



## AGENDA MEMORANDUM

Planning Commission Meeting of January 9, 2019

**DATE:** December 28, 2018

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

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

### **Heines Substation 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:**

CDS Muery, on behalf of American Electric Power Service Corporation ("AEP"), 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 the proposed Heines Substation Final Plat (4.00 acres +/-), is located on the north side of Holly Road, between Lexington Road and the Ennis Joslin Road alignment. The land is zoned RS-TF ("Residential-Two Family") (duplex). AEP proposes to develop an electric substation at this site (a "Major Utilities" use listed in UDC 5.1.3.J). This principal use is allowed in this zoning district, under UDC Table 4.4.2, subject to the limitations in UDC Section 5.2.6.<sup>1</sup>

### **STAFF ANALYSIS:**

#### **1. Waiver of Construction Requirement for Wastewater Public Improvements**

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

<sup>1</sup> The limitations in UDC 5.2.6 are: (A) a 6-foot high masonry screening fence is required; and (B) the facility shall be secured from entry.

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 collection line on the Wastewater Collection System Master Plan Oso W.R.P. Service Area (adopted 2006) within a “reasonably accessible” distance from the subject property *with sufficient depth*. Options are discussed in more detail below.

## Options

- **Tie-in to Existing Master Plan 15-inch line along Williams Dr. at Ennis Joslin Rd.** The closest existing wastewater line of sufficient depth, on the wastewater master plan on which a manhole could be installed, to connect a wastewater line extension to the proposed Heines Substation subdivision, is a 15-inch VCP (vitrified clay pipe) gravity line running along Williams Drive alignment, approximately 3,600 feet away to the north. The depth of this line at the intersection of the Ennis Joslin Road and Williams Drive is around 17.4 feet deep, which is of sufficient depth to enable gravity flow in the proposed extension of line. The wastewater line along Williams Drive is in the master plan, however, the 3,600-foot extension to the proposed Heines Substation is not on the master plan. A master plan amendment would be required if the applicant were to seek reimbursement for this extension that is off-site.
- **Alternative (Tie-in A).** There is a closer manhole on an 8-inch PVC (polyvinyl chloride) gravity line, approximately 300 feet to the south, on the south side of Holly Road, at the intersection of Encino Drive and Sabo Drive, in the Los Arboles at Terra Mar Unit 1 subdivision (platted 2006). However, that manhole is only about 5.3 feet deep, providing insufficient slope for wastewater to flow by gravity in a collection line extension from that manhole, to the proposed Heines Substation subdivision.

Also, tying to that manhole would require an amendment to the Wastewater Master Plan, because that manhole is south of Holly Road, in a different lift station area, served by the Wooldridge East Lift Station. Wastewater *south* of Holly Road in this vicinity is planned to flow south to the Wooldridge East Lift Station. Wastewater *north* of Holly Road in this vicinity is planned to flow north to the Perry Place Lift Station. Holly Road is the boundary between these two lift station areas.

- **Alternative (Tie-in B).** Another alternative is to attempt to tie into a manhole on an 8-inch PVC gravity line located approximately 1,000 feet to the west, near the northeast corner of Holly Road and Lexington Road, in the Lexington Acres subdivision (platted in 1947). However, that manhole is only about 5.2 feet deep, providing insufficient slope for wastewater to flow by gravity in a collection line extension from that manhole, to the proposed Heines Substation subdivision.

Also, tying to that manhole would require an amendment to the Wastewater Master Plan, because that proposed line is not on the master plan.

Attached is the applicant's preliminary wastewater main layout and cost estimates for the three alternatives. Instead of these alternative wastewater extensions, the applicant proposes individual aerobic (septic) systems for this 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 on Waiver from Construction:**

Staff finds that the subdivision planned is "*not reasonably accessible* to a public wastewater facility of sufficient capacity. Regarding Option 1, although the line at Williams Drive and Ennis Joslin Road, is of sufficient depth, the line is 3,600 feet away, well over 1,000 feet. Also, this connection would require an amendment of the wastewater master plan. Regarding Options 2 and 3, although the manholes are 1,000 feet or less from the development, the depth of the manholes is insufficient for a gravity line connection. Also, these connections would require an amendment to the wastewater master plan.

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 **\$6,284**, based on the rate of \$ 1,571.00 per acre, multiplied by 4 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 Findings on Exemption from Wastewater Lot/Acreage Fee.** Staff finds there are no plans or capital improvement projects at this time to provide wastewater services to this subdivision 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 – Heines Substation, Final Plat  
Exhibit B – Waiver and Wastewater Lot/Acreage Fee Exemption Letter Request  
Exhibit C – WW Collection System Master Plan – Oso W.R.P. Service Area 1, Exhibit 5  
Exhibit D – Preliminary wastewater main layout  
Exhibit E – Preliminary wastewater main construction cost estimate  
PowerPoint Presentation- WW Waiver & Exemption Heines Substation