



AGENDA MEMORANDUM

City Council Meeting of June 18, 2024

DATE: May 15, 2024

TO: Al Raymond, AIA, Director of Development Services

FROM: Bria A. Whitmire, PE, CFM, CPM, ENV SP, Development Services Engineer
BriaW@cctexas.com
(361) 826-3268

22PL1186 London Ranch Estates

Request for a Waiver of the Wastewater Lot/Acreage Fee Requirement
in Sections 8.5.2.G. of the Unified Development Code

BACKGROUND

Mitchell Carrillo, PE, on behalf of property owners Linda and John Mikulencak, submitted a request for a waiver (Exhibit C) of the plat requirement to pay Wastewater Trust Fund fees associated with plat recordation. Section 8.5.2.G states that City Council, with the advice of Planning Commission, may exempt a tract of land from the wastewater lot/acreage fees, provided the area is not likely to be served with wastewater services within the next 15 years. The applicable fees are approximately \$50,384.98. On-site sewage facilities (septic systems), in conformance with City-County Health Department is proposed with the development on the property. A waiver for wastewater construction was submitted concurrently. On May 17, 2024, Planning Commission approved the waiver for wastewater construction, however a tie vote resulted in no recommendation on the waiver request of the wastewater lot/acreage fee.

The subject property shown as Exhibit A, known as the proposed London Ranch Estates, is near the London area on County Road (CR) 22, between CR's 51 and 49. The Planning Commission conditionally approved the final plat for London Ranch Estates, 22PL1186, in February 2023. The property is an 87.076-acre portion of a 169.367-acre tract in the north half of Section 11 in the Laureles Farm Tracts, previously platted and approved by Nueces County Commissioners in 1914. London Ranch Estates is zoned RS-22 (Single-Family 22) and proposes 108 buildable lots. The City of Corpus Christi annexed this area, including a portion of County Road 22, in December of 2023.

STAFF ANALYSIS AND FINDINGS

Wastewater trust fund fees are a platting requirement as per UDC 8.5.2 with the purpose of collecting fees being outlined in UDC 8.5.2.A.:

1. "To encourage the orderly development of subdivisions within and surrounding the City;
2. To establish an equitable system of spreading the cost of wastewater line extensions required for development pursuant to the Wastewater Master Plan;
3. To establish an equitable system that can be affected by the establishment of trust funds to be administered by the City for the purpose of carrying out orderly wastewater line extensions; and

4. To establish a system of credits and reimbursements for developer-installed wastewater line extensions meeting the Wastewater Master Plan when the developer is a non-taxing entity that is contributing acreage or lot fees under this Unified Development Code. Wastewater infrastructure funded by Tax Increment Financing, Special Assessment District, or other public financing is ineligible for wastewater trust fund reimbursement, unless approved by City Council.”

UDC 8.5.2.G.: *Exemptions* states that wastewater trust fund fees may be exempted in areas determined to not likely to be served by City wastewater services within the next 15 years, separated procedurally by the amount of fees to be exempted:

- The Director of Development Services may make such determination when the fees of the area being exempted are \$50,000 or less.
- Planning Commission shall make its recommendation to the City Council, which shall make the final determination whenever the fees of the area being exempted are more than \$50,000.

The fees for this plat surpass \$50,000, so the fee waiver exemption process is as follows:

“City Council, with the advice of the Assistant City Manager of Development Services and the Planning Commission, may make such determinations.”

Although the UDC does not explicitly state what criteria should be considered to determine if the area is or is not likely to be served, the following planning analyses are applicable:

- Future Land Use
- Plan CC Comprehensive Plan
- Area Development Plans
- Master Plans

These items have been summarized in the Zoning Report 1023-02 presented with the annexation of London Ranch Estates. Portions of the report have been included in Exhibit D.

Historically, the City of Corpus Christi has continued to annex land near the London area (Exhibit F). London Ranch Estates is immediately outside of the London Area Development Plan (ADP), so an urban planning analysis of the area is not currently included in London ADP. As a result, all land usage is listed as undesignated.

Recently adopted Master Plans incorporate the Area Development Plans into their master planning of city utilities. Although it is probable that imminently annexed land outside of the London Area was *not* considered for the Wastewater Master plans, Pape Dawson still identifies the London area as requiring significant infrastructure updates based on the neighboring area, including a trunk line, as shown on Exhibit H.

