



**LEANDER CITY COUNCIL  
and  
PLANNING & ZONING COMMISSION  
JOINT WORKSESSION  
CITY OF LEANDER, TEXAS  
Pat Bryson Municipal Hall  
201 N. Brushy Street  
Leander, Texas 78641**



Tuesday ~ March 18, 2014 at 6:00 p.m.

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

<b>Chairman – Jeff Seiler</b>	
<b>Place 1 – Michelle Stephenson (Vice Chair )</b>	<b>Place 4 – Sid Sokol</b>
<b>Place 2 – Joel Wixson</b>	<b>Place 5 – Richard Allen</b>
<b>Place 3 – Jason Anderson</b>	<b>Place 6 – Betty Saenz</b>

***This meeting is open to the Public but does not allow for public participation***

1. Open Work session (Mayor Fielder and Chairman Seiler)
2. Roll Call
3. Presentation from Land Owners regarding Updates to Smart Code
4. Discussion and possible action regarding Updates to Smart Code
5. Adjournment

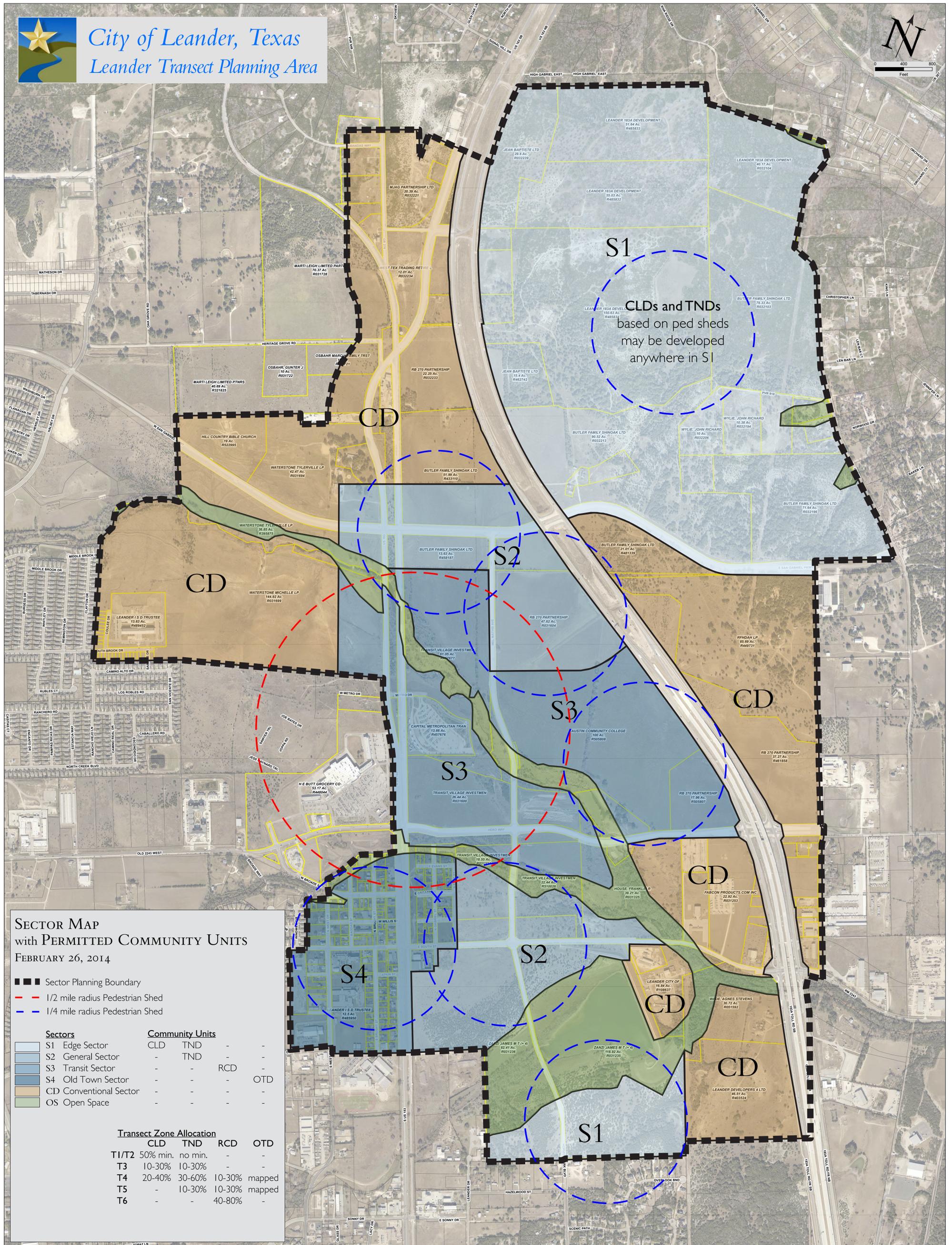
**CERTIFICATION**

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. 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. I certify that the above agenda for this Joint Work Session of City Council and the Planning & Zoning Commission of the City of Leander, Texas, was posted on the bulletin board at City Hall, in Leander, Texas, on the 14th day of March, 2014 by 5:00 pm pursuant to Chapter 551 of the Texas Government Code.

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Debbie Haile, TRMC  
City Secretary



City of Leander, Texas  
Leander Transect Planning Area



SECTOR MAP  
with PERMITTED COMMUNITY UNITS  
FEBRUARY 26, 2014

- ■ ■ Sector Planning Boundary
- - - 1/2 mile radius Pedestrian Shed
- - - 1/4 mile radius Pedestrian Shed

Sectors	Community Units			
S1 Edge Sector	CLD	TND	-	-
S2 General Sector	-	TND	-	-
S3 Transit Sector	-	-	RCD	-
S4 Old Town Sector	-	-	-	OTD
CD Conventional Sector	-	-	-	-
OS Open Space	-	-	-	-

Transect Zone Allocation				
	CLD	TND	RCD	OTD
T1/T2	50% min.	no min.	-	-
T3	10-30%	10-30%	-	-
T4	20-40%	30-60%	10-30% mapped	-
T5	-	10-30%	10-30% mapped	-
T6	-	-	40-80%	-

# Outline of the Leander SmartCode

	ARTICLE 2 SECTORS	ARTICLE 3 & ARTICLE 4 COMMUNITY UNITS		ARTICLE 5 LOTS & BUILDINGS
	A. Sectors	B. Community Units	C. Transect Zones	Standards
Open Lands	<b>O1</b> Preserved Open Sector (N/A)	None	<b>T1</b> Natural Zone	Building Placement  Building Form  Building Function & Use  Parking and Density  Parking Location  Landscape Standards  Signage Standards  Architecture Standards  Supplementary Modules
	<b>O2</b> Reserved Open Sector (N/A)	None	<b>T2</b> Rural Zone	
New Development	<b>S1</b> Edge Sector	<b>CLD</b> Clustered Land Development	<b>T2</b> Rural Zone	
			<b>T3</b> Sub-Urban Zone	
	<b>T4</b> General Urban Zone			
	<b>S2</b> General Sector	<b>CLD</b> Clustered Land Development	<b>T2</b> Rural Zone	
			<b>T3</b> Sub-Urban Zone	
	<b>T4</b> General Urban Zone			
<b>S3</b> Transit Sector	<b>RCD</b> Regional Center Development	<b>T3</b> Sub-Urban Zone		
		<b>T4</b> General Urban Zone		
		<b>T5</b> Urban Center Zone		
Existing Development	<b>S4</b> Old Town Sector	Old Town District	<b>T4</b> General Urban Zone	
			<b>T5</b> Urban Center Zone	
Other	<b>CD</b> Conventional Development Sector		<b>CB</b> Civic Building	
			<b>CS</b> Civic Space	
			<b>SD</b> Special District	

