



AGENDA MEMORANDUM

First Reading for the City Council Meeting of September 16, 2014
Second Reading for the City Council Meeting of September 30, 2014

DATE: September 24, 2014
TO: Ronald L. Olson, City Manager
FROM: Daniel M. Grimsbo, P.E., AICP, Director of Development Services
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Southside FM 2444 Annexation

CAPTION:

An ordinance annexing Laureles Farm Tracts adjacent to the city limits located in Nueces County along and on both sides of FM 2444, areas south of FM 2444 and west of County Road 41, commonly referred to as a portion of the Chapman Ranch and a portion of the proposed APEX Wind Farm; providing for a Municipal Services Plan for the annexed tracts of land; providing that the owners and inhabitants are entitled to all rights, privileges, and burdens of other citizens and property owners of the City of Corpus Christi and are subject to and bound by the City Charter, ordinances, resolutions, and rules; providing for amendment of the official maps of the City of Corpus Christi; designating area once annexed to be added to City Council District Number 5; providing for severance; and providing an effective date.

PURPOSE:

The purpose of the annexation is to protect an area to the south of the City for future growth, including but not limited to residential development, which has been identified as the proposed APEX Wind Farm. (See Exhibit A: Location Map)

BACKGROUND AND FINDINGS:

Local Government Code provides that cities with a population of more than 100,000 shall have a growth area reserved for future expansion called the Extraterritorial Jurisdiction (ETJ) which is five miles beyond the existing city limits. The City Council has expressed concern that growth in the ETJ, specifically the proposed Chapman Ranch Windfarm located on the proposed annexation area, could be detrimental to future growth in the area.

The proposed annexation area is located in the City's ETJ with an area of approximately 16.34 square miles, 83 tracts of land owned by 32 owners including 16 dwellings with an estimated population of 44. Existing land uses primarily consist of farm and ranch lands. There are no existing commercial wind farms in the area. Upon annexation, the property will be designated with an initial zoning designation per the Unified Development Code 4.5.1 Newly Annexed Territory of "FR" Farm Rural District.

The Corpus Christi City Council has identified the need to create consistency and unity in regulation of future land use, platting and the provisions of municipal services as it relates to our growing and changing community. The Council has expressed a strong desire to protect and defend the interests of property owners – and to effectively manage growth and development in the areas commonly recognized as part of the Corpus Christi community. The application of City zoning, building, and land development regulations to any neighboring properties that are annexed as part of this process will, over the long term, help protect property values.

As required by Local Government Code Chapter 43, two public hearings were conducted August 19th and on August 26th. Also in accordance with State Law a Municipal Services Plan was explained at the public hearings.

ALTERNATIVES:

1. Per state law, the City has contacted each property (See attached letter) with an invitation to consider opting out of the annexation by signing a development agreement. The agreement would allow for the continuation of existing uses on the property (except for a wind turbine not allowed by the Unified Development Code) provided that the owner does not initiate development of the property, including development of a wind farm and, that the property meets the tax exemption in state law commonly referred to as an agricultural exemption. This agreement would allow the city to extend its land use controls (zoning, building, etc.) to the subject property but would not allow or cause the City to levy property tax on the subject property.
2. Approval of a development agreement for a portion of the wind farm in the City's Extraterritorial Jurisdiction by determining the development agreement conditions that would be agreeable to the City.

OTHER CONSIDERATIONS:

Not applicable.

CONFORMITY TO CITY POLICY:

- a. Pursue a policy of annexation of lands at the periphery of the City to achieve orderly growth.
- b. Pursue a policy of annexation adjacent to the City's growth areas in order to extend zoning ordinance control consistent with adopted land use plans.

EMERGENCY / NON-EMERGENCY:

Non-Emergency.

DEPARTMENTAL CLEARANCES:

Not applicable.

FINANCIAL IMPACT:

Operating Revenue Capital X Not applicable

| Fiscal Year: 2013-2014 | Project to Date Expenditures (CIP only) | Current Year | Future Years | TOTALS |
|-----------------------------------|--|---------------------|---------------------|---------------|
| Line Item Budget | | | | |
| Encumbered / Expended Amount | | | | |
| This item | | | | |
| BALANCE | | | | |

Fund(s):

Comments: All services shall be provided according to the Municipal Services Plan. Access to infrastructure by properties within the annexed areas shall be allowed in accordance with City policy, including, but not limited to the Unified Development Code.

RECOMMENDATION:

Approval of the Ordinance as presented.

LIST OF SUPPORTING DOCUMENTS:

Location Map
Property Owner Letter and Development Agreement
Ordinance with the Municipal Services Plan