



## **AGENDA MEMORANDUM**

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

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**DATE:** November 5, 2018

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

**FROM:** Nina Nixon-Méndez, FAICP, Director,  
Development Services Department  
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<p style="text-align: center;"><b>Ordinance</b></p> <p style="text-align: center;"><b>Exempting owner/developer from payment of wastewater lot/acreage fee for property located south of Northwest Boulevard and east of County Road 73 subject to a sanitary sewer connection agreement</b></p>
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**CAPTION:**

Ordinance exempting Puerto Los Caballeros Tract, Block 1, Lot 1 located south of Northwest Boulevard and east of County Road 73, from the payment of the wastewater lot or acreage fee under Section 8.5.2.G.1 of the Unified Development Code; requiring the owner/developer to comply with the specified conditions.

**PURPOSE:**

Exempt the owner/developer of Puerto Los Caballeros Tract, Block 1, Lot 1 from paying \$62,447.25 in wastewater acreage fees subject to execution of a Sanitary Sewer Connection Agreement.

**BACKGROUND AND FINDINGS:**

Urban Engineering, on behalf of Puerto Los Caballeros, LLC, 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 \$62,447.25, based on the rate of \$1,571 per acre. The subject property consists of 39.75 acres.

Puerto Los Caballeros Tract, Block 1, Lot 1 is a final plat of 39.75 acres, consisting of one (1) lot, zoned General Commercial 2 ("CG-2"). The final plat was approved by Planning Commission on May 16, 2018 and was extended on October 31, 2018. The subject property is located south of Northwest Boulevard (FM 624) and east of County Road 73.

On October 17, 2018, the Planning Commission granted a waiver to the requirement to connect to sanitary sewer, finding that the subdivision was not reasonably accessible to a public wastewater facility of sufficient capacity as determined by adopted City wastewater standards. 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 distance from the property to the nearest collection line of adequate capacity is 2,604 feet. The subject property will provide on-site sewage facilities in conformance with the regulatory agency (City-County Health Department).

Per UDC 8.5.2.G, areas exempt from the payment of lot or acreage fees shall be determined by the City Council to not likely be served by City Wastewater services within the next 15 years. Staff does not anticipate availability of service to this property within the 15-year term.

**ALTERNATIVE:**

Require the owner to pay the applicable wastewater acreage fee in the amount of \$62,447.25 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:**

This item was coordinated with the Utilities Department.

**FINANCIAL IMPACT:**

☐ Operating      ☐ Revenue      ☐ Capital      ☒ Not applicable

<b>Fiscal Year: 2017-2018</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 October 17, 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  
Presentation