



P.O. Box 369 (Mail)  
303 E. Pecan Dr. (Physical)  
Johnson City, TX 78636  
830.868.7111 (Phone)  
830.868.7718 (Fax)

APPLICATION DATE: 9/27/12

# APPLICATION FOR VARIANCE Municipal Code of Ordinances

NAME OF APPLICANT: Dale Allen Sultemeier

MAILING ADDRESS: 501 W. Main, Ste 102, Fredericksburg, TX 78624

PHONE No.: (830) 990-1221 EMAIL: dale@sultemeiersurveying.com

STATUS OF APPLICANT: OWNER: \_\_\_\_\_ AGENT:

(IF AGENT, ATTACH LETTER OF AUTHORIZATION FROM PROPERTY OWNER)

## PROPERTY DESCRIPTION

PHYSICAL ADDRESS: 1686 Hwy. 290 West, Johnson City, TX 78636

LEGAL DESCRIPTION: 366.00 Ac.: Instrument No. 217435, Real Property Records

CURRENT ZONING: E.T.J. EXISTING USE: Agricultural

ACRES/SQ. FT.: 366.00 Ac. DOES OWNER OWN ADJACENT PROPERTIES?  YES  NO

CODE SECTION SEEKING VARIANCE / RELIEF FROM:  
1. [10.02.093(c)(2)(q)(iv)] ≠ 2. [10.02.214]

TYPE OF VARIANCE REQUESTED (EXPLAIN IN DETAIL):  
Please refer to attached letter

I HEREBY CERTIFY THAT I HAVE READ AND EXAMINED THIS APPLICATION AND KNOW THE INFORMATION I HAVE PROVIDED TO BE TRUE AND CORRECT. ALL PROVISIONS OF LAWS AND ORDINANCES GOVERNING THIS APPLICATION WILL BE COMPLIED WITH WHETHER SPECIFIED HEREIN OR NOT. THE GRANTING OF A VARIANCE OR SPECIAL EXCEPTION DOES NOT PRESUME TO GIVE AUTHORITY TO VIOLATE OR CANCEL THE PROVISIONS OF ANY OTHER STATE OR LOCAL LAW REGULATING THE USE OF PROPERTY.

Dale Allen Sultemeier  
APPLICANT'S SIGNATURE

09-23-2012  
DATE

OFFICE USE ONLY:

Pd ck #  
1901

**PAID**

# **SULTEMEIER**

## **SURVEYING & ENGINEERING**

**TBPELS SURVEYING FIRM: 100930-00**  
**TBPELS ENGINEERING FIRM: F-10608**

501 West Main, Suite 102  
Fredericksburg, TX 78624  
Tel.: (830) 990-1221

September 23, 2022

Mr. Rick Schroder  
Chief Administrative Officer  
City of Johnson City  
P. O. Box 369  
Johnson City, TX 78636

**RE: RANCHES AT LOST DRAW: VARIANCE REQUEST**

Dear Mr. Schroder:

*My firm has been engaged by Flat Creek Partners, LLC to provide engineering/surveying in regard to developing the proposed Ranches at Lost Draw subdivision in Blanco County, Texas. A portion of the property is located in the City's ETJ. The Interlocal Agreement between the City and Blanco County states that the City possesses exclusive jurisdiction to regulate all subdivisions and subdivision plats and approve all related permits for property located within the City's ETJ. The intent of this letter is to present in detail requested variances from the City's Subdivision Ordinances as they pertain to this subdivision. A project overview, a Code reference to the items for which a variance is being requested, and our explanation as to why we feel the variance requests are justified and should be considered/granted are as follows:*

*Mr. MacDougall, through his wholly owned entity, Flat Creek Partners, LLC, purchased the 366.00 acre tract in 2021. The property is locally known as the Mooney Ranch. It is located at 1686 U.S. Highway No. 290, west of Johnson City. A notable landmark is that Flat Creek extends along a portion of the lower east line of the property. Access is by virtue of a sixty (60) foot wide easement, which extends from U.S. Highway No. 290, across the Texas Winery Owners Group, LLC tract, to the south line of the 366.00 acre tract. Although the property is in the City's ETJ, it will be developed in a rural nature. As depicted on the attached preliminary plat, the subdivision will consist of eighteen (18) tracts that have an average size of 20.01 acres. A 5.82 acre "Park" tract will be dedicated to a contemporaneously formed Homeowners Association ("HOA"). An additional sixty foot (60') wide right-of-way/private roadway easement will extend northerly from the south line of the proposed subdivision and provide access to each of the proposed tracts.*

*The intent is to provide a development that offers a rural atmosphere by virtue of the large tract size and low traffic volume. The large tract size will not adversely affect storm water drainage and precludes the need for installation of storm water detention facilities. The low density of one (1) tract per 20.01 acres will not tax the underground water aquifer or create any issues that might be associated with an on-site sewage facility.*

*The first relief we are requesting is from Code 10.02.093(C)(2)(Q)(iv) in the City's Subdivision Ordinance. This Code requires that all critical environmental features (CEFs) such as karsts, springs, sinkholes, caves, etc. be located with documentation signed and certified by a geologist. In a meeting on Wednesday, September 14, 2022 with Mr. Rick Schroder, Chief Administrative Officer of the City, Mr. Schroder felt that adhering to this Code was not necessary. Mr. Schroder viewed the U. S. Fish & Wildlife website during the meeting and determined that no portion of this subdivision was shown to be in a "Critical Habitat".*

*The second relief we are requesting is from Code 10.02.214 in the City's Subdivision Ordinance and from Figure 2.1A in Appendix B of the City's Design Standards and Specifications Manual. This Code and Figure (attached) provide for a 60 ft. wide right-of-way. The required street section requires two (2) eleven foot (11') wide lanes with a nine foot (9') wide parking lane on both sides. Additionally a concrete curb is required on both sides of the paved section, with a four foot (4') wide sidewalk on both sides, between the curb and the ROW line. We feel this street*

*section is impractical for use in this large acreage rural development. Sidewalks would not be utilized and the curbed roadway section would require additional drainage facilities for conveyance and removal of storm water. We respectfully request that we be allowed to construct a "County" roadway section which would utilize a sixty foot (60') wide ROW having a twenty-four foot (24') paved width, a base width of twenty-six feet (26') and a subgrade width of twenty-eight (28'). Additionally, we request that the roadway be contained within a private sixty-foot (60") ROW easement with tract lines extending to the center of the ROW easement. This is typical in rural/County developments. The HOA would be responsible for any future repairs and maintenance of the roadway, in conjunction with monthly/annual dues. The roadway would not be taken into any public road system and shall be privately maintained, which will be noted on the plat.*

