



AGENDA ITEM SUMMARY FORM

MEETING DATE: January 5, 2023

PREPARED BY: Otis T. Spriggs, AICP, Director of Development Services

AGENDA CONTENT: Discussion and possible action on a **Final Plat for De La Garza** Subdivision, 3.996 Acres, 2- Lots, 1 Block, located on the south side of Kiber Rd., just west of Sims Drive

AGENDA ITEM SECTION: Regular Agenda Item

BUDGETED AMOUNT: N/A

FUNDS REQUESTED: N/A

FUND: N/A

EXECUTIVE SUMMARY AND HISTORY:

The owner/agent request approval of the Preliminary/Final Plat for De La Garza Subdivision, 3.996 Acres, 2- Lots, 1 Block, located on the south side of Kiber Rd., just west of Sims Drive.

Action taken by the City Council on September 27, 2022. The Council voted unanimously to grant the requested variance voted to allow an on-site sewage system.

A variance was granted of Section 23-15.C to allow use of on-site sewerage facilities (OSSF) pursuant to Section 23-15.D.2. The proposed OSSF are septic systems. The subject property consists of 3.996 acres and is in the Single-Family Estate Residential – 20 (SFE-20) zoning district. The proposal is to subdivide the property into two lots (See attached plat). The property was annexed into the City (Ord. #2011-O-6C); the Annexation Services Plan, requires that prior to the City providing sanitary sewer service to the area the property owner, at his/her own expense, must install a grinder pump or small lift station in accordance with applicable codes and departmental policies and maintain the lift station or install a gravity. The variance request (Attachment 4) outlined the reasons for the variance, and Mr. Javier Vasquez, PE with HDR provided a timeline detailing effort to meet Chapter 23 requirements.

The applicant has been unable to find a way to connect to the City's sewer system, and while a solution could certainly be found if enough money is spent, that solution would not be consistent with the Section 23-32 Rough Proportionality requirement and pursuant to Section 23-33 the City Council can grant relief. After discussion with the City Attorney, it was determined that the controlling regulations in this instance are Sections 23-32 and 23-33 and not Ordinance #2011-O-6C.

DEVELOPMENT SERVICES/PLANNING COMMENTS:

1. Please revise plat with noted corrections including references to approved variance of on-site sewerage facilities (OSSF) pursuant to Section 23-15.D.2.

Recommendation. The Planning and Zoning Commission should forward the Final Plat to City Council with a positive recommendation of approval and consideration.