTHWEST HWY SUITE 101

Your Property Address / La dirección de su propiedad / địa chỉ tài sản

GARLAND TX

City, State / Estado de la Ciudad / Thành bang

75041

Zip Code / Código postal / Mã B u Chính



Signature / Firma / Ch ữ ký

01/31/2025

Date / Fecha / Ngày

(Providing email address and phone number is optional. / La dirección de correo electrónico y el número de teléfono son opcionales. / Địa chỉ email và số điện thoại là tùy chọn.)

Comment Form Continued – Case Z 24-29

The statements below reflect my (our) opinion regarding the proposed request(s).

Las declaraciones a continuación reflejan mi (nuestra) opinión con respecto a las solicitudes propuestas.

Các tuyên bố dưới đây phản ánh quan điểm của tôi (chúng tôi) về (các) yêu cầu được đề xuất

THIS WOULD BE A FURTHER SOCIAL &
ECONOMIC DECLINE OF THE AREA
ALREADY SUFFERING FROM A PLAGUE
OF HOMELESS!

Comment Form

Case Z 24-29

Z 24-29 Nayeb Management, LLC. The applicant proposes a Specific Use Provision (SUP) for a Tattoo/Body Piercing Establishment. The site is located at 1350 Northwest Highway, Suite 107. (District 5).

Z 24-29 Nayeb Management, LLC. El solicitante propone una Disposición de uso específico (SUP) para un establecimiento de tatuajes/perforaciones corporales. El sitio está ubicado en 1350 Northwest Highway, Suite 107. (Distrito 5).

Z 24-29 Nayeb Management, LLC. Người nộp đơn đề xuất Điều khoản sử dụng cụ thể (SUP) cho Cơ sở xăm hình/xò khuyên trên cơ thể. Địa điểm tọa lạc tại 1350 Northwest Highway, Suite 107. (Quận 5).

Please Check One Below / Marque uno a continuación / Vui lòng kiểm tra một bên dưới

☒

For / A Favor / Đúng

☐

Against / En Contra / Không

Please complete the following information and email the form to Planning@garlandtx.gov; deliver to the Planning Department at 800 Main Street Garland, TX; or mail to City of Garland, Planning Department, P.O. Box 469002 Garland, TX 75406-9002./ Por favor Complete la siguiente información y envíe el formulario por correo electrónico a Planning@garlandtx.gov; entregar al Departamento de Planificación en 800 Main Street Garland, TX; o envíelo por correo a City of Garland, Planning Department, P.O. Box 469002 Garland, TX 75406-9002./ Vui lòng điền đầy đủ thông tin sau và gửi biểu mẫu qua email tới Planning@garlandtx.gov; giao cho Phòng Kế hoạch tại 800 Main Street Garland, TX; hoặc gửi thư đến Thành phố Garland, Sở Kế hoạch, P.O. Hộp 469002 Garland, TX 75406-9002.

Lester Rios Cabrera / Consultorio Integral Hispano

Printed Name & Title / Nombre Impreso y Título / Tên in và Tiêu đề

(Property Owner, Business Owner, Tenant, etc.) / (Dueño de la propiedad, Dueño de la empresa, Inquilino, etc.) / (Chủ sở hữu bất động sản, Chủ doanh nghiệp, Người thuê, v.v.)

1350 Northwest Hwy, Suite 117

Your Property Address / La dirección de su propiedad / địa chỉ tài sản

Garland, TX

City, State / Estado de la Ciudad / Thành bang

75041

Zip Code / Código postal / Mã B u Chính

02/04/25

Signature / Firma / Chữ ký

Date / Fecha / Ngày

(Providing email address and phone number is optional. / La dirección de correo electrónico y el número de teléfono son opcionales. / Địa chỉ email và số điện thoại là tùy chọn.)

Comment Form

Case Z 24-29

Z 24-29 Nayeb Management, LLC. The applicant proposes a Specific Use Provision (SUP) for a Tattoo/Body Piercing Establishment. The site is located at 1350 Northwest Highway, Suite 107. (District 5).

Z 24-29 Nayeb Management, LLC. El solicitante propone una Disposición de uso específico (SUP) para un establecimiento de tatuajes/perforaciones corporales. El sitio está ubicado en 1350 Northwest Highway, Suite 107. (Distrito 5).

Z 24-29 Nayeb Management, LLC. Người nộp đơn đề xuất Điều khoản sử dụng cụ thể (SUP) cho Cơ sở xăm hình/xò khuyên trên cơ thể. Địa điểm tọa lạc tại 1350 Northwest Highway, Suite 107. (Quận 5).

Please Check One Below / Marque uno a continuación / Vui lòng kiểm tra một bên dưới

☐

For / A Favor / Đúng

☒

Against / En Contra / Không

Please complete the following information and email the form to Planning@garlandtx.gov; deliver to the Planning Department at 800 Main Street Garland, TX; or mail to City of Garland, Planning Department, P.O. Box 469002 Garland, TX 75406-9002. / Por favor Complete la siguiente información y envíe el formulario por correo electrónico a Planning@garlandtx.gov; entregar al Departamento de Planificación en 800 Main Street Garland, TX; o envíelo por correo a City of Garland, Planning Department, P.O. Box 469002 Garland, TX 75406-9002. / Vui lòng điền đầy đủ thông tin sau và gửi biểu mẫu qua email tới Planning@garlandtx.gov; giao cho Phòng Kế hoạch tại 800 Main Street Garland, TX; hoặc gửi thư đến Thành phố Garland, Sở Kế hoạch, P.O. Hộp 469002 Garland, TX 75406-9002.

NW DENTAL GROUP

Printed Name & Title / Nombre Impreso y Título / Tên in và Tiêu đề

(Property Owner, Business Owner, Tenant, etc.) / (Dueño de la propiedad Dueño de la empresa, Inquilino, etc.) / (Chủ sở hữu bất động sản, Chủ doanh nghiệp, Người thuê, v.v.)

1309 NORTHWEST HWY, GARLAND TX

Your Property Address / La dirección de su propiedad / địa chỉ tài sản

GARLAND

TX

City, State / Estado de la Ciudad / Thành bang

75041

Zip Code / Código postal / Mã B u Chính

Signature / Firma / Chữ ký

Date / Fecha / Ngày

(Providing email address and phone number is optional. / La dirección de correo electrónico y el número de teléfono son opcionales. / Địa chỉ email và số điện thoại là tùy chọn.)

2/3/2025

Comment Form

Case Z 24-29

Z 24-29 Nayeb Management, LLC. The applicant proposes a Specific Use Provision (SUP) for a Tattoo/Body Piercing Establishment. The site is located at 1350 Northwest Highway, Suite 107. (District 5).

Z 24-29 Nayeb Management, LLC. El solicitante propone una Disposición de uso específico (SUP) para un establecimiento de tatuajes/perforaciones corporales. El sitio está ubicado en 1350 Northwest Highway, Suite 107. (Distrito 5).

Z 24-29 Nayeb Management, LLC. Người nộp đơn đề xuất Điều khoản sử dụng cụ thể (SUP) cho Cơ sở xăm hình/xò khuyên trên cơ thể. Địa điểm tọa lạc tại 1350 Northwest Highway, Suite 107. (Quận 5).

Please Check One Below / Marque uno a continuación / Vui lòng kiểm tra một bên dưới

☐

For / A Favor / Đúng

☒

Against / En Contra / Không

Please complete the following information and email the form to Planning@garlandtx.gov; deliver to the Planning Department at 800 Main Street Garland, TX; or mail to City of Garland, Planning Department, P.O. Box 469002 Garland, TX 75406-9002. / Por favor Complete la siguiente información y envíe el formulario por correo electrónico a Planning@garlandtx.gov; entregar al Departamento de Planificación en 800 Main Street Garland, TX; o envíelo por correo a City of Garland, Planning Department, P.O. Box 469002 Garland, TX 75406-9002. / Vui lòng điền đầy đủ thông tin sau và gửi biểu mẫu qua email tới Planning@garlandtx.gov; giao cho Phòng Kế hoạch tại 800 Main Street Garland, TX; hoặc gửi thư đến Thành phố Garland, Sở Kế hoạch, P.O. Hộp 469002 Garland, TX 75406-9002.

FORTUNO INVESTMENTS LLC.

Printed Name & Title / Nombre Impreso y Título / Tên in và Tiêu đề

(Property Owner, Business Owner, Tenant, etc.) / (Dueño de la propiedad, Dueño de la empresa, Inquilino, etc.) / (Chủ sở hữu bất động sản, Chủ doanh nghiệp, Người thuê, v.v.)

1309 NORTHWEST HWY

Your Property Address / La dirección de su propiedad / địa chỉ tài sản

GARLAND

TX

City, State / Estado de la Ciudad / Thành bang

75041

Zip Code / Código postal / Mã B u Chính

Signature / Firma / Chữ ký

Date / Fecha / Ngày

(Providing email address and phone number is optional. / La dirección de correo electrónico y el número de teléfono son opcionales. / Địa chỉ email và số điện thoại là tùy chọn.)

2/3/2025



GARLAND

Plan Commission

3. b.

Meeting Date: 02/10/2025

Item Title: GDC Amendment Ordinance 25-01

Summary:

Hold a public hearing to consider amendments to Attachment 1 -- Land Use Matrix as it relates to Laundry, Self-Service (Laundromat) use.

Background/Additional Information:

Staff recommends approval of the GDC Amendment.

Attachments

GDC Amendment Ordinance 25-01 Attachments

Planning Report

GDC Amendment ORD 25-01

Agenda Item:

Meeting: Plan Commission

Date: February 10, 2025



GARLAND

TEXAS MADE HERE

REQUEST

A public hearing to consider amendments to Attachment 1 – Land Use Matrix as it relates to Laundry, Self-Service (Laundromat) use.

BACKGROUND

The Development Services Committee has recently evaluated the “Laundry, Self-Service (Laundromat)” use and its applicability in the Community Retail (CR) zoning district.

Per the GDC, a Laundromat is defined as “A retail establishment offering machines for customers to use in laundering garments in a self-service basis”.

The committee reported out to Council that majority of them considered a Laundromat use to be too intense to be permitted by right in a CR district. They conveyed that they would like to see it to be permitted in the CR district with an SUP, which would allow Council and Plan Commission to review them on a case-by-case basis. Since majority of Council agreed to this approach, staff has now brought forward this ordinance amendment.

This item was heard by Plan Commission on January 13, 2025, and Commission directed staff to bring this item back with some additional clarification. Staff has put together a map showing the general locations of laundromats in Garland. In staff’s opinion, the laundromats are distributed throughout the city, in close proximity to established residential areas. Most of these laundromats are located within shopping center setting as well. Requiring an SUP in CR district would provide Plan Commission and City Council further ability to make sure any future laundromats are located where they are needed.

There were some concerns from Plan Commission members about making the existing laundromats located in CR district nonconforming with the proposed SUP requirement. It is possible to draft the ordinance in a way that would state that laundromats being proposed after a certain date would require an SUP, but the entitlement for the existing ones remain intact.

Staff also looked into incorporating square footage into the consideration. While there are some cities that use that, it is tied to the definition of the use, which is not the goal of this ordinance amendment driven by the Development Services Committee. However, if an SUP requirement is established, square footage for the proposed laundromats could be evaluated in formulating a recommendation.

As Garland is getting close to being built-out, it is important to evaluate new uses to ensure they not only fit the vision to create a vibrant City, but also contribute positively to its surrounding

	NO	CO	NS	CR	LC	HC	IN
Laundry, Self-Service (Laundromat)			S	PS	P	P	

STAFF RECOMMENDATION

Staff recommends approval of the GDC amendment.

