AGENDA
REGULAR CITY COUNCIL
CITY OF LEANDER, TEXAS

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

Thursday ~ December 4, 2014 at 7:00 PM

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

1. Open meeting, Invocation, Pledges of Allegiance

2. Roll Call

3. Staff Comments: Steve Bosak, Parks & Recreation Director – Christmas Tree Recycling

4. Citizen Comments: Three (3) minutes allowed per speaker
   Please turn in speaker request form before the meeting begins

5. Proclamation recognizing December 2014 as "Williamson County Children's Advocacy Center" month in the City of Leander
   Sponsored by Council Member Dishongh

6. Recognition of Leander Fire Department Firefighter Combat Challenge Team

CONSENT AGENDA: ACTION

7. Approval of the minutes: November 20, 2014

8. Second reading of an Ordinance on Zoning Case #14-Z-027: amending Ordinance #05-018, the Composite Zoning Ordinance for the property located at 1001 Horizon Park Blvd., Leander, Williamson County, Texas

9. Second reading of an Ordinance on Zoning Case #14-Z-028: amending Ordinance #05-018, the Composite Zoning Ordinance for the property generally located at the northwest corner of the intersection of Old 2243 W. and N. Bagdad Road, Leander, Williamson County, Texas

10. Second reading of an Ordinance on Zoning Case #14-TOD-Z-026: amending Ordinance #05-018, the Composite Zoning Ordinance for the property located 850 feet from the northwest corner of the intersection of W. San Gabriel Pkwy. and US 183, Leander, Williamson County, Texas

11. Second reading of an Ordinance on Composite Zoning Ordinance Case #14-OR-008: consider amendments to the Composite Zoning Ordinance

12. Dedication and Acceptance of Subdivision Infrastructure Improvements for Travisso Section 1, Phase 2

13. Award of Construction Contract for Traffic Signal Pole Installation for Old 2243 W. at Bagdad Road

PUBLIC HEARING: ACTION

14. **Public Hearing** on Zoning Case #14-Z-029: Consider a zoning change for a 53.589 acre tract of land, more or less, located at 10744 E. Crystal Falls Parkway from Interim zoned SFR-1-B, Single Family Rural to GC-2-A, General Commercial, Leander, Williamson County, Texas
Applicant: Bowman Consulting (W.L. Gabler) on behalf of Premas Global Leander, LLC
This item has been postponed by the applicant

15. **Public Hearing** on Zoning Case #14-Z-030: Consider a zoning change for a 51.84 acre tract of land, more or less, located at 1208 S. Bagdad Road from MF-2-B, Multi Family and GC-3-C, General Commercial to SFC-2-B, Single Family Compact, Leander, Williamson County, Texas
Applicant: Fred C. Lockwood on behalf of Kaymac V. LTP

    Action on Zoning Case #14-Z-030: amending Ordinance #05-018, the Composite Zoning Ordinance for the property located at 1208 S. Bagdad Road, Leander, Williamson County, Texas

REGULAR AGENDA

16. Consider a Resolution of the City of Leander, Texas, accepting a petition for annexation of approximately 35.48 acres of land located in Williamson County, Texas; setting an annexation schedule; providing for open meetings and other related matters

EXECUTIVE SESSION

17. Convene into Executive Session pursuant to Section 551.072, Texas Government Code, to consider the acquisition and value of real property

18. Reconvene into open session to take action as deemed appropriate in the City Council's discretion regarding the acquisition and value of real property

19. Council Members Closing Statements

20. 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 telecommunication 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 26th day of November, 2014 by 5:00 pm pursuant to Chapter 551 of the Texas Government Code.

Debbie Haile

Debbie Haile, TRMC, City Secretary

PROCLAMATION

WHEREAS, on January 2, 2014, the Leander City Council voted unanimously to designate every month to support a Local Charity benefiting the citizens of Leander. The City Council encourages all residents of Leander to support Local Charities with donations of their goods, money and time; and

WHEREAS, the Local Charity being recognized for the month of December, 2014 is the "Williamson County Children's Advocacy Center; and

WHEREAS, The Williamson County Children's Advocacy Center has been operational since 1998, and serves all cities within Williamson County; and

WHEREAS, The Williamson County Children's Advocacy Center exists to provide a child friendly, safe place to disclose child abuse, reduce emotional trauma for children and non-offending family members, and extend professional services that protect the integrity of an investigation; and

WHEREAS, children from 0-17 years of age are served at the Advocacy Center; and

WHEREAS, the Advocacy Center has three forensic interview rooms with adjacent observation rooms, two therapy rooms, a medical component and two training/conference rooms and conducts over 600 forensic interviews each year; and

WHEREAS, the Williamson County Children's Advocacy Center is supported by the community and by federal, state and local grants as well as fundraisers; and

WHEREAS, free seminars are offered to school districts, day care centers, civic groups, churches and other organizations to help people recognize and report abuse

Now therefore Mayor Christopher Fielder and the Leander City Council do hereby proclaim December 2014 as:

"Williamson County Children's Advocacy Center" MONTH

Signed this 4th day of December, 2014.

Attest:

Christopher Fielder, Mayor

Debbie Haile, TRMC City Secretary

MINUTES
REGULAR CITY COUNCIL
CITY OF LEANDER, TEXAS

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

Thursday ~ November 20, 2014 at 7:00 PM

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

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 except Council Member Lynch

3. Staff Comments: **Steve Bosak, Parks & Recreation Director talked about the Christmas Parade and Tree Lighting to be held on Dec. 6th**

4. Citizen Comments: Three (3) minutes allowed per speaker
   Please turn in speaker request form before the meeting begins
   Frank Stiles, 4180 Hwy 183 – spoke about a mobile home near his property

CONSENT AGENDA: ACTION

Mayor Fielder announced that the applicant has pulled items 6 & 11

5. Approval of the minutes: November 06, 2014

6. Second reading of Zoning & Subdivision Cases 14-Z-017, 14-CP-008, & 14-PP-007: consider action on the rezoning and approval of the Red Oak Valley Concept Plan and Preliminary Plat for 113.372 acre tract of land, more or less, located at 17680 Ronald Reagan

7. Approval of an updated Water Conservation Plan

8. Approval of the assignment of the Development Agreement with RJ Madden Inc to Meritage Homes of Texas, LLC

9. Award for Vehicle Upfitting, Lettering and Graphics to Cap Fleet Upfitters, Temple, Texas

10. Dedication and Acceptance of Subdivision Infrastructure Improvements for Borho Phase 2 and Borho Phase 5

11. License Agreement for the installation and maintenance of irrigation, landscape, and decorative lighting within the City rights-of-way

12. Approval of the release and termination of the drainage, right-of-way, and public utility easement associated with the Lot 5A of the Bagdad Meadows Unit 2 Replat, Leander, Williamson County, Texas.

13. Ordinance amending Chapter 13 of the Code of Ordinances to add a provision related to underground Utilities

Motion made by Council Member Navarrette to approve the consent agenda except items 6 & 11. Second by Mayor Pro Tem Garcia. Motion passes, all voting "aye"

PUBLIC HEARING: ACTION

14. **Public Hearing** on Zoning Case #14-Z-027: Consider a zoning change for a 5.69 acre tract of land, more or less, located at 1001 Horizon Park Blvd from TF-2-B, Two Family to PUD, Planned Unit Development, Leander, Williamson County, Texas
Applicant: Howard Kirk on behalf of Willie Kopecky, Jr. and Sue Kopecky
Tom Yantis, Assistant City Manager explained

Mike Kopecky, 1502 Main Street, Cedar Park gave a presentation on the project

Action on Zoning Case #14-Z-027: amending Ordinance #05-018, the Composite Zoning Ordinance for the property located at 1001 Horizon Park Blvd., Leander, Williamson County, Texas

Motion made by Council Member Siebold to approve as submitted except with no exposed neon. Second by Mayor Pro Tem Garcia. Motion passes, 4 to 2 with Mayor Fielder and Council Member Dishongh voting against

15. **Public Hearing** on Zoning Case #14-Z-028: Consider a zoning change for an 18.00 acre tract of land, more or less, generally located at the northwest corner of the intersection of Old 2243 W. and N. Bagdad Road from LC-2-B, Local Commercial to GC-3-C, General Commercial and MF-2-A, Multi Family, Leander, Williamson County, Texas
Applicant: Bruce Nakfor on behalf of Firstmark Credit Union
Tom Yantis, Assistant City Manager explained

Ernest Brown, 219 Coronet, San Antonio - spoke in favor of
Lake Webb, 700 Sparkling Brook – spoke against multi family
Kelly Childers, 806 Maplecreek – spoke against multi family
Mary Williamson, 705 Red River Lane – spoke against multi family

Action on Zoning Case #14-Z-028: amending Ordinance #05-018, the Composite Zoning Ordinance for the property generally located at generally located at the northwest corner of the intersection of Old 2243 W. and N. Bagdad Road , Leander, Williamson County, Texas

Bruce Nakfor, applicant spoke about conversations he had with citizens in the adjacent neighborhood

Motion made by Mayor Fielder to approve with the following conditions:
1. **The buildings associated with the MF-2-A development shall be limited to two stories within 50 feet of the north and west property lines.**
2. **The non-residential wall requirements shall apply. A six foot tall masonry wall shall be required between the MF-2-A development and the single-family residential properties.**
3. **The southern and western most 410' portion of the property shall be rezoned to LC-2-B (Local Commercial)**

Second by Council Member Navarrette. Motion passes, all voting "aye"

16. **Public Hearing** on Subdivision Case #14-TOD-CP-002: Consider a Concept Plan for the Tylerville Tract for 42.3 acres, more or less, generally located 850 feet from the northwest corner of the intersection of W. San Gabriel Pkwy. and US 183, Leander, Williamson County, Texas
Applicant: Bob Wunsch
Tom Yantis, Assistant City Manager explained

Frank Stiles, 4180 Hwy 183 - expressed his concerns with this property
Bob Wunsch, applicant explained the project

Action on Subdivision Case #14-TOD-CP-002: a Concept Plan for the Tylerville Tract, Leander, Williamson County, Texas

Motion made by Mayor Pro Tem Garcia to approve. Second by Mayor Fielder.
Motion passes, 5 to 1 with Council Member Abruzzese voting against

Mayor Fielder called for a break at 8:13 pm
Council reconvened at 8:21 pm

17. **Public Hearing** on Zoning Case #14-TOD-Z-026: Consider a zoning change for a 33.67 acre portion of land, more or less, generally located 850 feet from the northwest corner of the intersection of W. San Gabriel Pkwy. and US 183 from PUD/TOD, Planned Unit Development/ Transit Oriented Development to and amended PUD, Planned Unit Development, Leander, Williamson County, Texas
Applicant: Bob Wunsch
Tom Yantis, Assistant City Manager explained

Frank Stiles, 4180 Hwy 183 – expressed his concerns with single family development being adjacent to commercial

Action on Zoning Case #14-TOD-Z-026: amending Ordinance #05-018, the Composite Zoning Ordinance for the property located 850 feet from the northwest corner of the intersection of W. San Gabriel Pkwy. and US 183, Leander, Williamson County, Texas

Motion made by Council Member Siebold to deny. Second by Council Member Abruzzese. Motion fails 2 to 4 with Mayor Fielder and Council Members Navarrette, Dishongh and Mayor Pro Tem Garcia voting against the denial.

Motion made by Council Member Navarrette to approve with the requirement that screening be provided adjacent to the concrete plant and against the first two houses on 183. Second by Mayor Pro Tem Garcia. Motion passes, 4 to 2 with Council Members Siebold and Abruzzese voting against.

18. **Public Hearing** on Composite Zoning Ordinance Case #14-OR-008: Consider amending section of the Composite Zoning Ordinance, to add definitions, update the site components regarding outdoor animal boarding and landscape requirements, to modify requirements for drainage and detention facilities, to amend the masonry wall requirements, to update the architectural standards, to update the site development standards, and to update the garage setback requirements
Tom Yantis, Assistant City Manager explained

Shawn Seaberg, 9401 Amberglen Blvd – filled out card in opposition – did not wish to speak
Harry Savio with Home Builder Association – spoke against
Brent Baker with Pulte Homes – spoke against the changes
Gerry Poe with KB Home – spoke against the changes
Kelly Dyer with Meritage Homes – spoke against the changes

Action on Composite Zoning Ordinance Case #14-OR-008: consider amendments to the Composite Zoning Ordinance

Motion made by Mayor Fielder to accept the Heritage Tree definition and the tree ordinance brought back to P & Z and Council for further discussion. Second by Council Member Navarrette. Motion passes, all voting "aye"

Alternate motion made by Mayor Fielder to accept all the ordinance changes with the exception of the garage setback requirement and to have the original tree ordinance to be sent to P & Z for review before coming back to council and meetings be held with home builders concerning the garage setbacks and to bring back to council by 1st meeting in February. Second by Council Member Navarrette. Motion passes, all voting "aye"

19. **Public Hearing** on Comprehensive Plan Case # 14-CPA-003: consider amendments to the Leander Transportation Plan as set forth in the Comprehensive Plan
Tom Yantis, Assistant City Manager explained

No speakers

Action on Comprehensive Plan Case # 14-CPA-003: amending the Leander Transportation Plan as set forth in the Comprehensive Plan

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

REGULAR AGENDA

20. Consider and take appropriate action on a resolution approving an application to create the Central Texas Water Development Corporation and approve the Articles of Incorporation and Bylaws of the Corporation
This item has been pulled from the agenda by the applicant

21. Consider and take appropriate action on an Interlocal Agreement with Hays County and Travis County providing for the creation of the Central Texas Water Development Corporation.
This item has been pulled from the agenda by the applicant

22. Consider a Development Agreement between the City of Leander and Waterstone Tylerville, LP for 42.3 acres, more or less, generally located 850 feet from the northwest corner of the intersection of W. San Gabriel Pkwy. and US 183, encompassing the property known as the Tylerville Tract Subdivision within the city limits of the City of Leander, Williamson County, Texas
Tom Yantis, Assistant City Manager explained

Motion made by Council Member Abruzzese to approve. Second by Mayor Pro Tem Garcia. Motion passes, all voting "aye"

23. Ordinance Case #14-OR-010: Consider amending Appendix A Fee Schedule to add fees for Wireless Communication Facility Development Plans and Heritage Tree Removal Permits and to update the fees associated with developments within the TOD, Transit Oriented Development
Tom Yantis, Assistant City Manager explained

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

24. Subdivision Ordinance Case #14-OR-009: Consider amending sections of the Subdivision Ordinance, to add provisions for the protection of heritage trees, to modify the transportation improvements, water utility improvements, and easement sections of the ordinance
Tom Yantis, Assistant City Manager explained

Frank Stiles, 4180 Hwy 183 - spoke against the amendments concerning the trees
Harry Savio- Home Builders Association – explained his requests to the P& Z

Motion made by Council Member Dishongh to postpone this item. Motion fails due to lack of second.

Motion made by Council Member Abruzzese to approve with a five year expiration on the Tree survey and to bring back to the first meeting in February 2015 with the P & Z recommendation after it goes through the process as with the original ordinance Second by Council Member Dishongh. Motion passes, all voting "aye"

25. Consider and action on a Resolution directing Publication of the Notice of Public Hearing and intention to Issue Combination Tax and Revenue Certificates of Obligation
Robert Powers, Finance Director explained

Motion made by Mayor Fielder to approve. Second by Council Member Navarrette. Motion passes, all voting "aye"

26. Consider Standard Professional Services Agreement and Task Order HDR-2 with HDR Engineering, Inc., for professional services for Improvements of Old 2243 West from US Hwy 183 to Lakeline Blvd.
Mayor Fielder recused himself from this item

Terri Crauford, Asst. City Engineer explained

Motion made by Council Member Navarrette to approve. Second by Council Member Siebold. Motion passes, all voting "aye"

27. Consider a Resolution of the City of Leander, Texas, accepting a petition for annexation of land located in Williamson County, Texas; setting an annexation schedule; providing for open meetings and other related Matters
Tom Yantis, Assistant City Manager explained

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

28. Consider a Resolution of the City of Leander, Texas, accepting a petition for annexation of land located in Williamson County, Texas; setting an annexation schedule; providing for open meetings and other related matters.
The applicant pulled this item from the agenda

29. Consider nomination for representative member of the Board of Directors of the Travis Central Appraisal District

Motion made by Council Member Navarrette to vote for Tom Moody. Second by Council Member Siebold. Motion passes, all voting "aye"

30. Council Members Closing Statements
Council Members gave their closing statements

31. Adjournment
With there being no further business, the meeting adjourned at 9:54 pm

Attest:

Christopher Fielder, Mayor	Debbie Haile,TRMC, City Secretary

AGENDA ITEM # 8

Executive Summary

December 04, 2014

Agenda Subject: Zoning Case 14-Z-027: Consider action on the rezoning of a 5.69 acre tract of land, more or less, located at 1001 Horizon Park Blvd, WCAD Parcel# R036572. Currently, the property is zoned TF-2-B (Two-Family) and the applicant is proposing to zone the property PUD (Planned Unit Development), Leander, Williamson County, Texas.

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

Origination: Applicant: Mike Kopecky on behalf of Willie Kopecky, Jr. and Sue Kopecky.

Financial Consideration: None

Recommendation: See Planning Analysis. The Planning & Zoning Commission recommended to approve the zoning request with the following conditions at the November 13, 2014 meeting.

1. No neon signs are permitted (no exposed bulbs). Only back lighting can be utilized on the sign
2. The project shall comply with the Type B Architectural Component with the condition that the masonry shall be reduced to 40%.
3. Porte Cocheres are not permitted, each unit will be required to have an enclosed garage.

The motion passed with a four to two vote (Stephenson and Seiler opposing).

The City Council approved the request with the following condition at the November 20, 2014 Meeting:

1. No exposed neon bulbs are permitted. Only back lighting can be utilized on the sign.

Attachments:

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

Prepared By: Tom Yantis, AICP
Assistant City Manager 11/21/2014

PLANNING ANALYSIS

ZONING CASE 14-Z-027
STARLIGHT VILLAGE PUD

GENERAL INFORMATION

Owner: Willie Kopecky, Jr. and Sue Kopecky.

Current Zoning: TF-2-B (Two-Family)

Proposed Zoning: PUD (Planned Unit Development)

Size and Location: The property located 1001 Horizon Park Blvd and includes approximately 5.69 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/MH-2-B	Established Single-Family Home
EAST	SFU-2-B	Established Single-Family Neighborhood (Oakridge)
SOUTH	SFU/MH-2-B	Established Single-Family Home
WEST	HC-4-D	Developed Commercial Property Undeveloped Property Zoned Heavy Commercial

COMPOSITE ZONING ORDINANCE & SMARTCODE INTENT STATEMENTS

PUD – PLANNED UNIT 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 the development of a detached condominium project. 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 detached single-family condominium project. The Planning & Zoning Commission recommended approval of the TF-2-B (Two-Family) zoning district at the March 27, 2014 meeting and was later approved by City Council.

The properties to the north, west, and south are currently developed as single-family homes. The property to the west is developed as a commercial project and is part of the Industrial District identified on the Future Land Use Plan.

The applicant is proposing a condominium style project that would include a total of thirty units on the property. The base zoning district for this PUD is MF-2-B (Multi-Family).

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.

Variations from the Composite Zoning Ordinance:

- The applicant is proposing to reduce the masonry requirement from 85% to 40% if the homes conform to the architectural style shown in the PUD. The Type B architectural

component requires that 85% of the first story walls and 50% overall (all stories) are masonry. The Type A architectural component requires that 85% of the entire building is masonry.

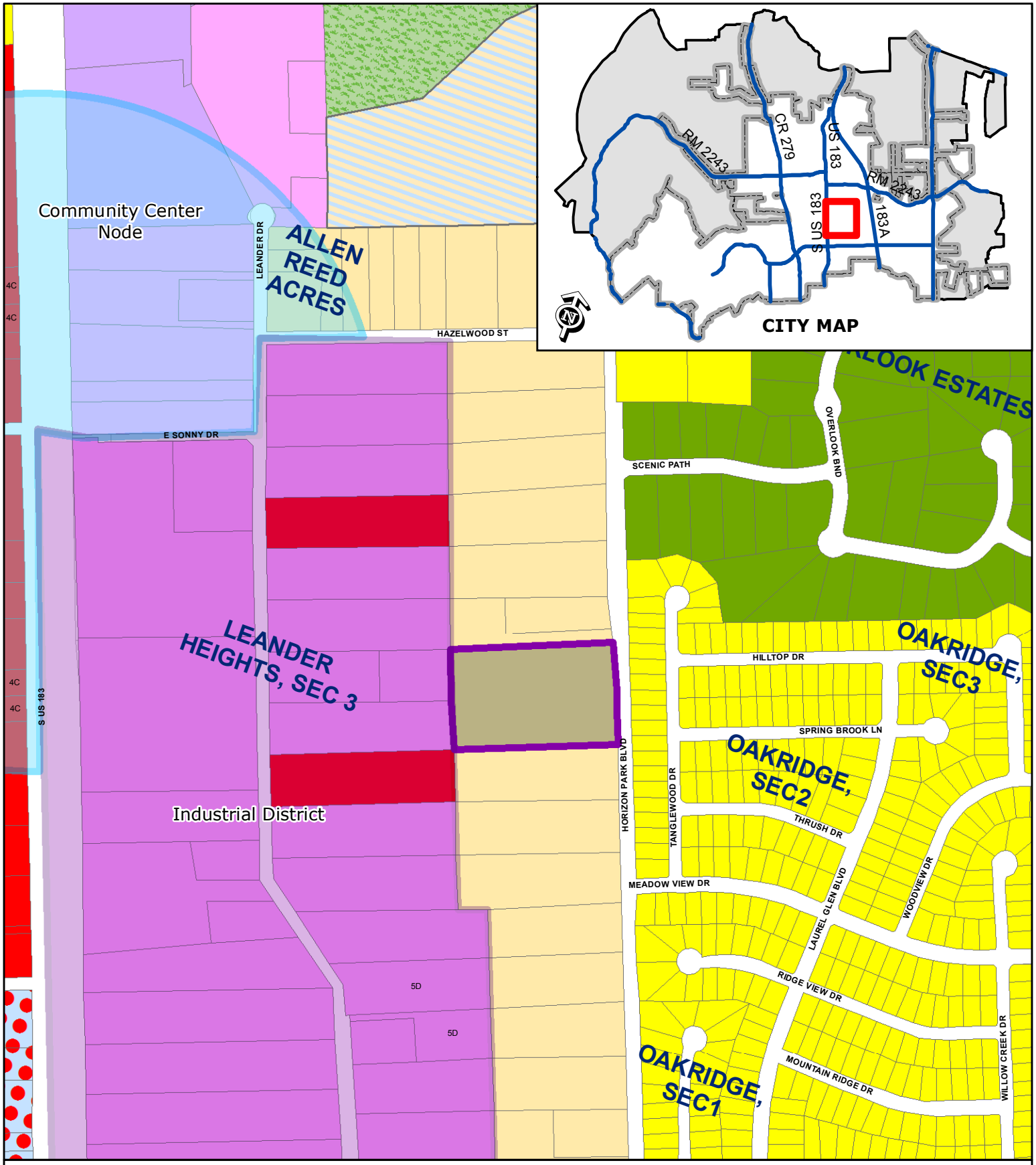
- The applicant is requesting to eliminate the requirement for an enclosed garage and substitute a porte cochere. The porte cochere will meet the masonry requirements established by the PUD.
- A neon sign is proposed at the entrance of the subdivision. Currently, neon signs are not permitted for residential developments.
- Perimeter fencing shall be masonry including brick, stone, or stucco. Currently, products such as woodcrete are permitted. This change would require a higher quality masonry wall.

STAFF RECOMMENDATION:

Staff recommends approval of the requested PUD with the following conditions:

1. The neon sign is not permitted. The location of the sign will be across the street from an existing residential subdivision.
2. The project complies with the Type B Architectural Component.

The proposed land use is compatible with the neighboring properties. This request meets the intent statements of the Composite Zoning Ordinance.



ZONING CASE 14-Z-027

Attachment #2

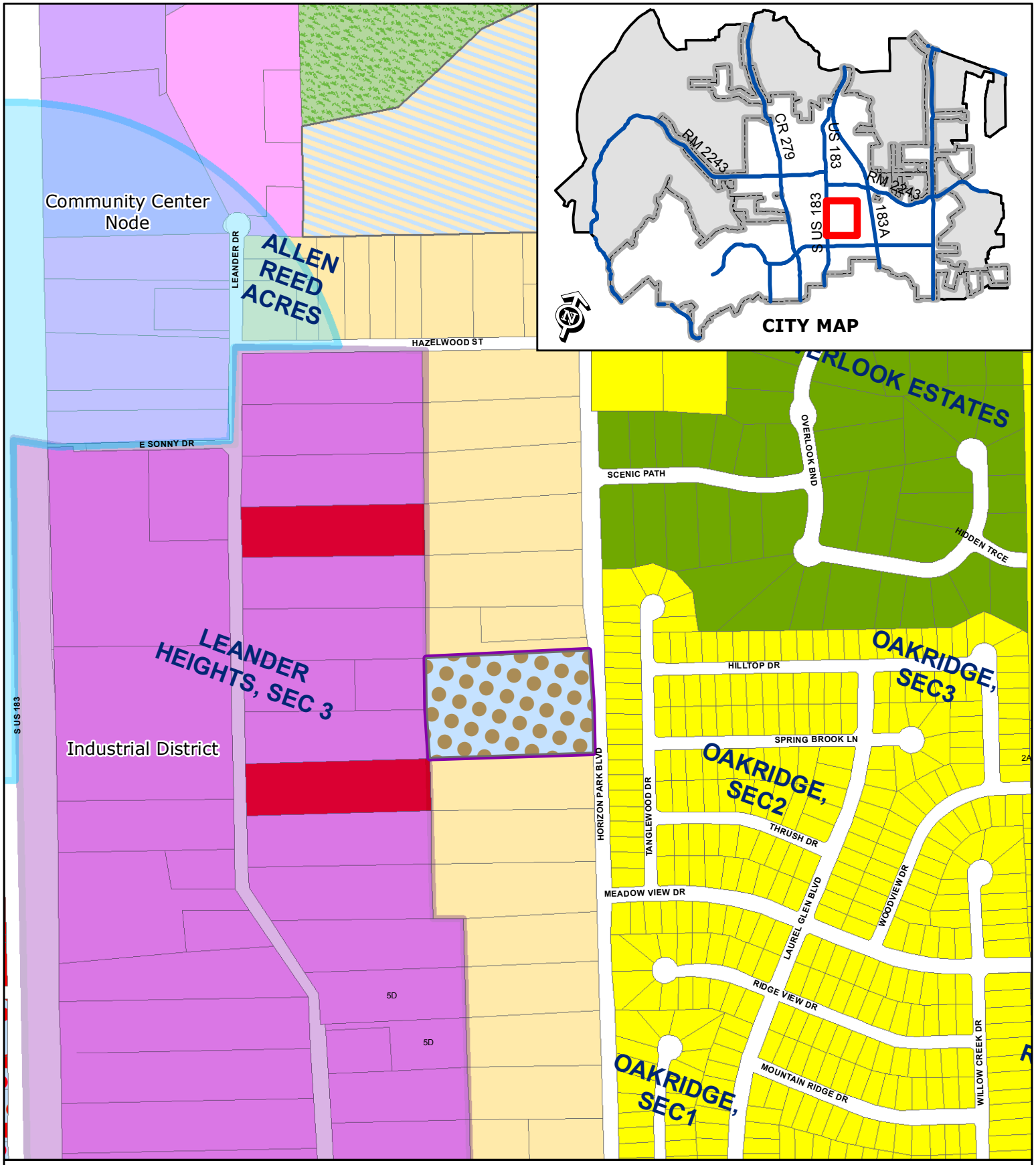
Current Zoning Map
Starlight Village PUD

N

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
Feet



ZONING CASE 14-Z-027

Attachment #3

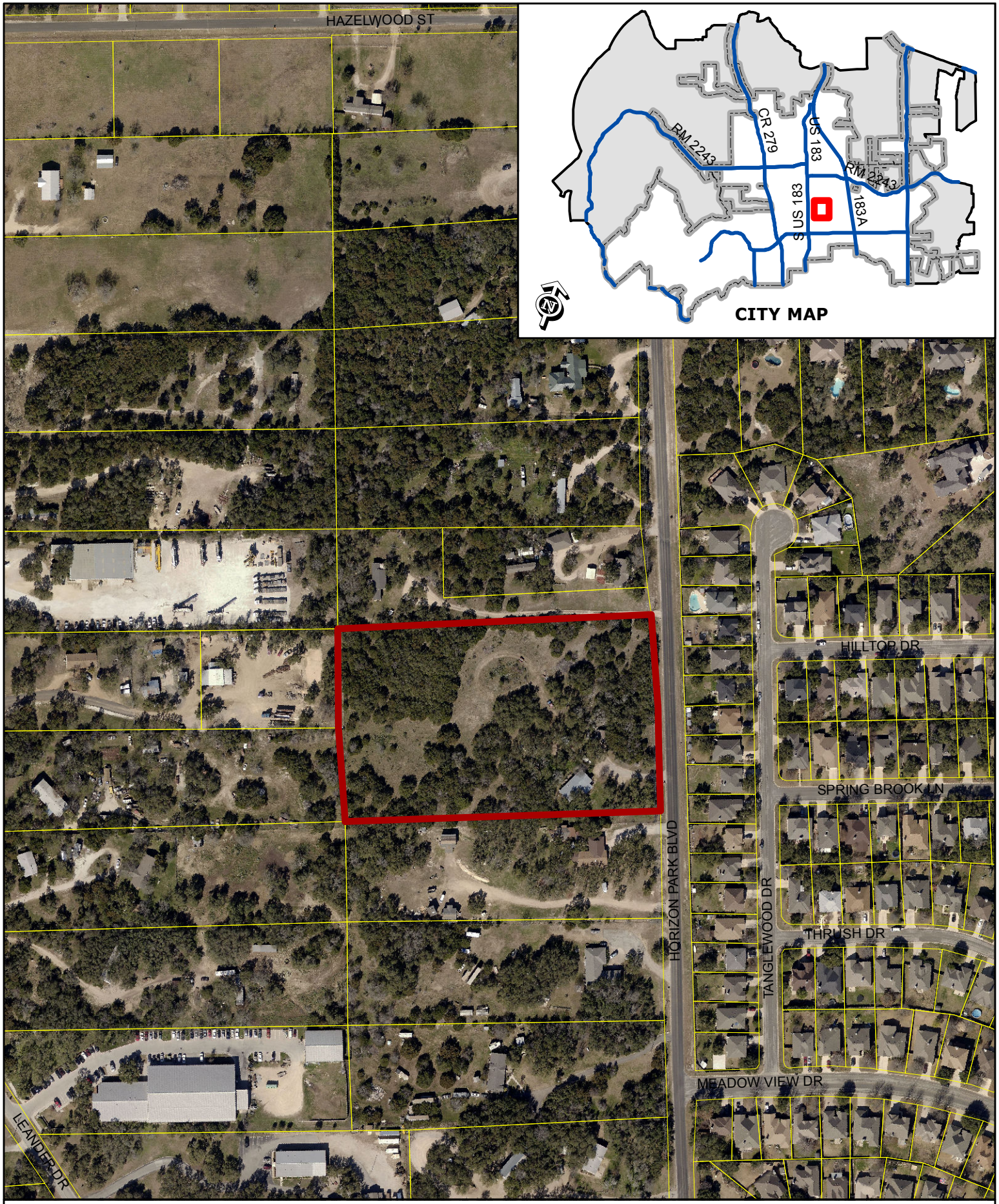
Proposed Zoning Map
Starlight Village PUD

N

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
Feet



ZONING CASE 14-Z-027 Attachment #4

Aerial Exhibit - Approximate Boundaries
Starlight Village PUD

0 200
Feet

Subject Property
City Limits

EXHIBIT A
Starlight Village - PUD

1. Base zoning districts:
    A. The base zoning district for the PUD is MF-2-B (Multi-Family) as provided in this PUD Plan.

2. PUD Area = 5.69 Acres

3. The use shall be a detached single-family condominium residential development

4. The maximum area of the first floor of any building shall be 1800 square feet of conditioned area.

5. MAXIMUM UNIT COUNT: The project shall be limited to 40 units with the condition that either two points of ingress/egress are provided or all units have a fire sprinkler system.

6. LIGHTING: Street lights will not be required but are permitted. Street light(s) will be provided at the entrance to the subdivision.

7. ACCESS/PRIVATE DRIVES: See Exhibit B for detailed cross section of vehicular access easement. Minimum centerline radius for private drives is 37.5 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. The project will be gated.

8. RESIDENTIAL SETBACKS: Front building setbacks shall be a minimum of 18-feet from back of curb. Building separation shall be a minimum of 10-feet. 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 a minimum of 15-feet from the perimeter lot line.

10. SIDEWALKS: Sidewalks are required along Horizon Park Blvd. Sidewalks are not required in the interior of the project.

11. MASONRY: At least 40% 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 Fiber Cement/LP Smartside products (including plank, shingle, etc). All other masonry standards associated with the Type B Architectural Component shall apply. The homes shall substantially conform to the architectural style shown below, otherwise, the Type B Architectural Component shall apply.

12. PORTE COCHERES: Garages are not required for this project. Units will have an attached porte cochere with an enclosed 4x8 storage area (minimum) to the rear of the porte-cochere with driveways at least 18- feet long and 9-feet wide. Each porte cochere may be flush or behind the primary façade (porches are considered part of the primary façade). Each porte cochere shall include 2 screening walls which conform to the masonry requirements stated above. The roofing on the porte cochere shall match the roofing on the home.

EXHIBIT A
Starlight Village - PUD

13. PARKING: 2.5 parking spaces per unit will be provided. Each unit shall have 1 covered parking space in the porte cochere and 1 parking space in the driveway. Additional parking will be provided by either additional driveway parking or in common off street parking spaces.

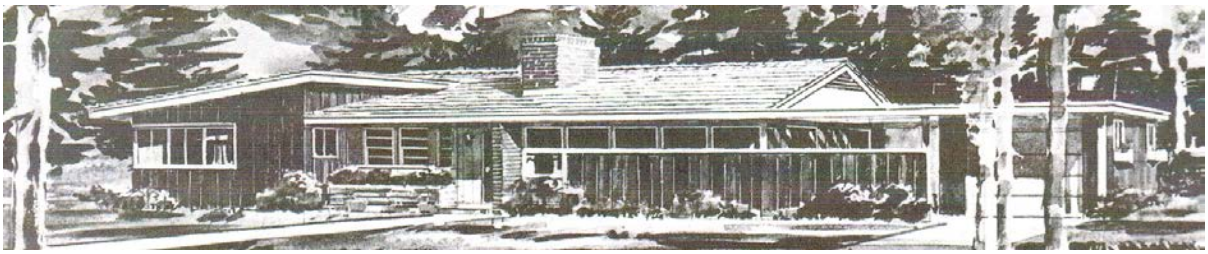
14. LANDSCAPE: A minimum of 50% of the significant trees shall be saved. The site will be re vegetated with native landscaping.

15. AMENITIES: A covered pavilion shall be provided for residents. Walking trails shall be installed throughout the community.

16. FENCING: The perimeter fencing for the development shall be masonry limited brick, stone or stucco. Individual yard fences shall be wrought iron or decorative tubular metal.

17. SIGNAGE: A neon sign, similar to picture below, shall be installed at the entrance to the development. The sign shall be approximately 10' wide and 2' tall.

EXAMPLES OF MID CENTURY MODERN FACADES:



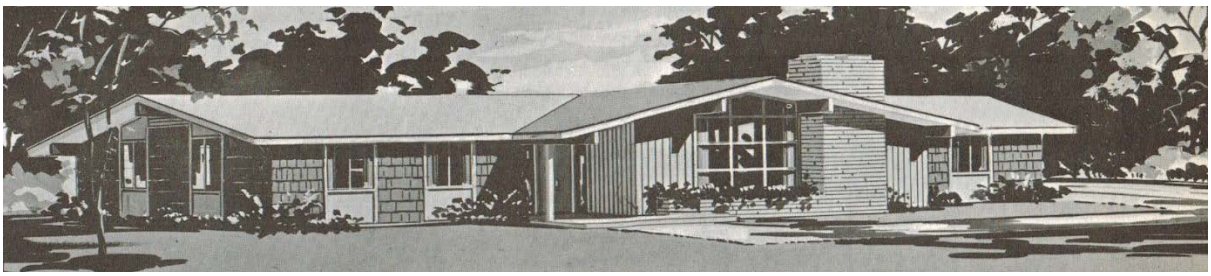


EXHIBIT A
Starlight Village - PUD

EXAMPLE OF PORTE COCHERE:

EXHIBIT A
Starlight Village - PUD

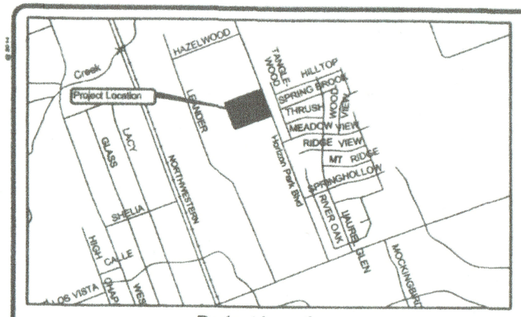
EXAMPLE OF SIGNAGE:

Exhibit B

Conceptual Site Layout and Land Use Plan

Starlight Village

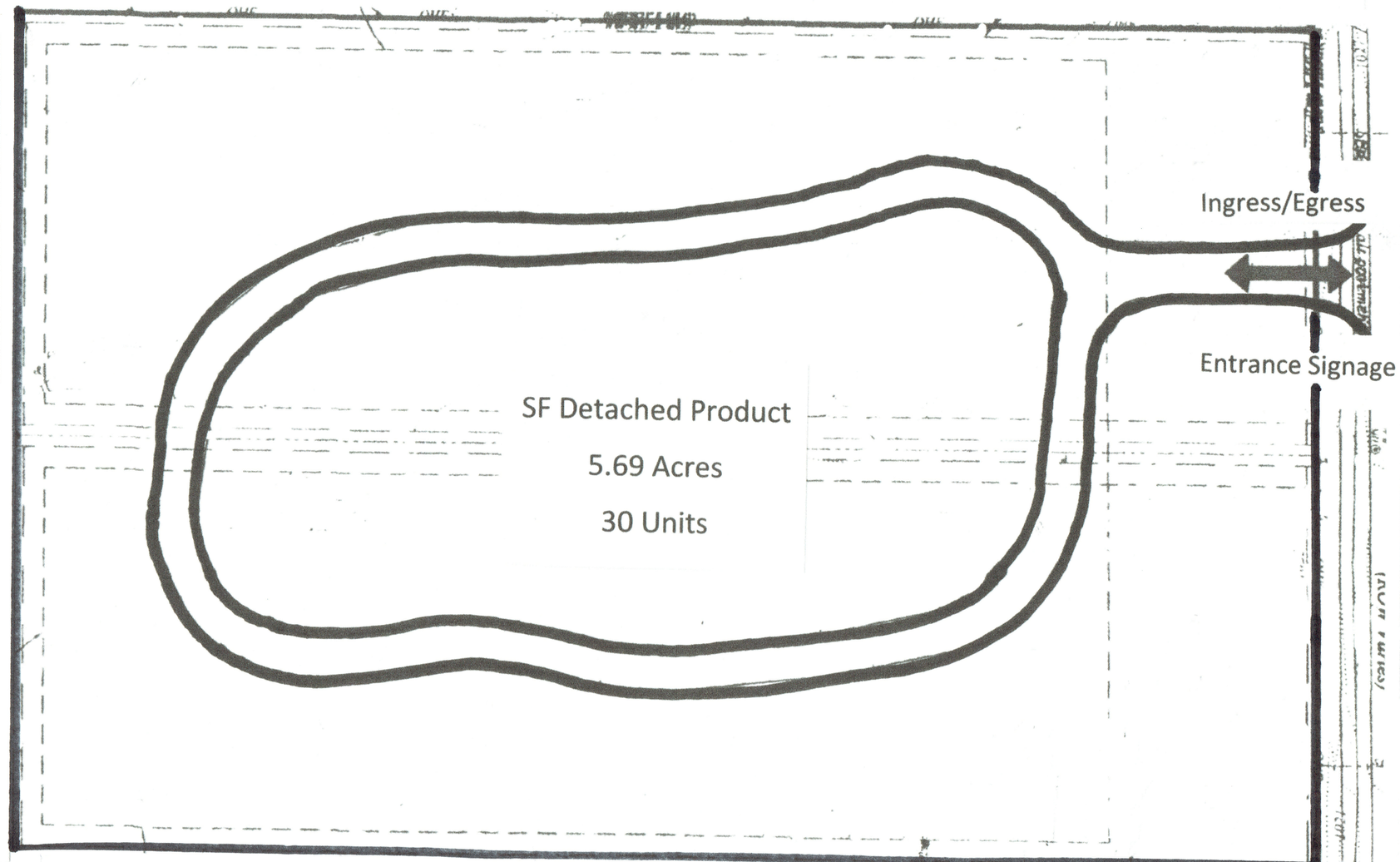
(This plan is conceptual. The street layout and standards have not been reviewed by staff. The subdivision ordinance and Transportation Criteria Manual regulations apply.)



