



## Legislation Text

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**File #:** Ord. 2019-39, **Version:** 1

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**AGENDA CAPTION:**

Receive a Staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2019-39, disannexing from the City approximately 235 acres of land, also known as Windemere Ranch, generally located at 700 Lime Kiln Road near Sahalee Path; including procedural provisions; and providing an effective date; and consider Ordinance 2019-39, on the first of two readings.

**Meeting date:** November 6, 2019

**Department:** Planning and Development Services

**Amount & Source of Funding**

**Funds Required:** n/a

**Account Number:** n/a

**Funds Available:** n/a

**Account Name:** n/a

**Fiscal Note:**

**Prior Council Action:** n/a

**City Council Strategic Initiative:**

N/A

**Comprehensive Plan Element (s):**

- ☐ Economic Development - Choose an item.
- ☐ Environment & Resource Protection - Choose an item.
- ☐ Land Use - Choose an item.
- ☐ Neighborhoods & Housing - Choose an item.
- ☐ Parks, Public Spaces & Facilities - Choose an item.
- ☐ Transportation - Choose an item.
- ☒ Not Applicable

**Master Plan:** N/A

## **Background Information:**

### **Request for Disannexation**

The subject property is approximately 235 acres located in the San Marcos City Limits at 700 Lime Kiln Road. Jason Roberts and Ashley Rutledge filed a petition under Section 43.142 of the Texas Local Government Code and Section 2.03 of the City Charter requesting disannexation of the subject property.

Section 43.142 of the Texas Local Government Code authorizes the City to disannex property according to rules provided by the City Charter. Section 2.03 of the City Charter grants to the City Council the power to fix the boundaries of the City.

The decision to grant the petition to disannex under Section 2.03 of the City Charter is discretionary. If the City Council disannexes the property, the City will be unable to annex all or any portions of the property in the future without the consent of the owner.

### **Annexation History**

In 2007 and 2009, the previous owners of the property, Robert Haug and Vinson Wood, applied for voluntary annexation (see historic annexation ordinance attachment). In 2007, approximately 212.56 acres were annexed into the city and in 2009, approximately 22.5 acres were annexed into the city. Concurrent to the annexation process, the property was zoned "Future Development" (FD), which is the default zoning district for newly annexed land.

### **Planned Development District History**

In 2011, the previous property owner requested and received approval of a "Planned Development District" (PDD), with a base zoning of "Single-Family Rural Residential" (SF-R) for approximately 149 acres of the property. The remaining portion of the property, approximately 85 acres, remained zoned "Future Development" (FD). Phase 1 of the PDD was planned to include the construction of approximately 74 residential lots and Phase 2 included the dedication of 10 acres of right-of-way for a collector roadway in accordance with the Thoroughfare Plan, 4 acres of right-of-way for residential streets, 42 acres of land containing a flood control dam to be preserved as open space, 4 acres of parkland/open space, and 4 acres of land dedicated for drainage improvements. The PDD was never developed, but still exists on the subject property.

### **Existing Use**

The current use of the property is a horse boarding and training facility known as Windemere Farms. This development of the property occurred sometime between 2014 and 2015 and was constructed without applying for or receiving any of the required city development permits, including a subdivision plat, watershed protection plan, public improvement construction plans, site development, or building permits (see facility photos attachment).

### **Utilities**

A portion of the property along Lime Kiln Road is located within the city's Water Certificate of Convenience and

Necessity (CCN) boundary with the nearest water line located on Post Road. The property is located adjacent to the city's wastewater CCN, and there is an existing 21" wastewater line that was extended to the southeastern corner of the property along Lime Kiln Road. The property is within the Pedernales Electric Corporation Service boundary.

### **Fire and Police**

There have been no reported 911 calls on the subject property.

### **Development Requirements**

There are key differences in development standards for properties located inside the city limits versus outside the city limits. A comparison table is included in the packet outlining these development differences. The property is located within the Edwards Aquifer Recharge Zone and within a portion of floodway. The property would be required to meet the environmental standards of Chapter 6 both within the city's extraterritorial jurisdiction and the city limits.

### **Recent Request**

In April, 2019, the owners discussed a proposal to develop the subject property as an indoor/outdoor wedding venue with cabin-style lodging on the site. The applicant submitted a request for text amendments to the San Marcos Development Code to create a new use of "wedding venue". The request was withdrawn prior to staff analysis.

### **Council Committee, Board/Commission Action:**

n/a

### **Alternatives:**

n/a

### **Recommendation:**

Staff recommends **denial** of the request for disannexation.