



Legislation Text

File #: ID#21-089, **Version:** 1

AGENDA CAPTION:

Consider denial of an Out of City Utility Extension request for water and wastewater services by Thomas K. Rhodes, on behalf of Top of the Hill Properties, LLC for approximately 4.851 acres, more or less, out of the J.M. Veramendi Survey, located at 128 Spring Road (previously approved on December 15, 2020), and provide direction to Staff.

Meeting date: February 2, 2021

Department: Planning & Development Services

Amount & Source of Funding

Funds Required: N/A

Account Number: N/A

Funds Available: N/A

Account Name: N/A

Fiscal Note:

Prior Council Action: Click or tap here to enter text.

City Council Strategic Initiative: [Please select from the dropdown menu below]

Choose an item.

Choose an item.

Choose an item.

Comprehensive Plan Element (s): [Please select the Plan element(s) and Goal # from dropdown menu below]

- ☐ Economic Development - Choose an item.
- ☐ Environment & Resource Protection - Choose an item.
- ☐ Land Use - Choose an item.
- ☐ Neighborhoods & Housing - Choose an item.
- ☐ Parks, Public Spaces & Facilities - Choose an item.
- ☐ Transportation - Choose an item.
- ☐ Core Services

☐ Not Applicable

Master Plan: *[Please select the corresponding Master Plan from the dropdown menu below (if applicable)]*

Choose an item.

Background Information:

HISTORY

In 2018, the applicant applied for annexation and a zoning change to CD-3 (ZC-18-13) for a proposed 27-unit single-family development. At their meeting on August 28, 2018, the Planning & Zoning Commission recommended denial of the request with a 6-2 vote. After receiving this recommendation, the applicant withdrew the annexation and zoning change requests.

Since the withdrawal of the annexation and zoning, the developer submitted applications for an ETJ development. The following table provides a summary of applications in process and approved.

Application	Status as of Jan. 19, 2021	Application Date	Comments Sent
Out of City Utility Extension (OCU)	Approved by Council Awaiting Recording Documents	October, 2020	n/a (approved)
Demolition for accessory building	Issued	July, 2020	n/a (issued)
Public Improvement Construction Plans (PICP)	Awaiting Revision	February, 2020	July, 2020
Site Permit	Awaiting Revision	May, 2019	July, 2020
Watershed Protection Plan (WPP)	Awaiting Revision	May, 2019	November, 2020
Plat	Internal Review in Process	May, 2019	In process (coordinating with County)

On December 15, 2020 the City Council considered and approved a request to extend City water and wastewater service to a proposed 29-unit garden-style multifamily development on a single lot.

When deciding an application for approval of a utility extension, the Council shall consider the criteria of Section 2.4.4.4 as follows:

(a) Whether the location of the proposed development to be served by the extension is consistent

with the Comprehensive Plan;

This property is within a Low Intensity Area on the Preferred Scenario Map. While multifamily development is limited in these areas, it is not expressly prohibited.

(b) Whether the extension is proposed to be constructed in accordance with the TCSS, the provisions of Chapter 86 of the City Code, and all other applicable City regulations and standards;

The proposed utility extension will be constructed in accordance with the City Codes, regulations and standards.

(c) Whether it is feasible to annex the property, and any intervening property which is needed for utility rights-of-way, to the City in a timely manner;

This property is adjacent to City Limits to the southeast.

(d) Whether the utility extension would compromise the City's ability to timely provide adequate water or wastewater facilities to property inside the City;

The proposed utility extension to serve the subject property is funded by the applicant and will not compromise the City's ability to provide water facilities within the City of San Marcos Water and Wastewater Utility CCN. The applicant may be required to provide easements for the orderly extension of water and wastewater utilities to and through this property. Easements or right-of-way for the utility lines will be dedicated through the platting process.

(e) Whether the utility extension shall lead to premature development that cannot be served efficiently and timely by roadway, drainage or park facilities;

The property has several development applications in process to ensure that it is adequately served by utility, roadway, and drainage infrastructure.

Council Committee, Board/Commission Action:

On December 15, 2020 City Council approved the request on the consent agenda.

Alternatives:

N/A

Recommendation:

At the regular meeting on December 15, 2020 staff recommended **approval** of this water and wastewater extension outside City Limits.