



## Legislation Text

---

**File #:** Res. 2021-246R, **Version:** 1

---

### **AGENDA CAPTION:**

Receive a Staff presentation and hold a Public Hearing to receive comments for or against Resolution 2021-246R, approving a Development Agreement with HK Baugh Ranch, LLC, HK Riley's Pointe, LLC, and Benchmark Acquisitions, LLC, to regulate the annexation and future development of approximately 1,142 acres of land presently in the City's Extraterritorial Jurisdiction and generally located along Old Bastrop Highway between Redwood Road on the Southwest and the San Marcos River on the Northeast; authorizing the City Manager, or his designee, to execute the agreement on behalf of the City; and providing an effective date; and consider approval of Resolution 2021-246R.

**Meeting date:** December 7, 2021

**Department:** Planning & 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:** At their regular meeting on September 17, 2019 City Council approved initial authorization of the development agreement and assigned the Workforce Housing City Council Committee as the review committee for negotiations.

**City Council Strategic Initiative:** [Please select from the dropdown menu below]

Choose an item.

Choose an item.

Choose an item.

**Comprehensive Plan Element (s):** [Please select the Plan element(s) and Goal # from dropdown menu below]

☐ 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.
- ☐ Core Services
- ☐ Not Applicable

**Master Plan:** *[Please select the corresponding Master Plan from the dropdown menu below (if applicable)]*

Choose an item.

**Background Information:**

Below is a timeline indicating the history of the development:

- **September 17, 2019:** City Council authorized negotiations and appointed the Workforce Housing Committee to negotiate with the developer and staff.
- **October 25, 2019, January 13, 2020, January 27, 2020, May 27, 2020:** City Council Committee meeting dates
- **March 2019,** the development filed to opt-out of the City's proposed wastewater CCN expansion and instead applied for its own wastewater permit with the Texas Commission on Environmental Quality
- **March 2021,** the State Office of Administrative Hearings confirmed the City as an "affected person" and granted a hearing to contest the wastewater permit
- **May 2021,** the City approached the developer to begin negotiations anew, delaying the SOAH hearings while negotiations were underway

The following list highlights the terms of the agreement:

- Developer will drop the wastewater discharge permit request and use City wastewater services; the developer will not, therefore, discharge into the river
- Developer will provide for physical protection of riverbank within its property boundaries, with the ability to perform maintenance and de minimis improvements within areas near the river; developer will be allowed to establish a 50 foot wide access easement for pedestrian traffic with materials other than concrete or asphalt; the developer agrees not to modify the existing topography of the River edge.
- Developer will convey 15 acres to be used by the City for future regional wastewater treatment facilities
- The City will annex all commercial and industrial properties immediately, and it may annex all residential at a future date

- The developer and ensuing homeowner's association will be responsible for drainage and detention
- Until annexed, residential customers will pay Out of City multiplier for Utility services
- The City agrees that no permits are needed for construction of public improvements
- The City waives the 505 minimum parkland dedication and the HOA will maintain private parks
- The City agrees to several other Land Development Code variances

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

Staff and outside legal counsel have presented progress of the negotiations to Council throughout the negotiation process from May through November 2021.

**Alternatives:**

Click or tap here to enter text.

**Recommendation:**

Staff recommends approval of the agreement as presented.