ADDITIONAL INFORMATION

City of Garland map with existing laundromats

PREPARED BY:

Nabila Nur, AICP

Director

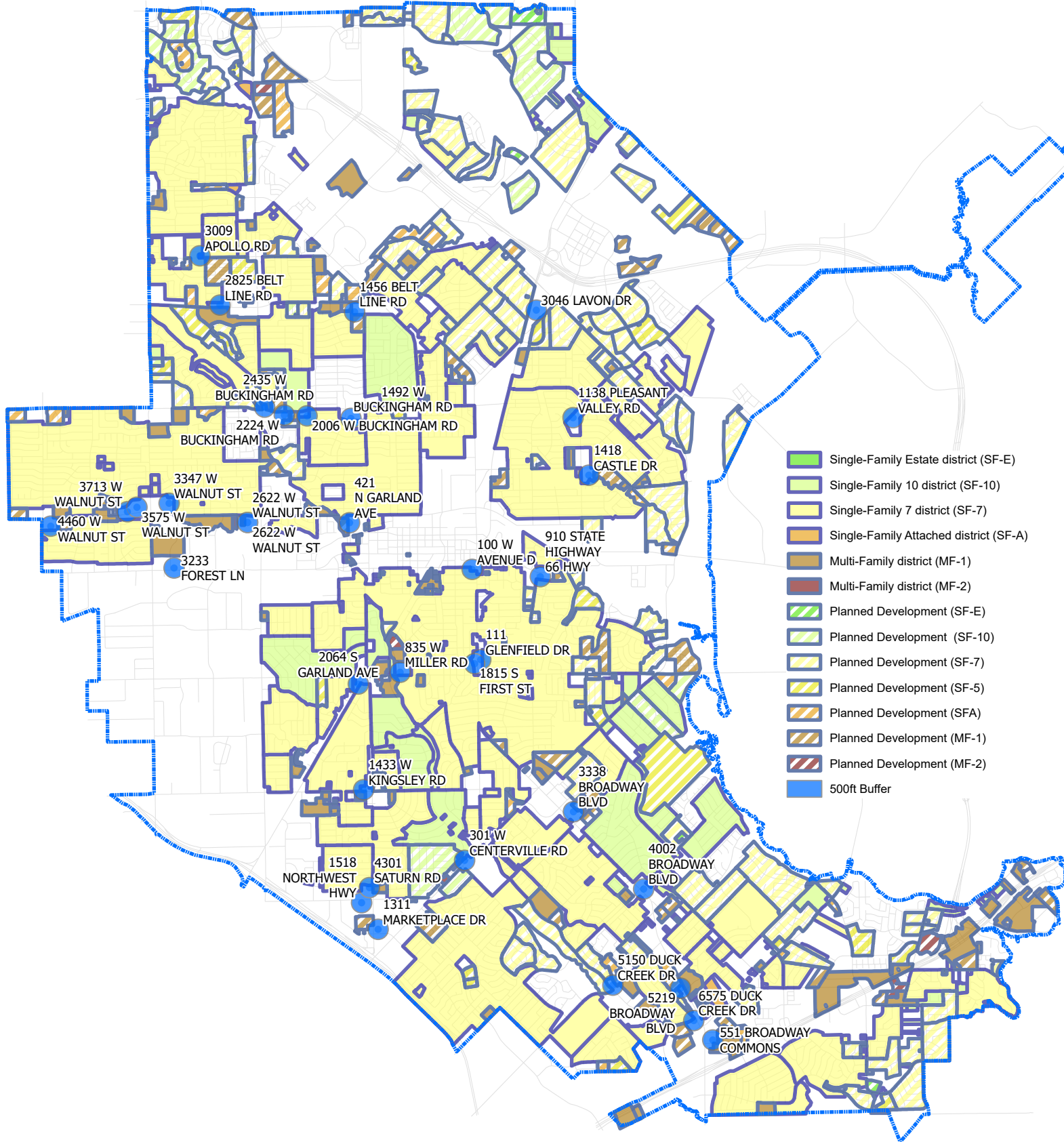
Planning & Development

972-205-2449

nnur@garlandtx.gov

Garland Laundromat

N



0 0.5 1 2 Miles



GARLAND

Plan Commission

3. c.

Meeting Date: 02/10/2025

Item Title: GDC Amendment Ordinance 25-02

Summary:

Hold a public hearing to consider amendments to the plat approval and relevant procedures.

Background/Additional Information:

Staff recommends approval of the GDC amendment.

Attachments

GDC Amendment Ordinance 25-02 Report & Attachments

Planning Report

GDC Amendment ORD 25-02

Agenda Item:

Meeting: Plan Commission

Date: February 10, 2025



GARLAND

TEXAS MADE HERE

REQUEST

A public hearing to consider amendments to the plat approval and relevant procedures.

BACKGROUND

The recent legislative update effective September 1, 2023 has enabled a City Council or City Plan Commission to delegate the ability to approve, approve with conditions, or disapprove a plat to municipal officers or employees. The platting process has always been ministerial per state law, meaning that the Plan Commission is obligated to approve a plat, if it meets all necessary regulations. The Plan Commission usually relies on staff review and comments to ensure a plat is meeting all requirements. By delegating this ability to Staff, an extra step is removed from the plat approval process that requires scheduling the item for a PC agenda and preparing reports, all to fulfill a formality of approval when it is meeting all requirements.

The administrative approval process can speed up the development process, which is the goal of this GDC amendment request. If this is approved, any variance requested would still need to go through Plan Commission, and an applicant would have the option to appeal staff's decision to Plan Commission.

Staff will investigate options include details of the approved plats during P&Z meetings to keep the commission updated.

STAFF RECOMMENDATION

Staff recommends approval of the GDC amendment.

ADDITIONAL INFORMATION

Various Sections of the GDC with the proposed revisions as it relates to the plat approval.

PREPARED BY:

Nabila Nur, AICP

Director

Planning & Development

972-205-2449

nnur@garlandtx.gov

Section. 2.05 **Processing of Zoning Application, Plat, Plan, and Decision.**

- (A) Planning Director Report. For all change of zoning requests (including a PD or SUP) or applications of a plan or plat, the Planning Director must review the application and prepare a written report providing a planning analysis on the merits of the zoning application, plan, or plat.
- (1) The report shall include the proposed development's impacts, if any, on planning, engineering, transportation, building inspection, fire protection, and neighborhood enhancement and protection, depending on the issues and complexity of the development. In the event an applicant files both an application for a change in zoning and a ~~plat or plan (including zoning applications that require a plan or plat)~~, the Planning Director shall determine whether the plan ~~or plat~~ meets the requirements of state law and the GDC, and provide a separate planning analysis on the merits of the zoning case.
 - (2) For applications including a plan ~~or plat~~, ~~as applicable~~, the report must include a recommendation approving, approving with conditions, or denial of the plan ~~or plat~~. In the event the recommendation of the Planning Director is approving with conditions or a denial of the application, the Planning Director shall include in the report, in the form of a proposed order, a statement of the conditions for the conditional approval, or reasons for disapproval, that clearly articulate each specific condition for the conditional approval or reason for disapproval. Each condition or reason specified in the proposed order must:
 - (a) be directly related to the requirements under Chapter 212, Subchapter A of the Texas Local Government Code; and
 - (b) include a citation to the law, including a statute or municipal ordinance, that is the basis for the conditional approval or disapproval.
 - (3) The report must be submitted to the Plan Commission prior to the Commission making a recommendation to the Council, and must be submitted to the Council prior to its decision.
- (B) Published and Personal Notice. For a public hearing on a change of zoning application, the Planning Director shall publish notice as set forth below:
- (1) For a public hearing before the Plan Commission: personal notice in accordance with Section 1.24(B) in Chapter 1 of this GDC;
 - (2) For a public hearing before the City Council, or joint public hearing before the Plan Commission and the City Council: published and personal notice in accordance with Sections 1.24(A) and 1.24(B) in Chapter 1 of this GDC.
- (C) Posted Notice. For any requested change of zoning on a specific parcel, a sign must be posted on the property, in accordance with procedures set forth in the Development Application Packet, as may be amended from time to time.
- (D) Joint Public Hearing. The City Council and Plan Commission may convene a joint public hearing on a change of zoning request at the time and place designated in the public hearing notice(s). The hearing must be conducted in accordance with the City Council's normal rules and procedures that are applicable to public hearings. The Mayor, or his designee, shall be the

presiding officer at a joint public hearing where an application for a change of zoning is heard.

(E) Applicant Representation. The applicant, or an authorized representative for the applicant, must attend the public hearing held by the Plan Commission and, separately or jointly, by the City Council for the requested change of zoning. If an applicant (or duly authorized representative) does not appear at such public hearing, then such absence may constitute sufficient grounds for the change of zoning application to be postponed or denied.

(F) The Planning Director may approve or deny any Plat, except certain replats as described in Section 3.39 of the GDC, filed with the Planning Department.

(1) A Plat shall be submitted to the Planning Department and must be approved or denied within thirty (30) days of its filed date unless the applicant requests in writing one thirty (30) day postponement. If the applicant requests postponement, then the plat must be approved or denied by the end of the requested postponement's period. A Plat is considered filed when the applicant submits the Plat, along with a completed application, the application fees, and other requirements as authorized by Chapter 212 of the Texas Local Government Code, to the Planning Department for review by the Planning Director.

(3) If the Planning Director approves a filed Plat, then the Planning Director shall endorse the plat with a certificate indicating the approval. The certificate must be signed by the Planning Director and attested to by the City Secretary.

(4) If the Planning Director fails to approve, approves with conditions, or denies approval of a filed Plat within the prescribed period, the Planning Director shall, on the applicant's request, issue a certificate stating the date the plat was filed and that the Planning Director failed to act on the plat within the period.

(5) If the Planning Director approves with conditions or denies approval of a filed Plat, the Planning Director shall provide a written statement to the applicant listing the reasons or conditions for conditional approval or the denial. Each condition or reason specified in the must:

(a) be directly related to the requirements under Chapter 212, Subchapter A, of the Texas Local Government Code; and

(b) include a citation to the law, statute, or ordinance, that is the basis for the conditional approval or disapproval.

(6) Any Plat not approved or denied by the Planning Director within thirty (30) days of being filed will be deemed approved unless the applicant requested a postponement of consideration of the Plat. Postponement requests must be submitted in writing by the applicant and shall extend an application for consideration up to thirty (30) additional calendar days from the date of filing. The Planning Director must take action on a Plat by the thirtieth day of the final postponement period, or the plat will be deemed approved.

(7) An applicant may appeal the Planning Director's denial of approval of a Plat to the Plan Commission. The applicant must follow the procedures for appeal as set forth under section 5.02 of the GDC.

(8) After the conditional approval or denial of a plat, the applicant may

submit to the Planning Director or Plan Commission (if the Planning Director's decision was appealed and conditionally approved or denied by the Plan Commission) a written response that satisfies each condition for the conditional approval or remedies each reason for disapproval. The Planning Director and Plan Commission may not establish a deadline for an applicant to submit the response.

(9) The Planning Director or Plan Commission that receives a response under Subsection 8 shall determine whether to approve or deny the applicant's previously conditionally approved or denied plat not later than the 15th day after the date the response was submitted. A response received under this section shall be approved if the response adequately addresses each condition of the conditional approval or each reason for disapproval. If the response results in a conditionally approved or denied plat, the procedures under Subsection 5 should be followed.

(10) If no action is taken on a response filed under subsection 9 by the Planning Director or the Plan Commission, a previously approved or denied plat is approved if:

(a) the applicant filed a response that meets the requirements under Subsection (8); and

(b) the Planning Director or Plan Commission that received the response does not deny the plat on or before the date required by Subsection 1.

