

AGENDA



Thursday, February 17, 2011

**Planning and Development Review
RECOMMENDATION FOR COUNCIL ACTION****Item No. 29**

Subject: Approve an ordinance granting variances to Section 25-9-158 (public hearing deadline) and Section 25-9-159 (Council action deadline) of the City Code relating to a petition submitted for consent to the creation of the Fossil Creek Municipal Utility District (approximately 295 acres of land located west of Cameron Road at the intersection of Cameron Road and Killingsworth Lane).

For More Information: Virginia Collier, 974-2022; Sylvia Arzola, 974-6448.

On January 14, 2011, Cameron & Killingsworth – Pflugerville 292, L.L.P. petitioned the City for consent to the creation of the Fossil Creek Municipal Utility District (MUD). The proposed MUD includes approximately 295 acres of land located in northeastern Travis County. Prior to creation of a MUD in the City's extraterritorial jurisdiction, the property owners must submit a petition requesting the City's consent. The City then has a 90 day statutory period for review, including review by City boards and commissions. Typical issues reviewed include impacts on annexation, land use/transportation, environmental impacts, parks, and water and wastewater service. If the City does not grant consent to the creation of a MUD within 90 days of the petition, the petitioners may request the City to provide water and wastewater service. If a satisfactory contract is not executed within 120 days after the request for service, the petitioners may proceed to Texas Commission on Environmental Quality (TCEQ) for creation of the MUD. If the TCEQ determines that the City has not consented to the creation of the MUD, or entered into a contract for water or sewer service, as requested, the TCEQ is required by law (with a few limited exceptions) to allow creation of the MUD.

In a letter to the City, the property owner has agreed to an extension of time beyond the 90 day review period provided in the statute. At this time, there is insufficient information in the petition to support a recommendation to consent to creation of the MUD.

This action will allow City staff more time to review and provide comments on the applicant's petition and to work with the developer to address staff comments before the petition is presented to the City's Boards and Commissions, and the City Council for consideration.