



## **AGENDA MEMORANDUM**

Public Hearing and First Reading Ordinance for the City Council Meeting of November 19, 2013  
Second Reading Ordinance for the City Council Meeting of December 10, 2013

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**DATE:** October 28, 2013

**TO:** Ronald L. Olson, City Manager

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

<p style="text-align: center;"><b>Wastewater Lot/Acreage Fee Exemption by RVE, Inc., representative, for Kitty Hawk Development, Ltd., developer Water's Edge at Kitty Hawk Unit I</b></p>
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### **CAPTION:**

Ordinance exempting Water's Edge at Kitty Hawk Unit I, a subdivision located south of South Staples Street (FM 2444) and east of County Road 41, 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 (October 23, 2013): Approval of the wastewater lot/acreage fee exemption for Water's Edge at Kitty Hawk Unit I subject to a Sanitary Sewer Connection Agreement.

### **BACKGROUND AND FINDINGS:**

On behalf of the Kitty Hawk Development, Ltd., RVE, Inc. is requesting the City to waive the wastewater lot/acreage fees for Water's Edge at Kitty Hawk Unit I 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/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:**

There is no adopted wastewater master plan for the area south of Oso Creek.

**EMERGENCY / NON-EMERGENCY:**

Non-Emergency

**DEPARTMENTAL CLEARANCES:**

Planning Commission

**FINANCIAL IMPACT:**

- Operating       Revenue       Capital       Not applicable

<b>Fiscal Year: 2012-2013</b>	<b>Project to Date Expenditures (CIP only)</b>	<b>Current Year</b>	<b>Future Years</b>	<b>TOTALS</b>
Line Item Budget				
Encumbered / Expended Amount				
This item				
BALANCE				

Fund(s):

**Comments:** None

**LIST OF SUPPORTING DOCUMENTS:**

Aerial Overview Map  
Sanitary Sewer Connection Agreement  
Ordinance with Exhibits