



**AGENDA  
REGULAR CITY COUNCIL  
CITY OF LEANDER, TEXAS**



Pat Bryson Municipal Hall  
201 North Brushy Street ~ Leander, Texas

Thursday ~ August 21, 2014 at 7:00 PM

**Mayor – Christopher Fielder**  
**Place 1 – Andrea Navarrette**  
**Place 2 – Kirsten Lynch**  
**Place 3 – Simon Garcia (Mayor Pro Tem)**

**Place 4 – Ron Abruzzese**  
**Place 5 – Jason Dishongh**  
**Place 6 – David Siebold**  
**City Manager – Kent Cagle**

1. Open meeting, Invocation, Pledges of Allegiance
2. Roll Call
3. Staff Comments:
4. Citizen Comments: Three (3) minutes allowed per speaker  
*Please turn in speaker request form before the meeting begins*
5. Proclamation recognizing the Leander Fire Department  
*This item sponsored by Mayor Pro Tem Garcia*

**CONSENT AGENDA: ACTION**

6. Approval of the minutes: Regular Meeting August 7, 2014
7. Second Reading of an Ordinance on Zoning Case #14-Z-008: amending Ordinance #05-018, the Composite Zoning Ordinance for a parcel of land located at 17400 Ronald Reagan Blvd., Leander, Williamson County, Texas
8. Second Reading of an Ordinance on Zoning Case #14-Z-011: amending Ordinance #05-018, the Composite Zoning Ordinance for a tract of land generally located at 1001 CR 280, Leander, Williamson County, Texas
9. Second Reading of an Ordinance of the City of Leander, Texas, annexing 121.748 acres, more or less, out of the Charles Cochran Survey, Abstract No. 134, located in Williamson County, Texas and including the abutting streets, roadways, and rights-of-way; approving a service plan for the annexed area; making findings of fact; providing a severability clause and an effective date; and providing for open meetings and other related matters
10. Second Reading of an Ordinance of the City of Leander, Texas, annexing all those certain tracts or parcels of land being 41.669 acres, more or less, located Hero Way east of CR 270 in Williamson County, Texas and including the abutting streets, roadways, and rights-of-way; approving a service plan for the annexed area; making findings of fact; providing a severability clause and an effective date; and providing for open meetings and other related matters

## PUBLIC HEARING: ACTION

11. **Public Hearing** on Zoning Case #14-Z-018: Consider a zoning change for several tracts of land generally located to the northeast of the intersection of Hwy. 183A & E. San Gabriel Pkwy. For 490 acres, more or less from PUD/TOD, Planned Unit Development/Transit Oriented Development to an amended PUD, Planned Unit Development, Leander, Williamson County, Texas

**Action** on Zoning Case #14-Z-018: amending Ordinance #05-018, the Composite Zoning Ordinance for several tracts of land generally located to the northeast of the intersection of Hwy. 183A & E. San Gabriel Pkwy., Leander, Williamson County, Texas

12. **Public Hearing** on Zoning Case #14-Z-022: Consider a zoning change for several tracts of land generally located 1,350 feet east from the northeast corner from the intersection of N. Bagdad Road and Old 2243 West for 28.5 acres, more or less from HC-4-D, Heavy Commercial to GC-4-D, General Commercial and MF-2-B, Multi Family, Leander, Williamson County, Texas

**Action** on Zoning Case #14-Z-022: amending Ordinance #05-018, the Composite Zoning Ordinance for several tracts of land generally located 1,350 feet east from the northeast corner from the intersection of N Bagdad Road and Old 2243 West, Leander, Williamson County, Texas

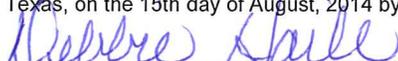
## REGULAR AGENDA

13. Second reading of an Ordinance on Zoning Case #14-Z-020: amending Ordinance #05-018, the Composite Zoning Ordinance for five tracts of land generally located at 3034 Hero Way approximately 3,330 feet to the east of the intersection of Hero Way and 183A Toll Road Leander, Williamson County, Texas
14. Second reading of an Ordinance on Zoning Case #14-Z-021: amending Ordinance #05-018, the Composite Zoning Ordinance for two tracts of land located at 2937 Hero Way, Leander, Williamson County, Texas
15. Second reading of an Ordinance on Zoning Case #14-Z-009: amending Ordinance #05-018, the Composite Zoning Ordinance for a parcel of land located to the southwest of the intersection of Crystal Falls Parkway & Christine Drive, Leander, Travis and Williamson Counties, Texas
16. First reading of an Ordinance of the City of Leander, Texas, annexing the 9.999 acres, more or less, Parker tract, located in Williamson County, Texas and including the abutting streets, roadways, and rights-of-way; approving a service plan for the annexed area; making findings of fact; providing a severability clause and an effective date; and providing for open meetings and other related matters.
17. First reading of an Ordinance of the City of Leander, Texas, annexing the 113.372 acres, more or less, Garlock and Christianson tracts, located in Williamson County, Texas and including the abutting streets, roadways, and rights-of-way; approving a service plan for the annexed area; making findings of fact; providing a severability clause and an effective date; and providing for open meetings and other related matters.
18. Consider a development agreement between the City of Leander and NK Land Development, LLC for 90 acres more or less, generally located  $\frac{3}{4}$  of a mile to the east of the intersection of 183A Toll Road and RM 2243, on the south side of RM 224, encompassing the property known as the Marbella Subdivision within the city limits of the City of Leander, Williamson County, Texas

19. Consider a development agreement between the City of Leander and RJ Madden, Inc for 66.198 acres more or less, generally located 1,000 feet to the east of the northeast corner of the intersection of 183A Toll Road and E. Woodview Drive, encompassing the property known as the Stewart Crossing Subdivision within the city limits of the City of Leander, Williamson County, Texas
20. Receive Effective & Rollback Tax Rate Calculations for FY 2014-15
21. Presentation on the FY 2014-15 Proposed Budget
22. Consider a Proposal to Adopt a Tax Rate for FY 2014-15
23. Schedule Two Public Hearings on a Proposal to Adopt a Tax Rate for FY 2014-15
24. Council Members Closing Statements
25. Adjournment

**CERTIFICATION**

This meeting will be conducted pursuant to the Texas Government Code Section 551.001 et seq. At any time during the meeting the Council reserves the right to adjourn into executive session on any of the above posted agenda items in accordance with the sections 551.071 [litigation and certain consultation with attorney], 551.072 [acquisition of interest in real property], 551.073 [contract for gift to city], 551.074 [certain personnel deliberations] or 551.076 [deployment/ implementation of security personnel or devices]. The City of Leander is committed to compliance with the American with Disabilities Act. Reasonable modifications and equal access to communications will be provided upon request. **Please call the City Secretary at 512/ 528-2743 for information.** Hearing impaired or speech disabled persons equipped with telecommunications devices for the deaf may call 512/ 528-2800. I certify that the above agenda for this Meeting of the City Council of the City of Leander, Texas, was posted on the bulletin board at City Hall, in Leander, Texas, on the 15th day of August, 2014 by 5:00 pm pursuant to Chapter 551 of the Texas Government Code.

  
\_\_\_\_\_  
Debbie Haile TRMC, City Secretary



# PROCLAMATION



**WHEREAS**, The Leander Fire Department has been invited to participate in the International Association of Fire Chief's Annual Meeting; and

**WHEREAS**, The International Association of Fire Chief's represents the leadership of firefighters and emergency responders worldwide; and

**WHEREAS**, The members are the world's leading experts in firefighting, emergency medical services, terrorism response, hazardous materials spills, natural disasters, search and rescue and public safety; and

**WHEREAS**, Since 1873, the International Association of Fire Chief's has provided a forum for fire and emergency service leaders to exchange ideas, develop professionally and uncover the latest products and services available to first responders; and

**WHEREAS**, The Mission of the International Association of Fire Chief's is: "To provide leadership to current and future career, volunteer, fire rescue and EMS Chiefs, chief fire officers, company officers and managers of emergency service organizations throughout the international community through vision, information, education, services and representation to enhance their professionalism and capabilities; and

**WHEREAS**, the Leander Fire Department has been selected to participate in the International Association of Fire Chief's Annual Meeting, Fire-Rescue International and

**WHEREAS**, The event sees Fire Chief's from across the globe come together to share their best practice, research and news; and

**WHEREAS**, IT IS WITH GREAT PRIDE AND HONOR TO RECOGNIZE CHIEF BILL GARDNER AND THE ENTIRE LEANDER FIRE DEPARTMENT FOR THIS ACCOMPLISHMENT

**NOW, THEREFORE the Mayor and the City of Leander do hereby proclaim August 21, 2014 as**

## **"LEANDER FIRE DEPARTMENT DAY"**

Signed this 21st day of August, 2014.

Attest:

\_\_\_\_\_  
Christopher Fielder, Mayor

\_\_\_\_\_  
Debbie Haile, City Secretary



**MINUTES  
REGULAR CITY COUNCIL  
CITY OF LEANDER, TEXAS**



Pat Bryson Municipal Hall  
201 North Brushy Street ~ Leander, Texas

Thursday ~ August 7, 2014 at 7:00 PM

<b>Mayor – Christopher Fielder</b>	<b>Place 4 – Ron Abruzzese</b>
<b>Place 1 – Andrea Navarrette</b>	<b>Place 5 – Jason Dishongh</b>
<b>Place 2 – Kirsten Lynch</b>	<b>Place 6 – David Siebold</b>
<b>Place 3 – Simon Garcia (Mayor Pro Tem)</b>	<b>City Manager – Kent Cagle</b>

1. Open meeting, Invocation, Pledges of Allegiance  
**Mayor Fielder opened the meeting at 7:00 pm and welcomed those in attendance**  
**Mayor Pro Tem Garcia delivered the invocation**
2. Roll Call  
**All present**
3. Staff Comments:  
**No staff comments**
4. Citizen Comments: Three (3) minutes allowed per speaker  
*Please turn in speaker request form before the meeting begins*  
**No citizen comments**
5. Proclamation recognizing August 2014 as “Head Start Day” in the City of Leander.  
*Sponsored by Council Member Dishongh*  
**Council Member Dishongh read the Proclamation and presented it to Julie Lichtner, Director of Head Start, Lara Adamson with WBCO and Charlene Burgess, Program Director at Head Start**

**CONSENT AGENDA: ACTION**

6. Approval of the minutes: Regular Meeting: July 17, 2014  
Special Called: July 24, 2014
7. Second Reading of an Ordinance on Zoning Case #14-Z-016: amending Ordinance #05-018, the Composite Zoning Ordinance for the property located on the west side of Raider Way approximately 1,620 feet from the northwest corner of the intersection of E, Crystal Falls Parkway and Raider Way, Leander, Williamson County, Texas
8. Consider Dedication and Acceptance of Subdivision Infrastructure Improvements for The Bluffs, Ph. 2F-A
9. Employee Benefits Renewal for Plan Year 2014-2015

**Motion made by Council Member Navarrette to approve. Second by Mayor Pro Tem Garcia. Motion passes, all voting “aye”**

**PUBLIC HEARING: ACTION**

10. **Public Hearing** on Subdivision Case #14-CP-004: Consider Springwoods Concept Plan for 104.23 acres, more or less, generally located approximately  $\frac{3}{4}$  of a mile from the southeast corner of the intersection of RM 2243 and CR 175, Leander, Williamson County, Texas  
**Applicant has withdrawn the request**

**Mayor Fielder announced that the applicant has withdrawn their application.**

11. **Public Hearing** on Zoning Case #14-Z-008: consider a zoning change for a parcel of land located at 17400 Ronald Reagan Blvd. for 4.2 acres, more or less, from GC-2-B, General Commercial to GC-3-B, General Commercial, Leander, Williamson County, Texas  
*Applicant: Scott J. Foster, P.E. on behalf of Vince & Nanette Giaco*  
**Tom Yantis, Director of Development Services explained**

**Mike Mize, 121 Creekview Circle - spoke against**

**Jay Harvey, 8924 Juaquin Lane, Austin – spoke against**

**Action** on Zoning Case #14-Z-008: amending Ordinance #05-018, the Composite Zoning Ordinance for a parcel of land located at 17400 Ronald Reagan Blvd., Leander, Williamson County, Texas

**Motion made by Council Member Siebold to approve. Second by Council Member Dishongh.**  
**Motion passes, all voting “aye”**

12. **Public Hearing on Zoning Case #14-Z-009: consider a zoning change for a tract of land generally** located to the southwest of the intersection of Crystal Falls Parkway & Christine Drive for 9.604 acres, more or less, from SFT-2-A, Single Family Townhome and LO-2-A, Local Office to PUD, Planned Unit Development, Leander, Travis and Williamson Counties, Texas  
*Applicant: Mike Siefert on behalf of Lookout Partners LP*  
**Tom Yantis, Director of Development Services explained**  
**Eric Rogue with Grand Haven Homes gave a presentation**

**Kipyn Miller, 2201 First View – spoke against**

**Kylon Gustin, 2200 First View - spoke against**

**Ladonna Shirley, 2204 Crystal Falls – spoke against**

**Tom Longarich, 2103 First View – spoke against**

**J.D. Baskin, 509 Dreamcatcher - spoke against**

**Eric Johnson 2311 First View – spoke against**

**Action** on Zoning Case #14-Z-009: amending Ordinance #05-018, the Composite Zoning Ordinance for a parcel of land located to the southwest of the intersection of Crystal Falls Parkway & Christine Drive, Leander, Travis and Williamson Counties, Texas

**Motion made by Council Member Siebold to approve with changes to the fencing to require wrought iron or tubular, street lights at the intersections between drives and public streets and alternative color pallets to be brought back before second reading. Second by Council Member Navarrette. Motion passes, 6 to 1 with Council Member Abruzzese voting against.**

13. **Public Hearing** on Zoning Case #14-Z-011: consider a zoning change for a tract of land generally located at 1001 CR 280 for 150.176 acres, more or less, from Interim zoned SFR-1-B, Single Family Rural to SFR-2-A, Single Family Rural, Leander, Williamson County, Texas  
*Applicant: Haynie Consulting, Inc. on behalf of Ewing Development Co, LLC.*  
**Tom Yantis, Director of Development Services explained**

**Action** on Zoning Case #14-Z-011: amending Ordinance #05-018, the Composite Zoning Ordinance for a tract of land generally located at 1001 CR 280, Leander, Williamson County, Texas

**Motion made by Council Member Siebold to approve. Second by Council Member Lynch.**  
**Motion passes, all voting “aye”**

14. **Public Hearing** on Zoning Case #14-Z-019: consider a zoning change for two tracts of land located at 523 Powell Drive for 6.95 acres, more or less, from SFU/MH-2-B, Single Family Urban/Manufactured Home to MF-3-B, Multi Family, Leander, Williamson County, Texas  
*Applicant: Gary Eli Jones and David Singleton on behalf of Lexor Homes*  
**Tom Yantis, Director of Development Services explained that the applicant has withdrawn the Application.**

**Action** on Zoning Case #14-Z-019: amending Ordinance #05-018, the Composite Zoning Ordinance for two tracts of land located at 523 Powell Drive, Leander, Williamson County, Texas

**Motion made by Council Member Navarrette to authorize staff to waive the fees for the reapplication when brought back. Second by Council Member Siebold. Motion passes, all voting “aye”**

15. **Public Hearing** on Zoning Case #14-Z-020: consider a zoning change for five tracts of land generally located at 3034 Hero Way approximately 3,330 feet to the east of the intersection of Hero Way and 183A Toll Road for 41.666 acres, more or less, from Interim zoned SFR-1-B, Single Family Rural to HC-5-D, Heavy Commercial, Leander, Williamson County, Texas  
*Applicant: Ryan Betz on behalf of Charles H and Arleen W. Wilde*  
**Tom Yantis, Director of Development Services explained**  
**Ryan Betts, Applicant gave a presentation**

**Andrew Lewis, 3336 Hero Way – spoke against**  
**Stella Carter, 3150 Hero Way – spoke against**  
**Karen Hickam, 3150 Hero Way – spoke against**  
**Barbara Bratton, 3236 Hero Way – spoke against**

**Action** on Zoning Case #14-Z-020: amending Ordinance #05-018, the Composite Zoning Ordinance for five tracts of land generally located at 3034 Hero Way approximately 3,330 feet to the east of the intersection of Hero Way and 183A Toll Road Leander, Williamson County, Texas

**Motion made by Council Member Lynch to deny. Second by Mayor Pro Tem Garcia.**  
**Motion was dropped by Council Member Lynch and Mayor Pro Tem Garcia.**

**Motion made by Council Member Siebold to postpone to next council meeting. Second by Mayor Pro Tem Garcia. Motion passes, all voting “aye”**

**Mayor Fielder called for a recess at 9:18 pm**  
**Council reconvened at 9:25 pm**

**Council Member Dishongh asked for this item to be revisited to speak with applicant**

**Motion made by Council Member Dishongh to approve with the following conditions:**

- **500 feet from Hero Way to be zoned HC-4-C**
- **1000 feet from north property line to be zoned HC-4-C**
- **Remaining portion of property (middle) to be zoned HC-5-D**

**The following will be prohibited uses:**

- **Bingo**
- **Hooka Lounge**
- **Pawn Shop**
- **Payday Lending Business**
- **Tattoo and/or Body Piercing Parlor**

**The following will be Prohibited Site Component Uses:**

- **Outdoor Entertainment Venues**
- **Outdoor Animal Boarding**

**Second to the Motion by Council Member Abruzzese. Motion passes, all voting “aye”**

16. **Public Hearing** on Zoning Case #14-Z-021: consider a zoning change for two tracts of land located at 2937 Hero Way for 6.42 acres, more or less, from Interim zoned SFR-1-B, Single Family Rural to HI-5-D, Heavy Industrial, Leander, Williamson County, Texas

*Applicant: Ryan Betz on behalf Noel Larson, Fab-Con Products, Inc.*

**Tom Yantis, Director of Development Services explained**

**Barbara Bratton, 3236 Hero Way – spoke against**

**Action** on Zoning Case #14-Z-021: amending Ordinance #05-018, the Composite Zoning Ordinance for two tracts of land located at 2937 Hero Way, Leander, Williamson County, Texas

**Motion made by Council Member Abruzzese to approve the HI-5-D zoning with the following conditions:**

**The following will be prohibited uses:**

- **Bingo**
- **Hooka Lounge**
- **Pawn Shop**
- **Payday Lending Business**
- **Tattoo and/or Body Piercing Parlor**
- **Sexually Oriented Businesses**

**Second to the Motion by Council Member Navarrette. Motion passes, all voting “aye”**

17. **Public Hearing** on Ordinance Case #14-OR-002: adopting Chapter 3, Article3.08, Code of Ordinances, City of Leander, Texas, regarding the regulation of signs and providing for a savings clause and repealing conflicting Ordinances and Resolutions

**Tom Yantis, Director of Development Services explained**

**Action** on Ordinance Case #14-OR-002: Ordinance adopting Chapter 3, Article 3.08, Code of Ordinances, City of Leander, Texas, regarding regulation of signs and providing for a savings clause and repealing conflicting Ordinances and Resolutions

**Motion made by Council Member Lynch to approve. Second by Council Member Navarrette.  
Motion passes, all voting “aye”**

18. **Public Hearing** on Comprehensive Plan Amendment Case #14-CPA-002: consider an amendment to the Comprehensive Plan adopting a Node Plan that provides guidance for appropriate zoning and land use regulations within each node type and between the nodes and surrounding neighborhoods  
**Tom Yantis, Director of Development Services explained**

**Action** on Comprehensive Plan Amendment Case #14-CPA-002: consider an amendment to the Comprehensive Plan adopting a Node Plan that provides guidance for appropriate zoning and land use regulations within each node type and between the nodes and surrounding neighborhoods

**Motion made by Council Member Abruzzese to approve. Second by Council Member Dishongh.  
Motion passes, all voting “aye”**

## REGULAR AGENDA

19. First Reading of an Ordinance of the City of Leander, Texas, annexing 121.748 acres, more or less, out of the Charles Cochran Survey, Abstract No. 134, located in Williamson County, Texas and including the abutting streets, roadways, and rights-of-way; approving a service plan for the annexed area; making findings of fact; providing a severability clause and an effective date; and providing for open meetings and other related matters  
**Tom Yantis, Director of Development Services explained**

**Motion made by Council Member Navarrette to approve. Second by Council Member Dishongh.  
Motion passes, all voting “aye”**

20. First Reading of an Ordinance of the City of Leander, Texas, annexing all those certain tracts or parcels of land being 41.669 acres, more or less, located Hero Way east of CR 270 in Williamson County, Texas and including the abutting streets, roadways, and rights-of-way; approving a service plan for the annexed area; making findings of fact; providing a severability clause and an effective date; and providing for open meetings and other related matters  
**Tom Yantis, Director of Development Services explained**

**Motion made by Council Member Dishongh to approve. Second by Mayor Pro Tem Garcia.  
Motion passes, all voting “aye”**

21. Consider a Resolution expressing intent to finance expenditures to be incurred by the City of Leander, Texas  
**Robert Powers, Finance Director explained**

**Motion made by Council Member Dishongh to approve. Second by Council Member Navarrette.  
Motion passes, all voting “aye”**

22. Consider award of bid for Fire Hydrant and Construction Water Meters to HD Supply Waterworks  
**Robert Powers, Finance Director explained**

**Motion made by Council Member Siebold to approve. Second by Mayor Pro Tem Garcia.  
Motion passes, all voting “aye”**

**EXECUTIVE SESSION**

23. Convene into executive session:
- a) Pursuant to Section 551.072, Texas Government Code, to deliberate the acquisition of real property
  - b) Pursuant to Section 551.071, Texas Government Code, and Section 1.05, Texas Disciplinary Rules of Professional Conduct, to consider a settlement proposal in the following matter: TCEQ Docket No. 2014- 0437-UCR, SOAH Docket No. 582-14-3380, regarding the STM Application of CTSUD and the City of Georgetown

**Council convened into executive session at 10:00 pm**  
**Council reconvened into open session at 10:30 pm**

24. Reconvene into open session to take action as deemed appropriate in the City Council's discretion regarding:
- a) The acquisition of real property  
**No action taken**

- b) A settlement proposal in the following matter: TCEQ Docket No. 2014-0437-UCR, SOAH Docket No.582-14-3380, regarding the STM Application of CTSUD and the City of Georgetown

**Motion made by Mayor Pro Tem Garcia to approve Settlement Agreement with Georgetown and CTSUD related to Georgetown’s application to acquire and transfer the CCN held by CTSUD and authorize the Mayor to sign the agreement. Second by Council Member Siebold. Motion passes, all voting “aye”**

25. Council Members Closing Statements  
**Council Members gave their closing statements**

26. Adjournment  
**With there being no further business, the meeting adjourned at 10:33 pm**

Attest:

\_\_\_\_\_  
Christopher Fielder, Mayor

\_\_\_\_\_  
Debbie Haile, TRMC – City Secretary



**Executive Summary**

**August 21, 2014**

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**Agenda Subject:** Zoning Case 14-Z-008: Second reading and consider action on the rezoning of a parcel located at 17400 Ronald Reagan Blvd. for 4.2 acres more or less; Parcel #R334861. Currently the property is zoned GC-2-B (General Commercial). The property is proposed to be zoned GC-3-B (General Commercial), Leander, Williamson County, Texas.

**Background:** This request is the final step in the rezoning process.

**Origination:** Applicant: Scott J. Foster, P.E. on behalf of Vince & Nanette Giaco

**Financial Consideration:** None

**Recommendation:** See Planning Analysis. The Planning & Zoning Commission unanimously recommended approval of the request at the July 24, 2014 meeting. The City Council unanimously approved the request at the August 7, 2014 meeting.

**Attachments:**

1. Planning Analysis
2. Current Zoning Map
3. Aerial Map
4. Letter of Intent
5. Ordinance

**Prepared By:** Tom Yantis  
Development Services Director

08/08/2014



# PLANNING ANALYSIS

ZONING CASE 14-Z-008  
Giaco Property, 17400 Ronald Reagan Blvd

## GENERAL INFORMATION

- Owner:** Vince & Nanette Giaco
- Current Zoning:** GC-2-B (General Commercial)
- Proposed Zoning:** GC-3-B (General Commercial)
- Size and Location:** The property is located at 17400 Ronald Reagan Blvd. and includes 4.2 acres more or less.
- Staff Contact:** Martin Siwek, GISP  
Planner

## ABUTTING ZONING AND LAND USE:

The table below lists the abutting zoning and land uses.

	ZONING	LAND USE
NORTH	Interim SFS-2-B	Developed Single Family Home
EAST	O.C.L. (Outside of City Limit)	Vacant Property
SOUTH	GC-2-B	Vacant Property
WEST	GC-2-B GC-3-B	Vacant Property Single Family Home

<b>COMPOSITE ZONING ORDINANCE INTENT STATEMENTS</b>
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**USE COMPONENT:****GC – GENERAL COMMERCIAL:**

*Features:* Any use in LC plus bar, nightclub, entertainment venues, hospital, hotel, liquor store, office/warehouse, vehicle and equipment sales, leasing and repair, furniture sales, pet shop, wholesale activities less than 3,500 sq. ft.

*Intent:* Development of small to large scale commercial, retail, and commercial service uses located in high traffic areas. Access to this component should be provided by an arterial street. The heaviest concentration of this component should be located at intersections of arterial streets.

**SITE COMPONENT:****TYPE 2:**

*Features:* Accessory buildings greater of 10% of primary building or 120 sq. ft.; accessory dwellings for SFR, SFE and SFS; drive-thru service lanes; uses not to exceed 40,000 sq. ft.; multi-family provides at least 35% of units with an enclosed garage parking space.

*Intent:*

- (1) The Type 2 site component may be utilized with non-residential developments that are adjacent to a residential district or other more restrictive district to help reduce potential negative impacts to the more restrictive district and to provide for an orderly transition of development intensity.
- (2) The Type 2 site component is intended to be utilized for residential development not meeting the intent of a Type 1 site component and not requiring the additional accessory structure or accessory dwelling privileges of the Type 3 site component.
- (3) This component is intended to be utilized with the majority of LO and LC use components except those that meet the intent of the Type 1 or Type 3 site component or with any use requiring drive-through service lanes.
- (4) This component is generally not intended to be utilized with LI and HI use components except where such component is adjacent to, and not adequately buffered from, residential districts or other more restricted districts, and except as requested by the land owner.

**TYPE 3:**

*Features:* Accessory buildings up to 30% of primary building; accessory dwellings; drive-thru service; limited outdoor display and storage; outdoor fueling and washing of vehicles; overhead service doors, no indoor parking required.

*Intent:*

- (1) A Type 3 site component is intended to be utilized with LO and LC use components where adjacent to less restricted districts to provide for a land use transition.
- (2) This component is intended to be utilized with residential components where accessory dwellings or additional accessory structures are appropriate and are not provided for in the Type 1 or 2 site components.
- (3) This component is intended to be combined with LO, LC, GC, LI and HI components where it is appropriate to utilize the outdoor site area for outdoor fuel sales, limited outdoor display and storage or accessory buildings.

## **ARCHITECTURAL COMPONENTS:**

### **TYPE B:**

*Features:* 85% masonry 1<sup>st</sup> floor, 50% overall; 4 or more architectural features.

*Intent:*

- (1) The Type B architectural component is intended to be utilized for the majority of residential development except that which is intended as a Type A architectural component.
- (2) Combined with appropriate use and site components, this component is intended to help provide for harmonious land use transitions.
- (3) This component may be utilized to raise the building standards and help ensure compatibility for non-residential uses adjacent to property that is more restricted.
- (4) This component is intended for the majority of the LO and LC use components except those meeting the intent of the Type A or C architectural components.

## **COMPREHENSIVE PLAN STATEMENTS:**

The following Comprehensive Plan statements may be relevant to this case:

- Provide Opportunities for coordinated, well-planned growth and development that are consistent with the Comprehensive Plan.
- Plan for continued growth and development that improves the community's overall quality of life and economic viability.
- Plan for future development that is compatible with existing residential neighborhoods.

## **ANALYSIS:**

The applicant is requesting to rezone the property from GC-2-B (General Commercial) to GC-3-B. The applicant's request pertains to altering the site component from a Type 2 to a Type 3 classification. The property on the southwest corner of the RM 2243 and Ronald W. Reagan Blvd. intersection is zoned GC-3-B, while the remaining property corners at this intersection are zoned GC-2-B.

A previous zoning case on this property was brought before the Commission at the August 25<sup>th</sup>, 2011 meeting. The applicant was requesting to rezone the property from Interim SFS-2-B (Single Family Suburban) to GC-3-B. The Commission at that time recommended approval to GC-2-B, which was later approved by Council.

The main differences between the Type 2 and Type 3 site components are summarized in the below statements.

### ***Type 2:***

- Outdoor display is not permitted
- Outdoor storage and container storage are not permitted.
- Outdoor fuel sales are not permitted.
- Individual users shall not exceed 40,000 gross square feet of floor area in a single building. A single building may not exceed 60,000 square feet of floor area.
- Overhead commercial service doors are not permitted.

**Type 3:**

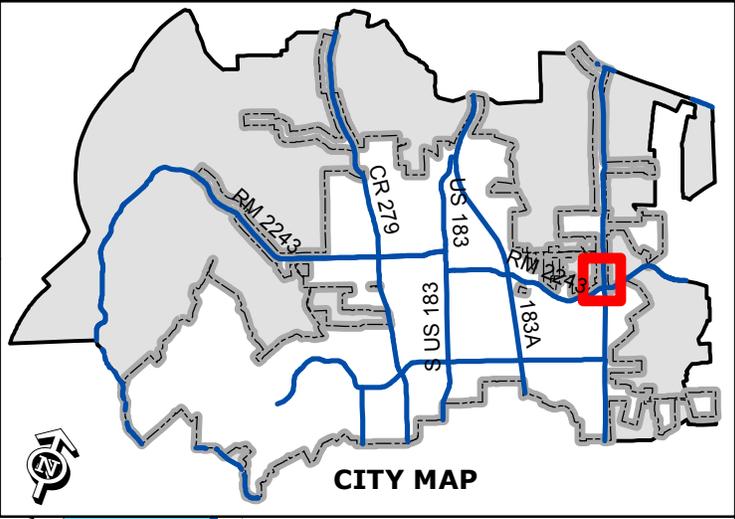
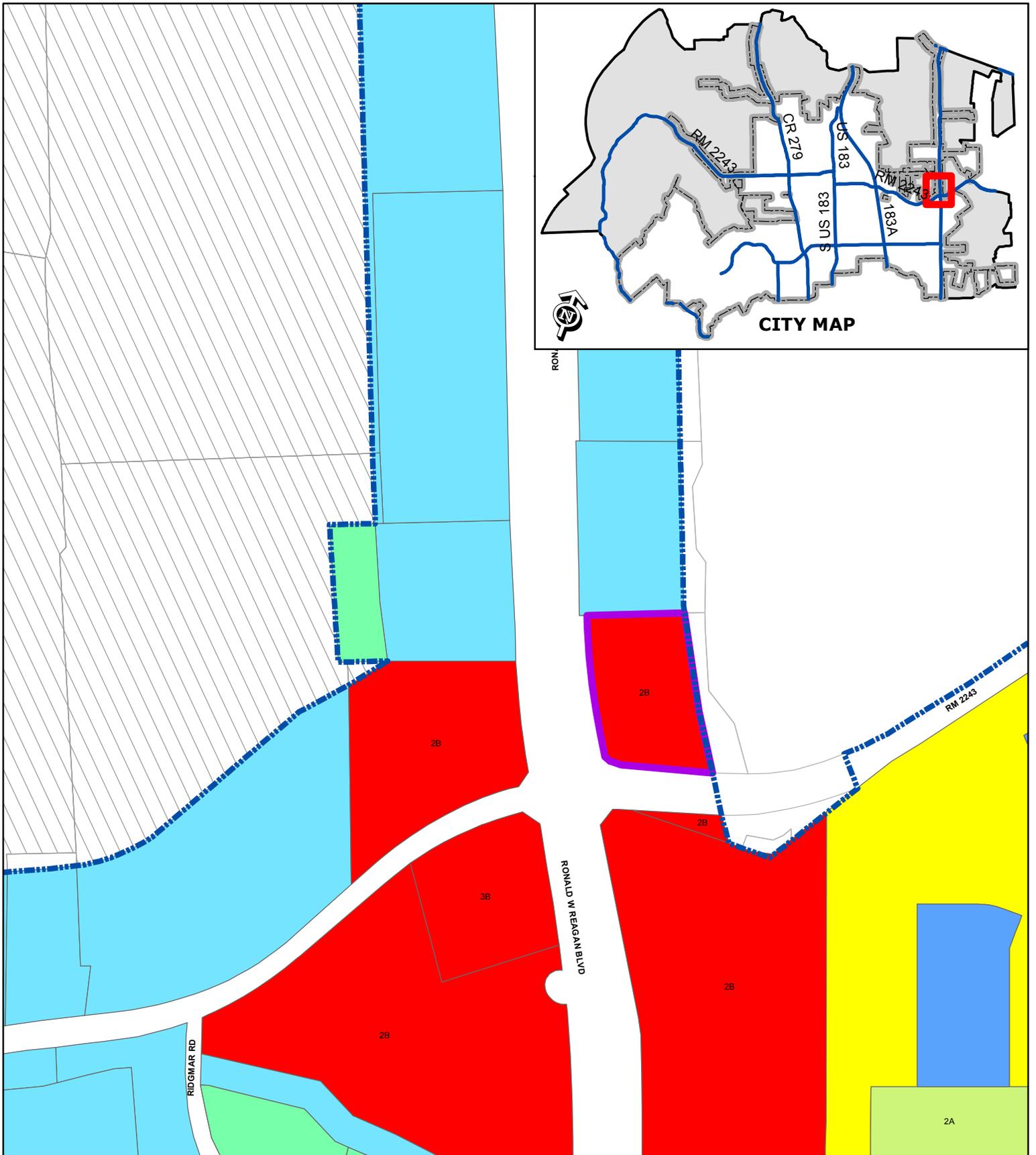
- Outdoor display is permitted and limited to not more than thirty percent (30%) of the gross floor area of the building which houses the business displaying such merchandise.
- Outdoor display of landscape plants, trees, shrubs, garden materials, etc. is not limited.
- Outdoor display shall occur only during the business hours of the applicable business establishment.
- Outdoor storage and container storage are permitted as an accessory use as follows:
  - Such storage does not exceed twenty percent (20%) of the gross floor area of the primary building that houses the business storing such materials.
  - Such storage or container is located no closer to a street frontage than the primary building that houses the business storing such materials.
  - Such storage or container is screened from view from adjacent properties and any street in accordance with the Screening Requirements of Art. VI, Sec 1.
- The combination of outdoor display, outdoor storage and accessory buildings/structures shall not exceed forty percent (40%) of the gross floor area of the primary building / structure utilizing such.
- Outdoor commercial fueling and washing of vehicles is permitted.
- Overhead commercial services doors are permitted.

The Type 3 site component has additional requirements for vehicle fueling stations, which are as follows:

- Commercial fueling is not located within one hundred (100') feet of a residential district unless such district is utilized for a non-residential purpose. The location is measured from the closest portion of the structure associated with the outdoor commercial fueling to the residential district.
- No more than two outdoor commercial fueling and washing of vehicle facilities shall be located within six hundred (600') feet of any intersection separately or in combination with a convenience store or other use.
- Vehicle fueling and washing facility locations are reserved only by obtaining an approved building permit for such facility and keeping such permit active.
- Gasoline pumps shall be located no closer to the street than the primary structure.

<b>STAFF RECOMMENDATION:</b>
------------------------------

Staff recommends approval of the requested GC-3-B district. The request satisfies the use component's intent statements relating to being located in a high traffic area, providing access by an arterial street, and providing the heaviest concentration of this component at intersections of arterial class streets. Additionally, the requested zone change would result in minimal conflict with the adjacent properties.



# ZONING CASE 14-Z-008

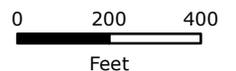
## Attachment #2

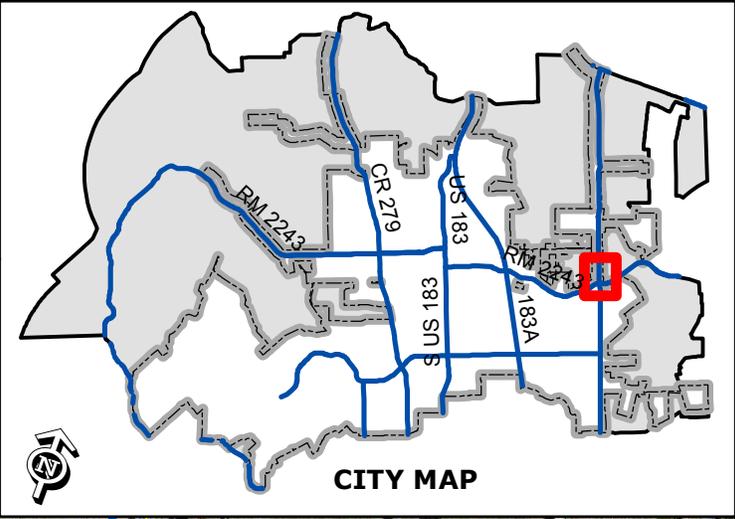
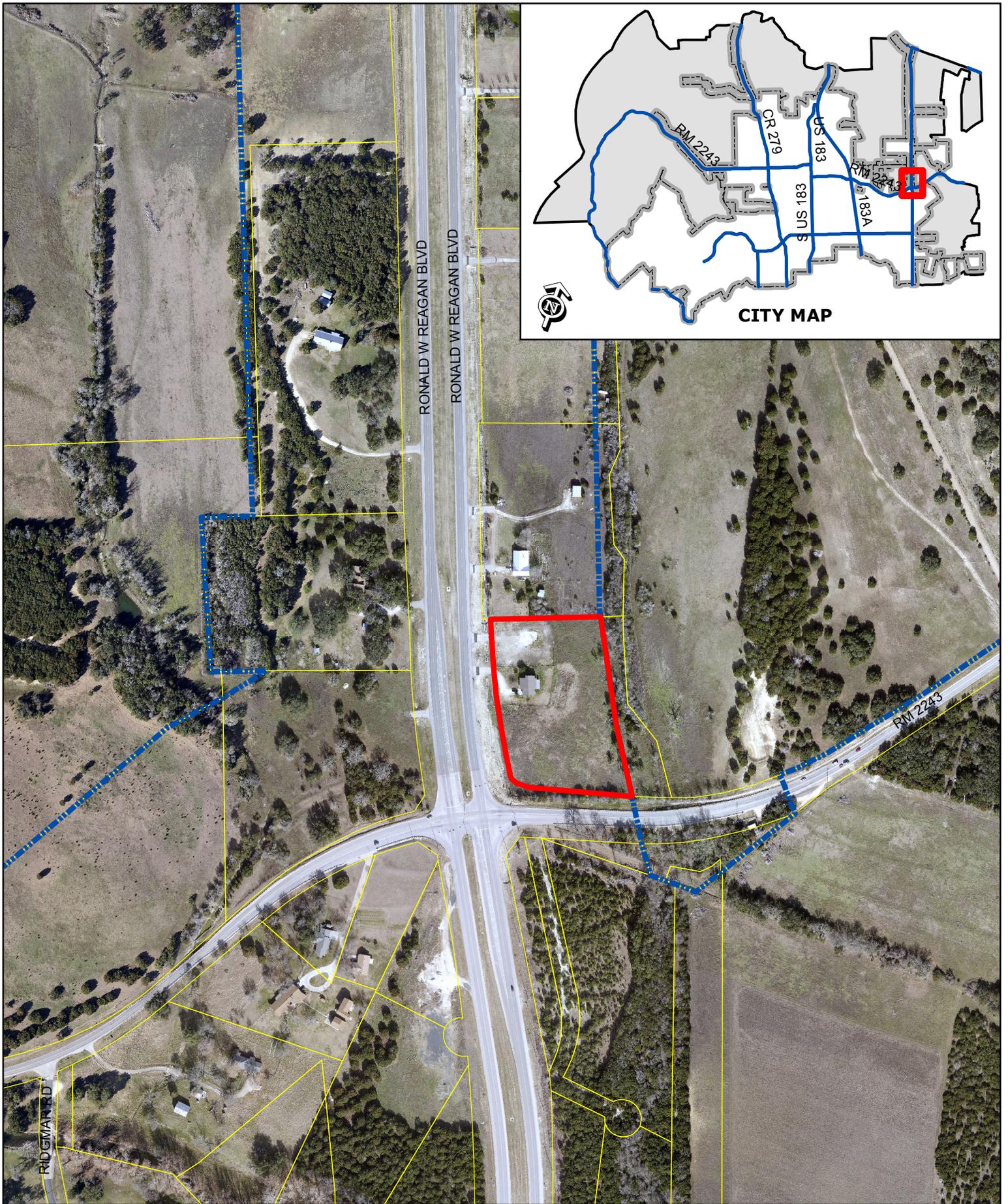
Current Zoning Map  
Giaco



-  City Limits
-  Subject Property
-  Future Annexation Per DA
-  Involuntary Annexation
-  Voluntary Annexation

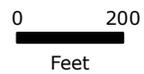
- |   |  |   |
|---|--|---|
|  SFR |  SFT    |  GC  |
|  SFE |  SFU/MH |  HC  |
|  SFS |  TF     |  HI  |
|  SFU |  MF     |  PUD |
|  SFC |  LO     |   |
|  SFL |  LC     |   |





**ZONING CASE 14-Z-008 Attachment #3**

Aerial Exhibit - Approximate Boundaries  
Giaco





P.O. Box 3639  
Cedar Park, Texas 78630

April 16, 2014

Mrs. Robin Griffin  
City of Leander  
Planning Department  
PO Box 319  
Leander, TX 78646

**Re: Request for Zoning Change  
Letter of Intent  
NEC RR 2243 and Ronald Reagan – +/-4.2 Acres**

Dear Mrs. Griffin:

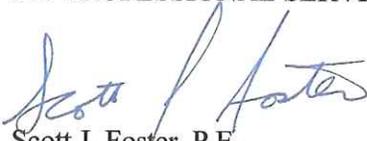
Please accept this letter as a written request to rezone the subject tract from GC-2-B/ETJ to GC-3-B/ETJ. According to the City of Leander Comprehensive Plan, major intersections are nodes that encourage density and mixture of uses including apartments, condominiums, major commercial, major retail, and office uses. The node of RR 2243 and Ronald Reagan is not specifically identified; however, the surrounding zoning supports the rezoning of the subject tract.

The surrounding area is generally zoned GC-2-B which limits the ability to provide both density and the mixture that is envisioned in the comprehensive plan. By allowing the majority of the subject tract to be zoned to its highest and best use, GC-3-B, the diversity of the development around this “node” will be achieved. It is envisioned that this corner and surrounding parcels will fulfill additional objectives of the comprehensive plan. The eastern portion of the tract contains a drainage tributary (+/- 0.8 acres) which will provide a natural buffer to the properties to the east. The properties to the north are along Ronald Reagan Boulevard and are anticipated to be developed for commercial uses in the future.

If you should have any questions, or need additional information, please feel free to contact us at (512) 354-4682.

Very truly yours,

360 PROFESSIONAL SERVICES, INC.



Scott J. Foster, P.E.  
Principal

**ORDINANCE NO #**

**ORDINANCE OF THE CITY OF LEANDER, TEXAS, AMENDING THE ZONING ORDINANCE BY REZONING ONE PARCEL OF LAND FROM GC-2-B (GENERAL COMMERCIAL) TO GC-3-B (GENERAL COMMERCIAL); MAKING FINDINGS OF FACT; AND PROVIDING FOR RELATED MATTERS.**

**Whereas**, the owner of the property described herein after (the "Property") has requested that the Property be rezoned;

**Whereas**, after giving at least ten days written notice to the owners of land within two hundred feet of the Property, the Planning & Zoning Commission held a public hearing on the proposed rezoning and forwarded its recommendation on the rezoning to the City Council;

**Whereas**, after publishing notice of the public hearing at least fifteen days prior to the date of such hearing, the City Council at a public hearing has reviewed the request and the circumstances of the Property and finds that a substantial change in circumstances of the Property, sufficient to warrant a change in the zoning of the Property, has transpired;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEANDER, TEXAS, THAT:**

**Section 1. Findings.** The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

**Section 2. Amendment of Zoning Ordinance.** Ordinance No. 05-018, as amended, the City of Leander Composite Zoning Ordinance (the "Zoning Ordinance" or "Code"), is hereby modified and amended by rezoning the Property as set forth in Section 3.

**Section 3. Applicability.** This ordinance applies to the following parcels of land, which is herein referred to as the "Property." That certain parcel of land being 4.2 acres, more or less, located in Leander, Williamson County, Texas, being more particularly described in Exhibit "A", legally described as 4.2 acres of land out of Lot 10, Highmeadow Estates Phase 1 Subdivision; more particularly described in Document Number 1996051876 of the Official Public Records of Williamson County, Texas, and identified by tax identification number R334861.

**Section 4. Property Rezoned.** The Zoning Ordinance is hereby amended by changing the zoning district for the Property from GC-2-B (General Commercial) to GC-3-B (General Commercial).

**Section 5. Recording Zoning Change.** The City Council directs the City Secretary to record this zoning classification on the City's official zoning map with the official notation as prescribed by the City's zoning ordinance.

**Section 6. Severability.** Should any section or part of this ordinance be held unconstitutional, illegal, or invalid, or the application to any person or circumstance for any reasons thereof ineffective or inapplicable, such unconstitutionality, illegality, invalidity, or ineffectiveness of such

section or part shall in no way affect, impair or invalidate the remaining portion or portions thereof; but as to such remaining portion or portions, the same shall be and remain in full force and effect and to this end the provisions of this ordinance are declared to be severable.

**Section 7. Open Meetings.** That it is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapt. 551, Loc. Gov't. Code.

**PASSED AND APPROVED** on First Reading this the 7<sup>th</sup> day of August, 2014.

**FINALLY PASSED AND APPROVED** on this the 21<sup>st</sup> day of August, 2014.

**THE CITY OF LEANDER, TEXAS**

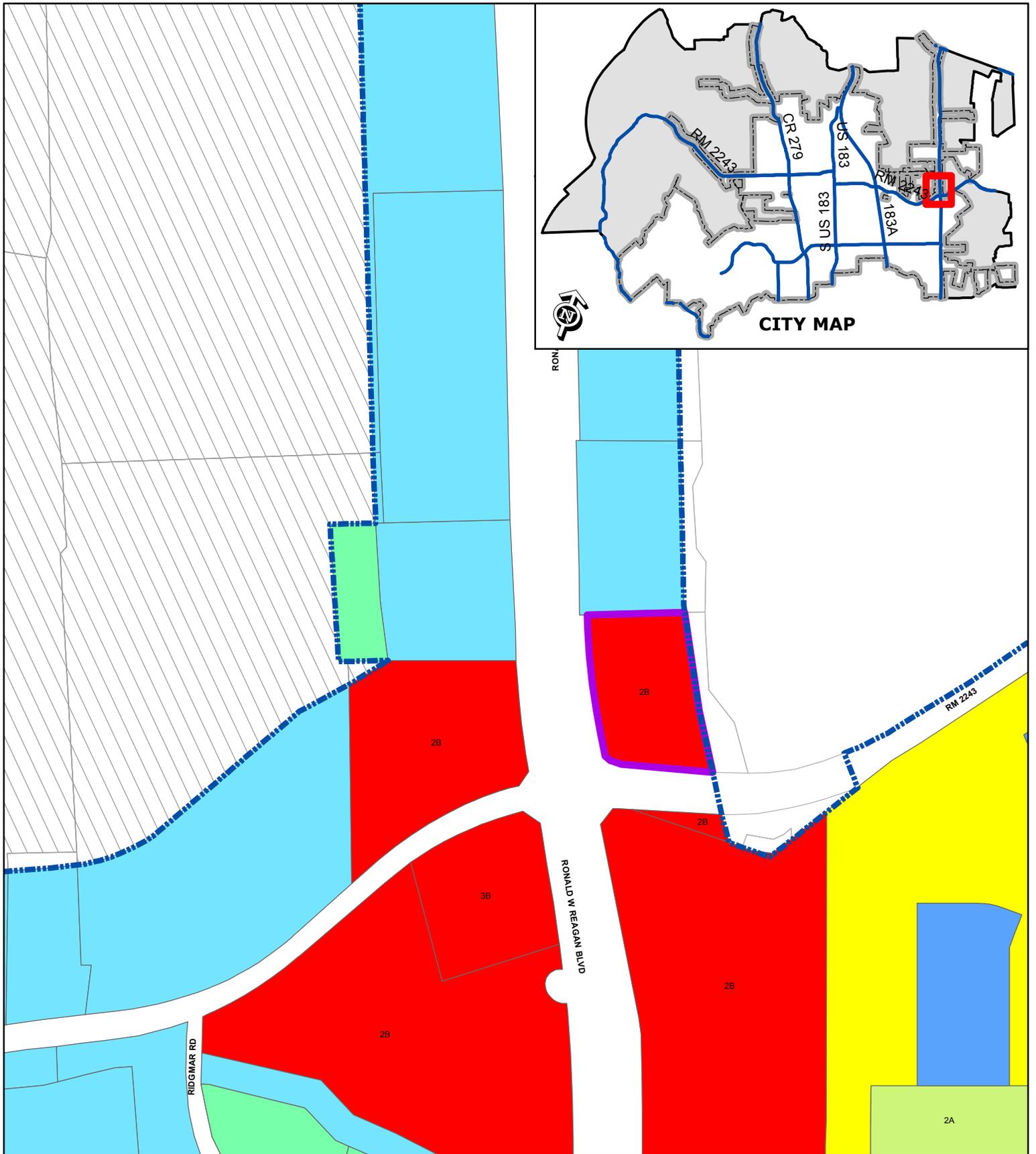
**ATTEST:**

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Christopher Fielder, Mayor

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Debbie Haile, City Secretary



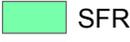
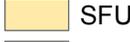
# EXHIBIT A

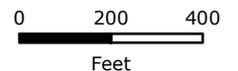
## Zoning Case 14-Z-008

Giaco Property  
17400 Ronald Reagan Blvd



-  City Limits
-  Subject Property
-  Future Annexation Per DA
-  Involuntary Annexation
-  Voluntary Annexation

- |   |  |   |
|---|--|---|
|  SFR |  SFT    |  GC  |
|  SFE |  SFU/MH |  HC  |
|  SFS |  TF     |  HI  |
|  SFU |  MF     |  PUD |
|  SFC |  LO     |   |
|  SFL |  LC     |   |





**Executive Summary**

**August 21, 2014**

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**Agenda Subject:** Zoning Case #14-Z-011: Second reading and consider action on the rezoning of a parcel located at 1001 CR 280 for 150.176 acres more or less; Parcel #R365151 & R473817. Currently the property is zoned Interim SFR-1-B (Single Family Rural). The property is proposed to be zoned SFR-2-A (Single Family Rural), Leander, Williamson County, Texas.

**Background:** This request is the final step in the rezoning process.

**Origination:** Applicant: Haynie Consulting, Inc. on behalf of Ewing Development Co, LLC.

**Financial Consideration:** None

**Recommendation:** See Planning Analysis. The Planning & Zoning Commission unanimously recommended approval of the request at the July 24, 2014 meeting. The City Council unanimously recommended approval of the request at the August 7, 2014 meeting.

**Attachments:**

1. Planning Analysis
2. Current Zoning Map
3. Aerial Map
4. Letter of Intent
5. Ordinance

**Prepared By:** Tom Yantis  
Development Services Director

08/14/2014



# PLANNING ANALYSIS

ZONING CASE 14-Z-011  
Greatwood

**GENERAL INFORMATION**

**Owner:** Ewing Development Co, LLC.

**Current Zoning:** Interim SFR-1-B (Single Family Rural)

**Proposed Zoning:** SFR-2-A (Single Family Rural)

**Size and Location:** The property is located at 1001 CR 280 and is 150.176 acres more or less.

**Staff Contact:** Martin Siwek, GISP  
Planner

**ABUTTING ZONING AND LAND USE:**

The table below lists the abutting zoning and land uses.

	ZONING	LAND USE
NORTH	O.C.L. (Outside of City Limit)	Vacant Property
EAST	Interim SFR-1-B O.C.L.	Vacant Property Vacant Property
SOUTH	Interim SFR-1-B O.C.L.	Developed Single Family Home Developed Single Family Home
WEST	Interim SFR-1-B O.C.L.	Vacant Property

<b>COMPOSITE ZONING ORDINANCE INTENT STATEMENTS</b>
---

**USE COMPONENT:****SFR – SINGLE-FAMILY RURAL:**

*Features:* 1 acre lot min.; 1,600 square foot living area min.

*Intent:* Development of single-family detached dwellings on lots one acre or larger in size and for other uses that are compatible and complimentary to large lot and very low density residential development. The purpose of this component is to provide regulations to preserve rural character and maintain and protect the City's single-family residences and neighborhoods in an area with larger lot sizes. This component is also intended to preserve the larger tracts of land for future economic development in accordance with the Comprehensive Plan, while permitting rural/agricultural uses on the land to continue.

**SITE COMPONENT:****TYPE 2:**

*Features:* Accessory buildings greater of 10% of primary building or 120 sq. ft.; accessory dwellings for SFR, SFE and SFS; drive-thru service lanes; uses not to exceed 40,000 sq. ft.; multi-family provides at least 35% of units with an enclosed garage parking space.

*Intent:*

- (1) The Type 2 site component may be utilized with non-residential developments that are adjacent to a residential district or other more restrictive district to help reduce potential negative impacts to the more restrictive district and to provide for an orderly transition of development intensity.
- (2) The Type 2 site component is intended to be utilized for residential development not meeting the intent of a Type 1 site component and not requiring the additional accessory structure or accessory dwelling privileges of the Type 3 site component.
- (3) This component is intended to be utilized with the majority of LO and LC use components except those that meet the intent of the Type 1 or Type 3 site component or with any use requiring drive-through service lanes.
- (4) This component is generally not intended to be utilized with LI and HI use components except where such component is adjacent to, and not adequately buffered from, residential districts or other more restricted districts, and except as requested by the land owner.

**ARCHITECTURAL COMPONENTS:****TYPE A:**

*Features:* 85% masonry; 5 or more architectural features.

*Intent:*

- (1) The Type A architectural component is intended to be utilized for high quality developments or to provide variety as an additional option for portions of a residential development and may be utilized in or adjacent to single-family uses.
- (2) This component is intended to be utilized for single-family development that backs up to, or sides to, a major thoroughfare.
- (3) Combined with appropriate use and site components, this component is intended to help provide for harmonious land use transitions by applying this component to a less restrictive use or site component adjacent to a more restrictive use or site component. This standard may be utilized to

help ensure compatibility for non-residential uses, multi-family, two-family, townhouse or small lot residential development with adjacent property that is more restricted.

- (4) This component is intended to be utilized for buildings requiring heights greater than those provided in other architectural components.
- (5) This component may be utilized for any high profile development, for any property in a prominent location or at an important gateway to the community.
- (6) This component is not intended to become an involuntary standard for the majority of a single-family subdivision, especially with SFR, SFE, SFS, SFU and SFC components.

#### **COMPREHENSIVE PLAN STATEMENTS:**

The following Comprehensive Plan statements may be relevant to this case:

- Provide Opportunities for coordinated, well-planned growth and development that are consistent with the Comprehensive Plan.
- Plan for continued growth and development that improves the community's overall quality of life and economic viability.
- Strive for a fiscal balance of land uses that will create a positive impact upon the City of Leander's budget and overall tax base.

#### **ANALYSIS:**

The zone change request for this 150.176 acre tract (more or less) is from SFR-1-B to SFR-2-A. The property is located approximately  $\frac{3}{4}$  of a mile from the northwest corner of the intersection of CR 280 and CR 279 (N. Bagdad Rd.). This zone change is for the preliminary plat that was approved by the Commission on the July 10<sup>th</sup> Planning and Zoning meeting.

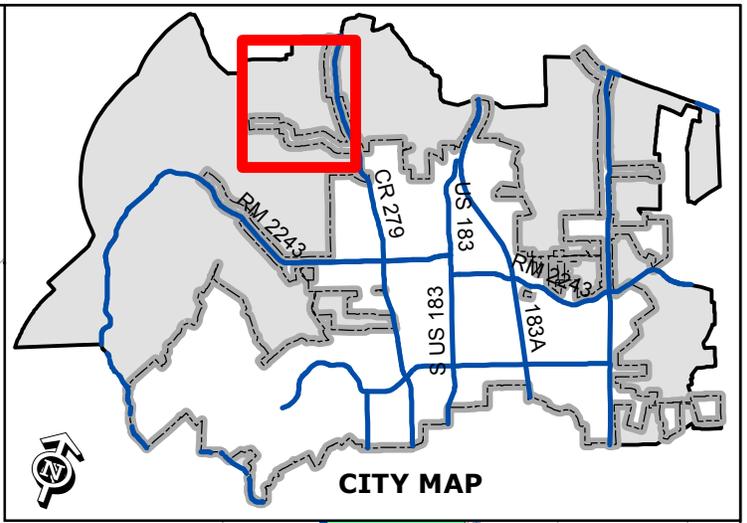
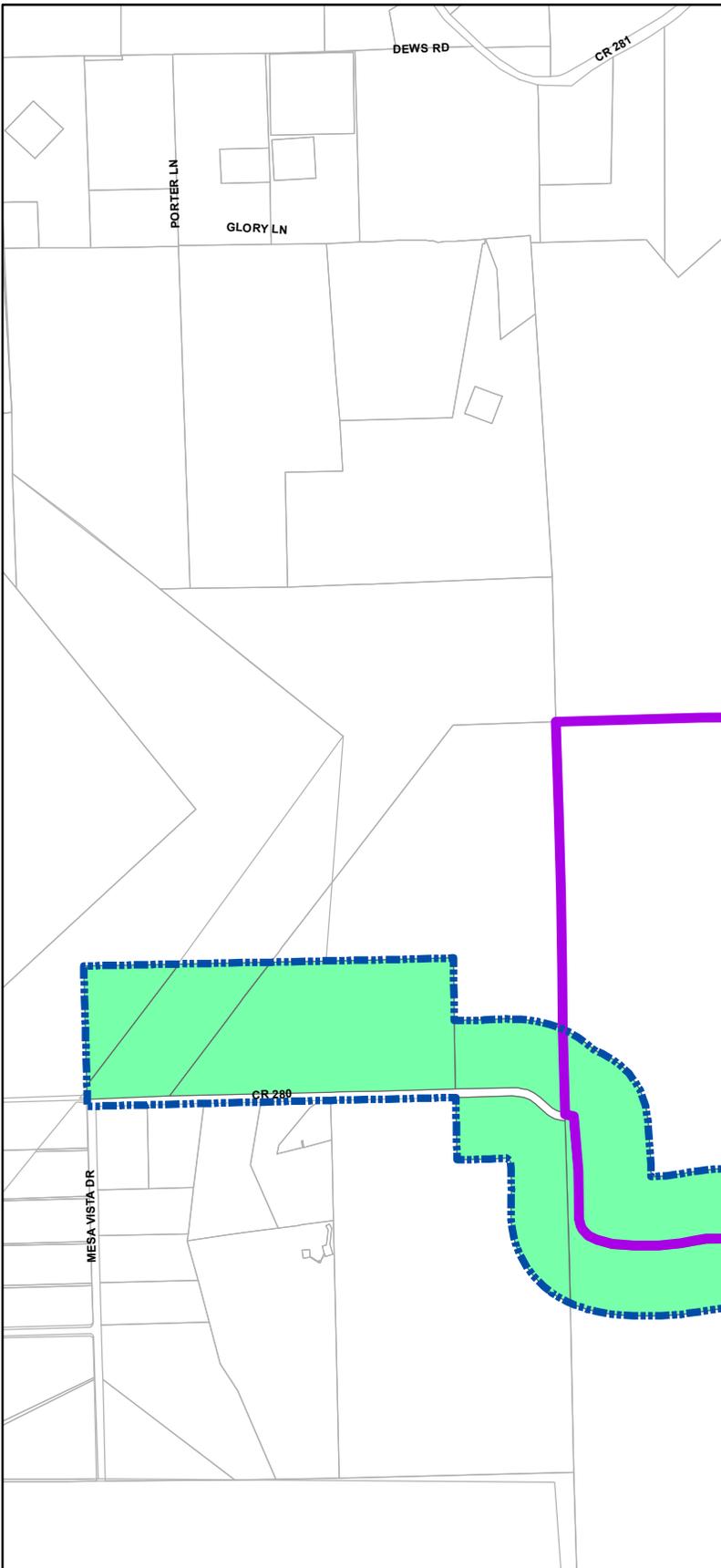
The site is heavily wooded, and is adjacent to the City of Leander Water Tower. The land immediately to the north, east, south, and west are mostly vacant properties. The property's first voluntary annexation hearing was held on July 3<sup>rd</sup>, 2014 and the second hearing will be held on July 17<sup>th</sup>, 2014.