**2.1 INSTRUCTIONS**

- 2.1.1 This Article governs the interpretation of the Leander Sector Map for property owners in the S-2, S-3, and CD Sectors, and those in the S-1 and S-4 Sectors choosing to use the SmartCode. Sections 2.5 et seq. prescribe the Community Unit types permitted in each Sector.
- 2.1.2 The Sector Map integrates the largest practical geographic area, overlapping property lines as necessary.
- 2.1.3 Sectors are comprised of open space and growth areas. Growth areas are intended for the development of Community Units, prescribed in Article 3 and Article 4, which in turn are comprised of Transect Zones, whose elements are prescribed in Article 5.

**2.2 SEQUENCE OF SECTOR DETERMINATION**

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**2.3 (O-1) PRESERVED OPEN SECTOR**

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**2.4 (O-2) RESERVED OPEN SECTOR**

[Intentionally left blank]

**2.5 (S-1) EDGE SECTOR**

- 2.5.1 The Edge Sector is assigned to areas that have unique natural features such as steep slopes, riparian corridors, etc. that have value as open space yet are subject to development, and are not close enough to transit or existing walkable communities to be appropriate for more urban patterns.
- 2.5.2 Within the Edge Sector, communities in the pattern of Clustered Land Development (CLD or hamlet) or Traditional Neighborhood Development (TND or village) shall be permitted by right.
- 2.5.3 In the S-1 Edge Sector, the Composite Zoning Ordinance is also available by right. If the SmartCode is elected, it shall be applied in its entirety for the project, and not mixed with the other code.

**2.6 (S-2) GENERAL SECTOR**

- 2.6.1 The General Sector is assigned to the areas of Leander that can support mixed use by virtue of proximity to an existing or planned thoroughfare, proximity to Old Town, or adjacency to the Transit Sector.
- 2.6.2 Within the General Sector, only communities in the pattern of Traditional Neighborhood Development (TND or village) shall be permitted by right.

**2.7 (S-3) TRANSIT SECTOR**

- 2.7.1 The Transit Sector is assigned to the approximate area within a fifteen-minute walk of the Leander rail station. The S-3 Sector can support substantial mixed use by virtue of proximity to existing regional thoroughfares and transit.
- 2.7.2 Within the Transit Sector, only communities in the pattern of Regional Center Development (RCD or town center) shall be permitted by right.

**2.8 (S-4) OLD TOWN SECTOR**

- 2.8.1 The Old Town Sector is mapped with Transect Zones for the existing urbanized center of Leander. Article 5 of this Code is available as an option for infill development and Substantial Modifications for property owners in the S-4 Sector. See Section 5.6.5

- [temporarily below] for use incentives specific to the S-4 Sector.
- 2.8.2 The Composite Zoning Ordinance is also available as an option.
- 2.8.3 Property owners assembling more than [5 acres] and electing to use the SmartCode shall submit an Infill Plan under Article 4.

**2.9 (CD) CONVENTIONAL DEVELOPMENT SECTOR**

- 2.9.1 The Conventional Development Sector allows conventional single-use development with some basic frontage standards for the possibility of future succession to a walkable community. See Article 5, Section 5.14 for these standards.
- 2.9.2 Conventional Development designations are assigned to two types of areas:  
 (a) locations adjacent to Highway 183A that are conducive to commercial and mixed use auto-oriented development patterns and  
 (b) edge locations that already have conventional auto-dependent residential development in or near them.
- 2.9.3 The provisions of the Composite Zoning Ordinance shall remain applicable to the CD Sector. When in conflict with the CD Sector standards of this Code, the SmartCode standards shall prevail.

**(ARTICLE 5 proposed language)****5.6.5 SPECIFIC FUNCTIONS ADDITIONAL TO THE S-4 OLD TOWN SECTOR**

- This subsection applies only to properties in the S-4 Old Town District electing to use the SmartCode Article 5 for the applicable Transect Zone.
- a. Cottage Industry is permitted by right in all Transect Zones in the principal building or an accessory building.
- b. One Accessory Unit is permitted by right in all Transect Zones in the principal building or an accessory building.

**3.1 INSTRUCTIONS**

- 3.1.1 Within the SmartCode Planning Area, this code replaces and takes precedence over the zoning, subdivision and development standards contained in the ordinances and the Land Development Code of Leander.
- 3.1.2 New Community Plans may be prepared for the S-1 Edge Sector, S-2 General Sector, and S-3 Transit Sector as described in Article 2.
- 3.1.3 New Community plans may be prepared by a landowner, a developer, or by the City, and they shall comply with Article X Public Standards, Article 3 and Article 5 of this Code.
- 3.1.4 New Community Plans shall graphically show, in a series of maps, all required elements. [\[Add list from model code.\]](#)

**3.2 SEQUENCE OF COMMUNITY DESIGN**

- 3.2.1 The site shall be structured using one or several Pedestrian Sheds, which should be located according to existing conditions, such as traffic intersections, adjacent developments, and natural features. The site or any Community Unit within it may be smaller or larger than its Pedestrian Shed.
- 3.2.2 The Community Unit boundaries may be adjusted to include land falling between or outside the Pedestrian Sheds, but the extent of each shall not exceed the acreage limit specified in Section 3.3 for the applicable Community Unit type.
- 3.2.3 Areas of Transect Zones (Section 3.4) shall be allocated within the boundaries of each Community Unit according to the percentage ranges for each type provided on Table 2A and Summary Table 6A.
- 3.2.4 Civic Zones shall be assigned according to Section 3.5.
- 3.2.5 Special Districts, if any, shall be assigned according to Section 3.6.
- 3.2.6 The Thoroughfare network shall be laid out according to Section 3.7.
- 3.2.7 Density shall be calculated according to Section 3.8.
- 3.2.8 Remnants of the site outside the Community Units shall be assigned to Transect Zones or Civic Space by Warrant or Special District by Variance.
- 3.2.9 Detail the plan using the Special Requirements described in Section 3.8, if applicable.
- 3.2.10 Incorporate the incentives available according to Section 1.6, if applicable.

**3.3 COMMUNITY UNIT TYPES****3.3.1 CLUSTERED LAND DEVELOPMENT (CLD)**

- a. A CLD shall be permitted within the S-1 Edge Sector.
- b. A CLD shall be structured by one Standard Pedestrian Shed and shall consist of no fewer than **20 acres (10 urbanized)** and no more than **60 acres (30 urbanized)**.
- c. A CLD shall include Transect Zones as allocated on Table 2 and Table 14a. A minimum of 50% of the Community Unit shall be permanently allocated to a T1 Natural Zone and/or T2 Rural Zone.

