

Planning & Zoning Commission



January 23, 2023
Town Hall
2121 Cross Timbers Road
Flower Mound, TX 75028

6:30 p.m.

AGENDA

A. CALL TO ORDER

B. INVOCATION

C. PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG

D. PUBLIC COMMENT

The purpose of this item is to allow the public an opportunity to address the Board/Commission regarding any item on this agenda that is not a "Public Hearing." Issues regarding daily operational or administrative matters should first be dealt with by calling Town Hall at 972- 874-6000 during business hours. To speak to the Board/Commission during public comment, please fill out a comment form, which is located in the lobby of Town Hall.

In accordance with the Texas Open Meetings Act, the Board/Commission is restricted from discussing or acting on items not listed on the agenda.

- Speakers are limited to 3 minutes; a tone will sound at 30 seconds left and when time has expired, and times may be adjusted by the Chair depending on the number of speakers.
- Speakers must address their comments to the Board/Commission.
- Please state your name and address when speaking.

E. COORDINATION OF CALENDARS

1. February 13, 2023 Regular Meeting

F. FUTURE AGENDA ITEM(S)

G. STAFF/DIRECTOR REPORT

1. New Agenda Management Software (Update)

H. CONSENT ITEM(S)

This part of the agenda consists of non-controversial, or "housekeeping" items required by law. Items may be removed from Consent by any Commissioner by making such request prior to a motion and vote.

1. Minutes of January 9, 2023 - Consider approval of the minutes of the January 9, 2023, Planning & Zoning Commission Regular Session.
2. RC22-0016 – Anglican Church of the Resurrection - Consider a request for a Record Plat (RC22-0016 – Anglican Church of the Resurrection Lot 1, Blk A) to

create a one-lot subdivision. The property is generally located north of Cross Timbers Road and west of Lusk Lane.

I. REGULAR ITEM(S)

This part of the agenda consists of discretionary items either relating to zoning or a requested variation from the Town's development standards. If a public hearing is required, it will be noted in the item caption on the agenda. Typically, the Planning & Zoning Commission will make a recommendation to Town Council on these types of projects.

1. LDR22-0004 - Mandatory Sewer Connections - Public Hearing to consider an ordinance amending the Town's Code of Ordinances (LDR22-0004 – Mandatory Sewer Connections) by amending Chapter 90 "Subdivisions" and appendix A "Fee Schedule," to provide for an exception for mandatory sewer connections and make corrections to recently approved fee updates.

J. ADJOURN

Pursuant to Section 551.071 of the Texas Government Code, the Planning and Zoning Commission reserves the right to consult in closed session with its attorney and to receive legal advice regarding any item listed on this agenda.

I do hereby certify that the Notice of Meeting was posted on the bulletin board at the Town Hall for the Town of Flower Mound, Texas, in a place convenient and readily accessible to the general public at all times and said Notice was also posted on the Town's website in accordance with GC Section 551.056 on the following date and time: January 20, 2023, at 12:00 p.m. at least 72 hours prior to the scheduled time of said meeting.

LauriAnn Cash, Staff Liaison

The Flower Mound Town Hall and Jody Smith Hall are wheelchair accessible. Requests for accommodation or interpretive services must be made 48 hours prior to this meeting by contacting Town Hall at 972.874.6000. Additional time limits will be provided for members of the public that need to address the Town Council through a translator.



PLANNING & ZONING COMMISSION AGENDA H.1. CONSENT ITEM(S)

DATE: January 23, 2023
FROM: LauriAnn Cash, Executive Assistant
ITEM: **Consider approval of the minutes of the January 9, 2023, Planning & Zoning Commission Regular Session.**

BACKGROUND: The Planning & Zoning Commission held a regular meeting on January 9, 2023.

BOARD REVIEW/CITIZEN FEEDBACK: N/A

ALTERNATIVES:

FISCAL IMPACT: N/A

LEGAL REVIEW: N/A

ATTACHMENTS:

1. Draft Minutes of January 9, 2023

DRAFT MOTION: Move to approve as presented in the agenda caption.

Planning & Zoning Commission



January 9, 2023
Town Hall
2121 Cross Timbers Road
Flower Mound, TX 75028

6:30 p.m.

DRAFT MINUTES

A. CALL TO ORDER

The Planning & Zoning Commission met in a regular meeting with the following members present:

	Place 1 - Brad Ruthrauff, Chair Place 2 - Jason Hobbs Place 3 - Janvier Werner Place 4 - Brady Kilpper Place 5 - Greg Wilson Place 6 - Donald Gilmore Place 7 - Kathryn Wells, Vice-Chair Place 8 - Chris Drew Place 9 - Scott Jostes
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with the following member(s) absent:	None
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(Places 8 and 9 do not vote on items unless they sit in place of one of the regular members, Places 1-7.)

constituting a quorum with the following members of the Town Staff participating:

	Alicia Kreh, Town Attorney Lexin Murphy, Director of Planning Services Bob Pegg, Assistant Director of Engineering Chuck Russell, Principal Planner Claire Barnes, Planner LauriAnn Cash, Executive Assistant
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B. INVOCATION

C. PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG

D. PUBLIC COMMENT

The purpose of this item is to allow the public an opportunity to address the Board/Commission regarding any item on this agenda that is not a “Public Hearing.” Issues regarding daily operational or administrative matters should first be dealt with by calling Town Hall at 972- 874-6000 during business hours. To speak to the Board/Commission during public comment, please fill out a green comment form, which is located in the lobby of Town Hall.

In accordance with the Texas Open Meetings Act, the Board/Commission is restricted from discussing or acting on items not listed on the agenda.

- Speakers are limited to 3 minutes; a tone will sound at 30 seconds left and when time has expired, and times may be adjusted by the Chair depending on the number of speakers.
- Speakers must address their comments to the Board/Commission.
- Please state your name and address when speaking.

Names listed below don't necessarily reflect the order in which each person spoke and all addresses are located in Flower Mound unless otherwise indicated.