The SFR use component permits large lot developments with a minimum lot size of one acre. The change from the Type 1 site component to the Type 2 site component will permit an increased size for accessory structures from 5% to 10% of the gross floor area of the primary structure.

The development agreement pertaining to this property stipulates that the property shall be developed and adhere to the SFR-2-A zoning standards. The development agreement stipulates that the zone change request shall be subject to the process, notices, hearing and procedures applicable to all other properties within the City. The development agreement was approved by the Council at the April 17<sup>th</sup>, 2014 City Council meeting.

#### **STAFF RECOMMENDATION:**

The requested zoning of SFR-2-A for this property is appropriate for a large lot subdivision. The physical characteristics and location of the property lend itself to large lot development. Staff recommends approval of the requested zone change from Interim SFR-1-B to SFR-2-A.



# ZONING CASE 14-Z-011

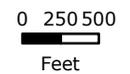
## Attachment #2

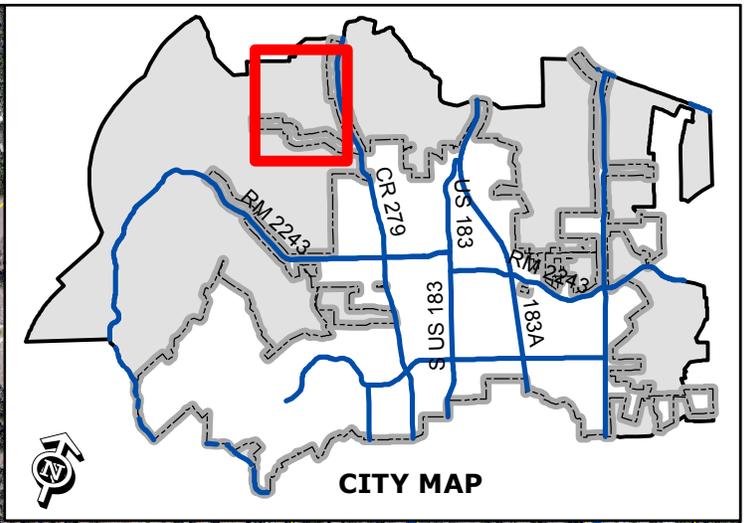
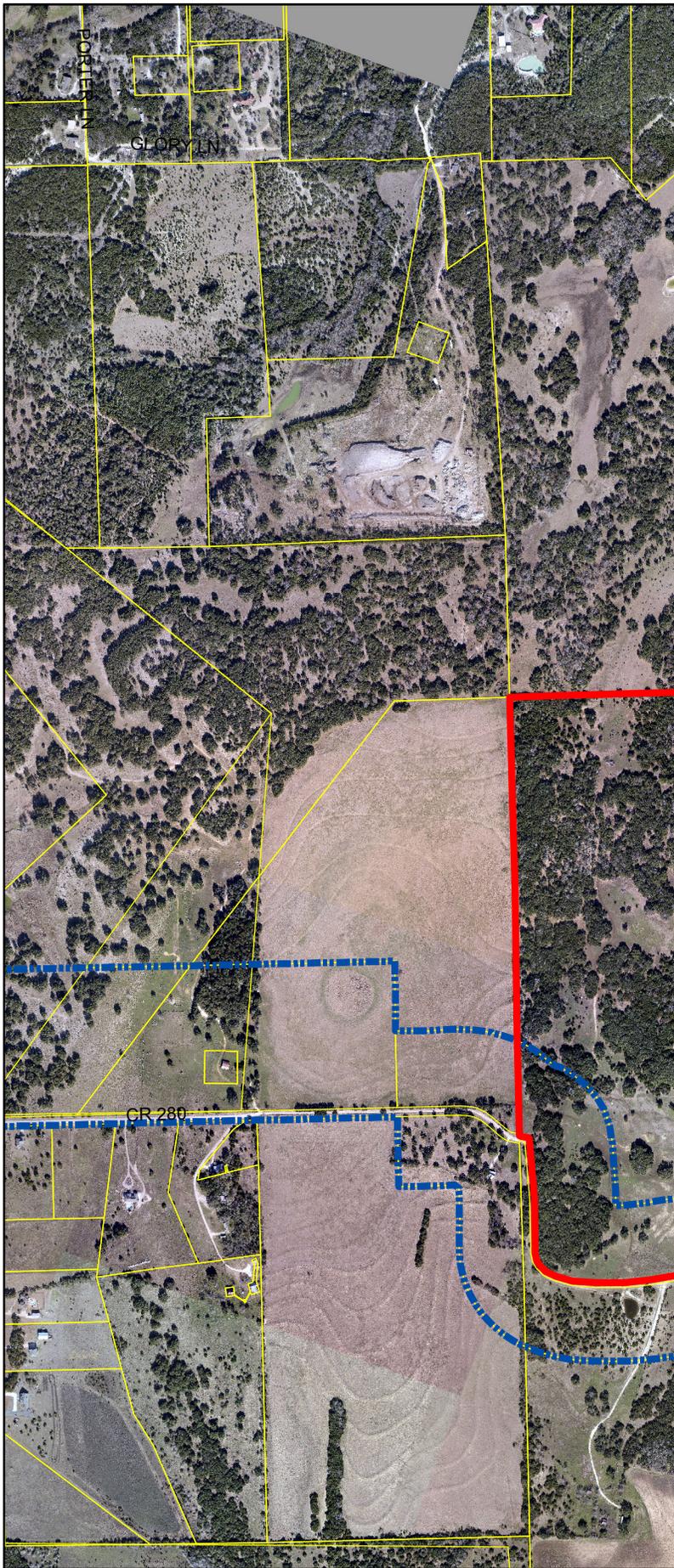
Current Zoning Map  
Greatwood



-  City Limits
-  Subject Property
-  Future Annexation Per DA
-  Involuntary Annexation
-  Voluntary Annexation

- |   |  |   |
|---|--|---|
|  SFR |  SFT    |  GC  |
|  SFE |  SFU/MH |  HC  |
|  SFS |  TF     |  HI  |
|  SFU |  MF     |  PUD |
|  SFC |  LO     |   |
|  SFL |  LC     |   |





CITY MAP

### ZONING CASE 14-Z-011 Attachment #3

Aerial Exhibit - Approximate Boundaries  
Greatwood



0 200  
Feet

-  Subject Property
-  City Limits



**ATTACHMENT 4**

April 7, 2014

City of Leander  
Robin Griffin  
Senior Planner  
104 North Brushy Creek  
P.O. Box 319  
Leander, Texas 78646-0319

**RE: Greatwood Subdivision  
Zoning to SFR-2-A**

Dear Ms. Griffin,

Please consider our request for the above zoning change to SFR-2-A. The property owner is Ewing Development Co., LLC. The property address is 1001 CR 280. Leander, Texas 78641. We are in support of the request.

The surrounding property is all un-zoned except for the strip annexation along CR 280. The City made a volunteer strip annexation along CR 280 several years ago. We are requesting the entire property be zoned SFR-2-A

Should you have any questions or need additional information, please feel free to contact me at 512-837-2446, ext 208 or 512-784-6670.

Sincerely,

**Haynie Consulting, Inc.**

Texas Registered Engineering Firm # F-2411

Texas Licensed Surveying Firm # 10025000

**Timothy E. Haynie, President**

Professional Engineer (Civil) License No. 36982

Registered Professional Land Surveyor, License No. 2380

S:\carrie\2014-cer\Letters\04-07-14 rg col-greatwood zoning.doc

**ORDINANCE NO #**

**ORDINANCE OF THE CITY OF LEANDER, TEXAS, AMENDING THE ZONING ORDINANCE BY REZONING TWO PARCELS OF LAND FROM INTERIM SFR-1-B (SINGLE-FAMILY RURAL) TO SFR-2-A (SINGLE-FAMILY RURAL); MAKING FINDINGS OF FACT; AND PROVIDING FOR RELATED MATTERS.**

**Whereas**, the owner of the property described herein after (the "Property") has requested that the Property be rezoned;

**Whereas**, after giving at least ten days written notice to the owners of land within two hundred feet of the Property, the Planning & Zoning Commission held a public hearing on the proposed rezoning and forwarded its recommendation on the rezoning to the City Council;

**Whereas**, after publishing notice of the public hearing at least fifteen days prior to the date of such hearing, the City Council at a public hearing has reviewed the request and the circumstances of the Property and finds that a substantial change in circumstances of the Property, sufficient to warrant a change in the zoning of the Property, has transpired;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEANDER, TEXAS, THAT:**

**Section 1. Findings.** The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

**Section 2. Amendment of Zoning Ordinance.** Ordinance No. 05-018, as amended, the City of Leander Composite Zoning Ordinance (the "Zoning Ordinance" or "Code"), is hereby modified and amended by rezoning the Property as set forth in Section 3.

**Section 3. Applicability.** This ordinance applies to the following parcels of land, which is herein referred to as the "Property." That certain parcel of land being 150.176 acres, more or less, located in Leander, Williamson County, Texas, being more particularly described in Exhibits "A" and "B", legally described as 150.176 acres of land out of the Charles Cochran Survey, Abstract Number 134; more particularly described in Document Number 2000035871 of the Official Public Records of Williamson County, Texas, and identified by tax identification numbers R365151 and R473817.

**Section 4. Property Rezoned.** The Zoning Ordinance is hereby amended by changing the zoning district for the Property from Interim SFR-1-B (Single-Family Rural) to SFR-2-A (Single-Family Rural).

**Section 5. Recording Zoning Change.** The City Council directs the City Secretary to record this zoning classification on the City's official zoning map with the official notation as prescribed by the City's zoning ordinance.

**Section 6. Severability.** Should any section or part of this ordinance be held unconstitutional, illegal, or invalid, or the application to any person or circumstance for any reasons thereof

ineffective or inapplicable, such unconstitutionality, illegality, invalidity, or ineffectiveness of such section or part shall in no way affect, impair or invalidate the remaining portion or portions thereof; but as to such remaining portion or portions, the same shall be and remain in full force and effect and to this end the provisions of this ordinance are declared to be severable.

**Section 7. Open Meetings.** That it is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapt. 551, Loc. Gov't. Code.

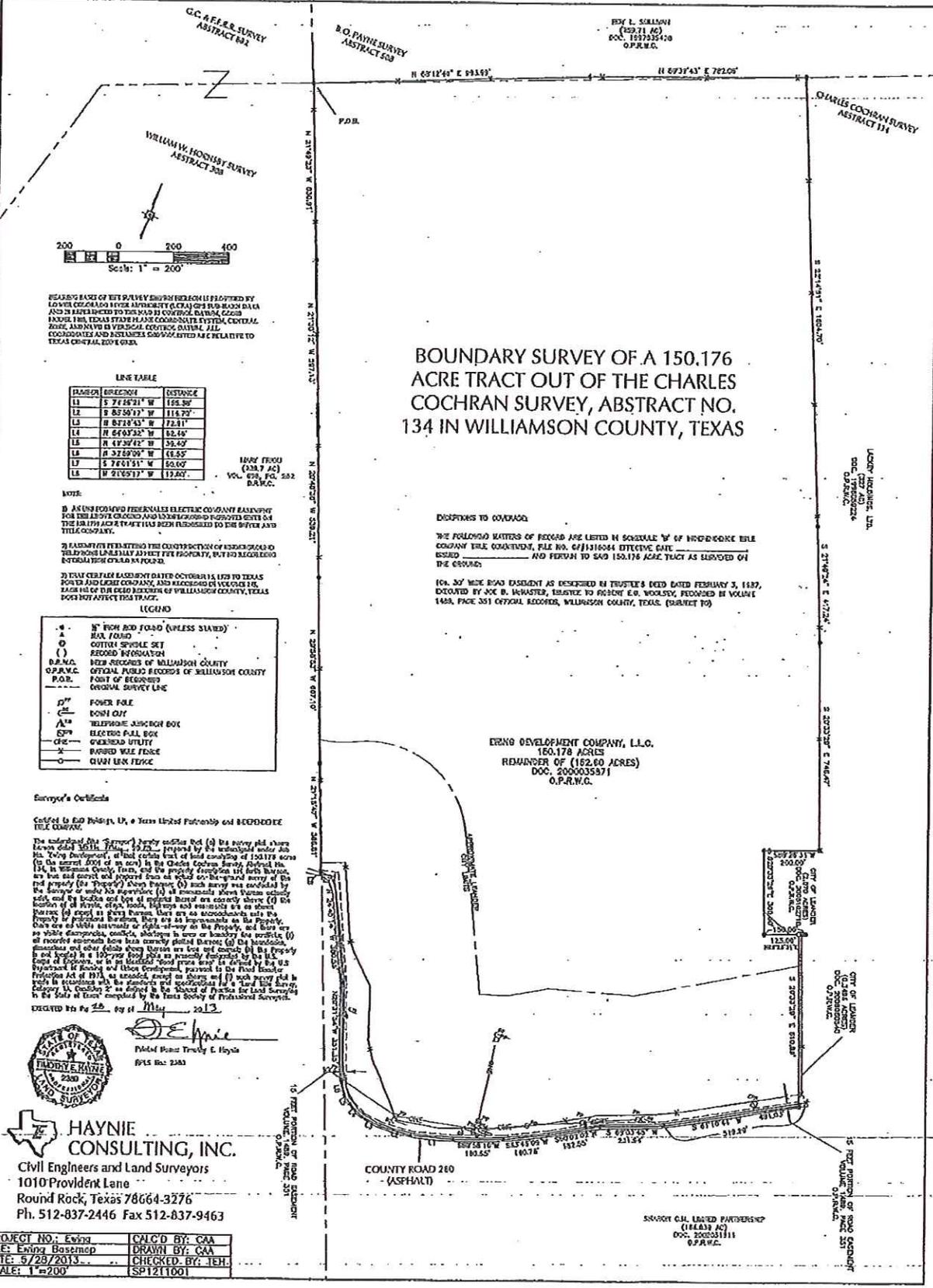
**PASSED AND APPROVED** on First Reading this the 7<sup>th</sup> day of August, 2014.  
**FINALLY PASSED AND APPROVED** on this the 21<sup>st</sup> day of August, 2014.

**THE CITY OF LEANDER, TEXAS**

**ATTEST:**

\_\_\_\_\_  
Christopher Fielder, Mayor

\_\_\_\_\_  
Debbie Haile, City Secretary



**BOUNDARY SURVEY OF A 150.176 ACRE TRACT OUT OF THE CHARLES COCHRAN SURVEY, ABSTRACT NO. 134 IN WILLIAMSON COUNTY, TEXAS**

**LINE TABLE**

LINE	DIRECTION	DISTANCE
L1	S 74°25'21" W	165.86'
L2	S 82°50'37" W	114.79'
L3	N 87°14'43" W	72.31'
L4	N 64°07'35" W	52.40'
L5	N 47°30'42" W	35.42'
L6	N 37°42'00" W	18.85'
L7	S 78°15'15" W	50.00'
L8	N 21°05'17" W	12.60'

**NET AREA**  
150.176 AC  
VOL. 678, P. 282  
O.P.R.W.C.

- NOTE:**
- AS SHOWN FEDERAL ELECTRIC COMPANY EASEMENT FOR THE ABOVE CROWN AND UNDERGROUND POWER LINES ON THE 150.176 ACRE TRACT HAS BEEN RECORDED IN THE OFFICE AND TITLE COMPANY.
  - EASEMENT FOR UTILITIES THE CONSTRUCTION OF UNDERGROUND TELEPHONE LINES MAY AFFECT THE PROPERTY, BUT NO RECORDS ENTERED HEREON CAN AFFECT.
  - THIS CERTAIN EASEMENT DATED OCTOBER 14, 1929 TO TEXAS POWER AND LIGHT COMPANY, AND RECORDED IN VOLUME 116, PAGE 445 OF THE PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS DOES NOT AFFECT THIS TRACT.

**LEGEND**

•	N° FROM OLD FOUND (UNLESS STATED)
•	BOX FOUND
○	CONCRETE SPICLE SET
( )	RECORD INFORMATION
D.P.M.C.	DEED RECORDS OF WILLIAMSON COUNTY
O.P.R.W.C.	OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY
P.O.B.	POINT OF BEGINNING
---	GENERAL SURVEY LINE
P <sup>11</sup>	POWER POLE
C <sup>11</sup>	DOWN OUT
A <sup>11</sup>	TELEPHONE JUNCTION BOX
E <sup>11</sup>	ELECTRIC PULL BOX
C <sup>11</sup>	CROWNED UTILITY
X	RAISED WIRE FENCE
○	CHAIN LINK FENCE

**Surveyor's Certificate**

Given to Ed Hays, Jr., a Texas Licensed Professional and RECORDED IN THE OFFICE.

The undersigned, Haynie Consulting, Inc. (the "Surveyor"), hereby certifies that (a) the survey and plans shown herein were made by the Surveyor or under the direct supervision of the Surveyor, (b) the Surveyor is a duly Licensed Professional Surveyor in the State of Texas, (c) the Surveyor is a member in good standing of the Texas Society of Professional Surveyors, (d) the Surveyor is not a party to the survey, (e) the Surveyor is not a party to the survey, (f) the Surveyor is not a party to the survey, (g) the Surveyor is not a party to the survey, (h) the Surveyor is not a party to the survey, (i) the Surveyor is not a party to the survey, (j) the Surveyor is not a party to the survey, (k) the Surveyor is not a party to the survey, (l) the Surveyor is not a party to the survey, (m) the Surveyor is not a party to the survey, (n) the Surveyor is not a party to the survey, (o) the Surveyor is not a party to the survey, (p) the Surveyor is not a party to the survey, (q) the Surveyor is not a party to the survey, (r) the Surveyor is not a party to the survey, (s) the Surveyor is not a party to the survey, (t) the Surveyor is not a party to the survey, (u) the Surveyor is not a party to the survey, (v) the Surveyor is not a party to the survey, (w) the Surveyor is not a party to the survey, (x) the Surveyor is not a party to the survey, (y) the Surveyor is not a party to the survey, (z) the Surveyor is not a party to the survey.

DEIGNED BY: *Ed Hays, Jr.*  
Ed Hays, Jr.  
P.L.S. No. 2383

**HAYNIE CONSULTING, INC.**  
Civil Engineers and Land Surveyors  
1010 Provident Lane  
Round Rock, Texas 78664-3276  
Ph. 512-837-2446 Fax 512-837-9463

PROJECT NO.: E-1313	CALC'D BY: CAA
FILE: E-1313-01	DRAWN BY: CAA
DATE: 5/28/2013	CHECKED BY: JEH
SCALE: 1"=200'	SP1211001

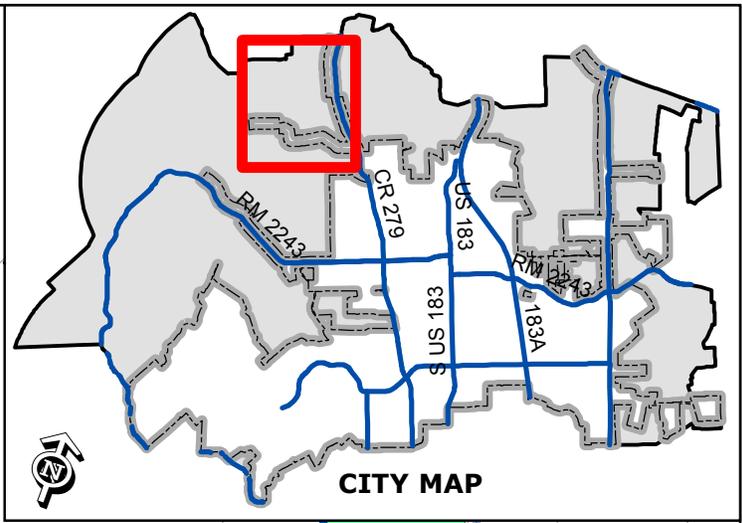
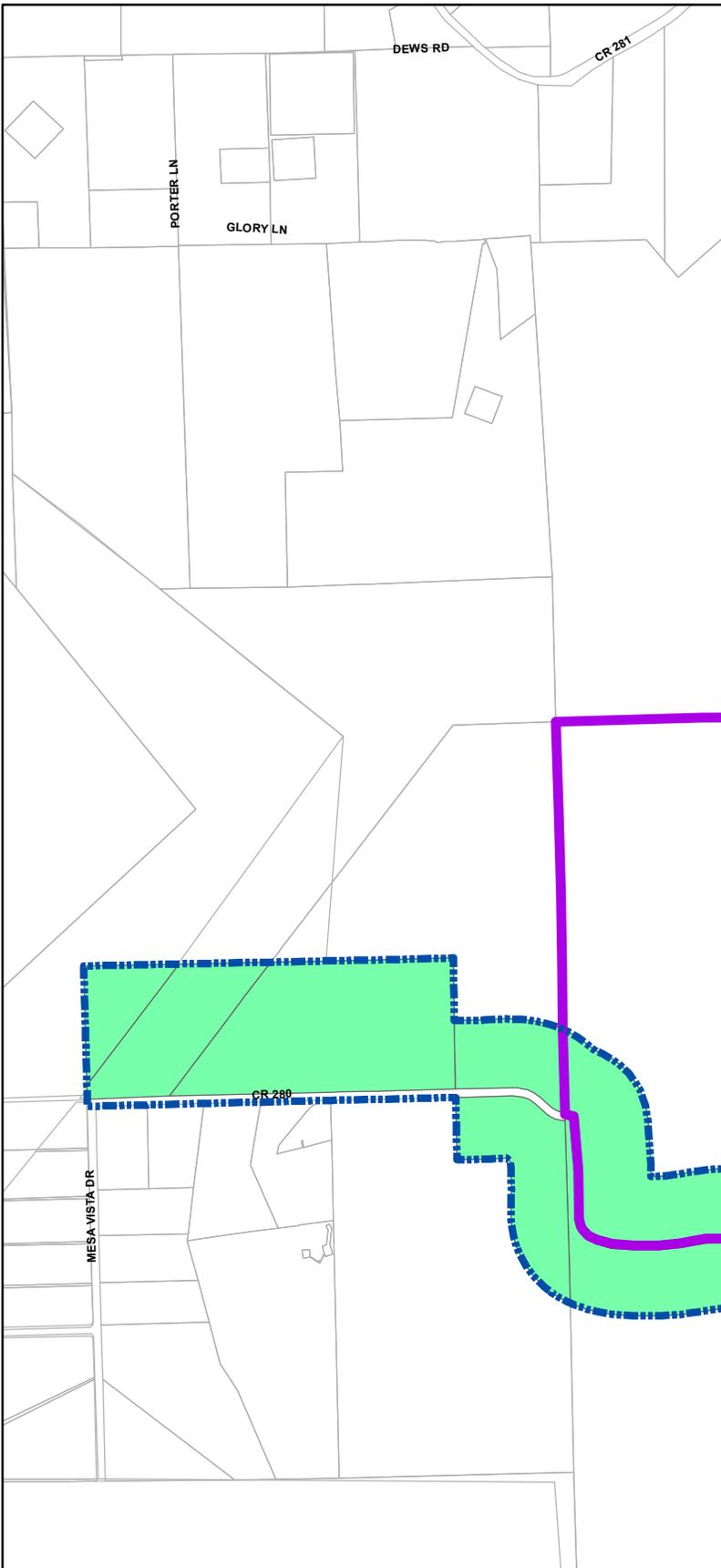
**DISPOSITION TO OWNERSHIP**

THE FOLLOWING MATTERS OF RECORD ARE LISTED IN SCHEDULE "B" OF NONDISPOSABLE TITLE COMPANY TRACT CONVEYANCE, FILE NO. 0711816044 EFFECTIVE DATE \_\_\_\_\_ ISSUED \_\_\_\_\_ AND FURTHER TO SAID 150.176 ACRE TRACT AS SURVIVED ON THE GROUND:

104.37' WIDE ROAD EASEMENT AS DESCRIBED IN TRUSTEE'S DEED DATED FEBRUARY 3, 1987, DECEASED BY JOE B. MCMASTER, EXECUTE TO ROBERT E. MCMASTERS, RECORDED IN VOLUME 148A, PAGE 351 OFFICIAL RECORDS, WILLIAMSON COUNTY, TEXAS. (SUBJECT TO)

**ERNO DEVELOPMENT COMPANY, L.L.C.**  
150.176 ACRES  
REMAINDER OF (152.60 ACRES)  
DOC. 2000035871  
O.P.R.W.C.

**SHERRY C. L. LIMITED PARTNERSHIP**  
(144.83 AC)  
DOC. 2000031111  
O.P.R.W.C.



**EXHIBIT B**

**Zoning Case  
14-Z-011**

Current Zoning Map  
Greatwood



-  City Limits
-  Subject Property
-  Future Annexation Per DA
-  Involuntary Annexation
-  Voluntary Annexation

- |   |  |   |
|---|--|---|
|  SFR |  SFT    |  GC  |
|  SFE |  SFU/MH |  HC  |
|  SFS |  TF     |  HI  |
|  SFU |  MF     |  PUD |
|  SFC |  LO     |   |
|  SFL |  LC     |   |





**Executive Summary**

**August 21, 2014**

**Council Agenda Subject:** An ordinance of the City of Leander, Texas, annexing 121.748 acres, more or less, out of the Charles Cochran Survey, Abstract No. 134, located in Williamson County, Texas and including the abutting streets, roadways, and rights-of-way; approving a service plan for the annexed area; making findings of fact; providing a severability clause and an effective date; and providing for open meetings and other related matters.

**Background:** The resolution setting the two public hearings for July 3 and July 17, 2014 was approved by Council on May 15, 2014. The property is known as the Greatwood subdivision and is located off of CR 280 and is subject to a development agreement approved by the City Council on September 30, 2013. The two public hearings were conducted on the dates established in the resolution and the first reading of the ordinance was approved on August 7, 2014. This is a voluntary annexation.

**Origination:** Applicant

**Recommendation:** Staff recommends that Council conduct the second reading of the annexation ordinance.

**Attachments:** Ordinance with exhibits

**Prepared by:** Tom Yantis, Director of Development Services

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY OF LEANDER, TEXAS ANNEXING 121.748 ACRES OF LAND, MORE OR LESS, INTO THE CORPORATE LIMITS OF THE CITY, INCLUDING THE ABUTTING ROADWAYS AND RIGHTS-OF-WAY, AT THE REQUEST OF THE PROPERTY OWNER; APPROVING A SERVICE PLAN FOR THE ANNEXED AREA; MAKING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Leander, Texas, is a home rule municipality authorized by State law to annex territory lying adjacent and contiguous to the City;

**WHEREAS**, the owner(s) of the property, as hereinafter described, made written request for the City to annex such property in compliance with the *Tex. Loc. Gov't. Code*;

**WHEREAS**, the property is adjacent and contiguous to the present city limits;

**WHEREAS**, the City Council heard and has decided to grant the owner's request that the City annex said property;

**WHEREAS**, two separate public hearings were conducted prior to consideration of this Ordinance in accordance with §43.063 of the *Tex. Loc. Gov't. Code*;

**WHEREAS**, the hearings were conducted and held not more than forty (40) nor less than twenty (20) days prior to the institution of annexation proceedings;

**WHEREAS**, notice of the public hearings was published not more than twenty (20) nor less than ten (10) days prior to the public hearings;

**WHEREAS**, the City intends to provide services to the property to be annexed according to the Service Plan attached hereto as Exhibit "B".

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEANDER, TEXAS:**

**SECTION 1.** That all of the above premises and findings of fact are found to be true and correct and are incorporated into the body of this Ordinance as if copied in their entirety.

**SECTION 2.** All portions of the following described property, including the abutting roadways and rights-of-way (hereinafter referred to as the "Annexed Property"), not previously annexed into the City, are hereby annexed into the corporate limits of the City of Leander:

All portions of that certain tract or parcel of land being 121.748 acres, more or less, out of the Charles Cochran Survey, Abstract No. 134, located in Williamson County, Texas, and being more particularly shown and described in Exhibit "A" attached hereto and incorporated herein for all purposes.

**SECTION 3.** That the Service Plan submitted herewith is hereby approved as part of this Ordinance, made a part hereof and attached hereto as Exhibit “B”.

**SECTION 4.** That the future owners and inhabitants of the Annexed Property shall be entitled to all of the rights and privileges of the City as set forth in the Service Plan attached hereto as Exhibit “B”, and are further bound by all acts, ordinances, and all other legal action now in full force and effect and all those which may be hereafter adopted.

**SECTION 5.** That the official map and boundaries of the City, heretofore adopted and amended be and hereby are amended so as to include the Annexed Property as part of the City of Leander.

**SECTION 6.** That the Annexed Property shall be temporarily zoned District “SFR-1-B” as provided in the City Zoning Ordinance, as amended, until permanent zoning is established therefore.

**SECTION 7.** That if any provision of this Ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

**SECTION 8.** That this Ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the *Tex. Loc. Gov't. Code*.

**SECTION 9.** That it is hereby officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, *Chapt. 551, Tex. Gov't. Code*.

**PASSED AND APPROVED** on First Reading this \_\_\_\_ day of \_\_\_\_\_, 2014.

**FINALLY PASSED AND APPROVED** on this \_\_\_\_ day of \_\_\_\_\_, 2014.

**ATTEST:**

**CITY OF LEANDER, TEXAS**

\_\_\_\_\_  
Debbie Haile, City Secretary

\_\_\_\_\_  
Christopher Fielder, Mayor

**Exhibit “B”**

**MUNICIPAL SERVICES PLAN  
FOR PROPERTY TO BE  
ANNEXED INTO THE CITY OF LEANDER**

**WHEREAS**, the City of Leander, Texas (the “City”) intends to institute annexation proceedings for a tract of land described more fully hereinafter (referred to herein as the “subject property”);

**WHEREAS**, *Section 43.056, Loc. Gov't. Code*, requires a service plan be adopted with the annexation ordinance;

**WHEREAS**, the subject property is not included in the municipal annexation plan and is exempt from the requirements thereof;

**WHEREAS**, infrastructure provided for herein and that existing are sufficient to service the subject property on the same terms and conditions as other similarly situated properties currently within the City limits and no capital improvements are required to offer municipal services on the same terms and conditions as other similarly situated properties within the City; and

**WHEREAS**, it is found that all statutory requirements have been satisfied and the City is authorized by *Chapt. 43, Loc. Gov't. Code*, to annex the subject property into the City;

**NOW, THEREFORE**, the following services will be provided for the subject property on the effective date of annexation:

(1) **General Municipal Services.** Pursuant to the requests of the owner and this Plan, the following services shall be provided immediately from the effective date of the annexation:

A. Police protection as follows:

Routine patrols of areas, radio response to calls for police service and all other police services now being offered to the citizens of the City.

B. Fire protection and Emergency Medical Services as follows:

Fire protection by the present personnel and equipment of the City fire fighting force and the volunteer fire fighting force with the limitations of water available. Radio response for Emergency Medical Services with the present personnel and equipment.

C. Solid waste collection services as follows:

Solid waste collection and services as now being offered to the citizens of the City.

D. Animal control as follows:

Service by present personnel, equipment and facilities or by contract with a third party, as provided within the City.

E. Maintenance of parks and playgrounds within the City.

F. Inspection services in conjunction with building permits and routine City code enforcement services by present personnel, equipment and facilities.

G. Maintenance of other City facilities, buildings and service.

H. Land use regulation as follows:

On the effective date of annexation, the zoning jurisdiction of the City shall be extended to include the annexed area, and the use of all property therein shall be grandfathered; and shall be temporarily zoned "SFR-1-B" with the intent to rezone the subject property upon request of the landowner or staff. The Planning & Zoning Commission and the City Council will consider rezoning the subject property at future times in response to requests submitted by the landowner(s) or authorized city staff.

(2) **Scheduled Municipal Services.** Due to the size and vacancy of the subject property, the plans and schedule for the development of the subject property, the following municipal services will be provided on a schedule and at increasing levels of service as provided in this Plan:

A. Water service and maintenance of water facilities as follows:

(i) Inspection of water distribution lines as provided by statutes of the State of Texas.

(ii) In accordance with the applicable rules and regulations for the provision of water service, water service will be provided to the subjects properties, or applicable portions thereof, by the utility holding a water certificate of convenience and necessity ("CCN") for the subject properties, or portions thereof as applicable, or absent a water CCN, by the utility in whose jurisdiction the subject properties, or portions thereof as applicable, are located, in accordance with all the ordinances, regulations, and policies of the City in effect from time to time for the extension of water service. If connected to the City's water utility system, the subject properties' owner shall construct the internal water lines and pay the costs of line extension and construction of such facilities necessary to provide water service to the subject properties as required in City ordinances. Upon acceptance of the water lines within the subject properties and any off-site improvements, water service will be provided by the City utility department on the same terms, conditions and requirements as are applied to all similarly situated areas and customers of the City; subject to all the ordinances, regulations and policies of the City in effect from time to time. The system will be accepted and maintained by the City in accordance with its usual acceptance and maintenance policies. New water line extensions will be installed and extended upon request under the same costs and terms as with other similarly situated customers of the City. The ordinances of the City in effect at the time a request for service is submitted shall govern the costs and request for service. The continued use of a water well that is in use on the effective date of the annexation and is in compliance with applicable rules and regulations shall be permitted and such use may continue until the subject properties' owner requests and is able to connect to the

City's water utility system.

B. Wastewater service and maintenance of wastewater service as follows:

(i) Inspection of sewer lines as provided by statutes of the State of Texas.

(ii) In accordance with the applicable rules and regulations for the provision of wastewater service, wastewater service will be provided to the subject properties, or applicable portions thereof, by the utility holding a wastewater CCN for the subject properties, or portions thereof as applicable, or absent a wastewater CCN, by the utility in whose jurisdiction the subject properties, or portions thereof as applicable, are located, in accordance with all the ordinances, regulations, and policies of the City in effect from time to time for the extension of wastewater service. If connected to the City's wastewater utility system, the subject properties' owner shall construct the internal wastewater lines and pay the costs of line extension and construction of facilities necessary to provide wastewater service to the subject properties as required in City ordinances. Upon acceptance of the wastewater lines within the subject properties and any off-site improvements, wastewater service will be provided by the City utility department on the same terms, conditions and requirements as are applied to all similarly situated areas and customers of the City, subject to all the ordinances, regulations and policies of the City in effect from time to time. The wastewater system will be accepted and maintained by the City in accordance with its usual policies. Requests for new wastewater line extensions will be installed and extended upon request under the same costs and terms as with other similarly situated customers of the City. The ordinances in effect at the time a request for service is submitted shall govern the costs and request for service. The continued use of a septic system that is in use on the effective date of the annexation and is in compliance with all applicable rules and regulations shall be permitted and such use may continue until the subject property owner requests and is able to connect to the City's wastewater utility system.

C. Maintenance of streets and rights-of-way as appropriate as follows:

(i) Provide maintenance services on existing public streets within the subject property and other streets that are hereafter constructed and finally accepted by the City. The maintenance of the streets and roads will be limited as follows:

(A) Emergency maintenance of streets, repair of hazardous potholes, measures necessary for traffic flow, etc.; and

(B) Routine maintenance as presently performed by the City.

(ii) The City will maintain existing public streets within the subject property, and following installation and acceptance of new roadways by the City as provided by city ordinance, including any required traffic signals, traffic signs, street markings, other traffic control devices and street lighting, the City will maintain such newly constructed public streets, roadways and rights-of-way within the boundaries of the subject property, as follows:

(A) As provided in C(i)(A)&(B) above;

(B) Reconstruction and resurfacing of streets, installation of drainage facilities, construction of curbs, gutters and other such major improvements as the need therefore is determined by the governing body under City policies;

(C) Installation and maintenance of traffic signals, traffic signs, street markings and other traffic control devices as the need therefore is established by appropriate study and traffic standards; and

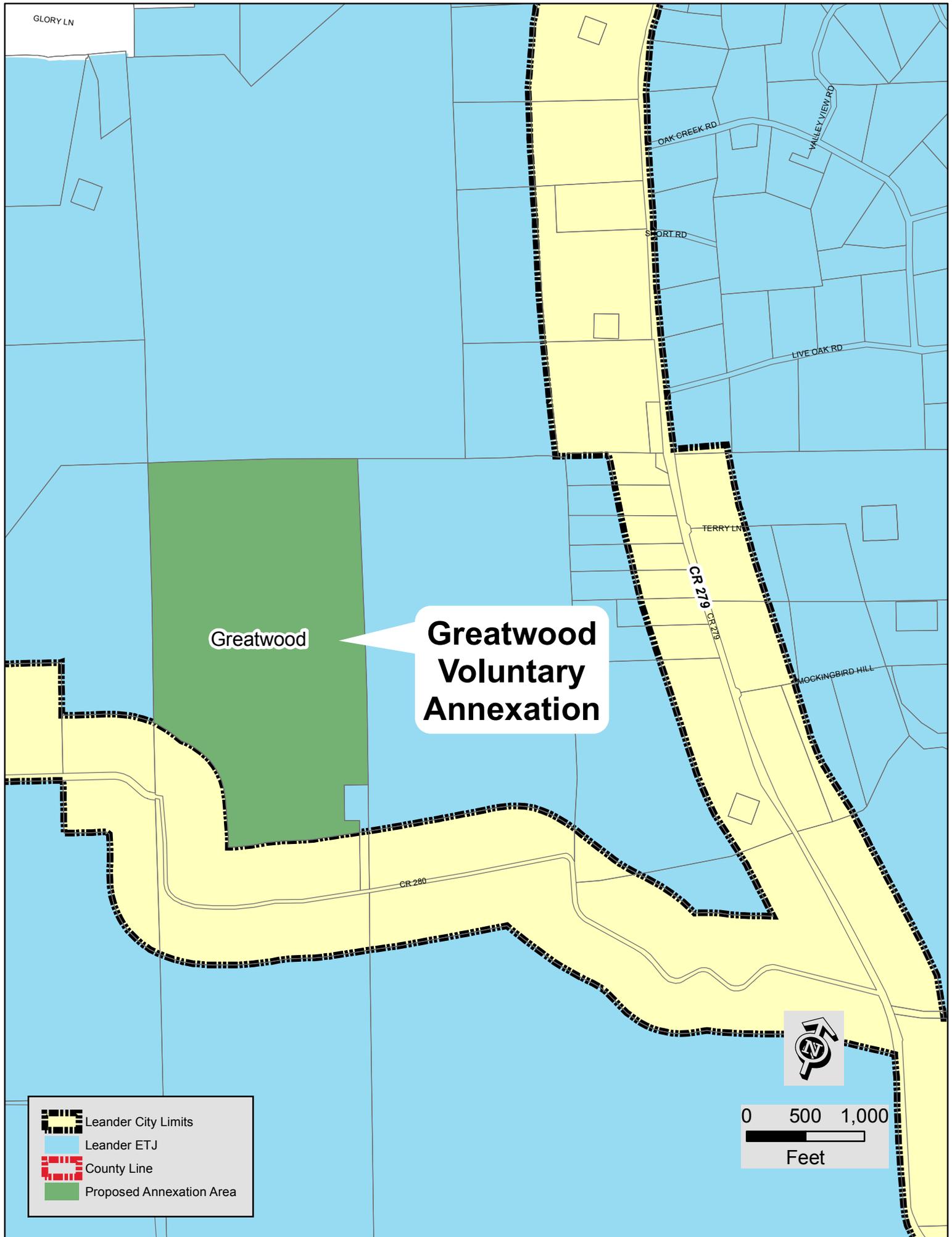
(D) Installation and maintenance of street lighting in accordance with established policies of the City;

(iii) The outer boundaries of the subject property abut existing roadways. The property owner agrees that no improvements are required on such roadways to service the property.

(3) **Capital Improvements.** Construction of the following capital improvements shall be initiated after the effective date of the annexation: None. Upon development of the subject property or redevelopment, the landowner will be responsible for the development costs the same as a developer in a similarly situated area under the ordinances in effect at the time of development or redevelopment. No additional capital improvements are necessary at this time to service the subject property the same as similarly situated properties.

(4) **Term.** If not previously expired, this service plan expires at the end of ten (10) years.

(5) **Property Description.** The legal description of the subject property is as set forth in the Annexation Ordinance and exhibits attached to the Annexation Ordinance to which this Service Plan is attached.



GLORY LN

OAK CREEK RD

VALLEY VIEW RD

SPORT RD

LIVE OAK RD

TERRY LN

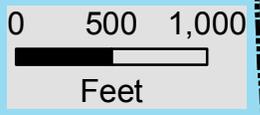
CR 279  
CR 278

MOCKINGBIRD HILL

CR 280

Greatwood

**Greatwood  
Voluntary  
Annexation**



-  Leander City Limits
-  Leander ETJ
-  County Line
-  Proposed Annexation Area



**Executive Summary**

**August 21, 2014**

**Council Agenda Subject:** An ordinance of the City of Leander, Texas, annexing all those certain tracts or parcels of land being 41.669 acres, more or less, located Hero Way east of CR 270 in Williamson County, Texas and including the abutting streets, roadways, and rights-of-way; approving a service plan for the annexed area; making findings of fact; providing a severability clause and an effective date; and providing for open meetings and other related matters.

**Background:** The resolution setting the two public hearings for July 3 and July 17, 2014 was approved by Council on May 15, 2014. The property is known as the Wilde tract and is located off of Hero Way east of CR 270. The two public hearings were conducted on the dates established in the resolution and the first reading of the ordinance was approved on August 7, 2014. This is a voluntary annexation.

**Origination:** Applicant

**Recommendation:** Staff recommends that Council conduct the second reading of the annexation ordinance.

**Attachments:** Ordinance with exhibits

**Prepared by:** Tom Yantis, Director of Development Services

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY OF LEANDER, TEXAS ANNEXING 41.669 ACRES OF LAND, MORE OR LESS, INTO THE CORPORATE LIMITS OF THE CITY, INCLUDING THE ABUTTING ROADWAYS AND RIGHTS-OF-WAY, AT THE REQUEST OF THE PROPERTY OWNER; APPROVING A SERVICE PLAN FOR THE ANNEXED AREA; MAKING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Leander, Texas, is a home rule municipality authorized by State law to annex territory lying adjacent and contiguous to the City;

**WHEREAS**, the owner(s) of the property, as hereinafter described, made written request for the City to annex such property in compliance with the *Tex. Loc. Gov't. Code*;

**WHEREAS**, the property is adjacent and contiguous to the present city limits;

**WHEREAS**, the City Council heard and has decided to grant the owner's request that the City annex said property;

**WHEREAS**, two separate public hearings were conducted prior to consideration of this Ordinance in accordance with §43.063 of the *Tex. Loc. Gov't. Code*;

**WHEREAS**, the hearings were conducted and held not more than forty (40) nor less than twenty (20) days prior to the institution of annexation proceedings;

**WHEREAS**, notice of the public hearings was published not more than twenty (20) nor less than ten (10) days prior to the public hearings;

**WHEREAS**, the City intends to provide services to the property to be annexed according to the Service Plan attached hereto as Exhibit "B".

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEANDER, TEXAS:**

**SECTION 1.** That all of the above premises and findings of fact are found to be true and correct and are incorporated into the body of this Ordinance as if copied in their entirety.

**SECTION 2.** All portions of the following described property, including the abutting roadways and rights-of-way (hereinafter referred to as the "Annexed Property"), not previously annexed into the City, are hereby annexed into the corporate limits of the City of Leander:

All those certain tracts or parcels of land being 41.669 acres, more or less, located in Williamson County, Texas, and being more particularly shown and described in the Exhibit "A" attached hereto and incorporated herein for all purposes.

**SECTION 3.** That the Service Plan submitted herewith is hereby approved as part of this Ordinance, made a part hereof and attached hereto as Exhibit “B”.

**SECTION 4.** That the future owners and inhabitants of the Annexed Property shall be entitled to all of the rights and privileges of the City as set forth in the Service Plan attached hereto as Exhibit “B”, and are further bound by all acts, ordinances, and all other legal action now in full force and effect and all those which may be hereafter adopted.

**SECTION 5.** That the official map and boundaries of the City, heretofore adopted and amended be and hereby are amended so as to include the Annexed Property as part of the City of Leander.

**SECTION 6.** That the Annexed Property shall be temporarily zoned District “SFR-1-B” as provided in the City Zoning Ordinance, as amended, until permanent zoning is established therefore.

**SECTION 7.** That if any provision of this Ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

**SECTION 8.** That this Ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the *Tex. Loc. Gov't. Code*.

**SECTION 9.** That it is hereby officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, *Chapt. 551, Tex. Gov't. Code*.

**PASSED AND APPROVED** on First Reading this \_\_\_\_ day of \_\_\_\_\_, 2014.

**FINALLY PASSED AND APPROVED** on this \_\_\_\_ day of \_\_\_\_\_, 2014.

**ATTEST:**

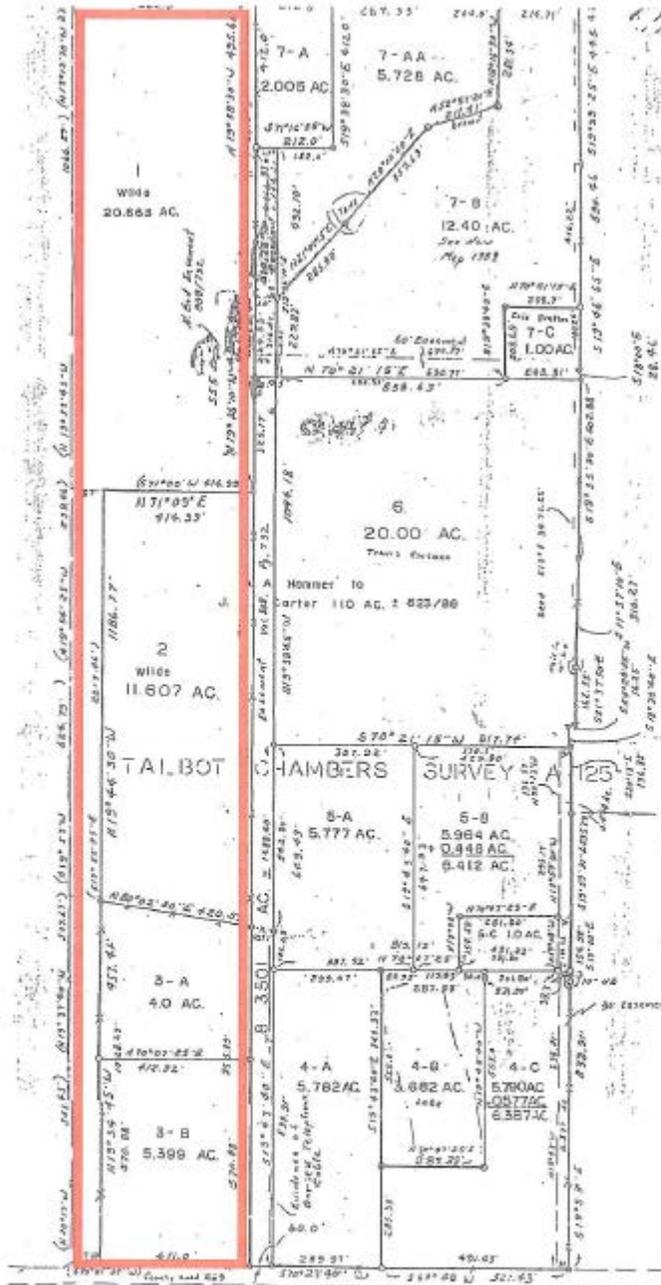
**CITY OF LEANDER, TEXAS**

\_\_\_\_\_  
Debbie Haile, City Secretary

\_\_\_\_\_  
Christopher Fielder, Mayor

# Exhibit "A"

Property Description: +/- 41.669 acre tract



DISCOURAGED MEMORANDUM  
All or parts of the text on this page was not clearly legible for satisfactory reproduction.

(Date) Survey by Steve Latham 7-19-79.  
 --- Data this survey  
 --- Data of record  
 \* Iron pin found  
 \* Iron pin set  
 \* Salt  
 \* Tree  
 \* Fence  
 Curriers Tract 3-A Platted 4-2-76  
 by William E. Forest Jr. R.P.L.S. #1297

THIS IS TO BE HAD WITH ALL PARTS OF THESE RECORDS  
 RECORDED IN 18, 37, 47  
 THIS IS TO BE HAD WITH ALL PARTS OF THESE RECORDS  
 RECORDED IN 18, 37, 47  
 THE SURVEYOR'S OFFICE HAS BEEN ADVISED BY THE COUNTY CLERK  
 THAT THE SURVEY IS CORRECT AND SHOULD BE RECORDED  
 WILLIAM E. FOREST, JR. SURVEYOR  
 2.005 AC +/- 11.607 AC SURVEY 3-2-79

STATE OF TEXAS  
 COUNTY OF HARRIS  
 I, JAMES H. HAYES, County Clerk, do hereby certify that the within and foregoing is a true and correct copy of the original as the same appears on file in my office.  
 JAMES H. HAYES, County Clerk  
 2-10-80  
 Tract 5-A, 5-B &  
 Tract 3-A, 3-B, 3-C  
 3-B Surveyed 4-2-79

**Exhibit “B”**

**MUNICIPAL SERVICES PLAN  
FOR PROPERTY TO BE  
ANNEXED INTO THE CITY OF LEANDER**

**WHEREAS**, the City of Leander, Texas (the “City”) intends to institute annexation proceedings for a tract of land described more fully hereinafter (referred to herein as the “subject property”);

**WHEREAS**, *Section 43.056, Loc. Gov't. Code*, requires a service plan be adopted with the annexation ordinance;

**WHEREAS**, the subject property is not included in the municipal annexation plan and is exempt from the requirements thereof;

**WHEREAS**, infrastructure provided for herein and that existing are sufficient to service the subject property on the same terms and conditions as other similarly situated properties currently within the City limits and no capital improvements are required to offer municipal services on the same terms and conditions as other similarly situated properties within the City; and

**WHEREAS**, it is found that all statutory requirements have been satisfied and the City is authorized by *Chapt. 43, Loc. Gov't. Code*, to annex the subject property into the City;

**NOW, THEREFORE**, the following services will be provided for the subject property on the effective date of annexation:

(1) **General Municipal Services.** Pursuant to the requests of the owner and this Plan, the following services shall be provided immediately from the effective date of the annexation:

A. Police protection as follows:

Routine patrols of areas, radio response to calls for police service and all other police services now being offered to the citizens of the City.

B. Fire protection and Emergency Medical Services as follows:

Fire protection by the present personnel and equipment of the City fire fighting force and the volunteer fire fighting force with the limitations of water available. Radio response for Emergency Medical Services with the present personnel and equipment.

C. Solid waste collection services as follows:

Solid waste collection and services as now being offered to the citizens of the City.

D. Animal control as follows:

Service by present personnel, equipment and facilities or by contract with a third party, as provided within the City.

E. Maintenance of parks and playgrounds within the City.

F. Inspection services in conjunction with building permits and routine City code enforcement services by present personnel, equipment and facilities.

G. Maintenance of other City facilities, buildings and service.

H. Land use regulation as follows:

On the effective date of annexation, the zoning jurisdiction of the City shall be extended to include the annexed area, and the use of all property therein shall be grandfathered; and shall be temporarily zoned "SFR-1-B" with the intent to rezone the subject property upon request of the landowner or staff. The Planning & Zoning Commission and the City Council will consider rezoning the subject property at future times in response to requests submitted by the landowner(s) or authorized city staff.

(2) **Scheduled Municipal Services.** Due to the size and vacancy of the subject property, the plans and schedule for the development of the subject property, the following municipal services will be provided on a schedule and at increasing levels of service as provided in this Plan:

A. Water service and maintenance of water facilities as follows:

(i) Inspection of water distribution lines as provided by statutes of the State of Texas.

(ii) In accordance with the applicable rules and regulations for the provision of water service, water service will be provided to the subjects properties, or applicable portions thereof, by the utility holding a water certificate of convenience and necessity ("CCN") for the subject properties, or portions thereof as applicable, or absent a water CCN, by the utility in whose jurisdiction the subject properties, or portions thereof as applicable, are located, in accordance with all the ordinances, regulations, and policies of the City in effect from time to time for the extension of water service. If connected to the City's water utility system, the subject properties' owner shall construct the internal water lines and pay the costs of line extension and construction of such facilities necessary to provide water service to the subject properties as required in City ordinances. Upon acceptance of the water lines within the subject properties and any off-site improvements, water service will be provided by the City utility department on the same terms, conditions and requirements as are applied to all similarly situated areas and customers of the City; subject to all the ordinances, regulations and policies of the City in effect from time to time. The system will be accepted and maintained by the City in accordance with its usual acceptance and maintenance policies. New water line extensions will be installed and extended upon request under the same costs and terms as with other similarly situated customers of the City. The ordinances of the City in effect at the time a request for service is submitted shall govern the costs and request for service. The continued use of a water well that is in use on the effective date of the annexation and is in compliance with applicable rules and regulations shall be permitted and

such use may continue until the subject properties' owner requests and is able to connect to the City's water utility system.

B. Wastewater service and maintenance of wastewater service as follows:

(i) Inspection of sewer lines as provided by statutes of the State of Texas.

(ii) In accordance with the applicable rules and regulations for the provision of wastewater service, wastewater service will be provided to the subjects properties, or applicable portions thereof, by the utility holding a wastewater CCN for the subject properties, or portions thereof as applicable, or absent a wastewater CCN, by the utility in whose jurisdiction the subject properties, or portions thereof as applicable, are located, in accordance with all the ordinances, regulations, and policies of the City in effect from time to time for the extension of wastewater service. If connected to the City's wastewater utility system, the subject properties' owner shall construct the internal wastewater lines and pay the costs of line extension and construction of facilities necessary to provide wastewater service to the subject properties as required in City ordinances. Upon acceptance of the wastewater lines within the subject properties and any off-site improvements, wastewater service will be provided by the City utility department on the same terms, conditions and requirements as are applied to all similarly situated areas and customers of the City, subject to all the ordinances, regulations and policies of the City in effect from time to time. The wastewater system will be accepted and maintained by the City in accordance with its usual policies. Requests for new wastewater line extensions will be installed and extended upon request under the same costs and terms as with other similarly situated customers of the City. The ordinances in effect at the time a request for service is submitted shall govern the costs and request for service. The continued use of a septic system that is in use on the effective date of the annexation and is in compliance with all applicable rules and regulations shall be permitted and such use may continue until the subject property owner requests and is able to connect to the City's wastewater utility system.

C. Maintenance of streets and rights-of-way as appropriate as follows:

(i) Provide maintenance services on existing public streets within the subject property and other streets that are hereafter constructed and finally accepted by the City. The maintenance of the streets and roads will be limited as follows:

(A) Emergency maintenance of streets, repair of hazardous potholes, measures necessary for traffic flow, etc.; and

(B) Routine maintenance as presently performed by the City.

(ii) The City will maintain existing public streets within the subject property, and following installation and acceptance of new roadways by the City as provided by city ordinance, including any required traffic signals, traffic signs, street markings, other traffic control devices and street lighting, the City will maintain such newly constructed public streets, roadways and rights-of-way within the boundaries of the subject property, as follows:

(A) As provided in C(i)(A)&(B) above;

(B) Reconstruction and resurfacing of streets, installation of drainage facilities, construction of curbs, gutters and other such major improvements as the need therefore is determined by the governing body under City policies;

(C) Installation and maintenance of traffic signals, traffic signs, street markings and other traffic control devices as the need therefore is established by appropriate study and traffic standards; and

(D) Installation and maintenance of street lighting in accordance with established policies of the City;

(iii) The outer boundaries of the subject property abut existing roadways. The property owner agrees that no improvements are required on such roadways to service the property.

