



Wastewater Waiver from Construction & Exemption from Lot/Acreage Fee & Waiver from Sidewalk Construction

Puerto Los Caballeros (Final Plat)

Planning Commission Meeting
October 17, 2018



Location Map





Sources of Platting Requirement to ***Construct*** Wastewater Lines / Facilities

- UDC 3.30.1.A: “Neither a final approval nor a certificate of occupancy for building development shall be issued until the developer has installed the improvements required by this Unified Development Code or has guaranteed that such improvements will be installed.”
 - UDC 8.1.4: During platting, the “developer shall provide”:
“C. Wastewater system, including but not limited to wastewater lines, force mains, manholes and lift stations.”
 - UDC 8.2.7: “A. Every lot within a proposed subdivision shall be provided with access to an approved wastewater collection and treatment system of sufficient capacity as determined adopted City wastewater standards and master plans.”
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Standards for Granting Plat ***Waiver*** from Wastewater ***Construction*** Requirement

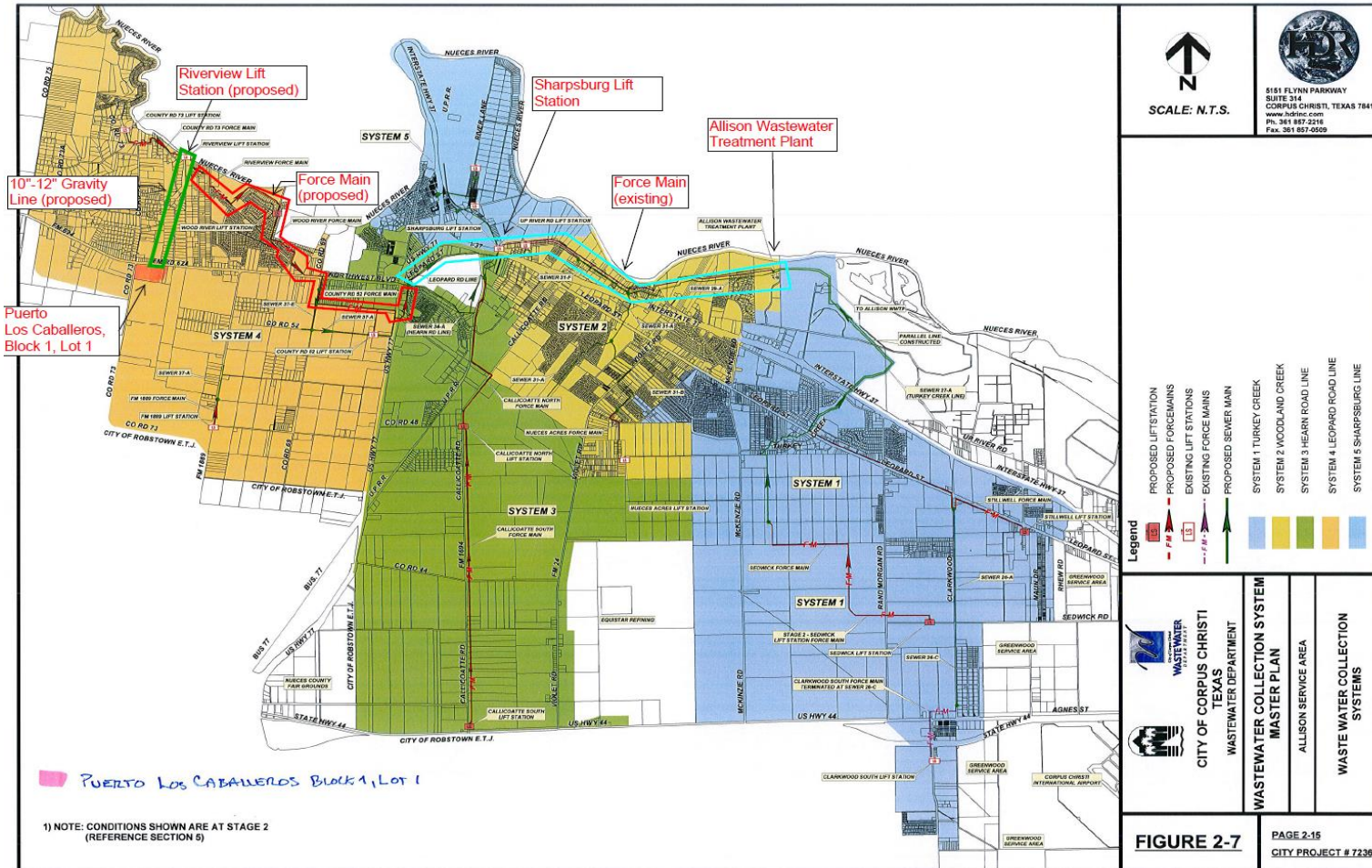
UDC 8.2.7.B

“**B.** Requests for a **waiver** from these requirements shall be submitted to the Assistant City Manager of Development Services and administered in accordance with **paragraph 3.8.3.D** waivers.”

