



## MEMORANDUM

TO: Chair and Members of the Planning Commission

FROM: Andrei Lubomudrov, Housing and Planning Department

DATE: March 6, 2023

RE: Proposed release of approximately 48 acres of Austin's extraterritorial jurisdiction ("ETJ") to the City of Manor

The City of Manor, at the behest of a property owner, has requested the release of approximately 48 acres of Austin's extraterritorial jurisdiction (ETJ) to be included in Manor ETJ and subsequently annexed in Manor city limits. The 388-acre property in question is divided between Austin and Manor's ETJ, with the latter covering most of the property at about 340 acres. The ETJ portion proposed for release is located in northeastern Travis County near 15416 Littig Road and is the only section of Austin's ETJ that extends north of Littig Road. Releasing the proposed area would create a unified set of regulations for the property and streamline the development review process.

In accordance with the City Council adopted policy regarding ETJ adjustments, requests for ETJ release are typically reviewed by staff from several city departments and evaluated in terms of:

- Annexation potential
- Environmental impacts
- Impact on infrastructure investments
- Long-term effects of cumulative ETJ releases
- Hardship or extenuating circumstances

Annexation of this tract by the City of Austin is not feasible in the long-term given its location of about 4.25 miles from the full purpose jurisdiction. However, annexation by the City of Manor is possible due to adjacency of city limits and would be a benefit to Manor and the long-term disposition of the property.

Generally, Austin City Council looks for equivalent environmental protection to be provided on land released from the City's jurisdiction. Staff from Watershed Protection have reviewed the proposed release and find it aggregable with the following conditions:

1. Maintain City of Austin Suburban Watershed impervious cover restrictions
2. Provide green stormwater water quality controls to treat 100% of the water quality volume
3. Establish 300 ft creek setback for Cottonwood Creek
4. Protect existing Critical Environmental Features with 150 ft setback

The City of Manor, which is intending to annex this territory into its city limits through a development agreement and adopt PUD zoning for the whole project, will extend comparable regulations to the City of Austin that will protect the environment and restrict development in the floodplain. The area is partially covered in floodplain and is planned for a mixed-use development that would include open space and parkland.

Finally, releasing this area would not negatively impact any existing or planned City investments in utility or roadway infrastructure. The area is not served by City-maintained roads. Austin Water does not have any existing or planned infrastructure investment for utility service that would be negatively impacted if the requested ETJ release to the City of Manor is approved. The area is currently located within the Manville WSC service area for water, thereby prohibiting the City of Austin from providing water. Regarding wastewater, the nearest City infrastructure is several miles away, making the establishment of a connection to the City's wastewater system unlikely.

City Council consideration of this request is tentatively scheduled for April 13, 2023.

## Staff Evaluation

## Manor ETJ Release Request

CETJ-2022-0002

02/21/2023

Description of Request: The City of Manor, at the behest of a property owner, has requested the release of approximately 48 acres of Austin's extraterritorial jurisdiction (ETJ) to be included in Manor's ETJ and subsequently annexed into city limits. The property area in question is split between Austin and Manor ETJ, with the latter covering the lion's share of the property at about 340 acres. Access to the site is through Littig Road, which is maintained by Travis County.

Staff Recommendation: Staff recommends releasing the 48 acres of Austin ETJ following an evaluation affirming that, with eventual annexation into Manor city limits, environmental protection standards comparable to those of Austin ETJ would be maintained. Releasing the proposed area would create a unified set of regulations for the property and streamline the development review process.