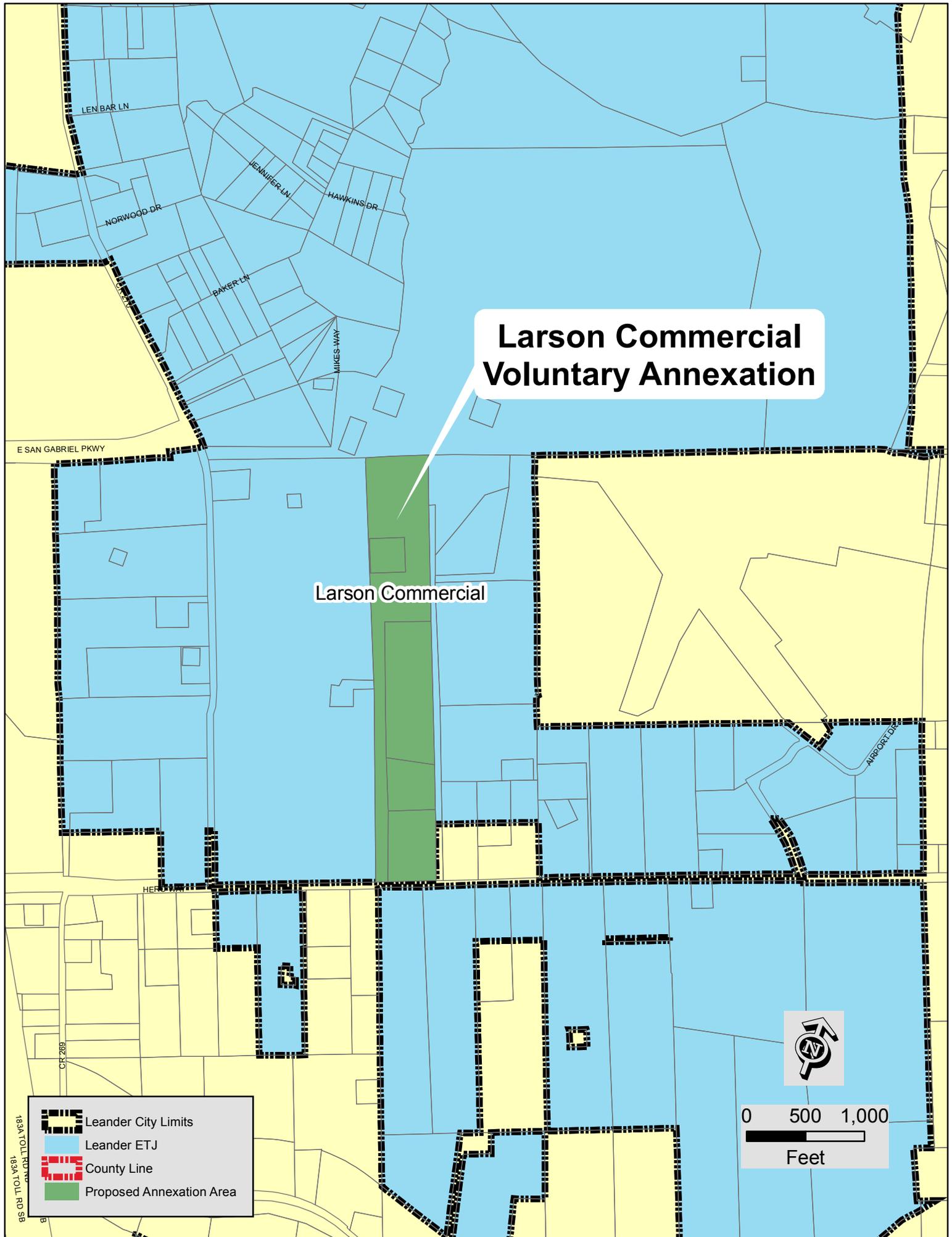
(3) **Capital Improvements.** Construction of the following capital improvements shall be initiated after the effective date of the annexation: None. Upon development of the subject property or redevelopment, the landowner will be responsible for the development costs the same as a developer in a similarly situated area under the ordinances in effect at the time of development or redevelopment. No additional capital improvements are necessary at this time to service the subject property the same as similarly situated properties.

(4) **Term.** If not previously expired, this service plan expires at the end of ten (10) years.

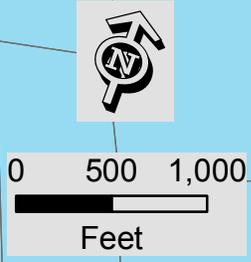
(5) **Property Description.** The legal description of the subject property is as set forth in the Annexation Ordinance and exhibits attached to the Annexation Ordinance to which this Service Plan is attached.

# Larson Commercial Voluntary Annexation

Larson Commercial



- Leander City Limits
- Leander ETJ
- County Line
- Proposed Annexation Area



183A TOLL RD SB  
183A TOLL RD SB



**Executive Summary**

**August 21, 2014**

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**Agenda Subject:** Zoning Case 14-Z-018: Hold a public hearing and consider action on the rezoning of several tracts of land generally located to the northeast of the intersection of Hwy 183A & E San Gabriel Pkwy. for 490 acres more or less; WCAD Parcels R032104, R032237, R485832, R485833, R485834, R032103, R032211, R032196, R525991, and R525993. Currently, the property is zoned PUD/TOD (Planned Unit Development/Transit Oriented Development) and the applicant is proposing an amendment to the PUD, Leander, Williamson County, Texas.

**Background:** This request is the second step in the rezoning process.

**Origination:** Applicant: Stefan Pharis on behalf of Crescent Leander TX, LLC.

**Financial Consideration:** None

**Recommendation:** See Planning Analysis. The Planning & Zoning Commission unanimously recommended approval of the Bryson PUD with the following condition at the August 14, 2014 meeting.

1. The number of food trailer locations shall be limited to four or less.

**Attachments:**

1. Planning Analysis
2. Current Zoning Map
3. Aerial Map
4. Proposed Bryson PUD
5. Letter of Intent
6. Ordinance
7. Minutes – Planning & Zoning Commission August 14, 2014

**Prepared By:** Tom Yantis  
Development Services Director

08/15/2014



## PLANNING ANALYSIS

### ZONING CASE 14-Z-018 BRYSON PUD

#### GENERAL INFORMATION

- Owner:** Crescent Leander TX, LLC.
- Current Zoning:** PUD/TOD (Planned Unit Development/Transit Oriented Development)
- Proposed Zoning:** PUD/TOD (Planned Unit Development/Transit Oriented Development)
- Size and Location:** The property is generally located to the east of 183 A Toll and north of East San Gabriel Parkway and includes approximately 490 acres.
- Staff Contact:** Robin M. Griffin, AICP  
Senior Planner

#### ABUTTING ZONING AND LAND USE:

The table below lists the abutting zoning and land uses.

	ZONING	LAND USE
NORTH	OCL	Developed Large Lot Single-Family Homes in the ETJ
EAST	OCL	Developed Large Lot Single-Family Homes in the ETJ
SOUTH	PUD/TOD	Undeveloped Land located in the TOD
WEST	PUD/TOD	Undeveloped Land located in the TOD

## COMPOSITE ZONING ORDINANCE & SMARTCODE INTENT STATEMENTS

### PUD/TOD – PLANNED UNIT DEVELOPMENT/TRANSIT ORIENTED DEVELOPMENT:

The purpose and intent of the Planned Unit Development (PUD) district is to design unified standards for development in order to facilitate flexible, customized zoning and subdivision standards which encourage imaginative and innovative designs for the development of property within the City. The intent of this zoning request is to provide for the design of a development which permits a mixed-residential community. The intent of this zoning district is to cohesively regulate the development to assure compatibility with adjacent single-family residences, neighborhoods, and commercial properties within the region.

### COMPREHENSIVE PLAN STATEMENTS:

The following Comprehensive Plan statements may be relevant to this case:

- Plan for continued growth and development that improves the community's overall quality of life and economic viability.
- Provide for a variety of sustainable housing options for all age groups and economic levels. Determine ways to successfully integrate this variety within neighborhoods so as to accommodate the different needs of families throughout their life cycle. Create more desirable and livable neighborhoods while respecting the goal of maintaining stable real estate values and housing marketability.
- Establish high standards for development.

### ANALYSIS:

The applicant is requesting the PUD (Planned Unit Development) district in order to allow for the development of a mixed residential community that will include a variety of housing types as well as multi-family and local commercial development. The proposal includes detached residential lot widths ranging from as narrow as forty-five (45') feet to over seventy (70') feet wide and attached townhomes and apartments. In addition, no more than twenty (20%) percent of the Mixed Use area can be developed for local commercial uses. The applicant has incorporated the mixture of residential districts in a well integrated neighborhood plan providing a variety of lot sizes within the same neighborhood.

The PUD proposal includes the following base zoning districts: SFS-2-A (Single-Family Suburban), SFU-2-A (Single-Family Urban), SFC-2-A (Single-Family Compact), SFL-2-A (Single-Family Limited), SFT-2-A (Single-Family Townhome), MF-2-A (Multi-Family), and LC-2-A (Local Commercial).

The table below identifies the proposed development standards for the residential zoning districts, setbacks, and lot sizes for this project. The primary difference between the Composite Zoning Ordinance and the proposed PUD is the lot size and the setbacks associated with the SFL-2-A district. The ordinance currently requires the lot width to be 41 feet and the minimum lot size to be 4100 square feet. The applicant is proposing a reduced lot size and rear setback for

this district if a an alley loaded product is proposed. The proposal includes increased dwelling sizes and lot depths for the different districts. The overall project is limited to 1,261 single family units and 500 multi-family units. In addition, the PUD requires a minimum of 375 SFS lots and limits the SFC to 575, SFL to 200, and SFT to 213 units.

RES District Minimum Standards		SFL (Rear Load)	SFL	SFC	SFU	SFS
Interior Lot	Lot Width	35	45	50	60	70
	Lot Depth	100	125	125	125	125
	Lot Area	3500	5625	6250	7500	8750
Corner Lot	Lot Width	45	55	60	70	80
	Lot Depth	100	125	125	125	125
	Lot Area	4500	6875	7500	8750	10000
	Building Square Footage	1050	1050	1400	1800	2100
	Side Yard Setback	5	5	5	5	5
	Rear Yard Setback	5	15	15	15	15
	Street Side Building Setback	15	20	20	20	20
	Street Side Garage Setback	-	25	25	25	25
	Street Side Porch Setback	10	15	15	15	15

All residential properties within the RES and MU district shall comply with the Type A Architectural Component unless they substantially conform to the Craftsman, Farmhouse or similar style included within the PUD. This provision does not apply to LC uses or traditional apartments.

#### **ADDITIONAL VARIATIONS**

The applicant is requesting the following variations from the City Ordinances:

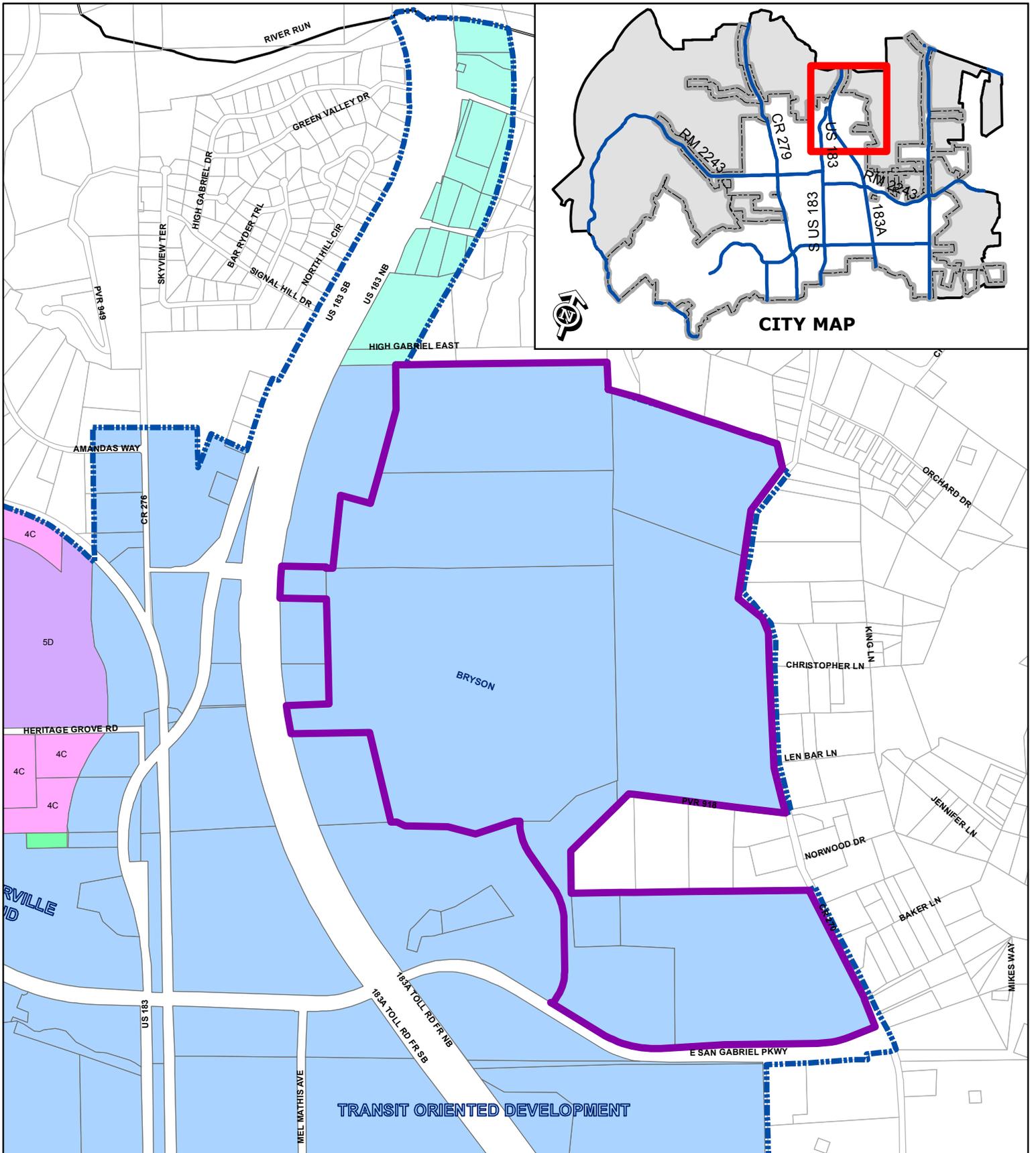
- Allowing temporary model home parking areas and permitting crushed granite as the parking lot material with a time frame of 10 years. Currently, we require a special use permit to be submitted and reviewed by Planning & Zoning Commission and City

Council. Including this provision, would waive the requirement for the special use permit.

- Allowing tertiary entrance signs at entryways into sections within the PUD and are permitted only in subdivisions that exceed 50 acres. They may be used to identify various sections that are 15 acres or greater in size in order to enhance direction within the PUD. Currently, the ordinance requires that the sections are a minimum of 25 acres in size. In addition, they are requesting to increase the sign face from 10 square feet to 12 square feet.
- Allowing decorative poles with energy efficient LED light fixtures. A license agreement will also be required to allow the decorative poles.
- Allowing banner signs advertising the community and HOA events on the light poles. This signs will be limited 3' wide by 6' tall or 18 square feet.
- Allowing a 8' wide decomposed granite trail with a 6" concrete ribbon in lieu of a sidewalk along collector streets. A license agreement will be required.
- Allowing the use of cementitious fiber or board and batten materials to qualify as masonry when homes are constructed a specific architectural style.
- Allowing garages to extend up to 5' past the dwelling on lots that are greater than 60' wide.
- Allowing licensed food trailers on HOA property and parks.
- Limiting the fencing adjacent to greenbelts to tubular metal or split rail.
- Requiring additional landscaping for residential development.

#### **STAFF RECOMMENDATION:**

Staff recommends approval of the requested PUD. The proposed PUD promotes more flexibility with the location of the single-family districts and incorporates a mixture of multi-family, single-family townhome and local commercial. This application effectively utilizes composite zoning to incorporate a variety of land uses while maintaining high form standards. The requested PUD meets the intent statements of the Composite Zoning Ordinance and the goals of the Comprehensive Plan.



# ZONING CASE 14-Z-018

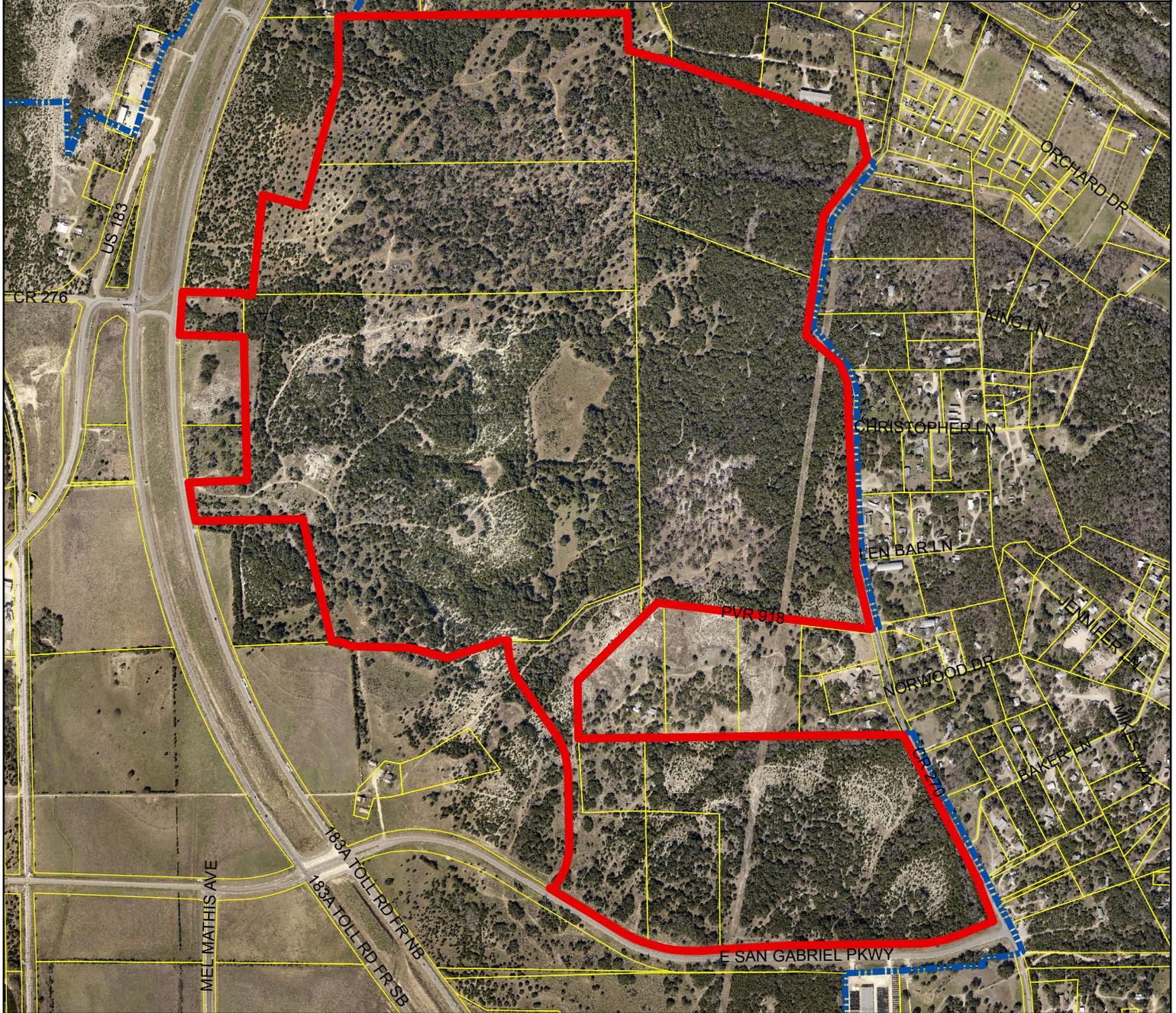
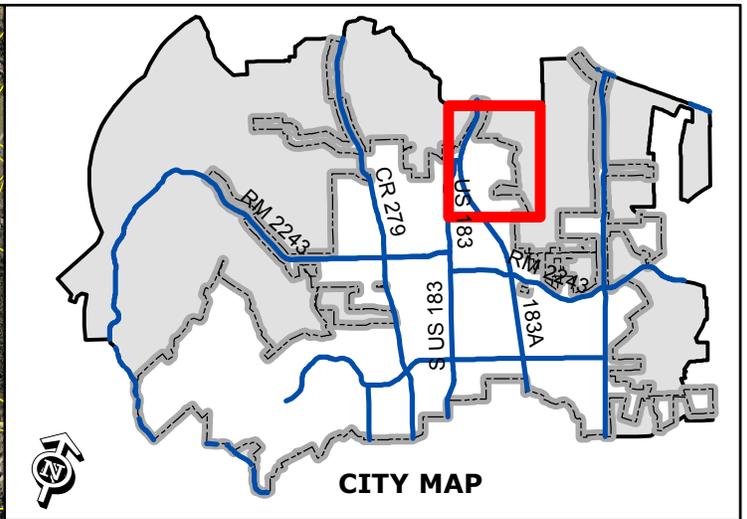
## Attachment #2

Current Zoning Map  
Bryson PUD



- Subject Property
- City Limits
- Future Annexation Per DA
- Involuntary Annexation
- Voluntary Annexation

- |     |        |     |
|-----|--------|-----|
| SFR | SFT    | GC  |
| SFE | SFU/MH | HC  |
| SFS | TF     | HI  |
| SFU | MF     | PUD |
| SFC | LO     |     |
| SFL | LC     |     |
- 0 400  
Feet



**ZONING CASE 14-Z-018 Attachment #3**

Aerial Exhibit - Approximate Boundaries  
Bryson PUD

0 200  
Feet



-  Subject Property
-  City Limits

## Bryson Planned Unit Development

### I. General Notes

- A. The PUD consists of approximately 490.00 acres (the “Property”) located in Williamson County, Leander, Texas, as particularly described in Exhibit 1 attached to this PUD ordinance.
- B. Except as otherwise provided in this PUD ordinance, the Property and PUD shall be governed by the Composite Zoning Ordinance of the City of Leander in effect as of the date of this PUD Ordinance (the “Zoning Ordinance”). Any capitalized terms used herein but not defined herein shall have the meanings ascribed to them in the Composite Zoning Ordinance.

### II. Zoning Districts

- A. The PUD consists of two use districts depicted on Exhibit 1, the Conceptual Site Layout & Land Use Plan attached hereto, including:
  - 1. MU (Mixed Use) containing approximately 82.61 acres; and
  - 2. RES (Residential) containing approximately 407.60 acres;

### III. Use Components

- A. Allowed uses. The following table contains the use components allowed within the MU & RES zoning use district boundaries shown on Exhibit 1 attached to this PUD ordinance. The total number of single family units shall not exceed 1261 units.

**Table 1**

Land Use	RES District	MU District	Lot Width	Unit Mix	
Single Family Suburban (SFS)	X		70	375	Minimum
Single Family Urban (SFU)	X	X	60	375-525	
Single Family Compact (SFC)	X	X	50	575	Maximum
Single Family Limited (SFL)	X	X	45*	200 Units	Maximum
Single Family Townhome (SFT)		X	20	213 Units	Maximum
Multi-Family (MF)		X		500 Units	Maximum
Local Commercial (LC)		X		25% of MU Area	Maximum

\*35' width for rear load.

- B. RES – Residential District Permitted Uses and Limitations.

1. Single-family residential lots in the RES District may be developed by the owner of the Property utilizing SFL, SFC, SFU, and SFS, use components, as more particularly set forth in Table 2 in this PUD ordinance, and according to the approved concept plan.
2. Temporary modular welcome centers are permitted in a section of the RES District for no more than five (5) years after installation and then must be moved to another section for no more than five (5) years after installation.
3. Licensed Food Trailers are permitted on HOA owned property or parks and are subject to permitting requirements promulgated by the City of Leander.

C. MU - Mixed Use District Permitted Uses and Limitations.

1. Mixed Use is defined as combining different permitted uses in the same building and/or having multiple permitted uses within the MU District. The different uses are not required to be within the same building or the same Legal Lot or Legal Tract.
2. Development in the MU District shall be in accordance with the approved concept plan with no more than 500 of the units being MF-Multi Family.
3. Temporary modular welcome centers are permitted in a section of the MU District for no more than five (5) years after installation and then must be moved to another section for no more than five (5) years after installation.
4. Licensed Food Trailers are permitted on HOA owned property or parks and are subject to permitting requirements promulgated by the City of Leander.
5. The following uses allowed within the LC use component of the Composite Zoning Ordinance shall be prohibited in the MU District:
  - (a) Funeral Home
  - (b) Cemetery

#### IV. Site and Architectural Components and Standards

A. RES District.

1. Development Standards for each Use Component are shown on the table attached as Table 2 to this PUD ordinance. To the extent that these requirements are inconsistent with the requirements of Article V (Site Components), Article VI (Site Standards), Article VII (Architectural Components), and Article VIII (Architectural Standards) of the Composite Zoning Ordinance, the Development Standards set forth in this PUD ordinance and Table 2 attached hereto will apply.
2. RES District Architectural Standards shall comply with the Type A Architectural Component or as modified below:
  - (a) Cementitious-fiber, i.e. hardiplank or Board and Batten materials as defined below, shall be allowed to count toward the masonry requirement for homes with an architectural style that substantially conforms to the images shown in Exhibit 3, including, but not limited to Craftsman, Farmhouse, and other similar architectural styles.
  - (b) For purposes of this PUD, Hardiplank is defined as: Horizontal cementitious-fiber planking with a width not to exceed 9", and Board and Batten is defined as board and batten cementitious-fiber planking with vertical member spacing not to exceed 24".

- (c) The list of design feature examples is as follows, 5 features per home are required:
- (i) Recessed entry
  - (ii) Porch
  - (iii) Ornamental Windows
  - (iv) Horizontal offset
  - (v) Standing seam metal roof
  - (vi) At least 15% of front façade comprised of window and door openings
  - (vii) Vertical elevations offset
  - (viii) Varied roof heights
  - (ix) Canopy/shed roof or other architectural elements
  - (x) Balcony
  - (xi) Integrated Planter or Wing Walls
  - (xii) Decorative garage doors
3. Landscaping Requirements for each single family lot are as follows:
- (a) Trees: 2 x 3" hardwood
  - (b) Shrubs: 20 x 5 Gal
  - (c) Shrubs: 20 x 1 Gal
  - (d) Turf: Bermuda or Zoysia, may not exceed 2/3 of the total landscape area.
  - (e) AC Units, Dry Utility Pedestals must be screened 24" min. height at planting - 36" w/in 1-2 years. Working clearance and access must be maintained.
  - (f) All plants are to be 100% native and adapted, as set forth in the Grow Green Guide to Native & Adaptive Landscape Plants published by the City of Austin Watershed Protection Department and the Texas AgriLife Extension Service
4. Peaked roof with a minimum 4:12 pitch, except for accents, dormers, porches, and other architectural features are permitted.
5. Development in the RES District of the PUD will comply with the Type 2 site component.
6. Garages in SFL, SFC, SFU, SFS lot types may protrude up to 5' past the front building façade line, but shall be subject to a 25' front setback in all instances.
7. Garages in line with or behind the front building façade may be located on the 20' front setback for all lot types.
8. Side Entry Garages in line with or behind the side building facade may be located on the 20' foot setback for all lot types.
9. For lots less than 70', only one (1) enclosed garage parking space shall be required, provided that the total number of required parking spaces is met. No more than 10% of the total lots within the PUD may utilize this standard.
10. Temporary model home parking areas are a permitted use in the RES District in areas adjacent to or nearby model home sales areas for a maximum of ten (10) years after the issuance of a site development permit for such parking area. In addition to authorized materials in the Composite Zoning Ordinance, such temporary parking areas may be constructed with crushed granite.

**Table 2**

RES District Minimum Standards		SFL (Rear Load)	SFL	SFC	SFU	SFS
Interior Lot	Lot Width	35	45	50	60	70
	Lot Depth	100	125	125	125	125
	Lot Area	3500	5625	6250	7500	8750
Corner Lot	Lot Width	45	55	60	70	80
	Lot Depth	100	125	125	125	125
	Lot Area	4500	6875	7500	8750	10000
	Building Square Footage	1050	1050	1400	1800	2100
	Side Yard Setback	5	5	5	5	5
	Rear Yard Setback	5	15	15	15	15
	Front Garage Setback	N/A	25	25	25	25
	Front Setback	10	20	20	20	20
	Street Side Building Setback	10	15	15	15	15
	Street Side Garage Setback	N/A	20	20	20	20

**B. MU District.**

1. Development in the MU District of the PUD will comply with one of the following Use, Site and Architectural Component standards:
  - (a) MF-2-A;
  - (b) SFT-2-A;
  - (c) SFL-2-A;
  - (d) SFU-2-A;
  - (e) SFC-2-A or
  - (f) LC-2-A.

2. MU District Residential Architectural Standards for SFL, SFT, or MF product (that is limited to detached structures, attached structures with 6 or fewer units, apartment style development must comply with the Type A Architectural requirements without the modifications listed) will comply with Article VII – Type A or as modified below:
  - (c) Cementitious-fiber, i.e. hardiplank or Board and Batten materials as defined below, shall be allowed to count toward the masonry requirement for homes with an architectural style that substantially conforms to the images shown in Exhibit 3, including, but not limited to Craftsman, Farmhouse, and other similar architectural styles. For purposes of this PUD, Hardiplank is defined as: Horizontal cementitious-fiber planking with a width not to exceed 9”, and Board and Batten is defined as: Board and batten cementitious-fiber planking with vertical member spacing not to exceed 24”.
  - (d) The list of design feature examples is as follows, 5 features per home are required:
    - (i) Recessed entry
    - (ii) Porch
    - (iii) Ornamental Windows
    - (iv) Horizontal offset
    - (v) Standing seam metal roof
    - (vi) At least 15% of front façade comprised of window and door openings
    - (vii) Vertical elevations offset
    - (viii) Varied roof heights
    - (ix) Canopy/shed roof or other architectural elements
    - (x) Balcony
    - (xi) Integrated Planter or Wing Walls
    - (xii) Decorative garage doors
3. Landscaping Requirements for each single family lot are as follows:
  - (a) Trees: 2 x 3" hardwood
  - (b) Shrubs: 20 x 5 Gal
  - (c) Shrubs: 20 x 1 Gal
  - (d) Turf: Bermuda or Zoysia, may not exceed 2/3 of the total landscape area.
  - (e) AC Units, Dry Utility Pedestals must be screened 24" min. height at planting - 36" w/in 1-2 years. Working clearance and access must be maintained.
  - (f) All plants are to be 100% native and adapted, as set forth in the Grow Green Guide to Native & Adaptive Landscape Plants published by the City of Austin Watershed Protection Department and the Texas AgriLife Extension Service.
4. Peaked roof with a minimum 4:12 pitch, except for accents, dormers, porches, and other architectural features
5. Development in the RES District of the PUD will comply with the Type 2 site component.
6. Garages in SFL, SFC, SFU lot types may protrude 5’ past the front building façade line, but shall be subject to a 25’ front setback in all instances.
7. Garages in line with or behind the front building façade shall be subject to a 20’ front setback for all lot types.
8. Side Entry Garages in line with or behind the side building facade may be located on the 20’ foot setback for all lot types.

9. For lots less than 70', only one (1) enclosed garage parking space shall be required. The total required number of parking spaces shall remain the same. No more than 10% of the total lots within the PUD may utilize this standard.
10. Temporary model home parking areas are a permitted use in the MU District in areas adjacent to or nearby model home sales areas for a maximum of ten (10) years after the issuance of a site development permit for such parking area. In addition to authorized materials, such temporary parking areas may be constructed with crushed granite.

**V. Roadway Design**

- A. The Bryson community will incorporate the following standards for Public Streets and Private Drives, and as outlined in Table 3 and Exhibit 2 - Street Sections
- B. Traffic calming devices such as roundabouts, traffic circles, neck downs, chicanes, etc. are permitted within Bryson, and shall be subject to approval by the City of Leander Engineer.
- C. Street Trees located in a planting median between the back of curb and sidewalk in the Public ROW shall be allowed, pursuant to a license agreement with the City of Leander.
- D. Roadway callouts on PUD Land Use Plan are minimum standards. Alternate lane configurations may be approved by the City Engineer.

**Table 3**

Public Streets and Private Drives	EC-120	RC-71	RC-61	RC-60	LS-50	AL-25	PD-28	PD-25
ROW	Varies	71	61	60	50	25	N/A	N/A
FOC-FOC	2 @ 18	46	36	34	28	20	28	25
Min. Centerline Radius	300	300	300	300	180	N/A	N/A	N/A
On Street Parking	No	Yes	Yes	No	Yes	No	Yes (one side)	No
Curb Return Radius	15	15	15	15	15	10	10	10
Curb Return Radius for Fire Lanes	N/A	N/A	N/A	N/A	N/A	N/A	25	25
Bike Lane	Yes	Yes	No	Yes	No	No	No	No
Sidewalks Required	Yes (North side only)	Yes	Yes	Yes	Yes	No	No	No

## **VI. Signage**

- A. The following modifications to the tertiary entrance signs shall be regulated by this PUD. Tertiary entrance signs may be located at the entryway into sections within the PUD, and they may be used to identify various sections that are fifteen (15) acres or greater in size in order to enhance direction within the PUD. Tertiary entrance signs shall be comprised entirely of stone, masonry or, metal with engraved lettering or with pin-mounted aluminum or steel letters. The sign face of tertiary entrance signs shall be limited to a total size of twelve (12) square feet. All signs in a public ROW will require a License Agreement. For sections that are fifteen (15) acres or greater in size with multiple entries, a tertiary sign shall be allowed at each entry.
- B. Decorative Street and Pole Mounted Banner signs are permissible in all PUD zoning districts along collector streets. The maximum banner size shall be 3' width x 6' height or 18 SF. Banner signs are permitted to advertise the Bryson Community and HOA events only. Banner signs shall require a License Agreement from the City of Leander, and shall be maintained by the Homeowner's Association (HOA).

## **VII. Lighting**

- A. Lighting constructed or installed within the PUD shall be regulated by Section 12 of Article VI (Site Component) of the Composite Zoning Ordinance in effect as of the date of this PUD Ordinance; provided, however, that all street lighting along, and within the ROW of collector streets may be decorative poles with energy efficient LED light fixtures and shall require a License Agreement and will be maintained by the Homeowner's Association (HOA).

## **VIII. Sidewalks and Trails**

- A. The main entry road off of US-183A up to the amenity center is only required to have a sidewalk on the north side of the roadway. This sidewalk shall be a minimum 8' width.
- B. When located adjacent and/or parallel to a collector street and within the right-of-way an 8' wide decomposed granite trail with a 6" width concrete ribbon curb shall be allowed in lieu of a concrete sidewalk and will require a license agreement. At least one side of the roadway is required to have a continuous concrete sidewalk that meets applicable accessibility requirements

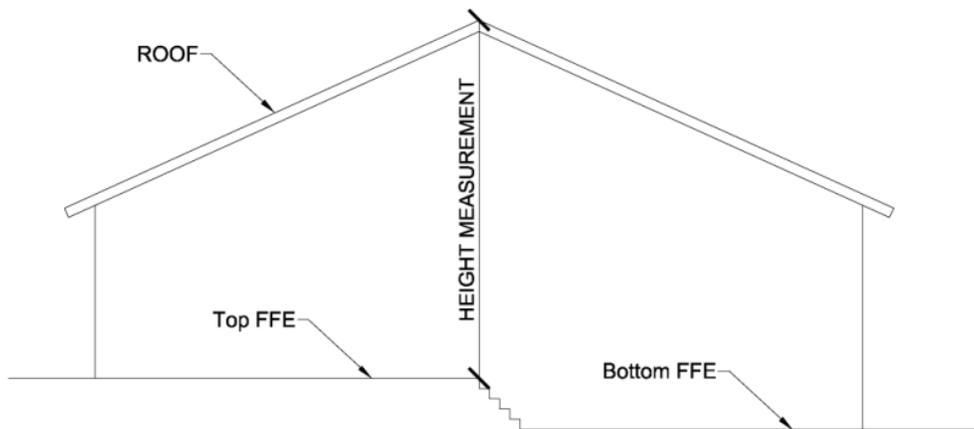
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## IX. Fencing

- A. Fencing located adjacent to greenbelts will be limited to wrought iron, tubular metal or split rail or City of Leander Planning Director approved equivalent

## X. Building Height

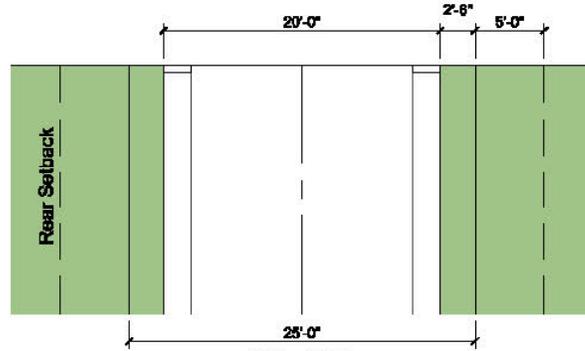
- A. Building heights shall be measured from the highest point of the finished floor elevation. In the case of split level foundations, the building height shall be measured from the highest finished floor elevation of such home. This measurement only applies to the Building Height Limitation of the Composite Zoning Ordinance.



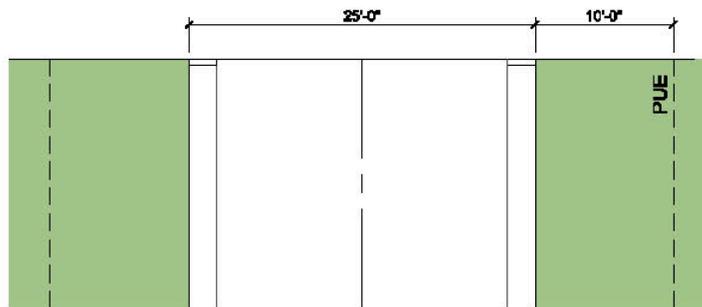
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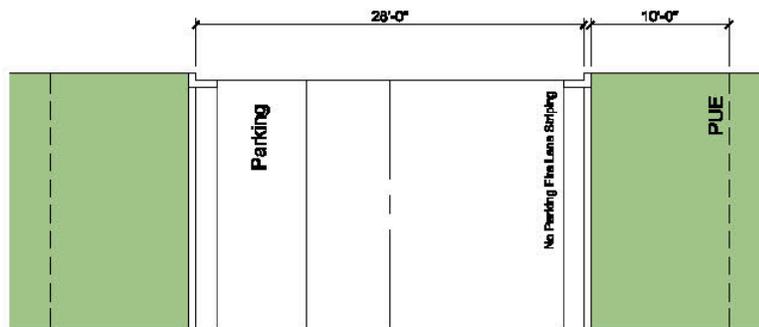
## Exhibit 2 Street Sections



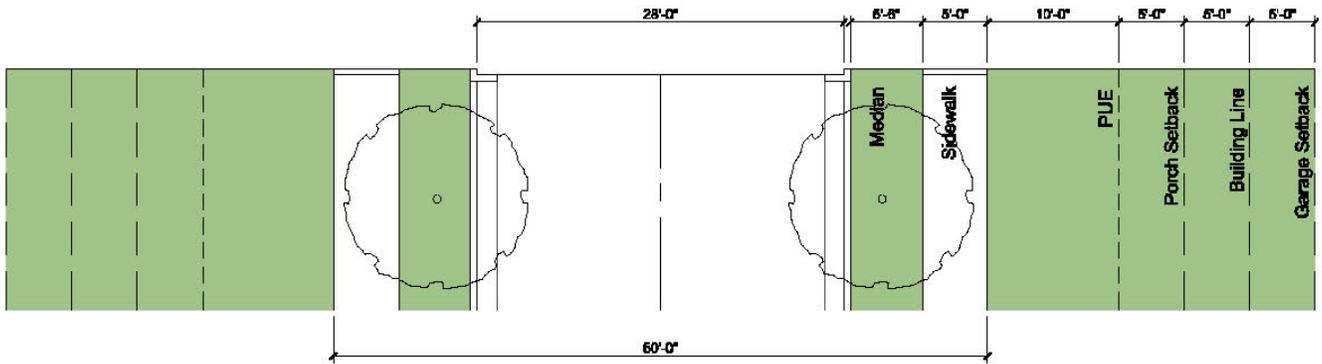
**AL-25**  
**Alley 25' ROW**



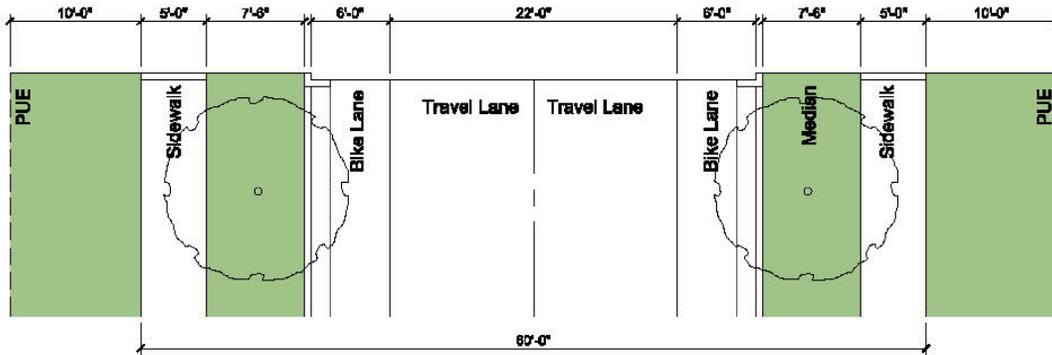
**PD-25**  
**Private Drive 25'**



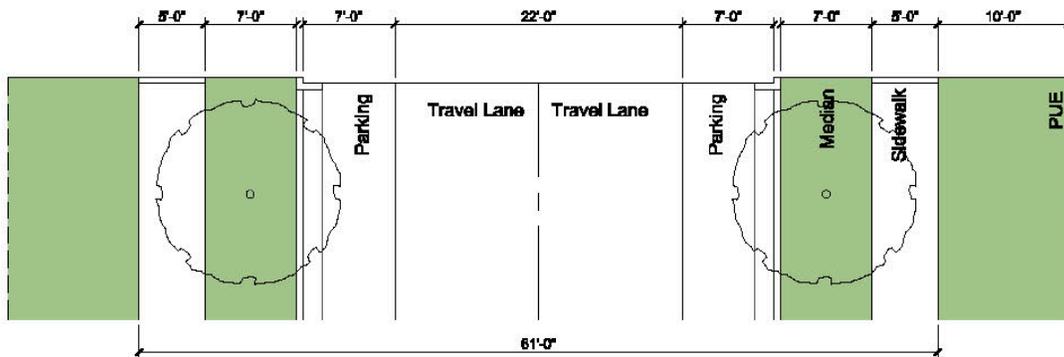
**PD-28**  
**Private Drive 28'**



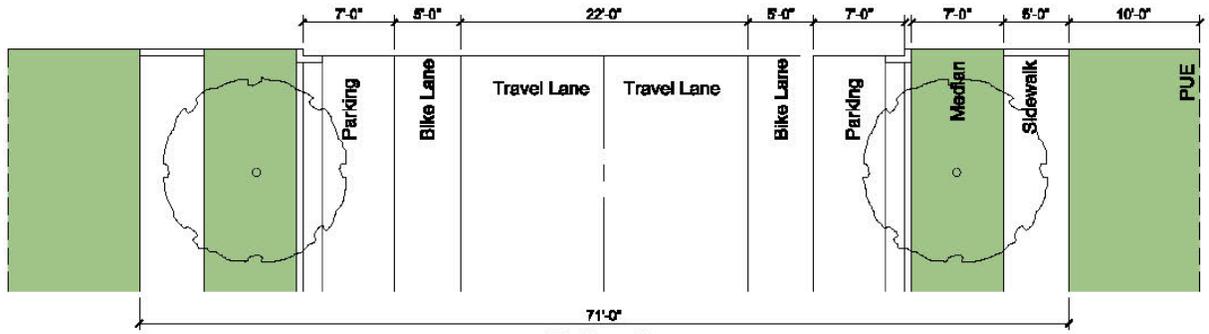
**LS-50**  
Local Street 50' ROW



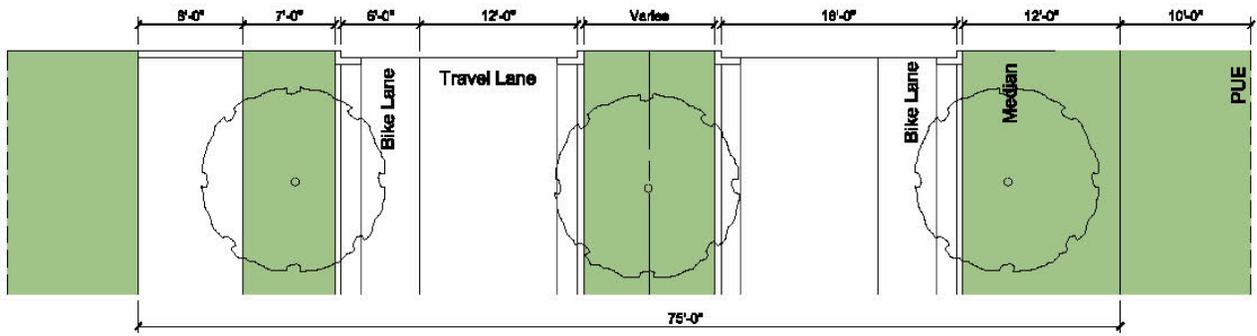
**RC-60**  
Residential Collector 60' ROW



**RC-61**  
Residential Collector 61' ROW



**RC-71**  
**Residential Collector 71' ROW**



**EC-120**  
**Entry Collector ROW Varies**

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### Exhibit 3 Architectural Styles









June 11, 2014

Robin Griffin  
Senior Planner  
City of Leander  
Planning Department  
P.O. Box 319  
Leander, Texas 78646

*RE: Bryson - PUD Zoning Application - Letter of Intent*

Dear Ms. Griffin

The following "Letter of Intent" proposes a residential development with adjustments, to the current PUD for the TOD Conventional Zoning and Composite Zoning Ordinances in place for the Bryson property, as required by the City of Leander's PUD zoning amendment process. The 490 acre Bryson master planned community (formerly known as Villages of Messina, Leander 183a and the Butler-Winters tract) is currently subject to the TOD/PUD Zoning Districts. Bryson is owned by Crescent Leander, TX, LLC.

The proposed Bryson PUD will include a blend of single family use, mixed-use, parks, trails, civic site(s), and public improvements as indicated on the Bryson Concept Plan dated May 5, 2014, which is currently under review by the City. The proposed Bryson PUD is also compliant with the Crescent Leander Development and Reimbursement Agreement in place with the City of Leander. Numerous benefits to the City of Leander, the Bryson community, and the neighborhoods surrounding Bryson will derive from approval of this PUD proposal.

Crescent Leander Texas, LLC proposes a revision to the zoning map to establish composite zoning districts and to allow flexibility in the placement of particular product within such. The Zoning Map would consist of two districts: Residential (RES) district; Mixed Use (MU) district.

The Bryson Planned Unit Development will raise the standard of development based on the principles that have been defined by our creative approach to community development, including:

- Provide a modern lifestyle that honors a rural legacy
- Bring a modern twist to authentic Leander
- Be connected to the essence of Austin
- Stay intimately connected to nature

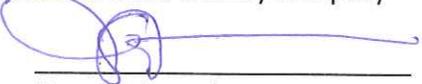
We believe that the creation of a PUD will enhance the development by allowing flexible uses and subdivision standards which will result in innovative and varied land uses and architectural styles. The flexibility to blend single family and mixed-use components within the development will provide for a more harmonious development consistent with the land features with generous open space and parkland. The PUD will further allow more rapid economic growth and diversity within the City.

The Crescent vision to “Build Community. Better People’s Lives” drives our approach to planning and development and the creation of a PUD will allow the development to fully embrace this principle.

We look forward to working with the City of Leander Staff, Planning and Zoning Commission, the Mayor and City Council on this application. If you have any questions in the meantime please do not hesitate to contact me.

Very truly yours,

Crescent Leander, TX, LLC  
A Delaware Limited Liability Company

By:   
Thomas G. Tucker, Vice President

Any notice mailed to the Developer shall be addressed:

Crescent Leander, TX, LLC  
c/o  
Tommy Tucker  
Residential Vice President  
Crescent Communities  
7000 N. Mopac Expressway  
Suite 200  
Austin, TX 78731

TTucker @ crescentcommunities.com  
p (512) 514-6920  
f (512) 514-6001

**ORDINANCE NO #**

**ORDINANCE OF THE CITY OF LEANDER, TEXAS, AMENDING THE PLANNED UNIT DEVELOPMENT KNOWN AS THE TRANSIT ORIENTED DEVELOPMENT DISTRICT FOR SEVERAL PARCELS OF LAND BY CREATING THE BRYSON PLANNED UNIT DEVELOPMENT AND ADOPTING A PLANNED UNIT DEVELOPMENT PLAN FOR SUCH PARCELS; MAKING FINDINGS OF FACT; AND PROVIDING FOR RELATED MATTERS.**

**Whereas**, the owner of the property described herein after (the "Property"), which is located within the planned unit development known as the Transit Oriented Development District (the "TODD"), has requested that the Property be rezoned and a planned unit development plan (the "PUD plan") for the Oak Creek Planned Unit Development ("PUD") be adopted;

**Whereas**, after giving at least ten days written notice to the owners of land within two hundred feet of the Property, the Planning & Zoning Commission held a public hearing on the proposed rezoning and forwarded its recommendation on the rezoning to the City Council;

**Whereas**, after publishing notice of the public hearing at least fifteen days prior to the date of such hearing, the City Council at a public hearing has reviewed the request and the circumstances of the Property and finds that a substantial change in circumstances of the Property, sufficient to warrant a change in the zoning of the Property, has transpired;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEANDER, TEXAS, THAT:**

**Section 1. Findings.** The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

**Section 2. Amendment of TODD Ordinance.** Ordinance No.05-026, as amended, the City of Leander TODD Ordinance, is hereby modified and amended for these Properties as set forth in Section 3.

**Section 3. Property Rezoned.** The TODD Ordinance is hereby amended by creation of the Bryson PUD and adoption of the PUD plan attached hereto as Exhibit "C" and incorporated herein for all purposes for several parcels, which are herein referred to as the "Property," generally located to the northeast of the intersection of 183A Toll Road & East San Gabriel Parkway, and more particularly described as follows: those certain parcels of land being 490 acres, more or less, located in Leander, Williamson County, Texas, being more particularly shown and described in Exhibits "A" and "B"; and identified by tax identification numbers R032104, R032237, R485832, R485833, R485834, R032103, R032211, R032196, R525991, and R525993. The Property is zoned to the planned unit development district known as the Bryson PUD within the TODD. The Property shall be developed and occupied in compliance with the PUD plan attached hereto as Exhibit C, the Conventional Development Sector Standards of the Smart Code (defined in the TODD Ordinance), the Composite Zoning Ordinance, and other applicable regulations of the City.

**Section 4. Recording Zoning Change.** The City Council directs the City Secretary to record this zoning classification on the City's official zoning map with the official notation as prescribed by the City's zoning ordinance.

**Section 5. Severability.** Should any section or part of this ordinance be held unconstitutional, illegal, or invalid, or the application to any person or circumstance for any reasons thereof ineffective or inapplicable, such unconstitutionality, illegality, invalidity, or ineffectiveness of such section or part shall in no way affect, impair or invalidate the remaining portion or portions thereof; but as to such remaining portion or portions, the same shall be and remain in full force and effect and to this end the provisions of this ordinance are declared to be severable.

**Section 6. Open Meetings.** That it is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapt. 551, Loc. Gov't. Code.

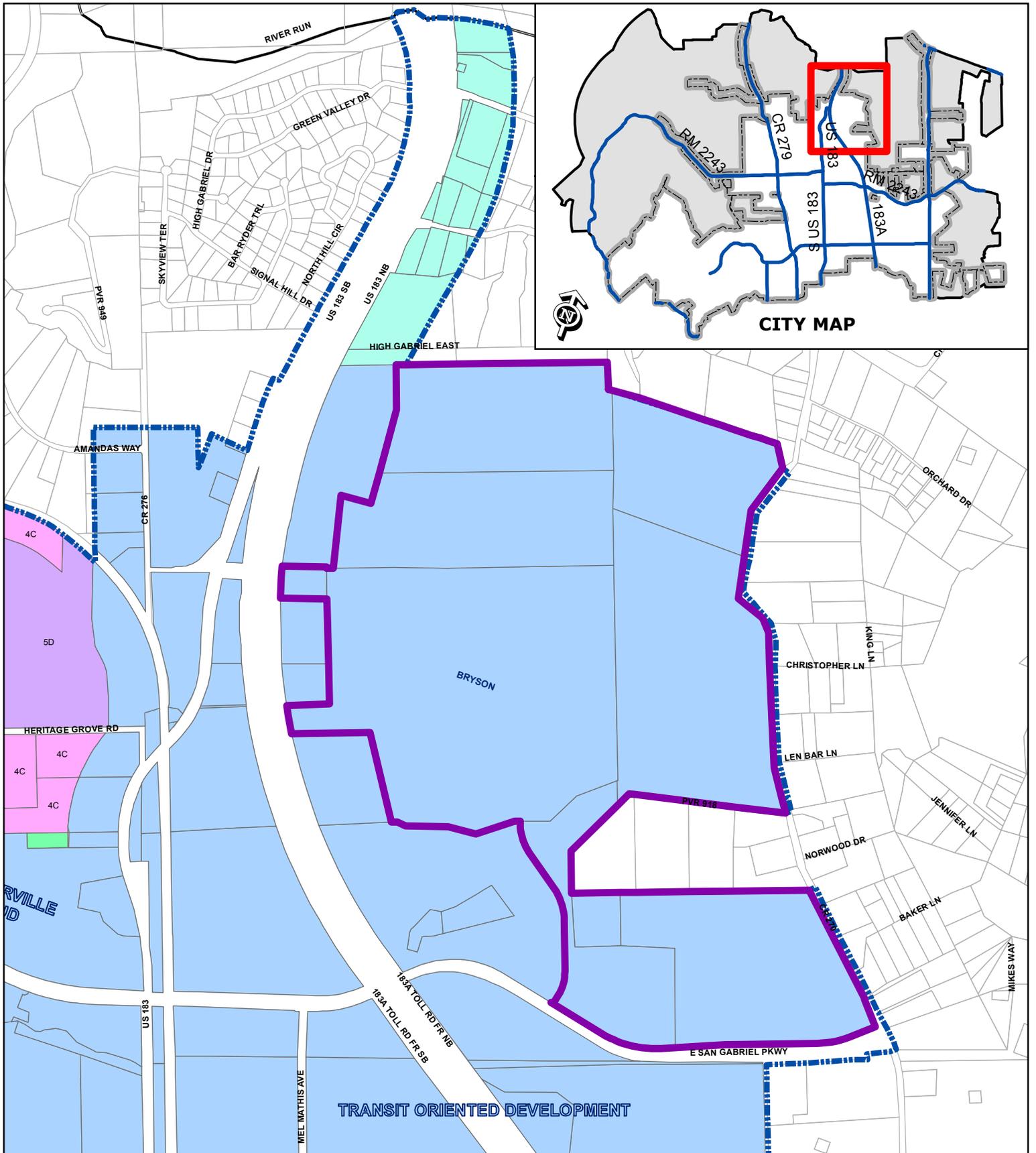
**PASSED AND APPROVED** on First Reading this the 21<sup>st</sup> day of August, 2014.  
**FINALLY PASSED AND APPROVED** on this the 4<sup>th</sup> day of September, 2014.

**THE CITY OF LEANDER, TEXAS**

**ATTEST:**

\_\_\_\_\_  
Christopher Fielder, Mayor

\_\_\_\_\_  
Debbie Haile, City Secretary



## EXHIBIT B

### Zoning Case 14-Z-018

Bryson PUD



	Subject Property		SFR		SFT		GC
	City Limits		SFE		SFU/MH		HC
	Future Annexation Per DA		SFS		TF		HI
	Involuntary Annexation		SFU		MF		PUD
	Voluntary Annexation		SFC		LO		
			SFL		LC		



## Bryson Planned Unit Development

### I. General Notes

- A. The PUD consists of approximately 490.00 acres (the “Property”) located in Williamson County, Leander, Texas, as particularly described in Exhibit 1 attached to this PUD ordinance.
- B. Except as otherwise provided in this PUD ordinance, the Property and PUD shall be governed by the Composite Zoning Ordinance of the City of Leander in effect as of the date of this PUD Ordinance (the “Zoning Ordinance”). Any capitalized terms used herein but not defined herein shall have the meanings ascribed to them in the Composite Zoning Ordinance.

### II. Zoning Districts

- A. The PUD consists of two use districts depicted on Exhibit 1, the Conceptual Site Layout & Land Use Plan attached hereto, including:
  - 1. MU (Mixed Use) containing approximately 82.61 acres; and
  - 2. RES (Residential) containing approximately 407.60 acres;

### III. Use Components

- A. Allowed uses. The following table contains the use components allowed within the MU & RES zoning use district boundaries shown on Exhibit 1 attached to this PUD ordinance. The total number of single family units shall not exceed 1261 units.

**Table 1**

Land Use	RES District	MU District	Lot Width	Unit Mix	
Single Family Suburban (SFS)	X		70	375	Minimum
Single Family Urban (SFU)	X	X	60	375-525	
Single Family Compact (SFC)	X	X	50	575	Maximum
Single Family Limited (SFL)	X	X	45*	200 Units	Maximum
Single Family Townhome (SFT)		X	20	213 Units	Maximum
Multi-Family (MF)		X		500 Units	Maximum
Local Commercial (LC)		X		25% of MU Area	Maximum

\*35' width for rear load.

- B. RES – Residential District Permitted Uses and Limitations.
  - 1. Single-family residential lots in the RES District may be developed by the owner of the Property utilizing SFL, SFC, SFU, and SFS, use components, as more particularly set forth in Table 2 in this PUD ordinance, and according to the approved concept plan.
  - 2. Temporary modular welcome centers are permitted in a section of the RES District for no more than five (5) years after installation and then must be moved to another section for no more than five (5) years after installation.
  - 3. Licensed Food Trailers are permitted on HOA owned property or parks and are subject to permitting requirements promulgated by the City of Leander.
  
