



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

**AGENDA ITEM NO.: 54
AGENDA DATE: Thu 06/23/2005
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SUBJECT: Adopt an ordinance approving a regulatory plan for the Goodnight Ranch, which is being annexed for 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:** Alice Glasco

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

PRIOR COUNCIL ACTION: Public hearings held on March 3 and March 10, 2005; First reading of annexation approved on April 7, 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 second/third readings of an ordinance annexing Goodnight Ranch. To comply with state law, Council must also adopt the Goodnight Ranch regulatory plan.

The owners of the Goodnight Ranch have requested limited purpose annexation in accordance with Section 43.127 of the 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 GOODNIGHT
RANCH 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 Goodnight Ranch 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 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 Goodnight Ranch Area limited purpose annexation area.

PART 3. This ordinance takes effect on _____, 2005.

PASSED AND APPROVED

_____, 2005 §
 §
 § _____
 Will Wynn
 Mayor

APPROVED: _____
 David Allan Smith
 City Attorney

ATTEST: _____
 Shirley A. Brown
 City Clerk



DRAFT

Goodnight Ranch

Limited Purpose Annexation Planning Study and Regulatory Plan

Planning Study

Background

The owners of the Goodnight Ranch 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. A copy of the owners' petition is attached to this Study.

Goodnight Ranch is proposed for annexation for the limited purposes of planning and zoning.

Area Description

The proposed annexation area covers approximately 714 acres in southeastern Travis County between Nuckols Crossing Road and Old Lockhart Highway.

The proposed annexation area is currently undeveloped.

Projected Ten Year Development With and Without Annexation

Goodnight Ranch is proposed as a mixed-use project with commercial, residential, civic and open space uses. The owners have provided the City a draft development proposal and have expressed their intention to submit a zoning case requesting Planned Unit Development (PUD) for the site. It is anticipated that the zoning case will be submitted prior to third reading of the limited purpose annexation ordinance.

Given market forces, it is reasonable to assume that a mixed-use 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 and, PUD regulations as adopted.

Issues Supporting Annexation

The area must be annexed for limited purposes prior to final approval of the proposed PUD 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 phased conversion to full purpose status will be of economic benefit to the owners of the property. Currently, there are no residents or landowners in the proposed annexation area other than members of the Goodnight family. There is no business activity in the proposed annexation area other than ranching activities carried on by the owners.

The proposed annexation and the imposition of City zoning and development standards will benefit residents and property owners in the area surrounding the Goodnight Ranch project 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 and related technical manuals, and all rules adopted pursuant thereto.

Future Full Purpose Annexation

The owners of the Goodnight Ranch 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 and the prohibition in Sec. 43.122 of the Texas Local Government Code regarding strip annexations.

Full purpose annexation of the area proposed for limited purpose annexation will take place as individual tracts within Goodnight Ranch receive subdivision plat approval and are recorded or, in case of tracts not requiring plat approval, site plan approval. If necessary to establish contiguity or to provide services, the City will annex any additional Goodnight Ranch land

between the tract being converted to full purpose status and the then-existing full purposes City

limits. To the extent feasible in the City's determination, the City will attempt to establish contiguity along public rights of way.

As part of their request for limited purpose annexation, the owners have requested that limited purpose territory which has not been annexed for full purposes may be annexed for full purposes after December 31, 2013.

GOODNIGHT RANCH

February 21, 2005

The Honorable Will Wynn, Mayor
And Members of the Austin City Council
C/o Ms. Alice Glasco
City of Austin Neighborhood Planning &
Zoning Department
301 West Second Street
Austin, Texas 78701

RE: *Owner's Petition for Limited Purpose Annexation of Goodnight Ranch*

Dear Mayor and Members of the Austin City Council:

Pursuant to §43.129 of the Texas Local Government Code, the undersigned owners (the "Owners") of 100% of the approximate 702 acres commonly known as the Goodnight Ranch, which is further described in Exhibit A attached hereto, do hereby petition the City of Austin ("City") to annex the land described in Exhibit A for limited purposes.

Further, pursuant to §43.172 of the Texas Local Government Code, the Owners hereby waive the City's obligation to annex the land described in Exhibit A for full purposes within three years of the date of limited purposed annexation and instead authorize the City to annex the land described in Exhibit A according to the following schedule:

1. Beginning on December 31, 2006, full purpose annexation of Slaughter Lane and any portion of the land described in Exhibit A for which a final plat has been duly recorded in the Plat Records of Travis County, Texas; and
2. Full purpose annexation of additional areas of land described in Exhibit A for which a final plat has been duly recorded in the Plat Records of Travis County, Texas on an annual basis thereafter until December 31, 2013, at which time all remaining portions of land described in Exhibit A not previously annexed for full purposes shall be annexed for full purposes.