## Checklist for ETJ release review:

<b>Property Description:</b> The subject tract includes approximately 388 acres in northeastern Travis County near 15416 Littig Road. Of the total project area, 340 acres are in the City of Manor's ETJ and 48 acres are in Austin's ETJ north of Littig Road. Current development on the property is agricultural/open space. A map of the proposed release area is attached.		
<b>Annexation Potential:</b>		
<input type="checkbox"/> Does the area have the potential to be annexed by the City of Austin in the long-term?	Yes	No
<input type="checkbox"/> Does this request demonstrate that the requesting jurisdiction is in a superior position to serve the property with similar levels of service <i>and</i> will annex the area upon release or include the area in an annexation plan?	Yes	No
<input type="checkbox"/> Would the proposed release negatively impact the city's long term annexation plans?	Yes	No
Staff comments: Austin has no potential to annex and provide municipal services to the property. This portion of Austin's ETJ is over four miles from the City's full purpose jurisdiction; therefore, potential annexation by the City of Austin is not feasible in the foreseeable future. The larger tract abuts Manor city limits.		
<b>Environmental Impact:</b>		
<input type="checkbox"/> Does this request clearly demonstrate that the requesting jurisdiction will provide similar or superior regulatory and/or watershed protections afforded through the development process?	Yes	No

Manor ETJ Release

C7ETJ-2022-0002

February 21, 2023

<input type="checkbox"/> Does this request clearly demonstrate similar or superior regulatory and/or watershed protections applied to the area through conservation easements, transfer of development rights, or other private mechanisms prior to release, provided that the use of such controls is agreeable to each party?	Yes	No
<p>Staff comments: Generally, Austin City Council looks for equivalent environmental protection to be provided on land released from the City's jurisdiction. Staff from Watershed Protection have reviewed the proposed release and find it aggregable with the following conditions:</p> <ol style="list-style-type: none"> <li>1. Maintain City of Austin Suburban Watershed impervious cover restrictions</li> <li>2. Provide green stormwater water quality controls to treat 100% of the water quality volume</li> <li>3. Establish 300 ft creek setback for Cottonwood Creek</li> <li>4. Protect existing Critical Environmental Features with 150 ft setback</li> </ol> <p>The City of Manor, which is intending to annex this territory into its city limits through a development agreement and adopt PUD zoning for the whole project, will extend comparable regulations to the City of Austin in this case that will protect the environment and restrict development in the floodplain.</p>		
<b>Infrastructure investment:</b>		
<input type="checkbox"/> Would release of this ETJ negatively impact the city's investment in any existing or planned water and wastewater utility infrastructure?	Yes	No
<input type="checkbox"/> Would release of this ETJ negatively impact the city's investment in any existing or planned roadway infrastructure?	Yes	No
<p>Staff comments: The property is not served by City-maintained roads, and Austin Water does not have any existing or planned infrastructure investment for utility service that would be negatively impacted if the requested ETJ release to the City of Manor is approved. The area is currently located within the Manville WSC service area for water, thereby prohibiting the City of Austin from providing water. For wastewater, the nearest City infrastructure is several miles away, making the establishment of a connection to the City's wastewater system infeasible.</p>		
<b>Growth and Planning Impacts of cumulative ETJ releases:</b>		
<input type="checkbox"/> Is the requesting jurisdiction in compliance with all agreements and contracts with the City of Austin?	Yes	No
<input type="checkbox"/> Have previous releases to this jurisdiction ensured that the release of ETJ has not created a competitive disadvantage for similar development within Austin's nearby jurisdiction?	Yes	No
<input type="checkbox"/> In a high growth area or the desired development zone, have previous releases ensured Austin's ability to maintain and expand its ETJ?	Yes	No

Manor ETJ Release

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<input type="checkbox"/> In areas previously released to this jurisdiction and in keeping with Austin's goal of protecting water quality, has development occurred in accordance with terms and conditions that minimize the risk of pollution of the region's water resources?	<b>Yes</b>	No
<input type="checkbox"/> Do opportunities exist for exchange of ETJ in conjunction with the requested release?	Yes	<b>No</b>
<input type="checkbox"/> If exchange is proposed, does the result achieve more logical boundaries?	<b>Yes</b>	No
Staff comments: Staff is not aware of issues or concerns with past ETJ releases to or swaps with the City of Manor.		
<b>Hardship or extenuating circumstances:</b>		
<input type="checkbox"/> Is there a claimed hardship?	<b>Yes</b>	No
<input type="checkbox"/> If a hardship is claimed, does this request relieve a hardship condition?	Yes	No
<input type="checkbox"/> Are there special or unique circumstances for this request?	<b>Yes</b>	No
<input type="checkbox"/> Does the request clearly demonstrate justification for the release?	<b>Yes</b>	No
Staff comments: The property owners' representatives maintain a hardship exists for this property due to the jurisdictional split between Austin and City of Manor. It is apparent that releasing ETJ in this case would streamline regulations for the property while observing comparable environmental standards for site development.		



