



3-4-04  
#14

## MEMORANDUM

**To:** Mayor and Council  
**From:** Lisa Y. Gordon, Assistant City Manager  
**Date:** March 2, 2004  
**Subject:** ZT Scott Tract Annexation – Item 14 on March 4<sup>th</sup> Agenda

---

The ZT Scott annexation area is a 269 acre undeveloped tract east of the Onion Creek development. It is scheduled for Council action on March 4, 2004.

Prior to the annexation public hearings, the developer involved with the ZT Scott project (Tim Sawtelle) contacted Ben Luckens to request that the property be given an Interim SF-4A (small lot single family residential) designation upon annexation. The Land Development Code provides for an I-RR (Rural Residential) designation for unplatted land. In the past, staff has recommended an interim use designation other than RR in cases where a residential plat has been filled for the property or a use has otherwise been established sufficient for a continuation of uses claim or a Chapter 245 claim. In this case no plats had been filed, no use established. Mr. Sawtelle has been informed that staff will not recommend an Interim SF-4A designation and that he should file a zoning case after annexation or file a plat prior to the effective date.

On February 25, Mr. Sawtelle faxed a copy of a letter he sent to the Mayor asking that the annexation be postponed or be approved on first reading only on March 4. Given the requirements of state law, if the item is postponed on March 4<sup>th</sup> the process would have to start from the beginning.

Typically, staff recommends first reading if requested by a property owner and there are no overriding considerations and no opposition. Approving the annexation on first reading gives the owner additional time to file a plat and establish a continuation of use claim or a Chapter 245 claim. The Onion Creek HOA has expressed its opposition to SF-4A.

In this case, staff recommends approving the annexation on all three readings and waiving zoning fees for the first year following the effective date.

Lisa Y. Gordon, C.P.A.  
Assistant City Manager

c: Toby Futrell, City Manager  
Austan S. Librach, Director, TPSD  
Ben Luckens, TPSD