	Speaker name and address	Subject (as written on the form)
	None	

** Indicates person did not wish to speak*

E. COORDINATION OF CALENDARS

The next regular Planning & Zoning Commission meeting is scheduled for Monday, January 23, 2023.

F. FUTURE AGENDA ITEM(S)

None

G. STAFF/DIRECTOR REPORT

1. New Agenda Management Software
2. Training Opportunities

H. **CONSENT ITEM(S)**

This part of the agenda consists of non-controversial, or “housekeeping” items required by law. Items may be removed from Consent by any Commissioner by making such request prior to a motion and vote.

1. Minutes of December 12, 2022 - Consider approval of the minutes of the December 12, 2022, Planning & Zoning Commission Regular Session.

ACTION: Vice-Chair Wells moved to approve item H.1. as presented in the agenda caption. Commissioner Wilson seconded the motion.

AYES: Kilpper, Gilmore, Wilson, Werner, Hobbs, Wells

NAYS: None

ABSTAIN: None

RESULT: 6 : 0

I. **NON-DISCRETIONARY ITEM(S)**

This part of the agenda consists of items that are in compliance with all applicable development standards; are not requesting waivers, exceptions, or deviations, and do not require a Public Hearing.

1. SP22-0005 - Southgate NE Lot 2R, Block A - Consider a request for a Site Plan (SP22-0005 - Southgate NE Lot 2R, Block A) to develop one non-residential building. The property is generally located north of Patriot Way and east of Gerault Road.

STAFF PRESENTATION: Claire Barnes, Planner

APPLICANT PRESENTATION: Kiew Kam, Triangle Engineering; present for questions, no presentation

ACTION: Commissioner Wilson moved to approve item I.1. as presented in the agenda caption. Commissioner Kilpper seconded the motion.

AYES: Kilpper, Gilmore, Wilson, Werner, Hobbs, Wells

NAYS: None

ABSTAIN: None

RESULT: 6 : 0

J. **REGULAR ITEM(S)**

This part of the agenda consists of discretionary items either relating to zoning or a requested variation from the Town’s development standards. If a public hearing is required, it will be noted in the item caption on the agenda. Typically, the Planning & Zoning Commission will make a recommendation to Town Council on these types of projects.

1. Z22-0006 - Oakridge Lane - Public Hearing to consider an ordinance amending the zoning (Z22-0006- Oakridge Lane) from Interim Holding (IH) uses to Single Family District-10 (SF-10) uses. The property is generally located southwest of the intersection of Oakridge Lane and Ridgecrest Drive.

STAFF PRESENTATION: Chuck Russell, Principal Planner

APPLICANT PRESENTATION: Denisse Carrera, Den Stone Remodeling;
present for questions, no presentation

Names listed below don't necessarily reflect the order in which each person spoke and all addresses are located in Flower Mound unless otherwise indicated.

	SUPPORT	OPPOSITION	QUESTIONS, COMMENTS, OTHER ONLY
1.	None	Matthew Hurst; 4158 Meadowview Drive, Argyle	None
2.		Dana Ellsworth; 1419 Limerick Ct, Keller	
3.		Brooklyn Bernard; 10605 Sunrise Cr, Flower Mound	
4.		Matthew McCutcheon; 10309 Sunrise Cr, Flower Mound	
5.		Dennis Hepler; 10705 Sunrise Cr, Flower Mound	
6.		Celso Brioses; 10532 Sunrise Cr, Flower Mound	
7.		Dustin Atchinson; 10528 Sunrise Cr, Flower Mound *	
8.		Armando Gonzalez; 10524 Sunrise Cr, Flower Mound *	

** Indicates person did not wish to speak*

ACTION: Commissioner Gilmore moved to recommend approval of item J.1. as presented in the agenda caption. Commissioner Werner seconded the motion.

AYES: Kilpper, Gilmore, Wilson, Werner, Hobbs, Wells

NAYS: None

ABSTAIN: None

RESULT: 6 : 0

K. ADJOURN

1. **Pursuant to Section 551.071 of the Texas Government Code, the Planning and Zoning Commission reserves the right to consult in closed session with its attorney and to receive legal advice regarding any item listed on this agenda.**



PLANNING & ZONING COMMISSION AGENDA H.2. CONSENT ITEM(S)

DATE: January 23, 2023
FROM: Claire Barnes, Planner
ITEM: **Consider a request for a Record Plat (RC22-0016 – Anglican Church of the Resurrection Lot 1, Blk A) to create a one-lot subdivision. The property is generally located north of Cross Timbers Road and west of Lusk Lane.**

BACKGROUND:

I. ITEM SUMMARY

This application has been reviewed by DRC and determined to be ready for consideration by the Planning and Zoning Commission. This application will require final action by the Planning and Zoning Commission.

II. APPLICATION ANALYSIS

The purpose of this application is to create one buildable, single-family residential lot.

The property consists of an approximate ten-acre parcel of land located north of Cross Timbers and west of Lusk Lane. The purpose of this record plat is to create a buildable lot in order to provide for a single-family residential dwelling. The property is zoned Agricultural District (A), which permits the use by right. If the site were developed in the future with a non-residential use, as allowed by Agricultural District zoning, all applicable Town ordinances and procedures would apply. Access to the property would be either from Lusk Lane or from the rural collector along the northside of the property.

The record plat provides for all required setbacks and easements. Additionally, an approximate 1.2-acre right-of-way dedication along the property's Lusk Lane and northern (rural collector) frontage will be provided.

