AGENDA
REGULAR CITY COUNCIL
CITY OF LEANDER, TEXAS

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

Thursday ~ April 21, 2016 at 7:00 PM

Mayor – Christopher Fielder	**Place 4 – Ron Abruzzese**
Place 1 – Andrea Navarrette (Mayor Pro Tem)	**Place 5 – Jeff Seiler**
Place 2 – Michelle Stephenson	**Place 6 – Troy Hill**
Place 3 – Shanan Shepherd	**City Manager – Kent Cagle**

1. Open meeting, Invocation, Pledges of Allegiance

2. Roll Call

3. Staff Comments: Pat Womack, Public Works Director – Leander Spring Clean-up

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

5. Recognition of Eagle Scout David Rowe
   Sponsored by Chief Greg Minton

6. Proclamation declaring April 2016 as "Child Abuse Prevention Month"
   Sponsored by Council Member Seiler

7. Proclamation declaring May 2016 as "Motorcycle Safety Awareness Month"
   Sponsored by Mayor Fielder

8. Presentation from Four Square Research, Inc. on YMCA

CONSENT AGENDA: ACTION

9. Approval of the minutes: April 7, 2016

10. Second Reading of an Ordinance on Zoning Case 15-Z-028 & Subdivision Case #15-CP-005: amending Ordinance 05-018, the Composite Zoning Ordinance for three parcels located at the southwest corner of Bagdad Road and San Gabriel Parkway, for 202.79 acres, more or less, from PUD, Planned Unit Development, GC-3-B, General Commercial and GC-3-C, General Commercial to PUD, Planned Unit Development with base zoning districts of SFU-2-A, Single Family Urban, SFC-2-A, Single Family Compact, SFL-2-A, Single Family Limited, GC-2-A, General Commercial and MF-2-A, Multi Family, Leander, Williamson County, Texas

11. Approval of a Special Permit for the Old Town Street Festival

12. Approval of Street Closure for Liberty Fest

13. Acceptance of a Community Development Block Grant for the construction of a sidewalk on the east side of Bagdad Road

14. License Agreement for the Right to enter the Sandy Creek Water Treatment Plant Property for the Purpose of constructing two segments of 4-foot Metal Woven Fencing and an Access Gate

15. Annexation Development Agreements under Section 43.035, Texas Local Government Code, between the City of Leander and each of the following property owners:
    a) Shari Carmody Greene
    b) Roy L. and Alice F. Kuchera

16. Addendum to the Annexation Development Agreements under Section 43.035, Texas Local Government Code, between the City of Leander and each of the following property owners:
    a) Curtis C. Borho
    b) Emogene Champion
    c) Terence and Gloria MacConnell
    d) Larry and Leslie Miller
    e) James E. Roberson and Monta Jane Akin
    f) Darrell and Bonita Word

17. Second Reading of an Ordinance on Area A: Annexation of all that certain parcel or tract of land containing 56.09 acres, more or less, located in Travis County, Texas, generally located north of RM 1431, and either side of Vista Rock Rd. including the abutting streets, roadways, and rights-of-way; and adjacent and contiguous to the city limits; and providing open meetings and other related matters

18. Second Reading of an Ordinance on Area B: Annexation of all that certain parcel or tract of land containing 6.34 acres, more or less, located in Williamson County, Texas, generally located either side of CR 279 / Bagdad Rd, north of W San Gabriel Pkwy. including the abutting streets, roadways, and rights-of-way; and adjacent and contiguous to the city limits; and providing open meetings and other related matters

19. Second Reading of an Ordinance on Area C: Annexation of all that certain parcel or tract of land containing 288.22 acres, more or less, located in Williamson County, Texas, generally located south of County Road 280, west of County Road 279 / Bagdad Rd. including the abutting streets, roadways, and rights-of-way; and adjacent and contiguous to the city limits; and providing open meetings and other related matters

20. Second Reading of an Ordinance on Area D: Annexation of all that certain parcel or tract of land containing 187.06 acres, more or less, located in Williamson County, Texas, generally located south of County Road 280, east of the Mesa Vista Estates subdivision including the abutting streets, roadways, and rights-of-way; and adjacent and contiguous to the city limits; and providing open meetings and other related matters

21. Second Reading of an Ordinance on Area E: Annexation of all that certain parcel or tract of land containing 62.69 acres, more or less, located in Williamson County, Texas, generally located north of County Road 280, west of the Greatwood subdivision including the abutting streets, roadways, and rights-of-way; and adjacent and contiguous to the city limits; and providing open meetings and other related matters

22. Second Reading of an Ordinance on Area F: Annexation of all that certain parcel or tract of land containing 408.58 acres, more or less, located in Williamson County, Texas, generally located either side of CR 279 / Bagdad Rd, north of County Road 280, south of County Road 281 including the abutting streets, roadways, and rights-of-way; and adjacent and contiguous to the city limits; and providing open meetings and other related matters

23. Second Reading of an Ordinance on Area G: Annexation of all that certain parcel or tract of land containing 30.70 acres, more or less, located in Williamson County, Texas, and generally located east of Oak Grove Rd, north of Heritage Grove Rd. including the abutting streets, roadways, and rights-of-way; and adjacent and contiguous to the city limits; and providing open meetings and other related matters

24. Second Reading of an Ordinance on Area H: Annexation of all that certain parcel or tract of land containing 3.72 acres, more or less, located in Williamson County, Texas, and generally located west of US 183, east of County Road 276, south of the High Gabriel West subdivision including the abutting streets, roadways, and rights-of-way; and adjacent and contiguous to the city limits; and providing open meetings and other related matters

25. Second Reading of an Ordinance on Area I: Annexation of all that certain parcel or tract of land containing 188.43 acres, more or less, located in Williamson County, Texas, and generally located south of W State Highway 29, west of Ronald W Reagan Blvd, either side of Kaufmann Loop, north and west of County Road 267 including the abutting streets, roadways, and rights-of-way; and adjacent and contiguous to the city limits; and providing open meetings and other related matters

26. Second Reading of an Ordinance on Area J: Annexation of all that certain parcel or tract of land containing 27.37 acres, more or less, located in Williamson County, Texas, and generally located south of W State Highway 29, east of Ronald W Reagan Blvd, north of County Road 268. including the abutting streets, roadways, and rights-of-way; and adjacent and contiguous to the city limits; and providing open meetings and other related matters

27. Second Reading of an Ordinance on Area K: Annexation of all that certain parcel or tract of land containing 63.87 acres, more or less, located in Williamson County, Texas, and generally located either side of County Road 270, south of E. San Gabriel Pkwy, north of Hero Way including the abutting streets, roadways, and rights-of-way; and adjacent and contiguous to the city limits; and providing open meetings and other related matters

28. Second Reading of an Ordinance on Area L: Annexation of all that certain parcel or tract of land containing 93.0 acres, more or less, located in Williamson County, Texas, and generally located north of Hero Way, east of County Road 270, west of Ronald W Reagan Blvd, south and west of the Palmera Ridge subdivision including the abutting streets, roadways, and rights-of-way; and adjacent and contiguous to the city limits; and providing open meetings and other related matters

29. Second Reading of an Ordinance on Area M: Annexation of all that certain parcel or tract of land containing 146.15 acres, more or less, located in Williamson County, Texas, and generally located east of Ronald W Reagan Blvd, south of the South Fork of the San Gabriel River, north of the Reagans Overlook subdivision including the abutting streets, roadways, and rights-of-way; and adjacent and contiguous to the city limits; and providing open meetings and other related matters

30. Second Reading of an Ordinance on Area N: Annexation of all that certain parcel or tract of land containing 138.32 acres, more or less, located in Williamson County, Texas, and generally located east of Ronald W Reagan Blvd, north of RM 2243, south of the Reagans Overlook subdivision including the abutting streets, roadways, and rights-of-way; and adjacent and contiguous to the city limits; and providing open meetings and other related matters

31. Second Reading of an Ordinance on Area O: Annexation of all those certain three parcels or tracts of land containing a total of 35.92 acres, more or less, located in Williamson County, Texas, and generally located east of Ronald W Reagan Blvd, south of County Road 176, north of Journey Pkwy, either side of County Road 175, west and north of the Parkside at Mayfield Ranch subdivision including the abutting streets, roadways, and rights-of-way; and adjacent and contiguous to the city limits; and providing open meetings and other related matters

32. Second Reading of an Ordinance on Area P: Annexation of all that certain parcel or tract of land containing 6.80 acres, more or less, located in Williamson County, Texas, and generally located south of Journey Pkwy, north of the Stonehurst subdivision, either side of County Road 175, north of the Williamson County Regional Park, south of the Trails at Shady Oak / Borho subdivision including the abutting streets, roadways, and rights-of-way; and adjacent and contiguous to the city limits; and providing open meetings and other related matters

33. Second Reading of an Ordinance on Area 1: Annexation of all that certain parcel or tract of land containing 1.55 acres, more or less, located in Williamson County, Texas, generally located north of County Road 280, east of the Greatwood subdivision, being generally known as the CR 280 Elevated Storage Tank site, being wholly owned by the City of Leander including the abutting streets, roadways, and rights-of-way; and adjacent and contiguous to the city limits; and providing open meetings and other related matters

34. Second Reading of an Ordinance on Area 2: Annexation of all that certain parcel or tract of land containing 43.18 acres, more or less, located in Williamson County, Texas, generally located east of US 183, north of the South Fork of the San Gabriel River, being generally known as the San Gabriel River Park site, being wholly owned by the City of Leander including the abutting streets, roadways, and rights-of-ay; and adjacent and contiguous to the city limits; and providing open meetings and other related matters

PUBLIC HEARING: ACTION

35. **Public Hearing** on Zoning Case 16-Z-007: Consider a zoning change of several parcels of land generally located to the west of the intersection of CR 279 and Live Oak for 76.89 acres, more or less from interim zoning SFR-1-B, Single Family Rural to SFR-2-B, Single Family Rural, Leander, Williamson County, Texas
Applicant: San Gabriel Whitt Ranch, LLC (Davy Roberts)
This item has been postponed by the applicant

36. **Public Hearing** on Zoning Case 16-Z-004: Consider a zoning change of a parcel of land located at 801 Apache Trail for 1.50 acres, more or less from GC-3-C, General Commercial to PUD, Planned Unit Development with a base zoning of MF-2-A, Multi-Family, Leander, Williamson County, Texas
Applicant: Dannen Development, LLC (Josh Becker)

Action on Zoning Case 16-Z-004: Consider a zoning change of a parcel of land located at 801 Apache Trail for 1.50 acres, more or less from GC-3-C, General Commercial to PUD, Planned Unit Development with a base zoning of MF-2-A, Multi-Family, Leander, Williamson County, Texas

37. **Public Hearing** on Zoning Case 15-Z-015: Consider a zoning change of a parcel of land located to the south of the intersection of US 183 and the Union Pacific Railroad, and to the north of the southern city limits for 13.590 acres, more or less from SFU-2-B, Single Family Urban to GC-3-B, General Commercial, Leander, Williamson County, Texas
Applicant: James Knight on behalf of Robert Knight, Trustee

Action on Zoning Case 15-Z-015: Consider a zoning change of a parcel of land located to the south of the intersection of US 183 and the Union Pacific Railroad, and to the north of the southern city limits for 13.590 acres, more or less from SFU-2-B, Single Family Urban to GC-3-B, General Commercial, Leander, Williamson County, Texas

38. **Public Hearing** on Zoning Case 16-TOD-Z-005: Consider a zoning change of several tracts of land generally located to the southwest of the intersection of San Gabriel Parkway & US 183 for 151.2 acres, more or less, legally described as Oak Creek, Phase 1, Sections 1 & 2; Oak Creek, Phase 2, Sections 1-3; Oak Creek, Phase 5 from PUD, Planned Unit Development with the base zoning districts of SFU-2-B, Single Family Urban, SFC-2-B, Single Family Compact, SFL-2-B, Single Family Limited, SFT-2-B, Single Family Townhouse and MF-2-B, Multi-Family to an amended PUD to increase the residential density allowed within the properties located on the east side of West Broade Street, Leander, Williamson County, Texas
Applicant: Mark Baker on behalf of Sentinel Cotter Leander LLC, Castlerock Communities L.P., Megatel Homes, Inc. or its Affiliates, and Pacesetter Homes, LLC, Tom Lynch, President

Action on Zoning Case 16-TOD-Z-005: Consider a zoning change of several tracts of land generally located to the southwest of the intersection of San Gabriel Parkway & US 183 for 151.2 acres, more or less, legally described as Oak Creek, Phase 1, Sections 1 & 2; Oak Creek, Phase 2, Sections 1-3; Oak Creek, Phase 5 from PUD, Planned Unit Development with the base zoning districts of SFU-2-B, Single Family Urban, SFC-2-B, Single Family Compact, SFL-2-B, Single Family Limited, SFT-2-B, Single Family Townhouse and MF-2-B, Multi-Family to an amended PUD to increase the residential density allowed within the properties located on the east side of West Broade Street, Leander, Williamson County, Texas

REGULAR AGENDA

39. Second Reading of an Ordinance on Zoning Case 15-Z-033: amending Ordinance 05-018, the Composite Zoning Ordinance for two parcels of land generally located approximately 270 ft. south from the southwest corner of the intersection of Great Owl Pass and Council Springs Pass from interim zoning SFR-1-B, Single Family Rural with the remaining portion of the property in the ETJ to SFR-2-A, Single Family Rural, SFT-2-B, Single Family Townhome, LC-2-B, Local Commercial and LC-2-A, Local Commercial, Leander, Williamson County, Texas
This item has been postponed due to a notification error

40. Consider an Ordinance adopting the 2015 ICC Building Codes and the 2014 National Electrical Code (NEC)

41. Consider an Ordinance adopting the 2015 Fire Code with local amendments

42. Water Use and Supply Update

43. Council Member Closing Statements

EXECUTIVE SESSION

44. Convene into executive session pursuant to Section 551.071, Texas Government Code, and Section 1.05, Texas Disciplinary Rules of Professional Conduct to consult with legal counsel regarding a proposed settlement agreement in Cause No. 15-0088- C277, Premas Global Leander I v. City of Leander, et al., In the 277th Judicial District Court of Williamson County, Texas

45. Reconvene into open session to take action as deemed appropriate in the City Council's discretion regarding a proposed settlement agreement in Cause No. 15-0088- C277, Premas Global Leander I v. City of Leander, et al., In the 277th Judicial District Court of Williamson County, Texas

46. 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 15th day of April, 2016 by 5:00 pm pursuant to Chapter 551 of the Texas Government Code.

Debbie Haile

Debbie Haile, TRMC, City Secretary

CITY OF LEANDER, TEXAS

This is to certify that the

Mayor and the
Leander City Council

Congratulate & Commend

David Rowe

For Outstanding Achievement in Acquiring
Rank of

EAGLE SCOUT

Attest:

Christopher Fielder, Mayor

Debbie Haile, City Secretary

PROCLAMATION

WHEREAS, in 2015, the Department of Family and Protective Services reported that Texas had 66,721 children that were confirmed victims of child abuse or neglect; and

WHEREAS, in 2015, Williamson County reported 2,047 child abuse or neglect cases were investigated by Child Protective Services; 770 children were forensically interviewed by the Williamson County Children's Advocacy Center, of which resulted in 672 children being confirmed victims of child abuse or neglect; and

WHEREAS, child abuse can have long-term psychological, emotional and physical effects that can have life-long consequences for victims of abuse; and

WHEREAS, protective factors are conditions that reduce or eliminate risk and promote the social, emotional and developmental well-being of children; and

WHEREAS, effective child abuse prevention activities succeed because of the meaningful connections and partnerships created between child welfare, education, health, community and faith-based organizations, businesses and law enforcement agencies; and

WHEREAS. We acknowledge that we must work together as a community to increase awareness about child abuse and contribute to promote the social and emotional well-being of children and families in a safe, stable and nurturing environment; and

WHEREAS, the Williamson County Children's Advocacy Center provides 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, we urge all citizens to recognize this month by dedicating ourselves to the task of improving the quality of life for all children and families by recognizing; and, hereby recognize the *Williamson County Children's Advocacy Center* for its outstanding service to protect the unprotected, seek justice against child maltreatment and encourage all citizens to be vigilant in recognizing and reporting child abuse in Leander, Texas.

NOW, THEREFORE, I, Mayor Christopher Fielder and the Leander City Council of Leander, Texas, do hereby proclaim April, 2016 as

"CHILD ABUSE PREVENTION MONTH"

IN TESTIMONY WHEREOF, I have hereunto affixed my signature this 21th day of April, 2016.

Attest:

_____ _____

Christopher Fielder, Mayor Debbie Haile, City Secretary

PROCLAMATION

WHEREAS, motorcyclists are relatively unprotected and, therefore, more prone to injury or death in a crash than other vehicle drivers; and

WHEREAS, all those who put themselves behind the wheel are responsible for being aware of motorcyclists, regarding them with the same respect as any other vehicle traveling our highways; and

WHEREAS, it is the responsibility of riders and motorists alike, to obey all traffic laws and safety rules; and

WHEREAS, we encourage all citizens to do their part to increase safety and awareness in our community and for motorcycle riders and motorists to give each other the mutual respect they deserve;

NOW, THEREFORE, I, Mayor Christopher Fielder and the Leander City Council of Leander, Texas, do hereby proclaim May, 2016 as

"MOTORCYCLE SAFETY AWARENESS MONTH"

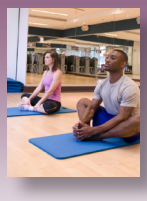
in Leander, Texas.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Leander to be affixed this 21st day of April in the Year Two Thousand Sixteen.

Attest:

_____
Christopher Fielder, Mayor

_____
Debbie Haile, City Secretary



A FourSquare Market Study

Opportunities for a New Leander YMCA in Collaboration with the City of Leander and Austin Community College

Presented to the
YMCA of Greater Williamson County,
the City of Leander, and
Austin Community College

March 4, 2016

Submitted by

FourSquare RESEARCH, INC.

3577 Chamblee Tucker Road
Suite A225
Atlanta, Georgia 30341
404-888-0530

FourSquare RESEARCH, INC.

Market Research and Strategic Planning for Non-profits Nationwide

March 4, 2016

Jeff Andresen
President/Chief Executive Officer
YMCA of Greater Williamson County
1812 N Mays
Round Rock, TX 78680-0819

Dear Jeff:

I am pleased to submit the results of our market research study on opportunities for a new Leander YMCA in collaboration with the City of Leander and Austin Community College.

This report provides forecasts for new membership units for a new Leander YMCA at either one of two possible locations. It contains detailed information on the demographics, psychographics, and program interest of prospective members. The impact on the existing Twin Lakes Family YMCA is also explored. Finally, the report includes feedback from the students, employees, and faculty of Austin Community College.

We have enjoyed working with you, your staff, and your volunteers. We pride ourselves on the level of service that we extend to our clients, and with that in mind we hope that you will call on us if we can offer any guidance on implementing the report's plan.

Please do not hesitate to contact us if you have any questions.

Respectfully submitted,

Li Li
Managing Partner

enclosure

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Chapter One

Executive Summary

Executive Summary

In order to assess the opportunities for a new Leander YMCA in collaboration with the City of Leander and Austin Community College, FourSquare Research conducted both qualitative and quantitative research. This included in-depth telephone interviews with over 600 randomly selected households that live in the targeted survey area but do not belong to any YMCA, and 200 randomly selected current member households of the nearby Twin Lakes Family YMCA. An online survey was also sent to the students, faculty, and employees of the Austin Community College which resulted in 1,172 responses. Based on the findings of the study, the Consultant offers the following key conclusions and recommendations:

1. The study revealed that a huge amount of interest exists for a new Leander YMCA. A total of 12.7% of all households expressed *a great deal of interest* in joining a new YMCA with all location, pricing, and facility options. This is compared to the national average of 4.5% for a full-facility YMCA and above and beyond the current penetration of 4.1%.
2. Of the two sites explored, both won the majority of votes of prospective members. The location near Highway 183A has a much stronger appeal among current members of the Twin Lakes Family YMCA. However, the difference of the total forecasted new and transferring units between the two location is relatively small, being only 167 units.
3. The findings suggest that, depending on the location, a new Leander YMCA would have a low to high impact on the existing Twin Lakes Family YMCA.
4. The findings revealed that the community characteristics include an extremely inactive population, a community that is in great need of services, a crowded marketplace with many for-profit providers, a population with tremendous growth, and a relatively high awareness of the YMCA name. These characteristics would create opportunities and challenges for the new YMCA.
5. The findings revealed a low price-sensitivity among prospective members. As a result, maintaining the current YMCA rates is recommended for the new YMCA.
6. The study revealed that the primary prospective member groups of a new Leander YMCA include families with children and active older adults, the majority of whom are health-seekers who require a hand-holding approach and desire a "Third Place" at the YMCA.
7. Fifteen percent (15%) of prospective members indicated that someone in the household works or studies at Austin Community College.
8. The online survey revealed a strong interest in drop-in child care and licensed child care services among the ACC community. A total of 138 students, faculty, and employees expressed interest in free baby-sitting while parents attend classes on campus. A total of 129 ACC students and faculty said *yes* or *maybe* to full-day, licensed infant care and 142 said the same to a full-day, licensed preschool program with all pricing options.
9. If the decision is made to proceed with the building of a new Leander YMCA, the Consultant recommends an indoor facility with approximately 48,750 square feet indoors.

The tables on the following pages illustrate the summary of forecasts for the membership projections, a summary of program usage, and the recommended space allocation for a new Leander YMCA.

Summary of Forecasts

The table below summarizes the forecasts of all membership units for a new Leander YMCA with the current rates by facility options and location. Please note that typically the Consultant bases forecasts only on households with *a great deal of interest*, which are illustrated in the following table.

Forecasts	Current Rates	Plus 1st Choice	Plus 1st & 2nd Choice	Total
A New Leander YMCA near Highway 183A				
New units	1,942	843	47	2,832
New revenue	$1,102,325	$478,214	$26,632	$1,607,171
Revenue per unit	$568	$568	$568	$568
Transferring units from Twin Lakes	515	93	280	888
Transferring revenue from Twin Lakes	$392,049	$70,942	$213,573	$676,564
Revenue per unit	$762	$762	$762	$762
Total units	**2,457**	**936**	**327**	**3,720**
Total revenue	**$1,494,374**	**$549,156**	**$240,205**	**$2,283,735**
Revenue per unit	**$608**	**$587**	**$737**	**$614**
A New Leander YMCA Next to the New Tom Glenn High School				
New units	2,256	979	55	3,290
New revenue	$1,280,642	$555,573	$30,940	$1,867,155
Revenue per unit	$568	$568	$568	$568
Transferring units from Twin Lakes	152	28	83	263
Transferring revenue from Twin Lakes	$116,015	$20,993	$63,200	$200,208
Revenue per unit	$762	$762	$762	$762
Total units	**2,408**	**1,006**	**138**	**3,553**
Total revenue	**$1,396,657**	**$576,566**	**$94,140**	**$2,067,363**
Revenue per unit	**$580**	**$573**	**$685**	**$582**

Figure 1.01 Summary of Forecasts for New Membership Units

Program Usage of Major Features

The following table shows the level of usage of facility features by program among prospective members.

Features of a New Leander YMCA								
Programs	**Wellness/ Fitness Center**	**Group Exercise Studios**	**Multipurpose Classrooms**	**Indoor Multipurpose Gymnasium**	**Indoor Warm Water Family Pool**	**Indoor Walking and Running Track**	**Child Watch Babysitting**	**Youth/ Teen Center**
Adult Fitness	Very High	High			Moderate	Very High		
Adult Aquatics					High			
Adult Adventure								
Adult Sports								
Adult Recreation								
Nutrition and Weight Management		High						
Stress and Relaxation		High						
Rehab/Health Programs								
Women's Programs	Moderate							
Family Activities		Moderate	Moderate		Moderate			
Programs for Children Ages 0–2			Low		Low			
Programs for Children Ages 3–5		Low	Low	Low	Moderate		Low	
Programs for Children Ages 6–9		Low	Low	Low	Moderate		Low	
Programs for Children Ages 10–13	Moderate	Low	Low	Low	Moderate		Low	Low
Programs for Children Ages 14–17	Low	Low	Low	Low	Low			Low
Adult Rating Scale	Low	<15%		**Children's Rating Scale**		Low	<5%	
	Moderate	15%–29%				Moderate	5%–9%	
	High	30%–44%				High	10%–14%	
	Very High	≥45%				Very High	≥15%	

Figure 1.02 Summary of Usage among Prospective Members of a New Leander YMCA

Recommended Space Allocation for a New Leander YMCA

The following table shows the recommended square footage of facility features for a new Leander YMCA.

Indoor Features Critical in Attracting New Membership Units for a New Leander YMCA	Approximate Square Footage	Program Interest Findings
First-class wellness center that includes: • a cardiovascular area of 4,500 sq. ft. • a free weights and strength-training equipment area of 3,500 sq. ft., including a 30-minute circuit training area • a designated workout area of 750 sq. ft. with more staff supervision for teens, beginners, and women • consulting areas/rooms of 250 sq. ft.	9,000	Figure 7.06, Figure 8.01, & Figure 8.02
Indoor walking and running track surrounding the perimeter of the fitness center	4,000	Figure 8.01
Two group exercise studios, one of 2,000 square feet for aerobics and group fitness classes, and the other of 2,000 square feet for relaxation, dance, yoga, and tai ch	4,000	Figure 7.06, Figure 7.07, & Figure 8.01
An indoor warm-water family pool with: • zero degree/beach entry for recreational swimming, lessons, and water aerobics • aquatic playground features such as splash pads and sprays • three lanes for lap swimming and aqua walking and running • showers, lockers, and changing areas for men, women, and families	10,000	Figure 7.02, Figure 9.01, & Figure 9.02
An indoor multipurpose activity center/gymnasium with half courts, dividers, retractable hoops, versatile flooring, and ample storage space for a variety of activities such as basketball, volleyball, gymnastics, summer day camps, and family nights	6,500	Figure 7.04, Figure 7.05, & Figure 8.01
Multipurpose classrooms with dividers and a sink/wet area for children's creative arts programs and community meetings	1,000	Figure 7.02, & Figure 8.04
Child watch/baby-sitting area for infants and toddlers ages 0–5	500	Figure 7.01
Kidz Fun Zone with supervised features such as moonwalks and a climbing maze for children ages 6–9	1,000	Figure 7.01
Youth and teen center with TV, pool tables, Exergame, and seating for social activities (which can also be used for other programs when needed)	1,000	Figure 7.06
Members' lounge/snack bar/social area/community program area	2,000	Figure 8.03
Subtotal	39,000	
Minimal planning factor, H/V/AC, bathrooms, halls, and offices (25%)	9,750	
Total indoor	48,750	

Figure 1.03 Features Critical to the Success of a New Leander YMCA

Chapter Two

Methodology and Scope

Methodology

This study used the following methodology:

- The qualitative research was conducted through discussions with representatives of the YMCA of Greater Williamson County, the City of Leander, Austin Community College, and community leaders who are interested in a new YMCA serving the City of Leander and surrounding communities. A market audit of similar service providers was also conducted at this time. The responses and concerns in the qualitative phase were used toward the development of the survey instrument used in the quantitative phase.
- The quantitative research in this study involved in-depth telephone interviews with the following:
  - over 600 randomly selected households in the targeted survey area that do not currently belong to a YMCA. The boundaries of the targeted survey area are defined in the map on page 19.
  - 200 randomly selected current members of the Twin Lakes Family YMCA.

Telephone interviews include both households with land lines as well as cell phones. In addition to random sampling, a quota system was developed to ensure that the number of interviews completed in each census tract was proportionate to the number of households in each census tract. Also, the percentage of interviews with respondents ages 65 and over was controlled to be consistent with the percentage of seniors ages 65 and over in the general population. Interviews were conducted in Spanish as needed.

An online survey was also sent to the students and faculty of Austin Community College through the college administration. A total of 1,172 responses were received. Please note that the online survey is considered to be a census, not a scientific sample, of the college's associates.

All respondents were asked to answer questions for themselves and on behalf of the household when applicable. All interviews were conducted January 3–16, 2016. The methodology used resulted in findings with a 95% confidence level and a statistical error of plus or minus 4.0%.

The recommendations provided in this report are based on this methodology and on the experience of FourSquare Research, Inc., with over 700 similar market research studies with YMCAs nationwide.

Scope

Specific questions addressed included, but were not limited to, the following:

- How can a new YMCA recreation center better meet the community's needs and serve the residents in Leander and surrounding communities?
- What is the level of demand for a new recreation facility in the community? How many new households will join a new recreation facility during the first 12–18 months after opening? How many area residents prefer to use the new recreational facility by using daily passes and registering for programs only?
- What is the level of demand for a new recreation facility among the students and faculty of Austin Community College?
- What is the potential in revenue generated from new membership units within the first 12–18 months of operation of the new recreation facility?
- Which of the proposed locations would prospective members most prefer for a new recreation facility?
- Which of the proposed locations would current members of the existing Twin Lakes Family YMCA least prefer for a new recreation facility, and would therefore have the most minimal impact on the branch?
- Which configuration of facility features for a new recreation facility will attract the highest number of new membership units and appeal to the fewest number of current members of the existing Twin Lakes Family YMCA?
- What types of traditional and new services should be offered to adults of all ages, ranging from cardiovascular, weight management, and exercise programs designed specifically for women, to new aquatic-based orthopedic rehabilitation services?
- What types of child care services should be offered for children? These could range from preschool, to before- and after-school programs, to summer camps with special themes.
- What types of programs should be offered for active seniors? These could range from fitness programs specifically designed for older adults, to interest groups such as book and card clubs, to travel groups.
- What types of new and traditional community programs should be considered for residents of the City of Leander, ranging from arts and crafts classes, to social programs for seniors, to continuing education programs for adults?
- What are the demographic and psychographic profiles of prospective members?
- What is the new facility's niche in the area?
- What pricing policy would be appealing to prospective members? Would the current membership pricing structure of the YMCA of Greater Williamson County work? Or should the Y and the City of Leander consider a new membership structure such as new categories or a new pricing point?
- Other than the City of Leander and Austin Community College, what other opportunities for partnerships are present?

Chapter Three

Defining the Survey Area

Census Tract Map of the Area Targeted for the Survey

The following map shows the census tracts in the targeted survey area.

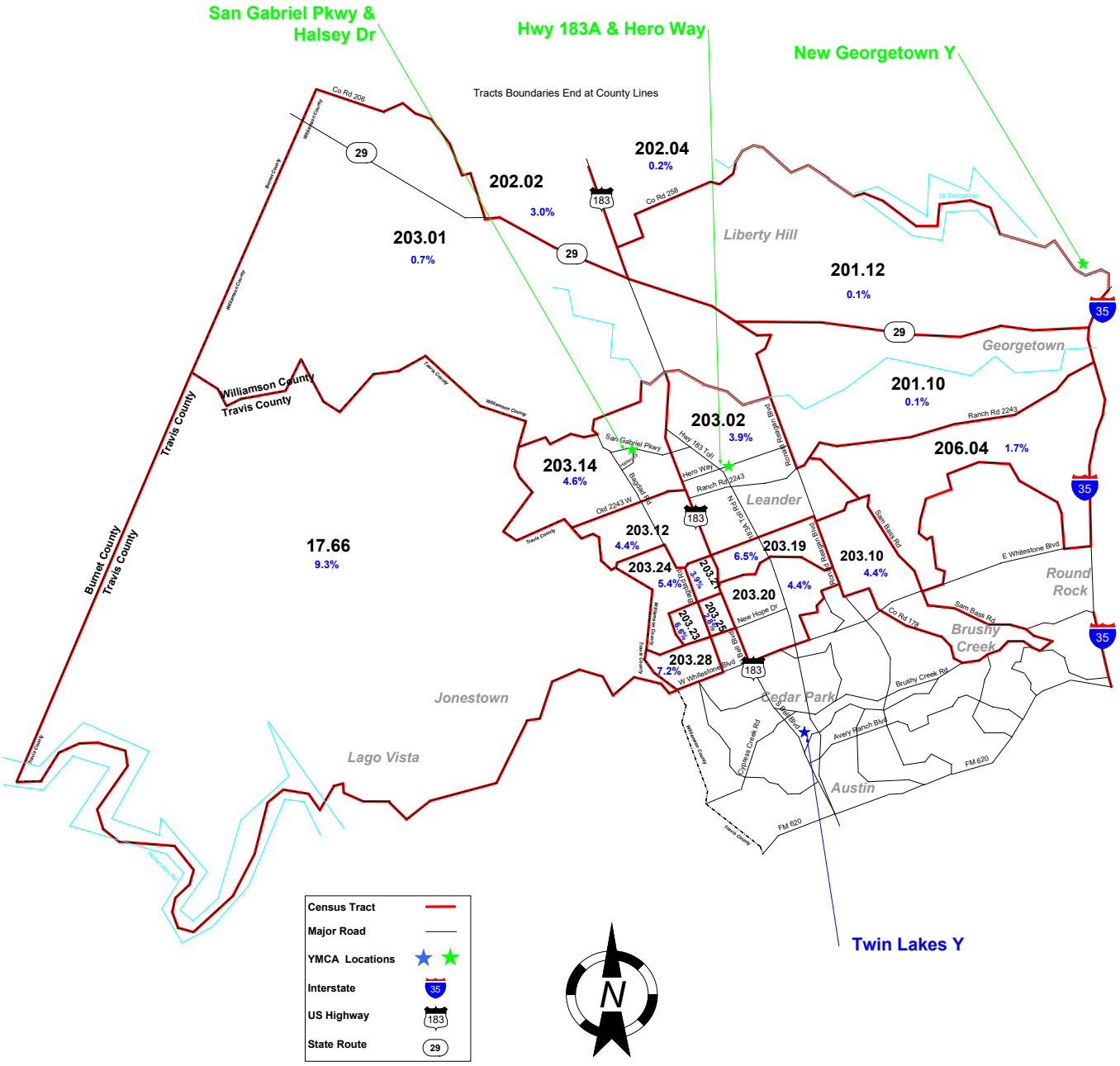

Figure 3.01 Census Tract Map of the Targeted Survey Area

Demographic and Population Trends Analysis of the Area Targeted for the Survey, 2015–2020

The tables on this and the following page detail the population trends in the targeted survey area for the years 2015–2020. This information is provided by the United States Census Bureau.

Summary of Demographics

1. Residential growth far above the national average
2. Percentage of households with children above the national average
3. Percentage of adults 65 or older below the national average
4. Median household income well above the national average
5. Percentage of households with total annual household income less than $35,000 and less than $50,000 well below the national average
6. Percentage of households owned by occupants above the national average and rentals are below the national average, pointing to a stable community

	2010 Census	2015 Estimates	2020 Projections	2015 Nat'l. Average
Total Population	82,765	94,477	106,692	**4%**
Total Households	28,234	**31,913**	① **35,729**	**5%**
		12% growth from 2015–2020		
Total Population By Race				
White	85%	81%	80%	71%
African American	3%	4%	4%	13%
American Indian	1%	1%	1%	1%
Asian	2%	2%	2%	6%
Other/Multi-Races	9%	13%	13%	9%
Hispanic Origin*	20%	21%	22%	18%
Total Population By Gender				
Male	50%	50%	50%	49%
Female	50%	50%	50%	51%
Household				
Average Household Size	2.92	2.95	2.98	**2.64**
Percentage of Family Household	80%	80%	81%	**67%**

* Hispanic origin can be any race.
Note: These figures are double-checked using DemographicsNow.com.

Demographic and Population Trends Analysis (*continued*)

	2010 Census	2015 Estimates		2020 Projections		2015 Nat'l. Average
Total Population by Age						
0–5 years	8%	7%	②	6%		
5–9 years	9%	8%	31%	7%	29%	27%
10–14 years	9%	9%		8%		
15–19 years	7%	7%		8%		
20–24 years	4%	4%		5%		
25–34 years	13%	12%		11%		
35–44 years	17%	16%		15%		
45–54 years	15%	15%		15%		
55–64 years	10%	11%		12%		
65–74 years	5%	7%	③	8%		
75–84 years	2%	3%	11%	4%	14%	13%
85 + years	1%	1%		2%		
General Income Data						
Median Household Income	$72,260	**$77,952**	④	**$82,447**		**$59,911**
Average Household Income	$89,739	$94,148		$103,551		$84,396
Household Income Distribution						
$0 – $14,999	6%	5%	⑤	5%		
$15,000 – $24,999	6%	5%	16%	4%	14%	34%
$25,000 – $34,999	6%	6%		5%		
$35,000 – $49,999	13%	12%		11%		14%
$50,000 – $74,999	24%	21%		19%		18%
$75,000 – $99,999	18%	16%		17%		12%
$100,000 – $149,999	19%	20%		20%		13%
$150,000 and over	9%	15%		18%		9%
Household Ownership						
Owned	78%	81%	⑥	82%		58%
Rented	16%	16%		15%		32%
Vacant	6%	3%		3%		10%
Employment (Pop 16+)						
Civilian, Employed	74%	69%		69%		59%
Civilian, Unemployed		3%		3%		3%
In Armed Forces	0.2%	0.2%		0.2%		0.4%
Not in Labor Force	26%	27%		27%		37%

Under Age 20

Age 65 and over

28%

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Figure 3.02 Population Trends Analysis of the Targeted Survey Area

Household Growth Trends by Census Tract, 2015–2020

The following table gives the household growth trends by census tract in the area targeted for the survey for the years 2015–2020. These data were obtained from DemographicsNow, another national data provider.

Census Tract	2015 Estimate	2020 Projection	% of Change '15–'20	2015 Median Income	Current Member Households	Penetration
17.66	3,078	3,455	12.2%	$57,303	286	9.3%
201.10	1,450	1,624	12.0%	$96,397	2	0.1%
201.12	1,140	1,264	10.9%	$99,229	1	0.1%
202.02	1,824	2,064	13.2%	$84,478	54	3.0%
202.04	1,918	2,153	12.3%	$80,624	4	0.2%
203.01	2,357	2,640	12.0%	$74,413	17	0.7%
203.02	1,216	1,350	11.0%	$80,989	48	3.9%
203.10	1,058	1,171	10.7%	$86,452	47	4.4%
203.12	2,486	2,800	12.6%	$65,662	109	4.4%
203.14	1,721	1,910	11.0%	$72,211	79	4.6%
203.19	1,631	1,815	11.3%	$77,029	106	6.5%
203.20	2,651	2,969	12.0%	$78,875	116	4.4%
203.21	684	761	11.3%	$52,105	27	3.9%
203.23	1,003	1,132	12.9%	$58,423	66	6.6%
203.24	2,349	2,649	12.8%	$99,261	126	5.4%
203.25	960	1,077	12.2%	$50,276	27	2.8%
203.28	2,468	2,762	11.9%	$71,275	177	7.2%
206.04	1,919	2,133	11.2%	$95,374	32	1.7%
Total/ Average	**31,913**	**35,729**	**12.0%**	**$77,952**	**1,324**	**4.1%**

Figure 3.03 Household Growth Trends by Census Tract

Chapter Four

Findings among Area Residents

Awareness of the YMCA among Area Residents

The chart on the left shows the level of awareness of the YMCA among area residents when asked whether they knew of a YMCA in the community. The table shows of which YMCAs they were aware.

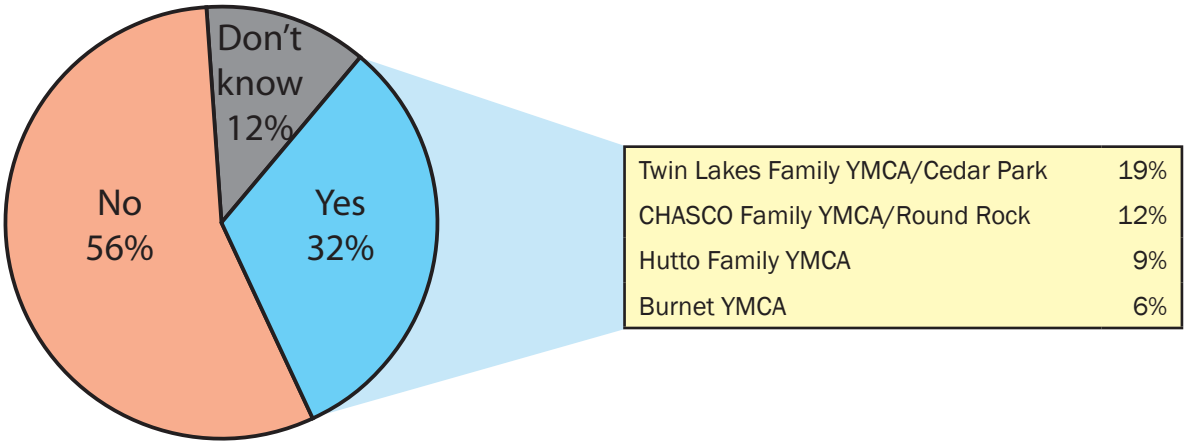


Figure 4.01 Awareness of the YMCA among Area Residents

Image of the YMCA among Area Residents

The following graph shows how area residents who knew of a YMCA would characterize the YMCA.

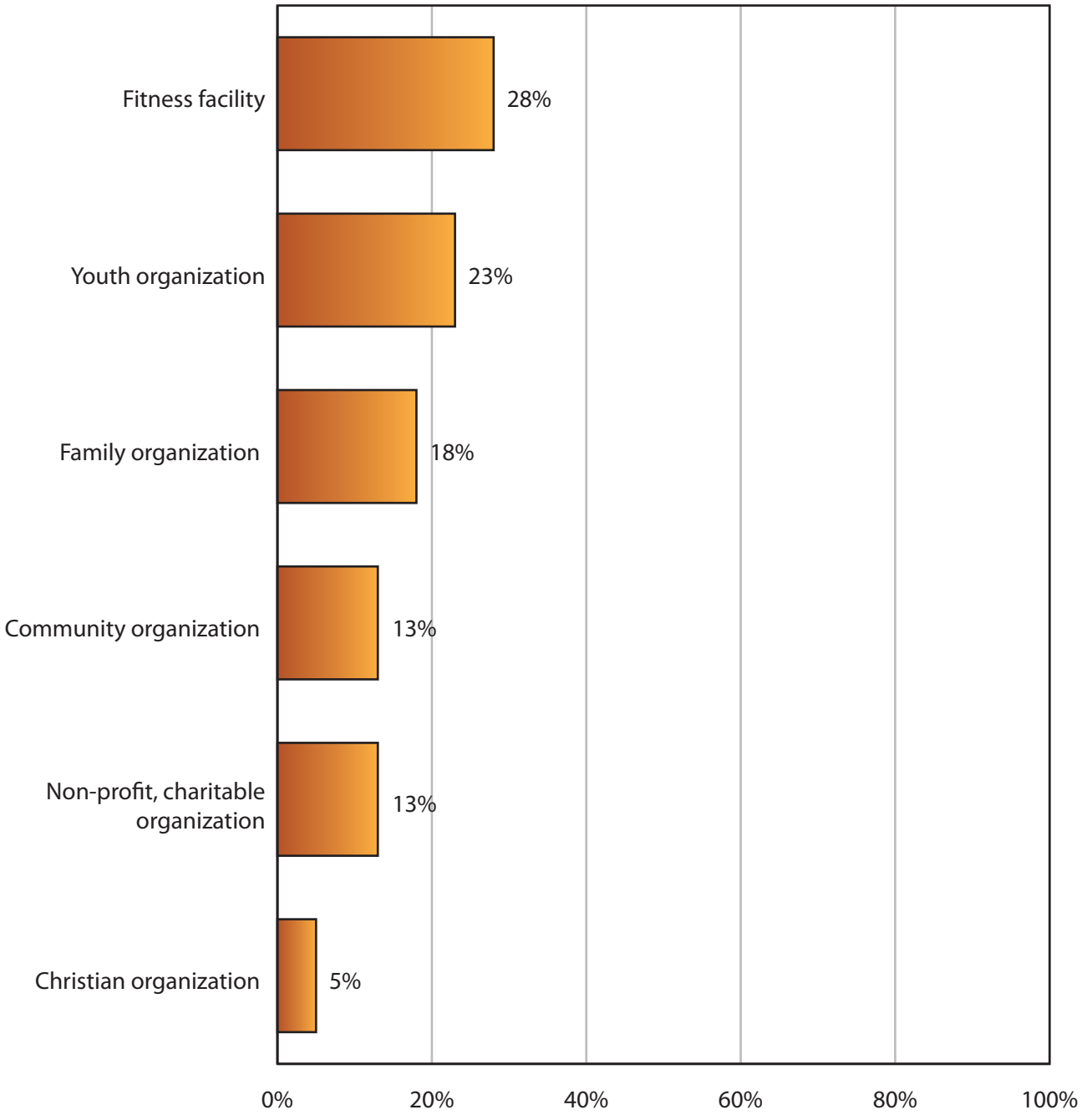
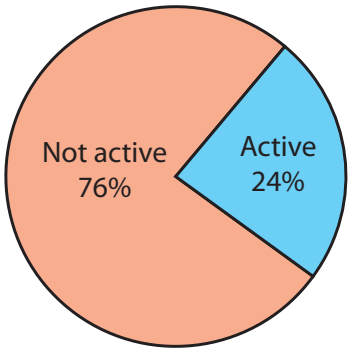
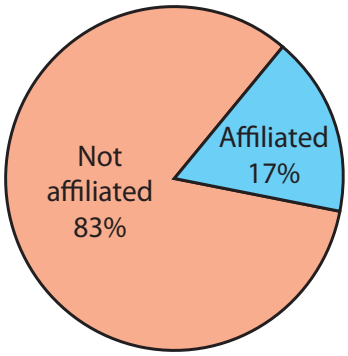


Figure 4.02 Image of the YMCA among Area Residents

Area Residents' Activities and Affiliations

The left column shows the percentage of residents currently involved in physical or recreational activities and lists the top activities. The right column shows the percentage of residents who currently belong to or are affiliated with a public or private health, fitness, or recreational facility, while the table lists the top options.





Top Fitness and Recreation Activities (percentage of respondents/multiple responses)	
Walking/running	15%
Various exercise	9%
Baseball/softball	6%
Swimming	6%
Workout equipment/weights	6%
Football	5%
Aerobics	4%
Basketball	3%
Fishing/hunting	3%
Yoga/stretching/toning	3%
Physical work on the job	2%
Soccer	2%
Tennis	2%
Working in yard/gardening	2%

Note: *Gymnastics*, *horseback riding*, *hiking/camping*, and *martial arts* were also cited.

Top Fitness and Recreation Activities (percentage of respondents/multiple responses)	
Other Nonprofit Providers	12%
Sports/Little League	
Area parks and recreation departments	
For-profit providers*	10%
Anytime Fitness	
Flex Fit Gym 24/7	
Gold's Gym	
9Round Fitness	
Pinnacle Training	
Premier Athletic Complex	
PRISIM CrossFit	
Snap Fitness	
Work/home/school	3%
Own equipment/work out at home	

**Grand Mesa CrossFit* and *Redside CrossFit* were also cited, receiving less than 1% each.

Active refers to those area residents who said they were currently involved in physical or recreational activities.

Not active refers to those who said they weren't currently involved in physical or recreational activities

Figure 4.03 Residents' Fitness Activities and Affiliations

Health Statements of All Area Residents

The following graph shows the responses of all area residents to the three statements given, indicating the presence of "health seekers".

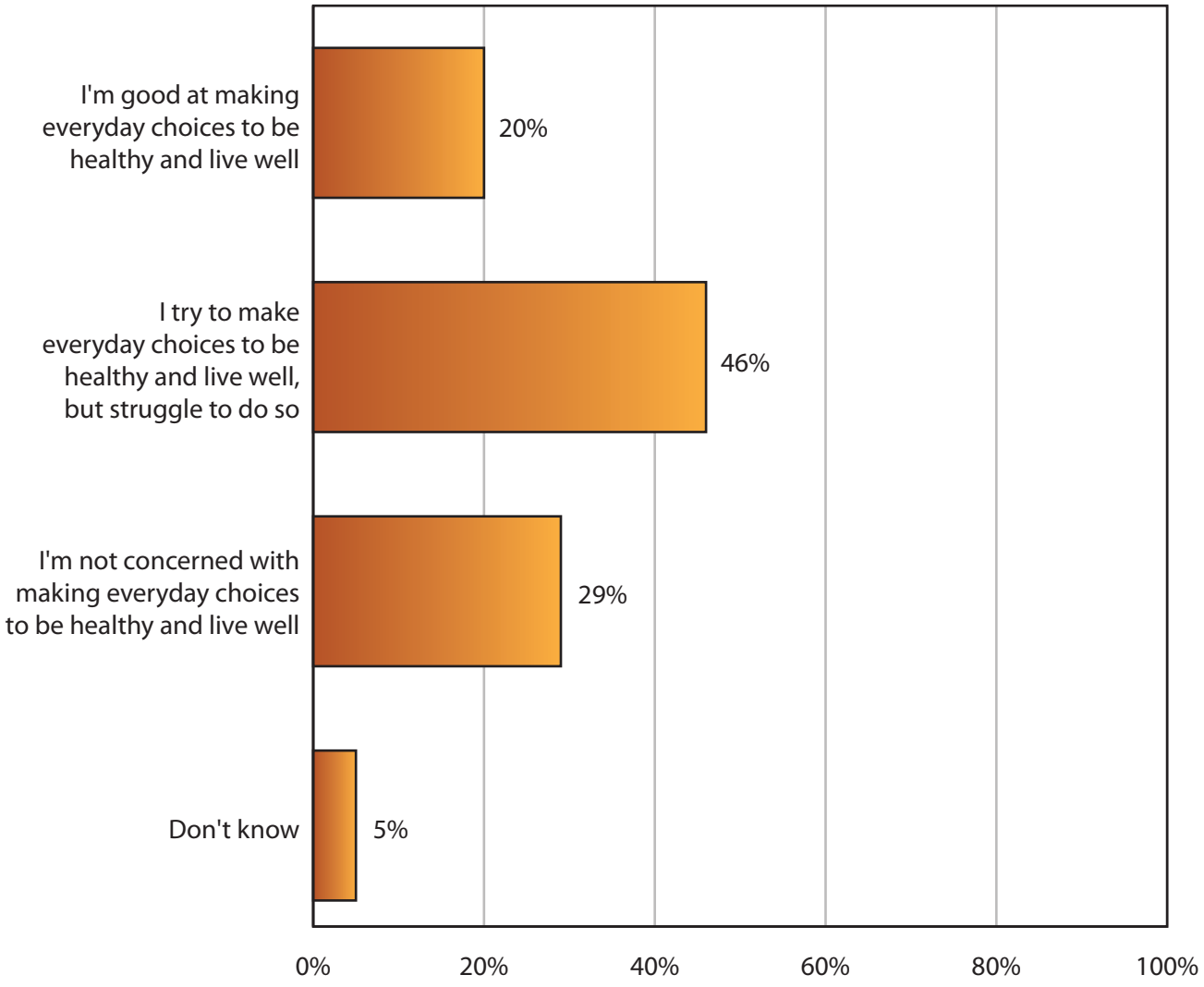


Figure 4.04 How All Area Residents Evaluated Their Health and Wellness Choices

Chapter Five

Membership Projections

This data can be used to

- Determine how many households will join
- Develop a pricing strategy
- Plan budgets based on membership and revenue forecasts

Overview

To determine the opportunities for a new Leander YMCA in collaboration with the City of Leander and Austin Community College, FourSquare Research conducted telephone interviews with 642 households in the targeted survey area. Among all households randomly selected, a total of 600 households were taken through the in-depth interview. Forty-two (42) households declined to participate in the in-depth interview for various reasons. About 17% of all interviews were conducted with households via cell phone.

An online survey was also sent to the students, faculty, and employees of Austin Community College through the school administration. A total of 1,172 responses were received. Please note that the online survey is considered to be a census, not a scientific sample, of the targeted population—the students, faculty, and employees of Austin Community College.

Location

The survey of area residents was designed to test the level of interest in joining either a new Leander YMCA at one of two possible locations, the existing Twin Lakes Family YMCA, or a new Georgetown YMCA. The locations mentioned to respondents were as follows:

1. A new YMCA in Leander, near Highway 183A and Hero Way, close to the train station and H.E.B.
2. A new YMCA in Leander near San Gabriel Parkway and Halsey Dr., next to the new Tom Glenn High School
3. The existing Twin Lakes Family YMCA in Cedar Park, at Twin Lakes Park, at Highway 183 and East Little Elm Trail
4. A new Georgetown YMCA in Georgetown, west of I-35, off Williams Drive and Shell Road

Respondents who chose either the existing Twin Lakes Family YMCA location or a new Georgetown YMCA as their first choice were **not** taken through the in-depth survey.

The graph on the following page illustrates the location preference among households with at least *a lot of interest* in joining the new YMCA, referred to as "prospective members" throughout this report.

Location Preference among Prospective Members

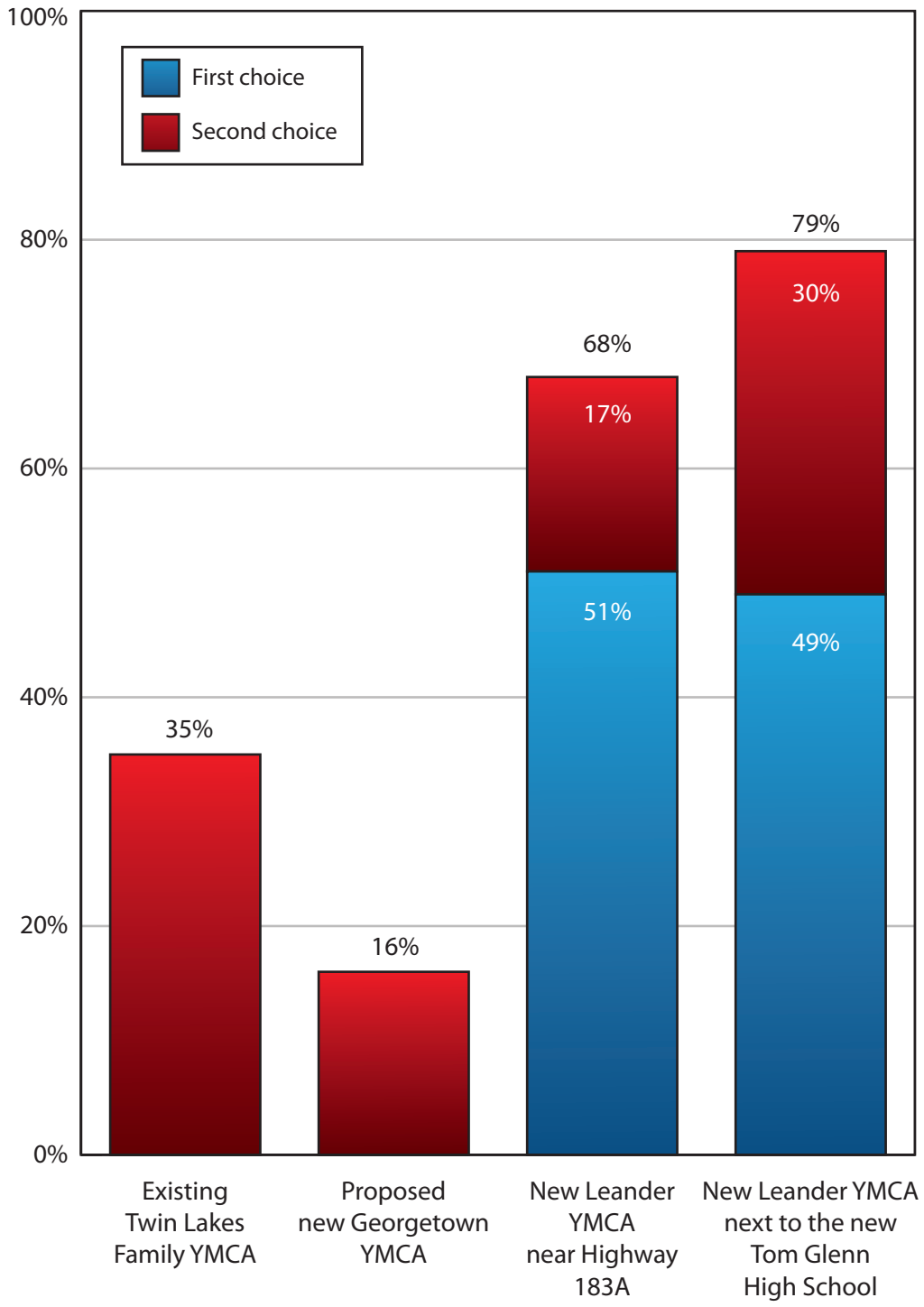


Figure 5.01 Location Preference among Prospective Members

Facility Features

The table below details the facilities, programs, and services included as part of the membership described for a new Leander YMCA.

Initial Facility Bundle of a New Leander YMCA
• State-of-the-art fitness area with the latest equipment
• Exercise studios with free group exercises
• Personalized health-and-fitness plan
• Indoor multipurpose gymnasium with courts for indoor sports
• Indoor track for walking and running
• Free baby-sitting and fun clubs for older kids while parents work out
• Many activities for children and adults of all ages
• Member prices for programs
• Use of all other Ys in Williamson County
• At this phase, there are no pools
Other Facility Features Tested to Determine Additional Interest (respondents were asked if it would increase their level of interest)
• Indoor warm water shallow pool with zero beach entry for family swimming, lessons, and water aerobics
• Indoor six-lane lap pool for lap swimming and swim teams
• Outdoor pool with water playground features and a deck with lounging and picnic areas

Figure 5.02 Facility Features of a New Leander YMCA

Pricing Options

The following table details the pricing options quoted for each membership category for a new Leander YMCA. Respondents were quoted monthly membership rates based on their preference for a particular membership category defined below. Lower rates were offered to respondents when they did not express *a great deal of interest* at the higher rates.

Category	Current Rates	Possible Leander-Only, 15%-Lower Rates	One-Time Joining Fee
Youth/teen	$15	$13	—
Young adult ages 18–25 with student ID	$25	$21	—
Individual adult ages 18 or over	$40	$34	$50
Senior ages 62 or over	$25	$21	$50
Family with 2 adults and any children under age 17	$75	$64	$100
Family with 1 adult and any children under age 17	$68	$58	$75
Adult couple	$68	$58	$75
Senior couple	$35	$30	$50

Figure 5.03 Pricing Options

Determining the Number of Households to Be Used in Forecasting

To determine the number of area resident households to be used in forecasting, we subtract the number of households in the targeted survey area that currently belong to a YMCA from the projected number of households in the area for the year 2020 (see Figure 5.04 below).

Projected Number of Households in the Area for the Year 2020	–	Number of Households that Belong to a YMCA in the Area	=	Adjusted Number of Households
35,729*		**1,324**		**34,405**

Figure 5.04 Formula for Calculating the Adjusted Number of Households

Current member analysis (Figure 3.03, page 22) revealed there are 1,324 current member households from the existing Twin Lakes Family YMCA in the survey area. Excluding current member households in the targeted survey area, the **adjusted number of households** in the survey area that will be used in forecasting is **34,405.**

Given the percentage of households with ***a great deal of interest*** in an annual membership, we can determine the number of area resident households in the targeted survey area with the highest level of interest in an annual membership. We use the following formula (see Figure 5.05 below) to forecast the number of area resident households with ***a great deal of interest***.

% of Respondents with *A Great Deal of Interest*	x	Adjusted Number of Households	=	Number of Households with *A Great Deal of Interest*

Figure 5.05 Formula for Calculating the Number of Area Residents that Will Join

*See *Population Trends Analysis*, pages 20–21 .

Note: Additional sources used in verifying the population data included DemographicsNow.com.

Forecast of New Households with Interest in Joining a New Leander YMCA before Location Preference Is Considered

The following table calculates the number of area resident households with *a great deal of interest* in joining a new Leander YMCA. The table below also illustrates the forecast of area resident households with *a lot of interest* in joining—the second-highest level of interest in joining. The rates quoted to respondents are outlined in Figure 5.03, page 34.

Interest in a New Leander YMCA Before Location Preference					
Pricing/Facility Options	**Percentage of Households with *A Great Deal of Interest* = 12.7%**	**X**	**Adjusted Number of Households**	**=**	**Number of Households with *A Great Deal of Interest***
Current rates with initial facility bundle	8.3%	X	34,405	=	2,856
Plus 1st choice of additional features*	3.6%	X	34,405	=	1,239
Plus 1st & 2nd choices of additional features**	0.2%	X	34,405	=	69
15%-lower, branch-only rates	0.6%	X	34,405	=	206
Forecast of Households with *A Great Deal of Interest* in Joining a New Leander YMCA Before Location Preference Is Considered					**4,370**
Forecast of New Households with *A Lot of Interest* in Joining a New Leander YMCA Before Location Preference Is Considered (2.3%)					**791**

*The vast majority (85%) chose an *indoor warm water shallow pool*, 11% chose an *indoor six-lane lap pool*, and the remaining 4% chose an *outdoor pool*.

**Nearly half (48%) chose an *outdoor pool*, 41% chose an *indoor six-lane lap pool*, and 7% chose an *indoor warm water shallow pool*.

Figure 5.06 Forecast of New Households with Interest in Joining a New Leander YMCA before Location Preference Is Considered

Pricing/Facility Preference among Prospective Members

The graph below shows the preference of prospective members with *a great deal of interest* with all pricing and facility options offered.

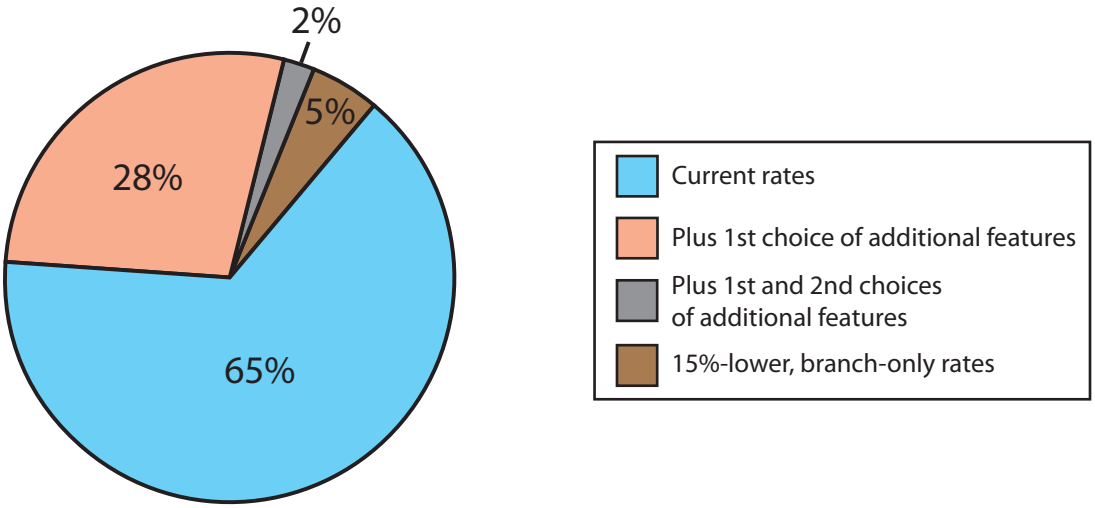


Figure 5.07 Pricing/Facility Preference among Prospective Members

Forecast of Households with Interest in Joining a New Leander YMCA by Location

The forecasts for each location are calculated by multiplying the total forecasted new households (number of households with *a great deal of interest* in joining before location preference is considered [Figure 5.06, page 36]) by the percentage of prospective members that prefer each location (Figure 5.01, page 32).

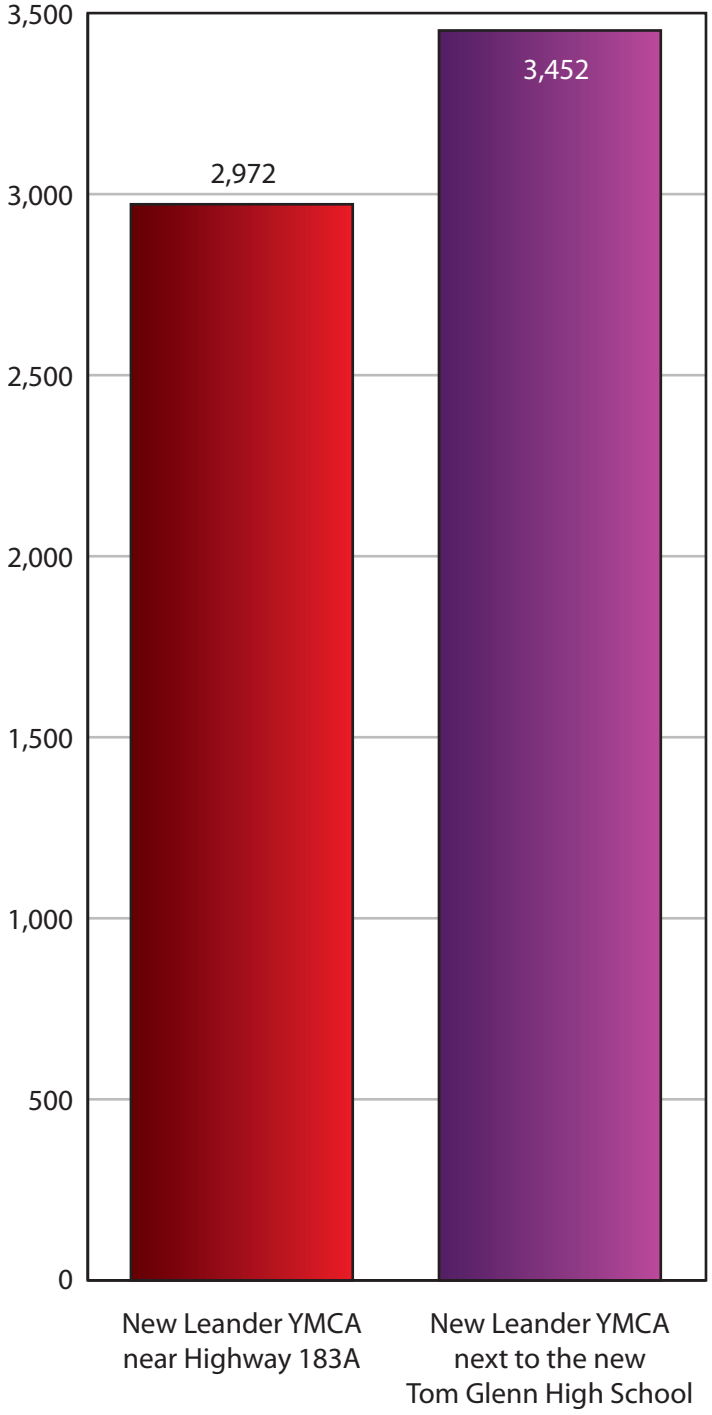


Figure 5.08 Forecast of New Households with Interest in Joining by Location

Forecast of Annual Revenue Generated from New Membership Units Sold for a New Leander YMCA

The following table (Figure 5.09) illustrates the formula used to forecast the annual revenue generated from new memberships sold (not retained) before any scenarios are taken into consideration. Please note that the forecasts do not include revenues from joining fees or program participation. Figure 5.10 on the next page illustrates the forecasts of revenue from annual memberships for each location.

Number of Households at Each Pricing Option	X	Percentage of Prospective Members for Each Membership Category	X	Annual Rate	=	Revenue Generated
Forecast of households at each pricing option	X	1% Youth/teen	X	$	=	$
	X	1% Young adult ages 18–25 with student ID	X	$	=	$
	X	48% Individual adult ages 18 or over	X	$	=	$
	X	12% Senior ages 62 or over	X	$	=	$
	X	12% Family with 2 adults and any children under age 17	X	$	=	$
	X	5% Family with 1 adult and any children under age 17	X	$	=	$
	X	15% Adult couple	X	$	=	$
	X	6% Senior couple	X	$	=	$
				Forecast of Annual Revenue Generated from New Memberships		**$**

Figure 5.09 Formula Used to Calculate Annual Revenue

Forecast of Annual Revenue Generated from New Membership Units Sold for a New Leander YMCA

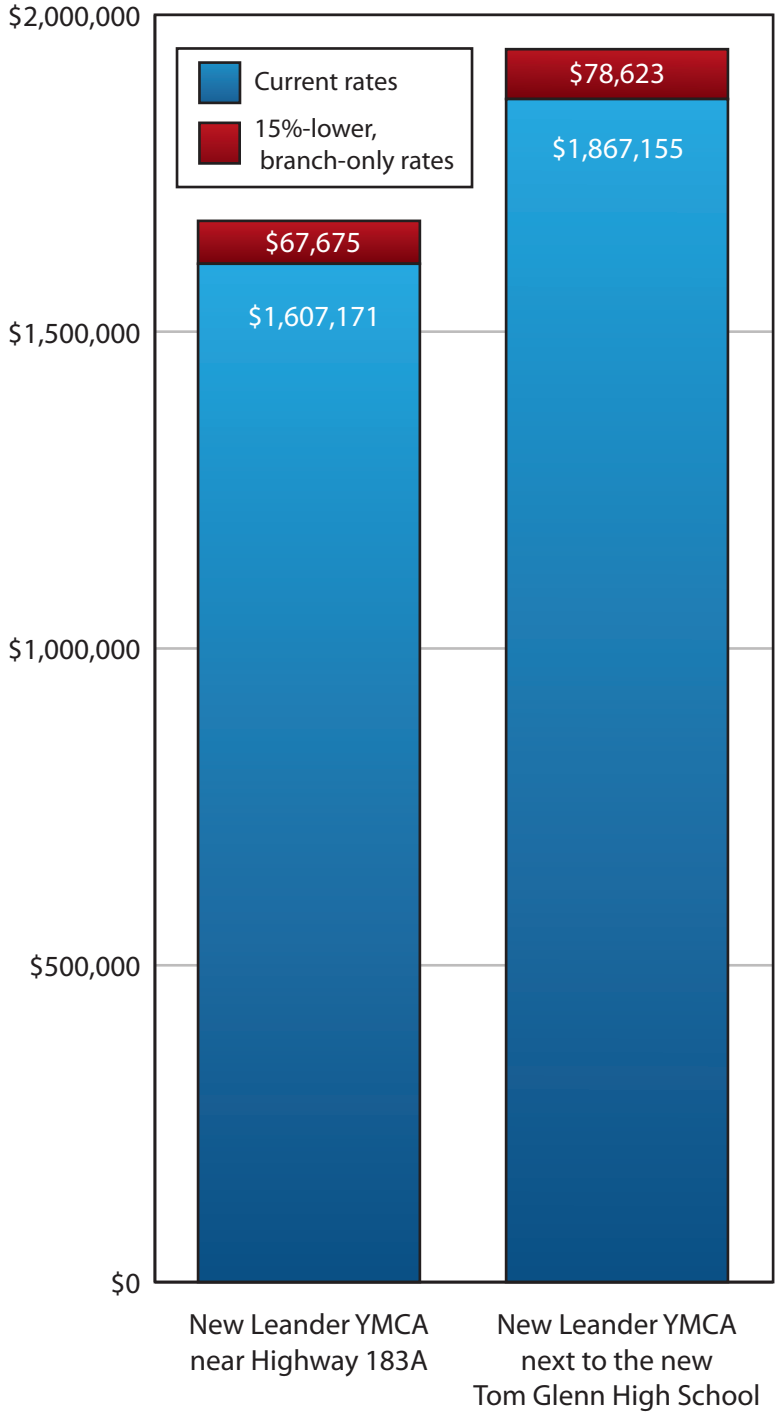


Figure 5.10 Forecast of Annual Revenue Generated from New Membership Units Sold for a New Leander YMCA by Location

Forecast of Current Member Households of the Twin Lakes Family YMCA with Interest in Transferring to a New Leander YMCA before Location Preference Is Considered

The following table calculates the number of current member households at the existing Twin Lakes Family YMCA with *a great deal of interest* in transferring their membership to a new Leander YMCA before location preference is considered. The table below also illustrates the forecast of current member households with *a lot of interest* in continuing—the second-highest level of interest in continuing. Total current member units were derived from the lists provided by the YMCA.

Existing Twin Lakes Family YMCA					
Pricing & Facility Options	**Percentage of Members with *A Great Deal of* Interest = 20.0%**	**X**	**Total Number of Current Member Units**	**=**	**Number of Continuing Current Member Units**
Current rates with initial facility bundle	11.0%	X	4,768	=	525
Plus 1st choice of additional features*	2.0%	X	4,768	=	95
Plus 1st & 2nd choices of additional features**	6.0%	X	4,768	=	286
15%-lower, branch-only rates	1.0%	X	4,768	=	48
Forecast of Current Twin Lakes Member Households with *A Great Deal of Interest* in Continuing at a New Leander YMCA Before Location Preference Is Considered					**954**
Forecast of Current Twin Lakes Member Households with *A Lot of Interest* in Continuing at a New Leander YMCA Before Location Preference Is Considered (0%)					**0**

*Over one-third (35%) chose an *indoor warm water shallow pool*, 30% chose an *indoor six-lane lap pool*, and the remaining 35% chose an *outdoor pool*.

**Nearly half (47%) chose an *outdoor pool*, 29% chose an *indoor six-lane lap pool*, and 24% chose an *indoor warm water shallow pool*.

Figure 5.11 Forecast of Twin Lakes Current Member Households with Interest in Continuing at a New Leander YMCA before Location Preference Is Considered

Location Preference among Transferring Members

The graph below shows the location preference of current member households of the Twin Lakes Family YMCA with *a great deal of interest* in transferring to a new Leander YMCA.

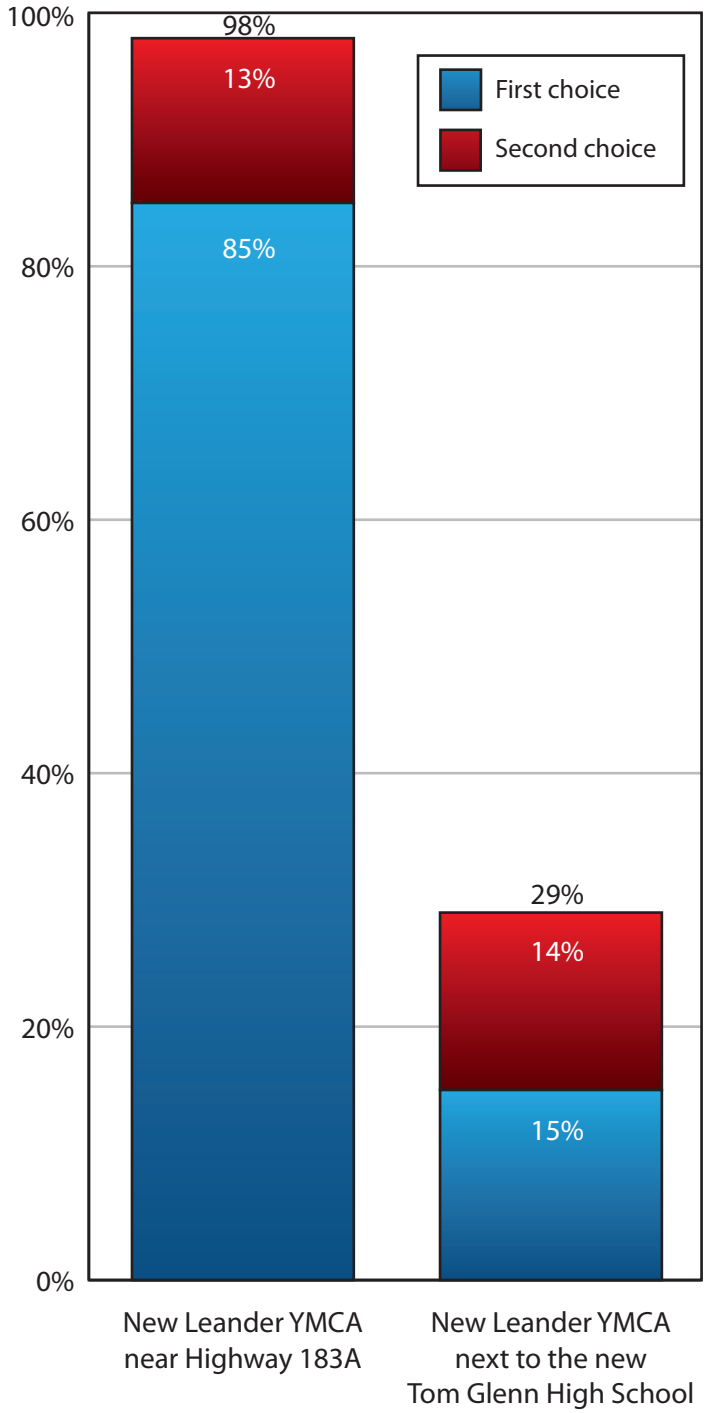


Figure 5.12 Location Preference among Transferring Twin Lakes Current Members

Forecasts of Transferring Members by Location

The graph below forecasts the number of current member households of the Twin Lakes Family YMCA with *a great deal of interest* in transferring to a new Leander YMCA by location.