(~~GF~~) Plan Commission - Public Hearing & Recommendation.

(1) The Plan Commission shall hold a public hearing to consider a proposed change of zoning. Following the public hearing, the Plan Commission shall provide its recommendation on the requested change of zoning~~7~~ and shall forward its recommendation to the City Council. The Plan Commission may recommend approval or denial of the change of zoning application.

(~~22~~) In cases where the applicant is requesting both a change of zoning and ~~an~~ approval of a plan ~~or plat~~, the Plan Commission shall

(a) determine whether the plan ~~or plat~~ meets the requirements of state law and the GDC,

(b) provide a separate planning analysis on the merits of the zoning and land use, and

(c) make separate recommendations for the zoning request and the plan in the form of a proposed order to City Council.

(~~33~~) Mandatory Approval. The Plan Commission shall recommend approval of a plan ~~or plat~~ that is required to be prepared under this GDC or state law and that satisfies all applicable regulations.

(~~44~~) Underlying Zoning. A plan does not meet technical requirements if the intended use is not consistent with the underlying zoning. In cases where the applicant is requesting both a change of zoning and an approval of a plan, the Plan Commission shall recommend denial of the plan if the Plan Commission also recommends a denial for the request for a zoning change and the intended use is inconsistent with the current zoning designation.

(~~55~~) Recommendation Deadline on a Plan. The Plan Commission shall recommend approval, approval with conditions, or disapproval of a plan within 30 days after the date the plan is filed. In the event the Plan Commission fails act on a plan within 30 days, the plan shall be considered favorably recommended by the Plan Commission and the proposed order to the City Council shall reflect that the plan is recommended by the plan Commission by inaction.

~~(6) Decision Deadline on a Plat. The Plan Commission shall approve, approve with conditions, or disapprove a plat within 30 days after date the plat is filed. A plat shall be considered approved by the Plan Commission unless it is disapproved within the 30 day period.~~

(7) Proposed Order. Following the public hearing, the Plan Commission shall issue a proposed written order to the City Council stating its decision to approve, approve with conditions, or disapprove a plan. In cases where the applicant is requesting a zoning change, the proposed order shall provide a separate planning analysis on the merits of the zoning and land use. The applicant shall be given a copy of the proposed order.

(~~78~~) Conditional Approval or Denial of a Plan. If the Plan Commission recommends a conditional approval or disapproval of a plan, the proposed order shall state the conditions for the conditional approval or reasons for disapproval that clearly articulates each specific condition for the conditional approval or reason for disapproval. Each condition or reason specified in the written statement must:

(a) be directly related to the requirements under Chapter 212, Subchapter A, of the Texas Local Government Code; and

(b) include a citation to the law, statute, or ordinance, that is the basis for the conditional approval or disapproval.

(~~89~~) Postponement of Decision. The Plan Commission may, by written request of the applicant, postpone making a decision on the application of a plan ~~or plat~~ and may defer its recommendation to City Council. Upon approval of the Plan Commission, the postponement may be for a period not to exceed 30 calendar days, and does not require additional public notice if such postponement is to a date certain. The Plan Commission may not request or require an applicant to request postponement, waive a deadline or other approval procedure under this GDC or Chapter 212, Subchapter A of the Texas Local Government Code.

(~~190~~) The Plan Commission may recommend approval of a zoning designation of lesser intensity within the same general zoning category (such as residential, nonresidential, or mixed-use, see Table 2-1) without additional public notice provided that the impact on adjacent properties would be lessened or not affected (that is, the lesser intensity would have no anticipated harmful effect on adjacent properties).

(~~101~~) The Plan Commission may recommend approval of a modified version of the requested zoning district (or of a less intense district) in the form of a Planned Development (PD) District (refer to Article 2, Division 2 of this Chapter 2).

(~~FG~~) City Council - Public Hearing & Decision.

(1) Following receipt of the Plan Commission's recommendation, the Planning

Director Report, and a public hearing on the change of zoning request, the City Council shall consider the request for a change of zoning, and render a decision on the request. The City Council may approve or deny the request. The Council's decision on a change of zoning request is final.

- (2) The City Council may decide the change of zoning request based upon the Plan Commission's recommendation, or:

(a) It may approve a zoning designation of lesser intensity within the same general zoning category (such as residential, nonresidential, mixed-use, etc. - see Table 2-1) provided that the impact on adjacent properties would be lessened or not affected (that is, the zoning designation of lesser intensity would have no anticipated harmful effect on adjacent properties).

(b) It may approve a modified version of the requested zoning change (or of a less intense district) in the form of a Planned Development (PD) District (refer to Article 2, Division 2 of this Chapter 2).

- (3) In cases where the applicant is requesting both a change of zoning and ~~an~~ approval of a plan, the City Council shall:

(a) determine whether the plan meets the requirements of state law and the GDC,

(b) conduct a separate planning analysis on the merits of the zoning and land use, and

(c) make separate findings for the zoning request and the plan in the form of a final order.

- (4) Mandatory Approval. The City Council shall approve a plan that is required to be prepared under this GDC or state law and that satisfies all applicable regulations.

- (5) Underlying Zoning. A plan does not meet technical requirements if the intended use is not consistent with the underlying zoning. In cases where the applicant is requesting both a change of zoning and an approval of a plan, the City Council shall deny the plan if the request for a zoning change is denied and the intended use is inconsistent with the current zoning designation.

- (6) Decision Deadline on a Plan. The City Council shall approve, approve with conditions, or disapprove a plan within 30 days after date the Plan Commission made its recommendation regarding the plan. A plan shall be considered approved by the City Council unless it is disapproved within the 30 day period. In the event the City Council fails to act on a plan within the 30 days, the plan shall be considered approved by the City Council and the final order shall state the date the plan was filed and that the City Council failed to act on the plan within the mandatory 30 day period.

- (7) Conditional Approval or Denial of a Plan. In the event the City Council is approving a plan with conditions or is denying the plan, the City Council shall include in the final order a statement of the conditions for the conditional approval, or reasons for disapproval, that clearly articulate each specific condition for the conditional approval or

reason for disapproval. Each condition or reason specified in the final order must:

(a) be directly related to the requirements under Chapter 212, Subchapter A of the Texas Local Government Code; and

(b) include a citation to the law, including a statute or municipal ordinance, that is the basis for ~~the~~ conditional approval or disapproval.

(8) Final Order. The City Council shall issue a final order indicating whether the plan was approved, approved with conditions, or denied. The final order must be signed by the Mayor and attested by the City Secretary, or a majority of the members of City Council. A written copy of the final order shall be sent to the applicant. In cases where the applicant is requesting a zoning change, the final order shall provide a separate decision of the zoning and land use request.

(9) Postponement of Decision. The City Council may, by written request of the applicant, postpone making a decision on the application of a plan or plat and may defer its final decision. The City Council may not request or require an applicant to request a postponement, waive a deadline or other approval procedure under this GDC or Chapter 212, Subchapter A of the Texas Local Government Code. Upon approval of the City Council, the postponement may be for a period not to exceed 30 calendar days, and does not require additional public notice if such postponement is to a date certain.

(~~GH~~) Ordinance. Approval by the Council of the change of zoning application shall be in the form of an ordinance that amends the City's official Zoning Map. The Planning Director shall identify each change of zoning on the Zoning Map in accordance with the change approved by the Council.

IMAGE HERE

(~~HI~~) Super-Majority Vote (Twenty-Percent Rule). Where a written protest against the change of zoning application is filed in accordance with Section 211.006(d) of the Texas Local Government Code (as amended), a change of zoning does not become effective except by the favorable vote of three-fourths of all members of the full City Council. For the purposes of this Subsection, the following apply:

(1) The written protest of any one owner of land owned by two or more persons is presumed to be the protest of all such owners.

(2) The written protest must be submitted to the Planning Director, or submitted directly to the Commission or Council prior to the close of the public hearing at which the proposed change of zoning is to be considered.

(3) A person who wishes to withdraw a written protest must submit a signed, written request, or a request by email with an electronic signature, for the withdrawal to the Planning Director by the deadline for submitting a written protest. A protest may not be otherwise withdrawn.

(~~IJ~~) Public Hearing and Approval Process for Text Amendment. The public hearing and approval process for any text amendment to the zoning regulations in this Chapter 2 shall be in accordance with the procedures outlined within Chapter 1, Article 2, Division 3 (Text Amendments).

(JK) Consideration of Previously Denied Amendments. In the event a person desires to submit an application for a change of zoning on a tract of land, or any portion thereof, to which City Council has denied a zoning change within the previous 12 months, the following process shall apply:

(1) Application. The applicant must clearly indicate whether the request is a reconsideration of a previously denied application, or an application to consider a substantially different proposed land use and plan on the subject property.

(2) Consideration of a Different Proposed Land Use and Plan. To be eligible to file an application to consider a different proposed land use and plan on a tract of land, or any portion thereof, to which Council has denied a zoning change within the previous 12 months, the applicant must first provide sufficient evidence demonstrating the new proposed land use and plan are substantially different than the initial application.

(a) The application for a change of zoning shall not be considered by the Plan Commission or the City Council, unless the City Council first determines in a public hearing that:

i. the proposed land use and plan are substantially different than that of the initial application; and

ii. the motion to grant a new application is approved by no less than three-fourths votes of the members of the Council then present and voting (but no less than five).

(b) In the event Council determines the proposed land use and plan are substantially different by the requisite number of votes, the applicant will then be eligible to file a new application with the Planning Department to change the zoning on the subject tract of land.

(3) Reconsideration of a Zoning Application. If an applicant desires for Council to reconsider a previously denied application, then the following provisions shall apply:

(a) The applicant must file the request for reconsideration (and it must be actually received by the Planning Department) within 5 business days following the date on which the initial application was denied.

(b) The request for reconsideration shall be scheduled for the next available Regular Meeting of the City Council, after all statutory posting and publication requirements have been satisfied.

(c) At the public hearing for reconsideration, the Applicant may only present new evidence that was not presented to the City Council during the original public hearing related to the Applicant's request.

(d) A motion to grant reconsideration may only be made by a member of the City Council who voted to deny the initial application. A motion to grant reconsideration may be seconded by any member of the City Council.

(e) A motion to grant reconsideration must be approved by no less than three-fourths of the members of the City Council then present and

voting (but not less than five).

- (f) If the Council's initial decision on the original request to change the zoning was made "without prejudice," then the motion to grant reconsideration may be made by any member of the City Council and approved with a simple majority vote (but not less than five).
- (g) In the event the motion for reconsideration passes by the requisite number of votes, the City Council shall then immediately hold a public hearing to determine the applicant's zoning case on its merits.

Chapter 3. Subdivision Regulations

ARTICLE 2. SUBDIVISION PROCEDURES

Division 1. Provisions Applicable to All Platting Procedures

§ 3.02. Types of Plats Required.

- (A) Final, Conveyance, or Minor Plat. A recordable plat must be approved by the City prior to any land division and prior to any new construction or redevelopment. The type of recordable plat is determined by the type of land division, construction or redevelopment project contemplated, as determined by the Planning Director in accordance with the standards provided by this GDC.
- (B) Replat. A Replat, which must conform in all respects with state law and the provisions of Section **3.38** and Section **3.39** of this Chapter **3**, is required any time a platted, recorded lot is further divided or expanded, and which thereby changes the boundaries or dimensions of any lot. In the case of minor revisions to recorded plats or lots, a Minor Plat or Amending Plat may instead be utilized if allowed by state law and if the plat conforms with Article 2, Division **4** and with Article 2, Division 7, Section **3.40**, respectively.

