



AGENDA MEMORANDUM

Planning Commission Meeting of August 8, 2018

DATE: August 2, 2018

TO: Nina Nixon-Méndez, Director of Development Services

FROM: Greg Collins, Senior City Planner, Development Services
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Kenley Estates Final Plat

Request for a Waiver of the Wastewater Infrastructure Construction Requirement in Section 8.2.7.A of the Unified Development Code (UDC), and an Exemption from Wastewater Lot/Acreage Fees in Accordance with Section 8.5.2.G of the UDC

BACKGROUND:

Hanson Professional Services, on behalf of LOWM, Inc., property owner, submitted a request for a waiver of the plat requirement to construct wastewater infrastructure under Section 8.2.7.A of the Unified Development Code (UDC), and an exemption from the Wastewater Lot/Acreage Fees in accordance with Section 8.5.2.G of the UDC.

The subject property, known as Kenley Estates (Final Plat), is located east of Flour Bluff Drive and south of Glenoak Drive, about 0.4 miles north of Waldron Naval Outlying Field (NOLF). The owner is proposing to develop a 13.64 acre, 22-lot single-family residential subdivision. The land is zoned RS-22 (Residential Single-Family 22).

STAFF ANALYSIS:

1. Waiver of Construction Requirement for Wastewater

Section 8.2.7.A of the UDC requires that 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.

However, 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,” such subdivision is eligible for a waiver from this requirement to construct or extend access to such a wastewater system. In such case, the subdivision shall have either (a) an individual aerobic (septic) system, (b) an individual wastewater treatment plant serving the subdivision, or, (c) interim service by construction of lift station(s) and force main(s). (UDC Section 8.2.7.B.1.a-c.)

“Reasonably accessible” means (i) wastewater facilities currently exist in the designated service area, including trunk mains and lift stations, and such facilities can be extended to serve the subdivision; 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.B.1.d.(i)-(ii) emphasis added).

Currently, there is no wastewater service within a reasonable distance from the subject property. The closest wastewater manhole of sufficient depth, enabling wastewater to flow by gravity in a trunk line extension from that manhole, is approximately 2,362 feet away. The manhole is around 20 feet deep. This is in the Laguna Madre Wastewater Collection System Master Plan (Adopted 2006).

There is a closer manhole, that is approximately 815 feet away. However, it is only about 6.8 feet in depth, providing insufficient slope for wastewater to flow by gravity in a collection line extension from that manhole, to the subdivision.

The wastewater trunk line extension, if required by Planning Commission, will require a Wastewater Master Plan amendment. Attached is the applicant's preliminary wastewater main layout and cost estimate for such an extension. Instead of this extension, the applicant proposes individual aerobic (septic) systems, for each lot, per UDC Section 8.2.7.B.1.a.

1.1 Factors for Granting a Plat Waiver (UDC Section 3.8.3.D)

Section 3.8.3.D of the UDC lists the factors to be considered in whether to grant a waiver from a platting requirement. The factors are:

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 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.

STAFF FINDINGS:

Staff finds that the subdivision planned is “not reasonably accessible to a public wastewater facility of sufficient capacity. Regarding the factors for granting a plat waiver under Section 3.8.3.D, Staff finds, first, that the granting of the waiver would not be detrimental to public health, safety and welfare, or injurious to property or to the City. On-site sewage facilities in conformance with City-County Health Department will be proposed with the development on the property. Second, the conditions creating the need for this waiver, that is, the topography of the land and the depth and distance of the nearest wastewater connection, does not apply generally to other property in the vicinity. Third, applying the requirement to construct a wastewater trunk line extension and manholes would render the subdivision of land unfeasible, based on the

applicant's cost estimate for wastewater infrastructure construction. Fourth, the granting of the waiver would not substantially conflict with the Comprehensive Plan and the purposes of the UDC.

2. Exemption from Wastewater Lot/Acreage Fees

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 potential Wastewater Lot/Acreage Fees are approximately **\$21,424.88**, based on the rate of \$ 1,571.00 per acre, multiplied by 13.64 acres. On-site sewage facilities (septic systems), in conformance with City-County Health Department will be proposed with the development on the property.

For the Planning Commission to recommend approval of the wastewater exemption of the wastewater lot/acreage fee to City Council, the Commission must find that the subject property is not likely to be served with wastewater services within the next 15 years.

Staff finds there are no plans or capital improvement projects at this time to provide wastewater services to this area within the next 15 years.

STAFF RECOMMENDATION:

Staff finds that the request meets the requirements for waiver of wastewater infrastructure construction per Section 8.2.7.A, and an exemption from the Wastewater Lot/Acreage fees per Section 8.5.2.G of the UDC.

LIST OF SUPPORTING DOCUMENTS:

Exhibit A – Kenley Estates, Final Plat
Exhibit B – Waiver and Wastewater Lot/Acreage Fee Exemption Letter Request
Exhibit C – WW Collection System Master Plan – Laguna Madre WWTP Service Area Exhibit 7
Exhibit D – Preliminary wastewater main layout
Exhibit E – Preliminary wastewater main construction cost estimate
PowerPoint Presentation- WW Exemption Kenley Estates