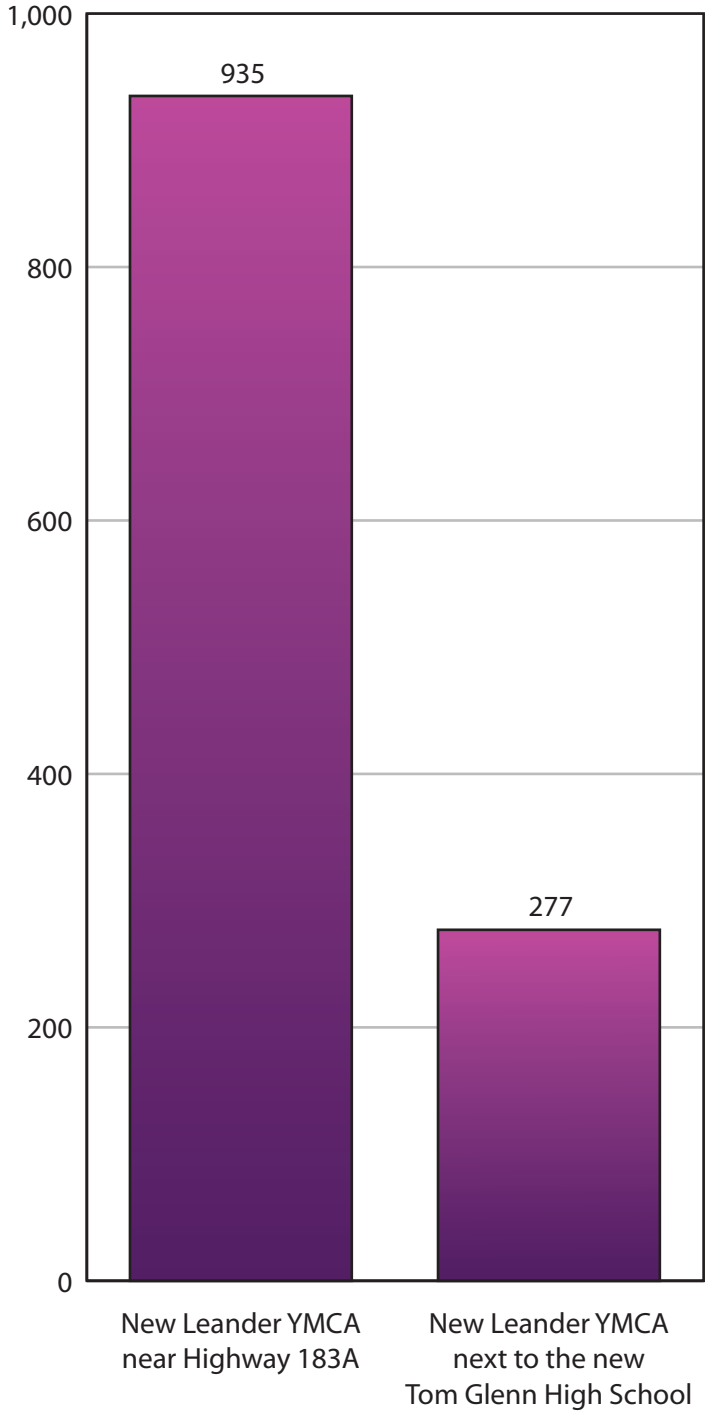


Figure 5.13 Transferring Twin Lakes Current Members by Location

Number of Austin Community College Students, Faculty, and Employees with Interest in Joining a New Leander YMCA

The following table shows the results of the online survey and calculates the number of students, faculty, and employees of Austin Community College (ACC) with *a great deal of interest* in joining a new Leander YMCA *near Highway 183A and Hero Way, close to the train station and H.E.B.*, which is on Austin Community College's new Leander campus. The table below also illustrates the number of respondents with *a lot of interest* in joining—the second-highest level of interest.

New Leander YMCA near Highway 183A (the New Leander Campus of ACC)					
Pricing/Facility Options	**Percentage of Households with *A Great Deal of Interest* = 38.4%**	**X**	**Total Received Online Responses**	**=**	**Number of Households with *A Great Deal of Interest***
Current rates with initial facility bundle	13.6%	X	1,172	=	159
Plus 1st choice of additional features*	3.8%	X	1,172	=	45
Plus 1st & 2nd choices of additional features**	2.5%	X	1,172	=	29
15%-lower, branch-only rates	5.1%	X	1,172	=	60
Included as part of student fees and employee benefits	13.4%	X	1,172	=	157
Forecast of ACC Households with *A Great Deal of Interest* in Joining a New Leander YMCA					**450**
Forecast of ACC Households with *A Lot of Interest* in Joining a New Leander YMCA (12.9%)					**151**

*Over one-third (37%) chose an *indoor warm water shallow pool*, 26% chose an *indoor six-lane lap pool*, 18% chose an *outdoor pool*, and the remaining chose any of the above.

**About one-third (35%) chose an *outdoor pool*, 27% chose an *indoor six-lane lap pool*, 27% chose an *indoor warm water shallow pool*, and the remaining chose any of the above.

Figure 5.14 Number of Austin Community College Students, Faculty, and Employees with Interest in Joining

Interest in a New Leander YMCA Next to the New Tom Glenn High School among Prospective ACC Members

The following graph shows the responses of prospective ACC members—students, faculty, and employees of Austin Community College—with *a great deal of interest* or *a lot of interest* in joining a new YMCA at the location on the Leander campus when asked whether they would be willing to travel to a new Leander YMCA if it is located in Leander, *near San Gabriel Parkway and Halsey Dr., next to the new Tom Glenn High School*.

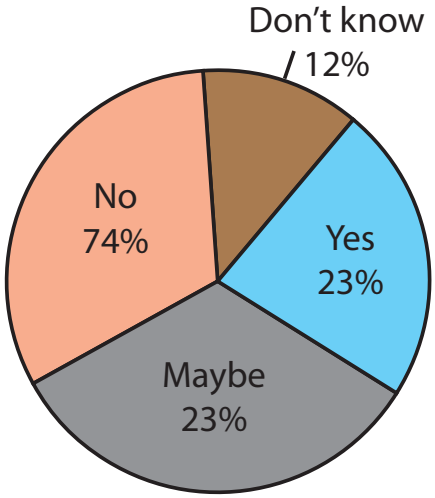


Figure 5.15 Interest in a New Leander YMCA Next to the New Tom Glenn High School among Prospective ACC Members

Summary of Forecasts

The table below summarizes the forecasts of all membership units for a new Leander YMCA with the current rates by facility options and location. Please note that typically the Consultant bases forecasts only on households with *a great deal of interest*, which are illustrated in the following table.

Forecasts	Current Rates	Plus 1st Choice	Plus 1st & 2nd Choice	Total
A New Leander YMCA near Highway 183A				
New units	1,942	843	47	2,832
New revenue	$1,102,325	$478,214	$26,632	$1,607,171
Revenue per unit	$568	$568	$568	$568
Transferring units from Twin Lakes	515	93	280	888
Transferring revenue from Twin Lakes	$392,049	$70,942	$213,573	$676,564
Revenue per unit	$762	$762	$762	$762
Total units	**2,457**	**936**	**327**	**3,720**
Total revenue	**$1,494,374**	**$549,156**	**$240,205**	**$2,283,735**
Revenue per unit	**$608**	**$587**	**$737**	**$614**
A New Leander YMCA Next to the New Tom Glenn High School				
New units	2,256	979	55	3,290
New revenue	$1,280,642	$555,573	$30,940	$1,867,155
Revenue per unit	$568	$568	$568	$568
Transferring units from Twin Lakes	152	28	83	263
Transferring revenue from Twin Lakes	$116,015	$20,993	$63,200	$200,208
Revenue per unit	$762	$762	$762	$762
Total units	**2,408**	**1,006**	**138**	**3,553**
Total revenue	**$1,396,657**	**$576,566**	**$94,140**	**$2,067,363**
Revenue per unit	**$580**	**$573**	**$685**	**$582**

Figure 5.16 Summary of Forecasts for New Membership Units

Reasons Area Residents Are Not Interested in Joining

The following table shows the reasons why area residents who do not currently belong to a YMCA are not interested in joining a new YMCA. Respondents who cited cost-related reasons were also informed that *the YMCA offers sliding-scale rates, scholarships, and financial assistance to those with limited incomes. They can contact the Y at (512) 246-9622 for more information*.

Response Item	Percentage of Those Not Interested (Multiple Responses OK)
Lack of interest/personal barriers	
Wouldn't use	26%
Just not interested	25%
No time	15%
Health problems	6%
Don't like gyms/crowds	3%
Too old	3%
Not into fitness	2%
Satisfied with current affiliation/situation	
Satisfied where I currently belong	6%
Own equipment/exercise at home	2%
Prefer outdoor activities	1%
Cost related	
Costs too much/can't afford it	5%
Location related	
Location not convenient	1%
Others	
No kids	1%
Kids grown	1%
Would like to see Y first	1%

Note: All others received less than 1%, including *only interested in programs*, *lacks specific feature/program (pool)*, *need to consult with family*, *unemployed*, *uncertain economy*, *moving/visiting*, and *can't get there/transportation*.

Figure 5.17 Reasons Area Residents Are Not Interested in Joining

Reasons Current Members Are Not Interested in Continuing

The following table shows the reasons given by current member households of the Twin Lakes Family YMCA who are not interested in continuing their membership.

Reasons Cited	Percentage of Those Not Interested (Multiple Responses OK)
Go to Northwest	28%
Cost/can't afford	22%
Moving out of the area	11%
Couldn't make or find the time to go to the Y	11%
Likes his/her own Y	9%
Poor health	9%
Uses Round Rock Y	9%

Figure 5.18 Reasons Current Members Are Not Interested in Continuing

Reasons Online Survey Prospective Members Are Not Interested in Joining

The following table shows the reasons given by online survey prospective members who are not interested in joining the new YMCA.

Response Item	Percentage of Those Not Interested (Multiple Responses OK)
Just not interested	36%
Location not convenient	29%
Cost/can't afford	24%
Satisfied where I belong	13%
Have access at home/work/school	10%
Don't like the YMCA facilities	3%
Because I don't want student tuition to be raised for something I may not use	2%
No time	2%
Moving	1%
Do not hide YMCA cost in student fees—those who use the YMCA should pay for their membership	1%

Figure 5.19 Reasons Online Survey Prospective Members Are Not Interested in Joining

Chapter Six

Profile of Transferring and Prospective Members

This data can be used to

- Develop a marketing plan targeting specific member groups

Prospective members are area households with at least *a lot of interest* in joining the YMCA.

Age of Transferring Members, Prospective Members, and Area Residents

The following table and graph compare the ages of adult transferring and prospective members with area residents.

Age	Twin Lakes Transferring Members	Prospective Members	Area Residents
Ages 18–19	—	—	3%
Ages 20–24	—	1%	5%
Ages 25–34	28%	10%	11%
Ages 35–44	38%	14%	15%
Ages 45–54	15%	29%	15%
Ages 55–64	12%	25%	12%
Ages 65–74	2%	9%	8%
Ages 75+	—	7%	6%

Note: 5% of Twin Lakes transferring members and 5% of prospective members declined to answer.

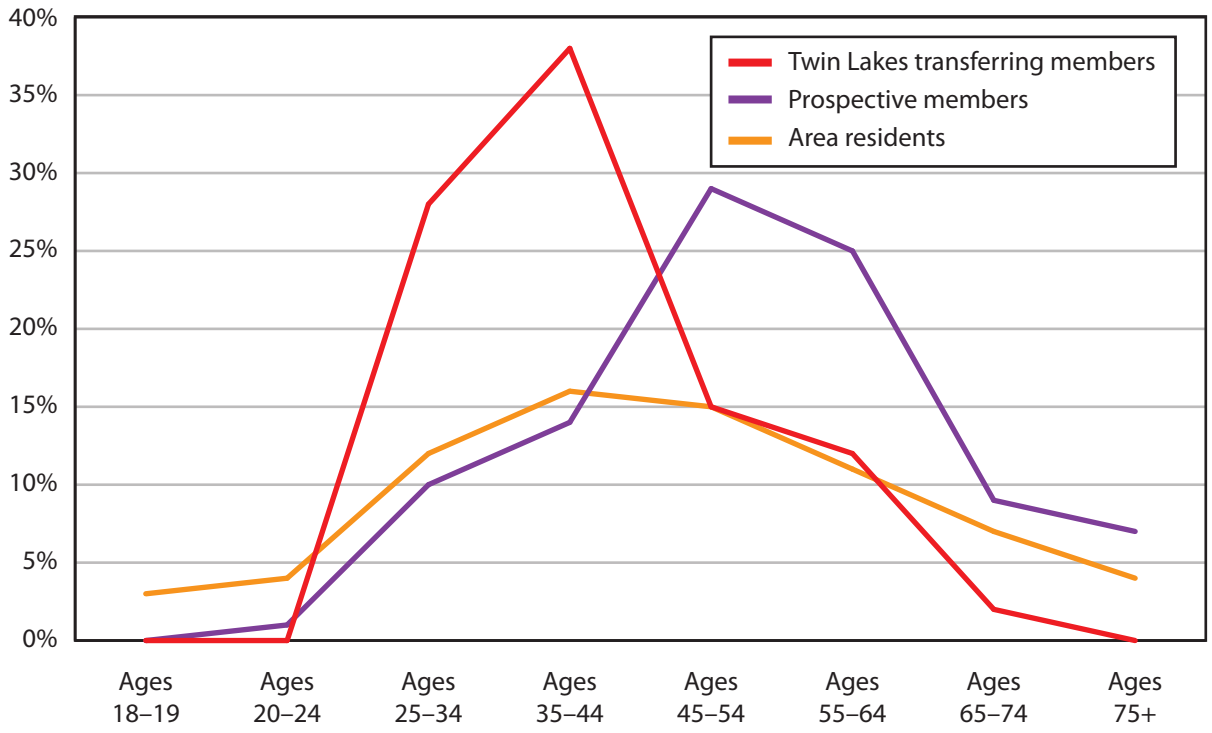
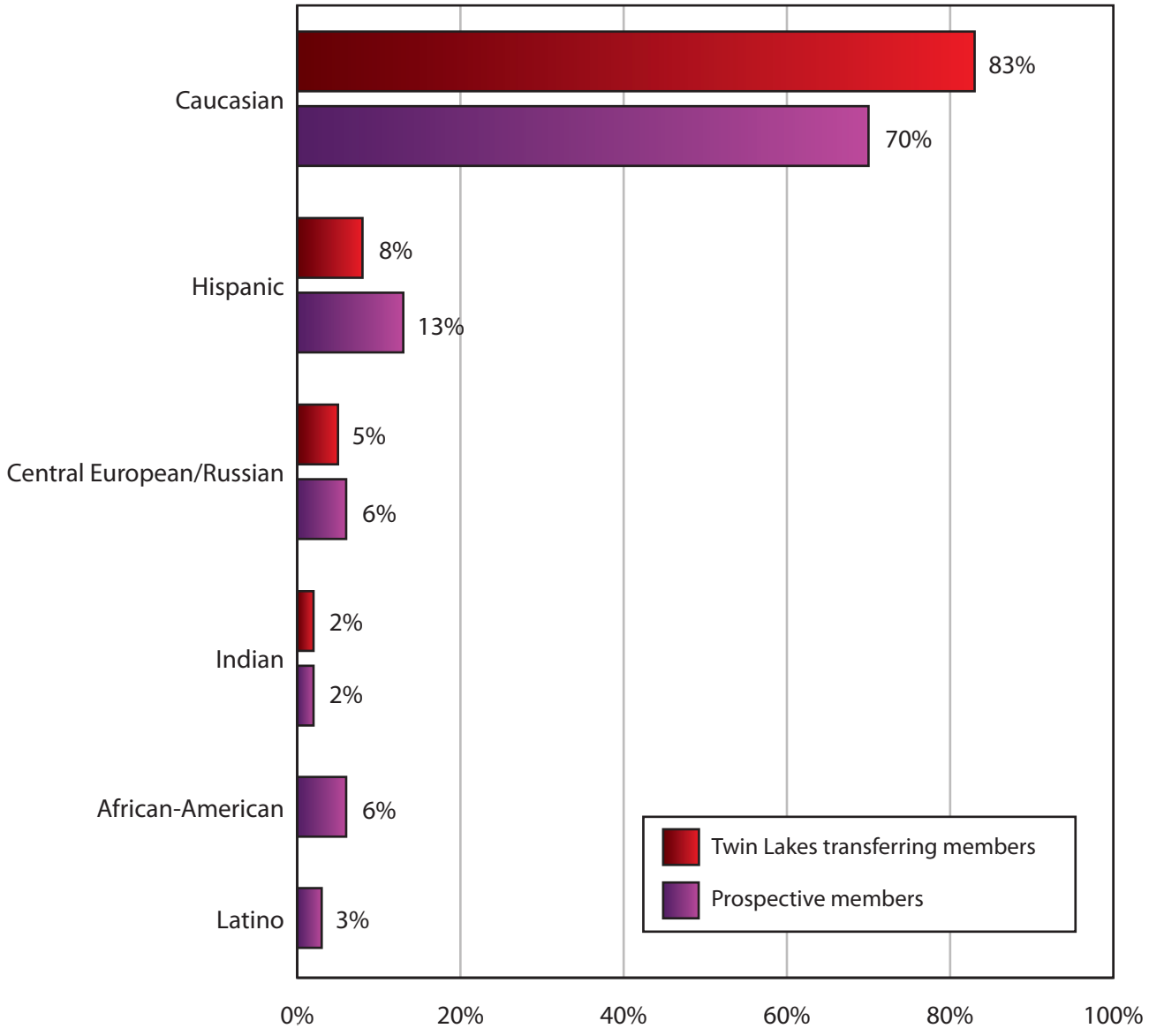


Figure 6.01 Age of Transferring Members, Prospective Members, and Area Residents

Ethnic Background of Transferring and Prospective Members

The following chart displays the ethnic background of transferring and prospective members.



Note: 2% of Twin Lakes transferring members declined to answer.

Figure 6.02 Ethnic Background of Transferring and Prospective Members

Percentage of Transferring and Prospective Members with Children in the Household

The charts below show the percentages of transferring and prospective members with children under age 18 in their household.

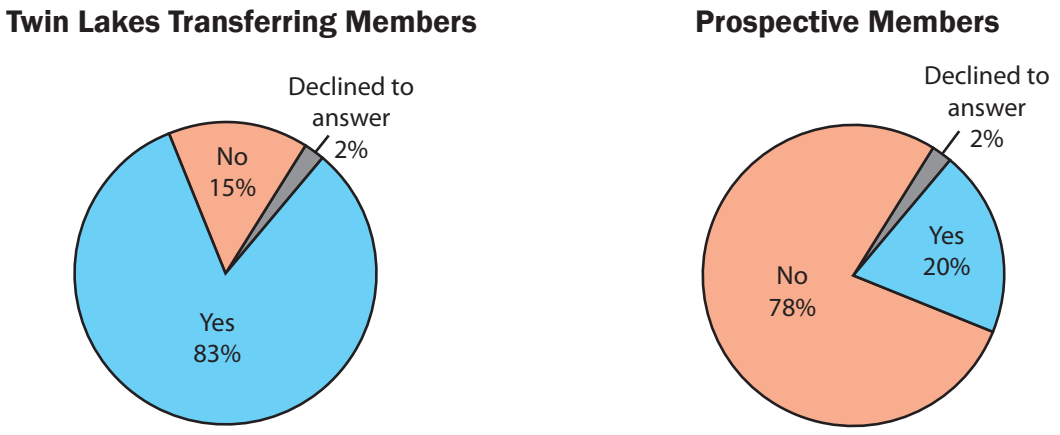


Figure 6.03 Transferring and Prospective Members with Children Under Age 18 in Their Household

Membership Categories of Transferring and Prospective Members

The following chart shows the membership categories preferred by transferring and prospective members.

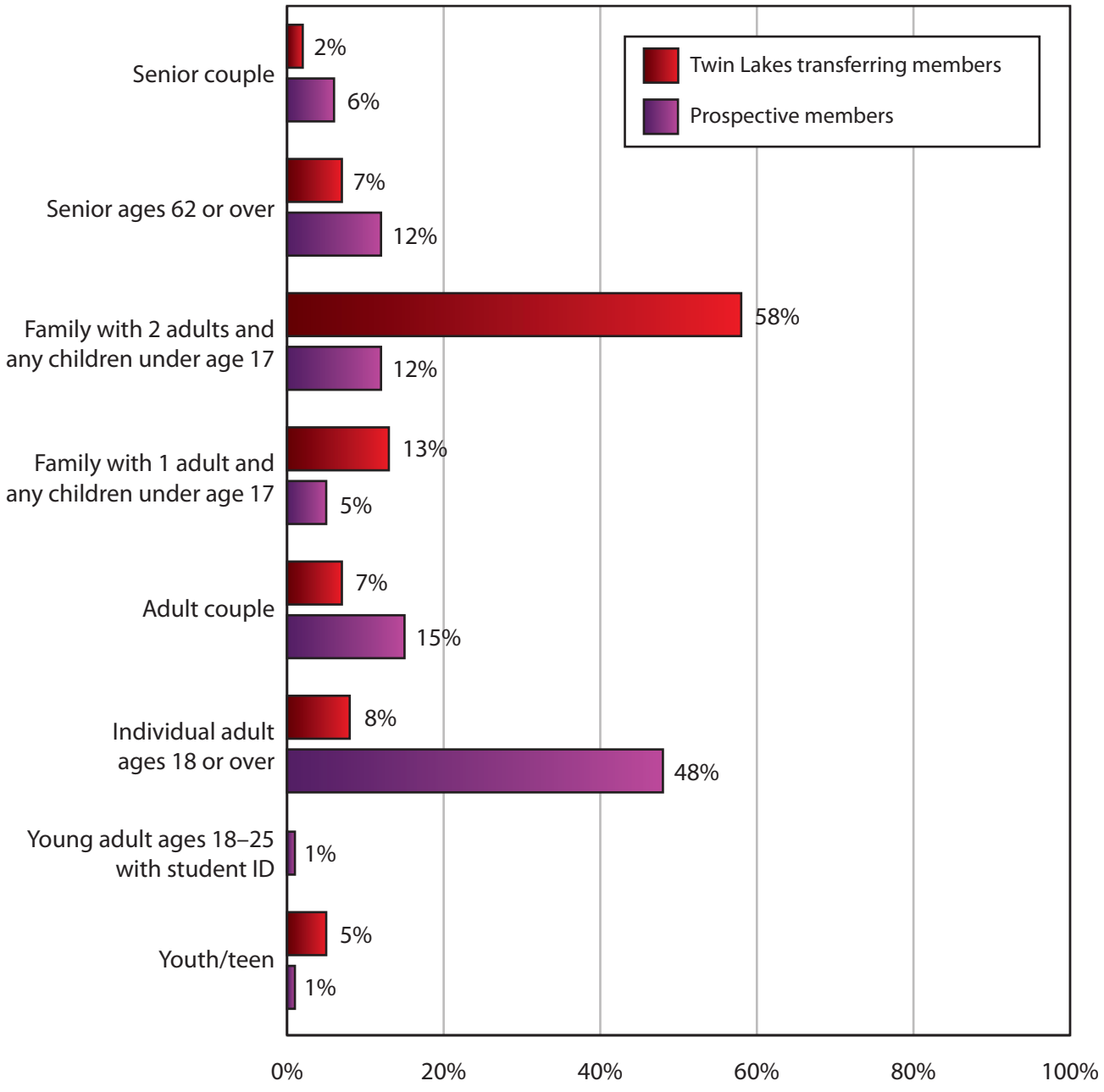


Figure 6.04 Membership Categories of Transferring and Prospective Members

Census Tract Locations of Prospective Members

The following map defines the census tract locations of prospective members.

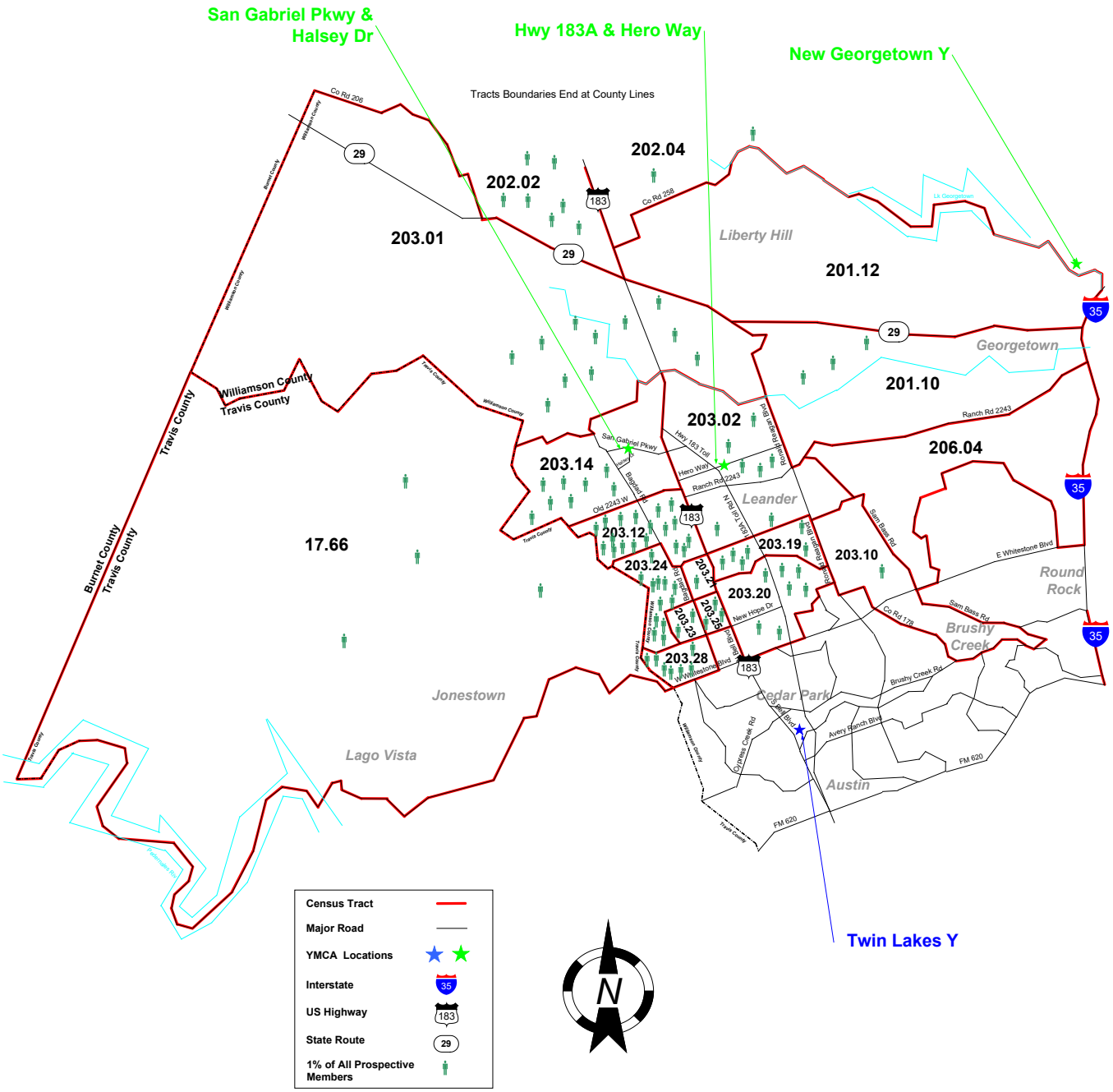


Figure 6.05 Census Tract Locations of Prospective Members

Association with Austin Community College among Transferring and Prospective Members

The following graph shows how transferring and prospective members responded when asked if they or anyone in their household works or studies at Austin Community College.

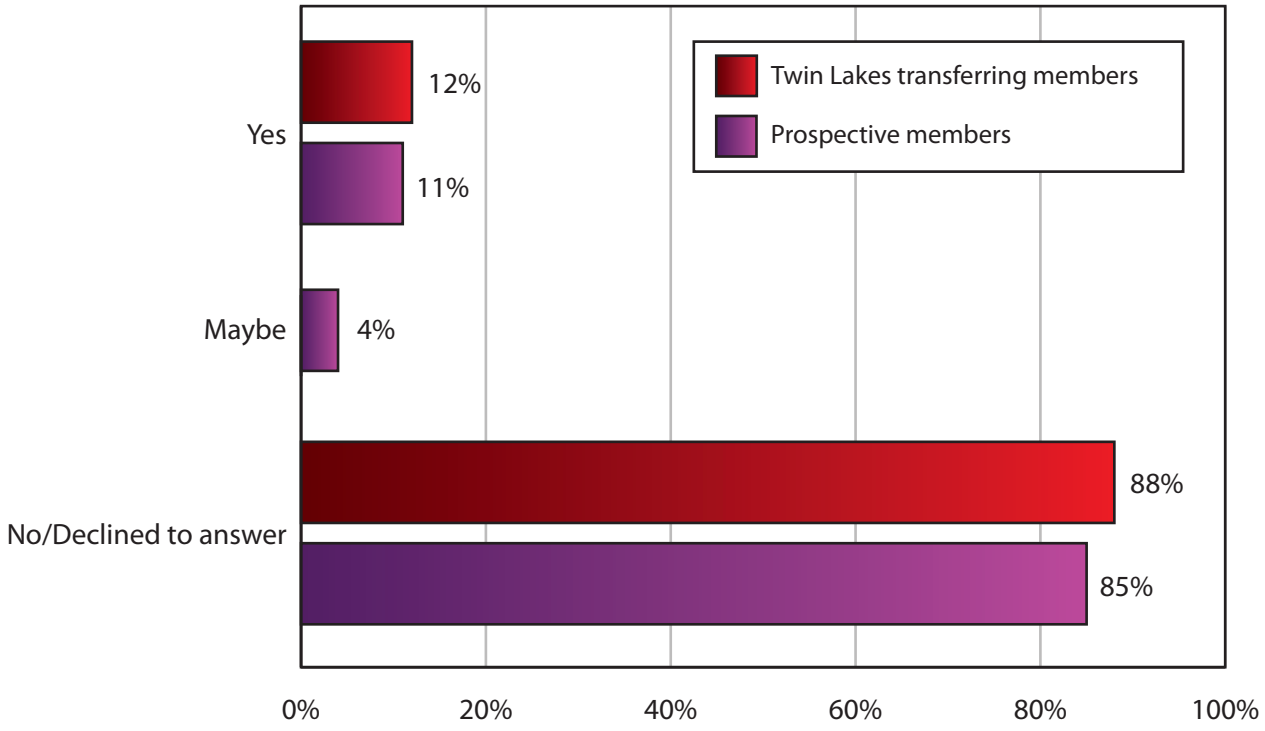
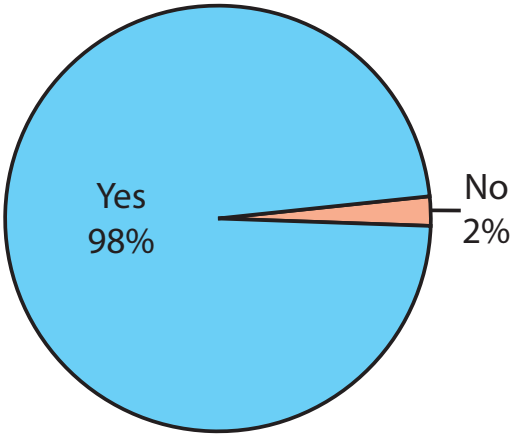


Figure 6.06 Association with Austin Community College among Transferring and Prospective Members

Which Branch Transferring Members Primarily Use

The following chart shows how transferring members of the Twin Lakes Family YMCA responded when asked if their respective YMCA is the one they primarily use.



Note: 1.5% of Twin Lakes transferring members said they primarily use the Northwest YMCA, and 0.5% said they primarily use the CHASCO Family YMCA.

Figure 6.07 Which Branch Transferring Members Primarily Use

Health Statements of Transferring Members, Prospective Members, and Area Residents

The following graph compares the responses of transferring members, prospective members, and area residents to the three statements given, indicating the presence of "health seekers".

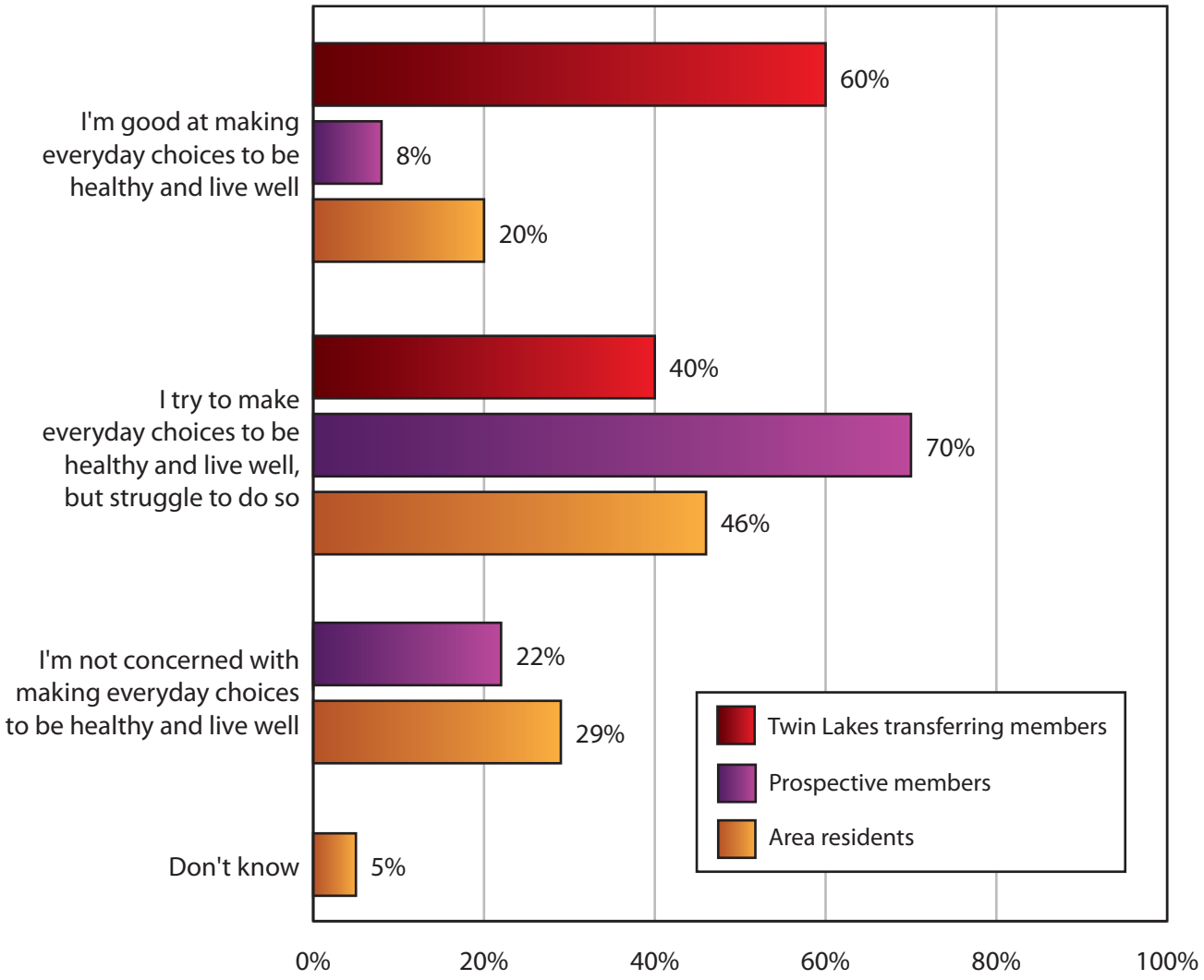


Figure 6.08 Health Statements of Transferring Members, Prospective Members, and Area Residents

Chapter Seven

Interest in Programs for Children and Families among Prospective Members

Interest in Babysitting, Child Care, After-School, and Child Development Programs among Prospective Members

The following table shows the level of interest in child care, baby-sitting, or after-school programs among prospective members with children ages infant–13 in the household.

Programs for Children and Families	Infant–2	3–5	6–9	10–13
Social and exercise program for stay-at-home moms	Very Low	Low	Low	Low
Baby-sitting while parents work out	Very Low	Low		
Parents' Night Out fun program for children at $15/child		Low	Low	Low
Kids' club with supervised fun features for different age groups while parents work out		Very Low	Moderate	Low
Y Arts programs with crafts, plays, story time, and movement activities		Very Low	Low	
Licensed after-school programs 5 days/week at the school for $65/week			Low	Low

Very Low = <1% Low = 1%–4% Moderate = 5%–9% High = 10%–14% Very High = 15%+

Figure 7.01 Interest in Babysitting, Child Care, After-school, and Child Development Programs among Prospective Members

Interest in Summer Day Camps among Prospective Members

The following table shows the level of interest in summer day camps at an average cost of $115/week among prospective members with children under 18 in the household.

Summer Day Camps	3–5	6–9	10–13	14–1*
Traditional summer day camp with swimming, games, and arts and crafts	Low	Low	Moderate	
Creative arts camp with drawing, drama, and music	Low	Low	Low	
Full-day sports camp*	Very Low	Low	Low	Low
Basketball		Low	Low	Very Low
Flag football		Very Low	Low	Very Low
Lacrosse		Low	Low	Very Low
Indoor soccer		Low	Very Low	Low
Outdoor soccer		Low	Very Low	Low
Racquetball		Low	Low	Very Low
Tennis		Very Low	Low	Very Low
Learning lab camp with lessons in computers, math, and science	Very Low	Low	Low	Very Low
Teen adventure camp with hiking, high ropes courses, and water sports			Moderate	Low

Very Low = <1% Low = 1%–4% Moderate = 5%–9% High = 10%–14% Very High = 15%+

*All other sports received insignificant interest.

Figure 7.02 Interest in Summer Day Camps among Prospective Members

Interest in Indoor Sports Leagues for Children

The following table shows the level of interest in free, indoor sports leagues for children, in which each child plays in at least half of the game and is taught skills, values, and sportsmanship.

Indoor Sports Leagues for Children	3–5	6–9	10–13	14–17
Soccer	Very Low	Low	Low	Low
Basketball	Very Low	Low	Low	Very Low
Racquetball	Very Low	Low	Low	Very Low
Tennis	Very Low	Low	Low	Very Low
Volleyball	Very Low	Low	Low	Very Low
Ice hockey	Very Low	Low	Very Low	Very Low

Very Low = <1% Low = 1%–4% Moderate = 5%–9% High = 10%–14% Very High = 15%+

Note: All other sports leagues received insignificant interest.

Figure 7.03 Interest in Indoor Sports Leagues for Children

Interest in Outdoor Sports Leagues for Children

The following table shows the level of interest in free outdoor sports leagues for children, in which each child plays in at least half of the game and is taught skills, values, and sportsmanship.

Outdoor Sports Leagues for Children	3–5	6–9	10–13	14–17
Soccer	Low	Very Low	Very Low	Very Low
Flag football	Very Low	Low	Low	Low
Lacrosse	Very Low	Low	Low	Low
Baseball	Very Low	Low	Low	Very Low
Softball	Very Low	Low	Low	Very Low
Roller hockey	Very Low	Very Low	Low	Very Low
Tennis	Very Low	Very Low	Low	Very Low

Very Low = <1% Low = 1%–4% Moderate = 5%–9% High = 10%–14% Very High = 15%+

Note: All other sports leagues received insignificant interest.

Figure 7.04 Interest in Outdoor Sports Leagues for Children

Interest in Sports and Recreational Programs for Children and Teens

The following table shows the level of interest in sports and recreational programs for children and teens at an average cost of $80/8-week session.

Sports and Recreational Programs for Children and Teens	3–5	6–9	10–13	14–17
Gymnastics and **tumbling**	Low	Low		
Creative arts courses such as drawing, drama, and music	Very Low	Low	Low	
Dance classes such as ballet, tap, or jazz	Very Low	Low		
Sports-specific **conditioning programs**			Low	Low
Indoor climbing and **ropes courses**			Very Low	Low

Very Low = <1% Low = 1%–4% Moderate = 5%–9% High = 10%–14% Very High = 15%+

Figure 7.05 Interest in Sports and Recreational Programs for Children and Teens

Interest in Social and Recreational Programs for Pre-teens and Teens

The following table shows the level of interest in social and recreational programs for pre-teens and teens.

Social and Recreational Activities for Pre-teens and Teens	10–13	14–17
Fitness classes such as yoga, kickboxing, and weight training techniques	Moderate	Low
Multimedia center that provides access to technologies such as sound mixing and computer graphic design	Low	Low
Teen center with social areas, play areas, and a homework station	Low	Low
Teen nights with movies, food, and dancing	Low	Low

Very Low = <1% Low = 1%–4% Moderate = 5%–9% High = 10%–14% Very High = 15%+

Figure 7.06 Interest in Social and Recreational Programs for Pre-teens and Teens

Interest in Activities Parents and Children Can Do Together

The following chart shows the level of interest in recreational activities that parents can do together with children, such as Family Fun Night at the Y, family fitness classes, and Family Prime Time.

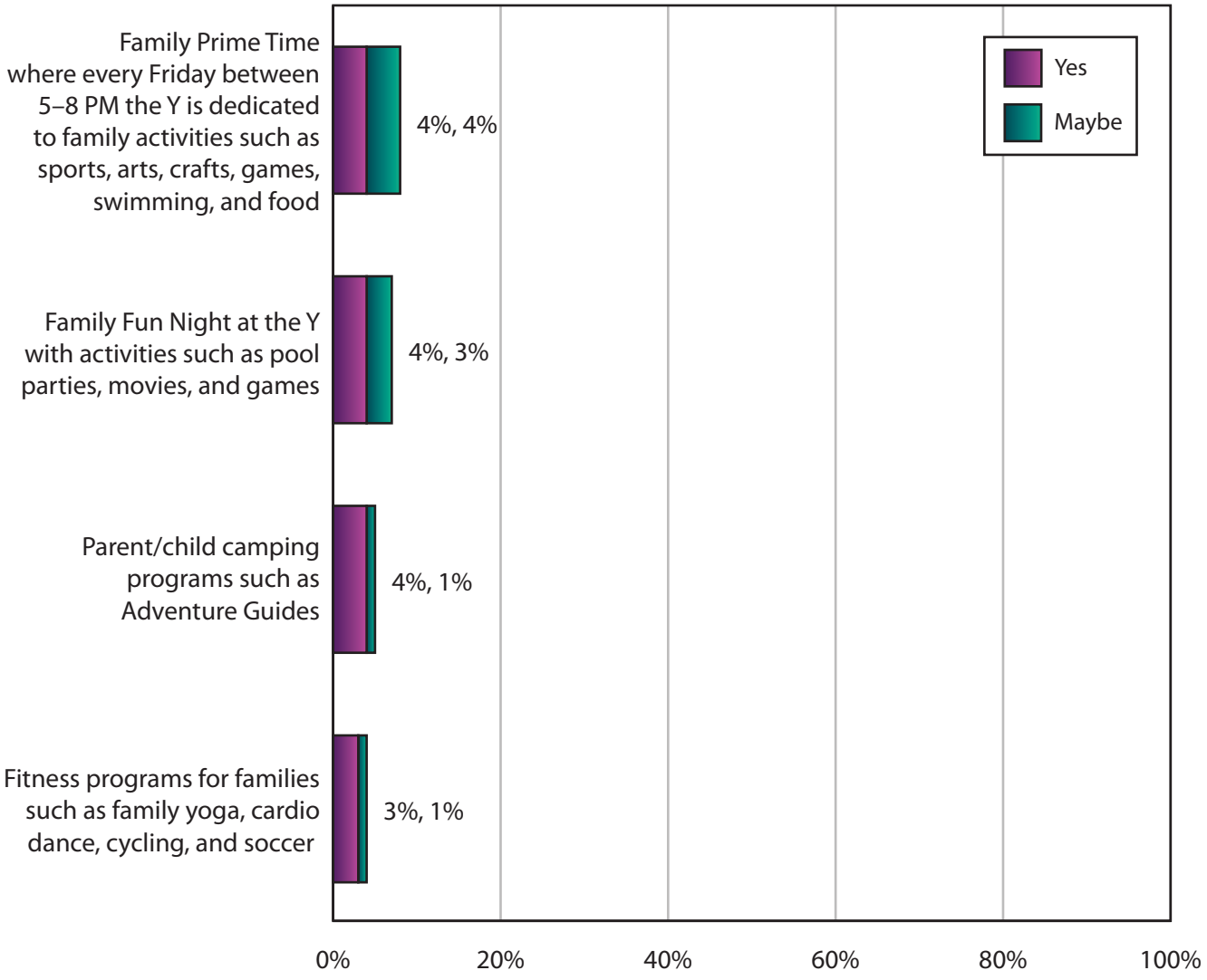


Figure 7.07 Interest in Activities Parents and Children Can Do Together

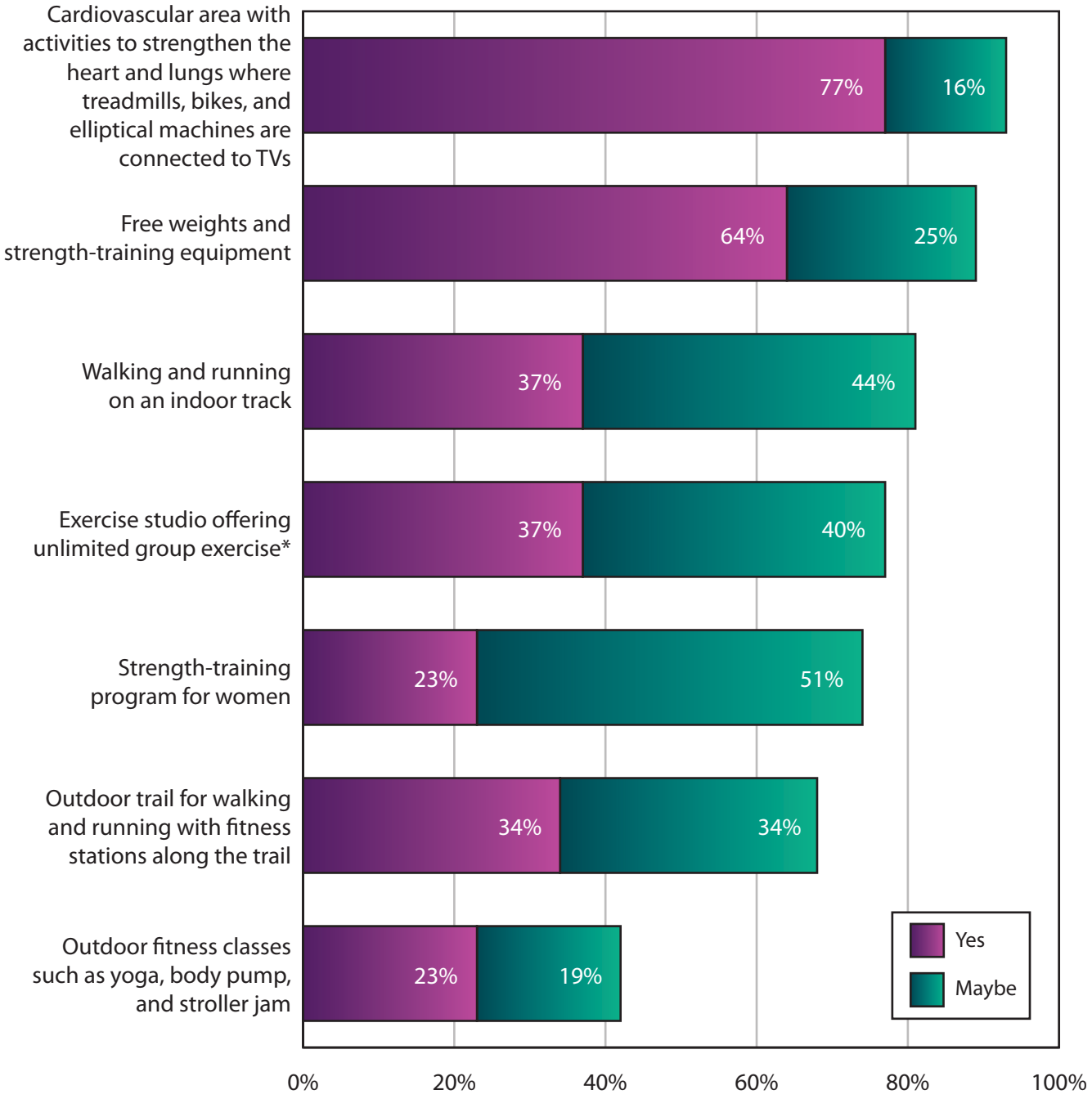
Chapter Eight

Interest in Programs for Adults among Prospective Members

Note: When percentages are presented in graphs on the following pages, the percentages represent the number of membership units that expressed an interest in this activity (e.g., 10% = 10% x 3,553 units = 355 units).

Interest in Fitness Activities for Adults

The following graph shows the level of interest in fitness activities for adults among prospective members.



*Interest in exercise studio programs is shown on the next page.

Figure 8.01 Interest in Fitness Activities for Adults

Interest in Group Exercise for Adults

The following graph shows the level of interest in group exercise programs in the exercise studio for adults among prospective members.

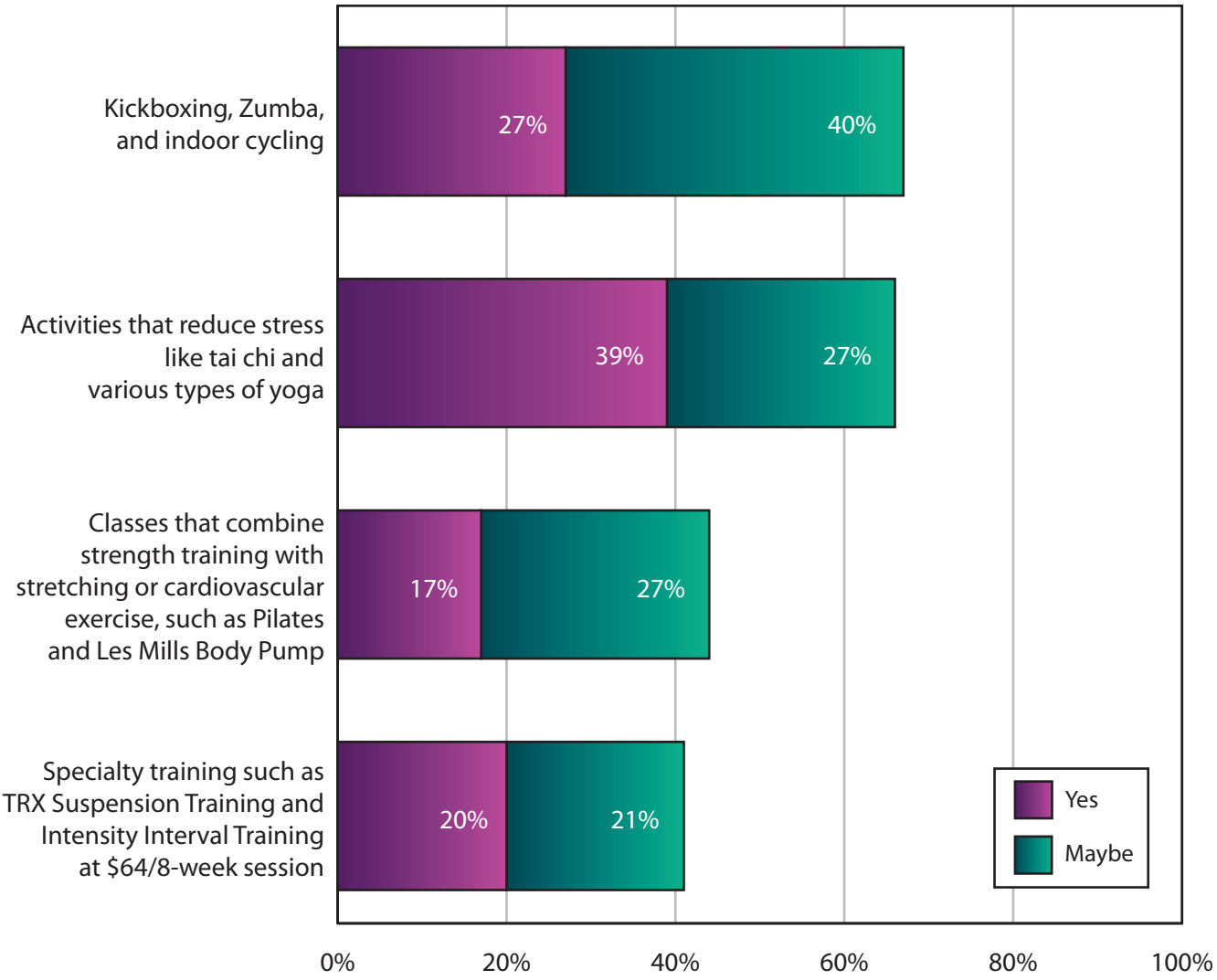


Figure 8.02 Interest in Group Exercise for Adults

How Prospective Members Want to Be Served

The following graph shows how prospective members said they want to be served.

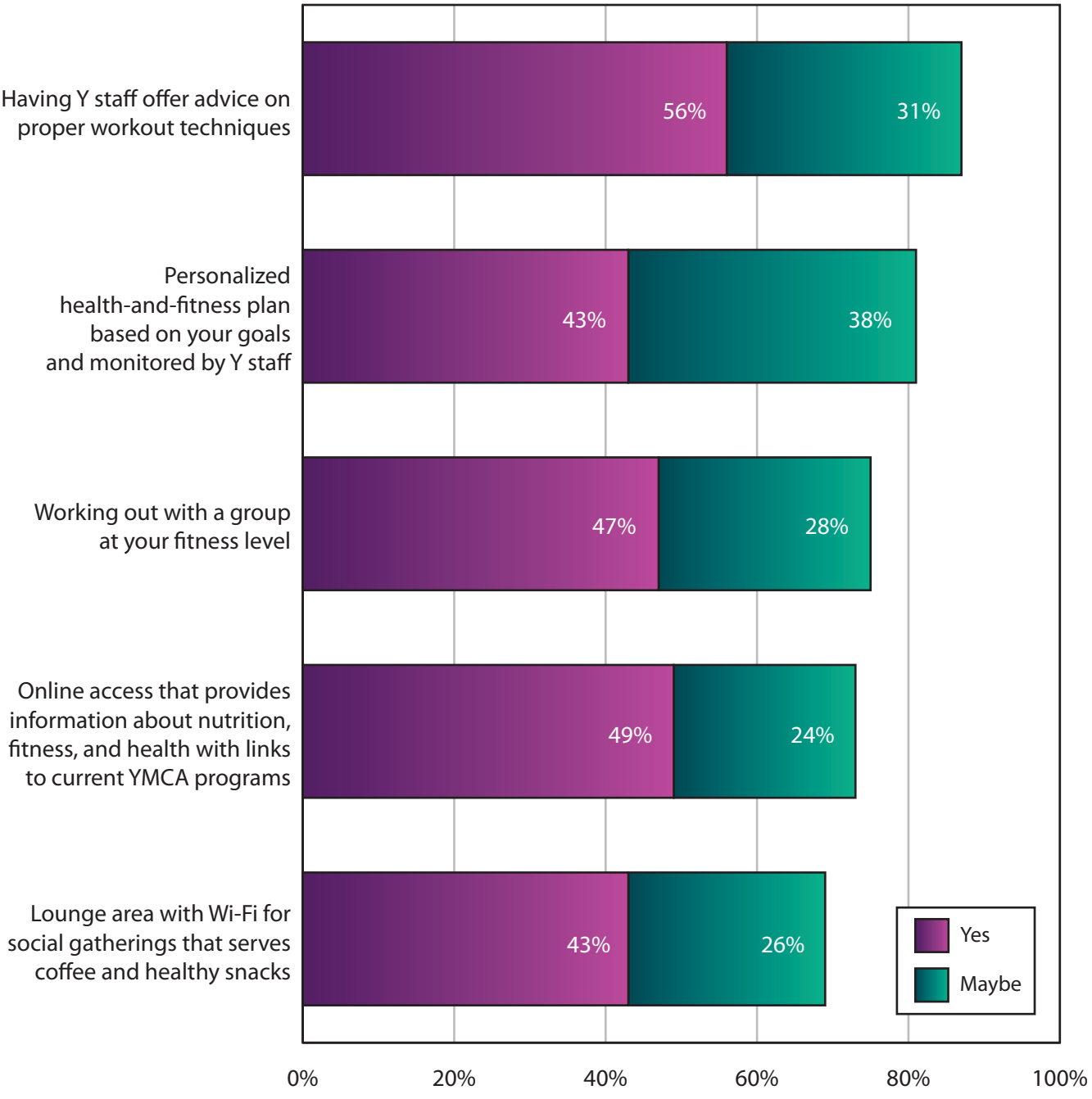


Figure 8.03 How Prospective Members Want to Be Served

Interest in Health and Wellness Programs for Adults among Prospective Members

The following graph shows prospective members' interest in health and wellness programs for adults that could be offered in partnership with a local health-care provider, such as nutrition classes or medically directed fitness programs for those with diabetes and arthritis.

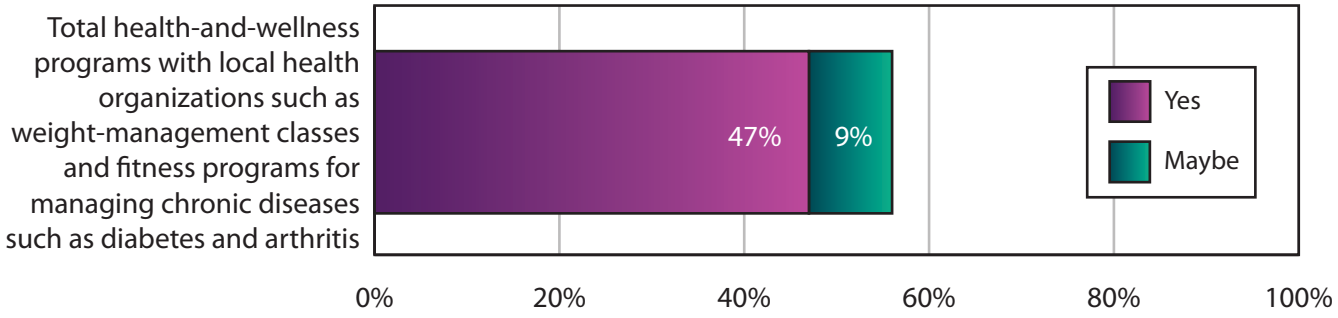


Figure 8.04 Interest in Health and Wellness Programs for Adults among Prospective Members

Chapter Nine

Interest in Aquatics for Children and Adults among Prospective Members

Interest in Aquatic Programs for Children and Teens among Prospective Members

The following table shows the level of interest in aquatic programs for children and teens among prospective members.

Aquatic Activities for Children and Teens	Infant–2	3–5	6–9	10–13	14–17
Recreational swimming using water playground features		Low	Moderate	Moderate	Low
Swim lessons at about $55/8-week session		Low	Very Low	Low	Very Low
Water sports such as water volleyball and synchronized swimming at about $55 for an 8-week session			Low	Moderate	Very Low
Swim teams at $185/month			Low	Low	Low

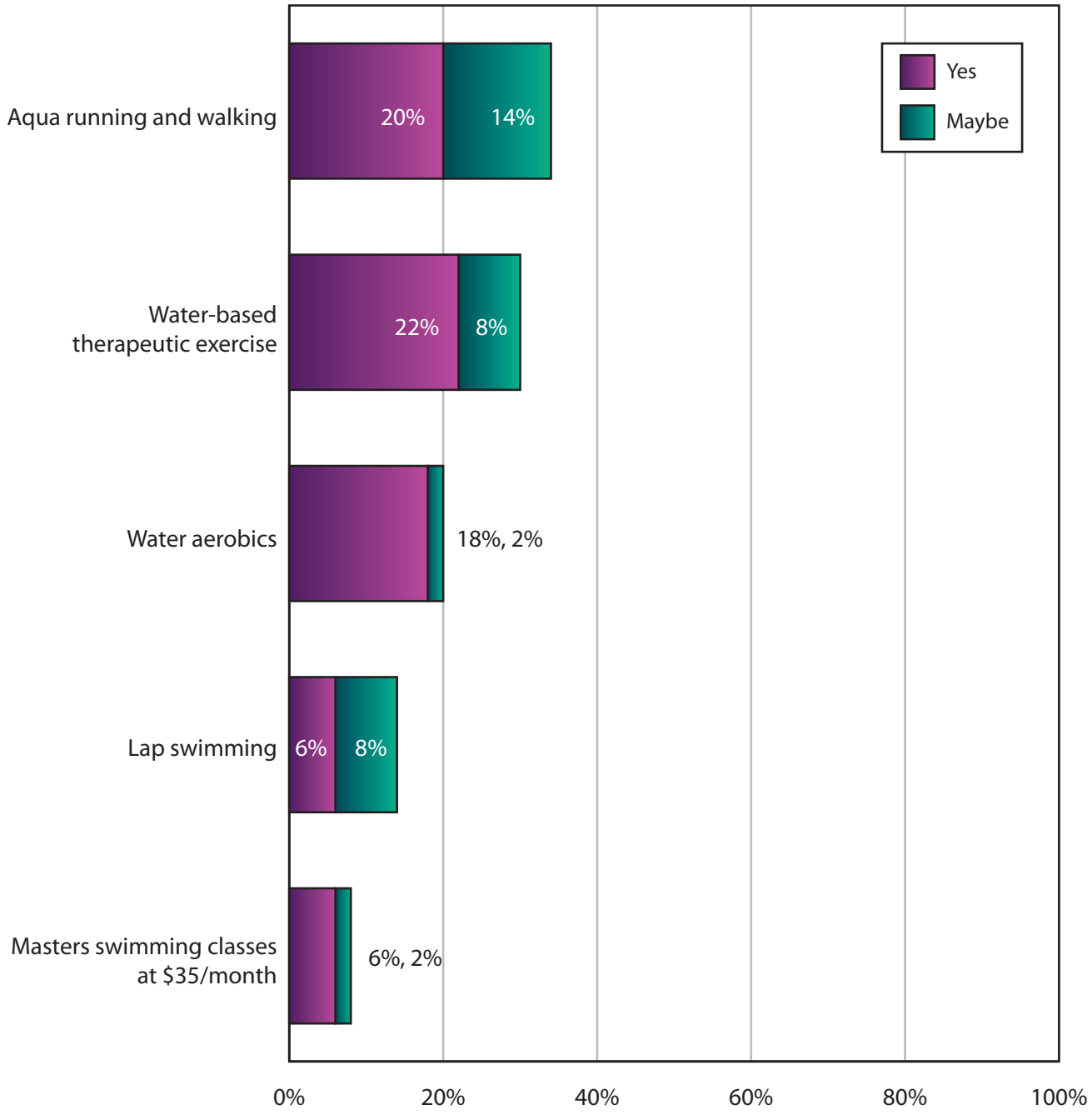
Very Low = <1% Low = 1%–4% Moderate = 5%–9% High = 10%–14% Very High = 15%+

Note: *Lifeguard training at $225/8-week session* and *parent and infant swim classes at about $55/8-week session* were also tested but received insignificant interest.

Figure 9.01 Interest in Aquatic Programs for Children and Teens among Prospective Members

Interest in Swimming and Water Exercise for Adults among Prospective Members

The following graph shows interest in activities in a pool among adult prospective members.



Note: Swimming lessons at $55/8-week session was also tested but received insignificant interest.

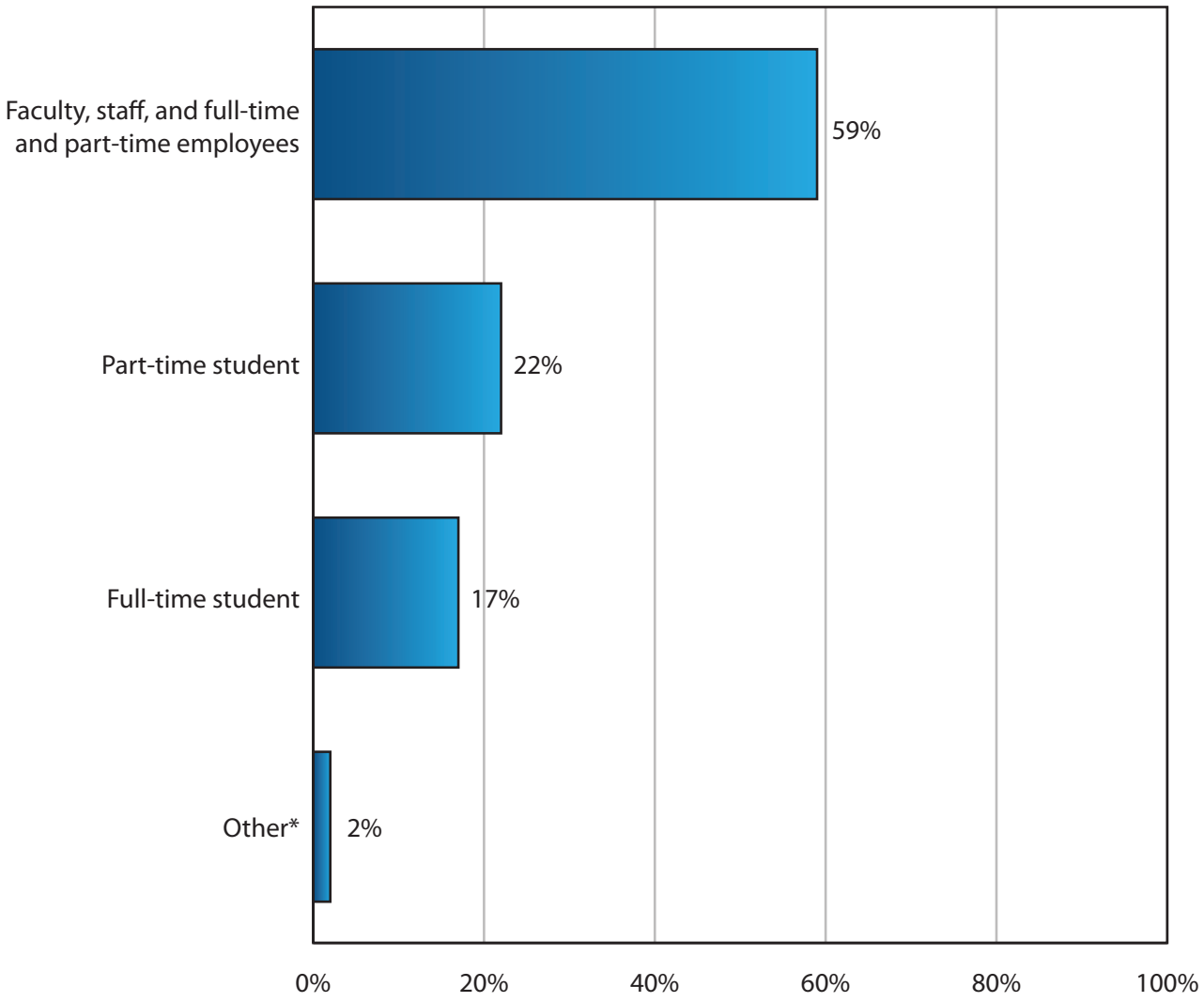
Figure 9.02 Interest in Swimming and Water Exercise for Adults among Prospective Members

Chapter Ten

Findings among the Students, Faculty, and Employees of Austin Community College

Austin Community College Prospective Members' Affiliation with Austin Community College

The following chart shows online survey prospective members' affiliation with Austin Community College. Prospective members are those with at least *a lot of interest* in joining the YMCA.

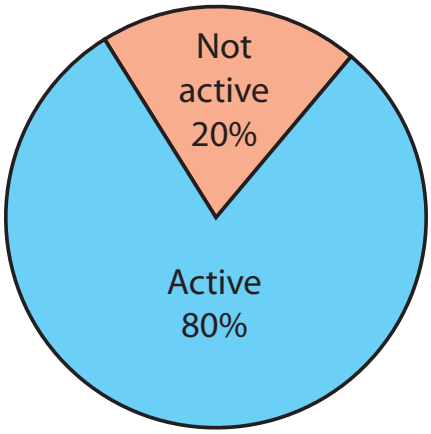


Note: All other responses received less than 1% each and included: *dual credit/enrolled high school student*, *early college high school*, *former student*, *graduate*, and *future student*.

Figure 10.01 Austin Community College Prospective Members' Affiliation with Austin Community College

Austin Community College Prospective Members' Physical/Recreational Activities

The following pie chart shows what percentage of ACC prospective members said they currently do any physical exercise or recreational activities, while the table lists the top options.

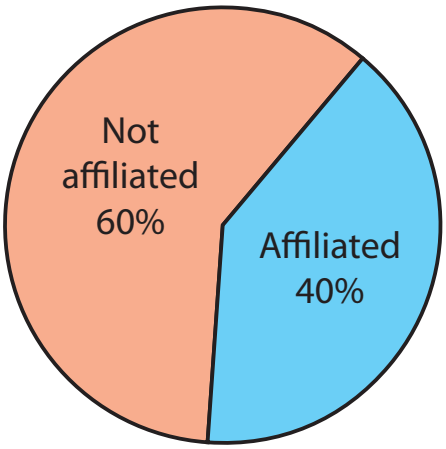


Top Fitness and Recreation Activities (percentage of respondents/multiple responses)			
Walking/running	69%	Golf	7%
Workout equipment/weights	51%	Rock climbing	7%
Yoga/stretching/pilates	46%	Baseball/softball	5%
Aerobics	33%	Boating	5%
Swimming	33%	Farming	5%
Working in yard/gardening	29%	Football	5%
Cycling	26%	Horseback riding	5%
Various exercise	26%	Racquetball	5%
Hiking/camping	25%	Frisbee	4%
Dancing	19%	Gymnastics	3%
Fishing/hunting	12%	In-line skating	3%
Basketball	10%	Snow skiiing	3%
Martial arts	9%	Scuba diving	3%
Tennis	9%	Skateboarding	2%
Water sports	9%	Snowboarding	2%
Physical therapy	8%	Handball	1%
Soccer	8%	Hockey/ice hockey	1%
Volleyball	8%	Squash	1%

Figure 10.02 Austin Community College Prospective Members' Physical/Recreational Activities

Austin Community College Prospective Members' Fitness/Recreational Affiliations

The following pie chart shows what percentage of ACC prospective members said they currently do any physical exercise or recreational activities, while the table lists the top options.



Top Fitness and Recreation Activities (percentage of respondents/multiple responses)			
For-profit providers*	22%	YMCAs	9%
24 Hour Fitness		Austin YMCA	
Anytime Fitness		CHASCO YMCA	
Gold's Gym		East Communities YMCA	
Life Time Fitness		Georgetown YMCA	
Planet Fitness		Hays YMCA	
Other nonprofit providers	7%	Hutto YMCA	
Anderson Mill Community Center		Northwest YMCA	
Area country clubs		Oakhill YMCA	
Area youth leagues		Round Rock YMCA	
Austin Community College		Southwest Family YMCA	
Brushy Creek Community Center		Twin Lakes YMCA	
Dell JCC		YMCA North Austin Community Rec Center	
Gregory Gym at UT			
Pflugerville Recreation Center			
Round Rock Recreation Center			
Wells Branch MUD Recreation Center			

*All other names received less than 1% each and included: *Austin Kickboxing Academy*, *Austin Simply Fit*, *Ballet Austin*, *Bastrop*, *Bikram Yoga*, *Bodies By Design Bootcamp*, *Camp Gladiator*, *Cedar Park gym*, *CG Arena*, *Cheer Athletics*, *Clay Madsen Recreation Center*, *CrossFit*, *Curves*, *Eastside Austin Elite*, *Flex Fit*, *Hero Way Fitness*, *Jazzercise*, *Koko Fit Club*, *LA Fitness*, *Manor Gym*, *Orange Theory*, *Premiere Lady Fitness*, *Pure Fitness*, *Texas Health and Racquet Club*, *Texas Rollergirls*, and *Wanderlust Yoga*.

Figure 10.03 Austin Community College Prospective Members' Fitness/Recreational Affiliations

Health Statements of Austin Community College Prospective Members

The following graph shows the responses of ACC prospective members to the three statements given, indicating the presence of "health seekers".

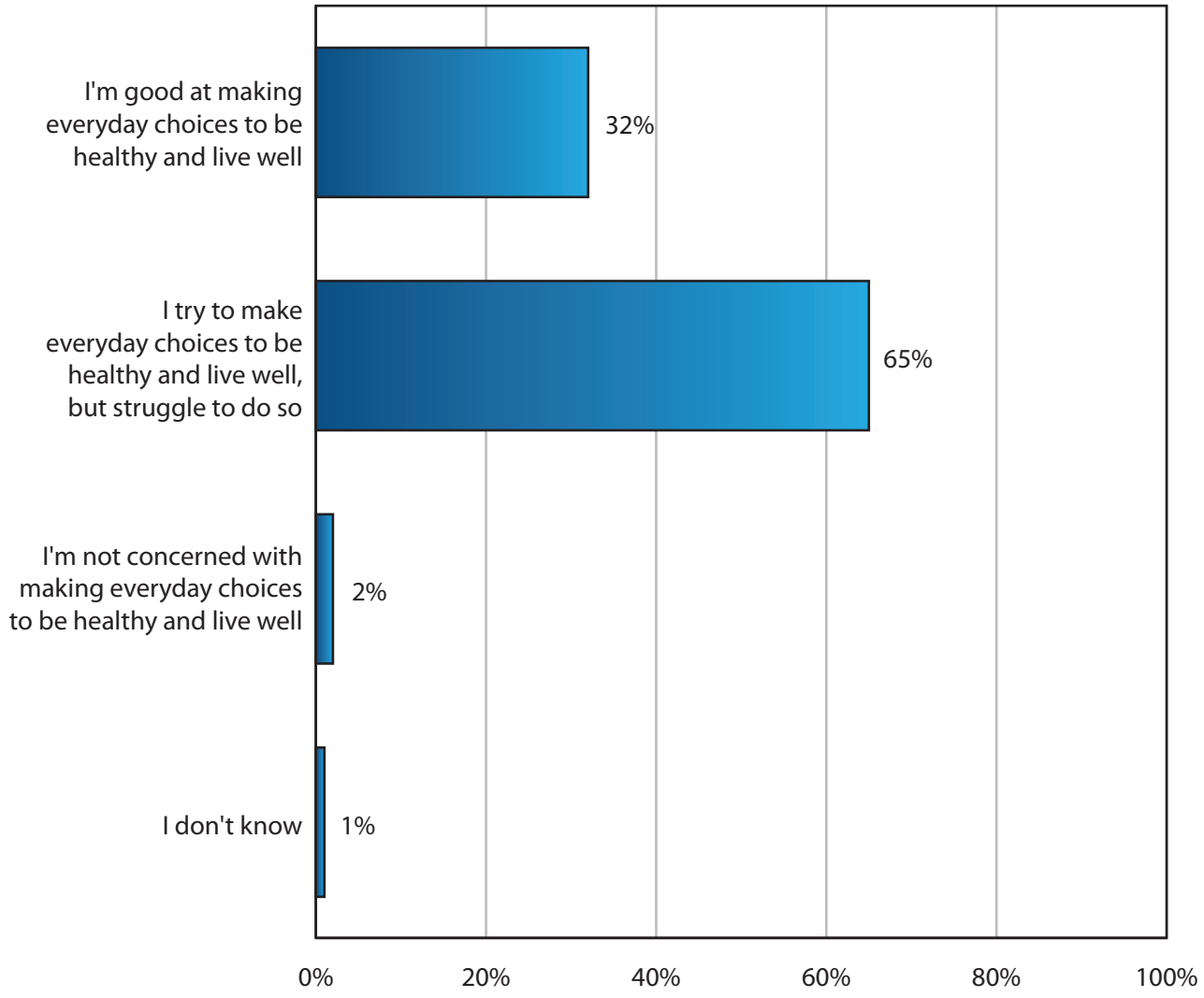
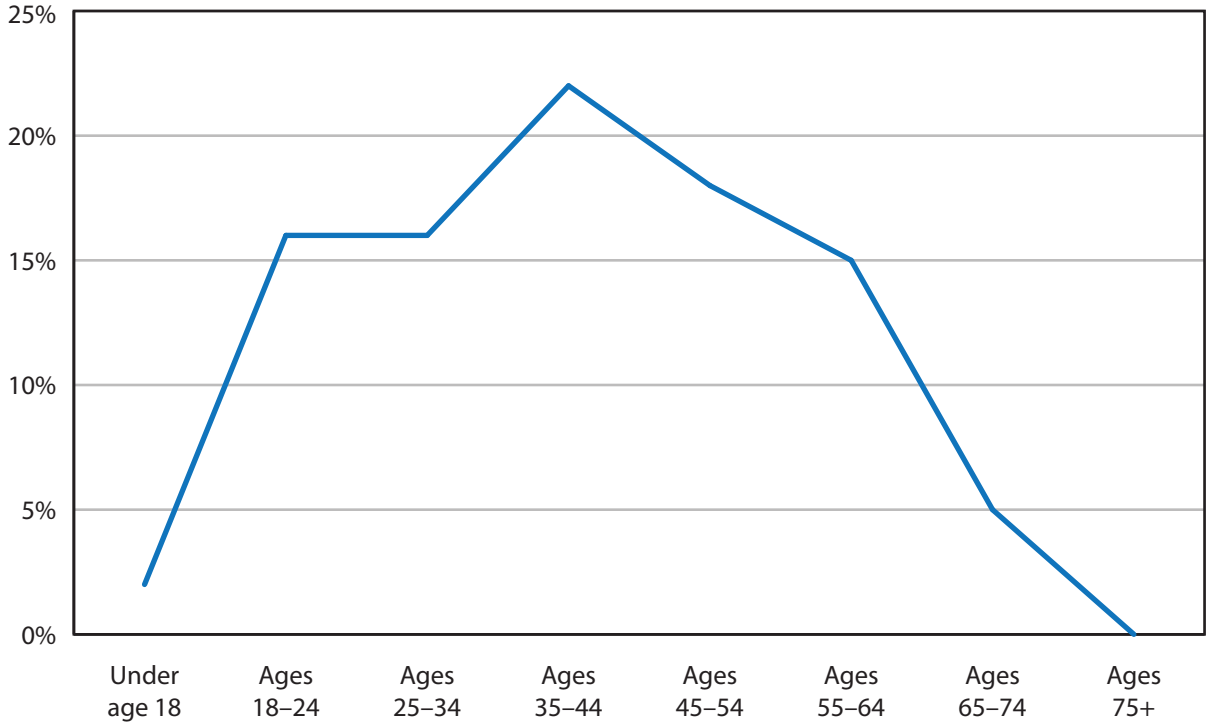


Figure 10.04 How Austin Community College Prospective Members Evaluated Their Health and Wellness Choices

Age of Austin Community College Prospective Members

The following table and graph show the ages of ACC prospective members.