- C. MU - Mixed Use District Permitted Uses and Limitations.
  - 1. Mixed Use is defined as combining different permitted uses in the same building and/or having multiple permitted uses within the MU District. The different uses are not required to be within the same building or the same Legal Lot or Legal Tract.
  - 2. Development in the MU District shall be in accordance with the approved concept plan with no more than 500 of the units being MF-Multi Family.
  - 3. Temporary modular welcome centers are permitted in a section of the MU District for no more than five (5) years after installation and then must be moved to another section for no more than five (5) years after installation.
  - 4. Licensed Food Trailers are permitted on HOA owned property or parks and are subject to permitting requirements promulgated by the City of Leander.
  - 5. The following uses allowed within the LC use component of the Composite Zoning Ordinance shall be prohibited in the MU District:
    - (a) Funeral Home
    - (b) Cemetery

#### **IV. Site and Architectural Components and Standards**

- A. RES District.
  - 1. Development Standards for each Use Component are shown on the table attached as Table 2 to this PUD ordinance. To the extent that these requirements are inconsistent with the requirements of Article V (Site Components), Article VI (Site Standards), Article VII (Architectural Components), and Article VIII (Architectural Standards) of the Composite Zoning Ordinance, the Development Standards set forth in this PUD ordinance and Table 2 attached hereto will apply.
  - 2. RES District Architectural Standards shall comply with the Type A Architectural Component or as modified below:
    - (a) Cementitious-fiber, i.e. hardiplank or Board and Batten materials as defined below, shall be allowed to count toward the masonry requirement for homes with an architectural style that substantially conforms to the images shown in Exhibit 3, including, but not limited to Craftsman, Farmhouse, and other similar architectural styles.
    - (b) For purposes of this PUD, Hardiplank is defined as: Horizontal cementitious-fiber planking with a width not to exceed 9”, and Board and Batten is defined as board

- and batten cementitious-fiber planking with vertical member spacing not to exceed 24".
- (c) The list of design feature examples is as follows, 5 features per home are required:
- (i) Recessed entry
  - (ii) Porch
  - (iii) Ornamental Windows
  - (iv) Horizontal offset
  - (v) Standing seam metal roof
  - (vi) At least 15% of front façade comprised of window and door openings
  - (vii) Vertical elevations offset
  - (viii) Varied roof heights
  - (ix) Canopy/shed roof or other architectural elements
  - (x) Balcony
  - (xi) Integrated Planter or Wing Walls
  - (xii) Decorative garage doors
3. Landscaping Requirements for each single family lot are as follows:
- (a) Trees: 2 x 3" hardwood
  - (b) Shrubs: 20 x 5 Gal
  - (c) Shrubs: 20 x 1 Gal
  - (d) Turf: Bermuda or Zoysia, may not exceed 2/3 of the total landscape area.
  - (e) AC Units, Dry Utility Pedestals must be screened 24" min. height at planting - 36" w/in 1-2 years. Working clearance and access must be maintained.
  - (f) All plants are to be 100% native and adapted, as set forth in the Grow Green Guide to Native & Adaptive Landscape Plants published by the City of Austin Watershed Protection Department and the Texas AgriLife Extension Service
4. Peaked roof with a minimum 4:12 pitch, except for accents, dormers, porches, and other architectural features are permitted.
5. Development in the RES District of the PUD will comply with the Type 2 site component.
6. Garages in SFL, SFC, SFU, SFS lot types may protrude up to 5' past the front building façade line, but shall be subject to a 25' front setback in all instances.
7. Garages in line with or behind the front building façade may be located on the 20' front setback for all lot types.
8. Side Entry Garages in line with or behind the side building facade may be located on the 20' foot setback for all lot types.
9. For lots less than 70', only one (1) enclosed garage parking space shall be required, provided that the total number of required parking spaces is met. No more than 10% of the total lots within the PUD may utilize this standard.
10. Temporary model home parking areas are a permitted use in the RES District in areas adjacent to or nearby model home sales areas for a maximum of ten (10) years after the issuance of a site development permit for such parking area. In addition to authorized materials in the Composite Zoning Ordinance, such temporary parking areas may be constructed with crushed granite.

**Table 2**

RES District Minimum Standards		SFL (Rear Load)	SFL	SFC	SFU	SFS
Interior Lot	Lot Width	35	45	50	60	70
	Lot Depth	100	125	125	125	125
	Lot Area	3500	5625	6250	7500	8750
Corner Lot	Lot Width	45	55	60	70	80
	Lot Depth	100	125	125	125	125
	Lot Area	4500	6875	7500	8750	10000
	Building Square Footage	1050	1050	1400	1800	2100
	Side Yard Setback	5	5	5	5	5
	Rear Yard Setback	5	15	15	15	15
	Front Garage Setback	N/A	25	25	25	25
	Front Setback	10	20	20	20	20
	Street Side Building Setback	10	15	15	15	15
	Street Side Garage Setback	N/A	20	20	20	20

**B. MU District.**

1. Development in the MU District of the PUD will comply with one of the following Use, Site and Architectural Component standards:
  - (a) MF-2-A;
  - (b) SFT-2-A;
  - (c) SFL-2-A;
  - (d) SFU-2-A;
  - (e) SFC-2-A or
  - (f) LC-2-A.

2. MU District Residential Architectural Standards for SFL, SFT, or MF product (that is limited to detached structures, attached structures with 6 or fewer units, apartment style development must comply with the Type A Architectural requirements without the modifications listed) will comply with Article VII – Type A or as modified below:
  - (c) Cementitious-fiber, i.e. hardiplank or Board and Batten materials as defined below, shall be allowed to count toward the masonry requirement for homes with an architectural style that substantially conforms to the images shown in Exhibit 3, including, but not limited to Craftsman, Farmhouse, and other similar architectural styles. For purposes of this PUD, Hardiplank is defined as: Horizontal cementitious-fiber planking with a width not to exceed 9”, and Board and Batten is defined as: Board and batten cementitious-fiber planking with vertical member spacing not to exceed 24”.
  - (d) The list of design feature examples is as follows, 5 features per home are required:
    - (i) Recessed entry
    - (ii) Porch
    - (iii) Ornamental Windows
    - (iv) Horizontal offset
    - (v) Standing seam metal roof
    - (vi) At least 15% of front façade comprised of window and door openings
    - (vii) Vertical elevations offset
    - (viii) Varied roof heights
    - (ix) Canopy/shed roof or other architectural elements
    - (x) Balcony
    - (xi) Integrated Planter or Wing Walls
    - (xii) Decorative garage doors
3. Landscaping Requirements for each single family lot are as follows:
  - (a) Trees: 2 x 3" hardwood
  - (b) Shrubs: 20 x 5 Gal
  - (c) Shrubs: 20 x 1 Gal
  - (d) Turf: Bermuda or Zoysia, may not exceed 2/3 of the total landscape area.
  - (e) AC Units, Dry Utility Pedestals must be screened 24" min. height at planting - 36" w/in 1-2 years. Working clearance and access must be maintained.
  - (f) All plants are to be 100% native and adapted, as set forth in the Grow Green Guide to Native & Adaptive Landscape Plants published by the City of Austin Watershed Protection Department and the Texas AgriLife Extension Service.
4. Peaked roof with a minimum 4:12 pitch, except for accents, dormers, porches, and other architectural features
5. Development in the RES District of the PUD will comply with the Type 2 site component.
6. Garages in SFL, SFC, SFU lot types may protrude 5’ past the front building façade line, but shall be subject to a 25’ front setback in all instances.
7. Garages in line with or behind the front building façade shall be subject to a 20’ front setback for all lot types.
8. Side Entry Garages in line with or behind the side building facade may be located on the 20’ foot setback for all lot types.

9. For lots less than 70', only one (1) enclosed garage parking space shall be required. The total required number of parking spaces shall remain the same. No more than 10% of the total lots within the PUD may utilize this standard.
10. Temporary model home parking areas are a permitted use in the MU District in areas adjacent to or nearby model home sales areas for a maximum of ten (10) years after the issuance of a site development permit for such parking area. In addition to authorized materials, such temporary parking areas may be constructed with crushed granite.

**V. Roadway Design**

- A. The Bryson community will incorporate the following standards for Public Streets and Private Drives, and as outlined in Table 3 and Exhibit 2 - Street Sections
- B. Traffic calming devices such as roundabouts, traffic circles, neck downs, chicanes, etc. are permitted within Bryson, and shall be subject to approval by the City of Leander Engineer.
- C. Street Trees located in a planting median between the back of curb and sidewalk in the Public ROW shall be allowed, pursuant to a license agreement with the City of Leander.
- D. Roadway callouts on PUD Land Use Plan are minimum standards. Alternate lane configurations may be approved by the City Engineer.

**Table 3**

Public Streets and Private Drives	EC-120	RC-71	RC-61	RC-60	LS-50	AL-25	PD-28	PD-25
ROW	Varies	71	61	60	50	25	N/A	N/A
FOC-FOC	2 @ 18	46	36	34	28	20	28	25
Min. Centerline Radius	300	300	300	300	180	N/A	N/A	N/A
On Street Parking	No	Yes	Yes	No	Yes	No	Yes (one side)	No
Curb Return Radius	15	15	15	15	15	10	10	10
Curb Return Radius for Fire Lanes	N/A	N/A	N/A	N/A	N/A	N/A	25	25
Bike Lane	Yes	Yes	No	Yes	No	No	No	No
Sidewalks Required	Yes (North side only)	Yes	Yes	Yes	Yes	No	No	No

## **VI. Signage**

- A. The following modifications to the tertiary entrance signs shall be regulated by this PUD. Tertiary entrance signs may be located at the entryway into sections within the PUD, and they may be used to identify various sections that are fifteen (15) acres or greater in size in order to enhance direction within the PUD. Tertiary entrance signs shall be comprised entirely of stone, masonry or, metal with engraved lettering or with pin-mounted aluminum or steel letters. The sign face of tertiary entrance signs shall be limited to a total size of twelve (12) square feet. All signs in a public ROW will require a License Agreement. For sections that are fifteen (15) acres or greater in size with multiple entries, a tertiary sign shall be allowed at each entry.
- B. Decorative Street and Pole Mounted Banner signs are permissible in all PUD zoning districts along collector streets. The maximum banner size shall be 3' width x 6' height or 18 SF. Banner signs are permitted to advertise the Bryson Community and HOA events only. Banner signs shall require a License Agreement from the City of Leander, and shall be maintained by the Homeowner's Association (HOA).

## **VII. Lighting**

- A. Lighting constructed or installed within the PUD shall be regulated by Section 12 of Article VI (Site Component) of the Composite Zoning Ordinance in effect as of the date of this PUD Ordinance; provided, however, that all street lighting along, and within the ROW of collector streets may be decorative poles with energy efficient LED light fixtures and shall require a License Agreement and will be maintained by the Homeowner's Association (HOA).

## **VIII. Sidewalks and Trails**

- A. The main entry road off of US-183A up to the amenity center is only required to have a sidewalk on the north side of the roadway. This sidewalk shall be a minimum 8' width.
- B. When located adjacent and/or parallel to a collector street and within the right-of-way an 8' wide decomposed granite trail with a 6" width concrete ribbon curb shall be allowed in lieu of a concrete sidewalk and will require a license agreement. At least one side of the roadway is required to have a continuous concrete sidewalk that meets applicable accessibility requirements

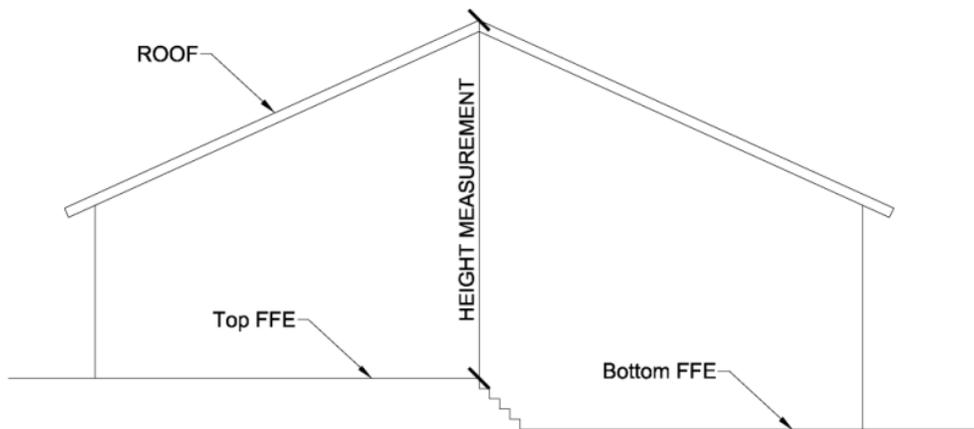
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## IX. Fencing

- A. Fencing located adjacent to greenbelts will be limited to wrought iron, tubular metal or split rail or City of Leander Planning Director approved equivalent

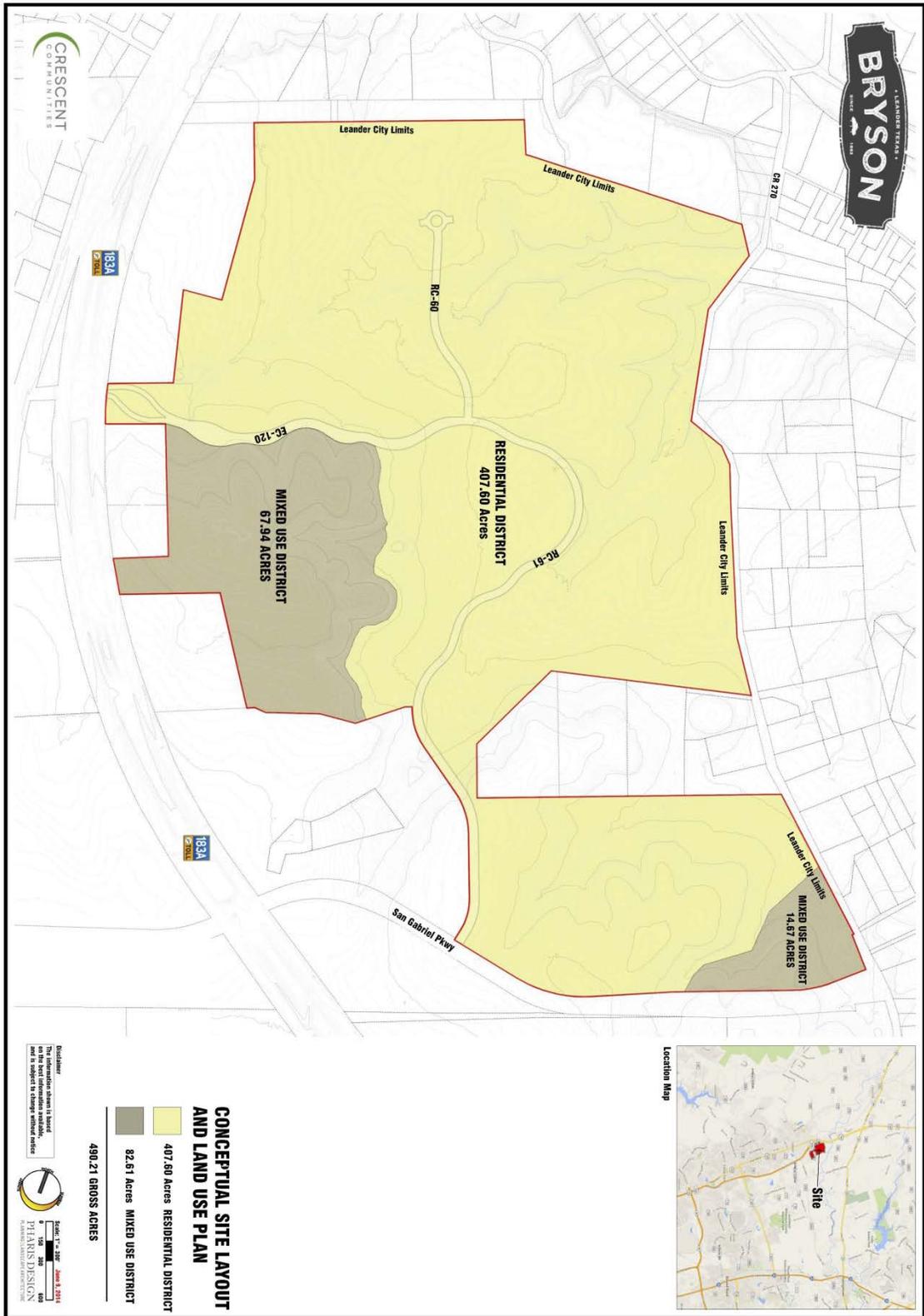
## X. Building Height

- A. Building heights shall be measured from the highest point of the finished floor elevation. In the case of split level foundations, the building height shall be measured from the highest finished floor elevation of such home. This measurement only applies to the Building Height Limitation of the Composite Zoning Ordinance.

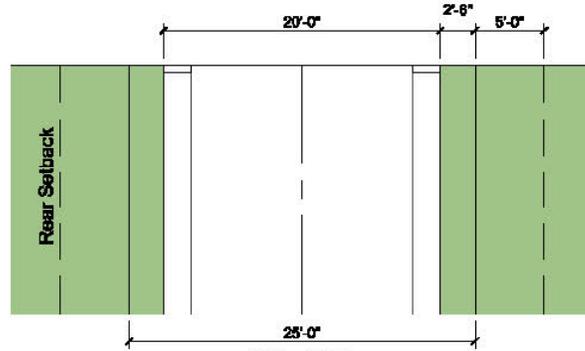


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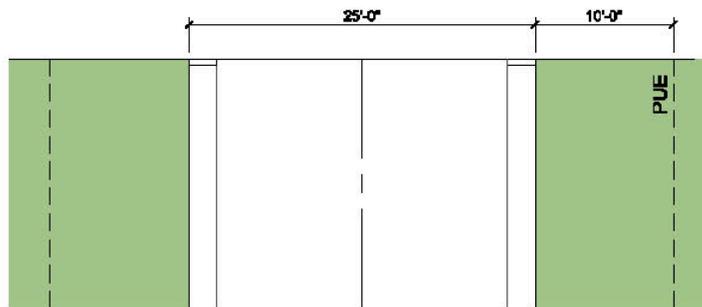
# Exhibit 1 Conceptual Site Layout & Land Use Plan



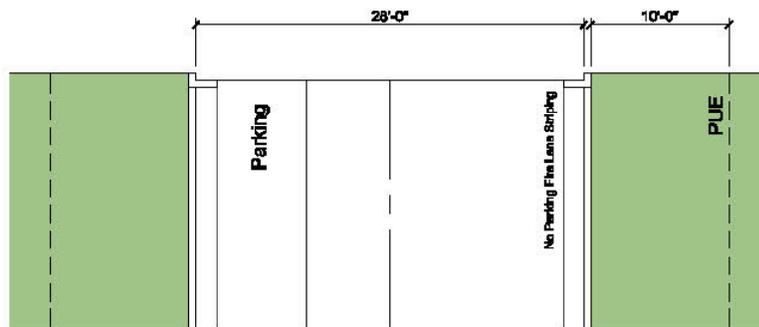
## Exhibit 2 Street Sections



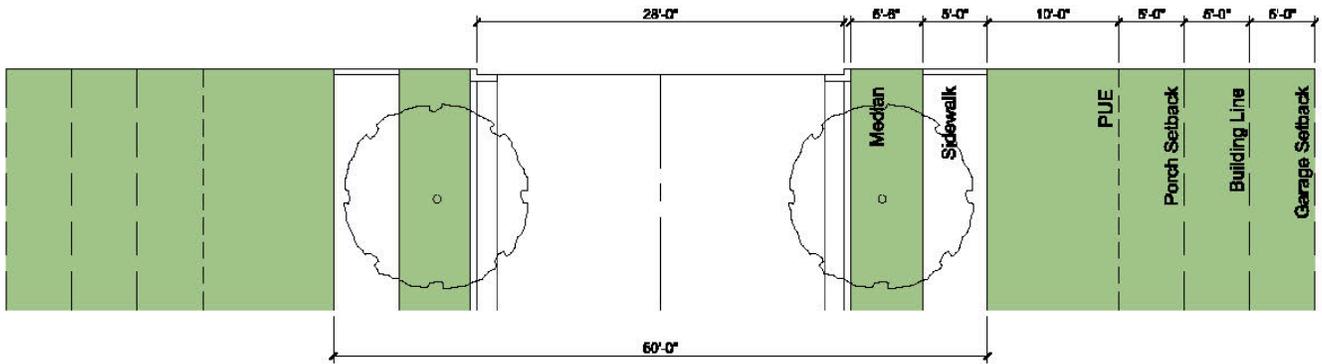
**AL-25**  
**Alley 25' ROW**



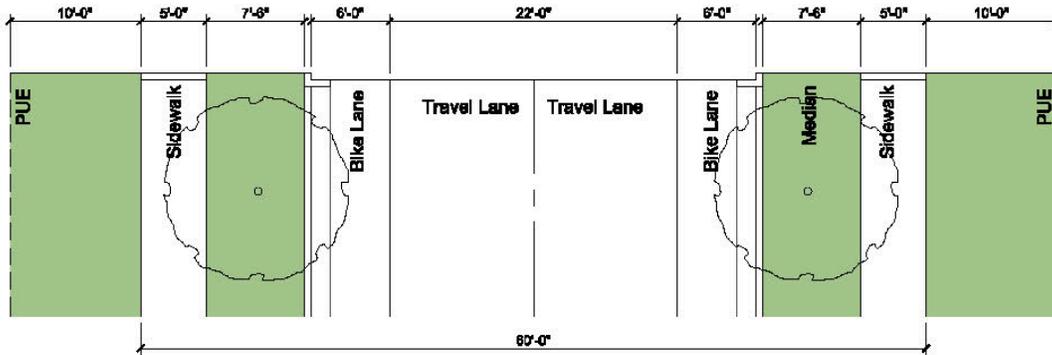
**PD-25**  
**Private Drive 25'**



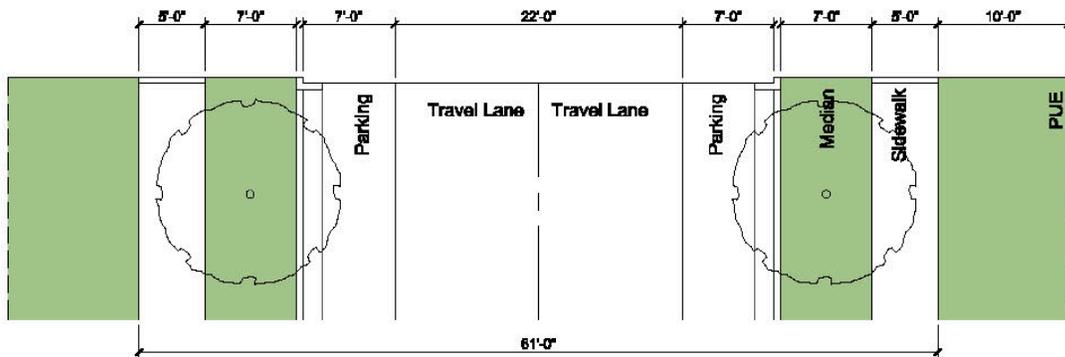
**PD-28**  
**Private Drive 28'**



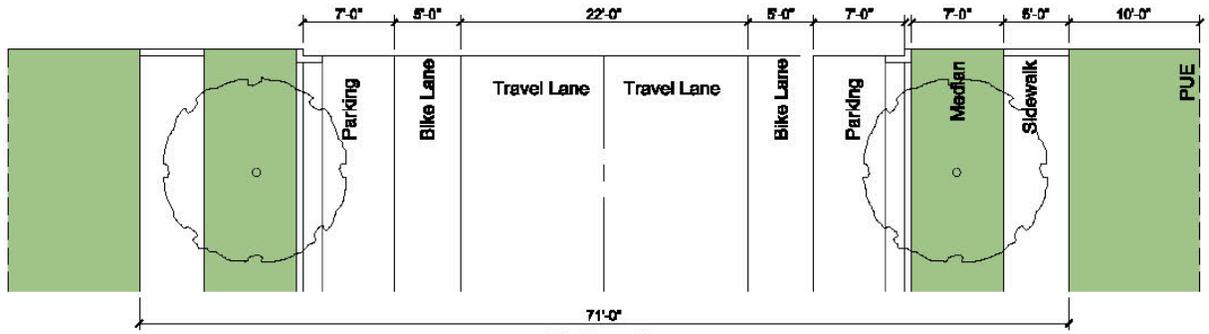
**LS-50**  
Local Street 50' ROW



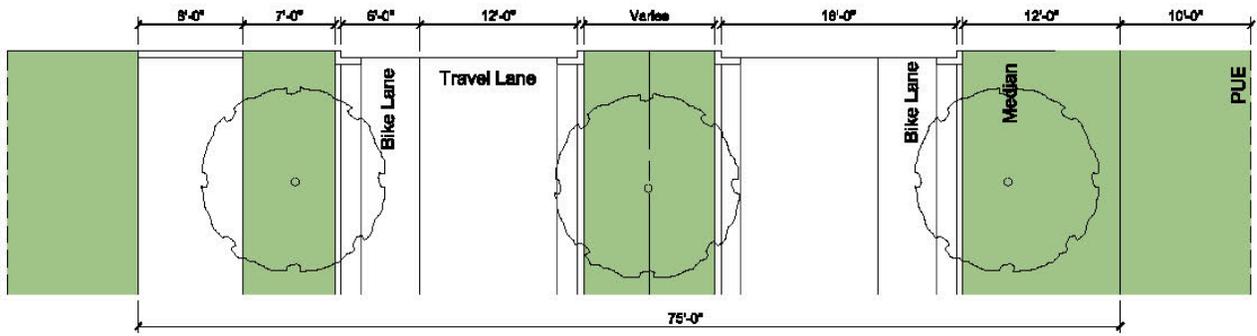
**RC-60**  
Residential Collector 60' ROW



**RC-61**  
Residential Collector 61' ROW



**RC-71**  
**Residential Collector 71' ROW**



**EC-120**  
**Entry Collector ROW Varies**

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### Exhibit 3 Architectural Styles







11. **Zoning Case 14-Z-018**: Hold a public hearing and consider action on the rezoning of several tracts of land generally located to the northeast of the intersection of Hwy 183A & E San Gabriel Pkwy. for 490 acres more or less; WCAD Parcels R032104, R032237, R485832, R485833, R485834, R032103, R032211, R032196, R525991, and R525993. Currently, the property is zoned PUD/TOD (Planned Unit Development/Transit Oriented Development) and the applicant is proposing an amendment to the PUD, Leander, Williamson County, Texas. Applicant: Stefan Pharis on behalf of Crescent Leander TX, LLC.

a) Staff Presentation

**Robin Griffin, Senior Planner stated that staff reviewed the request and it has staff approval and clarified the zoning districts requested.**

b) Applicant Presentation

**Tommy Tucker, Applicant gave a presentation**

c) Open Public Hearing

**Chairman Seiler opened the public hearing**

**JoAnn Walsh inquired about the location of the project**

d) Close Public Hearing

**Chairman Seiler closed the public hearing**

e) Discussion

**Commissioners held a discussion**

f) Consider Action

**Commissioner Wixson moved to approve with a limitation of 4 locations for food trailers. Commissioner Allen seconded the motion. Motion passed unanimously**

12. **Zoning Case 14-Z-022**: Hold a public hearing and consider action on the rezoning of several tracts of land generally located 1,350 feet east from the northeast corner from the intersection of N. Bagdad Rd. and Old 2243 W. for 28.5 acres more or less; WCAD Parcels R393879, R393878, R393877, R393876, R393875. Currently, the property is zoned HC-4-D (Heavy Commercial) and the applicant is proposing to zone the property GC-4-D (General Commercial) and MF-2-B (Multi-Family) districts, Leander, Williamson County, Texas.

a) Staff Presentation

**Martin Siwek, Planner stated that staff reviewed the request and clarified the uses allowed in the zoning district requested**

b) Applicant Presentation

**Applicant was available for questions**

c) Open Public Hearing

**Chairman Seiler opened the public hearing**

**Joann Walsh, adjacent property owner asked for renderings of the development and about the requested zoning**

d) Close Public Hearing

**Chairman Seiler closed the public hearing**

e) Discussion

**Commissioners held a discussion**

f) Consider Action

**Commissioner Anderson moved to approve with staff recommendations for GC-3-C and MF-2-B. Commissioner Sokol seconded the motion. Motion passed unanimously**



**Executive Summary**

**August 21, 2014**

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**Agenda Subject:** Zoning Case 14-Z-022: Hold a public hearing and consider action on the rezoning of several tracts of land generally located 1,350 feet east from the northeast corner from the intersection of N. Bagdad Rd. and Old 2243 W. for 28.5 acres more or less; WCAD Parcels R393879, R393878, R393877, R393876, R393875. Currently, the property is zoned HC-4-D (Heavy Commercial) and the applicant is proposing to zone the property GC-4-D (General Commercial) and MF-2-B (Multi-Family) districts, Leander, Williamson County, Texas.

**Background:** This request is the second step in the rezoning process.

**Origination:** Applicant: Bruce Nakfoor on behalf of MLMH LTD.

**Financial Consideration:** None

**Recommendation:** See Planning Analysis. The Planning & Zoning Commission recommendation will be available at the meeting.

**Attachments:**

1. Planning Analysis
2. Current Zoning Map
3. Aerial Map
4. Proposed Zoning
5. Letter of Intent
6. Ordinance
7. Minutes – Planning & Zoning Commission August 14, 2014

**Prepared By:** Tom Yantis  
Development Services Director

08/15/2014



# PLANNING ANALYSIS

ZONING CASE 14-Z-022  
Old 2243 Mixed Use

**GENERAL INFORMATION**

**Owner:** MLMH LTD

**Current Zoning:** HC-4-D (Heavy Commercial)

**Proposed Zoning:** GC-4-D (General Commercial); MF-2-B (Multi-Family)

**Size and Location:** The property is approximately 1,350 feet east from the northeast corner from the intersection of N. Bagdad Rd. and Old 2243 W. for 28.5 acres more or less.

**Staff Contact:** Martin Siwek, GISP  
Planner

**ABUTTING ZONING AND LAND USE:**

The table below lists the abutting zoning and land uses.

	ZONING	LAND USE
NORTH	SFU-2-B	Developed Single Family Homes: Estates of North Creek Ranch Subdivision
EAST	SFU-2-B	Proposed Mini-Storage Facility
SOUTH	GC-3-C SFU-2-B HC-4-D	Leander Veterinary Clinic Developed Single Family Home Vacant Property
WEST	HC-4-D	Big and Safe Self Storage

<b>COMPOSITE ZONING ORDINANCE INTENT STATEMENTS</b>
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**USE COMPONENT:****MF – MULTI-FAMILY:**

*Features:* Apartments (25 un./ac. if Type A; 18 un./ac. if Type B)

*Intent:* Development of multi-family dwelling structures. Such components are generally intended to serve as a buffer between single-family neighborhoods and more intensive uses such as commercial uses or arterial roadways. Such components are also intended to create more variety in housing opportunities and in the fabric of the community but are intended to be utilized in small areas to avoid large tracts devoted to strictly multi-family residential development. The goal is to avoid more than twenty-five (25) acres of contiguous land having a Multi-Family component. Access should be provided by a collector or higher classification street.

**GC – GENERAL COMMERCIAL:**

*Features:* Any use in LC plus bar, nightclub, entertainment venues, hospital, hotel, liquor store, office/warehouse, vehicle and equipment sales, leasing and repair, furniture sales, pet shop, wholesale activities less than 3,500 sq. ft.

*Intent:* Development of small to large scale commercial, retail, and commercial service uses located in high traffic areas. Access to this component should be provided by an arterial street. The heaviest concentration of this component should be located at intersections of arterial streets.

**SITE COMPONENT:****TYPE 2:**

*Features:* Accessory buildings greater of 10% of primary building or 120 sq. ft.; accessory dwellings for SFR, SFE and SFS; drive-thru service lanes; uses not to exceed 40,000 sq. ft.; multi-family provides at least 35% of units with an enclosed garage parking space.

*Intent:*

- (1) The Type 2 site component may be utilized with non-residential developments that are adjacent to a residential district or other more restrictive district to help reduce potential negative impacts to the more restrictive district and to provide for an orderly transition of development intensity.
- (2) The Type 2 site component is intended to be utilized for residential development not meeting the intent of a Type 1 site component and not requiring the additional accessory structure or accessory dwelling privileges of the Type 3 site component.
- (3) This component is intended to be utilized with the majority of LO and LC use components except those that meet the intent of the Type 1 or Type 3 site component or with any use requiring drive-through service lanes.
- (4) This component is generally not intended to be utilized with LI and HI use components except where such component is adjacent to, and not adequately buffered from, residential districts or other more restricted districts, and except as requested by the land owner.

**TYPE 4 (non-residential only):**

*Features:* Accessory buildings up to 60% of primary building; drive-thru service; outdoor fueling and washing of vehicles; overhead service doors; maximum outdoor display; substantial outdoor storage; outdoor entertainment venues and animal boarding.

*Intent:*

- (1) The Type 4 site component is intended to be utilized in combination with GC, LI or HI components where appropriate for moderately intense outdoor site requirements and a need to utilize the outdoor site area for significant outdoor display, storage and accessory buildings and similar permitted uses.
- (2) This site component is intended only for industrial or heavy commercial uses and may be utilized only with GC, LI or HI use components.
- (3) This site component is not intended for retail or office development not requiring the available limits of outdoor storage and accessory buildings or adjacent to residential neighborhoods where not adequately buffered from residential uses.

**ARCHITECTURAL COMPONENTS:**

**TYPE B:**

*Features:* 85% masonry 1<sup>st</sup> floor, 50% (all stories); 4 or more architectural features.

*Intent:*

- (1) The Type B architectural component is intended to be utilized for the majority of residential development except that which is intended as a Type A architectural component.
- (2) Combined with appropriate use and site components, this component is intended to help provide for harmonious land use transitions.
- (3) This component may be utilized to raise the building standards and help ensure compatibility for non-residential uses adjacent to property that is more restricted.
- (4) This component is intended for the majority of the LO and LC use components except those meeting the intent of the Type A or C architectural components.

**TYPE D (non-residential only):**

*Features:* 35% masonry (60% street facing); metal siding for remainder not facing a street; 2 or more architectural features.

*Intent:*

- (1) This architectural component is intended only for industrial warehouse, heavy commercial service and other similar applications and shall be utilized only with GC, HC or HI use components.
- (2) This component is not intended to be utilized with the majority of GC districts.
- (3) This component is not intended for retail or office development or adjacent to residential neighborhoods where not adequately buffered from residential uses.
- (4) This site component is discouraged along major thoroughfares and is intended to be utilized within industrial park development.

## COMPREHENSIVE PLAN STATEMENTS:

The following Comprehensive Plan statements may be relevant to this case:

- Provide Opportunities for coordinated, well-planned growth and development that are consistent with the Comprehensive Plan.
- Plan for continued growth and development that improves the community's overall quality of life and economic viability.
- Strive for a fiscal balance of land uses that will create a positive impact upon the City of Leander's budget and overall tax base.

## ANALYSIS:

The applicant is requesting to rezone the property from HC-4-D (Heavy Commercial) district to GC-4-D (General Commercial) district and MF-2-B (Multi-Family) district. The intent of the applicant's request is to provide a site that would support development for potential commercial pad sites and an area for an apartment complex development to the rear of the property. The GC-4-D request is proposed to extend 300 ft back from the right-of-way line of Old 2243 W., and the remaining north tract of the property is proposed area to locate the MF-2-B zoning district.

The intent statements for the General Commercial use component speaks to this component being located in high traffic areas and that access should be provided by an arterial street. Old 2243 W. is designated as an arterial class street per the City's Transportation Plan.

The intent statement of the Type 4 site component speaks to being utilized only for industrial and heavy commercial uses, and may be utilized with GC, HC, or HI use components. It also notes that it is to be utilized where appropriate for uses with moderately intense outdoor site requirements, and has the need for significant outdoor storage and display. The Type 4 component is not intended to be utilized for office and retail uses that are inadequately buffered from residential uses.

The Type 4 site component requires the following:

- Unlimited outdoor display
- Outdoor storage and container storage limited to sixty percent (60%) of the gross floor area of the primary building.
- Accessory buildings/structures with square footage no greater than sixty percent (60%) of the gross floor area of the primary building
- The combination of accessory buildings/structures and outdoor storage shall not exceed eighty percent (80%) of the gross floor area of the primary building.
- Outdoor commercial fueling and washing of vehicles is permitted per Type 3
- Outdoor animal boarding
- Outdoor entertainment venues involving substantial outdoor facilities, noise generation, or amplified sound systems.
- Overhead commercial service doors

The intent statement of the Type D architectural component speaks to this component only being utilized for heavy commercial service or industrial warehousing. It notes that it is not intended to be utilized with the majority of GC districts. It is not intended for retail or office development

adjacent to residential neighborhoods where not adequately buffered. This architectural component is discouraged along major thoroughfares and is intended to be utilized within an industrial park development.

The Type D architectural component calls for the following:

- 35% of the exterior surface area of walls (all stories) are masonry
- 60% of the exterior surface area of all street facing walls are to be masonry (all stories)
- Permits cementitious fiber board or painted metal panel for remaining materials
- Requires at least 2 design features visible from a public street or residential district.
- Permits facilities that have no exterior walls as a primary use which exposes mechanical, electrical of other facilities.

The intent statements for the Multi-Family use component speaks to being utilized as a buffer between single-family neighborhoods and more intensive uses such as commercial uses or arterial roadways. It is intended to be utilized in small areas to avoid large tracts devoted to strictly multi-family development, with the goal seeking to avoid 25 contiguous acres or more. Access should be provided by a collector or higher classification street.

The intent statement for the Type 2 site components identifies that it is to be utilized where non-residential developments are adjacent to a residential district, or other more restrictive districts. It is to be utilized with developments not requiring the accessory structure or dwelling privileges of the Type 3 site component, and is generally not used with the HC and HI use components.

The Type 2 site component requires the following:

- Accessory buildings/structures with square footage not greater than ten percent (10%) of the gross floor area of the primary building.
- Commercial outdoor animal boarding is permitted.
- Outdoor entertainment venues with substantial outdoor facilities, noise generation, and amplified sound systems are prohibited.
- Drive-through service lanes and drive-in service are permitted.
- Outdoor display is prohibited
- Outdoor storage and container storage are prohibited.
- Outdoor fuel sales are prohibited.
- At least 35% of the units of multi-family development are required to have at least one enclosed garage parking space, and parking areas shall be no wider than two parking modules wide.

The intent statement for the Type B architectural component notes that it is intended to be utilized for the majority of residential development. It is to assist with harmonious land use transitions, and is to help raise the standards for non-residential property adjacent to residential uses or property that is more restrictive.

The Type B architectural component calls for the following:

- 85% of the first surface area walls are required to be comprised of masonry.
- 50% of the exterior surface area walls (all stories) are to be comprised of masonry.

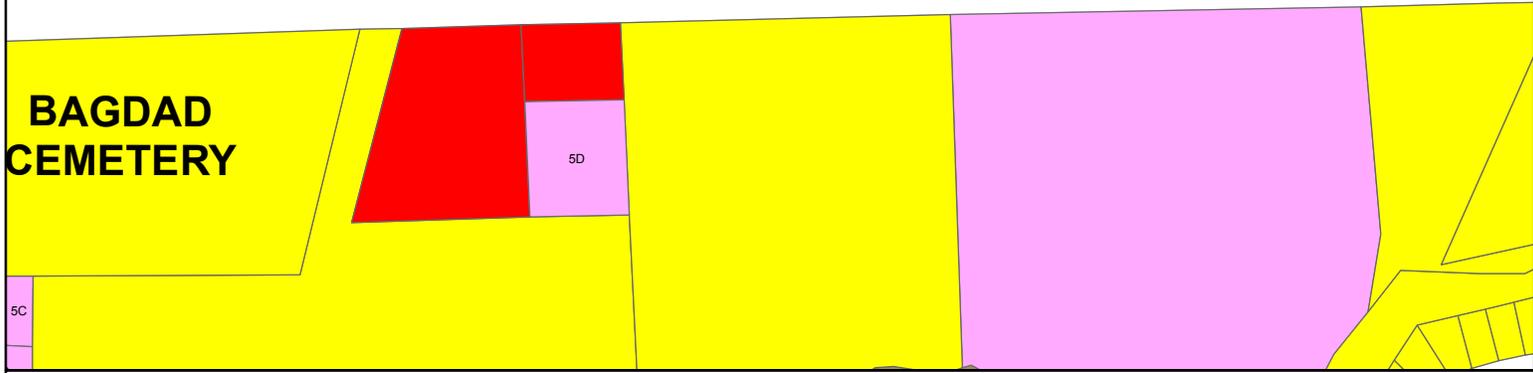
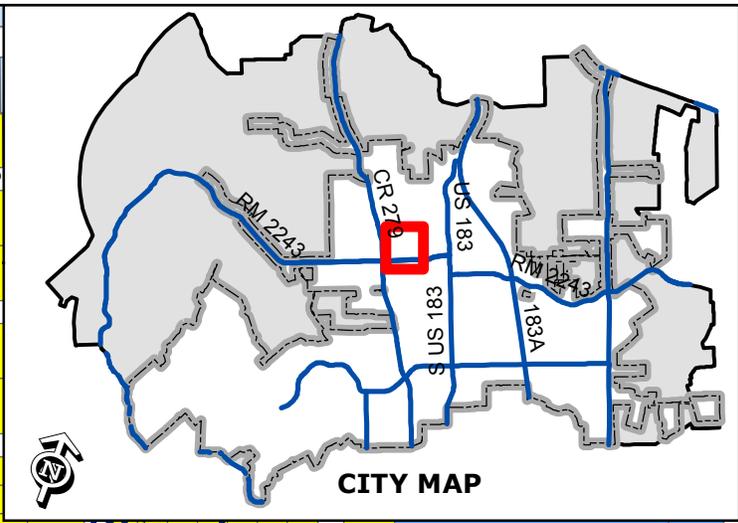
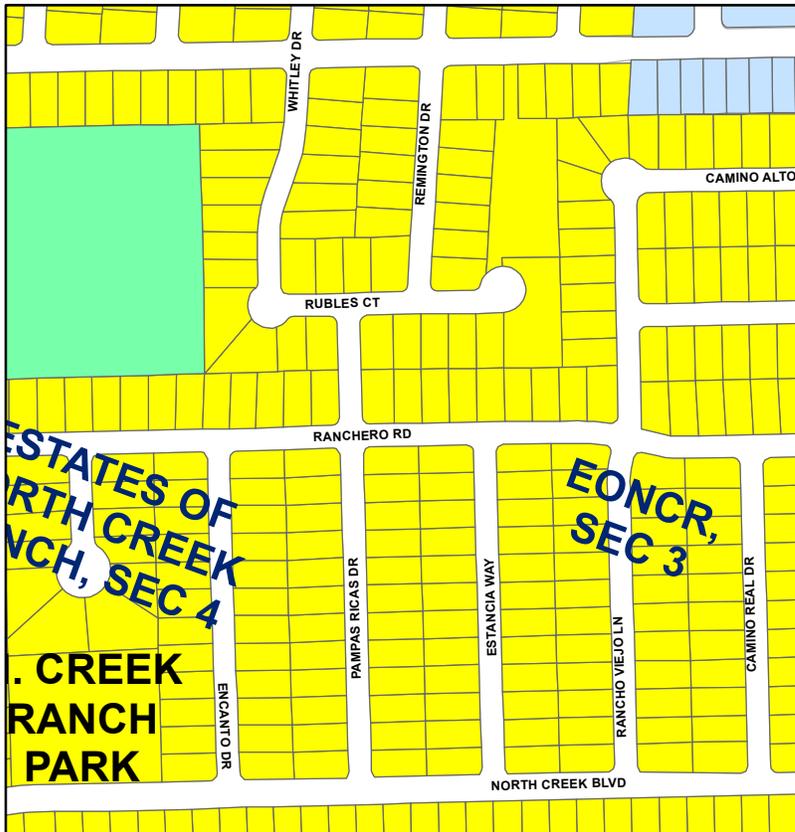
- All building fronts shall have at least four different design features to break the wall plane.
- Permits cementitious fiber planking for the remaining exterior surface materials.
- This architectural component would permit a maximum density of 18 units per acre for Multi-Family development.

**STAFF RECOMMENDATION:**

The applicant is requesting to rezone the property to GC-4-D and MF-2-B, and staff is recommending approval of GC-3-C and MF-2-B. The request for the GC-4-D district is seeking to maintain the site component and architectural requirements of the present zoning of the property. The Type 4 site component intent statement notes that it is to be utilized for industrial or heavy commercial uses, and that it should not be utilized with office or retail development without the need for the available limits of outdoor storage and accessory buildings.

The Type 3 site component would be appropriate for commercial development at this location as it scales back the amount of outdoor display to 30% of the gross floor area for primary structures, and 20% of the gross floor area of the primary structure for outdoor storage and container storage. Additionally, the Type 3 site component would limit outdoor entertainment venues that seek substantial outdoor facilities, unshielded stadium lighting, and noise generation. This would protect the future residents immediately north of the property adjacent to Old 2243 W. and the residents within the Estates of North Creek Ranch. Additionally, the intent statements for the Type D architectural component note that it is only to be used with industrial park developments, and it's not to be located along major thoroughfares. Staff is recommending the Type C architectural component as it is appropriate for most uses permitted within the GC use component.

The MF-2-B request meets the intent statements of the use component. It meets the goal of avoiding contiguous tracts of 25 acres or less, and access to it would be provided on a collector or higher class thoroughfare (Old 2243 W.).



**ZONING CASE 14-Z-022**

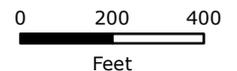
**Attachment #2**

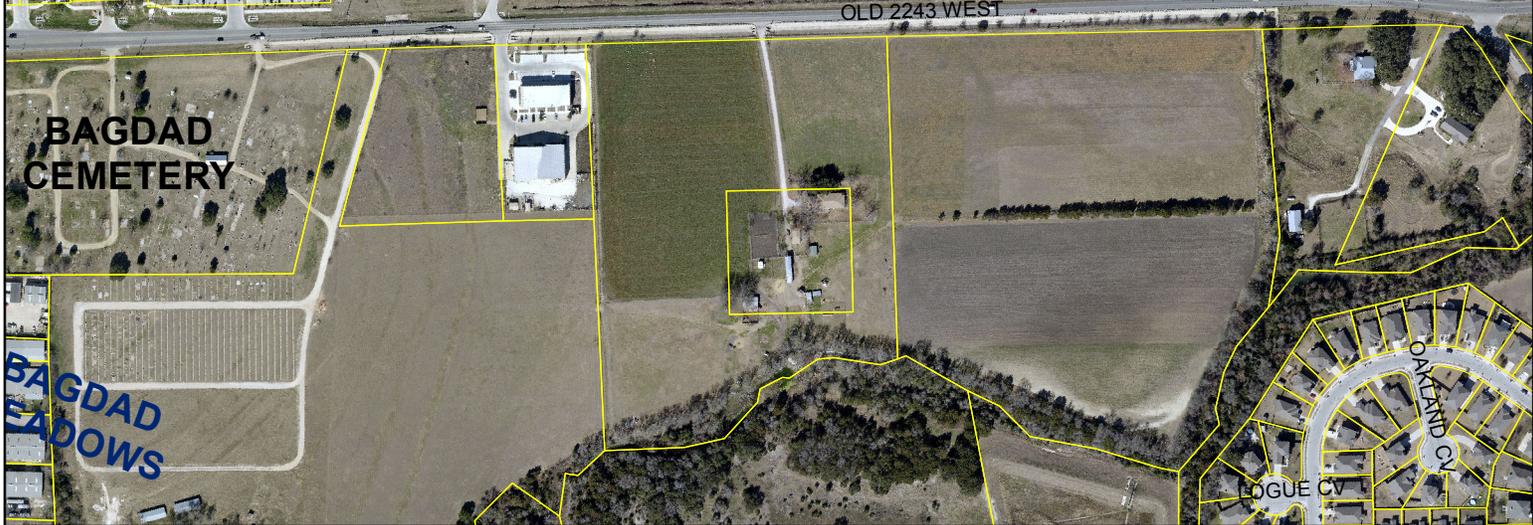
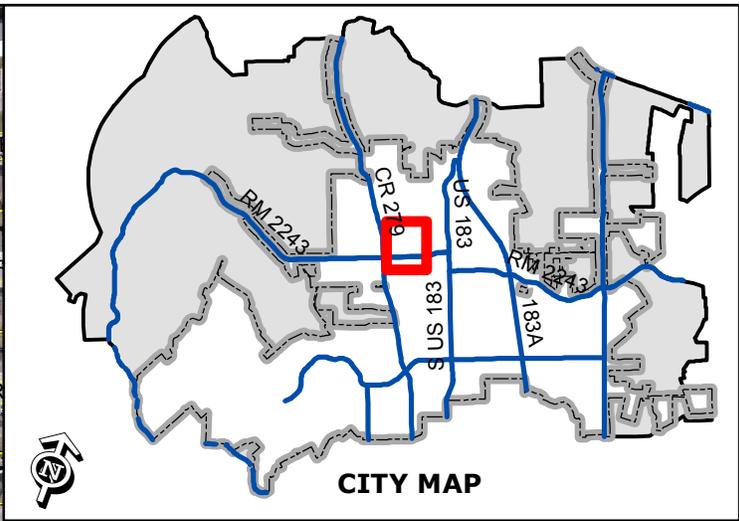
Current Zoning Map  
Old 2243 Mixed Use



-  Subject Property
-  City Limits
-  Future Annexation Per DA
-  Involuntary Annexation
-  Voluntary Annexation

- |   |  |   |
|---|--|---|
|  SFR |  SFT    |  GC  |
|  SFE |  SFU/MH |  HC  |
|  SFS |  TF     |  HI  |
|  SFU |  MF     |  PUD |
|  SFC |  LO     |   |
|  SFL |  LC     |   |





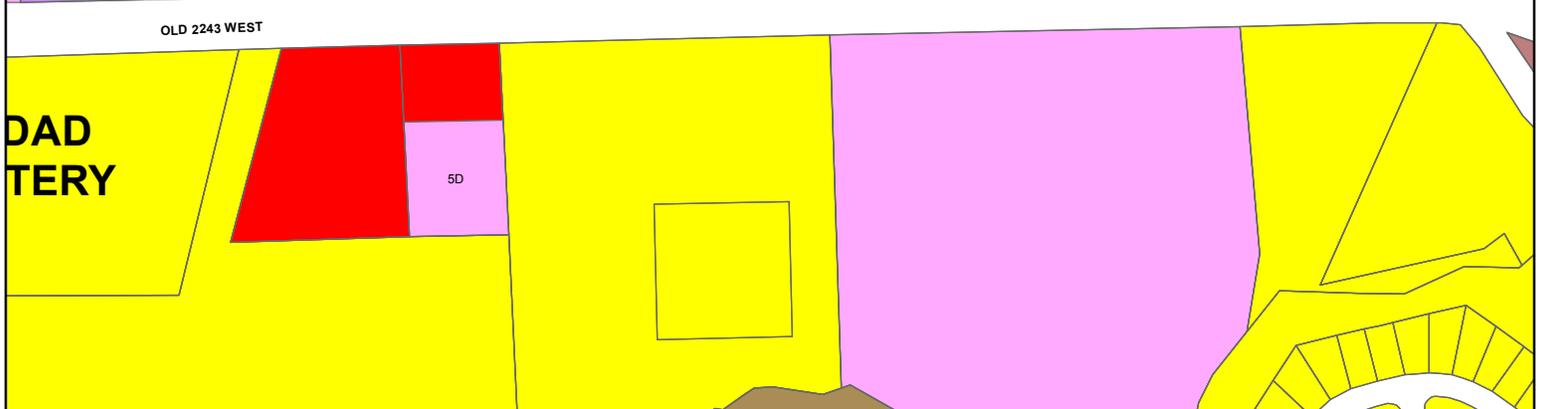
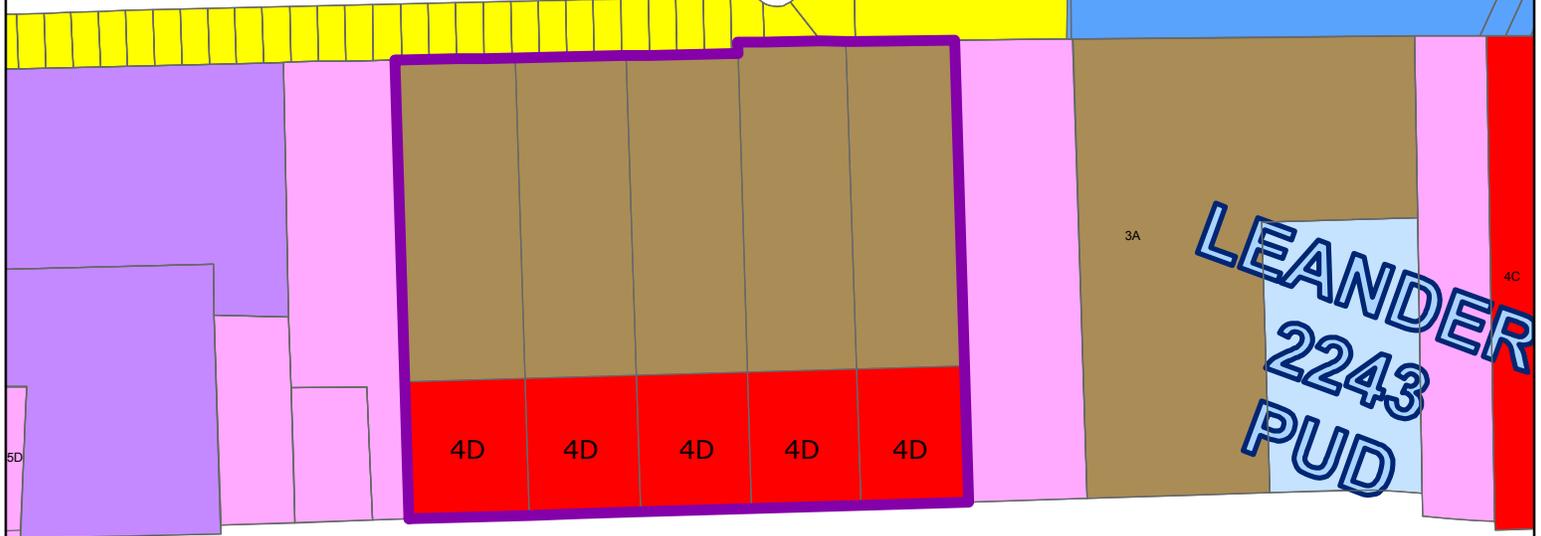
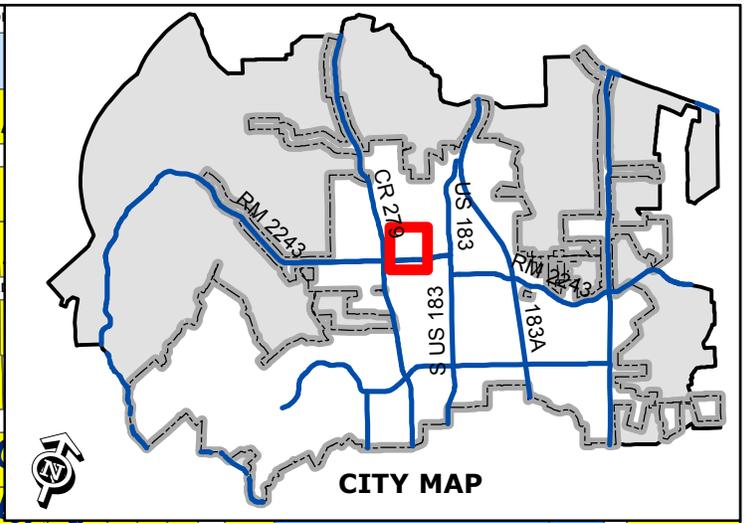
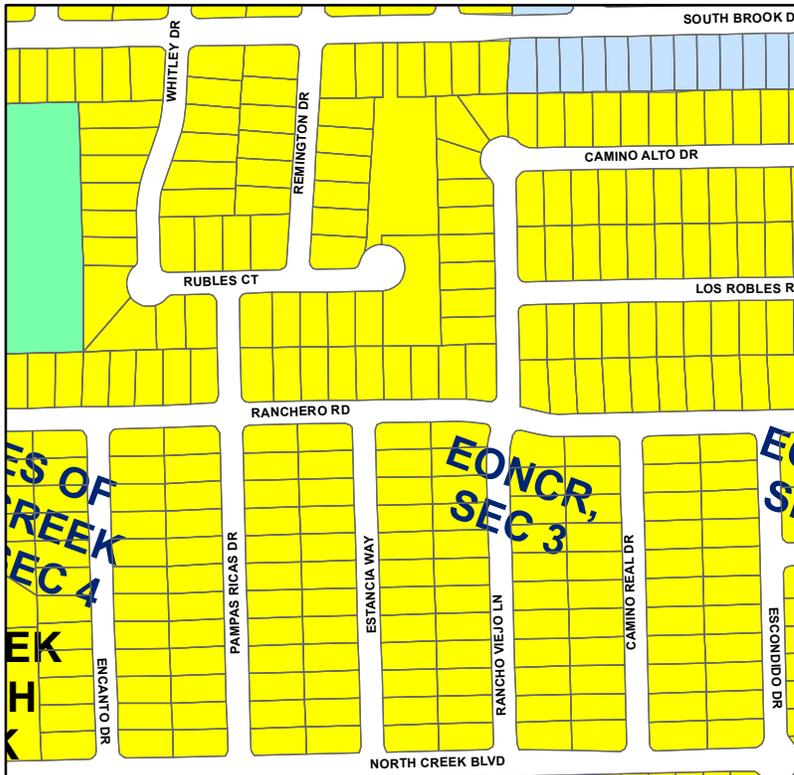
**ZONING CASE 14-Z-022 Attachment #3**

Aerial Exhibit - Approximate Boundaries  
Old 2243 Mixed Use



0 200  
Feet

 Subject Property  
 City Limits



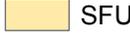
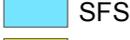
# ZONING CASE 14-Z-022

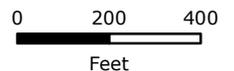
## Attachment #4

Proposed Zoning Map  
Old 2243 W Mixed Use



-  Subject Property
-  City Limits
-  Future Annexation Per DA
-  Involuntary Annexation
-  Voluntary Annexation

- |   |  |   |
|---|--|---|
|  SFR |  SFT    |  GC  |
|  SFE |  SFU/MH |  HC  |
|  SFS |  TF     |  HI  |
|  SFU |  MF     |  PUD |
|  SFC |  LO     |   |
|  SFL |  LC     |   |



Bruce Nakfoor

June 13, 2014

9119 Spinning Leaf Cove

Austin, Texas 78735

512-656-6244

City of Leander Planning Department

104 North Brushy Street

Leander, Texas 78646-0319

Re: 28 Acre Zoning Application for Lots 5,6,7,8,and 9,Block A, Replat of Lots 1-9.Block A of Leander 2243 Subdivision.

Planning Department,

I am writing you today to explain my intent to change the zoning on the above referenced property. I feel the highest and best use for the property is Multi-Family with General Commercial fronting F.M.2243. I have enclosed a statement of support from a reputable Leander resident.

The property is effectively a flat rectangle with no trees, waterways other than a drainage easement and, no existing structures.