(Ordinance 6773 adopted 5/19/15)

§ 3.03. Exemptions.

- (A) Exemptions. The following land divisions are exempt from the requirements of this GDC that apply to plats:
- (1) Existing cemeteries that comply with all state and local laws governing the establishment, operation, and maintenance of cemeteries, to the extent of individual sales and conveyances of burial plots within the cemetery; and
 - (2) A division of land created by an order of a court of competent jurisdiction, provided however, that prior to construction of improvements on any portion of the parcels created by the court order, a plat meeting the requirements of this GDC shall be approved and recorded prior to the issuance of permits; and
 - (3) A division of land into parts greater than five acres, where each part has access and no public improvement is being dedicated.

(Ordinance 6773 adopted 5/19/15; Ordinance 7055, sec. 5, adopted 5/7/19)

§ 3.04. Time for Decision on Plats.

- (A) Time Period for Action.

- (1) Thirty Days. All plat applications shall be acted upon within thirty calendar days following the date the City determines the application is complete (see Section 1.16) unless a waiver is submitted in accordance with Subsection (B) below application filing day.
- (2) Approved by Operation of Law. If no decision is rendered on a complete plat application within the thirty-day period and no waiver has been filed postponement was requested by the applicant under Subsection (B), the plat application, as submitted, shall be deemed approved.

~~(B) Waiver of Right to 30-day Action. The Planning Director shall be the responsible official for the waivers provided by this Subsection.~~

- ~~(1) Request. An applicant may submit in writing a waiver of the right to approval or disapproval of a plat within the 30-day period provided in Subsection (A) above (a Waiver of Right to 30-Day Action).~~
- ~~(2) Received. A Waiver of Right to 30-Day Action must be received by the Planning Director on or before the fifth calendar day prior to the Plan Commission meeting at which action would have to be taken on the plat application. If the plat does not require Plan Commission action then the waiver request must be received on or before the fifth calendar day following the day the application is determined to be complete per Section 1.16 of Chapter 1 of this GDC. Waiver requests that are not timely received shall not be considered properly submitted, and action shall be taken on the plat application at such meeting as scheduled.~~
- ~~(3) Action. A Waiver of Right to 30-Day Action requires no formal approval by the Planning Director. The City shall accept any timely waiver submitted by an applicant, and the Waiver of Right to 30-Day Action shall become part of the City's file for the development project.~~
- ~~(4) Requirements Maintained. Submission of a Waiver of Right to 30-Day Action, and acceptance of such waiver by the City as part of a plat application, does not affect the applicability of any requirement within this GDC. A waiver or variance from any requirement of this GDC or the City Code is a separate and distinct process.~~

(Ordinance 6773 adopted 5/19/15; Ordinance 7107, sec. 37, adopted 12/3/19)

§ 3.05. Relationship Between Platting & Zoning.

(A) Zoning. Inside the corporate limits of the City, the following shall apply:

- (1) Conformance with Existing Zoning. All plat and development applications must conform with the existing zoning on the property.
- (2) Request to Rezone First. If an applicant seeks to change the zoning for the property, the request for a change in zoning must be submitted and approved prior to acceptance of a plat application unless as otherwise provided below.
 - ~~(a) The applicant may request approval from the Planning Director to submit a plat application simultaneously with a zoning change request, in which case the application for the requested zoning change shall be acted upon first provided that the plat application is accompanied by a properly executed and timely Waiver of Right to 30-Day Action.~~
 - ~~(b) In the event that the requested zoning change is denied, the plat application shall also be rejected or denied unless it otherwise fully conforms with the existing zoning on the property.~~
- (3) Planned Development (PD) District and Specific Use Provision (SUP) Zoning. In a Planned Development (PD) district (refer to Chapter 2, Article 2, Division 2) or for Specific Use Provision (SUP) zoning (refer to Chapter 2, Article 2, Division 3), a plat application must conform with all PD/SUP and other applicable zoning regulations, and with the approved PD/SUP zoning

exhibit, Concept Plan, Detail Plan, Site Plan, or other layout plan approved as part of the PD/SUP ordinance.

(Ordinance 6773 adopted 5/19/15; Ordinance 7079, sec. 32, adopted 8/20/19; Ordinance 7524 adopted 4/16/2024)

§ 3.06. General Application Requirements & Processing.

- (A) Pre-Filing Meeting. Prior to the official submission of a complete plat application or Site Engineering Drawings, the applicant(s) shall attend a Pre-Filing Meeting as provided by Chapter 1, Section 1.15, unless such meeting is waived by the Planning Director and by the Director of Engineering.
- (B) Application Contents. Submittal requirements for all types of plat and development applications are set forth in the City's Development Application Packet, as amended. It is the applicant's responsibility to be familiar with, and to fully comply with, the City's requirements for submission, review, and approval of any plat or development application.
- (C) General Plat Application Requirements. For all types of plats, a Working Plat shall be submitted through the City Engineering Department for review and shall achieve acceptable status. Once acceptable status is achieved, the applicant shall submit a complete plat application in accordance with Section 1.16 of Chapter 1 that meets all requirements of the City's Development Application Packet, as amended.
- (D) Review and Approval Process. The review and approval process for all plat applications shall be administered in accordance with the City's Development Application Packet, as amended.
- (E) Utility Providers. Prior to the approval and filing of a Final Plat, the applicant shall contact all utility providers (including gas, telephone, electric and cable television providers servicing the site) and shall provide on the proposed Plat any utility service easements a utility provider may require to serve the area contained in the proposed Plat. Such utility service easements shall be included in and depicted on the Final Plat. Approval of a Final Plat is subject to the correct placement and depiction of both on-site and off-site easements required by the utility providers that will provide utility services to the area contained in the Plat. If no response is provided by a utility provider(s) regarding the establishment of easements for the provider's facilities, then the Final Plat may be approved without such utility easements, and future acquisition of such easements shall be the responsibility of the applicant or of the utility provider(s), as applicable. The applicant shall provide, along with the Final Plat application, documentation of the reasonable attempts by the applicant, prior to submission of the Final Plat, to obtain all utility providers' comments regarding necessity for easements.

(Ordinance 6773 adopted 5/19/15; Ordinance 7055, sec. 6, adopted 5/7/19; Ordinance 7107, sec. 38, adopted 12/3/19)

Division 2. Preliminary Plat (for Single- and Two-Family Developments)

§ 3.07. Purpose & Applicability.

- (A) Purpose. The purpose of a Preliminary Plat is to establish the general layout of the proposed subdivision, the adequacy of public facilities needed to serve the intended development, and the overall compliance of the proposed land division with applicable requirements of this GDC.
- (B) Applicability.

- (1) A Preliminary Plat is required for all single-family detached, two-family residential, and townhouse developments having two or more lots, unless the Planning Director determines that a Preliminary Plat is not needed and an exemption from this requirement is therefore granted by the Director.
- (2) A Preliminary Plat is not required for multifamily or nonresidential developments, unless the Planning Director determines that the submission, review and approval of a Preliminary Plat is necessary for public health, safety or welfare reasons.

(Ordinance 6773 adopted 5/19/15)

§ 3.08. Application & Procedures.

- (A) Application Submission and Processing. A completed application for Preliminary Plat approval must be submitted, and will be processed, in accordance with Section **3.06** of this Chapter **3** and the procedures set forth in the City's Development Application Packet, as amended.
- (B) Pre-Filing Meeting. All applicants intending to submit a Preliminary Plat application shall attend a Pre-Filing Meeting with the Development Review Committee (DRC) in accordance with Chapter **1**, Section **1.15**.
- (C) Accompanying Applications. Before filing an application for a Preliminary Plat, the applicant must submit full Site Engineering Drawings and a Working Plat. The Working Plat shall be reviewed and must achieve acceptable status prior to submission of the Plat application. However, approval of the Plat application and approval of the Site Engineering Drawings are separate approvals. The approvals are governed by Division **2** of Article 2 of this Chapter **3** for the Preliminary Plat, and by Division **1** of Article 6 of this Chapter **3** for the Site Engineering Drawings.
- (D) Review Process. A Preliminary Plat application shall be reviewed by the Development Review Committee (DRC) and the Planning Director. The standards of review and approval process for a Preliminary Plat are set forth in the City's Development Application Packet, as amended.

(Ordinance 6773 adopted 5/19/15; Ordinance 7055, sec. 7, adopted 5/7/19; Ordinance 7107, sec. 39, adopted 12/3/19)

§ 3.09. Action.

- (A) Review and Determination. The ~~Plan Commission~~Planning Director shall review the Preliminary Plat application, findings of the DRC, and any other information submitted with the application or supplied by City staff. From all such information, the ~~Plan Commission~~Planning Director shall determine whether the Preliminary Plat application complies with this GDC and the City *Development Application Packet*, as amended.
- (B) Action by ~~Plan Commission~~Planning Director. The ~~Plan Commission~~Planning Director shall either approve the Preliminary Plat as submitted by the applicant or deny the Preliminary Plat, using the standards set forth in Section **3.10** below.
- (C) Appeal. The applicant may appeal a decision of the ~~Plan Commission~~Planning Director to deny a Preliminary Plat to the ~~City Council~~Plan Commission. Such appeal shall be processed and decided in accordance with applicable provisions of Article 1, Division **1** of Chapter **5** of this GDC.

(Ordinance 6773 adopted 5/19/15)

§ 3.10. Criteria for Approval.

- (A) The following criteria shall be used to determine whether the application for a Preliminary Plat shall be approved or denied:
- (1) The Preliminary Plat is consistent with all zoning requirements for the property, including any applicable PD/SUP zoning standards, and with any approved development agreements, if applicable;
 - (2) The proposed means of providing, and the configuration of public improvements, including but not limited to, roads, water, wastewater, storm drainage, park facilities, open spaces, easements and rights-of-way are adequate to serve the development, meet applicable standards of this GDC, and conform to the City's adopted master plans for those facilities;
 - (3) The Preliminary Plat has been duly reviewed by applicable City staff;
 - (4) All required easements, the design of all lots, and the provision of required monumentation are in accordance with Article 5, Division 12 of this Chapter 3;
 - (5) The Preliminary Plat conforms to design requirements and construction standards as set forth in the City's *Technical Standards*; and
 - (6) The Preliminary Plat conforms to application submission requirements in the City's *Development Application Packet*, as amended.

(Ordinance 6773 adopted 5/19/15)

§ 3.11. Effect of Approval.

- (A) Right to Proceed. The approval of a Preliminary Plat application shall allow the applicant to continue applying for and obtaining a Site Permit. The Final Plat application shall be submitted, approved by the City, and filed for record with the applicable county prior to issuance of any Building Permit for the property.
- (B) Installation of Subdivision Improvements.
- (1) Approval of the Preliminary Plat ~~by the Plan Commission~~ constitutes general approval of the layout illustrated on the Preliminary Plat as a guide to the installation of streets, water, sewer, storm drainage, and other improvements that are planned or required to serve the proposed development.
 - (2) Approval of the Preliminary Plat does not constitute approval of the proposed development's final Site Engineering Drawings, nor shall approval of the Preliminary Plat be construed to mean acceptance by the public of the dedication of any roads, utilities, drainageways, or other such land and improvement dedications.
 - (3) Construction of all subdivision improvements shall be based upon the approved Site Engineering Drawings, in accordance with Division 1 of Article 6 of this Chapter 3, specifically, and Articles 3, 4 and 5 [4, 5 and 6] of this Chapter 3, generally.

(Ordinance 6773 adopted 5/19/15)

§ 3.12. Expiration & Extension.