Project Location
NTS

Site Development Data

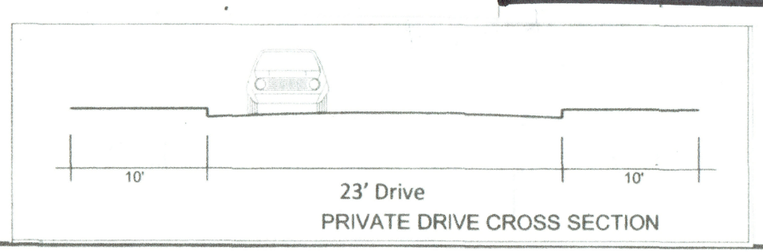
Developer:	Developer: Michael Kopecky 1502 Main Streeet Cedar PArk, TX 78613 Phone: 512.470.5521
Owner:	Willie Kopecky 123 Goodwater Street Georgetown, TX 78633 Phone: 512.913.2112
Engineer	Garrett-Ihnen Civil Engineers 12007 Technology Blvd, Ste 150 Austin, Texas 78727 Ph: (512) 454-2400
Landscape Architect	Russ Bragg Landscape Architect 3930 Bee Cave Road, Suite F Austin, Texas 78746 512.327.3388
Legal Description:	LEANDER HEIGHTS SEC 3, BLOCK B, LOT 29-30, MH SERIAL # 12309751A LABEL # TEX0133655 5.69 Acres
Zoning:	TF-2-B
Phasing:	No Phasing is Proposed



Typical Building Envelopes

51 x 51
Approx
2,600 sf

32 x 72
Approx 2,300 sf



Fire Access Note
503.1.1 Buildings and facilities. *Approved* fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within jurisdiction. The fire apparatus access road shall comply with the requirements of this section and shall extend to within 150 feet (45,720 mm) of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an *approved* route around the exterior of the building or facility.

0 50

Benchmark
T.B.M. #1 - Set nail in power pole
Elevation = 1029.21'

Legal Description
Leander Heights Section 3, Block B, Lots 29-30, MH Serial #12309751A Label #Tex 0133655, 5.69 acres

DATE: 10-Oct-14
DESIGNED: CGW
DRAWN: AE
CHECKED: BJL
JOB NO: KOP 14033

REVISIONS/CORRECTIONS

NO.	DESCRIPTION:	CITY APPROVAL/DATE

GARRETT-IHNEN
CIVIL ENGINEERS
12007 TECHNOLOGY BLVD.
SUITE 150
AUSTIN, TEXAS 78727
TELEPHONE: (512) 454-2400
FACSIMILE: (512) 454-2420
TBPE FIRM NO. F-630

STEVEN L. GREEN 91076

Starlight Village
1001 County Road 273
Leander, TX 78641-2005

Concept Plan

SHEET NUMBER
1 of 1

ATTACHMENT 6

October 3, 2014

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

RE: Starlight Village – PUD Zoning Application – Letter of Intent

Dear Ms. Griffin,

I respectfully request the City of Leander consider the attached PUD Zoning Change Application for the 5.69 acre tract known locally as 1001 Horizon Park Blvd. The 5.69 acre tract described in this package is proposed to change from the current zoning of TF-2 to a PUD with base zoning district MF-2-B. The current zoning allows 54 living units to be built on the property. The proposed PUD will reduce the density to 40 detached single family condominiums. These mid-century modern homes will range in size from 1200 to 1800 square feet. This zoning will allow the developer to maximize the sites natural beauty, save existing trees and create a truly unique street scene. The community will be gated and the entire site will be maintained by an HOA.

Please do not hesitate to contact Howard Kirk at 512-844-0738 or build@dhhomestexas.com with any questions, comments or concerns.

Regards,

Mike Kopecky

ORDINANCE NO #

ORDINANCE OF THE CITY OF LEANDER, TEXAS, AMENDING THE ZONING ORDINANCE BY REZONING A PARCEL OF LAND FROM TF-2-B (TWO-FAMILY) 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 parcel of land, which is herein referred to as the "Property:" That certain parcels of land being 5.69 acres, more or less, located at 1001 Horizon Park Blvd, Williamson County, Texas, being legally described as Lots 29 & 30, Block B, Leander Heights Section 3 Subdivision; being more particularly described in Exhibit "C"; and identified by Williamson County tax identification numbers R036572.

Section 4. Property Rezoned. The Zoning Ordinance is hereby amended by changing the zoning district for the Property from TF-2-B (Two-Family) to PUD (Planned Unit Development) known as the Starlight Village 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 20th day of November, 2014.
FINALLY PASSED AND APPROVED on this the 4th day of December, 2014.

THE CITY OF LEANDER, TEXAS	**ATTEST:**
_____	_____
Christopher Fielder, Mayor	Debbie Haile, City Secretary

EXHIBIT A
Starlight Village - PUD

1. Base zoning districts:
    A. The base zoning district for the PUD is MF-2-B (Multi-Family) as provided in this PUD Plan.

2. PUD Area = 5.69 Acres

3. The use shall be a detached single-family condominium residential development

4. The maximum area of the first floor of any building shall be 1800 square feet of conditioned area.

5. MAXIMUM UNIT COUNT: The project shall be limited to 40 units with the condition that either two points of ingress/egress are provided or all units have a fire sprinkler system.

6. LIGHTING: Street lights will not be required but are permitted. Street light(s) will be provided at the entrance to the subdivision.

7. ACCESS/PRIVATE DRIVES: See Exhibit B for detailed cross section of vehicular access easement. Minimum centerline radius for private drives is 37.5 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. The project will be gated.

8. RESIDENTIAL SETBACKS: Front building setbacks shall be a minimum of 18-feet from back of curb. Building separation shall be a minimum of 10-feet. 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 a minimum of 15-feet from the perimeter lot line.

10. SIDEWALKS: Sidewalks are required along Horizon Park Blvd. Sidewalks are not required in the interior of the project.

11. MASONRY: At least 40% 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 Fiber Cement/LP Smartside products (including plank, shingle, etc). All other masonry standards associated with the Type B Architectural Component shall apply. The homes shall substantially conform to the architectural style shown below, otherwise, the Type B Architectural Component shall apply.

12. PORTE COCHERES: Garages are not required for this project. Units will have an attached porte cochere with an enclosed 4x8 storage area (minimum) to the rear of the porte-cochere with driveways at least 18- feet long and 9-feet wide. Each porte cochere may be flush or behind the primary façade (porches are considered part of the primary façade). Each porte cochere shall include 2 screening walls which conform to the masonry requirements stated above. The roofing on the porte cochere shall match the roofing on the home.

EXHIBIT A
Starlight Village - PUD

13. PARKING: 2.5 parking spaces per unit will be provided. Each unit shall have 1 covered parking space in the porte cochere and 1 parking space in the driveway. Additional parking will be provided by either additional driveway parking or in common off street parking spaces.

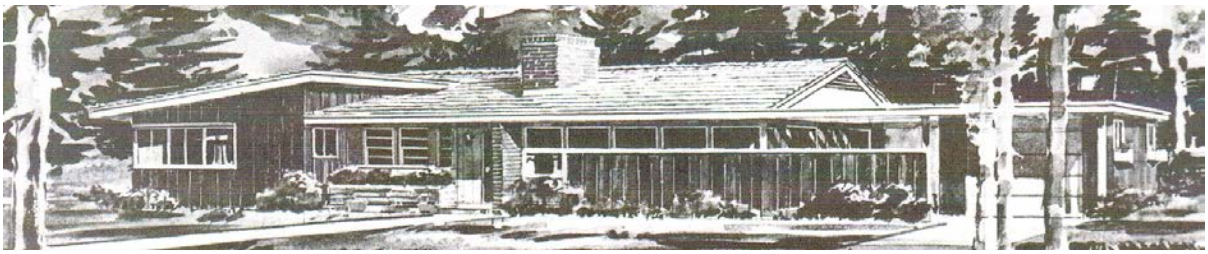
14. LANDSCAPE: A minimum of 50% of the significant trees shall be saved. The site will be re vegetated with native landscaping.

15. AMENITIES: A covered pavilion shall be provided for residents. Walking trails shall be installed throughout the community.

16. FENCING: The perimeter fencing for the development shall be masonry limited brick, stone or stucco. Individual yard fences shall be wrought iron or decorative tubular metal.

17. SIGNAGE: A neon sign, similar to picture below, shall be installed at the entrance to the development. The sign shall be approximately 10' wide and 2' tall. Exposed neon bulbs are not permitted, only back lighting can be utilized on the sign.

EXAMPLES OF MID CENTURY MODERN FACADES:



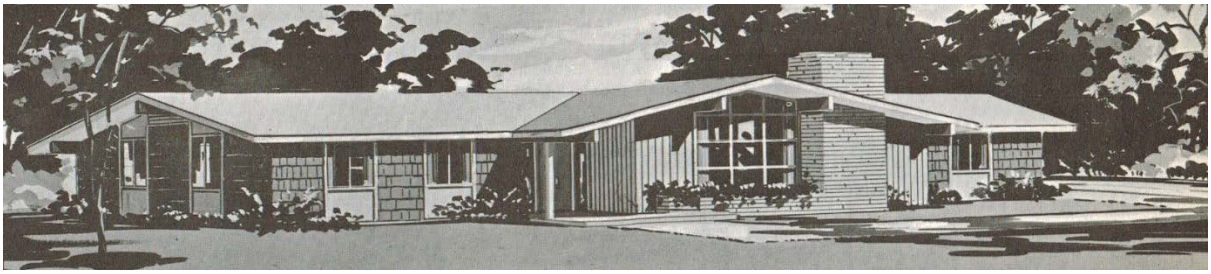


EXHIBIT A
Starlight Village - PUD

EXAMPLE OF PORTE COCHERE:

EXHIBIT A
Starlight Village - PUD

EXAMPLE OF SIGNAGE:

Exhibit B

Conceptual Site Layout and Land Use Plan

Starlight Village

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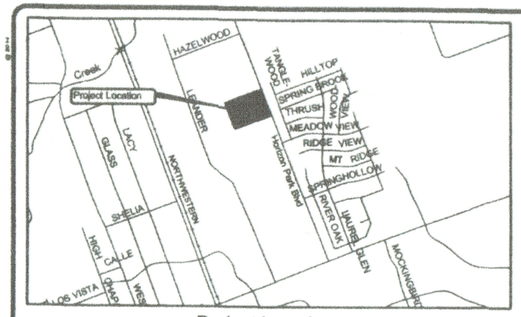

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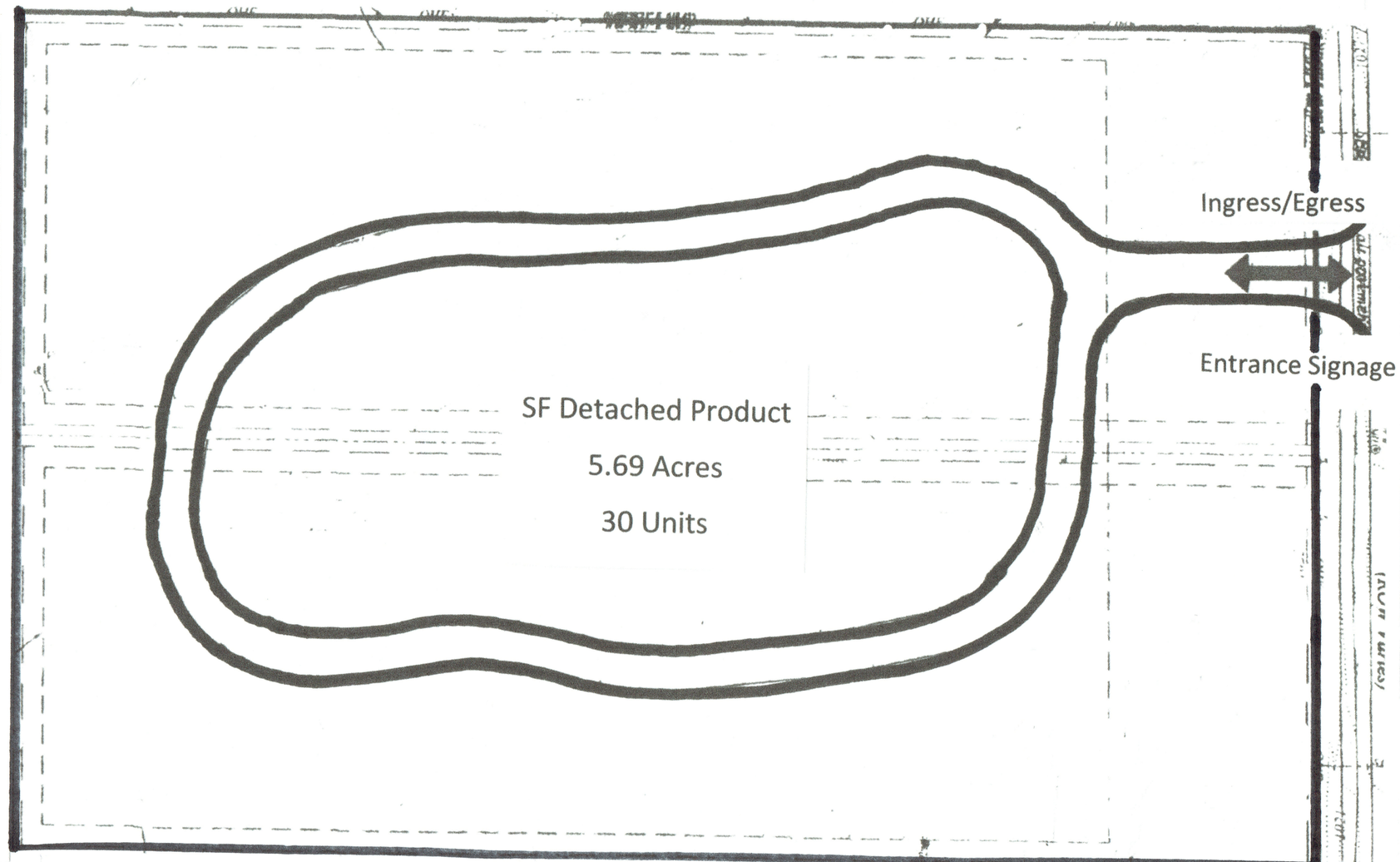

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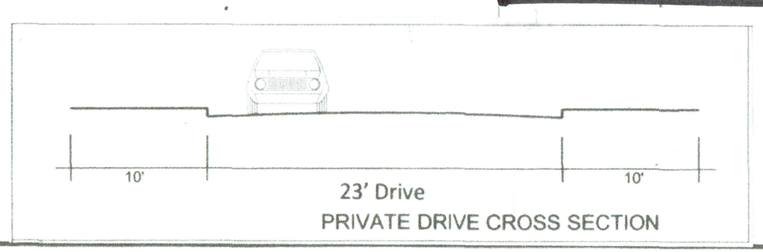

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GARRETT-IHNEN
CIVIL ENGINEERS
12007 TECHNOLOGY BLVD.
SUITE 150
AUSTIN, TEXAS 78727
TELEPHONE: (512) 454-2400
FACSIMILE: (512) 454-2420
TBPE FIRM NO. F-630

STEVEN L. GREEN 91076

Starlight Village
1001 County Road 273
Leander, TX 78641-2005

Concept Plan

SHEET NUMBER
1 of 1

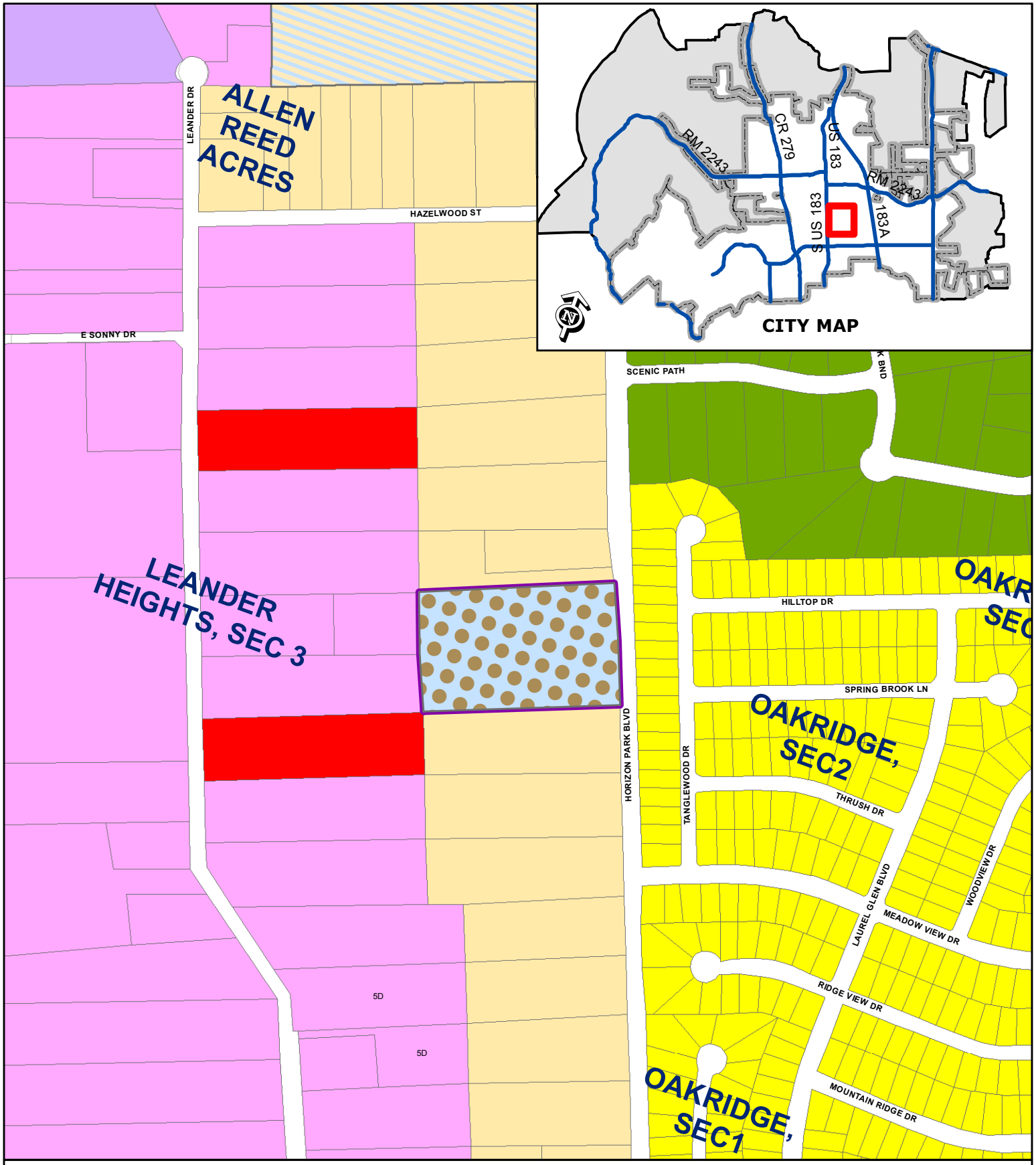


EXHIBIT C

Zoning Case 14-Z-027

Proposed Zoning Map
Starlight Village PUD

N

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

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

0 200
Feet

Executive Summary

December 04, 2014

Agenda Subject: Zoning Case 14-Z-028: Consider action on the rezoning of a 18.00 acre tract of land, more or less, generally located at the northwest corner of the intersection of Old 2243 W. and N. Bagdad Rd. and the northwest corner of the intersection of Northcreek Dr. and N. Bagdad Rd, WCAD Parcels #R304545 and #R304546. Currently the property is zoned LC-2-B (Local Commercial), and the applicant is proposing to the zone the property GC-3-C (General Commercial) and MF-2-A (Multi-Family), Leander, Williamson County, Texas.

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

Origination: Applicant: Bruce Nakfoor on behalf of Firstmark Credit Union.

Financial Consideration: None

Recommendation: See Planning Analysis. During the November 13, 2014 meeting, the Planning & Zoning Commission unanimously recommended approval of the zoning request with staff recommendation of the requested MF-2-A (Multi-Family) and GC-3-C (General Commercial) districts, but leaving the southern and western most 410' portion of the property as LC-2-B (Local Commercial) and adding the following conditions:

1. The buildings setback for the MF-2-A development shall be 30 feet from the single-family residential properties. The building height may increase one foot for every additional foot the building is setback from the 30' setback.
2. The non-residential wall requirements shall apply. A six foot tall masonry wall shall be required between the MF-2-A development and the single-family residential properties.

The City Council approved the request with the following conditions at the November 20, 2014 Meeting.

1. The buildings associated with the MF-2-A development shall be limited to two stories within 50 feet of the north and west property lines.
2. The non-residential wall requirements shall apply. A six foot tall masonry wall shall be required between the MF-2-A development and the single-family residential properties.
3. The southern and western most 410' portion of the property shall be rezoned to LC-2-B (Local Commercial)

Attachments:

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

Prepared By: Tom Yantis, AICP
Assistant City Manager 11/21/2014

PLANNING ANALYSIS

ZONING CASE 14-Z-028
NORTH CREEK BUSINESS PARK

GENERAL INFORMATION

Owner: First Bank Credit Union

Current Zoning: LC-2-B (Local Commercial)

Proposed Zoning: MF-2-A (Multi-Family), GC-3-C (General Commercial)

Size and Location: The property located is located at the northwest corner of the intersection of N. Bagdad Rd. and Old 2243 West and includes 18.0 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 lots (North Creek)
EAST	SFU-2-B HC-5-D GC-3-C	Developed single family lots (Estates of North Creek Ranch) Developed landscape business Developed business (CVS/pharmacy)
SOUTH	SFU-2-B GC-3-C	Developed single family home Developed gas station and vacant lot
WEST	SFU-2-B	Developed single family lots (North Creek Subdivision)

COMPOSITE ZONING ORDINANCE & SMARTCODE INTENT STATEMENTS

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.

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.

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.

TYPE C (non-residential only):
Features: 35% masonry (60% street facing); 3 or more architectural features.
Intent:
(1) The Type C architectural component is intended to be utilized only in the LO, LC, GC, LI and HI use components for intermediate quality development.
(2) Combined with appropriate use and site components, this component can help to provide for harmonious land use transitions from districts that are less restricted to districts that are more restricted.
(3) This component is not intended for the majority of the LO and LC use components except those that may be adjacent to less restricted districts.

COMPREHENSIVE PLAN STATEMENTS:

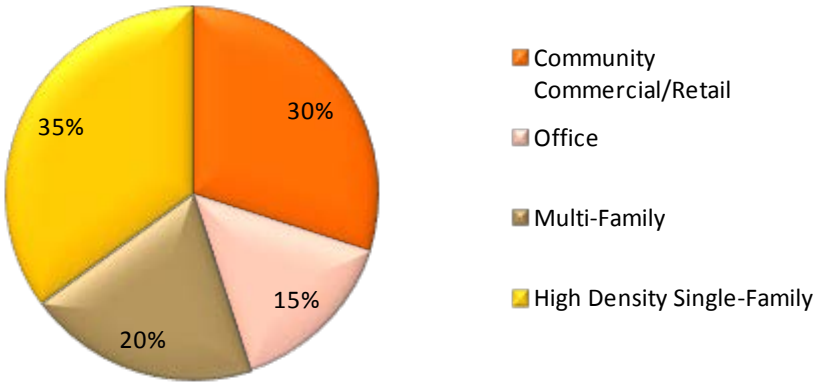
The following Comprehensive Plan statements may be relevant to this case:

- Plan for continued growth and development that improves the community's overall quality of life and economic viability.
- Plan for future development that is compatible with existing residential neighborhoods.
- The Community Center land use node is intended to be located at the intersections of arterial streets or arterials and major collectors. These nodes are approximately one half mile in diameter and incorporate approximately 125 acres. These areas are intended for commercial, retail and office uses that primarily serve residents within the community. These areas are also intended for medium density multi-family and high density single-family housing. Development within these nodes should be integrated through internal streets and should provide pedestrian and bicycle connections to adjacent residential neighborhoods.

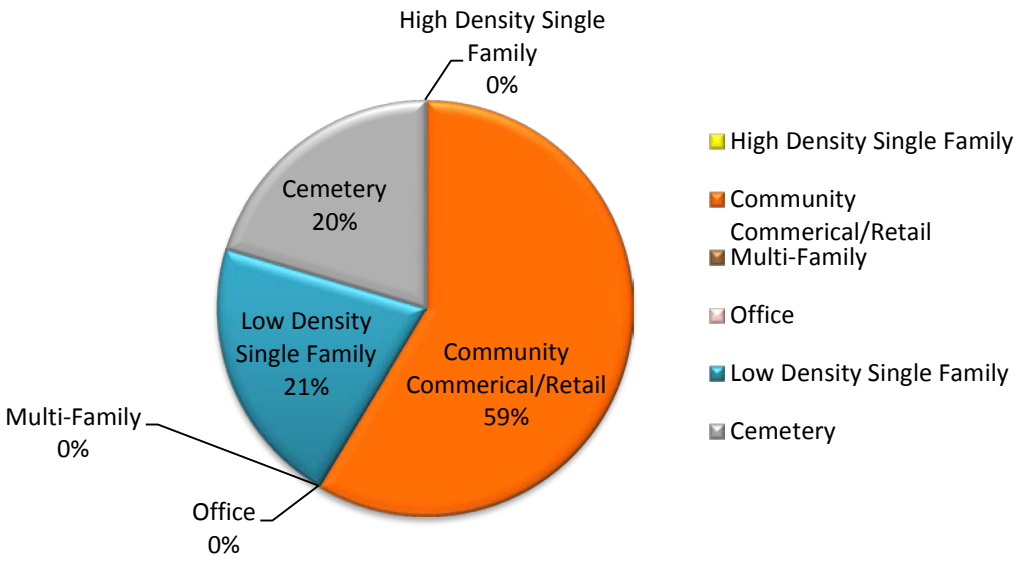
ANALYSIS:

The applicant is requesting to rezone the property from LC-2-B to MF-2-A and GC-3-C. The total acreage of the property is 18.0 acres more or less, with the northern 12.0 acres of the property being requested as MF-2-A and the southern 6.0 acres being requested as GC-3-C.

The property is located within a Community Center node which is intended to be located at the intersections of arterial streets or arterials and major collectors. These nodes are approximately one half mile in diameter and incorporate approximately 125 acres. The compatible use components include GC (General Commercial), LC (Local Commercial), LO (Local Office), MF (Multi-Family), TF (Two Family), SFT (Single Family Townhome), SFL (Single Family Limited), and PUD (Planned Unit Development). The stated land use allocations from the Future Land Use Plan are illustrated in the below chart for the Community Center Node.



The existing land use percentages within this Community Center node are illustrated in the below chart.



The intent statement for the Multi-Family use component notes that it is intended to be used as a buffer between single-family neighborhoods and more intensive uses such as commercial properties or arterial class roadways. Furthermore, the intent statement also speaks to avoiding more than 25 contiguous acres of land having the Multi-Family Component.

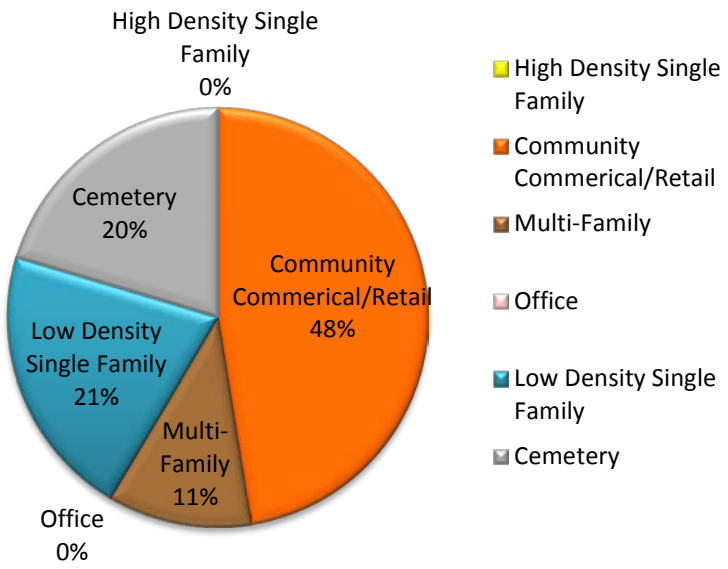
The Type 2 site component for Multi-Family projects requires the project to have at least 35% of the apartment units to have one enclosed garage parking space. It also notes that parking areas shall be no wider than two parking modules wide.

The Type A Architectural Component intent statements associated with this request note that it is intended to be utilized for any high profile development, for any property in a prominent location or at an important gateway to the community. Additionally, the intent statements site that it is appropriate to be used when a development will be adjacent to single-family uses. This architectural component requires 85% masonry on all stories and 5 different design features to break the wall plane on building fronts. This architectural component will allow up to 25 units per acre.

The requested MF-2-A district adheres to the noted intent statements for the Use, Site, and Architectural components. The site is less than 25 contiguous acres, it provides a buffer between the single family uses to the north and west from more intense thoroughfares and commercial uses, and provides for the highest architectural component to be compatible with the adjacent neighborhoods. This leaves the 6.0 acre southern portion of this tract to be zoned as GC-3-C. The intent statements for the General Commercial use component mention that access should be

provided by an arterial street, and that the heaviest concentration of this component should be located at intersections of arterial streets.

This zone change request would contribute 11% of the 20% Multi-Family land use allocation as stated in the Future Land Use Plan. The request would also reduce the Community Commercial/ Retail land use component within the Community Center Node from the existing 59% to 48 %. The proposed changes in land use allocation for the applicant's zone change request is reflected in the below chart.



The applicant is requesting a change from the Type 2 Site Component to the Type 3 Site Component as part of the rezoning request from LC-2-B to GC-3-C. The differences between the Type 2 and Type 3 site components are summarized in the below table.

PERMITTED SITE USES	TYPE 2	TYPE 3
Accessory Buildings (percentage of primary structure)	10%	30%
Drive-Through Service Lanes	Yes	Yes
Outdoor Display (percentage of primary structure)	No	30%
Outdoor Storage (percentage of primary structure)	No	20%
Combination of Outdoor Display & Storage	No	40%
Outdoor Commercial Fueling & Washing	No	Yes
Overhead Service Doors	No	Yes

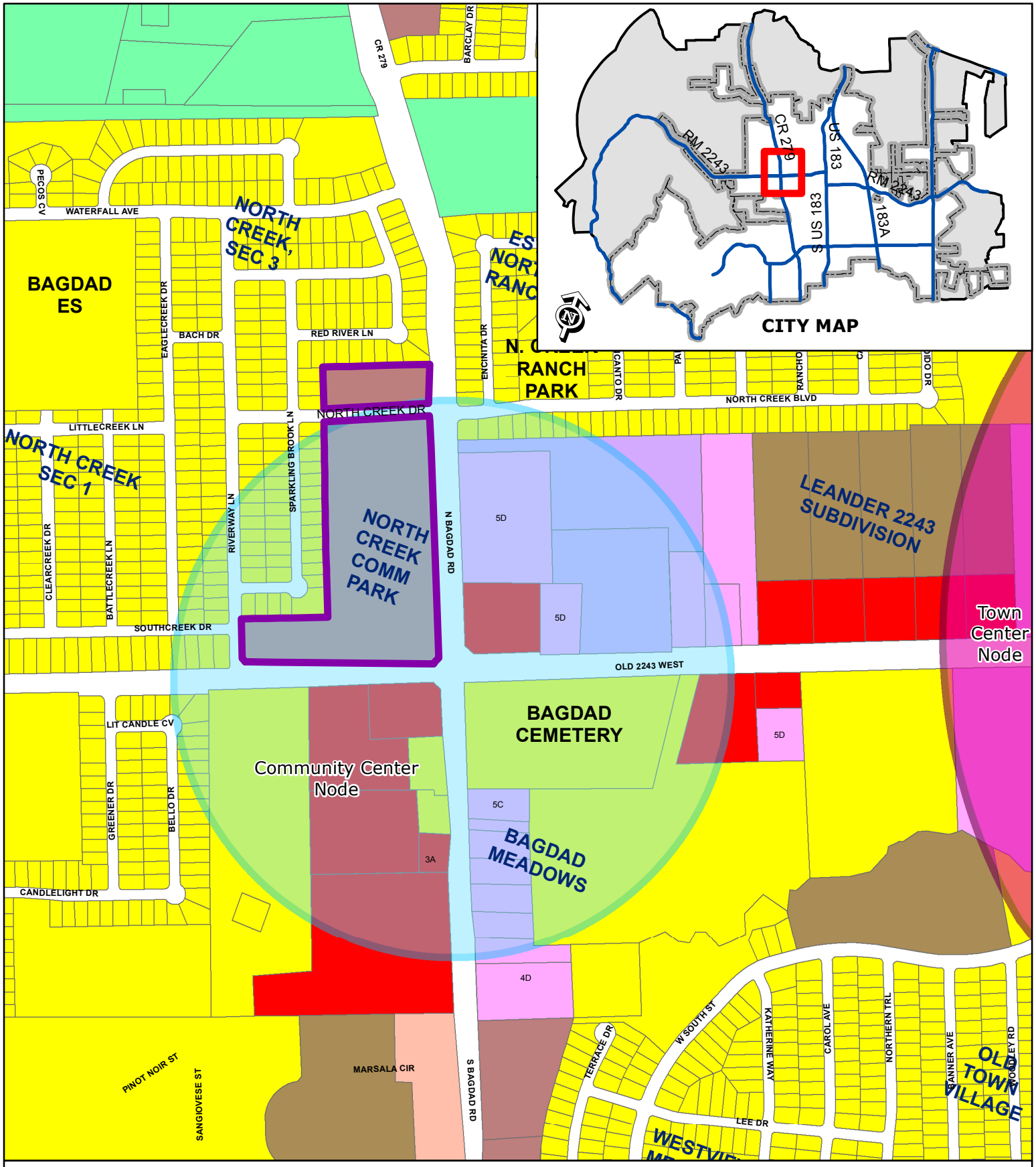
Type C Architectural Component intent statements mention that it can help to provide for harmonious land use transitions from districts that are less restricted to districts that are more restricted. It also states that it is intended to be utilized only with LO, LC, GC, LI, and HI use components. The Type C Architectural component requires that at least 35% of the exterior surface area of walls (all stories) including at least (60%) of the exterior of street facing walls (all stories) of primary buildings shall consist of masonry. Additionally, all front facing walls are required to have at least 3 different design features to break the wall plane.

The requested GC-3-C use district adheres to the intent statements for the Use, Site, and Architectural components. The requested district is being sited at the intersection of arterial class thoroughfares and it will have access being provided from arterial class streets. Moreover, the requested site and architectural components are appropriate to the GC use component and allow for an appropriate transition to the adjacent zoned districts. However, staff acknowledges that the Future Land Use Plan calls for the GC-3-C district to be concentrated at the intersection of arterials and major thoroughfares, and that the western most portion of the tract may be better suited to remain as LC-2-B.

The LC-2-B district would provide for less intense commercial uses with limited building sizes for individual users not to exceed 40,000 sq. ft. gross floor area in a single building, and a maximum of 60,000 sq. ft for an entire building. This would be an appropriate transition for the homes in the North Creek Sec. 3A subdivision immediately to the north of this portion of the property. It would also provide for limited operating hours for businesses and would prohibit the use of gas pumps or vehicle washing in this portion of the property.

STAFF RECOMMENDATION:

Staff recommends approval of the requested MF-2-A (Multi-Family) and GC-3-C (General Commercial) districts, but recommends leaving the southern and western most 410’ portion of the property as LC-2-B (Local Commercial).



ZONING CASE 14-Z-028

Attachment #2

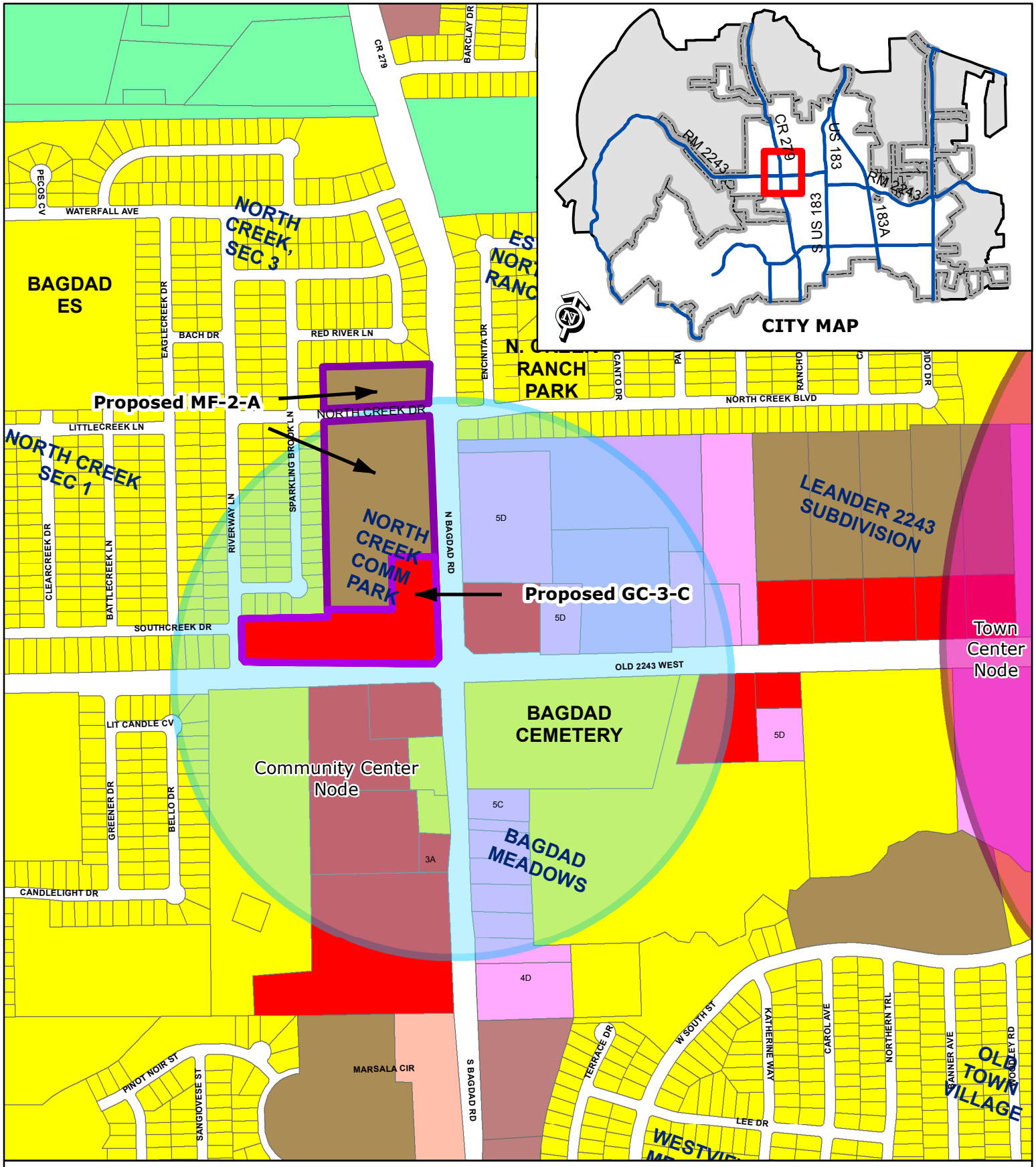
Current Zoning Map
North Creek Business Park

N

Subject Property
City Limits

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

0 200
Feet



ZONING CASE 14-Z-028

Attachment #3

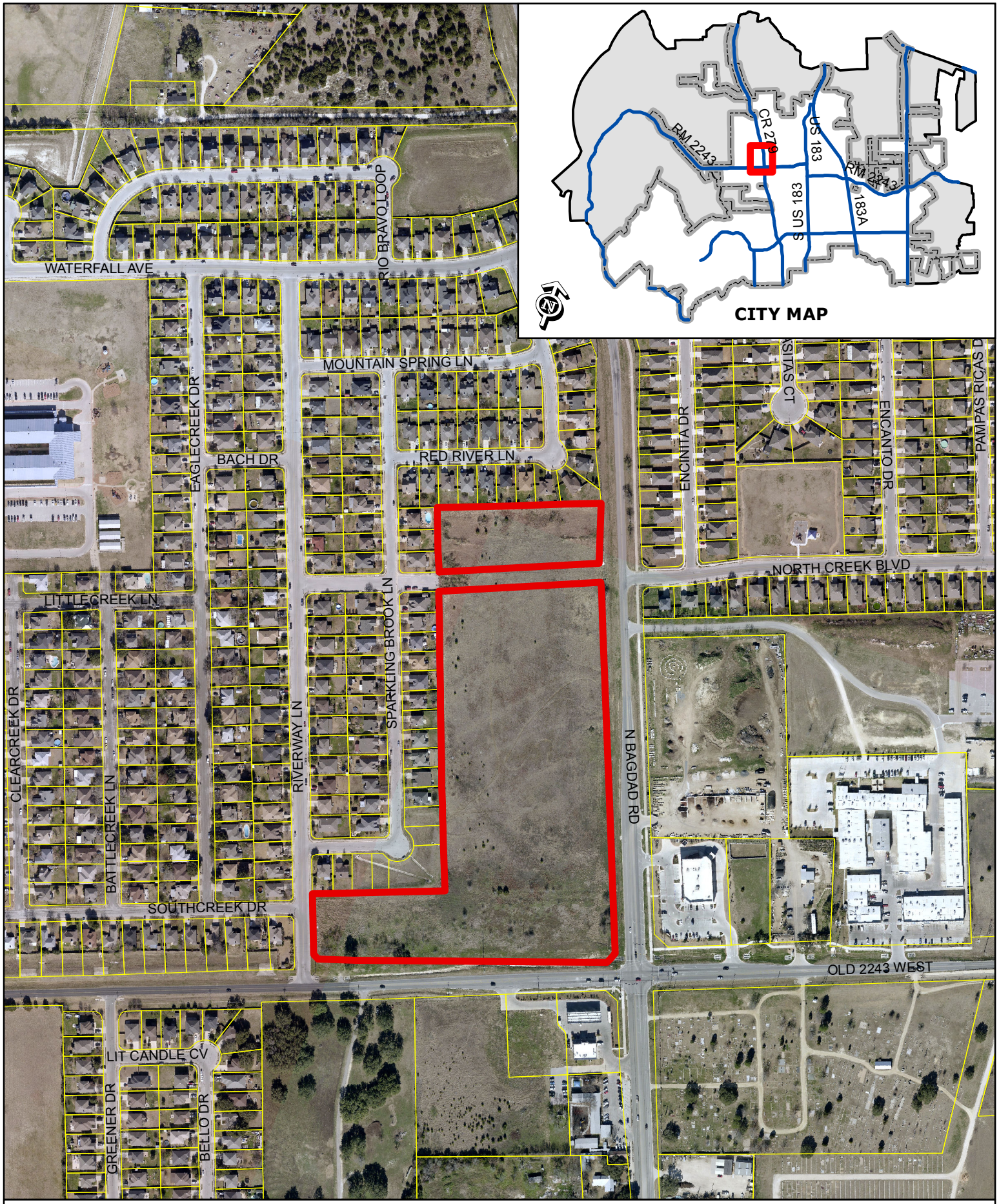
Proposed Zoning Map
North Creek Business Park

N

Subject Property
City Limits

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

0 200
Feet

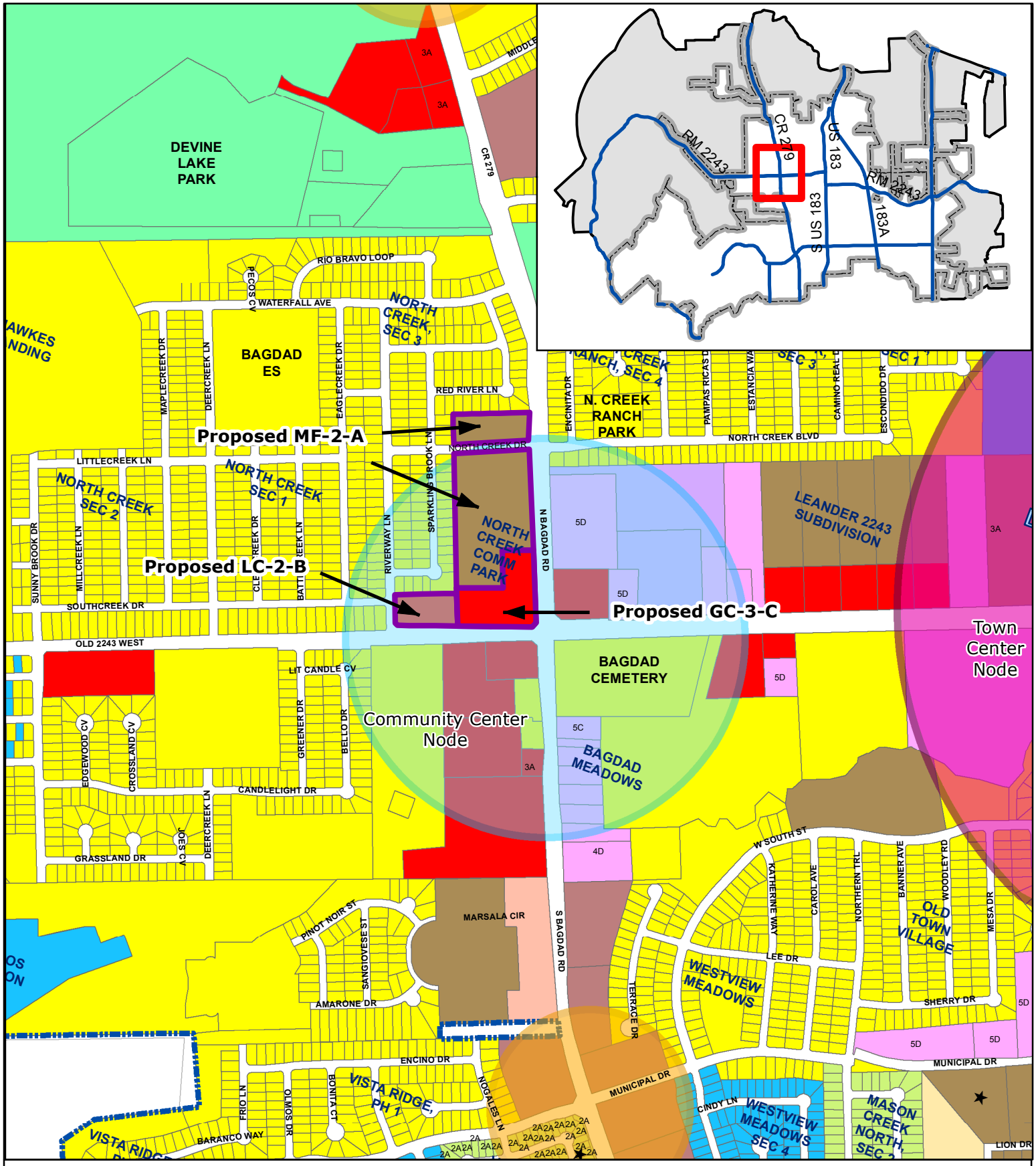


ZONING CASE 14-Z-028 Attachment #4

Aerial Exhibit - Approximate Boundaries
North Creek Business Park

0 200
Feet

Subject Property
City Limits



ZONING CASE 14-Z-028

Attachment #5

Staff Proposed Zoning Map
North Creek Business Park

N

City Limits

Proposed Zoning

- GC-3-C
- LC-2-B
- MF-2-A

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

0 200
Feet

10/14/14

ATTACHMENT 6

Bruce Nakfoor

9119 Spinning Leaf Cove

Austin, Texas 78735

512-656-6244

Robin Griffin

City of Leander

Re: Requested zoning change 18 acres at the corner of 2243 & Baghdad Rd.