Age	ACC Prospective Members*
Under age 18	2%
Ages 18–24	16%
Ages 25–34	16%
Ages 35–44	22%
Ages 45–54	18%
Ages 55–64	15%
Ages 65–74	5%
Ages 75+	—

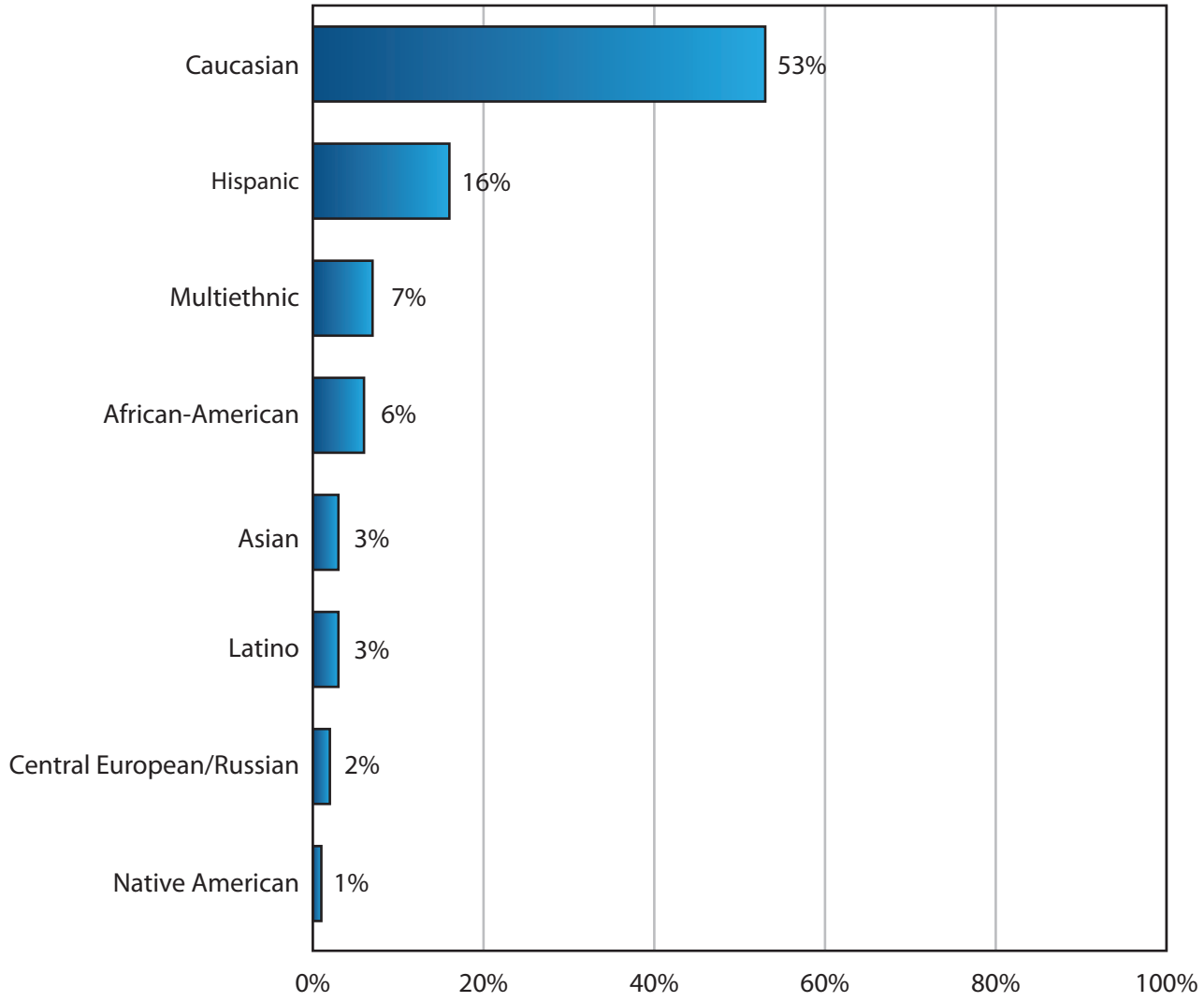


*5% of online survey prospective members declined to answer.

Figure 10.05 Age of Austin Community College Prospective Members

Ethnic Background of Austin Community College Prospective Members

The following chart displays the ethnic background of ACC prospective members.

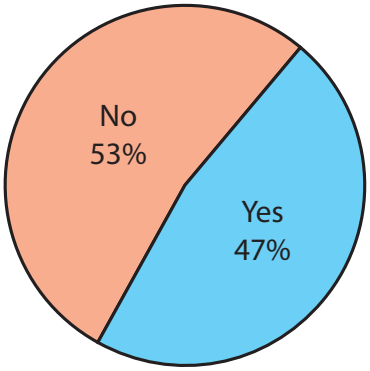


Note: 8% of online survey prospective members declined to answer.

Figure 10.06 Ethnic Background of Austin Community College Prospective Members

Percentage of Austin Community College Prospective Members with Children in the Household

The chart below shows the percentage of ACC prospective members with children under age 18 in their household.

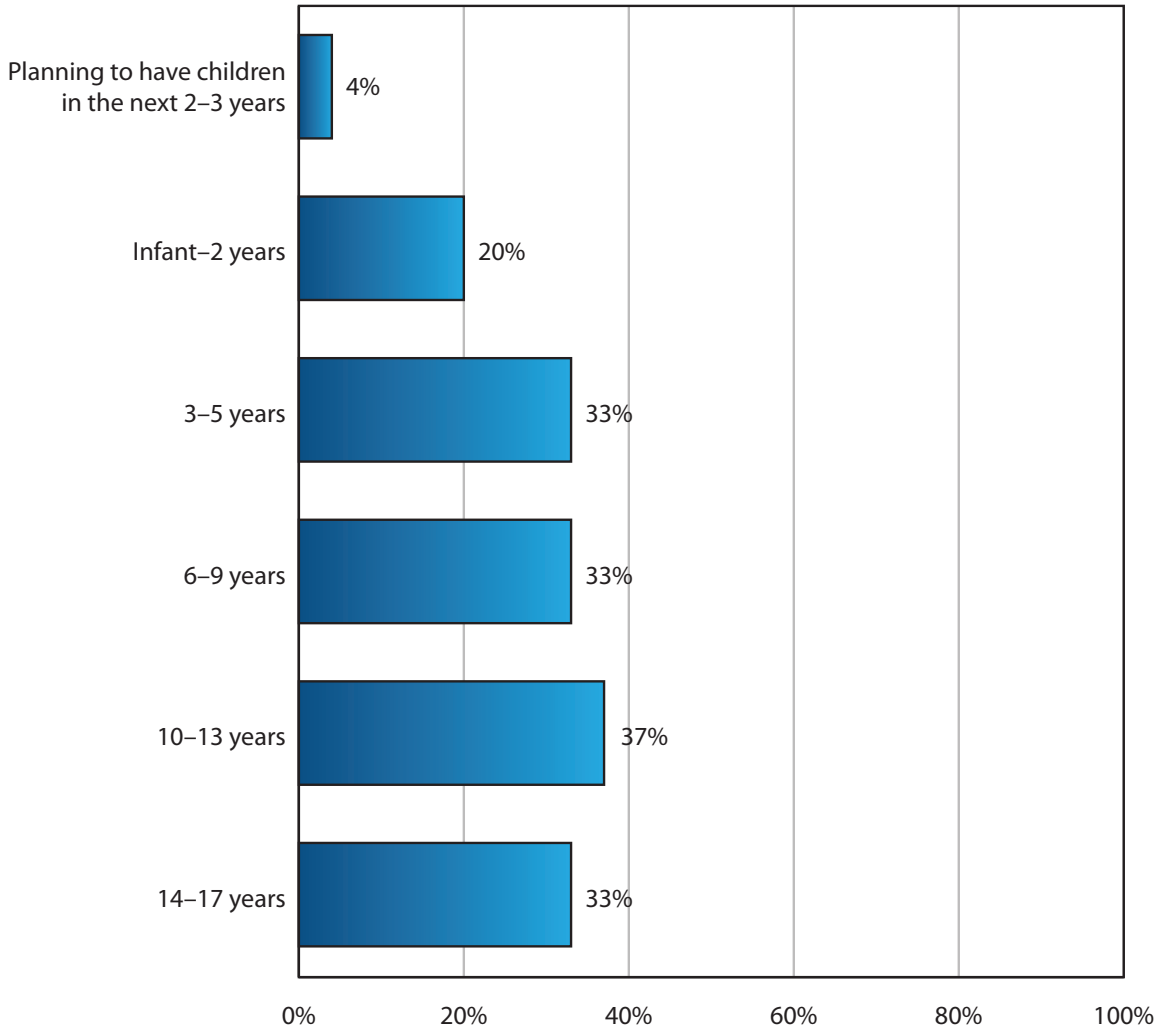


Note: Nationally, 34% of all households have children under age 18 in the household.

Figure 10.07 Austin Community College Prospective Members with Children Under Age 18 in Their Household

Ages of Austin Community College Prospective Members' Children

The following graph shows the ages of children of ACC prospective members.



Note: 3% of online survey prospective members declined to answer.

Figure 10.08 Ages of Austin Community College Prospective Members' Children

Preferred Membership Type among Austin Community College Prospective Members

The following graph shows the preferred membership type among ACC prospective members.

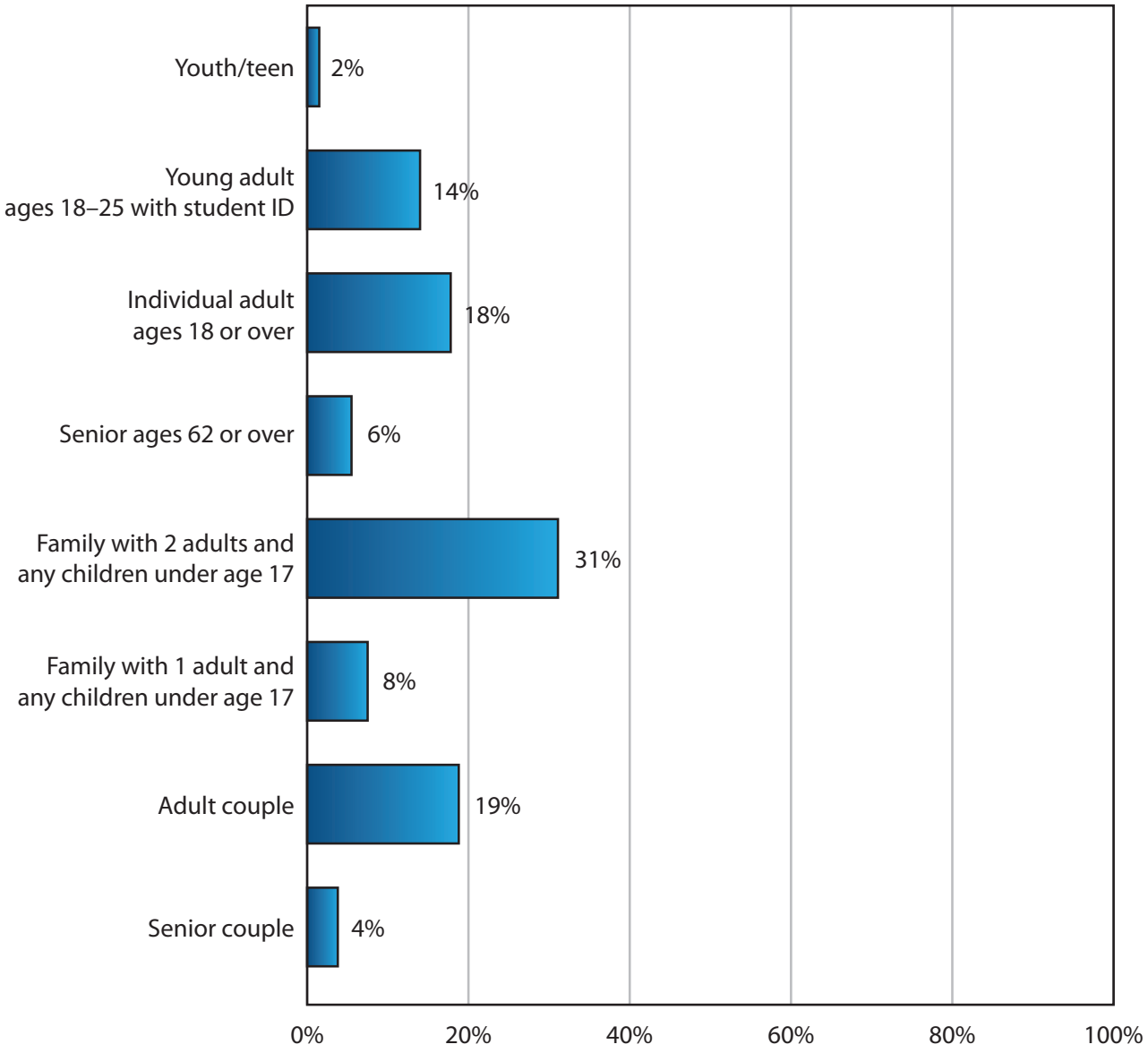


Figure 10.09 Preferred Membership Type among Austin Community College Prospective Members

Home Zip Codes of Austin Community College Prospective Members

The following table shows the home zip codes of ACC prospective members.

Zip Code	% of Total
78613	13%
78626	2%
78628	3%
78641	22%
78642	1%
78645	1%
78660	3%
78664	2%
78665	2%
78681	4%
78702	1%
78717	2%
78721	1%
78723	1%
78726	2%
78728	1%
78729	2%
78731	1%
78741	1%
78745	1%
78748	1%
78749	1%
78750	2%
78753	2%
78754	1%
78757	1%
78758	2%
78759	2%
Missing/incomplete	3%
Other (fewer than five)	16%

Figure 10.10 Home Zip Codes of Austin Community College Prospective Members

Interest in Full-Day Licensed Infant Care among Austin Community College Prospective Members

The chart on the left shows the level of interest in full-day licensed infant care among ACC prospective members. The two charts on the right show the level of interest at two different price points.

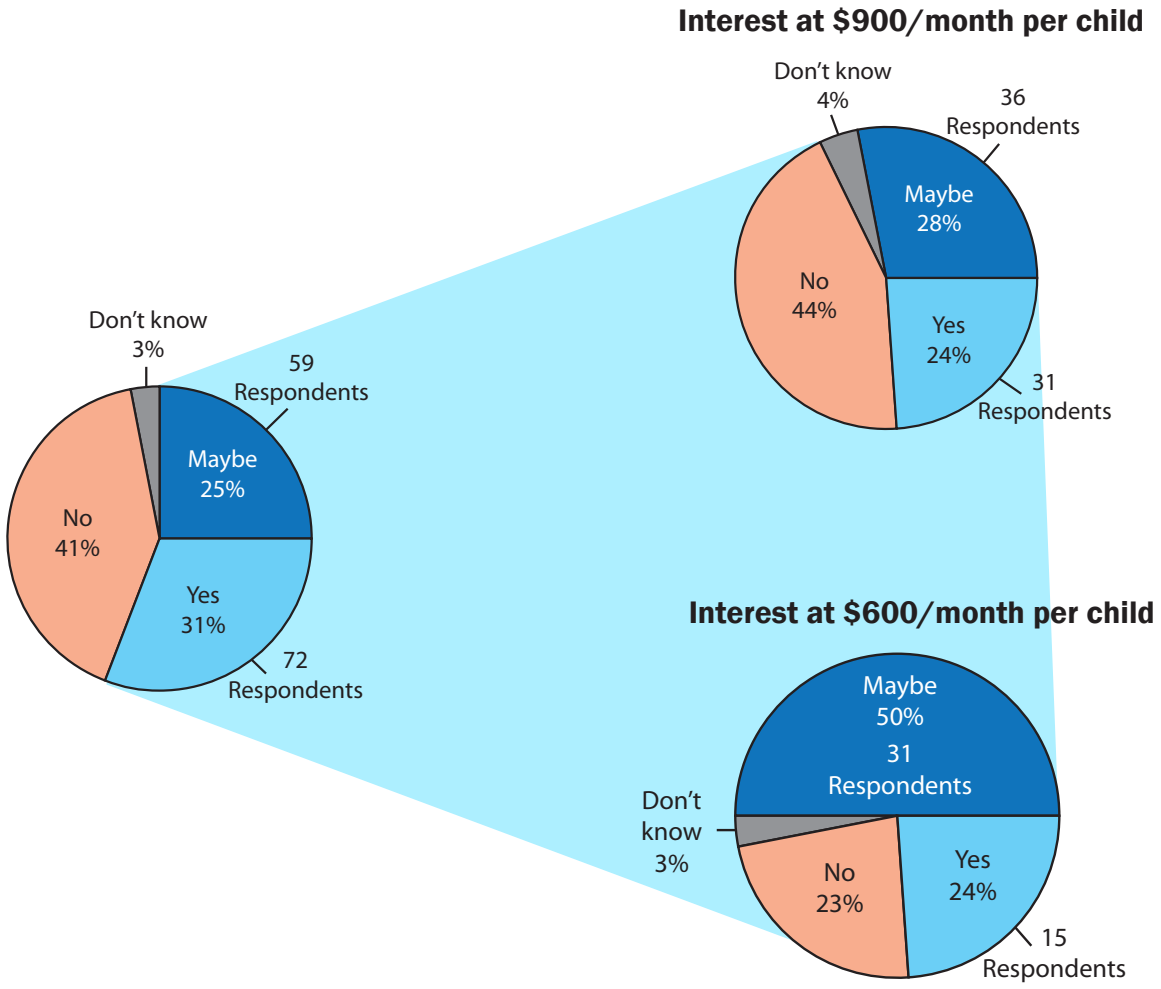


Figure 10.11 Interest in Full-Day Licensed Infant Care among Austin Community College Prospective Members

Interest in a Full-Day Licensed Preschool Program among Austin Community College Prospective Members

The chart on the left shows the level of interest in a full-day licensed preschool program among ACC prospective members. The two charts on the right show the level of interest at two different price points.

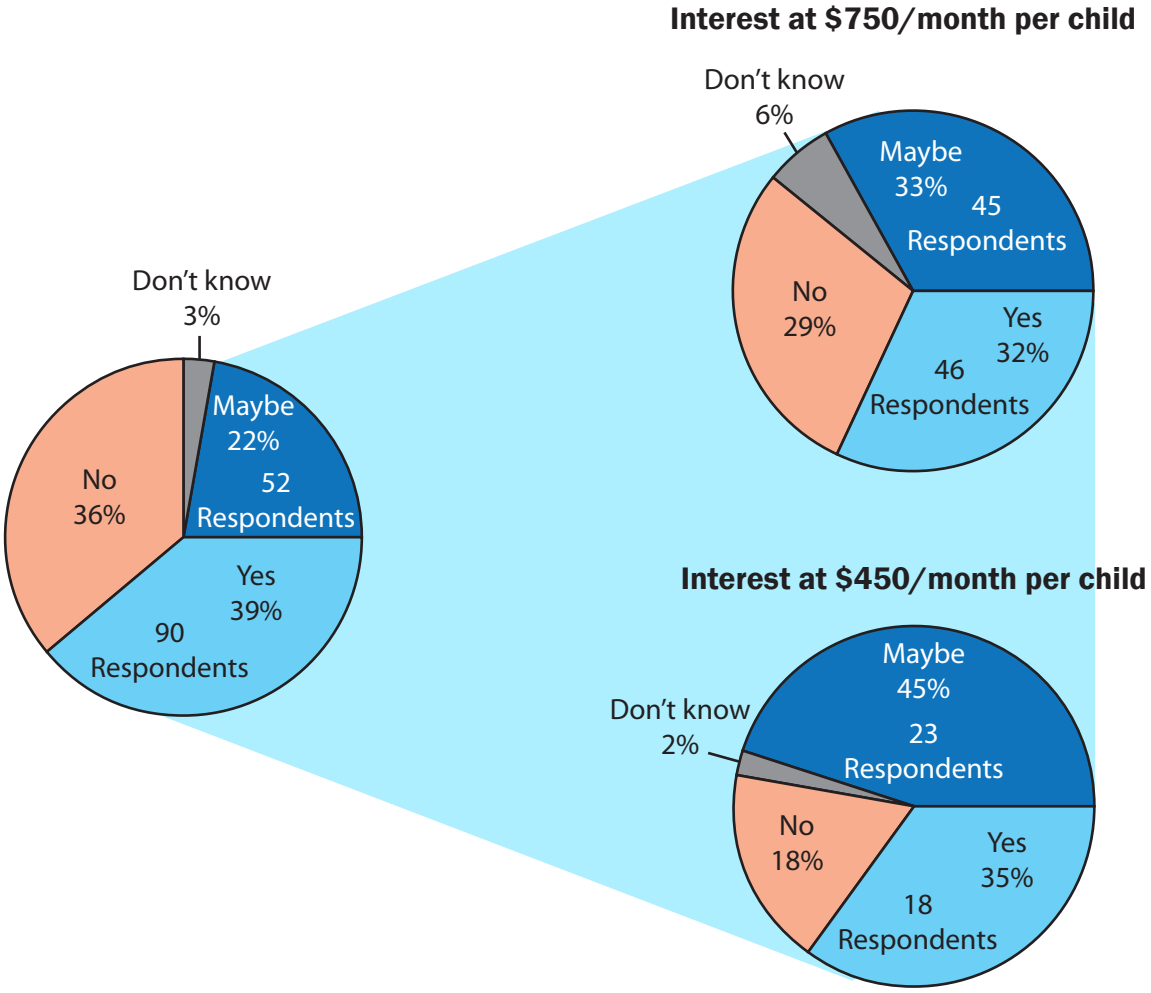


Figure 10.12 Interest in a Full-Day Licensed Preschool Program among Austin Community College Prospective Members

Interest in Programs for Families and Children among Austin Community College Prospective Members

The following graph shows the level of interest in programs for families and children among ACC prospective members.

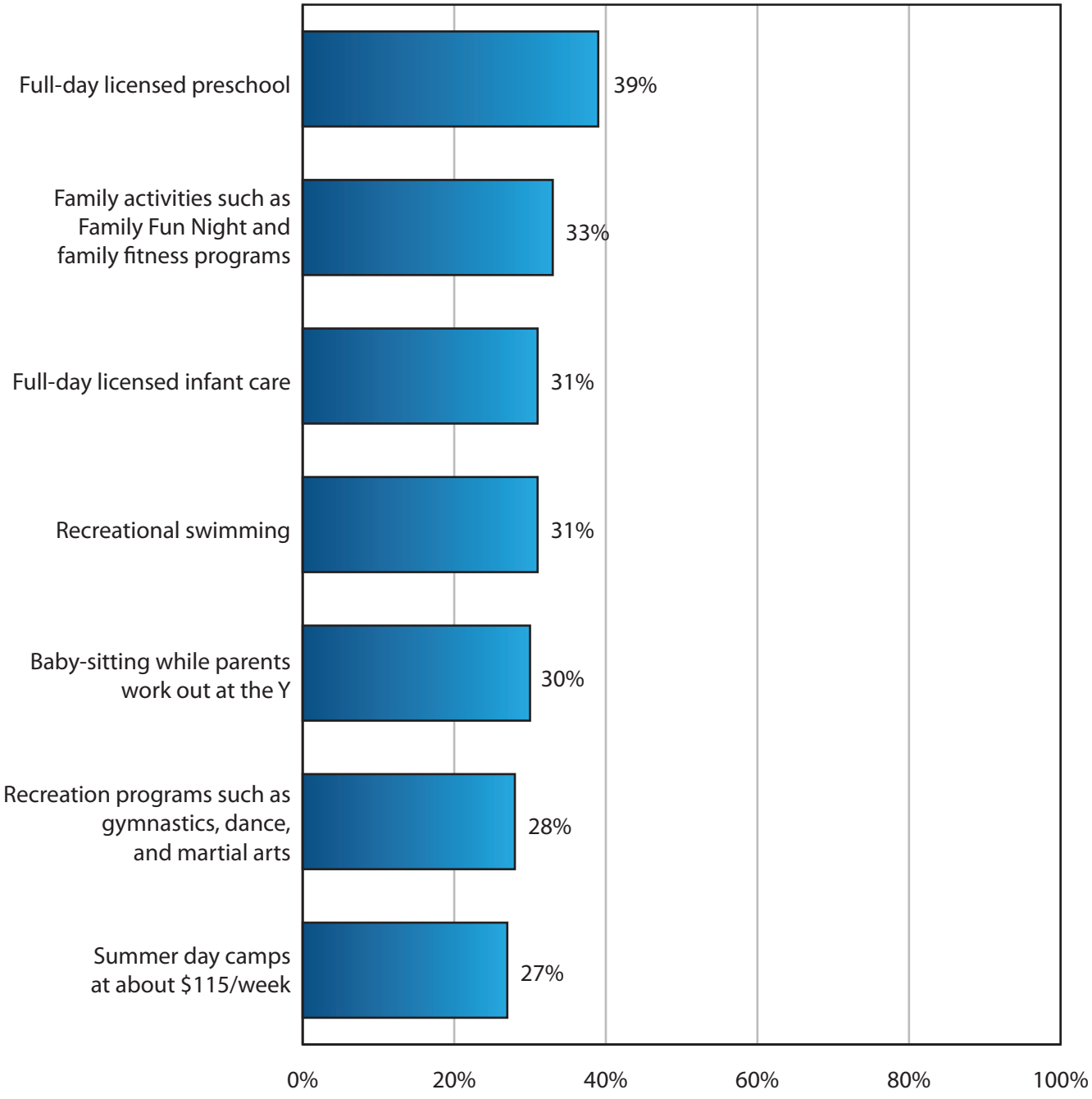


Figure 10.13 Interest in Programs for Families and Children among Austin Community College Prospective Members

Interest in Programs for Families and Children among Austin Community College Prospective Members (*continued*)

The following graph shows the level of interest in programs for families and children among ACC prospective members.

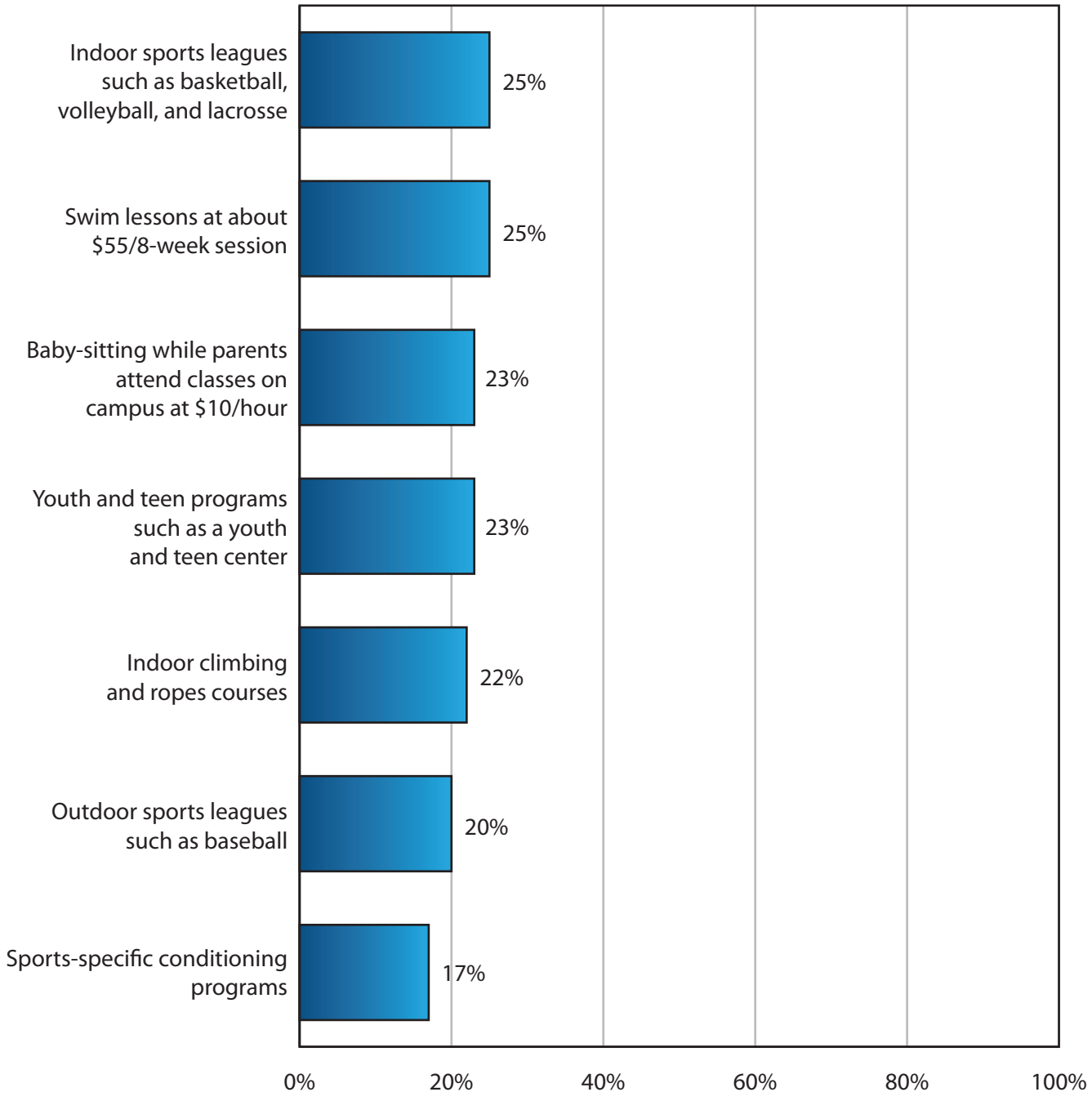


Figure 10.14 Interest in Programs for Families and Children among Austin Community College Prospective Members (*continued*)

Interest in Programs for Adults among Austin Community College Prospective Members

The following chart shows the level of interest in programs for adults among ACC prospective members.

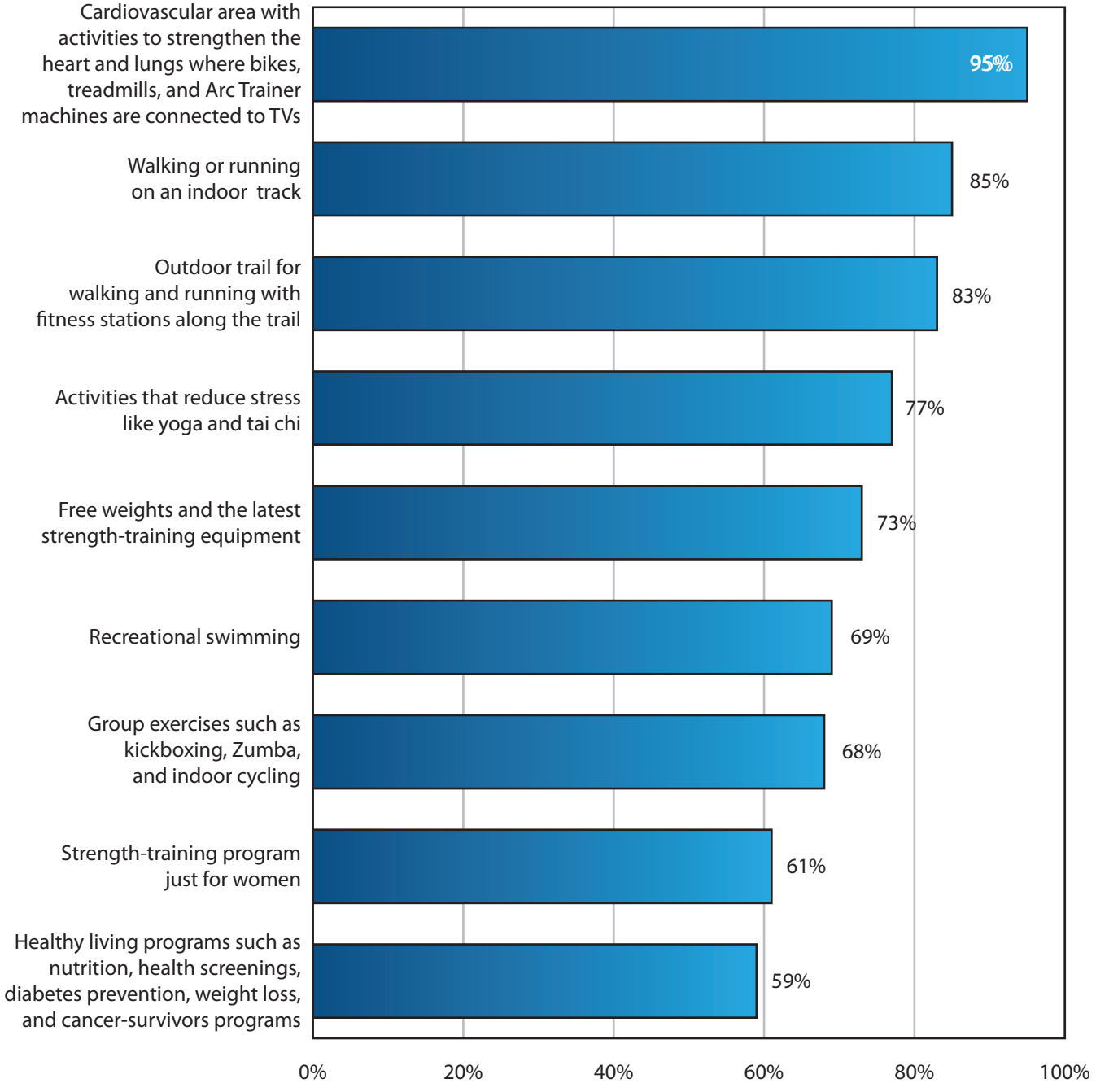


Figure 10.15 Interest in Programs for Adults among Austin Community College Prospective Members

Interest in Programs for Adults among Austin Community College Prospective Members (*continued*)

The following chart shows the level of interest in programs for adults among ACC prospective members.

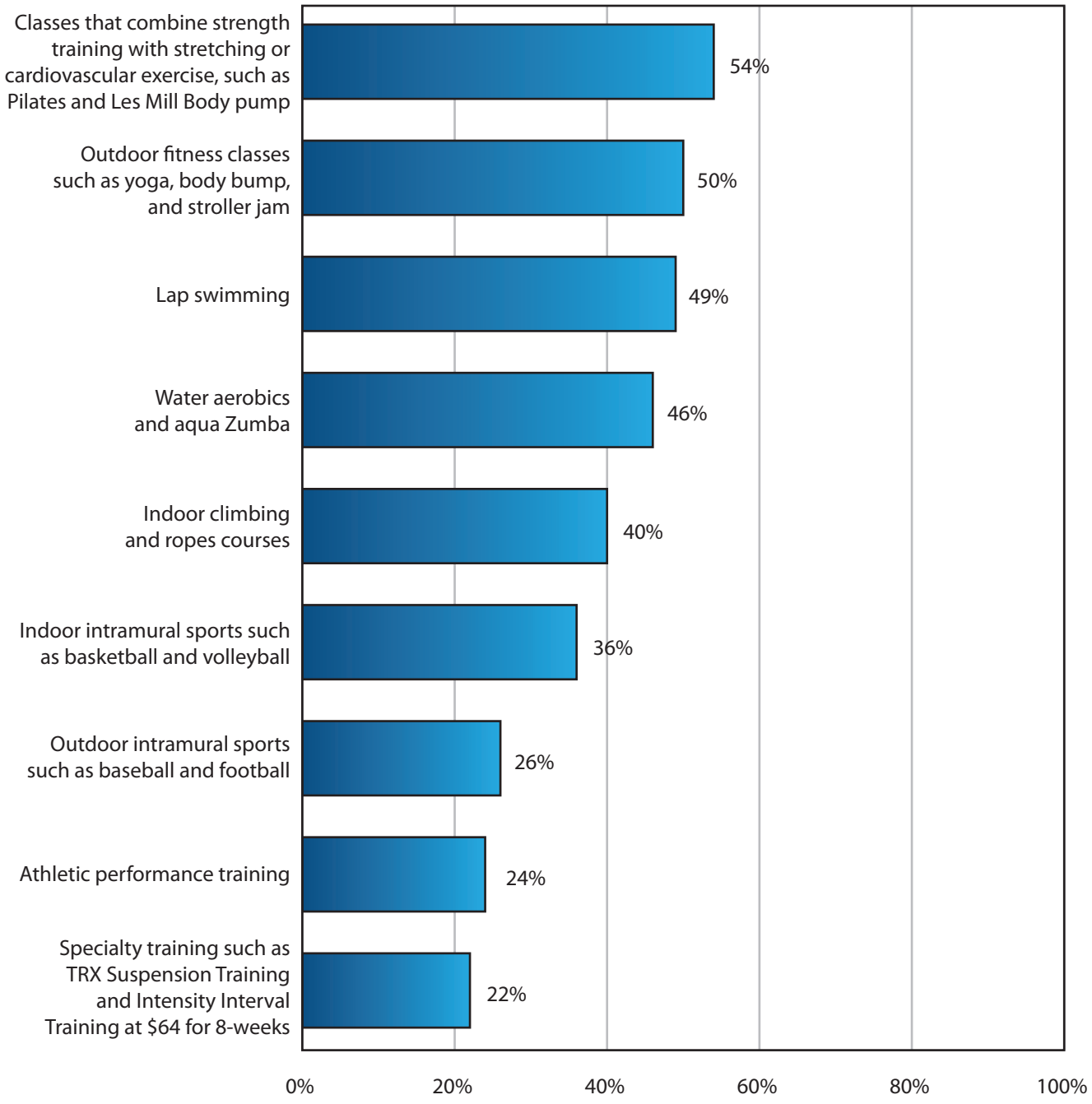


Figure 10.16 Interest in Programs for Adults among Austin Community College Prospective Members (*continued*)

Comments from Austin Community College Prospective Members

- Good idea!
- My senior (couple) membership rate at the Cedar Park Rec Center is $110 per year.
- Try and advertise more about the YMCA. I believe it is important for young children and young adults to know how important it is to eat healthy and stay healthy!
- I love the Y and have been a member for years. The #1 reason is because of the great summer camps for my kids. This partnership sounds like a great idea.
- Though I live far away I work in town.
- This is a great idea! We should have more exercise facilities near or at each campus.
- Great idea to have a YMCA in Leander and especially on ACC Campus.
- It would be nice if ACC in Hays can use the YMCA in Buda; it's right down the street from the campus. Being active seriously keeps students stress free and keeps them focused.
- I'm in Nursing School in Round Rock. I have to travel from Kingsland. So I would be willing to drive to the new location for a chance at a membership with the Y.
- My interest level has to do with convenience. I currently use the Y in Burnet and membership would mean I could use another one in Leander on the way home from class.
- I shared your email with a friend and former ACC student of mine who recently moved to Leander. I think she would be interested in using a new Y in Leander. Her name is Angelica Soto.
- This is great! Will it connect to the hike/bike/and horse trail park planned for development off of county road 282? If the new YMCA could include the semi-rural and rural elements of the greater Leander community demographic in its programming, this partnership would be even better (hunting, equestrian activities, camping, etc.)!
- A large part of my lack in interest is due to travel time. Living in central Austin, I don't see commuting regularly to Leander. It would be nice for that community, though.
- 24 Hour fitness is $27/month as a state employee with no sign-up fee. They have childcare, pools, all the classes mentioned. YMCA isn't as competitive.
- It may be included on my current workout program through BXBS but would be excited either way.
- If it is on campus grounds, should be available to all ACC students.
- If they would offer child care for students at the Twin Lakes Y that would be ideal!
- Please make it. Leander needs a YMCA.
- Thank you!
- Please build this YMCA soon. I'm very excited about this!
- I wish ACC would have their "newer" campuses open on the weekends when students need to study. Or at least on Saturday from 9am-5pm, so that students who work most of the week or have children can have at least one day to study. I am referring to the Elgin campus & Round Rock campus—they should be open on Sat!
- What is the original cost for a family with 1 adult? I want to also know how old the kids have to be to work out with weights and what is included in the membership price?

- I live really close to where they are wanting to build this YMCA so I am pumped.
- We love the YMCA but would like lower monthly fees for a family of 4.
- It would be great if there was some financial incentive for Y membership at any of the Austin and surrounding area locations that is competitive with existing athletic facilities.
- This sounds like a wonderful idea. The child care is just perfect!
- I definitely encourage something like this idea to be built, it can open many great opportunities for people!
- Extended hours of operation is extremely important to me and my fellow students.
- Do not want my fees to go up for a facility I will not use.
- I would be unable to attend a Leander YMCA, it is too far from my home. I do think it's a great idea at ACC campuses and I would go there one near me in Central Austin East.
- Thank you.
- Looking forward to this new YMCA in my neighborhood area. Great idea ...I love the convenient location!
- I absolutely love the YMCA! I learned to swim at the Austin Y and later worked at Y summer camps in another state. I would like to see YMCAs closer to other ACC campuses. Currently, there are no centrally located Austin Ys. Could you please build a Y at the HLC campus?
- If I lived in the area, I would be very interested in this possible partnership.
- I think a partnership would be good if it also included membership at the Ys in town.
- I would use this facility if I were teaching at the Leander Campus. The facility would be a draw for me in terms of selecting classes in Leander.
- I think that the overall project will bring excitement and additional interest to the Leander campus.
- I would highly recommend the YMCA day care, after-school care,youth sports and summer camp programs. My children were active in all these programs until they aged out. I was very happy with the quality of care they received and with the staff. I think this would be a great partnership. I would love to see something like this at Highland too.
- I think the idea of a YMCA at Leander is fantastic. I would probably not use it because I do not live in Leander, but I think it would be a wonderful amenity for the ACC Leander campus community.
- I believe a YMCA would be great for that area. However, I don't live near the area so I would not make an effort to drive there.
- I have no issue with having a Y in Leander, just would never use it myself. However, the questions above did not provide for such explanation. If ACC does partner with the YMCA, I would ask that there be dedicated parking, restricted to that facility ONLY so as not to disrupt the normal campus operations as primarily a college. Also, that the Y have full responsibility for the operation, maintenance and utility costs, based on sustainable strategies. ACC faculty and staff receive priority discounts on ALL services and programs, especially child care.
- I was not able to see where these locations were on a map. I work at RR campus and wonder how close to that campus it would be. Thank you for asking for our input.
- Thank you for sharing this survey. I appreciate you letting me put in my thoughts in the process of the partnership. I'll be thrilled to hear more in the latest development.
- If the Y were going to be at the Round Rock campus I'd be really interested.

- I live in Leander, very close to the new campus. If the cost of membership was subsidized by ACC, my family would definitely join. I am curious about any religious overtones that may be present in a preschool provided by the YMCA and if that would conflict with the more secular nature of ACC. It would also affect whether or not I would allow my child to attend the preschool, something I'm actively looking for. For my child to attend, it would have to be a secular school.
- I do occasionally use the Gym at ACC Riverside where I teach. If I were teaching at Leander campus I might use this new facility.
- I'm sure this could be a great model for Leander and a way to most efficiently use resources for ACC. It just doesn't apply to me personally since I do not live near that area.
- The quoted rates seem to be regular YMCA rates and more expensive than private fitness clubs.
- Think this is a great idea and should be implemented at all the campus when feasible.
- I think it's great that college staff would be able to use the facility. However, there is no benefit for faculty/staff who work at campuses south of Highland. No one will want to drive that far.
- Unbelievable.
- I support a new YMCA in Leander.
- A key component for the childcare would be it's affordability for low-income students. Is ACC willing to subsidize? Flexible, drop-in care would be most beneficial for students, but is the most expensive per hour.
- Great idea! Would like to see this model used at other ACC locations as well.
- There is a strong need for adaptive exercise & recreation for people with disabilities. St. David's hospital offers an adaptive pool & gym in Austin but there is nothing available in this area and transportation is a huge challenge for some people with disabilities who live in this community. I hope YMCA & ACC will consider this need, especially if the location is near the train station.
- This survey is going to a group of people that may or may not have reasonable access to this particular facility. I do believe that those who live in the area of the new facility or work or attend at the Leander campus would find the unique availability to them a plus!
- I thin this is a wonderful idea and greatly needed. I will be glad to participate and contribute in any manner I can.
- This is a wonderful idea. Could it be used also for our intramurals sports program at ACC?
- I wouldn't use the YMCA in LEA, but I like the idea of having one associated with the campus.
- I think this is a great idea! I wish I lived close enough to take advantage of it.
- I do not believe Leander is the appropriate site for this. Locating the center in Leander is putting a vital need up with the rich white community away from the students and staff who could truly benefit from such a service.
- I would very much like to have ACC Kinesiology Activity classes conducted at this facility.
- If the YMCA/ACC connection becomes reality in Leander, it would be nice to extend accessibility at other YMCA's in nearby cities...to be able to enjoy childcare & exercise facilities.
- Looking forward to a new YMCA in Leander!
- It would be a benefit and more utilized addition if it were created in the Highland/North Ridge area given the transit availability and student demographics that the YMCA serves.
- I wish the college would consider the physical health of faculty and staff in renovating existing campuses, including workout facilities and showers at the Rio Grande and Highland campuses.

- It would be nice to include this in the new building phases in the Hays campus or work something with the Buda YMCA location.
- A membership to the YMCA as an employee benefit would be great for me. I would use it a great deal!
- My address will be changing to the Leander/West Austin area within the next few months.
- It would be great to have membership discounts for ACC faculty/staff and students.

Chapter Eleven

Strategic Questions and Answers

Strategic Questions and Answers

The Consultant recommends that, in order to meet the forecasts for new membership units, the leaders of a new Leander YMCA and the YMCA of Greater Williamson County, as well as their partners, including the City of Leander and Austin Community College, should carefully consider the answers to all of the following questions:

1. Does interest exist for a new Leander YMCA?
2. Which of the two possible locations in Leander would attract more new member households?
3. Would a new Leander YMCA have a big impact on the existing Twin Lakes Family YMCA?
4. Does the current YMCA pricing work for a new Leander YMCA?
5. Does the study reveal characteristics of a community that are critical to success?
6. Are there factors that could increase or decrease the forecasts of new membership units?
7. Who are the prospective members of a new Leander YMCA?
8. Are there recommendations on the facility development for a new Leander YMCA?

1. Does additional interest exist for a new Leander YMCA?

Yes, significantly higher than the national average

The findings revealed a **huge amount of interest** for a new Leander YMCA. As illustrated in Figure 5.06, page 36, of all households that do not currently belong to a YMCA in the area targeted for the study, a total of 12.7% of all households expressed *a great deal of interest* in joining a new Leander YMCA with all location, pricing, and facility options, translating into 4,370 households. *A great deal of interest* is the highest level on the interest intensity scale of 0 to 4, where 0 means *zero interest* and 4 means *a great deal of interest*.

Moreover, another 2.3% had *a lot of interest* in joining a new Leander YMCA regardless of location, translating into another 791 households. Please note that the Consultant typically bases forecasts only on those with *a great deal of interest*. Historically, the number of households with *a lot of interest* in joining is an indicator of how fast a YMCA can reach the forecast within 12–18 months of its opening, how likely a YMCA is to maintain that membership level after the first 12–18 months, and how likely it is that a YMCA could exceed the forecast. Based on the Consultant's experience, the ideal ratio between the two levels is 1:1. In a community that does not have existing YMCA facilities, the ratio tends to skew towards *a lot of interest*. In other words, more people may still not be sure about the new Y and have not made up their minds about whether to join the YMCA. Therefore there are more people "waiting in the wings".

Based on the current membership roster provided by the Y and on the analysis in Figure 3.03, page 22, 4.1% of all households, or 1,324 households, in the survey area already belong to the existing Twin Lakes Family YMCA. The potential new interest means that the YMCA could serve up to 16.8% of all area households, a level more than three times the national average of 4.5%.

These results indicate that **tremendous interest and support exists for a new Leander YMCA**.

Please note that the numbers forecasted represent memberships sold, not retained, during the first 12–18 months after the new facility is built and the recommendations in the report are followed. It includes all facility and pricing options tested in the study, but does not exclude prospective members who may terminate their memberships. It therefore should not be interpreted to mean that a YMCA will definitely have and maintain a certain number of members.

2. Which of the two possible locations in Leander would attract a greater number of new member households?

Both locations work

As shown in Figure 5.01 page 32, among all prospective members, the majority (68% and 79% respectively) chose one of the two possible locations either as their first or second choice. Given the high percentage of preference for both locations, the findings mean either location would work. However, the difference in preference is 11%, outside the margin of error of +/-4.0%. Therefore, the difference **is statistically significant**. In the eyes of prospective members, the location next to the new Tom Glenn High School is better than the one near Highway 183A. However, current members who had *a great deal of interest* in transferring to a new Leander YMCA overwhelmingly preferred the Highway 183A location, as illustrated in Figure 5.12, page 42. In the end, the difference in terms of total forecasted units is only 167 units between the two locations, as shown in Figure 5.16, page 46. Therefore, either site would work.

While the perceived geographic convenience of a location is an important consideration in making the right decision about where to build, it is just one of many factors for consideration. The leaders of the YMCA and its potential partners should also consider the following questions:

- How much land is available at each site?
- How much does the land at each site cost? How well does the cost of land fit funding capacities?
- How do potential partners respond to each site? Do they favor one site or the other?
- What is the curb appeal at each site? Does each site offer sufficient parking and ease of entry and exit?
- What is the possibility of a partnership at each site? (Partnerships could include collaborative relationships with schools, hospitals, churches, and other community organizations.)
- What is the impact of each site on neighborhood development?
- How will the population in the immediate service area of each site grow in the next five years?

Please note that since the respondents were asked to rate each location, the percentages of preference for each location are not mutually exclusive. In other words, these statistics are valid if only one location is picked.

In order to achieve its maximum potential, the YMCA also must ensure that the new site includes:

- sufficient space for developing both the indoor and outdoor areas that are ideal for typical YMCA facility programming and parking, and that allow possibilities for further expansion
- maximum curb appeal
- ease of entry and exit
- the facilities required to house the programs and activities in highest demand

3. Would a new Leander YMCA have a big impact on the existing Twin Lakes Family YMCA?

It depends on the location

Interviews with 200 randomly selected current member households at the existing Twin Lakes Family YMCA were also conducted. As illustrated in Figure 5.11, page 41, before location preference is considered, 20% of current member households, or 954 member households, expressed *a great deal of interest* in continuing at a new Leander YMCA. This is much higher than the typical 10%–15% rate of acceptable cannibalization.

In terms of location preference, the site near Highway 183A is much preferred over the one next to the new high school, as illustrated in Figure 5.12, page 42.

Typically, when an existing YMCA births a new branch, it is not unusual to see 10%–15% of current members transfer to the new YMCA. Based on the consultant's experience with over 700 similar YMCA studies, a cannibalization rate of less than 15% is healthy and the existing facility can typically recover the transferring units through new acquisition.

The findings indicate that, depending on the location, a new Leander YMCA would have a low to high impact on the Twin Lakes Family YMCA.

4. Does the current YMCA pricing work for a new Leander YMCA?

Yes

The study revealed little price sensitivity among prospective members. As illustrated in Figure 5.07, page 37, of all prospective members, 95% expressed *a great deal of interest* in the current rates and only 5% were interested in the 15%-lower rates.

These findings clearly indicate that the current rates work.

5. Does the study reveal characteristics of a community that are critical to the success of a new Leander YMCA?

Yes

The study also revealed the following characteristics of households in the survey area that are important for the success of a new Leander YMCA:

- The general population is extremely **physically inactive**, and **many are equipped with knowledge of healthy living**. Fewer than a quarter (25%) of all households indicated that they currently engaged in any type of physical activity, lower than the current national average of 48%. Moreover, only 20% chose the statement *I am good at making everyday choices to be healthy and live well*. Motivating and serving a relatively inactive and ill-equipped population requires dedicated and specific efforts.
- **A good number of for-profit providers** exist in a **community that is still in great need of services**. Fewer than one-fifth (17%) of households said they already belong to or participate in some type of nonprofit or for-profit fitness, recreation, sports club, or facility, significantly lower than the national average of 25%. However, a total of ten (10) names of for-profit providers were mentioned, serving a combined nearly 10% of all households, which is higher than the national average of 8%–9%. In order to better serve the community, the YMCA needs to **provide a state-of-the-art facility with top-notch quality programs and services**, targeting its primary prospective member groups (which will be discussed later in the section).

- The YMCA, as an entity, is **very well-known among the community**. Close to one-third (32%) of all area households knew of a YMCA, much higher than the national average of 25% for communities with existing YMCA facilities and programs. This suggests that a good history of the YMCA in the nearby communities carries over and that the community has a strong connection with the YMCA. This **should be leveraged and built upon** to generate more support for and further promotion of the new YMCA. However, this also means that many people have established perceptions of the YMCA that could be hard to change.
- **The population growth in the area is very strong**. The projected growth in the area for the next five years is 12%, greater than twice the national average of 5%. This means that the new YMCA could expect a lot of new households moving into the area. This requires constant, ongoing marketing and promotion efforts.

6. Are there factors that could increase or decrease the forecasts of new membership units?

Yes

The table below provides insight on additional factors that could increase or decrease the forecasts of new membership units for a new Leander YMCA.

Forecasts could increase if ...
• the YMCA is able to attract a significant portion of those households with *a lot of interest* in joining with aggressive marketing and promotion of its scholarships and sliding-scale membership rates. • no other major provider of similar services enters the marketplace and the YMCA is able to continue to be the area's leading provider for fitness, wellness, aquatics, and recreation. • besides Austin Community College and the City of Leander, partnerships are sought with other organizations that can broaden the program offerings and services such as local health care providers for wellness and nutrition programs and schools for before- and after-school programs and teen programs.
Forecasts could decrease if ...
• there are similar service providers that capture the *Family* and *Active Older Adult* prospective members before the YMCA does. • programming and marketing efforts are generic and fail to capture the demographic and psychographic characteristics of prospective members. • the most popular programs and activities indicated by this report are not included. • recommended pricing strategies are not implemented.

Figure 11.01 Factors that Could Increase or Decrease the Forecasts of New Membership Units

7. Who are the prospective members of a new Leander YMCA?

Families with children and active older adults—many are health seekers and desire a "Third Place"

Consider the following demographics of prospective members:

- One-fifth (20%) prospective members said they had children under age 18 in their home, compared to 29% of the general population in the survey area and 83% of transferring member households from the Twin Lakes Family YMCA. While this finding dictates the necessity of providing services such as baby-sitting while parents work out, a kids' zone for older kids, and family changing rooms, all of which would enable family members to use the facility with convenience and ease and are of high interest among prospective members, it also requires the YMCA to provide a facility that is very welcoming to adults without children.
- Of all prospective members, 17% chose a *family* membership and another 1% chose a *youth* membership.
- Close to one-fifth (18%) of prospective members chose a *senior* or a *senior couple* membership. In comparison, only 10% of the general population were ages 65 or over.
- The vast majority (70%) of prospective members chose the statement *I try to make everyday choices to be healthy and live well, but struggle to do so*, and can therefore be classified as "health-seekers".
- As a result, many prospective members (47%) expressed interest in working out with a group of adults at their fitness level, 56% expressed strong interest in having Y staff offer them advice on proper workout techniques, and 43% expressed interest in a lounge area with Wi-Fi for social gatherings that serves coffee and healthy snacks. The strong interest in a lounge area signifies the importance of social infrastructure at the new YMCA and a strong desire for the "Third Place" among prospective members. The "Third Place" refers to social surroundings separate from the two usual social environments of home and the workplace.

The YMCA should design its facility, programming mix, marketing, and promotional strategies with these demographics and psychographics in mind.

8. Are there recommendations for facility development of a new Leander YMCA?

Yes

If the decision is made to proceed with establishing a new Leander YMCA, the Consultant recommends an indoor full facility of approximately 48,750 square feet to attract and serve the forecasted new membership units.

The Consultant applies two important criteria when recommending and prioritizing the features: **member usage per square foot and revenue generated per square foot per capital dollar invested**.

However, FourSquare Research, Inc., is not an architectural or design firm. Our opinions are based on our experience with over 700 similar non-profit studies and on observing over 1,000 for-profit fitness providers. Actual square footage and costs will vary widely depending on zoning and environmental issues. All recommendations are meant to provide a "ball park" guide for facility development, expansion, and/or renovation.

The tables on the following pages first show the program usage of major features among prospective users. They then list the space allocation recommended for a new Leander YMCA.

Program Usage of Major Features

The following table shows the level of usage of facility features by program among prospective members.

Features of a New Leander YMCA								
Programs	**Wellness/ Fitness Center**	**Group Exercise Studios**	**Multipurpose Classrooms**	**Indoor Multipurpose Gymnasium**	**Indoor Warm Water Family Pool**	**Indoor Walking and Running Track**	**Child Watch Babysitting**	**Youth/ Teen Center**
Adult Fitness	Very High	High			Moderate	Very High		
Adult Aquatics					High			
Adult Adventure								
Adult Sports								
Adult Recreation								
Nutrition and Weight Management		High						
Stress and Relaxation		High						
Rehab/Health Programs								
Women's Programs	Moderate							
Family Activities		Moderate	Moderate		Moderate			
Programs for Children Ages 0–2			Low		Low			
Programs for Children Ages 3–5		Low	Low	Low	Moderate		Low	
Programs for Children Ages 6–9		Low	Low	Low	Moderate		Low	
Programs for Children Ages 10–13	Moderate	Low	Low	Low	Moderate		Low	Low
Programs for Children Ages 14–17	Low	Low	Low	Low	Low			Low
Adult Rating Scale	Low	<15%		**Children's Rating Scale**		Low	<5%	
	Moderate	15%–29%				Moderate	5%–9%	
	High	30%–44%				High	10%–14%	
	Very High	≥45%				Very High	≥15%	

Figure 11.02 Summary of Usage among Prospective Members of a New Leander YMCA

Recommended Space Allocation for a New Leander YMCA

The following table shows the recommended square footage of facility features for a new Leander YMCA.

Indoor Features Critical in Attracting New Membership Units for a New Leander YMCA	Approximate Square Footage	Program Interest Findings
First-class wellness center that includes: • a cardiovascular area of 4,500 sq. ft. • a free weights and strength-training equipment area of 3,500 sq. ft., including a 30-minute circuit training area • a designated workout area of 750 sq. ft. with more staff supervision for teens, beginners, and women • consulting areas/rooms of 250 sq. ft.	9,000	Figure 7.06, Figure 8.01, & Figure 8.02
Indoor walking and running track surrounding the perimeter of the fitness center	4,000	Figure 8.01
Two group exercise studios, one of 2,000 square feet for aerobics and group fitness classes, and the other of 2,000 square feet for relaxation, dance, yoga, and tai ch	4,000	Figure 7.06, Figure 7.07, & Figure 8.01
An indoor warm-water family pool with: • zero degree/beach entry for recreational swimming, lessons, and water aerobics • aquatic playground features such as splash pads and sprays • three lanes for lap swimming and aqua walking and running • showers, lockers, and changing areas for men, women, and families	10,000	Figure 7.02, Figure 9.01, & Figure 9.02
An indoor multipurpose activity center/gymnasium with half courts, dividers, retractable hoops, versatile flooring, and ample storage space for a variety of activities such as basketball, volleyball, gymnastics, summer day camps, and family nights	6,500	Figure 7.04, Figure 7.05, & Figure 8.01
Multipurpose classrooms with dividers and a sink/wet area for children's creative arts programs and community meetings	1,000	Figure 7.02, & Figure 8.04
Child watch/baby-sitting area for infants and toddlers ages 0–5	500	Figure 7.01
Kidz Fun Zone with supervised features such as moonwalks and a climbing maze for children ages 6–9	1,000	Figure 7.01
Youth and teen center with TV, pool tables, Exergame, and seating for social activities (which can also be used for other programs when needed)	1,000	Figure 7.06
Members' lounge/snack bar/social area/community program area	2,000	Figure 8.03
Subtotal	39,000	
Minimal planning factor, H/V/AC, bathrooms, halls, and offices (25%)	9,750	
Total indoor	48,750	

Figure 11.03 Features Critical to the Success of a New Leander YMCA

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MINUTES
REGULAR CITY COUNCIL
CITY OF LEANDER, TEXAS

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

Thursday ~ April 7, 2016 at 7:00 PM

Mayor – Christopher Fielder	**Place 4 – Ron Abruzzese**
Place 1 – Andrea Navarrette (Mayor Pro Tem)	**Place 5 – Jeff Seiler**
Place 2 – Michelle Stephenson	**Place 6 – Troy Hill**
Place 3 – Shanan Shepherd	**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 Navarrette delivered the invocation

2. Roll Call
   All present except Council Member Seiler

3. Staff Comments:
   Pat Womack, Director of Public Works spoke about the Leander Spring clean-up on Saturday, April 23, 2016

4. Citizen Comments: Three (3) minutes allowed per speaker
   Please turn in speaker request form before the meeting begins
   No speakers

5. Proclamation declaring April 10–16, 2016 as "National Animal Control Appreciation Week" in the City of Leander *Sponsored by Police Chief Greg Minton*
   Council Member Abruzzese read the Proclamation and presented it to Chief Greg Minton
   Animal Service Officers were in attendance

6. Proclamation declaring April 10-16, 2016 as "National Public Safety Telecommunications Week" in the City of Leander *Sponsored by Police Chief Greg Minton*
   Mayor Pro Tem Navarrette read the Proclamation and presented it to Chief Greg Minton
   Leander Telecommunication Officers were in attendance

CONSENT AGENDA: ACTION

7. Approval of the minutes: March 17, 2016

8. Second Reading of an Ordinance of the City of Leander granting non-exclusive permit and license for right-of-way sign services to National Sign Plazas; and providing for related matters

9. Second Reading of an Ordinance on Zoning Case # 16-Z-002; amending Ordinance #05-018, the Composite Zoning Ordinance for one lot located at 523 Powell Drive for 6.948 acres, more or less from current zoning of PUD, Planned Unit Development with a base zoning district of MF-1-B, Multi-Family. The applicant is proposing an amendment to the PUD, Planned Unit Development, Leander, Williamson County, Texas

10. License Agreement for the installation and maintenance of irrigation within the Nolan Ranch Road, Myrna Bend, and Carlene Pruett Street rights-of-way within the Stewart Crossing Subdivision

11. License Agreement for the installation and maintenance of irrigation, decorative street lights, and landscaping within Merrill Drive right-of-way within the Leander Crossing Subdivision

Motion made by Mayor Pro Tem Navarrette to approve the consent agenda. Second by Council Member Shepherd. Motion passes, all voting "aye"

PUBLIC HEARING: ACTION

12. **Public Hearing** on Zoning Case 15-Z-033: Consider a zoning change of two parcels of land generally located approximately 270 ft. south from the southwest corner of the intersection of Great Owl Pass and Council Springs Pass from interim zoning SFR-1-B, Single Family Rural with the remaining portion of the property in the ETJ to SFR-2-A, Single Family Rural, SFT-2-B, Single Family Townhome, LC-2-B, Local Commercial and LC-2-A, Local Commercial, Leander, Williamson County, Texas
Applicant: Danny Martin, P.E. on behalf of J.L. Development, Inc. John Lloyd
Robin Griffin, Senior Planner explained
No speakers

Action: on Zoning Case 15-Z-033: amending Ordinance 05-018, the Composite Zoning Ordinance for two parcels of land generally located approximately 270 ft. south from the southwest corner of the intersection of Great Owl Pass and Council Springs Pass from interim zoning SFR-1-B, Single Family Rural with the remaining portion of the property in the ETJ to SFR-2-A, Single Family Rural, SFT-2-B, Single Family Townhome, LC-2-B, Local Commercial and LC-2-A, Local Commercial, Leander, Williamson County, Texas
Motion made by Council Member Abruzzese to approve SFR-2-A, SFT-2-A, LC-2-A and LO-2-A as recommended by staff and the Planning & Zoning Commission. Second by Mayor Pro Tem Navarrette. Motion passes, all voting "aye"

13. **Public Hearing** on Zoning Case 15-Z-028 & Subdivision Case #15-CP-005: Consider a zoning change and approval of the Devine Lake Concept Plan and PUD zoning for three parcels located at the southwest corner of Bagdad Road and San Gabriel Parkway, for 202.79 acres, more or less, from PUD, Planned Unit Development, GC-3-B, General Commercial and GC-3-C, General Commercial to PUD, Planned Unit Development with base zoning districts of SFU-2-A, Single Family Urban, SFC-2-A, Single Family Compact, SFL-2-A, Single Family Limited, GC-2-A, General Commercial and MF-2-A, Multi Family, Leander, Williamson County, Texas
Applicant: Mark Baker on behalf of Sixth Street Capital Investors LP and Devine Land Investments, LLC
Robin Griffin, Senior Planner explained
No speakers

Action: on Zoning Case 15-Z-028 & Subdivision Case #15-CP-005: amending Ordinance 05-018, the Composite Zoning Ordinance for three parcels located at the southwest corner of Bagdad Road and San Gabriel Parkway, for 202.79 acres, more or less, from PUD, Planned Unit Development, GC-3-B, General Commercial and GC-3-C, General Commercial to PUD, Planned Unit Development with base zoning districts of SFU-2-A, Single Family Urban, SFC-2-A, Single Family Compact, SFL-2-A, Single Family Limited, GC-2-A, General Commercial and MF-2-A, Multi Family, Leander, Williamson County, Texas
Mayor Fielder noted that MF-2-A zoning is not requested and was posted in error.

Motion made by Council Member Stephenson to approve. Second by Council Member Shepherd. Motion passes, all voting "aye"

14. **Public Hearing** on Subdivision Case #15-CP-006: Consider Valley Vista Concept Plan, for 67.7 acres, more or less, located ½ mile north from the northwest corner of the intersection of CR 274 and Ronald Reagan Blvd. on the west side of Ronald Reagan Blvd., Leander, Williamson County, Texas
Robin Griffin, Senior Planner explained
Shawn Graham with Jones & Carter gave a presentation

Action on Subdivision Case #15-CP-006: Consider Valley Vista Concept Plan, for 67.7 acres, more or less, located ½ mile north from the northwest corner of the intersection of CR 274 and Ronald Reagan Blvd. on the west side of Ronald Reagan Blvd., Leander, Williamson County, Texas
Motion made by Council Member Shepherd to approve. Second by Council Member Stephenson. Motion passes, all voting "aye"

REGULAR AGENDA

15. First Reading of an Ordinance on Area A: Annexation of all that certain parcel or tract of land containing 56.09 acres, more or less, located in Travis County, Texas, generally located north of RM 1431, and either side of Vista Rock Rd. including the abutting streets, roadways, and rights-of-way; and adjacent and contiguous to the city limits; and providing open meetings and other related matters

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

16. First Reading of an Ordinance on Area B: Annexation of all that certain parcel or tract of land containing 6.34 acres, more or less, located in Williamson County, Texas, generally located either side of CR 279 / Bagdad Rd, north of W San Gabriel Pkwy. including the abutting streets, roadways, and rights-of-way; and adjacent and contiguous to the city limits; and providing open meetings and other related matters

Motion made by Mayor Pro Tem Navarrette to approve and direct staff to reach out to the owner of the homestead to see if they want to add the homestead to the development agreement. Second by Council Member Abruzzese. Motion passes, all voting "aye"

17. First Reading of an Ordinance on Area C: Annexation of all that certain parcel or tract of land containing 288.22 acres, more or less, located in Williamson County, Texas, generally located south of County Road 280, west of County Road 279 / Bagdad Rd. including the abutting streets, roadways, and rights-of-way; and adjacent and contiguous to the city limits; and providing open meetings and other related matters

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

18. First Reading of an Ordinance on Area D: Annexation of all that certain parcel or tract of land containing 187.06 acres, more or less, located in Williamson County, Texas, generally located south of County Road 280, east of the Mesa Vista Estates subdivision including the abutting streets, roadways, and rights-of-way; and adjacent and contiguous to the city limits; and providing open meetings and other related matters

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

19. First Reading of an Ordinance on Area E: Annexation of all that certain parcel or tract of land containing 62.69 acres, more or less, located in Williamson County, Texas, generally located north of County Road 280, west of the Greatwood subdivision including the abutting streets, roadways, and rights-of-way; and adjacent and contiguous to the city limits; and providing open meetings and other related matters

Motion made by Council Member Shepherd to approve. Second by Council Member Hill. Motion passes, all voting "aye"

20. First Reading of an Ordinance on Area F: Annexation of all that certain parcel or tract of land containing 412.58 acres, more or less, located in Williamson County, Texas, generally located either side of CR 279 / Bagdad Rd, north of County Road 280, south of County Road 281 including the abutting streets, roadways, and rights-of-way; and adjacent and contiguous to the city limits; and providing open meetings and other related matters

Motion made by Mayor Pro Tem Navarrette to approve and direct staff to reach out to the owner of the homestead to see if they want to add the homestead to the development agreement. Second by Council Member Abruzzese. Motion passes, all voting "aye"

21. First Reading of an Ordinance on Area G**:** Annexation of all that certain parcel or tract of land containing 31.08 acres, more or less, located in Williamson County, Texas, and generally located east of Oak Grove Rd, north of Heritage Grove Rd. including the abutting streets, roadways, and rights-of-way; and adjacent and contiguous to the city limits; and providing open meetings and other related matters

Motion made by Mayor Pro Tem Navarrette to approve and direct staff to reach out to the owner of the homestead to see if they want to add the homestead to the development agreement. Second by Council Member Hill. Motion passes, all voting "aye"

22. First Reading of an Ordinance on Area H**:** Annexation of all that certain parcel or tract of land containing 3.72 acres, more or less, located in Williamson County, Texas, and generally located west of US 183, east of County Road 276, south of the High Gabriel West subdivision. including the abutting streets, roadways, and rights-of-way; and adjacent and contiguous to the city limits; and providing open meetings and other related matters

Motion made by Mayor Pro Tem Navarrette to approve and direct staff to reach out to the owner of the homestead to see if they want to add the homestead to the development agreement. Second by Council Member Abruzzese. Motion passes, all voting "aye"

23. First Reading of an Ordinance on Area I: Annexation of all that certain parcel or tract of land containing 188.43 acres, more or less, located in Williamson County, Texas, and generally located south of W State Highway 29, west of Ronald W Reagan Blvd, either side of Kaufmann Loop, north and west of County Road 267 including the abutting streets, roadways, and rights-of-way; and adjacent and contiguous to the city limits; and providing open meetings and other related matters

Motion made by Council Member Abruzzese to approve and direct staff to reach out to the owner of the homestead to see if they want to add the homestead to the development agreement. Second by Council Member Hill. Motion passes, all voting "aye"

24. First Reading of an Ordinance on Area J: Annexation of all that certain parcel or tract of land containing 27.37 acres, more or less, located in Williamson County, Texas, and generally located south of W State Highway 29, east of Ronald W Reagan Blvd, north of County Road 268. including the abutting streets, roadways, and rights-of-way; and adjacent and contiguous to the city limits; and providing open meetings and other related matters

Motion made by Mayor Pro Tem Navarrette to approve and direct staff to reach out to the owner of the homestead to see if they want to add the homestead to the development agreement. Second by Council Member Abruzzese. Motion passes, all voting "aye"

25. First Reading of an Ordinance on Area K**:** Annexation of all that certain parcel or tract of land containing 64.18 acres, more or less, located in Williamson County, Texas, and generally located either side of County Road 270, south of E. San Gabriel Pkwy, north of Hero Way. including the abutting streets, roadways, and rights-of-way; and adjacent and contiguous to the city limits; and providing open meetings and other related matters

Motion made by Council Member Abruzzese to approve and direct staff to reach out to the owner of the homestead to see if they want to add the homestead to the development agreement. Second by Mayor Pro Tem Navarrette. Motion passes, all voting "aye"

26. First Reading of an Ordinance on Area L: Annexation of all that certain parcel or tract of land containing 106.26 acres, more or less, located in Williamson County, Texas, and generally located north of Hero Way, east of County Road 270, west of Ronald W Reagan Blvd, south and west of the Palmera Ridge subdivision including the abutting streets, roadways, and rights-of-way; and adjacent and contiguous to the city limits; and providing open meetings and other related matters

Motion made by Mayor Pro Tem Navarrette to approve and direct staff to reach out to the owner of the homestead to see if they want to add the homestead to the development agreement. Second by Council Member Hill. Motion passes, all voting "aye"

27. First Reading of an Ordinance on Area M: Annexation of all that certain parcel or tract of land containing 146.15 acres, more or less, located in Williamson County, Texas, and generally located east of Ronald W Reagan Blvd, south of the South Fork of the San Gabriel River, north of the Reagans Overlook subdivision including the abutting streets, roadways, and rights-of-way; and adjacent and contiguous to the city limits; and providing open meetings and other related matters

Motion made by Council Member Abruzzese to approve and direct staff to reach out to the owner of the homestead to see if they want to add the homestead to the development agreement. Second by Council Member Shepherd. Motion passes, all voting "aye"

28. First Reading of an Ordinance on Area N: Annexation of all that certain parcel or tract of land containing 239.55 acres, more or less, located in Williamson County, Texas, and generally located east of Ronald W Reagan Blvd, north of RM 2243, south of the Reagans Overlook subdivision. including the abutting streets, roadways, and rights-of-way; and adjacent and contiguous to the city limits; and providing open meetings and other related matters

B.J. Hogan, 7650 RR 2243 – asked for Development Agreement to be accepted late

Motion made by Mayor Fielder to approve and authorize staff to accept development agreements and direct staff to reach out to the other property owners to see if they want to add the homestead to the development agreement. Second by Council Member Shepherd. Motion passes, all voting "aye"

29. First Reading of an Ordinance on Area O: Annexation of all those certain three parcels or tracts of land containing a total of 84.88 acres, more or less, located in Williamson County, Texas, and generally located east of Ronald W Reagan Blvd, south of County Road 176, north of Journey Pkwy, either side of County Road 175, west and north of the Parkside at Mayfield Ranch subdivision including the abutting streets, roadways, and rights-of-way; and adjacent and contiguous to the city limits; and providing open meetings and other related matters

Motion made by Mayor Pro Tem Navarrette to approve and direct staff to reach out to the owner of the homestead to see if they want to add the homestead to the development agreement. Second by Council Member Shepherd. Motion passes, all voting "aye"

30. First Reading of an Ordinance on Area P**:** Annexation of all that certain parcel or tract of land containing 98.42 acres, more or less, located in Williamson County, Texas, and generally located south of Journey Pkwy, north of the Stonehurst subdivision, either side of County Road 175, north of the Williamson County Regional Park, south of the Trails at Shady Oak / Borho subdivision including the abutting streets, roadways, and rights-of-way; and adjacent and contiguous to the city limits; and providing open meetings and other related matters

Motion made by Council Member Abruzzese to approve and direct staff to reach out to the owner of the homestead to see if they want to add the homestead to the development agreement Second by Council Member Shepherd. Motion passes, all voting "aye"

31. First Reading of an Ordinance on Area 1: Annexation of all that certain parcel or tract of land containing 1.55 acres, more or less, located in Williamson County, Texas, generally located north of County Road 280, east of the Greatwood subdivision, being generally known as the CR 280 Elevated Storage Tank site, being wholly owned by the City of Leander including the abutting streets, roadways, and rights-of-way; and adjacent and contiguous to the city limits; and providing open meetings and other related matters

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

32. First Reading of an Ordinance on Area 2: Annexation of all that certain parcel or tract of land containing 43.18 acres, more or less, located in Williamson County, Texas, generally located east of US 183, north of the South Fork of the San Gabriel River, being generally known as the San Gabriel River Park site, being wholly owned by the City of Leander including the abutting streets, roadways, and rights-of-ay; and adjacent and contiguous to the city limits; and providing open meetings and other related matters

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

33. Consider Annexation Development Agreements under Section 43.035, Texas Local Government Code between the City of Leander and each of the following property owners:

    a. Stagliano Family Trust
    b. Page, Jeffrey and Russell Andrus
    c. Simpson, Peggy Borho

Robin Griffin, Senior Planner explained

Motion made by Council Member Shepherd to approve and direct staff to reach out to the owners of the homestead to see if they want to add the homestead to the development agreement. Second by Council Member Abruzzese. Motion passes, all voting "aye"

34. Consider the second amendment to the Oak Creek TIRZ Development and Reimbursement Agreement and the second amendment to the Oak Creek Public Improvement District Financing Agreement
Kent Cagle, City Manager explained

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

35. Consider the second addendum to the Village at Leander Station TIRZ Development and Reimbursement Agreement
This item was pulled from the agenda

36. Consider an ordinance of the City of Leander, Texas amending the project and financing plan for the Reinvestment Zone Number One to allocate the estimated project costs for the Village at Leander Station project among project categories; providing the estimated time when project costs will be incurred for the Village at Leander Station projects; establishing the Village at Leander station subaccount in the Tax Increment Fund; and providing for related matters

This item was pulled from the agenda

37. Consider 2nd Amended and Restated Development Agreement for the Benbrook Ranch Subdivision
Robin Griffin, Senior Planner explained

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

38. Consider Award to Water Smart for Behavioral Water Efficiency Software
Robert Powers, Finance Director introduced Michelle Camp with Water Smart who gave a presentation

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

39. Consider an Ordinance amending section 1.02.003 of Article 1.02, Chapter 1, City of Leander Code of Ordinance to amend requirements related to the payment of fees and other costs by credit card; authorizing the charging of fees to recover costs directly and reasonably incurred in providing access to information or services through the Internet
Robert Powers, Finance Director explained

Motion made by Council Member Shepherd to approve. Second by Council Member Stephenson. Motion passes, all voting "aye"

40. Consider an Ordinance of the City of Leander, Texas amending Ordinance #15-046-00 adopting the Annual Budget of the City of Leander, Texas for Fiscal Year 2015-16
Robert Powers, Finance Director explained

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

41. Consider amendment to the Interlocal Agreement between the Leander Independent School District and the City of Leander
Greg Minton, Chief of Police explained

Motion made by Council Member Stephenson to approve. Second by Council Member Shepherd. Motion passes, all voting "aye"

42. Council Member Closing Statements
Council Members gave their closing statements

EXECUTIVE SESSION

43. Convene into executive session:

    a) pursuant to Section 551.072, Texas Government Code, to deliberate the acquisition and value of real property in consideration of the Settlement Agreement for the acquisition of a 5.217 acre tract of land in Travis County from Gary L. Gross and Cathy Gross for the BCRUA Deep Water Intake Project in the amount of $2,565,000.00

    b) pursuant to Section 551.071, Texas Government Code, and Section 1.05, Texas Disciplinary Rules of Professional Conduct to consult with legal counsel regarding legal issues related to the Development Agreement for the Gateway Shopping Center and the Sales Tax Rebate Agreement for the Gateway Shopping Center

    Council convened into executive session at 8:35 pm
    Council reconvened into executive session at 9:07 pm

44. Reconvene into open session to take action as deemed appropriate in the City Council's discretion to Consider:

    a) the acquisition and value of real property in consideration of the Settlement Agreement for the acquisition of a 5.217 acre tract of land in Travis County from Gary L. Gross and Cathy Gross for the BCRUA Deep Water Intake Project in the amount of $2,565,000.00

    Motion made by Mayor Pro Tem Navarrette to move that the City of Leander proceed with settlement of litigation of acquisition of the 5.217 acre Gross property on the terms discussed in executive session, and that the City Manager be authorized to execute all documents associated with the settlement once approved by the City Attorney and special counsel. Second by Council Member Abruzzese. Motion passes, all voting "aye"

    b) the Development Agreement for the Gateway Shopping Center and the Sales Tax Rebate Agreement for the Gateway Shopping Center

    No action taken

45. Adjournment
    With there being no further action the meeting adjourned at 9:08 pm

Attest:

Christopher Fielder, Mayor

Debbie Haile, TRMC, City Secretary

AGENDA ITEM # 10

Executive Summary

April 21, 2016

Agenda Subject: Zoning Case 15-Z-028 & Subdivision Case 15-CP-005: Consider action on the rezoning and approval of the Devine Lake Concept Plan and PUD zoning for three parcels located at southwest corner of Bagdad and San Gabriel Pkwy; for 202.79 acres more or less; WCAD Parcels R031689, R472771 and R502970. Currently, the property is zoned PUD (Planned Unit Development), GC-3-B (General Commercial) and GC-3-C (General Commercial). The applicant is proposing to zone the PUD (Planned Unit Development) with base districts of SFU-2-A (Single-Family Urban), SFC-2-A (Single-Family Compact), SFL-2-A (Single-Family Limited), LC-2-A (local Commercial) and GC-2-A (General Commercial); Leander, Williamson County, Texas.