BOARD REVIEW/CITIZEN FEEDBACK: N/A

ALTERNATIVES: N/A

FISCAL IMPACT: N/A

LEGAL REVIEW: N/A

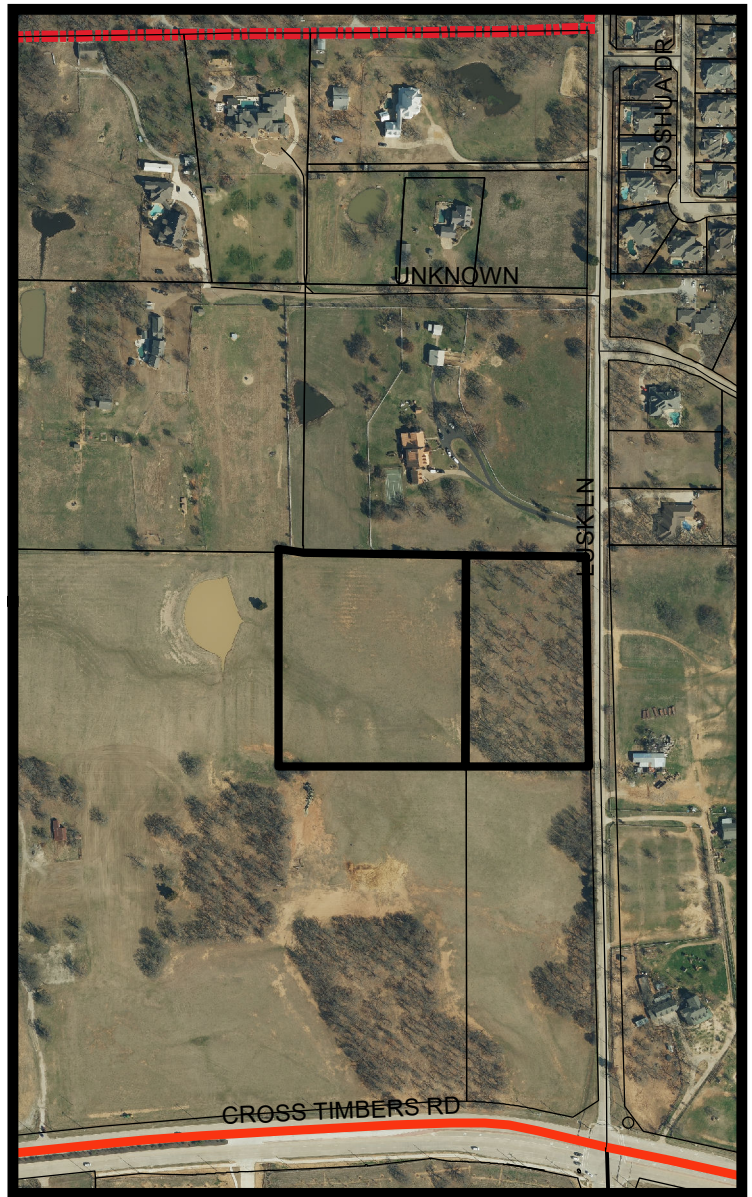
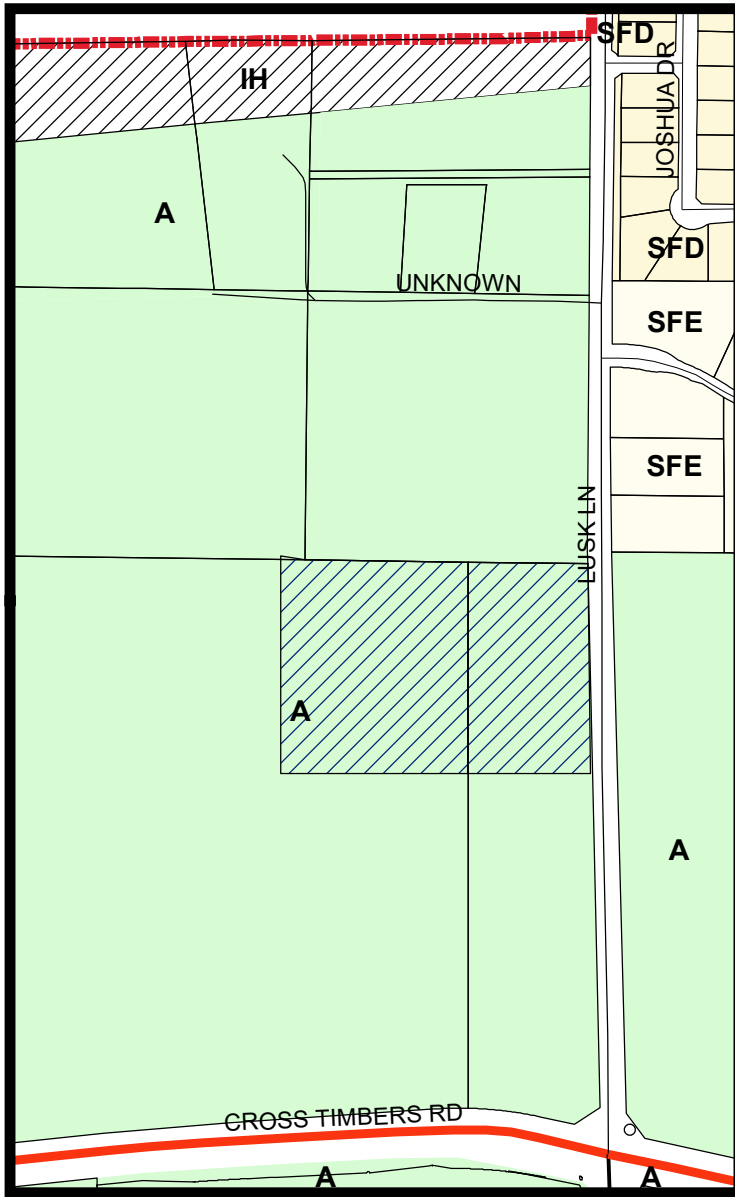
ATTACHMENTS:

1. Vicinity and Aerial Maps
2. Letter of Intent
3. Record Plat Package

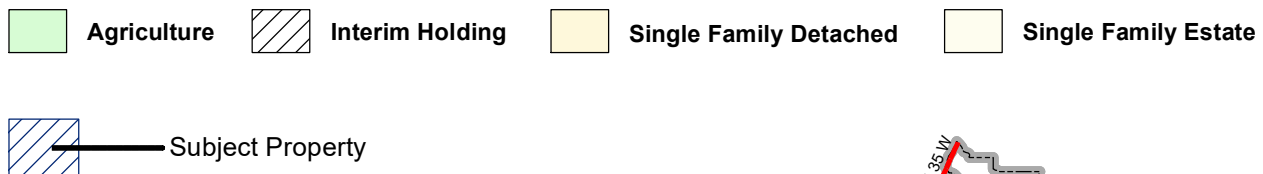
DRAFT MOTION: Move to approve as presented in the agenda caption.