The need for a waiver is to be demonstrated to the Planning Commission’s satisfaction. Per UDC 3.8.3.D., the waiver may be approved, approved with conditions, or denied after consideration of

the following factors:

1. The granting of the waiver shall not be detrimental to the public health, safety or general welfare, or be injurious to other property in the area, or to the City in administering this Unified Development Code;
2. The conditions that create the need for the waiver shall not generally apply to other property in the vicinity.
3. Application of a provision of this Unified Development Code will render subdivision of land unfeasible; or
4. The granting of the waiver would not substantially conflict with the Comprehensive Plan and the purposes of this Unified Development Code.

During the Capital Improvement process, including building or reimbursing wastewater infrastructure construction to service the London area, failing to collect funds from an area that would be served by city wastewater services may be considered adverse to the city's finances. It is not conclusive if the granting of the waiver will be injurious to the City, however, it would be contradictory to the purposes listed in 8.5.2.A.

Should a property owner believe fees were paid under the conditions applicable in UDC 8.5.2.G.: *Exemptions*, a refund may be considered by City Council after ten years (but no more than twenty years) of filing the plat if:

1. The petitioners are the property owners of lots for which a wastewater lot or acreage fee has been paid;
2. No wastewater lines serve the petitioners' property from the City's wastewater system, from another governmental entity, or from existing wastewater control districts, or authorities which provide for the collection or treatment of sanitary sewage; and
3. The property is not likely to be served with such wastewater lines within five years.

Staff Findings on Waiver of the Wastewater Lot/Acreage Fee Requirement

Developments in the surrounding area, including but not limited to, Charlotte Estates and Gemini Acres, are also served by septic systems, lessening the likelihood of a trunk line being constructed in the next 15 years.

Furthermore, London Ranch Estates has not requested reimbursement from the trust funds, water nor wastewater, where these lot/acreage fees are deposited. London Ranch Estates extended water service to the area by constructing approximately 1.45 miles of 8" waterline, and are subject to the water lot/acreage fees, \$23,343.32, to be paid prior to plat recordation.

STAFF RECOMMENDATION

Staff recommends **approval** of the request for waiver of wastewater infrastructure fees per Section 8.5.2.G.

City Council may choose to follow or decline staff's recommendation and move to approve, approve with conditions, or deny the waiver request.

LIST OF SUPPORTING DOCUMENTS:

Exhibit A – Final Plat of London Ranch Estates (*Conditionally Approved February 2023*)

Exhibit B – Waiver Request Application

Exhibit C – Waiver Letter Request

**FINAL PLAT OF
LONDON RANCH ESTATES**

A 87.076 ACRE TRACT BEING OUT OF A 169.367 ACRE TRACT SURVEYED BY BRISTER SURVEYING AS DESCRIBED IN A DEED RECORDED IN DOCUMENT NO. 202004490, REAL PROPERTY RECORDS OF NUECES COUNTY, TEXAS, SAID 169.367 ACRE TRACT BEING OUT OF A 177.66 ACRE TRACT AS DESCRIBED IN A DEED RECORDED IN DOCUMENT NO. 200701096, DEED RECORDS NUECES COUNTY, TEXAS, SAID 169.367 ACRE TRACT ALSO BEING A PORTION OF A 153.23 ACRE TRACT AS DESCRIBED IN A DEED RECORDED IN DOCUMENT NO. 199035420, OFFICIAL RECORDS NUECES COUNTY, TEXAS, SAID 169.367 ACRE TRACT ALSO BEING OUT OF THE NORTH HALF OF SECTION 11 "LAURELES FARM TRACTS" AS SHOWN ON A PLAT RECORDED IN VOLUME 3, PAGE 15, MAP RECORDS NUECES COUNTY, TEXAS.

SECTION 12 LAURELES FARM TRACTS VOL. 3, PG. 15 M.R.N.C.T.

SECTION 1 LAURELES FARM TRACTS VOL. 3, PG. 15 M.R.N.C.T.

COUNTY ROAD 51 40' RIGHT OF WAY

COUNTY ROAD 22 40' RIGHT OF WAY

FUTURE COUNTY ROAD RIGHT OF WAY VARIATION

TRACT 2 CL LEHMAN ENTERPRISES, LLC DOC. NO. 2010016415 O.R.N.C.T.

