



# City of Pflugerville

## Legislation Details (With Text)

<b>File #:</b>	RES-0948	<b>Version:</b>	2	<b>Name:</b>	Carmel D.A. - Third Amendment
<b>Type:</b>	Resolution	<b>Status:</b>		<b>Status:</b>	Discuss and consider action
<b>File created:</b>	11/12/2021	<b>In control:</b>		<b>In control:</b>	Planning Dept
<b>On agenda:</b>	1/25/2022	<b>Final action:</b>		<b>Final action:</b>	1/25/2022
<b>Title:</b>	Discuss and consider action to approve a resolution approving the third amendment to the Carmel development agreement between the City of Pflugerville and CE Development, Inc. authorizing additional revisions to the original agreement regarding layout adjustments and annexation and authorizing the City Manager to execute the same.				
<b>Sponsors:</b>					
<b>Indexes:</b>					
<b>Code sections:</b>					
<b>Attachments:</b>	1. Resolution, 2. Exhibit A - Third Amendment				

Date	Ver.	Action By	Action	Result
1/25/2022	2	City Council	Approved	Pass
11/30/2021	1	City Council		

Discuss and consider action to approve a resolution approving the third amendment to the Carmel development agreement between the City of Pflugerville and CE Development, Inc. authorizing additional revisions to the original agreement regarding layout adjustments and annexation and authorizing the City Manager to execute the same.

In 2015, the Carmel Development, an approximately 805.95 acre development located just east of Weiss Lane at Pleasanton Parkway, was approved by City Council setting a path forward for creation of two municipal utility districts (MUDs), one in the city and one in the ETJ, that consists of single family dwelling units, parkland, floodplain and related infrastructure. The 1st Amendment to the Consent Agreement allowed for an additional 14.09 acres to be added to MUD23, the in City MUD, that has been acquired since the development was originally created. The MUDs are consented to and there has not been a request to modify the consent of the existing MUDs.

At the time of original consent of the MUD, there was an unknown overlap of City limits and a portion of the area consented to for MUD #24 (ETJ MUD). The 3rd amendment, includes provisions for both the City and Developer to correct this issue by disannexing approximately 11 acres from the city limits and requiring the disannexation of the balance of the overlap from the ETJ MUD #24. The portion of the area that is being disannexed from the MUD consists of parkland areas and does not include any infrastructure or residential land uses. The 11.09 acres proposed for disannexation from the City limits, is proposed for a street, open space and residential land uses. The infrastructure within this area is funded by the MUD and would be repaid by the future residents of this area. If this area is not removed from the city limits, the residents within the 19 acres would be required to pay, not only MUD taxes, but City taxes as well. While the residents would be paying MUD taxes, they would also be eligible for city services, like police, code compliance and public works. Access to this tract, currently, is not contiguous to other roadways within the city limits and would provide for access via a series of county facilities. Long term, the subject 11 acres will be reannexed into the city with

the dissolution of MUD 24. The removal of the 11 acres does not preclude the extension of the city limits east of this tract.

The Carmel Development Agreement was first amended in 2017 to allow for an exception to the architectural standards in order to allow for historical architectural styles such as craftsman, farmhouse and tudor revival styles. The second amendment was approved in February 2019 which provided for provisions for annexation, trail clarifications, increase in the total number of dwelling units anticipated and cost contribution for the design and construction of Melber Lane.

Carmel West (aka as MUD 23 - Carmel In-City MUD) has completed the subdivision process and Carmel East (MUD 24 - Carmel ETJ MUD) is currently in its preliminary planning stages. The third proposed amendment to the development agreement incorporates clarification to the dedication of Melber Lane which, as a result of platting better defines the needs and location for this facility as well and provides for financial contribution of the bridge required for Melber Lane north of the creek that runs along the eastern boundary of Carmel West.

The third amendment also provides for clarification of parkland dedication and additional parkland dedication that resulted from final surveying of Carmel East which includes an area that is currently shown in both the city limits and Carmel East. The portion that is being removed from the City limits is approximately 11.706 acres and will become part of the city limits in the future when Carmel East, in its entirety, is annexed at the time of dissolution of MUD 24. The third amendment also includes provisions that disannexes parkland dedicated to the City from Carmel East MUD #24.

#### **Prior City Council Action**

October 2015 - Approval of the Development Agreement

December 2015 - Approval of MUD Consents for both MUD #23 (In-City) and MUD #24 (ETJ)

December 2015 - Approval of Annexation of Carmel West

June 2016 - Approval of Rezoning of Carmel West

March 2017 - Approval of the 1st Amendment to the Development Agreement

May 2017 - Approval of Dedication of Parkland

February 2019 - Approval of the 2nd Amendment to Development Agreement

November 2021 - Approval of Dedication of Parkland

**Funding Expected:** Revenue ☐ Expenditure ☐ N/A ☒

**Budgeted Item:** Yes ☐ No ☐ N/A ☒

**Amount:** ☐ N/A ☐

**1295 Form Required?** Yes ☐ No ☒

**Legal Review Required:** N/A ☐ Required ☒ Date Completed: January 21, 2022

#### **Supporting documents attached:**

Resolution

Third Amendment to the Carmel Development Agreement (includes location map)

#### **Recommended Action:**

Approve the resolution granting the 3rd amendment to the Carmel Development Agreement.