Regards,

Bruce Nakfoor

Agent for Owner

**ORDINANCE NO #**

**ORDINANCE OF THE CITY OF LEANDER, TEXAS, AMENDING THE ZONING ORDINANCE BY REZONING SEVERAL PARCELS OF LAND FROM HC-4-D (HEAVY COMMERCIAL) TO GC-4-D (GENERAL COMMERCIAL AND MF-2-B (MULTI-FAMILY); MAKING FINDINGS OF FACT; AND PROVIDING FOR RELATED MATTERS.**

**Whereas**, the owner of the property described herein after (the "Property") has requested that the Property be rezoned;

**Whereas**, after giving at least ten days written notice to the owners of land within two hundred feet of the Property, the Planning & Zoning Commission held a public hearing on the proposed rezoning and forwarded its recommendation on the rezoning to the City Council;

**Whereas**, after publishing notice of the public hearing at least fifteen days prior to the date of such hearing, the City Council at a public hearing has reviewed the request and the circumstances of the Property and finds that a substantial change in circumstances of the Property, sufficient to warrant a change in the zoning of the Property, has transpired;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEANDER, TEXAS, THAT:**

**Section 1. Findings.** The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

**Section 2. Amendment of Zoning Ordinance.** Ordinance No. 05-018, as amended, the City of Leander Composite Zoning Ordinance (the "Zoning Ordinance" or "Code"), is hereby modified and amended by rezoning the Property as set forth in Section 3.

**Section 3. Applicability.** This ordinance applies to the following parcels of land, which is herein referred to as the "Property." That certain parcel of land being 28.5 acres, more or less, located in Leander, Williamson County, Texas, being more particularly described in Exhibit "A", legally described as Lots 5-9, Block A of the Replat of Lots 1-9, Block A of Leander 2243 Subdivision; more particularly described in Document Number 2001055146 of the Official Public Records of Williamson County, Texas, and identified by tax identification numbers R393879, R393878, R393877, R393876, and R393875.

**Section 4. Property Rezoned.** The Zoning Ordinance is hereby amended by changing the zoning district for the Property from HC-4-D (Heavy Commercial) to GC-4-D (General Commercial) for the first 300 feet north of Old 2243 W and MF-2-B (Multi-Family) for the remainder as shown in Exhibit "A".

**Section 5. Recording Zoning Change.** The City Council directs the City Secretary to record this zoning classification on the City's official zoning map with the official notation as prescribed by the City's zoning ordinance.

**Section 6. Severability.** Should any section or part of this ordinance be held unconstitutional, illegal, or invalid, or the application to any person or circumstance for any reasons thereof ineffective or inapplicable, such unconstitutionality, illegality, invalidity, or ineffectiveness of such section or part shall in no way affect, impair or invalidate the remaining portion or portions thereof; but as to such remaining portion or portions, the same shall be and remain in full force and effect and to this end the provisions of this ordinance are declared to be severable.

**Section 7. Open Meetings.** That it is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapt. 551, Loc. Gov't. Code.

**PASSED AND APPROVED** on First Reading this the 21<sup>st</sup> day of August, 2014.  
**FINALLY PASSED AND APPROVED** on this the 4<sup>th</sup> day of September, 2014.

**THE CITY OF LEANDER, TEXAS**

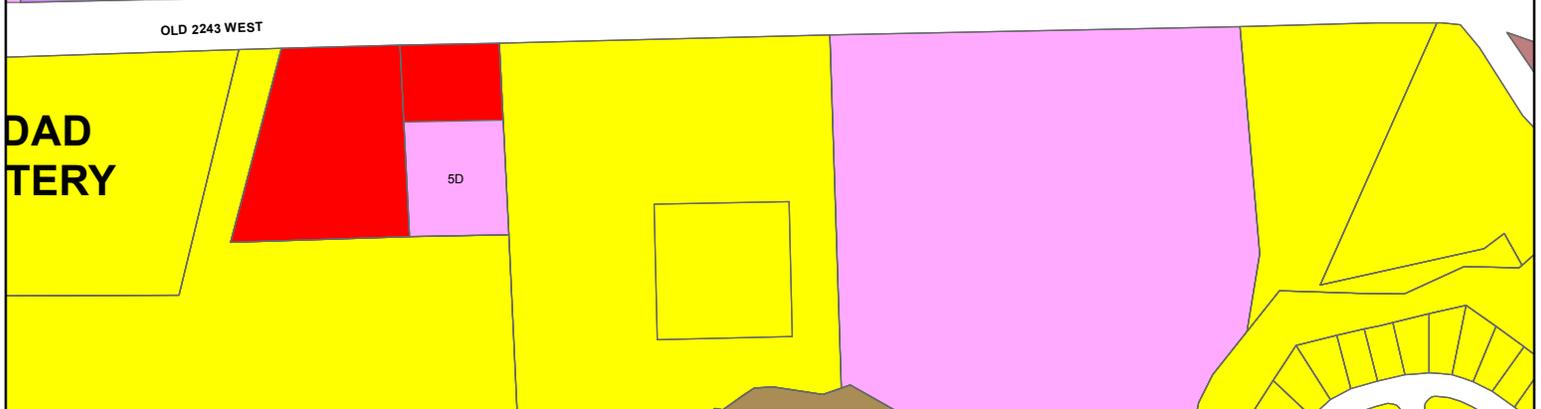
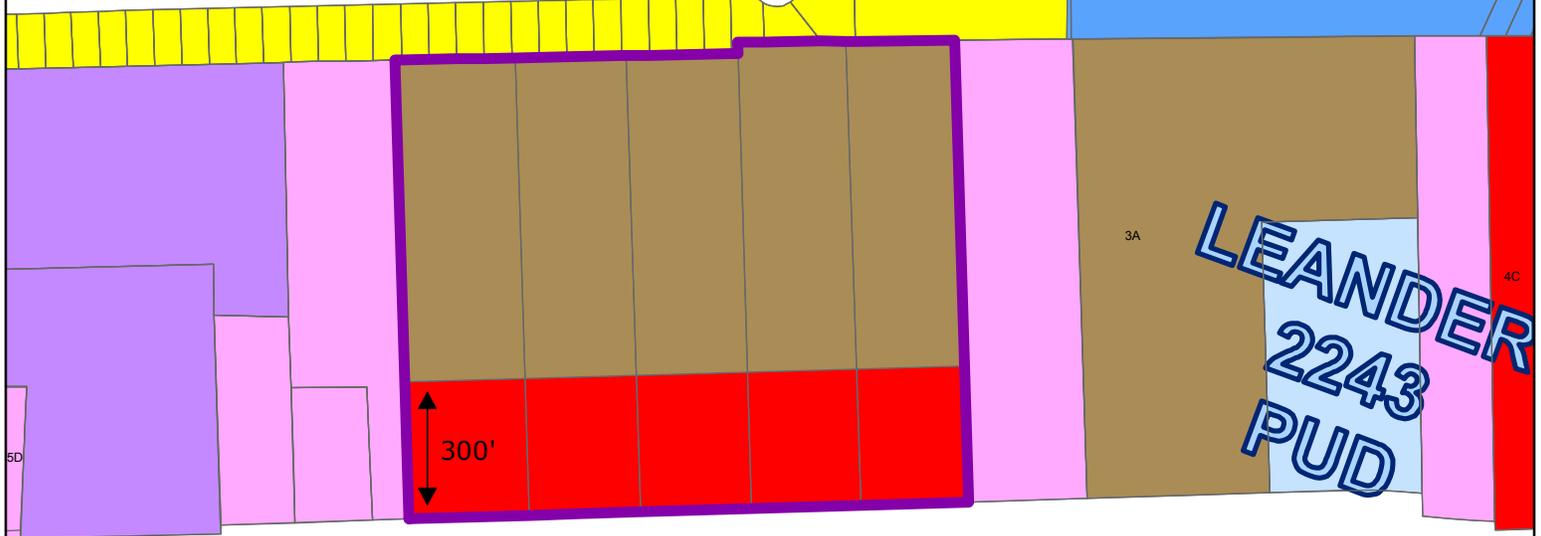
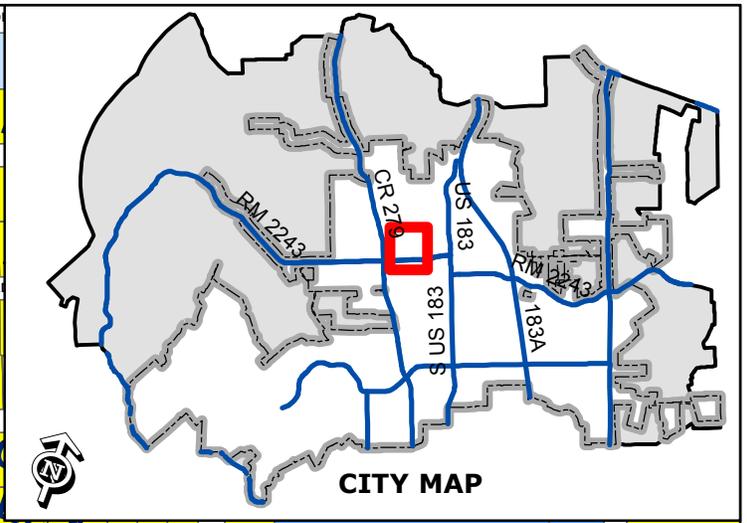
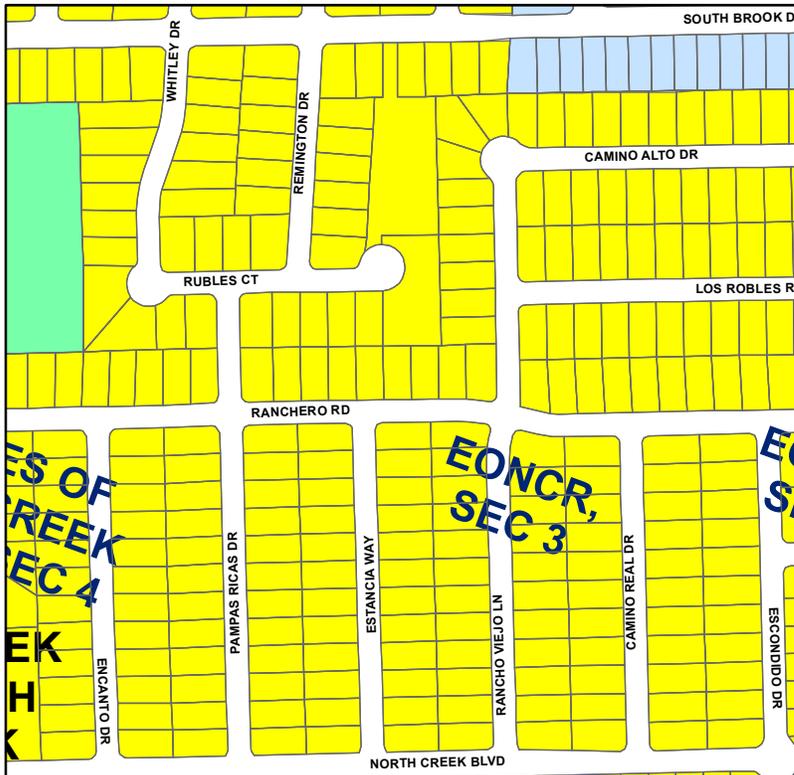
**ATTEST:**

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Christopher Fielder, Mayor

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Debbie Haile, City Secretary



**EXHIBIT A**

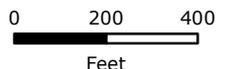
**Zoning Case  
14-Z-022**

Current Zoning Map  
Old 2243 W Mixed Use



- Subject Property
- City Limits
- Future Annexation Per DA
- Involuntary Annexation
- Voluntary Annexation

- |     |        |     |
|-----|--------|-----|
| SFR | SFT    | GC  |
| SFE | SFU/MH | HC  |
| SFS | TF     | HI  |
| SFU | MF     | PUD |
| SFC | LO     |     |
| SFL | LC     |     |



11. Zoning Case 14-Z-018: Hold a public hearing and consider action on the rezoning of several tracts of land generally located to the northeast of the intersection of Hwy 183A & E San Gabriel Pkwy. for 490 acres more or less; WCAD Parcels R032104, R032237, R485832, R485833, R485834, R032103, R032211, R032196, R525991, and R525993. Currently, the property is zoned PUD/TOD (Planned Unit Development/Transit Oriented Development) and the applicant is proposing an amendment to the PUD, Leander, Williamson County, Texas. Applicant: Stefan Pharis on behalf of Crescent Leander TX, LLC.

a) Staff Presentation

**Robin Griffin, Senior Planner stated that staff reviewed the request and it has staff approval and clarified the zoning districts requested.**

b) Applicant Presentation

**Tommy Tucker, Applicant gave a presentation**

c) Open Public Hearing

**Chairman Seiler opened the public hearing**

**JoAnn Walsh inquired about the location of the project**

d) Close Public Hearing

**Chairman Seiler closed the public hearing**

e) Discussion

**Commissioners held a discussion**

f) Consider Action

**Commissioner Wixson moved to approve with a limitation of 4 locations for food trailers. Commissioner Allen seconded the motion. Motion passed unanimously**

12. **Zoning Case 14-Z-022**: Hold a public hearing and consider action on the rezoning of several tracts of land generally located 1,350 feet east from the northeast corner from the intersection of N. Bagdad Rd. and Old 2243 W. for 28.5 acres more or less; WCAD Parcels R393879, R393878, R393877, R393876, R393875. Currently, the property is zoned HC-4-D (Heavy Commercial) and the applicant is proposing to zone the property GC-4-D (General Commercial) and MF-2-B (Multi-Family) districts, Leander, Williamson County, Texas.

a) Staff Presentation

**Martin Siwek, Planner stated that staff reviewed the request and clarified the uses allowed in the zoning district requested**

b) Applicant Presentation

**Applicant was available for questions**

c) Open Public Hearing

**Chairman Seiler opened the public hearing**

**Joann Walsh, adjacent property owner asked for renderings of the development and about the requested zoning**

d) Close Public Hearing

**Chairman Seiler closed the public hearing**

e) Discussion

**Commissioners held a discussion**

f) Consider Action

**Commissioner Anderson moved to approve with staff recommendations for GC-3-C and MF-2-B. Commissioner Sokol seconded the motion. Motion passed unanimously**



**Executive Summary**

**August 21, 2014**

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**Agenda Subject:** Zoning Case #14-Z-020: Second reading and consider action on the rezoning of five tracts of land generally located at 3034 Hero Way approximately 3,330 feet to the east of the intersection of Hero Way and 183A Toll Road; for 41.666 acres more or less; WCAD Parcels #R031586, #R031588, #R031589, #R031584 and #R031585. Currently, the property is zoned Interim SFR-1-B (Single Family Rural) and the applicant is proposing to zone the property HC-5-D (Heavy Commercial), Leander, Williamson County, Texas.

**Background:** This request is the final step in the rezoning process. At the first reading of the ordinance the City Council modified the requested zoning to the following:

Approve with the following conditions:

- 500 feet from Hero Way to be zoned HC-4-C
- 1000 feet from north property line to be zoned HC-4-C
- Remaining portion of property (middle) to be zoned HC-5-D

The following will be prohibited uses:

- Bingo
- Hookah Lounge
- Pawn Shop
- Payday Lending Business
- Tattoo and/or Body Piercing Parlor

The following will be Prohibited Site Component Activities:

- Outdoor Entertainment Venues
- Outdoor Animal Boarding

**Origination:** Applicant: Ryan Betz on behalf of Charles H and Arleen W. Wilde.

**Financial Consideration:** None

## **AGENDA ITEM # 13**

**Recommendation:** See Planning Analysis. The Planning & Zoning Commission recommended approval of the request at the July 24, 2014 meeting with a five to two vote (Commissioners Stephenson and Allen opposing).

**Attachments:**

1. Planning Analysis
2. Current Zoning Map
3. Aerial Map
4. Letter of Intent
5. Proposed Zoning Based on the City Council Recommendation
6. Ordinance

**Prepared By:** Tom Yantis  
Development Services Director

08/15/2014



# PLANNING ANALYSIS

ZONING CASE 14-Z-020  
Larson Commercial

## GENERAL INFORMATION

**Owner:** Charles H and Arleen W. Wilde.

**Current Zoning:** Interim SFR-1-B (Single Family Rural).

**Proposed Zoning:** HC-5-D (Heavy Commercial)

**Size and Location:** The property is approximately located ½ mile from the northeast corner of the intersection of Hwy 183 A and Hero Way; and is approximately 41.666 acres more or less.

**Staff Contact:** Martin Siwek, GISP  
Planner

## ABUTTING ZONING AND LAND USE:

The table below lists the abutting zoning and land uses.

	ZONING	LAND USE
NORTH	O.C.L. (Outside of City Limits)	Developed Large Acreage Single Family Homes
EAST	O.C.L.	Developed Large Acreage Single Family Homes
SOUTH	O.C.L.	Vacant Property
WEST	O.C.L.	Developed Large Acreage Single Family Homes

## COMPOSITE ZONING ORDINANCE INTENT STATEMENTS

### USE COMPONENT:

#### **HC – HEAVY COMMERCIAL:**

*Features:* Any use in GC plus commercial laundry, contractor storage yard, lumber yards, indoor manufacture, assembly and processing, mini-warehouse, RV, trailer and boat storage, testing and research, warehouse and distribution, wholesale, wrecker impoundment.

*Intent:* Development of a variety of light manufacturing, assembly and processing businesses, storage, warehouses and lumber sales. Access should be provided by an industrial or commercial collector street.

### SITE COMPONENT:

#### **TYPE 5 (non-residential only):**

*Features:* Accessory buildings; drive-thru service; outdoor fueling and washing of vehicles; overhead service doors; maximum outdoor display and storage; outdoor entertainment venues and animal boarding.

*Intent:*

- (1) The Type 5 site component is intended to be utilized with developments that have intense outdoor site requirements and a need to utilize the outdoor site area for maximum outdoor display, storage and / or accessory buildings.
- (2) This component is intended only for industrial or the heaviest commercial uses and may be combined only with GC, LI or HI use components.
- (3) This site component is not intended for retail or office development not requiring the available limits of outdoor storage and accessory buildings or adjacent to residential neighborhoods where not adequately buffered from residential uses.
- (4) This site component is discouraged along major thoroughfares and is intended to be utilized within industrial park developments.

### ARCHITECTURAL COMPONENTS:

#### **TYPE D (non-residential only):**

*Features:* 35% masonry (60% street facing); metal siding for remainder not facing a street; 2 or more architectural features.

*Intent:*

- (1) This architectural component is intended only for industrial warehouse, heavy commercial service and other similar applications and shall be utilized only with GC, HC or HI use components.
- (2) This component is not intended to be utilized with the majority of GC districts.
- (3) This component is not intended for retail or office development or adjacent to residential neighborhoods where not adequately buffered from residential uses.
- (4) This site component is discouraged along major thoroughfares and is intended to be utilized within industrial park development.

**COMPREHENSIVE PLAN STATEMENTS:**

The following Comprehensive Plan statements may be relevant to this case:

- Provide Opportunities for coordinated, well-planned growth and development that are consistent with the Comprehensive Plan.
- Plan for continued growth and development that improves the community's overall quality of life and economic viability.
- Strive for a fiscal balance of land uses that will create a positive impact upon the City of Leander's budget and overall tax base.

**ANALYSIS:**

The applicant is requesting to rezone the property from Interim SFR-1-B to the HC-5-D district. The intent of the applicant's request is to provide a site that would support development of a business park with a mix of office, warehouse and manufacturing uses that would necessitate outside storage and assembly.

The property is presently zoned Interim SFR-1-B, and underwent its first public hearing for voluntary annexation at the July 3<sup>rd</sup>, 2014 City Council meeting and it completed its second public hearing at the July 17<sup>th</sup>, 2014 City Council meeting.

The proposed HC use component's intent statement indicates that this type of zoning classification is to be located on a collector or higher class thoroughfare. The property has frontage onto Hero Way and the future extension of E. San Gabriel Pkwy, with both roads being designated as arterial class streets per the City's Transportation Plan. Additionally, the property is located within a proposed industrial area as noted in the City's Future Land Use Map (to be adopted).

The HC use component permits a variety of uses including any uses permitted in the General Commercial use component, storage yards, assembly and processing, mini-warehouse, the storage of RV, Trailers and boats, wholesale, warehouse, and wrecker impoundment.

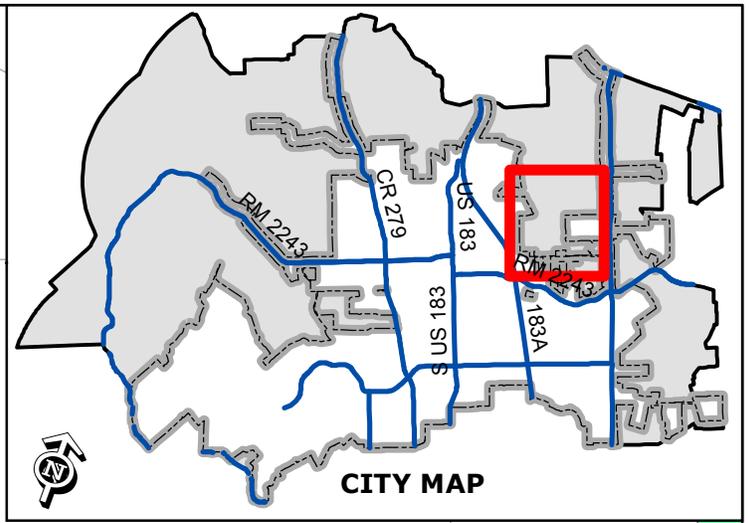
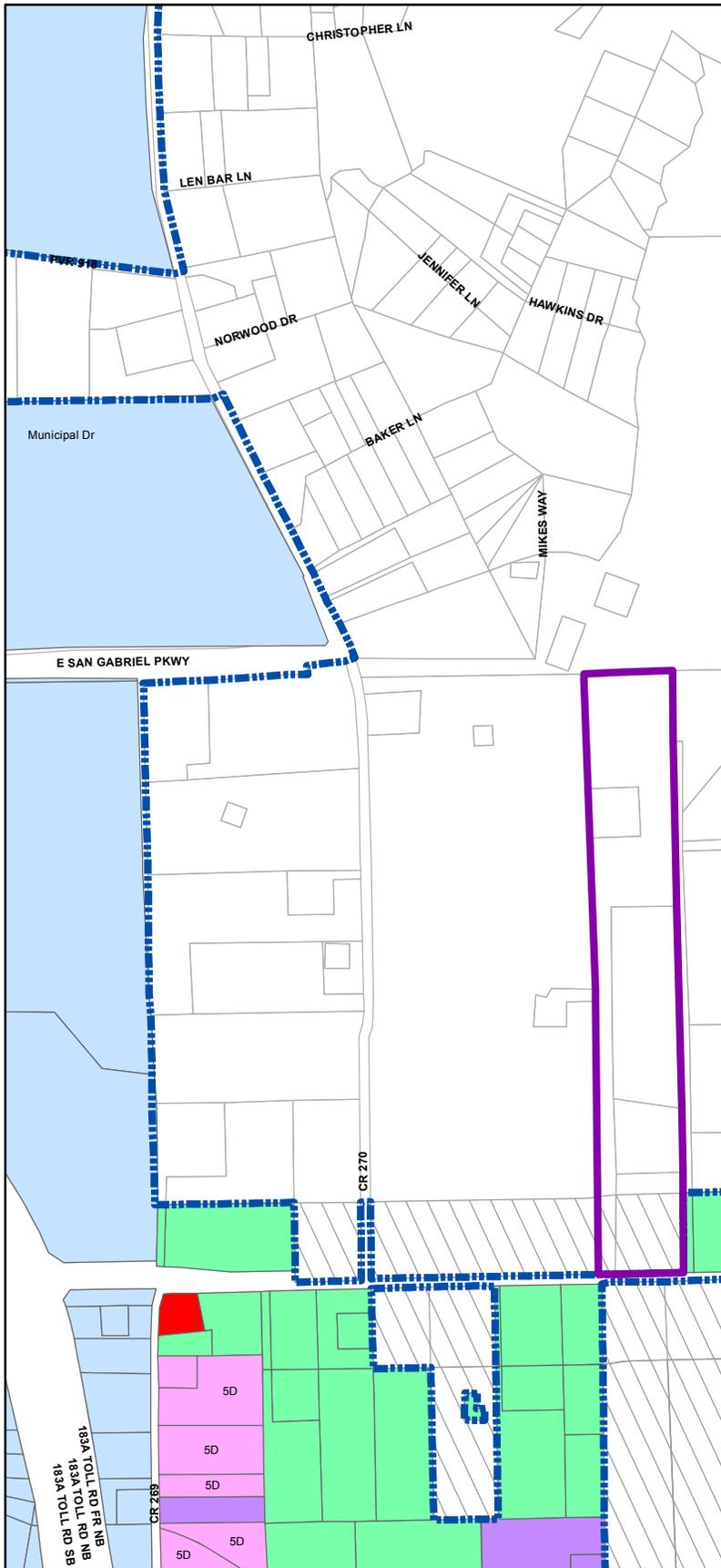
The intent statement of the Type 5 site component notes that it is to be utilized only for industrial or the heaviest commercial uses. The intent statement also notes that the Type 5 site component is to be discouraged along major thoroughfares and is intended to be utilized within industrial park developments.

The Type 5 site component permits the following:

- Unlimited outdoor storage and display.
- Outdoor entertainment venues involving substantial outdoor facilities (i.e. golf ranges, sports venues and courts, arenas, amphitheaters, and outdoor amplified sound systems etc.).
- Outdoor commercial fueling and washing of vehicles as permitted per Type 3 conditions.
- Drive-through service lanes and drive-in service lanes as permitted per Type 2 conditions.
- Overhead commercial service doors are permitted.

**STAFF RECOMMENDATION:**

Staff recommends approval of the requested HC-5-D zoning district. The requested zoning classification is proposed to be located within an industrial area as denoted by the City's Future Land Use Map (to be adopted), and is located along an arterial class street per the City's Transportation Plan.



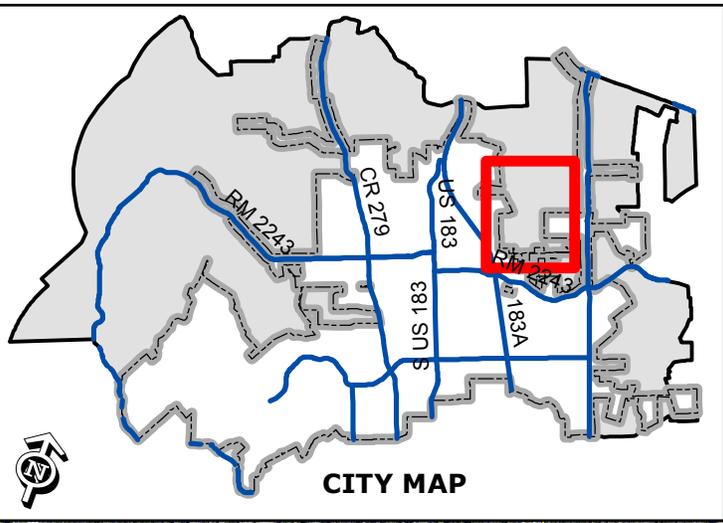
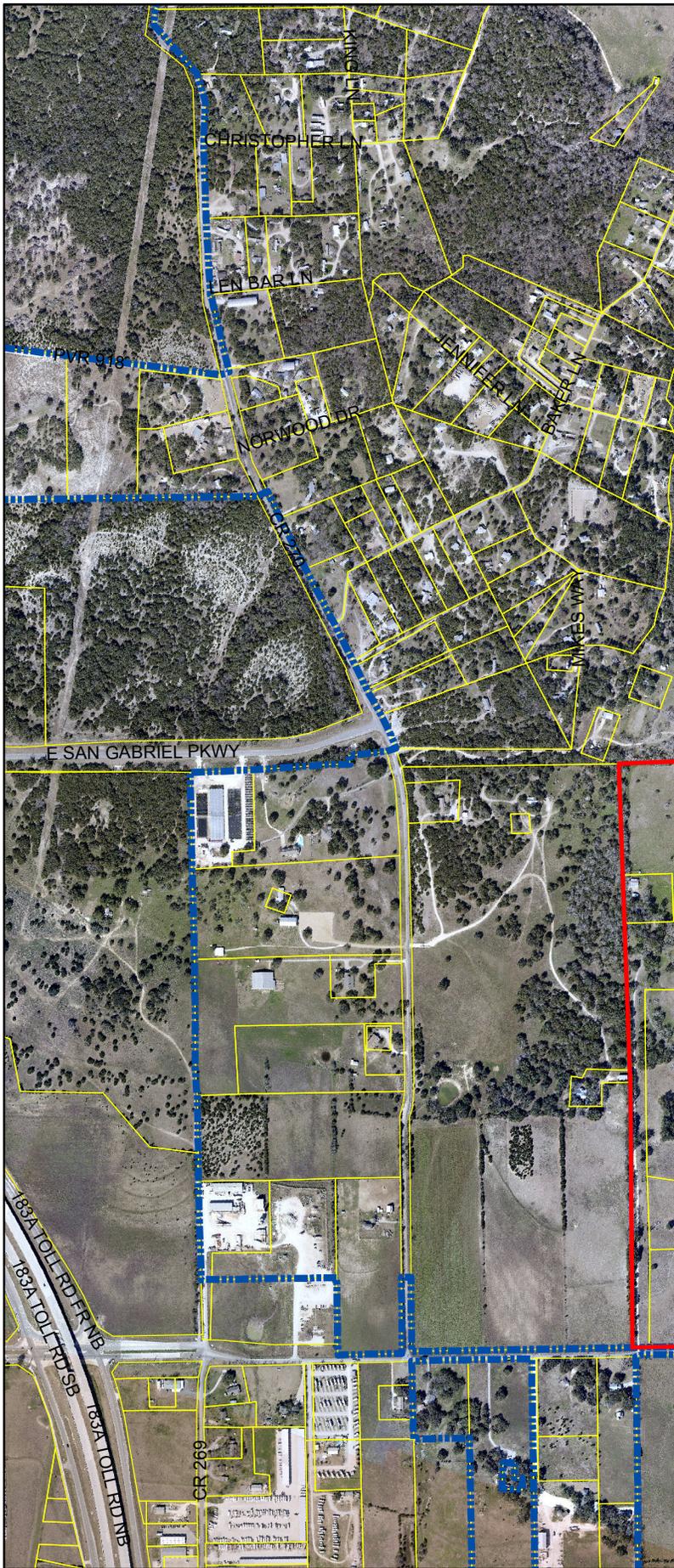
## ZONING CASE 14-Z-020

### Attachment #2

Current Zoning Map  
Larson Commercial

Subject Property	SFR	SFT	GC
City Limits	SFE	SFU/MH	HC
Future Annexation Per DA	SFS	TF	HI
Involuntary Annexation	SFU	MF	PUD
Voluntary Annexation	SFC	LO	
	SFL	LC	

0 200 400  
Feet



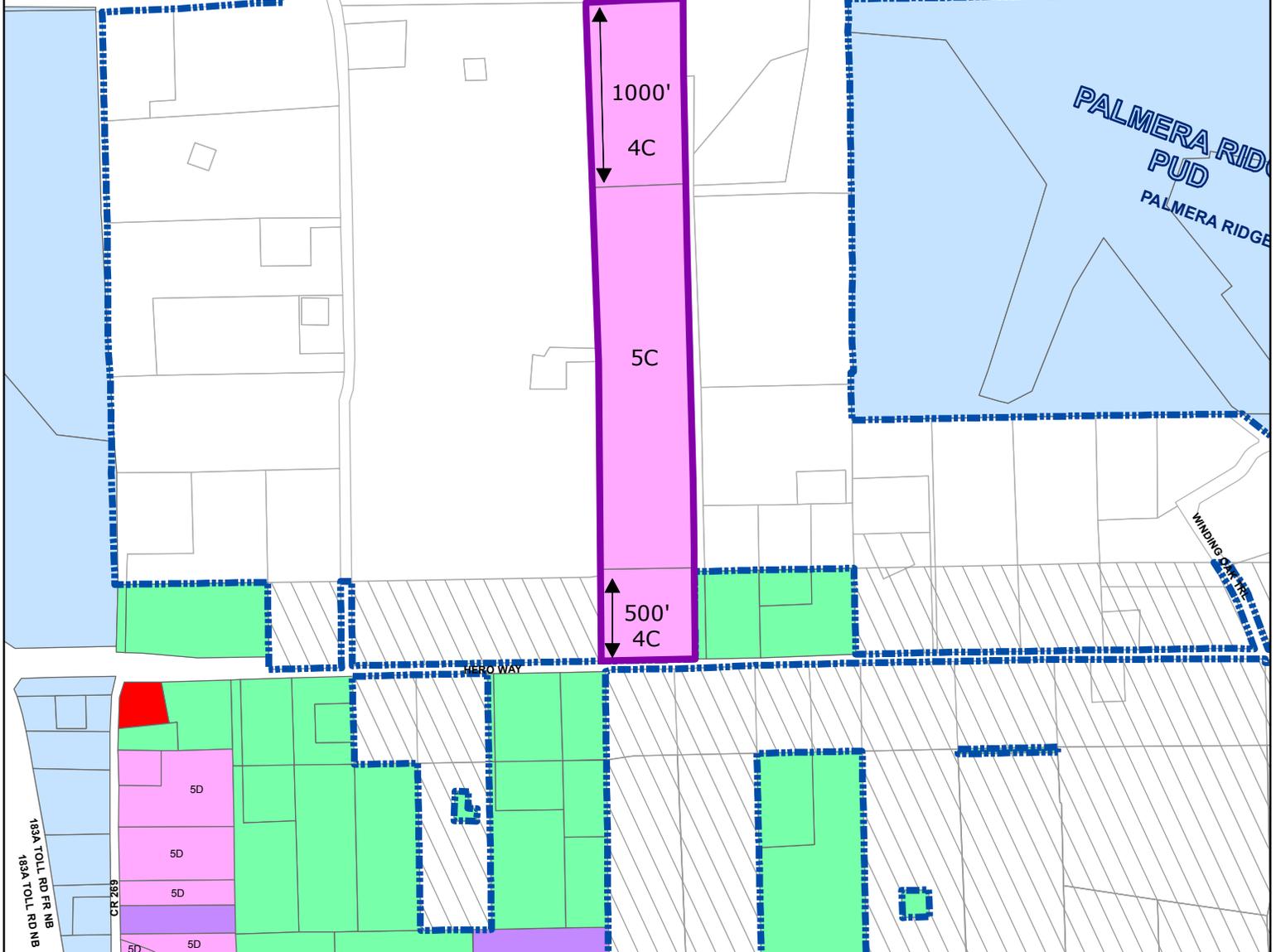
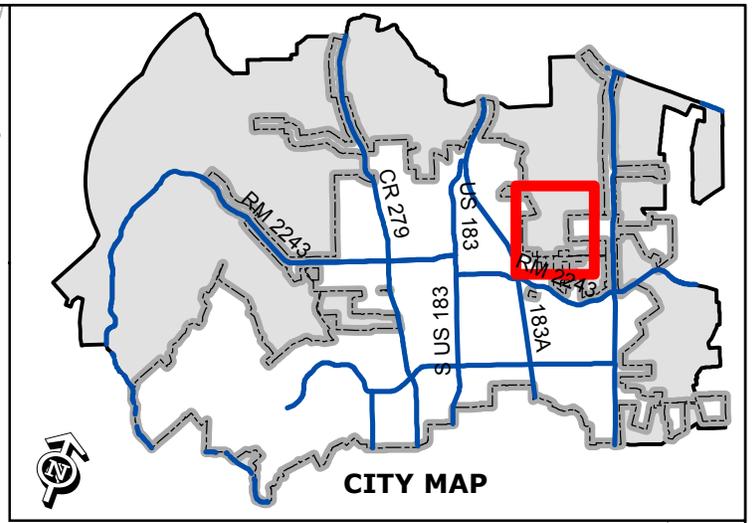
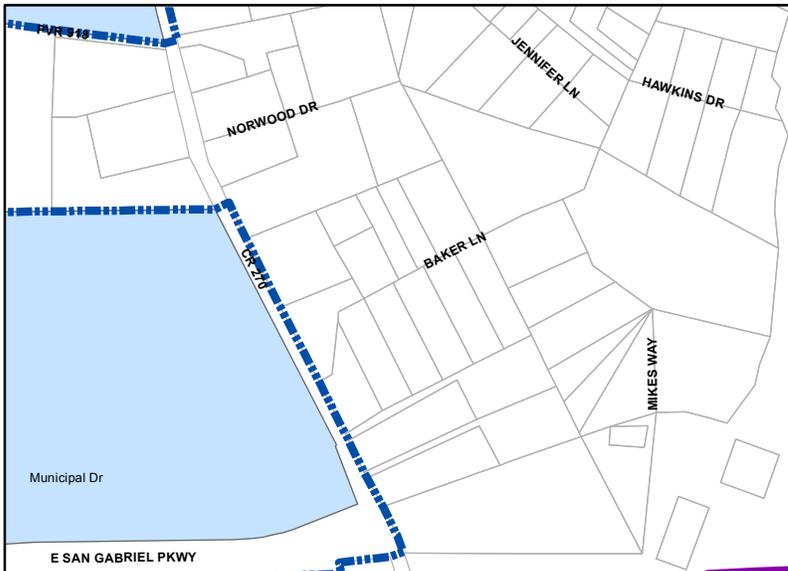
### ZONING CASE 14-Z-020 Attachment #3

Aerial Exhibit - Approximate Boundaries  
Larson Commercial



0 200  
Feet

- Subject Property
- City Limits



**ZONING CASE 14-Z-020**

**Attachment #5**

City Council Recommendation  
Larson Commercial



- Subject Property
- City Limits
- Future Annexation Per DA
- Involuntary Annexation
- Voluntary Annexation

- |     |        |     |
|-----|--------|-----|
| SFR | SFT    | GC  |
| SFE | SFU/MH | HC  |
| SFS | TF     | HI  |
| SFU | MF     | PUD |
| SFC | LO     |     |
| SFL | LC     |     |
- 0 200 400  
Feet



# Betz Company

5707 Willow Lane  
Dallas, TX 75230

## **ATTACHMENT 4**

June 24, 2014

Robin Griffin  
Senior Planner  
City of Leander  
P.O. Box 319  
Leander, TX 78646

Re: Letter of Intent for Zoning the Larson Commercial Property (41.669 acres)

Dear Robin:

Please accept this letter regarding the proposed zoning for approximately 41.669 acres ("Property"). The Property is owned by Charles H. and Arleen W. Wilde ("Owners").

On the Wilde Property, the zoning request is for HC-5-D. The requested zoning will allow for the development of a business park with a mix of office, warehouse and manufacturing uses utilizing outside storage and assembly.

I look forward to working with you on the Zoning of this Property.

Cordially,

Ryan Betz  
Manager

**ORDINANCE NO #**

**ORDINANCE OF THE CITY OF LEANDER, TEXAS, AMENDING THE ZONING ORDINANCE BY REZONING SEVERAL PARCELS OF LAND FROM INTERIM SFR-1-B (SINGLE-FAMILY RURAL) TO HC-4-C AND HC-5-D (HEAVY COMMERCIAL) WITH CONDITIONS; MAKING FINDINGS OF FACT; AND PROVIDING FOR RELATED MATTERS.**

**Whereas**, the owner of the property described herein after (the "Property") has requested that the Property be rezoned;

**Whereas**, after giving at least ten days written notice to the owners of land within two hundred feet of the Property, the Planning & Zoning Commission held a public hearing on the proposed rezoning and forwarded its recommendation on the rezoning to the City Council;

**Whereas**, after publishing notice of the public hearing at least fifteen days prior to the date of such hearing, the City Council at a public hearing has reviewed the request and the circumstances of the Property and finds that a substantial change in circumstances of the Property, sufficient to warrant a change in the zoning of the Property, has transpired;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEANDER, TEXAS, THAT:**

**Section 1. Findings.** The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

**Section 2. Amendment of Zoning Ordinance.** Ordinance No. 05-018, as amended, the City of Leander Composite Zoning Ordinance (the "Zoning Ordinance" or "Code"), is hereby modified and amended by rezoning the Property as set forth in Section 3.

**Section 3. Applicability.** This ordinance applies to the following parcels of land, which is herein referred to as the "Property." That certain parcel of land being 41.666 acres, more or less, located in Leander, Williamson County, Texas, being more particularly described in Exhibit "A", legally described as 41.666 acres of land out of the Talbot Chambers Survey, Abstract Number 125; more particularly described in Document Numbers 1985031433, 1992026622, 1994043130, and, 19971847DR of the Official Public Records of Williamson County, Texas, and identified by tax identification numbers R031586, R031588, R031589, R031584 and R031585.

**Section 4. Property Rezoned.** The Zoning Ordinance is hereby amended by changing the zoning district for the Property from Interim SFR-1-B (Single-Family Rural) to the following:

HC-4-C (Heavy Commercial) - for the first 500 feet north of Hero Way and the first 1,000 feet south of the north property line (future San Gabriel Pkwy.);

HC-5-D (Heavy Commercial) - for the remainder of the property;

Excluding the following permitted uses from the HC use component on all of the property:

- Bingo

- Hookah Lounge
- Pawn Shop
- Payday Lending Business
- Tattoo and/or Body Piercing Parlor; and

Excluding the following from the permitted site activities from the Type 4 and Type 5 site component for all of the property:

- Outdoor Entertainment Venues
- Outdoor Animal Boarding

**Section 5. Recording Zoning Change.** The City Council directs the City Secretary to record this zoning classification on the City's official zoning map with the official notation as prescribed by the City's zoning ordinance.

**Section 6. Severability.** Should any section or part of this ordinance be held unconstitutional, illegal, or invalid, or the application to any person or circumstance for any reasons thereof ineffective or inapplicable, such unconstitutionality, illegality, invalidity, or ineffectiveness of such section or part shall in no way affect, impair or invalidate the remaining portion or portions thereof; but as to such remaining portion or portions, the same shall be and remain in full force and effect and to this end the provisions of this ordinance are declared to be severable.

**Section 7. Open Meetings.** That it is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapt. 551, Loc. Gov't. Code.

**PASSED AND APPROVED** on First Reading this the 7<sup>th</sup> day of August, 2014.  
**FINALLY PASSED AND APPROVED** on this the 21<sup>st</sup> day of August, 2014.

**THE CITY OF LEANDER, TEXAS**

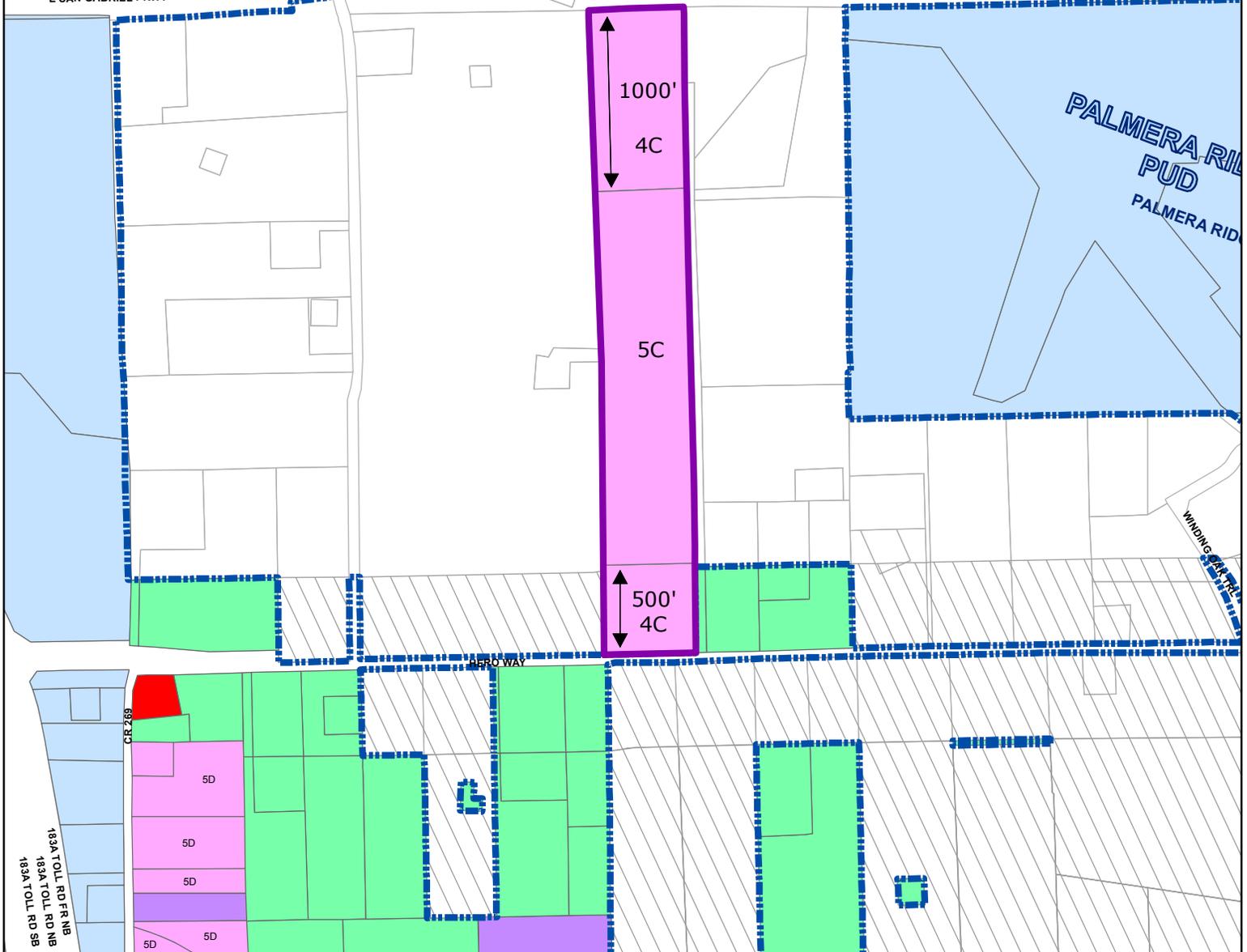
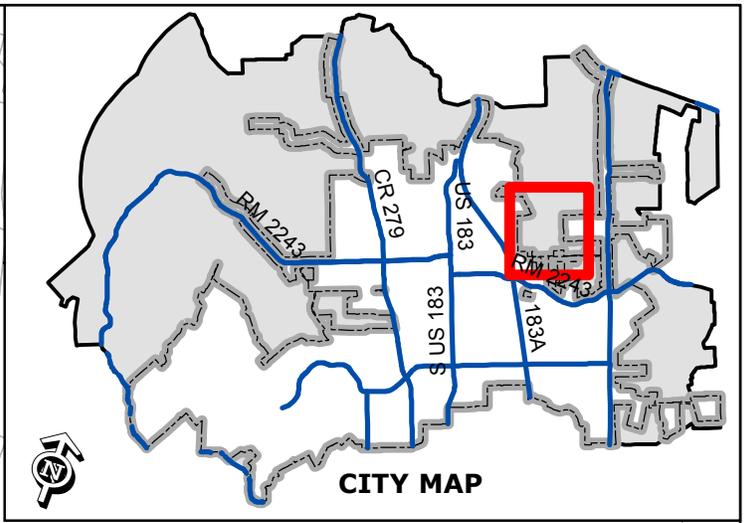
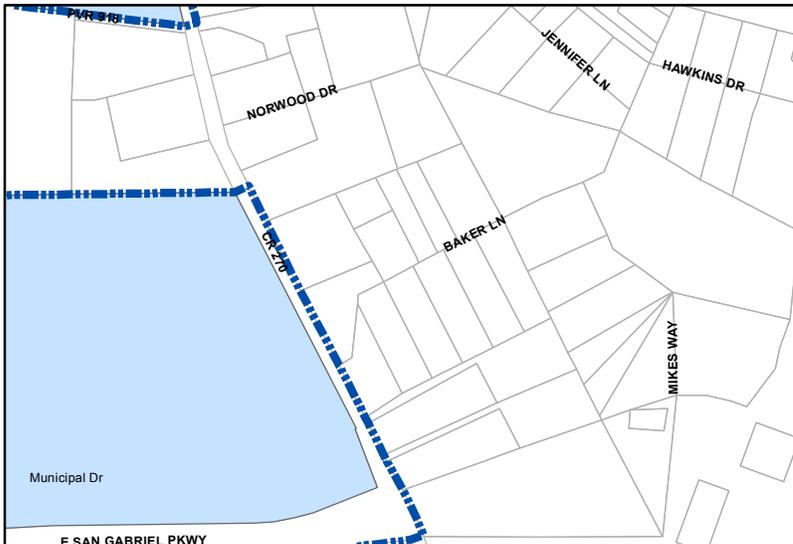
**ATTEST:**

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Christopher Fielder, Mayor

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Debbie Haile, City Secretary



**EXHIBIT A**

**Zoning Case**  
**14-Z-020**

Current Zoning Map  
Larson Commercial



- Subject Property
- City Limits
- Future Annexation Per DA
- Involuntary Annexation
- Voluntary Annexation

- |     |        |     |
|-----|--------|-----|
| SFR | SFT    | GC  |
| SFE | SFU/MH | HC  |
| SFS | TF     | HI  |
| SFU | MF     | PUD |
| SFC | LO     |     |
| SFL | LC     |     |
- 0 200 400  
Feet



**Executive Summary**

**August 21, 2014**

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**Agenda Subject:** Zoning Case #14-Z-021: Second reading and consider action on the rezoning of two tracts of land located at 2937 Hero Way for 6.42 acres more or less; WCAD Parcels #R508107 and #R031283. Currently, the property is zoned Interim SFR-1-B (Single Family Rural) and the applicant is proposing to zone the property HI-5-D (Heavy Industrial), Leander, Williamson County, Texas.

**Background:** This request is the final step in the rezoning process. At the first reading of the ordinance the City Council modified the requested zoning as follows:

Approve the HI-5-D zoning with the following conditions:

The following will be prohibited uses:

- Bingo
- Hooka Lounge
- Pawn Shop
- Payday Lending Business
- Tattoo and/or Body Piercing Parlor
- Sexually Oriented Businesses

**Origination:** Applicant: Ryan Betz on behalf Noel Larson, Fab-Con Products, Inc.

**Financial Consideration:** None

**Recommendation:** See Planning Analysis. The Planning and Zoning Commission recommended approval of the request at the July 24, 2014 Meeting with a 6 to 4 vote (Commissioner Allen opposing).

**Attachments:**

1. Planning Analysis
2. Current Zoning Map
3. Aerial Map
5. Ordinance

**AGENDA ITEM # 14**

**Prepared By:** Tom Yantis  
Development Services Director

07/29/2014



## PLANNING ANALYSIS

ZONING CASE 14-Z-021  
2937 Hero Way / Fab-Con

### GENERAL INFORMATION

- Owner:** Noel Larson, Fab-Con Products, Inc.
- Current Zoning:** Interim SFR-1-B (Single-Family Rural).
- Proposed Zoning:** HI-5-D (Heavy Industrial)
- Size and Location:** The property is approximately located ½ mile from the southeast corner of the intersection of Hwy 183 A and Hero Way; and is 6.42 acres more or less.
- Staff Contact:** Martin Siwek, GISP  
Planner

### ABUTTING ZONING AND LAND USE:

The table below lists the abutting zoning and land uses.

	ZONING	LAND USE
NORTH	O.C.L.	Developed Large Acreage Single Family Homes
EAST	Interim SFR-1-B	Developed Large Acreage Single Family Home
SOUTH	Interim SFR-1-B HI-5-D	Commercial Buildings Tex Mix Concrete
WEST	O.C.L.	Developed Large Acreage Single Family Home

## COMPOSITE ZONING ORDINANCE INTENT STATEMENTS

### USE COMPONENT:

#### HI – HEAVY INDUSTRIAL:

*Features:* Any use in HC plus outdoor manufacture, assembly and processing.

*Intent:* Development of outdoor processing (when associated with a Type 5 site component) and large scale manufacturing, assembly and processing businesses. Access should be provided by an industrial or commercial collector street.

### SITE COMPONENT:

#### TYPE 5 (non-residential only):

*Features:* Accessory buildings; drive-thru service; outdoor fueling and washing of vehicles; overhead service doors; maximum outdoor display and storage; outdoor entertainment venues and animal boarding.

*Intent:*

- (1) The Type 5 site component is intended to be utilized with developments that have intense outdoor site requirements and a need to utilize the outdoor site area for maximum outdoor display, storage and / or accessory buildings.
- (2) This component is intended only for industrial or the heaviest commercial uses and may be combined only with GC, LI or HI use components.
- (3) This site component is not intended for retail or office development not requiring the available limits of outdoor storage and accessory buildings or adjacent to residential neighborhoods where not adequately buffered from residential uses.
- (4) This site component is discouraged along major thoroughfares and is intended to be utilized within industrial park developments.

### ARCHITECTURAL COMPONENTS:

#### TYPE D (non-residential only):

*Features:* 35% masonry (60% street facing); metal siding for remainder not facing a street; 2 or more architectural features.

*Intent:*

- (1) This architectural component is intended only for industrial warehouse, heavy commercial service and other similar applications and shall be utilized only with GC, HC or HI use components.
- (2) This component is not intended to be utilized with the majority of GC districts.
- (3) This component is not intended for retail or office development or adjacent to residential neighborhoods where not adequately buffered from residential uses.
- (4) This site component is discouraged along major thoroughfares and is intended to be utilized within industrial park development.

**COMPREHENSIVE PLAN STATEMENTS:**

The following Comprehensive Plan statements may be relevant to this case:

- Provide Opportunities for coordinated, well-planned growth and development that are consistent with the Comprehensive Plan.
- Plan for continued growth and development that improves the community's overall quality of life and economic viability.
- Strive for a fiscal balance of land uses that will create a positive impact upon the City of Leander's budget and overall tax base.

**ANALYSIS:**

The applicant is requesting to rezone the property from the Interim SFR-1-B to the HI-5-D district. The intent of the applicant's request is to provide a site that would support development of a business park with a mix of office, warehouse and manufacturing uses that would necessitate outside storage and assembly.

The proposed HI use component's intent statement indicates that this type of zoning classification is to be located on a collector or higher class thoroughfare, and allows for the development of outdoor processing, large scale manufacturing (with Type 5 site component), and large scale manufacturing and assembly. The property has frontage onto Hero Way which is designated as an arterial class street per the City's Transportation Plan. Additionally, the property is located within a proposed industrial area as noted in the City's Future Land Use Map (to be adopted).

The HI use component permits a variety of uses including any uses permitted in the HC (Heavy Commercial) use component, outdoor processing of materials, and sexually oriented businesses.

The intent statement of the Type 5 site component notes that it is to be utilized only for industrial or the heaviest commercial uses. The intent statement also notes that the Type 5 site component is to be discouraged along major thoroughfares and is intended to be utilized within industrial park developments.

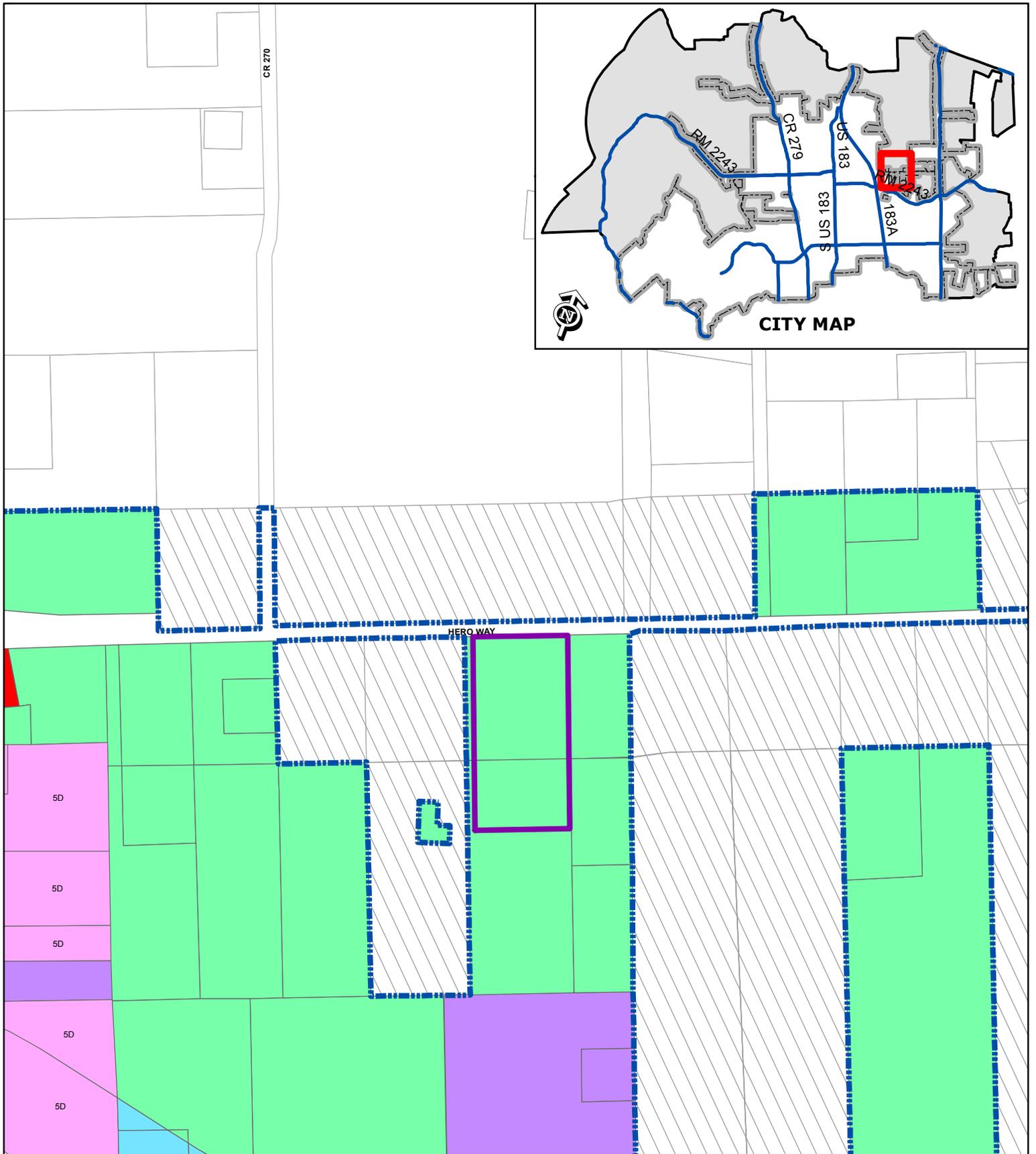
The Type 5 site component permits the following:

- Unlimited outdoor storage and display.
- Outdoor entertainment venues involving substantial outdoor facilities (i.e. golf ranges, sports venues and courts, arenas, amphitheaters, and outdoor amplified sound systems etc.).
- Outdoor commercial fueling and washing of vehicles as permitted per Type 3 conditions.
- Drive-through service lanes and drive-in service lanes as permitted per Type 2 conditions.
- Overhead commercial service doors are permitted.

