



**17PL1082**  
**Aruba P.U.D. (Final Plat)**

**Appeal from a Staff Determination  
of Plat Expiration**

Planning Commission Presentation  
June 13, 2018



# Aerial Overview



North





# Aerial Overview



North





# Timeline

Event	Date
Application Received	7/26/2017
Technical Review Committee (TRC) Meeting Date	8/3/2017
Hurricane Harvey makes landfall along Texas coast	8/25 & 8/26/2017
Planning Commission Plat Approval Date	9/20/2017
Letter sent to applicant and consultant, informing of 6-month Expiration Date of Approved Plat on 3/20/2018	9/25/2017
6-Month Expiration Date of Approved Plat <sup>(1)</sup>  This is the deadline to satisfy <u>ONE</u> of the following:  (i) have improvements <sup>(2)</sup> in place, and record the plat, <u>OR</u> ; (ii) initiate construction of improvements and have substantial progress continue; <u>OR</u> (iii) provide a financial guarantee to the City for improvements construction).	3/20/2018
Applicant's Consultant Communicates with City Staff about Determination that Plat Expired as a Result of Insufficient Progress	4/19/2018
Applicant Submits Request for Extension of Plat Expiration Deadline to City Manager	5/11/2018
Applicant Submits Request for Appeal of Staff Determination of Plat Expiration	5/17/2018
Deadline to File Appeal of Staff Determination of Plat Expiration	5/19/2018



## UDC 3.8.5.F. Expiration

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### **3.8.5.F. Expiration**

If improvements are not in place or construction initiated on said improvements within six months of such plat approval, the final plat will expire, unless the improvements are secured by a developer's financial guarantee. A final plat shall not expire if construction has been initiated and substantial progress continues toward completion of the improvements. A determination that a plat has expired as a result of insufficient progress may be appealed to the Planning Commission within 30 days of notification that the plat has expired. An expired plat must be resubmitted to Development Services for processing as a new plat. The applicant may submit a written request for a time extension of six months. Such request shall be submitted no later than five business days prior to the last scheduled meeting of the Planning Commission immediately prior to the date of the expiration of said plat. The fee for processing such request is published in the Development Services fee schedule, set forth in Chapter 14 of the Municipal Code.



# Staff Findings

UDC 3.8.5.F	Staff Finding
1. If improvements are not in place, or construction initiated, within 6 months of plat approval, the final plat shall expire, unless the improvements are secured by a developer's financial guarantee.	<ul style="list-style-type: none"><li>- No improvements in place</li><li>- No initiation of construction</li><li>- No complete construction plans submitted</li><li>- No financial guarantee</li></ul>
2. No expiration if construction initiated, and substantial progress continues	<ul style="list-style-type: none"><li>- No initiation, no substantial progress</li></ul>
3. Determination of expiration from insufficient progress may be appealed within 30 days of notification of expiration	<ul style="list-style-type: none"><li>+ Appeal was timely submitted</li></ul>
4. An expired plat must be resubmitted as a new plat	<ul style="list-style-type: none"><li>- Applicant must submit a new plat</li></ul>
5. Applicant may submit extension of six months, but no later than 5 business days prior to the last scheduled meeting of the Planning Commission, immediately prior to the date of the expiration.	<ul style="list-style-type: none"><li>- Plat expired <u>Tuesday, March 20, 2018</u>. The last scheduled meeting of the Planning Commission prior to this date was <u>Wednesday, March 7, 2018</u>. A request for time extension was required to be submitted by <u>Wednesday, February 28, 2018</u>. No request for time extension was filed by that date.</li></ul>



# Staff Recommendation

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- Denial of the appeal of determination of expiration
- Denial of the extension of plat expiration date
- Require resubmittal of the expired plat for processing as a new plat.