Dear Robin,

I am requesting a zoning change for the above referenced property. We have parties interested in building Retail and Multi-Family on this site. The property falls within the city's appropriate uses for this intersection.

Thank You,

Bruce Nakfoor

ORDINANCE NO #

ORDINANCE OF THE CITY OF LEANDER, TEXAS, AMENDING THE ZONING ORDINANCE BY REZONING SEVERAL PARCELS OF LAND FROM LC-2-B (LOCAL COMMERCIAL) TO GC-3-C (GENERAL COMMERCIAL) AND MF-2-A (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 portion of a parcel of land, which is herein referred to as the "Property." That certain portion of a parcel of land being 18 acres, more or less, generally located at the northwest corner of the intersection of Old 2243 West and North Bagdad Road in Leander, Williamson County, Texas, being more particularly described in Exhibit "A", legally described as Lots 1 & 2 of the North Creek Commercial Park Subdivision; and identified by tax identification numbers R304545 and R304546.

Section 4. Property Rezoned. The Zoning Ordinance is hereby amended by changing the zoning district for the Property from LC-2-B (Local Commercial) to GC-3-C (General Commercial) and MF-2-A (Multi-Family) as shown in Exhibit "A" with the following conditions:

1. The buildings associated with the MF-2-A development shall be limited to two stories within 50 feet of the north and west property lines.
2. The non-residential wall requirements shall apply. A six foot tall masonry wall shall be required between the MF-2-A development and the single-family residential properties.

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

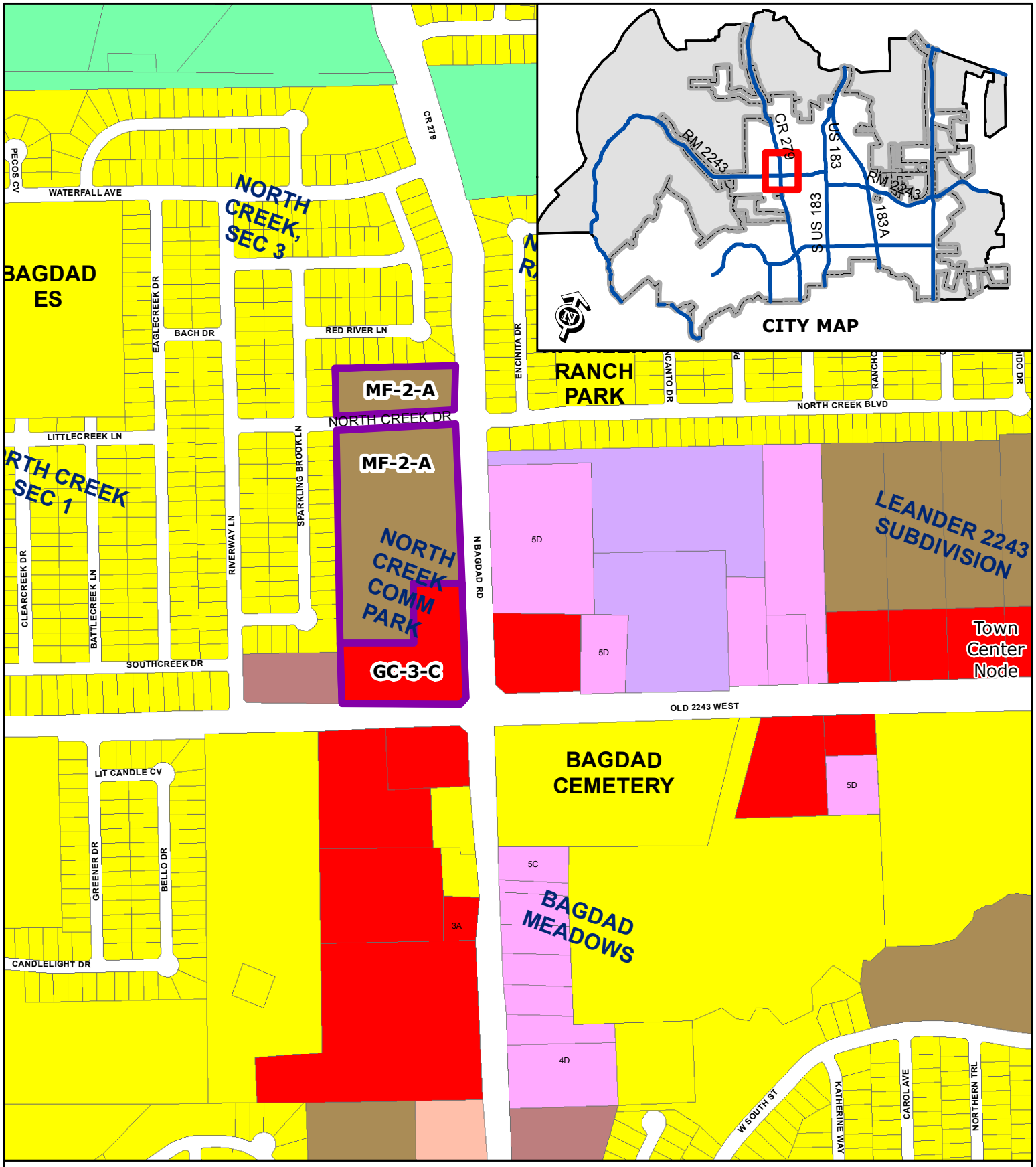
the City's zoning ordinance.

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 20th day of November, 2014.
FINALLY PASSED AND APPROVED on this the 4th day of December, 2014.

THE CITY OF LEANDER, TEXAS	**ATTEST:**
_____	_____
Christopher Fielder, Mayor	Debbie Haile, City Secretary



ZONING CASE 14-Z-028

Exhibit A

Proposed Zoning Map
North Creek Business Park

N

City Limits

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

0 200
Feet

Executive Summary

December 04, 2014

Agenda Subject: Zoning Case 14-TOD-Z-026: Consider action on the rezoning of a 33.67 acre portion tract of land, AW0134 – Cochran, C. Sur., more or less, generally located 850 feet from the northwest corner of the intersection of W. San Gabriel Pkwy and US 183, WCAD Parcel #R031694. 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 final step in the rezoning process.

Origination: Applicant: Bob Wunsch.

Financial Consideration: None

Recommendation: See Planning Analysis. The Planning & Zoning Commission unanimously recommended approval of the request at the November 13, 2014 meeting. The City Council recommended approval with the following conditions at the November 20, 2014 meeting.

1. A six foot masonry screening wall shall be provided adjacent to the first two houses located along 183A Toll Road.
2. A six foot masonry screening wall shall be provided along the existing concrete plant located to the north of the subject property.

Attachments:

1. Planning Analysis
2. Current Zoning Map
3. Proposed Zoning Map
4. Aerial Map
5. Conceptual Site Layout & Land Use Plan
6. Letter of Intent

7. Ordinance

Prepared By: Tom Yantis, AICP
Assistant City Manager 11/21/2014

PLANNING ANALYSIS

ZONING CASE 14-TOD-Z-026
TYLERVILLE PUD

GENERAL INFORMATION

Owner: Waterstone Tylerville LP.

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 located on the north side of W. San Gabriel Pkwy approximately 400 ft west from the intersection of US 183 and W San Gabriel Pkwy and includes approximately 28 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	HC-4-C Interim SFR-1-B	Undeveloped Property
EAST	PUD/TOD	Existing Commercial & Residential Uses
SOUTH	PUD/TOD	Proposed Oak Creek Subdivision
WEST	PUD/TOD	Undeveloped Property located within the TOD owned by Hill Country Bible Church

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.

CONVENTIONAL ZONE:

The Conventional Development Sector allows conventional single-use and mixed-use development with some basic design standards to provide a transition to adjacent neighborhoods and pedestrian-oriented communities, and for the possibility of future retrofit of the area to a more pedestrian-oriented pattern.

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.
- The Community Center land use node is intended to be located at the intersections of arterial streets or arterials and major collectors. These nodes are approximately one half mile in diameter and incorporate approximately 125 acres. These areas are intended for commercial, retail and office uses that primarily serve residents within the community. These areas are also intended for medium density multi-family and high density single-family housing. Development within these nodes should be integrated through internal streets and should provide pedestrian and bicycle connections to adjacent residential neighborhoods.

ANALYSIS:

The applicant is requesting an amendment to the TOD/PUD (Transit Oriented Development/Planned Unit Development) district in to order to develop the project pursuant to the Composite Zoning Ordinance and SFC-2-A (Single-Family Compact) zoning district. They are requesting to change the minimum density from six units per acre to four units per acre.

The Planning & Zoning Commission recommended approval a PUD amendment for this property on May 08, 2014 and the request was approved by the City Council. The previous amendment removed the property from the T3 and T4 Transect Zones and placed the property in the Conventional Zone. In addition the minimum density was changed to six units per acre. The next step in the process includes the submittal of the Conceptual Site Layout and Land Use Plan.

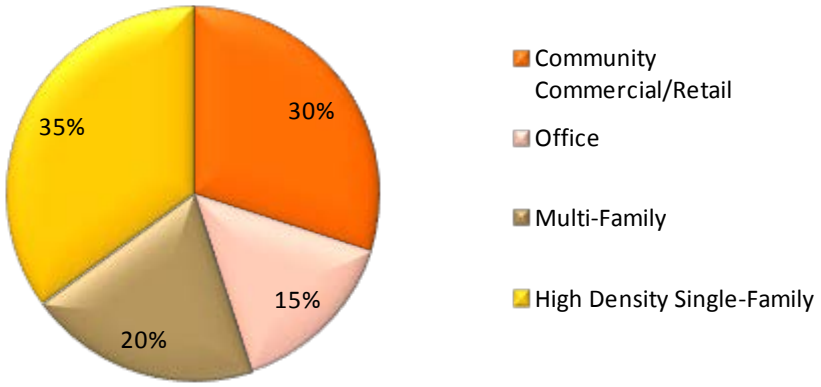
The proposed base zoning for this PUD is SFC-2-A (Single-Family Compact). This zoning district permits fifty (50') foot wide lots with a minimum lot area of 5,500 square feet. In addition, the Type A Architectural Component requires that all structures are eighty-five (85%) percent masonry.

The Conventional Development (CD) Sector Standards will apply to this project including

- All residential buildings shall meet the Type A Architectural Component of the Composite Zoning Ordinance.
- A minimum overall gross density of 4 units per acre shall be required.
- Any residential lot narrower than 50 feet shall not have driveway access from the front of the lot and must provide parking access from a rear alley. The Planning Director may waive this requirement if unusual conditions are found such as steep slopes or other restrictive topography, floodplains, existing and incompatible adjacent development or other similar features.

A portion of this property is currently located within a Community Center Node. This node is intended to be located at the intersections of arterial streets or arterials and major collectors. These nodes are approximately one half mile in diameter and incorporate approximately 125 acres. These areas are intended for commercial, retail and office uses that primarily serve residents within the community. These areas are also intended for medium density multi-family and high density single-family housing. Development within these nodes should be integrated through internal streets and should provide pedestrian and bicycle connections to adjacent residential neighborhoods. The compatible use components include: GC (General Commercial), LC (Local Commercial), LO (Local Office), MF (Multi-Family), TF (Two-Family), SFT (Single-Family Townhouse), SFL (Single-Family Limited), PUD (Planned Unit Development).

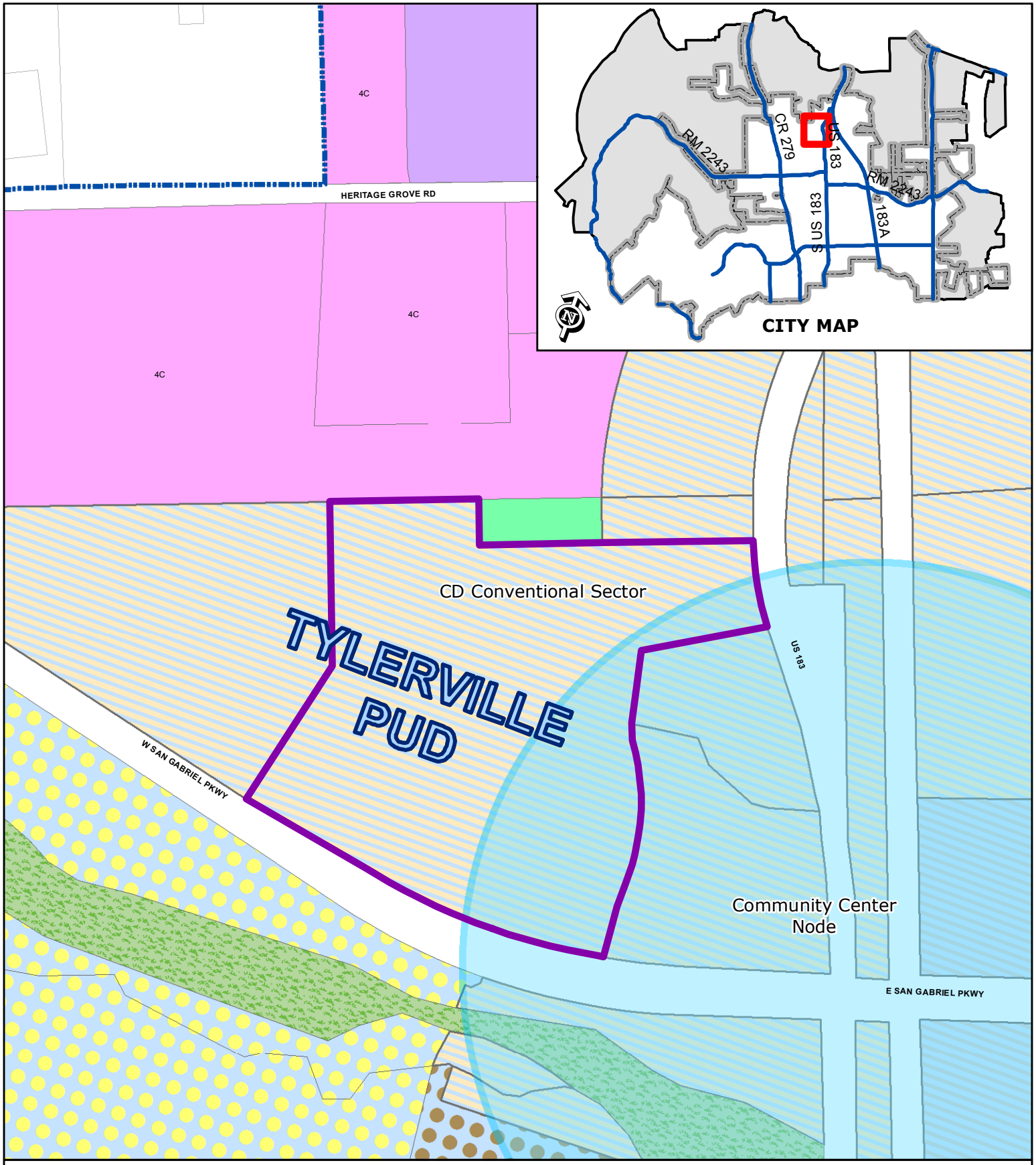
The following graph shows the target mix of land uses within the Community Center node.



The proposed SFC-2-A base zoning district does not comply with the target mix of land uses within the Community Center node. However, the previous PUD amendment was approved and a concept plan for this project was submitted prior to the adoption of the node plan indicating the proposed uses on the property. The density proposed in the previous PUD amendment and the submitted concept plan did not comply with the current Community Center node. If this zoning request is approved, the required densities will need to be met in the remainder of the node area.

STAFF RECOMMENDATION:

Staff recommends approval of the requested TOD/PUD amendment. The proposed land use is compatible with the neighboring properties. This request meets the intent statements of the Composite Zoning Ordinance and complies with the Conventional Development (CD) Standards.



ZONING CASE 14-TOD-Z-026

Attachment #2

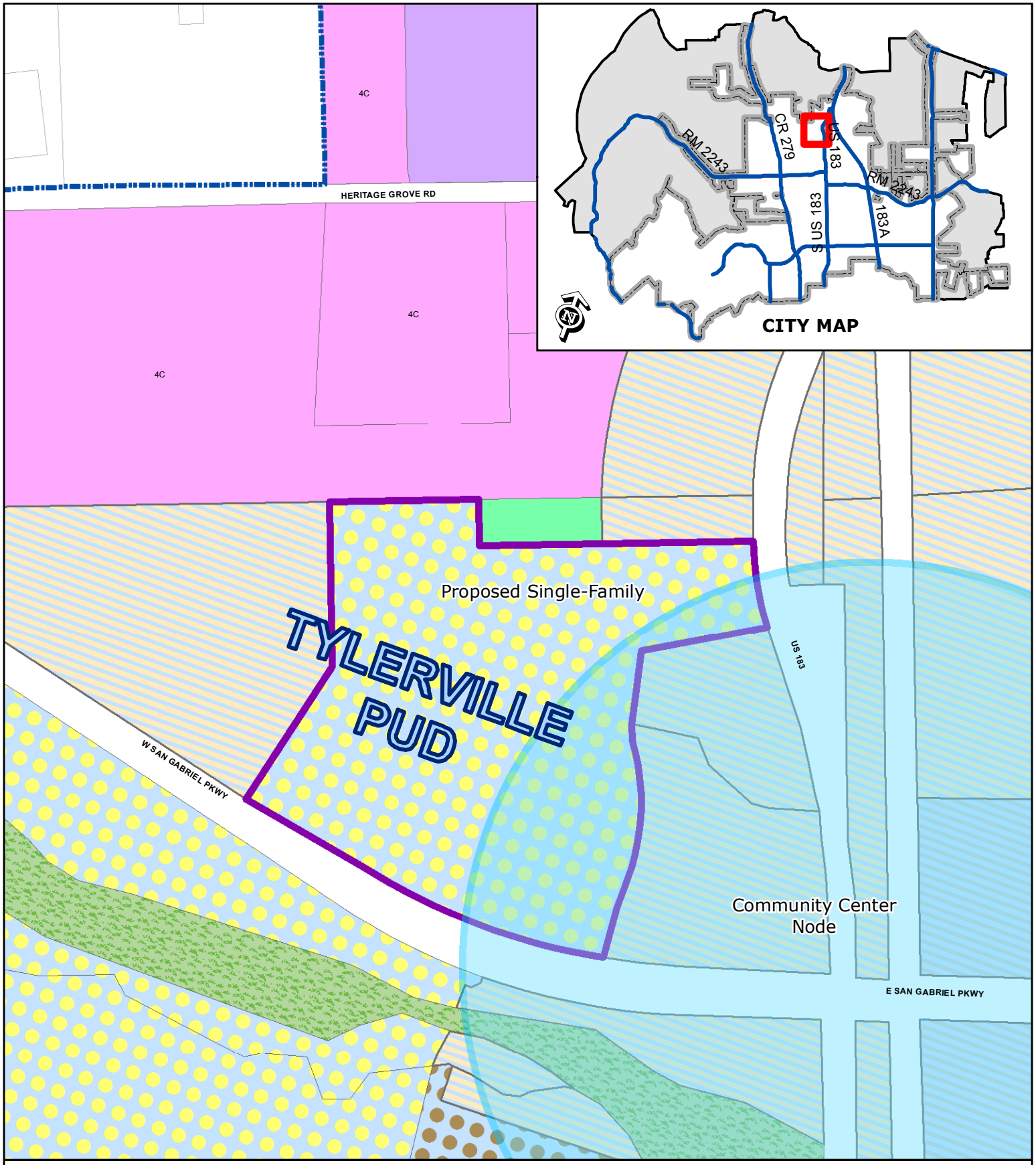
Current Zoning Map
Tylerville PUD

N

Subject Property
City Limits

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

0 200
Feet



ZONING CASE 14-TOD-Z-026

Attachment #3

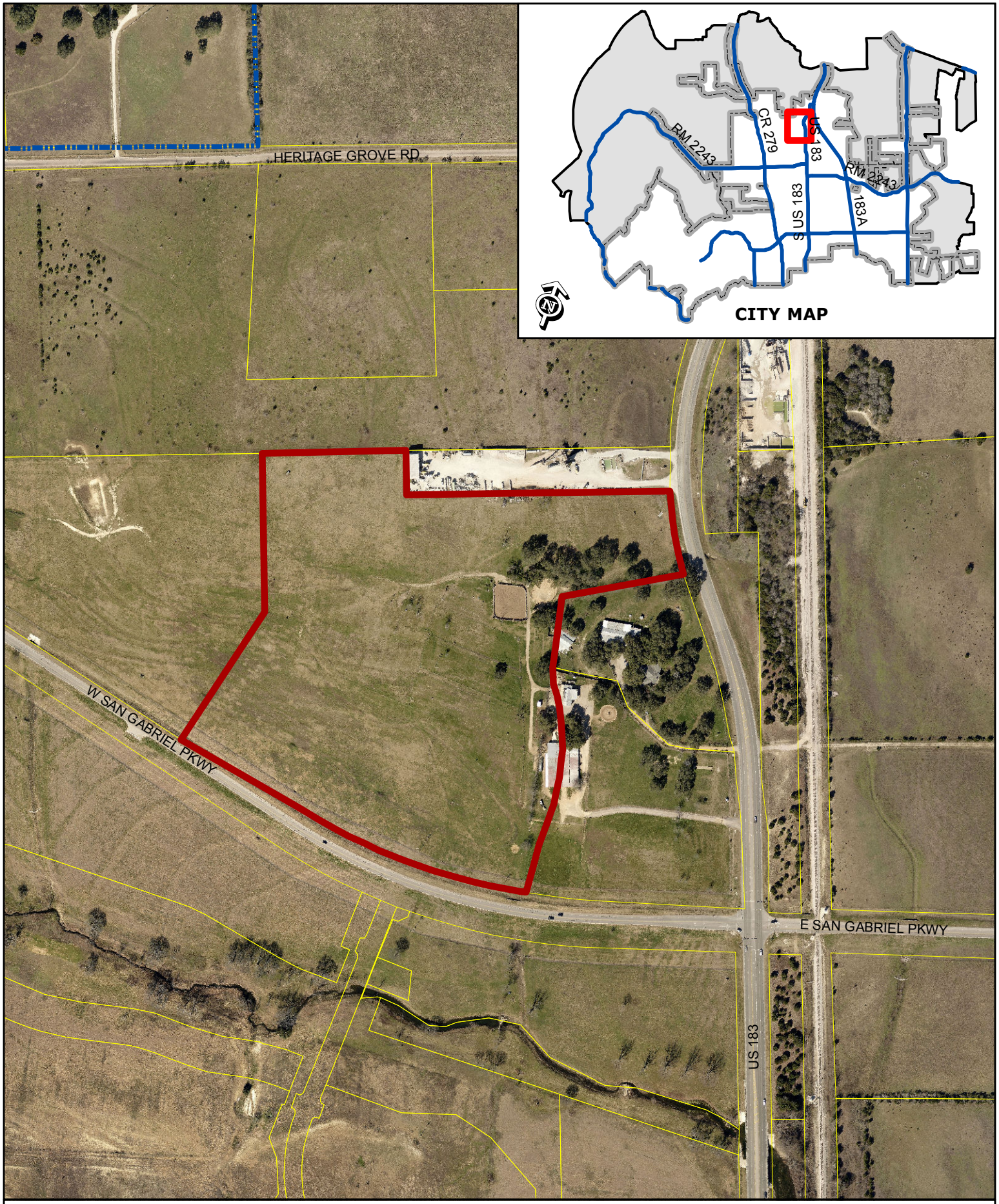
Proposed Zoning Map
Tylerville PUD

N

Subject Property
City Limits

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

0 200
Feet

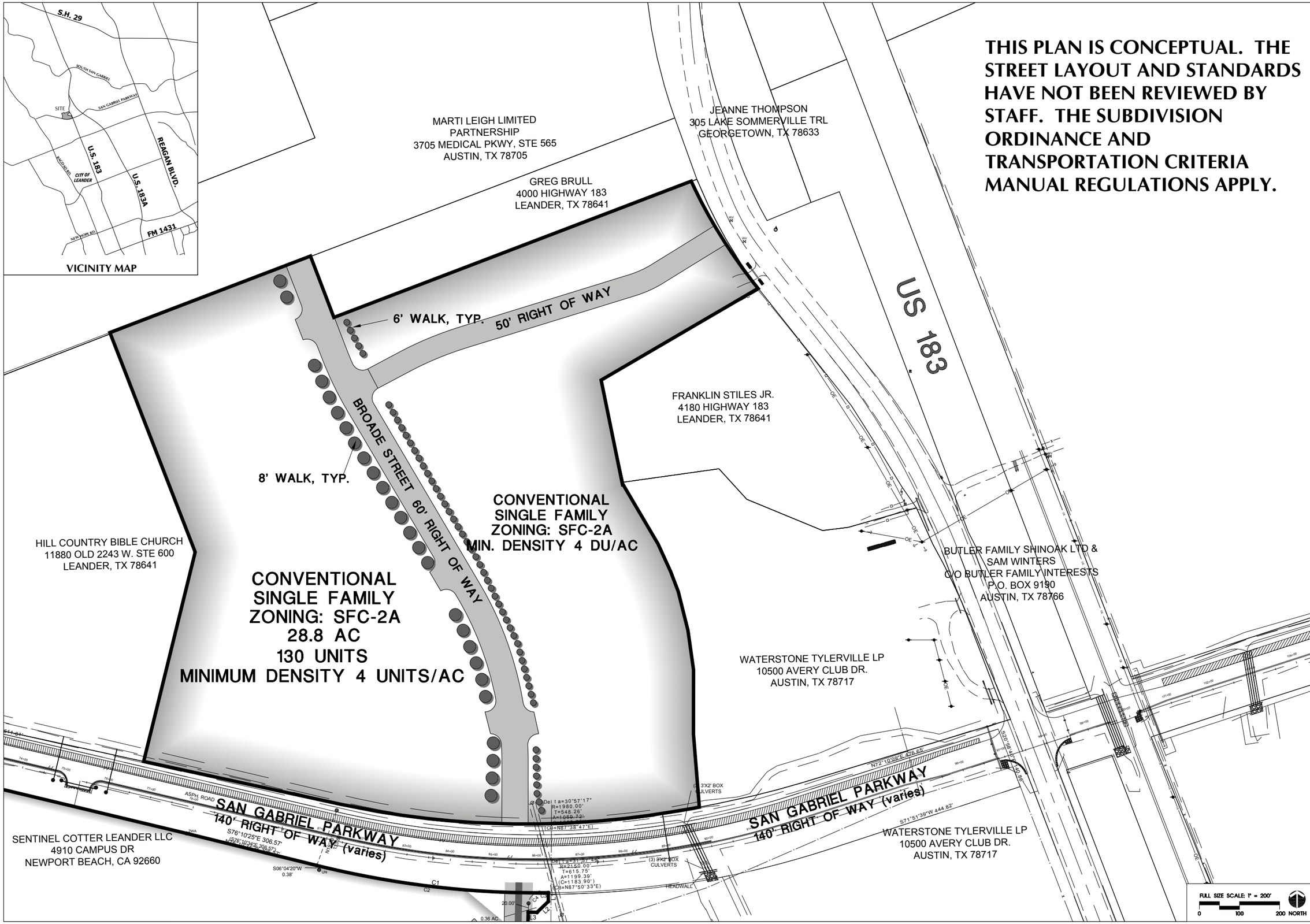


ZONING CASE 14-TOD-Z-026 Attachment #4

Aerial Exhibit - Approximate Boundaries
Tylerville PUD

0 200
Feet

Subject Property
City Limits



THIS PLAN IS CONCEPTUAL. THE STREET LAYOUT AND STANDARDS HAVE NOT BEEN REVIEWED BY STAFF. THE SUBDIVISION ORDINANCE AND TRANSPORTATION CRITERIA MANUAL REGULATIONS APPLY.

SEC Planning, LLC
Austin, Texas
LAND PLANNING
LANDSCAPE ARCHITECTURE
COMMUNITY BRANDING
4201 W. Parmer Lane Bldg A Suite 220
Austin, TX 78727
T 512.246.7003
F 512.246.7793
www.secplanning.com
Email : info@secplanning.com

OWNER: TYLERVILLE
WATERSTONE TYLERVILLE, LP
10500 AVERY CLUB DRIVE
SUITE 900
AUSTIN, TX 78717

EXHIBIT C
CONCEPTUAL SITE LAYOUT AND LAND USE PLAN
TYLERVILLE TRACT
LEANDER, TEXAS

Q:\140028-MAGR\Cadfiles\PLANNING\Submittals\Concept Plan Submittal\Concept A 2014-04-07.dwg

Issued:

1.	City PUD Submittal	09/9/14
2.		
3.		
4.		
5.		

Revisions:

1.	City PUD Submittal	10/9/14
2.		
3.		
4.		
5.		

Issue Date:

Drawn By: MB
Reviewed By: MB

Project No.
140028-MAGR

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SEC Planning, LLC

ATTACHMENT 6

Waterstone Tylerville, L.P.
10500 Avery Club Drive
Austin, Texas 78717

September 8, 2014

City of Leander
200 W. Willis Street
Leander, Texas 78641

To Whom It May Concern:

The intent on the PUD zoning change that I am submitting is to get the required density reduced on the approx. 33.5 acres in question. The developer would like to have a density of four (4) units per acre. We would also like to request Conventional Zoning SFC-2A. This density and zoning works with the proposed development.

Please feel free to call with any questions. 512-547-7690.

Respectfully,

Robert D. Wunsch
Waterstone Tylerville, L.P.

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 TYLERVILLE TRACT 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 Tylerville Tract 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 Tylerville Tract 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 on the north side of West San Gabriel Pkwy to the west of the intersection of US 183 and West San Gabriel Pkwy, and more particularly described as follows: 33.6709 acres out of the Charles Cochran Survey, Abstract Number 134, located in Leander, Williamson County, Texas, being more particularly shown and described in Exhibits "A" and "B"; and identified by tax identification number R031694. The Property is zoned to the planned unit development district known as the Tylerville Tract 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, other applicable regulations of the City and with the following conditions:

1. A six foot masonry screening wall shall be provided adjacent to the first two houses located along 183A Toll Road.
2. A six foot masonry screening wall shall be provided along the existing concrete plant located to the north of the subject property.

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 20th day of November, 2014.
FINALLY PASSED AND APPROVED on this the 4th day of December, 2014.

THE CITY OF LEANDER, TEXAS

_____
Christopher Fielder, Mayor

ATTEST:

_____
Debbie Haile, City Secretary

EXHIBIT A

CRICHTON AND ASSOCIATES, INC.

6448 HIGHWAY 290 EAST
SUITE B-105
AUSTIN, TX 78723
512-244-3395 - PHONE

FIELD NOTES:
TRACT 1

FIELD NOTES FOR 33.6709 ACRE TRACT OF LAND OUT OF THE CHARLES COCHRAN SURVEY, ABS. 134, BEING OUT OF AND A PART OF A 107.228 ACRE TRACT ON LAND CONVEYED TO TYLERVILLE, LTD. BY DEED RECORDED IN DOC. NO. 2004063370, OFFICIAL PUBLIC RECORDS, WILLIAMSON COUNTY, TEXAS, THE SAID 33.6709 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS DESCRIPTION AS FOLLOWS:

BEGINNING at a ½" iron rod found on the North R.O.W. line of San Gabriel Parkway, conveyed by Deed recorded in Doc. No. 2005011119, Official Public Records, Williamson County, Texas, at the Southeast corner of a 19.00 acre tract conveyed to Hill Country Bible Church., by deed recorded in Doc. No. 2013018966, Official Public Records, Williamson County, Texas, for the Southwest corner, and the **POINT OF BEGINNING** of this tract.

THENCE along the East line of the said 19.00 acre tract, the following two (2) courses.

1) N 13° 07'12" E, a distance of 512.77 feet to a ½" iron rod found.
2) N 20° 52'07" W, a distance 534.52 feet to a ½" iron rod found in the North line of the said 107.228 acre tract, same being the South line of a 40.69 acre tract conveyed to Marti Leigh L.P., by deed recorded in Doc. No. 200086001, Official Public Records, Williamson County, Texas, for the Northeast corner of the said 19.00 acre tract, same being the Northwest corner of this tract.

THENCE N 69° 06'20" E, along the South line of the said 40.69 acre tract, a distance of 476.65 feet to a ½" iron rod found in the said South line, at the Northwest corner of a 3.0 acre tract of land conveyed to Greg Bull, by deed recorded in Doc. No. 2006045358, Official Public Records, Williamson County, Texas, for an "ell" corner of the said 107.228 acre tract, and this tract.

THENCE along the common line of the said 3.0 acre tract, and this tract, the following two (2) courses:

1) S 20° 48'45" E, a distance of 150.74 to a ½" iron rod found. At the Southwest corner of the said 3.0 acre tract.
2) S 69° 04'54" E, a distance of 872.21 feet to a ½" iron rod set, at the beginning of a curve to the left, on the West R.O.W. line of Hwy 183, at the Southeast corner of the said 3.0 acre tract, for the Northeast corner of the said 107.228 acre tract, and this tract.

THENCE with the West R.O.W. line of Hwy 183, along a curve to the left, with a radius of 1206.28 feet, an arc length of 289.72 feet, with a chord that bears S 32° 04'28" E, a distance of 289.02 feet to a Conc. Monument found on the Said West R.O.W. line, at the Northeast corner of a 5.122 acre tract conveyed to Franklin Stiles Jr. by deed recorded in Vol. 2609, Pg. 453, Deed Records, Williamson County, Texas, for a Northeast Corner of the Said 107.228 acre tract, and this tract.

THENCE along the common line of the said 5.122 acre tract, and this tract, the following two (2) courses:

1) S 59° 43'18" W, a distance of 414.76 to a ½" iron pipe found. At the Northwest corner of the said 5.122 acre tract.
2) S 11° 32'07" E, a distance of 244.00 feet to a ½" iron rod found, at the Southwest corner of the said 5.122 acre tract, for an "ell" corner of the said 107.228 tract, and this tract.

THENCE through the interior of the said 107.28 acre tract, the following five (5) courses:

1) S 28° 42'30" E, a distance of 152.08 feet to a ½" iron rod found set at the beginning of a curve to the right.
2) along a curve to the right, with a radius of 550.00 feet, an arc length of 235.70 feet, with a chord that bears S 16° 25'53" E, a distance of 233.90 feet to a ½" iron rod set.
3) S 04° 09'15" E, a distance of 404.22 feet to a ½" set, at the beginning of a curve to the right, on the North R.O.W line of the said San Gabriel Parkway, for the Southeast corner of this tract.
4) With the Said North RO.W. line, along a curve to the right, with a radius of 1980.00 feet, an arc length of 825.78 feet, with a chord that bears N 88° 59'24" W, a distance of 819.80 feet to a ½" iron rod set on the said North R.O.W. line.
5) N 76° 57'19" W, With the Said North RO.W. line, a distance of 443.94 feet to the **POINT OF BEGINNING,** and containing 33.6709 acres, more or less.

I hereby certify that the foregoing field notes were prepared from a survey on the ground, under my supervision and are true and correct to the best of my knowledge and belief.