13.32 ACRES HOUSTON PIPE LINE COMPANY DOC. NO. 918681 O.R.N.C.T.

89.9 ACRES JULIUS J. ZDANSKY DOC. NO. C-4988-2 W.R.N.C.T.

80.09 ACRES SUPERIOR H & I DEVELOPMENT, L.L.C. DOC. NO. 202100174 O.P.R.N.C.T.

312.90 ACRES MMP DEVELOPMENT, L.P. DOC. NO. 2020022145 O.R.N.C.T.

317.18 ACRES RODDFIELD & HOLLY, LLC DOC. NO. 201038582 O.F.R.N.C.T.

NOTE: WEST PROPERTY BOUNDARY IS APPROXIMATELY 1/80TH FROM THE WEST BOUNDARY OF FEMA FLOOD PANEL 4835SC 0515G

BENCHMARK NO. 1 LAT = N27° 40' 24.5" LONG = W97° 29' 45.86" ELEV = 37.24'

BENCHMARK NO. 2 LAT = N27° 40' 24.5" LONG = W97° 29' 45.86" ELEV = 36.92'

TYPICAL LOT YARD REQUIREMENT 25' Y.R., 20' U.I., & 5' E.E. ARE GRANTED ALONG THE FRONT LINES OF EACH LOT R.O.W. & A 10' Y.R. ALONG THE SIDES & BACK OF LOT LINES

STREET R.O.W. 25' Y.R. 10' Y.R. TYPICAL LOT

LEGEND:

- = FOUND 5/8" RE-BAR
- = FOUND COTTON SPINDLE
- = SET 5/8" RE-BAR

DATE OF MAP: 19 DECEMBER 2022

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Waiver Request Application



2406 Leopard St. Corpus Christi, TX 78408 | Phone: 361.826.3240 | Fax: 361.826.4375 | platapplication@cctexas.com

Date: 01/24/24

Property Information

Owner/Entity: LM&JM Investments, LLC

Address: P.O. Box 270245

City: Corpus Christi State: TX Zip Code: 78427

Phone No.: 361-215-0661 E-mail: mikulencak9@aol.com

Associated with a Plat: ☒ Y ☐ N Plat Name: 22PL1186

Previous Waiver requested? ☐ Y ☒ N

Check if Applicable	Condition	Items Required to be Submitted with fee
<input type="checkbox"/>	Right-of-way, street design, and/ or street construction requests	<ul style="list-style-type: none"> •Letter of request for waiver(s) with rationale for request •Alternative street section/ or construction illustration
<input type="checkbox"/>	Sidewalk/mobility facilities	<ul style="list-style-type: none"> •Letter of request for waiver(s) with rationale for request •Alternative sidewalk/mobility facility section/construction illustration, if applicable
<input type="checkbox"/>	Half Street Construction Requests	<ul style="list-style-type: none"> •Letter of request for waiver(s) with rationale for waiver •Half street section illustration •Probable cost estimate if requesting cash in lieu
<input checked="" type="checkbox"/>	Wastewater Construction Waiver	<ul style="list-style-type: none"> •Letter of request with rationale for waiver •Wastewater report outlining request for wastewater construction waiver with illustration and probable costs of required installation •Layout from property to access point showing City Master planned network
<input checked="" type="checkbox"/>	Wastewater Fee Exemption Request accompanies Wastewater Construction Waiver request - A separate application fee will be charged for this request.	<ul style="list-style-type: none"> •Letter of request stating fee to be exempt •With wastewater Fee Exemption request submit signed Sanitary Sewer Connection agreement contract to: contractsandagreements@cctexas.com (only for a FEE EXEMPTION request over \$50,000)


 Applicant's Signature
<https://www.cctexas.com/sites/default/files/FY-2023-Development-Fee-Schedule.pdf.pdf>