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

Origination: Applicant: Mark Baker on behalf of Sixth Street Capital Investors, LP and Devine Land Investments, LLC.

Financial Consideration: None

Recommendation: See Planning Analysis. The Planning and Zoning Commission unanimously recommended approval of the Devine Lake Concept Plan and PUD at the March 24, 2016 meeting. The City Council unanimously recommended approval at the April 7, 2016 meeting.

Attachments:

1. Planning Analysis
2. Current Zoning Map
3. Future Land Use Map
4. Notification Map
5. Proposed Zoning Map
6. Aerial Map
7. PUD Notes and Conceptual Site Layout & Land Use Plan
8. Letter of Intent
9. Ordinance

Prepared By: Tom Yantis, AICP
Assistant City Manager 04/11/2016

PLANNING ANALYSIS

ZONING CASE 15-Z-028
CONCEPT PLAN 15-CP-005

DEVINE LAKE PUD & CONCEPT PLAN

GENERAL INFORMATION

Owner: Sixth Street Capital Investors, LP and Devine Land Investments, LLC.

Current Zoning: PUD (Planned Unit Development) with a base district of GC-5-D (General Commercial)
GC-3-B (General Commercial)
GC-3-C (General Commercial)

Proposed Zoning: PUD (Planned Unit Development) with base districts of SFU-2-A (Single-Family Urban), SFC-2-A (Single-Family Compact), SFL-2-A (Single-Family Limited), and GC-2-A (General Commercial)

Size and Location: The property is generally located to the southwest of the intersection of Bagdad and San Gabriel Pkwy and includes approximately 202.79 acres.

Staff Contact: Robin M. Griffin, AICP
Senior Planner

ABUTTING ZONING AND LAND USE:

The table below lists the abutting zoning and land uses.

	ZONING	LAND USE
NORTH	OCL	Undeveloped Property
EAST	LC-3-A LC-2-B MF-2-B	Undeveloped Property
SOUTH	SFR-1-B	Undeveloped Property Devine Lake Park
WEST	OCL	Undeveloped Property

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 allow for a cohesive development of a master planned development that will provide for a variety of residential lot sizes and a limited amount of commercial development located at the intersection of San Gabriel Parkway and CR 279 and on the north side of San Gabriel Parkway. 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.

SFU – SINGLE FAMILY URBAN:

Features: 7,200 sq. ft. lot min.; 1,200 sq. ft. living area min.

Intent: Development of single-family detached dwellings on moderate urban standard sized 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 moderate lot sizes. Such components are generally intended to offer variety in housing opportunities and in the fabric of the neighborhoods.

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.

SFL – SINGLE FAMILY LIMITED:

Features: 3,500 sq. ft. lot min.; 1,000 sq. ft. living area min.

Intent: Development of single-family detached dwellings on small lots, including zero lot line development, 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 where it is appropriate to have small lot sizes and reduced setbacks. This component is generally intended as follows:

(1) To provide an orderly transition to and create a buffer between larger lot neighborhoods and more intensive uses such as multi-family or commercial uses or arterial roadways.
(2) To create more variety in housing opportunities and in the fabric of neighborhoods.
(3) To be located in planned developments of greater than 100 acres and comprising less than twenty percent (20%) of the lots, or to provide infill opportunities in appropriate areas of the City such as in areas under transition.
(4) To include or be located within six hundred feet of parkland or other recreational open space.

Lots that average less than forty feet in width along a block shall front on a street with a ROW of fifty-six (56) feet or greater and a pavement width of thirty-six (36) feet or greater unless access to garages on such lots is from an alley.

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.

LC – LOCAL COMMERCIAL:

Features: Any use in LO plus retail sales and services, restaurants, banks, nursery or greenhouse, grocery sales, pharmacies, fitness centers, dance and music academies, artist studio, colleges and universities, bed and breakfast. Hours of operation: 5:00 a.m. to 10:00 p.m. Sun.-Thurs., 5:00 a.m. to 11:00 p.m. Fri. and Sat.

Intent: Development of small scale, limited impact commercial, retail, personal services and office uses located in close proximity to their primary customers, which cater to the everyday needs of the nearby residents, and which may be located near residential neighborhoods. Access should be provided by a collector or higher classification street.

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 HC 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 A:

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

Intent:

(1) The Type A architectural component is intended to be utilized for high quality developments or to provide variety as an additional option for portions of a residential development and may be utilized in or adjacent to single-family uses.

(2) This component is intended to be utilized for single-family development that backs up to, or sides to, a major thoroughfare.
(3) Combined with appropriate use and site components, this component is intended to help provide for harmonious land use transitions by applying this component to a less restrictive use or site component adjacent to a more restrictive use or site component. This standard may be utilized to help ensure compatibility for non-residential uses, multi-family, two-family, townhouse or small lot residential development with adjacent property that is more restricted.
(4) This component is intended to be utilized for buildings requiring heights greater than those provided in other architectural components.
(5) This component may be utilized for any high profile development, for any property in a prominent location or at an important gateway to the community.
(6) This component is not intended to become an involuntary standard for the majority of a single-family subdivision, especially with SFR, SFE, SFS, SFU and SFC components.

COMPREHENSIVE PLAN STATEMENTS:

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

- Provide a balanced mix of complementary uses that support a strong and diverse tax base.
- Create strong neighborhoods with a variety of housing choices.
- Focus commercial growth in Activity, Community and Neighborhood Centers.
- Community Centers provide the same uses and services offered by a Neighborhood Center. Additionally, Community Centers include uses that are demanded less frequently than daily, and are typically anchored by grocery stores.
- Neighborhood Residential is intended to accommodate a variety of housing types. The density and mix of housing types is dependent on a number of suitability factors including environmental constraints (such as steep topography and floodplain), the availability of sewer infrastructure, proximity to neighborhood and community centers, existing and planned parks and recreation sites, schools, and the road network.

ANALYSIS:

The applicant has submitted a request for a PUD and a Conceptual Site Layout and Land Use Plan that can also be considered as the Concept Plan as permitted by the Composite Zoning Ordinance. This submittal includes the PUD zoning request and Concept Plan for review by the Planning & Zoning Commission.

The properties to the north and west are located outside of the City Limits. The properties to the east are currently zoned for local commercial and multi-family uses, but are undeveloped. The properties to the south is currently zoned for single-family rural and includes the Devine Lake Park.

The current zoning allows for an outdoor, multi-use recreational facility including traditional and nontraditional sports, overnight youth camp, and other related outdoor recreational activities. The associated development agreement for this project has expired and the previous developer is no longer pursuing this project.

The applicant is requesting the PUD (Planned Unit Development) district in order to allow for a cohesive development of a master planned community. The applicant is proposing the following zoning districts:

- GC-2-A (General Commercial)
- LC-2-A (Local Commercial)
- SFL-2-A (Single-Family Limited)
- SFC-2-A (Single-Family Compact)
- SFU-2-A (Single-Family Urban)

The single family use components will permit the following minimum lot widths:

USE COMPONENT	LOT WIDTH	LOT AREA	Unit Count
SFL	41’	4,100 sq. ft.	65 unit min
SFC	50’	5,500 sq. ft.	100 unit min
SFU	60’	7,200 sq. ft.	45 unit min

The GC use component allows for the development of small to large scale commercial, retail, and commercial service uses located in high traffic areas. The heaviest concentration of this use component is intended to be located at the intersection of arterial roadways. In addition, the PUD requires that at least three acres and no more than five acres of commercial uses are provided.

The LC use component allows for the development of small scale, limited impact retail that offers personal services and office uses located in close proximity to their primary customers, Access should be provided by a collector or higher classification street.

The requested Type 2 site component would prohibit outdoor fuel sales, outdoor storage and/or display, overhead doors, drive-through service lanes and carwashes. This site component is intended to be combined with the GC use component where it is adjacent to a residential district in order to reduce potential negative impacts to the more restrictive district.

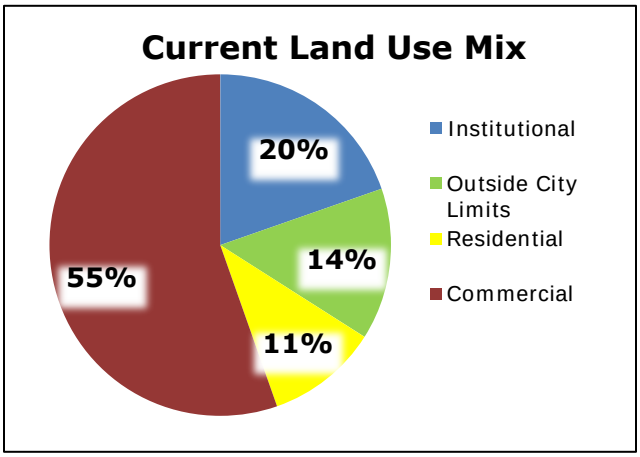
The Type A Architectural Component is proposed for both the residential and non-residential associated with this site. This component requires that 85% of the walls are comprised of masonry. In addition, a minimum of five architectural features are required.

This application includes the following higher standards and waivers.

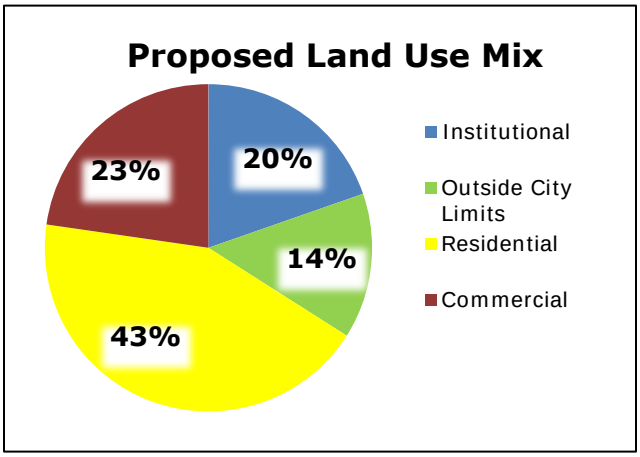
HIGHER STANDARDS	WAIVERS
COMPOSITE ZONING ORDINANCE	
Type A Architectural Component	-
Garage Access from Rear Alley	-
Wrought iron fencing along park and greenbelt areas	-
Increased parkland dedication	
-	Flexibility in lot width locations
-	Reduced flag lot width

A portion of this property is located within a Community Center as identified by the Future Land Use Map in the Comprehensive Plan. Community Centers include uses that are intended to serve neighborhoods and serve up to one mile with 125,000 square feet of commercial space. These centers also include an internal network of streets that promote walkablity within the Center. The target land use mix for this center is 50% non-residential and 50% residential.

The current land use mix is fifty-five (55%) percent commercial as shown in the chart to the right. The center also includes institutional and unzoned properties. If these properties are considered to be nonresidential, then the land use mix would include eighty-nine (89%) percent nonresidential and eleven (11%) percent residential. This land mix is not compliant with the Future Land Use Plan.



The applicant's proposal would change the mix to include twenty-three (23%) commercial as shown in the chart to the right. If the institutional and unzoned properties are considered to be nonresidential, then the land use mix would include fifty-seven (57%) percent nonresidential and forty-three (43%) percent residential.



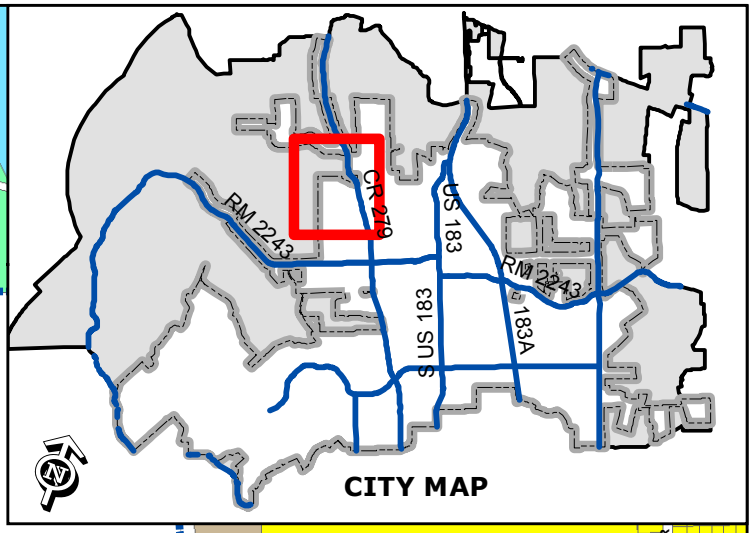
The remainder of the property is located within a Neighborhood Residential area. The Neighborhood Residential area is intended to accommodate a variety of housing types. The proposed PUD includes a mixture of different lot sizes that would provide for different housing opportunities.

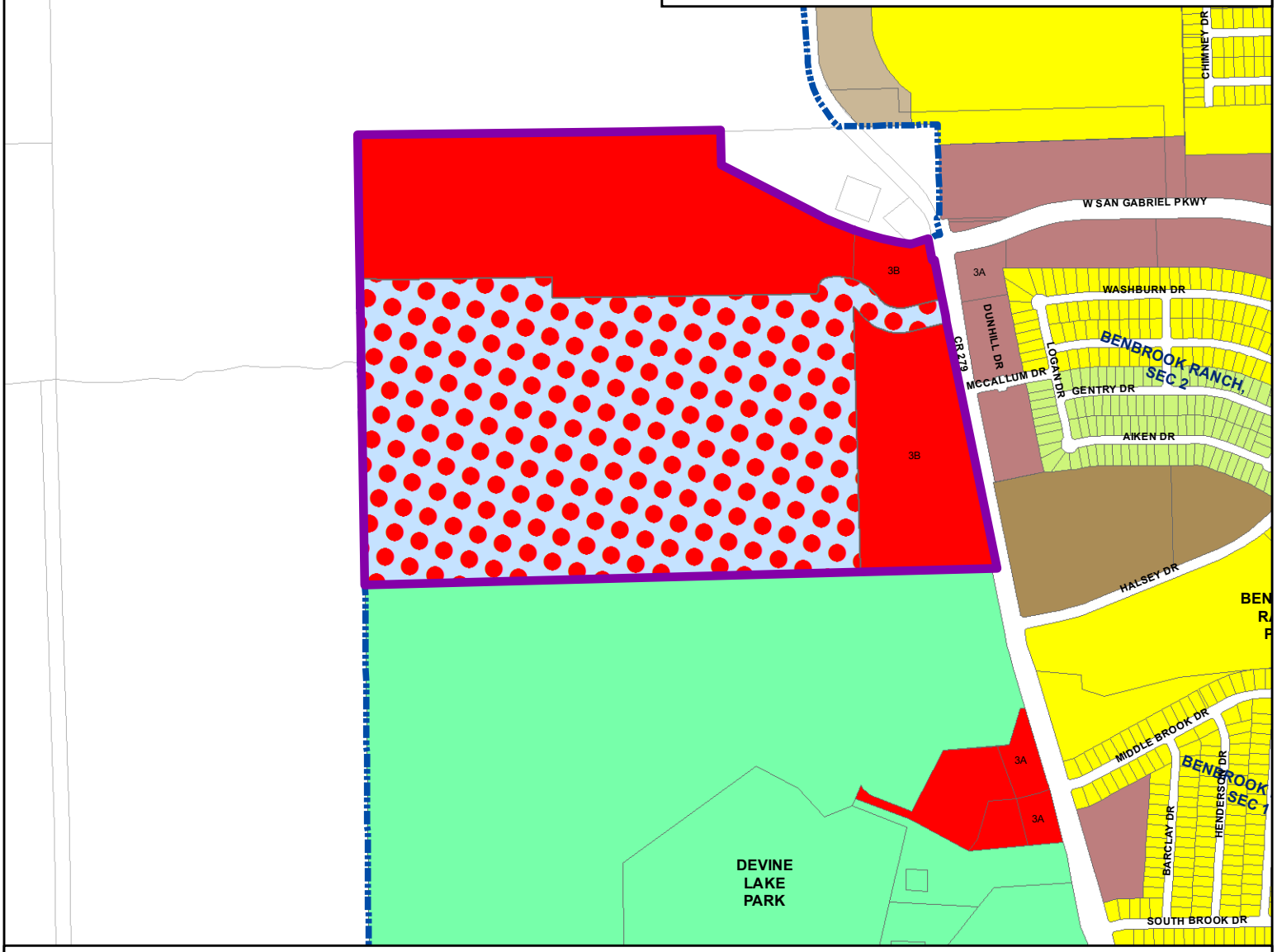
STAFF RECOMMENDATION:

Staff recommends approval of the requested PUD and Concept Plan. The proposed PUD promotes a cohesive master planned community that incorporates a variety of housing types with commercial uses at the intersection of San Gabriel Parkway and Bagdad Road. This project is located at the intersection of two arterials and is the appropriate location for the GC (General Commercial) use component with a transition to residential to the southwest. The garage access from rear alley product along Bagdad Road and adjacent to the commercial would provide for diversity in housing types in this area. In addition, the proposed waivers are balanced by the proposed higher standards and will provide for a high quality end product.

This application effectively utilizes composite zoning to incorporate a master planned commercial development while maintaining high form standards. The requested PUD meets the intent statements of the Composite Zoning Ordinance and the goals of the Comprehensive Plan.

This map has been produced by the City of Leander for informational purposes only. No warranty is made by the City regarding completeness or accuracy, please refer to the official ordinance for zoning verification. This data should not be construed as a legal description or survey instrument. No responsibility is assumed for damages or other liabilities due to the accuracy, availability, completeness, use or misuse of the information herein provided.





ZONING CASE 15-Z-028 Attachment #2

Current Zoning Map - Devine Lake PUD

Subject Property	SFR	SFL	LO	PUD - Commercial
City Limits	SFE	SFT	LC	PUD - Mixed Use
	SFS	SFU/MH	GC	PUD - Multi-Family
	SFU	TF	HC	PUD - Townhomes
	SFC	MF	HI	PUD - Single-Family

N

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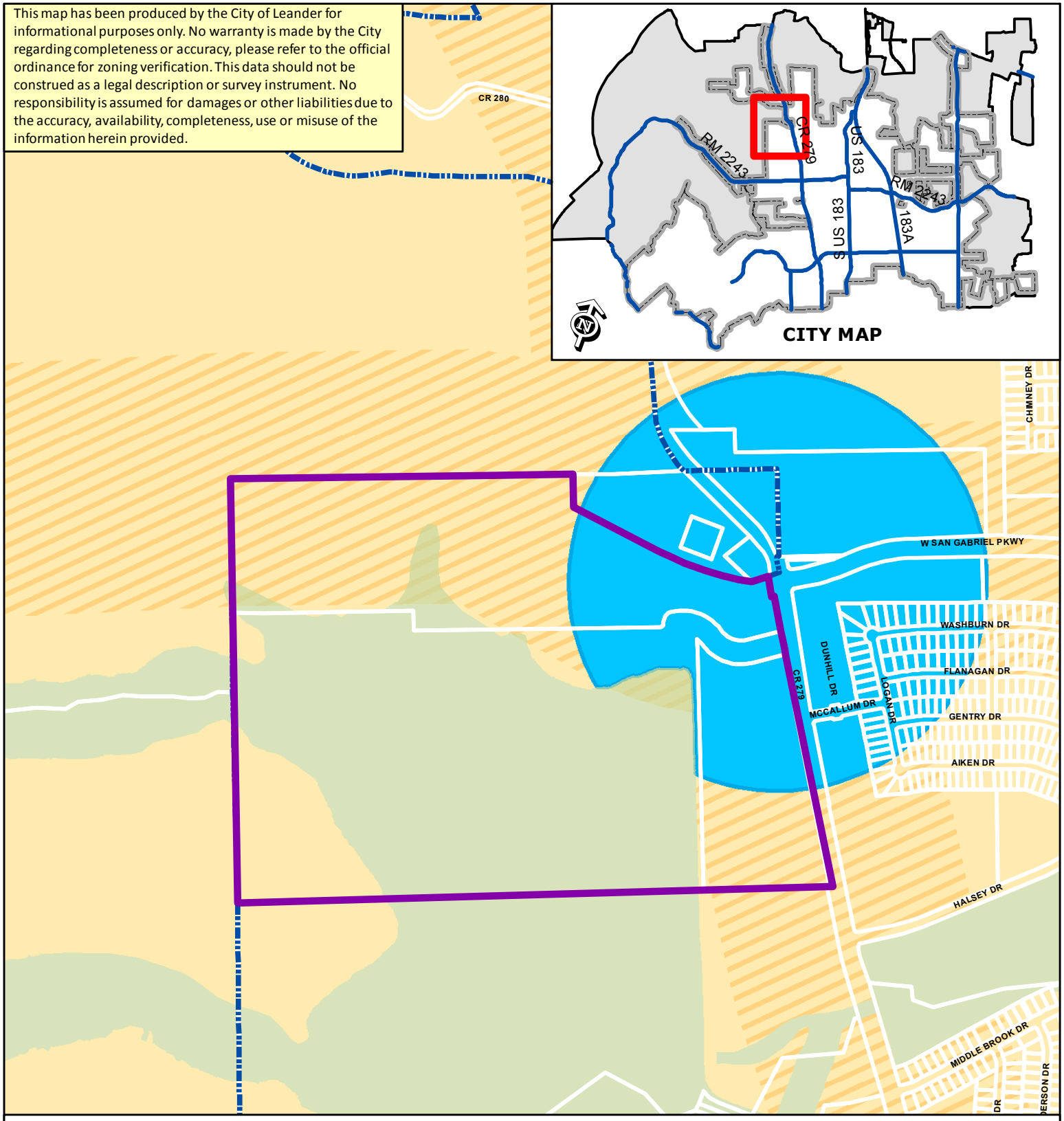
Feet



ZONING CASE 15-Z-028 Attachment #3

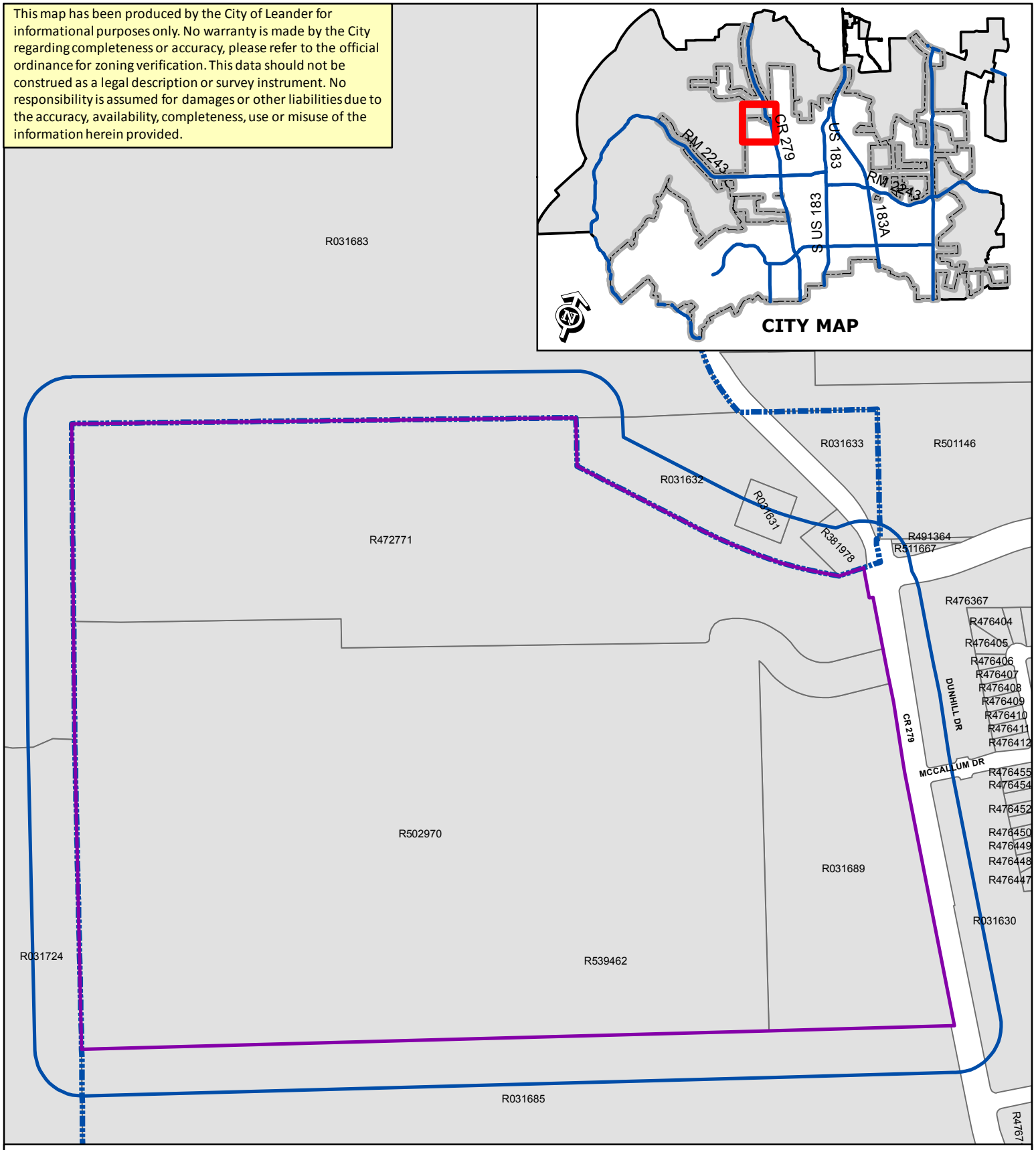
Future Land Use Map - Devine Lake PUD

- Subject Property
- City Limits
- Open Space
- Mixed Use Corridor
- Commercial Corridor
- Neighborhood Center
- Community Center
- Activity Center
- Transit Supportive Mixed Use
- Station Area Mixed Use
- Old Town Mixed Use
- Employment Mixed Use
- Industrial District
- Neighborhood Residential

N

0 200

Feet



ZONING CASE 15-Z-028 & 15-CP-005

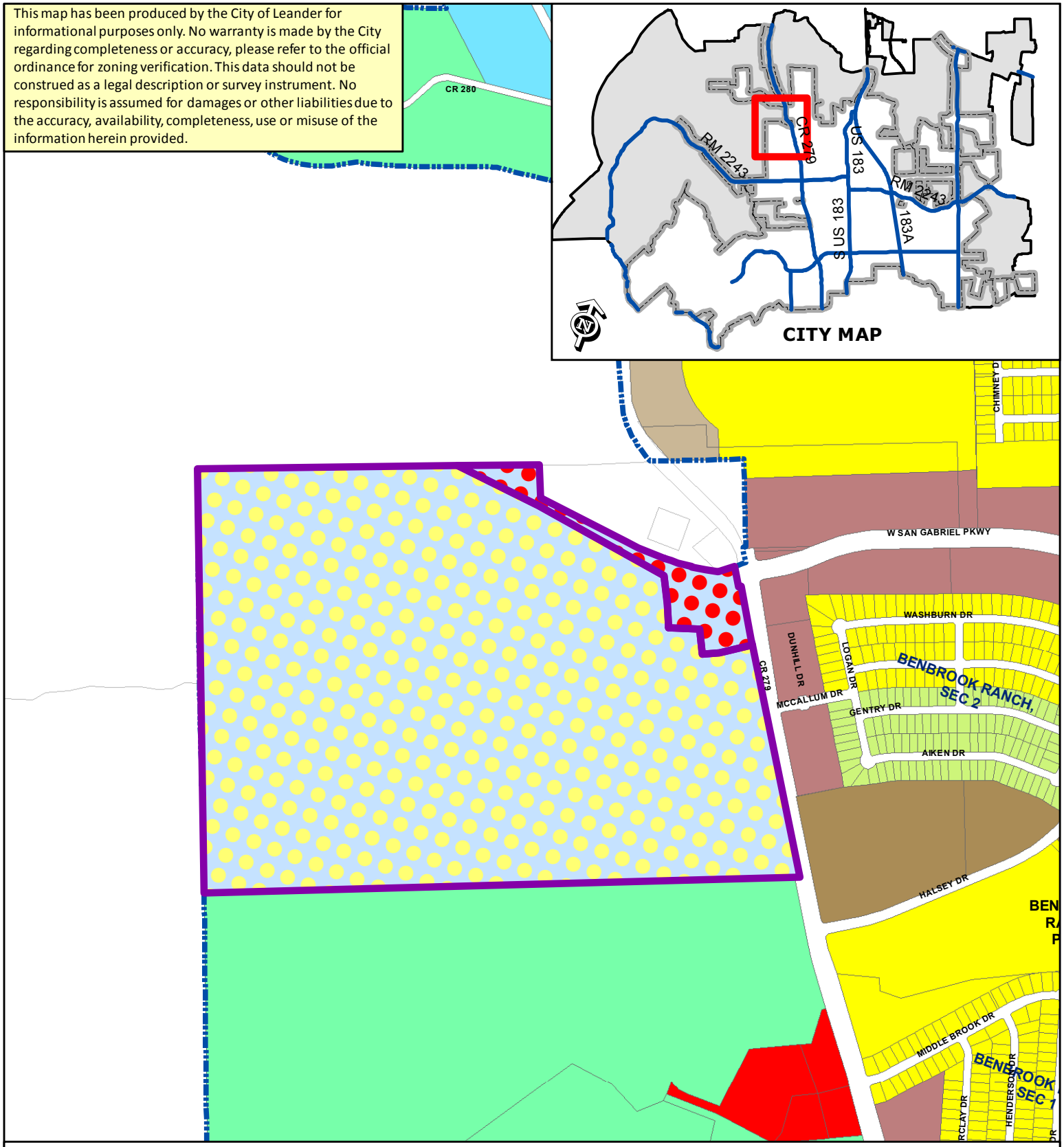
Attachment # 4

Notification Map
Devine Lake

Public Notificatin Boundary
Subject Property
City Limits
WCAD Parcels

N

0 0.03 0.06 0.12 0.18 0.24 Miles



ZONING CASE 15-Z-028 Attachment #5

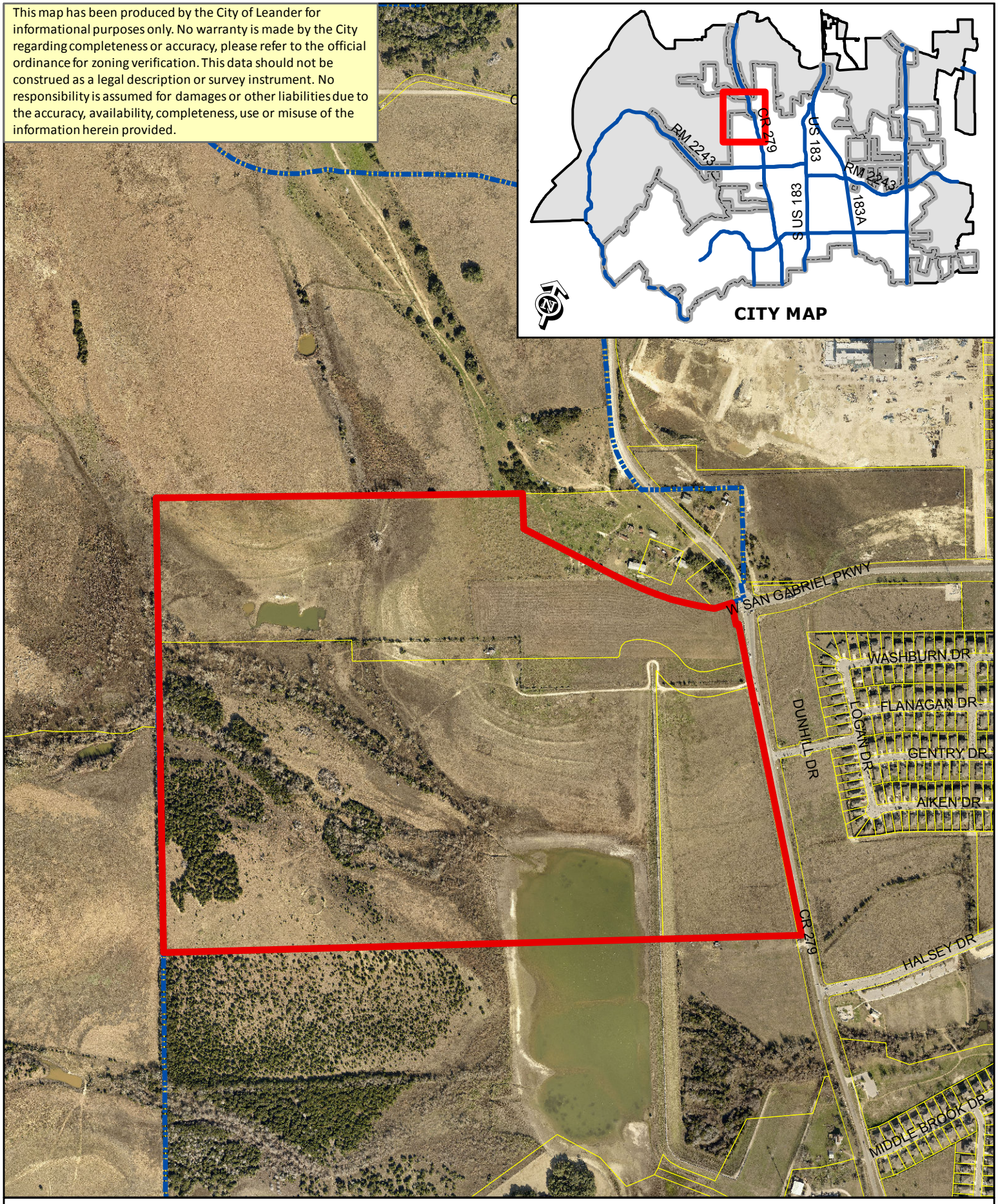
Proposed Zoning Map - Devine Lake PUD

Subject Property	SFR	SFL	LO	PUD - Commercial
City Limits	SFE	SFT	LC	PUD - Mixed Use
	SFS	SFU/MH	GC	PUD - Multi-Family
	SFU	TF	HC	PUD - Townhomes
	SFC	MF	HI	PUD - Single-Family

N

0 200

Feet



ZONING CASE 15-Z-028 Attachment #6

Aerial Exhibit - Approximate Boundaries
Devine Lake PUD

0 200
Feet

Subject Property

City Limits

Exhibit A

Devine Lake Planned Unit Development

A. Purpose and Intent

The Devine Lake PUD is composed of 202.8 acres, as described in Exhibit B (Field Notes). The development of this property is planned as a high quality, residential community with a variety of residential product types and a mix of neighborhood oriented commercial uses.

The contents of this PUD further explain and illustrate the overall appearance and function desired for this community. A Conceptual Site Layout and Land Use Plan has been attached to this PUD, Exhibit C, to illustrate the design intent for the property. The Conceptual Site Layout and Land Use Plan is intended to serve as a guide to illustrate the general community vision and design concepts and is not intended to serve as a final document. The Conceptual Site Layout and Land Use Plan depicts a mix of residential products, open space areas and commercial lands which are contemplated within the community.

B. Applicability and Base Zoning

All aspects regarding the development of this PUD shall comply the City of Leander Composite Zoning Ordinance, except as established in this exhibit, titled Exhibit A.

For the purpose of establishing development standards for the PUD, base zoning districts have been selected from the Leander Composite Zoning Ordinance for the various residential products proposed within the PUD.

- *For Lots 60' and wider: Base Zoning District SFU-2-A (Single Family Urban)*
- *For Lots 50'-59': Base Zoning District SFC-2-A (Single Family Compact)*
- *For Lots 40'-49': Base Zoning District SFL-2-A (Single Family Limited)*
- *For Commercial Use: Base Zoning District GC-2-A (General Commercial)*
- *For Commercial Use: Base Zoning District LC-2-A (Local Commercial)*

This PUD allows the flexibility to mix the various residential products and define boundaries for each lot type during the platting process. Each plat or site plan submitted to the City will identify the use at the time of City Submittal. All neighborhoods within the PUD will comply with the modified development standards of this PUD. In the case that this PUD does not address a specific City requirement, the Leander Composite Zoning Ordinance shall apply. In the event of a conflict between this PUD and the base zoning district found in the Leander Composite Zoning Ordinance, this PUD shall control.

C. Conceptual Site Layout and Land Use Plan

Exhibit C attached is a conceptual site layout and land use plan intended to visually convey the design intent for the Devine Lake community. The design of the community is not final, and is subject to refinement during the platting and site planning stages. This PUD zoning document does not constitute plat or site plan approval of the attached plan.

The Devine Lake project is comprised of a mix of various single family detached products as well as commercial uses. Devine Lake will include a cohesive network of open spaces, including parks, water quality areas, floodplain and trail corridors. The open space and trails system combined with the sidewalk network will be critical in establishing a walkable, inviting community.

The product placement within the community is planned to provide the following development pattern:

SFL Single Family Limited
Products with garage access from rear alley, 41' lots will be located west and south of the commercial corner at San Gabriel Parkway and Bagdad Road. The higher density product will provide a transitional use between the commercial corner and the traditional single family lots. All single-family lots developed under this designation shall be accessed from a rear alley.

SFC Single Family Compact/SFU Single Family Urban
The area west of the product with garage access from the rear alley will contain a mix of 50' and 60' conventional single family product types with access points to the central park and trail system.

GC General Commercial
The southwest corner of San Gabriel Parkway and Bagdad Road shall be reserved for future commercial and neighborhood service retail. Internal sidewalks and trails will be aligned within the community to ensure that Devine Lake residents can easily access the commercial development by foot.

LC Local Commercial
The property located to the north of the future San Gabriel Parkway shall be reserved for future neighborhood retail and service uses.

To ensure a variety and mix of residential product types and commercial within Devine Lake, the following standards have been established:

Product Type Requirements

1. SFL Single Family Limited-Garage Access from Rear Alley
   - Minimum of 65 units
2. SFC Single Family Compact – 50' lots
   - Minimum of 100 units
3. SFU Single Family Urban-60' lots
   - Minimum of 45 units
4. LC Local Commercial
   - Minimum of 1.5 acres
5. GC General Commercial
   - Minimum of 1.8 acres, Maximum of 5 acres

D. Prohibited Uses

The following uses are prohibited within the Devine Lake base zoning district LC (Local Commercial) and GC (General Commercial):

- Cemetery, Mausoleum
- Funeral Home
- Passenger Terminal
- Water Treatment Facility, Self Standing
- Vehicle Sales, Rental, Repair
- Commercial Parking
- New vehicle and major equipment sales, rental or leasing, repair, body shop (small engine repair shops and motorcycle repair shops

E. Lot Design Standards

Residential Areas:

Devine Lake will include a variety of residential product types and sizes. The detached residential has been broken into two categories based upon lot width and size. Detailed design standards are included within this PUD, Table E.1, based upon the type of residential product. The Devine Lake development will comply with the Development Standards set forth in Table E.1.

Table E.1 – Development Standards

	RESIDENTIAL and COMMERCIAL USES		
	DETACHED 50 ft. & wider lot (SFC/SFU)	**DETACHED** narrower than 50 ft. lot (SFL base, garage access from rear alley)	**Commercial** (GC/LC)
Lot Area (minimum)	5,500 s.f. SFC 7,200 s.f. SFU	4,100 s.f.	n/a
Lot Width (minimum)	50 ft. SFC 60 ft. SFU	41 ft.	n/a
Front Bldg. Setback (minimum)	20 ft.	15 ft.	15 ft.*
Side Bldg. Setback (minimum)	5 ft.	5 ft.	20 ft.*
Street Side Bldg. Setback (minimum)	15 ft.	15 ft.	15 ft.*
Rear Bldg. Setback (minimum)	15 ft. SFU 10 ft. SFC	6 ft.	20 ft.*
Lot Depth (minimum)	110 ft.	100 ft.	n/a

*Setbacks listed are building setbacks. For non-residential uses the pavement setbacks and site development standards shall comply with the requirements for GC-2-A or LC-2-A. Additional setbacks will be required where the non-residential uses are adjacent to residential as defined in the Composite Zoning Ordinance. A minimum 6’ tall masonry wall shall be required between a commercial use and any adjacent residential lot

F. Parkland/Open Space/Trails

Open space within Devine Lake will create a network of trails and parkland that creates distinct neighborhoods and provides pedestrian walkways throughout the community. The Devine Lake PUD will contribute approximately 107 acres of open space consisting of floodplain, greenbelt trail corridors and water quality ponds. Over 50% of the gross land area of the Devine Lake community will consist of open space. Due to the unique nature of this compilation of land and the overall percentage of open space, the Devine Lake PUD shall not require any further parkland requirement beyond the land shown on Exhibit C (Concept Plan Sheet 2, Parkland Exhibit).

Devine Lake is located in close proximity to Benbrook Park and a proposed future City trail. A primary 8' wide, concrete trail will be constructed within the floodplain which will provide connection points for future linkage to the City trail system. A trail will also be provided along the Bagdad Road frontage. The Bagdad Road trail shall be coordinated with the planned expansion of Bagdad Road. (see Concept Plan Sheet 2 Parkland Exhibit).

In addition to the trails provided, a minimum of one trailhead will be provided to allow public access to the community trail system around the lake. Off street parking spaces will be incorporated into the trailhead. The ultimate location of the trailhead will be determined in the future as more detailed neighborhood design plans are prepared.

G. Roadway Design

The Devine Lake community will incorporate the following right of way standards.

1. All single family detached roadways shall consist of 50' right of way with 28 feet of pavement measured face of curb to face of curb.
2. All alleys shall contain 14 feet of pavement within a 20 foot wide right of way. All public alleys shall be constructed of concrete. If the developer agrees to privately maintain the alleys, asphalt paving will be allowed.

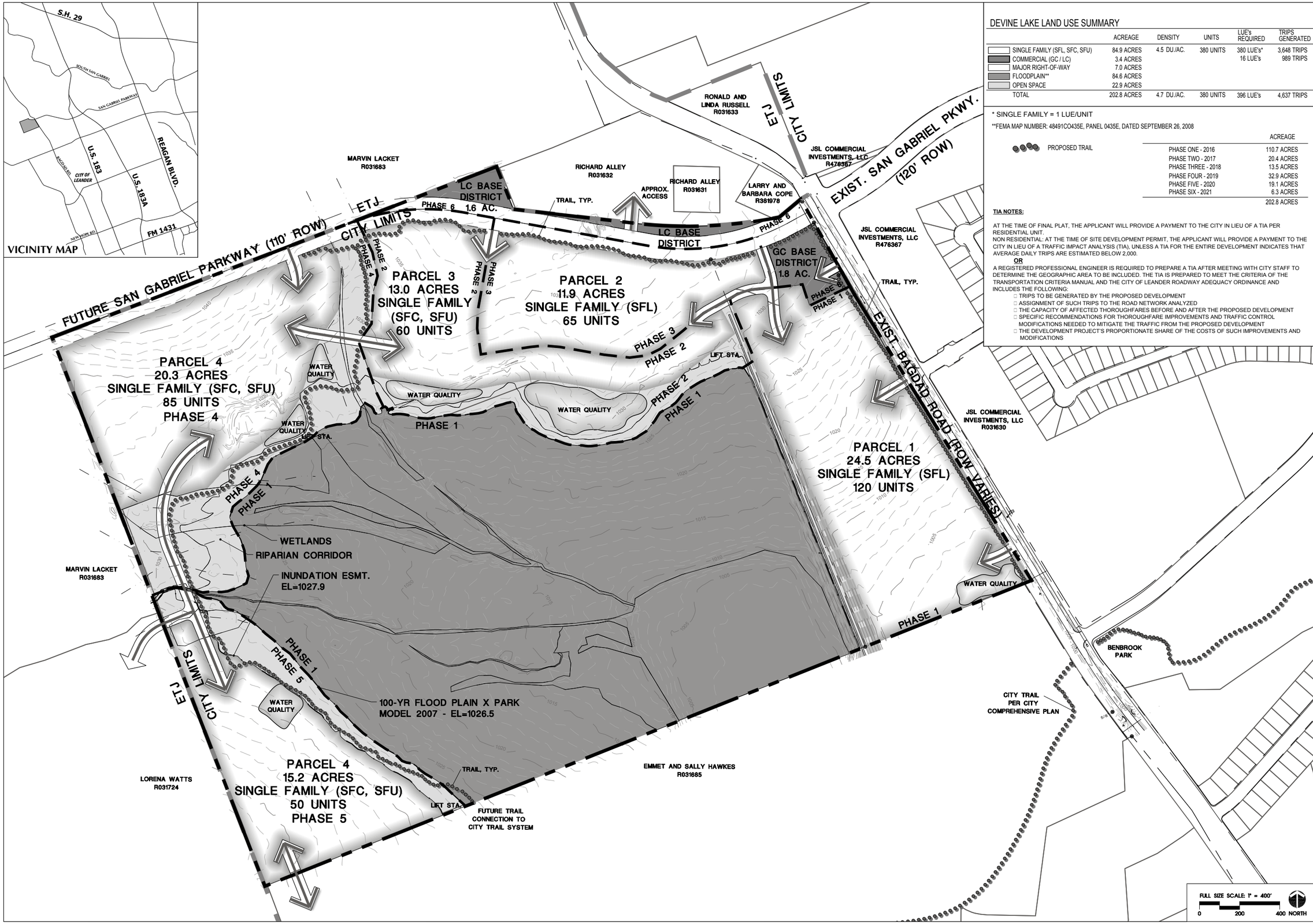
H. Walls and Fencing

All lots within Devine Lake which back or side onto San Gabriel Parkway and Bagdad Road shall have a solid, 6' tall masonry wall with columns located along the rear or side lot line. A 10' wide landscape lot shall be provided adjacent to San Gabriel Parkway and Bagdad Road per Article 6, Section 8 of the Leander Composite Zoning Ordinance.

Lots that back onto a park or greenbelt area shall utilize a wrought iron or decorative tubular metal fence.

I. Flag Lots

In order to provide a legal lot for the water quality ponds within Devine Lake, the minimum flag lot width shall be 15 feet. This provision shall not apply to residential lots.



DEVINE LAKE LAND USE SUMMARY

	ACREAGE	DENSITY	UNITS	LUE's REQUIRED	TRIPS GENERATED
SINGLE FAMILY (SFL, SFC, SFU)	84.9 ACRES	4.5 DU./AC.	380 UNITS	380 LUE's*	3,648 TRIPS
COMMERCIAL (GC / LC)	3.4 ACRES			16 LUE's	989 TRIPS
MAJOR RIGHT-OF-WAY	7.0 ACRES				
FLOODPLAIN**	84.6 ACRES				
OPEN SPACE	22.9 ACRES				
TOTAL	202.8 ACRES	4.7 DU./AC.	380 UNITS	396 LUE's	4,637 TRIPS

* SINGLE FAMILY = 1 LUE/UNIT

**FEMA MAP NUMBER: 48491CO435E, PANEL 0435E, DATED SEPTEMBER 26, 2008

PROPOSED TRAIL

	ACREAGE
PHASE ONE - 2016	110.7 ACRES
PHASE TWO - 2017	20.4 ACRES
PHASE THREE - 2018	13.5 ACRES
PHASE FOUR - 2019	32.9 ACRES
PHASE FIVE - 2020	19.1 ACRES
PHASE SIX - 2021	6.3 ACRES
	202.8 ACRES

TIA NOTES:

AT THE TIME OF FINAL PLAT, THE APPLICANT WILL PROVIDE A PAYMENT TO THE CITY IN LIEU OF A TIA PER RESIDENTIAL UNIT.
NON RESIDENTIAL: AT THE TIME OF SITE DEVELOPMENT PERMIT, THE APPLICANT WILL PROVIDE A PAYMENT TO THE CITY IN LIEU OF A TRAFFIC IMPACT ANALYSIS (TIA), UNLESS A TIA FOR THE ENTIRE DEVELOPMENT INDICATES THAT AVERAGE DAILY TRIPS ARE ESTIMATED BELOW 2,000.

OR

A REGISTERED PROFESSIONAL ENGINEER IS REQUIRED TO PREPARE A TIA AFTER MEETING WITH CITY STAFF TO DETERMINE THE GEOGRAPHIC AREA TO BE INCLUDED. THE TIA IS PREPARED TO MEET THE CRITERIA OF THE TRANSPORTATION CRITERIA MANUAL AND THE CITY OF LEANDER ROADWAY ADEQUACY ORDINANCE AND INCLUDES THE FOLLOWING:

- TRIPS TO BE GENERATED BY THE PROPOSED DEVELOPMENT
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CONCEPT PLAN
DEVINE LAKE
LEANDER, TEXAS

Q:\150065-SELA\Cadfiles\PLANNING\Submittals\September 2015 Concept Plan PUD Submittal\Concept-PUD Plan.dwg

Issued:
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Issue Date: September 17, 2015

Drawn By: MB
Reviewed By: MB

Project No.
150065-SIXT

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Land Planning + Landscape Architecture + Community Branding

CLIENT-CENTERED THINKING™

September 17, 2015

City of Leander Planning Department
104 North Brushy Street
PO Box 319
Leander, Texas 78646-0319

Re: Devine Lake PUD/Concept Plan Letter of Intent

Please find attached applications for a PUD zoning/Concept Plan submittal for the Devine Lake Project, generally located at the southwest corner of San Gabriel Parkway and Bagdad Road. The land uses indicated on the City Comprehensive Land Use Map include residential neighborhoods and a community commercial node at the intersection of San Gabriel Parkway and Bagdad Road. The existing zoning for the Devine Lake property is General Commercial and PUD Commercial. The land was formerly zoned for commercial when an X-games sporting park was planned for the property. The X-games park concept is no longer applicable, and the applicant is requesting to update the zoning to allow a variety of single family product types ranging from 41' wide lots to 60' wide lots. The project is also proposing general commercial use within the area designated on the Land Use Map as a community commercial node.

The applicant is proposing to use the City base zoning districts of SFU, SFC, SFL and GC. All single family lots less than 50' in width will be rear loaded with alleys.

The Project will provide a variety of amenities for the Leander community. An 8' wide concrete trail will be located along the floodplain and lake with trail connections for future linkage to Benbrook park and the City's overall trail system. Internal trails and sidewalks will provide pedestrian connections to the community commercial node, allowing easy access for Devine Lake residents.

Additional information describing the Project is contained within the attached Devine Lake PUD and Concept Plan. Thank you for considering this new Leander community.

Sincerely,

Mark Baker
Principal

4201 W. Parmer Lane, Building A, Suite 220 • Austin, Texas 78727 • 512.246.7003 • www.secplanning.com

ORDINANCE NO #

ORDINANCE OF THE CITY OF LEANDER, TEXAS, AMENDING THE ZONING ORDINANCE BY REZONING SEVERAL PARCELS OF LAND FROM PUD (PLANNED UNIT DEVELOPMENT), GC-3-B (GENERAL COMMERCIAL) AND GC-3-C (GENERAL COMMERCIAL) TO PUD (PLANNED UNIT DEVELOPMENT) WITH BASE DISTRICTS OF SFU-2-B (SINGLE-FAMILY URBAN), SFC-2-B (SINGLE-FAMILY COMPACT), SFL-2-B (SINGLE-FAMILY LIMITED), GC-2-A (GENERAL COMMERCIAL), AND LC-2-A (LOCAL COMMERCIAL); MAKING FINDINGS OF FACT; AND PROVIDING FOR RELATED MATTERS.

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

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

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

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

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

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

Section 3. Applicability. This ordinance applies to the following parcels of land, which is herein referred to as the "Property:" That certain parcels of land being 202.79 acres, more or less, located in Leander, Williamson County, Texas, being more particularly described in Exhibit "B", generally located at southwest corner of Bagdad and San Gabriel Pkwy; legally described as 202.79 acres more or less out of the C Cochran Survey, more particularly described in Document Numbers 2008003820 and 2009044349 recorded in the Official Public Records of Williamson County, Texas, and identified by tax identification number R031689, R472771 and R502970.

Section 4. Property Rezoned. The Zoning Ordinance is hereby amended by changing the zoning district for the Property to PUD (Planned Unit Development) with base districts of SFU-2-B (Single-Family Urban), SFC-2-B (Single-Family Compact), SFL-2-B (Single-Family Limited), GC-2-A (General Commercial), and LC-2-A (Local Commercial) known as the Devine Lake PUD. The PUD shall be developed and occupied in accordance with this Ordinance, the PUD

plan attached as Exhibits “A”, “B”, and “C”, 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 7th day of April, 2016.
FINALLY PASSED AND APPROVED on this the 21st day of April, 2016.

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

Exhibit A

Devine Lake Planned Unit Development

A. Purpose and Intent

The Devine Lake PUD is composed of 202.8 acres, as described in Exhibit B (Field Notes). The development of this property is planned as a high quality, residential community with a variety of residential product types and a mix of neighborhood oriented commercial uses.

The contents of this PUD further explain and illustrate the overall appearance and function desired for this community. A Conceptual Site Layout and Land Use Plan has been attached to this PUD, Exhibit C, to illustrate the design intent for the property. The Conceptual Site Layout and Land Use Plan is intended to serve as a guide to illustrate the general community vision and design concepts and is not intended to serve as a final document. The Conceptual Site Layout and Land Use Plan depicts a mix of residential products, open space areas and commercial lands which are contemplated within the community.

B. Applicability and Base Zoning

All aspects regarding the development of this PUD shall comply the City of Leander Composite Zoning Ordinance, except as established in this exhibit, titled Exhibit A.

For the purpose of establishing development standards for the PUD, base zoning districts have been selected from the Leander Composite Zoning Ordinance for the various residential products proposed within the PUD.

- *For Lots 60' and wider: Base Zoning District SFU-2-A (Single Family Urban)*
- *For Lots 50'-59': Base Zoning District SFC-2-A (Single Family Compact)*
- *For Lots 40'-49': Base Zoning District SFL-2-A (Single Family Limited)*
- *For Commercial Use: Base Zoning District GC-2-A (General Commercial)*
- *For Commercial Use: Base Zoning District LC-2-A (Local Commercial)*

This PUD allows the flexibility to mix the various residential products and define boundaries for each lot type during the platting process. Each plat or site plan submitted to the City will identify the use at the time of City Submittal. All neighborhoods within the PUD will comply with the modified development standards of this PUD. In the case that this PUD does not address a specific City requirement, the Leander Composite Zoning Ordinance shall apply. In the event of a conflict between this PUD and the base zoning district found in the Leander Composite Zoning Ordinance, this PUD shall control.

C. Conceptual Site Layout and Land Use Plan

Exhibit C attached is a conceptual site layout and land use plan intended to visually convey the design intent for the Devine Lake community. The design of the community is not final, and is subject to refinement during the platting and site planning stages. This PUD zoning document does not constitute plat or site plan approval of the attached plan.

The Devine Lake project is comprised of a mix of various single family detached products as well as commercial uses. Devine Lake will include a cohesive network of open spaces, including parks, water quality areas, floodplain and trail corridors. The open space and trails system combined with the sidewalk network will be critical in establishing a walkable, inviting community.

The product placement within the community is planned to provide the following development pattern:

SFL Single Family Limited
Products with garage access from rear alley, 41' lots will be located west and south of the commercial corner at San Gabriel Parkway and Bagdad Road. The higher density product will provide a transitional use between the commercial corner and the traditional single family lots. All single-family lots developed under this designation shall be accessed from a rear alley.

SFC Single Family Compact/SFU Single Family Urban
The area west of the product with garage access from the rear alley will contain a mix of 50' and 60' conventional single family product types with access points to the central park and trail system.

GC General Commercial
The southwest corner of San Gabriel Parkway and Bagdad Road shall be reserved for future commercial and neighborhood service retail. Internal sidewalks and trails will be aligned within the community to ensure that Devine Lake residents can easily access the commercial development by foot.

LC Local Commercial
The property located to the north of the future San Gabriel Parkway shall be reserved for future neighborhood retail and service uses.

To ensure a variety and mix of residential product types and commercial within Devine Lake, the following standards have been established:

Product Type Requirements

1. SFL Single Family Limited-Garage Access from Rear Alley
   - Minimum of 65 units
2. SFC Single Family Compact – 50' lots
   - Minimum of 100 units
3. SFU Single Family Urban-60' lots
   - Minimum of 45 units
4. LC Local Commercial
   - Minimum of 1.5 acres
5. GC General Commercial
   - Minimum of 1.8 acres, Maximum of 5 acres

D. Prohibited Uses

The following uses are prohibited within the Devine Lake base zoning district LC (Local Commercial) and GC (General Commercial):

- Cemetery, Mausoleum
- Funeral Home
- Passenger Terminal
- Water Treatment Facility, Self Standing
- Vehicle Sales, Rental, Repair
- Commercial Parking
- New vehicle and major equipment sales, rental or leasing, repair, body shop (small engine repair shops and motorcycle repair shops

E. Lot Design Standards

Residential Areas:

Devine Lake will include a variety of residential product types and sizes. The detached residential has been broken into two categories based upon lot width and size. Detailed design standards are included within this PUD, Table E.1, based upon the type of residential product. The Devine Lake development will comply with the Development Standards set forth in Table E.1.

Table E.1 – Development Standards

	RESIDENTIAL and COMMERCIAL USES		
	DETACHED 50 ft. & wider lot (SFC/SFU)	**DETACHED** narrower than 50 ft. lot (SFL base, garage access from rear alley)	**Commercial** (GC/LC)
Lot Area (minimum)	5,500 s.f. SFC 7,200 s.f. SFU	4,100 s.f.	n/a
Lot Width (minimum)	50 ft. SFC 60 ft. SFU	41 ft.	n/a
Front Bldg. Setback (minimum)	20 ft.	15 ft.	15 ft.*
Side Bldg. Setback (minimum)	5 ft.	5 ft.	20 ft.*
Street Side Bldg. Setback (minimum)	15 ft.	15 ft.	15 ft.*
Rear Bldg. Setback (minimum)	15 ft. SFU 10 ft. SFC	6 ft.	20 ft.*
Lot Depth (minimum)	110 ft.	100 ft.	n/a

*Setbacks listed are building setbacks. For non-residential uses the pavement setbacks and site development standards shall comply with the requirements for GC-2-A or LC-2-A. Additional setbacks will be required where the non-residential uses are adjacent to residential as defined in the Composite Zoning Ordinance. A minimum 6’ tall masonry wall shall be required between a commercial use and any adjacent residential lot

F. Parkland/Open Space/Trails

Open space within Devine Lake will create a network of trails and parkland that creates distinct neighborhoods and provides pedestrian walkways throughout the community. The Devine Lake PUD will contribute approximately 107 acres of open space consisting of floodplain, greenbelt trail corridors and water quality ponds. Over 50% of the gross land area of the Devine Lake community will consist of open space. Due to the unique nature of this compilation of land and the overall percentage of open space, the Devine Lake PUD shall not require any further parkland requirement beyond the land shown on Exhibit C (Concept Plan Sheet 2, Parkland Exhibit).

Devine Lake is located in close proximity to Benbrook Park and a proposed future City trail. A primary 8' wide, concrete trail will be constructed within the floodplain which will provide connection points for future linkage to the City trail system. A trail will also be provided along the Bagdad Road frontage. The Bagdad Road trail shall be coordinated with the planned expansion of Bagdad Road. (see Concept Plan Sheet 2 Parkland Exhibit).

In addition to the trails provided, a minimum of one trailhead will be provided to allow public access to the community trail system around the lake. Off street parking spaces will be incorporated into the trailhead. The ultimate location of the trailhead will be determined in the future as more detailed neighborhood design plans are prepared.

G. Roadway Design

The Devine Lake community will incorporate the following right of way standards.

1. All single family detached roadways shall consist of 50' right of way with 28 feet of pavement measured face of curb to face of curb.
2. All alleys shall contain 14 feet of pavement within a 20 foot wide right of way. All public alleys shall be constructed of concrete. If the developer agrees to privately maintain the alleys, asphalt paving will be allowed.

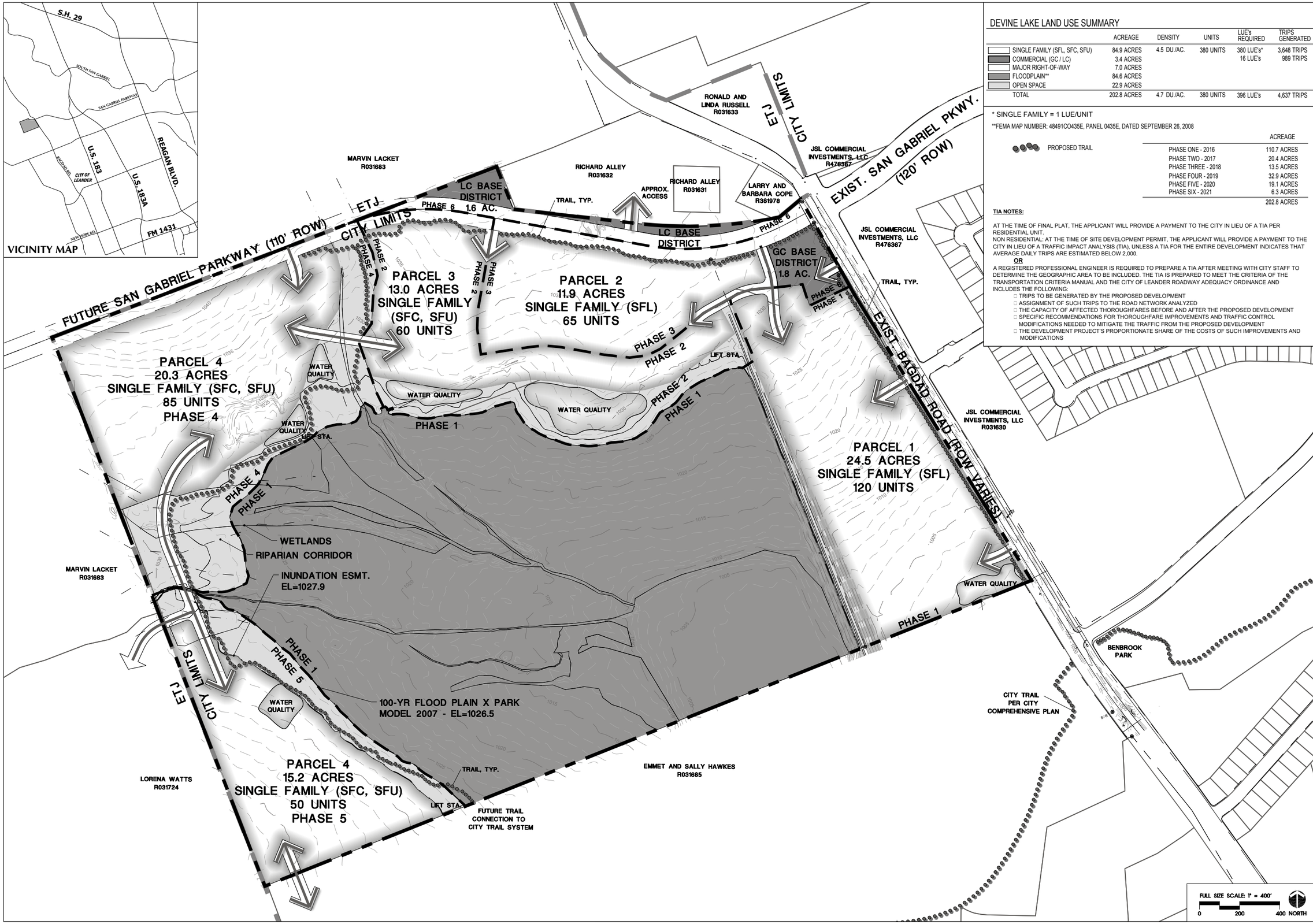
H. Walls and Fencing

All lots within Devine Lake which back or side onto San Gabriel Parkway and Bagdad Road shall have a solid, 6' tall masonry wall with columns located along the rear or side lot line. A 10' wide landscape lot shall be provided adjacent to San Gabriel Parkway and Bagdad Road per Article 6, Section 8 of the Leander Composite Zoning Ordinance.

Lots that back onto a park or greenbelt area shall utilize a wrought iron or decorative tubular metal fence.

I. Flag Lots

In order to provide a legal lot for the water quality ponds within Devine Lake, the minimum flag lot width shall be 15 feet. This provision shall not apply to residential lots.



DEVINE LAKE LAND USE SUMMARY

	ACREAGE	DENSITY	UNITS	LUE's REQUIRED	TRIPS GENERATED
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Reviewed By: MB

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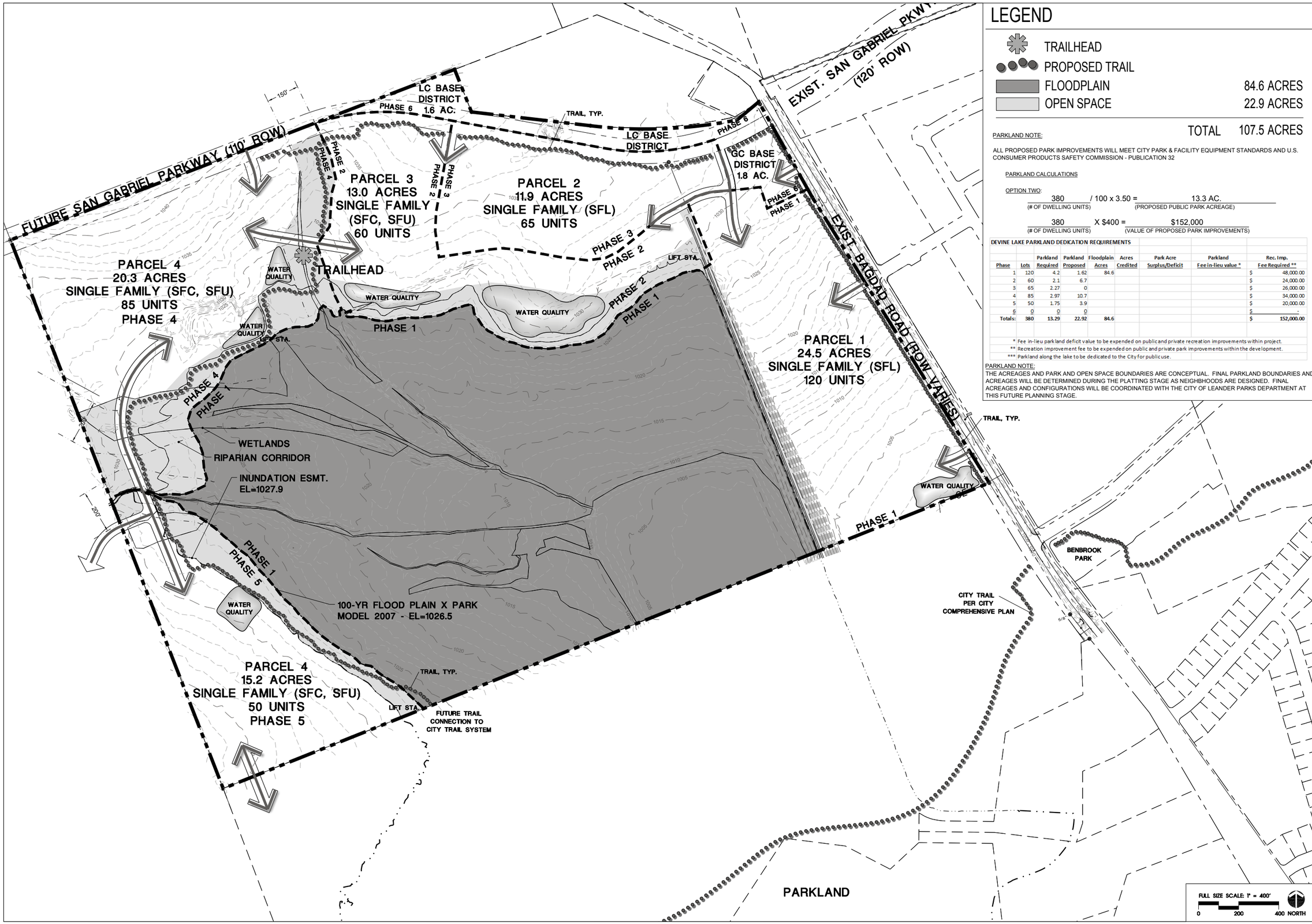

LEGEND

TRAILHEAD	
PROPOSED TRAIL	
FLOODPLAIN	84.6 ACRES
OPEN SPACE	22.9 ACRES
TOTAL	107.5 ACRES

PARKLAND NOTE:

ALL PROPOSED PARK IMPROVEMENTS WILL MEET CITY PARK & FACILITY EQUIPMENT STANDARDS AND U.S. CONSUMER PRODUCTS SAFETY COMMISSION - PUBLICATION 32

PARKLAND CALCULATIONS

OPTION TWO:

380 / 100 x 3.50 = 13.3 AC.
(# OF DWELLING UNITS) (PROPOSED PUBLIC PARK ACREAGE)

380 X $400 = $152,000
(# OF DWELLING UNITS) (VALUE OF PROPOSED PARK IMPROVEMENTS)

DEVINE LAKE PARKLAND DEDICATION REQUIREMENTS

Phase	Lots	Parkland Required	Parkland Proposed	Floodplain Acres	Acres Credited	Park Acre Surplus/Deficit	Parkland Fee in-lieu value *	Rec. Imp. Fee Required **
1	120	4.2	1.62	84.6				$ 48,000.00
2	60	2.1	6.7					$ 24,000.00
3	65	2.27	0					$ 26,000.00
4	85	2.97	10.7					$ 34,000.00
5	50	1.75	3.9					$ 20,000.00
6	0	0	0					$ -
Totals:	380	13.29	22.92	84.6				$ 152,000.00

* Fee in-lieu parkland deficit value to be expended on public and private recreation improvements within project.
** Recreation improvement fee to be expended on public and private park improvements within the development.
*** Parkland along the lake to be dedicated to the City for public use.

