



# MEMORANDUM

January 6, 2010

TO: Board of Mayor and Aldermen

FROM: Eric S. Stuckey, City Administrator *ES*  
Vernon J. Gerth, ACA-Community & Economic Development  
David Parker, City Engineer  
Eric J. Gardner, P.E., Director of Engineering

SUBJECT: Sanitary Sewer Availability Request for 3105 Boyd Mill Pike

## Purpose

The purpose of this memo is to forward a preliminary request for determination of sanitary sewer availability for 3105 Boyd Mill Pike.

## Background

A site plan/conditional use request is anticipated for consideration at the Williamson County Planning Commission's March meeting for a veterinarian clinic at 3105 Boyd Mill Pike. The applicants, Mr. Aubrey Preston and Dr. Michelle Preston, are in the process of purchasing the property located within the Urban Growth Boundary and adjacent to the City limits. During discussions with the County Planning Coordinator, the applicants were informed that when a change of use for a property is proposed, the County's Sewage Disposal Management Department requires a formal request for sanitary sewer service be presented to the City. Currently, the single-family dwelling at this property is served by an undocumented septic system. Public sanitary sewer is located in the Westhaven Subdivision, adjacent to this property.

The City's Land Use Plan identifies this parcel to remain residential as part of the Special Area's Traditional Neighborhood Development designation. The County's regulations do allow a veterinarian clinic as a Conditional Use.

It has been the Board's policy to require properties located outside of the City limits to request annexation when requesting sewer availability, although exceptions have been made. A formal request for sewer availability for this property has not been presented, but the applicants requested the CIP Committee consider the availability request so they would understand the City's requirements prior to closing on the property. The closing is scheduled to take place on February 25, 2010. Prior to the BOMA approval of the availability, a formal request identifying the anticipated sewage discharge would need to be submitted by the applicant. This information could be submitted between the CIP Committee and the next available BOMA meeting scheduled for January 26, 2010.



**Options**

Option 1 – Approve the request for public sanitary sewer consistent with the Board’s policy by requiring annexation. Approval of this option would require the property owner to request an amendment to the City’s Land Use Plan and zoning the parcel in conjunction with site plan approval and permits. There is no assurance the Land Use Plan amendment and zoning for a veterinarian clinic would receive approval.

Option 2 – Grant sewer availability, but allow the property to remain in the County and be used in accordance with Williamson County standards and the pending Conditional Use Permit. If the property later is annexed, any future owner could not claim a use greater or broader than that given by the county’s Conditional Use Permit, so those restrictions would follow the property. Should the Board find this approach acceptable, staff recommends the sewer availability be conditioned that the property is annexed no later than January 1, 2015 or sooner if the City so chooses. In this scenario, the veterinarian use would annex into the City as a legally non-conforming use and could continue operating in perpetuity as long as no additional land area or activity contrary to the Conditional Use is added to the site.

Option 3 – Disapprove the availability request and allow this property to develop in the County utilizing a septic system or other approved alternative sewerage system as approved by the County. Staff has received verbal confirmation the current septic system is a viable option. For public health reasons, connection to an adjacent public sanitary sewer system is safer than continuing or expanding a septic system.

**Financial Impact**

There would be no cost to the City, other than the normal cost of service as any other service connection, if availability were granted. All necessary extensions and applicable fees of the sanitary sewer system would be borne by the applicant.

Sales Tax. Should the BOMA decide to allow the property to be developed as proposed, at such time the City decides to annex the property, the City would continue to send the County the annexation date sales taxes it collects from the business for a period of ten years following annexation.

**Recommendation**

From a planning standpoint, Option 1 is a best practice and consistent with the Board’s policy on offering sewer availability for properties located outside of the City limits but within the UGB. However, considering the notable reluctance of non-city landowners to annex their property, Option 2 demonstrates a cooperative spirit that allows a future City property owner the flexibility needed to develop a neighborhood business while providing assurance to the adjacent property owners that the proposed use will remain compatible through the conditions imposed by the County through the Conditional Use Permit process.