**3.3.2 TRADITIONAL NEIGHBORHOOD DEVELOPMENT (TND)**

- a. A TND shall be permitted within the S-1 Edge Sector and the S-2 General Sec-

tor.

- b. A TND shall be structured by one Standard or Linear Pedestrian Shed and shall be no fewer than **40 acres** and no more than 160 acres.
- c. A TND shall include Transect Zones as allocated on Table 2 and Table 14a.
- d. Larger sites shall be designed and developed as multiple Community Units, each subject to the individual Transect Zone requirements for its type as allocated on Table 2 and Table 14a. The simultaneous planning of adjacent parcels is encouraged.

e. [\[Intentionally left blank.\]](#)

**3.3.3 REGIONAL CENTER DEVELOPMENT (RCD)**

- a. An RCD shall be permitted within the S-3 Transit Sector.
- b. An RCD shall be structured by one Long Pedestrian Shed, one Standard Pedestrian Shed, or both together, and shall consist of no fewer than **60 acres and no more than 640 acres**.
- c. An RCD shall include Transect Zones as allocated on Table 2 and Table 14a.
- d. For larger sites that cross into the S-2 General Sector, an RCD may be adjoined without buffer by one or more TNDs, each subject to the individual Transect Zone requirements for TND as allocated on Table 2 and Table 14a. The simultaneous planning of adjacent parcels is encouraged.

**3.4 TRANSECT ZONES**

- 3.2.1 Transect Zones shall be constituted of the urban design elements generally described in Table 1A, prescribed throughout this Code, and summarized on Table 6A.

**3.4 DENSITY CALCULATIONS**

- 3.4.1 Intentionally Left Blank.
- 3.4.2 The Overall Residential Minimum Density of each Project shall be calculated in terms of housing units as specified for the area of each Transect Zone by Table 6A. For purposes of density calculation, the Transect Zone Areas include the thoroughfares but not land assigned to Civic Zones. If the project contains more than one Transect Zone, the minimum density of the predominant T- zone shall be used to calculate density. [\[needs review\]](#)
- 3.4.3 Intentionally Left Blank.
- 3.4.4 [\[deleted\]](#)
- 3.4.5 [\[deleted\]](#)
- 3.4.6 [\[deleted\]](#)
- 3.4.7 [\[deleted\]](#)

**3.5 SPECIAL DISTRICTS**

- 3.5.1 Special District designations shall be assigned to areas that, by their intrinsic size, function, or configuration, cannot conform to the requirements of any Transect Zone or combination of zones. Conditions of development for Special Districts shall be determined in public hearing of the [City Council](#) and recorded on Table 6B.

and 20 fc at T6 Zones.

- c. Streetlights shall be of a general type illustrated in Table 2G.
- d. Outdoor storage shall be screened from view from any frontage by a Streetscreen in conformance with Section X.X.

## 5.12 SIGNAGE

### 5.12.1 GENERAL TO ZONES T3, T4, T5, T6

- a. There shall be no signage permitted additional to that specified in this section.
- b. The address number shall be no more than 6 inches high and shall be attached to the building in proximity to the Principal Entrance or at a mailbox.

### 5.12.2 SPECIFIC TO ZONES T3

- a. Signage shall not be illuminated.

### 5.12.3 SPECIFIC TO ZONES T4, T5, T6

- a. Illuminated signage shall be externally illuminated only, except that signage within shopfront glazing may be neon lit.

### 5.12.4 SPECIFIC TO ZONES T3, T4

- a. One blade sign for each business may be permanently installed perpendicular to the facade within the first layer. Such a sign shall not exceed 4 square feet and shall clear 8 feet above the sidewalk.
- b. One single- or double-post yard sign for each business may be permitted by Warrant, provided it is set back at least 6 feet from the Frontage Line, does not exceed 6 square feet excluding posts, and does not exceed 6 feet high measured from the yard at the post location.

### 5.12.5 SPECIFIC TO ZONES T5, T6

- a. Blade signs, not to exceed 6 square ft. for each separate business entrance, may be attached to and should be perpendicular to the facade, and shall clear 8 feet above the sidewalk.
- b. A single external permanent sign band may be applied to the facade of each building, providing that such sign not exceed 3 feet in height by any length.

## 5.13 ARCHITECTURE

### 5.13.1 GENERAL TO ZONES T3, T4, T5, T6

- a. Building wall materials shall be combined on each facade only horizontally, with the heavier below the lighter.
- b. Streetscreens should be constructed of a material matching the adjacent building facade.
- c. All openings, including porches, galleries, arcades and windows, with the exception of shopfronts, shall be square or vertical in proportion.
- d. Openings above the first story shall not exceed 50% of the total building wall area, with each facade being calculated independently.
- c. Windows shall use clear glass.
- e. Doors and windows that operate as sliders are prohibited along frontages.
- f. Sloped roofs, if provided, shall be symmetrically sloped no less than 5:12, except that roofs for porches and attached sheds may be no less than 2:12.

### 5.13.2 SPECIFIC TO ZONES T3, T4

- a. The exterior finish material on all facades shall be limited to brick, wood or cementitious fiber clapboard, and/or stucco.
- b. Buildings shall have sloped roofs.
- c. Balconies and porches shall be made of painted wood or metal or a material approved by the Urban Design Officer or the CRC.
- d. Fences at a frontage line or elsewhere in the first lot layer shall be painted. Fences at other layers may be of unpainted wood board or chain link.

### 5.13.3 SPECIFIC TO ZONES T5, T6

- a. The exterior finish material on all facades shall be limited to stone, brick, and/or stucco.
- b. Buildings may have sloped roofs, or flat roofs enclosed by parapets a minimum of 42 inches high, or as required to conceal mechanical equipment to the satisfaction of the Urban Design Officer or the CRC.
- c. Balconies, galleries, and arcades shall be made of concrete, painted wood, metal, or a material approved by the Urban Design Officer or the CRC.

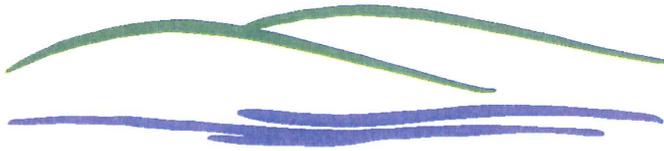
## 5.14 (CD) CONVENTIONAL DEVELOPMENT SECTOR STANDARDS

### 5.14.1 SPECIFIC TO COMMERCIAL BUILDINGS ON A STREETS IN THE CD SECTOR:

- a. One-story commercial shall be a minimum of xx and a maximum of xx feet high.
- b. Maximum front setbacks are xx feet, with no minimum front setback.
- c. Parking should be located behind the facades of buildings wherever possible.
- d. Retail shopfronts shall have have a minimum of 50% clear glass between 2 and 12 feet above the ground.
- e. The standards of the T5 Transect Zone are available as an alternative for any commercial lot or building, by Warrant.