- 1. “When any subdivision is planned that is **not reasonably accessible** to a public wastewater facility of sufficient capacity ... it shall provide for the use of”:
 - a. Individual aerobic system on each lot (septic), or
 - b. Individual wastewater treatment plant, or
 - c. Interim service (lift station and force main). **UDC 8.2.7.B.1**
 - d. “**Reasonably accessible**” means:
 - + i. Master plan facilities are in the service area & can be extended
 - ii. Collection lines of sufficient capacity are **within 1,000 feet** of the subdivision (**UDC 8.2.7.1.B.1.d**)

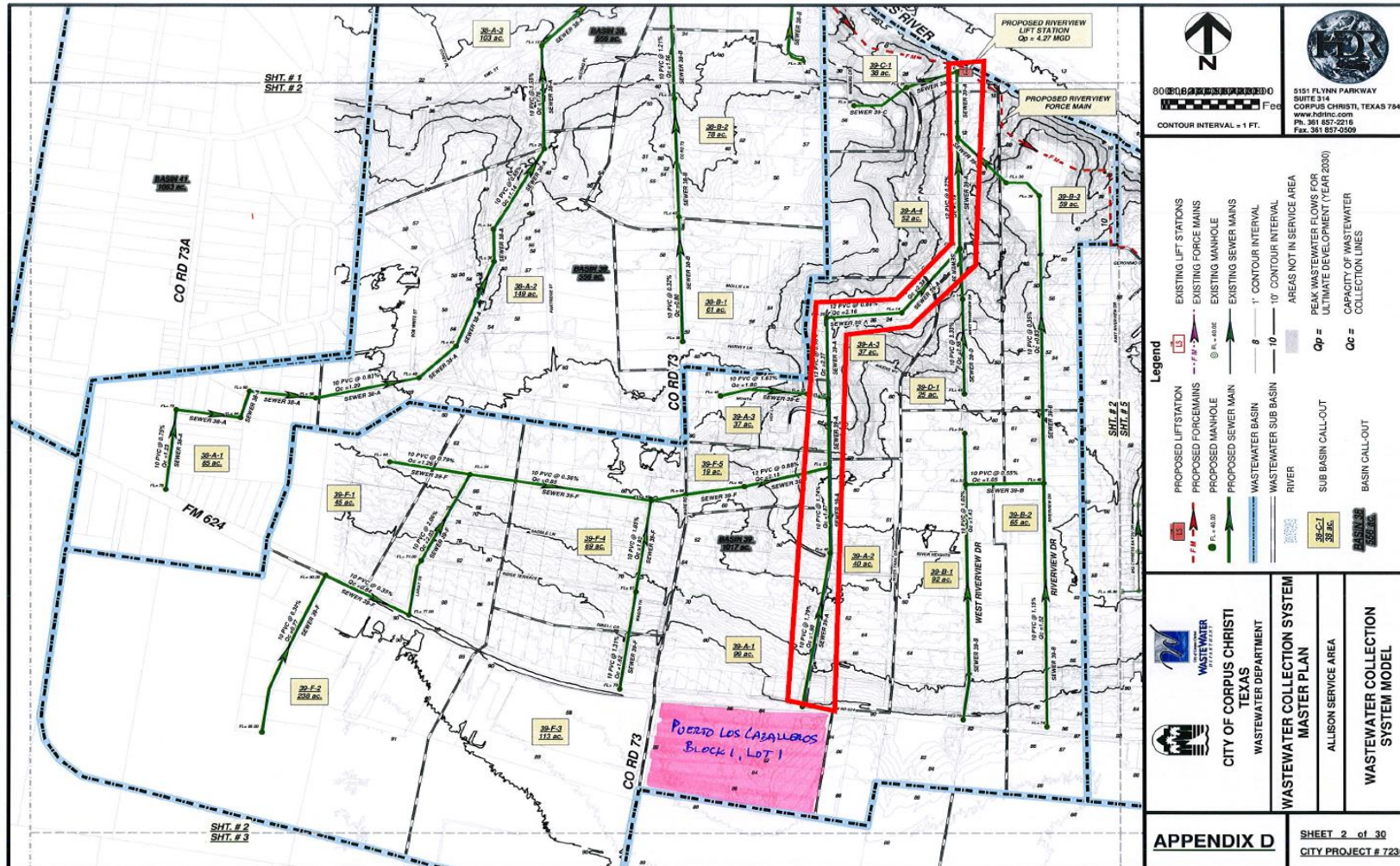


Wastewater Master Plan Required Improvements





Wastewater Master Plan Required Improvements: 10"-12" Gravity Line







Plat Waiver Standard

UDC 3.8.3.D

- **Need for waiver shall be demonstrated to Planning Commission's satisfaction**
 - **The waiver may be approved, approved with conditions or denied after consideration of the following factors:**
 1. Not detrimental to public health, safety, or general welfare, or be injurious to other property in area, or to the City;