**STAFF RECOMMENDATION:**

Staff recommends approval of the requested HI-5-D zoning district. The property is located within an identified industrial area per the City's Future Land Use Map (to be adopted), and is

located along an arterial classified street. The adjacent land uses would result in minimal conflict with the proposed development.



# ZONING CASE 14-Z-021

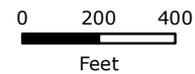
## Attachment #2

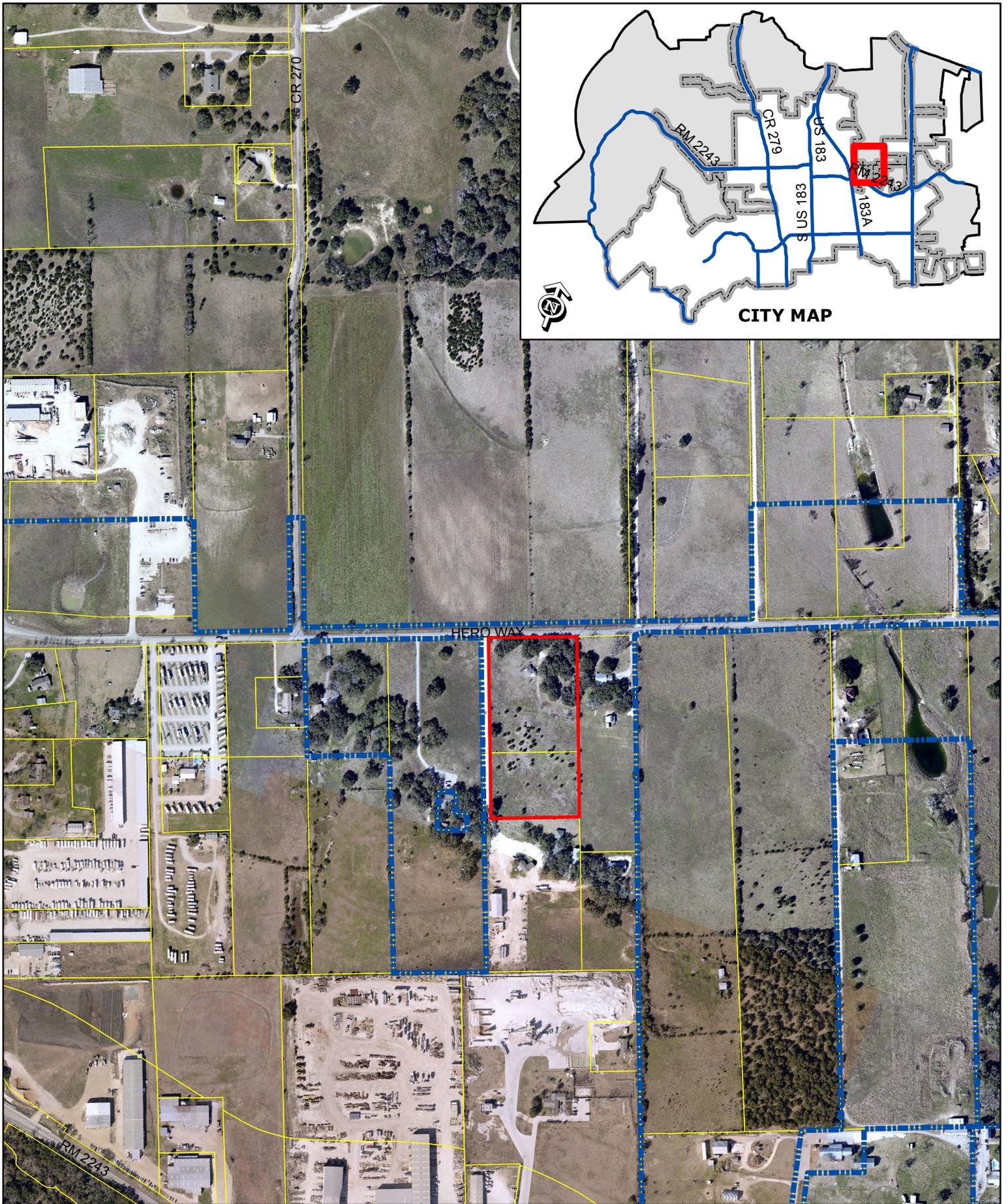
Current Zoning Map  
2937 Hero Way / Fab-Con



-  Subject Property
-  City Limits
-  Future Annexation Per DA
-  Involuntary Annexation
-  Voluntary Annexation

- |   |  |   |
|---|--|---|
|  SFR |  SFT    |  GC  |
|  SFE |  SFU/MH |  HC  |
|  SFS |  TF     |  HI  |
|  SFU |  MF     |  PUD |
|  SFC |  LO     |   |
|  SFL |  LC     |   |





# ZONING CASE 14-Z-021 Attachment #3

Aerial Exhibit - Approximate Boundaries  
 2937 Hero Way / Fab-Con



0 200  
 Feet

- Subject Property
- City Limits



# Betz Company

5707 Willow Lane  
Dallas, TX 75230

## ATTACHMENT 4

June 24, 2014

Robin Griffin  
Senior Planner  
City of Leander  
P.O. Box 319  
Leander, TX 78646

Re: Letter of Intent for Zoning 2937 HERO WAY (6.42 acres)

Dear Robin:

Please accept this letter regarding the proposed zoning for approximately 6.42 acres ("Property"). The Property is owned by Fab-Con Products, Inc. ("Owner").

The zoning request is for HI-5-D. The requested zoning will allow for the development of a business park with a mix of office, warehouse and manufacturing uses utilizing outside storage and assembly.

I look forward to working with you on the Zoning of this Property.

Cordially,

Ryan Betz  
Manager

**ORDINANCE NO #**

**ORDINANCE OF THE CITY OF LEANDER, TEXAS, AMENDING THE ZONING ORDINANCE BY REZONING SEVERAL PARCELS OF LAND FROM INTERIM SFR-1-B (SINGLE-FAMILY RURAL) TO HI-5-D (HEAVY INDUSTRIAL) WITH CONDITIONS; MAKING FINDINGS OF FACT; AND PROVIDING FOR RELATED MATTERS.**

**Whereas**, the owner of the property described herein after (the "Property") has requested that the Property be rezoned;

**Whereas**, after giving at least ten days written notice to the owners of land within two hundred feet of the Property, the Planning & Zoning Commission held a public hearing on the proposed rezoning and forwarded its recommendation on the rezoning to the City Council;

**Whereas**, after publishing notice of the public hearing at least fifteen days prior to the date of such hearing, the City Council at a public hearing has reviewed the request and the circumstances of the Property and finds that a substantial change in circumstances of the Property, sufficient to warrant a change in the zoning of the Property, has transpired;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEANDER, TEXAS, THAT:**

**Section 1. Findings.** The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

**Section 2. Amendment of Zoning Ordinance.** Ordinance No. 05-018, as amended, the City of Leander Composite Zoning Ordinance (the "Zoning Ordinance" or "Code"), is hereby modified and amended by rezoning the Property as set forth in Section 3.

**Section 3. Applicability.** This ordinance applies to the following parcels of land, which is herein referred to as the "Property." That certain parcel of land being 6.42 acres, more or less, located in Leander, Williamson County, Texas, being more particularly described in Exhibit "A", legally described as 6.42 acres of land out of the Elijah D. Harmon Survey, Abstract Number 6; more particularly described in Document Number 2013116479 of the Official Public Records of Williamson County, Texas, and identified by tax identification numbers R508107 and R031283.

**Section 4. Property Rezoned.** The Zoning Ordinance is hereby amended by changing the zoning district for the Property from Interim SFR-1-B (Single-Family Rural) to HI-5-D (Heavy Industrial) excluding the following permitted uses from the HI use component for all of the property:

- Bingo
- Hooka Lounge
- Pawn Shop
- Payday Lending Business
- Tattoo and/or Body Piercing Parlor
- Sexually Oriented Businesses

**Section 5. Recording Zoning Change.** The City Council directs the City Secretary to record this zoning classification on the City's official zoning map with the official notation as prescribed by the City's zoning ordinance.

**Section 6. Severability.** Should any section or part of this ordinance be held unconstitutional, illegal, or invalid, or the application to any person or circumstance for any reasons thereof ineffective or inapplicable, such unconstitutionality, illegality, invalidity, or ineffectiveness of such section or part shall in no way affect, impair or invalidate the remaining portion or portions thereof; but as to such remaining portion or portions, the same shall be and remain in full force and effect and to this end the provisions of this ordinance are declared to be severable.

**Section 7. Open Meetings.** That it is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapt. 551, Loc. Gov't. Code.

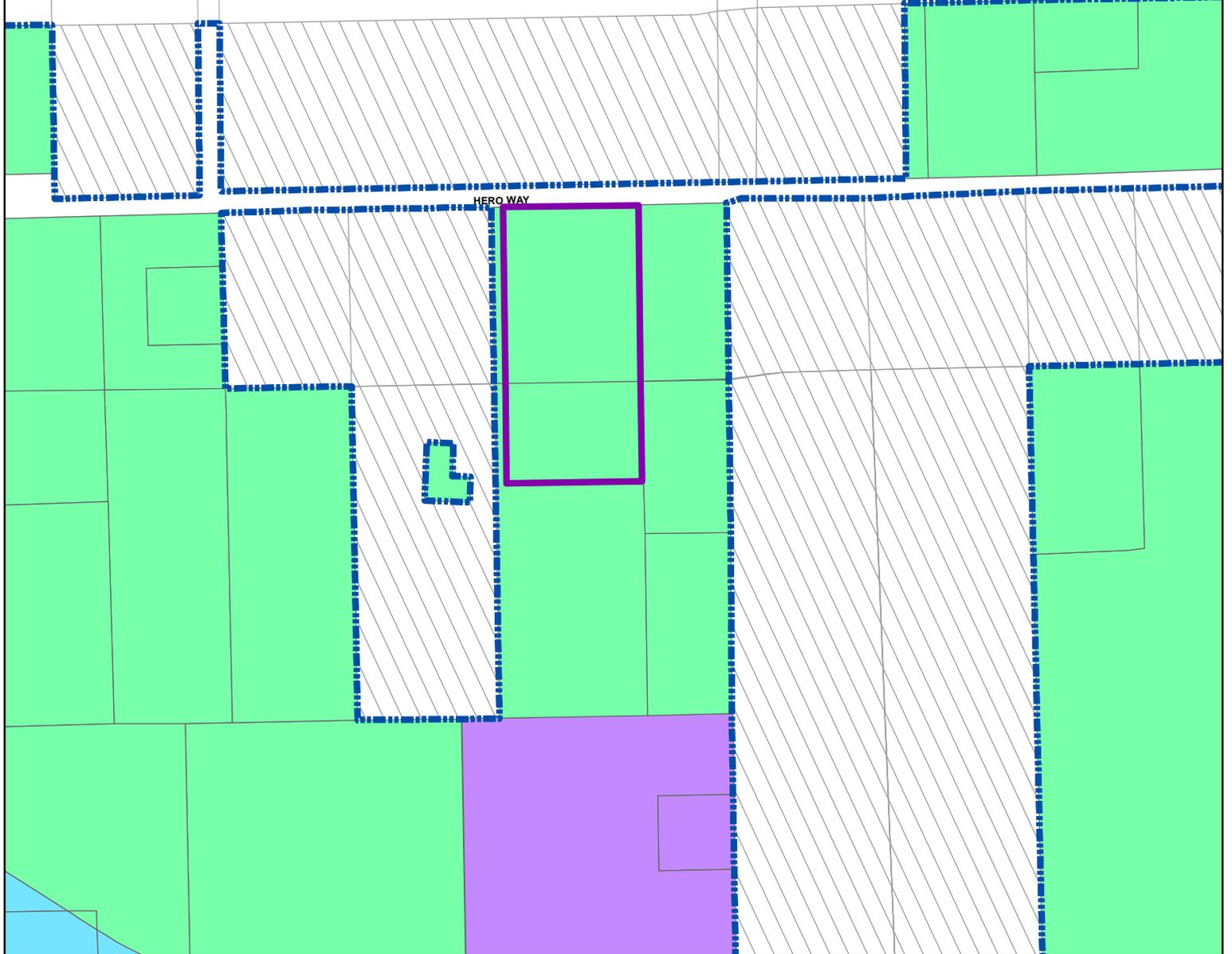
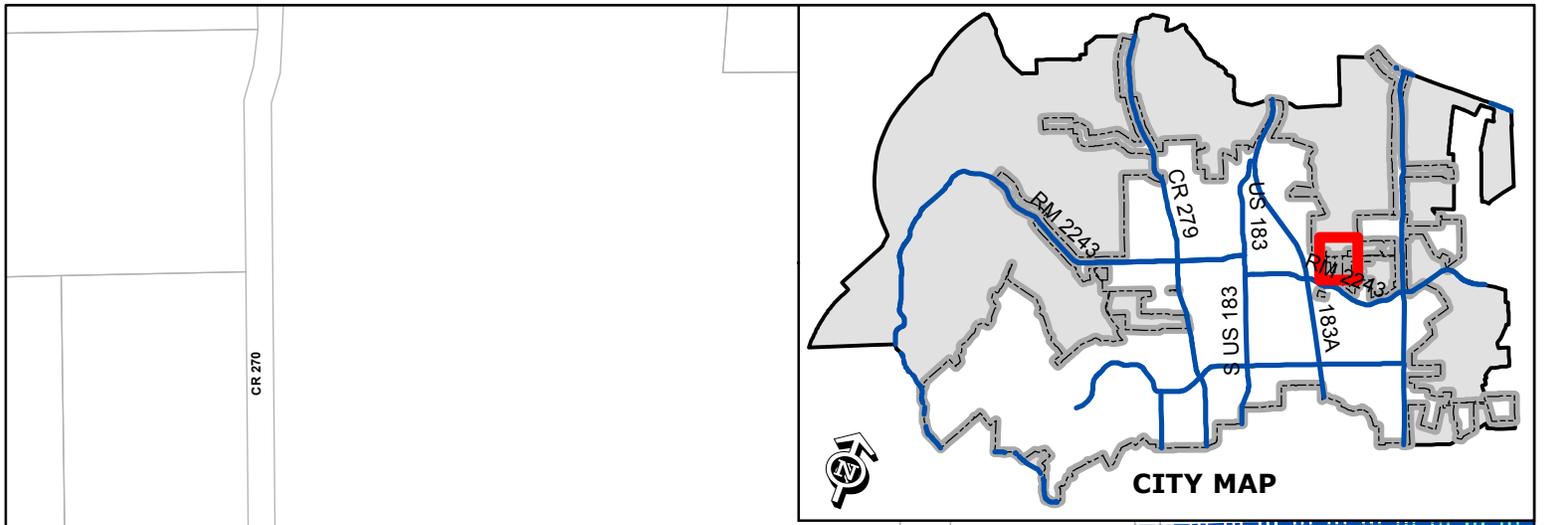
**PASSED AND APPROVED** on First Reading this the 7<sup>th</sup> day of August, 2014.  
**FINALLY PASSED AND APPROVED** on this the 21<sup>st</sup> day of August, 2014.

**THE CITY OF LEANDER, TEXAS**

**ATTEST:**

\_\_\_\_\_  
Christopher Fielder, Mayor

\_\_\_\_\_  
Debbie Haile, City Secretary



**EXHIBIT A**

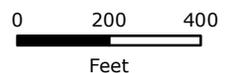
**Zoning Case  
14-Z-021**

Current Zoning Map  
2937 Hero Way / Fabcon



-  Subject Property
-  City Limits
-  Future Annexation Per DA
-  Involuntary Annexation
-  Voluntary Annexation

- |   |  |   |
|---|--|---|
|  SFR |  SFT    |  GC  |
|  SFE |  SFU/MH |  HC  |
|  SFS |  TF     |  HI  |
|  SFU |  MF     |  PUD |
|  SFC |  LO     |   |
|  SFL |  LC     |   |





**Executive Summary**

**August 21, 2014**

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**Agenda Subject:** Zoning Case 14-Z-009: Second reading and consider action on the rezoning of a tract of land generally located to the southwest of the intersection of Crystal Falls Pkwy & Christine Dr. for 9.604 acres more or less of land located in the Lucius B. Johnson Sur 426 & the Bittick Sur. 144, TCAD Parcel #823336 and WCAD Parcel #R484293. Currently, the property is zoned SFT-2-A (Single Family Townhome) and LO-2-A (Local Office) and the applicant is proposing to zone the property PUD (Planned Unit Development), Leander, Travis and Willisamon Counties, Texas.

**Background:** This request is the final step in the rezoning process.

**Origination:** Applicant: Mike Siefert on behalf of Lookout Partners LP.

**Financial Consideration:** None

**Recommendation:** See Planning Analysis. The Planning & Zoning Commission recommended approval at the July 24, 2014 meeting with a five to two vote (Commissioners Sokol and Allen opposing) with the following changes to the PUD:

1. Street lighting is required at the intersections between the drives and public streets. Street lighting is optional in the interior of the project.
2. Fencing shall be limited to wrought iron or tubular metal.
3. The masonry requirement shall be increased to 10%.

The City Council recommended approval at the August 7, 2014 meeting with a six to one vote with Council Member Abruzzese in opposition with the following changes to the PUD:

1. Street lighting is required at the intersections between the drives and public streets. Street lighting is optional in the interior of the project.

## **AGENDA ITEM # 15**

2. Fencing shall be limited to wrought iron or tubular metal.
3. The masonry requirement shall remain at 5%.
4. An alternative Color Palette will be provided as an exhibit to the PUD.

**Attachments:**

1. Planning Analysis
2. Current Zoning Map
3. Proposed Crystal Falls Cottages PUD
4. Aerial Map
5. Letter of Intent
6. Ordinance

**Prepared By:**

Tom Yantis  
Development Services Director

08/14/2014



## PLANNING ANALYSIS

### ZONING CASE 14-Z-009 CRYSTAL FALLS COTTAGES PUD

#### GENERAL INFORMATION

- Owner:** Lookout Partners LP.
- Current Zoning:** SFT-2-A (Single-Family Townhome)  
LO-2-A (Local Office)
- Proposed Zoning:** PUD (Planned Unit Development)
- Size and Location:** The property located southwest of the intersection of Crystal Falls Pkwy & Christine Drive and includes approximately 9.604 acres.
- Staff Contact:** Robin M. Griffin, AICP  
Senior Planner

#### ABUTTING ZONING AND LAND USE:

The table below lists the abutting zoning and land uses.

	ZONING	LAND USE
NORTH	SFU-2-B	Whitestone Elementary School
EAST	SFU-2-B GC-3-A	Fire Station Undeveloped Land Zoned for Commercial
SOUTH	SFT-2-A GC-3-A	Undeveloped Land Zoned for Townhomes Undeveloped Land Zoned for Commercial
WEST	SFS-2-B	Developed Neighborhood (Fairways at Crystal Falls)

**COMPOSITE ZONING ORDINANCE & SMARTCODE INTENT STATEMENTS****PUD/TOD – PLANNED UNIT DEVELOPMENT/TRANSIT ORIENTED DEVELOPMENT:**

The purpose and intent of the Planned Unit Development (PUD) district is to design unified standards for development in order to facilitate flexible, customized zoning and subdivision standards which encourage imaginative and innovative designs for the development of property within the City. The intent of this zoning request is to provide for the design of a development which permits a mixed-residential community. The intent of this zoning district is to cohesively regulate the development to assure compatibility with adjacent single-family residences, neighborhoods, and commercial properties within the region.

**COMPREHENSIVE PLAN STATEMENTS:**

The following Comprehensive Plan statements may be relevant to this case:

- Plan for continued growth and development that improves the community's overall quality of life and economic viability.
- Provide for a variety of sustainable housing options for all age groups and economic levels. Determine ways to successfully integrate this variety within neighborhoods so as to accommodate the different needs of families throughout their life cycle. Create more desirable and livable neighborhoods while respecting the goal of maintaining stable real estate values and housing marketability.
- Establish high standards for development.

**ANALYSIS:**

The applicant is requesting the PUD (Planned Unit Development) district in order to allow for the development of a sixty unit detached single-family condominium project. The base zoning district for this PUD is MF-2-A (Multi-Family). The proposed building envelopes will be a minimum of 50 feet by 35 feet and 50 by 30 feet. This property was rezoned as part of the Crystal Falls Town Center zoning case which included LO-2-A (Local Office), GC-3-A (General Commercial), and SFT-2-A (Single-Family Townhome) zoning districts. The Planning & Zoning Commission recommended approval of the request at the March 8, 2012 Meeting and the City Council approved the request at the April 5, 2012 meeting.

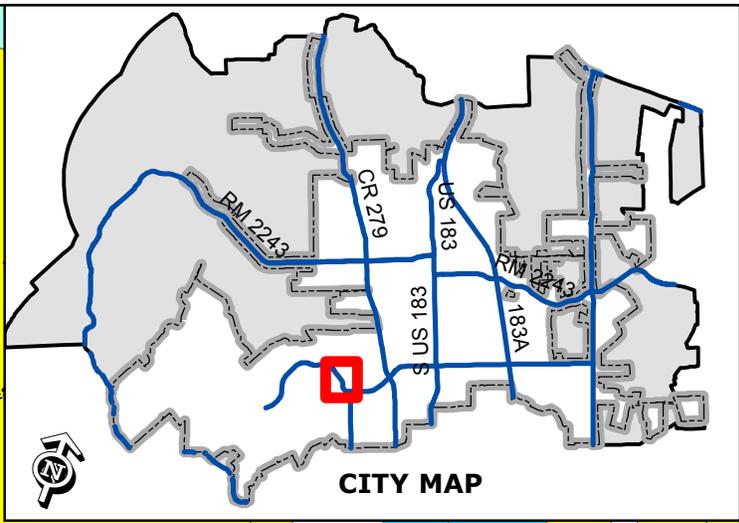
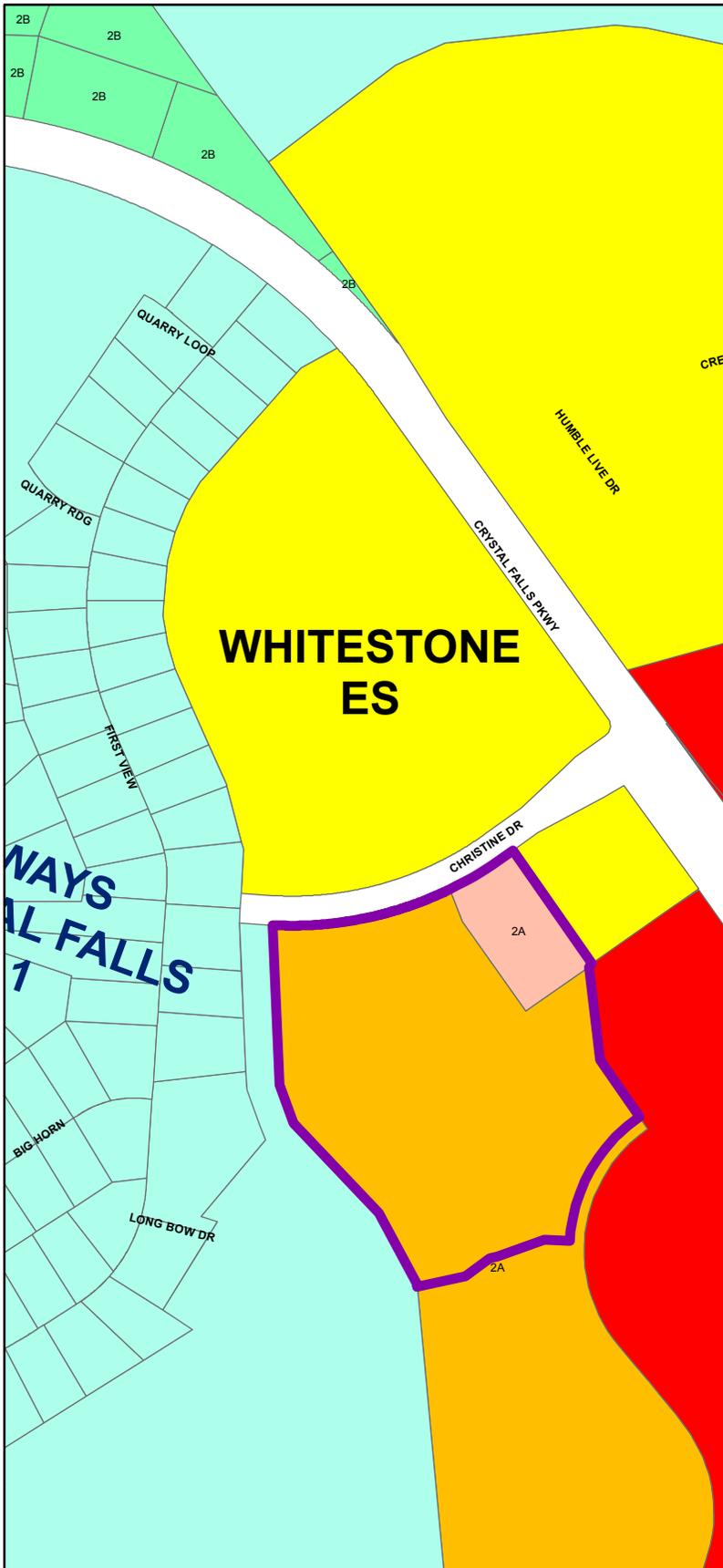
The property to the north is currently developed as an elementary school and the property to the west is developed as Phase 1 of the Fairways at Crystal Falls subdivision. As part of the Crystal Falls Town Center zoning case and final plat, a green belt lot has been platted between the Fairways at Crystal Falls subdivision and the proposed development. The property to the south is undeveloped and zoned for SFT-2-A and the property to the east is undeveloped and zoned GC-3-A.

A PUD district is an appropriate district in this situation because it offers the applicant the opportunity to design a zoning district that will provide for a condominium style residential development with limits to the permitted density. The applicant is proposing to reduce the masonry to a minimum of 5% and utilize cementitious fiber products as the predominant building material provided that the home's architectural style are of similar character and form to the images shown in the PUD.

The proposal of a condominium project allows the developer to design the neighborhood through the site plan process instead of the typical subdivision process. The land would be owned and maintained by a Home Owner's Association and the homes would be owned by individuals. The PUD plan provides for setbacks between the homes, building envelopes and perimeter setbacks. The total unit count will not exceed sixty (60) units.

**STAFF RECOMMENDATION:**

Staff recommends approval of the requested PUD (Planned Unit Development) district. The requested zoning would be appropriate at this location. The proposed PUD would provide for a unique residential product at this location. The proposed zoning request follows the intent statements of the Composite Zoning Ordinance.

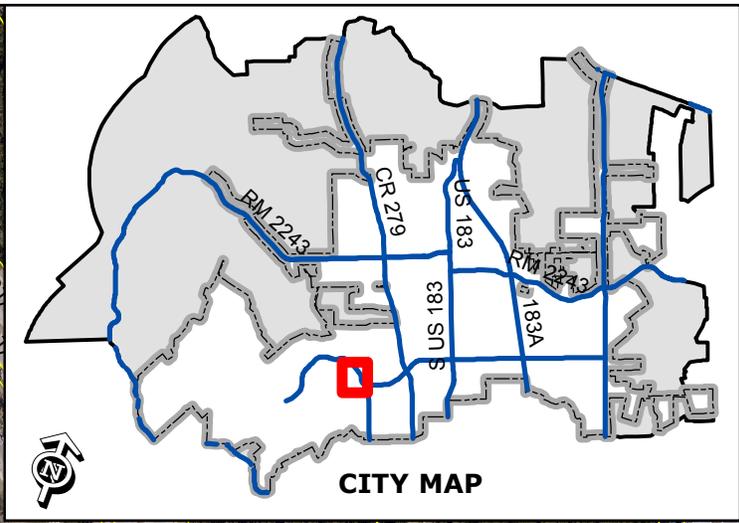


**ZONING CASE 14-Z-009**

**Attachment #2**  
 Current Zoning Map  
 Crystal Falls Cottages PUD

Subject Property	SFR	SFT	GC
City Limits	SFE	SFU/MH	HC
Future Annexation Per DA	SFS	TF	HI
Involuntary Annexation	SFU	MF	PUD
Voluntary Annexation	SFC	LO <sub>0</sub>	
	SFL	LC	

400  
Feet



**ZONING CASE 14-Z-009 Attachment #3**

Aerial Exhibit - Approximate Boundaries  
Crystal Falls Cottages PUD

0 200  
Feet



 Subject Property  
 City Limits

# **EXHIBIT A**

## **CRYSTAL FALLS COTTAGES- PUD**

1. Base zoning districts:
  - A. The base zoning district for the PUD is MF-2-A (Multi-Family) as provided in this PUD Plan.
2. PUD Area = 9.6 Acres
3. The use shall be a Single-Family condominium residential development.
4. Unit distribution (building envelope). Patios (covered or uncovered) and decks are not included these dimensions.
  - a. Maximum- 50' Wide x 35' Deep Building Envelope
  - b. Minimum- 50' Wide x 30' Deep Building Envelope
5. MAXIMUM UNIT COUNT: The project shall be limited to 60 units.
6. LIGHTING: Street lighting is required at the intersections between the drives and public streets. Street lighting is optional in the interior of the project.
7. ACCESS/PRIVATE DRIVES: See site plan for detailed cross section of vehicular access easement. Minimum centerline radius for private drives is 100-feet. Minimum cul-de-sac drive surface radius is 50-feet. The access drive alignment, building pads and island locations may vary to minimize disturbance to significant trees and natural topographic features. Private drives will have a 23-foot wide pavement width with 18-inch ribbon curbs or a 23-foot wide pavement width with 24-inch curb and gutter (which includes mountable curb or stand up curb). The project will be gated.
8. RESIDENTIAL SETBACKS: Front building setbacks shall be a minimum of 18-feet from back of curb. Side building separation shall be a minimum of 10-feet. When the rear of one unit is immediately adjacent to the side of another unit the minimum setback shall be 10-feet. Rear building separation (defined as the condition when rears of two units are immediately adjacent to one another) shall be a minimum of 30-feet. Patios (covered or uncovered) and decks are not included in the rear building separation. Eave overhang is not included in calculations for minimum building separation. A minimum of seven-foot clear zone between building roof lines will be provided.
9. PERIMETER SETBACKS: Minimum perimeter setbacks are as follows:
  - a. All buildings will be setback 15-feet from the perimeter lot line.
10. SIDEWALKS: Sidewalks are required along the proposed Local Rebel Street (as shown on the approved Crystal Falls Town Center preliminary plat). Sidewalks are not required along Christine Drive, however a sidewalk connection will be required from the Crystal Falls Cottage PUD to Whitestone Elementary as generally shown on Exhibit B. Sidewalks are not required in the interior of the project. Sidewalk connection (which can be concrete or crushed granite) is required from this project to the greenbelt (Lot 5 of the Crystal Falls Town Center Subdivision).
11. GARAGES: Units will have single car garages with driveways at least 18- feet long and 9- feet wide. Garages will be set back at least 8' from the PUE or 18' from the back of curb. Garages may be flush or behind the primary façade (porches are considered part of the primary façade as long as they are a minimum of seven feet wide).

12. PARKING: 2.5 parking spaces per unit will be provided (1 enclosed garage, 1 driveway parking, 0.5 offsite).
13. LANDSCAPE: The intent for this development is to save as many of the existing trees as possible. In addition to the existing trees saved, each unit will install 2-2" caliper trees and 10 shrubs during the construction of each residential unit.
14. FENCING: Fencing shall be limited to wrought iron or tubular metal.
15. COLOR PALETTE: See Exhibit 1.
16. MASONRY: At least 5% of the exterior surface areas shall be masonry materials (ledge stone, fieldstone, cast stone, painted stucco, non reflective glass façade, glass block, or factory tinted split faced concrete masonry unit). The remaining exterior wall surface shall be comprised of those materials listed above or cementious-fiber products (including plank, shingle, etc). The homes shall substantially conform to the architectural style shown below, otherwise, the Type A architectural component shall apply.





**BUILDING ENVELOPES**

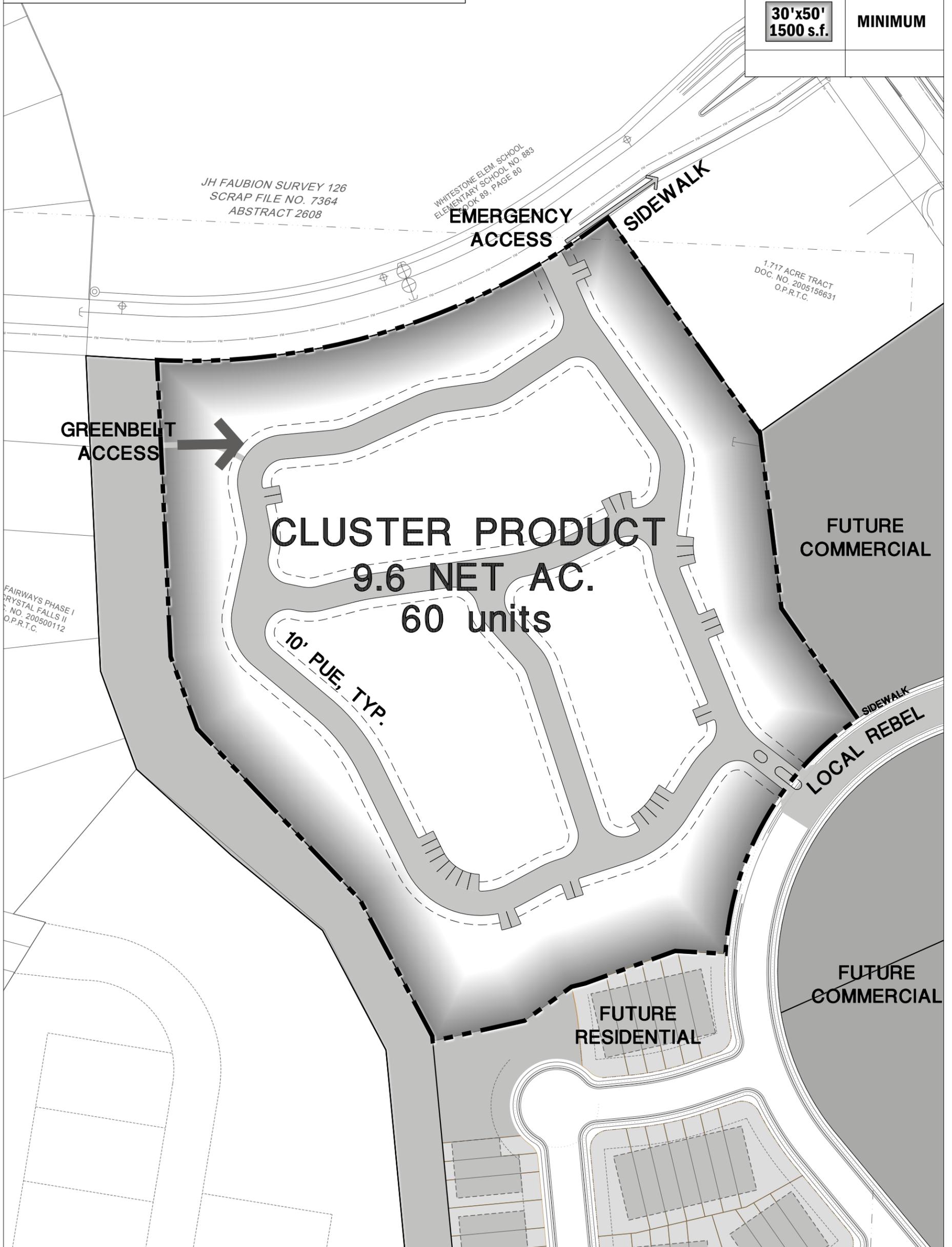
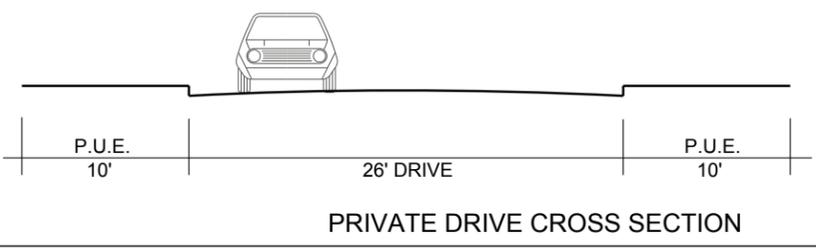
**TOTAL**

**35'x50'**  
**1750 s.f.**

**MAXIMUM**

**30'x50'**  
**1500 s.f.**

**MINIMUM**





# THE LOOKOUT GROUP

**ATTACHMENT 5**

2370 Rice Blvd., Suite 200  
Houston, Texas 77005  
Tel: 713.524.5263  
Fax: 713.524.2807  
mycrystalfalls.com

May 6th, 2014

Ms. Robin Griffin  
Senior Planner, City of Leander  
104 North Brushy Street  
PO Box 319  
Leander, Texas 78646-0319  
Fax (512) 528-2729

Re: Letter of Intent for PUD –Town Center Cottages

Dear Ms. Griffin:

I respectfully request for the City of Leander to consider the attached PUD application for the tract located near the proposed Randalls, City of Leander Fire Station #2, Whitestone Elementary and The Fairways at Crystal Falls. The 10 acre tract (more or less) described in this package is proposed to change from the current zoning of SFT-2-A to a PUD with a base zoning district of SFT-2-A. The PUD will allow for the development of a 60 unit detached single family condominium project. With the current zoning we have planned +/-90 townhomes for this property. The proposed PUD will reduce the unit count to 60 detached homes ranging from approximately 1,300 SF to 1,800 SF. This unique product will give the homebuilder the flexibility to save existing trees and deliver a truly custom street scene. The project will be gated with front and back yards maintained through the HOA. This housing product is currently in Avery Ranch near the train station and in Steiner Ranch near the UT golf club. The time is right to bring this niche product to the City of Leander.

You can reach me at (512)260-2066 or [mike@mycrystalfalls.com](mailto:mike@mycrystalfalls.com) if you have any questions.

Regards,

Michael Siefert, P.E.  
Vice President of Construction  
The Lookout Development Group, Inc.

**ORDINANCE NO #**

**ORDINANCE OF THE CITY OF LEANDER, TEXAS, AMENDING THE ZONING ORDINANCE BY REZONING SEVERAL PARCELS OF LAND FROM SFT-2-A (SINGLE-FAMILY TOWNHOME) AND LO-2-A (LOCAL OFFICE) TO PUD (PLANNED UNIT DEVELOPMENT); MAKING FINDINGS OF FACT; AND PROVIDING FOR RELATED MATTERS.**

**Whereas**, the owner of the property described herein after (the "Property") has requested that the Property be rezoned;

**Whereas**, after giving at least ten days written notice to the owners of land within two hundred feet of the Property, the Planning & Zoning Commission held a public hearing on the proposed rezoning and forwarded its recommendation on the rezoning to the City Council;

**Whereas**, after publishing notice of the public hearing at least fifteen days prior to the date of such hearing, the City Council at a public hearing has reviewed the request and the circumstances of the Property and finds that a substantial change in circumstances of the Property, sufficient to warrant a change in the zoning of the Property, has transpired;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEANDER, TEXAS, THAT:**

**Section 1. Findings.** The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

**Section 2. Amendment of Zoning Ordinance.** Ordinance No. 05-018, as amended, the City of Leander Composite Zoning Ordinance (the "Zoning Ordinance" or "Code"), is hereby modified and amended by rezoning the Property as set forth in Section 3.

**Section 3. Applicability.** This ordinance applies to the following parcels of land, which is herein referred to as the "Property:" That certain parcels of land being 9.604 acres, more or less, out of the Lucius B. Johnson Survey 426 and A. Bittick Survey 144, located in Leander, Williamson & Travis Counties, Texas, being more particularly described in Exhibit "C" and "D"; and identified by Williamson County tax identification number R484293 and Travis County tax identification number 823336.

**Section 4. Property Rezoned.** The Zoning Ordinance is hereby amended by changing the zoning district for the Property from SFT-2-A (Single-Family Townhome) and LO-2-A (Local Office) to PUD (Planned Unit Development) known as the Crystal Falls Cottages PUD. The PUD shall be developed and occupied in accordance with this Ordinance, the PUD plan attached as Exhibits "A" and "B", which are hereby adopted and incorporated herein for all purposes, and the Composite Zoning Ordinance to the extent not amended by this Ordinance. In the event of a conflict between the Composite Zoning Ordinance and the requirements for the Property set forth in this Ordinance, this Ordinance shall control.

**Section 5. Recording Zoning Change.** The City Council directs the City Secretary to record this zoning classification on the City's official zoning map with the official notation as prescribed by the City's zoning ordinance.

**Section 6. Severability.** Should any section or part of this ordinance be held unconstitutional, illegal, or invalid, or the application to any person or circumstance for any reasons thereof ineffective or inapplicable, such unconstitutionality, illegality, invalidity, or ineffectiveness of such section or part shall in no way affect, impair or invalidate the remaining portion or portions thereof; but as to such remaining portion or portions, the same shall be and remain in full force and effect and to this end the provisions of this ordinance are declared to be severable.

**Section 7. Open Meetings.** That it is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapt. 551, Loc. Gov't. Code.

**PASSED AND APPROVED** on First Reading this the 7<sup>th</sup> day of August, 2014.  
**FINALLY PASSED AND APPROVED** on this the 21<sup>st</sup> day of August, 2014.

**THE CITY OF LEANDER, TEXAS**

**ATTEST:**

\_\_\_\_\_  
Christopher Fielder, Mayor

\_\_\_\_\_  
Debbie Haile, City Secretary

# EXHIBIT A

## CRYSTAL FALLS COTTAGES- PUD

1. Base zoning districts:
  - A. The base zoning district for the PUD is MF-2-A (Multi-Family) as provided in this PUD Plan.
2. PUD Area = 9.6 Acres
3. The use shall be a Single-Family condominium residential development.
4. Unit distribution (building envelope). Patios (covered or uncovered) and decks are not included these dimensions.
  - a. Maximum- 50' Wide x 35' Deep Building Envelope
  - b. Minimum- 50' Wide x 30' Deep Building Envelope
5. MAXIMUM UNIT COUNT: The project shall be limited to 60 units.
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**BUILDING ENVELOPES**

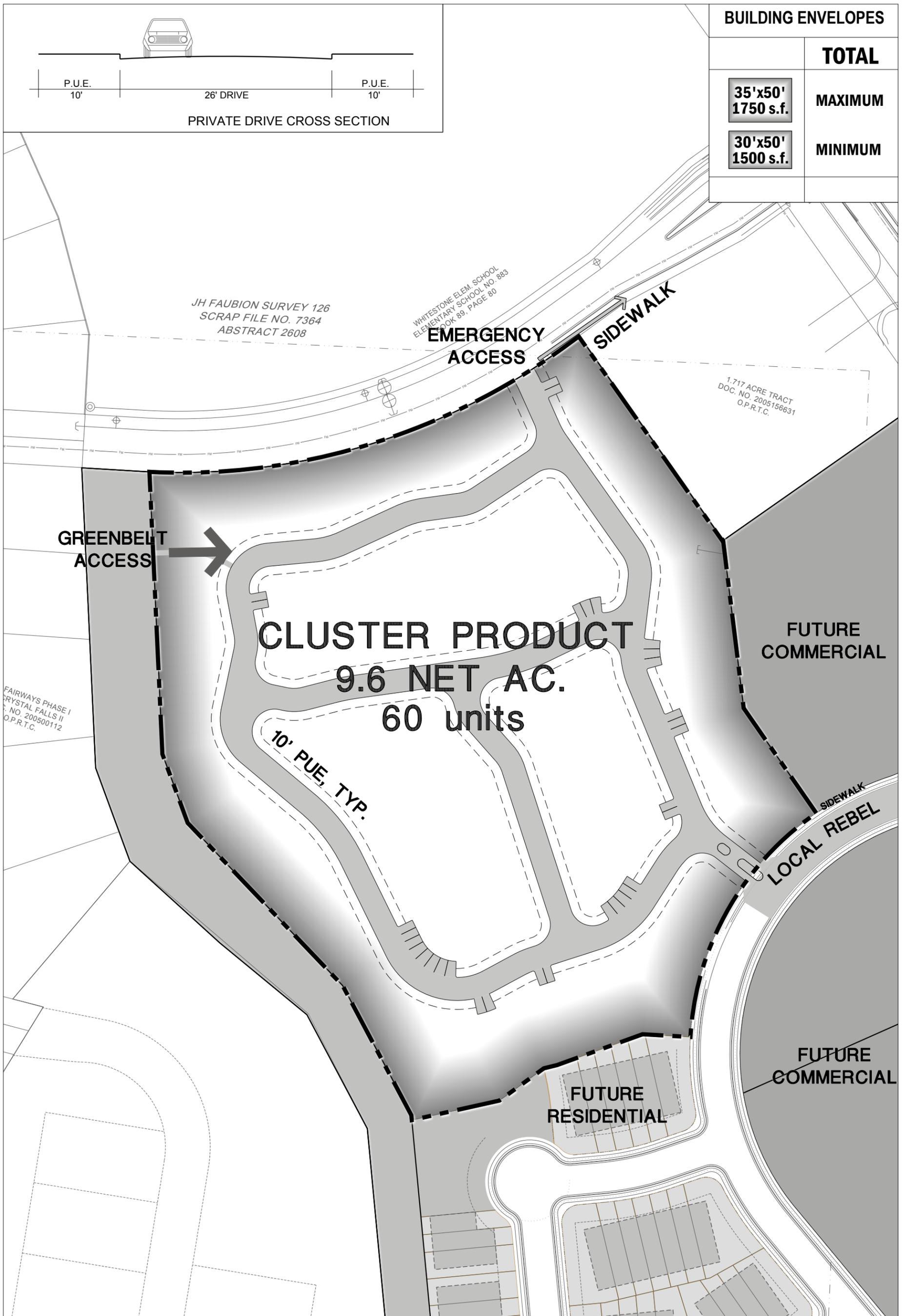
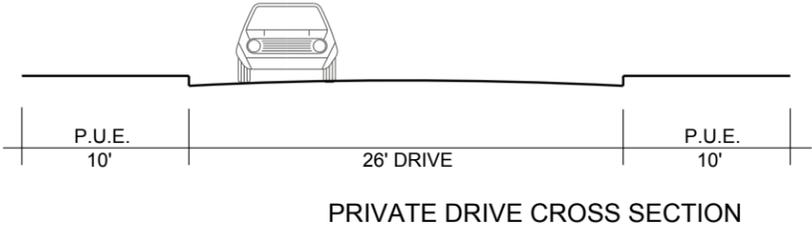
**TOTAL**

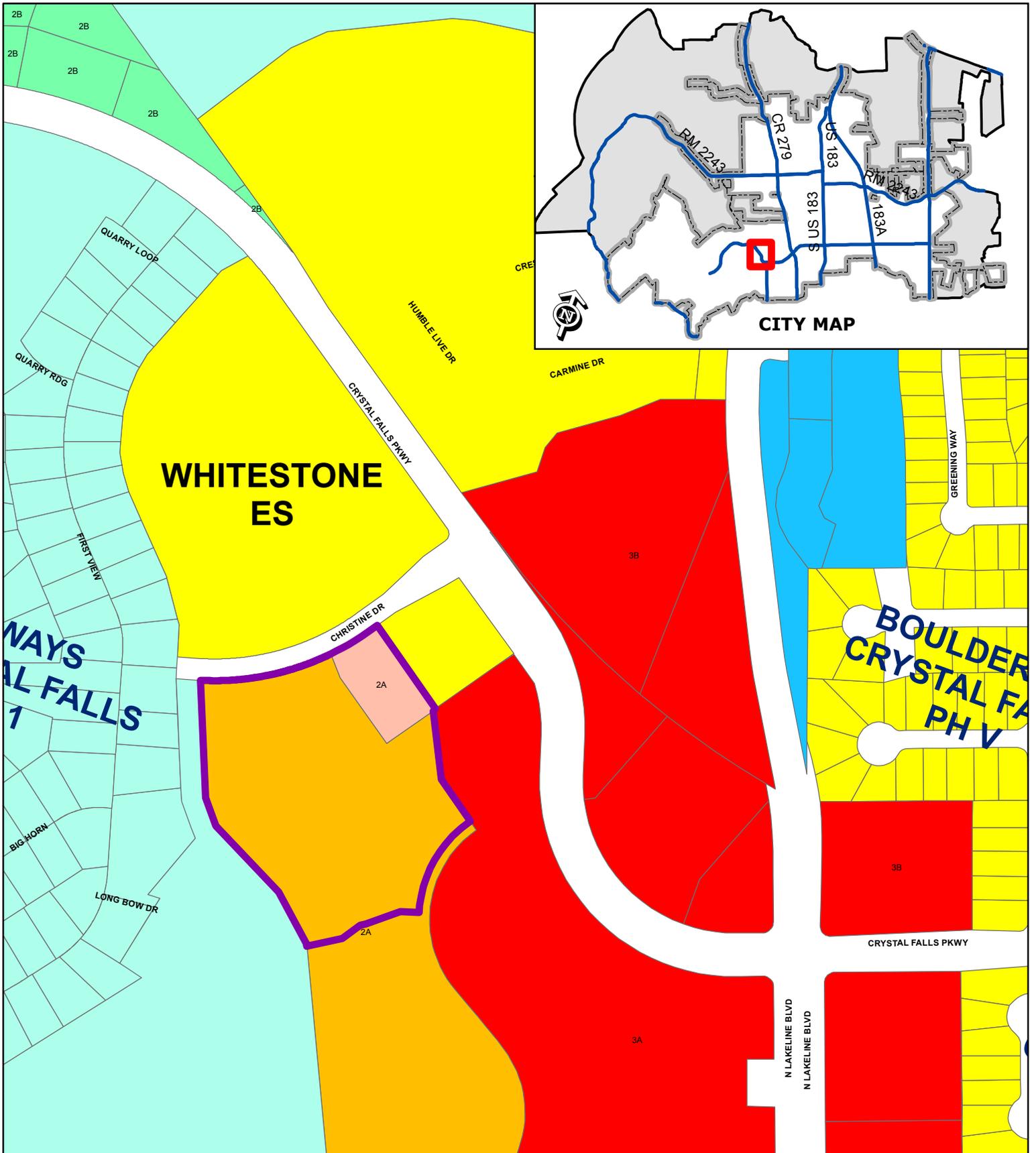
**35'x50'**  
**1750 s.f.**

**MAXIMUM**

**30'x50'**  
**1500 s.f.**

**MINIMUM**





**EXHIBIT D**

**Zoning Case  
14-Z-009**

Current Zoning Map  
Crystal Falls Cottages PUD



-  Subject Property
-  City Limits
-  Future Annexation Per DA
-  Involuntary Annexation
-  Voluntary Annexation

- |   |   |   |
|---|---|---|
|  SFR |  SFT             |  GC  |
|  SFE |  SFU/MH          |  HC  |
|  SFS |  TF              |  HI  |
|  SFU |  MF              |  PUD |
|  SFC |  LO <sub>0</sub> |   |
|  SFL |  LC              |   |





**Executive Summary**

**August 21, 2014**

**Agenda Subject:** An ordinance of the City of Leander, Texas, annexing the 9.999 acres, more or less, Parker tract, located in Williamson County, Texas and including the abutting streets, roadways, and rights-of-way; approving a service plan for the annexed area; making findings of fact; providing a severability clause and an effective date; and providing for open meetings and other related matters.

**Background:** Council approved the resolution setting the public hearings for this annexation on June 5, 2014. The annexed property includes the Parker tract adjacent to the Reagan's Overlook subdivision. The resolution set the two public hearing which were conducted on July 17, 2014 and July 24, 2014. The second and final reading is scheduled for September 4, 2014. This is a voluntary annexation.

**Origination:** Applicant: Ralph Reed on behalf of 162 Parker Ranch Holdings, LTD

**Recommendation:** Staff recommends conducting the first reading of the ordinance.

**Attachments:**

1. Parker Annexation Ordinance with exhibits
2. Annexation schedule

**Prepared by:** Tom Yantis, AICP  
Director of Development Services

8/13/2014

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY OF LEANDER, TEXAS ANNEXING 9.999 ACRES OF LAND, MORE OR LESS, INTO THE CORPORATE LIMITS OF THE CITY, INCLUDING THE ABUTTING ROADWAYS AND RIGHTS-OF-WAY, AT THE REQUEST OF THE PROPERTY OWNER; APPROVING A SERVICE PLAN FOR THE ANNEXED AREA; MAKING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Leander, Texas, is a home rule municipality authorized by State law to annex territory lying adjacent and contiguous to the City;

**WHEREAS**, the owner(s) of the property, as hereinafter described, made written request for the City to annex such property in compliance with the *Tex. Loc. Gov't. Code*;

**WHEREAS**, the property is adjacent and contiguous to the present city limits;

**WHEREAS**, the City Council heard and has decided to grant the owner's request that the City annex said property;

**WHEREAS**, two separate public hearings were conducted prior to consideration of this Ordinance in accordance with §43.063 of the *Tex. Loc. Gov't. Code*;

**WHEREAS**, the hearings were conducted and held not more than forty (40) nor less than twenty (20) days prior to the institution of annexation proceedings;

**WHEREAS**, notice of the public hearings was published not more than twenty (20) nor less than ten (10) days prior to the public hearings;

**WHEREAS**, the City intends to provide services to the property to be annexed according to the Service Plan attached hereto as Exhibit "B".

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEANDER, TEXAS:**

**SECTION 1.** That all of the above premises and findings of fact are found to be true and correct and are incorporated into the body of this Ordinance as if copied in their entirety.

**SECTION 2.** All portions of the following described property, including the abutting roadways and rights-of-way (hereinafter referred to as the "Annexed Property"), not previously annexed into the City, are hereby annexed into the corporate limits of the City of Leander:

All portions of that certain tract or parcel of land being 9.999 acres, more or less, out of the Milton Hicks Survey, Abstract No. 287, located in Williamson County, Texas, and being more particularly shown and described in the Exhibit "A" attached hereto and incorporated herein for all purposes.

**SECTION 3.** That the Service Plan submitted herewith is hereby approved as part of this Ordinance, made a part hereof and attached hereto as Exhibit “B”.

**SECTION 4.** That the future owners and inhabitants of the Annexed Property shall be entitled to all of the rights and privileges of the City as set forth in the Service Plan attached hereto as Exhibit “B”, and are further bound by all acts, ordinances, and all other legal action now in full force and effect and all those which may be hereafter adopted.

**SECTION 5.** That the official map and boundaries of the City, heretofore adopted and amended be and hereby are amended so as to include the Annexed Property as part of the City of Leander.

**SECTION 6.** That the Annexed Property shall be temporarily zoned District “SFR-1-B” as provided in the City Zoning Ordinance, as amended, until permanent zoning is established therefore.

**SECTION 7.** That if any provision of this Ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

**SECTION 8.** That this Ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the *Tex. Loc. Gov't. Code*.

**SECTION 9.** That it is hereby officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, *Chapt. 551, Tex. Gov't. Code*.

**PASSED AND APPROVED** on First Reading this \_\_\_\_ day of \_\_\_\_\_, 2014.

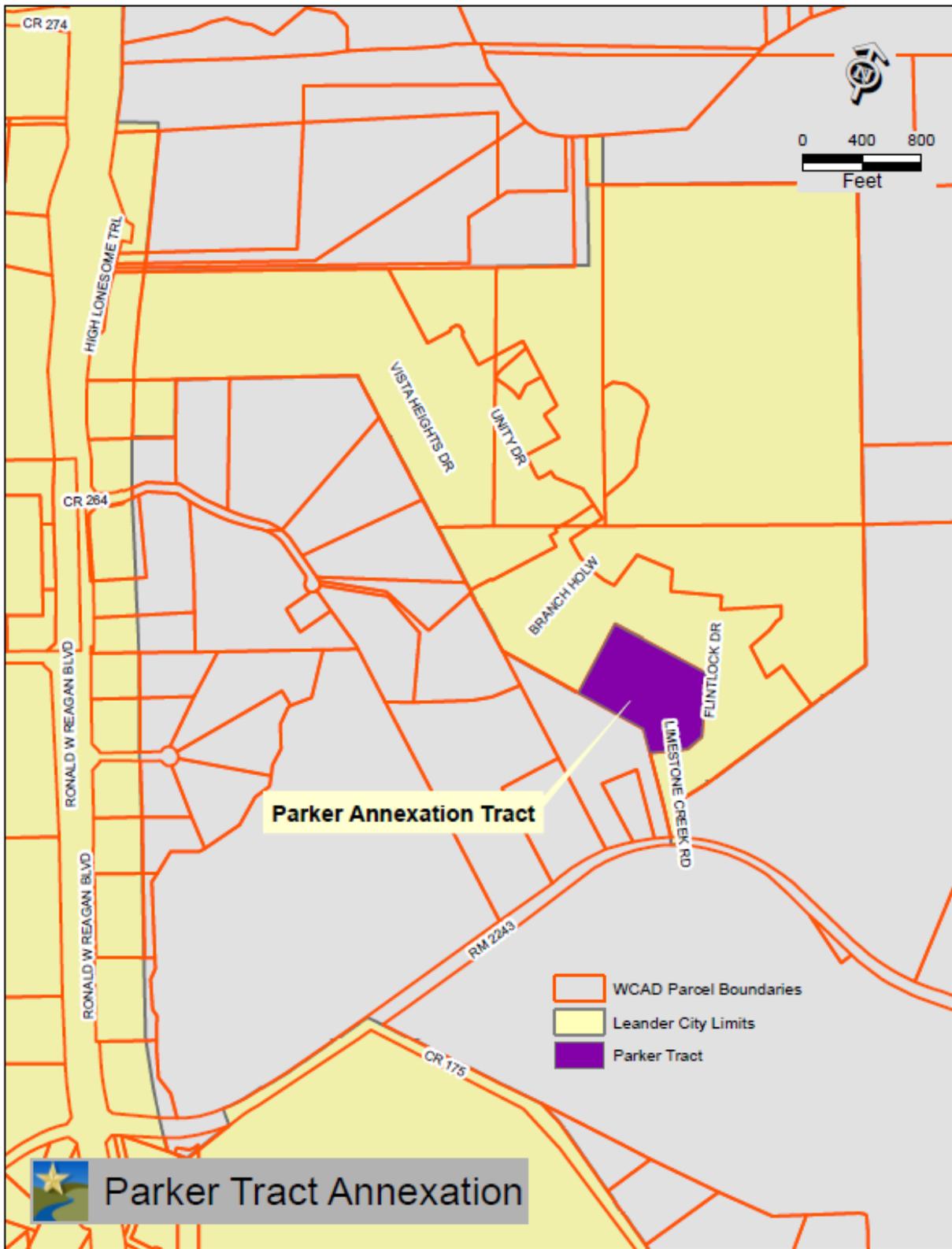
**FINALLY PASSED AND APPROVED** on this \_\_\_\_ day of \_\_\_\_\_, 2014.