### 5.14.2 SPECIFIC TO RESIDENTIAL BUILDINGS IN THE CD SECTOR:

- a. The principal entrance shall face and be visible from a frontage line.
- b. A habitable room shall face the frontage.
- c. Driveways between the street side of the sidewalk and the building facade shall be no wider than 12 feet, with 10 feet preferred. Aprons at the curb shall be no wider than 15 feet, with 12 feet preferred. Shared driveways may be wider by Warrant.
- d. Garage doors visible from the frontage shall be painted dark colors to reduce visual impact.
- e. On blocks designated T3 within the CD Sector, the standards of the T3 Transect Zone under Article 5 of this Code shall be in effect.



PAUL LINEHAN & ASSOCIATES

## **EXECUTIVE SUMMARY – Concerns regarding Leander Smart Code and Transit Oriented Development District**

The Smart Code was written with good intent to create a “new urban”, high density area. However, Smart Code has proved to be a hindrance to development in other communities because of the high cost (low affordability) of entrance into the marketplace. The Smart Code is truly a redevelopment ordinance. Smart Code and similar concepts have been tried time and time again by the surrounding cities: Georgetown adopted their Century Plan; Cedar Park adopted the Town Center plan; Pflugerville adopted Corridor Overlays; and Round Rock adopted similar regulations. All of those cities have since revised their Smart Code style plans; Georgetown has adopted a comprehensive plan; Cedar Park has reverted to more traditional zoning; Pflugerville is rewriting the Corridor Overlays in the Zoning Ordinance to be more flexible; and Round Rock has written a specific redevelopment ordinance. A marketplace must be developed before design restrictions are implemented by well-intentioned planners who are emphasizing a theoretical long-range vision over present market realities. Once the needed infrastructure is systematically installed, assisted by Tax Increment Financing (TIF), development will begin to pay for itself. A May 2006 Leander study, “Transit Oriented Development Sector Water and Wastewater Master Plan”, estimated the cost of necessary utility improvements to be \$24 million. Leander could be generating incremental tax revenues on the order of \$10 million annually, a figure based on the 2005 report “Leander Transit Oriented Development – Market Analysis.”

The TOD must be reduced in scale to address only the pedestrian oriented area which should be the area between the high traffic corridors of San Gabriel Parkway on the north, Highway 183 on the west, Highway 183A on the east, and Hero Way on the south. It would be positive for City leaders to begin creating incentives (not restrictions) in this area to entice the development community to create high density development to the extent feasible, but also to allow for greenfield development initially. Modifying Leander’s existing Zoning Ordinance, along the lines presented in the attached recommendations, will remove the discouragement to real estate growth in Leander and the surrounding area.

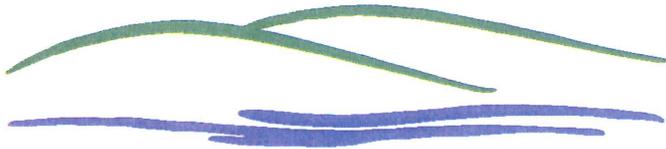
Specific guidelines in the Smart Code / TOD that should be deleted include, but are not necessarily limited to: Transect zones; height minimums; required mixed use; required residential mixes; creek setbacks; street frontage percentage requirements; and streetscreens. Additional items, such as stormwater requirements, creek and wetland setbacks and classifications, lane width and turning radii, and vehicular lane assemblies, should be addressed in the subdivision code.

Guidelines that might be retained include: Building location and orientation (a limited version of Commercial Design Standards); possibly some of the streetscape requirements; street frontage design elements; streetlight design; landscaping; and reduced parking requirements. These need not be imposed to the degree or exactly in the manner specified by Smart Code.

In conclusion, Leander’s development regulations should be revised as addressed in the attached information. Please refer to the attachments for further clarification.

## **Summary of concerns and recommendations regarding the Leander Smart Code and associated opportunity to change the Leander T.O.D.**

1. The Leander TOD covers an inappropriately large area. ( $\pm 2,500$  acres—14% of the total incorporated area of the City of Leander, vs  $\pm 1,370$  acres—1% for the City of Austin). Reduce the area to about 1% of the total area.
2. Affordability is not addressed in the Smart Code except as it applies to affordable housing. There are additional costs in developing to Smart Code standards, but no incentives available for compliance. Establish significant incentives.
3. Smart Code is being used as a master plan for a significant portion of Leander. It is a planning tool, not a plan. Establish a TOD overlay to be placed onto appropriate areas of the City, and use Smart Code as a tool for City planning, not as a way to design projects for the developers.
4. The use of transect zones is confusing and would be best replaced with conventional zoning. Mixes of development and housing types is based on philosophy, not reality. Replace transect zones with zoning districts, and allow the developers to design their own projects based on market conditions.
5. The application process is needlessly complicated, and should be replaced by a single application process for the entire City, regulated by a single development code.
6. Smart Code is a redevelopment code. However, there are no provisions in Smart Code for redevelopment from a lower intensity to a higher intensity use as population densities and demographics shift. Establish a system of time-phased development such that the first phase is greenfield development, with subsequent phases being the eventual more intense development of the property.
7. Smart Code requires Riparian Corridors and Greenbelts for Class I and Class II waterways and defines waterway classes by permanence of flow instead of more permanent criteria. Define waterway classification by basin size, and establish setbacks based on TCEQ requirements.
8. Smart Code establishes maximum block size without regard to topography and adjacent landowners. Small block sizes do not allow the developer to fully design with the land. Increase maximum block size and allow pedestrian trails to break up long blocks.
9. The Smart Code transect zones impose minimum building heights instead of allowing market realities to determine minimum heights. All the market and good design practices to establish minimum building height.



“TOD is the functional integration of land use and transit. It is compact, walkable, mixed-use development connected to high quality public transportation...” Where is the high quality public transportation?

The TOD is only a part of the city, and is the only portion subject to Smart Code. Commercial design standards are built into the Smart Code.

## Smart Code Analysis

**Concern 1:** The Leander TOD covers an inappropriately large area of the city.

**Why:** The Leander TOD is about 2,500 acres, compared to a current total city size of about 17,800 acres (27.83 square miles) within the city limits. The TOD comprises about 14% of the total incorporated area of Leander. (And comprised over 50% of the city limits when it was adopted in 2005.) Compared to the area of the Austin city limits, the six Austin TOD comprise less than 1% of the total incorporated area.

**Recommendation:** Reduce the area regulated by the TOD ordinance. A TOD representing about 1% of the total area of Leander might be appropriate at this time.

**Concern 2:** Affordability is not addressed in the Smart Code except as it applies to affordable housing, and does not address additional costs to build to TOD standards. The Smart Code does not address these additional costs incurred to meet Smart Code / TOD standards. Developers are required to meet additional development standards, but nothing is provided to help offset the costs of meeting these additional requirements. We are looking for incentives to address the additional required costs.