Vicinity Map

Reference Project: RC22-0016

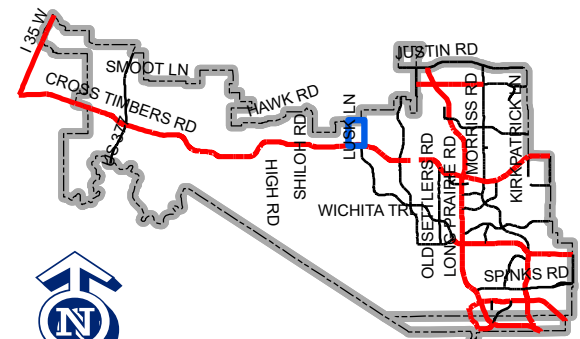


LEGEND

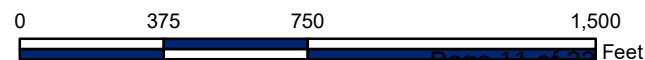


Visit www.fmdevmap.com to learn more about this project.

Visit <https://www.flower-mound.com/notifyme> to sign up for text message and/or email alerts for future projects.



Map Location



October 14, 2022

Mr. Poornima Kashyap

Principal Planner

Town of Flower Mound

2121 Cross Timbers Road

Flower Mound, TX 75028

RE: Lusk Lane ±10 Acres – Amending Plat Application

Dear Poornima:

Please accept this letter from The Anglican Church of the Resurrection, as an explanation of the proposed replat.

We are proposing to Amend the plat of two (2) separate parcels into one (1) parcel. Currently, the ±10 acres is separated into one (1) ±7-acre tract and one (1) ±3-acre tract. Denton County recognizes the site as two parcels, as it was sold to the church by the Shady Oaks Family. However, the Town of Flower Mound does not recognize the site ever being conveyed to the church as it was done via metes and bounds.

This plat is not proposing any additional infrastructure or improvements currently. We feel the highest and best use for the property would be for one owner that could build one (1) single-family dwelling.

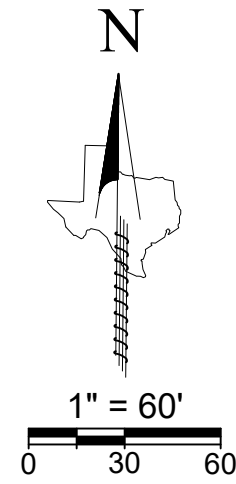
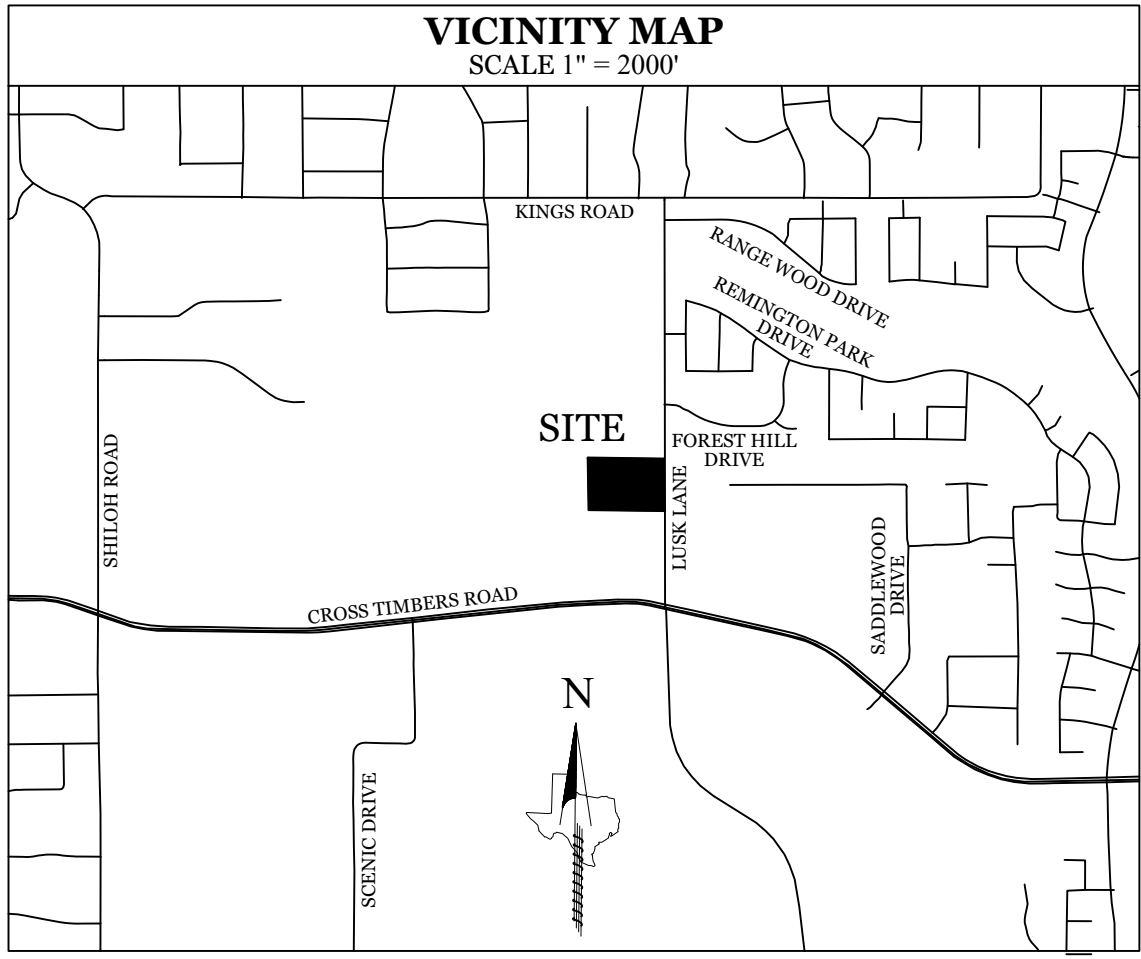
Please feel free to contact me if you have any questions or concerns regarding this submittal.