*We feel that enforcement of City Code as it relates to this project would negate the desired "rural" atmosphere of this subdivision. A variance would not be detrimental to the public health, safety or general welfare or be injurious to the property in the area. Additionally, a variance will not create the problem of harmful environmental consequences or negatively impact traffic conditions.*

*Please contact me at your convenience if you/staff/Council members have any questions or require any additional information.*

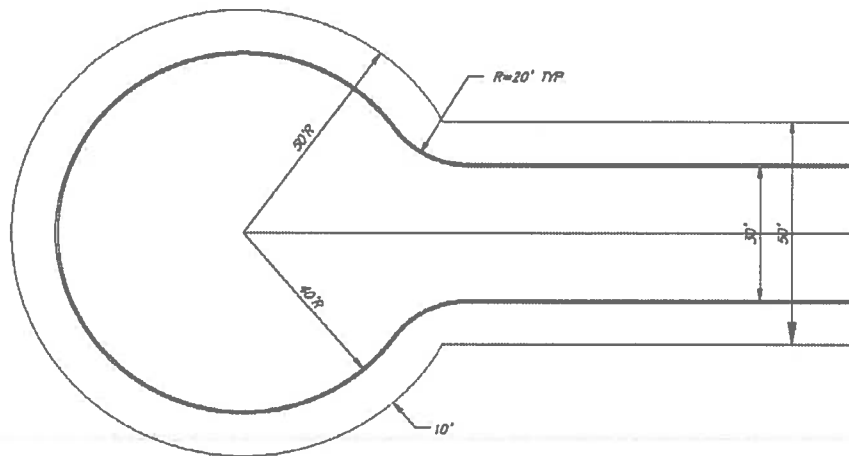
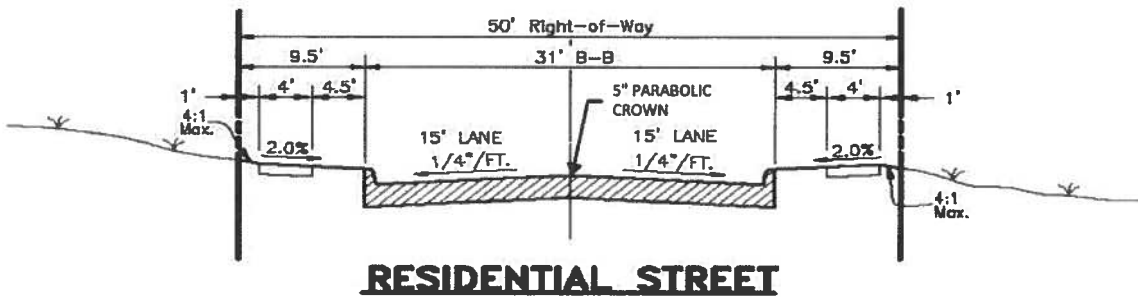
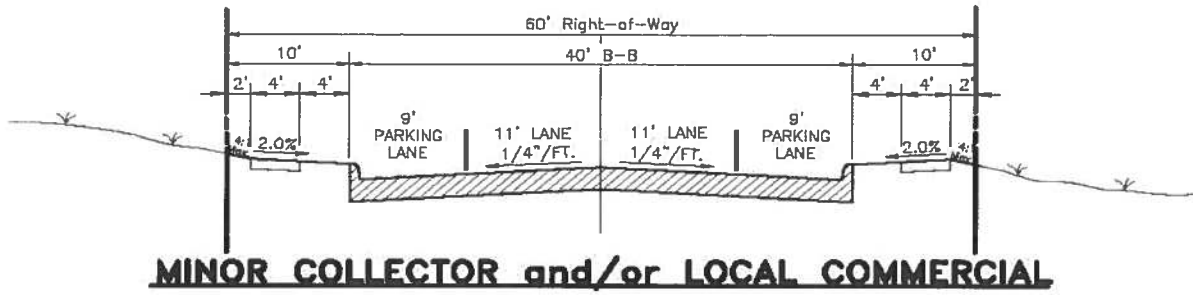
*Sincerely,*



*Dale Allen Sultemeier, P.E., R.P.L.S.*

*Attachments: preliminary plat  
Figure 2.1A  
Table 2.1*

Figure 2.1A



TYPICAL CUL-DE-SAC PLAN VIEW

**TABLE 2.1 GEOMETRIC DESIGN STANDARDS**

Design Element	Principa l Arterial Divided	Minor Arterial Divided	Major Collector Undivided	Minor Collector Undivided	Local (Residentia l)
Number Traffic Lanes	6	4	4	2	2
Minimum Lane Width (Feet)	12	12	11	11+ 2 Parking	15
Minimum R.O.W. Width* (Feet)	120	80	80	60	60
Design Speed (M.P.H.)	45	40	40	40	25
Stopping Sight Distance (Feet)	400	325	325	325	325
Median Width ** (Feet)	16	14	—	—	—
Minimum Lateral Clearance (Feet)	6	6	6	6	—
Parking Permitted	NO	NO	NO	Com. Some Res. Yes	Res. Yes
Minimum Horizontal Centerline Curvature (Feet)	1200	850	Com. 700 Res. 600	Com 500 Res. 350	Res. 200 ELBOW – 50'

\* RIGHT-OF-WAY REQUIREMENTS FOR STATE HIGHWAYS AND/OR THE PROVISION OF RIGHT TURN LANES OR OTHER INTERSECTION IMPROVEMENTS MAY EXCEED THIS MINIMUM R.O.W. STANDARDS.

\*\* LARGER MEDIANS MAY BE REQUIRED TO PROVIDE FOR MULTIPLE TURN LANES.

\*\*\* LOCAL RESIDENTIAL CUL-DE-SACS SHALL HAVE A MINIMUM R.O.W. RADIUS OF FIFTY FEET (50').

# A Preliminary Plat of: RANCHES AT LOST DRAW

A 366.00 ACRE TRACT OF LAND WHICH COMPRISES PART OF THE JOHN HERRING SURVEY NO. 166, ABSTRACT NO. 277 & PART OF THE OWEN B. HARDEMAN SURVEY NO. 168, ABSTRACT NO. 278; BOTH SITUATED IN BLANCO COUNTY, TEXAS

STATE OF TEXAS  
COUNTY OF BLANCO  
NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS, THAT FLAT CREEK PARTNERS, LLC, owner of that certain 366.00 acre tract of land conveyed to us by Mercury Deal recorded in Document No. 217433 of the Public Records of Blanco County, Texas, do hereby certify that this plat is true and correct and was prepared from an actual survey of the property made under my supervision on the ground.

