

Caldwell Companies Impact Fee Appeal



Sec. 107-94

- Applicant may appeal the following decisions to Director of Planning and Development Services:
 - The applicability of an impact fee to the development;
 - The value of the impact fee due;
 - The availability or the value of an offset or credit;
 - The application of an offset or credit against an impact fee due; and/or
 - The amount of the refund due, if any.
- Burden of proof shall be on the appellant to demonstrate that the value of the fee or the value of the offset or credit was not calculated according to the applicable impact fee schedule
- Appellant may appeal the decision of the Director of Planning and Development Services to the Council.



Development Process

Comprehensive Plan

Rezoning

Platting

Site Plan

Building Permit

Certificate of Occupancy



UDO Section 3.2.H – Simultaneous Processing of Applications

- Two (2) or more forms of review and approval are typically required in the development process. Development proposals that require applications for Official Zoning Map amendments are required to be acted upon by the City Council before plat and other development applications will be accepted for review by the City. In addition, preliminary plans are to be acted upon by the Planning and Zoning Commission or the Administrator before a subsequent final plat will be accepted for review by the City. At the discretion of the Administrator, plat and other applications for development approvals may be processed simultaneously, so long as the approval procedures for each application can be completed pursuant to the requirements of this UDO. Such processing shall occur at the applicant's own risk.



Assessment of Impact Fees

- Per Section 107 of the City of College Station Code of Ordinances, when platting is required, the assessment of impact fees occurs at the time the final plat is recorded.

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Determination

- Since the assessment of impact fees occurs at the time of when the final plat is recorded, the approval procedures for a building permit application cannot be completed, as the impact fees have not been assessed to the property.
- Therefore, the ordinance does not allow for the processing of the final plat and building permit simultaneously.
- Therefore, the applicable impact fee collection rate would be the one in place as of April 2024, which is when the final plat was recorded and the building permit application was accepted.