**Why:** Two factors influence what type of development occurs on a given parcel. The first is market demands, and the initial needs to meet those demands such as a hospital, medical office, or one story retail. The second is whether or not the intended development makes financial sense for the developer—whether the development will bring an acceptable return on the developer’s investment. Many of the requirements of the Smart Code make development more expensive than it would be under traditional zoning regulations, and this hampers development of land in the TOD.

Specific items required by the Smart Code, that increase the cost for the developer, include:

The requirement for four separate meetings with planning Commission and City Council. Each meeting involves consultant costs for preparation and participation, and lenders are hesitant to fund additional overhead processing costs. The process is also too complex and subjective, never giving certainty to the project.

The requirement for alleys and rear lanes, which increase construction costs and create a concealed area for illegal activity.

The creation of an artificial and arbitrary division of roadways into Primary Grid which gives priority to pedestrian traffic and Secondary Grid which does not emphasize pedestrian traffic. Secondary Grid is limited to no more than 30% of the roadway frontage within a pedestrian shed, which discourages automobile-oriented services and businesses that depend on impulse traffic such as convenience stores and restaurants. Until the "high quality public transit" that is one of the cornerstones of Smart Code is in place, private automobiles will remain the transportation of choice for trips exceeding walking distance. Development that discourages uses necessary for and dependent upon traffic will make it difficult to find lessees for space along Primary Grid thoroughfares.

The requirement for parking lots to be masked from roadways by liner buildings or streetscreens which are effectively walls of masonry or similar construction. This adds expense for the developer by requiring masonry or similar construction to conceal parking which the users of the facilities served already know is there. Therefore, nothing is accomplished except to construct walls, where a simple vegetative buffer would achieve the same goal.

The requirement for parking garages is premature. Parking garages a market driven amenity, and greatly increase the cost of development. They are often a factor in the redevelopment market. Once again, Smart Code is acting as a redevelopment ordinance.

**Recommendation:** Simplify the Smart Code, to include it into the City's zoning regulations. Remove requirements that increase the development cost of a project, such as multiple meetings with City Council, alleys and rear lanes, restrictive roadway classifications, additional landscaping and screening, and any requirement for parking garages. Instead, these items should become incentivized options which would encourage incorporation of these additional features into development without creating projects that are unaffordable to develop. Examples of incentives might include increased density, property tax relief, or allowing a flexible schedule for development and redevelopment.

**Concern 3:** Smart Code is being used as a master plan for a significant portion of the City, instead of creating a comprehensive long-range conceptual plan that provides firm guidelines for development.. As it currently exists, the TOD resembles a P.U.D. in which the developer had no input, but to which he or she must conform.

**Why:** Smart Code is a form-based code. Form based code is useful as a long-range planning tool for large areas, much like a comprehensive plan is a long-range planning tool. It should not be the plan itself, any more than the zoning ordinance is a plan. Action should be taken individually on specific land parcels, using a land use code rather than a form-based code.

When a PUD is created, detailed rules are addressed for such things as land use, density, height, impervious cover, and landscaping. The TOD has assumed this role. However, the developer usually plays an active role in determining the development criteria for a PUD, tailoring them to meet market needs as well as the requirements and goals of the approving authority. Additionally, the TOD is intended to be used to minimize the use of automobiles by providing a “walkable” neighborhood and access to public transportation. Until that public transportation is available, the layout of a TOD, and particularly of a very large TOD, serves mostly to penalize residents who have no recourse but to drive.

**Recommendation:** There should be uniform guidelines for height, impervious cover, street frontages, landscape, buffering, and land use that are applicable to all property in the city—not just a portion of it. The TOD should be subject to the same code as the remainder of Leander, with modifications to reflect the unique opportunities near a transportation node. For the present, the TOD should be no larger than approximately 1% of the total area of Leander, and TOD should be proposed only in locations in which public transportation is available. Use Smart Code as a tool for the City. Don't design projects for the developers.

**Concern 4:** The use of transect zones is confusing in its application. It creates mixes of development types and housing types based more on planning philosophy than on firm planning principals and market requirements..

**Why:** The concept of transects and transect zones is a way to plan future land use, but transect zones do not establish actual zoning. Providing actual zoning districts based on a city-wide master plan should be the final step in long-range planning. The actual mix of development types for a specific project should be determined at the time that the project is designed, using the city-wide master plan for guidance. The design phase of a project is where choices should be made regarding mixed use and mixes of housing types, in response to marked conditions.

The required mixes of housing types imposed by Smart Code do not reflect actual market requirements. In particular, the vertical mix of retail and residential use, with retail on the first floor and residential use above, has been shown to be problematic. The Domain, a ±300 acre high-density mixed use development, located at a major transportation node and combining residential, retail, and office development. The original plans for The Domain called for vertically mixed retail and multifamily, but this has proven hard to lease. Residents do not like having their parking close to The Domain's retail areas, and having to walk to their apartments some distance away. Recent plans for continuing The Domain project call for traditional multifamily housing.

If the development regulations applicable to a tract are not compatible with market conditions, whether those regulations are land use constraints, design criteria, or processing costs, the tract will remain undeveloped. This is the current state of the TOD—an economic dead zone. At this time, the only development proposed for the TOD is the Leander campus of Austin Community College, and a significant factor in attracting that development was the property owners donating right-of-way for Hero Way and paying for engineering for the road, And both the Federal Government (via CAMPO) and Williamson County participating in other costs.

Other projects similar to the TOD concept include The Domain as discussed above, the Hill Country Galleria, and Mueller which is the redevelopment of the former Mueller Airport. All of these projects have received subsidies. The City of Austin built The Domain \$58 million worth of parking garages, while the Hill Country Galleria actually went bankrupt due to the cost of the parking garages, and the cost of the garages had to be absorbed by the lenders before the project could go forward. The presence of garages increased the rents on the Hill Country Galleria's multifamily units by \$120–\$170 per unit. Also, Mueller has received ±\$200 million in subsidies from the City of Austin.

**Recommendation:** Replace the transect zoning nomenclature with more typical zoning districts, adding the MU (mixed use) designator as an overlay to allow residential uses in otherwise non-residential zoning districts. For example, the following zoning districts could be recommended to replace transect zones:

- T3 SFE, SFS, and TF with small areas of LC.
- T4 SFS, SFU, SFC, SFL, TF, MF, and small areas of LO-MU and LC-MU on corners.
- T5 SFC, SFL, SFT, MF, LO-MU, LC-MU, and GC-MU.
- T6 MF, SFT, and GC-MU.

In mixed used areas, a maximum density of residential development should be specified. As an example, the Hill Country Galleria is a mostly commercial development with two multifamily areas, typical of a project that might have the MU designator. The Hill Country Galleria, a 95 acre project that is primarily retail, has an overall residential density of about 7 units per acre considering the total number of multifamily units and the entire acreage of the project.

Instead of dictating specifics about housing types, define a range of residential density that will apply in each tract or area to be developed. Allow the developer to select a single housing type or mix of housing types in response to market demand. Base the density range on an overall acreage to be developed, since the larger the area to be developed, the more likely that it will be developed with a mix of land uses.

**Concern 5:** The application process is needlessly complicated, and requires at least four discretionary meeting with Planning Commission and City Council.