STATE OF TEXAS  
COUNTY OF BLANCO  
Sworn and subscribed before me this \_\_\_ day of \_\_\_, 20\_\_.

Notary Public

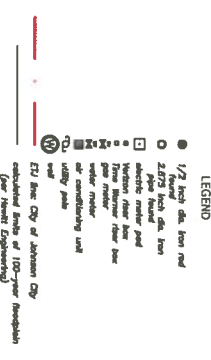
Registered Professional Land Surveyor  
Date: \_\_\_\_\_  
Sworn and subscribed before me this \_\_\_ day of \_\_\_, 20\_\_.

Notary Public

GENERAL NOTES:  
1. OWNER/DEVELOPER:  
Flat Creek Partners, LLC  
2431 Woodridge Drive  
Austin, TX 78703

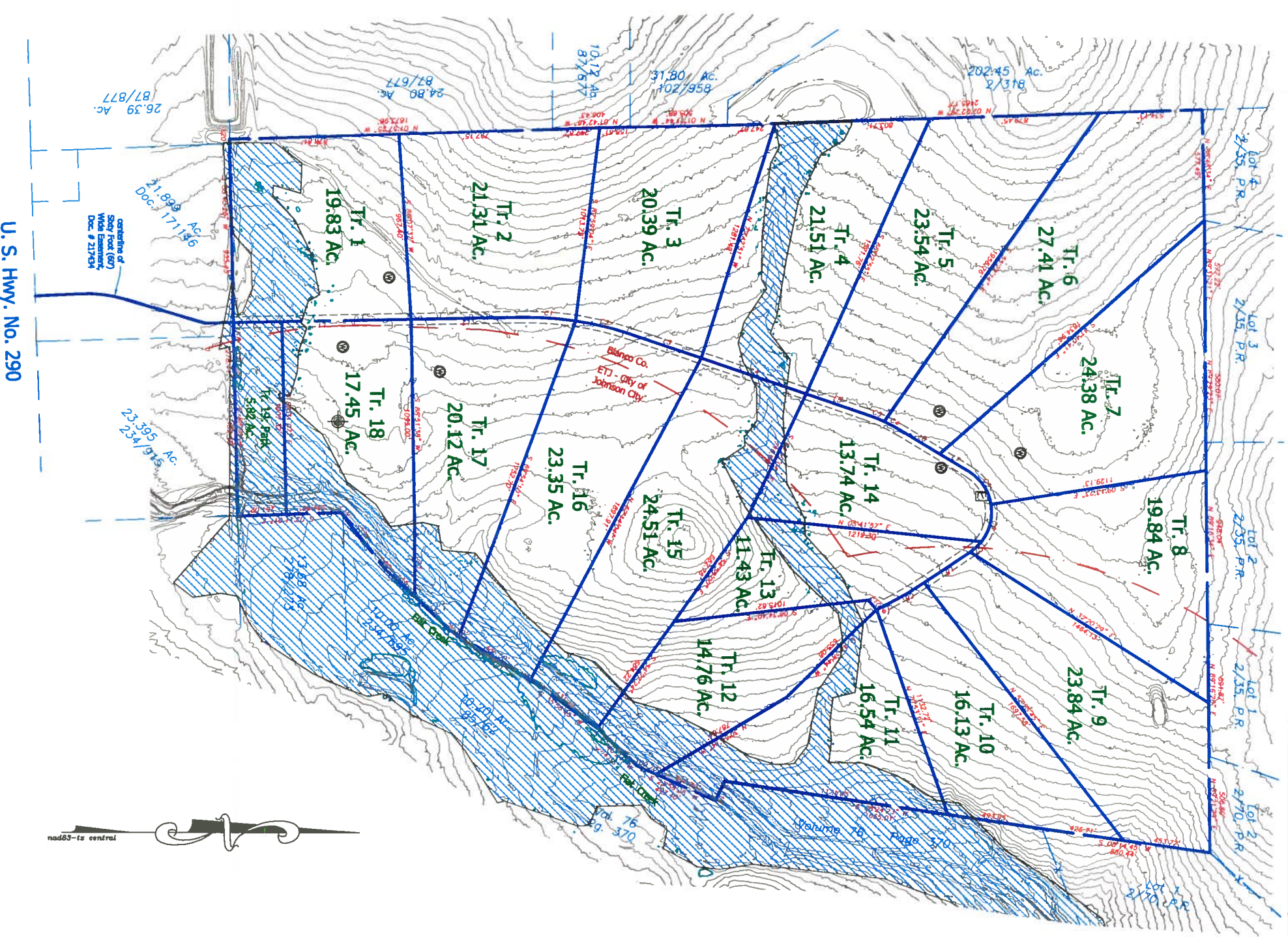
- Total area: 366 acres  
Total acreage: 366 acres  
Average tract size: 19.26 acres  
Tract density: 1 tract per 19.26 acres
- Road length: 6,256 ft.  
Road width: 40 ft.  
Road easement: 8.6 acres  
Roads will be private and be maintained by a HOA (Home Owner's Association).
- Land use: residential/tract. Land use of adjoining tracts is residential/tract/plotted.
- Water service: Each tract will have an individual water well.
- Sewage: Each tract will have an OSSF permitted by Blanco County.
- Roadway signage will comply with Blanco County Rural Addressing specifications/requirements.
- Service providers: electrical: Pedernales Electric Cooperative, Inc. telephone: Verizon
- Commercial waste collection and disposal services are available for this subdivision.

LOCATION MAP  
(NTS)



LINE	BEARING	LENGTH
L1	N 011°23'42" W	808.54'
L2	N 011°23'42" W	808.54'
L3	N 011°23'42" W	808.54'
L4	N 011°23'42" W	808.54'
L5	N 011°23'42" W	808.54'
L6	N 011°23'42" W	808.54'
L7	N 011°23'42" W	808.54'
L8	N 011°23'42" W	808.54'
L9	N 011°23'42" W	808.54'
L10	N 011°23'42" W	808.54'
L11	N 011°23'42" W	808.54'
L12	N 011°23'42" W	808.54'
L13	N 011°23'42" W	808.54'
L14	N 011°23'42" W	808.54'
L15	N 011°23'42" W	808.54'
L16	N 011°23'42" W	808.54'
L17	N 011°23'42" W	808.54'
L18	N 011°23'42" W	808.54'
L19	N 011°23'42" W	808.54'
L20	N 011°23'42" W	808.54'