The Honorable Will Wynn
And Members of the Austin City Council
February 21, 2005
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OWNER:

1. M. V. E. Venture, Texas General Partnership

By: 

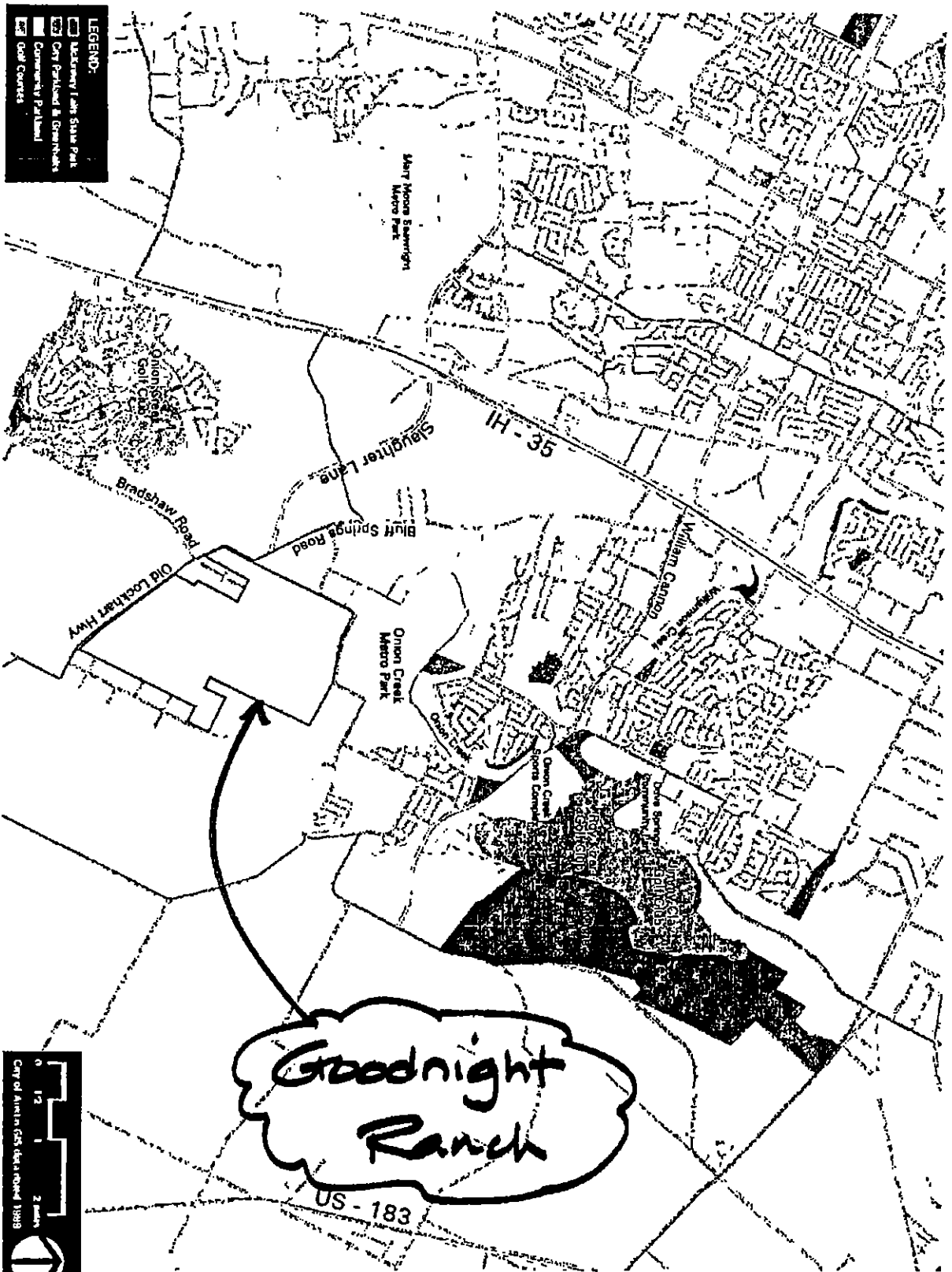
Title: GENERAL PARTNER

2. Bradsher Family Trust

By: 

Jackey Ray Bradsher, Co-Trustee of Bradsher
Family Trust Agreement dated December 19,
1991

EXHIBIT "A"



Regional Open Space / Green Infrastructure



T B G