



AGENDA MEMORANDUM

Planning Commission Meeting of May 15, 2019

DATE: May 15, 2019

TO: Nina Nixon-Méndez, Director of Development Services

FROM: Jalal Saleh, Engineer III, Development Services
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Ybarra Terrace, Lot 1 (Final Plat)

Request for a Waiver of the Wastewater Infrastructure Construction Requirement in Sections 8.1.4.C, 8.1.5, and 8.2.7.A of the Unified Development Code (UDC), and an Exemption from Wastewater Lot/Acreage Fee in Sections 8.5.2.G. of the UDC

BACKGROUND:

Bass & Welsh Engineering, on behalf of Esther Castillo Ybarra, property owner, submitted a request for a waiver of the plat requirement to construct Wastewater infrastructure under Section 8.1.4.C, 8.1.5, and 8.2.7.A of the Unified Development Code (UDC), and an exemption from the Wastewater Lot/Acreage fee under Section 8.5.2.G of the UDC.

The subject property, known as Ybarra Terrace Lot 1 Final Plat (9.04 acres +/-), is located north of Weber Street, and east of Oso Creek. The land is zoned Farm / Rural ("FR"). The site is in an AICUZ zone. The land is vacant. The owner is proposing to develop a residence.

STAFF ANALYSIS:

1. Waiver of Construction Requirement for Wastewater Public Improvements

The Construction Requirement. Section 8.1.4.C of the UDC requires that a developer provide a wastewater system when platting, and Section 8.1.5 requires a continuity of improvements among adjacent properties. 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.*"

Waiver. 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 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) master plan facilities (including trunk mains and lift stations) currently exist in the designated service area, 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).

The proposed Ybarra Terrace Lot 1 Plat isn’t “reasonably accessible” to a public wastewater facility. First, the plat isn’t in a wastewater master plan “designated service area”. It isn’t in proximity to facilities and lines that have been extended from such master plan facilities. Second, the collection line on Yorktown Boulevard is running at full capacity. Third, the Wastewater collection line on Weber is approximately 3,510 feet away from the property (beyond 1,000 feet). Fourth the Wastewater collection line on Bratton Road is approximately 2,960 feet away from the property (beyond 1,000 feet).

Connections have sufficient depth. The existing wastewater line on Weber Street is 15” PVC and 3,510 feet away from the site, with a manhole, at a depth of around 23.6 feet. This manhole is at a sufficient depth so that, if a line were extended from it, sewage would flow by gravity to this connection.

The existing wastewater line on Bratton Street is 10” VCP and 2,960 feet away from the site, with a manhole, at a depth of around 19.0 feet. This manhole is at a sufficient depth so that, if a line were extended from it, sewage would flow by gravity to this connection. Additionally, there is an existing Private Force Main (1,385 LF); however, it did not provide gravity conveyance to the gravity system, and it is private.

Should a connection occur from Ybarra Terrace Lot 1 to the existing wastewater line on Weber Street, it would not require a Utility Easement, since it is in the right-of-way. Should a connection occur from Ybarra Terrace Lot 1 to the existing wastewater line on Bratton Street, it would require a Utility Easement from the US government and or the private adjacent owner.

Wastewater Treatment Plant. The wastewater from this area ultimately gets treated at the OSO WRP (Water Reclamation Plant) which is located at the south west corner of Nile Street and Ennis Joslin Road.

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.

1.2 Staff Findings on Waiver from Construction:

Staff finds that the Ybarra Terrace Lot 1 proposed plat isn't reasonably accessible to a public wastewater facility.

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 \$14,201.88, based on the rate of \$ 1,571 per acre, multiplied by 9.04 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.

2.2 Staff Findings on Exemption from Wastewater Lot/Acreage Fee:

Staff finds that this area isn't likely to be served by wastewater services to this subdivision within the next 15 years.

STAFF RECOMMENDATION:

Staff recommends approval of the request for waiver of wastewater infrastructure construction per Section 8.2.7.A, and approval of an exemption from the Wastewater Lot/Acreage fees per Section 8.5.2.G of the UDC.

These assessments and recommendations are made in coordination with the Utilities Department.

LIST OF SUPPORTING DOCUMENTS:

Exhibit A – Ybarra Terrace Lot 1, Final Plat

Exhibit B – Waiver and Wastewater Lot/Acreage Fee Exemption Letter Request

PowerPoint Presentation