Sincerely,

A handwritten signature in black ink, appearing to read "B. Pape".

Brian Pape | Rector

Anglican Church of the Resurrection



GENERAL NOTES

- 1.) The purpose of this plat is to create one (1) lot of record from an unplatted tract of land.
- 2.) This property is located in "Non-shaded Zone X" as scaled from the F.E.M.A. Flood Insurance Rate Map dated April 16, 2011 as shown on Map Number 45121C0540G.
- 3.) The bearings and grid coordinates shown on this survey were derived from Allterra RTK Network and are referenced to the Texas Coordinate System of 1983, North Central Zone (4202) and are based on the American Datum of 1983, 2011 Adjustment.
- 4.) Datum tied to Town of Flower Mound Geodetic Control Network Point No. 23 - Set Aluminum Cap Stamped "Town of Flower Mound" X: 2,395,894.399, Y: 7,067,854.413, Orthometric Elevation: 618.17.
- 5.) Selling a portion of this addition by metes and bounds is a violation of Town Ordinance and State Law, and is subject to fines and/or withholding of utilities and building permits.
- 6.) Any fence constructed adjacent and/or parallel to open space shall consist of wrought iron or tubular steel.
- 7.) A tree survey must be submitted when the site is developed.

LEGEND

- ⊙ = CITY GPS MONUMENT
POB = POINT OF BEGINNING
IRF = IRON ROD FOUND
CIRF = CAPPED IRON ROD FOUND
PRDCT = PLAT RECORDS
DENTON COUNTY, TEXAS
ORDCT = OFFICIAL RECORDS
DENTON COUNTY, TEXAS
§ = SURVEY LINE

Project
1903.002-02

Date
12/13/2022

Drafter
EN



EAGLE SURVEYING, LLC
222 S. Elm Street, Suite: 200
Denton, TX 76201
(940) 222-3009
TX Firm #10194177

SURVEYOR
Eagle Surveying, LLC
Contact: Brad Eubanks
222 S. Elm Street, Suite: 200
Denton, TX 76201
(940) 222-3009

OWNER
Anglican Church of the Resurrection
PO Box 271447
Flower Mound, Texas 75022

APPROVED:

TOWN OF FLOWER MOUND
PLANNING AND ZONING COMMISSION

Brad Ruthrauff, Chairman
Planning and Zoning Commission

SIGNED AND SEALED:

TOWN OF FLOWER MOUND

Theresa Scott, Town Secretary
Town of Flower Mound

Lexin Murphy, Director of Planning Services
Town of Flower Mound

RECORD PLAT ANGLICAN CHURCH OF THE RESURRECTION ADDITION LOT 1, BLOCK A

ZONED AGRICULTURAL

A RECORD PLAT OF LOT 1, BLOCK A, ANGLICAN CHURCH OF THE
RESURRECTION ADDITION, BEING 10.00 ACRES OF LAND
SITUATED IN THE JOSEPH CLARK SURVEY, ABSTRACT NO. 231
AND THE SAM WILSON SURVEY, ABSTRACT NO. 1733
AN ADDITION IN THE
TOWN OF FLOWER MOUND, DENTON COUNTY, TEXAS

DATE OF PREPARATION: 12/13/2022

OWNERS CERTIFICATE

STATE OF TEXAS §
COUNTY OF DENTON §

WHEREAS, **ANGELICAN CHURCH OF THE RESURRECTION, INC.**, is the sole owner of a tract of land situated in the JOSEPH CLARK SURVEY, ABSTRACT NO. 231, and the SAM WILSON SURVEY, ABSTRACT NO. 1733, Denton County, Texas, and being all of called 10.000 acre tract of land described in Warranty Deed to Anglican Church of the Resurrection, Inc. (herein after referred to as the Anglican Church tract), recorded in Instrument Number 2016-105834, Official Records, Denton County, Texas (ORDCT), and being more particularly described by metes and bounds as follows:

BEGINNING at an "X" cut in concrete found at or near the centerline of Lusk Lane, being the southwest corner of a Street Easement recorded in Cabinet H, Page 154, Plat Records, Denton County, Texas, being the northeast corner of a called 8.000 acre tract of land described in Warranty Deed to LB Flower Mound, LLC, recorded in Instrument Number 2015-94715, Official Records, Denton County, Texas, being the southwest corner of a called 11.992 acre tract of land described in Deed Records to HEIR APPARENT PROPERTIES LTD., recorded in Instrument Number 2018-8869, Official Records, Denton County, Texas and being the northeast corner of said 10.000 acre tract;

THENCE, S00°54'13"E, along the west lines of said 8.000 acre tract and a called 24.833 acre tract of land described in Special Warranty Deed to Janet L. Balekian, recorded in Instrument Number 2018-51596, Official Public Records, Denton County, Texas, being the common east line of said 10.000 acre tract, a distance of 547.70 feet to an "X" cut in concrete found at the northeast corner of a called 54.595 acre tract of land described in Warranty Deed to Shady Oaks Family Ranch, Ltd., recorded in Instrument Number 2018-136827, Official Records, Denton County, Texas and the southeast corner of said 10.000 acre tract;

THENCE, along the north line of said 54.595 acre tract, being the common south line of said 10.000 acre tract, the following two (2) courses and distances:

1. N89°17'10"W, a distance of 795.52 feet to a 1/2" iron rod with yellow plastic cap (illegible) found;
2. N00°54'30"W, a distance of 548.16 feet to a 1/2" iron rod found in the south line of said 11.992 acre tract, at the northwest corner of said 10.000 acre tract;

THENCE, S89°15'14"E, along the south line of said 11.992 acre tract, being the common north line of said 10.000 acre tract, a distance of 795.58 feet to the **POINT OF BEGINNING**, containing 10.00 acres or 435,727 acres, more or less.

