

**Neighborhood Planning & Zoning
CITY OF AUSTIN**

**AGENDA
DATE: 4/20/2006**

16

**RECOMMENDATION FOR
COUNCIL ACTION**

Subject: Approve second/third readings of an ordinance adopting a regulatory plan for the Winfield MUD No. 2 Area which is being annexed for limited purposes.

Amount and Source of Funding:

Fiscal Note:

Requesting Department: NPZD

For More Information:

Prior Council Action: 3/2/06 and 3/9/06 - Public Hearings
4/6/06 - Council approved a Strategic Partnership Agreement With Winfield MUD No. 2

Boards and Commission Action:

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 item, the City Council is scheduled to adopt an ordinance annexing the Winfield MUD No. 2 area. To comply with State law, Council must also adopt the Winfield MUD No. 2 Area regulatory plan.

This area is being annexed in accordance with the terms of the Strategic Partnership Agreement (SPA) between the City of Austin and Winfield MUD No. 2.

EXHIBIT A



DRAFT

Winfield Municipal Utility District No. 2

Limited Purpose Annexation Planning Study and Regulatory Plan

Planning Study

Background

The proposed limited purpose annexation is being conducted pursuant to a Strategic Partnership Agreement ("SPA") between the City of Austin ("City") and Winfield Municipal Utility District No. 2 ("the District"). The SPA agreement and the proposed limited purpose annexation are undertaken in accordance with Section 43.0751 of the Texas Local Government Code.

Area Description

The proposed annexation area includes approximately 575 acres and is located in Travis County and Hays County approximately 1.5 miles east of IH 35 South and south of Turnersville Road. The area is currently undeveloped.

Projected Ten Year Development With and Without Annexation

The annexation area includes all of the area within the District. The Land Plan, adopted as part of the Consent Agreement between the City and the District, indicates several proposed uses for this area including retail/office/commercial/ research and development/ hospital/ college-university.

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

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

Issues Supporting Annexation

The proposed limited purpose annexation implements a provision of the proposed SPA between the District and the City. The SPA provides for future full purpose annexation of the District, which will benefit landowners and businesses within the District and the City.

Public Benefit from the Annexation

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

The Economic, Environmental and other Impacts of the Proposed Annexation on Landowners and Businesses 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 is no business activity in the proposed

annexation area. The adopted land use plan for the limited purpose annexation area does not propose a residential population.

The proposed annexation and the imposition of City zoning and development standards will benefit residents and property owners in the area surrounding the Winfield MUD No. 2 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.

The City will not impose ad valorem taxes during the period of limited purpose annexation. The City will, however, impose sales tax, as authorized by Section 43.0751 of the Local Government Code, during the period of limited purpose annexation for any businesses that are established in the area.

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).

The City agrees to zone the Limited Purpose Annexation Property within a reasonable period of time after the receipt of a complete application for zoning for the Limited Purpose Annexation Property. Landowner shall at its cost provide to the City a field note description of each tract as delineated in the Land Plan and shall pay the costs of notification required by law and all applicable fees for zoning. As the City approves zoning of the entirety of the Limited Purpose Annexation Property, the zoning shall supersede and replace the approved use in the Land Plan and the Land Plan shall be of no further force and effect thereafter.

Comments regarding the proposed zoning may be made and 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. Subdivision applications for land in the area will be subject to City Code Title 30, unless the area is annexed for full purposes, or the City's Agreement with Travis County on Subdivision Regulation in the ETJ is amended. A small portion of the area, approximately 66 acres, is located in Hays County. Subdivisions in this area are subject to review by the City pursuant to the City's agreement with Hays County regarding subdivision regulation in Austin's ETJ within Hays County. That agreement provides that certain Hays County regulations, regarding septic systems, transportation and other matters, shall be enforced by the City, if those regulations would be more restrictive than the corresponding City regulation.

Future Full Purpose Annexation

The proposed limited purpose annexation area will be included within the City's full purpose jurisdiction and the District will be dissolved in accordance with the terms of the SPA, and the Consent Agreement.

In the SPA, the District and the City agree that the limited purpose annexation status of the District may be converted to full purpose annexation no sooner than the earlier of (i) December 31, 2035, or (ii) upon the completion and issuance of District bonds for 100% of utility infrastructure by the District pursuant to the Consent Agreement between the City and the District. This full purpose annexation conversion may be effected by City Council adoption of an ordinance including the area of the District within the full purpose City limits, and dissolving the District without any additional procedural requirements of state or local annexation law.

ORDINANCE NO.

**AN ORDINANCE ADOPTING A REGULATORY PLAN FOR AN AREA
ANNEXED FOR LIMITED PURPOSES, REFERRED TO AS THE WINFIELD
MUD NO. 2 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 Winfield MUD No. 2 Area is being annexed by Ordinance No. 20060406-____, for the limited purposes of planning and zoning, and a Planning Study and Regulatory Plan for the area have been 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.

PART 2. The Regulatory Plan included in Exhibit A attached to this ordinance, is approved as the Regulatory Plan for the Winfield MUD No. 2 Area limited purpose annexation area.

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

PASSED AND APPROVED

_____, 2006

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Will Wynn
Mayor

APPROVED: _____
David Allan Smith
City Attorney

ATTEST: _____
Shirley A. Gentry
City Clerk