



## **AGENDA MEMORANDUM**

First Reading for the City Council Meeting of November 27, 2018  
Second Reading for the City Council Meeting of December 4, 2018

**DATE:** November 6, 2018

**TO:** Keith Selman, Interim City Manager

**FROM:** Nina Nixon-Méndez, FAICP, Director,  
Development Services Department  
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**Ordinance –  
Exempting owner from wastewater lot or acreage fee for property located east of  
Flour Bluff Drive and South of Glenoak Drive subject to a sanitary sewer  
connection agreement**

**CAPTION:**

Ordinance exempting Kenley Estates, located east of Flour Bluff Drive and south of Glenoak Drive, from the payment of the wastewater lot or acreage fee under Section 8.5.2.G.1 of the Unified Development Code; requiring a sanitary sewer connection agreement.

**PURPOSE:**

Exempt the owner/developer of Kenley Estates from paying \$21,428.44 in wastewater lot or acreage fees subject to execution of a Sanitary Sewer Connection Agreement.

**BACKGROUND AND FINDINGS:**

Hanson Professional Services, on behalf of LOWM, Inc., property owner, submitted a request for an exemption from the wastewater acreage fee in accordance with Section 8.5.2.G. The potential wastewater acreage fee is \$21,428.44, based on the rate of \$1,571.00 per acre. The subject property consists of 13.64 acres.

Kenley Estates is a final plat of 13.64 acres, consisting of 20 single-family residential lots (and two (2) non-buildable lots). The final plat was approved by Planning Commission on August 8, 2018. The subject property is located east of Flour Bluff Drive, and south of Glenoak Drive. Currently, this area does not have wastewater services reasonably available, because collection lines of adequate capacity to serve the proposed development are greater than 1,000 feet away. The subject property will provide on-site sewage facilities in conformance with the regulatory agency (City-County Health Department). Staff does not anticipate availability of service within the 15-year term.

**ALTERNATIVE:**

Require the owner to pay the applicable wastewater acreage fee in the amount of \$21,428.44 prior to the recording of the plat. If wastewater services are not available within 15 years from the date of the filing of the plat, the property owners may request a refund.

**OTHER CONSIDERATIONS:**

None

**CONFORMITY TO CITY POLICY:**

N/A

**EMERGENCY / NON-EMERGENCY:**

Non-emergency

**DEPARTMENTAL CLEARANCES:**

On August 8, 2018, the Planning Commission recommended that City Council approve the wastewater exemption subject to a Sanitary Sewer Connection Agreement.

**FINANCIAL IMPACT:**

☐ Operating      ☐ Revenue      ☐ Capital      ☒ Not applicable

<b>Fiscal Year: 2018-2019</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

**RECOMMENDATION:**

On August 8, 2018, the Planning Commission recommended that City Council approve the exemption of the wastewater acreage fee subject to a Sanitary Sewer Connection Agreement. The agreement will require payment of the pro-rata fee in effect when public wastewater service becomes available. The agreement will also require payment of the wastewater lot or acreage fee in effect if public wastewater becomes available within 15 years of the plat being filed for record.

**LIST OF SUPPORTING DOCUMENTS:**

Ordinance  
Sanitary Sewer Connection Agreement  
Presentation