- (A) Validity. The approval of a Preliminary Plat application shall remain in effect for two years (that is, 730 calendar days) following the date of approval by the ~~Plan Commission~~Planning Director (or by the ~~City Council~~Plan Commission, on appeal, if the Preliminary Plat was denied by the ~~Plan Commission~~Planning Director).
- (B) Expiration & Extension.
- (1) Two-Year Validity. If the Site Engineering Drawings have not been approved within the two-year

- period, the approved Preliminary Plat application expires and shall be null and void.
- (2) Portion of Preliminary Plat Submitted for Construction. If Site Engineering Drawings have been approved for only a portion of the land covered in the approved Preliminary Plat within the two-year period, as may be the case for a phased development, the remaining portion of the Preliminary Plat continues to be valid for the remainder of the two-year period. The first phase, and every subsequent phase, of a phased development shall be designed, and shall have all required public improvements constructed, to exist independently, all of which shall conform to the City's *Technical Standards* in the same manner as if for a single-phase development.
 - (3) Relationship to Site Engineering Drawings. A Preliminary Plat shall remain valid for the period of time in which approved Site Engineering Drawings are valid, as long as forward progress on the development is underway and ongoing.
 - (4) Extension. The Preliminary Plat application, or portion thereof in the case of a phased development, may be extended if a request for extension is made in writing to the ~~Plan-Commission~~Planning Director at least thirty calendar days prior to expiration of the Preliminary Plat. Such written request shall include reasons why the Plat should be extended. The ~~Plan-Commission~~Planning Director shall review the extension request, and shall take one of the following actions:
 - (a) Approve the extension request for one year (that is, 365 calendar days);
 - (b) Approve the extension request for a shorter or longer period of time, or with conditions the ~~Plan-Commission~~Planning Director deems appropriate to protect the public health, safety and welfare; or
 - (c) Deny the extension request.
 - (5) Extension and Vested Rights. In deciding a request for an extension of a Preliminary Plat, the ~~Plan-Commission~~Planning Director may consider whether the applicant is willing to waive, in writing, the vesting of rights under the application for a Preliminary Plat.

(Ordinance 6773 adopted 5/19/15)

§ 3.13. Amendments to Preliminary Plat Following Approval.

- (A) Minor Amendments. Minor amendments in the design of the subdivision for which a Preliminary Plat has been approved may be incorporated into an application for approval of Site Engineering Drawings or a Final Plat without the necessity of submitting a new application for re-approval of a Preliminary Plat. Minor amendments include minor adjustments in street or alley alignments, minor adjustments to easements that result during preparation of the Site Engineering Drawings (provided that such adjustments do not compromise the intended use and function of the property), and minor adjustments in lot lines that do not result in creation of additional lots or any nonconforming lots, provided that all such amendments are consistent with applicable approved prior applications.
- (B) Major Amendments. All other proposed amendments to the design of the subdivision for which a Preliminary Plat has been approved are considered major amendments that require the submittal and approval of a new application for re-approval of a Preliminary Plat before approval of the Site Engineering Drawings or of a Final Plat.
- (C) Determination. The Planning Director shall, consistent with the provisions of this Section, make a determination of whether proposed amendments are deemed to be minor or shall require new submittal and re-approval of a Preliminary Plat.

(Ordinance 6773 adopted 5/19/15)

Division 3. Final Plat (for All Development Types)

§ 3.14. Purpose & Exceptions.

(A) Purpose. The purpose of a Final Plat is to assure that:

- (1) The proposed subdivision and development of the land to which the Plat applies is consistent with all standards of this GDC pertaining to the adequacy of public facilities;
- (2) Public improvements to serve the subdivision or development have been installed and accepted by the City, or that provision for such installation has been made; and
- (3) All other requirements and conditions have been satisfied or provided for to allow the Final Plat to be recorded.

(B) Exceptions. A Final Plat is not required when a Minor Plat is submitted (see Section **3.22** of this Chapter **3**).

(Ordinance 6773 adopted 5/19/15)

§ 3.15. Application & Procedures.

(A) Application Submission and Processing. A complete application for Final Plat approval shall be submitted and will be processed in accordance with Section **3.06** of this Chapter **3** and the City's Development Application Packet, as amended.

(B) Review Process. A Final Plat application shall be reviewed by the DRC and the Planning Director, in accordance with the procedures set forth in the City's Development Application Packet, as amended. The Planning Director shall schedule the Final Plat application for Plan Commission consideration in accordance with Section **3.04** of this Chapter **3**.

(C) Accompanying Documents. Before filing an application for a Final Plat, an applicant must submit required Site Engineering Drawings and a Working Plat. The Working Plat shall be reviewed and must have achieved acceptable status in accordance with the procedures set forth in the City's Development Application Packet, as amended. Approval of the Final Plat application and approval of the Site Engineering Drawings are separate approvals. The approvals are governed by Division 3 of Article 2 of this Chapter **3** for the Final Plat, and by Division **1** and Division 3 of Article 6 of this Chapter **3** for the Site Engineering Drawings and Subdivision Improvement Agreements, respectively.

(D) Prior Approved Preliminary Plat. The Final Plat and all accompanying data shall conform to the Preliminary Plat (if one was required) as approved, incorporating all conditions imposed or required by the Planning Director (or by the Plan Commission on appeal), if applicable.

(Ordinance 6773 adopted 5/19/15; Ordinance 7055, sec. 8, adopted 5/7/19)

§ 3.16. Action.

(A) Review and Determination. The ~~Plan Commission~~Planning Director shall review the Final Plat application, findings of the DRC, and any other information submitted with the application or supplied by City staff. From all such information, the ~~Commission~~Planning Director shall determine whether the Final Plat application complies with this GDC and the City's *Development Application Packet*, as amended.

(B) Action by ~~Plan Commission~~Planning Director. The ~~Plan Commission~~Planning Director shall either approve the Final Plat as submitted by the applicant or deny the Final Plat, using the standards set

forth in Section **3.17** of this Chapter **3**.

- (C) Appeal. The applicant may appeal a decision of the ~~Plan-Commission~~Planning Director to deny a Final Plat to the ~~City-Council~~Plan Commission. The appeal shall be processed and decided in accordance with applicable provisions of Article 1, Division **1** of Chapter **5** of this GDC.

(Ordinance 6773 adopted 5/19/15; Ordinance 7107, sec. 40, adopted 12/3/19)

§ 3.17. Criteria for Approval.

The following criteria shall be used to determine whether the application for a Final Plat shall be approved or denied:

(A) Final Plat with Prior Approved Preliminary Plat:

- (1) The Final Plat conforms to the approved Preliminary Plat (as may have been amended);
- (2) The Site Engineering Drawings conform to the requirements of Article 6, Division **1** of this Chapter **3**, specifically, and Articles 3, 4 and 5 [Articles 4, 5 and 6] of this Chapter **3**, generally, and have been approved by the Director of Engineering;
- (3) Where public improvements have been installed, the improvements conform to the approved Site Engineering Drawings and have been approved for acceptance by the Director of Engineering;
- (4) Where public improvements have been deferred, a Subdivision Improvement Agreement has been executed in conformity with Article 6, Division 3 of this Chapter **3**;
- (5) The final layout of the development meets all standards for adequacy of public facilities contained in this GDC;
- (6) All required easements, the design of all lots, and the provision of required monumentation are in accordance with Article 5, Division **12** of this Chapter **3**;
- (7) The Final Plat meets all applicable county standards, when the proposed development is located in whole or in part in the extraterritorial jurisdiction of the City and in the county;
- (8) The Final Plat conforms to design requirements and construction standards as set forth in the Technical Standards, as amended;
- (9) The Final Plat conforms with applicable criteria and checklist(s) in the City's Development Application Packet, as amended, and as may have been provided to the applicant through the Planning Department; and
- (10) The first phase, and each subsequent phase, of a phased development is capable of being developed and fully functional independent of any other phase and in full conformance with the City's Technical Standards.

(B) Final Plat with no Prior Approved Preliminary Plat:

- (1) The Final Plat conforms to all criteria for approval of a Preliminary Plat (as if one had been required, see Section **3.10** of this Chapter **3**); and
- (2) The Subdivision Improvement Agreement, if applicable, has been approved by the Director of Engineering and executed in conformity with Article 6, Division 3 of this Chapter.

(Ordinance 6773 adopted 5/19/15; Ordinance 7107, sec. 41, adopted 12/3/19)

§ 3.18. Effect of Approval.

(A) For Single- and Two-Family Residential Projects. The approval of a Final Plat:

- (1) Supersedes any prior approved Preliminary Plat for the same land.
- (2) Authorizes the applicant to seek approval and issuance of Building Permits for individual lots (refer to Article 1, Division 4 in Chapter 4 of this GDC).
- (3) Authorizes the applicant to sell individual lots when all required public improvements have been constructed, inspected and accepted by the City, and when the Final Plat has been filed for record at the applicable county.

(B) For Other Types of Development Projects. The approval of a Final Plat:

- (1) Supersedes any prior approved Preliminary Plat for the same land (if applicable).
- (2) Authorizes the applicant to seek approval and issuance of a Site Permit (refer to Article 1, Division 3 in Chapter 4 of this GDC) and Building Permit (refer to Article 1, Division 4 in Chapter 4 of this GDC).
- (3) Authorizes the applicant to install improvements in public rights-of-way in conformance with approved Site Engineering Drawings and under a Subdivision Improvement Agreement (refer to Article 6, Division 3 of this Chapter 3), if applicable.
- (4) Authorizes the applicant to sell individual lots when all required public improvements have been constructed, inspected and accepted by the City, and when the Final Plat has been filed for record at the applicable county.

(Ordinance 6773 adopted 5/19/15)

§ 3.19. Recordation.

(A) Procedure. The applicant shall supply to the Planning Department the required number of signed and executed copies of the approved Final Plat that will be needed to file the Plat, upon approval, at the applicable county (in the county's required format) within six months (that is, 180 calendar days) following the approval date. The Final Plat shall bear the notarized signatures of the property owner(s) and the notarized seal of the Registered Professional Land Surveyor who prepared the Plat.

- (1) Signatures. Following approval of the Final Plat and the submission of copies for signatures, the Planning Director shall obtain the ~~final two signatures from the chairperson of the Planning Commission and the City Secretary required signatures~~ for execution of the Final Plat.
- (2) Recording. The Final Plat shall then be returned to the applicant for recording at the applicable county. Failure to properly record the Final Plat with the applicable county within six months (that is, 180 calendar days) following approval will cause the Final Plat to become null and void, and the applicant shall be required to re-initiate the platting process.

(B) Submittal of Final Plat Where Improvements Have Been Installed. Where all required public improvements have been installed prior to recording of the Final Plat, the applicant shall meet all requirements in accordance with Articles 4, 5 and 6 of this Chapter 3.

(C) Submittal of Final Plat Where Improvements Have Not Been Installed.

- (1) Where only a portion (or none) of the required public improvements have been completed in connection with an approved Final Plat, with prior approved Preliminary Plat prior to its filing for record at the applicable county, the applicant shall submit and execute a Subdivision Improvement Agreement in conformance with Article 6, Division 3 of this Chapter 3, and only if such Subdivision Improvement Agreement is approved by the City may the applicant then submit the Final Plat for filing at the applicable county.
- (2) For a Final Plat with no prior approved Preliminary Plat, the Final Plat recordation shall be done in accordance with Subsection 3.19(A) above. Improvements must be installed and accepted to obtain a Certificate of Occupancy unless improvements are deferred per Section

3.102 of this Chapter **3**.

