

#82



City of Austin  
**Planning and Development Review Department**  
Greg Guernsey, Director  
P.O. Box 1088, Austin, Texas 78767  
512-974-7668

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October 3, 2013

Ms. Myra J. Goepf  
Austin Goodnight Ranch, L.P.  
200 Congress Ave., Suite 9A  
Austin, TX 78701

**Late Backup**

RE: Request to amend Goodnight Ranch Regulatory Plan regarding full purpose annexation

Dear Ms. Goepf,

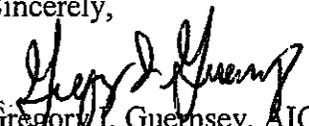
I am writing in response to your letter dated September 20, 2013. You requested a deferment of full purpose annexation of the remainder of the Goodnight Ranch for another six years due to delays in the completion of the development.

As you are aware, the owner's original 2005 request for annexation and the adopted Regulatory Plan call for conversion of the remainder of the Goodnight Ranch from limited purpose to full purpose jurisdiction no later than 2013. The owner has already enjoyed an eight-year delay of full purpose annexation. An additional deferment will interfere with the City's ability to plan for and invest in improvements to serve the area.

The City has aided Goodnight Ranch by approving PUD zoning and supporting legislative creation of the Onion Creek Metro Park Improvement District. In 2007, the City converted the northern half of the project to full purpose at the developer's request in order to expedite development reviews consistent with the approved PUD. Full purpose annexation of the remainder of the project is necessary for it to be completed as envisioned in the PUD. Your agricultural exemption and the assessed value of the property will not be affected by full purpose annexation as long as the agricultural use is maintained.

I understand that you spoke with Virginia Collier prior to last week's public hearing, and she conveyed your request for a further delay to the City Council. However, staff recommends continuing with full purpose annexation as planned at this time. Virginia can be reached by phone at (512) 974-2022 or by email at [REDACTED]

Sincerely,

  
Gregory I. Guernsey, AICP, Director  
Planning and Development Review Department



RECEIVED

SEP 27 2013

Planning & Development Review

200 Congress Ave., Ste 9A  
Austin, Texas 78701  
(512) 472 - 7455  
FAX: (512) 472 - 7499

CERTIFIED MAIL 7004 1350 0005 4870 6130  
Return Receipt Requested

September 20, 2013

Greg Guernsey, AICP Director  
City of Austin  
One Texas Center, 505 Barton Springs Rd.  
Austin, Texas 78704

Re: Request to Amend Ordinance No. 20050623-054 *AN ORDINANCE ADOPTING  
A REGULATOR PLAN FOR AN AREA OF LAND FOR LIMITED PURPOSE,  
REFERRED TO AS THE GOODNIGHT RANCH AREA.*

Dear Mr. Guernsey:

We request that Ordinance No. 20050523-054 (attached) be amended to revise the full purpose annexation date to occur after December 2019. The City has provided notice to request for full purpose annexation of Goodnight Ranch South. Notice is attached.

As you may recall, the Austin Goodnight Ranch (AGR) development has incurred years of delay primarily due to the national economy, local housing market demand and the commercial lending market (funding).

We were planning on beginning construction in 2007-8 but, as you know, the builder capital markets collapsed and new significant projects were put on hold. Currently, the only proposed improvements are the extension of public right-of-way (Vertex Boulevard) to the proposed extension of Slaughter Lane. At this time, no subdivision plat or residential lots have been approved or are under City review. We hope to commence subdivision and development of the area north of Slaughter Lane in 2014 and are working towards that goal. This area north of Slaughter Lane is within the City's full purpose annexation boundary. There is potential for more than seven years of residential and commercial development to be consumed on the north side prior to moving development to the area south of Slaughter Lane.



Thus, we formally request the City request for full purpose annexation of the south area of the Goodnight Ranch be delayed until City services will be required. Currently, there are no residents or land owners in the proposed annexed 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. Please accept our request to extend the proposed full purpose annexation date to occur after 2019. Should you have any questions or need further action or information to accept this request, please notify me. I can be reached at 512.472.7455 or at [REDACTED]

Regards,

Myra J. Goepf  
Austin Goodnight Ranch, L.P.