PARKLAND NOTE:
THE ACREAGES AND PARK AND OPEN SPACE BOUNDARIES ARE CONCEPTUAL. FINAL PARKLAND BOUNDARIES AND ACREAGES WILL BE DETERMINED DURING THE PLATTING STAGE AS NEIGHBHOODS ARE DESIGNED. FINAL ACREAGES AND CONFIGURATIONS WILL BE COORDINATED WITH THE CITY OF LEANDER PARKS DEPARTMENT AT THIS FUTURE PLANNING STAGE.

FULL SIZE SCALE: 1" = 400'
0 200 400 NORTH

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CONCEPT PLAN-SHEET 2
PARKLAND EXHIBIT
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AGENDA ITEM # 11

Executive Summary

January 30, 2015

Agenda Subject: Approval of a Special Permit for the Old Town Street Festival.

Background:

The Leander Chamber of Commerce & Visitors Center will host the 2nd Annual Old Town Street Festival on Saturday, May 21st from 11:00 am to 8 pm. The event will feature live music, food and beverage vendors, art vendors, beer/wine tastings and sales, children's play area, and Bingo at Bryson Hall.

A special permit is requested for street closures and to allow the sale and consumption of beer and wine. The following streets are proposed to be closed from 7:00 am to 9 pm on the day of the event:

West Willis St. between Bagdad and North Brushy Streets West South Street between Bagdad and North Brushy Streets Bagdad St between West Willis and West South Brushy Street between West Willis and Atkins Street.

The sale and consumption of wine and beer will be under a Texas Alcoholic Beverage Commission (TABC) permit held by the Chamber

Origination: Bill Gardner, Fire Chief

Recommendation: Staff respectfully requests Council approval of a special permit to allow for street closures at the times and locations reference above..

Attachments: Special Permit Application

Map of Event

Prepared by: Bill Gardner

City of Leander

SPECIAL EVENT PERMIT APPLICATION

(PLEASE PRINT CLEARLY)

Permit ID # 2016-5578

Event Information

Event Type: Festival

Location / Address of Event: 100 N. Brushy

Date(s) of Event: May 21 through May 21

Event Operating Hours: 11 am / pm through 8 am / pm

Public Streets / Rights-of-way to be used: W. Willis, N. Brushy, Bagdad, + W. South

Applicant Information

Applicant: Leander Chamber / City Phone: 512-529-1907

Address: 100 N. Brushy City: Leander State: Tx Zip: 78641

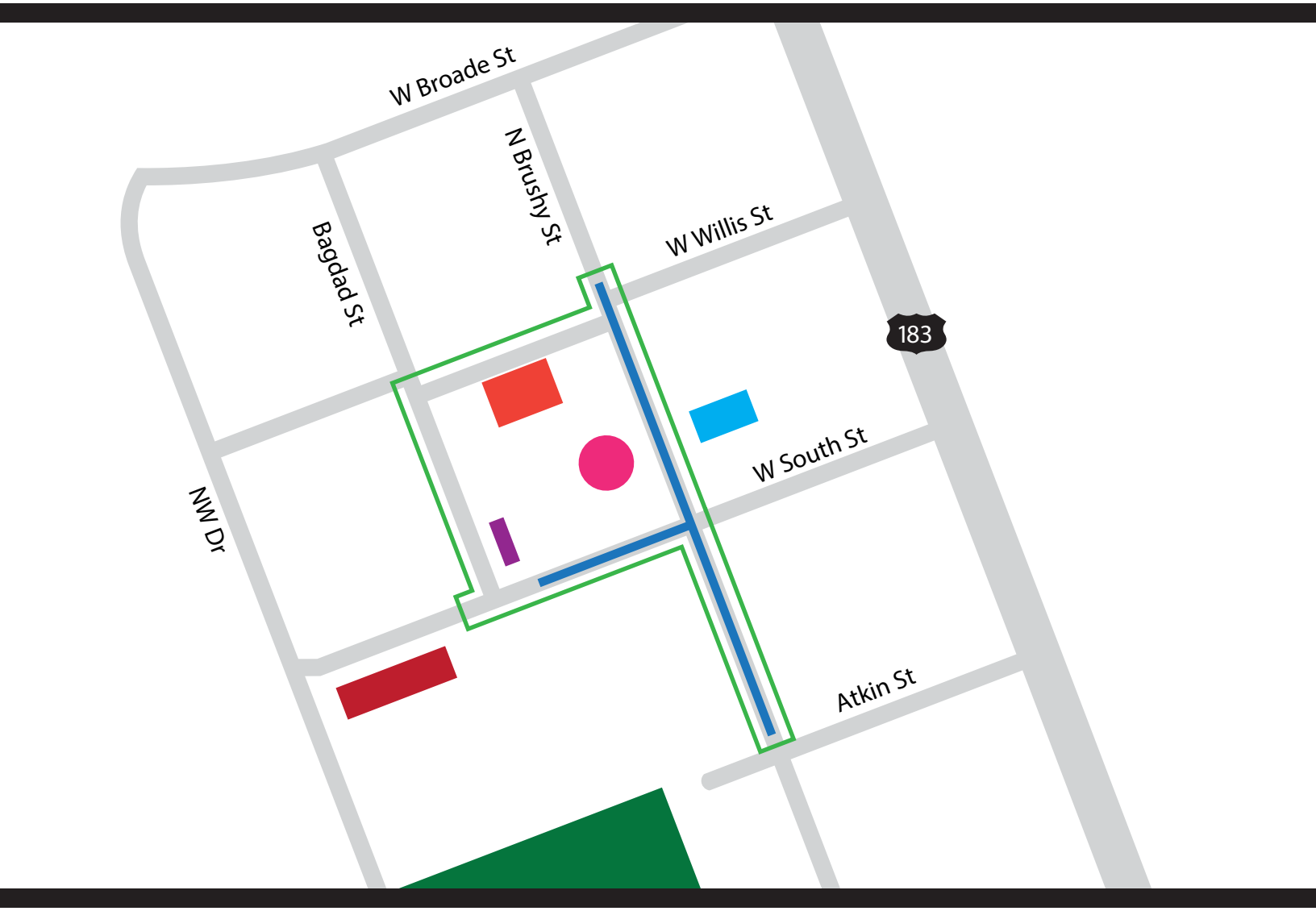
Email: president@leandercc.org Alternate Phone: 512-779-1020

The Building Official and Fire Marshall are hereby given the authority to make inspection of the event site at any time during the event and stop all activity not in conformity with this permit, the health and safety of the community or any laws of the State, Federal Government or City. No public street shall be permanently closed during such event. All emergency access must be maintained and separation shall be made with readily movable barricade devices. This permit shall become null and void on the last date and time specified on this permit. Future events shall require a new application and approval.

Signature: B. Brandt **Date:** 1/20/16

Permits Division, P.O. Box 319, Leander, Texas 78646-0319
Ph. (512) 528-2752, permits@leandertx.gov, http://www.leandertx.gov

Event Map



Legend

- Street Closure
- Bounce Houses & Children's Play Area
- Vendor Booths
- VIP Tent
- Vendor Parking
- Parking
- Beer and Wine Tent
- Stage

Executive Summary

April 21, 2015

Subject: Approval of Street Closure for Liberty Fest

Background: Liberty Fest will again be held on the Austin Community College Property in the TOD. The event is scheduled for Sunday, July 3rd beginning at 6 pm. Should we experience bad weather on the third, the fireworks would be held on Monday the fourth. On-site parking will be provided on the east side of the ACC property with entrances at three locations (two from the 183A access road and one from Hero Way). At the end of the event vehicles will be allowed to exit at four locations, with the fourth location being on Mel Mathis Avenue.

Staff proposes the following street closures:

- Mel Mathis Avenue from 4 pm to 9:30 pm between Hero Way and East San Gabriel Parkway to allow only emergency and service vehicles ingress and egress. After the fireworks the public will be allowed to exit onto Mel Mathis and from the three other locations that earlier served as festival entrances. (If fireworks are shot on Sunday the closures would be from 8 pm to 9:30 pm.)
- Hero Way eastbound traffic from US 183 to the 183A Toll Way from 4 pm to 9:30 pm. Northbound traffic on US 183 will be routed to eastbound San Gabriel Parkway to the southbound 183A service drive to the parking a(If fireworks are shot on Sunday the closures would be from 8 pm to 9:30 pm.)

Origination: Parks & Recreation

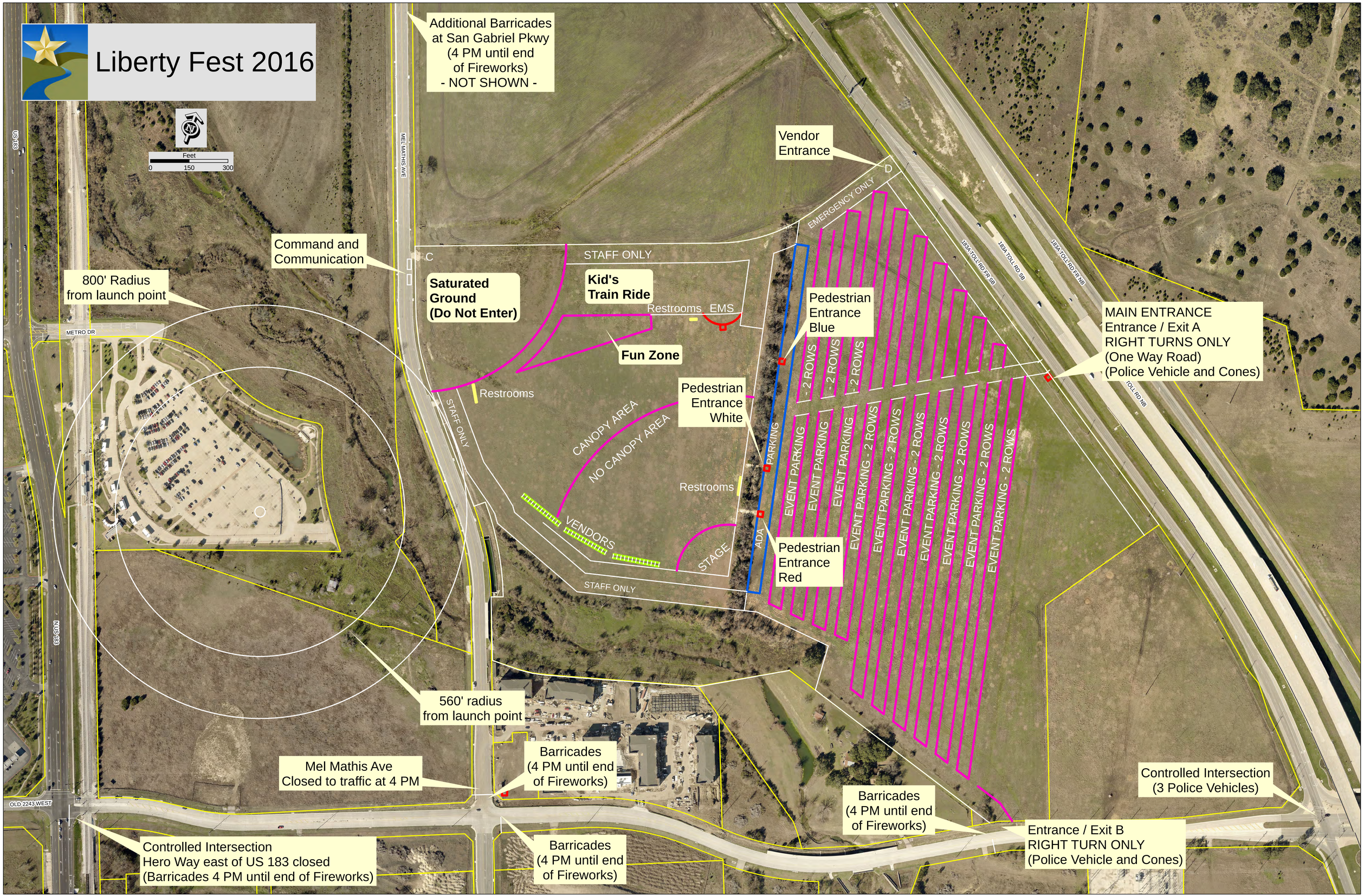
Financial Consideration: None

Recommendation: Staff respectfully requests Council approval to close Mel Mathis Avenue and Hero Way from 4 pm to 9:30 pm on July 3, 2016, or if needed, on July 4, 2016 from 8 pm to 9:30 pm.

Attachments: Traffic Plan Map

Prepared by: Stephen Bosak, Parks & Recreation Director

Liberty Fest 2016



AGENDA ITEM # 13

Executive Summary

April 21, 2016

Subject: Acceptance of a Community Development Block Grant for the construction of a sidewalk on the east side of Bagdad Road

Background: Williamson County has awarded an $180,000 Community Development Block Grant (CBDG) to the City to construct a 6' wide sidewalk on the east side of Bagdad Road from Los Vista to Sonny Drive. The total estimated cost of the project is $225,300 and the City's share will be $45,300. The City's share will pay for construction design and management ($34,400) and the rest will be spent on construction.

Financial Consideration: $45,300 from the General Fund

Recommendation: Staff respectfully recommends Council approval to accept the $180,000 Community Development Block Grant. Staff further recommends authorization for the City Manager to execute all grant documents.

Attachments: CBDG Grant Agreement

Prepared by: Stephen Bosak, Parks & Recreation Director

AGREEMENT BETWEEN WILLIAMSON COUNTY
AND THE CITY OF LEANDER
FOR THE USE OF COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS
FISCAL YEAR 2015 FUNDING

THIS AGREEMENT, entered into this ___ day of _____, 2016, by and between Williamson County ("County"), and the City of Leander ("Subrecipient");

WHEREAS, the County is the recipient of Community Development Block Grant (CDBG) funds granted by the U.S. Department of Housing and Urban Development (HUD) under Title I of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 5301) and under the 1990 National Affordable Housing Act (Public Law 102-550); and

WHEREAS, the County wishes to utilize CDBG funds to assist Subrecipient in the construction of 1848' x 6' wide sidewalk from Los Vista Drive to Sony Drive. The project will take place in Leander, TX; and

NOW, THEREFORE, THE PARTIES AGREE AS FOLLOWS:

PART I

1. **PURPOSE AND SCOPE OF SERVICES:**

A. Subrecipient will perform the services described in Exhibit A attached to this Agreement pursuant to the project description, timeline and budget described in Exhibit A.

B. Upon request, the County will provide technical assistance to the subrecipient concerning compliance with the terms of this Agreement. The subrecipient shall be responsible for all bidding procedures and subcontractural arrangements. All procedures shall be carried out in accordance with all Federal, State and local standards, and shall be monitored by the County.

C. The Project shall be completed in compliance with all applicable state and local codes. Upon completion, this Project shall be operated in compliance with all applicable federal, state and local laws. Subrecipient agrees the funding shall be used solely for the purpose of costs as detailed in Part I.1.A. of this Agreement.

2. **TIME OF PERFORMANCE:**

Subrecipient shall perform according to the schedule described in Exhibit A. The schedule for performance is subject to change by mutual agreement of both parties in writing

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3. **PROPOSED PROJECT BUDGET**

See attached budget in Exhibit A.

4. **Objective and Outcome Statement: Sustainability for the purpose of creating suitable living environments.**

5. **Project Indicators:**

Indicators will be requested of the Subrecipient by the Williamson County Grants Coordinator and could include but is not limited to such items as amount of money leveraged; number of persons, households, businesses, unit or beds assisted, as appropriate; income levels of persons or households; race, ethnicity, and disability data. Subrecipient agrees to fulfill the Grants Coordinator's request in a reasonable time but not to extend past 15 days after request.

6. **COMPENSATION AND METHOD OF PAYMENT:**

The County shall pay and Subrecipient agrees to accept in full $180,000 (Grant Amount – One Hundred Eighty Thousand Dollars and no/100) (hereinafter "Grant") for performance under this Agreement, as follows:

A. Based on the approved budget, partial payments shall be made upon presentation of (i) architect's Certificates for Payment for applicable labor and construction materials and supplies purchased or billed from the contractor for progress payments for project work completed, and/or (ii) purchase agreements, invoices, executed lien waivers, and other supporting documents covering all amounts to be paid, and/or (iii) time sheets and other source documents. Payments will be made for eligible expenses actually incurred by Subrecipient, and not to exceed actual cash requirements.

B. All payments under this agreement are subject to receipt by the County of sufficient federal funds for the CDBG program. CDBG funds shall be drawn from the U.S. Treasury by the County through the Integrated Disbursement and Information System (IDIS). The County shall retain exclusive direct access rights to the IDIS system. All access to the IDIS system will be by duly authorized persons designated by the County as approved by HUD. Any termination, reduction or delay of receipt of CDBG funds to the County shall, at the sole option of the County, result in the termination, reduction or delay of CDBG funds to the subrecipient.

C. Subrecipient shall not hold funds. Any funds not immediately disbursed by the subrecipient shall be returned to the County and will be deposited in the U.S. Treasury, CDBG Trust Account. Any interest earned on cash advances from the U.S. Treasury and/or County of less than one hundred dollars ($100.00) per year may be retained by the subrecipient and used for project expenses. Any interest in excess of one hundred dollars ($100.00) per year shall be remitted promptly to the County.

D. Subrecipient shall report all program income as defined at 24 CFR 570.500(a) generated by activities carried out with CDBG funds made available under this Agreement. The use of program income by Subrecipient shall comply with the requirements set forth at 24 CFR 570.504. Subrecipient may use such income during the contract period for activities permitted under this Agreement and shall reduce requests for additional funds by the amount of any such program income

balances on hand. All unused program income shall be returned to the County at the end of the Agreement period. Any interest earned on cash advances from the U.S. Treasury is not program income and shall be remitted promptly to the County.

7. **TERMS AND CONDITIONS:**

A. Subrecipient agrees to comply with all applicable federal, state, and local laws and regulations governing the funds provided under this Agreement.

B. The County shall have no responsibility or liability for the maintenance, operation or program funding for Subrecipient.

C. Nothing contained in this Agreement is intended to, or shall be construed in any manner, as creating or establishing the relationship of employer/employee between the parties. Subrecipient shall at all times remain independent with respect to the services to be performed under this Agreement. The County shall be exempt from payment of all unemployment compensation, FICA, retirement, life and/or medical insurance and workers' compensation insurance.

D. During the period of this Agreement, effective as of the start of the Project, the Subrecipient and/or contractor and/or subcontractor performing any portion of the work on the Project that involves any construction trade (hereinafter collectively referred to in this provision as “Construction Trade Participant(s)”) shall, at their own expense, procure and maintain all-risk property damage and liability insurance. For the term of this Agreement, Construction Trade Participant(s) shall list the County as an additional insured on said all-risk property damage and liability insurance. Property damage coverage shall not be less than the current market value of the property. Liability coverage shall include contractual insurance as well as comprehensive form insurance, and shall provide coverage of not less than $1,000,000 bodily injury per person, $1,000,000 bodily injury per occurrence, and $500,000 property damage. Subrecipient, on behalf of itself and on behalf of any other Construction Trade Participant(s), shall furnish the County with a certificate of insurance before any work is started by any such party. The certificate of insurance shall include a statement guaranteeing that the insurance policy shall not be cancelled, non-renewed or materially changed without thirty (30) days advance written notice being given to the Grants Coordinator. Construction Trade Participant(s) shall provide Workers' Compensation Insurance coverage as required by Texas law for all employees involved in the performance of this Agreement. The insurance company providing the insurance must be licensed to do business in the State of Texas and rated as A or better by A.M. Best. The Subrecipient hereby acknowledges and agrees that it shall be the responsibility of the Subrecipient to ensure that all Construction Trade Participant(s) comply with the herein stipulated minimum insurance requirements. Furthermore, the Subrecipient hereby agrees to include and require that the language of this provision be included in all contracts or subcontracts relating to the Project.

E. Until at least the date determined in Exhibit A of this Agreement (Monitoring Period), Subrecipient shall fulfill its stated purpose in a manner satisfactory to the County as outlined in Exhibit A (Project Description and Scope of Services) of this Agreement and provide continued service. All records and public information created in connection with this Agreement or the Project shall be retained by Subrecipient until at least the date determined in Exhibit A (Monitoring Period).

F. In the event Subrecipient discontinues its services and/or the Project funded under this Agreement prior to the date determined in Exhibit A (Monitoring Period) of this Agreement**,** the value of the pro-rated portion of real and personal property (tangible and intangible) secured with the CDBG funds, if applicable, under this Agreements shall revert to the County. If said property has been disposed of, then the County will be reimbursed in the amount of the current fair market value of the property less any portion of the fair market value attributable to non- County CDBG funds. (Personal property includes, but is not limited to, equipment, furnishings, and vehicles.)

G. Except as provided herein, the terms of this Agreement shall be effective from the date of execution through and including the date determined in Exhibit A of this Agreement (Monitoring Period).

PART II

1. **PERFORMANCE AND REPORTING:**

A. Subrecipient shall direct all notices, reports, insurance policies, and other communications related to or required by this Agreement to the office of the Williamson County Grants Coordinator, 710 Main Street, Ste 101 Georgetown, TX 78626. Notice by both Subrecipient and County shall be given by ordinary mail. All reports shall comply with relevant state and federal regulations, including but not limited to OMB Circular A-133.

B. Until the completion of the Project and expenditure of all CDBG funds disbursed under this Agreement, Subrecipient shall submit monthly reports describing progress of the project activities.

C. Not later than date determined in Exhibit A of this Agreement (Project Completion Date), Subrecipient shall provide the County with a Certified Statement of the Expenditure of Funds disbursed under this Agreement.

D. Following completion of the Project, Subrecipient shall submit annual reports by the first day of October of each contract year until the date determined in Exhibit A (Monitoring Period) of this Agreement. The annual report shall, at a minimum, include statistics pertaining to the number, race, disability, household income, household size and place of residence of clients served at Subrecipient's Facility.

E. No reporting requirements shall extend beyond the date determined in Exhibit A of this Agreement (Monitoring Period).

2. **OTHER REPORTS, AUDITS AND INSPECTIONS:**

A. Subrecipient shall promptly furnish the County or HUD with such statements, records, data and information as the County or HUD may reasonably request pertaining to this Agreement.

B. During the term of this Agreement, any time during normal business hours, Subrecipient shall make available to the County, HUD and/or the Comptroller General of the United States, or their duly authorized representatives, all of Subrecipient's records in order to permit examination of any audits, invoices, materials, payrolls, personnel records, conditions of employment, and other data relating to all matters covered by this Agreement.

C. Subrecipient shall retain financial records, supporting documents, statistical records, and all other records pertaining to expenditures under this Agreement until the date determined in Part I Section 2(7).

3. **ADMINISTRATIVE REQUIREMENTS AND AUDIT REQUIREMENTS:**

A. Financial Management

1. Accounting Standards

Subrecipient agrees to comply with Attachment F of OMB Circular A-110 and agrees to adhere to the accounting principles and procedures required therein, utilize adequate internal controls, and maintain necessary source documentation for all costs incurred. All financial transactions and documentation must comply with the audit requirements in OMB Circular A-133. Procedures for Accounts Payable, Purchasing, and other accounting functions must meet all standards established by the Williamson County Auditor, and Subrecipient will provide any reports required by those standards.

2. Uniform Administrative Requirements

Subrecipient will comply with 24 CFR 570.502, Applicability of Uniform Administrative Requirements, Section (a), recipients and subrecipients that are governmental entities (including public agencies) and Section (b), subrecipients, except subrecipients that are governmental entities.

Subrecipients, except subrecipients that are governmental entities, shall comply with the requirements and standards of OMB Circular No. A–122, “Cost Principles for Non-profit Organizations”, or OMB Circular No. A–21, “Cost Principles for Educational Institutions”, as applicable, and OMB Circular A–133, “Audits of Institutions of Higher Education and Other Nonprofit Institutions” (as set forth in 24 CFR part 45). Such subrecipients shall also comply with the provisions of the Uniform Administrative requirements of OMB Circular A–110 (implemented at 24

CFR part 84, "Uniform Administrative Requirements for Grants and Agreements With Institutions of Higher Education, Hospitals and Other Non-Profit Organizations") or the related CDBG provisions, and any subsequent amendments thereto.

Recipients and Subrecipients that are governmental entities (including public agencies) shall comply with the requirements and standards of OMB Circular No. A–87, "Cost Principles for State, Local, and Indian Tribal Governments"; OMB Circular A–133, "Audits of State and Local Governments" (implemented at 24 CFR part 44); and with sections of 24 CFR part 85 "Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments" or other related CDBG provision, and any subsequent amendments thereto.

3. Audit Requirements

Subrecipient agrees to comply with the "Williamson County Community Development Block Grant Audit Requirements attached as Exhibit B to this Agreement.

Subrecipient agrees to comply with the applicable requirements and standards as set forth in OMB Circular A-133, Audits of States, Local Governments and Non-Profit organizations.

Subrecipient agrees to furnish County with a current Financial Report (financial statements) within six (6) months from the end of its fiscal year covering the period of this Agreement that includes detailed receipts and disbursement of payments to Subrecipient hereunder. **Grant funds will automatically be forfeited if the SUBRECIPIENT fails to submit a Financial Report.**

However, if Subrecipient expends Five Hundred Thousand Dollars ($500,000.00) or more in federal funds (all sources), Subrecipient must, within nine (9) months from the end of its fiscal year, supply County with a single audit and is required to submit their audit report to the Federal Audit Clearinghouse (FAC) within the earlier of 30 days after the receipt of the auditor's report, or within 9 months after the end of the audit period. **Grant funds will automatically be forfeited if the SUBRECIPIENT fails to submit an audit within the allotted time.**

If the Subrecipient expends less than Five Hundred Thousand Dollars ($500,000.00) a year in federal funds (all sources), then they are exempt from the OMB Circular A-133 audit requirements for that year; however, records must be available for review or audit by appropriate officials of the federal agency, pass-through entity and the General Accounting Office.

Subrecipient is required to submit a 990 Tax Return (Return of Organization Exempt from Income Tax) for the most recent fiscal year within six (6) months if submitting a Financial Report or within nine (9) months if submitting a Financial Audit. If the Subrecipient is not classified as an exempt entity as defined in OMB Circular A-133, the Subrecipient will not be awarded grant funds.

If applicable, Subrecipient agrees to cooperate with County relating to any inquiries regarding the Financial Audit or Financial Report and Subrecipient acknowledges that a Financial Audit or Financial Report shall be provided to County at the expense of the Subrecipient**.** Financial Audit or Financial Report shall be available to County staff, and any and all applicable federal agencies, and be of unrestricted access, as listed in 24 CFR Part 85.42.

4. Cost Principles

Subrecipient shall administer its program in conformance with OMB Circulars A-122, "Cost Principles for Non-Profit Organizations;" A-21, "Cost Principles for Educational Institutions;" and/or A-133, “Audits of States, Local Governments, and Non-Profit Organizations,” as applicable, for all costs incurred whether charged on a direct or indirect basis.

B. Documentation and Record-Keeping

1. Records to Be Maintained

Subrecipient shall maintain all records that are pertinent to the activities to be funded under this Agreement, including but not limited to:

a. Records providing a full description of each activity undertaken;

b. Records required to document the acquisition, improvement, use or disposition of real property acquired or improved with CDBG assistance;

c. Records documenting compliance with the fair housing and equal opportunity components of the CDBG program; and

d. Financial records as required by 24 CFR 570.502, and OMB Circular A-110.

2. Client Data

Subrecipient shall maintain client data demonstrating client eligibility for services provided. Such data shall include, but not be limited to a signed and dated verification of income statement, or other basis for determining eligibility, and description of service provided. Such information shall be made available to County monitors or their designees for review upon request.

3. National Objectives

Subrecipient agrees to maintain documentation that demonstrates that the activities carried out with funds provided under this Agreement benefit low/moderate income persons, as defined in 24 CFR 570.208.

C. Procurement

1. Compliance

Subrecipient shall comply with current County policy concerning the purchase of equipment and shall maintain an inventory record of all non-expendable personal property as defined by such policy as may be procured with funds provided herein. All program assets (unexpended program income, property, equipment, etc.) shall revert to the County upon termination of this Agreement. The County Purchasing Department shall review and approve procurement procedures governing all purchases with grant funds, and shall have oversight authority in this area.

2. OMB Standards

Subrecipient shall procure materials in accordance with the requirements of A-133, A-122, OMB Circular A-110, Procurement Standards, and shall subsequently follow, Property Management Standards, covering utilization and disposal of property. Copies of said circulars are provided and by execution of this Agreement, Subrecipient acknowledges their receipt.

D. Amendments

The County or Subrecipient may amend this Agreement at any time provided that such amendments are executed in writing and signed by a duly authorized representative of both organizations.

4. **NON-DISCRIMINATION:**

No person shall be excluded from or denied the benefits of Subrecipient's service on the basis of age, race, color, religion, creed, national origin, gender identity, sex, marital status, disability, sexual orientation or, with respect to the sale, lease, rental, use or occupancy of real property or housing accommodations, the presence or absence of dependents, familial status or public assistance source of income. All current and prospective project beneficiaries must, however, be persons in need of the programs provided by Subrecipient.

5. **SECTION 504 COMPLIANCE:**

No otherwise qualified individual with handicaps shall, solely by reason of his/her handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. This includes, but is not limited to, programs and/or activities related to housing, employment, and the delivery of services.

6. **EQUAL EMPLOYMENT OPPORTUNITY, FAIR HOUSING AND DRUG-FREE WORKPLACE:**

The subrecipient certifies that it is an "Equal Opportunity Employer" and that it will comply with the Texas Human Rights Commission Act, and all applicable HUD regulations pertaining to equal opportunity and affirmative action in employment. Further, the SUBRECIPIENT shall ensure that all contracts for work under this Agreement contain appropriate equal employment opportunity statements.

SUBRECIPIENT shall comply with all provisions of 24 CFR Part 100-115, which implement the Fair Housing Act. This Act prohibits discrimination in the sale or rental of housing, the financing of housing or the provision of brokerage services against any person on the basis of race, color, religion, sex, national origin, handicap or familial status.

In addition, SUBRECIPIENT certifies it will provide a drug-free workplace as defined in 24 CFR Part 24, subpart F and/or follow the requirements of 24 CFR 92.350.

7. **SECTION 3:**

Subrecipient agrees to comply with Section 3 requirements, the regulations set forth in 24 CFR 135, and to include the following language in all subcontracts executed under this Agreement:

A. The work to be performed under this contract is subject to the requirements of Section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701u (Section 3). The purpose of Section 3 is to ensure that employment and other economic opportunities generated by HUD assistance or HUD-assisted projects covered by Section 3 shall, to the greatest extent feasible, be directed to low- and very low-income persons, particularly persons who are recipients of HUD assistance for housing.

B. The parties to this contract agree to comply with HUD's regulations in 24 CFR part 135, which implement Section 3. As evidenced by their execution of this contract, the parties to this contract certify that they are under no contractual or other impediment that would prevent them from complying with the part 135 regulations.

C. The contractor agrees to send to each labor organization or representative of workers with which the contractor has a collective bargaining agreement or other understanding, if any, a notice advising the labor organization or workers' representative of the contractor's commitments under this Section 3 clause, and will post copies of the notice in conspicuous places at the work site where both employees and applicants for training and employment positions can see the notice. The notice shall describe the Section 3 preference, shall set forth minimum number and job titles subject to hire, availability of apprenticeship and training positions, the qualifications for each; and the name and location of the person(s) taking applications for each of the positions; and the anticipated date the work shall begin.

D. The contractor agrees to include this Section 3 clause in every subcontract subject to compliance with regulations in 24 CFR part 135, and agrees to take appropriate

actions, as provided in an applicable provision of the subcontract or in this Section 3 clause, upon a finding that the subcontractor is in violation of the regulations in 24 CFR part 135. The contractor will not subcontract with any subcontractor where the contractor has notice or knowledge that the subcontractor has been found in violation of the regulations in 24 CFR part 135.

E. The contractor will certify that any vacant employment positions, including training positions, that are filled (1) after the contract is selected but before the contract is executed, and (2) with persons other than those to whom the regulations of 24 CFR part 135 require employment opportunities to be directed, were not filled to circumvent the contractor's obligations under 24 CFR part 135.

F. Noncompliance with HUD's regulations in 24 CFR part 135 may result in sanctions, termination of this contract for default, and debarment or suspension from future HUD assisted contracts.

G. With respect to work performed in connection with Section 3 covered Indian housing assistance, section 7(b) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450e) also applies to the work to be performed under this contract. Section 7(b) requires that to the greatest extent feasible (i) preference and opportunities for training and employment shall be given to Indians, and (ii) preference in the award of contracts and subcontracts shall be given to Indian organizations and Indian-owned Economic Enterprises. Parties to this contract that are subject to the provisions of Section 3 and section 7(b) agree to comply with Section 3 to the maximum extent feasible, but not in derogation of compliance with section 7(b).

8. **WOMEN AND MINORITY-OWNED BUSINESS ENTERPRISES:**

Subrecipient will use its best efforts to afford minority and women-owned business enterprises (at least fifty-one (51) percent owned and controlled by minority group members or women) the maximum practicable opportunity to participate in the performance of this Agreement.

9. **LABOR:**

Construction projects funded under the CDBG program in excess of $2,000 shall comply with the labor provisions outlined in 24 CFR 570.603. Subrecipient will comply with Davis-Bacon Act (40 U.S.C. 276a-276a-5). Such contracts must also be subject to the overtime provisions, as applicable, of the Contract Work Hours and Safety Standards Act (40 U.S.C. 327-332). The Subrecipient agrees to adhere to said provisions and will not use suspended or debarred contractors.

10. **ENVIRONMENTAL ASSESSMENT AND HISTORIC PRESERVATION:**

Subrecipient shall assist the County in complying with all applicable environmental assessment and historic preservation requirements of HUD and the State Historic Preservation Officer of Texas.

11. **LEAD-BASED PAINT POISONING PREVENTION:**

Subrecipient shall comply with requirements of Section 302 of the Lead-Based Paint Poisoning Prevention Act and HUD regulations thereunder (24 CFR Part 570) insofar as they apply to the performance of this Agreement.

12. **ELIGIBILITY RESTRICTIONS FOR CERTAIN RESIDENT ALIENS (570.613):**

1. Restriction The subrecipient agrees to comply with 24 CFR 570.613, which states that certain newly legalized aliens, as described in 24 CFR part 5 subpart E are not eligible to apply for benefits under covered activities funded by the County's CDBG programs. "Benefits" under this section means financial assistance, public services, jobs and access to new or rehabilitated housing and other facilities funded through the County's CDBG programs. "Benefits" do not include relocation services and payments to which displacees are entitled by law.

2. Covered Activities "Covered activities" under this section means activities meeting the requirements of Sec. 570.208(a) that either:

a. Have income eligibility requirements limiting the benefits exclusively to low and moderate income persons; or
b. Are targeted geographically or otherwise to primarily benefit low and moderate income persons (excluding activities serving the public at large, such as sewers, roads, sidewalks, and parks), and that provide benefits to persons on the basis of an application.

3. Limitation on Coverage

The restrictions under this section apply only to applicants for new benefits not being received by covered resident aliens as of the effective date of this agreement.

4. Compliance

Compliance can be accomplished by the subrecipient obtaining certification as provided in 24 CFR part 5 subpart E evidencing citizenship or eligible immigration status.

13. **TERMINATION OF AGREEMENT FOR CAUSE:**

If Subrecipient fails to fulfill its obligations under this Agreement in a timely and proper manner, or if Subrecipient violates any of the terms, agreements or stipulations of this Agreement, the County shall thereupon have the right to terminate this Agreement by giving written notice to Subrecipient of such termination, specifying the default or defaults, and stating that this Agreement shall be terminated 30 days after the giving of such notice unless such default or defaults are remedied within such cure period. The County shall be obligated to make no payment due hereunder after it gives said notice unless the defaults are remedied with said 30-day period. In the event of such termination, Subrecipient shall promptly repay to the County the full grant amount or that portion of the amounts that have been disbursed to Subrecipient prior to such termination.

14. **TERMINATION OF AGREEMENT FOR CONVENIENCE:**

This Agreement may be terminated in whole or in part upon the mutual agreement of the parties hereto, in which case the County and Subrecipient shall agree upon the termination conditions, including the effective date, the disposition of contract amounts, and in the case of partial termination, the portion to be terminated. However, if, in the case of partial termination, the County determines that the remaining portion of the award will not accomplish the purposes for which the award was made, and the award is terminated in its entirety, Subrecipient shall promptly repay to the County the full grant amount or that portion of the amount which has been disbursed to Subrecipient prior to such termination.

15. **INTEREST OF CERTAIN FEDERAL AND OTHER OFFICIALS:**

A. No member or delegate to the Congress of the United States, and no resident Commissioner, shall be admitted to any share or part of this Agreement, or to any benefit to arise herefrom.

B. No member of the governing body of the County, no officer, employee, official or agent of the County, or other local public official who exercises any functions or responsibilities in connection with the review, approval or carrying out of the Project to which this Agreement pertains, shall have any private interest, direct or indirect, in this Agreement.

C. No federal funds appropriated under this Agreement shall be paid, by or on behalf of Subrecipient, to any person for influencing or attempting to influence a member of Congress, an officer or employee of Congress or any federal agency in connection with the awarding of any federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment or modification of any federal contract, grant, loan or agreement.

D. If any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this federal agreement, Subrecipient shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

E. Subrecipient shall require that the language of this certification be included in the award documents for all sub-Subrecipients and that all sub-Subrecipients shall certify and disclose accordingly.

16. **CONFLICT OF INTEREST:**

Subrecipient covenants that it has no interest and shall not acquire any interest, direct or indirect, which would conflict in any manner or degree with the performance of the services to be undertaken through this Agreement. Subrecipient further covenants that in the performance of this Agreement, no person having such an interest shall be employed by Subrecipient.

17. **GRANTOR RECOGNITION:**

All activities, facilities, and items utilized pursuant to this Agreement shall be prominently labeled as CDBG funded. In addition, Subrecipient will include a reference to the support provided herein in all publications made possible with funds made available under this Agreement.

18. **ASSIGNABILITY:**

Subrecipient shall not assign or transfer any interest in this Agreement without the prior written approval of the County. Any assignment made without such consent shall be void. This Agreement shall be binding upon and shall inure to the benefit of the successors and assigns of the parties hereto.

19. **HOLD HARMLESS PROVISION:**

Subrecipient shall indemnify, defend and hold harmless the County, its officers, employees and agents from all liability, loss, cost, damage and expense (including reasonable attorney's fees and court costs) resulting from or incurred by reason of any actions based upon the negligent acts or omissions of Subrecipient's employees or agents during the performance of this Agreement.

20. **SEVERABILITY CLAUSE:**

If any one or more of the provisions contained in this Agreement are held to be invalid, illegal, or unenforceable, this Agreement shall be deemed severable and the remainder of the Agreement shall remain in full force and effect.

21. **LIMITATIONS OF COUNTY LIABILITY - DISCLAIMER OF RELATIONSHIP:**

The County shall not be liable to Subrecipient, or to any party, for completion of or failure to complete any improvements which are parts of the Project. Nothing contained in this Agreement, nor any act or omission of the County or Subrecipient, shall be construed to create any special duty, relationship, third-party beneficiary, respondent superior, limited or general partnership, joint venture, or any association by reason of Subrecipient's involvement with the County.

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement on this _____ day of _____, 2016.

Williamson County, Texas

By: _____
Dan A. Gattis
County Judge

ACKNOWLEDGMENT

STATE OF TEXAS)
) *SS:*
WILLIAMSON COUNTY)

On this _____ day of _____, 2016, before me, _____, a Notary Public in and for said State, personally appeared Dan A. Gattis, to me personally known, who being by me duly sworn, did say that he is the County Judge of said County executing the within and foregoing instrument that the seal affixed hereto is the seal of said County, and that the said Dan A. Gattis acknowledged the execution of said instrument to be the voluntary act and deed of said County, by it and by him voluntarily executed.

_____
Notary Public in and for Williamson County, Texas

City of Leander (Subrecipient)

By: _____
Kent Cagle
City Manager

ATTEST: _____
Secretary

ACKNOWLEDGMENT

STATE OF TEXAS *)*
) SS:
WILLIAMSON COUNTY *)*

On this _____ day of _____, 2016, before me, the undersigned, a Notary Public in and for the State of Texas, personally appeared _____ and _____, to me personally known, who being by me duly sworn, did say that they are the _____ and _____, respectively, of the City of Leander executing the foregoing instrument; that the seal affixed hereto is the seal of said city; that the instrument was signed on behalf of the city by proper authority; that _____ and _____ acknowledged the execution of the instrument to be the voluntary act and deed of the city, by it and by them voluntarily executed.

_____
Notary Public in and for the State of Texas

EXHIBIT A

TO AGREEMENT BETWEEN WILLIAMSON COUNTY
AND THE CITY OF LEANDER
FOR THE USE OF COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS
FISCAL YEAR 2015 FUNDING

---

1. PROJECT DESCRIPTION AND SCOPE OF SERVICES:

A. Construction of 1848' x 6' wide sidewalk from Los Vista Drive to Sony Drive. The project will take place in Leander, TX.

B. Upon request, the County will provide technical assistance to the subrecipient concerning compliance with the terms of this Agreement. The subrecipient shall be responsible for all bidding procedures and subcontractural arrangements. All procedures shall be carried out in accordance with all Federal, State and local standards, and shall be monitored by the County.

C. The Project shall be completed in compliance with all applicable state and local codes. Upon completion, this Project shall be operated in compliance with all applicable federal, state and local laws. Subrecipient agrees the funding shall be used solely for the purpose of costs as detailed in Part I.1.A. of this Agreement.

2. TIME OF PERFORMANCE:

Subrecipient shall perform according to the following schedule:

	Program Element
1. April 2016	Award of funds and contract with Williamson County
2. May 2016-September 2016	Environmental/Surveying/Engineering/Design
3. September 2016-October 2016	Bid/award of construction contract
4. October 2016-February 2017	Construction
5. Monitoring Period	To be determined based on statement below

Records are to be retained for four years from the date of submission of the County's CAPER in which the specific activity is reported for the last time, unless there is litigation, claims, audit, negotiation, or other actions involving the records, which has started before expiration of the four year period. In such cases, the records must be retained until completion of the action and resolution of all issues which arise from it or the end of the regular four year period, whichever is longer.

3. PROPOSED PROJECT BUDGET (see attached HUD budget):

	CDBG Amount	Subrecipient Amount
A. Construction\Rehabilitation\Installation	$180,000	_____
B. Eligible equipment (as outlined in 24 CFR 570.207(1))	_____	_____
C. Engineering, planning & administrative costs	_____	_____
D. Property Acquisition	_____	_____
CDBG Grant/Loan	$180,000	

EXHIBIT B
Williamson County Community Development Block Grant Audit Requirements

Williamson County Subrecipients will adhere to the following guidelines with regards to audit requirements:

Subrecipient agrees to comply with the applicable requirements and standards as set forth in OMB Circular A-133, Audits of States, Local Governments and Non-Profit organizations.

Subrecipient agrees to furnish County with a current Financial Report (financial statements) within six (6) months from the end of its fiscal year covering the period of this Agreement that includes detailed receipts and disbursement of payments to Subrecipient hereunder. Future and unused grant funds will automatically be forfeited if the Subrecipient fails to submit a Financial Report.

However, if Subrecipient expends Five Hundred Thousand Dollars ($500,000.00) or more in federal funds (all sources), Subrecipient must, within nine (9) months from the end of its fiscal year, supply County with a single audit and is required to submit their audit report to the Federal Audit Clearinghouse (FAC) within the earlier of 30 days after the receipt of the auditor's report, or within 9 months after the end of the audit period. Grant funds will automatically be forfeited if the Subrecipient fails to submit an audit within the allotted time.

If the Subrecipient expends less than Five Hundred Thousand Dollars ($500,000.00) a year in federal funds (all sources), then they are exempt from the OMB Circular A-133 audit requirements for that year; however, records must be available for review or audit by appropriate officials of the federal agency, pass-through entity and the General Accounting Office.

If applicable, Subrecipient is required to submit a 990 Tax Return (Return of Organization Exempt from Income Tax) for the most recent fiscal year within six (6) months if submitting a Financial Report or within nine (9) months if submitting a Financial Audit. If the Subrecipient is not classified as an exempt entity as defined in OMB Circular A-133, the Subrecipient will not be awarded grant funds.

If applicable, Subrecipient agrees to cooperate with County relating to any inquiries regarding the Financial Audit or Financial Report and Subrecipient acknowledges that a Financial Audit or Financial Report shall be provided to County at the expense of the Subrecipient. Financial Audit or Financial Report shall be available to County staff, and any and all applicable federal agencies, and be of unrestricted access, in accordance with 24 CFR Part 85.42 and 24 CFR Part 84.53 as applicable.

The Williamson County CDBG office will issue letters to remind Subrecipients of the audit requirements and request timely submission. Letters will be issued on or around January 5 of each year. If no response is received, a second letter will be issued on or around February 15 of each year. If no response is received, a third request will be made approximately two weeks following. If no response is received by March 15, a final notification will be issued advising the subrecipient of suspension of reimbursement and future funding pending receipt of requested information.

Failure to follow these guidelines could result in the forfeit of future Williamson County CDBG funds and/or repayment of Williamson County CDBG funds already utilized.

Upon receipt of the required audit documents, the Williamson County Community Development Block Grant office will do an initial review to identify findings that affect the Williamson County CDBG program or any cross-cutting

findings that could affect future funding. The CDBG office will also request a review by the Williamson County Auditor's office.

In the event of a finding, Williamson County will issue a letter requesting additional information regarding the finding and the intentions of the Subrecipient to remedy the finding. Working with the Williamson County Auditor's office, the CDBG office will determine next steps to ensure that all federal, state, or local laws/statures are met.

If a Subrecipient is unable to provide required audit documentation and has utilized CDBG funding, Williamson County will have the option to request repayment and recapture unused funds. If a Subrecipient is unable to provide required audit documentation and has not utilized CDBG funding, Williamson County will not issue funding until requirements are met or will reallocate funds to an alternate project if necessary.

AGENDA ITEM # 14

Executive Summary

April 21, 2016

Council Agenda Subject: License Agreement for the Right to enter the Sandy Creek Water Treatment Plant Property for the Purpose of constructing two segments of 4-foot Metal Woven Fencing and an Access Gate.

Background: A contractor is constructing a fence on behalf of Travis County, the property owner on three sides of Sandy Creek Water Treatment Plant (SCWTP), located at 10400 Trails End Road. Travis County is requesting permission for the fencing contractor to enter the SCWTP property to construct the fence. The contractor has provided a Certificate of Liability Insurance and an Indemnification Agreement to protect the City. The fence location is shown on Exhibit A of the License Agreement.

Origination: Patrick A. Womack, P.E. Public Works Director

Financial Consideration: None

Recommendation: Staff requests the Council approve the Agreement and authorize the Mayor to sign it.

Attachments: License Agreement (including Exhibit)
Indemnification Agreement
Certificate of Liability Insurance

Prepared by: Patrick A. Womack, P.E. Public Works Director

LICENSE AGREEMENT
THE RIGHT TO ENTER THE PROPERTY FOR THE PURPOSES OF CONSTRUCTING TWO SEGMENTS OF 4-FOOT METAL WOVEN FENCING AND AN ACCESS GATE

STATE OF TEXAS §
§
COUNTY OF TRAVIS §

WHEREAS, the City of Leander, a political subdivision of the State of Texas, hereinafter called LICENSOR, whether one or more, who is the owner of the 28.14 acres located at 10400 Trails End Road, Leander, Texas, locally known as the Sandy Creek Regional Water Treatment Plant, conveyed in Special Warranty Deed to the Lower Colorado River Authority, a conservation and reclamation district, dated January 20, 2000, recorded in/under Document No. 2000011378 , Official Public Records, Travis County, Texas (the Property"); and

WHEREAS, the LICENSOR is aware that Travis County, a political subdivision of the State of Texas, hereinafter called LICENSEE, would like to enter onto the Property for the purpose of constructing certain fencing improvements.

NOW, THEREFORE, the LICENSOR grants the following:

I. GRANT OF LICENSE.

LICENSOR does hereby grant and demise unto the LICENSEE and its contractors the right to enter the Property for the purposes of constructing, maintaining, and repairing two segments of 4-foot metal woven fencing and an access gate ("Fence Improvements") on the Property.

II. LICENSED AREA.

LICENSEE agrees to place the Fence Improvements in the area as shown on **Exhibit A** attached hereto and made a part hereof ("Licensed Area").

III. CONDITIONS.

In consideration for the above mentioned grant of license, LICENSEE agrees to do the following:

1. The Licensed Area surrounding the Fence Improvements will be restored to substantially the same condition which existed prior to the construction activities for the Fence Improvements.

2. LICENSEE will maintain the Fence Improvements in good working order and condition and will promptly make any necessary repairs to the Fence Improvements at the LICENSEE's expense.

IV. THE CITY'S RIGHTS TO PROPERTY.

1. If the LICENSOR, in order to make way for its sewers, water lines, streets, rights-of-way, or other public works, shall require any of the Fence Improvements to be shifted or relocated to a new position on the Property, such Fence Improvements shall be so shifted or relocated by LICENSEE at LICENSEE'S expense. LICENSOR shall give LICENSEE reasonable prior written notice of its projects requiring relocation of the Fence Improvements, and shall provide an alternate location on the Property for relocation if such alternate location is reasonably available.

2. Notwithstanding any provisions in this Agreement to the contrary, the LICENSOR retains the right to require LICENSEE at any time, assuming no obligation to LICENSEE, to remove any of the Fence Improvements or alterations thereof whenever such removal is deemed necessary for: (a) protecting persons or property; or (b) the public health or safety with respect to the Property.

V. DURATION.

The duration of this Agreement shall be perpetual, unless earlier terminated under Section IV(2) or this Section. This Agreement may further be terminated for the following:

1. In the event that LICENSEE fails to comply with the terms or conditions as set forth herein, then the LICENSOR shall give LICENSEE written notice thereof, by registered or certified mail, return receipt requested, to the address set forth below. LICENSEE shall have thirty (30) days from the date of receipt of such notice to take action to remedy the failure complained of, and, if LICENSEE does not remedy the same within the thirty (30) day period, the LICENSOR may terminate this license.

2. This Agreement may be terminated by LICENSEE by delivering written notice of termination to the LICENSOR not later than thirty (30) days before the effective date of termination. If LICENSEE so terminates, then it shall remove all Fence Improvements, that it made from the Property within the thirty day notice period at its sole cost and expense.

3. The Agreement may be terminated by the LICENSOR if:
   A. The licensed Fence Improvements, or a portion of them, substantially interfere with the LICENSOR's use of the Property for a public purpose;
   B. The Fence Improvements, or a portion of them, constitute a danger to the public which the LICENSOR in good faith deems not be remediable by alteration or maintenance of such Improvements; or

Despite thirty (30) days written notice to LICENSEE, maintenance or alteration necessary to

alleviate a danger to the public has not been made.

EXECUTED this ___day of _____, 2016.

LICENSOR:

CITY OF LEANDER, a political subdivision of the State of Texas

By: _____
Name: _____
Title: _____

ACKNOWLEDGMENT

STATE OF TEXAS §
§
COUNTY OF TRAVIS §

This instrument was acknowledged before me on_____, 2016, by _____, _____of the City of Leander, Texas, on behalf of said city.

_____
Notary Public in and for the
State of Texas

_____
Printed Name of Notary Public
My commission expires:_____

After Recording, Please Return To:

Travis County, TNR
Attn: Linda Laack
P.O. Box 1748
Austin, Texas 78767

HCFEN-1 OP ID: MB

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY) 02/03/2016

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER
Watkins - Marble Falls
P.O. Box 280
Marble Falls, TX 78654
Marble Falls Office

CONTACT NAME: Mary H. Brown, CIC
PHONE (A/C, No, Ext): 830-693-3541 FAX (A/C, No): 830-693-2521
E-MAIL ADDRESS: mary@watkinsinsurancegroup.com

INSURER(S) AFFORDING COVERAGE	NAIC #
INSURER A : Central Insurance Companies	
INSURER B : Service Lloyds Ins. Co.	
INSURER C :	
INSURER D :	
INSURER E :	
INSURER F :	

INSURED
Hill Country Fence, Inc.
Sandy Nickes
6500 East Highway 71
Spicewood, TX 78669

COVERAGES CERTIFICATE NUMBER: REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	X COMMERCIAL GENERAL LIABILITY			CLP9751850	01/23/2016	01/23/2017	EACH OCCURRENCE	$ 1,000,000
	CLAIMS-MADE X OCCUR						DAMAGE TO RENTED PREMISES (Ea occurrence)	$ 300,000
							MED EXP (Any one person)	$ 5,000
							PERSONAL & ADV INJURY	$ 1,000,000
	GEN'L AGGREGATE LIMIT APPLIES PER:						GENERAL AGGREGATE	$ 2,000,000
	X POLICY PRO-JECT LOC						PRODUCTS - COMP/OP AGG	$ 2,000,000
	OTHER:							$
A	AUTOMOBILE LIABILITY			BAP9751851	01/23/2016	01/23/2017	COMBINED SINGLE LIMIT (Ea accident)	$ 1,000,000
	X ANY AUTO						BODILY INJURY (Per person)	$
	ALL OWNED AUTOS / SCHEDULED AUTOS						BODILY INJURY (Per accident)	$
	X HIRED AUTOS / X NON-OWNED AUTOS						PROPERTY DAMAGE (Per accident)	$
								$
A	X UMBRELLA LIAB X OCCUR			CXS9751852	01/23/2016	01/23/2017	EACH OCCURRENCE	$ 2,000,000
	EXCESS LIAB CLAIMS-MADE						AGGREGATE	$ 2,000,000
	DED X RETENTION $ 10,000							$
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY			SRZF21844-15	03/12/2015	03/12/2016	PER STATUTE / OTH-ER	
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) Y / N	N / A					E.L. EACH ACCIDENT	$ 1,000,000
	If yes, describe under DESCRIPTION OF OPERATIONS below						E.L. DISEASE - EA EMPLOYEE	$ 1,000,000
							E.L. DISEASE - POLICY LIMIT	$ 1,000,000
A	Property Section			CLP9751850	01/23/2016	01/23/2017	Bldg/Cnts	468,000
A	Equipment Floater			CLP9751850	01/23/2016	01/23/2017	Equipment	105,530

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Subject to Policy Terms and Conditions

CERTIFICATE HOLDER

TRAV-11

Travis County Purchasing Office
loren.breland@co.travis.tx.us
700 Lavaca St. #800
Austin, TX 78701

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

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Exhibit A.
Plains Capital Proposed Fencing

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. Travis County has produced this product for reference purposes only and offers no warranties for the product's accuracy or completeness.

HOLD HARMLESS AND INDEMNIFICATION AGREEMENT AND ACKNOWLEDGEMENT OF RESPONSIBILITY

TO: **City of Leander, TX** (the "City")

DATE: 2/8/16

The undersigned Contractor has contracted with Travis County under that certain Fence Construction and Removal Services, #4400001888 (*name of contract*) dated February 11, 2014 (the "Construction Agreement") to construct certain fence improvements. A portion of the fence improvements are located on property owned by the City of Leander, as general shown on Exhibit A (the "Property"). In exchange for the City granting the contractor right of access to Property to install the fence improvements, Contractor agrees as follows:

A. The Contractor shall construct the improvements in accordance with the Construction Agreement.

B. Contractor provide a commercial general liability insurance policy, written by a company acceptable to the City and licensed to do business in Texas, with a combined single limit of not less than $1,000,000.00, which coverage may be provided in the form of a rider and/or endorsement to a previously existing insurance policy. Such insurance coverage shall include the City as an additional-insured. This insurance coverage shall cover all perils arising from the activities of the Contractor, its officers, employees, agents, or contractors, relative to the Construction Agreement. Contractor shall be responsible for any deductibles stated in the policy. A certificate of insurance evidencing such coverage shall be delivered to the City prior to Contractor entering the Property.

C. To the fullest extent permitted by law, the Contractor agrees to and shall indemnify, hold harmless, and defend the City, its officers, agents, and employees from and against any and all claims, losses, damages, causes of action, suits, and liability of every kind, including all expenses of litigation, court costs, and attorney's fees for injury to or death of any person, for damage to any property, or for any breach of contract, arising out of or in connection with the work done by the Contractor under the Construction Agreement or entry onto or activities upon the Property.

D. Contractor will be responsible for any damage to the Property or any improvements on the Property. Further, Licensee shall reimburse the City for all costs of replacing or repairing any property of the City or of others which was damaged or destroyed as a result of activities under this Agreement or the Construction Agreement by, or on behalf of, the Contractor.

E. Although drawn by the City, this Agreement shall, in the event of any dispute over its meaning or application, be interpreted fairly and reasonably, and neither more strongly for or

against either party.

F. This Agreement shall be governed by the laws of the State of Texas. If the final judgment of a court of competent jurisdiction invalidates any part of this Agreement, then the remaining parts shall be enforced, to the extent possible, consistent with the intent of the parties as evidenced by this Agreement.

G. Venue for all lawsuits concerning this Agreement will be in the Travis County, Texas.

ACCEPTED, this the 8th day of February 2016.

CONTRACTOR:

By: _____

Name: LEE HOLE

Title: VP

Company Name: Hill Country Fence, Inc.
6500 East Highway 71
Spicewood Springs, Texas 78669

Attest:

_____

AGENDA ITEM # 15

Executive Summary

April 21, 2016

Agenda Subject: Consideration and possible action to approve annexation development agreements under Section 43.035, Texas Local Government Code, Between the City of Leander and each of the following property owners:

a. Greene, Shari Carmody
b. Kuchera, Roy L. and Alice F.

Background: The City of Leander has initiated the involuntary annexation of several areas. If a property is appraised for ad valorem tax purposes as land for agricultural or wildlife management use under Subchapter C or D, Chapter 23, Tax Code, or as timber land under Subchapter E, Chapter 23, Tax Code, the property owner is eligible to negotiate and enter a development agreement with the City prior to the completion of the annexation proceedings. The development agreement provides for the continuation of the extraterritorial jurisdiction status of the land and authorizes the City to enforce all regulations and planning authority of the City that do not interfere with the use of the area for agriculture, wildlife management, or timber. The land will be annexed upon the end of the term of the agreement or upon the change of use of the land.

Origination: City of Leander

Financial Consideration: None

Recommendation: Staff recommends approval of the agreements.

Attachments: 1. Agreements

Prepared By: Tom Yantis, AICP
Assistant City Manager 4/14/2016

Executive Summary

April 21, 2016

Agenda Subject: Consideration and possible action to approve an addendum to the annexation development agreements under Section 43.035, Texas Local Government Code, between the City of Leander and each of the following property owners:

a. Curtis C. Borho
b. Emogene Champion
c. Terence and Gloria MacConnell
d. Larry and Leslie Miller
e. James E. Roberson and Monta Jane Akin
f. Darrell and Bonita Word

Background: The City Council previously approved annexation development agreements with the listed property owners. At its April 7, 2016 meeting, the City Council authorized staff to offer an addendum to the previously approved agreements in order to incorporate the homestead tract for the owners of the properties with an agriculture tax exemption.

Origination: City of Leander

Financial Consideration: None

Recommendation: Staff recommends approval of the addenda.

Attachments: 1. Annexation development agreement addenda

Prepared By: Tom Yantis, AICP
Assistant City Manager 4/14/2016

Executive Summary

April 21, 2016

Agenda Subject: Second reading of the ordinances annexing sixteen (16) areas of land totaling 1743.25 acres, more or less, including the abutting streets, roadways, and rights-of-way; being located in Travis and Williamson Counties, Texas and adjacent and contiguous to the city limits; and providing open meetings and other related matters.

Background: The resolution commencing the involuntary annexation of 16 areas of land as shown on the attached location map was approved on January 21, 2016. Notice was mailed to all affected property owners notifying them of the annexation and the dates and times of the public hearings. The resolution set the two public hearings for March 3, 2016 and March 17, 2016. The first reading of the ordinance is scheduled for April 7, 2016 and the second and final reading is scheduled for April 21, 2016.

Origination: City of Leander

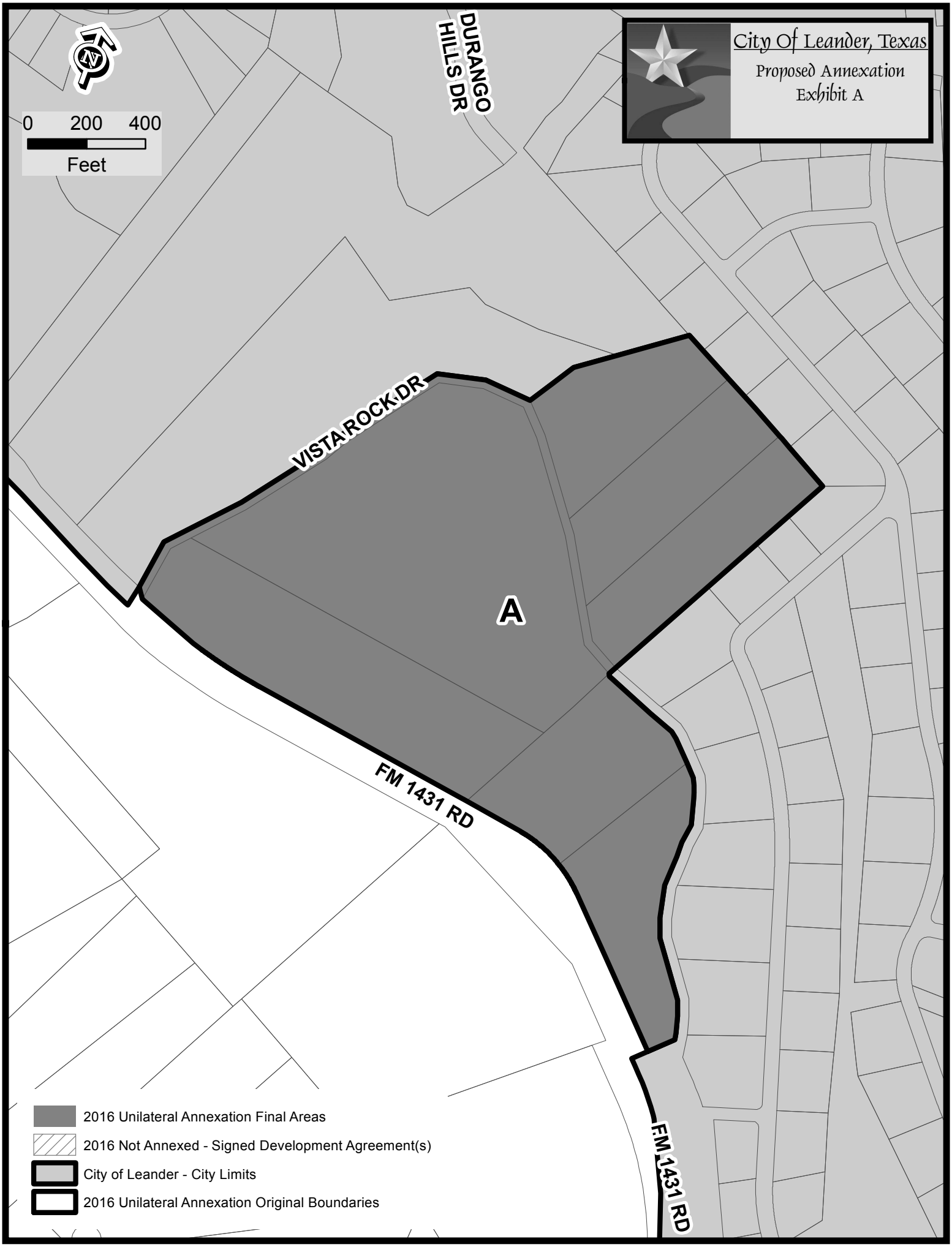
Recommendation: Staff recommends approval of the second readings of the ordinances.

Attachments:

1. Ordinances
2. Maps

Prepared by: Tom Yantis, AICP
Assistant City Manager

4/14/2016


City Of Leander, Texas
Proposed Annexation
Exhibit A
0 200 400
Feet
DURANGO HILLS DR
VISTA ROCK DR
A
FM 1431 RD
FM 1431 RD
2016 Unilateral Annexation Final Areas
2016 Not Annexed - Signed Development Agreement(s)
City of Leander - City Limits
2016 Unilateral Annexation Original Boundaries

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LEANDER, TEXAS, ANNEXING 56.09 ACRES OF LAND, MORE OR LESS, LOCATED IN TRAVIS COUNTY, INCLUDING THE ABUTTING STREETS, ROADWAYS, AND RIGHTS-OF-WAY; APPROVING A SERVICE PLAN FOR THE ANNEXED AREA; MAKING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE; AND PROVIDING FOR OPEN MEETINGS AND OTHER RELATED MATTERS.

WHEREAS, the City of Leander, Texas (the "City"), is a home rule municipality authorized by State law and the City's Charter to annex territory lying adjacent and contiguous to the City;

WHEREAS, the City Council, in compliance with *§43.021, Tex. Local Gov't Code*, instituted proceedings for the annexation of certain property more particularly described herein (the "subject property");

WHEREAS, the subject property hereby annexed is adjacent and contiguous to the present City limits;

WHEREAS, the subject property is contiguous on at least two sides with the boundaries of the city limits or abut other jurisdictional boundaries, as more particularly shown in the exhibit attached hereto;

WHEREAS, in compliance with *§43.035, Tex. Local Gov't Code*, the City extended a written offer to enter a development agreement with applicable landowner(s);

WHEREAS, the City Council heard arguments with respect to such annexation and has decided to annex the area;

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

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

WHEREAS, notice of the public hearings was published in a newspaper of general circulation in the City and the territory proposed to be annexed not more than twenty (20) nor less than ten (10) days prior to the public hearings;

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

WHEREAS, the City, pursuant to *§43.021, Tex. Loc. Gov't. Code*, and the City Charter, is

authorized to annex the subject property; and

WHEREAS, after review and consideration of the subject property, the City Council finds that the subject property is exempt from the City's annexation plan pursuant to *§43.052 (h)(1)* of the *Tex. Loc. Gov't. Code*;

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

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

SECTION 2. That the following described property, including the abutting streets, roadways and rights-of-way, is hereby annexed into the corporate limits of the City of Leander:

> **Area A.** All that certain parcel or tract of land containing 56.09 acres, more or less, located in Travis County, Texas, generally located north of RM 1431, and either side of Vista Rock Rd and being more particularly described and show as Area A in Exhibit "A" attached hereto.

SECTION 3. In the event of conflict between the description of the subject property in this Ordinance and the map attached hereto as Exhibit "A", Exhibit "A" shall control.

SECTION 4. That the Service Plan submitted herewith is hereby approved as part of this Ordinance, made a part hereof and attached hereto as Exhibit "B".

SECTION 5. That the future owners and inhabitants of the subject property shall be entitled to all of the rights and privileges of the City as set forth in the Service Plan attached hereto as Exhibit "B", and are further bound by all acts, ordinances, and all other legal action now in full force and effect and all those which may be hereafter adopted.

SECTION 6. That the official map and boundaries of the City, heretofore adopted and amended, be and hereby are amended so as to include the subject property as part of the City of Leander.

SECTION 7. That the subject property shall be temporarily zoned District "SFR-1-B" as provided in the City Zoning Ordinance, as amended, until permanent zoning is established therefore.

SECTION 8. That if any provision of this Ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

SECTION 9. That this Ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the *Tex. Loc. Gov't. Code*.

<u>SECTION 10.</u> 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, *Chapter 551, Texas Government Code*.

PASSED AND APPROVED on First Reading this ____ day of _____, 2016.

FINALLY PASSED AND APPROVED on this ____ day of _____, 2016.

ATTEST: **THE CITY OF LEANDER, TEXAS**

_____ _____

Debbie Haile, City Secretary Christopher Fielder, Mayor

Exhibit “A”

Property Description: Area A - Map

EXHIBIT "B"

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

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

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

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

WHEREAS, the subject property will be provided municipal services on the same terms and conditions as other similarly situated properties currently within the City limits and capital improvements necessary to offer such municipal services on the same terms and conditions as other similarly situated properties within the City and in accordance with City policies, regulations, and ordinances; and

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

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

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

A. Police protection as follows:

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

B. Fire protection and Emergency Medical Services as follows:

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

C. Solid waste collection services as follows:

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

D. Animal control as follows:

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

E. Maintenance of parks and playgrounds within the City.

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

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

H. Land use regulation as follows:

On the effective date of annexation, the regulatory jurisdiction of the City shall be extended to include the annexed area, and all property therein shall be subject to the City's police power regulations as set forth in duly adopted ordinances; provided that the use of all property therein shall be grandfathered to the extent provided by state law. The subject property shall be temporarily zoned "SFR-1-B" with the intent to rezone the subject property upon request of the landowner or staff. The Planning & Zoning Commission and the City Council will consider rezoning the subject property at future times in response to requests submitted by the landowners or authorized city staff.

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

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

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

(ii) In accordance with the applicable rules and regulations for the provision of water service, water service will be provided to the subject property 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. 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. The continued use of a water

well that is in use on the effective date of the annexation and is in compliance with applicable rules and regulations shall be permitted and such use may continue until the subject property's owner requests and is able to connect to the City's water utility system.

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

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

(ii) In accordance with the applicable rules and regulations for the provision of wastewater service, wastewater service will be provided 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 wastewater service. The subject property's owner shall construct the internal wastewater lines and pay the costs of line extension and construction of facilities necessary to provide wastewater service to the subject property as required in City ordinances. Upon acceptance of the wastewater lines 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 and policies of the City in effect from time to time. The wastewater system will be accepted and maintained by the City in accordance with its usual policies. Requests for new wastewater line extensions will be installed and extended upon request under the same costs and terms as with other similarly situated customers of the City. The ordinances in effect at the time a request for service is submitted shall govern the costs and request for service. The continued use of a septic system that is in use on the effective date of the annexation and is in compliance with all applicable rules and regulations shall be permitted and such use may continue until the subject property owner requests and is able to connect to the City's wastewater utility system.

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

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

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

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

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

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

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

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

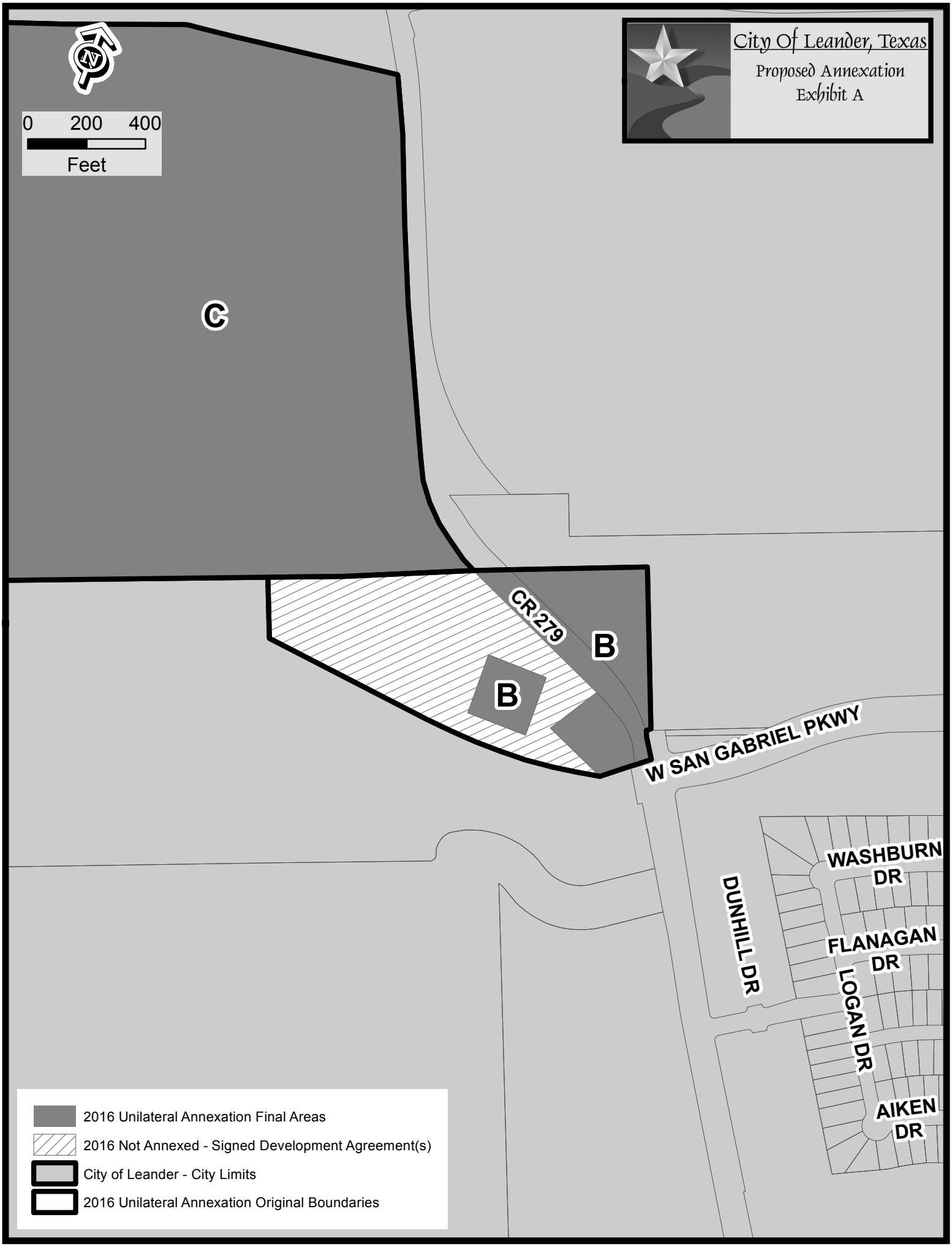
(D) Installation and maintenance of street lighting in accordance with established policies of the City;

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

(3) **Capital Improvements.** Construction of the following capital improvements shall be initiated after the effective date of the annexation: Water and wastewater facilities that are identified in the Capital Improvement Plan, as and when funded pursuant to such Plan. Upon development of the subject property or redevelopment, the landowners will be responsible for the development costs the same as a developer in a similarly situated area under the ordinances in effect at the time of development or redevelopment. No additional capital improvements are necessary at this time to service the subject property the same as similarly situated properties.

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

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


City Of Leander, Texas
Proposed Annexation
Exhibit A
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CR 279
W SAN GABRIEL PKWY
DUNHILL DR
WASHBURN DR
FLANAGAN DR
LOGAN DR
AIKEN DR
2016 Unilateral Annexation Final Areas
2016 Not Annexed - Signed Development Agreement(s)
City of Leander - City Limits
2016 Unilateral Annexation Original Boundaries

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LEANDER, TEXAS, ANNEXING 6.34 ACRES OF LAND, MORE OR LESS, LOCATED IN WILLIAMSON COUNTY, INCLUDING THE ABUTTING STREETS, ROADWAYS, AND RIGHTS-OF-WAY; APPROVING A SERVICE PLAN FOR THE ANNEXED AREA; MAKING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE; AND PROVIDING FOR OPEN MEETINGS AND OTHER RELATED MATTERS.