Witness my hand and seal this the 16th day of October, 2014

Job. No. 14_263 Herman Crichton, R.P.L.S. 4046

STATE OF TEXAS
HERMAN CRICHTON
4046
PROFESSIONAL
LAND SURVEYOR

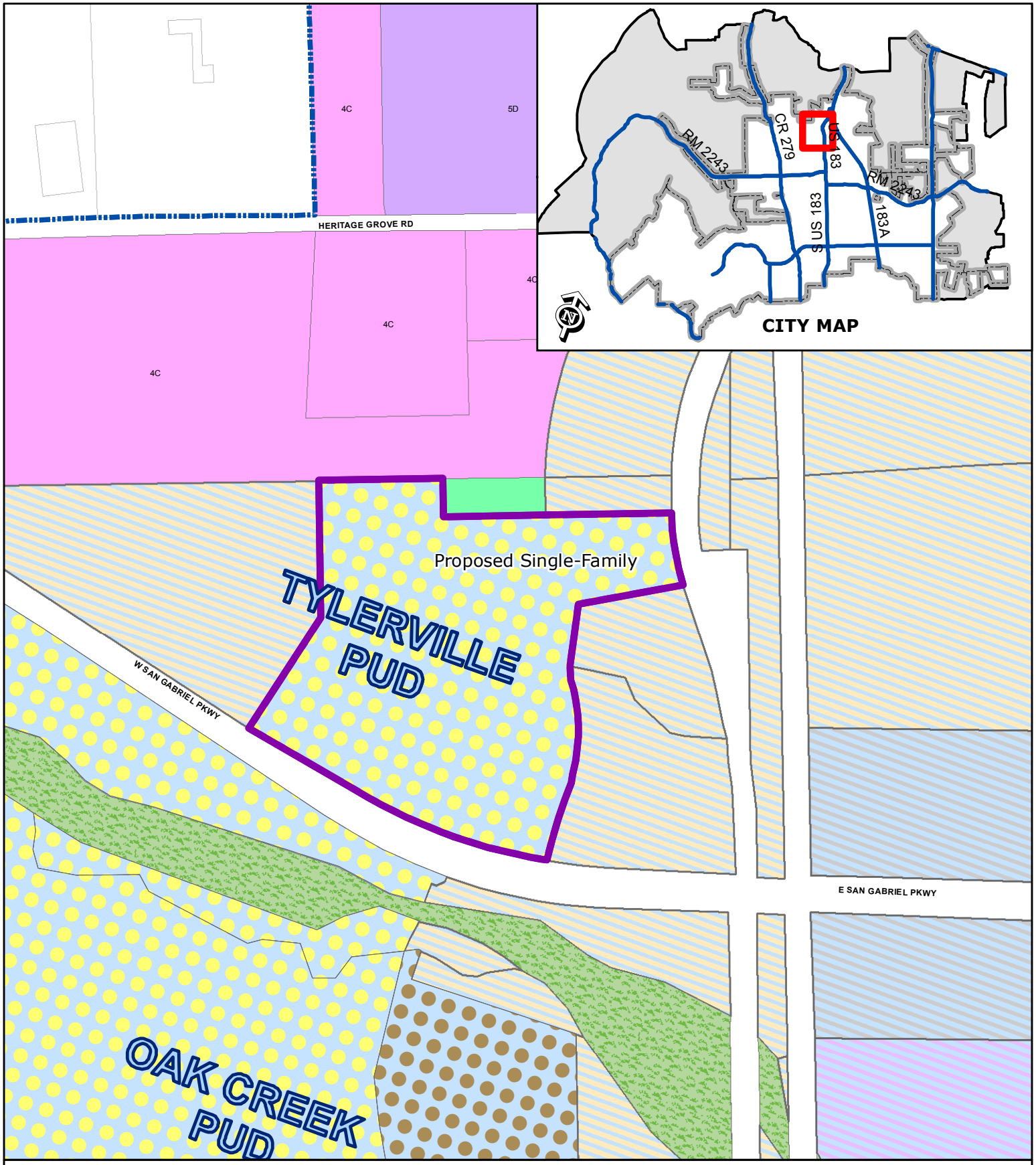

EXHIBIT B

Zoning Case 14-TOD-Z-026

Proposed Zoning Map
Tylerville Tract PUD

N

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

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

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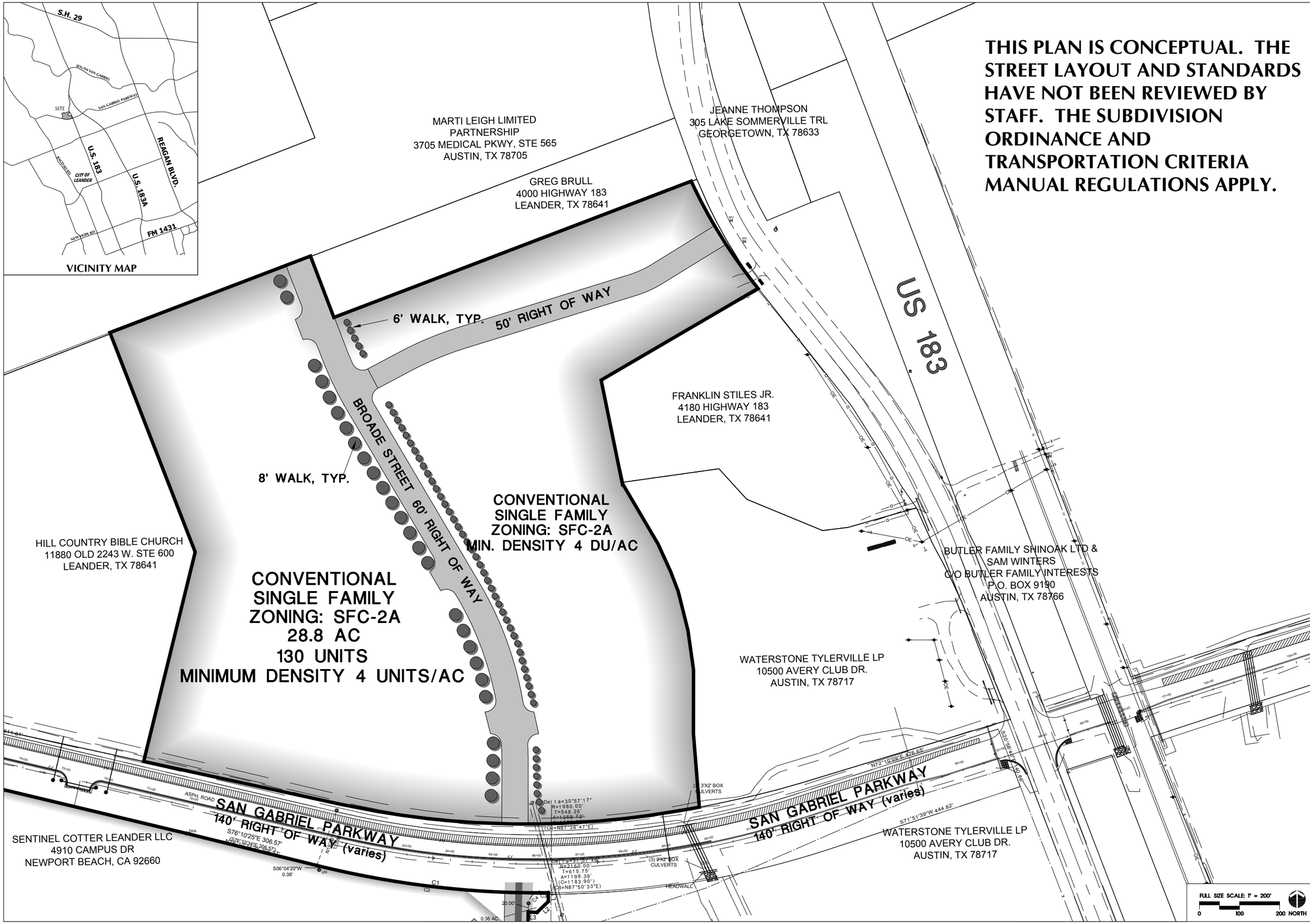

THIS PLAN IS CONCEPTUAL. THE STREET LAYOUT AND STANDARDS HAVE NOT BEEN REVIEWED BY STAFF. THE SUBDIVISION ORDINANCE AND TRANSPORTATION CRITERIA MANUAL REGULATIONS APPLY.

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WATERSTONE TYLERVILLE, LP
10500 AVERY CLUB DRIVE
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AUSTIN, TX 78717

EXHIBIT C
CONCEPTUAL SITE LAYOUT AND LAND USE PLAN
TYLERVILLE TRACT
LEANDER, TEXAS

Q:\140028-MAGR\Cadfiles\PLANNING\Submittals\Concept Plan Submittal\Concept A 2014-04-07.dwg

Issued:

1.	City PUD Submittal	09/9/14
2.		
3.		
4.		
5.		

Revisions:

1.	City PUD Submittal	10/9/14
2.		
3.		
4.		
5.		

Issue Date:

Drawn By: MB
Reviewed By: MB

Project No.
140028-MAGR

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AGENDA ITEM # 11

Executive Summary

December 04, 2014

Agenda Subject: Composite Zoning Ordinance Case 14-OR-008: Consider action on amending sections of the Composite Zoning Ordinance, to add definitions, update the site components regarding outdoor animal boarding and landscape requirements, to modify requirements for drainage and detention facilities, to amend the masonry wall requirements, to update the architectural standards, and to update the site development standards.

Background: Staff is proposing the following amendments to the Composite Zoning Ordinance:

1. Add Heritage Tree definitions.
2. Modify Single-Family Use Components regarding garages.
3. Update the Use and Site Components regarding outdoor animal boarding.
4. Update the Landscape Requirements.
5. Update the setback table and exhibits.
6. Modify the requirements for drainage and detention facilities.
7. Update the masonry wall requirements.
8. Add Minor Site Development Permit provisions.
9. Update the site development standards regarding utility line requirements.

Origination: City of Leander Planning Department

Financial Consideration: None

Recommendation: Staff recommends approval. During the November 13, 2014 meeting, the Planning & Zoning Commission unanimously recommended that this amendment be postponed to allow for further discussion with the development community. In addition, they requested the addition of the word "only" to the following statement from Article VI Section 1 (c)(5)(iii): "...if approved by the Planning Director <u>only</u> when on-site replacement is not possible or practical..."

At the November 20, 2014 meeting the City Council recommended approval of all of the ordinance amendments except for the changes to the garage setbacks. The City Council directed staff to meet with the developers and homebuilders to discuss the amendments to the garage setback standards and the landscape ordinance and present proposed changes to the ordinance to the Planning & Zoning Commission and the City Council during January/February 2015.

Attachments:

1. Summary of Proposed Amendments
2. Ordinance

Prepared By: Tom Yantis, AICP
Assistant City Manager 11/21/2014

COMPOSITE ZONING ORDINANCE AMENDMENTS

ARTICLE I – GENERAL

SECTION 6: DEFINITIONS

Heritage Tree means a living tree that the City desires to preserve to the greatest extent possible. They are those trees identified in the preferred plant list maintained by the Planning Department or the Grow Green Guide that are greater than twenty-six (26) caliper inches. They do not include hackberry, mountain juniper, ash juniper, bois d'arc, cottonwood, chinaberry or sycamore or any other invasive species listed in the Grow Green Guide, except for an unusually large or significant specimen.

Significant Tree means a living tree that the City desires to preserve to the greatest extent possible. They are those trees identified in the preferred plant list maintained by the Planning Department or the Grow Green Guide. They do not include hackberry, mountain juniper, ash juniper, bois d'arc, cottonwood, chinaberry or sycamore, except for an unusually large or significant specimen or any other invasive species listed in the Grow Green Guide.

ARTICLE III – USE COMPONENTS

SECTION 1: SFR – SINGLE-FAMILY RURAL

(e) Exceptions

(1) Streets may be constructed to Alternate Urban Standards without curb and gutter (see Transportation Criteria Manual).

(2) Sidewalks are not required.

(3) Dip driveways (without a culvert) are permitted across "bar" ditches if the depth of the water is no greater than one foot during a twenty-five (25) year storm event.

(4) Street lights are not required.

~~(5) A tree survey or a tree analysis by aerial photo is not required.~~

SECTION 13: GC – GENERAL COMMERCIAL

(b) Conforming Uses

Certain uses listed in this use component also need to be supported by an appropriate site component in order to be permitted. A building or premise shall be used only for the following purposes:

(1) Any use permitted in the "LC" – Local Commercial component with no limit in square footage

(2) Animal hospital, veterinarian, animal boarding including a crematory associated with such use on site, or a crematory associated with a cemetery, as long as the crematory stack is located at least two hundred feet (200') from a restaurant, or associated parking, or a residential zoning district (unless such district is utilized for non-residential uses). Any commercial enterprise which includes an outdoor animal yard or any other commercial un-soundproofed animal area containing five or more animals is required to be at least two hundred feet (200') from any residential district (unless such district is utilized for non-residential uses) and is required to be combined with a Type ~~3,~~ 4 or 5 site component.

ARTICLE V – SITE COMPONENTS

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SECTION 3: TYPE 3

(b) Site Uses and Features (Some Site Uses Listed Also Require Appropriate Use Component)

(1) General (All Development):

(i) Accessory buildings / structures are permitted as long as their total square footage is not greater than thirty percent (30%) of the gross floor area of the primary building / structure utilizing such (agricultural and recreational buildings / structures are exempt from this limit).

~~(ii) Outdoor animal boarding is permitted if combined with a GC or HC use component (required to be at least two hundred feet from any residential district unless such district is utilized for non-residential uses).~~

ARTICLE VI – SITE STANDARDS

SECTION 1: LANDSCAPING, TREE PRESERVATION & PROTECTION, AND SCREENING REQUIREMENTS

(a) Purpose.

(1) To establish requirements for the preservation and protection of native trees and provisions for landscaping, buffering, and screening to provide ~~For providing~~ for the orderly, safe, attractive and healthful development of land ~~located within the community~~ and promoting the health, safety and general welfare of the community, it is deemed necessary to establish requirements for the installation and maintenance of landscaping elements and other means of site improvements in developed properties.

(2) To enhance the community's ecological, environmental and aesthetic qualities; to encourage the preservation of trees for the enjoyment of future generations; to provide environmental elements by adding value to property, and reduction of energy costs through passive solar design utilizing trees; and to promote and protect the health, safety and welfare of the public by creating an urban environment that is aesthetically pleasing and that promotes economic development through an enhanced quality of life..

(3) Paved surfaces, automobiles, buildings and other improvements produce increases in air temperatures, a problem especially noticeable in this southern region, whereas plants have the opposite effect through transpiration and the creation of shade. Likewise, impervious surfaces created by development generate greater water runoff causing problems from contamination, erosion and flooding. Preserving and improving the natural environment and maintaining a working ecological balance are of increasing concern. The fact that the use of landscape elements can contribute to the processes of air purification, oxygen regeneration, water absorption, water purification, and noise, glare and heat abatement as well as the preservation of the community's aesthetic qualities indicates that the use of landscape elements is of benefit to the health, welfare and general well being of the community and, therefore, it is proper that the use of such elements be required.

(4) The City experiences frequent droughts; therefore, it is the purpose of this Section to encourage the use of drought resistant vegetation.

~~**(b) General.**~~

(1) ~~Installation: All landscape materials shall be installed and maintained according to generally accepted landscape practices for the region. Low water demanding landscapes, are encouraged and should include plants recommended by the Lower Colorado River Authority's *Texas Hill Country Landscape Option Specifications*, a copy of which is available in the City Planning Department.~~

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Legend: Added, ~~Removed~~, Moved, ~~Moved From~~

(2) ~~Maintenance: The owner of landscaped property shall be responsible for the maintenance of all landscape areas. Said areas shall be maintained so as to present a healthy, neat and orderly appearance at all times and shall be kept free of refuse and debris. All planted areas shall be provided with a readily available water supply and watered as necessary to ensure continuous healthy growth and development. Landscape irrigation systems shall not be mandatory with low water demanding landscapes, which are encouraged. Maintenance shall include the removal of dead plant material and its replacement if that material was used to meet the requirements of this section.~~

(3) ~~Significant Trees greater than eight (8) inches in caliper shall be preserved to the greatest extent reasonably possible. Significant Trees removed during construction shall be supplanted with Replacement Trees if required by the landscape requirements of this section. No Significant Tree shall be removed until a tree protection plan has been approved by the Director of Planning in accordance with this Chapter. Significant Trees may be removed only in accordance with the approved tree protection plan, and trees must be protected during construction activities on the property in accordance with the approved tree protection plan. This provision only applies to projects before the certificate of occupancy has been issued for single-family and two-family developments.~~

(4) ~~Replacement Trees.~~

(i) ~~Replacement Trees shall be a minimum of two (2) inches in caliper measured four (4') feet above finished grade immediately after planting. A list of recommended replacement trees shall be maintained by the Department of Planning and shall include those trees listed in the Grow Green Guide.~~

(ii) ~~If the developer chooses to substitute trees not included on the recommended list, those trees shall have an average mature crown greater than fifteen (15) feet in diameter to meet the requirements of this section. Trees having an average mature crown less than fifteen (15) feet in diameter may be substituted by grouping trees so as to create at maturity the equivalent of a fifteen foot (15) diameter crown if the drip line area is maintained.~~

(iii) ~~A minimum pervious area three (3) feet in radius, and not less than fifty percent (50%) of the calculated drip line area is required around the trunks of all existing and proposed trees. The radius of a drip line area is calculated as the trunk caliper times twelve. (Example: An eight inch caliper tree has a drip line of eight feet in radius.)~~

(5) ~~Shrubs, vines and ground cover planted pursuant to this section shall be healthy nursery stock.~~

(6) ~~Turfgrass.~~

(i) ~~All turfgrass installed shall have summer dormancy capabilities and shall be one of the varieties set forth in the preferred plant list maintained by the Planning Department or the Grow Green Guide. Buffalo grass, zoysia grass or Bermuda grass are recommended for sunny sections of the landscape.~~

(ii) ~~Turfgrass shall be limited to two thirds (2/3) of the lot after subtracting the impervious cover for single-family and two-family lots. Alternative options to turfgrass can include native and adaptive landscape plants as specified in the Grow Green Guide, mulch, crushed granite, or similar material. No more than fifty (50%) percent of the lot may consist of non-plant material.~~

(iii) ~~The maximum landscape that may be planted in turfgrass for the types of development listed in subsection (c)(1)(i) through (iv) below shall be limited to fifty (50%) percent of the required landscape area.~~

(7) ~~Synthetic or artificial lawns or plants shall not be used in lieu of plant requirements.~~

(8) ~~The use of architectural planters may be permitted in fulfillment of landscape requirements.~~

(9) ~~Any approved decorative aggregate or pervious brick pavers shall qualify for up to ten percent (10%) of the required landscaping if contained in planting areas, but no credit shall be given for concrete or other impervious surfaces.~~

(10) ~~Other than single-family and two-family development, setback areas shall be landscaped per the standards of this section.~~

~~(c)~~(b) **Landscape Requirements.**

(1) Installation: All landscape materials shall be installed and maintained according to generally accepted landscape practices for the region. Low water demanding landscapes, are encouraged and should include plants recommended by the Lower Colorado River Authority's *Texas Hill Country Landscape Option Specifications*, a copy of which is available in the City Planning Department.

(2) Maintenance: The owner of landscaped property shall be responsible for the maintenance of all landscape areas. Said areas shall be maintained so as to present a healthy, neat and orderly appearance at all times and shall be kept free of refuse and debris. All planted areas shall be provided with a readily available water supply and watered as necessary to ensure continuous healthy growth and development. Landscape irrigation systems shall not be mandatory with low water demanding landscapes, which are encouraged. Maintenance shall include the removal of dead plant material and its replacement if that material was used to meet the requirements of this section.

(3) Shrubs, vines and ground cover planted pursuant to this section shall be healthy nursery stock.

(4) Turfgrass.

(i) All turfgrass installed shall have summer dormancy capabilities and shall be one of the varieties set forth in the preferred plant list maintained by the Planning Department or the Grow Green Guide. Buffalo grass, zoysia grass or non-seeding varieties of Bermuda grass are recommended for sunny sections of the landscape.

(ii) Turfgrass shall be limited to two thirds (2/3) of the lot after subtracting the impervious cover for single-family and two-family lots. Alternative options to turfgrass can include native and adaptive landscape plants as specified in the Grow Green Guide, mulch, crushed granite, or similar material. No more than fifty (50%) percent of the lot may consist of non-plant material.

(iii) The maximum landscape that may be planted in turfgrass for the types of development listed in Article VI, Section 1 (b)(9)~~subsection (c)(1)~~(i) through (iv) below shall be limited to fifty (50%) percent of the required landscape area.

(5) Synthetic or artificial lawns or plants shall not be used in lieu of plant requirements.

(6) The use of architectural planters may be permitted in fulfillment of landscape requirements.

(7) Any approved decorative aggregate or pervious brick pavers shall qualify for up to ten percent (10%) of the required landscaping if contained in planting areas, but no credit shall be given for concrete or other impervious surfaces.

(8) Other than single-family and two-family development, setback areas shall be landscaped per the standards of this section.

(9) A minimum percentage of the total lot area of property on which development occurs, ~~after the effective date of this ordinance,~~ shall be devoted to landscape development in accordance with the following schedule. Such percentages may

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include setback areas. However, all non-single-family and non-two-family setback areas are required to be landscaped in accordance with ~~(3)~~Article VI, Section 1 (b)(11) ~~below~~ even if they exceed the following percentages:

(i) Multifamily Dwellings, 20%
(ii) Office and Professional Uses, 15%
(iii) Commercial Uses, 15%
(iv) Industrial or manufacturing, 10%
(v) Single-family-Dwellings and Two-Family dwellings, see Item (4) below
(vi) Schools, churches, community centers and parks, 15%.

(10) The following may not be counted toward the above landscape area requirements:

(i) Detention and water quality ponds unless such ponds are designed as follows:
    a. The ponds shall utilize earthen berms.
    b. Any structural stabilization shall be limited to the use of native stone (except for outlet structures) and shall be limited to not more than thirty percent (30%) of the perimeter of the pond.
    c. Such ponds shall be seamlessly integrated with the landscaping.
    d. Such ponds shall be not greater than eighteen inches deep.
    e. Such ponds shall not comprise more than 25% of the required landscaped area.
(ii) Utility, mechanical and electrical facilities.
(iii) Sidewalks or other paved surfaces except for any decorative aggregate or pervious brick pavers if contained in planting areas and comprising less than ten percent (10%) of the required landscape area.
(iv) Landscaped areas less than four feet in width. In calculating the width of landscaped areas, such areas shall not be divided by any form of pavement (e.g. sidewalks, detention or water quality ponds, paving, etc.)

(11) (The following is for other than single-family or two-family development) Trees and shrubs identified on the preferred plant list and included in the Grow Green Guide, shall be utilized within the required landscaping as described below. At least seventy five percent (75%) of the planted trees are required to be significant trees such as oak, elm, pecan, walnut, hickory, cherry, cypress, redbud and any rare species. Existing significant trees and shrubs that are retained in healthy condition may count toward fulfillment of these requirements. In calculating the credit from existing significant trees and shrubs that are retained, shrubs shall be credited on a one for one basis if such shrub is equivalent or greater in size to a comparable five gallon container grown shrub. Trees shall be credited on a caliper inch basis (for every one caliper inch of a tree that is saved, credit shall be given for one caliper inch of a tree required to be planted), with saved significant trees over 18" caliper counting on a one for two basis (for every one caliper inch of a significant tree over 18" caliper that is saved, credit shall be given for two caliper inches of a tree required to be planted).

(i) For every six hundred (600) square feet of landscape area and setback area required by this ordinance, two (2) shade trees (two inch caliper or larger) and four (4) shrubs (five gallon container size or larger) shall be planted. Two ten gallon ornamental trees may be substituted for every one required shade tree as long as at least half of the required number of shade trees is installed.
(ii) To allow for larger landscaped activity areas at school facilities, for every 600 sq. ft. of landscaping required by this section, 1 tree and 3 shrubs (five gallon container size or larger) shall be planted.

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(iii) To reduce the thermal impact of unshaded parking lots, additional trees shall be planted as necessary so that the center point of each parking space is no more than 50 feet away from the trunk of a tree.

(12) Minimum landscape requirements for detached single-family and two-family residential structures (except for townhouses on lots less than thirty-five feet wide in the SFT district) shall be two (2) two-inch significant trees such as oak, elm, pecan, walnut, hickory, cherry, cypress, redbud and any rare species measured eighteen inches above finished grade immediately after planting, three (3) one-gallon shrubs, three (3) five-gallon shrubs and turf grass or an alternative material as defined in ~~(b)(6)(ii) of~~ this ~~S~~section from the front property line to the front two (2) corners of the structure and a minimum coverage area extending 3' from the slab/foundation to protect water runoff from the roof drip line. If lawn grass is not used in this area, then rain gutter systems shall be in place. One three and a half inch caliper tree may be substituted for two (2) two-inch trees if the tree is planted in the front yard. Existing trees and shrubs that are retained in healthy condition may count toward fulfillment of these requirements. Minimum landscape requirements for townhouses constructed in the SFT district on lots less than thirty-five feet wide are the same as above except that only one hardwood tree is required to be planted per lot

~~(13) Significant trees removed during construction shall be replaced based on a replacement ratio (inches removed to inches planted) as follows:~~

~~(i) Replacement trees shall not be required for the removal of trees less than eight (8) inches in caliper.~~

~~(ii) For every one caliper inch of existing significant tree eighteen (18) inches and larger that is not retained during construction in healthy condition, two caliper inches of significant tree shall be planted as replacement for projects.~~

~~(iii) For every one caliper inch of existing significant tree eighteen (18) inches and larger that is located within proposed right-of-way or utility easements in a single-family or two-family development, two caliper inches of significant tree shall be planted as replacement for projects. The required replacement trees for single-family or two-family developments may be planted in park or landscape lots that will be owned and maintained by the property owners association.~~

~~(iv) For every one caliper inch of existing significant tree between eight (8) and eighteen (18) inches that exceeds 50% of total caliper inches that is not retained, one caliper inch of significant tree shall be planted as replacement for projects.~~

~~(v)~~(i)~~Existing hardwood trees less than the size required for replacement and greater than or equal to two inches in caliper, and existing hardwood trees between 8" and 18" to an extent greater than 50% of the total caliper inches that are retained during construction in healthy condition may be counted toward replacement requirements as well as toward planting requirements.~~

~~(vi) A fee in lieu of planting replacement trees of one hundred fifty dollars ($150) per required caliper inch may be paid by the applicant.~~

~~(vii) Removal of Significant Trees larger than eighteen (18) inches in caliper for other than single-family or two-family development, or other than such trees included in an alternative tree preservation plan as described in (viii) below, requires approval of the Commission.~~

~~(viii)~~(ii) ~~An alternative tree preservation plan may be approved by the Director of Planning for properties where existing tree cover is especially dense and the following are found:~~

a. ~~Removal of a significant number of trees is unavoidable;~~

b. ~~The applicant has planned the development so as to save the highest quality and greatest number of trees that could be reasonably expected;~~

c. ~~All areas of the site that can be reasonably utilized for tree replacement have been utilized, and~~

d. ~~The landscape area and tree planting requirements of this ordinance have been exceeded by at least fifty percent (50%).~~

~~(ix)~~(iii) ~~An applicant for a single-family or two-family preliminary plat or final plat shall provide a tree survey with the street and lot layout superimposed at a scale of 1"=100' (or as appropriate). The applicant shall provide a tree preservation plan that identifies the surveyed trees and the mitigation of the protected trees that are proposed for removal. An applicant for a commercial building permit shall provide a tree survey with the application identifying significant trees located on the property that meet the requirements indicated in this subsection. The applicant shall provide a tree preservation plan that shows which trees are to be preserved and protected and which trees are to be replaced in accordance with the replacement requirements of this subsection, if any, and shall be required to demonstrate that lot lines, street layouts and site improvements have been designed and located and that lot width, depth and size flexibility as permitted by the applicable zoning district has been utilized to the maximum extent necessary to retain the maximum number of significant trees reasonably practicable. The Director of Planning shall determine if adequate performance is achieved based on the standards of this paragraph. Approval of the tree protection plan by the Director of Planning is required prior to preparation and submission of a subdivision or building permit application. The applicant may appeal any decision of the Director to the Commission. A decision of the Commission may be appealed to the City Council. Any preserved or replacement trees may be counted toward the landscape requirements of this section. See the Construction Plan requirements for details.~~

~~(x)~~(iv) ~~The Director of Planning may issue a tree removal permit for the removal of Significant Trees to the owner of a property that is zoned or otherwise authorized and actively used for agricultural purposes if it is demonstrated that the tree removal is for a legitimate agricultural purpose. The tree mitigation requirements of this ordinance shall not apply to such permits. If the property is rezoned or otherwise converted to a non-agricultural use within three years of the issuance of the tree removal permit the owner of the property shall be required to meet the tree mitigation requirements of this ordinance.~~

~~(14) Credit for Significant Trees: In order to provide credit toward the preservation of existing significant trees, no more than fifty percent (50%) of the critical root zone shall be disturbed and/or distressed with impervious cover, and the remaining critical root zone shall consist of at least one hundred (100) square feet.~~

~~(15)~~(13) Invasive Species: Multi-Family and non-residential projects are required to remove all invasive species for the portion of the project indentified within the limits of construction. Single-family and two-family developments that remove all invasive species as listed in the Grow Green Guide, are eligible for a twenty-five (25%) percent credit towards the tree mitigation requirements.

~~(16)~~(14) ~~Tree Diversification: No more than fifty (50%) percent of the same species may be planted to meet the tree planting requirements.~~

~~(17)~~(15) ~~A non-disturbance zone shall be maintained on single-family and two-family lots. A disturbance area no less than five (5') feet from the foundation necessary for construction and grade transitions shall be permitted. The trees located on the~~

~~remainder of the lot shall not be removed unless a unique situation is approved by the Planning Director.~~

~~(18)~~(16) The landscaping shall be placed upon that portion of a tract or lot that is being developed. Fifty percent (50%) of the required landscaped area and required plantings contained in ~~(c)~~the landscape requirements listed in this section ~~(above)~~ shall be installed between the front property lines and the building being constructed. Undeveloped portions of a tract or lot shall not be considered landscaped, except as specifically approved by the City. Landscaping placed within public right-of-ways shall not fulfill the minimum landscape requirements.

~~(19)~~(17) No landscaping over three feet in height shall be planted within forty (40) feet of the intersection of any street pavement (see Figure N). Any planted or existing vegetation within this area shall be kept pruned so that foliage shall not grow or exist within three and eight feet above the elevation of the curb closest to the vegetation.

~~(20)~~(18) The Director of Planning may grant exceptions to these provisions to require a lesser amount of landscaping if the intent of this ordinance is met, and the reduction of the landscape area results in the preservation of natural features having comparable value.

~~(21)~~(19) In cases of death or removal of a tree planted pursuant to the terms of this section, a replacement tree of equal size and type shall be required to be planted. A smaller tree that will have a mature crown similar to the tree removed may be substituted if the planting area or pervious cover provided for the larger tree in this section is retained.

~~(22)~~(20) The location, calculations, size and description of all landscaping and screening materials proposed to satisfy the requirements of this section shall be shown on a Landscape Plan, and included with the construction plans.

~~(23)~~(21) Landscape plans are required with all new multi-family and non-residential permits showing:

(i) New and existing trees, shrubs, groundcover, turf areas and native areas.
(ii) Proposed plantings by botanical name, common name, spacing, quantity, container size.
(iii) Property lines, streets and street names
(iv) Driveway(s), sidewalk(s) and other hardscape features
(v) Existing and/or proposed buildings.
(vi) Point of irrigation connection (POC) and water meter for the irrigation system.

~~(24)~~(22) Soil Depth (New residential and non-residential)

All new landscapes (non-residential and residential) are required to have a minimum of six inches (6") of soil depth in areas planted with turfgrass. This six-inch (6") minimum soil depth will consist of 75 percent soil blended with 25 percent compost. The soil/compost blend shall be incorporated into the top two inches of the native soil. The six-inch (6") depth requirement does not apply to the area between the drip line and trunk of existing trees, shrub beds or wildscape areas. Areas with existing native vegetation that remain undisturbed shall be exempt from the soil depth provision of this section; provided that native soil and vegetation in such area is fenced during construction and protected from disturbance and compaction during the construction process.

~~(25)~~(23) Mulch (all non-residential properties). All exposed soil surfaces of non-turf areas within the developed landscape area must be mulched with a minimum two-inch layer of organic material. Examples of organic material include pine bark,

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shredded cedar, composted leaves, and shredded landscape clippings. Native/wildscape areas are exempt.

~~(26)~~(24) WaterWise Landscape Principles. These principles shall be an integral component of the landscape design and plan. Homebuilders shall be required to offer a WaterWise landscape option in any series of landscape options offered to home buyers. The seven basic principles of WaterWise landscaping include:

(i) Proper planning and design
(ii) Proper soil preparation (compost-improved topsoil)
(iii) Practical turfgrass selection of drought resistant-species
(iv) Appropriate plant selection. The plants listed as invasive plants to avoid in the Grow Green Guide, shall not be offered as part of a WaterWise landscape option.
(v) Efficient irrigation systems
(vi) Use of mulches
(vii) Appropriate maintenance

~~(27)~~(25) Irrigation Requirements (New residential and non-residential installations):

(i) All irrigation systems, both residential and non-residential, shall be installed in accordance with state law, Title 2 Texas Water Code, Chapter 34 and Title 30 Texas Administrative Code, Chapter 344, as amended, as regulated and enforced by the Texas Commission on Environmental Quality (TCEQ). Irrigation contractors who install the irrigation system must be a TCEQ Licensed Irrigator.
(ii) A permit shall be required for the installation of all automatic irrigation systems.
(iii) All automatic irrigation systems are required to have a rain sensor connected to an irrigation controller in order to stop the irrigation cycle during and after a rainfall event. Rain sensors are to be installed in a location where rainfall is unobstructed, such as a rooftop or fence line. Rain sensors are to be adjusted at the one-fourth-inch setting.
(iv) All new residential and non-residential irrigation systems are required to have pressure regulators if static pressure at the site exceeds the sprinkler manufacturer's recommended operating range. Extensive misting due to high pressure wastes water.
(v) Irrigation systems are to have a controller with multiple cycle, rain sensor capability and irrigation water budget feature.
(vi) Sprinkler systems shall be designed as to minimize overspray onto the hardscape.
(vii) Sprinkler heads shall be installed at least eight (8) inches from the curb.
(viii) For strips of land less than six (6) feet in width, spray irrigation shall be prohibited and low-flow irrigation systems (such as drip, bubblers or micro-irrigation) are required. For strips of land between six (6) feet and fifteen (15) feet in width, only low-flow irrigation (such as drip, bubblers or micro-irrigation), or spray irrigation using low-angle spray nozzles designed for the specific width to be irrigated shall be permitted. For strips of land more than fifteen (15) feet in width, only low precipitation rotors with low angle nozzles may be used to irrigate turf areas. Planting beds may be irrigated with low-flow or spray irrigation. All spray heads must be designed to prevent low head drainage.
(ix) The incorporation of treated effluent, rainwater, or water from rain/storm water systems in an irrigation system is encouraged.

~~(28)~~(26) A property owner's association may not include or enforce a provision in a dedicatory instrument that prohibits or restricts a property owner from:

(i) Implementing measures promoting solid waste composting of vegetation, including grass clippings, leaves or brush, or leaving grass clippings uncollected on grass;

(ii) Installing rain barrels or a rainwater harvesting system; or

(iii) Implementing efficient irrigation systems, including underground drip or other drip irrigation systems.

~~(29)~~(27) A property owner's association may not include or enforce a provision that requires:

(i) A defined irrigation schedule specified by the association unless a~~t~~ defined irrigation schedule is mandated by the association's water supplier in order to curtail outdoor water use;

(ii) Maintenance of the landscape to a specified level that requires the property owner to irrigate his or her landscape;

(iii) Installation or maintenance of any specific variety or limited choice of varieties of turf grass; or

(iv) The homeowner to install a minimum percentage of turf in the landscape.

~~(30)~~(28) Alternative Landscape Plan.

(i) An application for an alternative landscape plan may be submitted for consideration by the Director of Planning when site conditions make strict compliance with the landscape requirements undesirable or impractical. Examples of such site conditions include, but are not limited to, the following:

a. Existing buildings, utilities or other improvements

b. Unusual shape of lot, tract or building site

c. Topography, soil, geologic, vegetation or other natural feature

d. Safety (e.g. vehicle sight distance, impediments to vehicle maneuvering, visibility of traffic or safety related signage)

(ii) The alternative landscape plan shall, as a whole, meet or exceed the standards of this ordinance. When a provision is reduced, the plan shall increase other provisions to off-set any non-compliance. For instance, if landscaping plantings are reduced in one area, plantings in other areas that will have a similar beneficial impact shall be increased by an equal or greater amount. If the area of landscaping is decreased, the number of plantings shall be increased.

(iii) The Director of Planning shall consider approval or disapproval of an alternative landscape plan. If the decision is to disapprove, the Director shall state reasons. An applicant may appeal the decision of the Director to the Commission. The applicant may appeal a decision of the Commission to the City Council. Such appeal shall be processed as a variance.

(c) Tree Preservation and Protection

(1) Unless otherwise allowed by this Ordinance, no property shall be clear-cut or selectively cleared, nor shall a Significant Tree or Heritage Tree be removed from a property for which subdivision construction plans, a site development permit, or building permit are required by the code of ordinances, without first securing the necessary approval from the City.

(2) Exceptions.

(i) Dead or Diseased Trees

a. If the Planning Director determines after a site inspection that a

Significant Tree or Heritage Tree is dead, dying, or fatally diseased prior to starting a project, the mitigation requirements shall not be required.

b. A letter from an arborist shall be required to confirm the condition of the tree if the condition is not obvious.

(ii) Dangerous Trees

a. If the Planning Director determines that a Significant Tree or Heritage Tree is causing a danger or is in a hazardous condition due to natural disaster, such as a tornado, fire, storm, flood, or other act of God that endangers public health, welfare, or safety, the mitigation requirements shall not be required for the removal of the tree.

(iii) Sight Triangles

a. If the Planning Director determines that a Significant Tree or Heritage Tree is interfering with the safe visibility at a sight triangle of an existing public street, the tree may be removed and the mitigation requirements shall not be required.

(3) Heritage Tree Preservation Requirements

(i) Heritage Trees shall be preserved on site unless otherwise approved for removal as outlined in this Ordinance.

(ii) Heritage Trees shall be graphically shown on Tree Preservation Plans associated with plats and site development permit plans and shall contain a note stating that the Heritage Trees cannot be removed without a permit.

(iii) Preserved Heritage Trees may be credited towards the Landscape requirements of this Ordinance.

(4) Significant Tree Preservation Requirements

(i) Up to fifty (50%) percent of Significant Trees between eight (8) and eighteen (18) caliper inches may be removed during construction without mitigation.

(ii) Significant Trees shall be graphically shown on Tree Preservation Plans associated with plats and site development permit plans.

~~(i)~~(iii) Preserved Significant Trees may be credited towards the Landscape requirements of this ordinance.

~~(ii)~~(iv) Significant Trees greater than eight (8) inches in caliper shall be preserved to the greatest extent reasonably possible. Significant Trees removed during construction shall be supplanted with Replacement Trees if required by the ~~landscape~~tree mitigation requirements of this section. No Significant Tree shall be removed until a tree protection plan has been approved by the Director of Planning in accordance with this Chapter. Significant Trees may be removed only in accordance with the approved tree protection plan, and trees must be protected during construction activities on the property in accordance with the approved tree protection plan. This provision only applies to projects before the certificate of occupancy has been issued for single-family and two-family developments. For single-family and two-family projects, this provision only applies prior to the initial certificate of occupancy for each lot.

(5) Removal of Heritage or Significant Trees

(i) Heritage Tree Removal Permit

a. Heritage Trees may be removed only with the approval of a Heritage Tree Permit and after the required mitigation has been provided.

b. The Planning & Zoning Commission shall review all applications for Heritage Tree removal permits and make a recommendation for approval or denial to the City Council which shall have final authority to issue the permit.

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c. Approval of removal permits shall be based on the following:
   1) Tree size/number of trunks;
   2) Tree health and viability;
   3) Tree location;
   4) Other Significant and Heritage Trees to be preserved on site; and
   5) Whether all reasonable efforts have been made to design the project in a way to preserve Significant and Heritage Trees on site.

(ii) Significant Tree Removal Permit

a. The Director of Planning may issue a tree removal permit for the removal of Significant Trees to the owner of a property that is zoned or otherwise authorized and actively used for agricultural purposes if it is demonstrated that the tree removal is for a legitimate agricultural purpose. The tree mitigation requirements of this ordinance shall not apply to such permits. If the property is rezoned or otherwise converted to a non-agricultural use within three years of the issuance of the tree removal permit the owner of the property shall be required to meet the tree mitigation requirements of this ordinance.

b. Removal of Significant Trees greater than eighteen (18) caliper inches requires the approval of the Planning & Zoning Commission or the approval of an alternative tree preservation plan as described in this ordinance for projects other than single-family or two-family.

(iii) Mitigation for removal of a Heritage or Significant Tree

a. The removal of Heritage and Significant Trees shall require mitigation using the calculations and procedures defined below. Mitigation may be achieved through credit of existing trees on site, replacement trees planted on-site, or payment-in-lieu of replacement trees if approved by the Planning Director only when on-site replacement is not possible or practical.
   1) Mitigation shall be required at a 1:1 caliper inch basis for significant trees between eight (8) and eighteen (18) caliper inches.
   2) Mitigation shall be required at a 2:1 caliper inch basis for significant trees greater than eighteen (18) caliper inches and less than twenty-six (26) caliper inches.
   3) Mitigation shall be required at a 3:1 caliper inch basis for Heritage Trees and a mitigation fee in the amount of $300.00 per caliper inch removed.
   4) If payment in lieu of replacement trees is approved by the Planning Director, the fee shall be equal to one hundred fifty dollars ($150) per caliper inch of replacement tree.

b. Replacement Trees.
   1) Replacement Trees shall be a minimum of two (2) inches in caliper measured four (4½) feet above finished grade immediately after planting. A list of recommended replacement trees shall be maintained by the Department of Planning and shall include those trees listed in the Grow Green Guide.
   2) If the developer chooses to substitute trees not included on the recommended list, those trees shall have an average mature crown greater than fifteen (15) feet in diameter to meet the requirements of this section. Trees having an average mature crown less than fifteen (15) feet in diameter may be substituted by grouping trees so as to create at maturity the equivalent of a fifteen foot (15) diameter crown if the drip line area is maintained.

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3) A minimum pervious area three (3) feet in radius, and not less than fifty percent (50%) of the calculated drip line area is required around the trunks of all existing and proposed trees. The radius of a drip line area is calculated as the trunk caliper times twelve. (Example: An eight inch caliper tree has a drip line of eight feet in radius.)

4) Existing hardwood trees less than the size required for replacement and greater than or equal to two inches in caliper, and existing hardwood trees between 8" and 18" to an extent greater than 50% of the total caliper inches that are retained during construction in healthy condition may be counted toward replacement requirements as well as toward planting requirements.

~~(2)~~(6) An alternative tree preservation plan may be approved by the Director of Planning for properties where existing tree cover is especially dense and the following are found:

(i) Removal of a significant number of trees is unavoidable,

(ii) The applicant has planned the development so as to save the highest quality and greatest number of trees that could be reasonably expected,

(iii) All areas of the site that can be reasonably utilized for tree replacement have been utilized, and

~~(iv) The landscape area and tree planting requirements of this ordinance have been exceeded by at least fifty percent (50%).~~The proposed total landscaping exceeds the requirements of the ordinance.

~~(3)~~(7) Tree Diversification: No more than fifty (50%) percent of the same species may be planted to meet the tree planting requirements.

(8) A non-disturbance zone shall be maintained on single-family and two-family lots. A disturbance area no ~~less~~more than five (5') feet from the foundation necessary for construction and grade transitions shall be permitted. The trees located on the remainder of the lot shall not be removed unless a unique situation is approved by the Planning Director.