ENGINEER

Title



Waiver Request Application



2406 Leopard St. Corpus Christi, TX 78408 | Phone: 361.826.3240 | Fax: 361.826.4375 | platapplication@cctexas.com

Submit Waiver application to platapplication@cctexas.com

Waiver requests should accompany the application for Preliminary Plats and Replats. A waiver of subdivision standards in Article 8 may be requested in writing by the submission of a waiver letter that specifically states each Code provision from which a waiver is requested and the reasons for the request. By submission with the preliminary plat application, the waivers and preliminary plat can be reviewed in context and together. Justification for waivers shall be submitted with the plat application and the need for the waiver demonstrated to the Planning Commission's satisfaction. The waiver may be approved, approved with conditions, or denied after consideration of the following factors:

1. The granting of the waiver shall not be detrimental to the public health, safety, or general welfare, or be injurious to other property in the area, or to the City in administering this Unified Development Code;
2. The conditions that create the need for the waiver shall not generally apply to other property in the vicinity;
3. Application of a provision of this Unified Development Code will render subdivision land unfeasible; or
4. The granting of the waiver would not substantially conflict with the Comprehensive Plan and the purposes of this Unified Development Code.

(UDC Section 3.8.3D Waivers)

Half Street Construction Requests

1. Half streets be prohibited except when the Planning Commission may approve a plat containing half streets, if it find that it is essential to the reasonable development of the subdivision, lot, or lots in conformity with the other requirements of these regulations, that a half street is necessary for a reasonable and orderly street system, and that it will be practical to require the dedication of the other half when the adjoining property is platted.
2. Half streets and related infrastructure, including but not limited to, water, wastewater and storm water drainage infrastructure, shall contain a minimum of two travel lanes and be constructed in accordance with the construction standards contained in this Unified Development Code and the Urban Transportation Plan.

(UDC Section 8.2.1F Half streets)

3. The City may accept cash in lieu of construction of a half street or cash in lieu of both a half street and either or both of its related water and sanitary sewer infrastructure improvements if the Planning Commission has approved the plat containing the half street.

(UDC Section 8.1.13 Cash in Lieu of Construction of Half Streets)

Wastewater Construction Waivers and Fee Exemptions

Wastewater – Every lot within a proposed subdivision shall be provided with access to an approved wastewater collection and treatment system of sufficient capacity as determined by adopted City wastewater standards and master plans. Requests for a waiver from these requirements shall be submitted in accordance with 3.8.3.D waivers.

UDC When any subdivision is planned that is not reasonably accessible to a public wastewater facility of sufficient capacity as determined by adopted. City wastewater standards, it shall provide for the use of an individual aerobic system, wastewater treatment plant, or interim service. Reasonably accessible is defined as follows:

- i. Master plan facilities including trunk mains and lift stations currently exist in the designated service area in which the development is to occur, and such facilities can be extended to provide service to the development in accordance with Subsection 8.2.7.A of this Code; or Master plan facilities will be built concurrently with the development in accordance with Subsection 8.2.7.A of the Unified Development Code; and
- ii. Collection Lines of adequate capacity to service the proposed development are within 1,000 feet of the subdivision and can be extended.

(UDC Section 8.2.7 Wastewater)

<https://www.cctexas.com/sites/default/files/FY-2023-Development-Fee-Schedule.pdf.pdf>



Stuart A. Lynn, PE
N. Mitchell Carrillo, PE
John D. Merecer, PE
Brian M. Kramer, PE

January 5, 2024

City of Corpus Christi
ATTN: Al Raymond, AIA, CBO
2406 Leopard Street
Corpus Christi, Texas 78401

Dear Sir:

Pursuant to section 8.5.2.G Waivers of the Unified Development Code (UDC) we request a waiver be granted for the subject plat LONDON RANCH ESTATES. The proposed development is 84.368ac. Wastewater is currently unavailable and the closest wastewater connection is further than 1000ft. The current master wastewater plan provided by Pape Dawson dated July 2023 available on the City of Corpus Website and the proposed master wastewater plan provided by Pape Dawson dated October 2023 both show the subject tract outside the wastewater service area. The site will be served by onsite sewer facilities on individual single-family lots.

Thank you for reviewing our waiver request. Please feel free to call if you require further information or have any questions.

Sincerely,
Lynn Engineering

N. Mitchell Carrillo, PE
mitchell.carrillo@lynnengineering.com

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Corpus Christi, Texas 78401
 (361) 806-0400
 lynn-engineering.com

Lynn Engineering
Texas Registered Engineering Firm F-324