WHEREAS, the City of Leander, Texas (the "City"), is a home rule municipality authorized by State law and the City's Charter to annex territory lying adjacent and contiguous to the City;

WHEREAS, the City Council, in compliance with *§43.021, Tex. Local Gov't Code*, instituted proceedings for the annexation of certain areas of land more particularly described herein (the "subject property");

WHEREAS, the subject property hereby annexed is adjacent and contiguous to the present City limits;

WHEREAS, the subject property is contiguous on at least two sides with the boundaries of the city limits or abut other jurisdictional boundaries, as more particularly shown in the exhibit attached hereto;

WHEREAS, in compliance with *§43.035, Tex. Local Gov't Code*, the City extended a written offer to enter a development agreement with applicable landowner(s);

WHEREAS, the City Council heard arguments with respect to such annexation and has decided to annex the area;

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

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

WHEREAS, notice of the public hearings was published in a newspaper of general circulation in the City and the territory proposed to be annexed not more than twenty (20) nor less than ten (10) days prior to the public hearings;

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

WHEREAS, the City, pursuant to *§43.021, Tex. Loc. Gov't. Code*, and the City Charter, is

authorized to annex the subject property; and

WHEREAS, after review and consideration of the subject property, the City Council finds that the subject property is exempt from the City's annexation plan pursuant to *§43.052 (h)(1)* of the *Tex. Loc. Gov't. Code*;

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

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

SECTION 2. That the following described property, including the abutting streets, roadways and rights-of-way, is hereby annexed into the corporate limits of the City of Leander:

> **Area B.** All those certain parcels or tracts of land containing 6.34 acres, more or less, located in Williamson County, Texas, generally located either side of CR 279 / Bagdad Rd, north of W San Gabriel Pkwy, and being more particularly described and shown as Area B in Exhibit "A" attached hereto.

SECTION 3. In the event of conflict between the description of the subject property in this Ordinance and the map attached hereto as Exhibit "A", Exhibit "A" shall control.

SECTION 4. That the Service Plan submitted herewith is hereby approved as part of this Ordinance, made a part hereof and attached hereto as Exhibit "B".

SECTION 5. That the future owners and inhabitants of the subject property shall be entitled to all of the rights and privileges of the City as set forth in the Service Plan attached hereto as Exhibit "B", and are further bound by all acts, ordinances, and all other legal action now in full force and effect and all those which may be hereafter adopted.

SECTION 6. That the official map and boundaries of the City, heretofore adopted and amended, be and hereby are amended so as to include the subject property as part of the City of Leander.

SECTION 7. That the subject property shall be temporarily zoned District "SFR-1-B" as provided in the City Zoning Ordinance, as amended, until permanent zoning is established therefore.

SECTION 8. That if any provision of this Ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

SECTION 9. That this Ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the *Tex. Loc. Gov't. Code*.

<u>SECTION 10.</u> 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, *Chapter 551, Texas Government Code*.

PASSED AND APPROVED on First Reading this ____ day of _____, 2016.

FINALLY PASSED AND APPROVED on this ____ day of _____, 2016.

ATTEST: **THE CITY OF LEANDER, TEXAS**

_____ _____

Debbie Haile, City Secretary Christopher Fielder, Mayor

Exhibit “A”

Property Description: Area B - Map

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 will be provided municipal services on the same terms and conditions as other similarly situated properties currently within the City limits and capital improvements necessary to offer such municipal services on the same terms and conditions as other similarly situated properties within the City and in accordance with City policies, regulations, and ordinances; and

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

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

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

A. Police protection as follows:

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

B. Fire protection and Emergency Medical Services as follows:

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

C. Solid waste collection services as follows:

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

D. Animal control as follows:

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

E. Maintenance of parks and playgrounds within the City.

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

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

H. Land use regulation as follows:

On the effective date of annexation, the regulatory jurisdiction of the City shall be extended to include the annexed area, and all property therein shall be subject to the City's police power regulations as set forth in duly adopted ordinances; provided that the use of all property therein shall be grandfathered to the extent provided by state law. The subject property shall be temporarily zoned "SFR-1-B" with the intent to rezone the subject property upon request of the landowner or staff. The Planning & Zoning Commission and the City Council will consider rezoning the subject property at future times in response to requests submitted by the landowners or authorized city staff.

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

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

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

(ii) In accordance with the applicable rules and regulations for the provision of water service, water service will be provided to the subject property 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. 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. The continued use of a water

well that is in use on the effective date of the annexation and is in compliance with applicable rules and regulations shall be permitted and such use may continue until the subject property's owner requests and is able to connect to the City's water utility system.

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

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

(ii) In accordance with the applicable rules and regulations for the provision of wastewater service, wastewater service will be provided 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 wastewater service. The subject property's owner shall construct the internal wastewater lines and pay the costs of line extension and construction of facilities necessary to provide wastewater service to the subject property as required in City ordinances. Upon acceptance of the wastewater lines 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 and policies of the City in effect from time to time. The wastewater system will be accepted and maintained by the City in accordance with its usual policies. Requests for new wastewater line extensions will be installed and extended upon request under the same costs and terms as with other similarly situated customers of the City. The ordinances in effect at the time a request for service is submitted shall govern the costs and request for service. The continued use of a septic system that is in use on the effective date of the annexation and is in compliance with all applicable rules and regulations shall be permitted and such use may continue until the subject property owner requests and is able to connect to the City's wastewater utility system.

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

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

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

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

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

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

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

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

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

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

(3) **Capital Improvements.** Construction of the following capital improvements shall be initiated after the effective date of the annexation: Water and wastewater facilities that are identified in the Capital Improvement Plan, as and when funded pursuant to such Plan. Upon development of the subject property or redevelopment, the landowners will be responsible for the development costs the same as a developer in a similarly situated area under the ordinances in effect at the time of development or redevelopment. No additional capital improvements are necessary at this time to service the subject property the same as similarly situated properties.

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

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

City Of Leander, Texas
Proposed Annexation
Exhibit A
0 400 800
Feet
1
F
D
C
B
B
CR 280
CR 279
PASS
2016 Unilateral Annexation Final Areas
2016 Not Annexed - Signed Development Agreement(s)
City of Leander - City Limits
2016 Unilateral Annexation Original Boundaries

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LEANDER, TEXAS, ANNEXING 288.22 ACRES OF LAND, MORE OR LESS, LOCATED IN WILLIAMSON COUNTY, INCLUDING THE ABUTTING STREETS, ROADWAYS, AND RIGHTS-OF-WAY; APPROVING A SERVICE PLAN FOR THE ANNEXED AREA; MAKING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE; AND PROVIDING FOR OPEN MEETINGS AND OTHER RELATED MATTERS.

WHEREAS, the City of Leander, Texas (the "City"), is a home rule municipality authorized by State law and the City's Charter to annex territory lying adjacent and contiguous to the City;

WHEREAS, the City Council, in compliance with *§43.021, Tex. Local Gov't Code*, instituted proceedings for the annexation of certain property more particularly described herein (the "subject property");

WHEREAS, the subject property hereby annexed is adjacent and contiguous to the present City limits;

WHEREAS, the subject property is contiguous on at least two sides with the boundaries of the city limits or abut other jurisdictional boundaries, as more particularly shown in the exhibit attached hereto;

WHEREAS, in compliance with *§43.035, Tex. Local Gov't Code*, the City extended a written offer to enter a development agreement with applicable landowner(s);

WHEREAS, the City Council heard arguments with respect to such annexation and has decided to annex the area;

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

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

WHEREAS, notice of the public hearings was published in a newspaper of general circulation in the City and the territory proposed to be annexed not more than twenty (20) nor less than ten (10) days prior to the public hearings;

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

WHEREAS, the City, pursuant to *§43.021, Tex. Loc. Gov't. Code*, and the City Charter, is

authorized to annex the subject property; and

WHEREAS, after review and consideration of the subject property, the City Council finds that the subject property is exempt from the City's annexation plan pursuant to *§43.052 (h)(1)* of the *Tex. Loc. Gov't. Code*;

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

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

SECTION 2. That the following described property, including the abutting streets, roadways and rights-of-way, is hereby annexed into the corporate limits of the City of Leander:

> **Area C.** All that certain parcel or tract of land containing 288.22 acres, more or less, located in Williamson County, Texas, generally located south of County Road 280, west of County Road 279 / Bagdad Rd, and being more particularly described and shown as Area C in Exhibit "A" attached hereto.

SECTION 3. In the event of conflict between the description of the subject property in this Ordinance and the map attached hereto as Exhibit "A", Exhibit "A" shall control.

SECTION 4. That the Service Plan submitted herewith is hereby approved as part of this Ordinance, made a part hereof and attached hereto as Exhibit "B".

SECTION 5. That the future owners and inhabitants of the subject property shall be entitled to all of the rights and privileges of the City as set forth in the Service Plan attached hereto as Exhibit "B", and are further bound by all acts, ordinances, and all other legal action now in full force and effect and all those which may be hereafter adopted.

SECTION 6. That the official map and boundaries of the City, heretofore adopted and amended, be and hereby are amended so as to include the subject property as part of the City of Leander.

SECTION 7. That the subject property shall be temporarily zoned District "SFR-1-B" as provided in the City Zoning Ordinance, as amended, until permanent zoning is established therefore.

SECTION 8. That if any provision of this Ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

SECTION 9. That this Ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the *Tex. Loc. Gov't. Code*.

<u>SECTION 10.</u> 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, *Chapter 551, Texas Government Code*.

PASSED AND APPROVED on First Reading this ____ day of _____, 2016.

FINALLY PASSED AND APPROVED on this ____ day of _____, 2016.

ATTEST: **THE CITY OF LEANDER, TEXAS**

_____ _____

Debbie Haile, City Secretary Christopher Fielder, Mayor

Exhibit “A”

Property Description: Area C - Map

EXHIBIT "B"

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

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

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

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

WHEREAS, the subject property will be provided municipal services on the same terms and conditions as other similarly situated properties currently within the City limits and capital improvements necessary to offer such municipal services on the same terms and conditions as other similarly situated properties within the City and in accordance with City policies, regulations, and ordinances; and

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

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

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

A. Police protection as follows:

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

B. Fire protection and Emergency Medical Services as follows:

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

C. Solid waste collection services as follows:

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

D. Animal control as follows:

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

E. Maintenance of parks and playgrounds within the City.

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

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

H. Land use regulation as follows:

On the effective date of annexation, the regulatory jurisdiction of the City shall be extended to include the annexed area, and all property therein shall be subject to the City's police power regulations as set forth in duly adopted ordinances; provided that the use of all property therein shall be grandfathered to the extent provided by state law. The subject property shall be temporarily zoned "SFR-1-B" with the intent to rezone the subject property upon request of the landowner or staff. The Planning & Zoning Commission and the City Council will consider rezoning the subject property at future times in response to requests submitted by the landowners or authorized city staff.

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

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

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

(ii) In accordance with the applicable rules and regulations for the provision of water service, water service will be provided to the subject property 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. 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. The continued use of a water

well that is in use on the effective date of the annexation and is in compliance with applicable rules and regulations shall be permitted and such use may continue until the subject property's owner requests and is able to connect to the City's water utility system.

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

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

(ii) In accordance with the applicable rules and regulations for the provision of wastewater service, wastewater service will be provided 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 wastewater service. The subject property's owner shall construct the internal wastewater lines and pay the costs of line extension and construction of facilities necessary to provide wastewater service to the subject property as required in City ordinances. Upon acceptance of the wastewater lines 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 and policies of the City in effect from time to time. The wastewater system will be accepted and maintained by the City in accordance with its usual policies. Requests for new wastewater line extensions will be installed and extended upon request under the same costs and terms as with other similarly situated customers of the City. The ordinances in effect at the time a request for service is submitted shall govern the costs and request for service. The continued use of a septic system that is in use on the effective date of the annexation and is in compliance with all applicable rules and regulations shall be permitted and such use may continue until the subject property owner requests and is able to connect to the City's wastewater utility system.

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

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

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

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

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

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

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

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

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

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

(3) **Capital Improvements.** Construction of the following capital improvements shall be initiated after the effective date of the annexation: Water and wastewater facilities that are identified in the Capital Improvement Plan, as and when funded pursuant to such Plan. Upon development of the subject property or redevelopment, the landowners will be responsible for the development costs the same as a developer in a similarly situated area under the ordinances in effect at the time of development or redevelopment. No additional capital improvements are necessary at this time to service the subject property the same as similarly situated properties.

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

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

City Of Leander, Texas
Proposed Annexation
Exhibit A
0 400 800
Feet
E
F
D
C
1
COUNCIL SPRINGS CV
CR 280
COUNCIL SPRINGS PASS
GREATWOOD TRL
2016 Unilateral Annexation Final Areas
2016 Not Annexed - Signed Development Agreement(s)
City of Leander - City Limits
2016 Unilateral Annexation Original Boundaries

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LEANDER, TEXAS, ANNEXING 187.06 ACRES OF LAND, MORE OR LESS, LOCATED IN WILLIAMSON COUNTY, INCLUDING THE ABUTTING STREETS, ROADWAYS, AND RIGHTS-OF-WAY; APPROVING A SERVICE PLAN FOR THE ANNEXED AREA; MAKING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE; AND PROVIDING FOR OPEN MEETINGS AND OTHER RELATED MATTERS.

WHEREAS, the City of Leander, Texas (the "City"), is a home rule municipality authorized by State law and the City's Charter to annex territory lying adjacent and contiguous to the City;

WHEREAS, the City Council, in compliance with *§43.021, Tex. Local Gov't Code*, instituted proceedings for the annexation of certain property more particularly described herein (the "subject property");

WHEREAS, the subject property hereby annexed is adjacent and contiguous to the present City limits;

WHEREAS, the subject property is contiguous on at least two sides with the boundaries of the city limits or abut other jurisdictional boundaries, as more particularly shown in the exhibit attached hereto;

WHEREAS, in compliance with *§43.035, Tex. Local Gov't Code*, the City extended a written offer to enter a development agreement with applicable landowner(s);

WHEREAS, the City Council heard arguments with respect to such annexation and has decided to annex the area;

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

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

WHEREAS, notice of the public hearings was published in a newspaper of general circulation in the City and the territory proposed to be annexed not more than twenty (20) nor less than ten (10) days prior to the public hearings;

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

WHEREAS, the City, pursuant to *§43.021, Tex. Loc. Gov't. Code*, and the City Charter, is

authorized to annex the subject property; and

WHEREAS, after review and consideration of the subject property, the City Council finds that the subject property is exempt from the City's annexation plan pursuant to *§43.052 (h)(1)* of the *Tex. Loc. Gov't. Code*;

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

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

SECTION 2. That the following described property, including the abutting streets, roadways and rights-of-way, is hereby annexed into the corporate limits of the City of Leander:

> **Area D.** All that certain parcel or tract of land containing 187.06 acres, more or less, located in Williamson County, Texas, generally located south of County Road 280, east of the Mesa Vista Estates subdivision, and being more particularly described and shown as Area D in Exhibit "A" attached hereto.

SECTION 3. In the event of conflict between the description of the subject property in this Ordinance and the map attached hereto as Exhibit "A", Exhibit "A" shall control.

SECTION 4. That the Service Plan submitted herewith is hereby approved as part of this Ordinance, made a part hereof and attached hereto as Exhibit "B".

SECTION 5. That the future owners and inhabitants of the subject property shall be entitled to all of the rights and privileges of the City as set forth in the Service Plan attached hereto as Exhibit "B", and are further bound by all acts, ordinances, and all other legal action now in full force and effect and all those which may be hereafter adopted.

SECTION 6. That the official map and boundaries of the City, heretofore adopted and amended, be and hereby are amended so as to include the subject property as part of the City of Leander.

SECTION 7. That the subject property shall be temporarily zoned District "SFR-1-B" as provided in the City Zoning Ordinance, as amended, until permanent zoning is established therefore.

SECTION 8. That if any provision of this Ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

SECTION 9. That this Ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the *Tex. Loc. Gov't. Code*.

<u>SECTION 10.</u> 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, *Chapter 551, Texas Government Code*.

PASSED AND APPROVED on First Reading this ____ day of _____, 2016.

FINALLY PASSED AND APPROVED on this ____ day of _____, 2016.

ATTEST: **THE CITY OF LEANDER, TEXAS**

_____ _____

Debbie Haile, City Secretary Christopher Fielder, Mayor

Exhibit “A”

Property Description: Area D - Map

EXHIBIT "B"

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

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

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

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

WHEREAS, the subject property will be provided municipal services on the same terms and conditions as other similarly situated properties currently within the City limits and capital improvements necessary to offer such municipal services on the same terms and conditions as other similarly situated properties within the City and in accordance with City policies, regulations, and ordinances; and

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

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

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

A. Police protection as follows:

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

B. Fire protection and Emergency Medical Services as follows:

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

C. Solid waste collection services as follows:

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

D. Animal control as follows:

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

E. Maintenance of parks and playgrounds within the City.

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

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

H. Land use regulation as follows:

On the effective date of annexation, the regulatory jurisdiction of the City shall be extended to include the annexed area, and all property therein shall be subject to the City's police power regulations as set forth in duly adopted ordinances; provided that the use of all property therein shall be grandfathered to the extent provided by state law. The subject property shall be temporarily zoned "SFR-1-B" with the intent to rezone the subject property upon request of the landowner or staff. The Planning & Zoning Commission and the City Council will consider rezoning the subject property at future times in response to requests submitted by the landowners or authorized city staff.

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

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

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

(ii) In accordance with the applicable rules and regulations for the provision of water service, water service will be provided to the subject property 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. 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. The continued use of a water

well that is in use on the effective date of the annexation and is in compliance with applicable rules and regulations shall be permitted and such use may continue until the subject property's owner requests and is able to connect to the City's water utility system.

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

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

(ii) In accordance with the applicable rules and regulations for the provision of wastewater service, wastewater service will be provided 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 wastewater service. The subject property's owner shall construct the internal wastewater lines and pay the costs of line extension and construction of facilities necessary to provide wastewater service to the subject property as required in City ordinances. Upon acceptance of the wastewater lines 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 and policies of the City in effect from time to time. The wastewater system will be accepted and maintained by the City in accordance with its usual policies. Requests for new wastewater line extensions will be installed and extended upon request under the same costs and terms as with other similarly situated customers of the City. The ordinances in effect at the time a request for service is submitted shall govern the costs and request for service. The continued use of a septic system that is in use on the effective date of the annexation and is in compliance with all applicable rules and regulations shall be permitted and such use may continue until the subject property owner requests and is able to connect to the City's wastewater utility system.

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

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

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

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

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

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

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

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

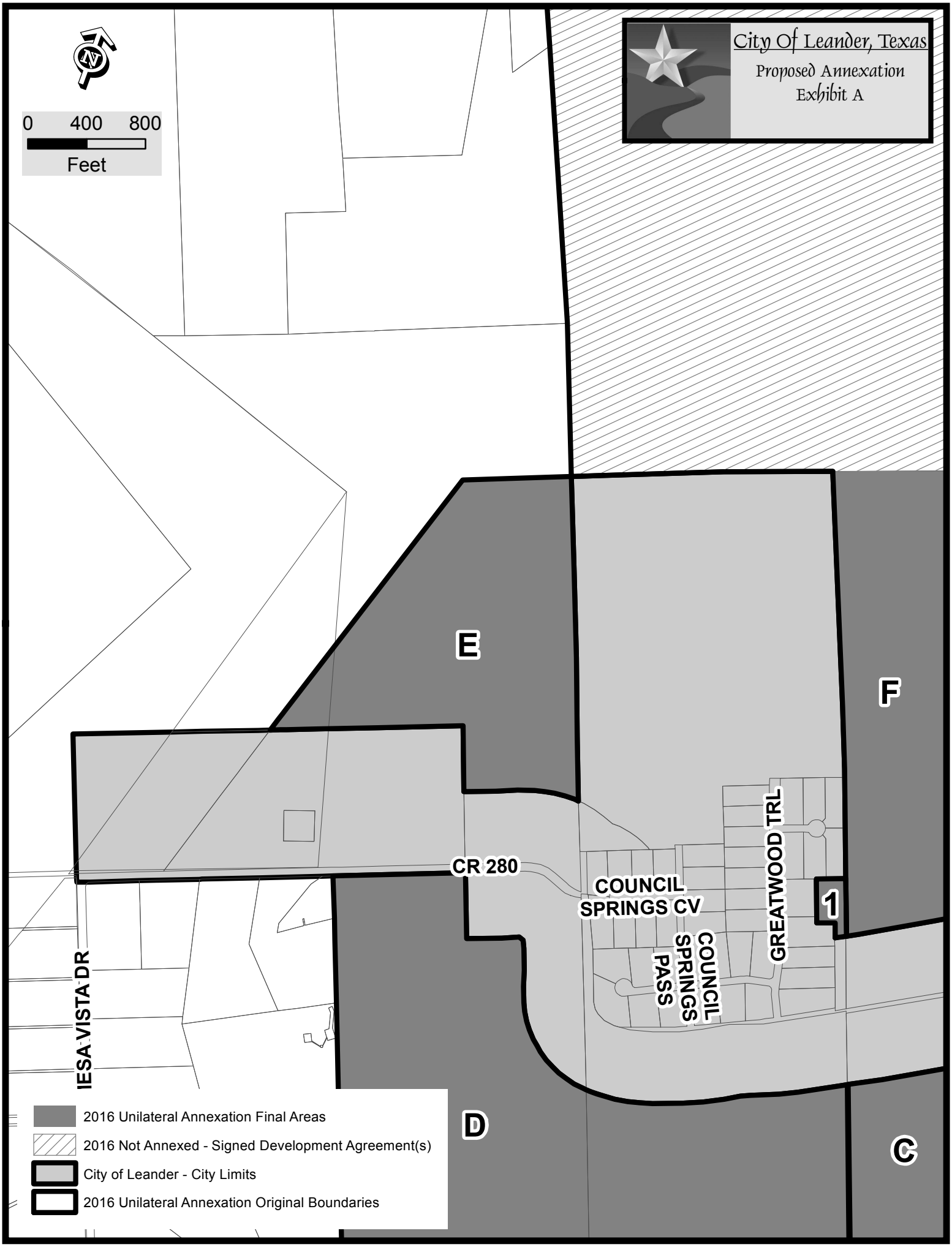
(D) Installation and maintenance of street lighting in accordance with established policies of the City;

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

(3) **Capital Improvements.** Construction of the following capital improvements shall be initiated after the effective date of the annexation: Water and wastewater facilities that are identified in the Capital Improvement Plan, as and when funded pursuant to such Plan. Upon development of the subject property or redevelopment, the landowners will be responsible for the development costs the same as a developer in a similarly situated area under the ordinances in effect at the time of development or redevelopment. No additional capital improvements are necessary at this time to service the subject property the same as similarly situated properties.

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

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


City Of Leander, Texas
Proposed Annexation
Exhibit A
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Feet
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CR 280
COUNCIL SPRINGS CV
COUNCIL SPRINGS PASS
GREATWOOD TRL
IESA VISTA DR
2016 Unilateral Annexation Final Areas
2016 Not Annexed - Signed Development Agreement(s)
City of Leander - City Limits
2016 Unilateral Annexation Original Boundaries

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LEANDER, TEXAS, ANNEXING 62.69 ACRES OF LAND, MORE OR LESS, LOCATED IN WILLIAMSON COUNTY, INCLUDING THE ABUTTING STREETS, ROADWAYS, AND RIGHTS-OF-WAY; APPROVING A SERVICE PLAN FOR THE ANNEXED AREA; MAKING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE; AND PROVIDING FOR OPEN MEETINGS AND OTHER RELATED MATTERS.

WHEREAS, the City of Leander, Texas (the "City"), is a home rule municipality authorized by State law and the City's Charter to annex territory lying adjacent and contiguous to the City;

WHEREAS, the City Council, in compliance with *§43.021, Tex. Local Gov't Code*, instituted proceedings for the annexation of certain property more particularly described herein (the "subject property");

WHEREAS, the subject property hereby annexed is adjacent and contiguous to the present City limits;

WHEREAS, the subject property is contiguous on at least two sides with the boundaries of the city limits or abut other jurisdictional boundaries, as more particularly shown in the exhibit attached hereto;

WHEREAS, in compliance with *§43.035, Tex. Local Gov't Code*, the City extended a written offer to enter a development agreement with applicable landowner(s);

WHEREAS, the City Council heard arguments with respect to such annexation and has decided to annex the area;

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

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

WHEREAS, notice of the public hearings was published in a newspaper of general circulation in the City and the territory proposed to be annexed not more than twenty (20) nor less than ten (10) days prior to the public hearings;

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

WHEREAS, the City, pursuant to *§43.021, Tex. Loc. Gov't. Code*, and the City Charter, is

authorized to annex the subject property; and

WHEREAS, after review and consideration of the subject property, the City Council finds that the subject property is exempt from the City's annexation plan pursuant to *§43.052 (h)(1)* of the *Tex. Loc. Gov't. Code*;

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

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

SECTION 2. That the following described property, including the abutting streets, roadways and rights-of-way, is hereby annexed into the corporate limits of the City of Leander:

> **Area E.** All that certain parcel or tract of land containing 62.69 acres, more or less, located in Williamson County, Texas, generally located north of County Road 280, west of the Greatwood subdivision, and being more particularly described and shown as Area E in Exhibit "A" attached hereto.

SECTION 3. In the event of conflict between the description of the subject property in this Ordinance and the map attached hereto as Exhibit "A", Exhibit "A" shall control.

SECTION 4. That the Service Plan submitted herewith is hereby approved as part of this Ordinance, made a part hereof and attached hereto as Exhibit "B".

SECTION 5. That the future owners and inhabitants of the subject property shall be entitled to all of the rights and privileges of the City as set forth in the Service Plan attached hereto as Exhibit "B", and are further bound by all acts, ordinances, and all other legal action now in full force and effect and all those which may be hereafter adopted.

SECTION 6. That the official map and boundaries of the City, heretofore adopted and amended, be and hereby are amended so as to include the subject property as part of the City of Leander.

SECTION 7. That the subject property shall be temporarily zoned District "SFR-1-B" as provided in the City Zoning Ordinance, as amended, until permanent zoning is established therefore.

SECTION 8. That if any provision of this Ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

SECTION 9. That this Ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the *Tex. Loc. Gov't. Code*.

<u>SECTION 10.</u> 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, *Chapter 551, Texas Government Code*.

PASSED AND APPROVED on First Reading this ____ day of _____, 2016.

FINALLY PASSED AND APPROVED on this ____ day of _____, 2016.

ATTEST: **THE CITY OF LEANDER, TEXAS**

_____ _____

Debbie Haile, City Secretary Christopher Fielder, Mayor

Exhibit “A”

Property Description: Area E - Map

EXHIBIT "B"

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

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

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

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

WHEREAS, the subject property will be provided municipal services on the same terms and conditions as other similarly situated properties currently within the City limits and capital improvements necessary to offer such municipal services on the same terms and conditions as other similarly situated properties within the City and in accordance with City policies, regulations, and ordinances; and

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

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

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

A. Police protection as follows:

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

B. Fire protection and Emergency Medical Services as follows:

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

C. Solid waste collection services as follows:

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

D. Animal control as follows:

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

E. Maintenance of parks and playgrounds within the City.

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

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

H. Land use regulation as follows:

On the effective date of annexation, the regulatory jurisdiction of the City shall be extended to include the annexed area, and all property therein shall be subject to the City's police power regulations as set forth in duly adopted ordinances; provided that the use of all property therein shall be grandfathered to the extent provided by state law. The subject property shall be temporarily zoned "SFR-1-B" with the intent to rezone the subject property upon request of the landowner or staff. The Planning & Zoning Commission and the City Council will consider rezoning the subject property at future times in response to requests submitted by the landowners or authorized city staff.

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

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

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

(ii) In accordance with the applicable rules and regulations for the provision of water service, water service will be provided to the subject property 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. 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. The continued use of a water

well that is in use on the effective date of the annexation and is in compliance with applicable rules and regulations shall be permitted and such use may continue until the subject property's owner requests and is able to connect to the City's water utility system.

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

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

(ii) In accordance with the applicable rules and regulations for the provision of wastewater service, wastewater service will be provided 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 wastewater service. The subject property's owner shall construct the internal wastewater lines and pay the costs of line extension and construction of facilities necessary to provide wastewater service to the subject property as required in City ordinances. Upon acceptance of the wastewater lines 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 and policies of the City in effect from time to time. The wastewater system will be accepted and maintained by the City in accordance with its usual policies. Requests for new wastewater line extensions will be installed and extended upon request under the same costs and terms as with other similarly situated customers of the City. The ordinances in effect at the time a request for service is submitted shall govern the costs and request for service. The continued use of a septic system that is in use on the effective date of the annexation and is in compliance with all applicable rules and regulations shall be permitted and such use may continue until the subject property owner requests and is able to connect to the City's wastewater utility system.

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

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

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

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

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

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

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

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

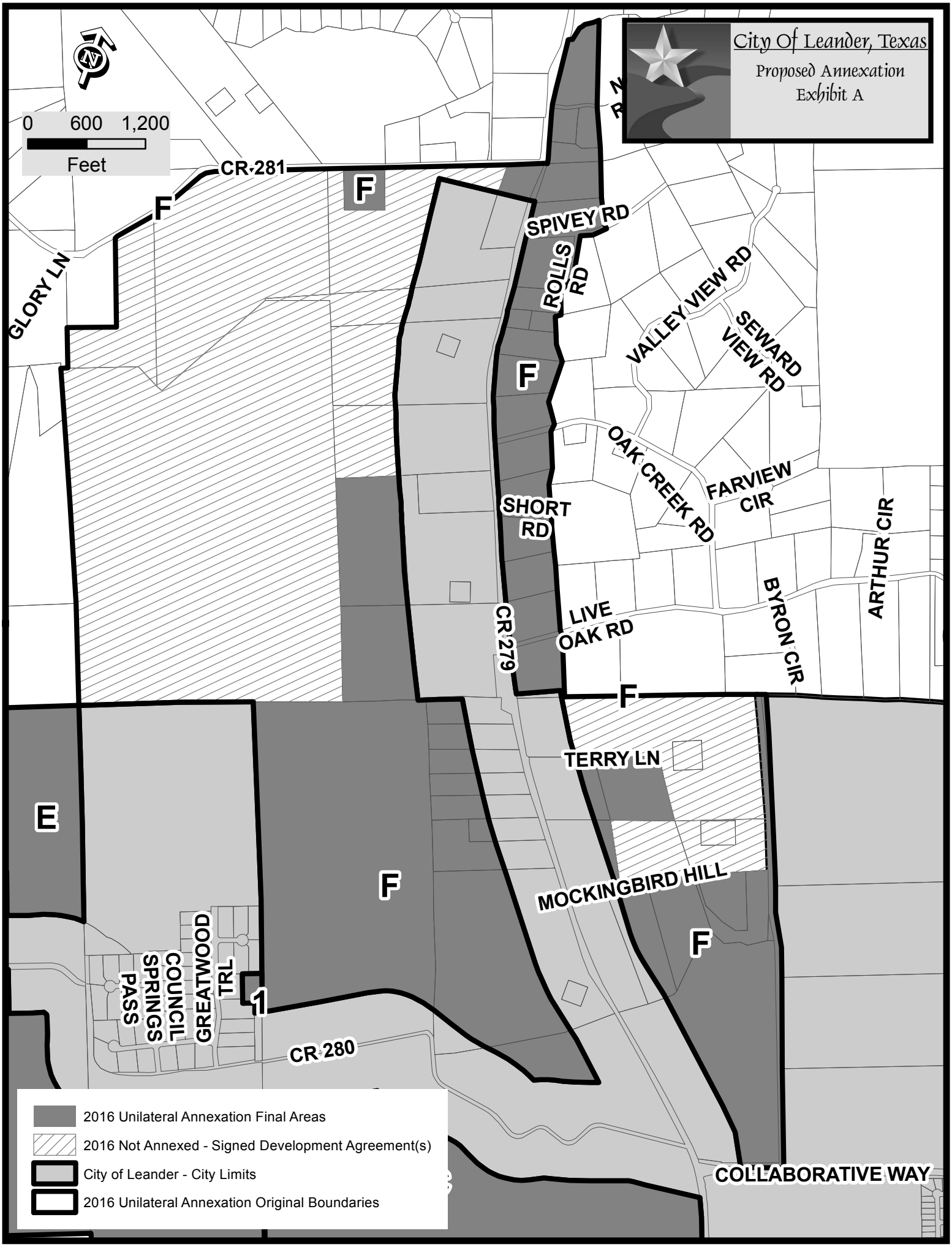
(D) Installation and maintenance of street lighting in accordance with established policies of the City;

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

(3) **Capital Improvements.** Construction of the following capital improvements shall be initiated after the effective date of the annexation: Water and wastewater facilities that are identified in the Capital Improvement Plan, as and when funded pursuant to such Plan. Upon development of the subject property or redevelopment, the landowners will be responsible for the development costs the same as a developer in a similarly situated area under the ordinances in effect at the time of development or redevelopment. No additional capital improvements are necessary at this time to service the subject property the same as similarly situated properties.

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

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


City Of Leander, Texas
Proposed Annexation
Exhibit A
0 600 1,200
Feet
CR 281
GLORY LN
SPIVEY RD
ROLLS RD
VALLEY VIEW RD
SEWARD VIEW RD
OAK CREEK RD
FARVIEW CIR
SHORT RD
ARTHUR CIR
BYRON CIR
LIVE OAK RD
CR 279
TERRY LN
MOCKINGBIRD HILL
COUNCIL SPRINGS PASS
GREATWOOD TRL
CR 280
COLLABORATIVE WAY
E
F
1
2016 Unilateral Annexation Final Areas
2016 Not Annexed - Signed Development Agreement(s)
City of Leander - City Limits
2016 Unilateral Annexation Original Boundaries

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LEANDER, TEXAS, ANNEXING 408.58 ACRES OF LAND, MORE OR LESS, LOCATED IN WILLIAMSON COUNTY, INCLUDING THE ABUTTING STREETS, ROADWAYS, AND RIGHTS-OF-WAY; APPROVING A SERVICE PLAN FOR THE ANNEXED AREA; MAKING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE; AND PROVIDING FOR OPEN MEETINGS AND OTHER RELATED MATTERS.

WHEREAS, the City of Leander, Texas (the "City"), is a home rule municipality authorized by State law and the City's Charter to annex territory lying adjacent and contiguous to the City;

WHEREAS, the City Council, in compliance with *§43.021, Tex. Local Gov't Code*, instituted proceedings for the annexation of certain areas of land more particularly described herein (the "subject property");

WHEREAS, the subject property hereby annexed is adjacent and contiguous to the present City limits;

WHEREAS, the subject property is contiguous on at least two sides with the boundaries of the city limits or abut other jurisdictional boundaries, as more particularly shown in the exhibit attached hereto;

WHEREAS, in compliance with *§43.035, Tex. Local Gov't Code*, the City extended a written offer to enter a development agreement with applicable landowner(s);

WHEREAS, the City Council heard arguments with respect to such annexation and has decided to annex the area;

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

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

WHEREAS, notice of the public hearings was published in a newspaper of general circulation in the City and the territory proposed to be annexed not more than twenty (20) nor less than ten (10) days prior to the public hearings;

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

WHEREAS, the City, pursuant to *§43.021, Tex. Loc. Gov't. Code*, and the City Charter, is

authorized to annex the subject property; and

WHEREAS, after review and consideration of the subject property, the City Council finds that the subject property is exempt from the City's annexation plan pursuant to *§43.052 (h)(1)* of the *Tex. Loc. Gov't. Code*;

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

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

SECTION 2. That the following described property, including the abutting streets, roadways and rights-of-way, is hereby annexed into the corporate limits of the City of Leander:

> **Area F.** All those certain parcels or tracts of land containing 408.58 acres, more or less, located in Williamson County, Texas, generally located either side of CR 279 / Bagdad Rd, north of County Road 280, south of County Road 281, and being more particularly described and shown as Area F in Exhibit "A" attached hereto.

SECTION 3. In the event of conflict between the description of the subject property in this Ordinance and the map attached hereto as Exhibit "A", Exhibit "A" shall control.

SECTION 4. That the Service Plan submitted herewith is hereby approved as part of this Ordinance, made a part hereof and attached hereto as Exhibit "B".

SECTION 5. That the future owners and inhabitants of the subject property shall be entitled to all of the rights and privileges of the City as set forth in the Service Plan attached hereto as Exhibit "B", and are further bound by all acts, ordinances, and all other legal action now in full force and effect and all those which may be hereafter adopted.

SECTION 6. That the official map and boundaries of the City, heretofore adopted and amended, be and hereby are amended so as to include the subject property as part of the City of Leander.

SECTION 7. That the subject property shall be temporarily zoned District "SFR-1-B" as provided in the City Zoning Ordinance, as amended, until permanent zoning is established therefore.

SECTION 8. That if any provision of this Ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

SECTION 9. That this Ordinance shall take effect immediately from and after its passage

and publication in accordance with the provisions of the *Tex. Loc. Gov't. Code*.

SECTION 10. 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, *Chapter 551, Texas Government Code*.

PASSED AND APPROVED on First Reading this ____ day of _____, 2016.

FINALLY PASSED AND APPROVED on this ____ day of _____, 2016.

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

Exhibit “A”

Property Description: Area F - Map

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 will be provided municipal services on the same terms and conditions as other similarly situated properties currently within the City limits and capital improvements necessary to offer such municipal services on the same terms and conditions as other similarly situated properties within the City and in accordance with City policies, regulations, and ordinances; and

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

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

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

A. Police protection as follows:

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

B. Fire protection and Emergency Medical Services as follows:

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

C. Solid waste collection services as follows:

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

D. Animal control as follows:

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

E. Maintenance of parks and playgrounds within the City.

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

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

H. Land use regulation as follows:

On the effective date of annexation, the regulatory jurisdiction of the City shall be extended to include the annexed area, and all property therein shall be subject to the City's police power regulations as set forth in duly adopted ordinances; provided that the use of all property therein shall be grandfathered to the extent provided by state law. The subject property shall be temporarily zoned "SFR-1-B" with the intent to rezone the subject property upon request of the landowner or staff. The Planning & Zoning Commission and the City Council will consider rezoning the subject property at future times in response to requests submitted by the landowners or authorized city staff.

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

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

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

(ii) In accordance with the applicable rules and regulations for the provision of water service, water service will be provided to the subject property 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. 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. The continued use of a water

well that is in use on the effective date of the annexation and is in compliance with applicable rules and regulations shall be permitted and such use may continue until the subject property's owner requests and is able to connect to the City's water utility system.

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

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

(ii) In accordance with the applicable rules and regulations for the provision of wastewater service, wastewater service will be provided 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 wastewater service. The subject property's owner shall construct the internal wastewater lines and pay the costs of line extension and construction of facilities necessary to provide wastewater service to the subject property as required in City ordinances. Upon acceptance of the wastewater lines 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 and policies of the City in effect from time to time. The wastewater system will be accepted and maintained by the City in accordance with its usual policies. Requests for new wastewater line extensions will be installed and extended upon request under the same costs and terms as with other similarly situated customers of the City. The ordinances in effect at the time a request for service is submitted shall govern the costs and request for service. The continued use of a septic system that is in use on the effective date of the annexation and is in compliance with all applicable rules and regulations shall be permitted and such use may continue until the subject property owner requests and is able to connect to the City's wastewater utility system.

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

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

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

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

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

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

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

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

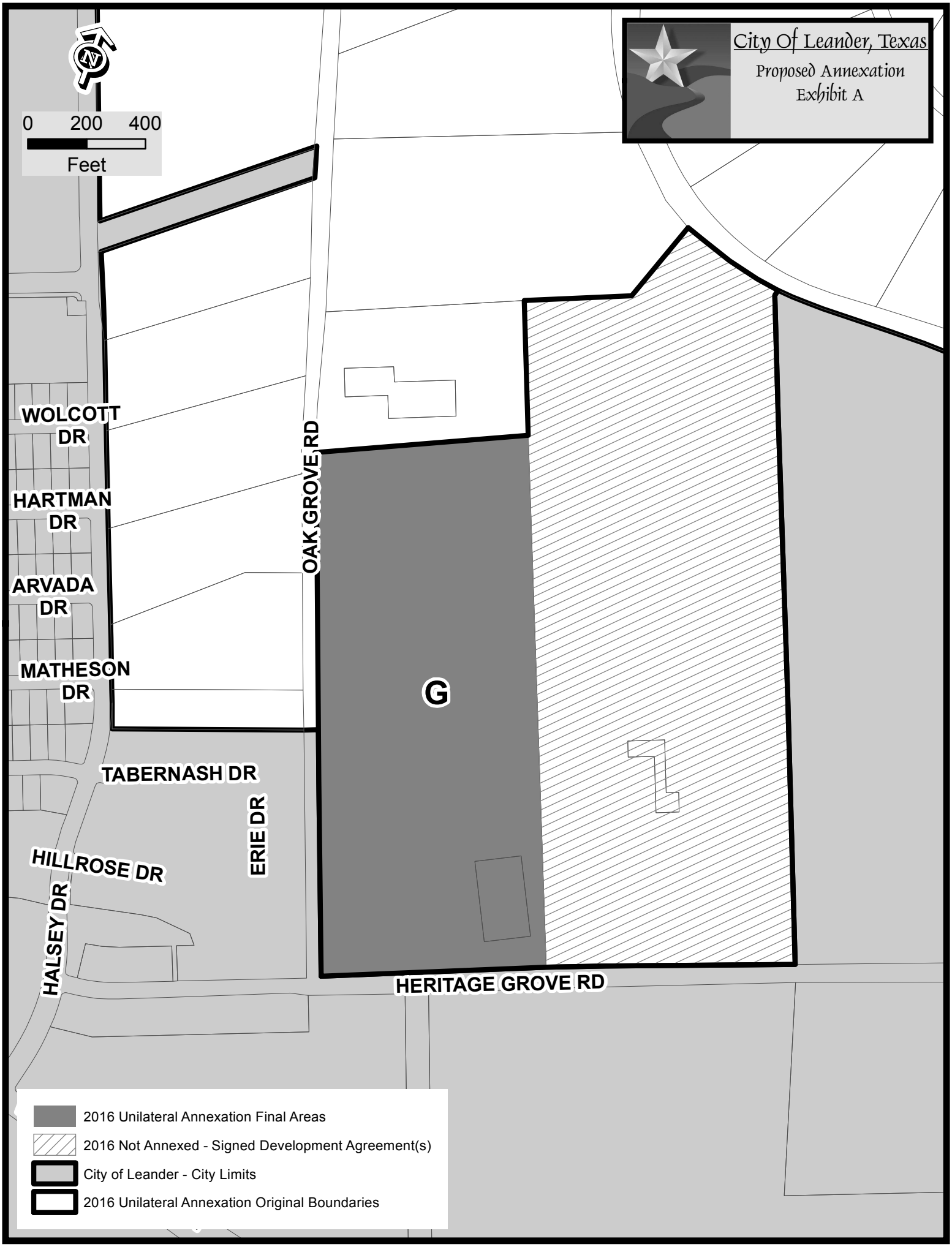
(D) Installation and maintenance of street lighting in accordance with established policies of the City;

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

(3) **Capital Improvements.** Construction of the following capital improvements shall be initiated after the effective date of the annexation: Water and wastewater facilities that are identified in the Capital Improvement Plan, as and when funded pursuant to such Plan. Upon development of the subject property or redevelopment, the landowners will be responsible for the development costs the same as a developer in a similarly situated area under the ordinances in effect at the time of development or redevelopment. No additional capital improvements are necessary at this time to service the subject property the same as similarly situated properties.

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

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


City Of Leander, Texas
Proposed Annexation
Exhibit A
0 200 400
Feet
WOLCOTT DR
HARTMAN DR
ARVADA DR
MATHESON DR
TABERNASH DR
ERIE DR
HILLROSE DR
HALSEY DR
OAK GROVE RD
HERITAGE GROVE RD
G
2016 Unilateral Annexation Final Areas
2016 Not Annexed - Signed Development Agreement(s)
City of Leander - City Limits
2016 Unilateral Annexation Original Boundaries

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LEANDER, TEXAS, ANNEXING 30.70 ACRES OF LAND, MORE OR LESS, LOCATED IN WILLIAMSON COUNTY, INCLUDING THE ABUTTING STREETS, ROADWAYS, AND RIGHTS-OF-WAY; APPROVING A SERVICE PLAN FOR THE ANNEXED AREA; MAKING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE; AND PROVIDING FOR OPEN MEETINGS AND OTHER RELATED MATTERS.

WHEREAS, the City of Leander, Texas (the "City"), is a home rule municipality authorized by State law and the City's Charter to annex territory lying adjacent and contiguous to the City;

WHEREAS, the City Council, in compliance with *§43.021, Tex. Local Gov't Code*, instituted proceedings for the annexation of certain areas of land more particularly described herein (the "subject property");

WHEREAS, the subject property hereby annexed is adjacent and contiguous to the present City limits;

WHEREAS, the subject property is contiguous on at least two sides with the boundaries of the city limits or abut other jurisdictional boundaries, as more particularly shown in the exhibit attached hereto;

WHEREAS, in compliance with *§43.035, Tex. Local Gov't Code*, the City extended a written offer to enter a development agreement with applicable landowner(s);

WHEREAS, the City Council heard arguments with respect to such annexation and has decided to annex the area;

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

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

WHEREAS, notice of the public hearings was published in a newspaper of general circulation in the City and the territory proposed to be annexed not more than twenty (20) nor less than ten (10) days prior to the public hearings;

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

WHEREAS, the City, pursuant to *§43.021, Tex. Loc. Gov't. Code*, and the City Charter, is

authorized to annex the subject property; and

WHEREAS, after review and consideration of the subject property, the City Council finds that the subject property is exempt from the City's annexation plan pursuant to *§43.052 (h)(1)* of the *Tex. Loc. Gov't. Code*;

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

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

SECTION 2. That the following described property, including the abutting streets, roadways and rights-of-way, is hereby annexed into the corporate limits of the City of Leander:

> **Area G.** All those certain parcels or tracts of land containing 30.70 acres, more or less, located in Williamson County, Texas, and generally located east of Oak Grove Rd, north of Heritage Grove Rd, and being more particularly described and shown as Area G in Exhibit "A" attached hereto.

SECTION 3. In the event of conflict between the description of the subject property in this Ordinance and the map attached hereto as Exhibit "A", Exhibit "A" shall control.

SECTION 4. That the Service Plan submitted herewith is hereby approved as part of this Ordinance, made a part hereof and attached hereto as Exhibit "B".

SECTION 5. That the future owners and inhabitants of the subject property shall be entitled to all of the rights and privileges of the City as set forth in the Service Plan attached hereto as Exhibit "B", and are further bound by all acts, ordinances, and all other legal action now in full force and effect and all those which may be hereafter adopted.

SECTION 6. That the official map and boundaries of the City, heretofore adopted and amended, be and hereby are amended so as to include the subject property as part of the City of Leander.

SECTION 7. That the subject property shall be temporarily zoned District "SFR-1-B" as provided in the City Zoning Ordinance, as amended, until permanent zoning is established therefore.

SECTION 8. That if any provision of this Ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

SECTION 9. That this Ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the *Tex. Loc. Gov't. Code*.

<u>SECTION 10.</u> 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, *Chapter 551, Texas Government Code*.

PASSED AND APPROVED on First Reading this ____ day of _____, 2016.

FINALLY PASSED AND APPROVED on this ____ day of _____, 2016.

ATTEST: **THE CITY OF LEANDER, TEXAS**

_____ _____

Debbie Haile, City Secretary Christopher Fielder, Mayor

Exhibit “A”

Property Description: Area G - Map

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 will be provided municipal services on the same terms and conditions as other similarly situated properties currently within the City limits and capital improvements necessary to offer such municipal services on the same terms and conditions as other similarly situated properties within the City and in accordance with City policies, regulations, and ordinances; and

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

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

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

A. Police protection as follows:

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

B. Fire protection and Emergency Medical Services as follows:

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

C. Solid waste collection services as follows:

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

D. Animal control as follows:

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

E. Maintenance of parks and playgrounds within the City.

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

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

H. Land use regulation as follows:

On the effective date of annexation, the regulatory jurisdiction of the City shall be extended to include the annexed area, and all property therein shall be subject to the City's police power regulations as set forth in duly adopted ordinances; provided that the use of all property therein shall be grandfathered to the extent provided by state law. The subject property shall be temporarily zoned "SFR-1-B" with the intent to rezone the subject property upon request of the landowner or staff. The Planning & Zoning Commission and the City Council will consider rezoning the subject property at future times in response to requests submitted by the landowners or authorized city staff.

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

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

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

(ii) In accordance with the applicable rules and regulations for the provision of water service, water service will be provided to the subject property 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. 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. The continued use of a water

well that is in use on the effective date of the annexation and is in compliance with applicable rules and regulations shall be permitted and such use may continue until the subject property's owner requests and is able to connect to the City's water utility system.

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

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

(ii) In accordance with the applicable rules and regulations for the provision of wastewater service, wastewater service will be provided 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 wastewater service. The subject property's owner shall construct the internal wastewater lines and pay the costs of line extension and construction of facilities necessary to provide wastewater service to the subject property as required in City ordinances. Upon acceptance of the wastewater lines 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 and policies of the City in effect from time to time. The wastewater system will be accepted and maintained by the City in accordance with its usual policies. Requests for new wastewater line extensions will be installed and extended upon request under the same costs and terms as with other similarly situated customers of the City. The ordinances in effect at the time a request for service is submitted shall govern the costs and request for service. The continued use of a septic system that is in use on the effective date of the annexation and is in compliance with all applicable rules and regulations shall be permitted and such use may continue until the subject property owner requests and is able to connect to the City's wastewater utility system.

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

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

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

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

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

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

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

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

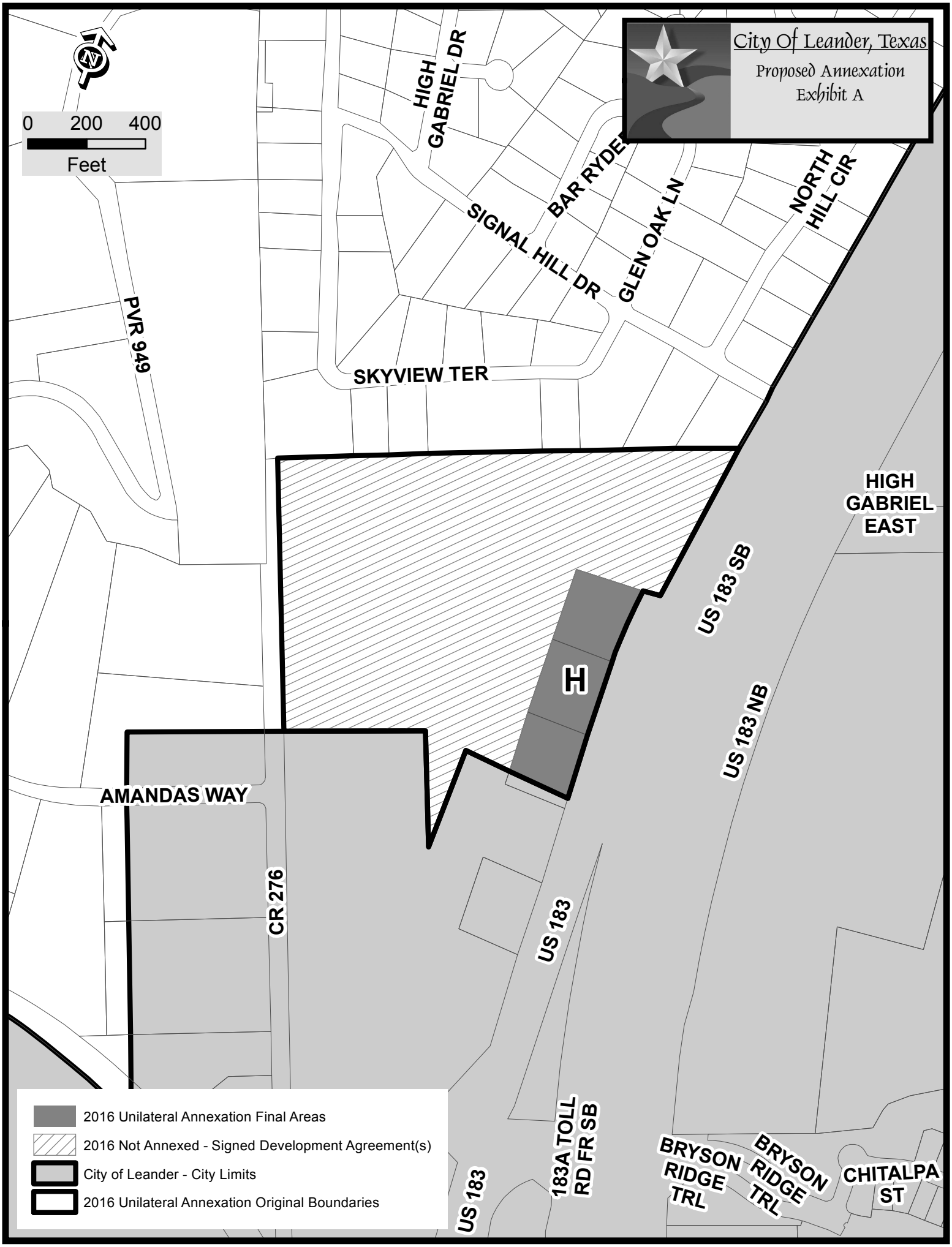
(D) Installation and maintenance of street lighting in accordance with established policies of the City;

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

(3) **Capital Improvements.** Construction of the following capital improvements shall be initiated after the effective date of the annexation: Water and wastewater facilities that are identified in the Capital Improvement Plan, as and when funded pursuant to such Plan. Upon development of the subject property or redevelopment, the landowners will be responsible for the development costs the same as a developer in a similarly situated area under the ordinances in effect at the time of development or redevelopment. No additional capital improvements are necessary at this time to service the subject property the same as similarly situated properties.

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

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


City Of Leander, Texas
Proposed Annexation
Exhibit A
0 200 400
Feet
HIGH GABRIEL DR
BAR RYDER
GLEN OAK LN
NORTH HILL CIR
SIGNAL HILL DR
PVR 949
SKYVIEW TER
HIGH GABRIEL EAST
US 183 SB
US 183 NB
H
AMANDAS WAY
CR 276
US 183
183A TOLL RD FR SB
BRYSON RIDGE TRL
BRYSON RIDGE TRL
CHITALPA ST
US 183
2016 Unilateral Annexation Final Areas
2016 Not Annexed - Signed Development Agreement(s)
City of Leander - City Limits
2016 Unilateral Annexation Original Boundaries

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LEANDER, TEXAS, ANNEXING 3.72 ACRES OF LAND, MORE OR LESS, LOCATED IN WILLIAMSON COUNTY, INCLUDING THE ABUTTING STREETS, ROADWAYS, AND RIGHTS-OF-WAY; APPROVING A SERVICE PLAN FOR THE ANNEXED AREA; MAKING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE; AND PROVIDING FOR OPEN MEETINGS AND OTHER RELATED MATTERS.

WHEREAS, the City of Leander, Texas (the "City"), is a home rule municipality authorized by State law and the City's Charter to annex territory lying adjacent and contiguous to the City;

WHEREAS, the City Council, in compliance with *§43.021, Tex. Local Gov't Code*, instituted proceedings for the annexation of certain property more particularly described herein (the "subject property");

WHEREAS, the subject property hereby annexed is adjacent and contiguous to the present City limits;

WHEREAS, the subject property is contiguous on at least two sides with the boundaries of the city limits or abut other jurisdictional boundaries, as more particularly shown in the exhibit attached hereto;

WHEREAS, in compliance with *§43.035, Tex. Local Gov't Code*, the City extended a written offer to enter a development agreement with applicable landowner(s);

WHEREAS, the City Council heard arguments with respect to such annexation and has decided to annex the area;

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

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

WHEREAS, notice of the public hearings was published in a newspaper of general circulation in the City and the territory proposed to be annexed not more than twenty (20) nor less than ten (10) days prior to the public hearings;

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

WHEREAS, the City, pursuant to *§43.021, Tex. Loc. Gov't. Code*, and the City Charter, is

authorized to annex the subject property; and

WHEREAS, after review and consideration of the subject property, the City Council finds that the subject property is exempt from the City's annexation plan pursuant to *§43.052 (h)(1)* of the *Tex. Loc. Gov't. Code*;

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

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

SECTION 2. That the following described property, including the abutting streets, roadways and rights-of-way, is hereby annexed into the corporate limits of the City of Leander:

> **Area H.** All that certain parcel or tract of land containing 3.72 acres, more or less, located in Williamson County, Texas, and generally located west of US 183, east of County Road 276, south of the High Gabriel West subdivision, and being more particularly described and shown as Area H in Exhibit "A" attached hereto.

SECTION 3. In the event of conflict between the description of the subject property in this Ordinance and the map attached hereto as Exhibit "A", Exhibit "A" shall control.

SECTION 4. That the Service Plan submitted herewith is hereby approved as part of this Ordinance, made a part hereof and attached hereto as Exhibit "B".

SECTION 5. That the future owners and inhabitants of the subject property shall be entitled to all of the rights and privileges of the City as set forth in the Service Plan attached hereto as Exhibit "B", and are further bound by all acts, ordinances, and all other legal action now in full force and effect and all those which may be hereafter adopted.

SECTION 6. That the official map and boundaries of the City, heretofore adopted and amended, be and hereby are amended so as to include the subject property as part of the City of Leander.

SECTION 7. That the subject property shall be temporarily zoned District "SFR-1-B" as provided in the City Zoning Ordinance, as amended, until permanent zoning is established therefore.

SECTION 8. That if any provision of this Ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

SECTION 9. That this Ordinance shall take effect immediately from and after its passage

and publication in accordance with the provisions of the *Tex. Loc. Gov't. Code*.

SECTION 10. 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, *Chapter 551, Texas Government Code*.

PASSED AND APPROVED on First Reading this ____ day of _____, 2016.

FINALLY PASSED AND APPROVED on this ____ day of _____, 2016.

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

Exhibit “A”

Property Description: Area H - Map

EXHIBIT "B"

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

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

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

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

WHEREAS, the subject property will be provided municipal services on the same terms and conditions as other similarly situated properties currently within the City limits and capital improvements necessary to offer such municipal services on the same terms and conditions as other similarly situated properties within the City and in accordance with City policies, regulations, and ordinances; and

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

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

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

A. Police protection as follows:

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

B. Fire protection and Emergency Medical Services as follows:

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

C. Solid waste collection services as follows:

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

D. Animal control as follows:

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

E. Maintenance of parks and playgrounds within the City.

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

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

H. Land use regulation as follows:

On the effective date of annexation, the regulatory jurisdiction of the City shall be extended to include the annexed area, and all property therein shall be subject to the City's police power regulations as set forth in duly adopted ordinances; provided that the use of all property therein shall be grandfathered to the extent provided by state law. The subject property shall be temporarily zoned "SFR-1-B" with the intent to rezone the subject property upon request of the landowner or staff. The Planning & Zoning Commission and the City Council will consider rezoning the subject property at future times in response to requests submitted by the landowners or authorized city staff.

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

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

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

(ii) In accordance with the applicable rules and regulations for the provision of water service, water service will be provided to the subject property 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. 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. The continued use of a water

well that is in use on the effective date of the annexation and is in compliance with applicable rules and regulations shall be permitted and such use may continue until the subject property's owner requests and is able to connect to the City's water utility system.

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

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

(ii) In accordance with the applicable rules and regulations for the provision of wastewater service, wastewater service will be provided 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 wastewater service. The subject property's owner shall construct the internal wastewater lines and pay the costs of line extension and construction of facilities necessary to provide wastewater service to the subject property as required in City ordinances. Upon acceptance of the wastewater lines 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 and policies of the City in effect from time to time. The wastewater system will be accepted and maintained by the City in accordance with its usual policies. Requests for new wastewater line extensions will be installed and extended upon request under the same costs and terms as with other similarly situated customers of the City. The ordinances in effect at the time a request for service is submitted shall govern the costs and request for service. The continued use of a septic system that is in use on the effective date of the annexation and is in compliance with all applicable rules and regulations shall be permitted and such use may continue until the subject property owner requests and is able to connect to the City's wastewater utility system.

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

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

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

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

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

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

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

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

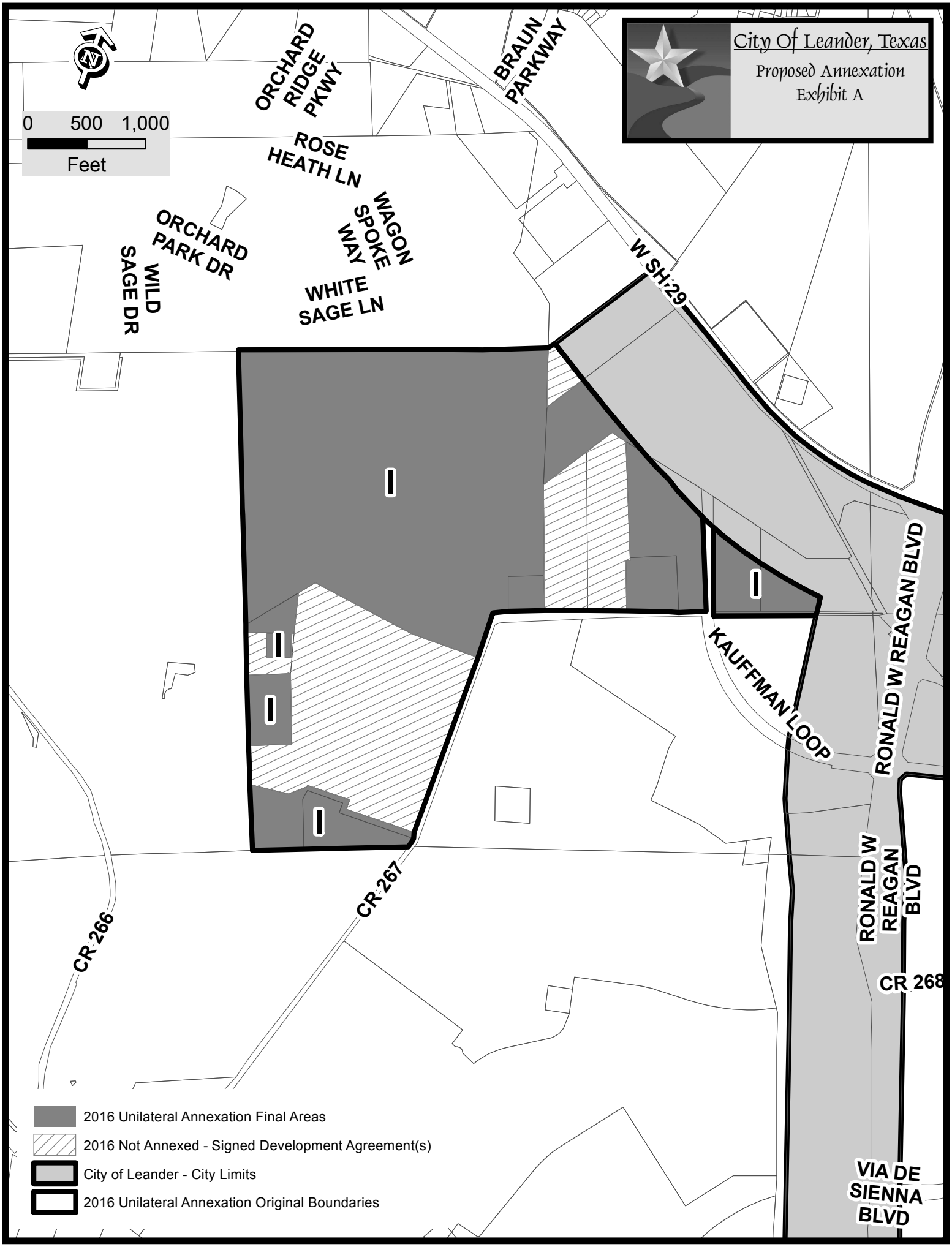
(D) Installation and maintenance of street lighting in accordance with established policies of the City;

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

(3) **Capital Improvements.** Construction of the following capital improvements shall be initiated after the effective date of the annexation: Water and wastewater facilities that are identified in the Capital Improvement Plan, as and when funded pursuant to such Plan. Upon development of the subject property or redevelopment, the landowners will be responsible for the development costs the same as a developer in a similarly situated area under the ordinances in effect at the time of development or redevelopment. No additional capital improvements are necessary at this time to service the subject property the same as similarly situated properties.

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

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


City Of Leander, Texas
Proposed Annexation
Exhibit A
0 500 1,000
Feet
ORCHARD RIDGE PKWY
BRAUN PARKWAY
ROSE HEATH LN
WAGON SPOKE WAY
ORCHARD PARK DR
WILD SAGE DR
WHITE SAGE LN
W SH 29
KAUFFMAN LOOP
RONALD W REAGAN BLVD
CR 267
CR 266
CR 268
VIA DE SIENNA BLVD
2016 Unilateral Annexation Final Areas
2016 Not Annexed - Signed Development Agreement(s)
City of Leander - City Limits
2016 Unilateral Annexation Original Boundaries

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LEANDER, TEXAS, ANNEXING 188.43 ACRES OF LAND, MORE OR LESS, LOCATED IN WILLIAMSON COUNTY, INCLUDING THE ABUTTING STREETS, ROADWAYS, AND RIGHTS-OF-WAY; APPROVING A SERVICE PLAN FOR THE ANNEXED AREA; MAKING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE; AND PROVIDING FOR OPEN MEETINGS AND OTHER RELATED MATTERS.

WHEREAS, the City of Leander, Texas (the "City"), is a home rule municipality authorized by State law and the City's Charter to annex territory lying adjacent and contiguous to the City;

WHEREAS, the City Council, in compliance with *§43.021, Tex. Local Gov't Code*, instituted proceedings for the annexation of certain areas of land more particularly described herein (the "subject property");

WHEREAS, the subject property hereby annexed is adjacent and contiguous to the present City limits;

WHEREAS, the subject property is contiguous on at least two sides with the boundaries of the city limits or abut other jurisdictional boundaries, as more particularly shown in the exhibit attached hereto;

WHEREAS, in compliance with *§43.035, Tex. Local Gov't Code*, the City extended a written offer to enter a development agreement with applicable landowner(s);

WHEREAS, the City Council heard arguments with respect to such annexation and has decided to annex the area;

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

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

WHEREAS, notice of the public hearings was published in a newspaper of general circulation in the City and the territory proposed to be annexed not more than twenty (20) nor less than ten (10) days prior to the public hearings;

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

WHEREAS, the City, pursuant to *§43.021, Tex. Loc. Gov't. Code*, and the City Charter, is

authorized to annex the subject property; and

WHEREAS, after review and consideration of the subject property, the City Council finds that the subject property is exempt from the City's annexation plan pursuant to *§43.052 (h)(1)* of the *Tex. Loc. Gov't. Code*;

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

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

SECTION 2. That the following described property, including the abutting streets, roadways and rights-of-way, is hereby annexed into the corporate limits of the City of Leander:

> **Area I.** All those certain parcels or tracts of land containing 188.43 acres, more or less, located in Williamson County, Texas, and generally located south of W State Highway 29, west of Ronald W Reagan Blvd, either side of Kaufmann Loop, north and west of County Road 267, and being more particularly described and shown as Area I in Exhibit "A" attached hereto.

SECTION 3. In the event of conflict between the description of the subject property in this Ordinance and the map attached hereto as Exhibit "A", Exhibit "A" shall control.

SECTION 4. That the Service Plan submitted herewith is hereby approved as part of this Ordinance, made a part hereof and attached hereto as Exhibit "B".

SECTION 5. That the future owners and inhabitants of the subject property shall be entitled to all of the rights and privileges of the City as set forth in the Service Plan attached hereto as Exhibit "B", and are further bound by all acts, ordinances, and all other legal action now in full force and effect and all those which may be hereafter adopted.

SECTION 6. That the official map and boundaries of the City, heretofore adopted and amended, be and hereby are amended so as to include the subject property as part of the City of Leander.

SECTION 7. That the subject property shall be temporarily zoned District "SFR-1-B" as provided in the City Zoning Ordinance, as amended, until permanent zoning is established therefore.

SECTION 8. That if any provision of this Ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

SECTION 9. That this Ordinance shall take effect immediately from and after its passage

and publication in accordance with the provisions of the *Tex. Loc. Gov't. Code*.

SECTION 10. 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, *Chapter 551, Texas Government Code*.

PASSED AND APPROVED on First Reading this ____ day of _____, 2016.

FINALLY PASSED AND APPROVED on this ____ day of _____, 2016.

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

Exhibit “A”

Property Description: Area I - Map

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 properties");

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

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

WHEREAS, the subject properties will be provided municipal services on the same terms and conditions as other similarly situated properties currently within the City limits and capital improvements necessary to offer such municipal services on the same terms and conditions as other similarly situated properties within the City and in accordance with City policies, regulations, and ordinances; 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 properties into the City.

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

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

A. Police protection as follows:

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

B. Fire protection and Emergency Medical Services as follows:

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

C. Solid waste collection services as follows:

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

D. Animal control as follows:

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

E. Maintenance of parks and playgrounds within the City.

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

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

H. Land use regulation as follows:

On the effective date of annexation, the regulatory jurisdiction of the City shall be extended to include the annexed area, and all property therein shall be subject to the City's police power regulations as set forth in duly adopted ordinances; provided that the use of all property therein shall be grandfathered to the extent provided by state law. The subject properties shall be temporarily zoned "SFR-1-B" with the intent to rezone the subject properties upon request of the landowner or staff. The Planning & Zoning Commission and the City Council will consider rezoning the subject properties at future times in response to requests submitted by the landowners or authorized city staff.

(2) **Scheduled Municipal Services.** Due to the size and vacancy of the subject properties, the plans and schedule for the development of the subject properties, 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, except as otherwise provided in subsection 2(A)(iii), water service will be provided to the subject properties 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 properties owner shall construct the internal water lines and pay the costs of line extension and construction of such facilities necessary to provide water service to the subject properties as required in City ordinances. Upon acceptance of the water lines within the subject properties and any off-site improvements, water service will be provided by the City utility department on the same terms, conditions and requirements as are applied to all similarly situated areas and customers of the City; subject to all the ordinances, regulations and policies of the City in effect from time to time. The system will be accepted and maintained by the City in accordance with its usual acceptance and maintenance policies. New water line extensions will be installed and extended upon request under the same costs and terms as with other similarly situated customers of the City. The ordinances of the City

in effect at the time a request for service is submitted shall govern the costs and request for service. The continued use of a water well that is in use on the effective date of the annexation and is in compliance with applicable rules and regulations shall be permitted and such use may continue until the subject properties' owner requests and is able to connect to the City's water utility system.

(iii) The subject properties are subject to that certain Settlement Agreement In the Matter of the Application from the City of Georgetown, Certificate of Convenience and Necessity (CCN) No. 12369, To Acquire Facilities and Transfer and Cancel CCN No. 11590 Held by Chisholm Trail Special Utility District in Bell, Burnet, and Williamson Counties, Texas between the City of Georgetown ("Georgetown"), the City of Leander, and Chisholm Trail Special Utility District ("CTSUD") dated August 8, 2014, as amended from time to time (the "Settlement Agreement"). Water service will be provided by the City to the subject properties in accordance with subsection 2(A)(ii) unless Georgetown, CTSUD and the City agree otherwise pursuant to the Settlement Agreement, and in such event, water service will be provided by Georgetown in accordance with its applicable ordinances and policies. The owner of the subject property agrees to opt out of Georgetown's CCN upon written request by the City.

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

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

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

(iii) Wastewater service is provided to the subject properties pursuant to a Wholesale Wastewater Service Agreement between the City of Liberty Hill and the City of Leander dated June 5, 2015, as amended from time to time (the "Wholesale Wastewater

Agreement"). The landowners, on behalf of themselves and the landowners' respective grantees, successors, assigns and subsequent purchasers of the subject properties, agree to pay three hundred fifty dollars ($350.00) per living unit equivalent (the "System Reservation Fee"), as that term is defined in the Wholesale Wastewater Agreement, for the purpose of reserving capacity in the South San Gabriel Plant, as that term is defined in the Wholesale Wastewater Agreement, at the time that the landowner submits a preliminary plat for the subject properties, or any portion thereof, and acknowledges and agrees that payment of the System Reservation Fee shall be a condition of preliminary plat approval. Further, the landowners, on behalf of themselves and the landowners' respective grantees, successors, assigns, and subsequent purchasers of the subject properties, agree that each lot, tract, parcel or building site within the subject properties that will be provided with wastewater service by the City shall pay the Connection Fee set forth in the Wholesale Wastewater Agreement. The Connection Fee shall be payable with respect to a lot, tract, parcel, or building site at the time the building permit for each building or structure is applied for, or if no building permit is required, then upon the date application is made to the City for connection to the City's wastewater system. The System Reservation Fee and the Connection Fee shall be in addition to any other fees, rates, and charges charged by the City for wastewater service to similarly situated customers and under the Wholesale Wastewater Agreement. When evaluating the application of City policies, rules, and ordinances to similarly situated areas and customers of the City, land and customers located within the area served by the City pursuant to the Wholesale Wastewater Agreement are similarly situated areas and customers of the City, subject to individual development agreements that may be applicable to such land.

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

(i) Provide maintenance services on existing public streets within the subject properties 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 properties, 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 properties, 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

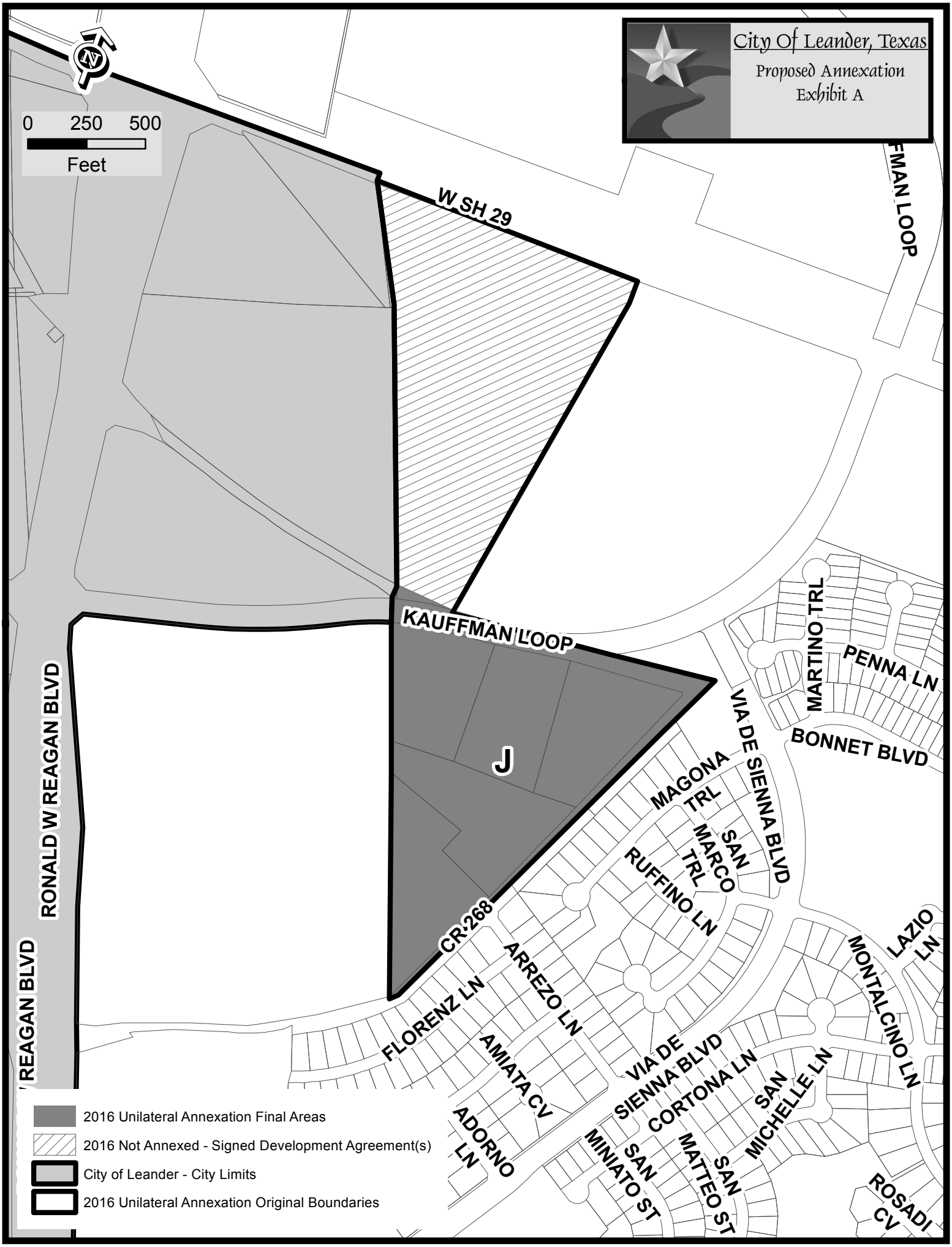
(D) Installation and maintenance of street lighting in accordance with established policies of the City;

(iii) The outer boundaries of the subject properties 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: Water and wastewater facilities that are identified in the Capital Improvement Plan, as and when funded pursuant to such Plan. Upon development of the subject properties or redevelopment, the landowners will be responsible for the development costs the same as a developer in a similarly situated area under the ordinances in effect at the time of development or redevelopment. No additional capital improvements are necessary at this time to service the subject properties the same as similarly situated properties.

