
DEPARTMENT MEMO

DEPARTMENT: Development Services
FROM: Tony McIlwain
MEETING: April 18, 2022

SUBJECT

Ordinance Amendments to Code of Ordinances Appendix A – Subdivision and Development (Case 21-099): Consider approval of an ordinance amending the Burleson Code of Ordinances as found in Appendix A (Subdivision and Development), Article 1 (General Provisions), Article 2 (Platting Policies), Article 3 (Plat Requirements), Article 4 (Community Facilities Policy), and Article 9 (Appendices - Community Facilities Contract) for the purpose of modifying platting approval authority, modifying the final plat and replat policies, designating the planning and zoning commission as the approval body for final plats and replats within the city limits, and amending the form community facilities contract. (First Reading) (Staff Presenter: Tony McIlwain, Director of Development Services) (The Planning and Zoning Commission recommended approval unanimously)

SUMMARY:

On August 2, 2021, City staff was directed by City Council to modify the platting approval process to designate the Planning and Zoning Commission as the approval body for preliminary, final, and replats. The purpose of the changes to the Subdivision and Development regulations is to allow for the platting approval process to be completed at the Planning and Zoning Commission level; resulting in time savings for the applicants by eliminating the need for preliminary plats, replats, or final plats to go to City Council for final approval, within the City limits.

This process will not eliminate any other review related to Engineering. The platting process will still be required to satisfy platting policies and continue to be in compliance with HB 3167 30-day shot clock.

In addition to the modification of the platting approval process, the language related to exemptions of a preliminary plat; in certain situations, has been modified to clarify current standards and remove references to a combination plat process that no longer exists within the Subdivision and Development Regulations.

Legal counsel has provided staff with an updated community facilities policy and contract (CFC). The updated community facilities policy is attached as Exhibit A and the updated CFC is attached as Exhibit B. The current CFC is a third-party contract between the City, Developer, and Contractor. Staff proposed to modify the current CFC from a three-party contract to a two-party contract involving only the City and developer. The revised CFC removes any reference to the contractor and revises the requirements and responsibilities of the developer. The CFC is also the mechanism used for city participation reimbursement to the developer. With the current three-party CFC, if there is an amendment to the participation terms, the contractor has to agree to the amendment. This can create confusion and potential issue if the contractor refuses to sign the amended CFC if all proposed field work has been completed. Revising the

current CFC to a two-party contract will remove the need for the contractor's involvement in any subsequent amendments.

OPTIONS:

1. Recommend approval of an ordinance for text amendments to Section 2.6 of Article 2 - Platting Policies, and Sections 3.2, 3.3, and 3.6 of Article 3- Plat Requirements, and Section 9.1 of Article 9 - Community facilities contract, of Appendix A – Subdivision and Development (Case 21-099).
2. Recommend approval of an ordinance for text amendments to Section 2.6 of Article Platting Policies, and Sections 3.2, 3.3, and 3.6 of Article 3- Plat Requirements, and Section 9.1 of Article 9 - Community facilities contract, of Appendix A – Subdivision and Development (Case 21-099) with additional or different recommendations; or
3. Recommend denial of an ordinance for text amendments to Section 2.6 of Article 2 - Platting Policies, and Sections 3.2, 3.3, and 3.6 of Article 3- Plat Requirements, and Section 9.1 of Article 9 - Community facilities contract, of Appendix A – Subdivision and Development (Case 21-099).

RECOMMENDATION:

Approval of an ordinance for text amendments to Section 2.6 of Article 2 - Platting Policies, and Sections 3.2, 3.3, and 3.6 of Article 3- Plat Requirements, and Section 9.1 of Article 9 - Community facilities contract, of Appendix A – Subdivision and Development (Case 21-099).

PRIOR ACTION/INPUT (Council, Boards, Citizens):

March 22, 2022 - The Planning and Zoning Commission recommended approval of Case 21-099 unanimously.

September 14, 2021 - The Planning and Zoning Commission recommended approval of Case 21-099 unanimously.

August 8, 2021 – Staff presented options related to the platting process for City Council's input and direction related to the approval process for plats within the City limits.

PUBLIC NOTIFICATION:

Notice was published in the newspaper in accordance with City ordinances and State law. At this time staff has received no inquiries regarding this case.

FISCAL IMPACT:

None.

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