- (3) No Building Permit shall be issued until the Final Plat for the property is approved by the City and filed for record at the applicable county (see Article 1, Division **4** in Chapter **4** of this GDC).

(Ordinance 6773 adopted 5/19/15; Ordinance 7107, sec. 42, adopted 12/3/19)

§ 3.20. Expiration.

- (A) No Expiration After Recordation. There is no expiration of a Final Plat after it is approved by the City and recorded with the applicable county.
- (B) Expiration if Not Recorded. If an approved Final Plat is not timely recorded pursuant to Section **3.19** above then it shall become null and void.

(Ordinance 6773 adopted 5/19/15)

§ 3.21. Revisions Following Approval & Recordation.

Replat or Amending Plat. Revisions may only be approved as a Replat (Section **3.39** of this Chapter **3**) or Amending Plat (Section **3.40** of this Chapter **3**).

(Ordinance 6773 adopted 5/19/15)

Division 4. Minor Plat (Administrative Approval)

§ 3.22. Purpose & Applicability.

- (A) Purpose. The purpose of a Minor Plat is to facilitate divisions of land under the circumstances described in section 212.0065 of the Texas Local Government Code.
- (B) Applicability. An application for a Minor Plat may be approved under the following circumstances:
 - (1) The proposed plat or replat results in four or fewer lots;
 - (2) All lots in the proposed subdivision front onto an existing public street and the construction or extension of a street or alley is not required to meet the requirements of this GDC; and
 - (3) The plat does not require the extension of any municipal facilities to serve any lot within the subdivision, however, right-of-way dedication and the establishment of new on-site easements (or off-site easements, via separate instrument) are allowed as part of, and shall be shown on, a Minor Plat.

(Ordinance 6773 adopted 5/19/15; Ordinance 7055, sec. 9, adopted 5/7/19)

§ 3.23. Application & Procedures.

- (A) Application Submission and Processing. A complete application for Minor Plat approval shall be submitted, and will be processed, in accordance with Section **3.06** of this Chapter **3**. A Minor Plat application must meet all application and recordation requirements of a Final Plat.
- (B) Review Process. A Minor Plat application shall be reviewed by the DRC and the Planning Director in accordance with the procedures set forth in the City's *Development Application Packet*, as amended. The Planning Director shall take action on the Minor Plat application, ~~or shall schedule the application for Plan Commission consideration,~~ in accordance with Section **3.04** of this Chapter **3**.
- (C) Accompanying Documents. An application for a Minor Plat may be submitted with accompanying documents similar to those for a Final Plat, as set forth in Section **3.15(C)** of this Chapter **3**.

(Ordinance 6773 adopted 5/19/15)

§ 3.24. Action.

- (A) Review and Determination. The Planning Director shall review the Minor Plat application, the findings of the DRC, and any other information submitted with the application (including the Site Engineering Drawings, if applicable). From all such information, the Planning Director shall determine whether the Minor Plat application is in compliance with this GDC.
- (B) Action by Planning Director. ~~The Planning Director shall either approve the Minor Plat as submitted by the applicant or deny the Final Plat, using the standards set forth in Section 3.25 of this Chapter 3.~~ ~~The Planning Director shall take one of the following actions:~~
- ~~(1) Approve the Minor Plat as submitted by the applicant;~~
 - ~~(2) Refer the Minor Plat to the Plan Commission for consideration prior to expiration of the required 30-day approval period unless a Waiver of Right to 30-Day Action is submitted in accordance with Section 3.04 of this Chapter 3.~~
- (C) Appeal. The applicant may appeal a decision of the ~~Plan Commission~~ Planning Director ~~(upon referral by the Planning Director)~~ to deny a Minor Plat application to the ~~City Council~~ Plan Commission. Such appeal shall be processed and decided in accordance with applicable provisions of Article 1, Division 1 of Chapter 5 of this GDC.

(Ordinance 6773 adopted 5/19/15)

§ 3.25. Criteria for Approval.

The Planning Director, ~~or the Plan Commission on referral,~~ shall decide whether to approve or deny the Minor Plat application based upon the following criteria:

- (A) The Minor Plat is consistent with all zoning requirements for the property (if applicable), any approved Subdivision Improvement Agreement (if applicable), and all other requirements of this GDC that apply to the plat;
- (B) All lots to be created by the plat already have access to an improved public or private street, and all are connected to or readily connectible to all other required City utilities and services;
- (C) The ownership, maintenance, and allowed uses of all designated easements have been stated on the Minor Plat;
- (D) The plat does not require the extension of any municipal facilities to serve any lot within the subdivision; and
- (E) The lot configuration does not adversely affect surrounding storm drainage patterns, nor does it create lot-to-lot drainage or adversely affect surrounding properties and rights-of-way, as determined by the Director of Engineering.

(Ordinance 6773 adopted 5/19/15)

§ 3.26. Effect of Approval.

The approval of a Minor Plat authorizes the applicant to seek approval of a Site Permit (refer to Chapter 4, Article 1, Division 3), and, after the Plat is filed for record by the applicant, a Building Permit may be issued (see Chapter 4, Article 1, Division 4).

(Ordinance 6773 adopted 5/19/15)

§ 3.27. Recordation.

Same as Final Plat. Recordation procedures are the same as those for the recordation of a Final Plat in Section **3.19** of this Chapter **3**.

(Ordinance 6773 adopted 5/19/15)

§ 3.28. Expiration.

- (A) No Expiration After Recordation. There is no expiration of a Minor Plat after it is approved by the City and recorded with the applicable county.
- (B) Expiration if Not Recorded. If an approved Minor Plat is not timely recorded pursuant to Section **3.19** of this Chapter **3**, then it shall be null and void.

(Ordinance 6773 adopted 5/19/15)

§ 3.29. Revisions Following Approval & Recordation.

Replat or Amending Plat. Revisions to a Minor Plat may only be approved as a Replat (Section **3.39** of this Chapter **3**) or Amending Plat (Section **3.40** of this Chapter **3**).

(Ordinance 6773 adopted 5/19/15)

Division 5. Conveyance Plat

§ 3.30. Purpose & Applicability.

- (A) Purpose. The purpose of a Conveyance Plat is to provide a mechanism for land to be divided into lots or to dedicate public right-of-way, when such subdivision of the land is for conveyance (sale or inheritance) purposes only. This type of plat is appropriate when no immediate development is contemplated; when or if development does occur, then the land shall be properly platted in the form of a Final Plat (with or without approval of a Preliminary Plat, as applicable) prior to any type of development, construction activities, or further subdivision of the land.
- (B) Applicability. A Conveyance Plat may be used in lieu of a Final Plat to record the subdivision of property in the following instances:
 - (1) To record the remainder of a tract that is created by a Final Plat of a portion of the property, provided that the remainder is not intended for immediate development.
 - (2) To record the subdivision of property into lots, all of which are not intended for immediate development, provided minimum frontage requirements for all lots (as applicable) are met, and provided all lots have access in accordance with Section **3.33** of this Chapter **3**. All public rights-of-way required by the City under this GDC (if any) shall be shown on, and dedicated by, a Conveyance Plat in accordance with Section **3.33**, but the actual improvement of existing streets, and construction of any required new streets, may be deferred until development and further platting of the property shown on a Conveyance Plat.
- (C) Subsequent Filing of a Final Plat. No Final Plat processed and approved in association with a Conveyance Plat shall be approved ~~by the Plan Commission~~ or filed for record at the applicable county without the concurrent (or prior) approval and recording of the associated Conveyance Plat for the remainder of the subject property. Both plats shall be submitted, reviewed, considered for

approval, and filed for record at the county as separate plat drawings (that is, not combined into a single plat drawing).

- (D) Final Plat Required for Permits & Services. No Site Permit or Building Permit shall be issued, nor permanent utility service provided, for land that has only received approval as a Conveyance Plat. A Final Plat shall be approved ~~by the Plan Commission~~ and recorded with the applicable county, in accordance with Division 3 of Article 2 of this Chapter 3, prior to issuance of any Site Permit, Building Permit or initiation of utility service.
- (E) Grading Plans. Grading plans for the excavation or filling of earthen material may be approved by the Director of Engineering (in accordance with tree mitigation requirements in Chapter 4, Article 4 of this GDC), at the Director's sole discretion, with approval of a Conveyance Plat.

(Ordinance 6773 adopted 5/19/15; Ordinance 7107, sec. 43, adopted 12/3/19)

§ 3.31. Application & Procedures.

- (A) Application Submission and Processing. A complete application for Conveyance Plat approval shall be submitted, and will be processed, in accordance with Section 3.06 of this Chapter 3. A Conveyance Plat application must meet all application and recordation requirements of a Final Plat.
- (B) Review Process. A Conveyance Plat application shall be reviewed by the DRC and the Planning Director, in accordance with the procedures set forth in the City's *Development Application Packet*, as amended. ~~The Planning Director shall schedule the Conveyance Plat application for Plan Commission consideration, in accordance with Section 3.04 of this Chapter 3.~~

(Ordinance 6773 adopted 5/19/15)

§ 3.32. Action.

- (A) Review and Determination. The ~~Plan Commission~~Planning Director shall review the Conveyance Plat application, findings of the DRC, and any other information submitted with the application or supplied by City staff. From all such information, the ~~Commission~~Planning Director shall determine whether the Conveyance Plat application is in compliance with this GDC.
- (B) Action by Plan Commission. The ~~Plan Commission~~Planning Director shall consider a Conveyance Plat application in the same manner as a Final Plat, and shall either approve the Conveyance Plat as submitted by the applicant or deny the Conveyance Plat.

(Ordinance 6773 adopted 5/19/15)

§ 3.33. Criteria for Approval.

- (A) Access. All tracts, parcels, lots or sites created by a Conveyance Plat shall have minimum frontage and access to an existing public street or to an existing City-approved private street that meets City construction standards and that provides access to the City's existing public street system. All lots created by a Conveyance Plat shall have the minimum number of points of access as required by this GDC.
- (B) Reservation of Rights-of-Way. A Conveyance Plat shall provide for the reservation of future rights-of-way of planned roadways (unless the City requires immediate dedication of such on the Plat – see Subsection 3.33(C) below). Right-of-way reservation acknowledges the future obligation to dedicate right-of-way for public thoroughfares and streets specified on the City's adopted *Major Thoroughfare Plan* (as amended). Reservation of right-of-way does not grant any immediate right or interest in the property to the City. The final alignment may be adjusted upon Final Plat

application in order to meet engineering design standards.

- (C) Dedication of Rights-of-Way. Dedication of right-of-way for planned roadways shall be required on a Conveyance Plat where the City deems it appropriate and in the best public interest to acquire such rights-of-way immediately. The required right-of-way dedication shall be limited to that which is necessary to provide access to one or more lots on the property or to avoid creating the “land-locking” of adjacent property, and where such immediate right-of-way acquisition is necessary to complete turn lanes, intersections, and transitions in road pavement width or other necessary roadway improvements to accommodate the proposed subdivision contemplated in the Conveyance Plat.

(Ordinance 6773 adopted 5/19/15)

§ 3.34. Effect of Approval.

The approval of a Conveyance Plat provides the applicant with a recorded plat for the sale or inheritance of the platted property. Any subsequent improvements to, or site disturbance activities on, the property to initiate development require the applicant to submit a Preliminary Plat (if required) and a Final Plat application in accordance with Division 2 and Division 3 of this Article 2, respectively.

(Ordinance 6773 adopted 5/19/15)

§ 3.35. Recordation.

Same as Final Plat. Recordation procedures are the same as those for the recordation of a Final Plat in Section **3.19** of this Chapter **3**.

(Ordinance 6773 adopted 5/19/15)

§ 3.36. Expiration.