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

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


City Of Leander, Texas
Proposed Annexation
Exhibit A
0 250 500
Feet
W SH 29
FMAN LOOP
KAUFFMAN LOOP
J
RONALD W REAGAN BLVD
REAGAN BLVD
MARTINO TRL
PENNA LN
BONNET BLVD
VIA DE SIENNA BLVD
MAGONA TRL
SAN MARCO TRL
RUFFINO LN
CR 268
ARREZO LN
FLORENZ LN
AMIATA CV
ADORNO LN
VIA DE SIENNA BLVD
CORTONA LN
SAN MINIATO ST
SAN MATTEO ST
SAN MICHELLE LN
MONTALCINO LN
LAZIO LN
ROSADI CV
2016 Unilateral Annexation Final Areas
2016 Not Annexed - Signed Development Agreement(s)
City of Leander - City Limits
2016 Unilateral Annexation Original Boundaries

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LEANDER, TEXAS, ANNEXING 27.37 ACRES OF LAND, MORE OR LESS, LOCATED IN WILLIAMSON COUNTY, INCLUDING THE ABUTTING STREETS, ROADWAYS, AND RIGHTS-OF-WAY; APPROVING A SERVICE PLAN FOR THE ANNEXED AREA; MAKING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE; AND PROVIDING FOR OPEN MEETINGS AND OTHER RELATED MATTERS.

WHEREAS, the City of Leander, Texas (the "City"), is a home rule municipality authorized by State law and the City's Charter to annex territory lying adjacent and contiguous to the City;

WHEREAS, the City Council, in compliance with *§43.021, Tex. Local Gov't Code*, instituted proceedings for the annexation of certain property more particularly described herein (the "subject property");

WHEREAS, the subject property hereby annexed is adjacent and contiguous to the present City limits;

WHEREAS, the subject property is contiguous on at least two sides with the boundaries of the city limits or abut other jurisdictional boundaries, as more particularly shown in the exhibit attached hereto;

WHEREAS, in compliance with *§43.035, Tex. Local Gov't Code*, the City extended a written offer to enter a development agreement with applicable landowner(s);

WHEREAS, the City Council heard arguments with respect to such annexation and has decided to annex the area;

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

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

WHEREAS, notice of the public hearings was published in a newspaper of general circulation in the City and the territory proposed to be annexed not more than twenty (20) nor less than ten (10) days prior to the public hearings;

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

WHEREAS, the City, pursuant to *§43.021, Tex. Loc. Gov't. Code*, and the City Charter, is

authorized to annex the subject property; and

WHEREAS, after review and consideration of the subject property, the City Council finds that the subject property is exempt from the City's annexation plan pursuant to *§43.052 (h)(1)* of the *Tex. Loc. Gov't. Code*;

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

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

SECTION 2. That the following described property, including the abutting streets, roadways and rights-of-way, is hereby annexed into the corporate limits of the City of Leander:

> **Area J.** All that certain parcel or tract of land containing 27.37 acres, more or less, located in Williamson County, Texas, and generally located south of W State Highway 29, east of Ronald W Reagan Blvd, north of County Road 268, and being more particularly described and shown as Area J in Exhibit "A" attached hereto.

SECTION 3. In the event of conflict between the description of the subject property in this Ordinance and the map attached hereto as Exhibit "A", Exhibit "A" shall control.

SECTION 4. That the Service Plan submitted herewith is hereby approved as part of this Ordinance, made a part hereof and attached hereto as Exhibit "B".

SECTION 5. That the future owners and inhabitants of the subject property shall be entitled to all of the rights and privileges of the City as set forth in the Service Plan attached hereto as Exhibit "B", and are further bound by all acts, ordinances, and all other legal action now in full force and effect and all those which may be hereafter adopted.

SECTION 6. That the official map and boundaries of the City, heretofore adopted and amended, be and hereby are amended so as to include the subject property as part of the City of Leander.

SECTION 7. That the subject property shall be temporarily zoned District "SFR-1-B" as provided in the City Zoning Ordinance, as amended, until permanent zoning is established therefore.

SECTION 8. That if any provision of this Ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

SECTION 9. That this Ordinance shall take effect immediately from and after its passage

and publication in accordance with the provisions of the *Tex. Loc. Gov't. Code*.

SECTION 10. 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, *Chapter 551, Texas Government Code*.

PASSED AND APPROVED on First Reading this ____ day of _____, 2016.

FINALLY PASSED AND APPROVED on this ____ day of _____, 2016.

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

Exhibit “A”

Property Description: Area J - Map

EXHIBIT "B"

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

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

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

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

WHEREAS, the subject property will be provided municipal services on the same terms and conditions as other similarly situated properties currently within the City limits and capital improvements necessary to offer such municipal services on the same terms and conditions as other similarly situated properties within the City and in accordance with City policies, regulations, and ordinances; and

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

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

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

A. Police protection as follows:

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

B. Fire protection and Emergency Medical Services as follows:

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

C. Solid waste collection services as follows:

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

D. Animal control as follows:

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

E. Maintenance of parks and playgrounds within the City.

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

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

H. Land use regulation as follows:

On the effective date of annexation, the regulatory jurisdiction of the City shall be extended to include the annexed area, and all property therein shall be subject to the City's police power regulations as set forth in duly adopted ordinances; provided that the use of all property therein shall be grandfathered to the extent provided by state law. The subject property shall be temporarily zoned "SFR-1-B" with the intent to rezone the subject property upon request of the landowner or staff. The Planning & Zoning Commission and the City Council will consider rezoning the subject property at future times in response to requests submitted by the landowners or authorized city staff.

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

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

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

(ii) In accordance with the applicable rules and regulations for the provision of water service, except as otherwise provided in subsection 2(A)(iii), water service will be provided to the subject property 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. 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. The continued use of a water well that is in use on the effective date of the annexation and is in compliance with applicable rules and regulations shall be permitted and such use may continue until the subject property's owner requests and is able to connect to the City's water utility system.

(iii) The subject property is subject to that certain Settlement Agreement In the Matter of the Application from the City of Georgetown, Certificate of Convenience and Necessity (CCN) No. 12369, To Acquire Facilities and Transfer and Cancel CCN No. 11590 Held by Chisholm Trail Special Utility District in Bell, Burnet, and Williamson Counties, Texas between the City of Georgetown ("Georgetown"), the City of Leander, and Chisholm Trail Special Utility District ("CTSUD") dated August 8, 2014, as amended from time to time (the "Settlement Agreement"). Water service will be provided by the City to the subject property in accordance with subsection 2(A)(ii) unless Georgetown, CTSUD and the City agree otherwise pursuant to the Settlement Agreement, and in such event, water service will be provided by Georgetown in accordance with its applicable ordinances and policies. The owner of the subject property agrees to opt out of Georgetown's CCN upon written request by the City.

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

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

(ii) In accordance with the applicable rules and regulations for the provision of wastewater service, wastewater service will be provided 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 wastewater service. The subject property's owner shall construct the internal wastewater lines and pay the costs of line extension and construction of facilities necessary to provide wastewater service to the subject property as required in City ordinances. Upon acceptance of the wastewater lines 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 and policies of the City in effect from time to time. The wastewater system will be accepted and maintained by the City in accordance with its usual policies. Requests for new wastewater line extensions will be installed and extended upon request under the same costs and terms as with other similarly situated customers of the City. The ordinances in effect at the time a request for service is submitted shall govern the costs and request for service. The continued use of a septic system that is in use on the effective date of the annexation and is in compliance with all applicable rules and regulations shall be permitted and such use may continue until the subject property owner requests and is able to connect to the City's wastewater utility system.

(iii) Wastewater service is provided to the subject property pursuant to a Wholesale Wastewater Service Agreement between the City of Liberty Hill and the City of Leander dated June 5, 2015, as amended from time to time (the "Wholesale Wastewater Agreement"). The landowners, on behalf of themselves and the landowners' respective

grantees, successors, assigns and subsequent purchasers of the subject property, agree to pay three hundred fifty dollars ($350.00) per living unit equivalent (the "System Reservation Fee"), as that term is defined in the Wholesale Wastewater Agreement, for the purpose of reserving capacity in the South San Gabriel Plant, as that term is defined in the Wholesale Wastewater Agreement, at the time that the landowner submits a preliminary plat for the subject property, or any portion thereof, and acknowledges and agrees that payment of the System Reservation Fee shall be a condition of preliminary plat approval. Further, the landowners, on behalf of themselves and the landowners' respective grantees, successors, assigns, and subsequent purchasers of the subject property, agree that each lot, tract, parcel or building site within the subject property that will be provided with wastewater service by the City shall pay the Connection Fee set forth in the Wholesale Wastewater Agreement. The Connection Fee shall be payable with respect to a lot, tract, parcel, or building site at the time the building permit for each building or structure is applied for, or if no building permit is required, then upon the date application is made to the City for connection to the City's wastewater system. The System Reservation Fee and the Connection Fee shall be in addition to any other fees, rates, and charges charged by the City for wastewater service to similarly situated customers and under the Wholesale Wastewater Agreement. When evaluating the application of City policies, rules, and ordinances to similarly situated areas and customers of the City, land and customers located within the area served by the City pursuant to the Wholesale Wastewater Agreement are similarly situated areas and customers of the City, subject to individual development agreements that may be applicable to such land.

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

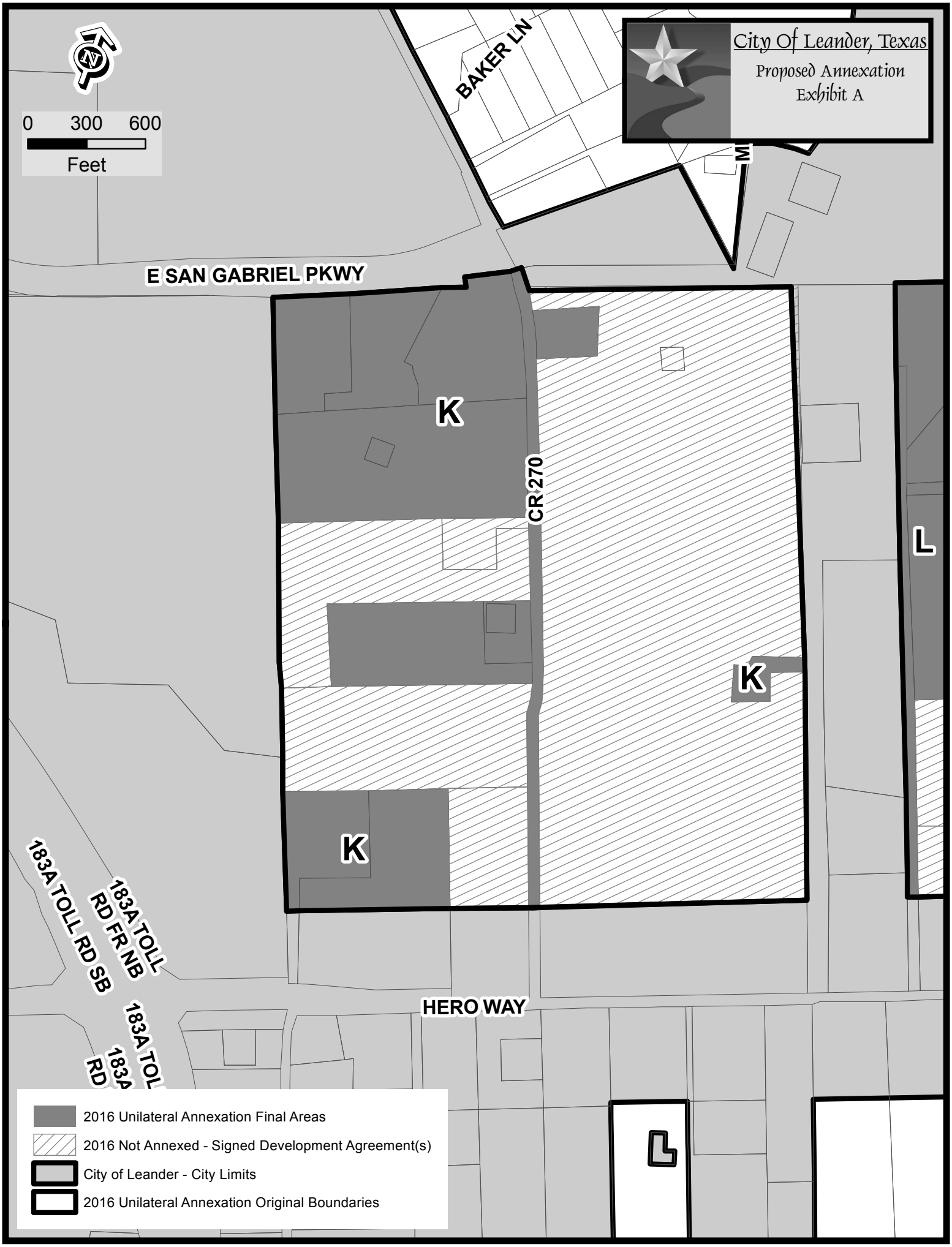
(D) Installation and maintenance of street lighting in accordance with established policies of the City;

(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: Water and wastewater facilities that are identified in the Capital Improvement Plan, as and when funded pursuant to such Plan. Upon development of the subject property or redevelopment, the landowners will be responsible for the development costs the same as a developer in a similarly situated area under the ordinances in effect at the time of development or redevelopment. No additional capital improvements are necessary at this time to service the subject property the same as similarly situated properties.

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

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


City Of Leander, Texas
Proposed Annexation
Exhibit A
0 300 600
Feet
BAKER LN
E SAN GABRIEL PKWY
CR 270
K
K
K
L
L
183A TOLL RD SB
183A TOLL RD FR NB
HERO WAY
2016 Unilateral Annexation Final Areas
2016 Not Annexed - Signed Development Agreement(s)
City of Leander - City Limits
2016 Unilateral Annexation Original Boundaries

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LEANDER, TEXAS, ANNEXING 63.87 ACRES OF LAND, MORE OR LESS, LOCATED IN WILLIAMSON COUNTY, INCLUDING THE ABUTTING STREETS, ROADWAYS, AND RIGHTS-OF-WAY; APPROVING A SERVICE PLAN FOR THE ANNEXED AREA; MAKING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE; AND PROVIDING FOR OPEN MEETINGS AND OTHER RELATED MATTERS.

WHEREAS, the City of Leander, Texas (the "City"), is a home rule municipality authorized by State law and the City's Charter to annex territory lying adjacent and contiguous to the City;

WHEREAS, the City Council, in compliance with *§43.021, Tex. Local Gov't Code*, instituted proceedings for the annexation of certain property more particularly described herein (the "subject property");

WHEREAS, the subject property hereby annexed is adjacent and contiguous to the present City limits;

WHEREAS, the subject property is contiguous on at least two sides with the boundaries of the city limits or abut other jurisdictional boundaries, as more particularly shown in the exhibit attached hereto;

WHEREAS, in compliance with *§43.035, Tex. Local Gov't Code*, the City extended a written offer to enter a development agreement with applicable landowner(s);

WHEREAS, the City Council heard arguments with respect to such annexation and has decided to annex the area;

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

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

WHEREAS, notice of the public hearings was published in a newspaper of general circulation in the City and the territory proposed to be annexed not more than twenty (20) nor less than ten (10) days prior to the public hearings;

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

WHEREAS, the City, pursuant to *§43.021, Tex. Loc. Gov't. Code*, and the City Charter, is

authorized to annex the subject property; and

WHEREAS, after review and consideration of the subject property, the City Council finds that the subject property is exempt from the City's annexation plan pursuant to *§43.052 (h)(1)* of the *Tex. Loc. Gov't. Code*;

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

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

SECTION 2. That the following described property, including the abutting streets, roadways and rights-of-way, is hereby annexed into the corporate limits of the City of Leander:

> **Area K.** All that certain parcel or tract of land containing 63.87 acres, more or less, located in Williamson County, Texas, and generally located either side of County Road 270, south of E San Gabriel Pkwy, north of Hero Way, and being more particularly described and shown as Area K in Exhibit "A" attached hereto.

SECTION 3. In the event of conflict between the description of the subject property in this Ordinance and the map attached hereto as Exhibit "A", Exhibit "A" shall control.

SECTION 4. That the Service Plan submitted herewith is hereby approved as part of this Ordinance, made a part hereof and attached hereto as Exhibit "B".

SECTION 5. That the future owners and inhabitants of the subject property shall be entitled to all of the rights and privileges of the City as set forth in the Service Plan attached hereto as Exhibit "B", and are further bound by all acts, ordinances, and all other legal action now in full force and effect and all those which may be hereafter adopted.

SECTION 6. That the official map and boundaries of the City, heretofore adopted and amended, be and hereby are amended so as to include the subject property as part of the City of Leander.

SECTION 7. That the subject property shall be temporarily zoned District "SFR-1-B" as provided in the City Zoning Ordinance, as amended, until permanent zoning is established therefore.

SECTION 8. That if any provision of this Ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

SECTION 9. That this Ordinance shall take effect immediately from and after its passage

and publication in accordance with the provisions of the *Tex. Loc. Gov't. Code*.

SECTION 10. 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, *Chapter 551, Texas Government Code*.

PASSED AND APPROVED on First Reading this ____ day of _____, 2016.

FINALLY PASSED AND APPROVED on this ____ day of _____, 2016.

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

Exhibit “A”

Property Description: Area K - Map

EXHIBIT "B"

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

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

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

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

WHEREAS, the subject property will be provided municipal services on the same terms and conditions as other similarly situated properties currently within the City limits and capital improvements necessary to offer such municipal services on the same terms and conditions as other similarly situated properties within the City and in accordance with City policies, regulations, and ordinances; and

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

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

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

A. Police protection as follows:

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

B. Fire protection and Emergency Medical Services as follows:

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

C. Solid waste collection services as follows:

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

D. Animal control as follows:

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

E. Maintenance of parks and playgrounds within the City.

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

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

H. Land use regulation as follows:

On the effective date of annexation, the regulatory jurisdiction of the City shall be extended to include the annexed area, and all property therein shall be subject to the City's police power regulations as set forth in duly adopted ordinances; provided that the use of all property therein shall be grandfathered to the extent provided by state law. The subject property shall be temporarily zoned "SFR-1-B" with the intent to rezone the subject property upon request of the landowner or staff. The Planning & Zoning Commission and the City Council will consider rezoning the subject property at future times in response to requests submitted by the landowners or authorized city staff.

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

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

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

(ii) In accordance with the applicable rules and regulations for the provision of water service, water service will be provided to the subject property 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. 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. The continued use of a water

well that is in use on the effective date of the annexation and is in compliance with applicable rules and regulations shall be permitted and such use may continue until the subject property's owner requests and is able to connect to the City's water utility system.

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

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

(ii) In accordance with the applicable rules and regulations for the provision of wastewater service, wastewater service will be provided 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 wastewater service. The subject property's owner shall construct the internal wastewater lines and pay the costs of line extension and construction of facilities necessary to provide wastewater service to the subject property as required in City ordinances. Upon acceptance of the wastewater lines 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 and policies of the City in effect from time to time. The wastewater system will be accepted and maintained by the City in accordance with its usual policies. Requests for new wastewater line extensions will be installed and extended upon request under the same costs and terms as with other similarly situated customers of the City. The ordinances in effect at the time a request for service is submitted shall govern the costs and request for service. The continued use of a septic system that is in use on the effective date of the annexation and is in compliance with all applicable rules and regulations shall be permitted and such use may continue until the subject property owner requests and is able to connect to the City's wastewater utility system.

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

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

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

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

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

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

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

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

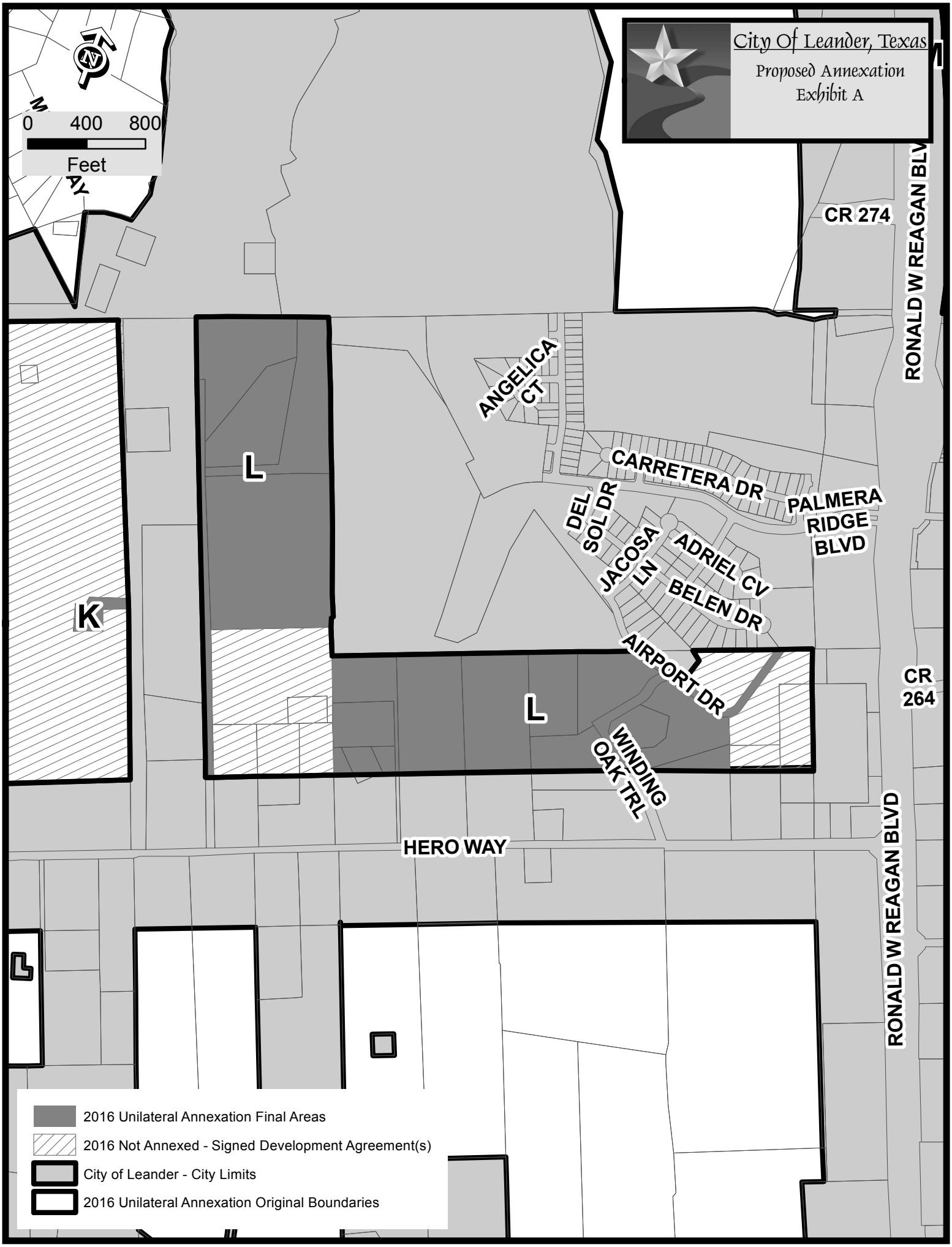
(D) Installation and maintenance of street lighting in accordance with established policies of the City;

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

(3) **Capital Improvements.** Construction of the following capital improvements shall be initiated after the effective date of the annexation: Water and wastewater facilities that are identified in the Capital Improvement Plan, as and when funded pursuant to such Plan. Upon development of the subject property or redevelopment, the landowners will be responsible for the development costs the same as a developer in a similarly situated area under the ordinances in effect at the time of development or redevelopment. No additional capital improvements are necessary at this time to service the subject property the same as similarly situated properties.

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

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


City Of Leander, Texas
Proposed Annexation
Exhibit A
0 400 800
Feet
CR 274
RONALD W REAGAN BLVD
ANGELICA CT
CARRETERA DR
PALMERA RIDGE BLVD
DEL SOL DR
JACOSA LN
ADRIEL CV
BELEN DR
AIRPORT DR
WINDING OAK TRL
HERO WAY
CR 264
L
K
2016 Unilateral Annexation Final Areas
2016 Not Annexed - Signed Development Agreement(s)
City of Leander - City Limits
2016 Unilateral Annexation Original Boundaries

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LEANDER, TEXAS, ANNEXING 93.0 ACRES OF LAND, MORE OR LESS, LOCATED IN WILLIAMSON COUNTY, INCLUDING THE ABUTTING STREETS, ROADWAYS, AND RIGHTS-OF-WAY; APPROVING A SERVICE PLAN FOR THE ANNEXED AREA; MAKING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE; AND PROVIDING FOR OPEN MEETINGS AND OTHER RELATED MATTERS.

WHEREAS, the City of Leander, Texas (the "City"), is a home rule municipality authorized by State law and the City's Charter to annex territory lying adjacent and contiguous to the City;

WHEREAS, the City Council, in compliance with *§43.021, Tex. Local Gov't Code*, instituted proceedings for the annexation of certain property more particularly described herein (the "subject property");

WHEREAS, the subject property hereby annexed is adjacent and contiguous to the present City limits;

WHEREAS, the subject property is contiguous on at least two sides with the boundaries of the city limits or abut other jurisdictional boundaries, as more particularly shown in the exhibit attached hereto;

WHEREAS, in compliance with *§43.035, Tex. Local Gov't Code*, the City extended a written offer to enter a development agreement with applicable landowner(s);

WHEREAS, the City Council heard arguments with respect to such annexation and has decided to annex the area;

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

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

WHEREAS, notice of the public hearings was published in a newspaper of general circulation in the City and the territory proposed to be annexed not more than twenty (20) nor less than ten (10) days prior to the public hearings;

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

WHEREAS, the City, pursuant to *§43.021, Tex. Loc. Gov't. Code*, and the City Charter, is

authorized to annex the subject property; and

WHEREAS, after review and consideration of the subject property, the City Council finds that the subject property is exempt from the City's annexation plan pursuant to *§43.052 (h)(1)* of the *Tex. Loc. Gov't. Code*;

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

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

SECTION 2. That the following described property, including the abutting streets, roadways and rights-of-way, is hereby annexed into the corporate limits of the City of Leander:

> **Area L.** All that certain parcel or tract of land containing 105.15 acres, more or less, located in Williamson County, Texas, and generally located north of Hero Way, east of County Road 270, west of Ronald W Reagan Blvd, south and west of the Palmera Ridge subdivision, and being more particularly described and shown as Area L in Exhibit "A" attached hereto.

SECTION 3. In the event of conflict between the description of the subject property in this Ordinance and the map attached hereto as Exhibit "A", Exhibit "A" shall control.

SECTION 4. That the Service Plan submitted herewith is hereby approved as part of this Ordinance, made a part hereof and attached hereto as Exhibit "B".

SECTION 5. That the future owners and inhabitants of the subject property shall be entitled to all of the rights and privileges of the City as set forth in the Service Plan attached hereto as Exhibit "B", and are further bound by all acts, ordinances, and all other legal action now in full force and effect and all those which may be hereafter adopted.

SECTION 6. That the official map and boundaries of the City, heretofore adopted and amended, be and hereby are amended so as to include the subject property as part of the City of Leander.

SECTION 7. That the subject property shall be temporarily zoned District "SFR-1-B" as provided in the City Zoning Ordinance, as amended, until permanent zoning is established therefore.

SECTION 8. That if any provision of this Ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

SECTION 9. That this Ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the *Tex. Loc. Gov't. Code*.

SECTION 10. 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, *Chapter 551, Texas Government Code*.

PASSED AND APPROVED on First Reading this ____ day of _____, 2016.

FINALLY PASSED AND APPROVED on this ____ day of _____, 2016.

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

Exhibit “A”

Property Description: Area L - Map

EXHIBIT "B"

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

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

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

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

WHEREAS, the subject property will be provided municipal services on the same terms and conditions as other similarly situated properties currently within the City limits and capital improvements necessary to offer such municipal services on the same terms and conditions as other similarly situated properties within the City and in accordance with City policies, regulations, and ordinances; and

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

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

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

A. Police protection as follows:

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

B. Fire protection and Emergency Medical Services as follows:

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

C. Solid waste collection services as follows:

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

D. Animal control as follows:

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

E. Maintenance of parks and playgrounds within the City.

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

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

H. Land use regulation as follows:

On the effective date of annexation, the regulatory jurisdiction of the City shall be extended to include the annexed area, and all property therein shall be subject to the City's police power regulations as set forth in duly adopted ordinances; provided that the use of all property therein shall be grandfathered to the extent provided by state law. The subject property shall be temporarily zoned "SFR-1-B" with the intent to rezone the subject property upon request of the landowner or staff. The Planning & Zoning Commission and the City Council will consider rezoning the subject property at future times in response to requests submitted by the landowners or authorized city staff.

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

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

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

(ii) In accordance with the applicable rules and regulations for the provision of water service, water service will be provided to the subject property 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. 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. The continued use of a water

well that is in use on the effective date of the annexation and is in compliance with applicable rules and regulations shall be permitted and such use may continue until the subject property's owner requests and is able to connect to the City's water utility system.

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

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

(ii) In accordance with the applicable rules and regulations for the provision of wastewater service, wastewater service will be provided 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 wastewater service. The subject property's owner shall construct the internal wastewater lines and pay the costs of line extension and construction of facilities necessary to provide wastewater service to the subject property as required in City ordinances. Upon acceptance of the wastewater lines 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 and policies of the City in effect from time to time. The wastewater system will be accepted and maintained by the City in accordance with its usual policies. Requests for new wastewater line extensions will be installed and extended upon request under the same costs and terms as with other similarly situated customers of the City. The ordinances in effect at the time a request for service is submitted shall govern the costs and request for service. The continued use of a septic system that is in use on the effective date of the annexation and is in compliance with all applicable rules and regulations shall be permitted and such use may continue until the subject property owner requests and is able to connect to the City's wastewater utility system.

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

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

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

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

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

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

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

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

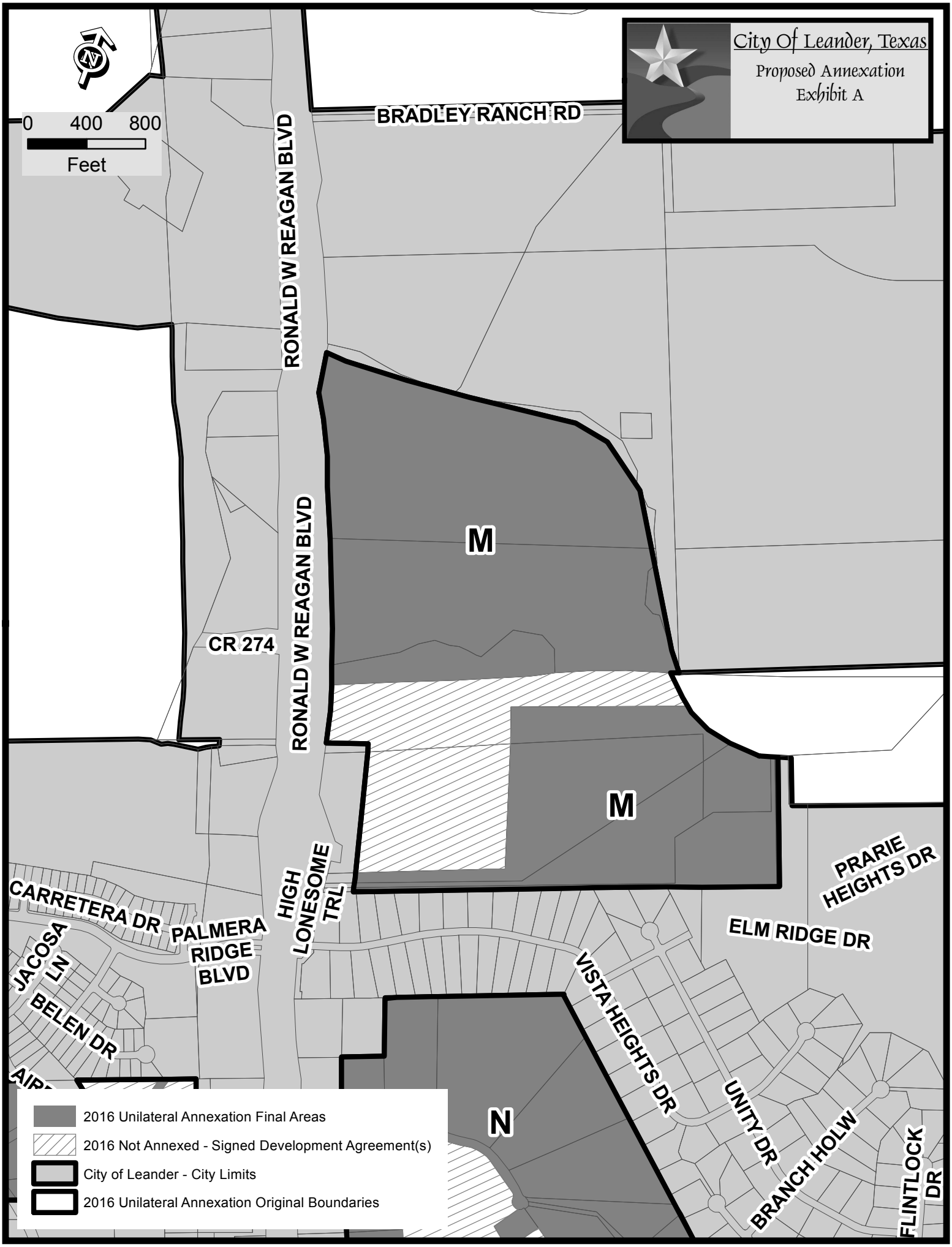
(D) Installation and maintenance of street lighting in accordance with established policies of the City;

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

(3) **Capital Improvements.** Construction of the following capital improvements shall be initiated after the effective date of the annexation: Water and wastewater facilities that are identified in the Capital Improvement Plan, as and when funded pursuant to such Plan. Upon development of the subject property or redevelopment, the landowners will be responsible for the development costs the same as a developer in a similarly situated area under the ordinances in effect at the time of development or redevelopment. No additional capital improvements are necessary at this time to service the subject property the same as similarly situated properties.

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

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


City Of Leander, Texas
Proposed Annexation
Exhibit A
0 400 800
Feet
BRADLEY RANCH RD
RONALD W REAGAN BLVD
RONALD W REAGAN BLVD
CR 274
M
M
N
HIGH LONESOME TRL
CARRETERA DR
PALMERA RIDGE BLVD
JACOSA LN
BELEN DR
PRARIE HEIGHTS DR
ELM RIDGE DR
VISTA HEIGHTS DR
UNITY DR
BRANCH HOLW
FLINTLOCK DR
2016 Unilateral Annexation Final Areas
2016 Not Annexed - Signed Development Agreement(s)
City of Leander - City Limits
2016 Unilateral Annexation Original Boundaries

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LEANDER, TEXAS, ANNEXING 146.15 ACRES OF LAND, MORE OR LESS, LOCATED IN WILLIAMSON COUNTY, INCLUDING THE ABUTTING STREETS, ROADWAYS, AND RIGHTS-OF-WAY; APPROVING A SERVICE PLAN FOR THE ANNEXED AREA; MAKING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE; AND PROVIDING FOR OPEN MEETINGS AND OTHER RELATED MATTERS.

WHEREAS, the City of Leander, Texas (the "City"), is a home rule municipality authorized by State law and the City's Charter to annex territory lying adjacent and contiguous to the City;

WHEREAS, the City Council, in compliance with *§43.021, Tex. Local Gov't Code*, instituted proceedings for the annexation of certain property more particularly described herein (the "subject property");

WHEREAS, the subject property hereby annexed is adjacent and contiguous to the present City limits;

WHEREAS, the subject property is contiguous on at least two sides with the boundaries of the city limits or abut other jurisdictional boundaries, as more particularly shown in the exhibit attached hereto;

WHEREAS, in compliance with *§43.035, Tex. Local Gov't Code*, the City extended a written offer to enter a development agreement with applicable landowner(s);

WHEREAS, the City Council heard arguments with respect to such annexation and has decided to annex the area;

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

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

WHEREAS, notice of the public hearings was published in a newspaper of general circulation in the City and the territory proposed to be annexed not more than twenty (20) nor less than ten (10) days prior to the public hearings;

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

WHEREAS, the City, pursuant to *§43.021, Tex. Loc. Gov't. Code*, and the City Charter, is

authorized to annex the subject property; and

WHEREAS, after review and consideration of the subject property, the City Council finds that the subject property is exempt from the City's annexation plan pursuant to *§43.052 (h)(1)* of the *Tex. Loc. Gov't. Code*;

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

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

SECTION 2. That the following described property, including the abutting streets, roadways and rights-of-way, is hereby annexed into the corporate limits of the City of Leander:

> **Area M.** All that certain parcel or tract of land containing 146.15 acres, more or less, located in Williamson County, Texas, and generally located east of Ronald W Reagan Blvd, south of the South Fork of the San Gabriel River, north of the Reagans Overlook subdivision, and being more particularly described and shown as Area M in Exhibit "A" attached hereto.

SECTION 3. In the event of conflict between the description of the subject property in this Ordinance and the map attached hereto as Exhibit "A", Exhibit "A" shall control.

SECTION 4. That the Service Plan submitted herewith is hereby approved as part of this Ordinance, made a part hereof and attached hereto as Exhibit "B".

SECTION 5. That the future owners and inhabitants of the subject property shall be entitled to all of the rights and privileges of the City as set forth in the Service Plan attached hereto as Exhibit "B", and are further bound by all acts, ordinances, and all other legal action now in full force and effect and all those which may be hereafter adopted.

SECTION 6. That the official map and boundaries of the City, heretofore adopted and amended, be and hereby are amended so as to include the subject property as part of the City of Leander.

SECTION 7. That the subject property shall be temporarily zoned District "SFR-1-B" as provided in the City Zoning Ordinance, as amended, until permanent zoning is established therefore.

SECTION 8. That if any provision of this Ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

SECTION 9. That this Ordinance shall take effect immediately from and after its passage

and publication in accordance with the provisions of the *Tex. Loc. Gov't. Code*.

SECTION 10. 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, *Chapter 551, Texas Government Code*.

PASSED AND APPROVED on First Reading this ____ day of _____, 2016.

FINALLY PASSED AND APPROVED on this ____ day of _____, 2016.

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

Exhibit “A”

Property Description: Area M - Map

EXHIBIT "B"

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

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

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

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

WHEREAS, the subject property will be provided municipal services on the same terms and conditions as other similarly situated properties currently within the City limits and capital improvements necessary to offer such municipal services on the same terms and conditions as other similarly situated properties within the City and in accordance with City policies, regulations, and ordinances; and

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

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

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

A. Police protection as follows:

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

B. Fire protection and Emergency Medical Services as follows:

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

C. Solid waste collection services as follows:

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

D. Animal control as follows:

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

E. Maintenance of parks and playgrounds within the City.

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

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

H. Land use regulation as follows:

On the effective date of annexation, the regulatory jurisdiction of the City shall be extended to include the annexed area, and all property therein shall be subject to the City's police power regulations as set forth in duly adopted ordinances; provided that the use of all property therein shall be grandfathered to the extent provided by state law. The subject property shall be temporarily zoned "SFR-1-B" with the intent to rezone the subject property upon request of the landowner or staff. The Planning & Zoning Commission and the City Council will consider rezoning the subject property at future times in response to requests submitted by the landowners or authorized city staff.

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

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

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

(ii) In accordance with the applicable rules and regulations for the provision of water service, water service will be provided to the subject property 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. 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. The continued use of a water

well that is in use on the effective date of the annexation and is in compliance with applicable rules and regulations shall be permitted and such use may continue until the subject property's owner requests and is able to connect to the City's water utility system.

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

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

(ii) In accordance with the applicable rules and regulations for the provision of wastewater service, wastewater service will be provided 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 wastewater service. The subject property's owner shall construct the internal wastewater lines and pay the costs of line extension and construction of facilities necessary to provide wastewater service to the subject property as required in City ordinances. Upon acceptance of the wastewater lines 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 and policies of the City in effect from time to time. The wastewater system will be accepted and maintained by the City in accordance with its usual policies. Requests for new wastewater line extensions will be installed and extended upon request under the same costs and terms as with other similarly situated customers of the City. The ordinances in effect at the time a request for service is submitted shall govern the costs and request for service. The continued use of a septic system that is in use on the effective date of the annexation and is in compliance with all applicable rules and regulations shall be permitted and such use may continue until the subject property owner requests and is able to connect to the City's wastewater utility system.

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

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

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

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

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

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

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

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

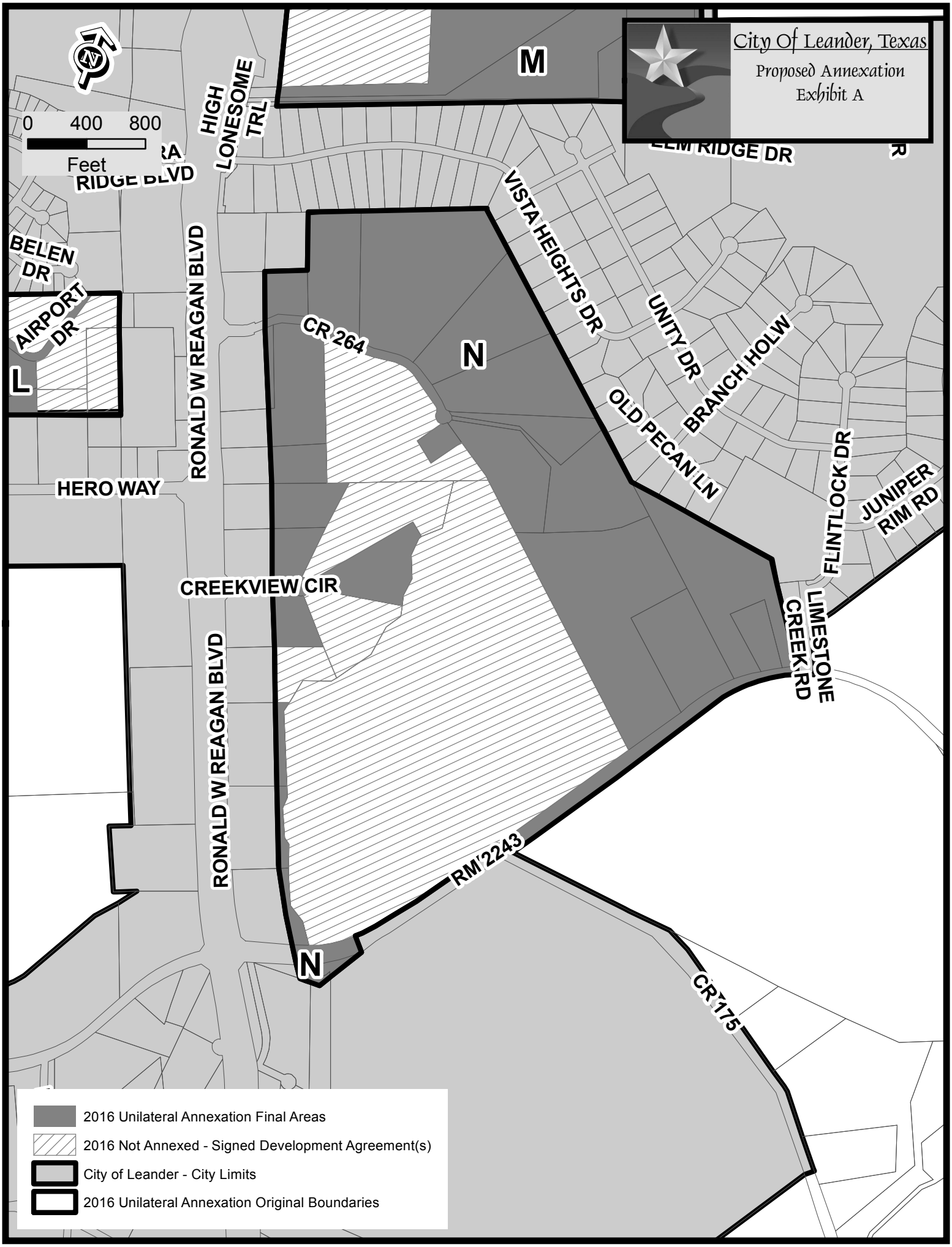
(D) Installation and maintenance of street lighting in accordance with established policies of the City;

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

(3) **Capital Improvements.** Construction of the following capital improvements shall be initiated after the effective date of the annexation: Water and wastewater facilities that are identified in the Capital Improvement Plan, as and when funded pursuant to such Plan. Upon development of the subject property or redevelopment, the landowners will be responsible for the development costs the same as a developer in a similarly situated area under the ordinances in effect at the time of development or redevelopment. No additional capital improvements are necessary at this time to service the subject property the same as similarly situated properties.

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

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


City Of Leander, Texas
Proposed Annexation
Exhibit A
0 400 800
Feet
M
N
L
HIGH LONESOME TRL
RIDGE BLVD
BELEN DR
AIRPORT DR
RONALD W REAGAN BLVD
HERO WAY
CR 264
VISTA HEIGHTS DR
UNITY DR
BRANCH HOLW
OLD PECAN LN
FLINTLOCK DR
JUNIPER RIM RD
CREEKVIEW CIR
LIMESTONE CREEK RD
RM 2243
CR 175
2016 Unilateral Annexation Final Areas
2016 Not Annexed - Signed Development Agreement(s)
City of Leander - City Limits
2016 Unilateral Annexation Original Boundaries

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LEANDER, TEXAS, ANNEXING 138.32 ACRES OF LAND, MORE OR LESS, LOCATED IN WILLIAMSON COUNTY, INCLUDING THE ABUTTING STREETS, ROADWAYS, AND RIGHTS-OF-WAY; APPROVING A SERVICE PLAN FOR THE ANNEXED AREA; MAKING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE; AND PROVIDING FOR OPEN MEETINGS AND OTHER RELATED MATTERS.

WHEREAS, the City of Leander, Texas (the "City"), is a home rule municipality authorized by State law and the City's Charter to annex territory lying adjacent and contiguous to the City;

WHEREAS, the City Council, in compliance with *§43.021, Tex. Local Gov't Code*, instituted proceedings for the annexation of certain property more particularly described herein (the "subject property");

WHEREAS, the subject property hereby annexed is adjacent and contiguous to the present City limits;

WHEREAS, the subject property is contiguous on at least two sides with the boundaries of the city limits or abut other jurisdictional boundaries, as more particularly shown in the exhibit attached hereto;

WHEREAS, in compliance with *§43.035, Tex. Local Gov't Code*, the City extended a written offer to enter a development agreement with applicable landowner(s);

WHEREAS, the City Council heard arguments with respect to such annexation and has decided to annex the area;

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

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

WHEREAS, notice of the public hearings was published in a newspaper of general circulation in the City and the territory proposed to be annexed not more than twenty (20) nor less than ten (10) days prior to the public hearings;

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

WHEREAS, the City, pursuant to *§43.021, Tex. Loc. Gov't. Code*, and the City Charter, is

authorized to annex the subject property; and

WHEREAS, after review and consideration of the subject property, the City Council finds that the subject property is exempt from the City's annexation plan pursuant to *§43.052 (h)(1)* of the *Tex. Loc. Gov't. Code*;

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

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

SECTION 2. That the following described property, including the abutting streets, roadways and rights-of-way, is hereby annexed into the corporate limits of the City of Leander:

> **Area N.** All that certain parcel or tract of land containing 239.55 acres, more or less, located in Williamson County, Texas, and generally located east of Ronald W Reagan Blvd, north of RM 2243, south of the Reagans Overlook subdivision, and being more particularly described and shown as Area N in Exhibit "A" attached hereto.

SECTION 3. In the event of conflict between the description of the subject property in this Ordinance and the map attached hereto as Exhibit "A", Exhibit "A" shall control.

SECTION 4. That the Service Plan submitted herewith is hereby approved as part of this Ordinance, made a part hereof and attached hereto as Exhibit "B".

SECTION 5. That the future owners and inhabitants of the subject property shall be entitled to all of the rights and privileges of the City as set forth in the Service Plan attached hereto as Exhibit "B", and are further bound by all acts, ordinances, and all other legal action now in full force and effect and all those which may be hereafter adopted.

SECTION 6. That the official map and boundaries of the City, heretofore adopted and amended, be and hereby are amended so as to include the subject property as part of the City of Leander.

SECTION 7. That the subject property shall be temporarily zoned District "SFR-1-B" as provided in the City Zoning Ordinance, as amended, until permanent zoning is established therefore.

SECTION 8. That if any provision of this Ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

SECTION 9. That this Ordinance shall take effect immediately from and after its passage

and publication in accordance with the provisions of the *Tex. Loc. Gov't. Code*.

SECTION 10. 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, *Chapter 551, Texas Government Code*.

PASSED AND APPROVED on First Reading this ____ day of _____, 2016.

FINALLY PASSED AND APPROVED on this ____ day of _____, 2016.

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

Exhibit “A”

Property Description: Area N - Map

EXHIBIT "B"

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

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

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

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

WHEREAS, the subject property will be provided municipal services on the same terms and conditions as other similarly situated properties currently within the City limits and capital improvements necessary to offer such municipal services on the same terms and conditions as other similarly situated properties within the City and in accordance with City policies, regulations, and ordinances; and

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

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

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

A. Police protection as follows:

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

B. Fire protection and Emergency Medical Services as follows:

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

C. Solid waste collection services as follows:

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

D. Animal control as follows:

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

E. Maintenance of parks and playgrounds within the City.

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

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

H. Land use regulation as follows:

On the effective date of annexation, the regulatory jurisdiction of the City shall be extended to include the annexed area, and all property therein shall be subject to the City's police power regulations as set forth in duly adopted ordinances; provided that the use of all property therein shall be grandfathered to the extent provided by state law. The subject property shall be temporarily zoned "SFR-1-B" with the intent to rezone the subject property upon request of the landowner or staff. The Planning & Zoning Commission and the City Council will consider rezoning the subject property at future times in response to requests submitted by the landowners or authorized city staff.

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

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

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

(ii) In accordance with the applicable rules and regulations for the provision of water service, water service will be provided to the subject property 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. 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. The continued use of a water

well that is in use on the effective date of the annexation and is in compliance with applicable rules and regulations shall be permitted and such use may continue until the subject property's owner requests and is able to connect to the City's water utility system.

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

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

(ii) In accordance with the applicable rules and regulations for the provision of wastewater service, wastewater service will be provided 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 wastewater service. The subject property's owner shall construct the internal wastewater lines and pay the costs of line extension and construction of facilities necessary to provide wastewater service to the subject property as required in City ordinances. Upon acceptance of the wastewater lines 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 and policies of the City in effect from time to time. The wastewater system will be accepted and maintained by the City in accordance with its usual policies. Requests for new wastewater line extensions will be installed and extended upon request under the same costs and terms as with other similarly situated customers of the City. The ordinances in effect at the time a request for service is submitted shall govern the costs and request for service. The continued use of a septic system that is in use on the effective date of the annexation and is in compliance with all applicable rules and regulations shall be permitted and such use may continue until the subject property owner requests and is able to connect to the City's wastewater utility system.

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

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

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

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

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

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

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

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

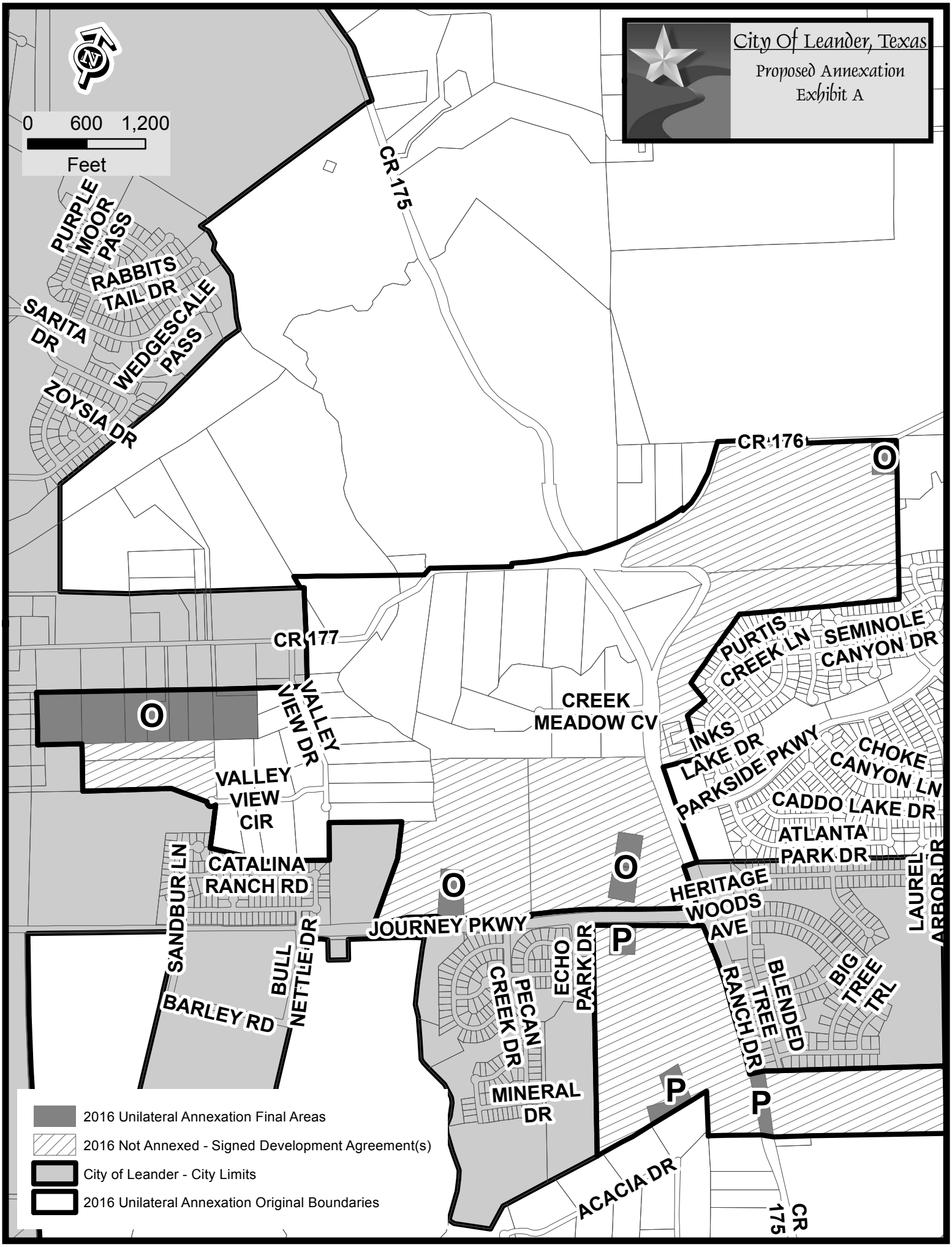
(D) Installation and maintenance of street lighting in accordance with established policies of the City;

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

(3) **Capital Improvements.** Construction of the following capital improvements shall be initiated after the effective date of the annexation: Water and wastewater facilities that are identified in the Capital Improvement Plan, as and when funded pursuant to such Plan. Upon development of the subject property or redevelopment, the landowners will be responsible for the development costs the same as a developer in a similarly situated area under the ordinances in effect at the time of development or redevelopment. No additional capital improvements are necessary at this time to service the subject property the same as similarly situated properties.

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

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


City Of Leander, Texas
Proposed Annexation
Exhibit A
0 600 1,200
Feet
CR 175
PURPLE MOOR PASS
RABBITS TAIL DR
SARITA DR
WEDGESCALE PASS
ZOYSIA DR
CR 176
CR 177
VALLEY VIEW DR
VALLEY VIEW CIR
CREEK MEADOW CV
PURTIS CREEK LN
SEMINOLE CANYON DR
INKS LAKE DR
PARKSIDE PKWY
CHOKE CANYON LN
CADDO LAKE DR
ATLANTA PARK DR
LAUREL ARBOR DR
HERITAGE WOODS AVE
CATALINA RANCH RD
SANDBUR LN
JOURNEY PKWY
BULL NETTLE DR
BARLEY RD
ECHO PARK DR
PECAN CREEK DR
MINERAL DR
BLENDED TREE RANCH DR
BIG TREE TRL
ACACIA DR
CR 175
O
P
2016 Unilateral Annexation Final Areas
2016 Not Annexed - Signed Development Agreement(s)
City of Leander - City Limits
2016 Unilateral Annexation Original Boundaries

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LEANDER, TEXAS, ANNEXING 35.92 ACRES OF LAND, MORE OR LESS, LOCATED IN WILLIAMSON COUNTY, INCLUDING THE ABUTTING STREETS, ROADWAYS, AND RIGHTS-OF-WAY; APPROVING A SERVICE PLAN FOR THE ANNEXED AREA; MAKING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE; AND PROVIDING FOR OPEN MEETINGS AND OTHER RELATED MATTERS.

WHEREAS, the City of Leander, Texas (the "City"), is a home rule municipality authorized by State law and the City's Charter to annex territory lying adjacent and contiguous to the City;

WHEREAS, the City Council, in compliance with *§43.021, Tex. Local Gov't Code*, instituted proceedings for the annexation of certain property more particularly described herein (the "subject property");

WHEREAS, the subject property hereby annexed is adjacent and contiguous to the present City limits;

WHEREAS, the subject property is contiguous on at least two sides with the boundaries of the city limits or abut other jurisdictional boundaries, as more particularly shown in the exhibit attached hereto;

WHEREAS, in compliance with *§43.035, Tex. Local Gov't Code*, the City extended a written offer to enter a development agreement with applicable landowner(s);

WHEREAS, the City Council heard arguments with respect to such annexation and has decided to annex the area;

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

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

WHEREAS, notice of the public hearings was published in a newspaper of general circulation in the City and the territory proposed to be annexed not more than twenty (20) nor less than ten (10) days prior to the public hearings;

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

WHEREAS, the City, pursuant to *§43.021, Tex. Loc. Gov't. Code*, and the City Charter, is

authorized to annex the subject property; and

WHEREAS, after review and consideration of the subject property, the City Council finds that the subject property is exempt from the City's annexation plan pursuant to *§43.052 (h)(1)* of the *Tex. Loc. Gov't. Code*;

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

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

SECTION 2. That the following described property, including the abutting streets, roadways and rights-of-way, is hereby annexed into the corporate limits of the City of Leander:

> **Area O.** All those certain three parcels or tracts of land containing a total of 35.92 acres, more or less, located in Williamson County, Texas, and generally located east of Ronald W Reagan Blvd, south of County Road 176, north of Journey Pkwy, either side of County Road 175, west and north of the Parkside at Mayfield Ranch subdivision, and being more particularly described and shown as Area O in Exhibit "A" attached hereto.

SECTION 3. In the event of conflict between the description of the subject property in this Ordinance and the map attached hereto as Exhibit "A", Exhibit "A" shall control.

SECTION 4. That the Service Plan submitted herewith is hereby approved as part of this Ordinance, made a part hereof and attached hereto as Exhibit "B".

SECTION 5. That the future owners and inhabitants of the subject property shall be entitled to all of the rights and privileges of the City as set forth in the Service Plan attached hereto as Exhibit "B", and are further bound by all acts, ordinances, and all other legal action now in full force and effect and all those which may be hereafter adopted.

SECTION 6. That the official map and boundaries of the City, heretofore adopted and amended, be and hereby are amended so as to include the subject property as part of the City of Leander.

SECTION 7. That the subject property shall be temporarily zoned District "SFR-1-B" as provided in the City Zoning Ordinance, as amended, until permanent zoning is established therefore.

SECTION 8. That if any provision of this Ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

SECTION 9. That this Ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the *Tex. Loc. Gov't. Code*.

SECTION 10. 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, *Chapter 551, Texas Government Code*.

PASSED AND APPROVED on First Reading this ____ day of _____, 2016.

FINALLY PASSED AND APPROVED on this ____ day of _____, 2016.

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

Exhibit “A”

Property Description: Area O - Map

EXHIBIT "B"

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

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

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

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

WHEREAS, the subject property will be provided municipal services on the same terms and conditions as other similarly situated properties currently within the City limits and capital improvements necessary to offer such municipal services on the same terms and conditions as other similarly situated properties within the City and in accordance with City policies, regulations, and ordinances; and

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

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

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

A. Police protection as follows:

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

B. Fire protection and Emergency Medical Services as follows:

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

C. Solid waste collection services as follows:

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

D. Animal control as follows:

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

E. Maintenance of parks and playgrounds within the City.

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

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

H. Land use regulation as follows:

On the effective date of annexation, the regulatory jurisdiction of the City shall be extended to include the annexed area, and all property therein shall be subject to the City's police power regulations as set forth in duly adopted ordinances; provided that the use of all property therein shall be grandfathered to the extent provided by state law. The subject property shall be temporarily zoned "SFR-1-B" with the intent to rezone the subject property upon request of the landowner or staff. The Planning & Zoning Commission and the City Council will consider rezoning the subject property at future times in response to requests submitted by the landowners or authorized city staff.

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

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

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

(ii) In accordance with the applicable rules and regulations for the provision of water service, water service will be provided to the subject property 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. 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. The continued use of a water

well that is in use on the effective date of the annexation and is in compliance with applicable rules and regulations shall be permitted and such use may continue until the subject property's owner requests and is able to connect to the City's water utility system.

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

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

(ii) In accordance with the applicable rules and regulations for the provision of wastewater service, wastewater service will be provided 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 wastewater service. The subject property's owner shall construct the internal wastewater lines and pay the costs of line extension and construction of facilities necessary to provide wastewater service to the subject property as required in City ordinances. Upon acceptance of the wastewater lines 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 and policies of the City in effect from time to time. The wastewater system will be accepted and maintained by the City in accordance with its usual policies. Requests for new wastewater line extensions will be installed and extended upon request under the same costs and terms as with other similarly situated customers of the City. The ordinances in effect at the time a request for service is submitted shall govern the costs and request for service. The continued use of a septic system that is in use on the effective date of the annexation and is in compliance with all applicable rules and regulations shall be permitted and such use may continue until the subject property owner requests and is able to connect to the City's wastewater utility system.

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

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

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

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

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

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

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

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

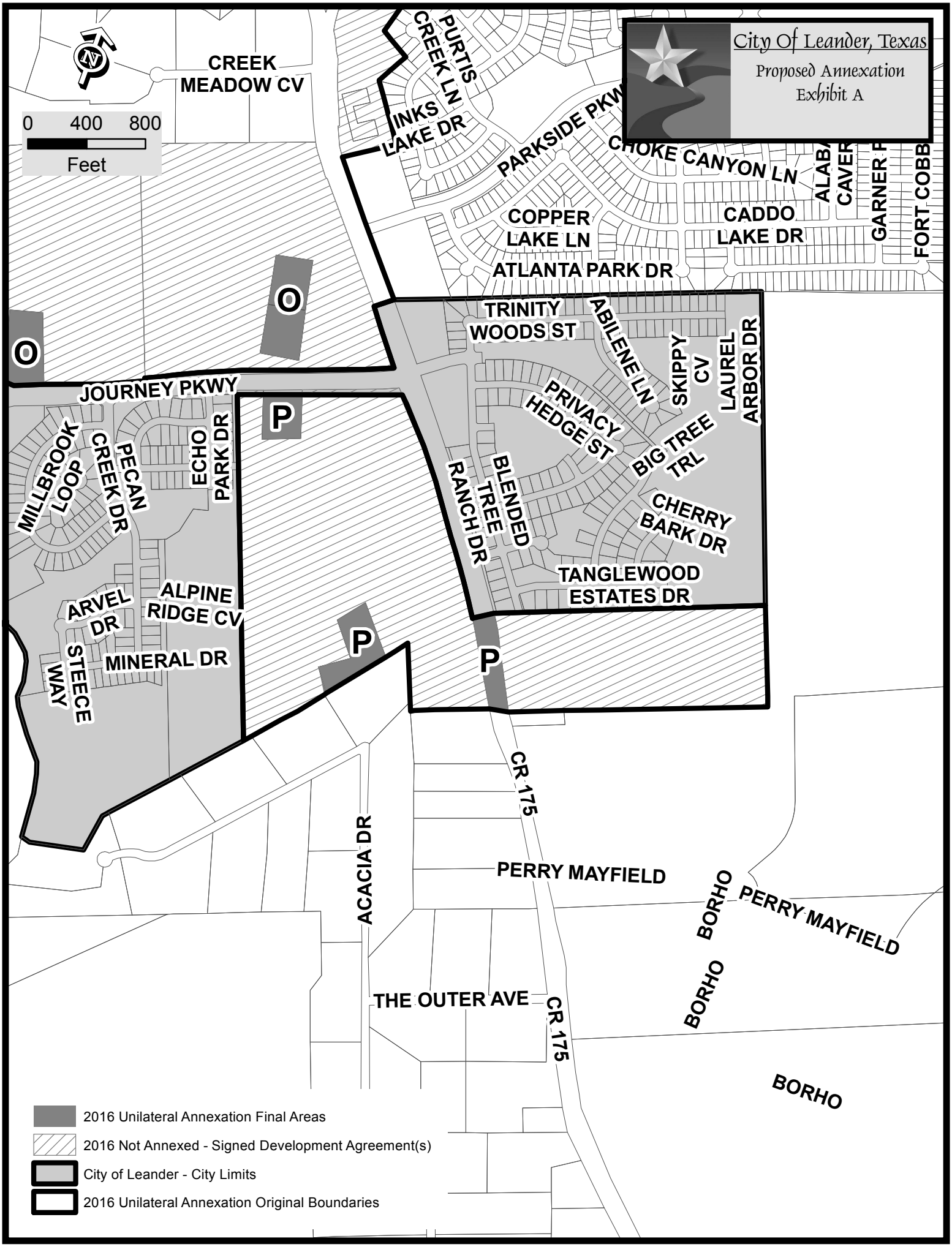
(D) Installation and maintenance of street lighting in accordance with established policies of the City;

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

(3) **Capital Improvements.** Construction of the following capital improvements shall be initiated after the effective date of the annexation: Water and wastewater facilities that are identified in the Capital Improvement Plan, as and when funded pursuant to such Plan. Upon development of the subject property or redevelopment, the landowners will be responsible for the development costs the same as a developer in a similarly situated area under the ordinances in effect at the time of development or redevelopment. No additional capital improvements are necessary at this time to service the subject property the same as similarly situated properties.

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

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


City Of Leander, Texas
Proposed Annexation
Exhibit A
0 400 800
Feet
CREEK MEADOW CV
PURTIS CREEK LN
INKS LAKE DR
PARKSIDE PKW
CHOKE CANYON LN
ALABA
CAVER
GARNER F
FORT COBB
COPPER LAKE LN
CADDO LAKE DR
ATLANTA PARK DR
TRINITY WOODS ST
ABILENE LN
SKIPPY CV
LAUREL ARBOR DR
PRIVACY HEDGE ST
BIG TREE TRL
CHERRY BARK DR
BLENDED TREE RANCH DR
TANGLEWOOD ESTATES DR
JOURNEY PKWY
MILLBROOK LOOP
PECAN CREEK DR
ECHO PARK DR
ARVEL DR
ALPINE RIDGE CV
MINERAL DR
STEECE WAY
O
P
CR 175
ACACIA DR
PERRY MAYFIELD
BORHO
THE OUTER AVE
2016 Unilateral Annexation Final Areas
2016 Not Annexed - Signed Development Agreement(s)
City of Leander - City Limits
2016 Unilateral Annexation Original Boundaries

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LEANDER, TEXAS, ANNEXING 6.80 ACRES OF LAND, MORE OR LESS, LOCATED IN WILLIAMSON COUNTY, INCLUDING THE ABUTTING STREETS, ROADWAYS, AND RIGHTS-OF-WAY; APPROVING A SERVICE PLAN FOR THE ANNEXED AREA; MAKING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE; AND PROVIDING FOR OPEN MEETINGS AND OTHER RELATED MATTERS.

WHEREAS, the City of Leander, Texas (the "City"), is a home rule municipality authorized by State law and the City's Charter to annex territory lying adjacent and contiguous to the City;

WHEREAS, the City Council, in compliance with *§43.021, Tex. Local Gov't Code*, instituted proceedings for the annexation of certain property more particularly described herein (the "subject property");

WHEREAS, the subject property hereby annexed is adjacent and contiguous to the present City limits;

WHEREAS, the subject property is contiguous on at least two sides with the boundaries of the city limits or abut other jurisdictional boundaries, as more particularly shown in the exhibit attached hereto;

WHEREAS, in compliance with *§43.035, Tex. Local Gov't Code*, the City extended a written offer to enter a development agreement with applicable landowner(s);

WHEREAS, the City Council heard arguments with respect to such annexation and has decided to annex the area;

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

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

WHEREAS, notice of the public hearings was published in a newspaper of general circulation in the City and the territory proposed to be annexed not more than twenty (20) nor less than ten (10) days prior to the public hearings;

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

WHEREAS, the City, pursuant to *§43.021, Tex. Loc. Gov't. Code*, and the City Charter, is

authorized to annex the subject property; and

WHEREAS, after review and consideration of the subject property, the City Council finds that the subject property is exempt from the City's annexation plan pursuant to *§43.052 (h)(1)* of the *Tex. Loc. Gov't. Code*;

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

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

SECTION 2. That the following described property, including the abutting streets, roadways and rights-of-way, is hereby annexed into the corporate limits of the City of Leander:

> **Area P.** All that certain parcel or tract of land containing 6.80 acres, more or less, located in Williamson County, Texas, and generally located south of Journey Pkwy, north of the Stonehurst subdivision, either side of County Road 175, north of the Williamson County Regional Park, south of the Trails at Shady Oak / Borho subdivision, and being more particularly described and shown as Area P in Exhibit "A" attached hereto.

SECTION 3. In the event of conflict between the description of the subject property in this Ordinance and the map attached hereto as Exhibit "A", Exhibit "A" shall control.

SECTION 4. That the Service Plan submitted herewith is hereby approved as part of this Ordinance, made a part hereof and attached hereto as Exhibit "B".

SECTION 5. That the future owners and inhabitants of the subject property shall be entitled to all of the rights and privileges of the City as set forth in the Service Plan attached hereto as Exhibit "B", and are further bound by all acts, ordinances, and all other legal action now in full force and effect and all those which may be hereafter adopted.

SECTION 6. That the official map and boundaries of the City, heretofore adopted and amended, be and hereby are amended so as to include the subject property as part of the City of Leander.

SECTION 7. That the subject property shall be temporarily zoned District "SFR-1-B" as provided in the City Zoning Ordinance, as amended, until permanent zoning is established therefore.

SECTION 8. That if any provision of this Ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

SECTION 9. That this Ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the *Tex. Loc. Gov't. Code*.

SECTION 10. 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, *Chapter 551, Texas Government Code*.

PASSED AND APPROVED on First Reading this ____ day of _____, 2016.

FINALLY PASSED AND APPROVED on this ____ day of _____, 2016.

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

Exhibit “A”

Property Description: Area P - Map

EXHIBIT "B"

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

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

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

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

WHEREAS, the subject property will be provided municipal services on the same terms and conditions as other similarly situated properties currently within the City limits and capital improvements necessary to offer such municipal services on the same terms and conditions as other similarly situated properties within the City and in accordance with City policies, regulations, and ordinances; and

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

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

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

A. Police protection as follows:

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

B. Fire protection and Emergency Medical Services as follows:

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

C. Solid waste collection services as follows:

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

D. Animal control as follows:

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

E. Maintenance of parks and playgrounds within the City.

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

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

H. Land use regulation as follows:

On the effective date of annexation, the regulatory jurisdiction of the City shall be extended to include the annexed area, and all property therein shall be subject to the City's police power regulations as set forth in duly adopted ordinances; provided that the use of all property therein shall be grandfathered to the extent provided by state law. The subject property shall be temporarily zoned "SFR-1-B" with the intent to rezone the subject property upon request of the landowner or staff. The Planning & Zoning Commission and the City Council will consider rezoning the subject property at future times in response to requests submitted by the landowners or authorized city staff.

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

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

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

(ii) In accordance with the applicable rules and regulations for the provision of water service, water service will be provided to the subject property 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. 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. The continued use of a water

well that is in use on the effective date of the annexation and is in compliance with applicable rules and regulations shall be permitted and such use may continue until the subject property's owner requests and is able to connect to the City's water utility system.

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

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

(ii) In accordance with the applicable rules and regulations for the provision of wastewater service, wastewater service will be provided 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 wastewater service. The subject property's owner shall construct the internal wastewater lines and pay the costs of line extension and construction of facilities necessary to provide wastewater service to the subject property as required in City ordinances. Upon acceptance of the wastewater lines 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 and policies of the City in effect from time to time. The wastewater system will be accepted and maintained by the City in accordance with its usual policies. Requests for new wastewater line extensions will be installed and extended upon request under the same costs and terms as with other similarly situated customers of the City. The ordinances in effect at the time a request for service is submitted shall govern the costs and request for service. The continued use of a septic system that is in use on the effective date of the annexation and is in compliance with all applicable rules and regulations shall be permitted and such use may continue until the subject property owner requests and is able to connect to the City's wastewater utility system.

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

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

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

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

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

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

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

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

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

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

(3) **Capital Improvements.** Construction of the following capital improvements shall be initiated after the effective date of the annexation: Water and wastewater facilities that are identified in the Capital Improvement Plan, as and when funded pursuant to such Plan. Upon development of the subject property or redevelopment, the landowners will be responsible for the development costs the same as a developer in a similarly situated area under the ordinances in effect at the time of development or redevelopment. No additional capital improvements are necessary at this time to service the subject property the same as similarly situated properties.

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

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

Executive Summary

April 21, 2016

Agenda Subject: Second reading of the ordinances annexing two (2) areas of land owned by the City of Leander totaling 44.73 acres, more or less, including the abutting streets, roadways, and rights-of-way; being located in Williamson County, Texas and adjacent and contiguous to the city limits; and providing open meetings and other related matters.

Background: The resolution commencing the annexation of these tracts of land as shown on the attached location map was approved on January 21, 2016. Notice was mailed to all affected property owners notifying them of the annexation and the dates and times of the public hearings. The resolution set the two public hearings for March 3, 2016 and March 17, 2016. The first reading of the ordinance is scheduled for April 7, 2016 and the second and final reading is scheduled for April 21, 2016.