Manor ETJ Release

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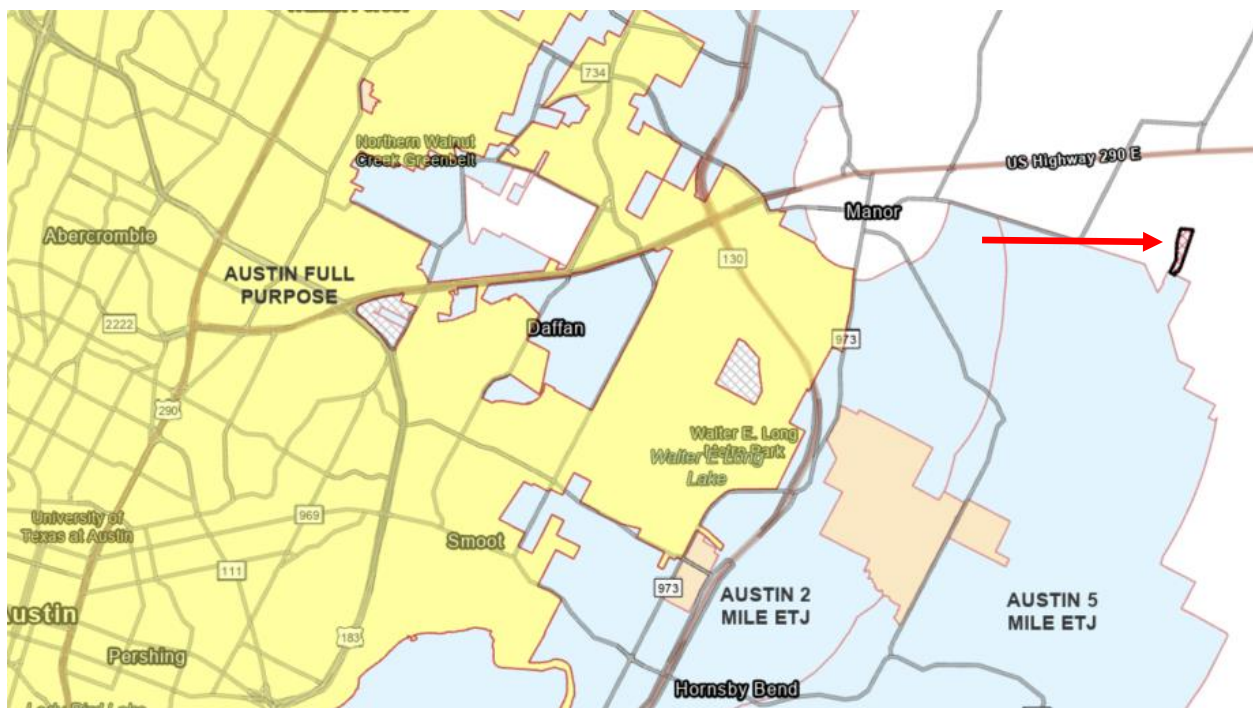




Manor ETJ Release

C7ETJ-2022-0002

February 21, 2023





## MEMORANDUM

**To:** Chair and Members of the Planning Commission

**Date:** March 14, 2023

**Subject:** Backup related to Manor request for release of 48 acres of Austin ETJ, case number: CETJ-2022-0002

### Attachments:

- A. Written request from City of Manor for release, dated September 28, 2022
- B. Approved Manor City Council resolution 2022-16 officially requesting release of Austin ETJ
- C. Memo from Manor Development Services Director providing additional information about the development status of the proposed release area
- D. Unapproved Preliminary PUD Land Use Plan from City of Manor
- E. Field notes provided by engineer





