



## **AGENDA MEMORANDUM**

Planning Commission Meeting of September 19, 2018

**DATE:** September 13, 2018

**TO:** Nina Nixon-Méndez, Director of Development Services

**FROM:** Greg Collins, Senior City Planner, Development Services  
gregc@cctexas.com  
(361) 826-3535

**Park Springs IHS, Block 1, Lots 1 through 3**  
Request for a Waiver of the Wastewater Infrastructure Construction Requirement in  
Section 8.2.7.A of the Unified Development Code (UDC), an Exemption from Wastewater  
Lot/Acreage Fees in Accordance with Section 8.5.2.G of the UDC,

### **BACKGROUND:**

Urban Engineering, on behalf of landowner/developer, at the September 5, 2018 Planning Commission meeting, presented 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 plat, titled Park Springs IHS, Block 1, Lots 1 through 3, is located west of Hazel Bazemore Road (County Road 69) (CR 69), on the south side of Northwest Boulevard/Farm-to-Market Road 624 (FM 624). The owner is proposing to develop three commercial tracts. The land is about 3.87 acres and zoned CG-2 (General Commercial 2).

At the September 5, 2018 meeting, the applicant presented a layout and cost estimate of what would be required to comply with the City's Wastewater Master Plan. The Planning Commission requested consideration of an alternative, to connect to a manhole and wastewater line in a subdivision north, across FM 624, that is approximately 415 feet away.

### **STAFF ANALYSIS:**

The alternative sewer connection involves extending approximately 782 linear feet of 8-inch diameter PVC pipe, boring underneath FM 624, and tying to an existing manhole at Northwest Estates subdivision to the north. The alternative also requires installation of 16-inch diameter casing underneath FM 624, and installation of four (4) manholes. Total cost is estimated at \$238,934, of which \$24,319 of the off-site cost is eligible for reimbursement. The net cost to the property owner after reimbursement is \$214,614.92. See Exhibit B, Sanitary Sewer Line Plan and Profile, and Exhibit C, Cost Estimate.

The alternative does appear feasible. Applicant states, however, that the depth and gradient of the line are such that no other property would be able to connect to this line. Applicant further states that:

1. The plat wastewater construction waiver and acreage fee exemption comply with the Unified Development Code, City master plans and state law.
2. This construction alternative does not comply with the City's Wastewater Master Plan. Implementing it would require a successful amendment to that master plan. If Planning Commission denies the waiver request and requires this alternative, it is compelling a property owner to pursue a master plan revision with no guarantee that it will be successful. This process must go through Planning Commission and two readings at Council. This will subject property owner to additional cost to prepare the master plan revision and support it through the process. This is a cost the owner cannot anticipate since he is complying with the current city master plan. Applicant asserts this is an unfair and undue burden on the property owner.
3. There is no guarantee that TxDOT will approve the proposed bore and casing underneath FM 624. This is a separate permit and again additional cost to property owner that could not be anticipated.
4. Although it may be possible to serve the tract from the north side of FM 624, the question is whether it is correct policy, considering the expense would serve only three lots. A portion of the cost may be reimbursable assuming there are sufficient monies in the trust fund, but the applicant questions whether this is an efficient use of trust fund resources.
5. Other properties directly adjoining this property have been granted wastewater waivers. To burden this property now is again unfair and could not be anticipated.

### **Standard for Connection to City Sewer**

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.

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, and the applicant may utilize a septic system or other alternatives. (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).

### **STAFF FINDINGS:**

Staff has reviewed the current proposal, the current wastewater master plan, and possible revisions to the wastewater master plan. Staff makes the following findings:

- The proposed plat is “reasonably accessible” to the manhole on the north side of FM 624, about 415 feet away from the nearest, northern lot line of the plat.
- However, the proposed alternative does not follow the City’s current adopted Wastewater Master Plan.
- The alternative proposal possibly could serve this plat and four additional properties to the west.
- Other adjacent properties are currently do not have wastewater service.
- It would require amendment of the Allison Service Area Wastewater Master Plan, to include this subject plat, which is currently in the Greenwood Service Area Master Plan. In this area, FM 624 represents the boundary between the two service areas.
- A road bore crossing underneath FM 624 would require application to TxDOT. It is uncertain at this time whether TxDOT would approve the application.
- The road bore underneath FM 624 has logistical challenges as it would be occurring near culverts and other utility lines. Also, work on the north side of FM 624 would require a construction easement and excavation on private property at the northwest corner of FM 624 and River Hill Drive.
- The applicant could be eligible for only partial reimbursement for the off-site portion of the work.

#### **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:

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.

#### **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 \$6,080, based on the rate of \$1,571 per acre, multiplied by 3.87 acres. 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 RECOMMENDATION / ASSESSMENT:**

Staff recommends approval of the request for waiver of the wastewater construction requirement, on the condition that the applicant enter into a Sanitary Sewer Connection Agreement.

Staff recommends approval of the request for exemption from wastewater lot/acreage fee.

**LIST OF SUPPORTING DOCUMENTS:**

Exhibit A – Final Plat  
Exhibit B – Sanitary Sewer Line Plan and Profile  
Exhibit C – Cost Estimate  
PowerPoint Presentation