CURVE	LENGTH	RAIUS	CENTRAL ANGLE	CHORD BEARING	CHORD
C1	288.80'	1864.78'	74.50°	S 07°28'32" W	288.80'
C2	88.21'	898.57'	61.14°	S 21°17'20" W	88.21'
C3	108.44'	898.57'	62°41'55"	S 28°08'31" W	108.44'
C4	218.88'	2920.90'	42°23'58"	S 28°08'31" W	218.88'
C5	292.09'	2920.90'	42°23'58"	S 28°08'31" W	292.09'
C6	292.09'	2920.90'	42°23'58"	S 28°08'31" W	292.09'
C7	292.09'	2920.90'	42°23'58"	S 28°08'31" W	292.09'
C8	198.80'	1864.78'	61.14°	N 27°28'11" W	198.80'



<p>1</p>	<p>5" = 607.713'</p>	<p>THIS DOCUMENT IS RELEASED FOR THE PURPOSE OF RECORDING THE PLAT AND DOES NOT CONSTITUTE A CONTRACT. THE CONTRACT IS THE ORIGINAL SURVEY INSTRUMENT AND THIS DOCUMENT IS A PUBLIC SURVEY INSTRUMENT.</p>	<p>DATE: 2022</p>	<p>241' x 6" 7200</p>	<p>1" = 64.05'</p>	<p>ADDITIONAL SHEETS</p>	<p>PRELIMINARY PLAT OF RANCHES AT LOST DRAW, BLANCO COUNTY, TEXAS, 2022</p>	<p>DATE: 2022</p>	<p>241' x 6" 7200</p>	<p>1" = 64.05'</p>	<p>ADDITIONAL SHEETS</p>	<p>PRELIMINARY PLAT OF RANCHES AT LOST DRAW, BLANCO COUNTY, TEXAS, 2022</p>	<p>DATE: 2022</p>	<p>241' x 6" 7200</p>	<p>1" = 64.05'</p>	<p>ADDITIONAL SHEETS</p>	<p>PRELIMINARY PLAT OF RANCHES AT LOST DRAW, BLANCO COUNTY, TEXAS, 2022</p>	<p>DATE: 2022</p>	<p>241' x 6" 7200</p>	<p>1" = 64.05'</p>	<p>ADDITIONAL SHEETS</p>	<p>PRELIMINARY PLAT OF RANCHES AT LOST DRAW, BLANCO COUNTY, TEXAS, 2022</p>	<p>DATE: 2022</p>	<p>241' x 6" 7200</p>	<p>1" = 64.05'</p>	<p>ADDITIONAL SHEETS</p>	<p>PRELIMINARY PLAT OF RANCHES AT LOST DRAW, BLANCO COUNTY, TEXAS, 2022</p>	<p>DATE: 2022</p>	<p>241' x 6" 7200</p>	<p>1" = 64.05'</p>	<p>ADDITIONAL SHEETS</p>	<p>PRELIMINARY 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TEXAS, 2022</p>	<p>DATE: 2022</p>	<p>241' x 6" 7200</p>	<p>1" = 64.05'</p>	<p>ADDITIONAL SHEETS</p>	<p>PRELIMINARY PLAT OF RANCHES AT LOST DRAW, BLANCO COUNTY, TEXAS, 2022</p>	<p>DATE: 2022</p>	<p>241' x 6" 7200</p>	<p>1" = 64.05'</p>	<p>ADDITIONAL SHEETS</p>	<p>PRELIMINARY PLAT OF RANCHES AT LOST DRAW, BLANCO COUNTY, TEXAS, 2022</p>	<p>DATE: 2022</p>	<p>241' x 6" 7200</p>	<p>1" = 64.05'</p>	<p>ADDITIONAL SHEETS</p>	<p>PRELIMINARY PLAT OF RANCHES AT LOST DRAW, BLANCO COUNTY, TEXAS, 2022</p>	<p>DATE: 2022</p>	<p>241' x 6" 7200</p>	<p>1" = 64.05'</p>	<p>ADDITIONAL SHEETS</p>	<p>PRELIMINARY PLAT OF RANCHES AT LOST DRAW, BLANCO COUNTY, TEXAS, 2022</p>	<p>DATE: 2022</p>	<p>241' x 6" 7200</p>	<p>1" = 64.05'</p>	<p>ADDITIONAL SHEETS</p>	<p>PRELIMINARY PLAT OF RANCHES AT LOST DRAW, BLANCO COUNTY, TEXAS, 2022</p>	<p>DATE: 2022</p>	<p>241' x 6" 7200</p>	<p>1" = 64.05'</p>	<p>ADDITIONAL SHEETS</p>	<p>PRELIMINARY PLAT OF RANCHES AT LOST DRAW, BLANCO COUNTY, TEXAS, 2022</p>	<p>DATE: 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**From:** Eric Vinson <eric.vinson@bureauveritas.com>  
**Sent:** Thursday, October 6, 2022 8:23 AM  
**To:** Odalys C. Johnson PE <ojohnson@quiddity.com>; TXFirePlanReviewMail <txfirereview@bureauveritas.com>  
**Cc:** Rick Schroder <rschroder@johnsoncitytx.org>  
**Subject:** Re: Johnson City - Ranches at Lost Draw Preliminary Plat Review

24' is narrow if on street parking is allowed. My suggestion is to have a minimum of 26' width for the road

**Eric Vinson**

Fire Marshal Services Manager  
Bureau Veritas North America, Inc.

100 E. 15<sup>th</sup> St. Suite 630, Fort Worth, Texas 76102.

P: [877-837-8775](tel:877-837-8775) F: [877-837-8859](tel:877-837-8859).

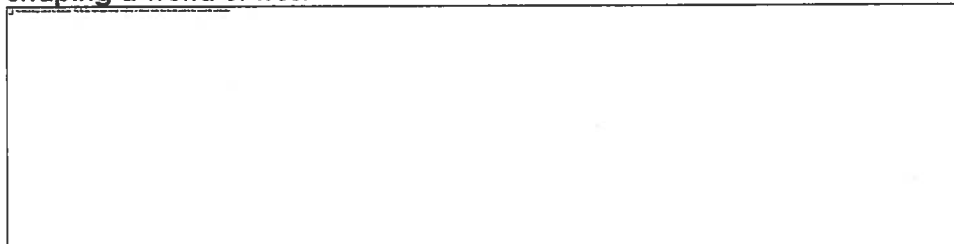
Direct: [817-239-1421](tel:817-239-1421), Office: [972-244-6928](tel:972-244-6928)

[eric.vinson@bureauveritas.com](mailto:eric.vinson@bureauveritas.com)

[www.us.bureauveritas.com](http://www.us.bureauveritas.com)

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**From:** Odalys C. Johnson PE <ojohnson@quiddity.com>  
**Sent:** Wednesday, October 5, 2022 2:46:06 PM  
**To:** Eric Vinson <eric.vinson@bureauveritas.com>; TXFirePlanReviewMail <txfirereview@bureauveritas.com>  
**Cc:** Rick Schroder <rschroder@johnsoncitytx.org>  
**Subject:** RE: Johnson City - Ranches at Lost Draw Preliminary Plat Review

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**Do not open attachments nor click on links, unless you are sure that the content is safe**

Hi Eric,

I am the City Engineer and Rick asked me to reach out to you directly to coordinate the Fire Review. Do you have any concerns about the proposed roadway width (24') or layout shown on the Preliminary Plat?