September 28, 2022

**Via Email:** [andrei.lubomudrov@austintexas.gov](mailto:andrei.lubomudrov@austintexas.gov)

Andrei Lubomudrov

Senior Planner

City of Austin | Housing and Planning Department

Mayor Steve Adler

Spencer Cronk, City Manager

City of Austin

301 W 2nd St, Austin, TX 78701

**RE: Request for ETJ Release: Approximately 47.6 acres of land (the “Release Parcel”) depicted on Exhibit A attached hereto within the approximately 388 acre overall, proposed Manor Springs development (the “Project”)**

Dear Gentlemen:

Please accept this letter as formal request for the City of Austin to begin the process for the release the Release Parcel from the City of Austin’s extra territorial jurisdiction.

The Project consists of 388 acres of which the vast majority (approximately 340 acres) is located within the City of Manor’s extra territorial jurisdiction. The land adjacent to the east, west and north of the Project is within the City of Manor’s extra territorial jurisdiction and the southern boundary of the Project is Littig Road (Travis County).

It is our belief that development under a single jurisdiction and subject to a single set of development standards will encourage a cohesive master plan with respect to zoning regulations, subdivision regulations, drainage, water quality, and environmental rules, street construction standards and planning. The undersigned also believes that the City of Manor is in a better position to provide utility services and other municipal services and that the annexation potential by the City of Austin is minimal.

This request meets the requirements of the City of Austin’s ETJ Adjustment Policy Resolution (Resolution No. 20071011-006) regarding requests for ETJ releases for the following reasons:

- Annexation Potential – The subject tract does not adjoin the City of Austin Full Purpose jurisdiction. Access to the Project is provided via Littig Road, a Travis County controlled facility and Hwy 290, a TxDOT controlled facility.
- Environmental Impact - The City of Manor has comparable or greater drainage, environmental, and tree preservation regulations as would apply in the Austin ETJ.
- Infrastructure Investment - There are no adverse impacts to City of Austin as no water, wastewater, or roadway infrastructure exists in the immediate area to serve this Project.

- Long-term Effects of Release to Other Jurisdictions – Geographic expansion of the City of Austin ETJ to the north is bounded by other municipalities.
- Hardship or Extenuating Circumstances - This letter of support is being made to relieve an undue hardship regarding the availability of infrastructure for the development of the subject tract and the desire for unified development regulations.

The City of Manor intends to provide you with a formal resolution from the Manor City Council requesting the release of the Release Parcel from the City of Austin's extra territorial jurisdiction once approved by the Manor City Council. It is currently anticipated that this matter will be placed on the City Council of Manor's agenda for its next meeting on Monday, October 3, 2022.

Thank you for your prompt attention to and cooperation in this matter. Please feel free to contact me with any questions.



Scott Moore,  
City Manager

*Cc: Veronica Rivera (via email)*

*Talley Williams (via email)*

AGENDA ITEM NO.

3



## AGENDA ITEM SUMMARY FORM

**PROPOSED MEETING DATE:** October 3, 2022  
**PREPARED BY:** Scott Dunlop, Development Services Director  
**DEPARTMENT:** Development Services

### AGENDA ITEM DESCRIPTION:

Consideration, discussion and possible action on a resolution requesting the release of a portion of the extraterritorial jurisdiction of the City of Austin, Texas consisting of a 47.6 acre tract, more or less, to the extraterritorial jurisdiction of the City of Manor, Texas.