(9) Tree Protection Plan Requirements

(i) An applicant for a single-family or two-family preliminary plat or final plat, or a site development permit– shall provide a tree survey prepared within five years preceding the application date. This tree survey shall include ~~with~~ the street and lot layout, or site plan superimposed at a scale of 1"=100' (or as appropriate) identifying significant trees located on the property that meet the requirements indicated in this section. The applicant shall provide a tree preservation plan that identifies the surveyed trees and the mitigation of the protected trees that are proposed for removal. ~~An applicant for a commercial building permit shall provide a tree survey with the application identifying significant trees located on the property that meet the requirements indicated in this subsection. The applicant shall provide a tree preservation plan that shows which trees are to be preserved and protected and which trees are to be replaced in accordance with the replacement requirements of this subsection, if any, and~~The applicant shall be required to demonstrate that lot lines, street layouts and site improvements have been designed and located and that lot width, depth and size flexibility as permitted by the applicable zoning district has been utilized to the maximum extent necessary to retain the maximum number of significant trees reasonably practicable.

~~(i)~~(ii) The Director of Planning shall determine if adequate performance is achieved based on the standards of this ~~paragraph~~section. Approval of the

tree protection plan by the Director of Planning is required prior to preparation and submission of a subdivision or ~~building permit~~site development permit application. The applicant may appeal any decision of the Director to the Commission. A decision of the Commission may be appealed to the City Council. Any preserved or replacement trees may be counted toward the landscape requirements of this section. See the Construction Plan requirements for details.

~~(ii)~~(iii) All trees to be preserved as shown in an approved preservation plan shall be clearly marked prior to the commencement of construction activities.

(iv) Critical Root Zone

a. No construction or disturbance shall occur within an area that constitutes more than fifty (50%) of the total critical root zone and one half the radial distance of the critical root zone for each tree being preserved including Significant Trees, Heritage Trees, and any other trees for which preservation is to be credited. The remaining critical root zone shall consist of at least one hundred (100) square feet.

b. This defined area shall be flagged and encircled with protective fencing during construction. The Planning Director may approve construction closer to the trunk than one half (½) the radial distance, depending on the size, spacing, or species of the tree, the type of disturbance proposed, and uniqueness of the situation.

c. Cut or fill that is greater than four (4) inches in depth and the severing of major roots shall be considered disturbance for the purposes of this Ordinance.

d. Within the protected critical root zone, only flatwork, decking, or similar construction, may be approved and shall not affect the branching of the tree.

~~a.~~e. If proposed or actual protection of the critical root zone of a tree does not meet the requirements of this Section, then the tree shall be considered removed and shall require mitigation in accordance with this Ordinance.

(d) Screening Requirements.

(1) In addition to the landscaping requirements of this section, all development other than single-family or two-family shall comply with the following screening requirements:

(i) The following shall be screened from the view of at least sixty percent (60%) of adjacent single-family or two-family residences and any street or public right-of-way: off-street parking areas, loading spaces and docks, trash and storage containers, outside storage areas, satellite dishes larger than eighteen (18) inches in diameter, antennas, mechanical equipment, and metal siding.

(ii) Above ground utility facilities up to six (6) feet above grade for multi-family and non-residential development are required to be screened from view except for poles, fire hydrants and existing lines.

(iii) Detention Facilities including detention ponds and/or water quality ponds shall be screened from view.

(iv) Screening by vegetation that could be removed from adjacent undeveloped or partially developed properties when such property is developed is not considered as screening from view.

(v) Outside storage areas shall be screened by the use of a privacy fence or wall at least the height of the items to be screened and in conformance with the requirements of this ordinance.

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(vi) A minimum five-foot (5') landscaped area located on the exterior of the fence shall be provided and landscaped in accordance with paragraph (2) (i) above unless the fence is on a rear boundary line or adjoining a permanent structure on the site.

(vii) Fuel pumps are required to be screened from view of any street or public right-of-way to at least the height of the fuel pump.

(2) Approved screening techniques include privacy fences, evergreen vegetative screens, landscape berms, existing vegetation or any combination thereof.

(3) Privacy Fences (See section 14 and 16 of this Article)

(4) Evergreen Vegetative Screens. Evergreen plant materials shall be shrubs, at least thirty (30) inches in height and at a minimum spacing of 48 inches at the time of installation, in combination with shade trees not more than fifty feet apart.

(5) Landscape Berms, in combination with trees, shall fulfill the screening requirements of this section if the berms are at least three (3) feet in height and have maximum side slopes of four (4) feet of horizontal run for every one (1) foot in vertical rise.

(6) Existing on-site vegetation, demonstrating significant visual screening capabilities and as approved by the Director of Planning, shall fulfill the requirements of this section.

(e) ~~**Alternative Landscape Plan:**~~

(iv) ~~An application for an alternative landscape plan may be submitted for consideration by the Director of Planning when site conditions make strict compliance with the landscape requirements undesirable or impractical. Examples of such site conditions include, but are not limited to, the following:~~

(v) ~~Existing buildings, utilities or other improvements~~

(vi) ~~Unusual shape of lot, tract or building site~~

(vii) ~~Topography, soil, geologic, vegetation or other natural feature~~

(viii) ~~Safety (e.g. vehicle sight distance, impediments to vehicle maneuvering, visibility of traffic or safety related signage)~~

(ix) ~~The alternative landscape plan shall, as a whole, meet or exceed the standards of this ordinance. When a provision is reduced, the plan shall increase other provisions to off-set any non-compliance. For instance, if landscaping plantings are reduced in one area, plantings in other areas that will have a similar beneficial impact shall be increased by an equal or greater amount. If the area of landscaping is decreased, the number of plantings shall be increased.~~

(x) ~~The Director of Planning shall consider approval or disapproval of an alternative landscape plan. If the decision is to disapprove, the Director shall state reasons. An applicant may appeal the decision of the Director to the Commission. The applicant may appeal a decision of the Commission to the City Council. Such appeal shall be processed as a variance.~~

~~(6)~~

~~(i) An applicant for a single-family or two-family preliminary plat or final plat shall provide a tree survey with the street and lot layout superimposed at a scale of 1"=100' (or as appropriate). The applicant shall provide a tree preservation plan that identifies the surveyed trees and the mitigation of the protected trees that are proposed for removal.~~

~~(ii) An applicant for a commercial building permit shall provide a tree survey with the application identifying significant trees located on the property that meet the requirements indicated in this subsection. The applicant shall provide a tree preservation plan that shows which trees are to be preserved and protected and which trees are to be replaced in accordance with the replacement requirements of this subsection, if any, and shall be required to demonstrate that lot lines, street layouts and site improvements have been designed and located and that lot width, depth and size flexibility as~~

~~permitted by the applicable zoning district has been utilized to the maximum extent necessary to retain the maximum number of significant trees reasonably practicable.~~

~~(iii) The Director of Planning shall determine if adequate performance is achieved based on the standards of this paragraph. Approval of the tree protection plan by the Director of Planning is required prior to preparation and submission of a subdivision or building permit application. The applicant may appeal any decision of the Director to the Commission. A decision of the Commission may be appealed to the City Council. Any preserved or replacement trees may be counted toward the landscape requirements of this section. See the Construction Plan requirements for details.~~

~~b. The Director of Planning may issue a tree removal permit for the removal of Significant Trees to the owner of a property that is zoned or otherwise authorized and actively used for agricultural purposes if it is demonstrated that the tree removal is for a legitimate agricultural purpose. The tree mitigation requirements of this ordinance shall not apply to such permits. If the property is rezoned or otherwise converted to a non-agricultural use within three years of the issuance of the tree removal permit the owner of the property shall be required to meet the tree mitigation requirements of this ordinance.~~

~~c. Credit for Significant Trees: In order to provide credit toward the preservation of existing significant trees, no more than fifty percent (50%) of the critical root zone shall be disturbed and/or distressed with impervious cover, and the remaining critical root zone shall consist of at least one hundred (100) square feet~~

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SECTION 7: DRAINAGE AND DETENTION FACILITIES:

(a) Purpose.

The purpose of this section is provide for the design of drainage and detention facilities that contribute to visual aesthetics of projects and limit the amounts of visible concrete that do not meet the requirements listed below.

(b) Non-Residential and Multi-Family Drainage and Detention Facilities:

(1) Non-residential and multi-family drainage facilities include all detention ponds, water quality ponds, pond outlet structures, berms, improved channels or other improvements associated with the drainage improvements. Roadside swales, storm sewer outfalls unless visible from a ROW, ~~and~~ inlets, and areas of concrete that are no more than one hundred (100) square feet in size are not included.

(2) Non-residential and multi-family drainage facilities are not allowed within ten feet (10') of street ROW except those which are necessary to convey drainage in the shortest possible route to or from street ROW.

(3) Non-residential and multi-family drainage facilities located within the front setback shall not exceed 25% of the area of the front setback.

(4) Any fencing around non-residential and multi-family detention ponds shall be constructed of wrought iron or decorative tubular metal or other similar product.

(5) ~~Vertical walls~~ Structural stabilization including vertical walls and riprap for non-residential and multi-family drainage facilities shall be limited to not more than thirty (30%) percent of the perimeter of the pond excluding outlet structures. The remainder of the perimeter shall be earthern embankment no steeper than 3:1 slope. All exposed concrete is required to provide decorative textured concrete and tinting in earthern colors, or masonry veneer including but not limited to ledgestone, fieldstone, or cast stone. In the event that the drainage facility is below grade, ~~concrete~~ structural

stabilization is permitted for the full perimeter and screening requirements listed in Article VI, Section 1 (d) of this Ordinance shall apply.

(c) Residential Drainage and Detention Facilities:

(1) Residential drainage facilities include all detention ponds, water quality ponds, pond outlet structures, berms, improved channels or other improvements associated with the drainage improvements. Roadside swales, storm sewer outfalls unless visible from a ROW, inlets, and areas of concrete that are no more than one hundred (100) square feet in size are not included.

(2) Residential drainage facilities shall utilize earthern berms and be designed with a curvi-linear shape. Any structural stabilization with slopes steeper than 3:1 shall be limited to the use of native stone (except for outlet structures which can be concrete) and shall be limited to not more than thirty (30%) percent of the perimeter of the pond. Such ponds shall be seamlessly integrated with the landscaping. All exposed concrete is required to provide decorative textured concrete and tinting in earthern colors, or masonry veneer including but not limited to ledgestone, fieldstone, or cast stone. In the event that the drainage facility is below grade, concrete is permitted instead of native stone and screening requirements Article VI, Sec. 1 (d) of this Ordinance shall apply.

(3) Any fencing around residential detention ponds shall be constructed of wrought iron or decorative tubular metal or other similar product.

SECTION 14: ADDITIONAL MULTI-FAMILY AND NON-RESIDENTIAL STANDARDS

(c) All utility lines and other lines required to provide services to property in the City (including but not limited to water, wastewater, gas, electric, cable, internet, and propane) are required to be underground. In unique or unusual circumstances, an applicant may request an exception to the requirements of this section by submitting a written request for an exception with the site development permit or building permit application, as appropriate. The City Engineer may grant an exception if an exception is required by applicable building codes or for public safety reasons. The City Engineer's decision may be appealed in writing to the Commission within ten days of the City Engineer's decision. The Commission's decision may be appealed to the City Council within ten days of the Commission's decision. The City Council's decision will be final.

(d) Masonry Privacy Wall

(1) A six-foot masonry privacy wall is required to be constructed by any non-residential use that abuts property utilized for a single-family or two-family residence on land zoned single-family or two-family, or land planned or platted for such with an approved concept plan, preliminary plat or final plat, unless an existing structure is proposed to be expanded by less than 50%, or 1,000 sq. ft., whichever is less.

(i) Such wall shall be constructed at the common property line between the uses, or if such location is not feasible because of floodplain, trees or other natural feature, at a location that will effectively screen the non-residential use from view from the single-family or two-family residence.

(ii) Such wall is required to be constructed of one or more of the following materials: textured pre-cast concrete (e.g. WoodCrete), brick, stone, cast stone, stucco, factory tinted or painted split-faced concrete masonry unit, granite, tile or other similar material approved by the Director of Planning.

(iii) An eight-foot wall may be utilized for security purposes.

~~(i)~~(iv) Gates shall be provided in the wall as appropriate to connect to public sidewalks or other pedestrian connections unless such wall is also used as described above for security.

(2) The masonry privacy wall is not required for non-residential uses that are permitted by right in any Single-Family Districts.

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ARTICLE VIII – ARCHITECTURAL STANDARDS

SECTION 5: MASONRY AND OTHER ARCHITECTURAL STANDARDS

(a) Brick, stone, cast stone or other similar masonry product shall not be painted.

~~(a)~~**(b)** All window trim shall be cementious-fiber or similar product.

~~(b)~~**(c)** The number of combinations of single-family or two-family residential floor plans and elevations in any final plat section shall, at a minimum, equal at least twenty-five percent (25%) of the total lots in the final plat, but is not required to exceed fifteen. (For example, five floor plans with three different elevation options for each floor plan results in fifteen different floor plan / elevation combinations.)

~~(c)~~**(d)** No two homes side by side or across the street within one house (directly across the street or "caddy corner" across the street) shall have the same elevation plan or the same floor plan except for the SFT district.

~~(d)~~**(e)** In the event of a natural disaster (tornado, fire, etc.) the resident may replace the current structure with a new structure built of the same masonry percentages as the pre-existing residence.

~~(e)~~**(f)** All exterior walls on remodels and additions must be consistent with the exterior of the existing dwelling.

~~(f)~~**(g)** Supporting columns on the front of structures shall be constructed of clay brick, ledge stone, field stone, native stone, stucco, cementious-fiber planking or panel, aluminum, solid cedar, stripped cedar posts (sealed for protection), solid redwood, or similar materials and not less than eight by eight inches (8" x 8") square. Standard trade sizes of preformed fiberglass columns shall be permitted. The use of dimensional lumber posts shall not be permitted.

~~(g)~~**(h)** The Director of Planning may approve premium architectural grade, decorative metal siding and other premium architectural materials for conformance with exterior wall building material standards as appropriate and applicable.

Recreational vehicles, travel trailers and manufactured/mobile homes shall not be used for on-site dwelling or for any nonresidential or other purpose except as authorized in an SFU/MH district, as provided in Article IV, Sec. 2, Special Use Permit or as otherwise permitted in this ordinance.

ARTICLE IX - SITE DEVELOPMENT

SECTION 1: GENERAL PROVISIONS

(b) Applicability; Site Development Permit Required

Any person who develops, or causes to be developed, property located within the corporate limits of the City shall comply with this Chapter. Within the city corporate limits the use of property shall not be changed, no development shall take place and no building permit shall be issued until a site development permit has been issued in accordance with the code of ordinances of the City. Property for which a site development permit has been issued shall be developed in compliance with the approved site plan. The following are exceptions to the applicability of this Chapter:

(1) Construction, alteration or addition to a single-family or two family residential structure, or an accessory building to any such structure.

(2) Alteration or finish-out of an existing building when the alteration or finish-out does not increase the square footage of the building or change the building footprint as long as one of the following applies:

(i) The use does not change, or if the use changes, the new use does not require more parking than is currently existing and no additional parking spaces, aisles or driveways are proposed;

(ii) The alteration, finish-out or change of use is in compliance with all applicable codes and regulations of the city; and

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(iii) The proposal does not increase the degree of any existing non-conforming use or non conforming structure.

(3) Construction of a fence, but no exception is granted by this subsection for construction of a retaining wall or for a fence that may obstruct or change the flow of water.

(4) Brush clearing in compliance with the landscape and tree regulations of the city as long as only rubber-tired equipment is introduced to the site (no equipment with tracks).

(5) Substantial restoration that is commenced within a period of one year of a building damaged by fire, explosion, flood, tornado, riot, act of the public enemy, or accident of any kind.

(6) A canopy or carport placed over existing parking spaces or other paved area.

~~(7) Rough grading for which a permit has been issued by the City Engineer prior to beginning the rough grading.~~

~~(8)~~(7) Any other minor site activity similar to those listed above and eligible for a minor site development permit approved by the Planning Department prior to beginning such site activity or work.

SECTION 2: SITE PLAN PROCESSING; EXPIRATION

(a) Site Plan Processing

(4) Review fee and professional recovery fee: A professional recovery fee as set forth in Appendix A shall be required at the time of site development permit application submittal. In addition to the professional recovery fee and the review fee, a phasing fee shall be required at the time of site development permit application submittal for all projects with more than one phase. The phasing fee shall be as set forth in Appendix A and shall not be assessed for the first phase. Fees associated with proposed site development permit revisions ~~The fees set forth in this subsection (d)~~ shall ~~also~~ apply to proposed changes to an approved site plan that are considered minor deviations or design modifications and impervious cover shall be calculated based only on the portions of the plan proposed to be changed. Fees for proposed changes to an approved site plan may be waived by the Planning Department if such deviations are so minor so as not to require the submission or review of new plans. All fees shall be non-refundable. Changes to an approved site plan which are necessary to relocate approved building square footage or parking areas due to the exercise of the power of eminent domain by the City shall be considered minor deviations and design modifications for the purposes of this section and, in addition, shall not be assessed any additional fee.

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(c) Minor Site Development Permit

(1) Projects that include minor site activity similar to those listed in Section 1, (b) Article IX of this ordinance may be eligible for a minor site development permit. To be eligible, such projects may increase the impervious cover by no more than 1,000 square feet. In addition, a minor site development permit application shall be submitted for review in conformance with all information and materials required by the most recent minor site development permit application/checklist.

(2) A professional recovery fee as set forth in Appendix A shall be required at the time of site development permit exemption application submittal.

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ORDINANCE NO.

AN ORDINANCE OF THE CITY OF LEANDER, TEXAS AMENDING SECTIONS OF ARTICLE 14.200, THE COMPOSITE ZONING ORDINANCE, TO ADD DEFINITIONS; AMENDING THE SITE COMPONENTS REGARDING OUTDOOR ANIMAL BOARDING; AMENDING LANDSCAPE REQUIREMENTS, MODIFYING REQUIREMENTS FOR DRAINAGE AND DETENTION FACILITIES,; AMENDING THE MASONRY WALL REQUIREMENTS; MODIFYING ARCHITECTURAL STANDARDS; MODIFYING SITE DEVELOPMENT STANDARDS; PROVIDING A SEVERABILITY CLAUSE, PROVIDING SAVINGS, EFFECTIVE DATE AND OPEN MEETINGS CLAUSES, AND PROVIDING FOR RELATED MATTERS.

Whereas, the Planning & Zoning Commission held a public hearing on the proposed amendments to Article 14.200, Leander Code of Ordinances (the "Composite Zoning Ordinance"), and forwarded its recommendation on the amendments to the City Council;

Whereas, the City Council finds that the tree preservation standards adopted herein are reasonable and necessary to preserve trees as an important public resource enhancing the quality of life and the general welfare of the city and enhancing its unique character and physical, historical and aesthetic environment; to encourage the preservation of trees for the enjoyment of future generations; to encourage the preservation of trees to provide health benefits by the cleansing and cooling of the air and contributing to psychological wellness; to encourage the preservation of trees to provide environmental elements by adding value to property, and reduction of energy costs through passive solar design utilizing trees; to encourage the preservation of trees to provide environmental elements necessary to reduce the amount of pollutants entering streams and to provide elements crucial to establishment of the local ecosystem; to provide tree preservation requirements and incentives to exceed those requirements that encourage the maximum preservation of trees; and to promote and protect the health, safety and welfare of the public by creating an urban environment that is aesthetically pleasing and that promotes economic development through an enhanced quality of life; and

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 considered the proposed amendments and finds that the amendments are reasonable and necessary to protect the health, safety, and welfare of the present and future residents of the City;

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

Section 1. **Findings of Fact.** The above and foregoing recitals are hereby found to be true and correct and are incorporated herein as findings of fact.

Section 2. **Amendment of Article I, Section 6.** Article I, Section 6 of the Composite Zoning Ordinance to add the following definition:

Heritage Tree means a living tree that the City desires to preserve to the greatest extent possible. They are those trees identified in the preferred plant list maintained by the Planning Department or the Grow Green Guide that are greater than twenty-six (26) caliper inches. They do not include hackberry, mountain juniper, ash juniper, bois d'arc, cottonwood, chinaberry or sycamore or any other invasive species listed in the Grow Green Guide, except for an unusually large or significant specimen.

Significant Tree means a living tree that the City desires to preserve to the greatest extent possible. They are those trees identified in the preferred plant list maintained by the Planning Department or the Grow Green Guide. They do not include hackberry, mountain juniper, ash juniper, bois d'arc, cottonwood, chinaberry or sycamore, except for an unusually large or significant specimen or any other invasive species listed in the Grow Green Guide.

Section 3. **Amendment to Article III, Section 1(e).** Article III, Section 1(e) of the Composite Zoning Ordinance is hereby amended in its entirety as follows:

(e) Exceptions

(1) Streets may be constructed to Alternate Urban Standards without curb and gutter (see Transportation Criteria Manual).

(2) Sidewalks are not required.

(3) Dip driveways (without a culvert) are permitted across "bar" ditches if the depth of the water is no greater than one foot during a twenty-five (25) year storm event.

(4) Street lights are not required.

Section 4. **Amendment to Article III, Section 13(b)(2).** Article III, Section 13(b)(2) of the Composite Zoning Ordinance is hereby amended in its entirety as follows:

(2) Animal hospital, veterinarian, animal boarding including a crematory associated with such use on site, or a crematory associated with a cemetery, as long as the crematory stack is located at least two hundred feet (200') from a restaurant, or associated parking, or a residential zoning district (unless such district is utilized for non-residential uses). Any commercial enterprise which includes an outdoor animal yard or any other commercial un-soundproofed animal area containing five or more animals is required to be at least two hundred feet (200') from any residential district (unless such district is utilized for non-residential uses) and is required to be combined with a Type 4 or 5 site component.

Section 5. **Amendment to Article V, Section 3(b)(1).** Article III, Section 3(b)(1) of the Composite Zoning Ordinance is hereby amended in its entirety as follows:

(1) General (All Development):

(i) Accessory buildings / structures are permitted as long as their total square footage is not greater than thirty percent (30%) of the gross floor area of the primary building / structure utilizing such (agricultural and recreational buildings / structures are exempt from this limit).

(ii) Outdoor entertainment venues as a primary use involving the following are not permitted:

a. Substantial outdoor facilities;
b. Unshielded stadium lighting;
c. Noise generation; or
d. Outdoor amplified sound systems or similar conditions such as golf practice ranges open at night, sports stadiums not associated with an educational facility or public park, amusement parks, rodeo arenas, and similar facilities
e. Minor outdoor facilities such as tennis and basketball courts, track facilities, recreational equipment, play fields, and other similar facilities are permitted.

(iii) Accessory dwellings are permitted except where combined with TF and MF use components. Accessory dwellings shall contain a minimum of 400 square feet of living area and a maximum of 900 square feet of living area or 40% of the gross living area of the primary dwelling, whichever is greater. However, for lots greater than three acres in size, there is no limit to the size of the accessory dwelling.

Section 6. **Amendment to Article VI, Section 1.** Article VI, Section 1 of the Composite Zoning Ordinance is hereby amended in its entirety as follows:

SECTION 1: LANDSCAPING, TREE PRESERVATION & PROTECTION, and SCREENING REQUIREMENTS

(a) Purpose.

(1) To establish requirements for the preservation and protection of native trees and provisions for landscaping, buffering, and screening to provide for the orderly, safe, attractive and healthful development of land and promoting the health, safety and general welfare of the community, it is deemed necessary to establish requirements for the installation and maintenance of landscaping elements and other means of site improvements in developed properties.

(2) To enhance the community's ecological, environmental and aesthetic qualities; to encourage the preservation of trees for the enjoyment of future generations; to provide environmental elements by adding value to property, and reduction of energy costs through passive solar design utilizing trees; and to promote and protect the health, safety and welfare of the public by creating an urban environment that is aesthetically pleasing and that promotes economic development through an enhanced quality of life.

(3) Paved surfaces, automobiles, buildings and other improvements produce increases in air temperatures, a problem especially noticeable in this southern region, whereas plants have the opposite effect through transpiration and the creation of shade. Likewise, impervious surfaces created by development generate greater water runoff causing problems from contamination, erosion and flooding. Preserving and improving the natural environment and maintaining a working ecological balance are of increasing concern. The fact that the use of landscape elements can contribute to the processes of air purification, oxygen regeneration, water absorption, water purification, and noise, glare and heat abatement as well as the preservation of the community's aesthetic qualities indicates that the use of landscape elements is of benefit to the health, welfare and general well being of

the community and, therefore, it is proper that the use of such elements be required.

(4) The City experiences frequent droughts; therefore, it is the purpose of this Section to encourage the use of drought resistant vegetation.

(b) Landscape Requirements.

(1) Installation: All landscape materials shall be installed and maintained according to generally accepted landscape practices for the region. Low water demanding landscapes, are encouraged and should include plants recommended by the Lower Colorado River Authority's *Texas Hill Country Landscape Option Specifications*, a copy of which is available in the City Planning Department.

(2) Maintenance: The owner of landscaped property shall be responsible for the maintenance of all landscape areas. Said areas shall be maintained so as to present a healthy, neat and orderly appearance at all times and shall be kept free of refuse and debris. All planted areas shall be provided with a readily available water supply and watered as necessary to ensure continuous healthy growth and development. Landscape irrigation systems shall not be mandatory with low water demanding landscapes, which are encouraged. Maintenance shall include the removal of dead plant material and its replacement if that material was used to meet the requirements of this section.

(3) Shrubs, vines and ground cover planted pursuant to this section shall be healthy nursery stock.

(4) Turfgrass.

(i) All turfgrass installed shall have summer dormancy capabilities and shall be one of the varieties set forth in the preferred plant list maintained by the Planning Department or the Grow Green Guide. Buffalo grass, zoysia grass or non-seeding varieties of Bermuda grass are recommended for sunny sections of the landscape.

(ii) Turfgrass shall be limited to two thirds (2/3) of the lot after subtracting the impervious cover for single-family and two-family lots. Alternative options to turfgrass can include native and adaptive landscape plants as specified in the Grow Green Guide, mulch, crushed granite, or similar material. No more than fifty (50%) percent of the lot may consist of non-plant material.

(iii) The maximum landscape that may be planted in turfgrass for the types of development listed in Article VI, Section 1 (b)(9)(i) through (iv) below shall be limited to fifty (50%) percent of the required landscape area.

(5) Synthetic or artificial lawns or plants shall not be used in lieu of plant requirements.

(6) The use of architectural planters may be permitted in fulfillment of landscape requirements.

(7) Any approved decorative aggregate or pervious brick pavers shall qualify for up to ten percent (10%) of the required landscaping if contained in planting areas, but no credit shall be given for concrete or other impervious surfaces.

(8) Other than single-family and two-family development, setback areas shall be landscaped per the standards of this section.

(9) A minimum percentage of the total lot area of property on which development occurs shall be devoted to landscape development in accordance with the following schedule. Such percentages may include setback areas. However, all non-single-family and non-two-family setback areas are required to be landscaped in accordance with Article VI, Section 1 (b)(11) even if they exceed the following percentages:

(i) Multifamily Dwellings, 20%
(ii) Office and Professional Uses, 15%
(iii) Commercial Uses, 15%
(iv) Industrial or manufacturing, 10%
(v) Single-family-Dwellings and Two-Family dwellings, see Item (4) below
(vi) Schools, churches, community centers and parks, 15%.

(10) The following may not be counted toward the above landscape area requirements:

(i) Detention and water quality ponds unless such ponds are designed as follows:

a. The ponds shall utilize earthen berms.
b. Any structural stabilization shall be limited to the use of native stone (except for outlet structures) and shall be limited to not more than thirty percent (30%) of the perimeter of the pond.
c. Such ponds shall be seamlessly integrated with the landscaping.
d. Such ponds shall be not greater than eighteen inches deep.
e. Such ponds shall not comprise more than 25% of the required landscaped area.

(ii) Utility, mechanical and electrical facilities.
(iii) Sidewalks or other paved surfaces except for any decorative aggregate or pervious brick pavers if contained in planting areas and comprising less than ten percent (10%) of the required landscape area.
(iv) Landscaped areas less than four feet in width. In calculating the width of landscaped areas, such areas shall not be divided by any form of pavement (e.g. sidewalks, detention or water quality ponds, paving, etc.)

(11) The following is for other than single-family or two-family development: Trees and shrubs identified on the preferred plant list and included in the Grow Green Guide, shall be utilized within the required landscaping as described below. At least seventy five percent (75%) of the planted trees are required to be significant trees such as oak, elm, pecan, walnut, hickory, cherry, cypress, redbud and any rare species. Existing significant trees and shrubs that are retained in healthy condition may count toward fulfillment of these requirements. In calculating the credit from existing significant trees and shrubs that are retained, shrubs shall be credited on a one for one basis if such shrub is equivalent or greater in size to a comparable five gallon container grown shrub. Trees shall be credited on a caliper inch basis (for every one caliper inch of a tree that is saved, credit shall be given for one caliper inch of a tree required to be planted), with saved significant trees over 18” caliper counting on a one for two basis (for every one caliper inch

of a significant tree over 18" caliper that is saved, credit shall be given for two caliper inches of a tree required to be planted).

(i) For every six hundred (600) square feet of landscape area and setback area required by this ordinance, two (2) shade trees (two inch caliper or larger) and four (4) shrubs (five gallon container size or larger) shall be planted. Two ten gallon ornamental trees may be substituted for every one required shade tree as long as at least half of the required number of shade trees is installed.

(ii) To allow for larger landscaped activity areas at school facilities, for every 600 sq. ft. of landscaping required by this section, 1 tree and 3 shrubs (five gallon container size or larger) shall be planted.

(iii) To reduce the thermal impact of unshaded parking lots, additional trees shall be planted as necessary so that the center point of each parking space is no more than 50 feet away from the trunk of a tree.

(12) Minimum landscape requirements for detached single-family and two-family residential structures (except for townhouses on lots less than thirty-five feet wide in the SFT district) shall be two (2) two-inch significant trees such as oak, elm, pecan, walnut, hickory, cherry, cypress, redbud and any rare species measured eighteen inches above finished grade immediately after planting, three (3) one-gallon shrubs, three (3) five-gallon shrubs and turf grass or an alternative material as defined in this section from the front property line to the front two (2) corners of the structure and a minimum coverage area extending 3' from the slab/foundation to protect water runoff from the roof drip line. If lawn grass is not used in this area, then rain gutter systems shall be in place. One three and a half inch caliper tree may be substituted for two (2) two-inch trees if the tree is planted in the front yard. Existing trees and shrubs that are retained in healthy condition may count toward fulfillment of these requirements. Minimum landscape requirements for townhouses constructed in the SFT district on lots less than thirty-five feet wide are the same as above except that only one hardwood tree is required to be planted per lot

(13) Invasive Species: Multi-Family and non-residential projects are required to remove all invasive species for the portion of the project indentified within the limits of construction. Single-family and two-family developments that remove all invasive species as listed in the Grow Green Guide, are eligible for a twenty-five (25%) percent credit towards the tree mitigation requirements.

(14) The landscaping shall be placed upon that portion of a tract or lot that is being developed. Fifty percent (50%) of the required landscaped area and required plantings contained in the landscape requirements listed in this section shall be installed between the front property lines and the building being constructed. Undeveloped portions of a tract or lot shall not be considered landscaped, except as specifically approved by the City. Landscaping placed within public right-of-ways shall not fulfill the minimum landscape requirements.

(15) No landscaping over three feet in height shall be planted within forty (40) feet of the intersection of any street pavement (see Figure N). Any planted or existing vegetation within this area shall be kept pruned so that foliage shall not grow or exist within three and eight feet above the elevation of the curb closest to the vegetation.

(16) The Director of Planning may grant exceptions to these provisions to require a lesser amount of landscaping if the intent of this ordinance is met, and the reduction of the landscape area results in the preservation of natural features having comparable value.

(17) In cases of death or removal of a tree planted pursuant to the terms of this section, a replacement tree of equal size and type shall be required to be planted. A smaller tree that will have a mature crown similar to the tree removed may be substituted if the planting area or pervious cover provided for the larger tree in this section is retained.

(18) The location, calculations, size and description of all landscaping and screening materials proposed to satisfy the requirements of this section shall be shown on a Landscape Plan, and included with the construction plans.

(19) Landscape plans are required with all new multi-family and non-residential permits showing:
- (i) New and existing trees, shrubs, groundcover, turf areas and native areas.
- (ii) Proposed plantings by botanical name, common name, spacing, quantity, container size.
- (iii) Property lines, streets and street names
- (iv) Driveway(s), sidewalk(s) and other hardscape features
- (v) Existing and/or proposed buildings.
- (vi) Point of irrigation connection (POC) and water meter for the irrigation system.

(20) Soil Depth (New residential and non-residential)
All new landscapes (non-residential and residential) are required to have a minimum of six inches (6") of soil depth in areas planted with turfgrass. This six-inch (6") minimum soil depth will consist of 75 percent soil blended with 25 percent compost. The soil/compost blend shall be incorporated into the top two inches of the native soil. The six-inch (6") depth requirement does not apply to the area between the drip line and trunk of existing trees, shrub beds or wildscape areas. Areas with existing native vegetation that remain undisturbed shall be exempt from the soil depth provision of this section; provided that native soil and vegetation in such area is fenced during construction and protected from disturbance and compaction during the construction process.

(21) Mulch (all non-residential properties). All exposed soil surfaces of non-turf areas

within the developed landscape area must be mulched with a minimum two-inch layer of organic material. Examples of organic material include pine bark, shredded cedar, composted leaves, and shredded landscape clippings. Native/wildscape areas are exempt.

(22) WaterWise Landscape Principles. These principles shall be an integral component of the landscape design and plan. Homebuilders shall be required to offer a WaterWise landscape option in any series of landscape options offered to home buyers. The seven basic principles of WaterWise landscaping include:
- (i) Proper planning and design
- (ii) Proper soil preparation (compost-improved topsoil)
- (iii) Practical turfgrass selection of drought resistant-species
- (iv) Appropriate plant selection. The plants listed as invasive plants to avoid in the Grow Green Guide, shall not be offered as part of a WaterWise landscape option.
- (v) Efficient irrigation systems
- (vi) Use of mulches
- (vii) Appropriate maintenance

(23) Irrigation Requirements (New residential and non-residential installations):
- (i) All irrigation systems, both residential and non-residential, shall be installed in accordance with state law, Title 2 Texas Water Code, Chapter 34 and Title 30 Texas Administrative Code, Chapter 344, as amended, as regulated and enforced by the Texas Commission on Environmental Quality (TCEQ). Irrigation contractors who install the irrigation system must be a TCEQ Licensed Irrigator.
- (ii) A permit shall be required for the installation of all automatic irrigation systems.
- (iii) All automatic irrigation systems are required to have a rain sensor connected to an irrigation controller in order to stop the irrigation cycle during and after a rainfall event. Rain sensors are to be installed in a location where rainfall is unobstructed, such as a rooftop or fence line. Rain sensors are to be adjusted at the one-fourth-inch setting.
- (iv) All new residential and non-residential irrigation systems are required to have pressure regulators if static pressure at the site exceeds the sprinkler manufacturer's recommended operating range. Extensive misting due to high pressure wastes water.
- (v) Irrigation systems are to have a controller with multiple cycle, rain sensor capability and irrigation water budget feature.
- (vi) Sprinkler systems shall be designed as to minimize overspray onto the hardscape.
- (vii) Sprinkler heads shall be installed at least eight (8) inches from the curb.
- (viii) For strips of land less than six (6) feet in width, spray irrigation shall be prohibited and low-flow irrigation systems (such as drip, bubblers or micro-irrigation) are required. For strips of land between six (6) feet and fifteen

(15) feet in width, only low-flow irrigation (such as drip, bubblers or micro-irrigation), or spray irrigation using low-angle spray nozzles designed for the specific width to be irrigated shall be permitted. For strips of land more than fifteen (15) feet in width, only low precipitation rotors with low angle nozzles may be used to irrigate turf areas. Planting beds may be irrigated with low-flow or spray irrigation. All spray heads must be designed to prevent low head drainage.

(ix) The incorporation of treated effluent, rainwater, or water from rain/storm water systems in an irrigation system is encouraged.

(24) A property owner's association may not include or enforce a provision in a dedicatory instrument that prohibits or restricts a property owner from:

(i) Implementing measures promoting solid waste composting of vegetation, including grass clippings, leaves or brush, or leaving grass clippings uncollected on grass;

(ii) Installing rain barrels or a rainwater harvesting system; or

(iii) Implementing efficient irrigation systems, including underground drip or other drip irrigation systems.

(25) A property owner's association may not include or enforce a provision that requires:

(i) A defined irrigation schedule specified by the association unless a defined irrigation schedule is mandated by the association's water supplier in order to curtail outdoor water use;

(ii) Maintenance of the landscape to a specified level that requires the property owner to irrigate his or her landscape;

(iii) Installation or maintenance of any specific variety or limited choice of varieties of turf grass; or

(iv) The homeowner to install a minimum percentage of turf in the landscape.

(26) Alternative Landscape Plan.

(i) An application for an alternative landscape plan may be submitted for consideration by the Director of Planning when site conditions make strict compliance with the landscape requirements undesirable or impractical. Examples of such site conditions include, but are not limited to, the following:

a. Existing buildings, utilities or other improvements

b. Unusual shape of lot, tract or building site

c. Topography, soil, geologic, vegetation or other natural feature

d. Safety (e.g. vehicle sight distance, impediments to vehicle maneuvering, visibility of traffic or safety related signage)

(ii) The alternative landscape plan shall, as a whole, meet or exceed the standards of this ordinance. When a provision is reduced, the plan shall increase other provisions to off-set any non-compliance. For instance, if landscaping plantings are reduced in one area, plantings in other areas that will have a

similar beneficial impact shall be increased by an equal or greater amount. If the area of landscaping is decreased, the number of plantings shall be increased.

(iii) The Director of Planning shall consider approval or disapproval of an alternative landscape plan. If the decision is to disapprove, the Director shall state reasons. An applicant may appeal the decision of the Director to the Commission. The applicant may appeal a decision of the Commission to the City Council. Such appeal shall be processed as a variance.

(c) Tree Preservation and Protection

(1) Unless otherwise allowed by this Ordinance, no property shall be clear-cut or selectively cleared, nor shall a Significant Tree or Heritage Tree be removed from a property for which subdivision construction plans, a site development permit, or a building permit is required by the code of ordinances, without first securing the necessary approval from the City.

(2) Exceptions.

(i) Dead or Diseased Trees

a. If the Planning Director determines after a site inspection that a Significant Tree or Heritage Tree is dead, dying, or fatally diseased prior to starting a project, the mitigation requirements shall not be required.

b. A letter from an arborist shall be required to confirm the condition of the tree if the condition is not obvious.

(ii) Dangerous Trees

a. If the Planning Director determines that a Significant Tree or Heritage Tree is causing a danger or is in a hazardous condition due to natural disaster, such as a tornado, fire, storm, flood, or other act of God that endangers public health, welfare, or safety, the mitigation requirements shall not be required for the removal of the tree.

(iii) Sight Triangles

a. If the Planning Director determines that a Significant Tree or Heritage Tree is interfering with the safe visibility at a sight triangle of an existing public street, the tree may be removed and the mitigation requirements shall not be required.

(3) Heritage Tree Preservation Requirements

(i) Heritage Trees shall be preserved on site unless otherwise approved for removal as outlined in this Ordinance.

(ii) Heritage Trees shall be graphically shown on Tree Preservation Plans associated with plats and site development permit plans and shall contain a note stating that the Heritage Trees cannot be removed without a permit.

(iii) Preserved Heritage Trees may be credited towards the Landscape requirements of this Ordinance.

(4) Significant Tree Preservation Requirements

(i) Up to fifty (50%) percent of Significant Trees between eight (8) and eighteen (18) caliper inches may be removed during construction without mitigation.
(ii) Significant Trees shall be graphically shown on Tree Preservation Plans associated with plats and site development permit plans.
(iii) Preserved Significant Trees may be credited towards the Landscape requirements of this ordinance.
(iv) Significant Trees greater than eight (8) inches in caliper shall be preserved to the greatest extent reasonably possible. Significant Trees removed during construction shall be supplanted with Replacement Trees if required by the tree mitigation requirements of this section. No Significant Tree shall be removed until a tree protection plan has been approved by the Director of Planning in accordance with this Chapter. Significant Trees may be removed only in accordance with the approved tree protection plan, and trees must be protected during construction activities on the property in accordance with the approved tree protection plan. This provision only applies to projects before the certificate of occupancy has been issued for single-family and two-family developments. For single-family and two-family projects, this provision only applies prior to the initial certificate of occupancy for each lot.

(5) Removal of Heritage or Significant Trees
(i) Heritage Tree Removal Permit
a. Heritage Trees may be removed only with the approval of a Heritage Tree Permit and after the required mitigation has been provided.
b. The Planning & Zoning Commission shall review all applications for Heritage Tree removal permits and make a recommendation for approval or denial to the City Council which shall have final authority to issue the permit.
c. Approval of removal permits shall be based on the following:
1) Tree size/number of trunks;
2) Tree health and viability;
3) Tree location;
4) Other Significant and Heritage Trees to be preserved on site; and
5) Whether all reasonable efforts have been made to design the project in a way to preserve Significant and Heritage Trees on site.
(ii) Significant Tree Removal Permit
a. The Director of Planning may issue a tree removal permit for the removal of Significant Trees to the owner of a property that is zoned or otherwise authorized and actively used for agricultural purposes if it is demonstrated that the tree removal is for a legitimate agricultural purpose. The tree mitigation requirements of this ordinance shall not apply to such permits. If the property is rezoned or otherwise converted to a non-agricultural use within three years of the issuance of the tree removal permit the owner of the property shall be required to meet the tree mitigation requirements of this ordinance.
b. Removal of Significant Trees greater than eighteen (18) caliper inches

requires the approval of the Planning & Zoning Commission or the approval of an alternative tree preservation plan as described in this ordinance for projects other than single-family or two-family.

(iii) Mitigation for removal of a Heritage or Significant Tree

a. The removal of Heritage and Significant Trees shall require mitigation using the calculations and procedures defined below. Mitigation may be achieved through credit of existing trees on site, replacement trees planted on-site, or payment-in-lieu of replacement trees if approved by the Planning Director only when on-site replacement is not possible or practical.