We look forward to your feedback.

Thank you,



**Odalys C. Johnson PE**  
*Senior Project Manager I*

Email: [ojohnson@quiddity.com](mailto:ojohnson@quiddity.com)  
T: [\(512\) 685-5123](tel:(512)685-5123)

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**From:** Eric Vinson <[eric.vinson@bureauveritas.com](mailto:eric.vinson@bureauveritas.com)>  
**Sent:** Friday, September 30, 2022 4:12 PM  
**To:** Odalys C. Johnson PE <[ojohnson@quiddity.com](mailto:ojohnson@quiddity.com)>; TXFirePlanReviewMail <[txfirereview@bureauveritas.com](mailto:txfirereview@bureauveritas.com)>  
**Cc:** Rick Schroder <[rschroder@johnsoncitytx.org](mailto:rschroder@johnsoncitytx.org)>  
**Subject:** RE: Johnson City - Ranches at Lost Draw Preliminary Plat Review

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In looking over the documents again I find there is not enough detail and information provided to provide you with any comments. If you have a more detailed plan please send it to the City and they can forward the plans and permit application to me for review.

**Eric Vinson**

Fire Marshal Services Manager  
Bureau Veritas North America, Inc.

100 E. 15<sup>th</sup> St. Suite 630, Fort Worth, Texas 76102.  
P: 877-837-8775 F: 877-837-8859.

Direct: 817-239-1421, Office: 972-244-6928  
[eric.vinson@bureauveritas.com](mailto:eric.vinson@bureauveritas.com)  
[www.us.bureauveritas.com](http://www.us.bureauveritas.com)

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**From:** Odalys C. Johnson PE <[ojohnson@quiddity.com](mailto:ojohnson@quiddity.com)>  
**Sent:** Friday, September 30, 2022 10:29 AM  
**To:** Eric Vinson <[eric.vinson@bureauveritas.com](mailto:eric.vinson@bureauveritas.com)>; TXFirePlanReviewMail <[txfirereview@bureauveritas.com](mailto:txfirereview@bureauveritas.com)>  
**Cc:** Rick Schroder <[rschroder@johnsoncitytx.org](mailto:rschroder@johnsoncitytx.org)>  
**Subject:** RE: Johnson City - Ranches at Lost Draw Preliminary Plat Review

**Be careful with this message: It is coming from an external sender**

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Hello Eric,  
Could you please give us an update on this review?

Thank you,





**Odalys C. Johnson PE**  
*Senior Project Manager I*

Email: [ojohnson@quiddity.com](mailto:ojohnson@quiddity.com)  
T: [\(512\) 685-5123](tel:(512)685-5123)

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**From:** Odalys C. Johnson PE  
**Sent:** Monday, August 22, 2022 12:19 PM  
**To:** 'eric.vinson@bureauveritas.com' <[eric.vinson@bureauveritas.com](mailto:eric.vinson@bureauveritas.com)>;  
'TXfirereview@bureauveritas.com.' <[TXfirereview@bureauveritas.com](mailto:TXfirereview@bureauveritas.com).>  
**Cc:** Rick Schroder <[rschroder@johnsoncitytx.org](mailto:rschroder@johnsoncitytx.org)>  
**Subject:** Johnson City - Ranches at Lost Draw Preliminary Plat Review

Hello Eric,  
We have received a preliminary plat application for a large lot residential subdivision in Johnson City's ETJ. Could you please review it for fire access and let us know if you have any comments?  
Attached is the preliminary plat and other applicable documents.

Thank you!

**Odalys C. Johnson PE**  
*Senior Project Manager I*



**QUIDDITY**

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✉ [ojohnson@quiddity.com](mailto:ojohnson@quiddity.com)

☎ [\(512\) 685-5123](tel:(512)685-5123)

📍 3100 Alvin Devane Boulevard, Suite 150, Austin, Texas, 78741

[www.quiddity.com](http://www.quiddity.com)



**§ 10.02.093. Plat application packet requirements.**

- (a) Application information. The following information is required to be submitted with each plat application:
- (1) Proof of land ownership by written verification, such as a notarized statement, deed, title policy, or a power of attorney, that the applicant is the owner of record of the subject land parcel;
  - (2) An original, notarized signature(s) of the property owner(s) of the subject property;
  - (3) Payment in full of the city's nonrefundable application fee(s);
  - (4) Proof of lack of indebtedness on property with:
    - (A) A certificate or other satisfactory evidence from the county appraisal district showing that all taxes have been paid on the subject property and that no delinquent taxes exist against the property; and
    - (B) Documentation showing no delinquent assessments, fees, or other debts or obligations to the city which are directly attributable to the subject property; and
- (b) Plat information. The plat application shall be submitted on a form provided by the city and shall contain the following information:
- (1) A plat drawing designed by an engineer or surveyor in the format and containing the content outlined in this article;
  - (2) Copy of a development agreement pertaining to the subject property, if applicable;
  - (3) Copy of soil test, if applicable;
  - (4) A preliminary drainage study, if applicable;
  - (5) If any amount of surface water is to be used by the subject property, all necessary authorizations from applicable regulatory agencies;
  - (6) If any amount of groundwater is to be used by the subject property, documentation establishing that the appropriate governmental entities have been notified of the project;
  - (7) If the project impacts the Federal Emergency Management Agency (FEMA) regulatory floodplain, documentation demonstrating compliance with the city's flood damage prevention ordinance, as amended;
  - (8) Record of approved variance for the project or that an application for a variance is being submitted;
  - (9) Copy of required permits, if applicable (e.g., driveway permit, Texas

Commission on Environmental Quality (TCEQ) permit, utility provider permit, etc.);