- (A) No Expiration After Recordation. There shall be no expiration of a Conveyance Plat after it is approved by the City and recorded with the applicable county.
- (B) Expiration if Not Recorded. If an approved Conveyance Plat is not timely recorded pursuant to Section **3.19** of this Chapter **3**, then it shall be null and void.

(Ordinance 6773 adopted 5/19/15)

§ 3.37. Revisions Following Approval & Recordation.

Final, Replat or Amending Plat. Revisions to a Conveyance Plat may only be approved as a Final Plat (Division 3 of this Article 2), a Replat (Section **3.39** of this Chapter **3**), or an Amending Plat (Section **3.40** of this Chapter **3**).

(Ordinance 6773 adopted 5/19/15)

Division 6. (Reserved)

Division 7. Revisions to Recorded Plats

§ 3.38. General Requirements for Plat Revisions.

(A) Applicability and Terminology.

- (1) The procedures in this Division 7 shall apply only if a property owner seeks to change any portion of a plat that has been filed of record with the applicable county.
- (2) The term *Replat* includes changes to a recorded Final Plat, whether the change is effected by replatting without vacation (Section 3.39 of this Chapter 3), approving an Amending Plat (Section 3.40 of this Chapter 3), or a new plat application.

(B) City Action Required for Plat Revisions. Except as expressly stated otherwise in this Division 7, any change to a recorded Final Plat, Conveyance Plat or Replat must be approved by the ~~Plan-Commission~~City.

(C) Construction Management. If the subdivision as replatted requires the construction of additional improvements, the provisions of Articles 4, 5, and 6 of this Chapter 3 apply, including the requirement for Site Engineering Drawings.

(D) Application and Approval Procedures. Unless otherwise specified, an application and all related procedures and approvals (including approval criteria and recordation) for a Replat or Amending Plat are the same as those specified for a Final Plat in Article 2, Division 3 ~~except that an Amending Plat may be administratively approved (see below Section 3.40 of this Chapter 3).~~

(Ordinance 6773 adopted 5/19/15; Ordinance 7107, sec. 44, adopted 12/3/19)

§ 3.39. Replat Without Plat Vacation.

(A) Applicability.

- (1) A Replat of all or a portion of a recorded plat may be approved without vacating the recorded plat, if the Replat:
 - (a) Is signed and acknowledged by only the owners of the property being replatted;
 - (b) Is approved after a public hearing on the Replat;
 - (c) Does not propose to amend or remove any covenants or restrictions previously incorporated in the recorded plat; and
 - (d) Meets all other requirements of Section 212.014 of the Texas Local Government Code, as amended.
- (2) A Replat that does not vacate a previous plat may be approved if its purpose is to amend, relocate or abandon (with the City's approval) an easement(s) that was previously established by plat (that is, not established by separate instrument), to dedicate public right-of-way, to subdivide property or to combine lots.

(B) Application Submission and Processing. A complete application for Replat approval must be submitted, and will be processed, in accordance with the procedures set forth in the City's *Development Application Packet*, as amended. A Replat application must comply with all application and recordation requirements of a Final Plat. ~~The Planning Director shall schedule the Replat application for Plan-Commission public hearing and consideration, in accordance with Section 3.04 of this Chapter 3.~~

(C) Partial Replat Application. For a Replat that involves only a portion of the lots in an original subdivision, such Replat shall show enough of the surrounding original subdivision lots and streets to clearly depict where the affected lot(s) is situated. The Planning Director may determine how

much of, or if all of, the original subdivision shall be shown on a Replat. All Replats shall reference the previous subdivision's name and recording information, and shall clearly cite the specific lot(s) which are being changed along with a detailed "Purpose for Replat" statement.

(D) General Notice and Hearing Requirements.

- (1) Published and personal notice is required only for certain residential Replats, in accordance with Section 212.015 of the Texas Local Government Code, as amended.
- (2) ~~For applications for replat filed on or after September 1, 2019, if~~ a proposed replat does not require a variance or exception, no hearing shall be required. The City shall provide written notice by mail of the approval of the replat to each owner of a lot in the original subdivision that is within 200 feet of the lots to be replatted according to the most recent municipal or, in the case of subdivisions within the City's ETJ, county tax roll. The notice shall include the zoning designation of the property after the replat, and a telephone number and email address an owner of a lot may use to contact the City about the replat.
- (3) ~~For applications for replat filed on or after September 1, 2019, if~~ a proposed replat requires either a variance or an exception, then a public hearing on a Replat shall be conducted by the Plan Commission in accordance with the normal rules and procedures that are applicable to public hearings.
- (4) ~~For applications for replat filed before September 1, 2019, the Plan Commission shall conduct a public hearing on the replat in accordance with the normal rules and procedures applicable to public hearings.~~

(E) Special Residential Replat Requirements.

- (1) Applicability. In addition to compliance with other requirements of this Section **3.39**, a Replat without vacating the preceding plat shall conform to the requirements of this Subsection if:
 - (a) During the preceding five years, any of the area to be replatted was limited by an interim or permanent zoning classification to residential use for not more than two 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 residential units per lot.
- (2) Exception. The requirements of this Subsection do not apply to the approval of a Replat application that affects only a portion of a recorded plat if all of the proposed area sought to be replatted was designated or reserved for usage other than for single- or two-family (such as a duplex) residential use. Such designation shall be noted on the recorded plat or in the legally recorded restriction applicable to such plat.
- (3) Notice and Hearing. ~~Beginning on September 1, 2019, f~~Eor any replat for which a hearing must be held pursuant to subsection (D) above, notice of the public hearing at which the Replat will be considered shall be given in accordance with Article 2, Division 2 of Chapter 1 of this GDC, unless otherwise required by state law. ~~Prior to September 1, 2019, notice of the public hearing at which the Replat will be considered shall be given in accordance with Article 2, Division 2 of Chapter 1 of this GDC, unless otherwise required by state law.~~
- (4) ~~Protest. If the Replat application is protested in accordance with this Subsection, approval of the Replat requires the affirmative vote of at least three-fourths of the members of the Plan Commission present at the meeting. For a legal protest, written instruments signed by the owners of at least twenty percent of the area of the lots or land immediately adjoining the area covered by the Replat application and extending two hundred feet from that area, but within the original subdivision, shall be filed with the Plan Commission prior to the close of the public hearing. The area of streets and alleys shall be included in the area computations.~~

- (F) Review and Determination. The Planning Director shall review the Replat application, findings of the DRC, and any other information submitted with the application. From all such information, the Planning Director shall determine whether the Replat application is in compliance with the

regulations of this GDC.

- (G) Action by Plan Commission. The ~~Plan Commission~~Planning Director ~~shall conduct the public hearing,~~ shall consider the Replat application in the same manner as for a Final Plat, and shall approve the Replat as submitted by the applicant or deny the Replat.
- (H) Appeal. The applicant may appeal a decision of the ~~Plan Commission~~Planning Director to deny a Replat to the ~~City Council~~Plan Commission. The appeal shall be processed and decided in accordance with applicable provisions of Article 1, Division 1 of Chapter 5 of this GDC.
- (I) Effect of Approval. Upon approval of a Replat application, and upon approval of any associated Site Engineering Drawings (if applicable) in accordance with Article 6, Division 1 of this Chapter 3, the applicant may seek approval of a Site Permit (refer to Article 1, Division 3 of Chapter 4 of this GDC), and may subsequently seek approval of a Building Permit (refer to Article 1, Division 4 of Chapter 4 of this GDC).
- (J) Recordation.
 - (1) Same as Final Plat. Recordation procedures shall be as set forth for the recordation of a Final Plat in Section 3.19 of this Chapter 3.
 - (2) Replat Controls. Upon recordation at the applicable county, a Replat is controlling over the previously recorded plat for the portion replatted.
- (K) Expiration.
 - (1) No Expiration After Recordation. There is no expiration of a Replat after it is approved by the City and recorded with the applicable county.
 - (2) Expiration if Not Recorded. If an approved Replat is not timely recorded pursuant to Section 3.19 of this Chapter 3, then it is null and void.
- (L) Replat or Amending Plat. Revisions to a Replat may only be approved as a Replat (this Section 3.39) or Amending Plat (Section 3.40 of this Chapter 3).

(Ordinance 6773 adopted 5/19/15; Ordinance 7079, sec. 33, adopted 8/20/19)

§ 3.40. Amending Plat (administrative approval).

- (A) Purpose. The purpose of an Amending Plat shall be to provide an expeditious means of making minor revisions to a recorded plat consistent with state law.
- (B) Applicability. The procedures for amending plats apply only if the sole purpose of the amending plat is for one or more of the following purposes:
 - (1) Correct an error in a course or distance shown on the preceding plat;
 - (2) Add a course or distance that was omitted on the preceding plat;
 - (3) Correct an error in a real property description shown on the preceding plat;
 - (4) Indicate monuments set after the death, disability, or retirement from practice of the engineer or surveyor responsible for setting monuments;
 - (5) Show the location or character of a monument that has been changed in location or character or that is shown incorrectly as to location or character on the preceding plat;
 - (6) Correct any other type of scrivener or clerical error or omission previously approved by the City, including lot numbers, acreage, street names, and identification of adjacent recorded plats;
 - (7) Correct an error in courses and distances of lot lines between two adjacent lots if:

- (a) Both lot owners join in the application for amending the plat;
 - (b) Neither lot is abolished;
 - (c) The amendment does not attempt to remove recorded covenants or restrictions; and
 - (d) The amendment does not have a material adverse effect on the property rights of the other owners in the plat;
- (8) Relocate a lot line to eliminate an inadvertent encroachment of a building or other improvement on a lot line or easement;
- (9) Relocate one or more lot lines between one or more adjacent lots if:
 - (a) The owners of all those lots join in the application for amending the plat;
 - (b) The amendment does not attempt to remove recorded covenants or restrictions; and
 - (c) The amendment does not increase the number of lots;
- (10) Make necessary changes to the preceding plat to create six or fewer lots in the subdivision or a part of the subdivision covered by the preceding plat if:
 - (a) The changes do not affect applicable zoning and other regulations of the City;
 - (b) The changes do not attempt to amend or remove any covenants or restrictions; and
 - (c) The area covered by the changes is located in an area that the Plan Commission or City Council has approved, after a public hearing, as a residential improvement area; or
- (11) Replat one or more lots fronting on an existing street if:
 - (a) The owners of all those lots join in the application for amending the plat;
 - (b) The amendment does not attempt to remove recorded covenants or restrictions;
 - (c) The amendment does not increase the number of lots; and
 - (d) The amendment does not create or require the creation of a new street or make necessary the extension of municipal facilities.
- (C) Application Submission and Processing. A complete application for approval of an Amending Plat shall be submitted, and will be processed, in accordance with the procedures set forth in the City's Development Application Packet, as amended, and Section **3.06** of this Chapter **3**. An Amending Plat application must comply with all application and recordation requirements of a Final Plat.
- (D) Review Process. An Amending Plat application shall be reviewed by the DRC and the Planning Director, in accordance with the procedures set forth in the City's Development Application Packet, as amended. The Planning Director shall take action on the Amending Plat application, or shall schedule the application for Plan Commission consideration, in accordance with Section **3.04** of this Chapter **3**.
- (E) Partial Amending Plat Application. For an Amending Plat that involves only a portion of the lots in an original subdivision, such Amending Plat shall show enough of the surrounding original subdivision lots and streets to clearly depict where the affected lot(s) is situated. The Planning Director may determine how much of, or if all of, the original subdivision shall be shown on an Amending Plat. All Amending Plats shall clearly cite the specific lot(s) that is being changed, along with a detailed "Purpose for Amending Plat" statement.
- (F) Notice. In accordance with state law, the approval of an Amending Plat does not require notice, public hearing, or approval of other lot owners.
- (G) Review and Determination. The Planning Director shall review the Amending Plat application, the findings of the DRC, and any other information submitted with the application. From all such

information, the Planning Director shall determine whether the Amending Plat application complies with the regulations of this GDC.