1) Mitigation shall be required at a 1:1 caliper inch basis for significant trees between eight (8) and eighteen (18) caliper inches.
2) Mitigation shall be required at a 2:1 caliper inch basis for significant trees greater than eighteen (18) caliper inches and less than twenty-six (26) caliper inches.
3) Mitigation shall be required at a 3:1 caliper inch basis for Heritage Trees and a mitigation fee in the amount of $300.00 per caliper inch removed.
4) If payment in lieu of replacement trees is approved by the Planning Director, the fee shall be equal to one hundred fifty dollars ($150) per caliper inch of replacement tree.

b. Replacement Trees.

1) Replacement Trees shall be a minimum of two (2) inches in caliper measured four (4) feet above finished grade immediately after planting. A list of recommended replacement trees shall be maintained by the Department of Planning and shall include those trees listed in the Grow Green Guide.
2) If the developer chooses to substitute trees not included on the recommended list, those trees shall have an average mature crown greater than fifteen (15) feet in diameter to meet the requirements of this section. Trees having an average mature crown less than fifteen (15) feet in diameter may be substituted by grouping trees so as to create at maturity the equivalent of a fifteen foot (15) diameter crown if the drip line area is maintained.
3) A minimum pervious area three (3) feet in radius, and not less than fifty percent (50%) of the calculated drip line area is required around the trunks of all existing and proposed trees. The radius of a drip line area is calculated as the trunk caliper times twelve. (Example: An eight inch caliper tree has a drip line of eight feet in radius.)
4) Existing hardwood trees less than the size required for replacement and greater than or equal to two inches in caliper, and existing hardwood trees between 8” and 18” to an extent greater than 50% of the total caliper inches that are retained during construction in

healthy condition may be counted toward replacement requirements as well as toward planting requirements.

(6) An alternative tree preservation plan may be approved by the Director of Planning for properties where existing tree cover is especially dense and the following are found:
   (i) Removal of a significant number of trees is unavoidable,
   (ii) The applicant has planned the development so as to save the highest quality and greatest number of trees that could be reasonably expected,
   (iii) All areas of the site that can be reasonably utilized for tree replacement have been utilized, and
   (iv) The proposed total landscaping exceeds the requirements of the ordinance.

(7) Tree Diversification: No more than fifty (50%) percent of the same species may be planted to meet the tree planting requirements.

(8) A non-disturbance zone shall be maintained on single-family and two-family lots. A disturbance area no more than five (5') feet from the foundation necessary for construction and grade transitions shall be permitted. The trees located on the remainder of the lot shall not be removed unless a unique situation is approved by the Planning Director.

(9) Tree Protection Plan Requirements
   (i) An applicant for a single-family or two-family preliminary plat or final plat, or a site development permit shall provide a tree survey prepared within five years preceding the application date. This tree survey shall include the street and lot layout, or site plan superimposed at a scale of 1"=100' (or as appropriate) identifying significant trees located on the property that meet the requirements indicated in this section. The applicant shall provide a tree preservation plan that identifies the surveyed trees and the mitigation of the protected trees that are proposed for removal. The applicant shall be required to demonstrate that lot lines, street layouts and site improvements have been designed and located and that lot width, depth and size flexibility as permitted by the applicable zoning district has been utilized to the maximum extent necessary to retain the maximum number of significant trees reasonably practicable.
   (ii) The Director of Planning shall determine if adequate performance is achieved based on the standards of this section. Approval of the tree protection plan by the Director of Planning is required prior to preparation and submission of a subdivision or site development permit application. The applicant may appeal any decision of the Director to the Commission. A decision of the Commission may be appealed to the City Council. Any preserved or replacement trees may be counted toward the landscape requirements of this section. See the Construction Plan requirements for details.

(iii) All trees to be preserved as shown in an approved preservation plan shall be clearly marked prior to the commencement of construction activities.

(iv) Critical Root Zone

a. No construction or disturbance shall occur within an area that constitutes more than fifty (50%) of the total critical root zone and one half the radial distance of the critical root zone for each tree being preserved including Significant Trees, Heritage Trees, and any other trees for which preservation is to be credited. The remaining critical root zone shall consist of at least one hundred (100) square feet.

b. This defined area shall be flagged and encircled with protective fencing during construction. The Planning Director may approve construction closer to the trunk than one half (½) the radial distance, depending on the size, spacing, or species of the tree, the type of disturbance proposed, and uniqueness of the situation.

c. Cut or fill that is greater than four (4) inches in depth and the severing of major roots shall be considered disturbance for the purposes of this Ordinance.

d. Within the protected critical root zone, only flatwork, decking, or similar construction, may be approved and shall not affect the branching of the tree.

e. If proposed or actual protection of the critical root zone of a tree does not meet the requirements of this Section, then the tree shall be considered removed and shall require mitigation in accordance with this Ordinance.

(d) Screening Requirements.

(1) In addition to the landscaping requirements of this section, all development other than single-family or two-family shall comply with the following screening requirements:

(i) The following shall be screened from the view of at least sixty percent (60%) of adjacent single-family or two-family residences and any street or public right-of-way: off-street parking areas, loading spaces and docks, trash and storage containers, outside storage areas, satellite dishes larger than eighteen (18) inches in diameter, antennas, mechanical equipment, and metal siding.

(ii) Above ground utility facilities up to six (6) feet above grade for multi-family and non-residential development are required to be screened from view except for poles, fire hydrants and existing lines.

(iii) Detention Facilities including detention ponds and/or water quality ponds shall be screened from view.

(iv) Screening by vegetation that could be removed from adjacent undeveloped or partially developed properties when such property is developed is not considered as screening from view.

(v) Outside storage areas shall be screened by the use of a privacy fence or wall at least the height of the items to be screened and in conformance with the requirements of this ordinance.

(vi) A minimum five-foot (5') landscaped area located on the exterior of the fence shall be provided and landscaped in accordance with paragraph (2) (i) above unless the fence is on a rear boundary line or adjoining a permanent structure on the site.

(vii) Fuel pumps are required to be screened from view of any street or public right-of-way to at least the height of the fuel pump.

(2) Approved screening techniques include privacy fences, evergreen vegetative screens, landscape berms, existing vegetation or any combination thereof.

(3) Privacy Fences (See section 14 and 16 of this Article)

(4) Evergreen Vegetative Screens. Evergreen plant materials shall be shrubs, at least thirty (30) inches in height and at a minimum spacing of 48 inches at the time of installation, in combination with shade trees not more than fifty feet apart.

(5) Landscape Berms, in combination with trees, shall fulfill the screening requirements of this section if the berms are at least three (3) feet in height and have maximum side slopes of four (4) feet of horizontal run for every one (1) foot in vertical rise.

(6) Existing on-site vegetation, demonstrating significant visual screening capabilities and as approved by the Director of Planning, shall fulfill the requirements of this section.

Section 7. **Amendment to Article VI, Section 7.** Article VI, Section 7 of the Composite Zoning Ordinance is hereby amended in its entirety as follows:

SECTION 7: DRAINAGE AND DETENTION FACILITIES

(a) Purpose.

The purpose of this section is provide for the design of drainage and detention facilities that contribute to visual aesthetics of projects and limit the amounts of visible concrete that do not meet the requirements listed below.

(b) Non-Residential and Multi-Family Drainage and Detention Facilities:

(1) Non-residential and multi-family drainage facilities include all detention ponds, water quality ponds, pond outlet structures, berms, improved channels or other improvements associated with the drainage improvements. Roadside swales, storm sewer outfalls unless visible from a ROW, inlets, and areas of concrete that are no more than one hundred (100) square feet in size are not included.

(2) Non-residential and multi-family drainage facilities are not allowed within ten feet (10’) of street ROW except those which are necessary to convey drainage in the shortest possible route to or from street ROW.

(3) Non-residential and multi-family drainage facilities located within the front setback shall not exceed 25% of the area of the front setback.

(4) Any fencing around non-residential and multi-family detention ponds shall be constructed of wrought iron or decorative tubular metal or other similar product.

(5) Structural stabilization including vertical walls and riprap for non-residential and multi-family drainage facilities shall be limited to not more than thirty (30%) percent of the perimeter of the pond excluding outlet structures. The remainder of the perimeter shall be earthern embankment no steeper than 3:1 slope. All exposed concrete is required to provide decorative textured concrete and tinting in earthern colors, or masonry veneer including but not limited to ledgestone, fieldstone, or cast stone. In the event that the drainage facility is below grade, structural stabilization is permitted for the full perimeter and screening requirements listed in Article VI, Section 1 (d) of this Ordinance shall apply.

(c) Residential Drainage and Detention Facilities:

(1) Residential drainage facilities include all detention ponds, water quality ponds, pond outlet structures, berms, improved channels or other improvements associated with the drainage improvements. Roadside swales, storm sewer outfalls unless visible from a ROW, inlets, and areas of concrete that are no more than one hundred (100) square feet in size are not included.

(2) Residential drainage facilities shall utilize earthern berms and be designed with a curvi-linear shape. Any structural stabilization with slopes steeper than 3:1 shall be limited to the use of native stone (except for outlet structures which can be concrete) and shall be limited to not more than thirty (30%) percent of the perimeter of the pond. Such ponds shall be seamlessly integrated with the landscaping. All exposed concrete is required to provide decorative textured concrete and tinting in earthern colors, or masonry veneer including but not limited to ledgestone, fieldstone, or cast stone. In the event that the drainage facility is below grade, concrete is permitted instead of native stone and screening requirements Article VI, Sec. 1 (d) of this Ordinance shall apply.

(3) Any fencing around residential detention ponds shall be constructed of wrought iron or decorative tubular metal or other similar product.

Section 8. **<u>Amendment to Article VI, Sections 14(c), (d), and (e)</u>.** Article VI, Sections 14(c), (d), and (e) of the Composite Zoning Ordinance are hereby amended in its entirety as follows:

(c) All utility lines and other lines required to provide services to property in the City (including but not limited to water, wastewater, gas, electric, cable, internet, and propane) are required to be underground. In unique or unusual circumstances, an applicant may request an exception to the requirements of this section by submitting a written request for an exception with the site development permit or building permit application, as appropriate. The City Engineer may grant an exception if an exception is required by applicable building codes or for public safety reasons. The City Engineer's decision may be appealed in writing to the Commission within ten days of the City Engineer's decision. The Commission's decision may be appealed to the City Council within ten days of the Commission's decision. The City Council's decision will be final.

(d) Masonry Privacy Wall

(1) A six-foot masonry privacy wall is required to be constructed by any non-residential use that abuts property utilized for a single-family or two-family residence on land zoned single-family or two-family, or land planned or platted for such with an

approved concept plan, preliminary plat or final plat, unless an existing structure is proposed to be expanded by less than 50%, or 1,000 sq. ft., whichever is less.

(i) Such wall shall be constructed at the common property line between the uses, or if such location is not feasible because of floodplain, trees or other natural feature, at a location that will effectively screen the non-residential use from view from the single-family or two-family residence.

(ii) Such wall is required to be constructed of one or more of the following materials: textured pre-cast concrete (e.g. WoodCrete), brick, stone, cast stone, stucco, factory tinted or painted split-faced concrete masonry unit, granite, tile or other similar material approved by the Director of Planning.

(iii) An eight-foot wall may be utilized for security purposes.

(iv) Gates shall be provided in the wall as appropriate to connect to public sidewalks or other pedestrian connections unless such wall is also used as described above for security.

(2) The masonry privacy wall is not required for non-residential uses that are permitted by right in any Single-Family Districts.

(e) Deleted.

Section 9. **<u>Amendment to Article VIII, Section 5</u>.** Article VIII, Section 5 of the Composite Zoning Ordinance is hereby amended in its entirety as follows:

SECTION 5: MASONRY AND OTHER ARCHITECTURAL STANDARDS

(a) Brick, stone, cast stone or other similar masonry product shall not be painted.

(b) All window trim shall be cementious-fiber or similar product.

(c) The number of combinations of single-family or two-family residential floor plans and elevations in any final plat section shall, at a minimum, equal at least twenty-five percent (25%) of the total lots in the final plat, but is not required to exceed fifteen. (For example, five floor plans with three different elevation options for each floor plan results in fifteen different floor plan / elevation combinations.)

(d) No two homes side by side or across the street within one house (directly across the street or "caddy corner" across the street) shall have the same elevation plan or the same floor plan except for the SFT district.

(e) In the event of a natural disaster (tornado, fire, etc.) the resident may replace the current structure with a new structure built of the same masonry percentages as the pre-existing residence.

(f) All exterior walls on remodels and additions must be consistent with the exterior of the existing dwelling.

(g) Supporting columns on the front of structures shall be constructed of clay brick, ledge stone, field stone, native stone, stucco, cementious-fiber planking or panel, aluminum, solid cedar, stripped cedar posts (sealed for protection), solid redwood, or similar materials and not less than eight by eight inches (8" x 8") square. Standard trade sizes of preformed fiberglass columns shall be permitted. The use of dimensional lumber posts shall not be permitted.

(h) The Director of Planning may approve premium architectural grade, decorative metal siding and other premium architectural materials for conformance with exterior wall building material standards as appropriate and applicable.

(i) Recreational vehicles, travel trailers and manufactured/mobile homes shall not be used for on-site dwelling or for any nonresidential or other purpose except as authorized in an SFU/MH district, as provided in Article IV, Sec. 2, Special Use Permit or as otherwise permitted in this ordinance.

Section 10. **Amendment to Article IX, Section 1(b)(7).** Article IX, Section 1(b)(7) of the Composite Zoning Ordinance is hereby amended in its entirety as follows:

(b) Applicability; Site Development Permit Required

Any person who develops, or causes to be developed, property located within the corporate limits of the City shall comply with this Chapter. Within the city corporate limits the use of property shall not be changed, no development shall take place and no building permit shall be issued until a site development permit has been issued in accordance with the code of ordinances of the City. Property for which a site development permit has been issued shall be developed in compliance with the approved site plan. The following are exceptions to the applicability of this Chapter:

(1) Construction, alteration or addition to a single-family or two family residential structure, or an accessory building to any such structure.

(2) Alteration or finish-out of an existing building when the alteration or finish-out does not increase the square footage of the building or change the building footprint as long as one of the following applies:

(i) The use does not change, or if the use changes, the new use does not require more parking than is currently existing and no additional parking spaces, aisles or driveways are proposed;

(ii) The alteration, finish-out or change of use is in compliance with all applicable codes and regulations of the city; and

(iii) The proposal does not increase the degree of any existing non-conforming use or non-conforming structure.

(3) Construction of a fence, but no exception is granted by this subsection for construction of a retaining wall or for a fence that may obstruct or change the flow of water.

(4) Brush clearing in compliance with the landscape and tree regulations of the city as long as only rubber-tired equipment is introduced to the site (no equipment with tracks).

(5) Substantial restoration that is commenced within a period of one year of a building damaged by fire, explosion, flood, tornado, riot, act of the public enemy, or accident of any kind.

(6) A canopy or carport placed over existing parking spaces or other paved area.

(7) Any other minor site activity similar to those listed above and eligible for a minor site development permit approved by the Planning Department prior to beginning such site activity or work.

Section 11. **Amendment to Article IX, Section 2(a)(4).** Article IX, Section 2(a)(4) of the Composite Zoning Ordinance is hereby amended in its entirety as follows:

(4) Review fee and professional recovery fee: A professional recovery fee as set forth in Appendix A shall be required at the time of site development permit application submittal. In addition to the professional recovery fee and the review fee, a phasing fee shall be required at the time of site development permit application submittal for all projects with more than one phase. The phasing fee shall be as set forth in Appendix A and shall not be assessed for the first phase. Fees associated with proposed site development permit revisions shall apply to proposed changes to an approved site plan that are considered minor deviations or design modifications and impervious cover shall be calculated based only on the portions of the plan proposed to be changed. Fees for proposed changes to an approved site plan may be waived by the Planning Department if such deviations are so minor so as not to require the submission or review of new plans. All fees shall be non-refundable. Changes to an approved site plan which are necessary to relocate approved building square footage or parking areas due to the exercise of the power of eminent domain by the City shall be considered minor deviations and design modifications for the purposes of this section and, in addition, shall not be assessed any additional fee.

Section 12. **Amendment to Article IX, Section 2(c)(4).** Article IX, Section 2 of the Composite Zoning Ordinance is hereby amended to add subsection (c) as follows:

(c) Minor Site Development Permit

(1) Projects that include minor site activity similar to those listed in Section 1(b), Article IX of this ordinance may be eligible for a minor site development permit. To be eligible, such projects may increase the impervious cover by no more than 1,000 square feet. In addition, a minor site development permit application shall be submitted for review in conformance with all information and materials required by the most recent minor site development permit application/checklist.

(2) A professional recovery fee as set forth in Appendix A shall be required at the time of site development permit exemption application submittal.

Section 13. **Conflicting Ordinances.** Exhibit "A", Article 14.200, Leander Code of Ordinances and of Ordinance No. 05-018-00 is amended as provided herein. All ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance as adopted herein, are hereby amended to the extent of such conflict. In the event of a conflict or inconsistency between this ordinance and any other code or ordinance of the City, the terms and provisions of this ordinance shall govern.

Section 14. **Savings Clause.** All rights and remedies of the City of Leander are expressly saved as to any and all violations of the provisions of any ordinances affecting zoning within the City which have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

Section 15. **Effective Date.** 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 and the City Charter.

Section 16. **Severability**. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and, if any phrase, sentence, paragraph or section of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation of this ordinance of any such invalid phrase, clause, sentence, paragraph or section. If any provision of this Ordinance shall be adjudged by a court of competent jurisdiction to be invalid, the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision, and to this end the provisions of this Ordinance are declared to be severable.

Section 17. **Open Meetings.** 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.

PASSED AND APPROVED on the 20th day of November, 2014.
PASSED AND FINALLY APPROVED on the 4th day of December, 2014.

THE CITY OF LEANDER, TEXAS	**ATTEST:**
_____	_____
Christopher Fielder, Mayor	Debbie Haile, City Secretary

Executive Summary

December 4, 2014

Council Agenda Subject: Consider Dedication and Acceptance of Subdivision Infrastructure Improvements for: **Travisso Section 1, Phase 2**

Background: The subdivision infrastructure improvements required for Travisso Section 1, Phase 2 have been installed, inspected, and found to be satisfactorily completed. All documentation required for acceptance of the subdivision has been received, including record drawings, statement of substantial completion prepared by a Professional Engineer licensed in the State of Texas, copies of all inspection reports and certified test results, electronic files of the improvements and final plat, affidavit of all bills paid, and a two-year term Maintenance Bond. The Maintenance Bond will commence its two year term upon City Council acceptance, as anticipated, on December 4, 2014 which will provide warranty and maintenance coverage for the infrastructure improvements through December 4, 2016. The Engineering Department will perform a formal inspection of the improvements approximately 30 days prior to the expiration of the Maintenance Bond to assure that any defects in materials, workmanship, or maintenance are corrected prior to expiration of the bond.

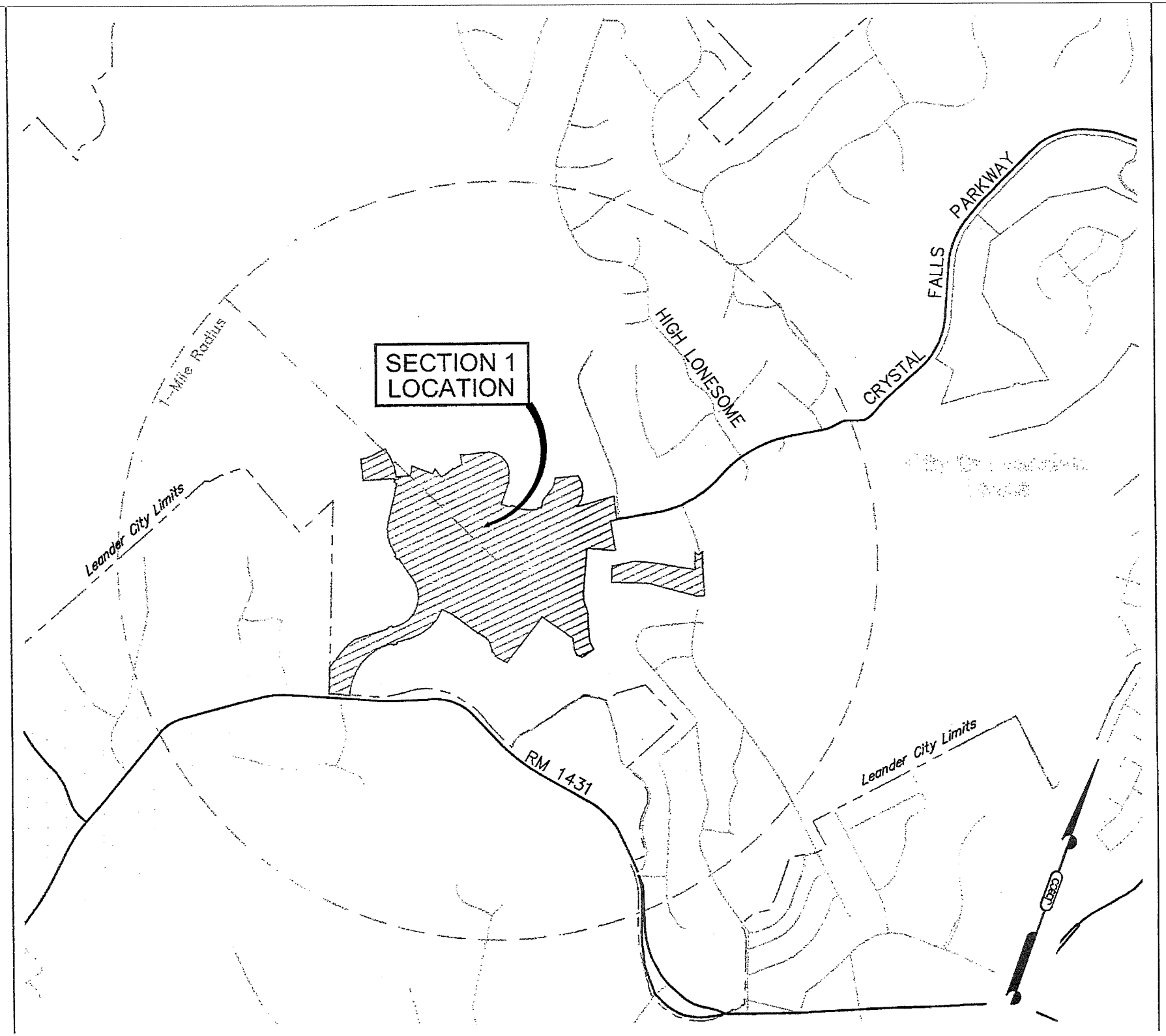
Origination: Wayne S. Watts, P.E., CFM, City Engineer

Financial Consideration: N/A

Recommendation: Staff recommends City Council's formal acceptance of the subdivision infrastructure improvements for Travisso Section 1, Phase 2.

Attachments: Location Map, Engineer's Concurrence Letter, Maintenance Bond, Affidavits of All Bills Paid, and Final Pay Estimates.

Prepared by: Wayne S. Watts, P.E., CFM, City Engineer


SECTION 1
LOCATION
1-Mile Radius
Leander City Limits
HIGH LONESOME
CRYSTAL FALLS PARKWAY
RM 1431
Leander City Limits

JAY ENGINEERING COMPANY, INC.
P.O. Box 1220
Leander, TX 78646
(512) 259-3882
Fax 259-8016
Texas Registered Engineering Firm F-4780

October 22, 2014

Wayne S. Watts, P.E., City Engineer
City of Leander
P.O. Box 319
Leander, Texas 78646

Re: Travisso Section 1, Phase 2
Street, Drainage, and Water Improvements
Certificate of Completion

Dear Mr. Watts:

I, the licensed professional engineer of record, have made a visual observation of the referenced project. I have also visited the site during construction, and observed the installation of street, drainage, water and wastewater improvements. Based on these observations and inspection/testing results, I hereby certify that the improvements are completed in substantial conformance with the approved plans and specifications.

If you should have any questions or need additional information in this regard, please let me know.

Sincerely,

STATE OF TEXAS
SAMUEL D. KIGER
89353
LICENSED
PROFESSIONAL ENGINEER

10-22-2014

Samuel D. Kiger, P.E.
SDK/s

PN 193-025-20

MAINTENANCE BOND
Subdivision Improvements

Bond No. 712983P

THE STATE OF TEXAS §

COUNTY OF WILLIAMSON §

KNOW ALL BY THESE PRESENTS, that Ross Construction, Inc. as Principal, whose address is PO Box 93188, Austin, TX 78709 and Developers Surety and Indemnity Company, a Corporation organized under the laws of the State of Iowa, and duly authorized to do business in the State of Texas, as Surety, are held and firmly bound unto the **City of Leander, Texas** as Obligee, in the penal sum of Seventy Six Thousand Nine Hundred Nine & 86/100's ($76,909.86) Dollars to which payment will and truly to be made we do bind ourselves, our and each of our heirs, executors, administrators, successors and assigns jointly and severally, firmly by these presents.

WHEREAS, the said Principal has constructed Travisso Section 1, Phase 2, Non-Reimbursable Street Improements (the "improvements") pursuant to the ordinances of the Obligee, which ordinances are hereby expressly made a part hereof as though the same were written and embodied herein;

WHEREAS, said Obligee requires that the Principal furnish a bond conditioned to guarantee for the period of two (2) years after acceptance by the Obligee, against all defects in workmanship and materials which may become apparent during said period;

NOW, THEREFORE, THE CONDITION OF THIS OBLIGATION IS SUCH that, if the Principal keeps and perform the requirement of the Obligee's ordinances and this Maintenance Bond to maintain the improvements and keep the same in good repair and shall indemnify the Obligee for all loss that the Obligee may sustain by reason of any defective materials or workmanship which become apparent during the period of two (2) years from and after the date of acceptance by the Owner, then this obligation shall be void, otherwise to remain in full force and effect, and Owner shall have and cover from said Principal and Surety damages in the premises, as provided, and it is further agreed that this obligation shall be a continuing one against the Principal and Surety hereon, and that successive recoveries may be had thereon for successive breaches until the full amount shall have been exhausted; and it is further understood that the obligation herein to maintain said improvements shall continue throughout the maintenance period, and the same shall not be diminished in any manner from any cause during said time..

Principal agrees to repair or reconstruct the improvements in whole or in part at any time within the two year period to such extent as the Obligee deems necessary to properly correct all defects except for normal wear and tear. If the Principal fails to make the necessary corrections within ten days after being notified, the Obligee may do so or have done all said corrective work and shall have recovery hereon for all expenses thereby incurred. Principal will maintain and keep in good repair the improvements for a period of two years from the date of acceptance; it being understood that the purpose of this Maintenance Bond is to cover all defective conditions arising by reason of defective material, work, or labor performed by said Principal or its subcontractors, and in the case the said Principal shall fail to do so within ten days after being

notified, it is agreed that the Obligee may do said work and supply such materials, and charge the same against Principal and Surety on this obligation.

The Surety shall notify the Obligee at least fifteen (15) days prior to the end of the first full calendar year and prior to the lapse of this Maintenance Bond at the end of the second full calendar year.

Surety and Principal agree that whenever a defect or failure of the improvement occurs within the period of coverage under this Bond, the Surety and Principal shall provide a new maintenance bond or other surety instrument in a form acceptable to the Obligee and compliant with the Obligee's ordinances conditioned to guarantee for the period of one (1) year after the Obligee's acceptance of the corrected defect or failure, against all defects in workmanship and materials associated with the corrected defect or failure which may become apparent during said period, which shall be in addition to this Maintenance Bond.

The Surety agrees to pay the Obligee upon demand all loss and expense, including attorneys' fees, incurred by the Obligee by reason of or on account of any breach of this obligation by the Surety. Provided further, that in any legal action be filed upon this bond, venue shall lie in the county where the improvements are constructed.

This Bond is a continuing obligation and shall remain in full force and effect until cancelled as provided for herein.

Surety, for value received, stipulates and agrees that no change, extension of time, alteration or addition to the improvements, or the work to the performed thereon, or the plans, specifications or drawings accompanying the same, shall in any way affect its obligation on this bond, and it does hereby waive notice of any such change, extension of time, alteration or addition to the improvements, or the work to be performed thereon.

IN WITNESS WHEREOF, the said Principal and Surety have signed and sealed this instrument this 23rd day of October, 2014 .

Ross Construction, Inc.
Principal

By: _____

Title: President

Address: _____

PO Box 93188
Austin, TX 78707

Developers Surety and Indemnity Company
Surety

By: _____

Title: John W. Schuler, Attorney-in-Fact

Address: _____

2591 Dallas Pkwy, Ste. 105
Frisco, TX 75034

The name and address of the Resident Agent of Surety is:

Time Insurance Agency, Inc.

1405 E. Riverside Drive, Austin, TX 78741

(Seal)

Bond Number: 712983P

POWER OF ATTORNEY FOR
DEVELOPERS SURETY AND INDEMNITY COMPANY
PO Box 19725, IRVINE, CA 92623 (949) 263-3300

KNOW ALL BY THESE PRESENTS that except as expressly limited, DEVELOPERS SURETY AND INDEMNITY COMPANY, does hereby make, constitute and appoint:

John W. Schuler, Walter E. Benson Jr., Steven W. Dobson, jointly or severally

as its true and lawful Attorney(s)-in-Fact, to make, execute, deliver and acknowledge, for and on behalf of said corporation, as surety, bonds, undertakings and contracts of suretyship giving and granting unto said Attorney(s)-in-Fact full power and authority to do and to perform every act necessary, requisite or proper to be done in connection therewith as each of said corporation could do, but reserving to each of said corporation full power of substitution and revocation, and all of the acts of said Attorney(s)-in-Fact, pursuant to these presents, are hereby ratified and confirmed

This Power of Attorney is granted and is signed by facsimile under and by authority of the following resolution adopted by the Board of Directors of DEVELOPERS SURETY AND INDEMNITY COMPANY, effective as of January 1st, 2008.

RESOLVED, that a combination of any two of the Chairman of the Board, the President, any Executive Vice-President, Senior Vice-President or Vice-President of the corporation be, and that each of them hereby is, authorized to execute this Power of Attorney, qualifying the attorney(s) named in the Power of Attorney to execute, on behalf of the corporation, bonds, undertakings and contracts of suretyship; and that the Secretary or any Assistant Secretary of the corporation be, and each of them hereby is, authorized to attest the execution of any such Power of Attorney;

RESOLVED, FURTHER, that the signatures of such officers may be affixed to any such Power of Attorney or to any certificate relating thereto by facsimile, and any such Power of Attorney or certificate bearing such facsimile signatures shall be valid and binding upon the corporation when so affixed and in the future with respect to any bond, undertaking or contract of suretyship to which it is attached.

IN WITNESS WHEREOF, DEVELOPERS SURETY AND INDEMNITY COMPANY has caused these presents to be signed by its officers and attested by its Secretary or Assistant Secretary this November 21, 2013

By: Daniel Young
Daniel Young, Senior Vice-President

By: _____
Mark J. Lansdon, Vice-President

DEVELOPERS SURETY AND INDEMNITY COMPANY CORPORATE OCT. 10 1936 IOWA

State of California
County of Orange

On November 21, 2013 (Date) before me Antonio Alvarado, Notary Public (Here Insert Name and Title of the Officer)

personally appeared Daniel Young and Mark J. Lansdon (Name(s) of Signer(s))

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

ANTONIO ALVARADO
COMM. # 2033556
NOTARY PUBLIC CALIFORNIA
ORANGE COUNTY
My comm. expires Aug. 9, 2017

Place Notary Seal Above

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal

Signature _____ Antonio Alvarado, Notary Public

CERTIFICATE

The undersigned, as Secretary or Assistant Secretary of DEVELOPERS SURETY AND INDEMNITY COMPANY does hereby certify that the foregoing Power of Attorney remains in full force and has not been revoked and, furthermore, that the provisions of the resolution of the Board of Directors of said corporation set forth in the Power of Attorney are in force as of the date of this Certificate.

This Certificate is executed in the City of Irvine, California, this 23rd day of Oct, 2014

By: Cassie J. Berrisford
Cassie J. Berrisford, Assistant Secretary

ID-1438(Rev 11/13)

IMPORTANT NOTICE

To obtain information or make a complaint:

You may call the Surety's toll free telephoen number for information or to make a complaint at:

1-800-782-1546

You may also write to the Surety at:

P.O. Box 19725
Irvine, CA 92623-9725

You may contact the Texas Department of Insurance to obtain information on companies, coverage, rights or complaints at:

1-800-252-3439

You may write the Texas Department of Insurance at:

P.O. Box 149104
Austin, TX 78714-9104
Fax# 512-475-1771
web: http://www.tdi.state.tx.us
E-mail: ConsumerProtection@tdi.state.tx.us

PREMIUM OR CLAIM DISPUTES: Should you have a dispute concerning your premium or about a claim you should contact the Surety first. If the dispute is not resolved, you may contact the Texas Department of Insurance.

ATTACH THIS NOTICE TO YOUR POLICY: This notice is for information only and does not become a part or condition of the attached document.

AVISO IMPORTANCE

Para obtener informacion o para someter una queja:

Usted puede llamar al numero de telefono gratis de para informacion o para someter una queja al:

1-800-782-1546

Usted tanbien puede escribir a Surety at:

P.O. Box 19725
Irvine, CA 92623-9725

Puede comunicarse con el Departamento de Seguros de Texas para obtener informacion acerca de companias, coberturas, derechos o quejas al:

1-800-252-3439

Puede escribir al Departmento de Seguros de Texas

P.O. Box 149104
Austin, TX 78714-9104
Fax# 512-475-1771
web: http://www.tdi.state.tx.us
E-mail: ConsumerProtection@tdi.state.tx.us

DISPUTAS SOBRE PRIMAS O RECLAMOS: Si tiene una disputa concerniente a su prima o a un reclamo, debe comunicarse con el Surety primero. Si no se resuelve la disputa, puede entonces comunicarrse con el departamento (TDI).

UNA ESTEAVISOA SU POLIZA: Este aviso es solo para proposito de informacion y no se convierte en parte o condicion del documento adjunto.

THE INSCO DICO GROUP

Insco Insurance Services, Inc.
Underwriting Manager for:
Developers Surety and Indemnity Company • Indemnity Company of California
17771 Cowan, Suite 100
Irvine, CA 92614
1-800-782-1546
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Project: CRYSTAL FALLS WEST, SECTION 1, PHASE 2, SUBD. IMP.
Contractor: Ross Construction, Inc.
Owner: Travisso, Ltd. By TMC GP, LLC, its General Partner

Pay Request No.: FOURTEEN
Pay Request Thru: 9/30/2014

	Payment Item	Original Contract Quantity	Change Order #1 Quantity	Change Order #2 Quantity	Change Order #3 Quantity	Change Order #4 Quantity	Revised Total Quantity	Unit	Unit Price	Original Contract Price	Revised Contract Price
	Erosion Controls / Restoration / Signs (021570-10)										
EC - 1	SILT FENCE	12,765					12765.00	LF	$ 2.00	$25,530.00	$25,530.00
EC - 2	TEMPORARY DIVERSION BERMS	15					15.00	EA	$ 500.00	$7,500.00	$7,500.00
EC - 3	ROCK BERMS	200					200.00	LF	$ 15.00	$3,000.00	$3,000.00
EC - 4	STABILIZED CONSTRUCTION ENT.	2					2.00	EA	$ 1,000.00	$2,000.00	$2,000.00
EC - 5	8" DIA. ROCK RIP-RAP	7					7.00	CY	$ 75.00	$525.00	$525.00
EC - 6	EROSION CONTROL BLANKET	240					240.00	SY	$ 3.00	$720.00	$720.00
EC - 7	TURF REINFORCEMENT MAT	565					565.00	SY	$ 5.00	$2,825.00	$2,825.00
EC - 8	RESTORATION AND REVEGETATI	1					1.00	LS	$ 190,000.00	$190,000.00	$190,000.00
	Subtotal Erosion Controls									**$232,100.00**	**$232,100.00**
	Clearing & Rough Cut Collector (021530-10)										
CE - 1	CLEAR AND GRUB ROW	4.1					4.10	AC	$ 7,500.00	$ 30,750.00	$30,750.00
CE - 2	CLEAR AND GRUB UTILITY EASEMENTS	1.6					1.60	AC	$ 7,500.00	$ 12,000.00	$12,000.00
CE - 3	ROW EXCAVATION	2,588					2588.00	CY	$ 8.00	$ 20,704.00	$20,704.00
CE - 4	ROW EMBANKMENT	33,964					33964.00	CY	$ 8.00	$ 271,712.00	$271,712.00
	Subtotal Clearing & Rough Cut									**$335,166.00**	**$335,166.00**
	Clearing & Rough Cut Local (021530-10)										
CE - 1	CLEAR AND GRUB ROW	10.8					10.80	AC	$ 2,500.00	$ 27,000.00	$27,000.00
CE - 3	ROW EXCAVATION	19,292					19292.00	CY	$ 8.00	$ 154,336.00	$154,336.00
CE - 4	ROW EMBANKMENT	11,415					11415.00	CY	$ 8.00	$ 91,320.00	$91,320.00
	Subtotal Clearing & Rough Cut									**$272,656.00**	**$272,656.00**
	Water Improvements (320100-10)										
W - 1	WATER AIR RELEASE ASSEMBLY	2					2.00	EA	$ 2,500.00	$5,000.00	$5,000.00
W - 2	8" PVC C900 DR 14 WATER LINE	5,920					5920.00	LF	$ 30.00	$177,600.00	$177,600.00
W - 3	8" GATE VALVE AND BOX	13					13.00	EA	$ 1,000.00	$13,000.00	$13,000.00
W - 4	8" WATER LINE CAP/PLUG	3					3.00	EA	$ 350.00	$1,050.00	$1,050.00
	8" PRESSURE REDUCING VALVE VAULT	0	1.0				1.00	EA	$ 15,755.00	$0.00	$15,755.00
W - 5	12" PVC C900 DR 14 WATER LINE	2,200					2200.00	LF	$ 45.00	$99,000.00	$99,000.00
W - 6	12" GATE VALVE AND BOX	2					2.00	EA	$ 1,500.00	$3,000.00	$3,000.00
W - 7	12" WATER LINE CAP/PLUG	0					0.00	EA	$ 500.00	$0.00	$0.00
W - 8	24" DI PC 250 WATER LINE	3,490	60.0				3550.00	LF	$ 115.00	$401,350.00	$408,250.00
W - 9	24" GATE VALVE AND BOX	8					8.00	EA	$ 20,000.00	$160,000.00	$160,000.00
W - 10	24" WATER LINE CAP/PLUG	1					1.00	EA	$ 2,500.00	$2,500.00	$2,500.00
W - 11	CONCRETE CAP, WATER	80					80.00	LF	$ 75.00	$6,000.00	$6,000.00
W - 12	CONNECTION TO EXISTING WATER LINE	1					1.00	EA	$ 2,500.00	$2,500.00	$2,500.00
W - 13	5-1/4" HYDRANT ASSEMBLY	30					30.00	EA	$ 3,200.00	$96,000.00	$96,000.00
W - 14	DOUBLE WATER SERVICE	88					88.00	EA	$ 1,100.00	$96,800.00	$96,800.00
W - 15	SINGLE WATER SERVICE	13					13.00	EA	$ 1,000.00	$13,000.00	$13,000.00
	Subtotal Water Improvements									**$1,076,800.00**	**$1,099,455.00**
	Wastewater Impr. (320120-10)										
WW - 1	2" PVC SDR 21 WW PRESSURE LINE	1,180					1180.00	LF	$ 15.00	$17,700.00	$17,700.00
WW - 2	2" WASTEWATER ISOLATION VALVE	1					1.00	EA	$ 600.00	$600.00	$600.00
WW - 3	2" FLUSHING CLEANOUT STATION (END OF LINE)	1					1.00	EA	$ 1,800.00	$1,800.00	$1,800.00
WW - 4	2" FORCE MAIN CAP/PLUG	0					0.00	EA		$0.00	$0.00