- (10) A traffic impact analysis, if required;
- (11) A summary narrative describing:
  - (A) How the application meets all requirements of city codes, including, but not limited to, landscaping, lighting, parkland dedication, water quality protection, or zoning, as may be relevant;
  - (B) The overall nature and scope of the proposed development, including zoning (if applicable);
  - (C) Existing zoning of the subject property and all adjacent properties if within the city limits;
  - (D) The proposed use(s) and acreage of each proposed use (if applicable);
  - (E) Minimum lot or unit sizes, widths and depths, and number of lots or units to be created;
  - (F) Special amenities or facilities included in the development;
  - (G) How the property will be served with required utilities and services;
  - (H) How stormwater drainage will be handled; and
  - (I) An itemization and description of any variances from provisions of the ordinance.
- (12) If the proposed development will have access points onto a major thoroughfare, a letter from the appropriate entity, such as the Texas Department of Transportation (TxDOT) or the county, acknowledging and approving proposed driveway locations, median openings, and left or right turn lanes;
- (13) Letters of certification from each of the applicable utility service providers, including, but not limited to, the city, natural gas, electricity, and telecommunications/cable providers, verifying their ability and willingness to provide an adequate level of service for the proposed development;
- (14) 911 addressing, as applicable;
- (15) Name of the subdivision, which must not duplicate or be similar to an existing subdivision name;
- (16) Digital copies of all submittal items;
- (17) One 11" x 17" black-and-white reduction of the plat;
- (18) The property- and/or homeowners' association (HOA) deed restrictions and agreements, if applicable; and

(19) Any other reasonable and applicable information and materials deemed appropriate by the city engineer or CAO.

(c) Plat drawing. A required plat drawing shall contain the following:

- (1) Format. All plat drawings and other corresponding plans and drawings shall be on sheets equal to 24" by 36" in size and be drawn to an engineering scale of not smaller than one hundred feet to the inch (1" = 100'). In cases of larger developments which would exceed the dimensions of the sheet at one-hundred-foot (100') scale, plats may be on multiple sheets or to another engineering scale, as approved by the CAO, and in a format acceptable to the county clerk's office.
- (2) Content. The plat drawing shall contain the following information:
  - (A) Boundary lines, abstract/survey lines, corporate and other jurisdictional boundaries, including city limit and ETJ lines, existing or proposed highways and streets (including right-of-way widths), bearings and distances sufficient to locate the exact area proposed for the subdivision, and all survey monuments;
  - (B) The length and bearing of all straight lines, radii, arc lengths, tangent lengths, and central angles of all curves shall be indicated along the lines of each lot or unit (curve and line data may be placed in a table format);
  - (C) Accurate reference ties via courses and distances to at least one recognized abstract or survey corner or existing subdivision corner shall be shown;
  - (D) The area, in acres, of the subdivision;
  - (E) The name and location of a portion of all adjoining subdivisions shall be drawn to the same scale and shown in dotted lines adjacent to the tract proposed for subdivision. The drawing shall be in sufficient detail to show the existing streets and alleys and other features that may influence the layout and development of the proposed subdivisions. Where adjacent land is not subdivided, the owner's name of the adjacent tract shall be shown with the most recently recorded volume and page number from the appropriate county deed records;
  - (F) The angle of intersection of the centerlines of all intersecting streets;
  - (G) The location, dimension, and name of all proposed streets, cul-de-sacs, alleys, easements and ways, and all known rights-of-way and/or easements within or affecting the area to be subdivided. Any easement shall clearly indicate to whom it is dedicated for ownership, operation, and maintenance purposes.
  - (H) All proposed blocks, lots, and zoning setback lines, with principal dimensions;

- (I) A preliminary lot and block analysis indicating, at a minimum, that the square footage or acreage of each proposed lot meets the minimum applicable zoning standards, and the maximum number of lots in the proposed development is not exceeded;
- (J) Scale (including a graphic scale), date, north arrow, and other pertinent informational data;
- (K) Contours with intervals of two feet (2') or less shown for the area, with all elevations on the contour map referenced to sea level datum;
- (L) The limits of any portion of the 100-year floodplain that may be within or adjacent to (i.e., within 100 feet of) the property. Final monumentation [sic] of the floodplain shall occur and shall be shown on the final plat prior to approval and filing at the county. If no floodplain is present, then a note stating this shall be shown on the plat;
- (M) A title block within the plat that shows the title or name under which the proposed subdivision is to be recorded; the name, address, and phone number of the property owner(s); the name, address, and phone number of the licensed engineer or registered professional land surveyor who prepared the plat/plans; the scale of the plat/plans; the date the plat/plan was prepared; and the location of the property according to the abstract or survey records of the county. The subdivision name shall not duplicate (or phonetically replicate) the name of any other platted subdivision in the city, its ETJ, or other surrounding communities in the county; however, phasing identification is allowed to be similar to previous phases of that particular development;
- (N) Sites, if any, to be reserved or dedicated for parks, playgrounds, trails, pedestrian access easements, or other public uses. Any parks, trails, or pedestrian access easements shall be indicated by a legal description (i.e., a lot and block designation) and shall clearly indicate to whom they are dedicated for ownership, operating, and maintenance purposes;
- (O) If applicable, preliminary water and sanitary sewer plans, including a preliminary layout of sanitary sewer and water lines to serve the subdivision, as well as connections or off-site extensions to existing city systems. The water utility plan shall include, but not be limited to, existing/proposed water lines, pipe sizes, valves, lot service lines, easements, fire hydrants, and related appurtenances. The sanitary sewer plan shall include, but not be limited to, existing/proposed gravity lines, pipe sizes, direction of flow, service laterals, manholes, cleanouts, lift stations, force mains, easements, and related appurtenances. Both water and sanitary sewer layouts may be shown on the same drawing;
- (P) If applicable, a preliminary drainage plan showing contours, acreages, runoff, existing/proposed storm drain lines, pipe sizes, direction of flow, inlet locations, headwalls, points of discharge, detention/retention

features, channels, creekways, 100-year floodplain limits, and connections to any existing systems. Locations proposed for drainage discharge from the site shall be shown by directional arrows;