**Why:** There are effectively two separate sets of city code for Leander. Development in the TOD follows code requirements of the Smart Code, while other development follows the requirements of the Leander City Code. There are different applications for development in these areas, overly complicating the development process and causing confusion and uncertainty in the individuals or groups who are inclined to place their projects in Leander. Further, each discretionary meeting provides an opportunity to place additional requirements or conditions to the project. Essentially, there is no certainty in the process due to more than one set of development regulations, and the degree of subjectivity built into the multiple meetings and review required by Smart Code. Uncertainty will cause development to leave Leander and locate elsewhere.

**Recommendation:** Simplify the application process by using a single application process for the entire City. Develop a single development code, that incorporates the TOD as another specialized zoning district, rather than creating an entirely separate body of development code. Include incentives for developers to meet the optional standards of Smart Code. Maintain continuity of the project with certainty in the process from project inception, through review and approval, to permitting and construction.

Have a single meeting with Planning Commission and City Council, at the beginning of the design process, at which the project may be discussed in context and decisions reached.

**Concern 6:** There is no provision in the Smart Code for redevelopment from a lower intensity to a higher intensity use as population densities and demographics shift. Smart Code is a redevelopment code, and should address redevelopment directly.

**Why:** As Leander develops, it will become desirable to increase development intensities in some areas. This will also be the case in areas of the TOD that have been developed at less than their maximum allowable intensity. To maintain control over development while still allowing flexibility for future developers to respond to market conditions, it would be wise to address redevelopment up front, and Smart Code can serve this purpose. Round Rock has initiated this type of concept for redevelopment in their downtown area.

**Recommendation:** Devise a system of time-phased development such that the first phase is effectively the first state of land development for a greenfield. The second and subsequent phases are the eventual, more intense, development of the property. There should be no time constraints on the second phase, but rather build in incentives such as tax relief for developers for conditions based on population, traffic, etc.

**Concern 7:** The Smart Code requires Riparian Corridors and Greenbelts for Class I (perennial) and Class II (intermittent) waterways.

**Why:** Waterway classes are defined in Leander Smart Code based on whether they are perennial, intermittent, and ephemeral. These classes are based entirely on historical observation, not on any fixed criteria. The setbacks required are set by transect zone, and may or may not meet US Fish and Wildlife, Texas Council for Environmental Quality (TCEQ), or Williamson County for waterway setbacks, potentially requiring multiple analyses of each creek or stream. Further, constraints such as riparian corridors and waterway setbacks should be uniform across the city's jurisdiction.

**Recommendation:** Waterway setbacks should be addressed in the subdivision code since the requirement for setbacks and environmental buffers does not stop at the city limits. Define waterways by criteria that will not change with the weather, such as the area drained (watershed acreage at the point of concern.) If it is determined to be necessary to add any other criteria, provide clear guidance to ensure accurate and consistent classification. Adopt TCEQ setbacks as the buffer/setback for creeks draining 128 acres or more, and designate the area within the buffer as a greenbelt allowing passive recreation and trails for non-motorized traffic. For creeks draining less than 128 acres, establish the setbacks in accordance with Williamson County's salamander protection guidelines. The area of the setback should be available for passive recreation and trails serving non-motorized traffic.

**Concern 8:** Maximum block perimeter as regulated in the Smart Code does not take into account such variables as topography and adjacent landowners, increases

development costs, and creates an excessive number streets. The small blocks required by Smart Code do not allow the developer to fully design with the land.

**Why:** The Smart Code sets out to create a grid-like pattern of streets that is only feasible in areas with little or no topographic relief, and also regulates stream crossings. These concepts are not compatible, and protection of sensitive areas such as streams should take priority over providing a “traditional” grid pattern of roads. Block perimeter maximums are set at 3,000 feet for the T3 zone, 2,400 for the T4 zone, and 2,000 feet for the T5 and T6 zones. While these may be adequate in certain situations, they do not take into account the presence of the topography or other design constraints.

**Recommendation:** Provide an incentive for shorter block lengths such as would be involved in a more traditional street layout, but allow block lengths of at least 1,200 feet in general. (This is equivalent to Leander’s zoning code, which sets maximum block perimeter of 3,500 feet for most residential development.) Residential blocks parallel and adjacent to an arterial might be permitted a block length of 2,000 feet, and commercial or industrial blocks could be permitted lengths of up to 2,500 feet due to the large size of many such projects. Again, shorter block lengths drive up the cost of development.

A second option would be to allow pedestrian trails to break up long blocks. The thrust of Smart Code is to increase pedestrian accessibility, and providing mid-block pedestrian walkways and trails would serve this purpose well without adding the cost of building additional streets.

**Information:** Leander’s zoning code sets maximum block perimeters as 3,500 feet for residential, except 6,000 feet for SFR districts. Blocks along arterials or proposed for primarily commercial or industrial uses may have a perimeter of 5,500 feet

**Information:** In the area of Downtown Austin near City Hall, equivalent to the T6 zone, blocks are square and have a perimeter of about 1,250 feet originally established by the 19<sup>th</sup> Century plats for Austin.)

**Concern 9:** The Smart Code transect zones impose minimum building heights.

**Why:** Building height is a function of the type of development proposed. For example, two story retail development is not a particularly viable model except in specific circumstances, such as a Crate and Barrel or a large department store such as Dillard’s or Sears. Minimum height requirements prevent large stores such as Costco or Lowe’s from locating in an area that imposes minimum height since those stores are typically one story for customer convenience. Costco, which had expressed interest in locating

in Leander, has already shifted its intended location to a site in Cedar Park because they could not build their store under the TOD regulations. Cedar Park had elements in their development code similar to Leander's TOD concept. They have recently revised those elements of their code because the area to which they applied sat dormant for 10 years.

**Recommendation:** Confine building height regulations to setting maximum heights. The development market and type of development proposed will govern the minimum height.

## Tom Yantis

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**From:** Doyle Leslie [dleslie2@austin.rr.com]  
**Sent:** Friday, February 28, 2014 12:33 PM  
**To:** Place Four; Place One; Mayor; Place Six; Place Five; Place Two; Place Three; Tom Yantis  
**Subject:** TOD

Mr. Mayor, City Council Members, Planning & Zoning,

This letter is from me personally, not from the landowners group, that I assembled.

I appreciate the time that all of you spent with us yesterday, Feb. 27, in particular the Mayor and Mayor Pro-Tem, who attended the afternoon session with the land owners. It would be constructive if other P&Z and Council members would attend future meetings that involve the landowners. All of us could learn the concerns of everyone regarding the TOD and Smart Code.

We have been at this for almost 10 years, with little progress and no rooftops in the TOD. The TOD landowners feel trapped with the restrictions and zoning that have been in place. The ACC campus is probably 6 to 8 years out.

Visions and dreams are great, but in reality they are not always achievable. For development and building in the TOD to occur, it has to be economical and market-driven, or it will not occur. Also, it has to be streamlined and easy to develop and build. The Smart Code makes that difficult. The TOD needs to be much smaller. I hope that we can work together to achieve these goals, sooner, vs decades later.