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WW - 5	4" PVC SDR 21 WW PRESSURE LINE	425					425.00		$ 16.00	$6,800.00	$6,800.00
WW - 6	4" WASTEWATER ISOLATION VALVE	2					2.00	EA	$ 700.00	$1,400.00	$1,400.00
WW - 6	4" FLUSHING CLEANOUT STATION (END OF LINE)	1					1.00	EA	$ 2,000.00	$2,000.00	$2,000.00
WW - 6	4" FORCE MAIN CAP/PLUG	0					0.00	EA		$0.00	$0.00
WW - 7	DOUBLE PRESSURE WW SERVICE	13					13.00	EA	$ 1,200.00	$15,600.00	$15,600.00
WW - 8	SINGLE PRESSURE WW SERVICE	2					2.00	EA	$ 1,100.00	$2,200.00	$2,200.00
WW - 9	WASTEWATER AIR RELEASE ASSEMBLY	1					1.00	EA	$ 3,000.00	$3,000.00	$3,000.00
WW - 10	8" SDR-26 WW Line (0-10' Depth)	6,175					6175.00	LF	$ 28.00	$172,900.00	$172,900.00
WW - 11	8" SDR-26 WW Line (10'-12' Depth)	582					582.00	LF	$ 31.00	$18,042.00	$18,042.00
WW - 12	8" SDR-26 WW Line (12'-14' Depth)	150					150.00	LF	$ 34.00	$5,100.00	$5,100.00
WW - 13	8" SDR-26 WW Line (14'-16' Depth)	120					120.00	LF	$ 39.00	$4,680.00	$4,680.00
WW - 14	8" SDR-26 WW Line (16'-18' Depth)	60					60.00	LF	$ 44.00	$2,640.00	$2,640.00
WW - 15	8" SDR-26 WW Line (18'-20' Depth)	133					133.00	LF	$ 49.00	$6,517.00	$6,517.00
WW - 16	8" SDR-26 WW Line (20'-22' Depth)	55					55.00	LF	$ 54.00	$2,970.00	$2,970.00
WW - 17	15" SDR-26 WW Line (0-10' Depth)	338					338.00	LF	$ 38.00	$12,844.00	$12,844.00
WW - 18	15" SDR-26 WW Line (10'-12' Depth)	248					248.00	LF	$ 41.00	$10,168.00	$10,168.00
WW - 19	15" SDR-26 WW Line (12'-14' Depth)	83					83.00	LF	$ 46.00	$3,818.00	$3,818.00
WW - 20	15" SDR-26 WW Line (14'-16' Depth)	100					100.00	LF	$ 53.00	$5,300.00	$5,300.00
WW - 21	15" SDR-26 WW Line (16'-18' Depth)	70					70.00	LF	$ 58.00	$4,060.00	$4,060.00
WW - 22	15" SDR-26 WW Line (18'-20' Depth)	50					50.00	LF	$ 68.00	$3,400.00	$3,400.00
WW - 23	15" SDR-26 WW Line (20'-22' Depth)	58					58.00	LF	$ 73.00	$4,234.00	$4,234.00
WW - 24	15" SDR-26 WW Line (22'-24' Depth)	60					60.00	LF	$ 78.00	$4,680.00	$4,680.00
WW - 25	15" SDR-26 WW Line (24'-26' Depth)	10					10.00	LF	$ 88.00	$880.00	$880.00
WW - 26	18" SDR-26 WW Line (0-10' Depth)	680					680.00	LF	$ 48.00	$32,640.00	$32,640.00
WW - 27	18" SDR-26 WW Line (10'-12' Depth)	433					433.00	LF	$ 53.00	$22,949.00	$22,949.00
WW - 28	18" SDR-26 WW Line (12'-14' Depth)	240					240.00	LF	$ 58.00	$13,920.00	$13,920.00
WW - 29	18" SDR-26 WW Line (14'-16' Depth)	237					237.00	LF	$ 63.00	$14,931.00	$14,931.00
WW - 30	18" SDR-26 WW Line (16'-18' Depth)	90					90.00	LF	$ 73.00	$6,570.00	$6,570.00
WW - 31	18" SDR-26 WW Line (18'-20' Depth)	272					272.00	LF	$ 78.00	$21,216.00	$21,216.00
WW - 32	18" SDR-26 WW Line (20'-22' Depth)	282					282.00	LF	$ 83.00	$23,406.00	$23,406.00
WW - 33	18" SDR-26 WW Line (22'-24' Depth)	0					0.00	LF	$ 93.00	$0.00	$0.00
WW - 34	STD Depth 4' WW Manhole with Coat	61					61.00	EA	$ 3,000.00	$183,000.00	$183,000.00
WW - 35	Extra Vertical Feet Manhole (Above 10') with Coating	155					155.00	LF	$ 350.00	$54,250.00	$54,250.00
WW - 36	8" WW Drop Connection to Manhole	16					16.00	EA	$ 2,600.00	$41,600.00	$41,600.00
WW - 37	Double Gravity WW Service	75					75.00	EA	$ 1,300.00	$97,500.00	$97,500.00
WW - 38	Single Gravity WW Service	11					11.00	EA	$ 1,100.00	$12,100.00	$12,100.00
WW - 39	CONCRETE CAP, WASTEWATER	40					40.00	LF	$ 75.00	$3,000.00	$3,000.00
	Subtotal Wastewater Impr.									**$840,415.00**	**$840,415.00**
	Reclaimed Water Improvements. (_____-__)										
RW - 1	6" PVC, C-900 DR 14 (Irrigation Line)	2,005					2005.00	LF	$ 20.00	$40,100.00	$40,100.00
RW - 2	6" Gate Valve and Box w/ Blue Lid (Irrigation Line)	7					7.00	EA	$ 750.00	$5,250.00	$5,250.00
RW -3	6" PVC, C-900 DR 14 Plug - (Irrigation Line)	7					7.00	EA	$ 200.00	$1,400.00	$1,400.00
RW -4	12" PVC, C-900 DR 14 (Irrigation Line)	1,870					1870.00	LF	$ 40.00	$74,800.00	$74,800.00
RW -5	12" Gate Valve and Box w/ Blue Lid - (Irrigation Line)	2					2.00	EA	$ 1,500.00	$3,000.00	$3,000.00
RW -6	12" PVC, C-900 DR 14 Plug - (Irrigation Line)	2					2.00	EA	$ 350.00	$700.00	$700.00

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RW -7	16" PVC, C-900 DR 14 (Irrigation Line)	3,485					3485.00	LF	$ 70.00	$243,950.00	$243,950.00
RW -8	16" Gate Valve and Box w/ Blue Lid - (Irrigation Line)	6					6.00	EA	$ 9,300.00	$55,800.00	$55,800.00
RW -9	16" PVC, C-900 DR 14 Plug - (Irrigation Line)	0					0.00	EA		$0.00	$0.00
	Subtotal Wastewater Impr.									**$425,000.00**	**$425,000.00**
	Drainage Impr. (320140-10)										
D - 1	10' CURB INLETS	38					38.00	EA	$ 2,700.00	$102,600.00	$102,600.00
D - 2	4' SS MANHOLE	17					17.00	EA	$ 3,000.00	$51,000.00	$51,000.00
D - 3	5' SS MANHOLE	2					2.00	EA	$ 3,300.00	$6,600.00	$6,600.00
D - 4	6' SS MANHOLE	1					1.00	EA	$ 3,500.00	$3,500.00	$3,500.00
D - 5	7' SS MANHOLE	1					1.00	EA	$ 15,000.00	$15,000.00	$15,000.00
D - 6	5' X 5' JUNCTION BOX	1					1.00	EA	$ 3,500.00	$3,500.00	$3,500.00
D - 7	6' X 6' JUNCTION BOX	1					1.00	EA	$ 4,000.00	$4,000.00	$4,000.00
D - 8	7' X 7' JUNCTION BOX	1					1.00	EA	$ 7,000.00	$7,000.00	$7,000.00
D - 9	8' X 8' JUNCTION BOX	1					1.00	EA	$ 9,000.00	$9,000.00	$9,000.00
D -10	18" CL III RCP	2,440					2440.00	LF	$ 37.00	$90,280.00	$90,280.00
D - 11	24" CL III RCP	4,575					4575.00	LF	$ 45.00	$205,875.00	$205,875.00
D - 12	30" CL III RCP	1,730					1730.00	LF	$ 50.00	$86,500.00	$86,500.00
D - 13	36" CL III RCP	125					125.00	LF	$ 82.00	$10,250.00	$10,250.00
D - 14	42" CL III RCP	500					500.00	LF	$ 120.00	$60,000.00	$60,000.00
D - 15	48" CL III RCP	320					320.00	LF	$ 138.00	$44,160.00	$44,160.00
D - 16	54" CL III RCP	325					325.00	LF	$ 201.00	$65,325.00	$65,325.00
D - 17	60" CL III RCP	135					135.00	LF	$ 235.00	$31,725.00	$31,725.00
D - 18	7' X 4' BOX CULVERT	50					50.00	LF	$ 500.00	$25,000.00	$25,000.00
D - 19	24" SS CAP/PLUG	3					3.00	EA	$ 500.00	$1,500.00	$1,500.00
D - 20	42" SS CAP/PLUG	1					1.00	EA	$ 800.00	$800.00	$800.00
D - 21	4' X 4' GRATE INLET	2					2.00	EA	$ 3,000.00	$6,000.00	$6,000.00
D - 22	4' X 4' AREA INLET	1					1.00	EA	$ 3,500.00	$3,500.00	$3,500.00
D - 23	24" HEADWALL W/ DISSIPATORS	1					1.00	EA	$ 2,500.00	$2,500.00	$2,500.00
D - 24	30" HEADWALL	1					1.00	EA	$ 3,000.00	$3,000.00	$3,000.00
D - 25	30" HEADWALL W/ DISSIPATORS	1					1.00	EA	$ 3,500.00	$3,500.00	$3,500.00
D - 26	DIVERSION BERMS	136					136.00	LF	$ 20.00	$2,720.00	$2,720.00
D - 27	NATURAL VEGETATED FILTER STRIP LEVEL SPREADER	542					542.00	LF	$ 30.00	$16,260.00	$16,260.00
D - 28	Water Quality/ Detention Pond #22 incl Sediment Forebay, Headwalls, Wingwalls, Spillways, Piping, Diversion Berms, Level Spreaders, Rock Rip-Rap	1					1.00	LS	$ 205,000.00	$205,000.00	$205,000.00
D -29	Water Quality/ Detention Pond #23 incl Sediment Forebay, Sloped End Treatment, Spillways, Piping, Diversion Berms, Level Spreaders, Rock Rip-Rap, 6" PVC Pipe from Pond #47 from Sta 4+00 to End	1					1.00	LS	$ 225,000.00	$225,000.00	$225,000.00
D - 30	Water Quality/ Detention Pond #46 incl Sediment Forebay, Sloped End Treatment, Spillways, Piping, Diversion Berms, Level Spreaders, Rock Rip-Rap	1					1.00	LS	$ 150,000.00	$150,000.00	$150,000.00
	Subtotal Drainage Impr.									**$1,441,095.00**	**$1,441,095.00**
	Lot Improvements										
L - 1	INSTALL OWNER SUPPLIED STREET/STOP SIGN	3		2.0			5.00	EA	$ 350.00	$1,050.00	$1,750.00

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	SUPPLY STREET/STOP SIGN	0		5.0			5.00	EA	$ 453.00	$0.00	$2,265.00
	SUPPLY AND INSTALL STREET						4.00	EA	$ 1,800.00	$7,200.00	$7,200.00
L - 2	BARRICADE	4					400.00	LF	$ 30.00	$12,000.00	$12,000.00
L - 3	METAL BEAM GUARD FENCE	400					4.00	EA	$ 2,500.00	$10,000.00	$10,000.00
L - 4	Terminal Anchor Section	4					4.00	EA	$ 2,000.00	$8,000.00	$8,000.00
L - 5	Transition from MBGF to Bridge Rail	4					1.00	LS	###########	$1,250,000.00	$1,250,000.00
L - 6	Good Night Trail Bridge	1					12932.00	SY	$ 2.00	$25,864.00	$25,864.00
L - 7	SUBGRADE PREPARATION	12,932					12932.00	SY	$ 9.50	$122,854.00	$122,854.00
L - 8	10" FLEX. BASE	12,932					11080.00	SY	$ 10.50	$116,340.00	$116,340.00
L - 9	2" HMAC	11,080					5494.00	LF	$ 9.00	$49,446.00	$49,446.00
L - 10	CURB AND GUTTER	5,494					1.00	LS	$ 7,000.00	$7,000.00	$7,000.00
L - 11	STREET STRIPING	1		(16.0)			0.00	EA	$ 2,500.00	$40,000.00	$0.00
L - 12	STREET LIGHTS	16					2475.00	LF	$ 20.00	$49,500.00	$49,500.00
L - 13	5' SIDEWALK	2,475					8.00	EA	$ 850.00	$6,800.00	$6,800.00
L - 14	ADA RAMPS	8									
	Subtotal Lot Improvements									**$1,706,054.00**	**$1,669,019.00**
	Electric Improvements (162510-10)										
E - 1	Joint Trench and Backfill for Gas Electric and Telecommunications	3,041					3041.00	LF	$ 8.00	$24,328.00	
E - 2	3" Electric Conduit per PEC Specs, incl fittings and pull string	1,106					1106.00	LF	$ 3.50	$3,871.00	
E - 3	3" Electric Sweeps incl concrete thrust blocks	20					20.00	EA	$ 25.00	$500.00	
E - 4	4" Electrical Conduit per PEC Specs, inclu fittings and pull string	4,977	(3,288.0)				1689.00	LF	$ 4.00	$19,908.00	
E - 5	4" Electric Sweeps incl concrete thrust blocks	6					6.00	EA	$ 35.00	$210.00	
E - 6	Sectionalizing Enclosure	2					2.00	EA	$ 800.00	$1,600.00	
E - 7	Transformer Pads	5					5.00	EA	$ 1,200.00	$6,000.00	
E - 8	Handhole Small 13 X 24	14					14.00	EA	$ 500.00	$7,000.00	
E - 8	Handhole Large	0					0.00	EA	$ 750.00	$0.00	
E - 8	Meter Pedestal	0					0.00	EA	$ 350.00	$0.00	
E - 9	Electrical Vaults 72"x144" per PEC Spec	1					1.00	EA	$ 15,000.00	$15,000.00	
	New Street Light Pole Fixtures	0		16.0			16.00	EA	$ 5,674.50	$0.00	
	Light Pole Assembly and Wiring	0		16.0			16.00	EA	$ 1,250.00	$0.00	
	New Concrete Foundation	0		16.0			16.00	EA	$ 830.50	$0.00	
	2" Conduit	0		1,889.0			1889.00	LF	$ 2.09	$0.00	
	Meter Pedestals	0		4.0			4.00	EA	$ 350.00	$0.00	
	Subtotal Electric Improvements									**$78,417.00**	**$0.00**
	Gas Improvements (125230-10)										
G - 1	Bedding and Backfill and Tracer Wire	900		(900.0)			0.00	LF	$ 4.50	$4,050.00	
G - 2	3/4" Gas Service Line	600		(600.0)			0.00	LF	$ 6.00	$3,600.00	
G - 3	2" Gas Main per Atmos Energy Specs	2,974		(2,974.0)			0.00	LF	$ 5.00	$14,870.00	
G - 4	8" Gas Main per Atmos Energy Specs	2,675		(2,675.0)			0.00	LF	$ 20.00	$53,500.00	
G - 5	Gas Service Riser	13		(13.0)			0.00	EA	$ 220.00	$2,860.00	
G - 6	Connect to Existing Gas Mainline	1		(1.0)			0.00	EA	$ 3,000.00	$3,000.00	
G - 6	Crossing Casing	0					0.00	LF	$ 10.00	$0.00	
	Subtotal Gas Improvements									**$81,880.00**	**$0.00**
	Misc. Improvements (____-__)										
M - 1	TRENCH SAFETY PLAN	1					1.00	LS	$ 25,000.00	$25,000.00	$25,000.00

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Pay Request No.: FOURTEEN
Pay Request Thru: 9/30/2014

	Payment Item	Original Contract Quantity	Change Order #1 Quantity	Change Order #2 Quantity	Change Order #3 Quantity	Change Order #4 Quantity	Revised Total Quantity	Unit	Unit Price	Original Contract Price	Revised Contract Price
M - 2	Preparation of SWPPP and Inspection and Maintenance of Erosion and Sedimentation Controls in Accordance With TCEQ Requirements	1					1.00	LS	$ 15,000.00	$15,000.00	$15,000.00
M - 3	TEMPORARY CONSTRUCTION ACCESS ROAD	1					1.00	LS	$ 20,000.00	$20,000.00	
	Subtotal Misc. Improvements									**$60,000.00**	**$40,000.00**
	Access Road Street Improvements										
	Silt Fence	0	820.0				820.00	LF	$ 2.00	$0.00	
	Diversion Berm	0	790.0				790.00	LF	$ 20.00	$0.00	
	Rock Berm	0	110.0				110.00	LF	$ 15.00	$0.00	
	30" CI III RCP	0	492.0				492.00	LF	$ 50.00	$0.00	
	30" RCP Outfall	0	1.0				1.00	EA	$ 3,500.00	$0.00	
	Level Spreader	0	18.0				18.00	LF	$ 30.00	$0.00	
	4 x 4 Grate Inlet	0	1.0				1.00	EA	$ 3,000.00	$0.00	
	Clear and Grub ROW	0	1.8				1.80	AC	$ 2,500.00	$0.00	
	ROW Excavation	0	1,054.0				1054.00	CY	$ 8.00	$0.00	
	ROW Embankment	0	4,713.0				4713.00	CY	$ 8.00	$0.00	
	Subgrade Prep	0	1,982.0				1982.00	SY	$ 2.00	$0.00	
	10" Compacted Base	0	1,982.0				1982.00	SY	$ 9.50	$0.00	
	1-1/2" HMAC	0	1,699.0				1699.00	SY	$ 9.50	$0.00	
	Street Gate	0	1.0				1.00	EA	$ 3,000.00	$0.00	
	Subtotal Access Road Street Improvements									**$0.00**	**$0.00**
	Access Road Wet Utilities										
	8" PVC C900 DR 14 (Reclaimed WL)	0	638.0				638.00	LF	$ 30.00	$0.00	
	8" Gate Valve (Reclaimed Water)	0	2.0				2.00	EA	$ 1,100.00	$0.00	
	8" PVC C900 DR 14 Plug (Reclaimed Water)	0	1.0				1.00	EA	$ 350.00	$0.00	
	12" PVC C900 DR14 (Reclaimed Water)	0	318.0				318.00	LF	$ 40.00	$0.00	
	12" Gate Valve (Reclaimed Water)	0	1.0				1.00	EA	$ 1,500.00	$0.00	
	12" Reclaimed WL Meter, Valve and Vault	0	1.0				1.00	EA	$ 15,780.00	$0.00	
	16" DI (Reclaimed Water)	0	378.0				378.00	LF	$ 95.00	$0.00	
	18" DI (Reclaimed Water)	0	295.0				295.00	LF	$ 100.00	$0.00	
	18" Gate Valve (Reclaimed Water)	0	1.0				1.00	EA	$ 15,765.00	$0.00	
	12" DI (Reclaimed Water)	0	55.0				55.00	LF	$ 55.00	$0.00	
	4" Gate Valve (Reclaimed Water)	0	1.0				1.00	EA	$ 1,100.00	$0.00	
	12" PVC C900 DR 14 (Raw Water)	0	189.0				189.00	LF	$ 40.00	$0.00	
	8" PVC C900 DR14 Water Line	0	74.0				74.00	LF	$ 30.00	$0.00	
	8" Gate Valve w Blue Lid	0	2.0				2.00	EA	$ 1,000.00	$0.00	
	8" DI Water Line	0	15.0				15.00	LF	$ 52.00	$0.00	
	24" DI Water Line	0	1,275.0				1275.00	LF	$ 115.00	$0.00	
	24" Gate Valve w Blue Lid	0	1.0				1.00	EA	$ 20,000.00	$0.00	
	24" DI Plug	0	1.0				1.00	EA	$ 2,500.00	$0.00	
	2" PVC SDR 21 WW Pressure Line	0	332.0				332.00	LF	$ 15.00	$0.00	
	2" Force main Cap Plug	0	1.0				1.00	EA	$ 200.00	$0.00	
	8" SDR 26 WW 0-10	0	1,295.0				1295.00	LF	$ 28.00	$0.00	
	STD Depth 4' Dia. Manhole	0	6.0				6.00	EA	$ 3,000.00	$0.00	
	Subtotal Access Road Wet Utilities									**$0.00**	**$0.00**

Project: CRYSTAL FALLS WEST, SECTION 1, PHASE 2, SUBD. IMP.
Contractor: Ross Construction, Inc.
Owner: Travisso, Ltd. By TMC GP, LLC, its General Partner

Pay Request No.: FOURTEEN
Pay Request Thru: 9/30/2014

Payment Item	Original Contract Quantity	Change Order #1 Quantity	Change Order #2 Quantity	Change Order #3 Quantity	Change Order #4 Quantity	Revised Total Quantity	Unit	Unit Price	Original Contract Price	Revised Contract Price
Goodnight Trail Dry Utilities										
3" Electric Conduit Per PEC Specs	0	4,906.0				4906.00	LF	$ 3.50	$0.00	
3" Electric Sweeps	0	11.0				11.00	EA	$ 25.00	$0.00	
4" Electric Sweeps	0	27.0				27.00	EA	$ 35.00	$0.00	
4"Electric Conduit	0	0.0				0.00	LF	$ 4.00	$0.00	
Transformer Pad	0	2.0				2.00	EA	$ 1,200.00	$0.00	
Handhole Small 13 x 24	0	4.0				4.00	EA	$ 500.00	$0.00	
Handhole Large	0	1.0				1.00	EA	$ 750.00	$0.00	
Meter Pedestal	0	1.0				1.00	EA	$ 350.00	$0.00	
Electric Vaults 72" x 144"	0	1.0				1.00	EA	$ 15,000.00	$0.00	
Bedding Backfill Tracer Wire	0	2,029.0	1,163.0			3192.00	LF	$ 4.50	$0.00	
3/4" Gas Service Line	0	70.0	480.0			550.00	LF	$ 6.00	$0.00	
2" Gas Main per Atmos Energy Specs	0	(2,836.0)	2,936.0			100.00	LF	$ 5.00	$0.00	
8" Gas Main per Atmos Energy Specs	0		2,542.0			2542.00	LF	$ 20.00	$0.00	
Gas Service Riser	0	1.0	16.0			17.00	EA	$ 220.00	$0.00	
Connect to Existing Gas	0		1.0			1.00	EA	$ 3,000.00	$0.00	
Casing Pipe	0	0.0	550.0			550.00	LF	$ 10.00	$0.00	
Subtotal Goodnight Trail Dry Utilities									**$0.00**	**$0.00**
Access Road Dry Utilities										
Joint Trench & Backfill for Electric & Telecommunications	0	1,481.0				1481.00	LF	$ 8.00	$0.00	
3" Electric Conduit Per PEC Specs	0	4,206.0				4206.00	LF	$ 3.50	$0.00	
3" Electric Sweeps	0	21.0				21.00	EA	$ 25.00	$0.00	
Transformer Pad	0	2.0				2.00	EA	$ 1,200.00	$0.00	
Handhole Large	0	1.0				1.00	EA	$ 750.00	$0.00	
Bedding, Backfil and Tracer Wirel for Gas	0	1,806.0	(152.0)			1654.00	LF	$ 4.50	$0.00	
Casing Pipe for Gas Crossings	0	120.0	(120.0)			0.00	LF	$ 10.00	$0.00	
3/4" Gas Service Line	0		40.0			40.00	LF	$ 6.00	$0.00	
8" Gas Main per Atmos Energy	0	1,252.0	364.0			1616.00	LF	$ 20.00	$0.00	
Gas Service Riser	0	3.0	1.0			4.00	EA	$ 220.00	$0.00	
Connect to Existing Gas Main	0	1.0				1.00	EA	$ 3,000.00	$0.00	
Subtotal Access Road Dry Utilities									**$0.00**	
TOTAL CONTRACT AMOUNT									**$6,549,583.00**	**$6,354,906.00**
10% MAINTENANCE BOND AMOUNT										**$635,490.60**
3.5% INSPECTION FEES										**$222,421.71**
INSPECTION FEES FOR NON-REIMBURSABLES										**$26,918.45**
TOTAL INSPECTION FEES										**$249,340.16**
INSPECTION FEES PAID										**$246,182.11**
INSPECTION FEES OWED										**$3,158.05**

STATE OF TEXAS
SAMUEL D. KIGER
89353
LICENSED
PROFESSIONAL ENGINEER

10-15-14

Project: CRYSTAL FALLS WEST, SECTION 1, PHASE 2, SUBD. IMP.
Contractor: Ross Construction, Inc.
Owner: Travisso, Ltd. By TMC GP, LLC, its General Partner

Non-Reimbursable
Pay Request No.: EIGHT
Pay Request Thru: 9/30/2014

	Payment Item	Original Contract Quantity	Change Order #1 Quantity	Change Order #2 Quantity	Change Order #3 Quantity	Change Order #4 Quantity	Revised Total Quantity	Unit	Unit Price	Original Contract Price	Revised Contract Price
	Model Home Park Clearing (021530-10)										
CE - 1	LOT CLEAR AND GRUB	0	6.3				6.30	AC	$ 2,500.00	$ -	
CE - 3	LOT EXCAVATION	0	15,367.0				15367.00	CY	$ 8.00	$ -	
CE - 4	LOT EMBANKMENT	0	12,076.0				12076.00	CY	$ 8.00	$ -	
	Subtotal Clearing & Rough Cut									**$0.00**	
	Street Improvements - Local Streeets and Private Drives										
L - 1	INSTALL OWNER SUPPLIED STREET/STOP SIGN	25					25.00	EA	$ 350.00	$8,750.00	$8,750.00
L - 2	SUPPLY AND INSTALL STREET BARRICADE	0					0.00	EA	$ 1,800.00	$0.00	$0.00
L - 7	SUBGRADE PREPARATION	30,048					30048.00	SY	$ 2.00	$60,096.00	$60,096.00
L - 8	8" FLEX. BASE	30,048					30048.00	SY	$ 7.60	$228,364.80	$228,364.80
L - 9	1-1/2" HMAC	28,032					28032.00	SY	$ 8.40	$235,468.80	$235,468.80
L - 10	CURB AND GUTTER	16,306					16306.00	LF	$ 9.00	$146,754.00	$146,754.00
L - 10	MOUNTABLE CURB	1,780					1780.00	LF	$ 9.00	$16,020.00	$16,020.00
L - 11	CONCRETE VALLEY GUTTER	60					60.00	LF	$ 60.00	$3,600.00	$3,600.00
L - 12	4' SIDEWALK	1,665					1665.00	LF	$ 20.00	$33,300.00	$33,300.00
L - 13	ADA RAMPS	12					12.00	EA	$ 800.00	$9,600.00	$9,600.00
L - 14	STREET STRIPING	1					1.00	LS	$ 2,700.00	$2,700.00	$2,700.00
L - 15	SUPPLY STREET AND STOP SIGNS	0		25.0			25.00	EA	$ 453.00	$0.00	$11,325.00
	Subtotal Lot Improvements									**$744,653.60**	**$755,978.60**
	Electric Improvements (162510-10)										
E - 1	Joint Trench and Backfill for Gas Electric and Telecommunications	10,340		4,159.0			14499.00	LF	$ 8.00	$82,720.00	
E - 2	3" Electric Conduit per PEC Specs, incl fittings and pull string	9,321		10,433.0			19754.00	LF	$ 3.50	$32,623.50	
E - 3	3" Electric Sweeps incl concrete thrust blocks	53		(122.0)			-69.00	EA	$ 25.00	$1,325.00	
E - 4	4" Electrical Conduit per PEC Specs, inclu fittings and pull string	6,951	-	633.0			7584.00	LF	$ 4.00	$27,804.00	

Project: CRYSTAL FALLS WEST, SECTION 1, PHASE 2, SUBD. IMP.
Contractor: Ross Construction, Inc.
Owner: Travisso, Ltd. By TMC GP, LLC, its General Partner

Non-Reimbursable
Pay Request No.: EIGHT
Pay Request Thru: 9/30/2014

	Payment Item	Original Contract Quantity	Change Order #1 Quantity	Change Order #2 Quantity	Change Order #3 Quantity	Change Order #4 Quantity	Revised Total Quantity	Unit	Unit Price	Original Contract Price	Revised Contract Price
E - 5	4" Electric Sweeps incl concrete thrust blocks	10		(11.0)			-1.00	EA	$ 35.00	$350.00	
E - 6	Sectionalizing Enclosure	2		(1.0)			1.00	EA	$ 800.00	$1,600.00	
E - 7	Transformer Pads	24		1.0			25.00	EA	$ 1,200.00	$28,800.00	
E - 8	Handhole Small 13 X 24	98		(7.0)			91.00	EA	$ 500.00	$49,000.00	
E - 8A	Handhole Large	0		1.0			1.00	EA	$ 850.00	$0.00	
E - 8B	Meter Pedestal	0		4.0			4.00	EA	$ 350.00	$0.00	
E - 9	Electrical Vaults 72"x144" per PEC Spec	1					1.00	EA	$ 15,000.00	$15,000.00	
	Subtotal Electric Improvements									**$239,222.50**	**$0.00**
	Gas Improvements (125230-10)										
G - 1	Bedding and Backfill and Tracer Wire	1,500		10,746.0			12246.00	LF	$ 4.50	$6,750.00	
G - 2	3/4" Gas Service Line	5,000		(2,651.0)			2349.00	LF	$ 5.00	$25,000.00	
G - 3	2" Gas Main per Atmos Energy Specs	12,900		(3,003.0)			9897.00	LF	$ 4.50	$58,050.00	
G - 4	8" Gas Main per Atmos Energy Specs	2,100		(2,100.0)			0.00	LF	$ 20.00	$42,000.00	
G - 5	Gas Service Riser	87		11.0			98.00	EA	$ 200.00	$17,400.00	
G - 6	Connect to Existing Gas Mainline	0		2.0			2.00	EA	$ 3,000.00	$0.00	
G - 7	Crossing Casing	0		1,800.0			1800.00	LF	$ 10.00	$0.00	
	Subtotal Gas Improvements									**$149,200.00**	**$0.00**
	Misc. Improvements (_____-__)										
M - 1	ENTRY GATE	1			(1.0)		0.00	LS	$ 30,000.00	$30,000.00	$0.00
	Subtotal Misc. Improvements									**$30,000.00**	**$0.00**
	Construction Trailer Lot										
	Silt Fence	0			1.0		1.00	LS	$ 500.00	$0.00	
	Clear and Grub	0			1.0		1.00	LS	$ 1,800.00	$0.00	
	Quality Controlled Earthwork	0			1.0		1.00	LS	$ 24,888.00	$0.00	
	Retaining Wall	0			1.0		1.00	LS	$ 39,300.00	$0.00	
	8" Base for Driveway	0			1.0		1.00	LS	$ 2,665.00	$0.00	
	8" Base for Parking Area	0			1.0		1.00	LS	$ 2,450.00	$0.00	
	Construction Trailer Lot Improvements									**$0.00**	**$0.00**

Project: CRYSTAL FALLS WEST, SECTION 1, PHASE 2, SUBD. IMP.
Contractor: Ross Construction, Inc.
Owner: Travisso, Ltd. By TMC GP, LLC, its General Partner

Non-Reimbursable
Pay Request No.: EIGHT
Pay Request Thru: 9/30/2014

Payment Item	Original Contract Quantity	Change Order #1 Quantity	Change Order #2 Quantity	Change Order #3 Quantity	Change Order #4 Quantity	Revised Total Quantity	Unit	Unit Price	Original Contract Price	Revised Contract Price
Model Home Parking Lots										
Lot 1 Blk M Base, Hot Mix, Striping	0			3,800.0		3800.00	SF	$ 4.50	$0.00	
Ribbon Curb	0			280.0		280.00	LF	$ 14.95	$0.00	
Parking Bumpers	0			20.0		20.00	EA	$ 75.00	$0.00	
Lot 5, Blk A, Base, Hot Mix, Striping	0			8,225.0		8225.00	SF	$ 4.50	$0.00	
ADA Walkway	0			1.0		1.00	EA	$ 1,200.00	$0.00	
Ribbon Curb	0			400.0		400.00	LF	$ 14.95	$0.00	
Parking Bumpers	0			20.0		20.00	EA	$ 75.00	$0.00	
Model Home Parking Improvements									**$0.00**	**$0.00**
Flat Iron Court Work										
Cart Path	0			310.0		310.00	LF	$ 40.00	$0.00	$12,400.00
Drive Approach	0			12.0		12.00	LF	$ 60.00	$0.00	$720.00
Flat Iron Court Improvements									**$0.00**	**$13,120.00**
Total Contract										**$769,098.60**
10% MAINTENANCE BOND AMOUNT										**$76,909.86**
3.5% INSPECTION FEES										**$26,918.45**

STATE OF TEXAS
SAMUEL D. KIGER
89353
LICENSED
PROFESSIONAL ENGINEER

10-15-14

FINAL BILLS PAID AFFIDAVIT
AND CONDITIONAL WAIVER OF LIEN

STATE OF TEXAS
COUNTY OF TRAVIS

Date:

Owner: TRAVISSO

Contractor/Material
Provider ("Affiant"): ROSS CONSTRUCTION, INC.

Project: TRAVISSO SEC. 1 PHASE 2, NON-REIMBURSABLE STREET IMPROVEMENTS

This is to acknowledge and certify that Affiant has completed the construction of all improvements for the project noted above and that they have been paid in full for all labor and material provided to the above-noted construction project, and acknowledge and certify that Affiant, and all of his or its agents, employees, successors, assigns, subsidiaries, and legal representatives will release and waive all Mechanic's liens, or similar lien rights, which have or might arise as a result of the Affiant's or Affiant's agents' or employees' providing labor and materials to the above-noted project, conditioned upon final payment by the owner and pursuant to the Contract.

In addition to the foregoing, Affiant acknowledges and certifies that Affiant has paid all laborers, subcontractors, materialmen, and all other persons or parties who have provided labor or materials through, for, or on behalf of the Affiant to the above-noted construction project.

Affiant indemnifies and holds Owner harmless from any liens, debts or obligations which arise as a result of labor or materials provided by or through Affiant to the project through the date set out above. Affiant further indemnifies and holds harmless all real property on which the improvements were constructed and all interests in such property, including leasehold interests, from any liens, debts, or obligations arising from any labor or materials provided by or through Affiant to the project through the date set out above.

SUBSCRIBED AND SWORN TO BY Affiant on this 4TH day of OCT_____, 2014____.

AFFIANT:

Signature: _____

Typed Name: ___NED ROSS_____

Title: PRESIDENT_____

Initialed: _____

STATE OF TEXAS

COUNTY OF _TRAVIS_____

BEFORE ME the undersigned authority on this day personally appeared ____NED ROSS _____, known to me to be the person noted above, and acknowledged to me the following: that he/she executed the foregoing for the purpose and consideration therein expressed, in the capacity therein stated, and as the duly authorized act and deed of the party releasing and waiving the lien therein; and that every statement therein is within his/her knowledge and is true and correct.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 4TH day of OCT__, 2014___.

[S E A L]

GLORIA RENNAKER
NOTARY PUBLIC
STATE OF TEXAS
EXPIRES
06/21/2017

_____

_____

Notary in and for the State of Texas

Name:

My commission expires:

Initialed: _____

FINAL BILLS PAID AFFIDAVIT
AND CONDITIONAL WAIVER OF LIEN

STATE OF TEXAS
COUNTY OF TRAVIS

Date:

Owner: TRAVISSO

Contractor/Material
Provider ("Affiant"): ROSS CONSTRUCTION, INC.

Project: TRAVISSO SEC. 1 PHASE 2, REIMBURSABLES, WATER, WASTEWATER, STREET AND DRAINAGE IMPROVEMENTS INCLUDING TRENCH BACKFILL

This is to acknowledge and certify that Affiant has completed the construction of all improvements for the project noted above and that they have been paid in full for all labor and material provided to the above-noted construction project, and acknowledge and certify that Affiant, and all of his or its agents, employees, successors, assigns, subsidiaries, and legal representatives will release and waive all Mechanic's liens, or similar lien rights, which have or might arise as a result of the Affiant's or Affiant's agents' or employees' providing labor and materials to the above-noted project, conditioned upon final payment by the owner and pursuant to the Contract.

In addition to the foregoing, Affiant acknowledges and certifies that Affiant has paid all laborers, subcontractors, materialmen, and all other persons or parties who have provided labor or materials through, for, or on behalf of the Affiant to the above-noted construction project.

Affiant indemnifies and holds Owner harmless from any liens, debts or obligations which arise as a result of labor or materials provided by or through Affiant to the project through the date set out above. Affiant further indemnifies and holds harmless all real property on which the improvements were constructed and all interests in such property, including leasehold interests, from any liens, debts, or obligations arising from any labor or materials provided by or through Affiant to the project through the date set out above.

SUBSCRIBED AND SWORN TO BY Affiant on this 4TH day of OCT_____, 2014____.

AFFIANT:

Signature: _____

Typed Name: ___NED ROSS_____

Initialed: _____

Title: PRESIDENT_____

STATE OF TEXAS

COUNTY OF _TRAVIS_____

BEFORE ME the undersigned authority on this day personally appeared _____NED ROSS_____, known to me to be the person noted above, and acknowledged to me the following: that he/she executed the foregoing for the purpose and consideration therein expressed, in the capacity therein stated, and as the duly authorized act and deed of the party releasing and waiving the lien therein; and that every statement therein is within his/her knowledge and is true and correct.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 4TH day of OCT___, 2014___.

[S E A L]

GLORIA RENNAKER
NOTARY PUBLIC
STATE OF TEXAS
EXPIRES
06/21/2017

_____
Notary in and for the State of Texas

Name:

My commission expires:

Initialed: _____

Executive Summary

December 4, 2014

Council Agenda Subject: Consideration of Award of Construction Contract for Traffic Signal Pole Installation for Old 2243 at Bagdad Road

Background: This work consists of the installation of three of four new traffic signal masts and mast arms at the intersection of Old 2243 West and Bagdad Road. This work must be performed in conjunction with PEC's scheduled transmission line outage as the mast foundation drilling rig cannot maintain the PEC required minimum safety distance of 25 feet from the 147,000 volt transmission line. Installation of these proposed traffic signals on the northwest, northeast and southwest corners of Old 2243 West at Bagdad Road are a required first step for the Hero Way (Old 2243 West) roadway improvements.

Installation of Drilled Shafts must be completed on or before January 21, 2015. The work will be substantially completed (all signal masts and mast arms installed) on or before March 25, 2015 and completed on or before April 15, 2015.

Bids will be (were) opened at 2:00 P.M. on Tuesday, December 2, 2014. The compressed time schedule for this project requires a deviation from our typical timeline for bidding and awarding projects.

Origination: Wayne S. Watts, P.E., CFM, City Engineer

Financial Consideration: To be determined

Recommendation: Staff will recommend the award of construction contract for the Traffic Signal Pole Installation for Old 2243 at Bagdad Road to the lowest responsible bidder at the Council Meeting.

Attachments: Bid tabulations and Engineer's recommendation of award will be distributed prior to the Council Meeting.

Prepared by: Wayne S. Watts, P.E., CFM, City Engineer

AGENDA ITEM # 14

Executive Summary

December 04, 2014

Agenda Subject:	Zoning Case 14-Z-029: Hold a public hearing and consider action on the rezoning of two tracts of land, for 53.985 acres more or less, located at 10744 E. Crystal Falls Parkway, WCAD Parcels # R031201 & R080605. Currently, the property is zoned Interim SFR-1-B (Single Family Rural) and the applicant is proposing to zone the property GC-2-A (General Commercial), Leander, Williamson County, Texas.
Background:	This request is the second step in the rezoning process.
Origination:	Applicant: Bowman Consulting (W.L. Gabler) on behalf of Premas Global Leander, LLC
Financial Consideration:	None
Recommendation:	None
Motion:	No action required applicant postponed the request.
Attachments:	1. Postponement Letter
Prepared By:	Tom Yantis, AICP Assistant City Manager 11/25/2014

ATTACHMENT 1

Bowman
CONSULTING

November 21, 2014

Robin Griffin, AICP
City of Leander Planning Department
104 North Brushy Street
Leander, Texas 78646-0319

RE: Request for an indefinite postponement for Planning Commission's hearing on the pending Zoning Case for the Global Village project

Dear Ms. Griffin,

Bowman Consulting Group, Ltd., on behalf of our client Premas Global Leander, LLC, hereby requests an indefinite postponement for the Planning Commission's hearing on the pending zoning case for the Global Village project. The application was submitted on October 24, 2014 and the item has been placed on the November 25, 2014 agenda for Planning Commission consideration. Please provide an e-mail or response letter with a confirmation that this zoning case will not be placed on the City Council agenda until the Planning Commission holds a public hearing and makes a recommendation.

If you have any questions, please feel free to call me at (512) 327-1180.

Sincerely,

Bill Gabler, P.E.
Senior Project Manager
BOWMAN CONSULTING GROUP, LTD.

cc: Tom Yantis, AICP, Director of Planning, City of Leander (via e-mail)
Debbie Haile, City Secretary, City of Leander (via e-mail)
Paige Saenz, Knight & Partners (via e-mail)

AGENDA ITEM # 15

Executive Summary

December 04, 2014

Agenda Subject: Zoning Case 14-Z-030: Hold a public hearing and consider action on the rezoning of two tracts of land, for 51.84 acres more or less, generally located at 1208 S Bagdad Road, WCAD Parcels R031330 and R031331. Currently the property is zoned MF-2-B (Multi-Family) and GC-3-C (General Commercial), and the applicant is proposing to zone the property SFC-2-B (Single Family Compact), Leander, Williamson County, Texas. Applicant: Fred C. Lockwood on behalf of Kaymac V. LTP.

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

Origination: Applicant: Fred C. Lockwood, P.E. on behalf of KAYMAC V, LTD

Financial Consideration: None

Recommendation: See Planning Analysis. The Planning & Zoning Commission unanimously recommended approval of the request at the November 26, 2014 Meeting.

Attachments:

1. Planning Analysis
2. Current Zoning Map
3. Proposed Zoning Map
4. Aerial Map
5. Letter of Intent
6. Ordinance
7. Minutes–Planning & Zoning Commission November 25, 2014

Prepared By: Tom Yantis, AICP
Assistant City Manager 11/26/2014

PLANNING ANALYSIS

ZONING CASE 14-Z-029
GLOBAL VILLAGE REZONING

GENERAL INFORMATION

Owner: KAYMAC V, LTD

Current Zoning: MF-2-B (Multi-Family)
GC-3-C (General Commercial)

Proposed Zoning: SFC-2-B (Single-Family Compact)

Size and Location: The property located at 1208 S Bagdad Road and includes approximately 51.84 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 LC-2-A	Established Single-Family Subdivision (Mason Creek) Established Commercial Use (Funeral Home)
EAST	SFU/MH-2-B	Established Single-Family Subdivision (High Chaparral)
SOUTH	SFU/MH-2-B	Established Single-Family Subdivision (High Chaparral)
WEST	PUD GC-3-C LC-2-B SFU-2-B	Planned Unit Development with a GC-3-B Base Zoning District (NW Soccer Club) Commercially Zoned Land Utilized for Single-Family Established Church Established Single-Family Subdivision (Mason Creek)

COMPOSITE ZONING ORDINANCE & SMARTCODE INTENT STATEMENTS

SFC – SINGLE FAMILY COMPACT:

Features: 5,500 sq. ft. lot min.; 1,100 sq. ft. living area min.

Intent: Development of single-family detached dwellings on small lots and for other compatible and complimentary uses. The purpose of this component is to provide regulations to maintain and protect the City's single-family residences and neighborhoods in areas with small lot sizes. Such components are generally intended to offer variety in housing opportunities and in the fabric of the neighborhoods, and to be developed on a moderate scale with a maximum district size of seventy-five (75) acres.

