



## MEMORANDUM

**TO:** Carol Holloway, Chair and Planning Commission Members  
Galveston City Council

**FROM:** Catherine Gorman, AICP  
Assistant Director/HPO  
Development Services Department

**DATE:** July 11, 2019

**RE:** Land Development Regulation - State Law Mandated Changes

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Staff has compiled a list of changes that need to be made to the Land Development Regulations (LDR) in order to comply with recently adopted state laws. The LDR amendments will be reviewed at the August 6, 2019 Planning Commission meeting. While most of the changes are mandated by state law, there is one policy decision to be made regarding platting and the public hearing process.

**Current Situation:**

Currently, the staff can administratively approve a minor plat, the subdivision of property, if the following conditions are met:

1. No more than four lots;
2. Fronting on an existing street;
3. No creation of new street;
4. All lots are served by existing municipal facilities (water, sewer, drainage, etc.); and
5. No increase in density in the R-0 and R-1 zoning districts.

All other plats are reviewed by the Planning Commission and require notification of property owners within 200 feet and a public hearing. In 2018 the following plats were reviewed:

- Administrative minor plats: 52
- Planning Commission minor plats: 8
- Planning Commission preliminary and final plats: 6

**State Law Change:**

H.B. 3314 removed the public hearing requirement for minor plats unless a subdivision variance is required. The only minor plat that currently requires a public hearing is a plat that results in the increase in density in an R-0 or R-1 zoning district (ex: from one lot to two lots). In 2018, the Planning Commission reviewed eight such requests. In lieu of the public hearing, H.B. 3314 establishes a new notification requirement, in which, after the minor plat is approved, staff notifies the property owners within 200 feet. The notice is to include information regarding the outcome and staff contact.



**Policy Decision:**

The removal of the public hearing process is optional. Cities may retain the current process. The role of the Planning Commission in plat reviews is defined by state law and it is ministerial in nature. If the plat meets all of the subdivision requirements than it must be approved. The Planning Commission can only deny a plat if it is found to be in non-conformance with the Comprehensive Plan. Because this role is so tightly defined, the current notification and public hearing process can be frustrating for surrounding property owners. They can attend the public hearing and express their concerns about the proposal, but, ultimately, the plat must be approved. However, staff anticipates that property owners will find notification after approval equally frustrating. The timeframe for an administrative minor plat is two to three weeks. While the timeframe for a Planning Commission minor plat is four weeks.

The choices are:

1. Retain the current notification and public hearing process.
2. Eliminate the current notification and public hearing process and notify surrounding property owners after the plat has been approved.

**City Council:**

Staff will be briefing City Council on this issue at the July 25, 2019 Workshop. We are seeking a recommendation from Planning Commission to relay to the Council at that time.