### BACKGROUND/SUMMARY:

A tract of land consisting of approximately 388 acres is located within the extraterritorial jurisdictions (ETJs) of both the City of Austin, Texas and the City of Manor, Texas. The property owner for the Manor Springs project is requesting a portion of the property consisting of 47.6 acres, more or less, be released from the ETJ of the City of Austin, Texas. The City of Austin's release process requires a resolution from the municipality that the property will become a part of the municipality's ETJ. The attached resolution is provided to the City Council for consideration.

**LEGAL REVIEW:** Yes

**FISCAL IMPACT:**

**PRESENTATION:**

**ATTACHMENTS:** Yes

- Resolution No. 2022-16

### STAFF RECOMMENDATION:

Staff recommends City Council approve Resolution No. 2022-16 requesting the release of a portion of the extraterritorial jurisdiction of the City of Austin, Texas consisting of a 47.6 acre tract, more or less, to the extraterritorial jurisdiction of the City of Manor, Texas.

**PLANNING & ZONING COMMISSION:**      **Recommend Approval**      **Disapproval**      **None**

**RESOLUTION NO. 2022-16****A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANOR, TEXAS, REQUESTING THE RELEASE OF A PORTION OF THE EXTRATERITORIAL JURISDICTION OF THE CITY OF AUSTIN, TEXAS TO THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF MANOR, TEXAS.**

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**WHEREAS**, the Cities of Austin, Texas and Manor, Texas are located within Travis County Texas and are adjacent or otherwise share certain common boundaries of extraterritorial jurisdiction and corporate limits; and

**WHEREAS**, a tract of land consisting of approximately 388 acres is located within the extraterritorial jurisdictions of both the City of Austin, Texas and the City of Manor, Texas as more particularly depicted on Exhibit "A" attached hereto (the "**Property**"); and

**WHEREAS**, the owner of the Property desires to have the portion of the Property consisting of approximately 47.6 acres more particularly described on Exhibit "B" attached hereto (the "**ETJ Tract**") be released from the City of Austin, Texas' extraterritorial jurisdiction and become a part of the extraterritorial jurisdiction of the City of Manor, Texas (the "**City**") in order to develop the Property as a whole under the rules and regulations of the City; and

**WHEREAS**, a release of ETJ Tract from the City of Austin, Texas is necessary in order to develop the Property as one project; and

**WHEREAS**, the City Council of the City of Manor, Texas (the "**City Council**") has determined that it is in the best interest of the City to have an orderly development of the Property by requesting the release of the ETJ Tract from the City of Austin, Texas and adjust the extraterritorial jurisdiction of the City so that the ETJ Tract becomes a part of the extraterritorial jurisdiction of the City.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MANOR, THAT:**

**SECTION 1.** The City Council hereby approves the recitals contained in the preamble of this Resolution and finds that all the recitals are true and correct and incorporate the same in the body of this Resolution as findings of fact.

**SECTION 2.** The City Council hereby directs the City Manager of the City to request the release of the ETJ Tract from the City of Austin, Texas and adjust the extraterritorial jurisdiction of the City so that the ETJ Tract becomes a part of the extraterritorial jurisdiction and corporate limits of the City of Manor.

**SECTION 3.** If any section, article, paragraph, sentence, clause, phrase or word in this resolution or application thereof to any persons or circumstances is held invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this resolution; and the City Council hereby declares it would have passed such remaining portions of the resolution despite such invalidity, which remaining portions shall remain in full force and effect.

**PASSED AND ADOPTED** by the City Council of Manor, Texas, at a special meeting on the 3<sup>rd</sup> day of October 2022, at which a quorum was present, and for which due notice was given pursuant to Government Code, Chapter 551.

