

ORDINANCE NO. 040617-41

AN ORDINANCE ADOPTING A REGULATORY PLAN FOR AN AREA ANNEXED FOR LIMITED PURPOSES, REFERRED TO AS THE ROBINSON PROPERTY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. The Council finds that:

- (A) The area referred to as the Robinson Property is being annexed by Ordinance No. 040617-40, for the limited purposes of planning and zoning, and a Planning Study and Regulatory Plan for the area were prepared as required by state law.
- (B) The Regulatory Plan included in Exhibit A attached to this ordinance serves the public health, safety and welfare, and the interests of the current and future residents of the City of Austin.
- (C) The Regulatory Plan included in Exhibit A attached to this ordinance has been revised to include references to the Robinson Ranch Annexation and Development Agreement and Planned Unit Development ordinance for the area, and clarify the property to which it is applicable, and these revisions serve the public health, safety and welfare, and the interests of the current and future residents of the City of Austin.

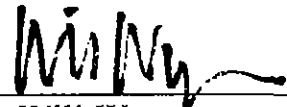
PART 2. The Regulatory Plan included in Exhibit A attached to this ordinance is approved as the Regulatory Plan for the Robinson Property limited purpose annexation area.

PART 3. This ordinance takes effect on June 28, 2004.

PASSED AND APPROVED

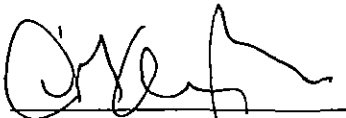
_____, June 17, 2004

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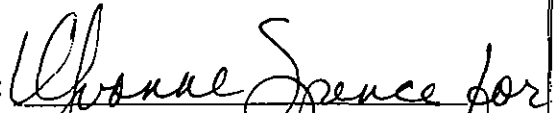
Will Wynn
Mayor

APPROVED:



David Allan Smith
City Attorney

ATTEST:



Shirley A. Brown
City Clerk

EXHIBIT A



**Robinson Property
Limited Purpose Annexation Planning Study and Regulatory Plan
Planning Study**

Background

The owners of the Robinson Property and the City of Austin have negotiated an agreement regarding annexation and development. The Robinson Ranch Annexation and Development Agreement (“Agreement”) provides for annexation of the Robinson Property for the limited purposes of planning and zoning pursuant to Sec. 43.129 of the Texas Local Government Code.

In the Agreement, the owners have waived the requirement of Sec. 43.123 (d) (2) of the Texas Local Government Code that the property be annexed for full purposes within three years of the effective date of its limited purpose annexation. Full purpose annexation will take place as individual tracts within the Robinson Property receive development approval.

The City has initiated a PUD zoning case for all but approximately 37.2 acres of the Robinson Property. This zoning case will reflect the land uses and development standards set out in the Agreement.

Approximately 37.2 acres of land east of the Union Pacific Railroad ROW between the City’s existing limited and full purpose City limits and the center line of a tributary of Walnut Creek is included in the limited purpose annexation but is not covered by the Agreement or included in the City-initiated PUD zoning case.

Area Description

The proposed annexation area covers approximately 6,282 acres in Travis and Williamson counties. The area is the site of the Austin White Lime Company which conducts extensive quarrying and rock crushing operations on site. The balance of the proposed annexation area is used for ranching activities.

The proposed annexation area is bounded on the east, south and west by large residential, commercial and industrial projects.

The area is bounded by three major arterial roadways: Parmar Lane, FM 1325 and FM 620. The SH 45 and Loop 1 toll roads are currently under construction within the proposed annexation area and will intersect within the area. The Austin Northwest and Union Pacific railroads also run through and intersect within the area. Several major arterials are proposed to run through the area.

The Robinson Property is within the City's Desired Development Zone. The City's 34-million gallon Martin Hill Reservoir is within the area and the City has constructed major wastewater facilities within and immediately adjacent to the area. Additional facilities are planned to serve the area.

The McNeil High School campus is within the area but is excluded from the proposed limited purpose annexation. Also excluded from the proposed limited purpose annexation is an in-parcel, not owned by the owners of the Robinson Property, located approximately 1.75 miles southeast of the intersection of Parmer Lane and Anderson Mill Road.

Projected Ten Year Development with and Without Annexation

The owners of the Robinson Property are not developers and the City's 10-year projections are not based on proposals from the Robinson owners.

Given the multi-modal transportation network within the proposed annexation area and its location within the Austin metropolitan area, it is anticipated that the proposed annexation area will be developed, over the next ten years, at moderate to high intensities of use with transit-oriented development (TOD) at key transportation nodes. It is anticipated that development within the proposed annexation area will include a wide range and mix of residential, commercial, industrial, civic and recreational uses.

In conjunction with the Agreement, the City initiated a Planned Unit Development (PUD) zoning case for Robinson Ranch. Following annexation, the property will be developed in accordance with the PUD as finally approved.

Given the public investment in transportation facilities in the area and the anticipated response of market forces to that investment, it is reasonable to assume that the area will be developed irrespective of whether or not it is annexed. Without limited purpose annexation and PUD zoning, however, the area is less likely to be developed with TODs and other mixed-use projects.

