



AGENDA MEMORANDUM

Public Hearing and First Reading Ordinance for the City Council Meeting of February 25, 2014
Second Reading Ordinance for the City Council Meeting of March 18, 2014

DATE: January 29, 2014

TO: Ronald L. Olson, City Manager

FROM: Mark E. Van Vleck, P.E., Director, Development Services Department
MarkVV@cctexas.com
(361) 826-3246

**Wastewater Lot/Acreage Fee Exemption
by Bass & Welsh Engineering, representative, for developer
of King Estates Unit 4**

CAPTION:

Ordinance exempting King Estates Unit 4, a subdivision located south of South Staples Street (FM 2444) at the intersection of South Staples Street (FM 2444) and Oso Parkway South, from payment of the wastewater lot/acreage fees pursuant to Section 8.5.2.G.1. of the Unified Development Code; requiring the owner/developer to comply with the specified conditions.

PURPOSE:

The purpose of this item is to exempt the proposed subdivision from the required wastewater lot/acreage fees because public wastewater facilities will not be available within the next 15 years.

RECOMMENDATION:

Planning Commission and Staff Recommendation (January 29, 2014): Approval of the wastewater lot/acreage fee exemption for King Estates Unit 4 subject to a Sanitary Sewer Connection Agreement.

BACKGROUND AND FINDINGS:

On behalf of the MPM Development, LLC, Bass & Welsh Engineering is requesting the City to waive the wastewater lot/acreage fees for King Estates Unit 4 by providing an exemption for this area. The subject property is located south of the Oso Creek in an area known as the Laureles Corridor. Currently, this area does not currently have wastewater services available. A Master Plan was proposed for this area but was never

adopted. In order to provide wastewater services to the subject property, it will require construction of several wastewater lift stations and force mains to connect to the Greenwood Wastewater Treatment Facility. It is Staff's opinion that wastewater facilities will not be available within the next 15 years.

Section 8.5.2.G.1. of the Unified Development Code (UDC) outlines the exemption of payment of wastewater lot or acreage fees if the land for which the fees are required lies within an area exempted by City Council for the payment of such fees. Exempted areas are determined by City Council, and generally are those areas not likely to be served by City wastewater services within the next fifteen (15) years.

This section also provides that owners of property for which an acreage fee has been paid may receive a refund if, after 10 years, but not more than 20 years from the date of the filing of the plat, the owners of 50 percent of the property petition City Council for a hearing to determine whether the fees should be refunded. A refund may be made if City Council finds that, among other things, the property is not likely to receive services within another 5 years.

ALTERNATIVES:

1. Deny requested exemption and require payment of wastewater lot/acreage fees.

OTHER CONSIDERATIONS:

Not Applicable

CONFORMITY TO CITY POLICY:

The requested exemption is consistent with the UDC.

EMERGENCY / NON-EMERGENCY:

Non-Emergency

DEPARTMENTAL CLEARANCES:

Planning Commission

FINANCIAL IMPACT:

Operating Revenue Capital Not applicable

| Fiscal Year: 2013-2014 | Project to Date Expenditures (CIP only) | Current Year | Future Years | TOTALS |
|-------------------------------|--|---------------------|---------------------|---------------|
| Line Item Budget | | | | |
| Encumbered / Expended Amount | | | | |
| This item | | | | |
| BALANCE | | | | |

Fund(s):

Comments: None

LIST OF SUPPORTING DOCUMENTS:

Location Map
 Ordinance
 Sanitary Sewer Connection Agreement