**THE CITY OF MANOR, TEXAS**

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Dr. Christopher Harvey,  
Mayor

**ATTEST:**

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Lluvia T. Almaraz,  
City Secretary





February 16, 2023

Andrei Lubomudrov  
Senior Planner  
City of Austin – Housing and Planning Department

RE: Manor Springs Annexation and Zoning

Andrei,

At the request of Metcalfe, Wolff, Stuart & Williams, LLP, this letter provides that the Manor Springs development currently located in Manor's ETJ has filed a Preliminary Planned Unit Development (PUD) zoning application on July 15, 2022 and has continued to work with Manor staff on resolving comments for its ultimate presentation to the Manor Planning and Zoning Commission and City Council. Following an approval of the Preliminary PUD, the applicant will submit a Final Planned Unit Development zoning application, which will be reviewed by Manor staff then presented to the Planning and Zoning Commission and City Council for approval. The City of Manor cannot approve zoning in our ETJ, so annexation of the area will be required to precede or coincide with the approval of the Final PUD zoning application.

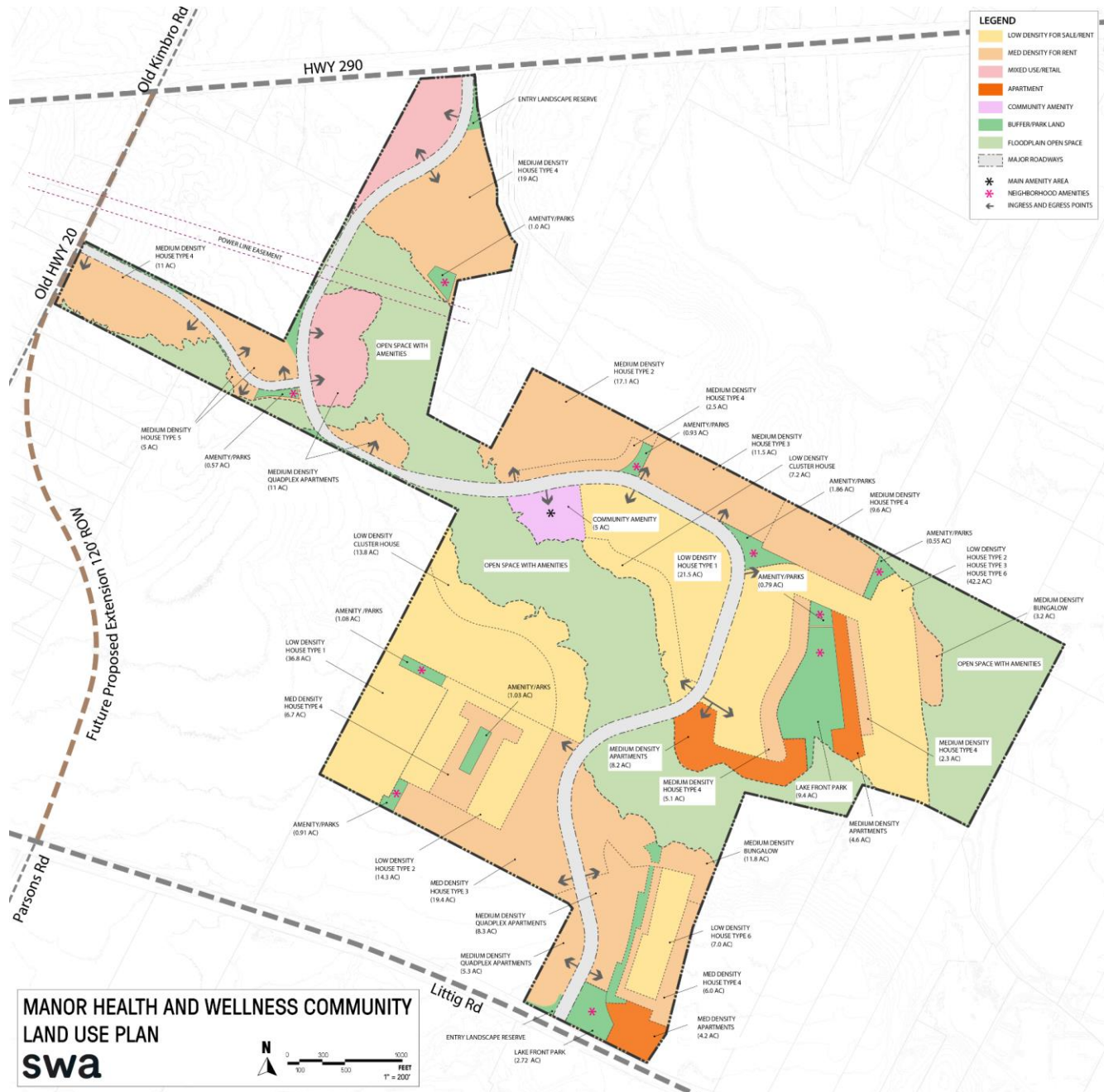
Further, certain tracts within the development are under Annexation Development Agreements entered into between the property owner(s) and the City that would require annexation should the use of property change, rezoning applications be filed, or subdivision plats or plans be filed. The PUD zoning application currently under review would trigger this required annexation.