Thank you for your consideration,

Doyle Leslie, MD

Office 512 482-8294

Cell 512 422-2111

Fax 512 482-8295

e-mail [dleslie2@austin.rr.com](mailto:dleslie2@austin.rr.com)

Noel Larson, Owner  
Fabcon Products, Inc.  
P.O. Box 249  
Leander, Texas 78646

March 5, 2014

Mr. Tom Yantis, AICP  
Director of Development Services  
City of Leander  
104 N. Brushy Street  
Leander, Texas 78646

Mr. Yantis:

I am writing this letter in regard to the present activities involving revision of the Leander TOD Smart Code. I was present at the TOD landowners meeting in January and met the consultants working on the Smart Code revision. I spoke at the meeting and expressed my concerns regarding the existing Smart Code and its' impact on the properties I own along US 183A. In fact, I asked that my properties be removed from under the Smart Code during the code revision process.

Fabcon Products, Inc., owns properties on both sides of US 183A just north of, and along, RM 2243. The property to the west is approximately 23 acres while the property on the east is approximately 3 acres.

I also attended the joint City, land owner and Smart Code consultant meeting held at the fire department training facility on the afternoon of February 27<sup>th</sup>. At that meeting I was very pleased to see that my concerns and request had been noted by the consultants and the City. My properties have now been designated CD (Conventional Development). Please accept my sincere thanks and gratitude for making this change.

After this meeting there was an early evening session with the consultants, the Planning Commission and the City Council. The purpose was to roll out the proposed TOD map and Smart Code revisions for review and comment. I believe the meeting was successful due to good discussion of the proposals, review of land owners comments/suggestions, and commentary by the Planning Commission and City Council. All in all, it appeared that the idea of reducing the size of the Smart Code area was well received. There was even some discussion on further reducing the size of the Smart Code area based on comments from land owners to the west and north of my properties.

However, something occurred at the meeting that has me quite concerned. As people were commenting on the proposed Smart Code areas, one of the City Council members made a comment about my property to the west of US 183A. This property has 183A frontage to the east and is bordered by Hero Way to the north. As stated earlier, this is now CD (conventional under the proposed Smart Code revision).

The comment that has me concerned was that she (the council member) felt that my property along Hero Way should be zoned S3 (Transit Sector) and be again governed by the Smart Code. I believe her comment was that Hero Way should be "blue on both sides of the road" on the new TOD map. In other words, my contiguous 23 acres should have two zones called out on the map. I am attaching a copy of the new map to this letter with the area affected highlighted.

I respectfully request that this not occur for the following reasons:

1) I believe that the borders where two sections meet should be clean. The zone borders should be clearly defined by roads or other geographical features. One zone should not be allowed to bleed or seep into another.

2) The area in question has a 100' PEC public utility easement associated with it. The easement runs right along the northern edge of the property along Hero Way. The easement is associated with the electrical substation nearby. It does not seem to be logical to designate a utility easement as S3 on the new TOD/Smart Code map.

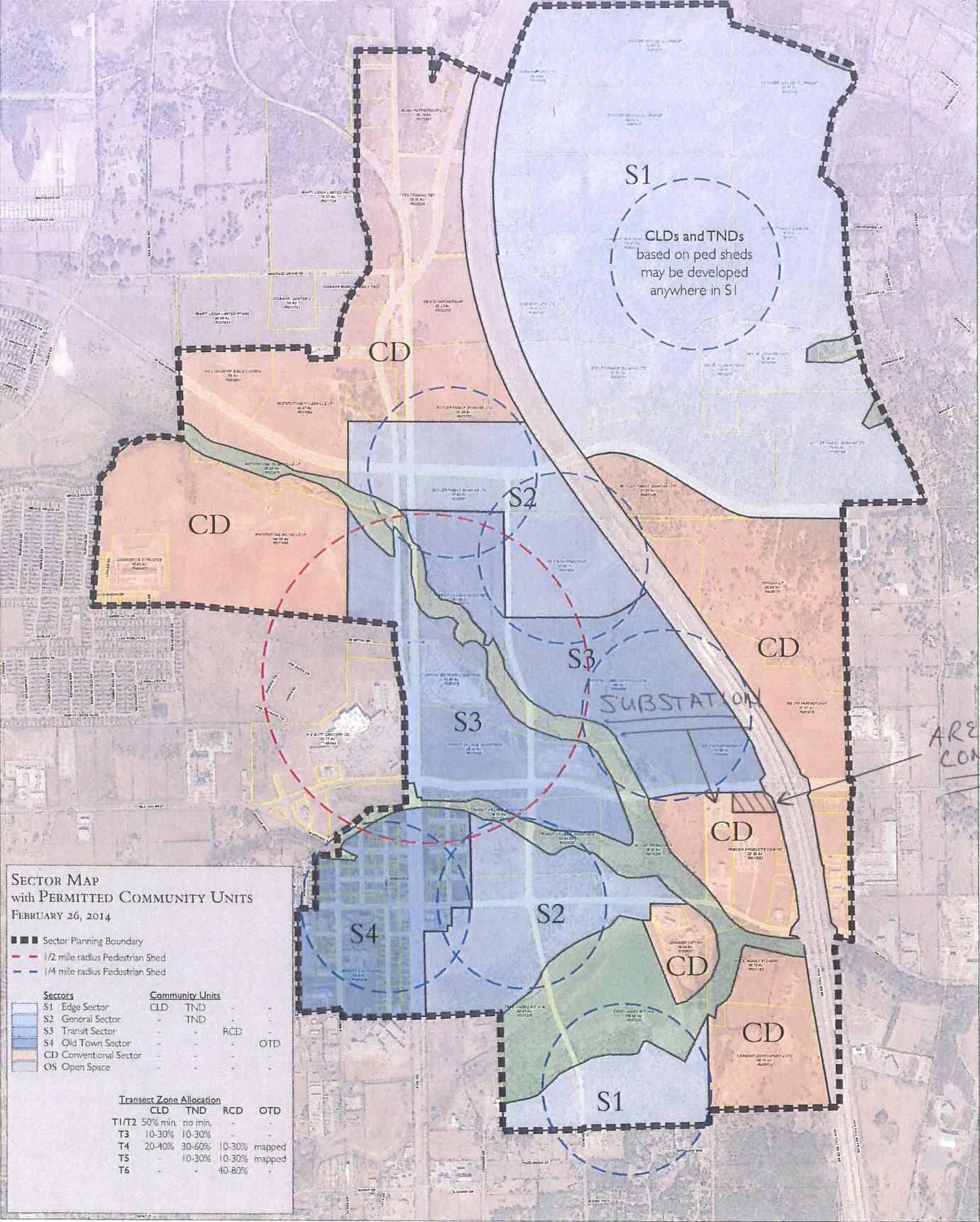
I want to thank you again for listening and acting on the request I made in January. Now I must make another request to keep the borders of my properties (as shown on the revised map on 2/27) intact, designated CD and not encroached upon. I also want to thank you, your staff, the Smart Code consultants and the City for working so hard with us to make this a better plan.

Thank you for your time and consideration.

Sincerely,



Noel Larson  
Owner  
Fabcon Products, Inc.