- (Q) If applicable, all physical features of the property, including:
- (i) The location and size of all watercourses;
  - (ii) 100-year floodplain, according to FEMA information;
  - (iii) U.S. Army Corps of Engineers flowage easement requirements;
  - (iv) All critical environmental features (CEFs), such as karsts, springs, sinkholes, caves, etc., to be located and documentation signed and certified by a geologist. All CEFs to have a minimum setback of 150'. All designated wetlands to be certified as such by an accredited wetland biologist relying on the presence of wetlands plant species. A slope map identifying the breakdown of all lands in categories from 0% to 15 slope, 15 to 30 slope, and over 30 slope;
  - (v) Ravines;
  - (vi) Bridges;
  - (vii) Culverts;
  - (viii) Drainage area in acres or area draining into subdivisions; and
  - (ix) Outline of major wooded areas, the location of major or important individual trees, or other wooded features related to tree preservation.
- (R) A designation of the proposed uses of land within the subdivision;
- (S) A vicinity map on a smaller scale showing the proposed subdivision and its relationship to the surrounding area;
- (T) Certificates and other language as follows:
- (i) A statement signed by the property owner(s) and acknowledged before a notary public that the subdivided area is legally owned by the applicant;
  - (ii) An accurate description by bearings and distances (including necessary curve and line data), accurate to the nearest one hundredth of a foot, for all boundary, block, and lot lines, with descriptions correlated to a permanent survey monument;
  - (iii) The registered professional land surveyor's certificate, with a place for his or her signature and notarization of his or her signature; and
  - (iv) Places for the plat approval signature and dates of the mayor, a

majority of the city council, or the CAO, as applicable, and for the city secretary to attest such signature(s).

(v) The appendices to this article contain certificates and language to be used on the plat to accommodate the above requirements.

(U) Any other reasonable and applicable information and materials deemed appropriate by the city engineer or CAO.

(Ordinance 22-0101 adopted 1/4/22)

**§ 10.02.094. Variance.**

- (a) Standards. A request for a change from a requirement of the ordinance shall be submitted as a variance. There shall be a presumption against variances. Grant of a variance is not automatic.
- (b) Submission and review process.
- (1) A request for a variance:
    - (A) Shall be submitted to the city on a form provided by the city; and
    - (B) If submitted at the same time as plat submittal, shall be considered concurrently with the plat application in accordance with the application review process of the ordinance.
  - (2) Neither a public hearing nor public notice is required for a variance request.
- (c) Criteria for approval. Where undue hardship will result from strict compliance with a certain provision of the ordinance, a request for a variance may be approved if:
- (1) A special individual reason makes the strict application of a provision of this article impractical;
  - (2) There are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this article would deprive the applicant of the reasonable use of his land;
  - (3) The applicant will incur specific hardships should the variance not be granted. Pecuniary hardship to the applicant, standing alone, shall not be deemed sufficient to constitute undue hardship;
  - (4) The modification resulting from a variance is in conformity with the intent and purpose of this article;
  - (5) The granting of the variance will not be detrimental to the public's health, safety, or general welfare or be injurious to the property in the area;
  - (6) The granting of the variance will not create the probability of harmful environmental consequences;
  - (7) The variance will not negatively impact traffic conditions; and
  - (8) The granting of the variance will not have the effect of preventing the orderly development of other land in the area in accordance with the provisions of this article.
  - (9) A variance shall not be granted if it would provide the applicant with any special privileges not enjoyed by owners of other similarly situated property with similarly timed development.
  - (10) Conditions for a variance can be imposed where such requirements achieve the



purposes of the ordinance.

- (d) Findings required. On approval of a variance by the city council, findings shall be issued stating that:
- (1) Granting the variance will not be detrimental to the public safety, health, or general welfare, will not be injurious to other property or to the owners of other property, and will not prevent the orderly subdivision of other property in the vicinity;
  - (2) The condition(s) upon which the request for a variance is based is unique to the property for which the variance is sought and is not applicable generally to other property;
  - (3) Because of the particular physical surroundings, shape, and/or topographical conditions of the specific property involved, a particular hardship to the property owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out;
  - (4) The variance will not in any manner vary the provisions of the zoning ordinance, the city's comprehensive land use plan, or any other adopted land plan(s) or ordinance(s) of the city;
  - (5) An alternate design will generally achieve the same result or intent of the standards and regulations prescribed herein; and
  - (6) If applicable, the variance will enable the applicant to preserve more native trees, provide more open space, or ensure more wildlife preservation than would be possible complying with the strict mandates of the ordinance.

(Ordinance 22-0101 adopted 1/4/22)

**§ 10.02.214. Streets.**

(a) Requirement: Compliance with major thoroughfare plan.

- (1) The arrangement, character, extent, width, grade, and location of all streets shall conform to the city major thoroughfare plan, incorporated fully herein as appendix A, and to the manual. Streets shall be considered in their relation to existing and planned streets or driveways, whether within the city, its ETJ, or within adjacent municipal or county areas, to topographical conditions, to public safety, and in their appropriate relation to the proposed uses of the land to be served by such streets.
- (2) For streets that are not shown on the major thoroughfare plan, such as local residential streets, the arrangement of such streets within a subdivision shall:
  - (A) Provide for the continuation or appropriate projection of existing streets from or into surrounding areas;
  - (B) Conform to a plan for the neighborhood, approved by the city council, to meet a particular situation where topographical or other conditions make continuance or conformity to existing streets impractical;
  - (C) Provide for future access, such as by stubbing streets for future extension, to adjacent vacant areas which will likely develop under a similar zoning classification or for a similar type of land use; and
  - (D) Not conflict in any way with existing or proposed driveway openings.

(b) Traffic impact analysis.

- (1) A traffic impact analysis (TIA) is required of a proposed project or plat:
  - (A) Involving a significant change to a proposed roadway alignment from that currently existing;
  - (B) Involving a development of 50 or more dwelling units;
  - (C) For developments generating 500 or more "one-way" trips per day; or
  - (D) For developments involving collector or arterial streets not appearing on the city's major thoroughfare plan.
- (2) If a TIA is required, the applicant shall meet with the city engineer to determine the scope and area for the study prior to beginning work on the TIA.
- (3) The TIA shall be submitted with a preliminary plat application.
- (4) For phased development, a TIA may be required for additional phases or portions of the property as a condition of approval for the proposed plat. In the event that the applicant submits a TIA for an entire phased development project, an updated study may be required for later phases of the development.

(5) The TIA shall conform to industry standards and include, at a minimum, the following:

- (A) Trip generation rates for both a.m. and p.m. peak periods;
- (B) Trip distribution;
- (C) Adequacy determination for existing and proposed street cross sections;
- (D) Intersection level of service analysis;
- (E) Baseline traffic conditions and peak hour operations prior to development which establishes the existing level of service to be maintained; and
- (F) Identification of and timing for proposed transportation improvements.