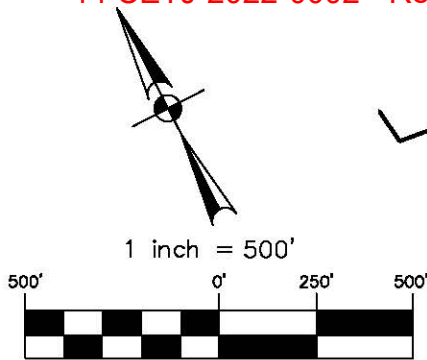
Thank you,

A handwritten signature in black ink, appearing to read 'Scott Dunlop', is written over the printed name.

Scott Dunlop  
Development Services Director  
City of Manor

Exhibit: Unapproved Preliminary PUD Land Use Plan dated 11/21/22





LINE TABLE		
LINE	BEARING	LENGTH
L1	N49°16'43"W	10.69'
L2	S32°15'35"W	411.16'
L3	S81°48'22"W	207.36'
L4	S05°45'37"E	189.57'
L5	N62°02'45"W	408.55'

A.C. CALDWELL SURVEY  
SECTION NO. 52  
ABSTRACT NO. 154

A CALLED 118.764 ACRE TRACT  
AUSTIN27 LLC  
DOC. NO. 2021254878 (O.P.R.)

**47.6  
ACRES**

A CALLED 142.00  
ACRE TRACT  
LITTIG ROAD  
INVESTMENTS  
DOC. NO.  
2022060471  
(O.P.R.)

A CALLED 161.49 ACRE TRACT  
JAMES MORRIS BALAGIA  
VOL. 13009, PG. 3860

#### EXHIBIT OF

A 47.6 ACRE TRACT OF LAND SITUATED IN THE A.C. CALDWELL SURVEY, SECTION NO. 52, ABSTRACT NO. 154, BEING OUT OF A CALLED 142.00 ACRE TRACT OF LAND CONVEYED TO LITTIG ROAD INVESTMENTS, RECORDED IN DOCUMENT NO. 2022060471 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS.

#### NOTES:

1. THE BEARINGS FOR THIS EXHIBIT ARE BASED ON THE DEED RECORD OF A CALLED 142.00 ACRE TRACT OF LAND RECORDED IN DOCUMENT NO. 2022060471 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS..
2. ADJOINERS ARE FOR INFORMATIONAL PURPOSES ONLY.
3. THE PROPERTY DESCRIBED HEREIN WAS DETERMINED THROUGH THE USE OF RECORD INFORMATION AND GIS DATA, AN ON-THE-GROUND SURVEY WAS NOT PERFORMED. THIS INFORMATION IS NOT TO BE USED FOR THE CONVEYANCE OF OWNERSHIP.