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 B:

Features: 85% masonry 1st 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:

- 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.
- Residential neighborhoods are the predominate land use within the City and it's ETJ. Neighborhoods are primarily composed of single-family detached housing and include other compatible uses including parks, schools, and places of worship. Neighborhoods may be low to moderate density depending upon the topography and the feasibility of providing organized sewer service. Areas with steep topography, flood plain or other natural features that are intended to be preserved and served by on-site sewage systems will be the lowest density while areas that are relatively flat and where organized sewer systems are feasible will be of medium density. Residential neighborhoods provide connections to each other and to neighborhood, community and town center nodes. A variety of lot and house sizes are encouraged within residential neighborhoods.

ANALYSIS:

The applicant is requesting to rezone the property to SFC-2-B (Single-Family Compact) in order to allow for the development of a residential community at this location. There are established single-family neighborhoods located to the north, east, south, and west with commercial zoning located along Bagdad Road.

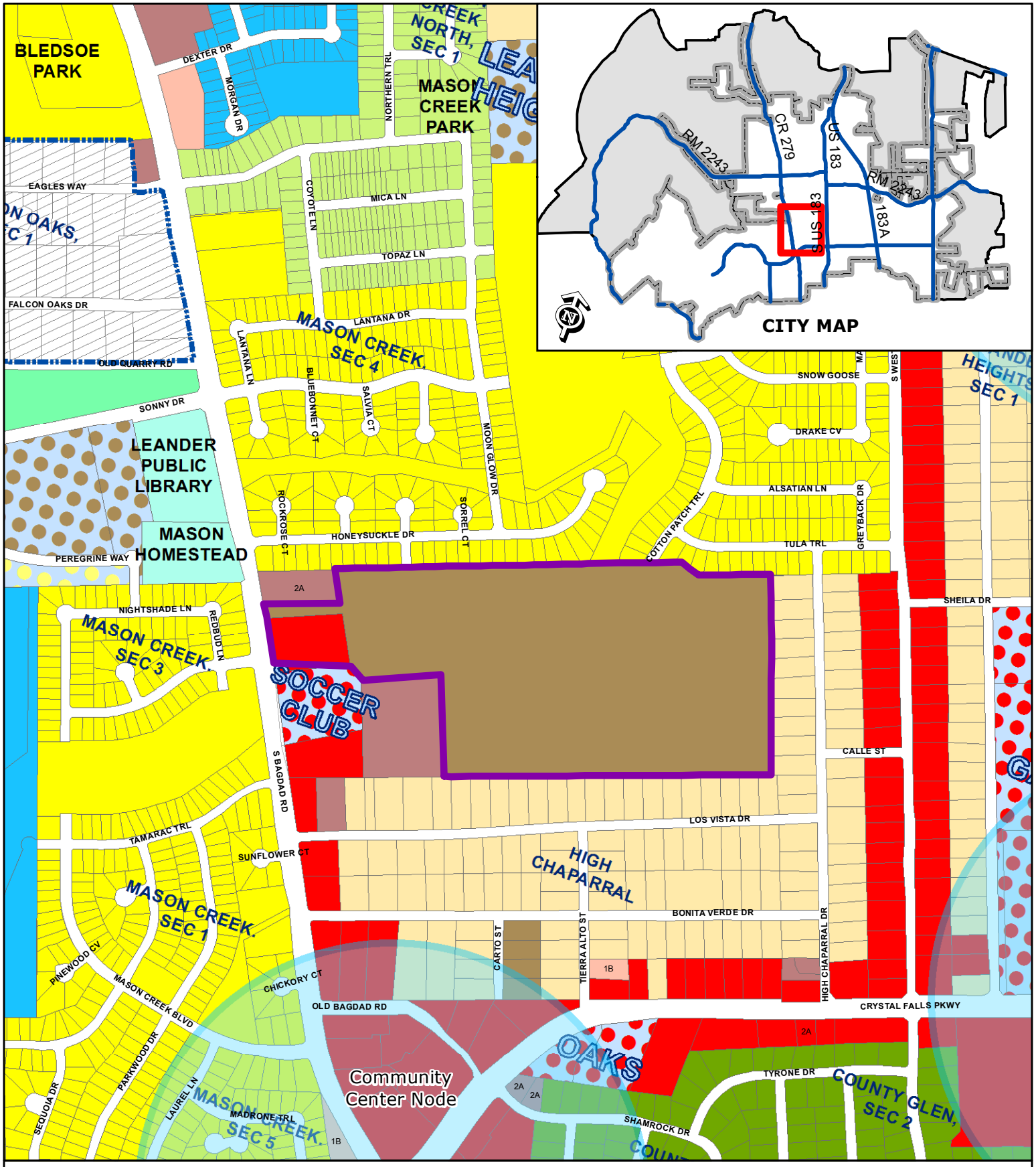
The proposed SFC use component would permit the development of single-family lots with a minimum lot width of fifty (50') feet for interior lots and sixty (60') feet for corner lots. The minimum lot square footage is 5,500 square feet.

The Type B architectural component requires that the homes consist of eight-five (85%) percent masonry for the first story walls and fifty (50%) percent masonry on second story walls.

This property is located within the area designated for residential neighborhoods on the Future Land Use Map. Residential neighborhoods are the predominate land use within the City and it's ETJ. Neighborhoods are primarily composed of single-family detached housing and include other compatible uses including parks, schools, and places of worship. Neighborhoods may be low to moderate density depending upon the topography and the feasibility of providing organized sewer service. Residential neighborhoods provide connections to each other and to neighborhood, community and town center nodes. A variety of lot and house sizes are encouraged within residential neighborhoods.

STAFF RECOMMENDATION:

Staff recommends approval of the zoning request. The requested zoning district is compatible with the surrounding properties. This request meets the goals of the Comprehensive Plan and the intent statements of the Composite Zoning Ordinance.



ZONING CASE 14-Z-030

Attachment #2

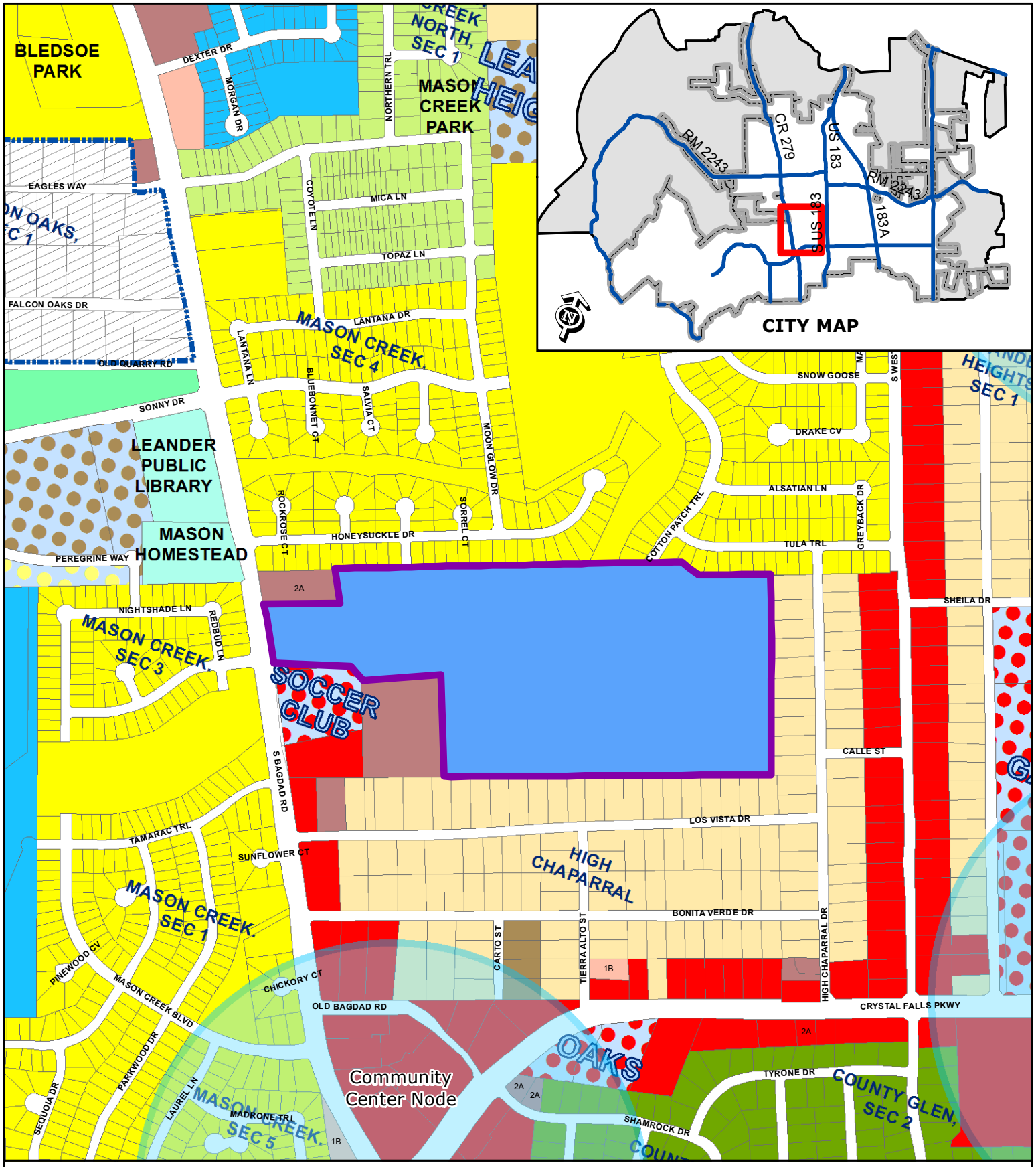
Current Zoning Map
Trails of Leander

N

Subject Property
City Limits

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

0 200
Feet



ZONING CASE 14-Z-030

Attachment #3

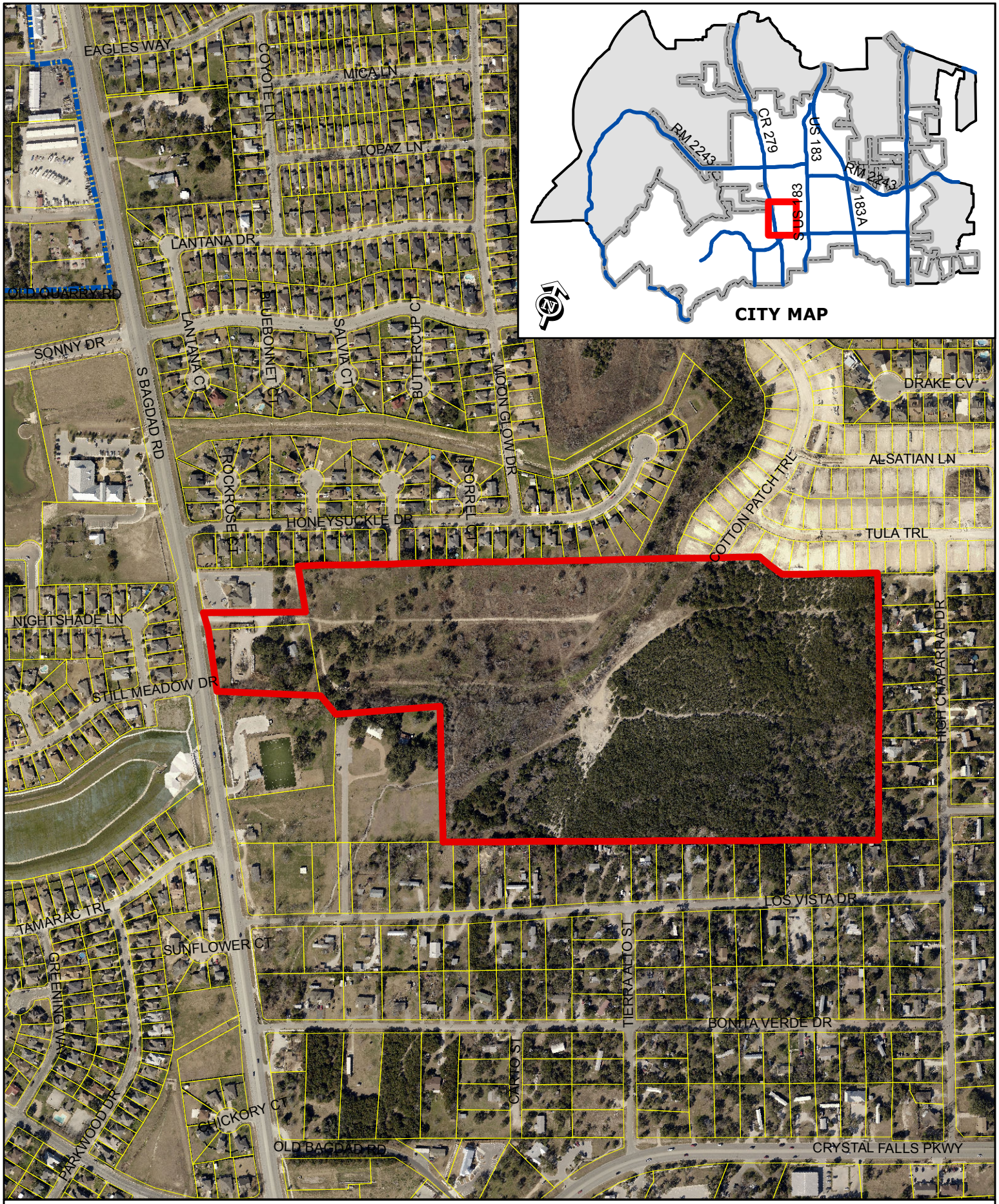
Proposed Zoning Map
Trails of Leander

N

Subject Property
City Limits

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

0 200
Feet



ZONING CASE 14-Z-030 Attachment #4

Aerial Exhibit - Approximate Boundaries
Trails of Leander

0 200
Feet

Subject Property
City Limits

LOCKWOOD ENGINEERS, INC.
CIVIL ENGINEERING & PLANNING
(512) 260-9100
FAX (512) 260-9101

November 21, 2014

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

Subject: Trails of Leander – Zoning Change Request Letter of Intent LE#14-1006

Dear Ms. Griffin:

Trails of Leander is a 51.839 acre tract located adjacent to the eastern side of Bagdad Road approximately 0.1 miles south of Honeysuckle Drive. The tract is bordered on the west by Bagdad Road and several commercial tracts, on the south and east by High Chaparral, Section 5, and on the north by Magnolia Creek, Section 5 and Mason Creek, Section 1 and Section 4-A.

Bagdad Road is shown on the City of Leander Roadway Plan to be a major arterial with a 100 feet wide ROW. The 100 feet wide ROW appears to exist along the frontage of this tract. Two roadways stub into the tract from the north. Winecup Drive stubs from Mason Creek, Section 4-A and is a local street with a 50' ROW and a 30' F-F section. Cotton Patch Trail stubs from Magnolia Creek, Section 5 and is a residential collector street with a 60' ROW and a 40' F-F section. The tract is not located along or near the intersection of any existing or proposed major roadways. The small amount of frontage on Bagdad Road combined with being almost completely surrounded by existing single-family residential development support residential use and zoning of the Trails of Leander tract.

Residential zoning is requested for the tract as follows:

SFC-2-B: SINGLE-FAMILY COMPACT

Thank you for your consideration of this zoning change request.

Sincerely,

Anthony Goode, P.E.

413 S. WEST DR. • LEANDER, TEXAS 78641
e-mail: info@lockwood-eng.com

ORDINANCE NO #

ORDINANCE OF THE CITY OF LEANDER, TEXAS, AMENDING THE ZONING ORDINANCE BY REZONING SEVERAL PARCELS OF LAND FROM MF-2-B (MULTI-FAMILY) AND GC-3-C (GENERAL COMMERCIAL) TO SFC-2-B (SINGLE-FAMILY COMPACT); 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 portion of a parcel of land, which is herein referred to as the "Property." That certain portion of a parcel of land being 51.84 acres, more or less, generally located at 1208 S. Bagdad Road in Leander, Williamson County, Texas, being more particularly described in Exhibit "A", legally described as 51.84 acres out of the E.D. Harmon Survey Abstract 6; identified by tax identification numbers R031330 and R031331; more particularly described in document number 2006023732 and 2007010848 recorded in the Williamson County Official Public Records.

Section 4. Property Rezoned. The Zoning Ordinance is hereby amended by changing the zoning district for the Property from MF-2-B (Multi-Family) and GC-3-C (General Commercial) to SFC-2-B (Single-Family Compact) 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 4th day of December, 2014.
FINALLY PASSED AND APPROVED on this the 18th day of December, 2014.

THE CITY OF LEANDER, TEXAS	**ATTEST:**
_____	_____
Christopher Fielder, Mayor	Debbie Haile, City Secretary

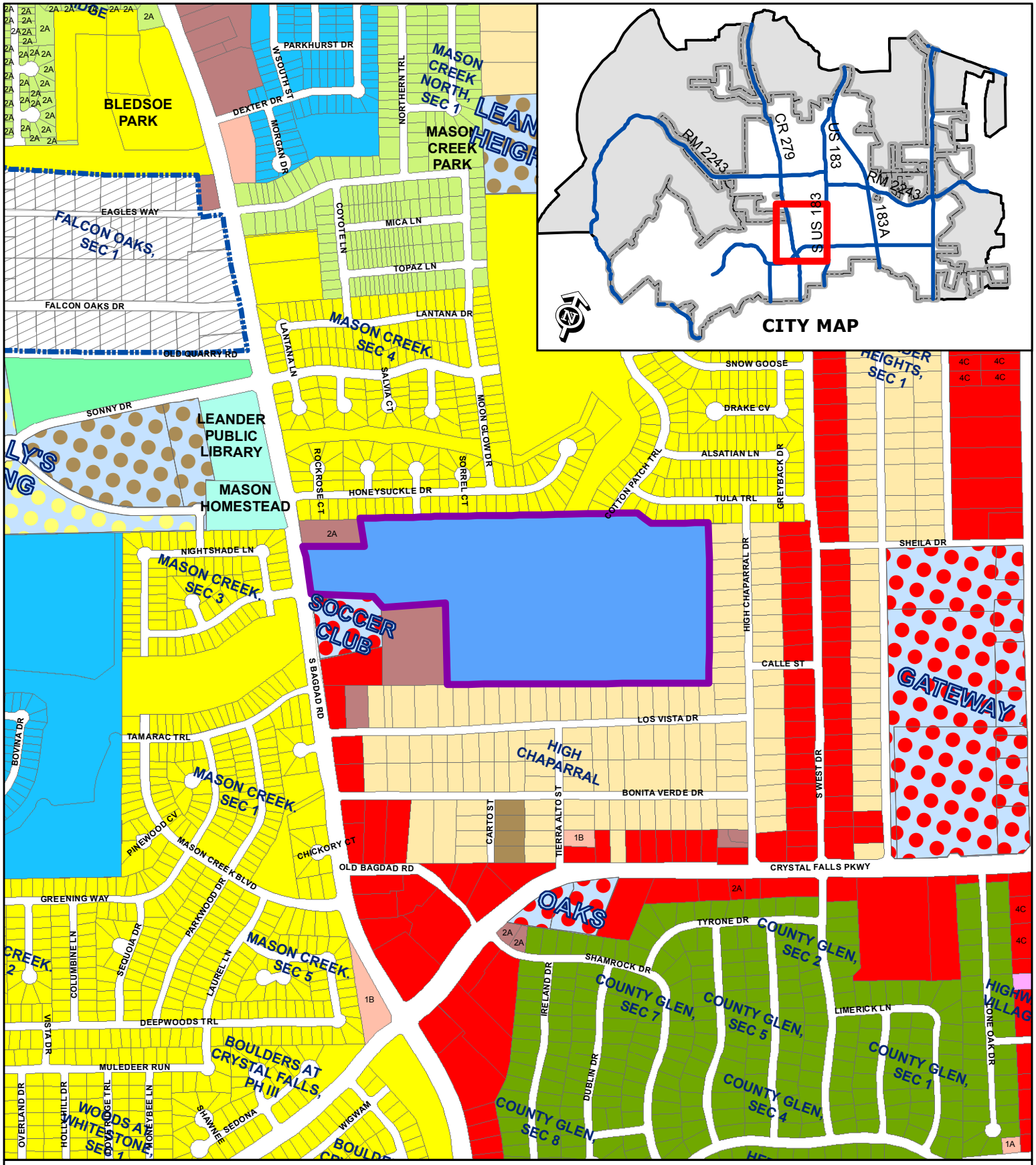


EXHIBIT A

Zoning Case 14-Z-030

Proposed Zoning Map
Trails of Leander

N

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
Feet

5. Review meeting protocol.
   Chairman Seiler referred to the meeting protocol.

6. Citizen Communications - Three (3) minutes of time is allowed, per speaker
   No citizens wished to speak

Consent Agenda

7. Subdivision Case 14-FP-011: Consider action on the Borho Phase 4 Final Plat for 14.231 acres more or less; WCAD Parcel # 234648; generally located on the northeast corner of the intersection of Blended Tree Ranch Dr. and Privacy Hedge St., Williamson County, Texas. Applicant/Agent: James A. Huffcut, P.E. (Pape Dawson Engineers) on behalf of Meritage Homes of Texas, LLC.

   Motion made by Commissioner Anderson to approve the consent agenda items, Seconded by Commissioner Sokol. Motion passed unanimously.

Public Hearing

8. Zoning Case 14-Z-029: Hold a public hearing and consider action on the rezoning of two tracts of land, for 53.985 acres more or less, located at 10744 E. Crystal Falls Parkway, WCAD Parcels # R031201 & R080605. Currently, the property is zoned Interim SFR-1-B Single Family Rural) and the applicant is proposing to zone the property GC-2-A (General Commercial), Leander, Williamson County, Texas. Applicant: Bowman Consulting (W.L. Gabler) on behalf of Premas Global Leander, LLC

   Postponed

9. Zoning Case 14-Z-030: Hold a public hearing and consider action on the rezoning of two tracts of land, for 51.84 acres more or less, generally located at 1208 S Bagdad Road, WCAD Parcels R031330 and R031331. Currently the property is zoned MF-2-B (Multi-Family) and GC-3-C (General Commercial), and the applicant is proposing to zone the property SFC-2-B (Single Family Compact), Leander, Williamson County, Texas. Applicant: Fred C. Lockwood on behalf of Kaymac V. LTD.

   a) Staff Presentation

   Robin Griffin, Senior Planner, discussed the request & surrounding land uses and stated that staff reviewed the request and it has staff approval.

   b) Applicant Presentation

   Fred C. Lockwood was present for questions.

   c) Open Public Hearing

   Chairman Seiler opened the public hearing.
   No one wished to speak.

d) Close Public Hearing

Chairman Seiler closed the public hearing.

e) Discussion

Some discussion took place.

f) Consider Action

Commissioner Sokol moved to approve the staff recommendation of the SFC-2-B (Single-Family Compact) zoning district, Commissioner Wixson seconded the motion. Motion passed unanimously.

10. Meeting Adjourned at **7:18 p.m.**

_____
Chairman Seiler

ATTEST: _____
Ellen Pizalate, P & Z Secretary

AGENDA ITEM # 16

Executive Summary

December 4, 2014

Agenda Subject: A Resolution of the City of Leander, Texas, accepting a petition for annexation of approximately 35.48 acres of land located in Williamson County, Texas; setting an annexation schedule; providing for open meetings and other related matters.

Background: The resolution accepts the petition for voluntary annexation for the tracts of land as shown on the attached maps. The properties include seven tracts of land totaling approximately 35.48 acres along Ronald W. Reagan Blvd. south of Highway 29 at the intersection of Kaufman Loop. The resolution sets the two public hearings for January 15, 2015 and January 29, 2015. The first reading of the ordinance is scheduled for February 19, 2015 and the second and final reading is scheduled for March 5, 2015.

Origination: Applicants

Recommendation: Staff recommends approving the resolution

Attachments:

1. Resolution with exhibits
2. Annexation schedule
3. Location maps
4. Annexation petition

Prepared by: Tom Yantis, AICP
Assistant City Manager

11/12/2014

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF LEANDER, TEXAS, ACCEPTING THE PETITION FOR ANNEXATION OF A 35.48, MORE OR LESS, ACRES LAND LOCATED IN WILLIAMSON COUNTY, TEXAS; SETTING AN ANNEXATION SCHEDULE; PROVIDING FOR OPEN MEETINGS AND OTHER RELATED MATTERS.

WHEREAS, the owner of certain property located within Williamson County, Texas, has petitioned the City of Leander, Texas, (herein the "City"), a home-rule City, for annexation of said property, more particularly described herein (the "subject property"), into the City limits;

WHEREAS, the subject property is contiguous and adjacent to the corporate limits of the City and the owners have made application for annexation;

WHEREAS, after review and consideration of such petition for annexation, the City Council finds that the property is exempt from the City's annexation plan pursuant to § 43.052 (h)(2) of the *Local Government Code*; and,

WHEREAS, the petitioner has agreed and consented to the annexation of the subject property by the City and further agreed to be bound by all acts, ordinances, and all other legal action now in force and effect within the corporate limits of the City and all those which may be hereafter adopted, as modified by that certain Agreement Regarding Consent To Creation Of Municipal Utility Districts And Development Of The Wedemeyer Ranch between the City, Barkley Wedemeyer ("Wedemeyer"), and Leander Municipal Utility Districts Nos. 1, 2, and 3 (the "MUDS") signed by the City on December 30, 2008 and by Wedemeyer on December 5, 2008, as it may be amended from time to time (the "Development Agreement");

NOW, THEREFORE, BE IT RESOLVED 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. Proceedings. The petition for annexation of the following property, including the abutting streets, roadways, and rights of way, not previously annexed into the City and the draft services plan shown in Exhibit "B", submitted by Petitioner, are hereby accepted:

> All those certain tracts or parcels of land being 35.48 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.

Two public hearings are set for the dates of January 15, 2015 and January 29, 2015. Notice of such hearings shall be posted and the hearings shall be open to the public to accept public comment on

the annexation request.

Section 3. **Severability.** Should any section or part of this Resolution be held unconstitutional, illegal, or invalid, or the application to any person or circumstance 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 Resolution are declared to be severable.

Section 4. **Open Meetings.** It is hereby officially found and determined that the meeting at which this Resolution 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 this the 20th day of November, 2015.

ATTEST:

THE CITY OF LEANDER, TEXAS

Debbie Haile, City Secretary

Christopher Fielder, Mayor

Exhibit "A"

PROPERTY DESCRIPTIONS

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, the subject property is subject to that certain Agreement Regarding Consent To Creation Of Municipal Utility Districts And Development Of The Wedemeyer Ranch between the City, Barkley Wedemeyer ("Wedemeyer" or "the Developer")), and Leander Municipal Utility Districts Nos. 1, 2, and 3 (the "MUDS") signed by the City on December 30, 2008 and by Wedemeyer on December 5, 2008, and subsequent amendments (the "Consent Agreement");

WHEREAS, the City and Wedemeyer are parties to that certain Memorandum of Agreement dated February 6, 2014, amended on May 15, 2014 and as it may be subsequently amended, providing for the City and the District to construct certain water infrastructure to provide water to the subject property and the rest of the Wedemeyer development (the "MOA");

WHEREAS, infrastructure provided for herein and that are 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 within 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 to the GC-3-C zoning district upon request of the landowner or staff; provided that the subject property shall be entitled to developed with the uses and the development standards set forth in the GC-3-C zoning district. Development of the property shall comply with the uses and development standards for the GC-3-C zoning district as set forth in the City's zoning regulations. 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. It is the City Council's intent to zone the subject property at the Owner's request to the GC-3-C zoning district.

(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 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. The subject property's 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 property as required in City ordinances, except as otherwise provided in the MOA. Upon acceptance of the water lines within the subject property 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.

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) Wastewater service will be provided to the subject property in accordance with the Consent Agreement and applicable ordinances, regulations and policies of the City and State of Texas in effect from time to time (except as modified by the Consent Agreement).

(iii) The property owner may request interim wastewater service from the City pending completion of the wastewater facilities to be constructed under the Consent Agreement (the "Permanent Facilities"). In the event of a request for interim wastewater service under this subsection, wastewater service will be provided to the subject property, or applicable portions thereof, by the City in accordance with the applicable ordinances, rules and regulations for the provision of wastewater service; and subject to the terms of any wholesale wastewater service agreements or similar agreements (the "Interlocal Agreements") that may apply to the subject property. Such request shall be subject to all the ordinances, regulations, Interlocal Agreements, and policies of the City in effect from time to time for the extension of wastewater service. The subject property's owner shall construct the internal wastewater lines and any required on-site facilities and pay the costs of line extensions and construction of facilities necessary to extend interim wastewater service to the subject property. The property owner will design and construct the internal facilities, and to the extent possible, the off-site facilities so that such facilities can be connected to the Permanent Facilities after completion. Upon acceptance of the wastewater lines and facilities within the subject property 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, Interlocal Agreements, 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 applicable to the service area in which the subject property is located. The ordinances in effect at the time a request for service is submitted shall govern the costs and request for service.

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: The capital improvements planned to serve the

subject property are set forth in the Consent Agreement and the MOA. 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.

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

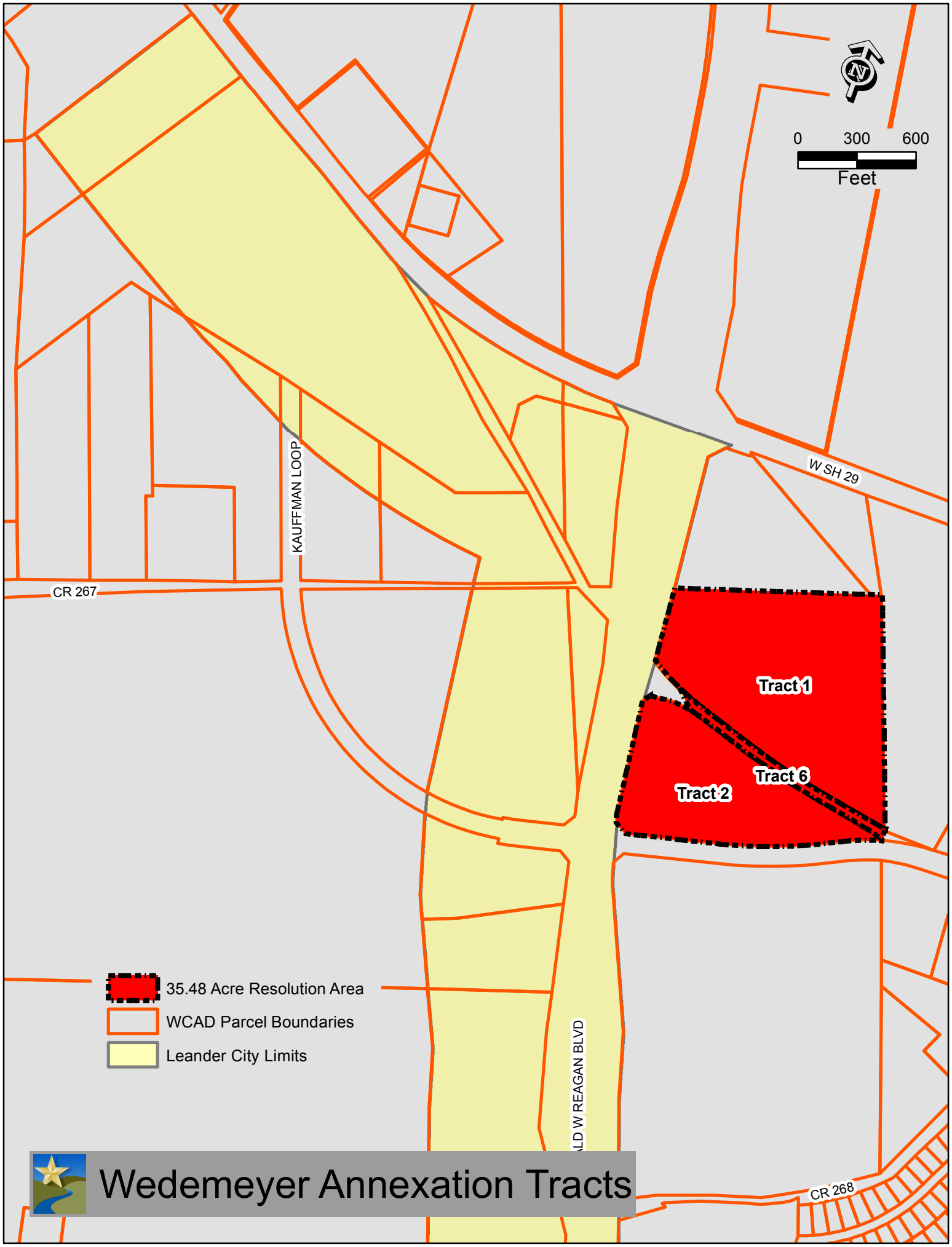
(5) **Property Description.** The legal description of the subject property is as set forth in the Annexation Ordinance and exhibits attached to the Annexation Ordinance to which this Service Plan is attached.

(6) **MOA and Consent Agreement Controlling.** In the event of any conflict between this Municipal Services Plan and the Consent Agreement or the MOA, as applicable, the Consent Agreement or MOA, as appropriate, will control.

SCHEDULE FOR VOLUNTARY ANNEXATION
WEDEMEYER PROPERTY

DATE	ACTION/EVENT	LEGAL AUTHORITY
November 20, 2014	**COUNCIL BY WRITTEN RESOLUTION** Directs notification to land owners; and sets two (2) Public Hearings **January 15, 2015 and January 29, 2015**; 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.
By December 15, 2014	**NOTICE TO** property owners & utility providers	Loc. Gov't Code § 43.062(a)
December 31, 2014** Publish notice of First Public Hearing and send school district notice **January 14, 2015**** Publish notice of Second Public Hearings	**NEWSPAPER NOTICES** RE: FIRST AND SECOND PUBLIC HEARINGS; (If applicable, certified Notice to Railroad). POST NOTICE OF HEARINGS ON CITY'S WEBSITE AND MAINTAIN UNTIL HEARINGS COMPLETE **SCHOOL DISTRICT NOTICE** (notify each school district of possible impact w/in the period prescribed for publishing the notice of the First Public Hearing.)	Not less than 10 days nor more than 20 days before 1st and 2nd public hearings. Loc. Gov't Code, §43.063 (c). 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	LAST DAY FOR SUBMISSION OF WRITTEN PROTEST BY RESIDENTS (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)
January 15, 2015*	**1st PUBLIC HEARING** AND PRESENT SERVICE PLAN (Not more than 40 days before the 1st reading of ordinance) *REGULAR MEETING*	Not less than 20 days nor more than 40 days before reading of ordinance. Loc. Gov't Code, §§ 43.063(a) & 43.065.
January 29, 2015*	**2nd PUBLIC HEARING** AND PRESENT SERVICE PLAN (At least 20 days before 1st reading of ordinance.) *REGULAR MEETING*	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 **February 19, 2015***	**FIRST READING** OF ORDINANCE *REGULAR MEETING*	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.
March 5, 2015; Or at a special called meeting after the 1st First Reading	**SECOND-FINAL READING** OF ORDINANCE *REGULAR MEETING*	Not more than 90 days after 1st reading of Ordinance § 43.064.
Within 30 days of Second Reading	**CITY SENDS COPY OF MAP** 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	**CITY PROVIDES CERTIFIED COPY OF ORDINANCE AND MAPS TO:** 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.**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Tract 2
LD W REAGAN BLVD
CR 268
35.48 Acre Resolution Area
WCAD Parcel Boundaries
Leander City Limits
Wedemeyer Annexation Tracts

STATE OF TEXAS §
§
COUNTY OF WILLIAMSON §

REQUEST & PETITION TO THE CITY COUNCIL OF THE CITY OF LEANDER FOR ANNEXATION OF PROPERTY

WHEREAS, the undersigned is the owner of certain tracts of property located within Williamson County, Texas, such property being more particularly described hereinafter by true and correct legal description (referred to herein as the "subject property");

WHEREAS, the subject property is a portion of the "Land" described in the Agreement Regarding Consent To Creation Of Municipal Utility Districts And Development Of The Wedemeyer Ranch between the City, Barkley Wedemeyer ("Wedemeyer"), and Leander Municipal Utility Districts Nos. 1, 2, and 3 (the "MUDS") signed by the City on December 30, 2008 and by Wedemeyer on December 5, 2008, as it may be amended from time to time (the "Development Agreement");

WHEREAS, in accordance with the Development Agreement, the undersigned agreed to request annexation of the subject property, which is intended to be developed for commercial and multi-family uses, by the City, in order to obtain the benefits of City services to the subject property by the City;

WHEREAS, the subject property is contiguous and adjacent to the corporate limits of the City;

WHEREAS, the City, pursuant to *§43.021, Tex. Loc. Gov't. Code* and the request of the property owner, is authorized to annex the subject property; and,

WHEREAS, the undersigned agrees and consents to the annexation of the subject property by the City and further agrees to be bound by all acts, ordinances, and all other legal action now in force and effect within the corporate limits of the City and all those which may be hereafter adopted; subject to the terms of the Development Agreement.

NOW THEREFORE, the undersigned by this Petition and Request:

SECTION ONE: Requests the City Council of the City to commence annexation proceedings and to annex into the corporate limits of the City of Leander, Texas, of all portions of the subject property, including the abutting streets, roadways, and rights-of-way, not previously annexed into the City and further described as follows,:

> All those certain tracts or parcels of land being 35.48 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 TWO: Requests that after annexation the City provide such services as are legally permissible and provided by the City, including sanitation, water and general governmental services as set forth in the municipal services plan.

SECTION THREE: Acknowledges and represents having received, read and understood the attached "draft" Service Plan, attached hereto as Exhibit "B", (proposed to be applicable to and adopted for the subject property) and that such "draft" Service Plan is wholly adequate and acceptable to the undersigned who hereby requests the City Council to proceed with the annexation and preparation of a final Municipal Service Plan and publish notice and hold the requisite public hearings thereon, in accordance with the applicable laws of the State of Texas.

SECTION FOUR: Acknowledges that the undersigned understands and agrees that all city services to the subject property will be provided by the City on the same terms and conditions as provided to other similarly situated areas of the City and as provided in the Municipal Service Plan.

SECTION FIVE: Agrees that a copy of this Request and Petition may be filed of record in the offices of the City of Leander and in the real property records of Williamson County, Texas, and shall be notice to and binding upon all persons or entities now or hereafter having any interest in the subject property.

SECTION SIX: Nothing contained herein will diminish or amend any provision of the Development Agreement. If there is any conflict between the terms of the Development Agreement and this Request and Petition, the terms of the Development Agreement shall control.

FILED, this ___ day of _____ 2014, with the City Secretary of the City of Leander, Williamson County, Texas.

Petitioner:

Name: Howard Barkley Wedemeyer
By: Howard Barkley Wedemeyer

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 Howard Barkley Wedemeyer, Owner of the subject property and Petitioner herein, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged that they had authority to bind the entity and that they executed the same for the purposes therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this the 21 day of November 2014.

(SEAL)

CHRISTY TRAHAN
NOTARY PUBLIC
State of Texas
Comm. Exp. 03-11-2018

Christy Trahan
Notary Public - State of Texas

Exhibit "A"

DESCRIPTION OF THE SUBJECT PROPERTY

3 TRACTS OF LAND +/- 35.48 acres

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, the subject property is subject to that certain Agreement Regarding Consent To Creation Of Municipal Utility Districts And Development Of The Wedemeyer Ranch between the City, Barkley Wedemeyer ("Wedemeyer" or "the Developer")), and Leander Municipal Utility Districts Nos. 1, 2, and 3 (the "MUDS") signed by the City on December 30, 2008 and by Wedemeyer on December 5, 2008, and subsequent amendments (the "Consent Agreement");

WHEREAS, the City and Wedemeyer are parties to that certain Memorandum of Agreement dated February 6, 2014, amended on May 15, 2014 and as it may be subsequently amended, providing for the City and the District to construct certain water infrastructure to provide water to the subject property and the rest of the Wedemeyer development (the "MOA");

WHEREAS, infrastructure provided for herein and that are 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 within 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 to the GC-3-C zoning district upon request of the landowner or staff; provided that the subject property shall be entitled to developed with the uses and the development standards set forth in the GC-3-C zoning district. Development of the property shall comply with the uses and development standards for the GC-3-C zoning district as set forth in the City's zoning regulations. 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. It is the City Council's intent to zone the subject property at the Owner's request to the GC-3-C zoning district.

(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 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. The subject property's 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 property as required in City ordinances, except as otherwise provided in the MOA. Upon acceptance of the

water lines within the subject property 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.

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) Wastewater service will be provided to the subject property in accordance with the Consent Agreement and applicable ordinances, regulations and policies of the City and State of Texas in effect from time to time (except as modified by the Consent Agreement).

(iii) The property owner may request interim wastewater service from the City pending completion of the wastewater facilities to be constructed under the Consent Agreement (the "Permanent Facilities"). In the event of a request for interim wastewater service under this subsection, wastewater service will be provided to the subject property, or applicable portions thereof, by the City in accordance with the applicable ordinances, rules and regulations for the provision of wastewater service; and subject to the terms of any wholesale wastewater service agreements or similar agreements (the "Interlocal Agreements") that may apply to the subject property. Such request shall be subject to all the ordinances, regulations, Interlocal Agreements, and policies of the City in effect from time to time for the extension of wastewater service. The subject property's owner shall construct the internal wastewater lines and any required on-site facilities and pay the costs of line extensions and construction of facilities necessary to extend interim wastewater service to the subject property. The property owner will design and construct the internal facilities, and to the extent possible, the off-site facilities so that such facilities can be connected to the Permanent Facilities after completion. Upon acceptance of the wastewater lines and facilities within the subject property 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, Interlocal Agreements, 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 applicable to the service area in which the subject property is located. The ordinances in effect at the time a request for service is submitted shall govern the costs and request for service.

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: The capital improvements planned to serve the subject property are set forth in the Consent Agreement and the MOA. 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.

(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.

(6) **MOA and Consent Agreement Controlling.** In the event of any conflict between this Municipal Services Plan and the Consent Agreement or the MOA, as applicable, the Consent Agreement or MOA, as appropriate, will control.