(6) Effect of adequacy determination. If the TIA indicates an adequacy determination below a level of service "C," as described in the Institute of Transportation Engineers Trip Generation Manual, the proposed development shall be denied unless the developer agrees to one of the following conditions:

- (A) The deferral of building permits until the improvements necessary to upgrade the substandard facilities are constructed. Intersection improvements and traffic-control devices shall be installed in accordance with the TIA;
- (B) A reduction in the density or intensity of development;
- (C) The dedication or construction of improvements to collector and arterial streets and intersections, as necessary, to mitigate traffic impacts generated by the development; or
- (D) Any combination of techniques that would ensure that the development will not occur unless the levels of service for all roadways and intersections within the TIA study are adequate to accommodate the impacts of such development.

(7) A TIA may be waived under the following criteria:

- (A) The city engineer determines that a TIA is not needed due to traffic analyses or studies already completed; or
- (B) Improvements have been constructed or are under construction that will serve and support the new development.

(c) Right-of-way dedication.

(1) For a subdivision adjacent to any existing state-maintained street, road, or highway: right-of-way of 25 feet adjacent to the land being platted shall be dedicated as future right-of-way. No additional pavement shall be required on existing streets where the dedications are required.

- (2) For a subdivision adjacent to a street, road, or highway located on the city major thoroughfare plan: the remainder of one-half of the right-of-way width (shown on the major thoroughfare plan) measuring from the middle of the existing thoroughfare to the adjacent property for future expansion of such street, road, or highway adjacent to the land being platted. The developer shall not be required to construct any portion of the street.
- (d) Deferred construction and escrow. An applicant may, if unusual circumstances exist, such as a timing issue due to pending roadway improvements by another agency, such as TxDOT, that would present undue hardships or that would impede public infrastructure coordination or timing, request to construct the street or thoroughfare at a later date in exchange for deposit of escrow with the city of an amount equal to the costs of construction. The escrowed funds and accrued interest shall be refunded to the applicant after completion and acceptance of the public improvements. In the event that a portion of the cost is borne by the city and the other portion of the cost is borne by another party or governmental authority, the difference between the applicant's actual proportionate cost and the escrowed funds, including accrued interest, if any, shall be refunded after completion and acceptance of the improvements. If money is refunded within six (6) months of deposit, and prior to construction, only the principal will be refunded. Monies returned after this six-month period will be refunded with interest accrued, calculated at one percent (1%) less than the rate of actual earnings.
- (e) Private streets and association requirement.
- (1) A private street is restricted to private use and is not intended for regional or local through-traffic circulation.
- (2) Association requirement. A subdivision developed with private streets or other improvements which are not intended to be dedicated to the city for public use i.e., private recreation facility, landscaped entry features, or other private amenities, shall have a mandatory property owners association or homeowners association (HOA) which includes all property and lots served by the private streets.
- (3) Maintenance. The association shall own and be responsible for the maintenance of private streets and other private common areas.
- (4) Agreement required. A property owners or HOA agreement, i.e., conditions, covenants, and restrictions (deed restrictions), articles of incorporation, and association by-laws, shall be submitted to the city for review and approval with the final plat application.
- (5) Defunct association. The agreement must include provisions to allow the city to assume maintenance of common property, including, but not limited to, private streets and private recreation facilities, due to nonperformance, inaction, or if the association becomes defunct.
- (A) The provisions shall allow use of association funds by the city to recoup

maintenance costs.

- (B) The provisions shall provide that, in the event of insufficient funds, ownership of the private streets, if any, and all other common areas shall be conveyed to the city, and shall provide also for the city to remove any improvements or amenities from these common areas and to sell any buildable land area as residential lots for the city to recoup its costs and expenses for maintenance or demolition of the improvements. Any monies remaining after the city has recovered all of its expenses shall be retained by the city for future maintenance or upgrading of the streets, common areas, if any remain, screening walls, or other improvements within the subdivision. These provisions are not intended to allow the city to profit from assuming the association's responsibilities or funds, but rather to allow the city to recoup its actual incurred expenses such that the general public does not bear these costs.
- (6) Amendments. No portion of the association documents pertaining to the maintenance of private streets and alleys may be amended without the written consent of the city council.
- (7) Filing with county. The agreement and related documents shall be filed of record at the county simultaneously with the final plat.
- (8) Indemnity. The final plat shall contain a notation whereby the property owners association or HOA, as owner of the private streets and improvements, agrees to release, indemnify, defend and hold harmless the city for damages to the private streets occasioned by the reasonable use of the private streets, and for damages and injury, including death, arising from the condition of the private streets, or of use of access gates or cross-arms, or of any use of the subdivision improvement by the city.
- (9) Deed restriction enforcement. The city is not responsible and has no jurisdiction for enforcing protective covenants or deed restrictions imposed by a property owners or homeowners association.
- (10) Dissolution. The association may not be dissolved without the prior written consent of the city council.
- (11) Roads or streets that are shown on the major thoroughfare plan, such as highways, major or minor thoroughfares, arterials, or collectors, shall not be used, maintained, or constructed as private streets.
- (12) A private street subdivision shall not cross or interfere with an existing or future collector or arterial street or with public access to or enjoyment of an existing or future public pedestrian pathway, hike and bike trail, greenbelt, park, or wildlife preserve, as already dedicated for public use.
- (13) A private street subdivision shall provide a minimum of eighty feet (80') of access frontage on a public collector or arterial street for subdivision entrances in order to accommodate a median-divided entrance with appropriate vehicle

stacking, queuing, and turnaround area.

- (14) Public utilities, drainage facilities, streetlights, and traffic-control devices, such as traffic signs, placed within the private street lot shall be designed and constructed to city standards. All private traffic-control devices and regulatory signs shall conform to the "Texas Manual of Uniform Traffic-Control Devices," as amended, and to city standards.

(f) Street names; addresses.

- (1) New streets shall be named to provide continuity of street names and to prevent conflict or confusion with existing street names in the city, its ETJ, or in a neighboring jurisdiction.
- (2) New street names shall not duplicate existing street names either literally or in a subtle manner; shall not be so similar as to cause confusion between names; shall not sound like existing street names when spoken; and shall not be too difficult to pronounce, have undesirable meanings or connotations, or create language translation problems.
- (3) Surnames of people or the names of corporations or businesses shall not be used as street names, unless approved by the city council.
- (4) New streets which extend existing streets shall bear the names of the existing streets. Streets crossing thoroughfares or other roadways shall bear the same name on both sides of the thoroughfare, wherever practical.
- (5) A letter of approval of the street name(s) and addressing scheme from the city must be submitted by the applicant with the preliminary plat application. The names shall become fixed at the time of approval of the preliminary plat and shall be shown on the final plat.

(Ordinance 22-0101 adopted 1/4/22)