

MAYOR AND CITY COUNCIL COMMUNICATION

DATE: August 6, 2024

TO: Mayor and City Council

FROM: Melinda Moritz, Public Works Director

THROUGH: Crystal Caldera, Ph.D., City Manager

SUBJECT: Presentation and Discussion to Consider Approval of an Ordinance Amending Chapter 10 Subdivision Regulations, Division 4. Additional Regulations, Section 10.02.151 Additional Regulations, Subsection (c) to Allow Deferral of Water Meter and Sidewalk Installation to the Building Phase of a Subdivision Project

SPONSOR(S): Council Member Benny Martinez

PURPOSE

This M & C is to consider approval of an Ordinance amending Chapter 10 Subdivision Regulations, Division 4. Additional Regulations, Section 10.02.151 Additional regulations, Subsection (c) to allow the deferral of water meter and sidewalk construction to the building phase of a subdivision project. The amendment to the section is in bold text below:

“(c) The city shall not permit repair, maintenance, installation or provision of streets or public utility services in any subdivision for which a final subdivision plat has not been approved and filed for record, nor in which the standards contained herein or referred to herein have not been complied with in full. **Exceptions to this section include the installation of water meters and the construction of sidewalks, which may be delayed to the building construction phase of a project upon request by the owner and approval by the City Engineer.**”

State law mandates that cities either approve or disapprove a subdivision final plat within thirty days of submittal. When Leon Valley receives a plat request, it is forwarded to the City Engineer for review. Once approved by the City Engineer, the plat is forwarded to the Planning and Zoning Commission for their approval or denial. The Subdivision Code mandates that all public improvements must be installed prior to such plat approval. If the developer wants to delay the installation of meters and sidewalks, they must request a variance and the plat then has to be brought before both the Planning and Zoning Commission and the City Council for final approval, which extends the time period for approval.

Developers don't want to install water meters and sidewalks until such time as the building they are constructing is almost complete, because they use heavy machinery (backhoes,

front end loaders, lifts, etc.) to bring construction materials to the site, which may result in damage to the meter or to the sidewalk. The additional step of having to ask the City Council for a variance to these two items lengthens the time the plat is pending either approval or denial, which puts the city at risk for not meeting the thirty-day deadline. These types of variances are always approved.

By allowing the deferral, the developer doesn't have to wait for the additional time period, which also saves them money. The building's final inspection is not approved until all items have been completed.

FISCAL IMPACT

None.

RECOMMENDATION

Staff recommends approval of this amendment.

APPROVED : _____ DISAPPROVED: _____

APPROVED WITH THE FOLLOWING AMENDMENTS :

ATTEST :

SAUNDRA PASSAILAIGUE, TRMC
City Secretary