



It's real.

MEMORANDUM

To: City of Seguin Mayor and Council

From: Pamela Centeno, Director of Planning & Codes and Andy Quittner, City Attorney

Date: July 30, 2019

Re: Resolution authorizing a pause on accepting plat applications and the accompanying documents under the Local Government Code Chapter 212, Subchapter A

Currently the review and approval process for Preliminary Plats, which includes engineering issues, park issues, TxDOT coordination and other related matters takes approximately 90 days from the submittal of the plat to the approval from the Planning and Zoning Commission. This includes the review period in which comments noting deficiencies in the plat documents are returned to the Developer, or, in most cases, the representative engineer, for corrections. Once the plat documents are re-submitted, which can take many weeks, City staff reviews the returned documents to make sure all deficiencies are addressed. City staff continues through this process until all comments are addressed and the plat meets all applicable regulations. External agencies including TxDOT, GVEC, and Springs Hill review the plat during this time as well, which can extend the review timeline further. The review and approval process for Final Plats, which includes review of the Public Improvements Construction Plans, follows the same basic steps and can take 60-90 days from submittal to approval.

Generally, State law has required that City review and approval of a plat take 30 days or less. However, the requirement from the State does not take into account the evolution of subdivision platting documents and the concurrent reviews of public improvement construction plans. The review of multiple documents including paving construction plans, drainage plans, and traffic plans occur concurrently when a plat is submitted, significantly increasing the staff review time necessary to ensure adequate public services and facilities are created for new developments. To remedy the additional review time needed, developers sign a waiver of the 30-day time period. The waiver allows the City to work with a developer and their representative engineers on compliance with local regulations prior to taking the plat to the Planning Commission for action. Otherwise, if a plat contains deficiencies the plat will be denied by the Planning Commission. Following a denial, the plat must start the process again with a new submittal and new review fees.

The 2019 Texas Legislature passed House Bill 3167, wherein they greatly limited the timing for plat review and decision. The new law requires that the Planning Commission approve or disapprove a plat within 30 days of filing. If this is not done, then the plat is automatically approved and the City must sign the plat, no matter how poorly it was developed. If not approved, then the disapproval must be specific and complete with cites to the law and ordinances not met. The disapproval is a one shot affair, if something is missed, you can't pick it up on subsequent review. The developer then must address the reasons for disapproval and resubmit to the City. When this is done the City has only 15 days to have the Planning Commission approve or disapprove the submittal. The new laws passed also specifically prohibit a city from requesting a waiver of the time period.

Absent a larger staff and a Planning Commission that meets twice a month, and considering the recent influx of plat applications submitted, this process is unworkable. The result will be rushed reviews that could ultimately create inadequate developments within the community that have negative impacts on existing developments. While the City of Seguin supports growth and desires strong relationships with developers and builders, there is a responsibility to protect and promote the public health, safety, general welfare and quality of life of the present and future citizens of Seguin. City staff needs time to draft changes to the City's regulations in order to meet the new State laws. City staff is proposing to create a new process limiting the days applications and resubmittals can be accepted in coordination with scheduled Planning Commission meetings. Staff is also proposing the decoupling of current development reviews (engineering, utilities, traffic, parks, etc.) that are not part of the platting process so that those items can be reviewed separately and prior to the acceptance of a plat application. Staff is recommending a temporary pause on the acceptance of plat applications and the required accompanying development documents while the amendments to the City's regulations are drafted. The pause would be effective through the last day of September 2019.