**SECTOR MAP with PERMITTED COMMUNITY UNITS**  
FEBRUARY 26, 2014

- ■ ■ Sector Planning Boundary
- - - 1/2 mile radius Pedestrian Shed
- - - 1/4 mile radius Pedestrian Shed

Sectors	Community Units*			
S1 Edge Sector	CLD	TND	-	-
S2 General Sector	-	TND	-	-
S3 Transit Sector	-	-	RCD	-
S4 Old Town Sector	-	-	-	OTD
CD Conventional Sector	-	-	-	-
OS Open Space	-	-	-	-

Transect Zone	Allocation			
	CLD	TND	RCD	OTD
T1/T2	50% min.	no min.	-	-
T3	10-30%	10-30%	-	-
T4	20-40%	30-60%	10-30%	mapped
T5	-	10-30%	10-30%	mapped
T6	-	-	40-80%	-

Scott Johnson, Partner  
Leander Developers 4, LP  
P.O. Box 249  
Leander, Texas 78646

February 8, 2014

Mr. Tom Yantis, AICP  
Director of Development Services  
City of Leander  
104 N. Brushy Street  
Leander, Texas 78646

Sir:

This letter is in regard to the present activities involving revision of the Leander TOD Smart Code. I was present, and spoke, at the meeting in January held by the city with the TOD landowners and the consultants working on the Smart Code revision. I want to thank you and the City of Leander for giving us an opportunity to meet the consultants and express our concerns about the Smart Code and the TOD.

I think we would all agree that the meeting was a very frank exchange of ideas and opinions about the TOD/Smart Code. I compliment you and the other City personnel at the meeting for the professionalism that was displayed that day – especially in light of the level of frustration expressed by the landowners at the table.

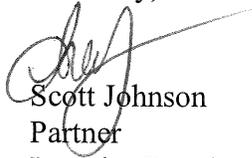
When I spoke I also stated the concerns that Leander Developers 4 has with the way the TOD and Smart Code have worked out. From the start, way back in 2005, we were fully on board with the idea: we paid a significant fee to participate in the TOD, we participated in the original design charette, took part in the city/landowner meetings on modifying the Smart Code, helped pay for a drainage study, and also helped pay for the UDO's salary. We believed that the Smart Code would help us attract developers for our property located in the bottom southeast corner of the TOD on US 183A.

Unfortunately, this has not been the case. It has been our experience that potential buyers of our TOD property are put off by the Smart Code. We also believe, given the distance between our property (south of 2243 on 183A) and the train station, that the area covered by the Smart Code is too big and should not include our property.

As a result, we respectfully request that our property (shown on the enclosed map) be removed from the area covered by the Smart Code during the ongoing Smart Code revision process. We ask, respectfully, that our property be covered by conventional zoning in the future.

Thank you for your time and consideration.

Sincerely,

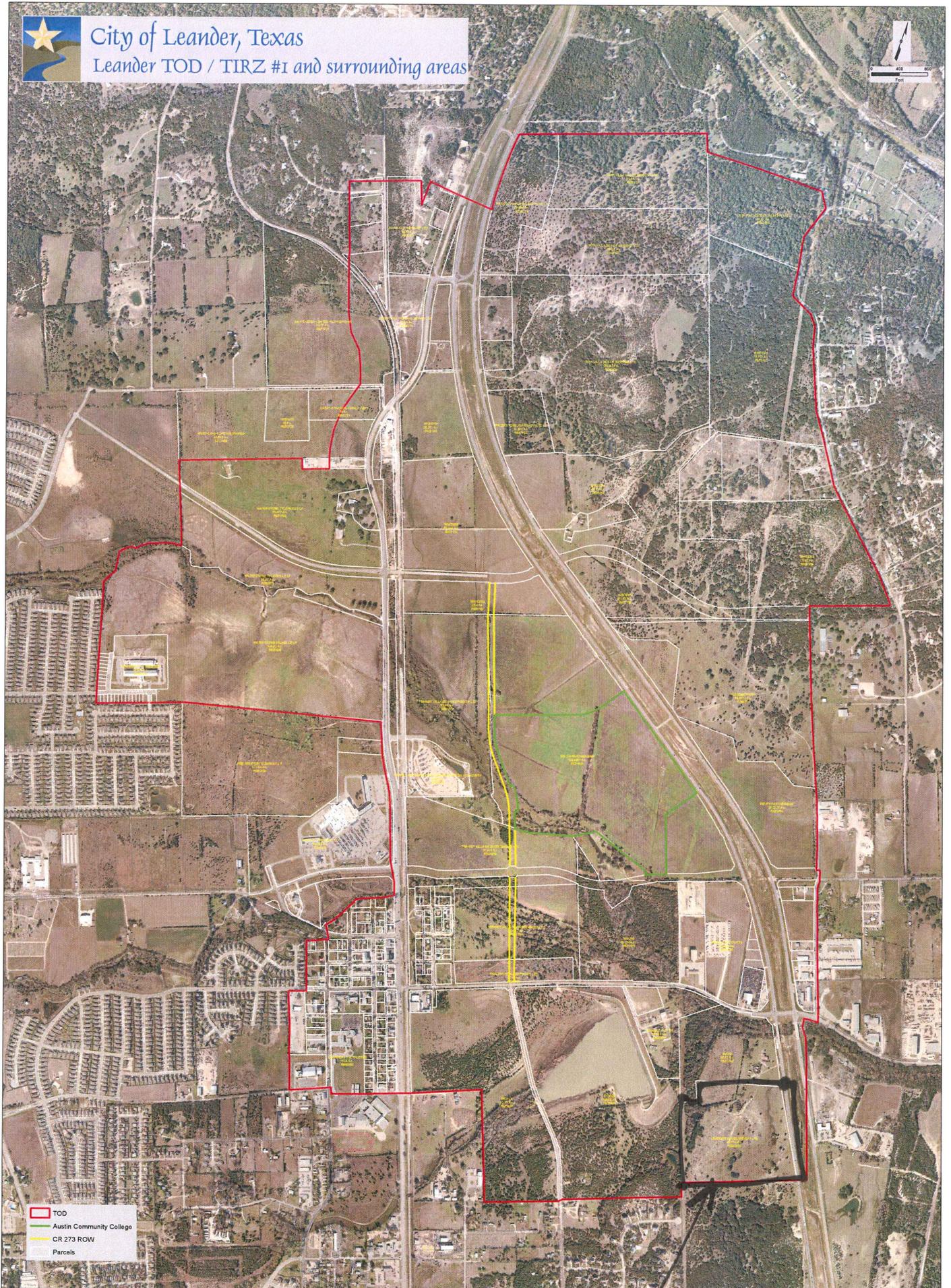
A handwritten signature in black ink, appearing to read "Scott Johnson", with a long horizontal flourish extending to the right.

Scott Johnson  
Partner

Leander Developers 4



City of Leander, Texas  
Leander TOD / TIRZ #1 and surrounding areas



- TOD
- Austin Community College
- CR 273 ROW
- Parcels

CD4 PROPERTY REFERENCE