Attachments: Ordinance No. 20050623-054, dated 06.23.05  
COA Notification Letter, dated 08.23.13

cc: Jackie Chuter, COA  
Virginia Collier, COA  
Dean Goodnight, AGR  
Terry Mitchell, AGR  
David C. Mahn, AGR

**ORDINANCE NO. 20050623-054**

**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. 20050623-053, 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 references to Title 30 of the Land Development Code.
- (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 Goodnight Ranch Area limited purpose annexation area.

**PART 3.** This ordinance takes effect on July 4, 2005.

**PASSED AND APPROVED**

\_\_\_\_\_  
June 23, 2005

§  
§  
§

\_\_\_\_\_  
*Will Wynn*  
Will Wynn  
Mayor

**APPROVED:**

\_\_\_\_\_  
*David Allan Smith*  
David Allan Smith  
City Attorney

**ATTEST:**

\_\_\_\_\_  
*Shirley A. Brown*  
Shirley A. Brown  
City Clerk

**EXHIBIT A**



## **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 otherwise occur.

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 Land Development Code 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 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:

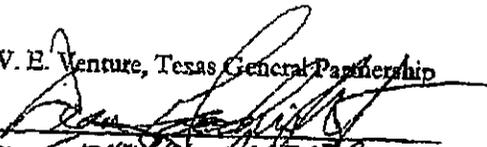
Pursuant to §43.129 of the Texas Local Government Code, the undersigned owners (the "Owners") of 100% of the approximate 702 acres commonly know as the Goodnight Ranch, which is further described in Exhibit A attached hereto, do hereby petition the City of Austin ("City") to annex the land described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

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"**



**LEGEND**

- Metropolitan Green Park
- Orange Trail Extension
- Orange Trail
- Golf Course

City of Orlando Planning & Design

**TBG**  
PARTNERS

**Regional Open Space / Green Infrastructure**



# City of Austin

Founded by Congress, Republic of Texas, 1839  
Planning and Development Review Department  
One Texas Center, 505 Barton Springs Road  
P.O. Box 1088, Austin, Texas 78767

August 23, 2013

Austin Goodnight Ranch LP  
Unit 9A  
200 Congress Ave  
Austin TX 78701-4576

Re: Certified letter – Notification of Annexation Hearings and Offer of Development Agreement

Dear Property Owner:

The City of Austin is proposing to annex land within Travis County. According to Travis Central Appraisal District records, you own property located within the proposed **Goodnight Ranch South** full purpose annexation area. A location map of the area is enclosed with this letter. If you are not sure whether your property is in the proposed annexation area, or believe that you have received this notice in error, please call me at (512) 974-2613.

This letter is to inform you that two public hearings will be scheduled for:

Thursday, **September 26, 2013** at 4:00 pm at the City Council Chambers of City Hall,  
301 W 2<sup>nd</sup> Street, Austin, Texas.

Thursday, **October 3, 2013** at 4:00 pm at the City Council Chambers of City Hall,  
301 W 2<sup>nd</sup> Street, Austin, Texas.

At the hearings, the Austin City Council will hear and consider comments on the full purpose annexation of the territory shown on the enclosed map.

Appraisal district records show that a portion of the property is appraised for ad valorem tax purposes for agricultural use under the Tax Code. Such status would render the property eligible for a development agreement with the City pursuant to Section 43.035 of the Local Government Code. However, the law provides that upon filing of a subdivision application or related development document for any portion of the land, a restriction on City annexation in such an agreement becomes void and unenforceable. I understand that a zoning application for this property has been filed with the City and approved by the City Council. This application has rendered void the annexation restrictions that would have been included in a development agreement.

If you have any questions regarding this annexation, or if there is any additional assistance that the city may offer, you can reach me at (512) 974-2613 or Virginia Collier at (512) 974-2022.

↑  
JACKIE CHUTER