- (H) Action by Planning Director. The Planning Director shall either approve the Amending Plat as submitted by the applicant, or shall refer the Amending Plat to the Plan Commission for consideration prior to expiration of the required 30-day approval period unless a Waiver of Right to 30-Day Action is submitted in accordance with Section **3.04** of this Chapter **3**.
 - (I) Appeal. The applicant may appeal any decision of the Plan Commission (upon referral by the Planning Director) to deny an Amending Plat application to the City Council. The appeal shall be processed and decided in accordance with applicable provisions of Article 1, Division **1** of Chapter **5** of this GDC.
 - (J) Criteria for Approval. The Director shall decide whether to approve or to refer approval of an Amending Plat application by determining whether the Amending Plat makes only those changes to the recorded plat that are allowed under Subsection **(B)** above and by state law.
 - (K) Effect of Approval. The approval of an Amending Plat authorizes the applicant to seek approval of a Site Permit (refer to Article 1, Division **3** in Chapter **4** of this GDC) or a Building Permit (refer to Article 1, Division **4** in Chapter **4** of this GDC).
 - (L) Recordation.
 - (1) Same as Final Plat. Recordation procedures are the same as those for the recordation of a Final Plat in Section **3.19** of this Chapter **3**.
 - (2) Controlling. Upon recordation at the applicable county, an Amending Plat is controlling over the previously recorded plat without vacation of the previously recorded plat.
 - (M) Expiration.
 - (1) No Expiration after Recordation. An Amending Plat does not expire after it is approved by the City and recorded with the applicable county.
 - (2) Expiration if not Recorded. If an approved Amending Plat is not timely recorded pursuant to Section **3.19** of this Chapter **3**, then it is null and void.
 - (N) Replat or Amending Plat. Revisions to an Amending Plat may only be approved as a Replat (Section **3.39** of this Chapter **3**) or as another Amending Plat (this Section **3.40**).
- (Ordinance 6773 adopted 5/19/15; Ordinance 7055, sec. 10, adopted 5/7/19)

§ 3.41. Plat Vacation.

- (A) Purpose. The purpose of Plat Vacation is to provide an expeditious means of vacating a recorded plat in its entirety, consistent with provisions of controlling state law.
- (B) Applicability. A Plat Vacation application must first be approved by the ~~Plan Commission~~ Planning Director prior to vacation of any recorded plat or portion thereof. A plat may be vacated only in accordance with state law, and only in conjunction with simultaneous approval of a new revised Final (or other type of recordable) plat application in accordance with this GDC unless such Plat Vacation was initiated by the City under Subsection **3.41(C)(3)** below.
- (C) Initiation of a Plat Vacation.
 - (1) By Property Owner. The property owner of the tract covered by a plat may submit an application to vacate the plat at any time before any lot in the plat is sold.
 - (2) By All Lot Owners. If lots in the plat have been sold, an application to vacate the plat may be submitted by all the owners of lots in the plat.

- (3) By City Council. The City Council may, on its own motion, determine that a recorded plat should be vacated in the public interest; if:
- (a) No lots within the approved plat have been sold within five years following the date the Final Plat was approved by the City;
 - (b) The property owner has breached a Subdivision Improvement Agreement, and the City does not have funds with which to complete construction of public improvements, except that the vacation shall apply only to lots owned by the property owner or its successor; or
 - (c) The plat has been of record for more than five years, and the City Council determines that the further sale of lots within the subdivision or addition is not in the public interest, except that the vacation shall apply only to lots owned by the property owner who or which filed the plat, or its successors.
- (D) Application Submission and Processing. A complete application for approval of a Plat Vacation must be submitted, and will be processed, in accordance with Section **3.06** of this Chapter **3**. An application for Plat Vacation must also be accompanied by an application for a Final (or other recordable) Plat for all of the land subject to the recorded plat or portion thereof to be vacated, prepared in accordance with this Article.
- (E) Review Process. A Plat Vacation application shall be reviewed by the DRC and the Planning Director, in accordance with the procedures set forth in the City's *Development Application Packet*, as amended. The Planning Director shall schedule the Plat Vacation application for Plan Commission consideration simultaneously with the new Final (or other recordable) Plat application, in accordance with Section **3.04** of this Chapter **3**.
- (F) Processing and Decision.
- (1) The Plat Vacation application shall be decided by the ~~Plan-Commission~~Planning Director in conjunction with its decision on a new Final (or other recordable) Plat application for all of the subject property.
 - (2) The Plat Vacation application shall be processed together with the new Final (or other recordable) Plat application in accordance with the procedures applicable to the new Plat application under this Article 2.
 - (3) If a Plat Vacation application is submitted with a Preliminary Plat application (rather than a recordable plat application), the ~~Plan-Commission's~~Planning Director's decision on the Plat Vacation application may be deferred or conditioned on approval of a Final (or other recordable) Plat application for all of the subject property. The ~~Commission~~Planning Director shall decide the Plat Vacation application after it decides the Final (or other recordable) Plat application.
- (G) Criteria for Approval. The ~~Plan-Commission~~Planning Director may only approve a Plat Vacation application upon approving the new Final (or other recordable) Plat application for all of the subject property, and must deny a Plat Vacation application if the new Plat application is denied. The new Plat application, as well as any preceding Preliminary Plat application, shall be decided in accordance with the criteria for approval in Division 3, Section **3.17**, of this Article 2.
- (H) Effect.
- (1) On the execution and recording of the vacating instrument, the previously recorded plat shall become null and void, and shall have no effect. Regardless of the City's action on the Plat Vacation petition, the applicant shall have no right to a refund of any monies, fees or charges paid to the City, nor to the return of any property or consideration dedicated or delivered to and accepted by the City (including acceptance by use) except as may have previously been agreed to by the City Council.
 - (2) The plat is vacated when a signed, acknowledged instrument declaring the plat vacated is approved and recorded in the manner prescribed for the original plat.

- (3) The City may retain all or specific portions of rights-of-way or easements dedicated to the City or for public use on the plat being considered for vacation. However, Plat Vacation may be approved if the necessary rights-of-way and easements are conveyed in a separate legal document in a form approved by the City Attorney.

(Ordinance 6773 adopted 5/19/15)

Section 5.02 **Appeal Requirements.**

- (A) Who May Appeal. The applicant may appeal a final decision on an application to the appellate authority designated by this GDC in Table 5-1. Only appeals expressly stated in Table 5-1 are allowed. If an appeal of a decision is not designated on Table 5-1, then no appeal is provided under this GDC.
- (B) Form of Appeal. The appeal must contain a written statement of the reasons why the appeal is being made, and must be accompanied by a copy of the application on which the initial decision was rendered. The appeal must also contain any other documents that are required by the City to clarify what is being appealed, and may also include any other documents that support the position of the appellant.
- (C) Time for Filing Appeal. A written appeal must be filed with the responsible official within ten calendar days following the date of the final decision on the application.

Table 5-1: Initial Decision-Makers & Appellate Decision-Makers

Type of Application or Petition	Decision-Maker	Appellate Decision- Maker	Further Appeal Decision-Maker
Text Amendment to Any GDC Provision	City Council	-	-
Chapter 1, Article 2, Division 3			
Zoning or Rezoning of Property	City Council	-	-
Chapter 2, Article 2, Division 1, Section 2.05			
Planned Development (PD) Zoning of Property	City Council	-	-
Chapter 2, Article 2, Division 2, Section 2.13			
Specific Use Provision (SUP) Zoning of Property	City Council	-	-
Chapter 2, Article 2, Division 3, Section 2.20			
Zoning Variance Chapter 2, Article 2, Division 5, Section 2.25	BOA	-	-

Table 5-1: Initial Decision-Makers & Appellate Decision-Makers

Type of Application or Petition	Decision-Maker	Appellate Decision- Maker	Further Appeal Decision-Maker
Preliminary Plat Approval	<u>Planning</u> <u>Director</u> <u>Plan</u> <u>Commission</u>	<u>Plan Commission</u> <u>City</u> <u>Council</u>	-
Chapter 3, Article 2, Division 2, Section 3.09			
Extension of Preliminary Plat Approval	<u>Planning</u> <u>Director</u> <u>Plan</u> <u>Commission</u>	<u>Plan Commission</u> <u>City</u> <u>Council</u>	-
Chapter 3, Article 2, Division 2, Section 3.12			
Final Plat Approval	<u>Planning</u> <u>Director</u> <u>Plan</u> <u>Commission</u>	<u>Plan Commission</u> <u>City</u> <u>Council</u>	-
Chapter 3, Article 2, Division 3, Section 3.16			
Minor Plat Approval	Planning Director	Plan Commission	City Council
Chapter 3, Article 2, Division 4, Section 3.24			
Conveyance Plat Approval	<u>Planning</u> <u>Director</u> <u>Plan</u> <u>Commission</u>	<u>Plan Commission</u> <u>City</u> <u>Council</u>	-
Chapter 3, Article 2, Division 5, Section 3.32			
Replat Approval	<u>Planning</u> <u>Director</u> <u>Plan</u> <u>Commission</u>	<u>Plan Commission</u> <u>City</u> <u>Council</u>	-
Chapter 3, Article 2, Division 7, Section 3.39			
Amending Plat Approval	Planning Director	Plan Commission	City Council
Chapter 3, Article 2, Division 7, Section 3.40			
			-

Table 5-1: Initial Decision-Makers & Appellate Decision-Makers

Type of Application or Petition	Decision-Maker	Appellate Decision- Maker	Further Appeal Decision-Maker
Plat Vacation Approval	<u>Planning</u> <u>Director</u> <u>Commission</u>	<u>Plan Commission</u> <u>City</u> <u>Council</u>	
Chapter 3, Article 2, Division 7, Section 3.41			
Alley Waiver (4 or fewer lots)	Director of Engineering	Plan Commission	-
Chapter 3, Article 5, Division 6, Section 3.80			
Alley Development Variance (5+ lots)	Plan Commission	City Council	-
Chapter 3, Article 5, Division 6, Section 3.80			
Sidewalk Development Variance	Plan Commission	City Council	-
Chapter 3, Article 5, Division 13, Section 3.93			
Alternative Compliance Request	Planning Director	Plan Commission	City Council -
Chapter 4, Article 1, Division 2, Section 4.07			
Parking Deviation	Planning Director	BOA	-
Chapter 4, Article 2, Division 3, Section 4.20(K)			
Landscaping or Screening Development Variance	Plan Commission	City Council	-
Chapter 4, Article 3, Division 9, Section 4.53			
Sign Variance	Plan Commission	City Council	-

Table 5-1: Initial Decision-Makers & Appellate Decision-Makers

Type of Application or Petition	Decision-Maker	Appellate Decision- Maker	Further Appeal Decision-Maker
Chapter 4, Article 5, Division 6, Section 4.81			
Increased Sign Area (up to 10%)	Planning Director	Plan Commission	City Council
Chapter 4, Article 5, Division 6, Section 4.81			
Fence Variance	BOA	–	–
Chapter 4, Article 8, Division 2, Section 4.109			
Proportionality Appeal	City Council	–	–
Chapter 5, Article 1, Division 2, Section 5.07			
Vested Rights Petition	Planning Director	Plan Commission	City Council
Chapter 5, Article 1, Division 5			