NOW THEREFORE KNOW ALL MEN BY THESE PRESENTS:

THAT, **ANGLICAN CHURCH OF THE RESURRECTION, INC.** does hereby adopt this plat designating the herein above described property as **ANGLICAN CHURCH OF THE RESURRECTION ADDITION** an addition to the Town of Flower Mound, Denton County, Texas. The easements shown hereon are hereby reserved for the purposes as indicated. All streets, alleys, rights-of-way, and Lot 1, Block A, are hereby dedicated in fee simple to the Town of Flower Mound for municipal purposes. The utility and fire lane easements (streets, alleys, and common areas) shall be open to the public, fire and police units, garbage and rubbish collection agencies and all public and private utilities for each particular use. No buildings, trees, shrubs or other improvements or growths shall be constructed, reconstructed or placed upon, over or across the utility easements as shown. Said utility easements being hereby reserved for the mutual use and accommodation of all public utilities using or desiring to use same. All and any public utility shall have the right to remove and keep removed all or parts of any buildings, fences, trees, shrubs, or other improvements or growths which in any way endanger or interfere with the construction, maintenance or efficiency of its respective system on the utility easements and all public utilities shall at all times have the full right of ingress and egress to and from and upon the said utility easements for the purpose of construction, reconstructing, inspecting patrolling, maintaining and adding to or removing all or parts of its respective systems without the necessity at any time of procuring the permission of anyone. Any public utility shall have the right of ingress and egress to private property for the purposes of reading meters and any maintenance and service required or ordinarily performed by that utility. This plat approved subject to all platting ordinances, rules, regulations and resolutions of the Town of Flower Mound.

OWNER: **ANGLICAN CHUCH OF THE RESURRECTION, INC.**

BY: _____
Signature of Authorized Agent Date

BY: _____
Printed Name and Title of Signator

STATE OF TEXAS §
COUNTY OF _____ §

BEFORE ME, the undersigned authority, on this day personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same for the purposes and considerations therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF THE OFFICE this ____ day of _____, 20 ____.

Notary Public in and for the State of Texas

CERTIFICATE OF SURVEYOR

STATE OF TEXAS §
COUNTY OF DENTON §

I, **MATTHEW RAABE**, Registered Professional Land Surveyor, do hereby certify that this plat was prepared from an actual survey made on the ground and that the monuments shown hereon were found or placed with 1/2-inch iron rods with green plastic caps stamped "EAGLE SURVEYING" under my direction and supervision in accordance with the current provisions of the Texas Administrative Code and the Ordinances of the Town of Flower Mound, Denton County, Texas.

PRELIMINARY

this document shall not be recorded
for any purpose and shall not be
used or viewed or relied upon as a
final survey document

Matthew Raabe, R.P.L.S. # 6402 Date

STATE OF TEXAS §
COUNTY OF DENTON §

BEFORE ME, the undersigned authority, on this day personally appeared **MATTHEW RAABE**, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and considerations therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF THE OFFICE this ____ day of _____, 20 ____.

John Cox, Notary Public in and for the State of Texas

RC22-0016 PG. 1 OF 1



PLANNING & ZONING COMMISSION AGENDA I.1. REGULAR ITEM(S)

DATE: January 23, 2023
FROM: Tommy Dalton, Assistant Town Manager
ITEM: **Public Hearing to consider an ordinance amending the Town's Code of Ordinances (LDR22-0004 – Mandatory Sewer Connections) by amending Chapter 90 "Subdivisions" and appendix A "Fee Schedule," to provide for an exception for mandatory sewer connections and make corrections to recently approved fee updates.**

BACKGROUND:

This is a Town initiated amendment to the Town's Code of Ordinances. If approved, this amendment will establish an exception process for property owners to seek relief from mandatory sewer connections in limited circumstances. In addition, this item corrects certain planning fees that were recently adopted.

The issue of mandatory sewer connections comes up periodically. There are generally two situations in which this issue may be brought to the Town's attention. The first situation is when a property owner is looking to sell/develop land in a sewer service area where no convenient connection to sewer exists. This issue can be especially significant if the scope of the development is small and the added infrastructure costs exceed what is anticipated. The second situation is when an existing homeowner in a sewer service area has a septic system that fails. Under Town code, if sewer is within 300 feet of the property, the owner must connect to the sewer system. There are multiple factors that can impact the cost of abandoning a failed septic system and connecting to sewer.

This topic was first discussed at the June 16, 2022, Town Council Strategic Planning Session (SPS). The packet can be viewed [here](#), and the meeting viewed [here](#) (FF to the 4:09:15 minute mark). Staff received feedback from Council during the SPS to create an exception process for property owners to seek relief from mandatory sewer connections in limited circumstances. Staff presented draft standards to the Council at their October 20, 2022, work session. The meeting can be viewed [here](#) (FF to the 48:44 minute mark).

The draft standards limit the applicability of the exception to the Long Prairie sanitary sewer service area (generally land east of the intersection of Flower Mound Road and Cross Timbers Road). The standards also limit the exception to two circumstances:

- Replacing a failed septic system. Existing properties with a malfunctioning or inoperable septic tank or other on-site sewerage facility (OSSF) serving said property, and within 300 feet of the Town's sanitary sewer system.
- Subdividing property. Properties where a plat application has been submitted to the Town to subdivide the property into four (4) lots or less, where each lot consists of a minimum lot size of two (2) acres. The draft standards contain provisions for submitting an application, provide

for a fee, and outline the review and approval process. As part of the review, if an applicant meets the criteria to qualify for an exception, it must be approved by staff.