 2. The conditions that create the need for the waiver shall not generally apply to other property in the vicinity;
 3. Application of the provision will render subdivision of land unfeasible; or
 4. The granting of the waiver would not substantially conflict with the Comp Plan and the purposes of the UDC
 - **Planning Commission alone considers Plat Waivers, they do not go to City Council**
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Exemption from Wastewater Lot/Acreage Fee

- Before final plat is recorded, the lot or acreage fee, whichever is greater, shall be paid. **UDC 8.5.2.B.**
 - Exemption from fees: **UDC 8.5.2.G.1**
 - “No lot or acreage fee shall be paid if such land for which the fees are paid lies within an area exempted by City Council ... Such exempted areas shall be those determined by the City Council to **not likely to be served by City wastewater services within the next 15 years**”
 - Planning Commission makes recommendation
 - ***City Council*** shall make the final determination
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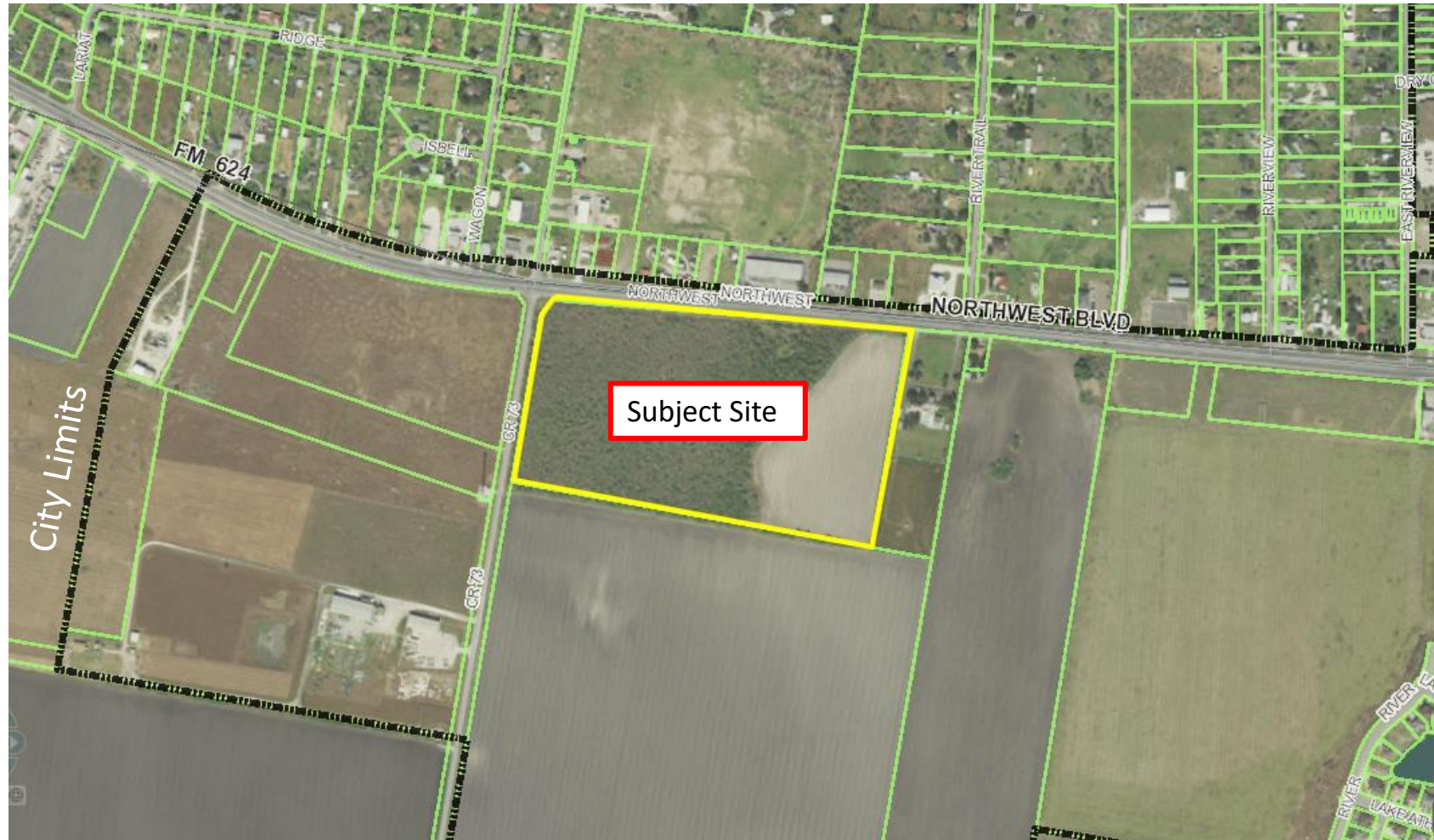
Staff Assessment