Issues Supporting Annexation

The area must be annexed for limited purposes prior to final approval of PUD zoning. PUD zoning will facilitate development of TODs and other mixed-use projects.

Limited purpose annexation for planning and zoning with conversion to full purpose status as tracts go through the development process will limit the regulatory and tax burden associated with annexation on the owners of the Robinson Property who are not developers.

Public Benefit from the Annexation

Limited purpose annexation and the application of PUD zoning and City development standards will result in higher quality development than would otherwise occur.

PUD zoning will facilitate development of TOD and mixed-use projects in the area. These types of development will result in less roadway congestion and air pollution than would occur with conventional development forms.

The Economic, Environmental and other Impacts of the Proposed Annexation on Residents, Landowners Businesses and in the Proposed Annexation Area

By providing increased certainty regarding annexation and development standards, the proposed annexation will be to the long-term economic and environmental benefit of the residents, landowners and businesses in the proposed annexation area. Currently, there are no residents or landowners in the area other than members of the Robinson family. There are no businesses in the proposed annexation area other than those owned by or associated with the Robinson family.

Existing activities on the property will be allowed to continue as provided by the terms of the Agreement.

The proposed annexation and the imposition of City zoning and development standards will benefit residents and property owners in the area surrounding the Robinson property by encouraging higher quality development than would otherwise occur.

The limited purpose annexation will protect the local environment through the use of PUD zoning and City development standards.

Proposed Zoning for the Area

The area will be zoned in accordance with the procedures required by state law and Title 25 of the Code of the City of Austin (the Land Development Code). As noted above, the City will initiate a Planned Unit Development (PUD) zoning case for Robinson Ranch. Following annexation, the property will be developed in accordance with the PUD as finally approved.

From the effective date of the limited purpose annexation until the property is zoned, the area will be treated for development purposes, in accordance with Section 25-2-222 (Designation of Annexed Land) of the Code.

Approximately 37.2 acres of land east of the Union Pacific Railroad ROW between the City's existing limited and full purpose City limits and the center line of a tributary of Walnut Creek is not included in the City-initiated PUD zoning case. This acreage will be treated for development purposes, in accordance with Section 25-2-222 (Designation of Annexed Land) of the Code until such time as the area is zoned in accordance with the procedures required by state law and Title 25 of the Code. Comments regarding the

proposed zoning will be considered at the public hearings for the proposed limited purpose annexation.

Regulatory Plan

Development Regulations

Annexation of the area for the limited purposes of planning and zoning will extend City regulatory authority regarding development, construction, land use, and environmental quality to the area, as specified in the terms of the Robinson Ranch Annexation and Development Agreement. This authority includes the application of regulations pertaining to planning and zoning including regulations within the City's Land Development Code and related technical manuals, and rules adopted pursuant thereto, subject to the terms of the Agreement. Existing activities on the property will be allowed to continue as provided by the terms of the Agreement.

Approximately 37.2 acres of land east of the Union Pacific Railroad ROW between the City's existing limited and full purpose City limits and the center line of a tributary of Walnut Creek is not included in the Robinson Ranch Annexation and Development Agreement. Annexation of the 37.2 acres for the limited purposes of planning and zoning will extend the full range of City regulatory authority regarding development, construction, land use, and environmental quality to this area. This authority includes the application of all regulations pertaining to planning and zoning including but not limited to, regulations within the City's Land Development and related technical manuals, and all rules adopted pursuant thereto.

As noted above, the City has initiated a Planned Unit Development (PUD) zoning case for all but approximately 37.2 acres of the proposed annexation area. The PUD will set out allowable uses and specific development standards for the limited purpose annexation area.

Future Full Purpose Annexation

The Robinson Ranch Annexation and Development Agreement between the owners of the Robinson Property and the City sets out the process under which the limited purpose annexation area will be annexed for full purposes.

In the Agreement, the owners of the Robinson Property have waived the requirement of Sec. 43.123 (d) (2) of the Texas Local Government Code that the property be annexed for full purposes within three years of the effective date of its limited purpose annexation and the prohibition in Sec. 43.122 of the Texas Local Government Code regarding strip annexations. Full purpose annexation will take place as individual tracts within the Robinson Property receive subdivision plat approval and are recorded or, in case of tracts not requiring plat approval, site plan approval, or in the case of tracts not requiring plat or site plan approval, building permit approval. If necessary to establish contiguity, the City

will annex any additional Robinson Property land between the tract being converted to full purpose status and the then-existing full purposes City limits. The City will attempt to establish contiguity along existing public rights of way or with strips adjacent to public rights-of-way, to the extent feasible in the City's determination.

The 37.2 acres not covered by the agreement will be annexed for full purposes as individual tracts within the acreage receive subdivision plat approval and are recorded or, in case of tracts not requiring plat approval, site plan approval, or in the case of tracts not requiring plat or site plan approval, building permit approval or at the end of three years, whichever comes first.