The fees that are being corrected were adopted by the Town Council on December 19 with an effective date of February 6. While reviewing and testing the fees in the Town's permitting software, staff found that certain fees would undercharge in specific circumstances due to their graduated scale. There were also some necessary corrections identified for consistency purposes. The proposed corrections ensure fees obtain full cost recovery without overcharging.

BOARD REVIEW/CITIZEN FEEDBACK: The Town Code requires public notice in a newspaper of general circulation (Denton Record Chronicle.) At the time this report was written, staff had received no correspondence in relation to the proposed amendment.

ALTERNATIVES: N/A

FISCAL IMPACT: N/A

LEGAL REVIEW: Bryn Meredith, of Taylor, Olson, Adkins, Sralla, & Elam L.L.P., has reviewed the ordinance as to form and legality.

ATTACHMENTS:

1. Draft Redline Standards

DRAFT MOTION: Move to approve as presented in the agenda caption.

Section 90-422. – On-site sewage facilities. (All exception language is new)

(a) In proposed subdivisions where public sanitary sewers are not available, the subdivider shall ensure ~~in a manner acceptable to the town that the soil conditions, lot area, and other terrain features are adequate for on-site sewage facilities.~~ any on-site sewage facilities are in compliance with the applicable Town and State on-site sewage facility regulations.

(b) *Exception to mandatory sanitary sewer connection.*

(1) *Applicability:* Within the Long Prairie sanitary sewer service area, the Town may consider exceptions to mandatory sewer connections pursuant to Section 70.91, under one of the following circumstances:

- i. *Replacing a failed septic system.* Existing properties with a malfunctioning or inoperable septic tank or other on-site sewerage facility (OSSF) serving said property, and within 300 feet of the Town's sanitary sewer system.
- ii. *Subdividing property.* Properties where a plat application has been submitted to the Town to subdivide the property into four (4) buildable lots or less, where each buildable lot consists of a minimum lot size of two (2) acres.

(2) *Application, Fee, Review and Approval:*

- i. Requests for an exception must be submitted on forms issued by the Town and submitted in writing to the Town's Planning Services Division. The written request must identify the standards present in Section 90-422(b)(2)(vii) that impact the subject property's ability to connect to the Town's sanitary sewer system.
- ii. Requests for replacing a failed septic system shall follow the application process and regulations outlined within Chapter 34 of the Town's On-site Sewage Disposal regulations and all applicable State regulations.
- iii. Requests for subdividing property shall accompany a plat application.
- iv. Requests that include a cost exception pursuant to Section 90-422(b)(2)(viii), must submit estimates with the application.

- v. The Town Manager, or their designee (the “Director”), may require additional information or may waive certain requirements depending on the circumstances of the request and disposition of the subject property.
- vi. An application and review fee of \$250.00 (“exception review fee”) shall be paid to the Town prior to staff review of the exception request. The exception review fee is in addition to the required fees for replacing a failed septic system or subdividing property.
- vii. Requests that meet the following standards shall be approved administratively by the Director:
 - 1. Requests to replace a failed septic system shall be approved if they meet the following criteria:
 - a. The proposed septic system/OSSF repairs or the new OSSF is in compliance with Article VI of Chapter 34 of the Town’s On-site Sewage Disposal regulations and all applicable State regulations.
 - b. Connecting to the Town’s sanitary sewer system requires any of the following:
 - i. Grinder pumps;
 - ii. Boring under a public thoroughfare street;
 - iii. Obtaining an easement through adjacent private property; or,
 - iv. The cost to connect to the Town’s sanitary sewer system exceeds the cost of replacing the failed septic system as described by subsection viii below.
 - 2. Requests to subdivide property shall be approved if they meet the following criteria:
 - a. The minimum lot size is two (2) acres on four (4) or fewer buildable lots, and the proposed septic system/OSSF repairs or the new OSSF is in compliance with Article VI of Chapter 34 of the Town’s

On-site Sewage Disposal regulations and all applicable State regulations.

- b. Extension of the Town's sanitary sewer system to the property is not on the Town's five-year Capital Improvement Plan.
- c. Connecting to the Town's sanitary sewer system requires any of the following:
 - i. Grinder pumps;
 - ii. Obtaining an easement through adjacent private property;
 - iii. Lift station and force main; or,
 - iv. The cost to connect to the Town's sanitary sewer system exceeds the cost of installing a new septic system as described by subsection viii below.
- viii. In determining if cost is an applicable criterion for an exception, the applicant shall provide a minimum of three cost estimates for both connecting to the Town's wastewater system and replacing or installing a compliant OSSF. All cost estimates are subject to review by the Director and the applicant shall provide additional information, if requested, to clarify provided cost estimates. If the Director determines that all three cost estimates to connect to the Town's wastewater system exceed the cost to replace or install a compliant OSSF, that cost shall be deemed to meet that criterion for an exception.

(3) *Expiration of approved exception:*

- i. An approved exception for replacing a failed septic system expires if a permit to replace the failed or inoperable septic system has not been finalized by the Town within 90 calendar days from the date the exception is granted.
- ii. An approved exception associated with the subdividing of property expires if a record plat of the property has not been approved by the Town within nine (9) months from the date the exception is granted.

- iii. The Director, in their sole discretion, may extend an expiration upon request by the applicant if the Director determines that progress is being made to complete the permit or plat and that strict enforcement of this section only creates an undue hardship in completing the permit or plat, subject to the following conditions:
 1. Up to two (2) extensions may be granted; and,
 2. Each extension cannot exceed 30 days.
- iv. Once an exception expires, the applicant may reapply for the exception under the process set forth herein no more than twice per property or platted subdivision. Each reapplication requires an updated cost estimate in order for cost to be considered as a qualifying criterion for an exception.