- Staff recommends approval of the request for waiver from construction meets UDC 8.2.7.B
Plat is not “reasonably accessible” to a public wastewater facility of sufficient capacity : no collection lines of adequate capacity to service the proposed development within 1,000 feet
- Staff Recommends approval of Exemption from Wastewater Lot/Acreage fee request. Standard in UDC Section 8.5.2.G met:
Area not likely to be served by City wastewater services within the next 15 years.

Staff recommends condition: require Sanitary Sewer Connection Agreement.



PART 2: Plat Waiver Request: Sidewalk Construction Along Northwest Blvd & CR 73





PART 2: Plat Waiver Request: Sidewalk View Looking Southeast





Platting Sidewalk Construction Requirement

- UDC 3.30.1.A: requires installation of improvements, or financial guarantee, during platting
 - UDC 8.1.4: During platting, the “developer shall provide”:
 - A. “Streets, including but not limited to pavement, curb and gutter, **sidewalks**”
 - UDC 8.2.2: Sidewalks
 - A. Required Improvements: 1. Concrete sidewalks, having a width of not less than 4 feet and thickness of not less than 4 inches, shall be constructed
 - Exception for certain industrial subdivisions (UDC 8.2.2.A.1.a)
 - All sidewalks generally shall be 1 foot from the property line within the street right-of-way (unless otherwise approved) and shall extend along all street frontages (UDC 8.2.2.A.1.a.2)
 - Sidewalks shall connect to existing adjacent sidewalks or be designed and placed to allow connection to future adjacent sidewalks. (UDC 8.2.2.A.1.a.4).
 - B. ***Exceptions***
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Sidewalk Exceptions Not Met

- **UDC 8.2.2.B: Exceptions for Required Sidewalk Improvements**

A waiver may be granted in accordance with 3.8.3.D and only when the following conditions are satisfied:

1. Sidewalks shall not be required along each side of a street right-of-way where such street is a permanent dead-end street and where there is pedestrian access from the permanent dead-end street to a paved hike and bike trail. In such instance, a sidewalk only shall be required on one side of the street right-of-way.
 2. Sidewalks shall not be required along street rights-of-way where each lot fronting on such street has direct access from the side or rear to a paved hike and bike trail.
 3. Sidewalks shall not be required for residential subdivisions in the Farm-Rural and Residential Estate zoning districts. **(This property is zoned CG-2)**
 4. Sidewalks adjacent to private streets may be allowed to be placed on only one side of the street if the sidewalk width is 6 feet or greater and approved by the Assistant City Manager of Development Services.
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Plat Waiver UDC 3.8.3.D

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 2. The conditions that create the need for the waiver shall not generally apply to other property in the vicinity;
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Staff Findings: Sidewalk

- There is no existing sidewalk network to connect to along either Northwest Boulevard or CR 73.
- There are no transit stops along either road.
- The area is beyond the current extent of the City's ADA Master Plan.



Staff Recommendation: Sidewalk

- Staff recommends approval of the waiver of the sidewalk construction requirement