



City Council Agenda Item Report

February 7, 2017

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SUBJECT: DELIBERATION AND POSSIBLE ACTION ON A RESOLUTION SETTING DATES, TIMES AND PLACE FOR PUBLIC HEARINGS, AUTHORIZING AND DIRECTING THE PUBLICATION OF THE NOTICE OF SUCH PUBLIC HEARINGS, AND DIRECTING THE CITY MANAGER OR HIS DESIGNEE TO PREPARE A SERVICE PLAN FOR APPROXIMATELY 29.383+/- ACRES OF LAND OUT OF THE GEORGE HERDER SURVEY, ABSTRACT NO. 239, LOCATED ON HILLSIDE TERRACE APPROXIMATELY 400 FEET EAST OF ITS INTERSECTION WITH GREEN MEADOWS LANE.

1. PROJECT SUMMARY

This is a voluntary petition for annexation involving 29.383+/- acres immediately east of Green Meadows subdivision. Staff has developed a potential calendar based on the City Council regular meeting schedule, calling hearings for May 2nd and May 16th, with action on June 6th. This resolution formalizes the planned calendar and authorizes staff to begin the necessary preparations in accordance with state law.

The applicant is planning to develop the property with commercial on Hillside Terrace, a small multifamily transition, and then single family for the remainder to transition & match Green Meadows. The applicant is considering “condo-izing” part of the single-family, which means that all exterior maintenance would be handed by a property owners association. The property is served by Goforth Special Utility District for water, and, if annexed, would be served by the City of Buda for wastewater. The subject property is located in the Emerging Growth Area Character District and is grazed by a Community Mixed Use Node, according to the *Buda 2030 Comprehensive Plan*.

It will be proceeding with initial zoning as well as a preliminary plan in parallel to this annexation.

2. BACKGROUND/HISTORY

Annexation is governed by Chapter 43 of Texas Local Government Code, and sets forth a carefully defined process for annexation, regardless of whether the annexation is voluntary or involuntary. It is highly prescriptive regarding notifications, publication, timing of public hearings and action. For a voluntary annexation, the process used applies to properties exempt from a 3-year annexation plan.

Going into the 2017 calendar year, the City has “banked” 2,710.94 acres (45.0 percent of Buda’s current land area) and is able to annex up to 1,808.55 acres (30.0 percent of Buda’s current land area involuntarily. This is a voluntary annexation, so the acre limits are not impacted.

On a related matter, Staff plans to bring consideration of the annual annexation & growth plan to the February 21st City Council meeting.

3. STAFF’S REVIEW AND ANALYSIS

Should City Council consider the resolution, the following is the schedule of proceedings:

Annexation Schedule			
Resolution Calling the Annexation (regular meeting)	2/7/2017		
Notice to owners & required interested parties	3/31/2017	32	days prior to 1st hearing (at least 30 days prior to 1st hearing)
Notice of 1st Hearing Published and Financial Notice Sent to School District	4/19/2017	13	days prior to 1st hearing (10-20 days prior to hearing not counting date of publication or date of hearing)
1st Hearing (regular meeting)	5/2/2017	35	days prior to 1st reading (no more than 40 days prior to 1st reading)
Notice of 2nd Hearing Published and Notice Sent to School District	5/3/2017	13	days prior to 2nd hearing (10-20 days prior to hearing not counting date of publication or date of hearing)
2nd Hearing (regular meeting)	5/16/2017	21	days prior to 1st reading (at least 20 days prior to 1st reading)
1st & Final Reading (regular meeting)	6/6/2017		

Staff notes that this schedule does not require any special called meetings.

The applicant is planning to develop the property with commercial on Hillside Terrace, a small multifamily transition, and then single family for the remainder to transition & match Green Meadows. The property is served by Goforth Special Utility District for water, and, if annexed, would be served by the City of Buda for wastewater. The subject property is located in the Emerging Growth Area Character District and is grazed by a Community Mixed Use Node, according to the *Buda 2030 Comprehensive Plan*.

4. FINANCIAL IMPACT

The proposed tract fall within the Goforth SUD water service area and, if annexed, the City of Buda wastewater service area. While the service plan will provide additional analyses, the City of Buda has anticipated development of this property as part of its water and wastewater models. The developer will be responsible for necessary extensions and improvements in accordance with established policies. The property will be subject to property tax and sales tax upon annexation. Further analysis will be provided as part of the service plan preparation.

5. SUMMARY/CONCLUSION

This is a voluntary petition for annexation involving 29.383+/- acres immediately east of Green Meadows subdivision. Staff has developed a potential calendar based on the City Council regular meeting schedule, calling hearings for May 2nd and May 16th, with action on June 6th. This resolution formalizes the planned calendar and authorizes staff to begin the necessary preparations in accordance with state law.

6. PROS AND CONS

Pros and cons are listed below, and developed based on approval to proceed with the annexation.

Pros	Cons
<p>Simplified property governance since County will not have to review plats, public improvements & related development issues</p> <p>City gains land use & development authority, considered important given proximity to existing residential</p> <p>Owner/developer may save money on future subdivision platting since Hays County will not be involved with the review</p> <p>Provides consistent level of standards & services in Buda, including future development</p> <p>Ensures each resident or business pays fair share of cost of providing services</p> <p>Prevents citizens from subsidizing areas just outside of the city limits</p> <p>Simplifies jurisdictional boundaries for administrative clarity</p> <p>Location of infrastructure nearby makes development of the subject property likely in the near future</p> <p>Property is located in the Emerging Growth Area of the <i>Buda 2030 Comprehensive Plan</i></p>	<p>Future development will increase demand for services, regardless of use</p> <p>Financial benefit is not immediate</p>

7. ALTERNATIVES

Annexation is a discretionary action. This is a resolution only to initiate the process—the City Council maintains the ability to abandon the annexation process at any point prior to acting on the ordinance to finalize the annexation.

- **Approve** – Staff will begin necessary preparations for annexation as directed in the resolution and governed by state law.
- **Denial/Take No Action** – Annexation will not proceed. Staff will refund the annexation petition fees.
- **Table** – Should this option be chosen, staff requests the City Council specify the information needed in order to take action at a future date.

8. ACTION OPTIONS/RECOMMENDATION

The requested action only relates to a resolution to start the annexation process. City Council maintains the ability to abandon the annexation at any point prior to acting on the ordinance to finalize the annexation. The process & calendar set forth are consistent with Chapter 43 of Texas Local Government Code.

Staff recommends the City Council consider approving the resolution.