FEE Corrections:

<i>Code Section Number</i>	<i>Description</i>
32-3	<i>Flat rate inspection fee to work outside of normal working hours (charged in addition to the usual inspection fee(s) for the work inspected)</i>

	Inspection Type:	Fee:
1.	Weekdays outside of the hours of 7:00 a.m. to 4:00 p.m.	\$100.00
2.	Saturdays (and Sunday emergency work)	\$415.00 <u>\$410.00</u>

<i>Code Section Number</i>	<i>Description</i>
32-4	<i>Development permit fees:</i>

1. A site development permit is required prior to mobilization, grading, utility and paving construction, and site landscape installation, and subject to the following fees:

	Permit Type:	Fee:
a)	Site Development Permit (DEV)	\$1,950.00 <u>2,165.00</u>
b)	Grading Permit	\$1,265.00 <u>1,405.00</u>
c)	Right-of-Way Permit (ROW)	\$235.00 <u>260.00</u>
d)	Small Cell Permit	\$235.00 <u>260.00</u>
e)	Batch Plant	\$235.00
f)	Geotechnical Permit	Included with DEV permit
g)	Development or construction re-inspection	\$85.00
h)	Landscape plan inspection	\$195.00
i)	Landscape plan re-inspection*	\$45.00
j)	Inspection of public infrastructure and Drainage**	3.15%
k)	Development contractor registration	\$35.00
*	A reinspection fee may be assessed for each inspection or reinspection when such portion of work for which the inspection is requested is not in compliance with all local codes or when requested corrections are not made. In instances where reinspection fees have been assessed, no additional inspection of the work will be performed until the required fees have been paid.	
**	Section 90-221 – Inspection Fee: Prior to the issuance of the development permit by the Town for the construction of a subdivision, the subdivider shall pay a design review and inspection fee equal to 3.15% of the estimated construction costs of the water and sewer utilities, drainage facilities, fire lanes and streets in each subdivision. If deemed necessary by staff, the subdivider shall provide certified copies of the executed construction contracts to the Town Manager for verification of the actual amount of the fee to be assessed against the subdivider prior to acceptance of the subdivision.	

Chapter 78. Administration.	
Code Section Number	Description
78-1	Application fees:
78-84 – 78-86	Appeals: Board of Adjustment fees:
78-124	Outdoor lighting fees:
78-263	Vested rights petition:
78-301	Amendments to approved plans:

2) ~~Appeals: Board of Adjustment requests:~~

a. Appeal of administrative decision (all) variances, and special exceptions:
~~\$100.00~~ \$665.00 + legal notices (variance fee was moved from SMARTGrowth section)

1) Platting fees:

a. Development plans:

	Development plan type:	Fee:
1)	Single Family Residential (0-20 acres)	\$1,160 + \$25/acre
2)	Single Family Residential (20-50 acres)	\$1,185 + \$20/acre over 20 <u>\$1,285 + \$10/acre</u>
3)	Single Family Residential (50+ acres)	\$1,655 + \$15/acre over 50 <u>\$1,805 + \$10/acre over 50</u>
4)	Multi-Family and Non-Residential	\$1,680

b. Record plats:

	Record plat type:	Fee:
1)	Single Family Residential (0-20 acres)	\$960 + \$25/acre
2)	Single Family Residential (20-50 acres)	\$1,040 + \$20/acre over 20 <u>\$1,140 + \$10/acre</u>
3)	Single Family Residential (50+ acres)	\$1,585 + \$15/acre over 50 <u>\$1,735 + \$10/acre over 50</u>
4)	Multi-Family and Non-Residential	\$1,535

2) Development Applications:

c. Master plan amendments:

	Master plan amendment type:	Fee:
1)	0 to 5 acres	\$1,390 + \$25/acre
2)	5+ acres 0 to 20 acres	\$1,355 90 + \$25/acre
3)	20+ acres to 50 acres	\$1,835 + \$20/acre over 20
4)	50+ acres	\$2,530 + \$15/acre over 50
Note: All Master Plan Amendments are subject to the legal notification fees prescribed above.		

d. Zoning Amendments:

	Zoning amendment type:	Fee:
1)	0 to 5 acres	\$500 + \$25/acre

2)	5+ acres <u>0</u> to 20 acres	\$500 + \$25/acre
3)	20+ acres to 50 acres	\$670 + \$20/acre over 20 \$1,270
4)	50+ acres	\$860 + \$15/acre over 50 \$1,310
Note: All Zoning Amendments are subject to the legal notification fees prescribed above.		

e. Zoning Planned Development (PD) – Single Family:

	PD type:	Fee:
1)	0 to 5 acres	\$2,935 + \$25/acre
2)	5+ acres <u>0</u> to 20 acres	\$2,935 + \$25/acre
3)	20+ acres to 50 acres	\$3,525 + \$20/acre over 20
4)	50+ acres	\$4,965 + \$15/acre over 50
Note: All PDs are subject to the legal notification fees prescribed above.		

f. Zoning Planned Development (PD) – ~~Cluster~~/Conservation:

	PD type:	Fee:
1)	0 to 5 acres	\$4,320 + \$25/acre
2)	5+ acres <u>0</u> to 20 acres	\$4,320 + \$25/acre
3)	20+ acres to 50 acres	\$5,295 + \$20/acre over 20
4)	50+ acres	\$6,735 + \$15/acre over 50
Note: All PDs are subject to the legal notification fees prescribed above.		

g. Zoning Planned Development (PD) – Multi-family and non-residential/Mixed Use (MU):

	PD type:	Fee:
1)	0 to 5 acres	\$4,005 + \$25/acre
2)	5+ acres <u>0</u> to 20 acres	\$4,005 + \$25/acre
3)	20+ acres to 50 acres	\$4,690 + \$20/acre over 20
4)	50+ acres	\$5,440 + \$15/acre over 50
Note: All PDs are subject to the legal notification fees prescribed above.		

h. Zoning – Minor amendment (includes minor PD and MU amendments):

(1) All types: \$1,000.00 plus legal notification fees prescribed above.

k. Zoning verification letter: \$25.00 each (this was moved from the SMART Growth section)