



**Annexation
CITY OF AUSTIN
RECOMMENDATION FOR COUNCIL ACTION**

AGENDA ITEM NO.: 19
AGENDA DATE: Thu 01/26/2006
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SUBJECT: Approve second/third readings of an ordinance adopting a regulatory plan for the Scarbrough Subdivision Area, which is being annexed for the limited purposes of planning and zoning.

AMOUNT & SOURCE OF FUNDING: Limited purpose annexation does not have a significant impact on the general fund.

FISCAL NOTE: There is no unanticipated fiscal impact. A fiscal note is not required.

REQUESTING Neighborhood Planning **DIRECTOR'S**
DEPARTMENT:and Zoning **AUTHORIZATION:** Greg Guemsey

FOR MORE INFORMATION CONTACT: Virginia Collier, 974-2022; Jackie Chuter, 974-2613; Sylvia Arzola, 974-6448

PRIOR COUNCIL ACTION: First reading approved on November 17, 2005.

BOARD AND COMMISSION ACTION: N/A

In accordance with Section 43.125 of the Texas Local Government Code (LGC), the City must adopt by ordinance a regulatory plan for areas being annexed for limited purposes. In a related agenda item, the City Council is scheduled to approve an ordinance annexing the Scarbrough Subdivision. To comply with State law, Council must also adopt the Scarbrough Subdivision regulatory plan.

The owners of the Scarbrough Subdivision area have requested limited purpose annexation in accordance with Section 43.127 LGC, waiving the requirement for conversion to full purpose status in three years. The owners' written request for limited purpose annexation will be included as an attachment to the Regulatory Plan.

ORDINANCE NO.

**AN ORDINANCE ADOPTING A REGULATORY PLAN FOR AN AREA
ANNEXED FOR LIMITED PURPOSES, REFERRED TO AS THE
SCARBROUGH SUBDIVISION AREA.**

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 Scarbrough Subdivision Area is being annexed by Ordinance No. _____, 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 has been amended to include correct references to the date of full purpose annexation.
- (C) 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.

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

PART 3. This ordinance takes effect on _____, 2006.

PASSED AND APPROVED

_____, 2006 §
 §
 § _____
 Will Wynn
 Mayor

APPROVED: _____
 David Allan Smith
 City Attorney

ATTEST: _____
 Shirley A. Gentry
 City Clerk



DRAFT

Scarbrough Subdivision

Limited Purpose Annexation Planning Study and Regulatory Plan

Planning Study

Background

The owners of the Scarbrough Subdivision have petitioned the City to annex the property for limited purposes pursuant to Sec. 43.129 of the Texas Local Government Code.

As part of their request for limited purpose annexation, 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.

Scarbrough Subdivision is proposed for annexation for the limited purposes of planning and zoning.

Area Description

The proposed annexation area covers approximately 46 acres in Travis County west of the intersection of IH 35 North and Three Points Drive between Bratton Lane. The area is part of a larger tract that is partially in the City's limited purpose jurisdiction (annexed 9/13/84) and partially in the City's ETJ.

The proposed annexation area is currently undeveloped.

Projected Ten Year Development With and Without Annexation

The annexation area includes portions of the platted Scarbrough Subdivision (C8-00-2052.0A) with an approved site plan, Scarbrough Business Park (SP-01-0039D). A LI zoning case (C14-05-0169) has been submitted for this site and includes the following proposed uses: warehouse/office/industrial/retail.

Given market forces, it is reasonable to assume that development of approximately same density and intensity of use as the development proposal provided to the City will be built on the tract irrespective of whether or not it is annexed.

If annexed, the property will be developed in accordance with the City's zoning and site development standards.

Issues Supporting Annexation

The area must be annexed for limited purposes prior to final approval of the proposed LI zoning case.

Public Benefit from the Annexation

Limited purpose annexation and zoning will result in higher quality development than would

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

Limited purpose annexation with a future conversion to full purpose status will be of economic benefit to the owners of the property. Currently, there are no residents in the proposed annexation area. There is no business activity in the proposed annexation area.

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

The proposed limited purpose annexation will protect the local environment by ensuring that future development will be in compliance with the City's zoning and Title 30 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).

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.

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 the full range of City regulatory authority regarding development, construction, land use, and environmental quality to the 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 Code including Title 30 Austin/Travis County Subdivision Regulations and related technical manuals, and all rules adopted pursuant thereto.

Future Full Purpose Annexation

The owners of Scarbrough Subdivision have waived the requirements 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 for areas for which a final plat has been recorded may take place at any time after December 31, 2005. The property owner's letter requesting annexation is attached to this Regulatory Plan as Exhibit 1.