#### LEGEND:

D.R. DEED RECORDS OF TRAVIS COUNTY, TEXAS  
R.P.R. REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS  
O.P.R. OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS  
DOC. NO. DOCUMENT NUMBER  
P.O.B. POINT OF BEGINNING

⊙ CALCULATED POINT



AUSTIN | SAN ANTONIO | HOUSTON | FORT WORTH | DALLAS  
10801 N MOPAC EXPY, BLDG 3, STE 200 | AUSTIN, TX 78759 | 512.454.8711  
TBPB FIRM REGISTRATION #470 | TBPB FIRM REGISTRATION #10028801

SEPTEMBER 28, 2022

JOB No.:

SHEET 1 OF 1

51094-00



FIELD NOTES  
FOR

A 47.6 ACRE TRACT OF LAND SITUATED IN THE A.C. CALDWELL SURVEY, SECTION NO. 52, ABSTRACT NO. 154, BEING OUT OF A CALLED 142.00 ACRE TRACT OF LAND CONVEYED TO LITTIG ROAD INVESTMENTS, RECORDED IN DOCUMENT NO. 2022060471 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS. SAID 47.6 ACRE TRACT BEING MORE FULLY DESCRIBED AS FOLLOWS, WITH BEARINGS BASED ON THE BEARINGS AS REFERENCED IN SAID 47.60 ACRE TRACT.

**BEGINNING** at a calculated point in the north right-of-way line of Littig Road, a 50-foot right-of-way, said point being the calculated southwest corner of said 142.00-acre tract, same being the southeast calculated corner of a called 118.764-acre tract conveyed to Austin27 LLC, recorded in Document No. 2021254878 of the Official Public Records of Travis County, Texas for the southwest corner and **POINT OF BEGINNING** hereof;

**THENCE** departing the north right-of-way line of said Littig Road, with the west boundary line of said 142.00-acre tract, same being the east boundary line of said 118.764-acre tract, the following four (4) courses and distances:

1. **N 28°51'58" E**, a distance of **938.79 feet** to a calculated angle point hereof,
2. **N 04°18'00" E**, a distance of **1236.79 feet** to a calculated angle point hereof,
3. **N 14°41'22" E**, a distance of **992.13 feet** to a calculated angle point hereof, and
4. **N 49°16'43" W**, a distance of **10.69 feet** to a calculated point for the northwest corner hereof,

**THENCE S 84°45'17" E**, departing the east boundary line of said 118.764-acre tract, through the interior of said 142.00-acre tract, a distance of **903.09 feet** to a calculated point on the west boundary line of a called 161.49-acre tract conveyed co James Morris Balagia, recorded in Volume 13009, Page 3860 of the Real Property Records of Travis County, Texas for the calculated northeast corner hereof,

**THENCE** with the east boundary line of said 142.00-acre tract, same being the west boundary line of said 161.49-acre tract, the following four (4) courses and distances:

1. **S 19°46'24" W**, a distance of **2725.95 feet** to a calculated angle point hereof,
2. **S 32°15'35" W**, a distance of **411.16 feet** to a calculated angle point hereof,
3. **S 81°48'22" W**, a distance of **207.36 feet** to a calculated angle point hereof, and
4. **S 05°45'37" E**, a distance of **189.57 feet** to a calculated point in the north right-of-way line of said Littig Road, said point being the calculated corner of said 142.00-acre tract, same being the calculated southwest corner of said 161.49-acre tract for the southeast corner hereof,

47.6 Acres

Job No. 12642-00

Page 2 of 2

**THENCE N 62°02'45" W**, with the north right-of-way line of said Littig Road, same being the south boundary line of said 142.00-acre tract, a distance of **408.55 feet** to the **POINT OF BEGINNING** and containing 47.6 acres in Travis County, Texas. Said tract being described in accordance with an exhibit prepared under Job No. 12642-00 by Pape-Dawson Engineers, Inc. This field note description and accompanying exhibit were determined using record information, an on-the-ground survey was not performed. This information is not to be used for the conveyance of ownership.

PREPARED BY: Pape-Dawson Engineers, Inc.

DATE: September 28, 2022

JOB No.: 12642.00

DOC.ID.: H:\Survey\CIVIL\12642-01\Exhibits\Word\

FN12642-01\_47.6Ac\_ETJSwap.docx

TBPE Firm Registration #470

TBPLS Firm Registration #100288-01