**ATTEST:**

**CITY OF LEANDER, TEXAS**

\_\_\_\_\_  
Debbie Haile, City Secretary

\_\_\_\_\_  
Christopher Fielder, Mayor



**Exhibit “B”**

**MUNICIPAL SERVICES PLAN  
FOR PROPERTY TO BE  
ANNEXED INTO THE CITY OF LEANDER**

**WHEREAS**, the City of Leander, Texas (the “City”) intends to institute annexation proceedings for tracts of land described more fully hereinafter (referred to herein as the “subject property”);

**WHEREAS**, *Section 43.056, Loc. Gov't. Code*, requires a service plan be adopted with the annexation ordinance;

**WHEREAS**, the subject property is not included in the municipal annexation plan and is exempt from the requirements thereof;

**WHEREAS**, infrastructure provided for herein and that existing are sufficient to service the subject property on the same terms and conditions as other similarly situated properties currently within the City limits and no capital improvements are required to offer municipal services on the same terms and conditions as other similarly situated properties within the City; and

**WHEREAS**, it is found that all statutory requirements have been satisfied and the City is authorized by *Chapt. 43, Loc. Gov't. Code*, to annex the subject property into the City;

**NOW, THEREFORE**, the following services will be provided for the subject property on the effective date of annexation:

(1) **General Municipal Services.** Pursuant to the requests of the owner and this Plan, the following services shall be provided immediately from the effective date of the annexation:

A. Police protection as follows:

Routine patrols of areas, radio response to calls for police service and all other police services now being offered to the citizens of the City.

B. Fire protection and Emergency Medical Services as follows:

Fire protection by the present personnel and equipment of the City fire fighting force and the volunteer fire fighting force with the limitations of water available. Radio response for Emergency Medical Services with the present personnel and equipment.

C. Solid waste collection services as follows:

Solid waste collection and services as now being offered to the citizens of the City.

D. Animal control as follows:

Service by present personnel, equipment and facilities or by contract with a third party, as

provided within the City.

E. Maintenance of parks and playgrounds within the City.

F. Inspection services in conjunction with building permits and routine City code enforcement services by present personnel, equipment and facilities.

G. Maintenance of other City facilities, buildings and service.

H. Land use regulation as follows:

On the effective date of annexation, the zoning jurisdiction of the City shall be extended to include the annexed area, and the use of all property therein shall be grandfathered; and shall be temporarily zoned "SFR-1-B" with the intent to rezone the subject property upon request of the landowner or staff. The Planning & Zoning Commission and the City Council will consider rezoning the subject property at future times in response to requests submitted by the landowner(s) or authorized city staff.

(2) **Scheduled Municipal Services.** Due to the size and vacancy of the subject property, the plans and schedule for the development of the subject property, the following municipal services will be provided on a schedule and at increasing levels of service as provided in this Plan:

A. Water service and maintenance of water facilities as follows:

(i) Inspection of water distribution lines as provided by statutes of the State of Texas.

(ii) In accordance with the applicable rules and regulations for the provision of water service, water service will be provided to the subjects properties, or applicable portions thereof, by the utility holding a water certificate of convenience and necessity ("CCN") for the subject properties, or portions thereof as applicable, or absent a water CCN, by the utility in whose jurisdiction the subject properties, or portions thereof as applicable, are located, in accordance with all the ordinances, regulations, and policies of the City in effect from time to time for the extension of water service. If connected to the City's water utility system, the subject properties' owner shall construct the internal water lines and pay the costs of line extension and construction of such facilities necessary to provide water service to the subject properties as required in City ordinances. Upon acceptance of the water lines within the subject properties and any off-site improvements, water service will be provided by the City utility department on the same terms, conditions and requirements as are applied to all similarly situated areas and customers of the City; subject to all the ordinances, regulations and policies of the City in effect from time to time. The system will be accepted and maintained by the City in accordance with its usual acceptance and maintenance policies. New water line extensions will be installed and extended upon request under the same costs and terms as with other similarly situated customers of the City. The ordinances of the City in effect at the time a request for service is submitted shall govern the costs and request for service. The continued use of a water well that is in use on the effective date of the annexation and is in compliance with applicable rules and regulations shall be permitted and such use may continue until the subject properties' owner requests and is able to connect to the City's water utility system.

B. Wastewater service and maintenance of wastewater service as follows:

(i) Inspection of sewer lines as provided by statutes of the State of Texas.

(ii) In accordance with the applicable rules and regulations for the provision of wastewater service, wastewater service will be provided to the subject properties, or applicable portions thereof, by the utility holding a wastewater CCN for the subject properties, or portions thereof as applicable, or absent a wastewater CCN, by the utility in whose jurisdiction the subject properties, or portions thereof as applicable, are located, in accordance with all the ordinances, regulations, and policies of the City in effect from time to time for the extension of wastewater service. If connected to the City's wastewater utility system, the subject properties' owner shall construct the internal wastewater lines and pay the costs of line extension and construction of facilities necessary to provide wastewater service to the subject properties as required in City ordinances. Upon acceptance of the wastewater lines within the subject properties and any off-site improvements, wastewater service will be provided by the City utility department on the same terms, conditions and requirements as are applied to all similarly situated areas and customers of the City, subject to all the ordinances, regulations and policies of the City in effect from time to time. The wastewater system will be accepted and maintained by the City in accordance with its usual policies. Requests for new wastewater line extensions will be installed and extended upon request under the same costs and terms as with other similarly situated customers of the City. The ordinances in effect at the time a request for service is submitted shall govern the costs and request for service. The continued use of a septic system that is in use on the effective date of the annexation and is in compliance with all applicable rules and regulations shall be permitted and such use may continue until the subject property owner requests and is able to connect to the City's wastewater utility system.

C. Maintenance of streets and rights-of-way as appropriate as follows:

(i) Provide maintenance services on existing public streets within the subject property and other streets that are hereafter constructed and finally accepted by the City. The maintenance of the streets and roads will be limited as follows:

(A) Emergency maintenance of streets, repair of hazardous potholes, measures necessary for traffic flow, etc.; and

(B) Routine maintenance as presently performed by the City.

(ii) The City will maintain existing public streets within the subject property, and following installation and acceptance of new roadways by the City as provided by city ordinance, including any required traffic signals, traffic signs, street markings, other traffic control devices and street lighting, the City will maintain such newly constructed public streets, roadways and rights-of-way within the boundaries of the subject property, as follows:

(A) As provided in C(i)(A)&(B) above;

(B) Reconstruction and resurfacing of streets, installation of drainage facilities, construction of curbs, gutters and other such major improvements as the need therefore is determined by the governing body under City policies;

(C) Installation and maintenance of traffic signals, traffic signs, street markings and other traffic control devices as the need therefore is established by appropriate study and traffic standards; and

(D) Installation and maintenance of street lighting in accordance with established policies of the City;

(iii) The outer boundaries of the subject property abut existing roadways. The property owner agrees that no improvements are required on such roadways to service the property.

(3) **Capital Improvements.** Construction of the following capital improvements shall be initiated after the effective date of the annexation: None. Upon development of the subject property or redevelopment, the landowner will be responsible for the development costs the same as a developer in a similarly situated area under the ordinances in effect at the time of development or redevelopment. No additional capital improvements are necessary at this time to service the subject property the same as similarly situated properties.

(4) **Term.** If not previously expired, this service plan expires at the end of ten (10) years.

(5) **Property Description.** The legal description of the subject property is as set forth in exhibits attached to the Annexation Ordinance to which this Service Plan is attached.

**SCHEDULE FOR VOLUNTARY ANNEXATION  
PARKER, RED OAK VALLEY, SPRINGWOOD**

<b>DATE</b>	<b>ACTION/EVENT</b>	<b>LEGAL AUTHORITY</b>
June 5, 2014	<b>COUNCIL BY WRITTEN RESOLUTION</b> Directs notification to land owners; and sets two (2) Public Hearings <b>July 17, 2014 and July 24, 2014</b> ; Council directs development of service plan for area to be annexed.	Loc. Gov't Code, §§ 43.063 & 43.065; Public Hearings: are on or after the 40th day but before 20th day before institution of proceedings.
<b>By June 16, 2014</b>	<b>NOTICE TO</b> property owners & utility providers	Loc. Gov't Code § 43.062(a)
<b>July 2, 2014**</b> Publish notice of First Public Hearing and send school district notice	<b>NEWSPAPER NOTICES RE: FIRST AND SECOND PUBLIC HEARINGS</b> ; (If applicable, certified Notice to Railroad). <b>POST NOTICE OF HEARINGS ON CITY'S WEBSITE AND MAINTAIN UNTIL HEARINGS COMPLETE</b> ;	Not less than 10 days nor more than 20 days before 1st and 2nd public hearings. Loc. Gov't Code, §43.063 (c).
<b>July 9, 2014**</b> Publish notice of Second Public Hearings	<b>SCHOOL DISTRICT NOTICE</b> (notify each school district of possible impact w/in the period prescribed for publishing the notice of the First Public Hearing.)	Loc. Gov't Code § 43.905; send school district notice not less than 10 days nor more than 20 days before the First Public Hearing.
Ten days after the date the first notice of Public Hearing is published	<b>LAST DAY FOR SUBMISSION OF WRITTEN PROTEST BY RESIDENTS</b> (10 days after first newspaper notice)	Site hearing required if 10% of adult residents of tracts protest within 10 days after 1st newspaper notice. Loc. Gov't Code, § 43.063 (b)
<b>July 17, 2014*</b>	<b>1st PUBLIC HEARING AND PRESENT SERVICE PLAN</b> (Not more than 40 days before the 1st reading of ordinance) <i>REGULAR MEETING</i>	Not less than 20 days nor more than 40 days before reading of ordinance. Loc. Gov't Code, §§ 43.063(a) & 43.065.
<b>July 24, 2014*</b>	<b>2nd PUBLIC HEARING AND PRESENT SERVICE PLAN</b> (At least 20 days before 1st reading of ordinance.) <i>SPECIAL CALLED MEETING</i>	Not less than 20 days nor more than 40 days before reading of ordinance. Loc. Gov't Code, §§ 43.063(a) & 43.065.
Institution Date <b>August 21, 2014*</b>	<b>FIRST READING OF ORDINANCE</b> <i>REGULAR MEETING</i>	Date of institution of proceedings. Not less than 20 days from the second public hearing nor more than 40 days from the first public hearing.
September 4, 2014; Or at a special called meeting after the 1st First Reading	<b>SECOND-FINAL READING OF ORDINANCE</b> <i>REGULAR MEETING</i>	Not more than 90 days after 1 <sup>st</sup> reading of Ordinance § 43.064.
<b>Within 30 days of Second Reading</b>	<b>CITY SENDS COPY OF MAP</b> showing boundary changes to County Voter Registrar in a format that is compatible with mapping format used by registrar	Elec. Code §42.0615
Within 60 days of Second Reading	<b>CITY PROVIDES CERTIFIED COPY OF ORDINANCE AND MAPS TO:</b>  1. County Clerk 2. County Appraisal District 3. County Tax Assessor Collector 4. 911 Addressing 5. Sheriff's Office 6. City Department Heads 7. State Comptroller 8. Franchise Holders	

\*Dates in **BOLD** are **MANDATORY** dates to follow this schedule. Please advise if deviation.

\*\*Newspaper notices to paper by 5p.m. the preceding Wednesday



**Executive Summary**

**August 21, 2014**

**Agenda Subject:** An ordinance of the City of Leander, Texas, annexing the 113.372 acres, more or less, Garlock and Christianson tracts, located in Williamson County, Texas and including the abutting streets, roadways, and rights-of-way; approving a service plan for the annexed area; making findings of fact; providing a severability clause and an effective date; and providing for open meetings and other related matters.

**Background:** Council approved the resolution setting the public hearings for these annexations on June 5, 2014. The annexed properties include the Christianson and Garlock tracts east of Ronald Reagan Blvd. and north of the South San Gabriel River. The resolution set the two public hearing which were conducted on July 17, 2014 and July 24, 2014. The second and final reading is scheduled for September 4, 2014. These are voluntary annexations.

**Origination:** Applicants: Pamela Christianson and Mary Ann Garlock

**Recommendation:** Staff recommends conducting the first reading of the ordinance.

**Attachments:**

1. Garlock and Christianson Annexation Ordinance with exhibits
2. Annexation schedule

**Prepared by:** Tom Yantis, AICP  
Director of Development Services

8/13/2014

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF LEANDER, TEXAS ANNEXING FIVE PARCELS OF LAND BEING 113.372 ACRES, MORE OR LESS, LOCATED IN WILLIAMSON COUNTY, TEXAS, INCLUDING THE ABUTTING ROADWAYS AND RIGHTS-OF-WAY, AT THE REQUEST OF THE PROPERTY OWNER; APPROVING A SERVICE PLAN FOR THE ANNEXED AREA; MAKING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Leander, Texas, is a home rule municipality authorized by State law to annex territory lying adjacent and contiguous to the City;

**WHEREAS**, the owner(s) of the properties, as hereinafter described, made written request for the City to annex such properties in compliance with the *Tex. Loc. Gov't. Code*;

**WHEREAS**, the properties are adjacent and contiguous to the present city limits;

**WHEREAS**, the City Council heard and has decided to grant the owner's request that the City annex said properties;

**WHEREAS**, two separate public hearings were conducted prior to consideration of this Ordinance in accordance with §43.063 of the *Tex. Loc. Gov't. Code*;

**WHEREAS**, the hearings were conducted and held not more than forty (40) nor less than twenty (20) days prior to the institution of annexation proceedings;

**WHEREAS**, notice of the public hearings was published not more than twenty (20) nor less than ten (10) days prior to the public hearings;

**WHEREAS**, the City intends to provide services to the properties to be annexed according to the Service Plan attached hereto as Exhibit "B".

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEANDER, TEXAS:**

**SECTION 1.** That all of the above premises and findings of fact are found to be true and correct and are incorporated into the body of this Ordinance as if copied in their entirety.

**SECTION 2.** All portions of the following described properties, including the abutting roadways and rights-of-way (hereinafter referred to as the "Annexed Property"), not previously annexed into the City, are hereby annexed into the corporate limits of the City of Leander:

- (1) All that certain tract or parcel of land being 36.69 acres, more or less, located in Williamson County, Texas, identified as tax identification number R021710, and being more particularly shown and described in the Exhibit "A" attached hereto and incorporated herein for all purposes.

- (2) All that certain tract or parcel of land being 21.985 acres, more or less, located in Williamson County, Texas, identified as tax identification number R489942, and being more particularly shown and described in the Exhibit "A" attached hereto and incorporated herein for all purposes.
- (3) All that certain tract or parcel of land being 13.63 acres, more or less, located in Williamson County, Texas, identified as tax identification number R489943, and being more particularly shown and described in the Exhibit "A" attached hereto and incorporated herein for all purposes.
- (4) All that certain tract or parcel of land being 39.59 acres, more or less, located in Williamson County, Texas, identified as tax identification number R021708, and being more particularly shown and described in the Exhibit "A" attached hereto and incorporated herein for all purposes.
- (5) All that certain tract or parcel of land being 1.00 acre, more or less, located in Williamson County, Texas, identified as tax identification number R021709, and being more particularly shown and described in the Exhibit "A" attached hereto and incorporated herein for all purposes.

**SECTION 3.** That the Service Plan submitted herewith is hereby approved as part of this Ordinance, made a part hereof and attached hereto as Exhibit "B".

**SECTION 4.** That the future owners and inhabitants of the Annexed Property shall be entitled to all of the rights and privileges of the City as set forth in the Service Plan attached hereto as Exhibit "B", and are further bound by all acts, ordinances, and all other legal action now in full force and effect and all those which may be hereafter adopted.

**SECTION 5.** That the official map and boundaries of the City, heretofore adopted and amended be and hereby are amended so as to include the Annexed Property as part of the City of Leander.

**SECTION 6.** That the Annexed Property shall be temporarily zoned District "SFR-1-B" as provided in the City Zoning Ordinance, as amended, until permanent zoning is established therefore.

**SECTION 7.** That if any provision of this Ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

**SECTION 8.** That this Ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the *Tex. Loc. Gov't. Code*.

**SECTION 9.** That it is hereby officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, *Chapt. 551, Tex. Gov't. Code*.

**PASSED AND APPROVED** on First Reading this \_\_\_\_ day of \_\_\_\_\_, 2014.

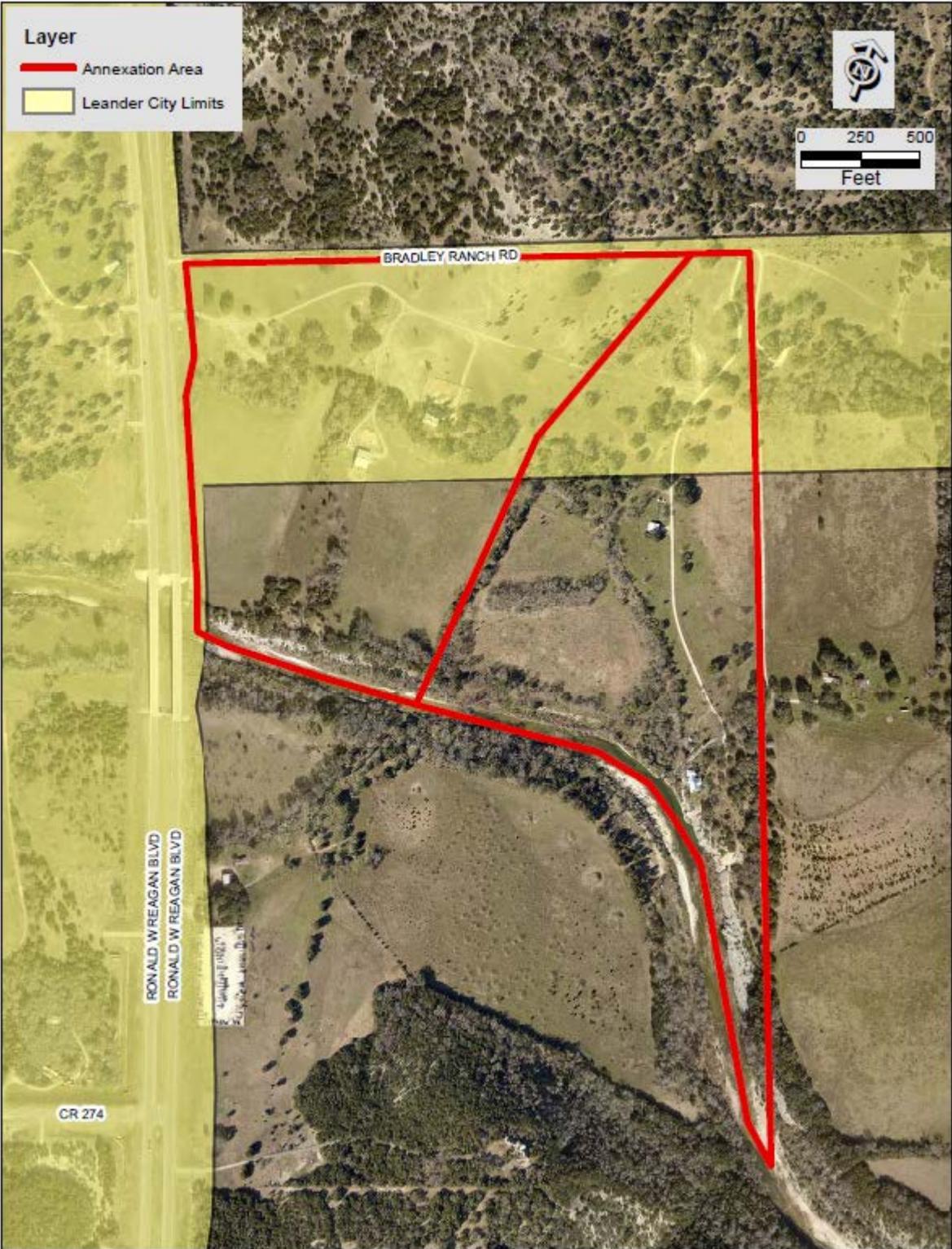
**FINALLY PASSED AND APPROVED** on this \_\_\_\_ day of \_\_\_\_\_, 2014.

**ATTEST:**

**CITY OF LEANDER, TEXAS**

\_\_\_\_\_  
Debbie Haile, City Secretary

\_\_\_\_\_  
Christopher Fielder, Mayor



## Exhibit "B"

### MUNICIPAL SERVICES PLAN FOR PROPERTY TO BE ANNEXED INTO THE CITY OF LEANDER

**WHEREAS**, the City of Leander, Texas (the "City") intends to institute annexation proceedings for tracts of land described more fully hereinafter (referred to herein as the "subject property");

**WHEREAS**, *Section 43.056, Loc. Gov't. Code*, requires a service plan be adopted with the annexation ordinance;

**WHEREAS**, the subject property is not included in the municipal annexation plan and is exempt from the requirements thereof;

**WHEREAS**, infrastructure provided for herein and that existing are sufficient to service the subject property on the same terms and conditions as other similarly situated properties currently within the City limits and no capital improvements are required to offer municipal services on the same terms and conditions as other similarly situated properties within the City; and

**WHEREAS**, it is found that all statutory requirements have been satisfied and the City is authorized by *Chapt. 43, Loc. Gov't. Code*, to annex the subject property into the City;

**NOW, THEREFORE**, the following services shall be provided for the subject property on the effective date of annexation:

(1) **General Municipal Services.** Pursuant to the requests of the owner and this Plan, the following services shall be provided immediately from the effective date of the annexation:

A. Police protection as follows:

Routine patrols of areas, radio response to calls for police service and all other police services now being offered to the citizens of the City.

B. Fire protection and Emergency Medical Services as follows:

Fire protection by the present personnel and equipment of the City fire fighting force and the volunteer fire fighting force with the limitations of water available. Radio response for Emergency Medical Services with the present personnel and equipment.

C. Solid waste collection services as follows:

Solid waste collection and services as now being offered to the citizens of the City.

D. Animal control as follows:

Service by present personnel, equipment and facilities or by contract with a third party, as

provided within the City.

E. Maintenance of parks and playgrounds within the City.

F. Inspection services in conjunction with building permits and routine City code enforcement services by present personnel, equipment and facilities.

G. Maintenance of other City facilities, buildings and service.

H. Land use regulation as follows:

On the effective date of annexation, the zoning jurisdiction of the City shall be extended to include the annexed area, and the use of all property therein shall be grandfathered; and shall be temporarily zoned "SFR-1-B" with the intent to rezone the subject property upon request of the landowner or staff. The Planning & Zoning Commission and the City Council will consider rezoning the subject property at future times in response to requests submitted by the landowner(s) or authorized city staff.

(2) **Scheduled Municipal Services.** Due to the size and vacancy of the subject property, the plans and schedule for the development of the subject property, the following municipal services will be provided on a schedule and at increasing levels of service as provided in this Plan:

A. Water service and maintenance of water facilities as follows:

(i) Inspection of water distribution lines as provided by statutes of the State of Texas.

(ii) In accordance with the applicable rules and regulations for the provision of water service, water service will be provided to the subject properties, or applicable portions thereof, by: (a) the utility holding a water certificate of convenience and necessity ("CCN") for the subject properties, or portions thereof as applicable, or: (b) absent a water CCN or after decertification of Chisholm Trails Special Utility District's ("CTSUD") Water CCN No. 11590 as to the subject properties and payment of any compensation required under Section 13.254, Texas Water Code, by the City in accordance with all the ordinances, regulations, and policies of the City in effect from time to time for the extension of water service. If connected to the City's water utility system, the subject properties' owner shall construct the internal water lines and pay the costs of line extension and construction of such facilities necessary to provide water service to the subject properties as required in City ordinances. Upon acceptance of the water lines within the subject properties and any off-site improvements, water service will be provided by the City utility department on the same terms, conditions and requirements as are applied to all similarly situated areas and customers of the City; subject to all the ordinances, regulations and policies of the City in effect from time to time. The system will be accepted and maintained by the City in accordance with its usual acceptance and maintenance policies. New water line extensions will be installed and extended upon request under the same costs and terms as with other similarly situated customers of the City. The ordinances of the City in effect at the time a request for service is submitted shall govern the costs and request for service. The continued use of a water well that is in use on the effective date of the annexation and is in compliance with applicable rules and regulations shall be permitted and such use may continue until the subject properties' owner requests and is able

to connect to the City's water utility system.

B. Wastewater service and maintenance of wastewater service as follows:

(i) Inspection of sewer lines as provided by statutes of the State of Texas.

(ii) In accordance with the applicable rules and regulations for the provision of wastewater service, wastewater service will be provided to the subject properties in accordance with all the ordinances, regulations, and policies of the City in effect from time to time for the extension of wastewater service. The subject properties' owner shall construct the internal wastewater lines and pay the costs of line extension and construction of facilities necessary to provide wastewater service to the subject properties as required in City ordinances. Upon acceptance of the wastewater lines within the subject properties and any off-site improvements, wastewater service will be provided by the City utility department on the same terms, conditions and requirements as are applied to all similarly situated areas and customers of the City, subject to all the ordinances, regulations and policies of the City in effect from time to time. The wastewater system will be accepted and maintained by the City in accordance with its usual policies. Requests for new wastewater line extensions will be installed and extended upon request under the same costs and terms as with other similarly situated customers of the City. The ordinances in effect at the time a request for service is submitted shall govern the costs and request for service. The continued use of a septic system that is in use on the effective date of the annexation and is in compliance with all applicable rules and regulations shall be permitted and such use may continue until the subject property owner requests and is able to connect to the City's wastewater utility system.

C. Maintenance of streets and rights-of-way as appropriate as follows:

(i) Provide maintenance services on existing public streets within the subject property and other streets that are hereafter constructed and finally accepted by the City. The maintenance of the streets and roads will be limited as follows:

(A) Emergency maintenance of streets, repair of hazardous potholes, measures necessary for traffic flow, etc.; and

(B) Routine maintenance as presently performed by the City.

(ii) The City will maintain existing public streets within the subject property, and following installation and acceptance of new roadways by the City as provided by city ordinance, including any required traffic signals, traffic signs, street markings, other traffic control devices and street lighting, the City will maintain such newly constructed public streets, roadways and rights-of-way within the boundaries of the subject property, as follows:

(A) As provided in C(i)(A)&(B) above;

(B) Reconstruction and resurfacing of streets, installation of drainage facilities, construction of curbs, gutters and other such major improvements as the need therefore is determined by the governing body under City policies;

(C) Installation and maintenance of traffic signals, traffic signs, street markings and other traffic control devices as the need therefore is established by appropriate study and traffic standards; and

(D) Installation and maintenance of street lighting in accordance with established policies of the City;

(iii) The outer boundaries of the subject property abut existing roadways. The property owner agrees that no improvements are required on such roadways to service the property.

(3) **Capital Improvements.** Construction of the following capital improvements shall be initiated after the effective date of the annexation: None. Upon development of the subject property or redevelopment, the landowner will be responsible for the development costs the same as a developer in a similarly situated area under the ordinances in effect at the time of development or redevelopment. No additional capital improvements are necessary at this time to service the subject property the same as similarly situated properties.

(4) **Term.** If not previously expired, this service plan expires at the end of ten (10) years.

(5) **Property Description.** The legal description of the subject property is as set forth in exhibits attached to the Annexation Ordinance to which this Service Plan is attached.

**SCHEDULE FOR VOLUNTARY ANNEXATION  
PARKER, RED OAK VALLEY, SPRINGWOOD**

<b>DATE</b>	<b>ACTION/EVENT</b>	<b>LEGAL AUTHORITY</b>
June 5, 2014	<b>COUNCIL BY WRITTEN RESOLUTION</b> Directs notification to land owners; and sets two (2) Public Hearings <b>July 17, 2014 and July 24, 2014</b> ; Council directs development of service plan for area to be annexed.	Loc. Gov't Code, §§ 43.063 & 43.065; Public Hearings: are on or after the 40th day but before 20th day before institution of proceedings.
<b>By June 16, 2014</b>	<b>NOTICE TO</b> property owners & utility providers	Loc. Gov't Code § 43.062(a)
<b>July 2, 2014**</b> Publish notice of First Public Hearing and send school district notice	<b>NEWSPAPER NOTICES RE: FIRST AND SECOND PUBLIC HEARINGS</b> ; (If applicable, certified Notice to Railroad). <b>POST NOTICE OF HEARINGS ON CITY'S WEBSITE AND MAINTAIN UNTIL HEARINGS COMPLETE</b> ;	Not less than 10 days nor more than 20 days before 1st and 2nd public hearings. Loc. Gov't Code, §43.063 (c).
<b>July 9, 2014**</b> Publish notice of Second Public Hearings	<b>SCHOOL DISTRICT NOTICE</b> (notify each school district of possible impact w/in the period prescribed for publishing the notice of the First Public Hearing.)	Loc. Gov't Code § 43.905; send school district notice not less than 10 days nor more than 20 days before the First Public Hearing.
Ten days after the date the first notice of Public Hearing is published	<b>LAST DAY FOR SUBMISSION OF WRITTEN PROTEST BY RESIDENTS</b> (10 days after first newspaper notice)	Site hearing required if 10% of adult residents of tracts protest within 10 days after 1st newspaper notice. Loc. Gov't Code, § 43.063 (b)
<b>July 17, 2014*</b>	<b>1st PUBLIC HEARING AND PRESENT SERVICE PLAN</b> (Not more than 40 days before the 1st reading of ordinance) <i>REGULAR MEETING</i>	Not less than 20 days nor more than 40 days before reading of ordinance. Loc. Gov't Code, §§ 43.063(a) & 43.065.
<b>July 24, 2014*</b>	<b>2nd PUBLIC HEARING AND PRESENT SERVICE PLAN</b> (At least 20 days before 1st reading of ordinance.) <i>SPECIAL CALLED MEETING</i>	Not less than 20 days nor more than 40 days before reading of ordinance. Loc. Gov't Code, §§ 43.063(a) & 43.065.
Institution Date <b>August 21, 2014*</b>	<b>FIRST READING OF ORDINANCE</b> <i>REGULAR MEETING</i>	Date of institution of proceedings. Not less than 20 days from the second public hearing nor more than 40 days from the first public hearing.
September 4, 2014; Or at a special called meeting after the 1st First Reading	<b>SECOND-FINAL READING OF ORDINANCE</b> <i>REGULAR MEETING</i>	Not more than 90 days after 1 <sup>st</sup> reading of Ordinance § 43.064.
<b>Within 30 days of Second Reading</b>	<b>CITY SENDS COPY OF MAP</b> showing boundary changes to County Voter Registrar in a format that is compatible with mapping format used by registrar	Elec. Code §42.0615
Within 60 days of Second Reading	<b>CITY PROVIDES CERTIFIED COPY OF ORDINANCE AND MAPS TO:</b>  1. County Clerk 2. County Appraisal District 3. County Tax Assessor Collector 4. 911 Addressing 5. Sheriff's Office 6. City Department Heads 7. State Comptroller 8. Franchise Holders	

\*Dates in **BOLD** are **MANDATORY** dates to follow this schedule. Please advise if deviation.

\*\*Newspaper notices to paper by 5p.m. the preceding Wednesday



**Executive Summary**

**August 21, 2014**

- 
- Agenda Subject:** Discussion and possible action to approve a development agreement between the City of Leander and NK Land Development, LLC for 90 acres more or less, generally located  $\frac{3}{4}$  of a mile to the east of the intersection of 183A Toll Road and RM 2243, on the south side of RM 2243. Encompassing the property known as the Marbella Subdivision within the city limits of the City of Leander, Williamson County, Texas.
- Background:** This development agreement with NK Land Development, LLC includes oversizing a wastewater line to serve City customers outside of the property and for the City to pay the cost of oversizing the wastewater line. The agreement also provides for the timing of dedication of the right-of-way for the extension of Raider Way, establishes a per unit fee for roadway adequacy, and credits the value of a stranded tract toward the roadway adequacy obligation.
- Origination:** Applicant: Brian Birdwell on behalf NK Land Development, LLC
- Financial Consideration:** The agreement obligates a portion of the City's wastewater impact fees for reimbursement to the developer for the cost of oversizing the off-site utilities.
- Recommendation:** Staff recommends approval of the development agreement.
- Attachments:** 1. Development Agreement and Exhibits
- Prepared By:** Tom Yantis  
Development Services Director
- 08/14/2014

## **DEVELOPMENT AGREEMENT FOR THE MARBELLA TRACT**

This Development Agreement for the Marbella Tract (the "Agreement") is made and entered into, effective as of the \_\_\_ day of \_\_\_\_\_, 2014, by and between the **City of Leander, Texas**, a Texas home rule municipal corporation (the "City"), **NK Land Development, LLC**, a Texas limited liability company (the "Developer"). The City and the Developer are sometimes referred to herein as the "Parties." The Parties agree as follows.

### **Article I. Purpose; Consideration.**

**1.01.** The Developer owns or has under contract the right to purchase that certain 90 acre tract located in Williamson County, Texas, being more particularly described in Exhibit A attached hereto and incorporated herein for all purposes (the "Property"). The City desires to contract with the Developer to oversize a wastewater line as provided herein to serve City customers outside of the Property, with the City paying the costs of oversizing the wastewater line as provided herein. The Developer wishes that the City's eminent domain authority be used to acquire easements for the off-site utility project defined in Article III, which will be conveyed to and operated by the City as party of the City's utility system upon completion, in the event that Developer is unable to acquire such easements.

**1.02.** The City will benefit from this Agreement by virtue of the opportunity to oversize wastewater infrastructure as provided herein. The Developer will benefit from the use of the City's eminent domain authority if needed to acquire easements for the off-site utility project.

**1.03.** The benefits to the Parties set forth in this Article 1, plus the mutual promises expressed herein, are good and valuable consideration for this Agreement, the sufficiency of which is hereby acknowledged by both Parties.

### **Article II. Term; Termination.**

**2.01.** The term of this Agreement shall be ten (10) years from the Effective Date hereof, subject to earlier termination as provided in this Agreement.

**2.02.** The Parties further mutually agree that this Agreement shall be in full force and effect upon the date above first written, provided that the City may terminate this Agreement if Developer fails to comply with this Agreement or fails to meet any deadlines imposed by this Agreement or the City's ordinances.

### **Article III. Wastewater Line Project**

**3.01.** The project consists of the construction, installation, and extension of a wastewater gravity line, oversized from ten inches (10") in diameter to a fifteen inch (15") diameter segment and a twenty-four inch (24") diameter segment, from an existing manhole on the east side of Ronald Reagan Boulevard, then up Brushy Creek to the western boundary of Property, along the

route approved by the City and generally shown in Exhibit B (the “Project”). The Project includes the wastewater line and those facilities and equipment required for the wastewater line to function efficiently, to provide service to the Property, and to comply with all applicable state and local rules, regulations and standards and good design and engineering practices. The Developer shall complete and obtain City acceptance of the Project concurrently with the first phase of development of the Property.

#### **Article IV. Project Engineer; Bidding of Project**

**4.01.** Baker Aicklen (“Project Engineer”) will act as engineer for the Project, and Project Engineer will prepare the design, construction plans and specifications, and supporting documentation for the Project in accordance with good engineering practices, the design and construction standards of all applicable state and local regulations and this Agreement. Project Engineer will work and coordinate with the City Engineer to obtain the timely review and approval by Developer, the City Engineer and the Director of Development Services of the design, plans, specifications and construction of the Project. Developer shall be responsible for ensuring that the Project Engineer complies with the terms of this Agreement, including with regard to the responsibilities assigned to Engineer herein.

**4.02.** The Project Engineer will advertise the Project for sealed competitive bids in compliance with the Texas Local Government Code based on the City Engineer approved design, plans and specifications, and recommend the lowest qualified bidder/contractor to Developer and the City. The Project will be advertised for bids with an alternate bid being required for a ten inch (10”) wastewater line (the “**Base Bid**”) and a fifteen inch (15”) and a twenty-four inch (24”) wastewater line as shown on the approved construction plans for the Project (the “**Oversizing Bid**”), together with all equipment and related facilities and structures shown on the City-approved plans and specifications for the Project. The Developer shall provide the City with copies of the bid proposals, and the City Engineer shall evaluate the bid proposals to determine whether the bid proposals are fair and balanced prior to accepting a recommendation of bid award. Any unbalanced or skewed bid proposals, as determined by bid tabulations will be appropriately corrected or rejected by the City.

#### **Article V. Construction and Payment for the Project**

**5.01.** Within thirty (30) days of the City’s receipt of the bid proposals, the City shall notify the Developer in writing whether the City elects to participate in oversizing the wastewater line. In the event that the City elects not to participate in oversizing the wastewater line, the Developer may proceed to construct the ten inch (10”) wastewater line. In the event that the City elects to participate in oversizing the wastewater line, the Developer shall execute a contract with the lowest qualified bidder for construction of the Project. The Developer shall cause the contractor for the Project (the “**Contractor**”) to execute payment and performance bonds that comply with Chapter 2253, Texas Government Code.

**5.02.** The City shall fund and pay the incremental cost of constructing the oversized portion of

the Project, such incremental cost to be determined by subtracting the Base Bid from the Oversizing Bid as shown on the accepted bid proposal (the “**City’s Project Costs**”). Developer shall contract for, fund and pay for the design, bidding, contract negotiation, installation and construction of Project, less the City’s Project Costs (the “**Developer’s Project Costs**”). The sum of the City’s Project Costs and the Developer’s Project Costs shall be referred to as the **Total Project Costs**. The “**Project Costs**” are the reasonable, necessary and documented costs of constructing the Project.

**5.03.** The City shall pay a pro-rata share of each payment application for the Project submitted to and approved by the City in accordance with Sections 5.04 and 5.05; provided that the total amount paid by the City to the Developer shall not exceed the City’s Project Costs. The City’s pro rata share shall be calculated by multiplying the amount set forth in the payment application that has been approved for payment by a fraction, the numerator of which is the City’s Project Costs and the denominator of which is the Total Project Costs (the “**City’s Pro Rata Share**”).

**5.04.** The Developer shall submit applications for payment of the construction of the Project to the City Engineer for approval. The payment application shall include a statement showing as completely as practicable the total value of the actual work performed by the Contractor and accepted by the Developer up to and including the last date shown on the invoice. The City may access the construction site for the Project from time to time to inspect the progress of the Project. The City Engineer shall review each payment application and certify it for payment after inspecting the level of completion of the Project, prior to it being submitted to the City Manager. The City Engineer may refuse to certify payment in whole or in part either on its own or because of the Developer's or City's failure to concur therewith, provided that such certification shall not be unreasonably withheld. The City Engineer may refuse to approve a payment application if: (a) the application does not accurately reflect the level of completion of the Project; (b) the work is defective; (c) the Developer or Contractor have abandoned the Project; (d) the Developer or Contractor have gone into bankruptcy or receivership; or (e) the City has received notice of unpaid subcontractors. If agreement is not reached as to a revised amount to be certified for payment, payment shall be issued for the undisputed amount. The Developer's application for payment shall constitute a warranty by the Developer that all work for which payment applications have been previously been submitted and payment received is free and clear of all liens, claims, security interests or encumbrances of any kind of the contractor or subcontractor, or other persons or entities providing labor, materials and/or equipment relating to the Project, and, further, constitutes a warranty that all sums received pursuant to the application will be applied so as to assure that no liens, security interests or encumbrances attach to the work which the application covers.

**5.05.** On or before the 30th calendar day following the City Engineer’s receipt of a payment application meeting the requirements of this Agreement, the City shall pay to the Developer the approved amount of the progress payment based on the Developer’s applications for payment, the terms of this Agreement, the recommendation of the City Engineer and the approval of the City Manager, less retainage in the amount of ten percent (10%). Upon final completion and acceptance of the Project by the City, the City shall pay the retainage to the Developer.

## Article VI. Additional Agreements and Performance

### 6.01. The City hereby agrees:

- (a) to coordinate with the Project Engineer on specific design requirements and specifications; and to review, and to approve and sign the plans and specifications for the Project in a timely manner, as appropriate;
- (b) to review and approve the plans, specifications and bids for construction of the Project as obtained for and on behalf of the City by Engineer and Developer, as appropriate;
- (c) during the course of the Project, to review, approve and sign necessary and appropriate change orders in a timely manner; to perform all inspections of the Project in a timely manner; and to approve the Project in a timely manner if constructed in accordance with the City approved plans and specifications;
- (d) to fund and pay for the City's Pro Rata of the Project as provided in Article V;
- (e) after completion and final acceptance by the City of the Project as constructed, to accept the Project as part of the City's wastewater utility systems, as appropriate;
- (f) after Developer completes construction and obtains City acceptance of the Project and upon Developer completing construction of a phase or section of the subdivision in compliance with this Agreement and the City giving final acceptance of that phase or section, the City will approve connections to the wastewater system and provide such services within the completed phase or section of the subdivision on the same terms and conditions as then provided within other areas of the City; and
- (g) to review and process the applications made, and the plans and specifications submitted, by Developer with respect to the subdivision.

### 6.02. Developer hereby agrees:

- (a) to finance, design, construct and install all required water, wastewater facilities, streets, drainage facilities and other amenities and improvements within the Property, at Developer's sole cost and expense (collectively the "**Subdivision Improvements**"); provided that the City shall fund the City's Project Costs if the City gives written notice of the City's intent to participate in the Project as provided in Article V;
- (b) to plan, plat, build-out, and complete development and construct and install the Subdivision Improvements in compliance with good design and engineering practices, the applicable federal and state laws, rules and regulations, the Code of Ordinances and the rules and regulations of the City, this Agreement, and the environmental regulations otherwise applicable to the Property, as amended from time to time;
- (c) to contract with the Project Engineer for the design, preparation of the plans and specifications, and the provision of the services anticipated to be performed by the

- Project Engineer for the Project pursuant to and in compliance with Article IV;
- (d) to contract with the Project Engineer to review and approve the plans and specifications for the Project (including the estimated cost of the Project), identify any design errors, defects or insufficiencies, and to advise the City Engineer as to any perceived error, defect or insufficiency prior to approving any such plans and specifications;
  - (e) to work and coordinate with the City to assure the improvements constituting the Project are eligible for funding with capital impact fees pursuant to the City's capital impact fee ordinance, prior to the execution of any contract for construction;
  - (f) to enter into a contract with an appropriate contractor approved by the City pursuant to competitive bids approved by the City and Developer for construction of the Project;
  - (g) to pay to the City all fees and charges provided for or established by the codes, ordinances, rules and regulations of the City for or with respect to the development of the Property when due, including, but not limited to, zoning and subdivision application fees, building permit fees, water and wastewater tap and use fees and capital recovery/impact fees; and
  - (h) to timely perform and complete each task, duty and responsibility of Developer set forth in this Agreement.

#### **Article VII. Raider Way**

**7.01.** At or before final platting of any of the Property and as a condition of final plat approval, the Developer shall dedicate the ROW for Raider Way on the City's Transportation Plan, as generally shown on Exhibit "C", attached hereto and incorporated herein for all purposes (the "**ROW Dedication**"), such ROW Dedication to be more specifically defined at the time of dedication by metes and bounds or by survey provided by the Developer and approved by the City. The deadline for submittal of the first final plat and construction plans shall be no later than sixty days from the effective date of this development agreement. The Developer shall also pay a fee of \$500 per residential lot (the "**Roadway Fee**") in lieu of making any roadway improvements to Raider Way under Article 10.03 of the City's Code of Ordinances. The City agrees to accept the ROW Dedication and the Roadway Fee as full satisfaction of Developer's obligation to dedicate right-of-way for and to make improvements to Raider Way under the Article 10.03 of the City's Code of Ordinances (the City's Roadway Adequacy regulations).

The City agrees to compensate Developer for the approximately 28,000 square feet of land that will become negatively impacted due to the alignment of Raider Way. The payment will be the lesser of (i) \$2.00 per square foot, based on 28,000 square feet of impact as computed by the City, or (ii) the Roadway Fee. The City will pay the developer at the time the Roadway Fee is due to the City.

#### **Article VIII. Eminent Domain**

**8.01.** The Project is necessary and required improvements for the City's wastewater system. The Project is included in the City's Capital Improvement Plan and the cost of the Project is

included in the calculation of the City's wastewater impact fees. The City will provide use of all necessary City lands, rights-of-way and easements (as appropriate) and will provide further required easements or lands in fee simple as may be necessary for construction of that part or portion of the Project that is located outside the boundaries of the Property. It is acknowledged there is and exists a public necessity for the Project. The Project will be a City capital improvement project and the City agrees to use its power of eminent domain to acquire such lands or easements as may be necessary for the construction of the Project. The reasonable costs and expenses of the City obtaining any easements and land required for the Project only and located outside the boundaries of the Property shall be paid by Developer.

### **Article IX. Assignment of Commitments and Obligations**

**9.01. Developer Assignment of Agreement.** Developer's rights and obligations under this Agreement may be assigned by Developer to one (1) or more purchasers of all or part of the Property; provided the City Council of the City must first approve and consent to any such assignment by Developer of this Agreement or of any right or duty of Developer pursuant to this Agreement; which consent shall not be unreasonably withheld or delayed.

**9.02. Binding Obligations.** This Agreement shall be binding upon and inure to the benefit of the parties, their successors, and assigns. The Memorandum of Agreement, in the form attached as Exhibit "D", shall be recorded in the Official Public Records of Williamson County, Texas within ninety days after the Effective Date. Nothing in this Agreement is intended to impose the Developer's obligations on individual owners that purchase lots for their personal use.

### **Article X. Default and Related Provisions**

**10.01. Default.** Notwithstanding anything herein to the contrary, no party shall be deemed to be in default hereunder until the passage of fourteen (14) business days after receipt by such party of notice of default from the other party. Upon the passage of fourteen (14) business days without cure of the default, such party shall be deemed to have defaulted for purposes of this Agreement; provided that if the nature of the default is that it cannot reasonably be cured within the fourteen (14) business day period, the defaulting party shall have a longer period of time as may be reasonably necessary to cure the default in question; but in no event more than sixty (60) days. In the event of default, the non-defaulting party to this Agreement may pursue the remedy of specific performance or other equitable legal remedy not inconsistent with this Agreement. All remedies will be cumulative and the pursuit of one authorized remedy will not constitute an election of remedies or a waiver of the right to pursue any other authorized remedy.

**10.02. Reservation of Rights.** To the extent not inconsistent with this Agreement, each party reserves all rights, privileges, and immunities under applicable laws, and neither party waives any legal right or defense available under law or in equity.

**10.03. Attorneys Fees.** A party shall not be liable to the other party for attorney fees or costs incurred in connection with any litigation between the parties, in which a party seeks to obtain a

remedy from the other party, including appeals and post judgment awards.

**10.04. Waiver.** Any failure by a party to insist upon strict performance by the other party of any provision of this Agreement will not, regardless of length of time during which that failure continues, be deemed a waiver of that party's right to insist upon strict compliance with all terms of this Agreement. In order to be effective as to a party, any waiver of default under this Agreement must be in writing, and a written waiver will only be effective as to the specific default and as to the specific period of time set forth in the written waiver. A written waiver will not constitute a waiver of any subsequent default, or of the right to require performance of the same or any other provision of this Agreement in the future.

**10.05. Force Majeure.**

- (a) The term "force majeure" as employed herein shall mean and refer to acts of God; strikes, lockouts, or other industrial disturbances; acts of public enemies, orders of any kind of the government of the United States, the State of Texas or any civil or military authority; insurrections; riots; epidemic; landslides; lightning, earthquakes; fires, hurricanes; storms, floods; washouts; droughts; arrests; restraint of government and people; civil disturbances; explosions; breakage or accidents to machinery, pipelines, or canals; or other causes not reasonably within the control of the party claiming such inability.
- (b) If, by reason of force majeure, any party hereto shall be rendered wholly or partially unable to carry out its obligations under this Agreement, then such party shall give written notice of the full particulars of such force majeure to the other party within ten (10) days after the occurrence thereof. The obligations of the party giving such notice, to the extent effected by the force majeure, shall be suspended during the continuance of the inability claimed, except as hereinafter provided, but for no longer period, and the party shall endeavor to remove or overcome such inability with all reasonable dispatch.
- (c) It is understood and agreed that the settlement of strikes and lockouts shall be entirely within the discretion of the party having the difficulty, and that the above requirement that any force majeure shall be remedied with all reasonable dispatch shall not require that the settlement be unfavorable in the judgment of the party having the difficulty.

**Article XI. Notices**

**11.01.** Any notice to be given hereunder by any party to another party shall be in writing and may be effected by personal delivery or by sending said notices by registered or certified mail, return receipt requested, to the address set forth below. Notice shall be deemed given when deposited with the United States Postal Service with sufficient postage affixed.

Any notice mailed to the City shall be addressed:

City of Leander  
Attn: City Manager  
200 West Willis  
P.O. Box 319  
Leander, Texas 78646-0319

with copy to:

Knight & Partners  
Paige H. Saenz  
223 West Anderson Lane, #A105  
Austin, Texas 77852

Any notice mailed to the Developer shall be addressed:

NK Land Development, LLC  
Attn: Brian Birdwell  
6549 Comanche Trail  
Austin, Texas 78732

Any party may change the address for notice to it by giving notice of such change in accordance with the provisions of this section.

## **Article XII. Miscellaneous Provisions**

**12.01.** The Parties acknowledge the mutual promises and obligations of the Parties expressed herein are good, valuable and sufficient consideration for this Agreement. The Parties further acknowledge the City and Developer voluntarily elected the benefits and obligations of this Agreement, as opposed to the benefits available were Developer to have elected to develop the Property without the benefits and obligations of this Agreement, pursuant to and in compliance with the applicable City ordinances. Therefore, save and except the right to enforce the obligations of the City to perform each and all of the City's duties and obligations under this Agreement, Developer hereby waives any and all claims or causes of action against the City Developer may have for or with respect to any duty or obligation undertaken by Developer pursuant to this Agreement, including any benefits that may have been otherwise available to Developer but for this Agreement.

**12.02.** This Agreement, together with any exhibits attached hereto, constitutes the entire agreement between Parties and may not be amended except by a writing approved by the City Council of the City that is signed by all Parties and dated subsequent to the date hereof.

**12.03.** The terms of this Agreement are not intended to and shall not be deemed to create any

partnership or joint venture among the parties. The City, its past, present and future officers, elected officials, employees and agents, do not assume any responsibilities or liabilities to any third party in connection with the development of the Property. The City enters into this Agreement in the exercise of its public duties and authority to provide for development of property within the City pursuant to its police powers and for the benefit and protection of the public health, safety, and welfare.

**12.04.** This Agreement is not intended, nor will it be construed, to create any third-party beneficiary rights in any person or entity who is not a party, unless expressly provided otherwise herein, or in a written instrument executed by both the City and the third party. Absent a written agreement between the City and third party providing otherwise, if a default occurs with respect to an obligation of the City under this Agreement, any notice of default or action seeking a remedy for such default must be made by the Owner.

**12.05.** The Effective Date of this Agreement is the defined date set forth in the first paragraph.

**12.06.** This Agreement or a memorandum of Agreement acceptable to the City and Developer shall be recorded in the Official Public Records of Williamson County, Texas.

**12.07.** This Agreement shall be governed by and construed in accordance with the laws of the State of Texas and shall be performable in Williamson County, Texas. Venue shall lie exclusively in Williamson County, Texas.

**12.08.** It is acknowledged and agreed by the Parties that time is of the essence in the performance of this Agreement.

**12.09. Exhibits.** The following exhibits are attached to this Agreement, and made a part hereof for all purposes:

- Exhibit A – Property Description
- Exhibit B – General Project Location
- Exhibit C – ROW Dedication
- Exhibit D – Memorandum of Agreement

EXECUTED in multiple originals this the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

**CITY:**  
**City of Leander, Texas**  
a Texas home-rule municipal corporation

Attest:

By: \_\_\_\_\_  
Name: Debbie Haile  
Title: City Secretary

By: \_\_\_\_\_  
Name: Christopher Fielder  
Title: Mayor

**THE STATE OF TEXAS** §  
**COUNTY OF WILLIAMSON** §

This instrument was acknowledged before me on this \_\_\_\_ day of \_\_\_\_\_, 2014, by Christopher Fielder, Mayor of the City of Leander, Texas, a Texas home-rule municipal corporation, on behalf of said corporation.

(SEAL)

\_\_\_\_\_  
Notary Public, State of Texas

**DEVELOPER/OWNER:**

NK Land Development, LLC a Texas limited liability company

By: \_\_\_\_\_

Name: \_\_\_\_\_

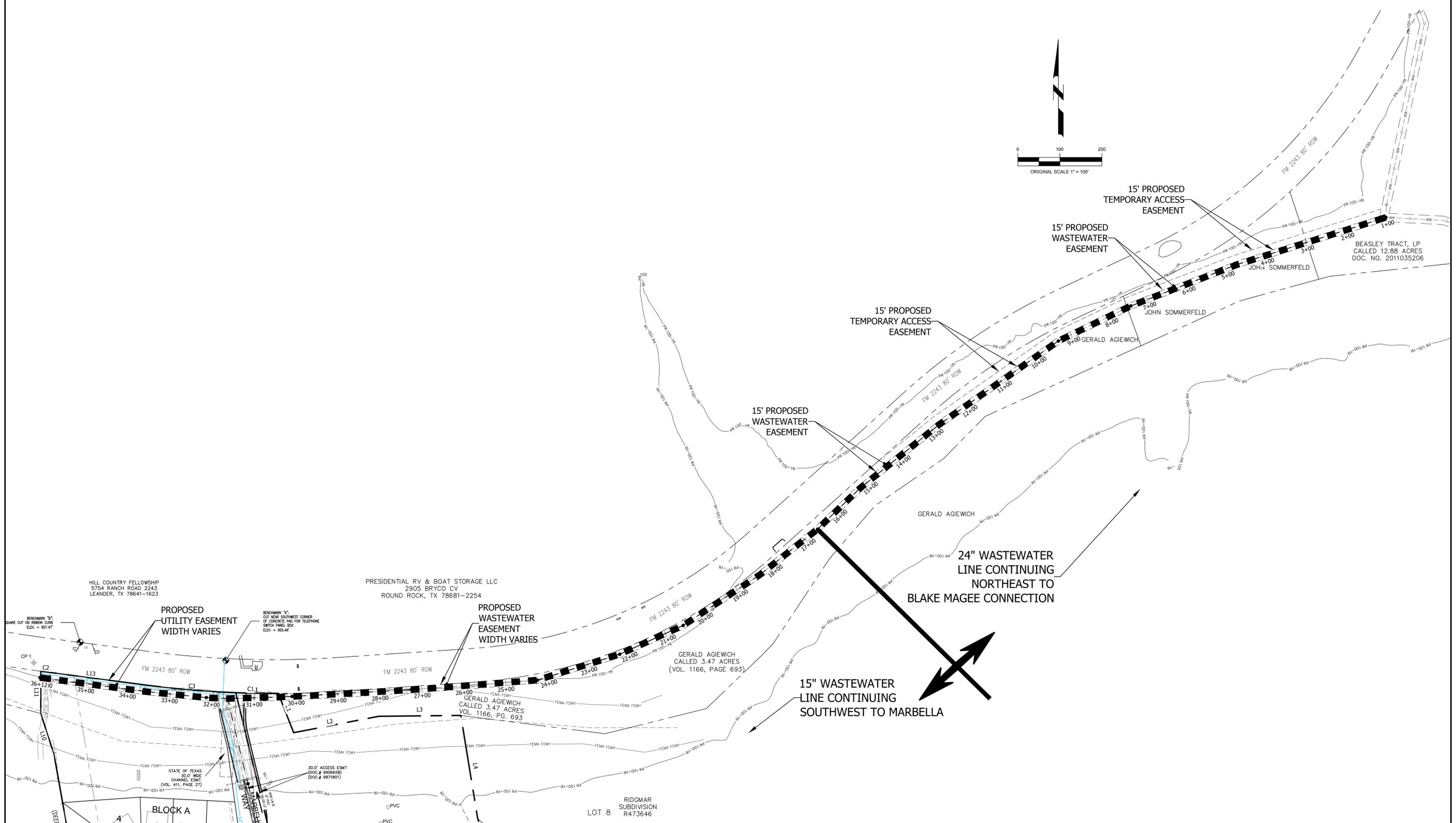
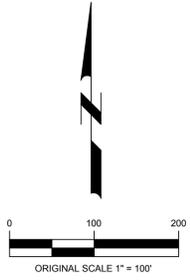
Title: \_\_\_\_\_

**THE STATE OF TEXAS** §  
**COUNTY OF \_\_\_\_\_** §

This instrument was acknowledged before me on this \_\_\_\_ day of \_\_\_\_\_, 2014, by \_\_\_\_\_, \_\_\_\_\_ of NK Land Development, LLC, a Texas limited liability company, on behalf of said corporation.

(SEAL)

\_\_\_\_\_  
Notary Public, State of Texas



HILL COUNTRY FELLOWSHIP  
5754 RANCH ROAD 2243  
LEANDER, TX 78641-1623

PRESIDENTIAL RV & BOAT STORAGE LLC  
2905 BRYCO CV  
ROUND ROCK, TX 78681-2254

GERALD AGIEWICH  
CALLED 3.47 ACRES  
(VOL. 1166, PAGE 693)

BEASLEY TRACT, LP  
CALLED 12.88 ACRES  
DOC. NO. 2011035206

PROPOSED  
UTILITY EASEMENT  
WIDTH VARIES

PROPOSED  
WASTEWATER  
EASEMENT  
WIDTH VARIES

24" WASTEWATER  
LINE CONTINUING  
NORTHEAST TO  
BLAKE MAGEE CONNECTION

15" WASTEWATER  
LINE CONTINUING  
SOUTHWEST TO MARBELLA

BLOCK A

LOT 8  
RIDGMAR  
SUBDIVISION  
R473646

# EXHIBIT B MARBELLA OFFSITE WASTEWATER LINE

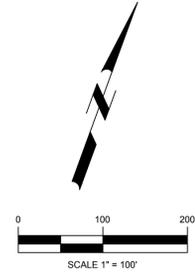
JULY 2014

**BAKER-AICKLEN & ASSOCIATES, INC.**  
507 WEST LIBERTY AVENUE  
ROUND ROCK, TEXAS 78664  
(512) 244-9620

ENGINEERS | SURVEYORS | GIS | PLANNERS | LANDSCAPE ARCHITECTS

ENGINEERING FIRM # F45 • SURVEY FIRM # 100231-D • TBAE # 1787

EXHIBIT C  
RAIDER WAY R.O.W.  
JULY 2014



**BAKER-AICKLEN & ASSOCIATES, INC.**  
ENGINEERS | SURVEYORS | LANDSCAPE ARCHITECTS  
1501 WEST LIBERTY AVENUE  
ROUND ROCK, TEXAS 78664  
(512) 249-9200

STATE OF TEXAS  
DAVID URBAN  
82783  
LICENSED PROFESSIONAL ENGINEER  
7/21/2014

NO.	DATE	REVISIONS	RECORD

CLIENT  
**NK LAND INVESTMENTS, LLC**

PROJECT

SHEET TITLE

PROJECT NO.  
2276-2-001

SHEET NO.

**MEMORANDUM OF AGREEMENT**

**STATE OF TEXAS** §

§

**COUNTY OF WILLIAMSON** §

**Whereas**, NK Land Development, LLC, a Texas limited liability company, and the City of Leander (the “City”), entered into a Development Agreement for the Marbella Tract dated \_\_\_\_\_, 20\_\_\_\_, (the “Agreement”);

**Whereas**, Developer owns or intends to acquire the Property described in Exhibit “A” attached hereto and incorporated herein for all purposes (the “Property”);

**Whereas**, recording the entire Agreement in the real property records of Williamson County is impractical and needlessly burdensome; and

**Whereas**, the Parties agree to file this Memorandum of Agreement (“Memorandum”) to comply with statutory filing requirements;

**NOW THEREFORE**, the undersigned hereby executes this Memorandum and files the same of record in the Deed Records of Williamson County, Texas, for the purpose of giving notice to all persons that:

(1) The Agreement is on file with the City Secretary at the Leander City Hall, copies of which are available upon request.

(2) The Developer and its successors and assigns are required to perform as agreed and provided in the Agreement as well as all other applicable rules, regulations and codes of the City.

Executed and filed this the \_\_\_\_ day of \_\_\_\_\_, 2014.

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

By: \_\_\_\_\_

Name: Kent Cagle

Title: City Manager

**THE STATE OF TEXAS**           §  
  §  
**COUNTY OF WILLIAMSON**       §

**BEFORE ME**, the undersigned authority, a Notary Public in and for said County and State, on this day personally appeared Kent Cagle, City Manager of the City of Leander, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged that he executed the same for the purposes and consideration therein expressed and in the capacity therein stated.

**GIVEN UNDER MY HAND AND SEAL OF OFFICE** on this the \_\_\_\_\_ day of \_\_\_\_\_ 200\_.

(SEAL)

\_\_\_\_\_  
Notary Public-State of Texas

**THE STATE OF TEXAS**           §  
  §  
**COUNTY OF WILLIAMSON**       §

**BEFORE ME**, the undersigned authority, a Notary Public in and for said County and State, on this day personally appeared \_\_\_\_\_, \_\_\_\_\_, NK Land Development, LLC, a Texas limited liability company, Developer herein, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged that [s]he executed the same for the purposes and consideration therein expressed and in the capacity therein stated.

**GIVEN UNDER MY HAND AND SEAL OF OFFICE** on this the \_\_\_\_ day of \_\_\_\_\_ 200\_.

(SEAL)

\_\_\_\_\_  
Notary Public-State of Texas



**Executive Summary**

**August 21, 2014**

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- Agenda Subject:** Discussion and possible action to approve a development agreement between the City of Leander and RJ Madden, Inc for 66.198 acres more or less, generally located 1,000 feet to the east of the northeast corner of the intersection of 183A Toll Road and E. Woodview Drive Leander. Encompassing the property known as the Stewart Crossing Subdivision within the city limits of the City of Leander, Williamson County, Texas.
- Background:** This development agreement with RJ Madden, Inc includes oversizing wastewater lines to serve City customers outside of the property and for the City to pay the cost of oversizing the wastewater lines through the rebate of impact fees. The agreement also addresses the applicant's responsibilities related to roadway adequacy ordinance requirements and requires the applicant to build the full section of the extension of Raider Way for a distance of 1,790 linear feet to the north from the intersection of Raider Way and Woodview. This construction plus the dedication of additional required right-of-way will fulfill the applicant's obligations under the roadway adequacy ordinance.
- Origination:** Applicant: Joe Hoover on behalf RJ Madden, Inc
- Financial Consideration:** The agreement obligates a portion of the City's wastewater impact fees for reimbursement to the developer for the cost of oversizing the off-site utilities.
- Recommendation:** Staff recommends approval of the development agreement.
- Attachments:** 1. Development Agreement and Exhibits
- Prepared By:** Tom Yantis  
Development Services Director

07/31/2014

**DEVELOPMENT AGREEMENT  
FOR STEWART CROSSING**

This Development Agreement for Stewart Crossing (the "Agreement") is made and entered into, effective as of the \_\_\_ day of \_\_\_\_\_, 2014, by and between the **City of Leander, Texas**, a Texas home rule municipal corporation (the "**City**"), and **RJ Madden, Inc.**, a Texas corporation and or Assigns ("**Developer**"). The City and Developer are sometimes referred to herein as the "**Parties.**" The Parties agree as follows:

**Article I. Purpose; Consideration.**

**1.01.** Developer owns or has under contract the right to purchase that certain 66.198 acre tract located in Williamson County, Texas, being more particularly described in Exhibit A attached hereto and incorporated herein for all purposes (the "**Property**"). The Property is proposed for development as a single family subdivision with approximately 223 single family lots (the "**Subdivision**"). The Property is zoned to the SFC-2-B zoning district. The City desires to contract with the Developer to oversize a wastewater line as provided herein to serve City customers outside of the Property, with the City rebating wastewater impact fees to the Developer as provided herein to offset the costs incurred by the Developer to oversize the wastewater line. Developer wishes that the City's eminent domain authority be used to acquire easements for the off-site utility project defined in Article III, which will be conveyed to and operated by the City as part of the City's utility system upon completion, in the event that Developer is unable to acquire such easements.

**1.02.** The City will benefit from this Agreement by virtue of the oversizing of wastewater infrastructure as provided herein. Developer will benefit from the use of the City's eminent domain authority if needed to acquire easements for the off-site utility project.

**1.03.** The benefits to the Parties set forth in this Article 1, plus the mutual promises expressed herein, are good and valuable consideration for this Agreement, the sufficiency of which is hereby acknowledged by both Parties.

**Article II. Term; Termination.**

**2.01.** The term of this Agreement shall be ten (10) years from the Effective Date hereof, subject to earlier termination as provided in this Agreement.

**2.02.** The Parties further mutually agree that this Agreement shall be in full force and effect upon the date above first written, provided that the City may terminate this Agreement if Developer fails to comply with this Agreement or fails to meet any deadlines imposed by this Agreement or the City's ordinances, after providing Developer with notice of the default and an opportunity to cure the default under Section 11.01.

**Article III. Wastewater Line Project**

**3.01.** The project (the “**Project**”) consists of the construction, installation, and extension of: (1) an eight inch (8”) wastewater line, with an alternate to oversize the line from eight inches (8”) up to fifteen inches (15”) in diameter, to be located outside of the boundaries of the Property,, as shown on Exhibit B (“**Segment A**”); and (2) a wastewater line oversized from eight inches (8”) to ten inches (10”) in diameter to be located within the Property, as shown on Exhibit B (“**Segment B**”). The Project includes the wastewater line and appurtenances including stub-outs at manholes as required by the City Engineer necessary for the wastewater line to function efficiently, to provide service to the Property and surrounding properties, and to comply with all applicable state and local rules, regulations and standards and good design and engineering practices. Developer shall complete and obtain City acceptance of the Project on or before two years from the Effective Date. Notwithstanding the above, the Parties agree that: (1) if the construction of the Marbella Sewer Line or Blake Magee Company Sewer Line shown on Exhibit B, has not commenced on or before February 1, 2015, then Developer shall have the right to complete the construction, installation and extension of the Marbella Sewer Line or Blake Magee Company Sewer Line, subject to the agreement of the developers obligated to construct said sewer lines; and (2) if the Marbella Sewer Line or Blake Magee Company Sewer Line is not completed on or before two years from the Effective Date, then Developer shall have an additional six (6) months after the date of the completion the Marbella Sewer Line or Blake Magee Company Sewer Line, whichever is later, to complete and obtain City acceptance of the Project; provided that if Developer commences construction of the Marbella Sewer Line and/or the Blake Magee Company Sewer Line, the Developer must complete construction of such line or lines within twelve (12) months of commencing construction of each line, respectively.

#### **Article IV. Project Engineer; Bidding of Project**

**4.01.** Jones & Carter, Inc.(“**Project Engineer**”) will act as engineer for the Project, and Project Engineer will prepare the design, construction plans and specifications, and supporting documentation for the Project in accordance with good engineering practices, the design and construction standards of all applicable state and local regulations and this Agreement. Project Engineer will work and coordinate with the City Engineer to obtain the timely review and approval by Developer, the City Engineer and the Director of Development Services of the design, plans, specifications and construction of the Project. Developer shall be responsible for ensuring that the Project Engineer complies with the terms of this Agreement, including with regard to the responsibilities assigned to Engineer herein.

**4.02.** Project Engineer will advertise the Project for sealed competitive bids in compliance with the Texas Local Government Code based on the City Engineer approved design, plans and specifications, and recommend the lowest qualified bidder/contractor to Developer and the City. The Project Engineer will advertise for bids : (1) for Segment A, for an eight-inch (8”) wastewater line, with an alternate bid for a fifteen-inch (15”) wastewater line; and (2) for Segment B, for an eight-inch (8”) wastewater line, with an alternate bid for a ten-inch (10”) wastewater line. The City Engineer shall evaluate the bids to determine whether the bids are fair and balanced prior to approving a recommendation of bid award. Any unbalanced or skewed bids, as determined by bid tabulations, will be appropriately corrected or rejected by the City.

## **Article V. Cost of the Project; Reimbursable Costs**

**5.01.** Developer shall contract for, fund and pay for the design, bidding, contract negotiation, installation and construction of the Project and shall be entitled to rebates, as provided in Article VII below, of up to one hundred percent (100%) of the Reimbursable Costs (defined in Section 5.02 below) from the City, based on the oversizing of the wastewater line, as provided in Section 4.01 and Section 4.02 above, subject to the provisions and limitations set forth in this Agreement. Developer shall not receive any rebate or contribution from the City for any part or portion of any amenity or improvement required to be constructed within the Property; except that that Developer shall be eligible to receive wastewater impact fee rebates up to the amount of the Reimbursable Costs for the portion of the Project that is being oversized as provided in Articles IV, V, and VIII of this Agreement.

**5.02** The “**Reimbursable Costs**” for the Project, shall be:

- (a) for Segment A, the dollar amount of the approved bid for a fifteen-inch (15”) wastewater line less the dollar amount of the approved bid for an eight-inch (8”) wastewater line;
- (b) for Segment B, the dollar amount of the approved bid for a ten-inch (10”) wastewater line less the dollar amount of the approved bid for an eight-inch (8”) wastewater line;
- (c) the algebraic difference between the dollar amount of the approved bid for Alternate #1 and the dollar amount of the approved bid for Alternate #2; and provided that all such sums and amounts shall have been paid by Developer and are reasonable, necessary and documented to and approved by the City Engineer and Director of Development Services, or the City Council, as applicable.

**5.03.** Within thirty (30) days of the City’s receipt of the bid proposals, the City shall notify the Developer in writing whether the City elects to participate in oversizing Segment A from eight inches (8”) to fifteen inches (15”) and/or oversizing Segment B from eight inches (8”) to ten inches (10”). In the event that the City elects not to participate in oversizing of Segment A and/or Segment B, the Developer may proceed to construct the eight inch (8”) wastewater line for both segments. In the event that the City elects to participate in oversizing Segment A and/or Segment B, the Developer shall execute a contract with the bidder approved by the City Engineer. The Developer shall cause the contractor for the Project (the “**Contractor**”) to execute payment and performance bonds that comply with Chapter 2253, Texas Government Code.

## **Article VI. Development of the Property**

**6.01. Phasing.** The Property may be developed in phases in accordance with the phasing shown on the approved concept plan.

**6.02. Collector Road extension (C8).** Developer shall:

(a) dedicate the width of right-of-way along the full length of the eastern boundary of the Property for the extension of Raider Way (C8) required by Ordinance Number 14-025-00 (the “Transportation Plan”) and Chapter 10 of the City’s code of ordinances (the “Subdivision Ordinance”), along the route generally shown on Exhibit “C” and the Transportation Plan, at or before the time of final platting of the Property in accordance with the approved phasing plan for the Property;

(b) dedicate the width of right-of-way along the southern boundary for the future widening of Woodview Drive required by the Transportation Plan and the Subdivision Ordinance, along the route generally shown on Exhibit “C” and the Transportation Plan, at or before the final platting of the Property in accordance with the approved phasing plan for the Property;

(c) construct and pay for 100% of the extension of Raider Way (C8) to the design specifications required by the Transportation Plan, the Subdivision Ordinance, and good engineering practices for a distance of approximately 1,790 LF from its current end at Woodview Dr, as shown on the Exhibit “C”.

Developer’s fulfillment of these obligations shall constitute full satisfaction of its improvement contribution for Raider Way (C8) and Woodview Drive as required by the City’s Subdivision Ordinance. Developer's obligation to construct Raider Way (C8) within right-of-way outside the Property is conditioned upon the City's receiving the required right-of-way from the adjacent property owner. In the event that the City does not receive right-of-way for the portions of Raider Way located outside of the Property, then Developer shall not be required to construct the portions of Raider Way located outside of the Property, and shall instead pay the boundary street improvement fees and dedicate right-of-way for Raider Way as required by the Subdivision Ordinance and the Transportation Plan.

**6.03. Improvements to waterline infrastructure along CR 271.** The water supply for the proposed development will be a “one way feed” until such time as the City or adjacent development provides the ability to loop the water supply. Developer shall construct a water line of a minimum size of twelve inches (12”) in diameter to connect the water distribution lines internal to the Property to the City’s existing water distribution system generally along the route shown on Exhibit “D” (the “**Water Connection Line**”).

## Article VII. Additional Agreements and Performance

### 7.01. The City hereby agrees:

- (a) to coordinate with Project Engineer on specific design requirements and specifications; and to review, and to approve and sign the plans and specifications for the Project in a timely manner, as appropriate;
- (b) to review and approve the plans, specifications and bids for construction of the Project as obtained for and on behalf of the City by Project Engineer and Developer in a timely manner, as appropriate;
- (c) during the course of the Project, to review, approve and sign necessary and appropriate change orders in a timely manner; to perform all inspections of the Project in a timely manner; and to approve the Project in a timely manner if constructed in accordance with the City approved plans and specifications;
- (d) after completion and final acceptance by the City of the Project as constructed, to accept the Project as part of the City's wastewater utility systems, as appropriate;
- (e) after Developer completes construction and obtains City acceptance of the Project and upon Developer completing construction of a phase or section of the Subdivision in compliance with this Agreement and the City giving final acceptance of the Project, the City will approve connections to the City wastewater system and provide wastewater services within the completed phase or section of the Subdivision on the same terms and conditions as then provided within other areas of the City;
- (f) after Developer completes construction and obtains City acceptance of the Water Connection Line and upon Developer completing construction of a phase or section of the Subdivision in compliance with this Agreement and the City giving final acceptance the Project, the City will approve connections to the City water system and provide water services within the completed phase or section of the Subdivision on the same terms and conditions as then provided within other areas of the City; and
- (g) to review and process the applications made, and the plans and specifications submitted, by Developer with respect to the Subdivision in a timely manner.

### 7.02. Developer hereby agrees:

- (a) to finance, design, construct and install all required water, wastewater facilities, streets, drainage facilities and other amenities and improvements within the Property, and those improvements outside the boundaries of the Property that are required by the City's ordinances, codes and policies, as modified by this Agreement, at Developer's sole cost and expense, except as outlined in Article 5.01 (collectively the "**Subdivision Improvements**").
- (b) to contract with the Project Engineer for the design, preparation of the plans and specifications, and the provision of the services anticipated to be performed by the Project Engineer for the Project pursuant to and in compliance with Article IV;
- (c) to review and approve the plans and specifications for the Project (including the

- estimated cost of the Project), identify any design errors, defects or insufficiencies, and to advise the City Engineer as to any perceived error, defect or insufficiency prior to approving any such plans and specifications;
- (d) to work and coordinate with the City, and to assure the improvements constituting the Project are eligible for funding with capital impact fees pursuant to the City's capital impact fee ordinance, prior to the execution of any contract for construction;
  - (e) to enter into a contract with an appropriate contractor approved by the City pursuant to competitive bids approved by the City Engineer for construction of the Project;
  - (f) to pay to the City all fees and charges provided for or established by the codes, ordinances, rules and regulations of the City for or with respect to the development of the Property when due, including, but not limited to, zoning and subdivision application fees, building permit fees, water and wastewater tap and use fees and capital recovery/impact fees; and
  - (g) to timely perform and complete each task, duty and responsibility of Developer set forth in this Agreement.

### **Article VIII. Collection and Payment of Wastewater Impact Fees**

**8.01.** Developer, its grantees, successors, assigns, and subsequent purchasers of any portion of the Property, agree that each lot, tract, parcel or building site within the Property that will be provided wastewater service by the City shall be required to pay the City's wastewater impact fee (the "**Wastewater Impact Fee**"), established pursuant to Chapter 395 of the Texas Local Government Code, in the amount that is established by the City capital improvements plan and City ordinance, as amended, from time to time, and that is in effect when the fee is paid. The Wastewater Impact Fee shall be payable with respect to a lot, tract, parcel, or building site at the time the building permit for each building or structure is applied for or, if no building permit is required, then upon the first to occur of the following: (a) the date construction of the building or structure is first commenced, (b) the date an application is made to the City for a wastewater connection to serve the building or structure, or (c) the date wastewater service is requested for the lot, tract or parcel of land.

**8.02.** Subject to the terms, conditions and limitations of this Agreement, during the Term of this Agreement, Developer shall receive a rebate of sixty percent (60%) of the Wastewater Impact Fees paid to the City for connections to the City wastewater utility system within: (i) the Property; and (ii) within land or developments that connect to the Project by a direct connection or by a wastewater line that is not listed and included in the City capital improvements plan and ordinance that establishes the Wastewater Impact Fees (the "**Impact Fee Rebates**"). The Impact Fee Rebates will terminate on the earlier to occur of: (i) Developer receiving Impact Fee Rebates, or a combination of Impact Fee Rebates and one or more payments from the City equal to the Reimbursable Costs; (ii) the expiration of this Agreement; or (iii) the termination of this Agreement by reason of a Developer default. The City may at any time, in its sole discretion, pay the Developer the balance of the Reimbursable Costs from any source of funds available to the City in one or more lump sum payments. If Developer is in default of this Agreement, then, following notice of the default to Developer, the City may suspend payment of Impact Fee Rebates until such time that Developer cures the default.

**8.03.** Impact Fee Rebates will be paid by the City to Developer quarterly in arrears. Impact Fee Rebates will be paid on or before the 30th day of each April, July, October and January following the date the City receives the Wastewater Impact Fees. The payments will be in an amount equal to sixty percent (60%) of the Wastewater Impact Fees collected by City during the three (3) calendar months preceding the month the scheduled payment is due and payable. For example, if the City collects Wastewater Impact Fees for the connection of two (2) single-family lots within the Property in November and December 2014, on or before the 30th day of January 2015, the City will pay an Impact Fee Rebate to Developer (or its assignee) in an amount equal to **sixty** percent (60%) of the Wastewater Impact Fees for the two (2) single-family lots within the Property plus such other Wastewater Impact Fees as were collected during the prior quarter. As further example, if for the months of January, February and March 2015 the City collects Wastewater Impact Fees for the connection of five (5) single-family lots within the Property, then, on or before April 30, 2015, the City will pay an Impact Fee Rebate to Developer in an amount equal to sixty percent (60%) of the amount of the Wastewater Impact Fees collected for the five lots. Notwithstanding any other term or provision of this Agreement, the City will discontinue rebating Wastewater Impact Fees at such time, if any, as Developer, its grantees, successors and assigns, have: (i) been paid Wastewater Impact Fees in an amount equal to the Reimbursable Costs of the Project; or (ii) been paid a combination of Wastewater Impact Fees and one or more payments from the City in amounts equal to the Reimbursable Costs of the Project. It is further specifically provided that Developer shall not receive Impact Fee Rebates at anytime that such are in excess of the Reimbursable Costs of the Project.

#### **Article IX. Eminent Domain**

**9.01.** The Project is necessary and required improvements for the City's wastewater system. The Project is included in the City's Capital Improvement Plan and the cost of the Project is included in the calculation of the City's wastewater impact fees. The City will provide use of all necessary City lands, rights-of-way and easements (as appropriate) and will provide further required easements or lands in fee simple as may be necessary for construction of that part or portion of the Project that is located outside the boundaries of the Property. It is acknowledged there is and exists a public necessity for the Project. The Project will be a City capital improvement project and the City agrees to use its power of eminent domain to acquire such lands or easements as may be necessary for the construction of the Project. The reasonable costs and expenses of the City obtaining any easements and land required for the Project only and located outside the boundaries of the Property shall be paid by Developer.

#### **Article X. Assignment of Commitments and Obligations**

**10.01. Developer Assignment of Agreement.** Developer's rights and obligations under this Agreement may be assigned by Developer to one (1) or more purchasers of all or part of the Property; provided the City Council of the City must first approve and consent to any such assignment by Developer of this Agreement or of any right or duty of Developer pursuant to this Agreement; which consent shall not be unreasonably withheld or delayed.

**10.02. Binding Obligations.** This Agreement shall be binding upon and inure to the benefit of the parties, their successors, and assigns. The Memorandum of Agreement, in the form attached as Exhibit "D", shall be recorded in the Official Public Records of Williamson County, Texas within ninety days after the Effective Date. Nothing in this Agreement is intended to impose the Developer's obligations on individual owners that purchase lots for their personal use.

## **Article XI. Default and Related Provisions**

**11.01. Default.** Notwithstanding anything herein to the contrary, no party shall be deemed to be in default hereunder until the passage of twenty (20) business days after receipt by such party of notice of default from the other party. Upon the passage of twenty (20) business days without cure of the default, such party shall be deemed to have defaulted for purposes of this Agreement; provided that if the nature of the default is that it cannot reasonably be cured within the twenty (20) business day period, the defaulting party shall have a longer period of time as may be reasonably necessary to cure the default in question; but in no event more than ninety (90) days. In the event of default, the non-defaulting party to this Agreement may pursue the remedy of specific performance or other equitable legal remedy not inconsistent with this Agreement. All remedies will be cumulative and the pursuit of one authorized remedy will not constitute an election of remedies or a waiver of the right to pursue any other authorized remedy.

**11.02. Reservation of Rights.** To the extent not inconsistent with this Agreement, each party reserves all rights, privileges, and immunities under applicable laws, and neither party waives any legal right or defense available under law or in equity.

**11.03. Attorneys Fees.** A party shall not be liable to the other party for attorney fees or costs incurred in connection with any litigation between the parties, in which a party seeks to obtain a remedy from the other party, including appeals and post judgment awards.

**11.04. Waiver.** Any failure by a party to insist upon strict performance by the other party of any provision of this Agreement will not, regardless of length of time during which that failure continues, be deemed a waiver of that party's right to insist upon strict compliance with all terms of this Agreement. In order to be effective as to a party, any waiver of default under this Agreement must be in writing, and a written waiver will only be effective as to the specific default and as to the specific period of time set forth in the written waiver. A written waiver will not constitute a waiver of any subsequent default, or of the right to require performance of the same or any other provision of this Agreement in the future.

**11.05. Force Majeure.**

- (a) The term "force majeure" as employed herein shall mean and refer to acts of God; strikes, lockouts, or other industrial disturbances; acts of public enemies, orders of any kind of the government of the United States, the State of Texas or any civil or military authority; insurrections; riots; epidemic; landslides; lightning, earthquakes; fires, hurricanes; storms, floods; washouts; droughts; arrests; restraint of government and people; civil disturbances; explosions; breakage or accidents to machinery, pipelines, or canals; or other causes not reasonably within the control of the party claiming such inability.

- (b) If, by reason of force majeure, any party hereto shall be rendered wholly or partially unable to carry out its obligations under this Agreement, then such party shall give written notice of the full particulars of such force majeure to the other party within ten (10) days after the occurrence thereof. The obligations of the party giving such notice, to the extent effected by the force majeure, shall be suspended during the continuance of the inability claimed, except as hereinafter provided, but for no longer period, and the party shall endeavor to remove or overcome such inability with all reasonable dispatch.
- (c) It is understood and agreed that the settlement of strikes and lockouts shall be entirely within the discretion of the party having the difficulty, and that the above requirement that any force majeure shall be remedied with all reasonable dispatch shall not require that the settlement be unfavorable in the judgment of the party having the difficulty.

## **Article XII. Notices**

**12.01.** Any notice to be given hereunder by any party to another party shall be in writing and may be effected by personal delivery or by sending said notices by registered or certified mail, return receipt requested, to the address set forth below. Notice shall be deemed given when deposited with the United States Postal Service with sufficient postage affixed.

Any notice mailed to the City shall be addressed:

City of Leander  
Attn: City Manager  
200 West Willis  
P.O. Box 319  
Leander, Texas 78646-0319

with copy to:

Knight & Partners  
Paige H. Saenz  
223 West Anderson Lane, #A105  
Austin, Texas 77852

Any notice mailed to the Developer shall be addressed:

RJ Madden, Inc.  
Attn: Rodney L. Madden  
10116 Swan Valley Lane  
Austin, Texas 78759

Joseph R. Hoover  
4203 North Hills Drive

Austin, Texas 78731

Any party may change the address for notice to it by giving notice of such change in accordance with the provisions of this section.

### **Article XIII. Miscellaneous Provisions**

**13.01.** The Parties acknowledge the mutual promises and obligations of the Parties expressed herein are good, valuable and sufficient consideration for this Agreement. The Parties further acknowledge the City and Developer voluntarily elected the benefits and obligations of this Agreement, as opposed to the benefits available were Developer to have elected to develop the Property without the benefits and obligations of this Agreement, pursuant to and in compliance with the applicable City ordinances. Therefore, save and except the right to enforce the obligations of the City to perform each and all of the City's duties and obligations under this Agreement, Developer hereby waives any and all claims or causes of action against the City Developer may have for or with respect to any duty or obligation undertaken by Developer pursuant to this Agreement, including any benefits that may have been otherwise available to Developer but for this Agreement.

**13.02.** This Agreement, together with any exhibits attached hereto, constitutes the entire agreement between Parties and may not be amended except by a writing approved by the City Council of the City that is signed by all Parties and dated subsequent to the date hereof.

**13.03.** The terms of this Agreement are not intended to and shall not be deemed to create any partnership or joint venture among the parties. The City, its past, present and future officers, elected officials, employees and agents, do not assume any responsibilities or liabilities to any third party in connection with the development of the Property. The City enters into this Agreement in the exercise of its public duties and authority to provide for development of property within the City pursuant to its police powers and for the benefit and protection of the public health, safety, and welfare.

**13.04.** This Agreement is not intended, nor will it be construed, to create any third-party beneficiary rights in any person or entity who is not a party, unless expressly provided otherwise herein, or in a written instrument executed by both the City and the third party. Absent a written agreement between the City and third party providing otherwise, if a default occurs with respect to an obligation of the City under this Agreement, any notice of default or action seeking a remedy for such default must be made by the Owner.

**13.05.**The Effective Date of this Agreement is the defined date set forth in the first paragraph.

**13.06.** This Agreement or a memorandum of Agreement acceptable to the City and Developer shall be recorded in the Official Public Records of Williamson County, Texas.

**13.07.** This Agreement shall be governed by and construed in accordance with the laws of the State of Texas and shall be performable in Williamson County, Texas. Venue shall lie exclusively in Williamson County, Texas.

**13.08.** It is acknowledged and agreed by the Parties that time is of the essence in the performance of this Agreement.

**13.09. Exhibits.** The following exhibits are attached to this Agreement, and made a part hereof for all purposes:

- Exhibit "A" – Property Description
- Exhibit "B" – General Project Description
- Exhibit "C" – Water Line Connection Description
- Exhibit "D" – Memorandum of Agreement

EXECUTED in multiple originals this the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

**CITY:**  
**City of Leander, Texas**  
a Texas home-rule municipal corporation

Attest:

By: \_\_\_\_\_  
Name: Debbie Haile  
Title: City Secretary

By: \_\_\_\_\_  
Name: Christopher Fielder  
Title: Mayor

**THE STATE OF TEXAS           §**  
**COUNTY OF WILLIAMSON       §**

This instrument was acknowledged before me on this \_\_\_\_ day of \_\_\_\_\_, 2014, by Christopher Fielder, Mayor of the City of Leander, Texas, a Texas home-rule municipal corporation, on behalf of said corporation.

(SEAL)

\_\_\_\_\_  
Notary Public, State of Texas

**DEVELOPER/OWNER:**

RJ Madden, Inc. a Texas corporation

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

**THE STATE OF TEXAS** §  
**COUNTY OF \_\_\_\_\_** §

This instrument was acknowledged before me on this \_\_\_\_ day of \_\_\_\_\_, 2014, by \_\_\_\_\_, \_\_\_\_\_ of RJ Madden, Inc. a Texas corporation, on behalf of said corporation.

(SEAL)

\_\_\_\_\_  
Notary Public, State of Texas

Exhibit "A"  
Legal Description

A tract or parcel of land, 16.27 acres more or less, being out of and a part of the Elijah D. Harmon Survey, Abstract 6 in Williamson County, Texas, as conveyed to THE SAMUEL AND IDA NELL PEARSON FAMILY TRUST, SAMUEL J. PEARSON, TRUSTEE AND IDA NELL PEARSON, TRUSTEE by Deed recorded in Document Number 2003027079, Official Public Records of Williamson County, Texas.

A tract or parcel of land, 16.22 acres more or less, being out of and a part of the Elijah D. Harmon Survey, Abstract 6 in Williamson County, Texas, as conveyed to THE B.W. AND CARLENE PRUETT FAMILYTRUST, B.W. PRUETT, JR., TRUSTEE, CARLENE PRUETT, TRUSTEE by Deed recorded in Document Number 2003055079, Official Public Records of Williamson County, Texas

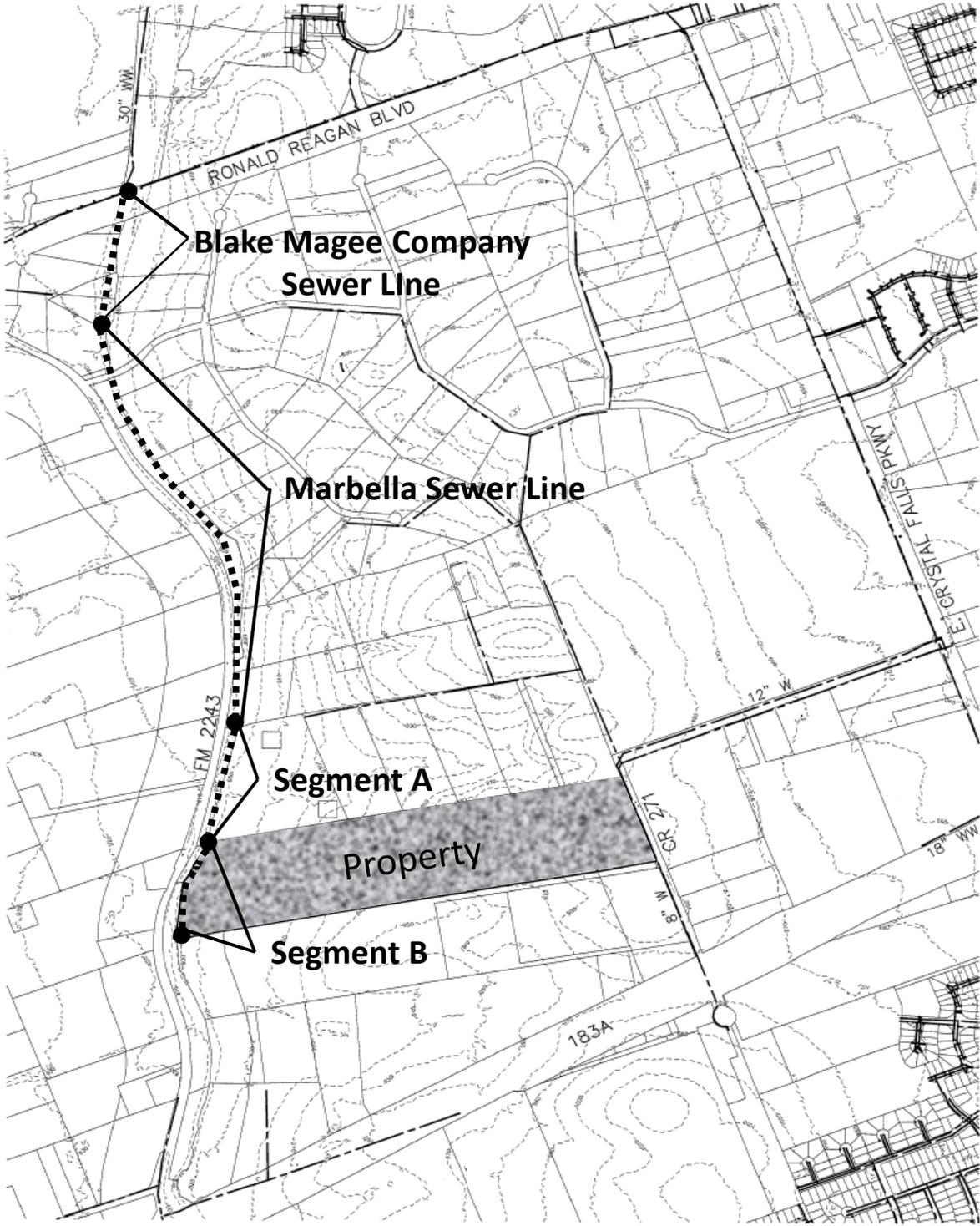
A tract or parcel of land, 33.63 acres more or less, being out of and a part of the Elijah D. Harmon Survey, Abstract 6 in Williamson County, Texas, said 33.63 acres being the same property conveyed by Deeds recorded in Document Number 2004022693 and Document Number 2006055078, Official Public Records of Williamson County, Texas.

# EXHIBIT "B"

## To Development Agreement Stewart Crossing



RJ MADDEN - 66 ACRE SITE	
UTILITY EXHIBIT	
	
10110 University Blvd., Suite 400, Austin, Texas 78758 (512) 451-9400	
SCALE: 1" = 800'	DATE: 8/21/2013
JOB NO: A738-0001	





**MEMORANDUM OF AGREEMENT**

**STATE OF TEXAS** §

§

**COUNTY OF WILLIAMSON** §

**Whereas**, RMD Holdings, LP, a Texas limited partnership, and the City of Leander (the “City”), entered into a Development Agreement dated \_\_\_\_\_, 20\_\_\_\_, (the “Agreement”);

**Whereas**, Developer owns or intends to acquire the Property described in Exhibit “A” attached hereto and incorporated herein for all purposes (the “Property”);

**Whereas**, authority for the Agreement exists under Chapter 212, Subchapter G, Texas Local Government Code (“Subchapter G”), Chapter 43, Texas Local Government Code (“Chapter 43”), Chapter 245, Texas Local Government Code (“Chapter 245”), and such other statutes as may be applicable;

**Whereas**, recording the entire Agreement in the real property records of Williamson County is impractical and needlessly burdensome; and

**Whereas**, the Parties agree to file this Memorandum of Agreement (“Memorandum”) to comply with statutory filing requirements;

**NOW THEREFORE**, the undersigned hereby executes this Memorandum and files the same of record in the Deed Records of Williamson County, Texas, for the purpose of giving notice to all persons that:

- (1) The Agreement is on file with the City Secretary at the Leander City Hall, copies of which are available upon request.
- (2) The Developer and its successors and assigns are required to perform as agreed and provided in the Agreement as well as all other applicable rules, regulations and codes of the City.

Executed and filed this the \_\_\_\_\_ day of \_\_\_\_\_, 2014.

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

By: \_\_\_\_\_  
Name: Kent Cagle  
Title: City Manager

**THE STATE OF TEXAS** §  
§  
**COUNTY OF WILLIAMSON** §

**BEFORE ME**, the undersigned authority, a Notary Public in and for said County and State, on this day personally appeared Kent Cagle, City Manager of the City of Leander, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged that he executed the same for the purposes and consideration therein expressed and in the capacity therein stated.

**GIVEN UNDER MY HAND AND SEAL OF OFFICE** on this the \_\_\_\_\_ day of \_\_\_\_\_ 200\_.

(SEAL)

\_\_\_\_\_  
Notary Public-State of Texas

**THE STATE OF TEXAS** §  
§  
**COUNTY OF WILLIAMSON** §

**BEFORE ME**, the undersigned authority, a Notary Public in and for said County and State, on this day personally appeared \_\_\_\_\_, \_\_\_\_\_, RMD Holdings, LP, a Texas limited partnership, Developer herein, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged that [s]he executed the same for the purposes and consideration therein expressed and in the capacity therein stated.

**GIVEN UNDER MY HAND AND SEAL OF OFFICE** on this the \_\_\_\_ day of \_\_\_\_\_ 200\_.

(SEAL)

\_\_\_\_\_  
Notary Public-State of Texas



**Executive Summary**  
**August 21, 2014**

**Agenda Subject:** Receive Effective & Rollback Tax Rate Calculations for FY 2014-15.

**Background:** State “Truth-in-Taxation” laws require calculation and publication of a taxing entity’s effective tax rate and rollback rate. The effective tax rate is generally equal to the prior year’s taxes divided by the current taxable value of properties that were also on the tax roll in the prior year. The rollback rate allows a taxing entity to raise the same amount of M&O money as raised in the prior year, plus 8 percent. The rollback debt service rate is the rate needed to pay the entity’s debt service for the upcoming year.

The rates are as follows:

Effective Tax Rate:	\$0.602966 per \$100 valuation
Effective Operating Tax Rate:	\$0.387630 per \$100 valuation
Effective Maximum Operating Tax Rate:	\$0.418640 per \$100 valuation
Debt Rate	\$0.234280 per \$100 valuation
Rollback Rate	\$0.652920 per \$100 valuation

**Origination:** Robert G. Powers, Finance Director

**Financial Consideration:** N.A.

**Recommendation:** No Action is Required

**Attachments:** Effective & Rollback Rate Calculations

**Prepared by:** Robert G. Powers, Finance Director

# 2014 Effective Tax Rate Worksheet

## City of Leander

See pages 13 to 16 for an explanation of the effective tax rate.

1.	<b>2013 total taxable value.</b> Enter the amount of 2013 taxable value on the 2013 tax roll today. Include any adjustments since last year's certification; exclude Section 25.25(d) one-third over-appraisal corrections from these adjustments. This total includes the taxable value of homesteads with tax ceilings (will deduct in line 2) and the captured value for tax increment financing (will deduct taxes in line 14).	\$2,041,156,946
2.	<b>2013 tax ceilings.</b> Counties, Cities and Junior College Districts. Enter 2013 total taxable value of homesteads with tax ceilings. These include the homesteads of homeowners age 65 or older or disabled. Other units enter "0" if your taxing units adopted the tax ceiling provision in 2013 or prior year for homeowners age 65 or older or disabled, use this step.	\$166,100,580
3.	<b>Preliminary 2013 adjusted taxable value.</b> Subtract line 2 from line 1.	\$1,875,056,366
4.	<b>2013 total adopted tax rate.</b>	\$0.667920/\$100
5.	<b>2013 taxable value lost because court appeals of ARB decisions reduced 2013 appraised value.</b> A. Original 2013 ARB values: <span style="float: right;">\$186,651</span> B. 2013 values resulting from final court decisions: <span style="float: right;">- \$179,500</span> C. 2013 value loss. Subtract B from A.	\$7,151
6.	<b>2013 taxable value, adjusted for court-ordered reductions.</b> Add line 3 and line 5C.	\$1,875,063,517
7.	<b>2013 taxable value of property in territory the unit deannexed after January 1, 2013.</b> Enter the 2013 value of property in deannexed territory.	\$0
8.	<b>2013 taxable value lost because property first qualified for an exemption in 2013.</b> Note that lowering the amount or percentage of an existing exemption does not create a new exemption or reduce taxable value. If the taxing unit increased an original exemption, use the difference between the original exempted amount and the increased exempted amount. Do not include value lost due to freeport, "goods-in-transit" exemptions. A. Absolute exemptions. Use 2013 market value: <span style="float: right;">\$579,346</span> B. Partial exemptions. 2014 exemption amount or 2014 percentage exemption times 2013 value: <span style="float: right;">+ \$2,151,125</span> C. Value loss. Add A and B.	\$2,730,471

## 2014 Effective Tax Rate Worksheet (continued)

### City of Leander

9.	<p><b>2013 taxable value lost because property first qualified for agricultural appraisal (1-d or 1-d-1), timber appraisal, recreational/scenic appraisal or public access airport special appraisal in 2014.</b> Use only those properties that first qualified in 2014; do not use properties that qualified in 2013.</p> <p>A. 2013 market value: <span style="float: right;">\$0</span></p> <p>B. 2014 productivity or special appraised value: <span style="float: right;">- \$0</span></p> <p>C. Value loss. Subtract B from A. <span style="float: right;">\$0</span></p>	\$0
10.	<b>Total adjustments for lost value.</b> Add lines 7, 8C and 9C.	\$2,730,471
11.	<b>2013 adjusted taxable value.</b> Subtract line 10 from line 6.	\$1,872,333,046
12.	<b>Adjusted 2013 taxes.</b> Multiply line 4 by line 11 and divide by \$100.	\$12,505,686
13.	<b>Taxes refunded for years preceding tax year 2013.</b> Enter the amount of taxes refunded during the last budget year for tax years preceding tax year 2013. Types of refunds include court decisions, Section 25.25(b) and (c) corrections and Section 31.11 payment errors. Do not include refunds for tax year 2013. This line applies only to tax years preceding tax year 2013.	\$36,371
14.	<b>Taxes in tax increment financing (TIF) for tax year 2013.</b> Enter the amount of taxes paid into the tax increment fund for a reinvestment zone as agreed by the taxing unit. If the unit has no 2014 captured appraised value in Line 16D, enter "0."	\$105,726
15.	<b>Adjusted 2013 taxes with refunds.</b> Add lines 12 and 13, subtract line 14.	\$12,436,331
16.	<p><b>Total 2014 taxable value on the 2014 certified appraisal roll today.</b> This value includes only certified values and includes the total taxable value of homesteads with tax ceilings (will deduct in line 18). These homesteads includes homeowners age 65 or older or disabled.</p> <p>A. <b>Certified values</b> only: <span style="float: right;">\$2,421,789,999</span></p> <p>B. <b>Counties:</b> Include railroad rolling stock values certified by the Comptroller's office: <span style="float: right;">+ \$0</span></p>	

**2014 Effective Tax Rate Worksheet (continued)**  
**City of Leander**

16. (cont.)	<p><b>C. Pollution control exemption:</b> Deduct the value of property exempted for the current tax year for the first time as pollution control property (use this line based on attorney's advice): <span style="float: right;">- \$0</span></p> <p><b>D. Tax increment financing:</b> Deduct the 2014 captured appraised value of property taxable by a taxing unit in a tax increment financing zone for which the 2014 taxes will be deposited into the tax increment fund. Do not include any new property value that will be included in line 21 below. <span style="float: right;">- \$33,612,742</span></p> <p><b>E. Total 2014 value.</b> Add A and B, then subtract C and D. <span style="float: right;">\$2,388,177,257</span></p>
17.	<p><b>Total value of properties under protest or not included on certified appraisal roll.</b></p> <p><b>A. 2014 taxable value of properties under protest.</b> The chief appraiser certifies a list of properties still under ARB protest. The list shows the district's value and the taxpayer's claimed value, if any or an estimate of the value if the taxpayer wins. For each of the properties under protest, use the lowest of these values. Enter the total value. <span style="float: right;">\$62,981,356</span></p> <p><b>B. 2014 value of properties not under protest or included on certified appraisal roll.</b> The chief appraiser gives taxing units a list of those taxable properties that the chief appraiser knows about but are not included at appraisal roll certification. These properties also are not on the list of properties that are still under protest. On this list of properties, the chief appraiser includes the market value, appraised value and exemptions for the preceding year and a reasonable estimate of the market value, appraised value and exemptions for the current year. Use the lower market, appraised or taxable value (as appropriate). Enter the total value. <span style="float: right;">+ \$0</span></p>

## 2014 Effective Tax Rate Worksheet (continued)

### City of Leander

<b>17. (cont.)</b>	<b>C. Total value under protest or not certified.</b> Add A and B.	\$62,981,356
<b>18.</b>	<b>2014 tax ceilings.</b> Counties, cities and junior colleges enter 2014 total taxable value of homesteads with tax ceilings. These include the homesteads of homeowners age 65 or older or disabled. Other units enter "0." If your taxing units adopted the tax ceiling provision in 2013 or prior year for homeowners age 65 or older or disabled, use this step.	\$196,906,557
<b>19.</b>	<b>2014 total taxable value.</b> Add lines 16E and 17C. Subtract line 18.	\$2,254,252,056
<b>20.</b>	<b>Total 2014 taxable value of properties in territory annexed after January 1, 2008.</b> Include both real and personal property. Enter the 2014 value of property in territory annexed.	\$23,847,321
<b>21.</b>	<b>Total 2014 taxable value of new improvements and new personal property located in new improvements.</b> "New" means the item was not on the appraisal roll in 2013. An improvement is a building, structure, fixture or fence erected on or affixed to land. A transportable structure erected on its owner's land is also included unless it is held for sale or is there only temporarily. New additions to existing improvements may be included if the appraised value can be determined. New personal property in a new improvement must have been brought into the unit after January 1, 2013 and be located in a new improvement. New improvements do include property on which a tax abatement agreement has expired for 2014. New improvements do not include mineral interests produced for the first time, omitted property that is back assessed and increased appraisals on existing property.	\$167,880,834
<b>22.</b>	<b>Total adjustments to the 2014 taxable value.</b> Add lines 20 and 21.	\$191,728,155
<b>23.</b>	<b>2014 adjusted taxable value.</b> Subtract line 22 from line 19.	\$2,062,523,901
<b>24.</b>	<b>2014 effective tax rate.</b> Divide line 15 by line 23 and multiply by \$100.	\$0.602966/\$100
<b>25.</b>	<b>COUNTIES ONLY.</b> Add together the effective tax rates for each type of tax the county levies. The total is the 2014 county effective tax rate.	\$/\$100

A county, city or hospital district that adopted the additional sales tax in November 2013 or in May 2014 must adjust its effective tax rate. *The Additional Sales Tax Rate Worksheet* on page 39 sets out this adjustment. Do not forget to complete the *Additional Sales Tax Rate Worksheet* if the taxing unit adopted the additional sales tax on these dates.

# 2014 Rollback Tax Rate Worksheet

## City of Leander

See pages 17 to 21 for an explanation of the rollback tax rate.

26.	2013 maintenance and operations (M&O) tax rate.	\$0.431420/\$100
27.	2013 adjusted taxable value. Enter the amount from line 11.	\$1,872,333,046
28.	<p><b>2013 M&amp;O taxes.</b></p> <p>A. Multiply line 26 by line 27 and divide by \$100. <span style="float: right;">\$8,077,619</span></p> <p>B. <b>Cities, counties and hospital districts with additional sales tax:</b> Amount of additional sales tax collected and spent on M&amp;O expenses in 2013. Enter amount from full year's sales tax revenue spent for M&amp;O in 2013 fiscal year, if any. Other units, enter "0." Counties exclude any amount that was spent for economic development grants from the amount of sales tax spent. <span style="float: right;">+ \$0</span></p> <p>C. <b>Counties:</b> Enter the amount for the state criminal justice mandate. If second or later year, the amount is for increased cost above last year's amount. Other units, enter "0." <span style="float: right;">+ \$0</span></p> <p>D. <b>Transferring function:</b> If discontinuing all of a department, function or activity and transferring it to another unit by written contract, enter the amount spent by the unit discontinuing the function in the 12 months preceding the month of this calculation. If the unit did not operate this function for this 12-month period, use the amount spent in the last full fiscal year in which the unit operated the function. The unit discontinuing the function will subtract this amount in H below. The unit receiving the function will add this amount in H below. Other units, enter "0." <span style="float: right;">+/- \$0</span></p>	

## 2014 Rollback Tax Rate Worksheet (continued)

### City of Leander

<b>28. (cont.)</b>	<p>E. Taxes refunded for years preceding tax year 2013: Enter the amount of M&amp;O taxes refunded during the last budget year for tax years preceding tax year 2013. Types of refunds include court decisions, Section 25.25(b) and (c) corrections and Section 31.11 payment errors. Do not include refunds for tax year 2013. This line applies only to tax years preceding tax year 2013.</p> <p style="text-align: right;">+ \$23,082</p> <p>F. <b>Enhanced indigent health care expenditures:</b> Enter the increased amount for the current year's enhanced indigent health care expenditures above the preceding tax year's enhanced indigent health care expenditures, less any state assistance.</p> <p style="text-align: right;">+ \$0</p> <p>G. <b>Taxes in tax increment financing (TIF):</b> Enter the amount of taxes paid into the tax increment fund for a reinvestment zone as agreed by the taxing unit. If the unit has no 2014 captured appraised value in Line 16D, enter "0."</p> <p style="text-align: right;">- \$105,726</p> <p>H. <b>Adjusted M&amp;O Taxes.</b> Add A, B, C, E and F. For unit with D, subtract if discontinuing function and add if receiving function. Subtract G.</p> <p style="text-align: right;">\$7,994,975</p>	
<b>29.</b>	<b>2014 adjusted taxable value.</b> Enter line 23 from the Effective Tax Rate Worksheet.	\$2,062,523,901
<b>30.</b>	<b>2014 effective maintenance and operations rate.</b> Divide line 28H by line 29 and multiply by \$100.	\$0.387630/\$100
<b>31.</b>	<b>2014 rollback maintenance and operation rate.</b> Multiply line 30 by 1.08. (See lines 49 to 52 for additional rate for pollution control expenses.	\$0.418640/\$100

## 2014 Rollback Tax Rate Worksheet (continued)

### City of Leander

<b>32.</b>	<p><b>Total 2014 debt to be paid with property taxes and additional sales tax revenue.</b>          "Debt" means the interest and principal that will be paid on debts that:</p> <ul style="list-style-type: none"> <li>(1) are paid by property taxes,</li> <li>(2) are secured by property taxes,</li> <li>(3) are scheduled for payment over a period longer than one year and</li> <li>(4) are not classified in the unit's budget as M&amp;O expenses.</li> </ul> <p>A: <b>Debt</b> also includes contractual payments to other taxing units that have incurred debts on behalf of this taxing unit, if those debts meet the four conditions above. Include only amounts that will be paid from property tax revenue. Do not include appraisal district budget payments. List the debt in Schedule B: Debt Service. <span style="float: right;">\$5,474,587</span></p> <p>B: Subtract <b>unencumbered fund amount</b> used to reduce total debt. <span style="float: right;">-\$105,940</span></p> <p>C: Subtract <b>amount paid</b> from other resources. <span style="float: right;">-\$87,371</span></p> <p>D: <b>Adjusted debt.</b> Subtract B and C from A. <span style="float: right;">\$5,281,276</span></p>	
<b>33.</b>	<p><b>Certified 2013 excess debt collections.</b> Enter the amount certified by the collector.</p>	\$0
<b>34.</b>	<p><b>Adjusted 2014 debt.</b> Subtract line 33 from line 32.</p>	\$5,281,276
<b>35.</b>	<p><b>Certified 2014 anticipated collection rate.</b> Enter the rate certified by the collector. If the rate is 100 percent or greater, enter 100 percent.</p>	100.000000%
<b>36.</b>	<p><b>2014 debt adjusted for collections.</b> Divide line 34 by line 35.</p>	\$5,281,276
<b>37.</b>	<p><b>2014 total taxable value.</b> Enter the amount on line 19.</p>	\$2,254,252,056
<b>38.</b>	<p><b>2014 debt tax rate.</b> Divide line 36 by line 37 and multiply by \$100.</p>	\$0.234280/\$100
<b>39.</b>	<p><b>2014 rollback tax rate.</b> Add lines 31 and 38.</p>	\$0.652920/\$100
<b>40.</b>	<p><b>COUNTIES ONLY.</b> Add together the rollback tax rates for each type of tax the county levies. The total is the 2014 county rollback tax rate.</p>	\$/\$100

A taxing unit that adopted the additional sales tax must complete the lines for the *Additional Sales Tax Rate*. A taxing unit seeking additional rollback protection for pollution control expenses completes the *Additional Rollback Protection for Pollution Control*.

**2014 Notice of Effective Tax Rate  
Worksheet for Calculation of Tax Increase/Decrease**

**Entity Name:** City of Leander

**Date:** 08/15/2014

<b>1.</b> 2013 taxable value, adjusted for court-ordered reductions. Enter line 6 of the Effective Tax Rate Worksheet.	\$1,875,063,517
<b>2.</b> 2013 total tax rate. Enter line 4 of the Effective Tax Rate Worksheet.	0.667920
<b>3.</b> Taxes refunded for years preceding tax year 2013. Enter line 13 of the Effective Tax Rate Worksheet.	\$36,371
<b>4.</b> Last year's levy. Multiply Line 1 times Line 2 and divide by 100. To the result, add Line 3.	\$12,560,295
<b>5.</b> 2014 total taxable value. Enter Line 19 of the Effective Tax Rate Worksheet.	\$2,254,252,056
<b>6.</b> 2014 effective tax rate. Enter line 24 of the Effective Tax Rate Worksheet or Line 47 of the Additional Sales Tax Rate Worksheet.	0.602966
<b>7.</b> 2014 taxes if a tax rate equal to the effective tax rate is adopted. Multiply Line 5 times Line 6 and divide by 100.	\$13,592,373
<b>8.</b> Last year's total levy. Sum of line 4 for all funds.	\$12,560,295
<b>9.</b> 2014 total taxes if a tax rate equal to the effective tax rate is adopted. Sum of line 7 for all funds.	\$13,592,373
<b>10.</b> Tax Increase (Decrease). Subtract Line 8 from Line 9.	\$1,032,078

# NOTICE OF 2014 TAX YEAR PROPOSED PROPERTY TAX RATE FOR

## City of Leander

A tax rate of \$0.652920 per \$100 valuation has been proposed by the governing body of City of Leander. This rate exceeds the lower of the effective or rollback tax rate, and state law requires that two public hearings be held by the governing body before adopting the proposed tax rate.

PROPOSED TAX RATE	\$0.652920 per \$100
PRECEDING YEAR'S TAX RATE	\$0.667920 per \$100
EFFECTIVE TAX RATE	\$0.602966 per \$100
ROLLBACK TAX RATE	\$0.652920 per \$100

The effective tax rate is the total tax rate needed to raise the same amount of property tax revenue for City of Leander from the same properties in both the 2013 tax year and the 2014 tax year.

The rollback tax rate is the highest tax rate that City of Leander may adopt before voters are entitled to petition for an election to limit the rate that may be approved to the rollback rate.

YOUR TAXES OWED UNDER ANY OF THE ABOVE RATES CAN BE CALCULATED AS FOLLOWS:

$$\text{property tax amount} = (\text{rate}) \times (\text{taxable value of your property}) / 100$$

For assistance or detailed information about tax calculations, please contact:

Deborah M. Hunt, CTA  
Williamson County tax assessor-collector  
904 S. Main Street  
512-943-1603  
proptax@wilco.org  
<http://www.wilco.org/CountyDepartments/TaxAssessorCollector/>

You are urged to attend and express your views at the following public hearings on proposed tax rate:  
First Hearing: 09/04/2014 7:00 PM at 201 N. Brushy Street, Leander, Texas 78641  
Second Hearing: 09/11/2014 7:00 PM at 201 N. Brushy Street, Leander, Texas 78641



**Executive Summary**  
**August 21, 2014**

**Agenda Subject:** Consider a Proposal to Adopt a Tax Rate for FY 2014-15.

**Background:** If a taxing entity desires to consider a possible tax rate that would exceed either the effective tax rate or rollback tax rate, whichever is lower, state “Truth-in-Taxation” laws require the governing body to vote on the proposed tax rate and schedule two public hearings. The proposed rate need not be the final rate that the governing body actually adopts, but the final rate cannot exceed the proposed rate. The FY 2014-15 budget includes a revised proposed rate of 65.292 cents per \$100 which is 1.5 cents below the current rate, but more than the effective tax rate of 60.2966 cents. The rollback rate is 65.292 cents. If the City Council does not wish to consider a rate greater than the effective rate, then the public hearings would not be required on the tax rate.

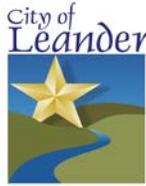
**Origination:** Robert G. Powers, Finance Director

**Financial Consideration:** N.A.

**Recommendation:** Move to place the proposed tax rate for FY 2014-15 of 65.292 cents per \$100 valuation on the agenda of a future meeting as an action item.

**Attachments:** N.A.

**Prepared by:** Robert G. Powers, Finance Director



**Executive Summary**

**August 21, 2014**

**Agenda Subject:** Schedule Two Public Hearings on a Proposal to Adopt a Tax Rate for FY 2014-15.

**Background:** If a taxing entity desires to consider a possible tax rate that would exceed either the effective tax rate or rollback tax rate, whichever is lower, state "Truth-in-Taxation" laws require the governing body to vote on the proposed tax rate and schedule two public hearings. The proposed rate need not be the final rate that the governing body actually adopts, but the final rate cannot exceed the proposed rate. The FY 2014-15 budget includes a revised proposed rate of 65.292 cents per \$100 which is 1.5 cents below the current rate, but more than the effective tax rate of 60.2966 cents. The rollback rate is 65.292 cents. If the City Council does not wish to consider a rate greater than the effective rate, then the public hearings would not be required on the tax rate.

**Origination:** Robert G. Powers, Finance Director

**Financial Consideration:** N.A.

**Recommendation:** Schedule two Public Hearings in order to allow the City Council to consider a rate greater than the effective tax rate of 60.2966 cents per \$100 valuation, which would require the following motion: "Move to schedule two public hearings on September 4, 2014 (regular City Council meeting beginning at 7:00 p.m.) and September 11, 2014 (special called City Council meeting beginning at 6:00 p.m.) to consider a proposal to adopt a tax rate of 65.292 cents per \$100 valuation."

**Attachments:** N.A.

**Prepared by:** Robert G. Powers, Finance Director