Origination: City of Leander

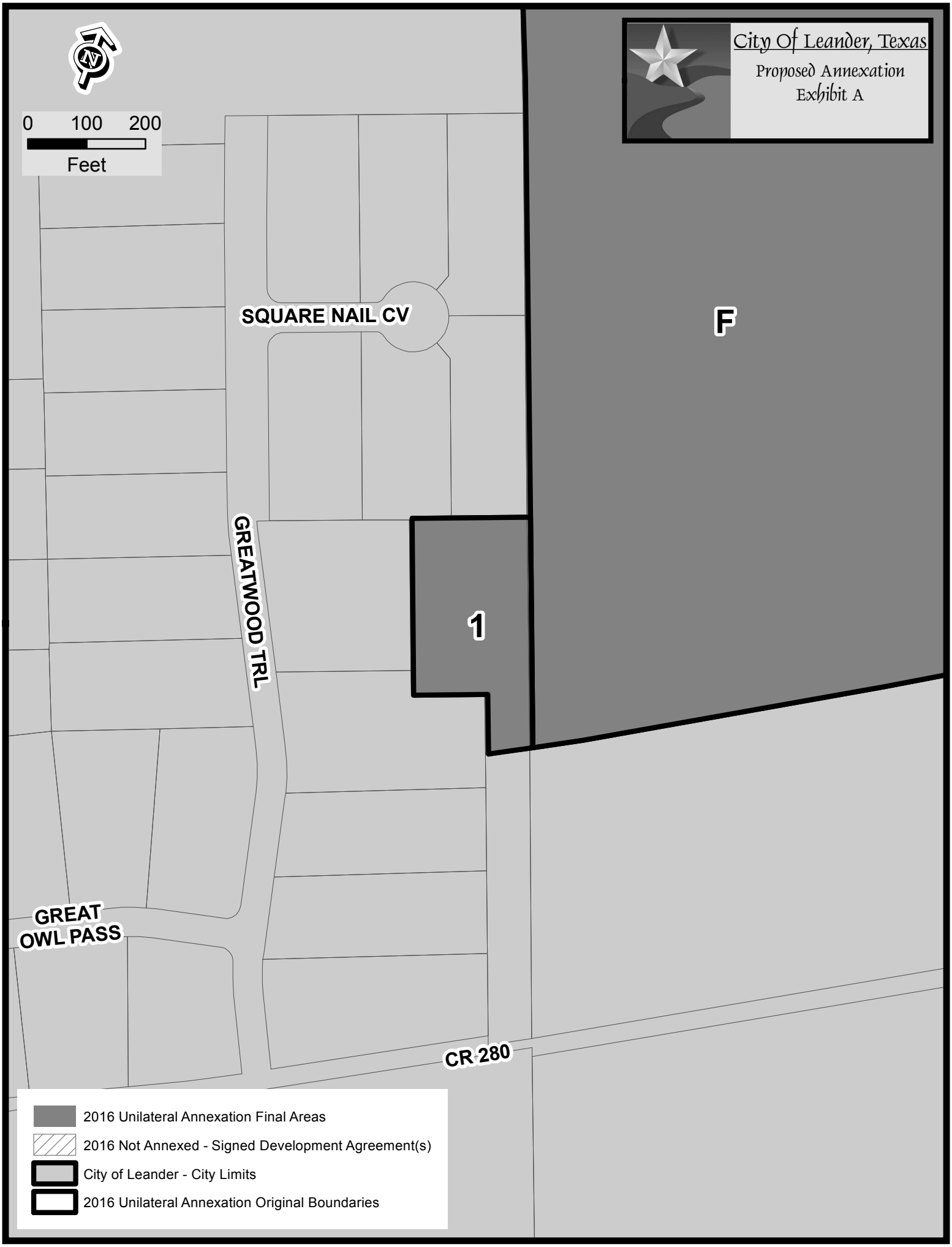
Recommendation: Staff recommends approval of the second readings of the ordinances.

Attachments:

1. Ordinances
2. Maps

Prepared by: Tom Yantis, AICP
Assistant City Manager

4/14/2016


City Of Leander, Texas
Proposed Annexation
Exhibit A
0 100 200
Feet
SQUARE NAIL CV
GREATWOOD TRL
GREAT OWL PASS
CR 280
F
1
2016 Unilateral Annexation Final Areas
2016 Not Annexed - Signed Development Agreement(s)
City of Leander - City Limits
2016 Unilateral Annexation Original Boundaries

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LEANDER, TEXAS, ANNEXING 1.55 ACRES OF LAND, MORE OR LESS, LOCATED IN WILLIAMSON COUNTY, INCLUDING THE ABUTTING STREETS, ROADWAYS, AND RIGHTS-OF-WAY; APPROVING A SERVICE PLAN FOR THE ANNEXED AREA; MAKING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE; AND PROVIDING FOR OPEN MEETINGS AND OTHER RELATED MATTERS.

WHEREAS, the City of Leander, Texas (the "City"), is a home rule municipality authorized by State law and the City's Charter to annex territory lying adjacent and contiguous to the City;

WHEREAS, the City Council, in compliance with *§43.021, Tex. Local Gov't Code*, instituted proceedings for the annexation of certain property more particularly described herein (the "subject property");

WHEREAS, the subject property hereby annexed is adjacent and contiguous to the present City limits;

WHEREAS, the subject property is owned by the City;

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

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

WHEREAS, notice of the public hearings was published in a newspaper of general circulation in the City and the territory proposed to be annexed not more than twenty (20) nor less than ten (10) days prior to the public hearings;

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

WHEREAS, the City, pursuant to *§43.021, Tex. Loc. Gov't. Code*, and the City Charter, is authorized to annex the subject property; and

WHEREAS, after review and consideration of the subject property, the City Council finds that the subject property is exempt from the City's annexation plan pursuant to *§43.052 (h)(1)* of the *Tex. Loc. Gov't. Code*;

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

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

SECTION 2. That the following described property, including the abutting streets, roadways and rights-of-way, is hereby annexed into the corporate limits of the City of Leander:

> Area 1. All that certain parcel or tract of land containing 1.55 acres, more or less, located in Williamson County, Texas, generally located north of County Road 280, east of the Greatwood subdivision, being generally known as the CR 280 Elevated Storage Tank site, being wholly owned by the City of Leander, and being more particularly described and shown as Area 1 in Exhibit "A" attached hereto.

SECTION 3. In the event of conflict between the description of the subject property in this Ordinance and the map attached hereto as Exhibit "A", Exhibit "A" shall control.

SECTION 4. That the Service Plan submitted herewith is hereby approved as part of this Ordinance, made a part hereof and attached hereto as Exhibit "B".

SECTION 5. That the future owners and inhabitants of the subject property shall be entitled to all of the rights and privileges of the City as set forth in the Service Plan attached hereto as Exhibit "B", and are further bound by all acts, ordinances, and all other legal action now in full force and effect and all those which may be hereafter adopted.

SECTION 6. That the official map and boundaries of the City, heretofore adopted and amended, be and hereby are amended so as to include the subject property as part of the City of Leander.

SECTION 7. That the subject property shall be temporarily zoned District "SFR-1-B" as provided in the City Zoning Ordinance, as amended, until permanent zoning is established therefore.

SECTION 8. That if any provision of this Ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

SECTION 9. That this Ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the *Tex. Loc. Gov't. Code*.

SECTION 10. 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, *Chapter 551, Texas Government Code*.

PASSED AND APPROVED on First Reading this ____ day of _____, 2016.

FINALLY PASSED AND APPROVED on this ____ day of _____, 2016.

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

Exhibit “A”

Property Description: Area 1 - Map

EXHIBIT "B"

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

WHEREAS, the City of Leander, Texas (the "City") instituted and completed annexation proceedings for a tract of land described more fully hereinafter (referred to herein as the "subject property");

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

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

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.** The subject property is located within the City's extraterritorial jurisdiction and is more particularly described in the Ordinance to which this service plan is attached. Pursuant to this Plan, the following services shall be provided immediately from the effective date of the annexation:

A. Police protection as follows:

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

B. Fire protection and Emergency Medical Services as follows:

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

C. Solid waste collection services as follows:

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

D. Animal control as follows:

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

E. Maintenance of parks and playgrounds within the City.

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

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

H. Land use regulation as follows:

On the effective date of annexation, the regulatory jurisdiction of the City shall be extended to include the annexed area, and all property therein shall be subject to the City's police power regulations as set forth in duly adopted ordinances; provided that the use of all property therein shall be grandfathered to the extent provided by state law. The subject property shall be temporarily zoned "SFR-1-B" with the intent to rezone the subject property upon request of the landowner or staff. The Planning & Zoning Commission and the City Council will consider rezoning the subject property at future times in response to requests submitted by the landowners or authorized city staff.

(2) **Scheduled Municipal Services.** Depending on the plans for development or redevelopment of the subject property, the following municipal services will be provided on a schedule and at increasing levels of service as requested in compliance with applicable City ordinances, rules and regulations for providing such services:

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

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

(ii) In accordance with the applicable rules and regulations for the provision of water service, water service will be provided to the subjects property, or applicable portions thereof, by the utility holding a water certificate of convenience and necessity ("CCN") for the subject property, or portions thereof as applicable, or absent a water CCN, by the utility in whose jurisdiction the subject property, or portions thereof as applicable, is located, in accordance with all the ordinances, regulations, and policies of the City in effect from time to time for the extension of water service. If connected to the City's water utility system, the subject 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 in effect at the time of the request and in conjunction with Chapter 395, Tex. Local Gov't. Code. 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. The continued use of a preexisting water well that is in use on the effective date of the annexation and is in compliance with applicable rules and regulations shall be permitted and such use may continue until the subject property's owner requests and is able to connect to a water service provider.

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

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

(ii) In accordance with the applicable rules and regulations for the provision of wastewater service, wastewater service will be provided to the subjects property, or applicable portions thereof, by the utility holding a wastewater CCN for the subject property, or portions thereof as applicable, or absent a wastewater CCN, by the utility in whose jurisdiction the subject property, or portions thereof as applicable, is located, in accordance with all the ordinances, regulations, and policies of the City in effect from time to time for the extension of wastewater service. If connected to the City's wastewater utility system, the subject property's owner shall construct the internal wastewater lines and pay the costs of line extension and construction of facilities necessary to provide wastewater service to the subject property as required in City ordinances in effect at the time of the request and in conjunction with Chapter 395, Tex. Local Gov't Code. Upon acceptance of the wastewater lines 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 and policies of the City in effect from time to time. The wastewater system will be accepted and maintained by the City in accordance with its usual policies. Requests for new wastewater line extensions will be installed and extended upon request under the same costs and terms as with other similarly situated customers of the City. The ordinances of the City in effect at the time a request for service is submitted shall govern the costs and request for service. The continued use of a preexisting septic system that is in use on the effective date of the annexation and is in compliance with all applicable rules and regulations shall be permitted and such use may continue until the subject property's owner requests and is able to connect to wastewater service.

C. Maintenance, as appropriate, of existing public streets and rights-of-way that are within the maintenance jurisdiction of the City and other streets that are hereafter constructed and finally accepted by the City within the maintenance jurisdiction of the City as follows:

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

(ii) Routine maintenance as presently performed by the City;

(iii) 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;

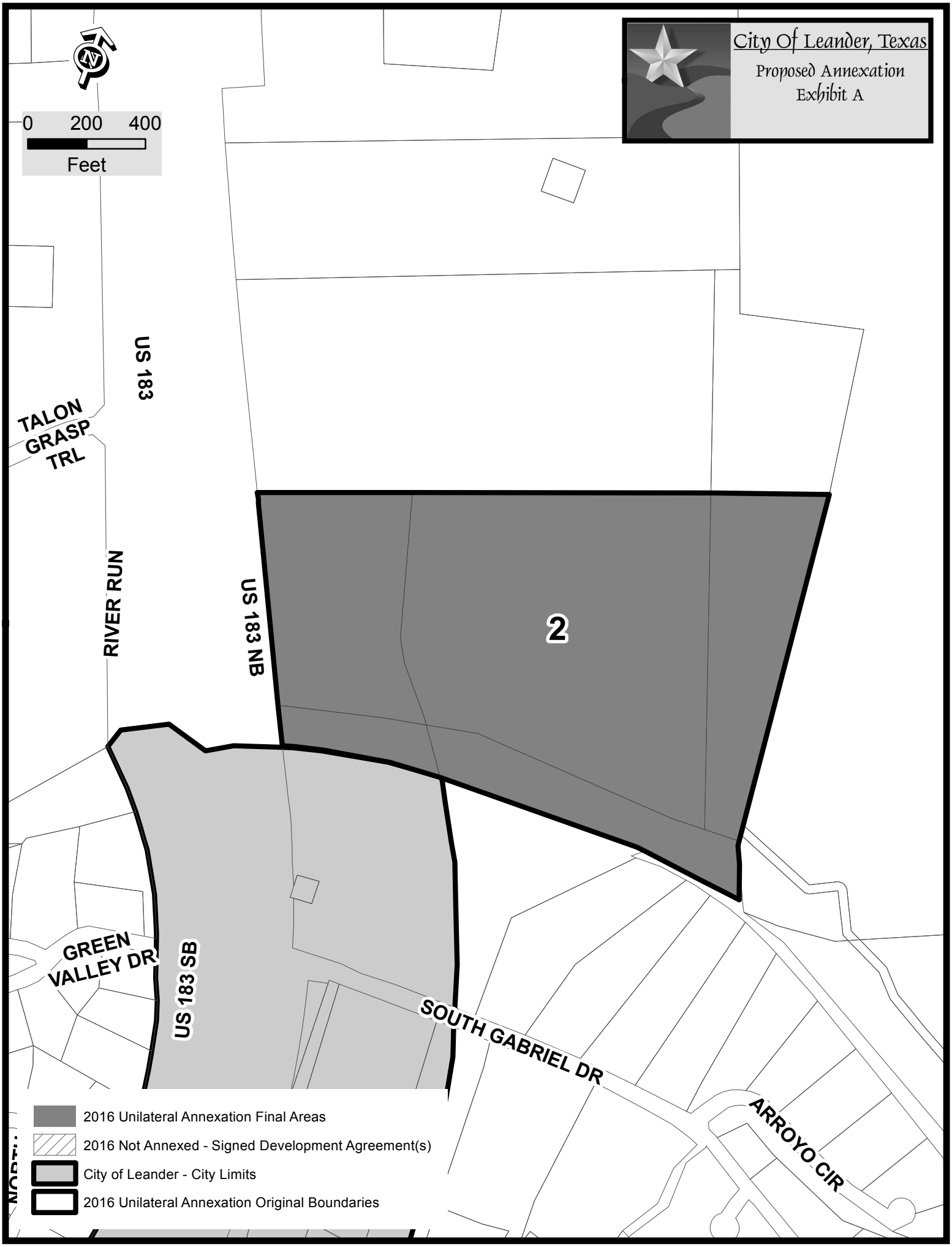
(iv) Installation and maintenance of traffic signals, traffic signs, street markings and other traffic control devices as the need therefore is established by appropriate study and traffic standards; and

(v) Installation and maintenance of street lighting in accordance with established policies of the City.

(3) **Capital Improvements.** Construction of the following capital improvements shall be initiated after the effective date of the annexation: Water and wastewater facilities that are identified in the Capital Improvement Plan, as and when funded pursuant to such Plan. Upon development of the subject property or redevelopment, the landowners will be responsible for the development costs the same as a developer in a similarly situated area under the ordinances in effect at the time of development or redevelopment. No additional capital improvements are necessary at this time to service the subject property the same as similarly situated properties.

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

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


City Of Leander, Texas
Proposed Annexation
Exhibit A
0 200 400
Feet
US 183
TALON GRASP TRL
RIVER RUN
US 183 NB
2
GREEN VALLEY DR
US 183 SB
SOUTH GABRIEL DR
ARROYO CIR
2016 Unilateral Annexation Final Areas
2016 Not Annexed - Signed Development Agreement(s)
City of Leander - City Limits
2016 Unilateral Annexation Original Boundaries

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LEANDER, TEXAS, ANNEXING 43.18 ACRES OF LAND, MORE OR LESS, LOCATED IN WILLIAMSON COUNTY, INCLUDING THE ABUTTING STREETS, ROADWAYS, AND RIGHTS-OF-WAY; APPROVING A SERVICE PLAN FOR THE ANNEXED AREA; MAKING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE; AND PROVIDING FOR OPEN MEETINGS AND OTHER RELATED MATTERS.

WHEREAS, the City of Leander, Texas (the "City"), is a home rule municipality authorized by State law and the City's Charter to annex territory lying adjacent and contiguous to the City;

WHEREAS, the City Council, in compliance with *§43.021, Tex. Local Gov't Code*, instituted proceedings for the annexation of certain property more particularly described herein (the "subject property");

WHEREAS, the subject property hereby annexed is adjacent and contiguous to the present City limits;

WHEREAS, the subject property is owned by the City;

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

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

WHEREAS, notice of the public hearings was published in a newspaper of general circulation in the City and the territory proposed to be annexed not more than twenty (20) nor less than ten (10) days prior to the public hearings;

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

WHEREAS, the City, pursuant to *§43.021, Tex. Loc. Gov't. Code*, and the City Charter, is authorized to annex the subject property; and

WHEREAS, after review and consideration of the subject property, the City Council finds that the subject property is exempt from the City's annexation plan pursuant to *§43.052 (h)(1)* of the *Tex. Loc. Gov't. Code*;

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

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

SECTION 2. That the following described property, including the abutting streets, roadways and rights-of-way, is hereby annexed into the corporate limits of the City of Leander:

> **Area 2.** All that certain parcel or tract of land containing 43.18 acres, more or less, located in Williamson County, Texas, generally located east of US 183, north of the South Fork of the San Gabriel River, being generally known as the San Gabriel River Park site, being wholly owned by the City of Leander, and being more particularly described and shown as Area 2 in Exhibit "A" attached hereto.

SECTION 3. In the event of conflict between the description of the subject property in this Ordinance and the map attached hereto as Exhibit "A", Exhibit "A" shall control.

SECTION 4. That the Service Plan submitted herewith is hereby approved as part of this Ordinance, made a part hereof and attached hereto as Exhibit "B".

SECTION 5. That the future owners and inhabitants of the subject property shall be entitled to all of the rights and privileges of the City as set forth in the Service Plan attached hereto as Exhibit "B", and are further bound by all acts, ordinances, and all other legal action now in full force and effect and all those which may be hereafter adopted.

SECTION 6. That the official map and boundaries of the City, heretofore adopted and amended, be and hereby are amended so as to include the subject property as part of the City of Leander.

SECTION 7. That the subject property shall be temporarily zoned District "SFR-1-B" as provided in the City Zoning Ordinance, as amended, until permanent zoning is established therefore.

SECTION 8. That if any provision of this Ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

SECTION 9. That this Ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the *Tex. Loc. Gov't. Code*.

SECTION 10. 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, *Chapter 551, Texas Government Code*.

PASSED AND APPROVED on First Reading this ____ day of _____, 2016.

FINALLY PASSED AND APPROVED on this ____ day of _____, 2016.

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

Exhibit “A”

Property Description: Area 2 - Map

EXHIBIT "B"

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

WHEREAS, the City of Leander, Texas (the "City") instituted and completed annexation proceedings for a tract of land described more fully hereinafter (referred to herein as the "subject property");

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

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

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.** The subject property is located within the City's extraterritorial jurisdiction and is more particularly described in the Ordinance to which this service plan is attached. Pursuant to this Plan, the following services shall be provided immediately from the effective date of the annexation:

A. Police protection as follows:

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

B. Fire protection and Emergency Medical Services as follows:

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

C. Solid waste collection services as follows:

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

D. Animal control as follows:

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

E. Maintenance of parks and playgrounds within the City.

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

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

H. Land use regulation as follows:

On the effective date of annexation, the regulatory jurisdiction of the City shall be extended to include the annexed area, and all property therein shall be subject to the City's police power regulations as set forth in duly adopted ordinances; provided that the use of all property therein shall be grandfathered to the extent provided by state law. The subject property shall be temporarily zoned "SFR-1-B" with the intent to rezone the subject property upon request of the landowner or staff. The Planning & Zoning Commission and the City Council will consider rezoning the subject property at future times in response to requests submitted by the landowners or authorized city staff.

(2) **Scheduled Municipal Services.** Depending on the plans for development or redevelopment of the subject property, the following municipal services will be provided on a schedule and at increasing levels of service as requested in compliance with applicable City ordinances, rules and regulations for providing such services:

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

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

(ii) In accordance with the applicable rules and regulations for the provision of water service, water service will be provided to the subjects property, or applicable portions thereof, by the utility holding a water certificate of convenience and necessity ("CCN") for the subject property, or portions thereof as applicable, or absent a water CCN, by the utility in whose jurisdiction the subject property, or portions thereof as applicable, is located, in accordance with all the ordinances, regulations, and policies of the City in effect from time to time for the extension of water service. If connected to the City's water utility system, the subject 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 in effect at the time of the request and in conjunction with Chapter 395, Tex. Local Gov't. Code. 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. The continued use of a preexisting water well that is in use on the effective date of the annexation and is in compliance with applicable rules and regulations shall be permitted and such use may continue until the subject property's owner requests and is able to connect to a water service provider.

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

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

(ii) In accordance with the applicable rules and regulations for the provision of wastewater service, wastewater service will be provided to the subjects property, or applicable portions thereof, by the utility holding a wastewater CCN for the subject property, or portions thereof as applicable, or absent a wastewater CCN, by the utility in whose jurisdiction the subject property, or portions thereof as applicable, is located, in accordance with all the ordinances, regulations, and policies of the City in effect from time to time for the extension of wastewater service. If connected to the City's wastewater utility system, the subject property's owner shall construct the internal wastewater lines and pay the costs of line extension and construction of facilities necessary to provide wastewater service to the subject property as required in City ordinances in effect at the time of the request and in conjunction with Chapter 395, Tex. Local Gov't Code. Upon acceptance of the wastewater lines 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 and policies of the City in effect from time to time. The wastewater system will be accepted and maintained by the City in accordance with its usual policies. Requests for new wastewater line extensions will be installed and extended upon request under the same costs and terms as with other similarly situated customers of the City. The ordinances of the City in effect at the time a request for service is submitted shall govern the costs and request for service. The continued use of a preexisting septic system that is in use on the effective date of the annexation and is in compliance with all applicable rules and regulations shall be permitted and such use may continue until the subject property's owner requests and is able to connect to wastewater service.

C. Maintenance, as appropriate, of existing public streets and rights-of-way that are within the maintenance jurisdiction of the City and other streets that are hereafter constructed and finally accepted by the City within the maintenance jurisdiction of the City as follows:

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

(ii) Routine maintenance as presently performed by the City;

(iii) 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;

(iv) 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

(v) Installation and maintenance of street lighting in accordance with established policies of the City.

(3) **Capital Improvements.** Construction of the following capital improvements shall be initiated after the effective date of the annexation: Water and wastewater facilities that are identified in the Capital Improvement Plan, as and when funded pursuant to such Plan. Upon development of the subject property or redevelopment, the landowners will be responsible for the development costs the same as a developer in a similarly situated area under the ordinances in effect at the time of development or redevelopment. No additional capital improvements are necessary at this time to service the subject property the same as similarly situated properties.

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

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

AGENDA ITEM # 35

Executive Summary

April 21, 2016

Agenda Subject:	Zoning Case 16-Z-007: Hold a public hearing and consider action on the rezoning of several parcels of land generally located to the west of the intersection of CR 279 and Live Oak; 76.89 acres more or less; WCAD Parcels R022926, R022924, R473840, R022925, and R473841. Currently, the property is zoned interim SFR-1-B (Single-Family Rural). The applicant is proposing to zone the property to SFR-2-B (Single-Family Rural), Leander, Williamson County, Texas.
Background:	This request is the second step in the rezoning process.
Origination:	Applicant: San Gabriel Whitt Ranch, LLC (Davy Roberts).
Financial Consideration:	None
Recommendation:	This request has been postponed by the applicant.
Attachments:	1. Postponement Letter
Prepared By:	Tom Yantis, AICP Assistant City Manager 04/12/2016

a) Staff Presentation

Robin Griffin, Senior Planner discussed the proposed zoning request.

b) Applicant Presentation

Cynthia McCalmont explained the purpose for the zoning.

c) Open Public Hearing

Chair Sokol opened the public hearing
Karen Wells – spoke against
Edward Valdes – had questions
Joe Aboulhosn - spoke against
Shawn Conly - spoke against
Patty Chalupa - spoke against
Stacy Ary – spoke against
Mike Kaply - spoke against

d) Close Public Hearing

Chair Sokol closed the public hearing.

e) Discussion

Discussion took place.

f) Consider Action

Commissioner Schwendenmann moved to deny the zoning request to amend the PUD (Planned Unit Development) to increase the residential density allowed within the properties located on the east side of West Broade Street. Commissioner Cotten seconded the motion. Motion passed 5 to 2 with Commissioners Hines and Anderson opposing.

13. Zoning Case 16-Z-007: Hold a public hearing and consider action on the rezoning of several parcels of land generally located to the west of the intersection of CR 279 and Live Oak Rd; 76.89 acres more or less; WCAD Parcels R022926, R022924, R473840, R022625, and R473841. Currently, the property is zoned interim SFR-1-B (Single-Family Rural). The applicant is proposing to zone the property to SFR-2-B (Single-Family Rural), Leander, Williamson County, Texas. Applicant: San Gabriel Whitt Ranch, LLC (Davy Roberts).

Applicant postponed this agenda item.

a) Staff Presentation
b) Applicant Presentation
c) Open Public Hearing
d) Close Public Hearing
e) Discussion
f) Consider Action

14. Meeting Adjourned at **8:44 pm**

Executive Summary

April 21, 2016

Agenda Subject: Zoning Case 16-Z-004: Hold a public hearing and consider action on the rezoning of a parcel of land located at 801 Apache Trail; 1.50 acres more or less; WCAD Parcel R487426. Currently, the property is zoned GC-3-C (General Commercial). The applicant is proposing to zone the property to PUD (Planned Unit Development) with a zoning base of MF-2-A (Multi-Family) Leander, Williamson County, Texas.

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

Origination: Applicant: Dannen Development LLC (Josh Becker).

Financial Consideration: None

Recommendation: See Planning Analysis. The Planning & Zoning Commission unanimously recommended approval with the condition that an alternative parking plan agreement will be pursued at the April 14, 2016.

Attachments:

1. Planning Analysis
2. Current Zoning Map
3. Future Land Use Map
4. Notification Map
5. Proposed Zoning Map
6. Aerial Map
7. Letter of Intent
8. Ordinance
9. Minutes-Planning & Zoning Commission April 14, 2016

Prepared By: Tom Yantis, AICP
Assistant City Manager 04/14/2016

PLANNING ANALYSIS

ZONING CASE 16-Z-004

VILLAGE TOWN HOMES PUD

GENERAL INFORMATION

Owner: Dannen Development LLC

Current Zoning: GC-3-C (General Commercial)

Proposed Zoning: PUD (Planned Unit Development) with base district of MF-2-A (Multi-Family)

Size and Location: The property is located at 801 Apache Trail and includes approximately 1.50 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	LC-2-B	Vacant Property
EAST	SFE-2-B	Developed Single Family Homes, Timberline West Section 2 Subdivision
SOUTH	SFE-2-B	Developed Single Family Homes, Ridge Oak Sec. 1 Subdivision
WEST	GC-3-C	Developed tenant space: Young Minds Montessori Preschool

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 allow for the development of a small scale town home project that will provide for a variety of residential housing opportunities in the area. 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.

USE COMPONENTS:

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.

SITE COMPONENTS:

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 HC and HI use components except where such component is adjacent to, and not adequately buffered from, residential districts or other more restricted districts, and except as requested by the land owner.

ARCHITECTURAL COMPONENTS:

TYPE A:

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

Intent:

(1) The Type A architectural component is intended to be utilized for high quality developments or to provide variety as an additional option for portions of a residential development and may be utilized in or adjacent to single-family uses.

(2) This component is intended to be utilized for single-family development that backs up to, or sides to, a major thoroughfare.

(3) Combined with appropriate use and site components, this component is intended to help provide for harmonious land use transitions by applying this component to a less restrictive use or site component adjacent to a more restrictive use or site component. This standard may be utilized to help ensure compatibility for non-residential uses, multi-family, two-family, townhouse or small lot residential development with adjacent property that is more restricted.

(4) This component is intended to be utilized for buildings requiring heights greater than those provided in other architectural components.

(5) This component may be utilized for any high profile development, for any property in a prominent location or at an important gateway to the community.

(6) This component is not intended to become an involuntary standard for the majority of a single-family subdivision, especially with SFR, SFE, SFS, SFU and SFC components.

COMPREHENSIVE PLAN STATEMENTS:

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

- Provide a balanced mix of complementary uses that support a strong and diverse tax base.
- Create strong neighborhoods with a variety of housing choices.
- Encourage a range of housing types at a variety of price points.
- Encourage development that creates a sense of place through architectural design and landscaping.
- The purpose in the Mixed Use Corridor is to allow for a variety of housing types and small professional offices that complement residential development. Limited neighborhood servicing commercial uses and higher density residential are appropriate at intersections.

ANALYSIS:

The applicant has submitted a request for the Village Town Home PUD (Planned Unit Development) in order to allow for the development of a multi-family town home development. The property to the north is undeveloped and zoned for local commercial uses. The properties to the east and south are developed as single-family neighborhoods. The property to the west is developed as a day care.

The Planning & Zoning Commission heard a request for this site on April 23, 2015 for the MF-2-B (Multi-Family) district. The Commission recommended approval of the request with the following conditions:

1. A six (6') foot masonry wall is required to be constructed adjacent to the single-family development.
2. Access to the site will be provided by the existing driveway, any other driveways will be for emergency access only.
3. No parking modules, drive aisles, driveways, garages or similar facilities are permitted between the building(s) closest to the street(s) and the street frontage.

The City Council denied the request at the May 7, 2015 meeting.

The applicant is requesting the MF-2-A (Multi-Family) base zoning district with a proposed unit count of twenty (20). The units within the project will be limited to four (4) attached units and conventional apartments will not be permitted. The building height shall be limited to two (2) stories. In addition, the applicant is proposing to setback the town homes forty (40') feet from the existing residential to the east and only allow one story garages along the east side of the project.

The MF use component allows for the development of multi-family dwelling structures. This use component typically serves as a buffer between single-family neighborhoods and more intensive uses such as commercial or arterial roadways.

The requested Type 2 site component when paired with the MF use component includes the following provisions:

- At least thirty-five percent (35%) of the units are required to have at least one enclosed garage parking space and such garages are required to be leased, rented or sold with the applicable units.
- Parking areas shall be no wider than two parking modules wide.

The Type A architectural component requires that 85% of the walls are comprised of masonry. In addition, a minimum of five architectural features are required.

This application includes the following higher standards and waivers.

HIGHER STANDARDS	WAIVERS
COMPOSITE ZONING ORDINANCE	
Type A Architectural Component	-
Reduced Density	-
Height Limit	-
Additional Setback for Town Homes	
-	Multi-Family Town Homes

This property is located within a Mixed Use Corridor as identified by the Future Land Use Map in the Comprehensive Plan. Mixed Use Corridors include areas along arterials between Centers that have available land should be developed to preserve the integrity of the corridor and maintain mobility.

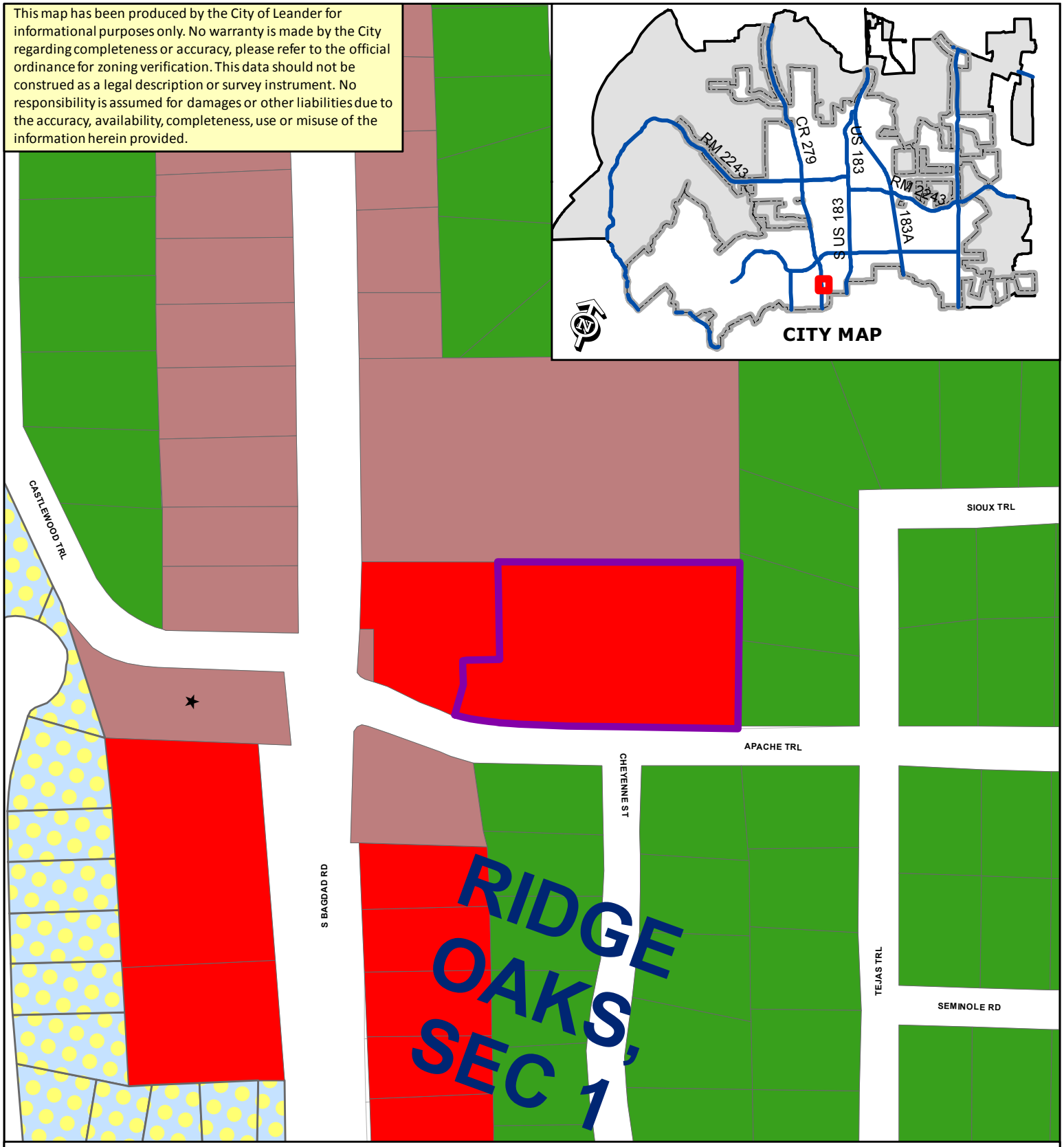
Typical uses within a Mixed Use Corridor include:

- Small-lot single-family
- Townhomes
- Duplexes and Quadplexes
- Civic and Institutional Uses (schools and places of worship)
- Small Professional Offices that complement residential development.
- Limited neighborhood-serving commercial uses and higher-density residential are appropriate at intersections.

Typical design standards included limited parking between corridors and buildings, consistent landscaping and lighting, pedestrian-friendly development, low monument style signage, and transit ready project. This project includes an internal drive and buildings fronting on Apache Trail. The parking will not be located between the homes and the street.

STAFF RECOMMENDATION:

Staff recommends approval of the requested PUD. The proposed PUD allows for the development of a multi-family town home project that will limit the overall density while maintaining high form standards. The requested PUD meets the intent statements of the Composite Zoning Ordinance and the goals of the Comprehensive Plan.



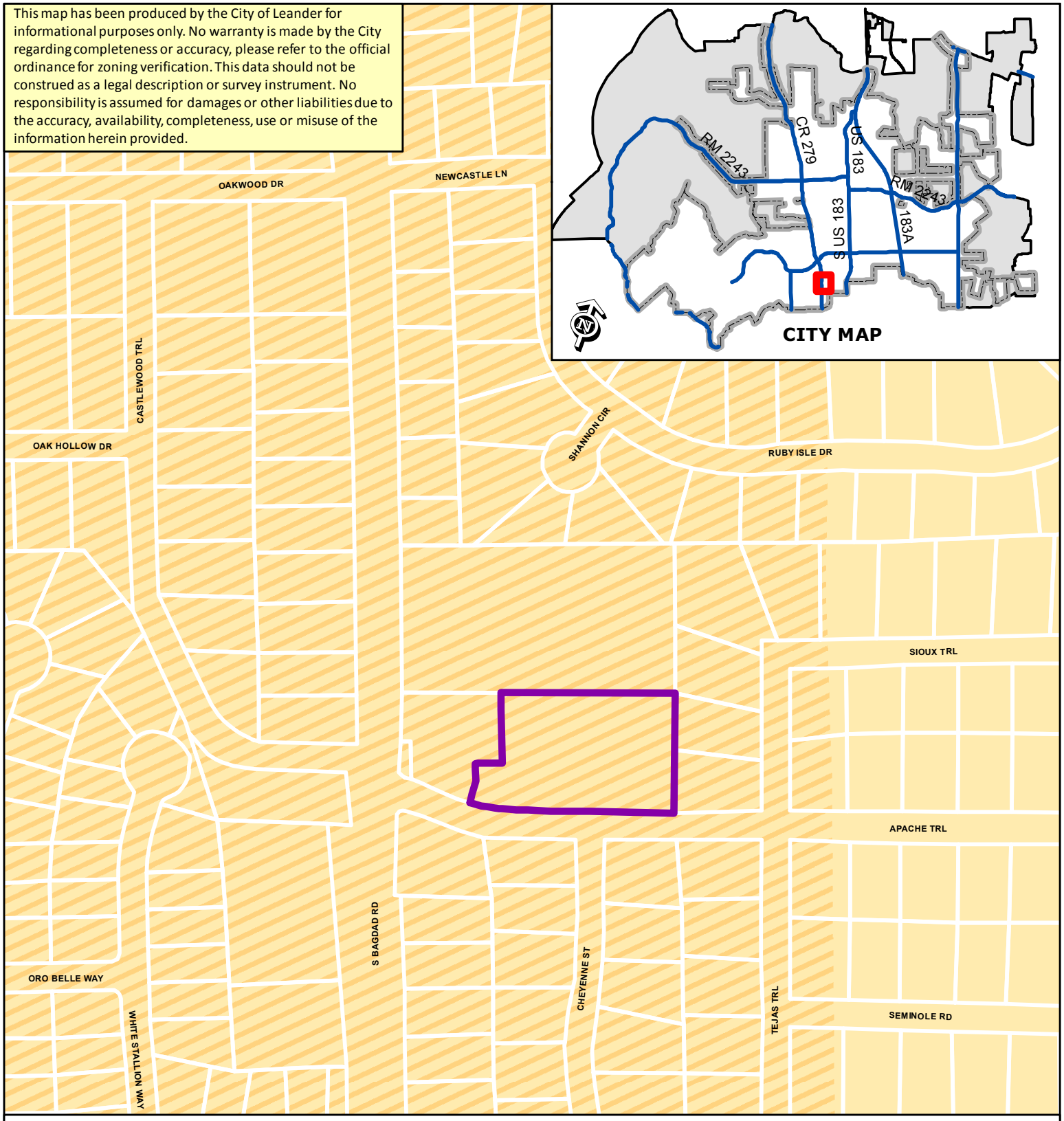
ZONING CASE 16-Z-004 Attachment #2 Current Zoning Map - Village Town Homes PUD

City Limits	SFR	SFL	LO	PUD - Commercial
Subject Property	SFE	SFT	LC	PUD - Mixed Use
	SFS	SFU/MH	GC	PUD - Multi-Family
	SFU	TF	HC	PUD - Townhomes
	SFC	MF	HI	PUD - Single-Family

N

0 200

Feet



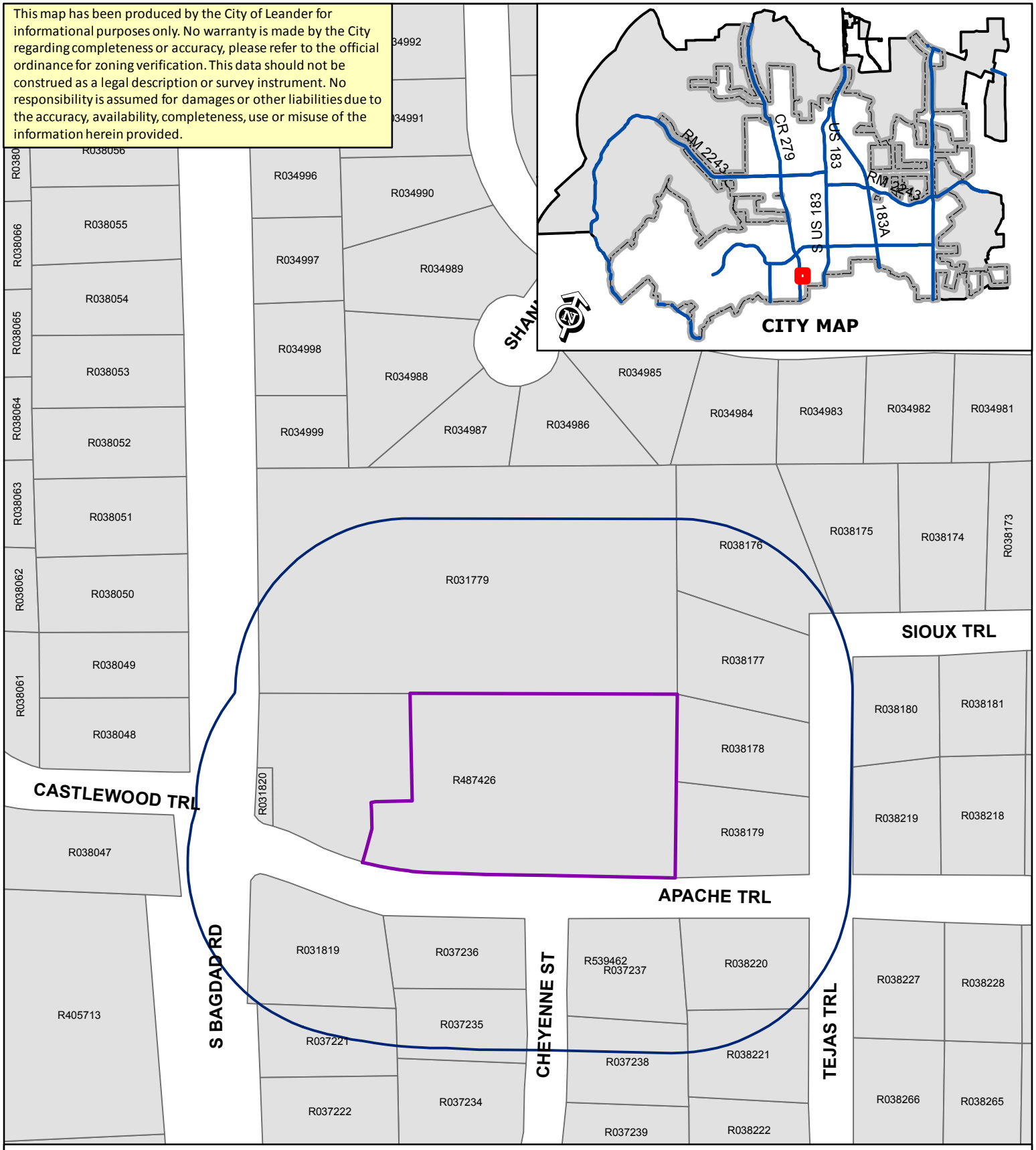
ZONING CASE 16-Z-004 Attachment #3 Future Land Use Map - Village Town Homes PUD

- Subject Property
- City Limits
- Open Space
- Mixed Use Corridor
- Commercial Corridor
- Neighborhood Center
- Community Center
- Activity Center
- Transit Supportive Mixed Use
- Station Area Mixed Use
- Old Town Mixed Use
- Employment Mixed Use
- Industrial District
- Neighborhood Residential

N

0 200

Feet


This map has been produced by the City of Leander for informational purposes only. No warranty is made by the City regarding completeness or accuracy, please refer to the official ordinance for zoning verification. This data should not be construed as a legal description or survey instrument. No responsibility is assumed for damages or other liabilities due to the accuracy, availability, completeness, use or misuse of the information herein provided.
CITY MAP
RM 2243
CR 279
US 183
S US 183
183A
R034992
R034991
R038056
R034996
R034990
R038055
R034997
R034989
R038054
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R487426
R031820
CASTLEWOOD TRL
SIOUX TRL
APACHE TRL
S BAGDAD RD
CHEYENNE ST
TEJAS TRL
R405713
R031819
R037236
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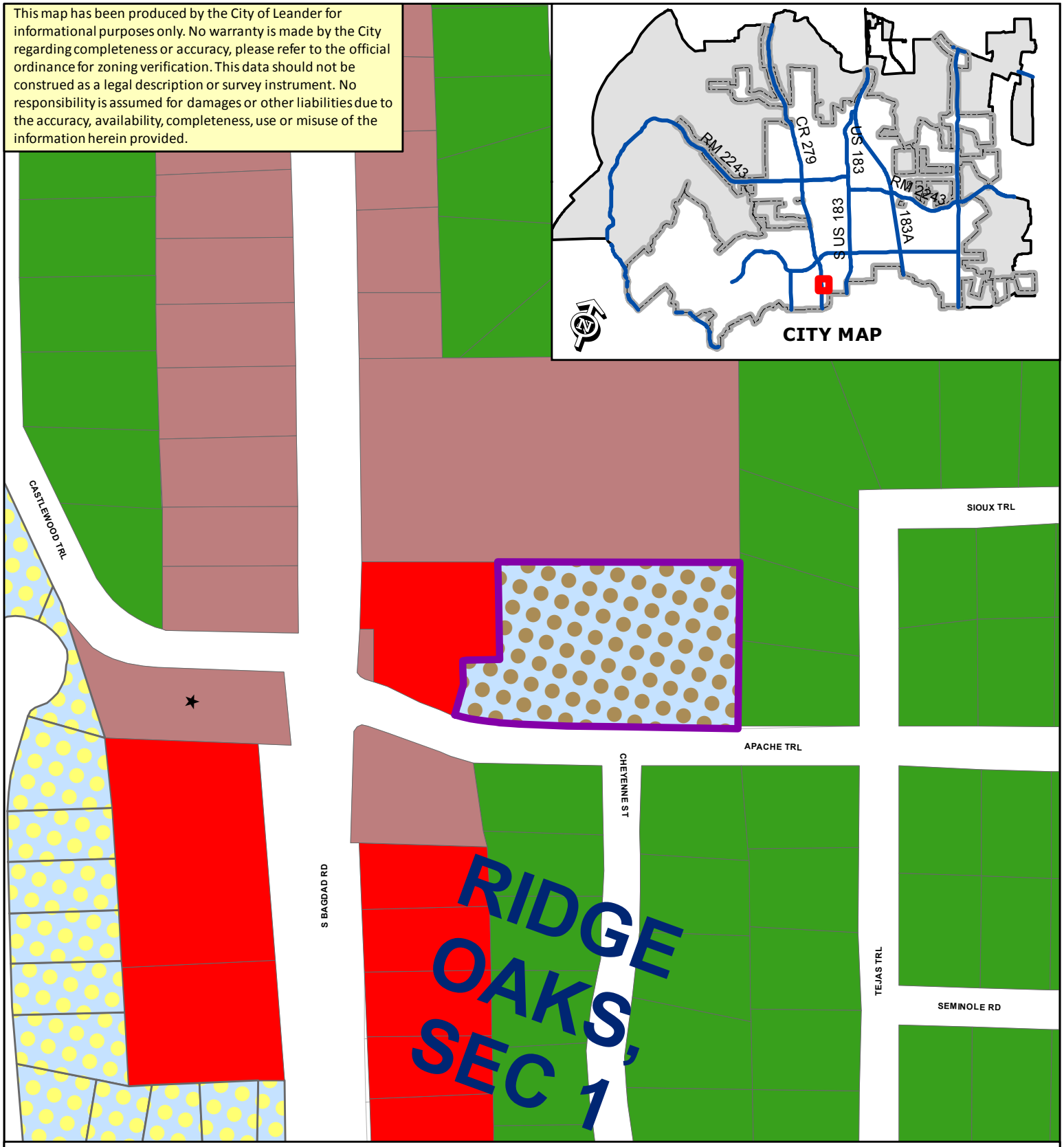
R037222
R539462
R037237
R037238
R037239
R038220
R038221
R038222
R038227
R038228
R038266
R038265
ZONING CASE 16-Z-004
Attachment # 4
Notification Map
Village Town Homes
Public Notification Boundary
Subject Property
City Limits
WCAD Parcels
N
0
100
200
400
Feet

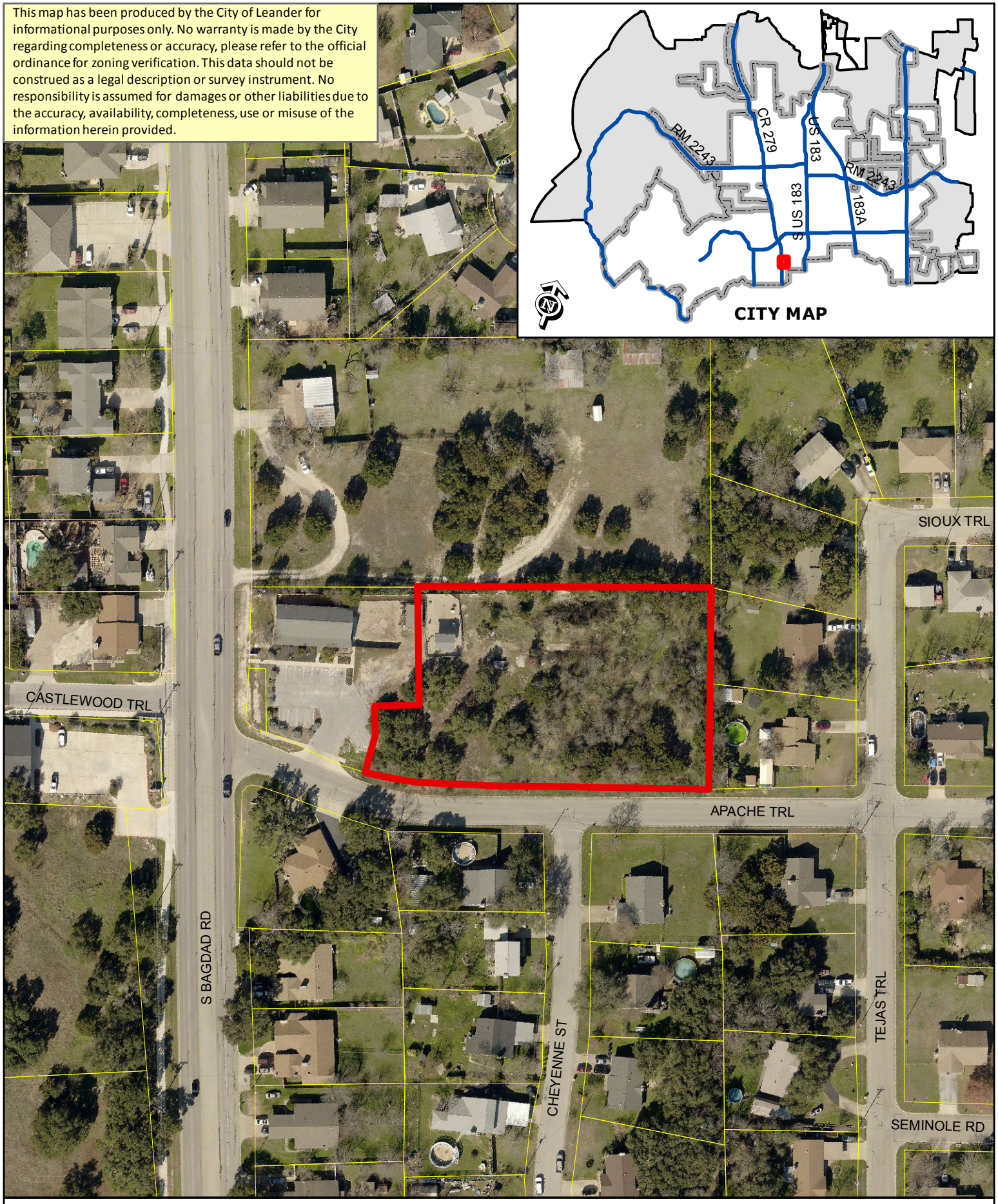


ZONING CASE 16-Z-004 Attachment #5 Proposed Zoning Map - Village Town Homes PUD

Subject Property	SFR	SFL	LO	PUD - Commercial
City Limits	SFE	SFT	LC	PUD - Mixed Use
	SFS	SFU/MH	GC	PUD - Multi-Family
	SFU	TF	HC	PUD - Townhomes
	SFC	MF	HI	PUD - Single-Family

N

0 200
Feet



ZONING CASE 16-Z-004 Attachment #6

Aerial Exhibit - Approximate Boundaries
Village Town Homes PUD

0 200
Feet

Subject Property
City Limits

EXHIBIT A
Village Townhomes – PUD

A. Purpose and Intent

The Village Townhomes PUD is comprised of 1.50 acres, as described in Exhibit D (Field Notes). The development of this property is a planned townhome community.

B. Applicability and Base Zoning

All aspects regarding the development of this PUD shall comply with the City of Leander Composite Zoning Ordinance, except as established in this exhibit, titled Exhibit A. For the purpose of establishing development standards for the PUD, the MF-2-A (Multi-Family) district has been selected.

C. Conceptual Site Layout and Land Use Plan

Exhibit B attached is a conceptual site layout and land use plan intended to visually convey the design intent for the Village Townhomes community. The design of the community is not final, and is subject to refinement during the platting and site planning stages. This PUD zoning document does not constitute plat or site plan approval of the attached plan.

D. Allowable Use

1. The use shall be attached single-family townhome residential development.
2. The unit size shall be a minimum of 900 square feet per attached unit. Patios (covered or uncovered) and decks are not included in this dimension.
3. The maximum unit count shall be limited to 20 units.
4. The building height of all unit shall be limited to 2-stories in height.
5. A maximum of 4 attached units may be connected.

E. Building Envelope Design Standards

The Village Townhomes development will comply with the Development Standards set forth in the Table below for a condo regime site plan on private drives.

	Building Width	Building Setbacks	Paving Setbacks
Unit Width (minimum unit width)	20 ft.	-	-
Front Setback (from public streets)	-	15 ft.	20 ft.
Building Setback (from single-family residential homes)	-	40 ft.*	10 ft.
Perimeter Setback (minimum)		10 ft.	5 ft.
Building Separation (minimum)		10 ft.**	-

* *Setback only applies to habitable buildings. Single Story Garages and surface parking will be allowed within the 40 ft setback, but no closer than 10 ft of the property line*

** *Eave overhang is not included in calculations for minimum building separation. A minimum of six feet clear zone between building roof lines will be provided.*

F. Private Drives

1. Minimum centerline radius for private drives is 37.5 feet along tangent sections. Private drives will have a 20 or 25 foot wide pavement width measured from face of curb to face of curb (unless the Fire Department has additional requirements) with 18 to 24 inch curb and gutter (which may also include mountable curb or stand up curb). This PUD does not waive any Fire Code requirements. The drive width is required to be 26 feet wide where a fire hydrant is located (30 foot bump-outs is permitted; no parking allowed). Fire hydrants are required to be within 100 feet of an FDC (fire department connection) of each sprinklered building. FDC's are required on each building or remotely located on the site along the 26 foot drive (bump-out).

G. Architectural Criteria

1. All townhomes shall comply with Article VII Architectural Components and Article VIII Architectural Standards, Type A of the Composite Zoning Ordinance unless modified herein. For the purposes of this PUD, private drives shall constitute streets.
2. The front elevations shown in Exhibit C shall front on Apache Trail. Parking shall not be permitted between the homes and Apache Trail.
3. All elevations shall substantially conform to the architectural style shown in Exhibit C.

H. Garage and Parking Requirements

1. All garages associated with townhomes shall comply with Article VIII Architectural Standards of the Composite Zoning Ordinance unless modified herein.
2. The required number of garages shall comply with the multi-family standards listed in Article V, Section 2 of the Composite Zoning Ordinance.

I. Lighting

Street lighting is required at drive intersections with public streets. Street lighting is optional in the interior of the project.

J. Sidewalks

Sidewalks are not required in the interior of the project, however, walkways will be provided as pedestrian connection (which may be concrete or crushed granite) within the project itself. Sidewalks will be required along adjacent ROW.

K. Landscape

This project shall comply with the applicable Landscape Requirements listed in Article VI of the Composite Zoning Ordinance in compliance with the multi-family provisions.

EXHIBIT B
CONCEPTUAL SITE LAYOUT & LAND USE PLAN

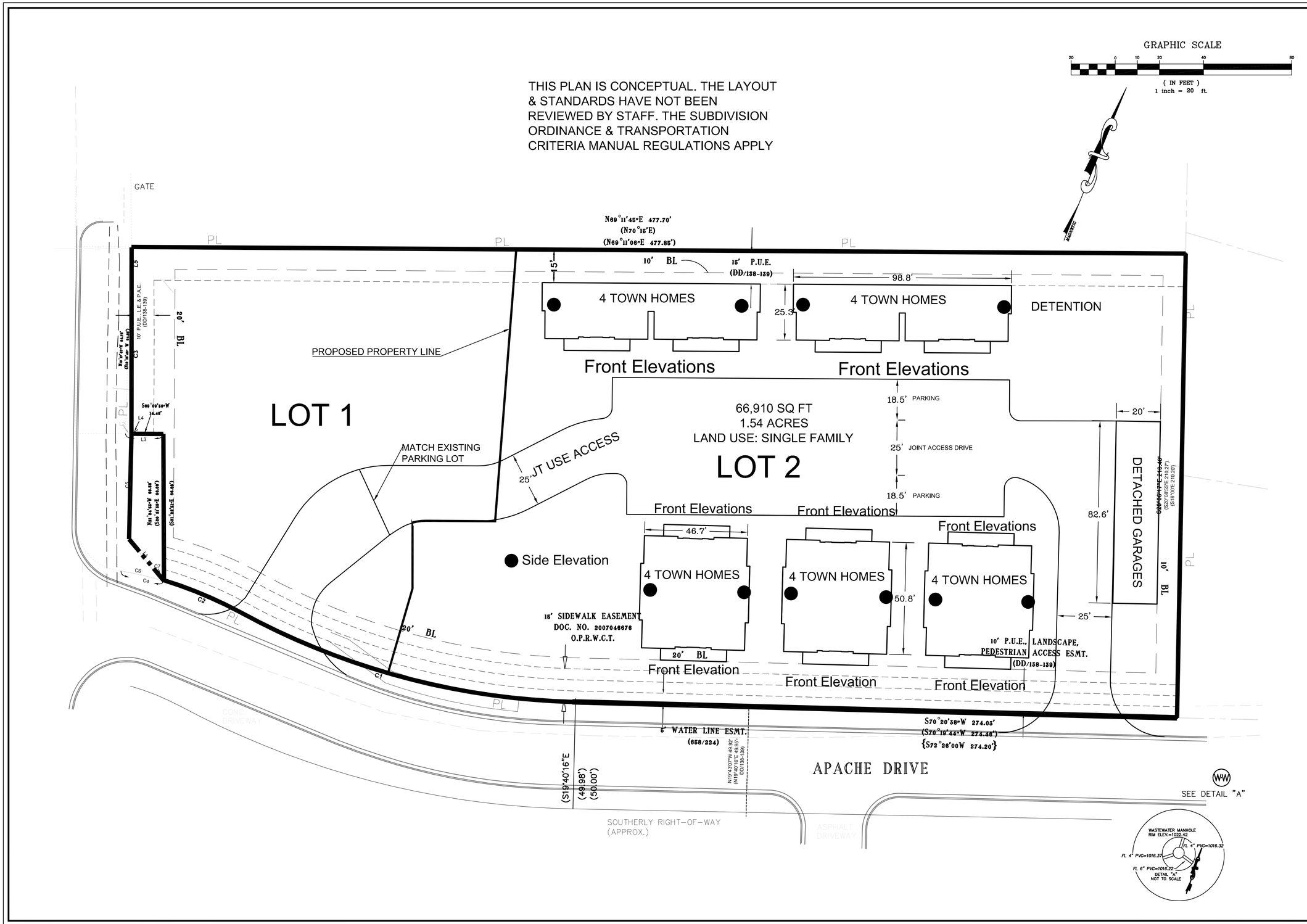
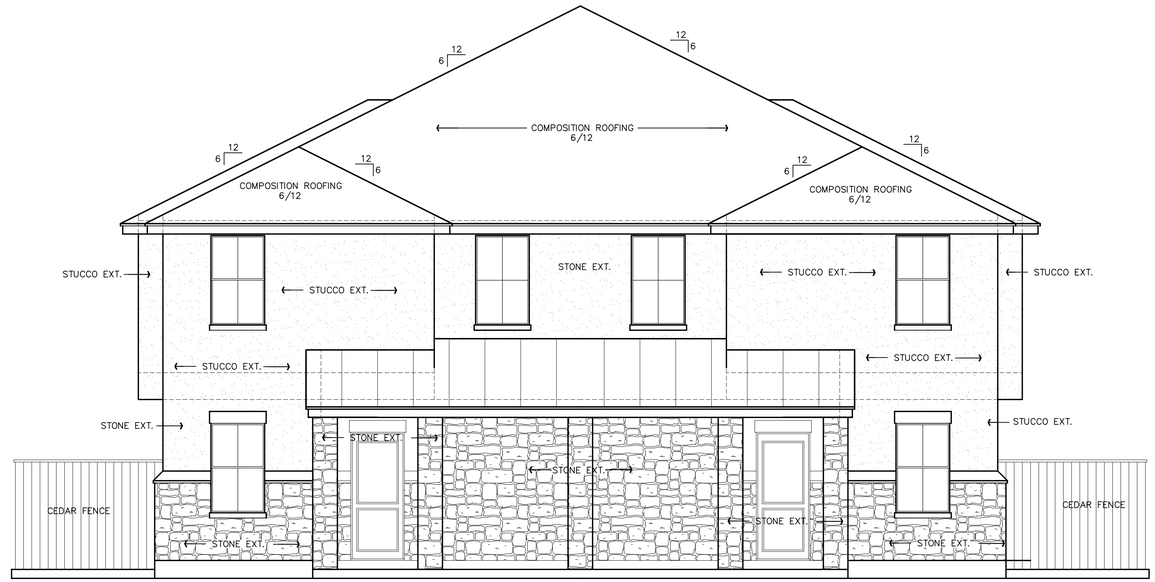
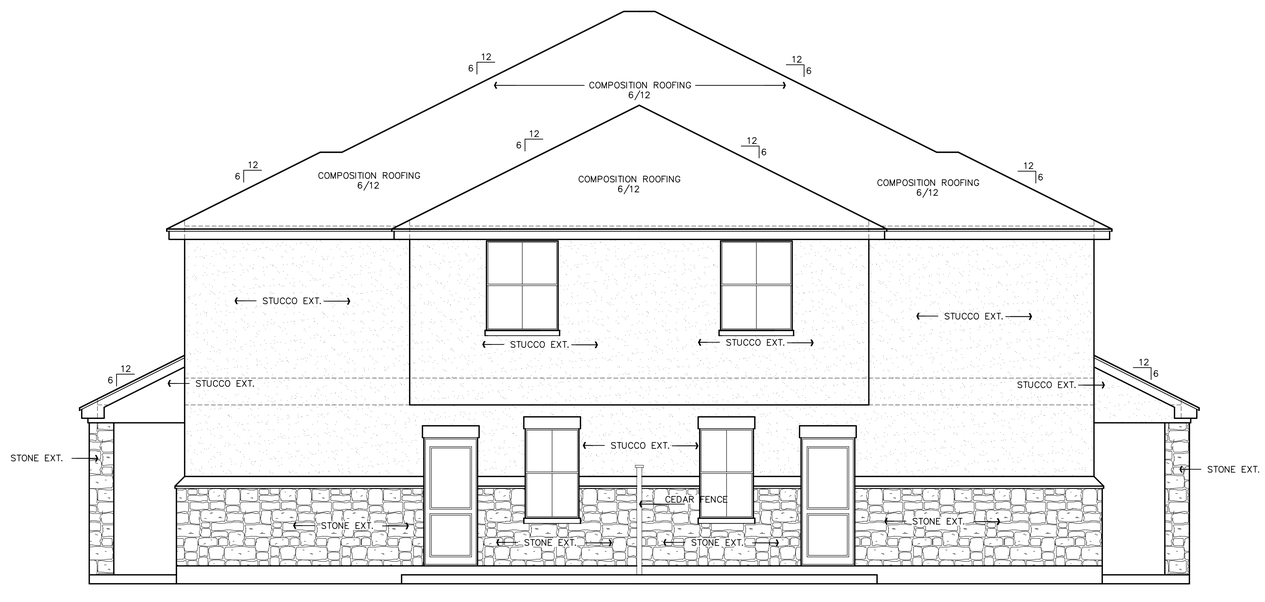


EXHIBIT C
ELEVATIONS



FRONT ELEVATION
SCALE: 1/4"=1'-0"



RIGHT SIDE ELEVATION
SCALE: 1/4"=1'-0"

ELEVATIONS
SCALE: 1/4"=1'-0"

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THE VILLAGE ADDITION
801 APACHE TRAIL
Leander, TX 78641

DESIGN ORIGINALS of Texas
home design center
10713 RR N 620, STE. 515
AUSTIN, TX. 78726
OFFICE (512) 331-1775

MONTERRYEY BROTHERS

JOB # A9875	
DATE: 10-11-15	
REVISION:	
DRAWN BY: JCD/MSD	

To whom it may concern:

Dannen Development is improving the remaining 1.5 acres of the 2.13-acre lot located at the northeast corner of Bagdad Road and Apache Trail. The property's current zoning is General Commercial and sits between an existing 2500 square foot commercial building and a residential subdivision. Young Minds Montessori Preschool is the currently occupying the commercial building and would like to remain in that location for the foreseeable future. The existing building and parking lot occupy approximately .61 acres of the 2.13-acre lot. It is our intent to improve the remaining 1.5 acres.

This property is currently zoned General Commercial which allows for uses such as Liquor stores, car lots, hotels, office warehouse and boarding houses to mention a few. The site plan approval process for Office Warehouse was initiated but never finalized because the current owners don't feel like office warehouse is conducive to the neighborhood feel that currently exists. A zone change to multi-family was proposed and unanimously recommended by the Planning and Zoning Commission, but was met with opposition and denied by City Council. After reviewing the concerns of the neighbors, we would like to zone the property as a PUD in order to alleviate the concerns expressed by the neighbors. The concerns expressed by the neighbors were:

1. Traffic
2. Visibility and transition to neighboring properties
3. Density and type of housing
4. Socioeconomic factors related to new residents

We have done our best to address all of these concerns through our PUD request.

The neighboring property owners expressed traffic as a concern. Given that the corner of Bagdad and Apache is currently zoned commercial, but used as a preschool, any of the uses mentioned above would be too intense and generate not only excessive traffic, but also the wrong type of traffic. Semi-trucks, delivery drivers, box vans and employees should not be filtered into a residential neighborhood throughout the day. A residential use would not only generate less traffic, it would be local residents traveling to and from work and school just as the existing traffic does.

Visibility and transition to neighboring properties: We agree with the city planning which calls for some type of transition between intense commercial use and residential neighborhoods. Currently there is an intense commercial zoning which abuts a residential neighborhood. This is our primary reason for seeking a residential use. We have also set forth height restrictions limiting our homes to 2-story maximum, just like the neighboring residential homes. Our

setback restrictions have limited habitable structures to 40 feet from the existing lot line on the East side of the property.

Density and type of housing: Though we are requesting an underlying zoning that would allow for 18 to 25 units to the acre, we are requesting a maximum density of 15 units per acre while abiding by an architectural standard that would allow for up to 25 units to the acre. We are also building townhomes, which we feel will be a more appropriate transition from the current commercial zoning to the single family residential zoning.

Socioeconomic factors related to new residents: As property owners, just like the city, we are not allowed to discriminate based on socioeconomic factors. That being said, we are building a townhome community and will not be constructing any section 8, tax credit or any other type of government subsidized housing.

Along with our attempt to address and alleviate the concerns of the neighboring property owners, we have taken the opportunity to sit down with staff and address some of the concerns of the city. Our goal is to work with Leander and our neighbors to make sure our project is an asset to the community.

Thank you for your consideration on this matter,

Josh Becker

Managing Member Dannen Development

ORDINANCE NO #

ORDINANCE OF THE CITY OF LEANDER, TEXAS, AMENDING THE ZONING ORDINANCE BY REZONING A PORTION OF A PARCEL OF LAND FROM GC-3-C (GENERAL COMMERCIAL) TO PUD (PLANNED UNIT DEVELOPMENT) WITH A BASE DISTRICT 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 parcels of land being 1.50 acres, more or less, located in Leander, Williamson County, Texas, being more particularly described in Exhibit “D”, generally located to the northwest of corner of the intersection of Bagdad Road and Apache Trail; legally described as 1.50 acres more or less out of Lot 1, Block A of the Village Subdivision, more particularly described in Document Number 2015047801 recorded in the Official Public Records of Williamson County, Texas, and identified by tax identification number R487426.

Section 4. Property Rezoned. The Zoning Ordinance is hereby amended by changing the zoning district for the Property from GC-3-C (General Commercial) to PUD (Planned Unit Development) with the base district of MF-2-A (Multi-Family) known as the Village Townhomes PUD. The PUD shall be developed and occupied in accordance with this Ordinance, the PUD plan attached as Exhibits “A”, “B”, “C”, and “D”, 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 21st day of April, 2016.
FINALLY PASSED AND APPROVED on this the 5th day of May, 2016.

THE CITY OF LEANDER, TEXAS

_____
Christopher Fielder, Mayor

ATTEST:

_____
Debbie Haile, City Secretary

EXHIBIT A
Village Townhomes – PUD

A. Purpose and Intent

The Village Townhomes PUD is comprised of 1.50 acres, as described in Exhibit D (Field Notes). The development of this property is a planned townhome community.

B. Applicability and Base Zoning

All aspects regarding the development of this PUD shall comply with the City of Leander Composite Zoning Ordinance, except as established in this exhibit, titled Exhibit A. For the purpose of establishing development standards for the PUD, the MF-2-A (Multi-Family) district has been selected.

C. Conceptual Site Layout and Land Use Plan

Exhibit B attached is a conceptual site layout and land use plan intended to visually convey the design intent for the Village Townhomes community. The design of the community is not final, and is subject to refinement during the platting and site planning stages. This PUD zoning document does not constitute plat or site plan approval of the attached plan.

D. Allowable Use

1. The use shall be attached single-family townhome residential development.
2. The unit size shall be a minimum of 900 square feet per attached unit. Patios (covered or uncovered) and decks are not included in this dimension.
3. The maximum unit count shall be limited to 20 units.
4. The building height of all unit shall be limited to 2-stories in height.
5. A maximum of 4 attached units may be connected.

E. Building Envelope Design Standards

The Village Townhomes development will comply with the Development Standards set forth in the Table below for a condo regime site plan on private drives.

	Building Width	Building Setbacks	Paving Setbacks
Unit Width (minimum unit width)	20 ft.	-	-
Front Setback (from public streets)	-	15 ft.	20 ft.
Building Setback (from single-family residential homes)	-	40 ft.*	10 ft.
Perimeter Setback (minimum)		10 ft.	5 ft.
Building Separation (minimum)		10 ft.**	-

* *Setback only applies to habitable buildings. Single Story Garages and surface parking will be allowed within the 40 ft setback, but no closer than 10 ft of the property line*

** *Eave overhang is not included in calculations for minimum building separation. A minimum of six feet clear zone between building roof lines will be provided.*

F. Private Drives

1. Minimum centerline radius for private drives is 37.5 feet along tangent sections. Private drives will have a 20 or 25 foot wide pavement width measured from face of curb to face of curb (unless the Fire Department has additional requirements) with 18 to 24 inch curb and gutter (which may also include mountable curb or stand up curb). This PUD does not waive any Fire Code requirements. The drive width is required to be 26 feet wide where a fire hydrant is located (30 foot bump-outs is permitted; no parking allowed). Fire hydrants are required to be within 100 feet of an FDC (fire department connection) of each sprinklered building. FDC's are required on each building or remotely located on the site along the 26 foot drive (bump-out).

G. Architectural Criteria

1. All townhomes shall comply with Article VII Architectural Components and Article VIII Architectural Standards, Type A of the Composite Zoning Ordinance unless modified herein. For the purposes of this PUD, private drives shall constitute streets.
2. The front elevations shown in Exhibit C shall front on Apache Trail. Parking shall not be permitted between the homes and Apache Trail.
3. All elevations shall substantially conform to the architectural style shown in Exhibit C.

H. Garage and Parking Requirements

1. All garages associated with townhomes shall comply with Article VIII Architectural Standards of the Composite Zoning Ordinance unless modified herein.
2. The required number of garages shall comply with the multi-family standards listed in Article V, Section 2 of the Composite Zoning Ordinance.

I. Lighting

Street lighting is required at drive intersections with public streets. Street lighting is optional in the interior of the project.

J. Sidewalks

Sidewalks are not required in the interior of the project, however, walkways will be provided as pedestrian connection (which may be concrete or crushed granite) within the project itself. Sidewalks will be required along adjacent ROW.

K. Landscape

This project shall comply with the applicable Landscape Requirements listed in Article VI of the Composite Zoning Ordinance in compliance with the multi-family provisions.

EXHIBIT B
CONCEPTUAL SITE LAYOUT & LAND USE PLAN

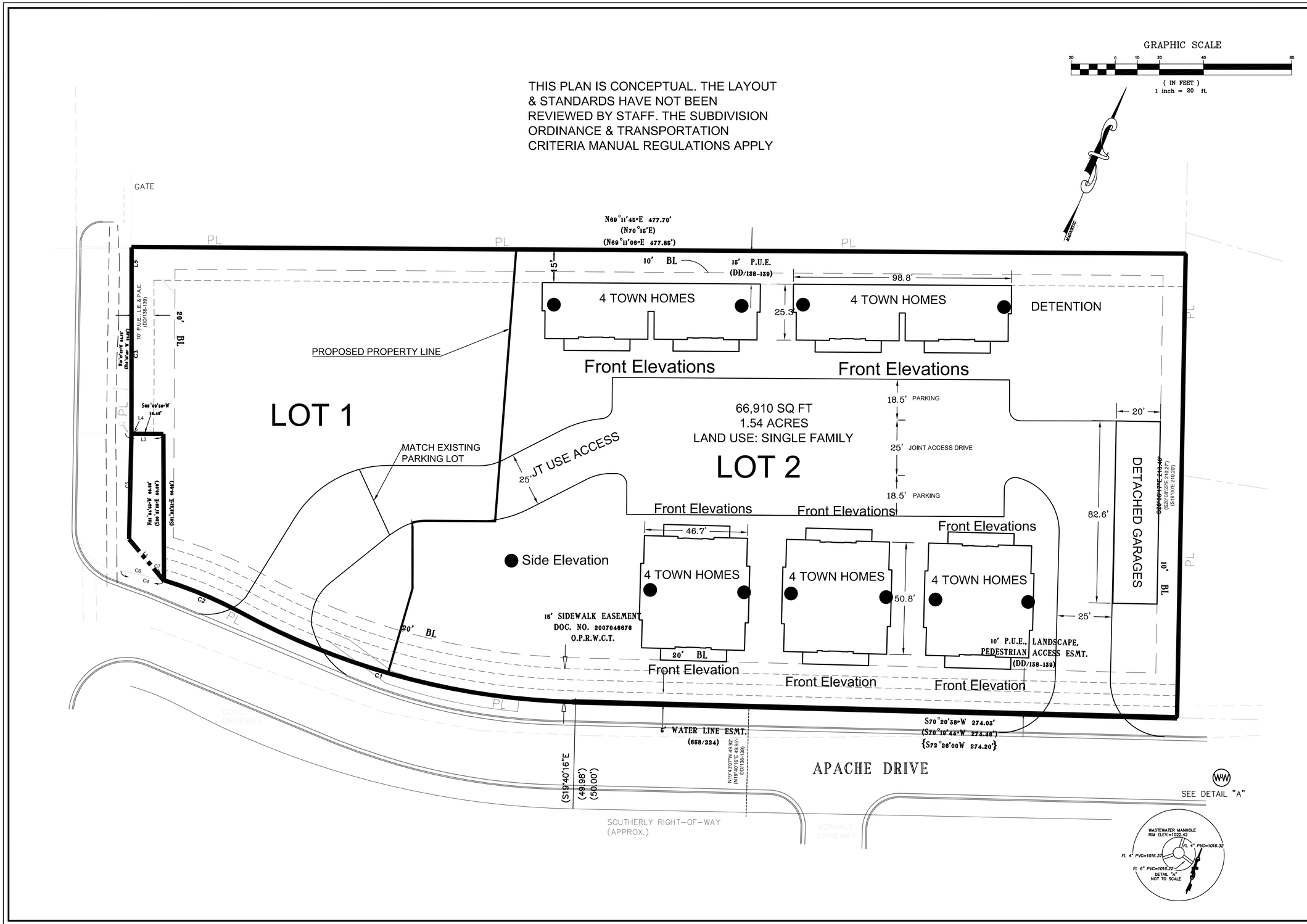
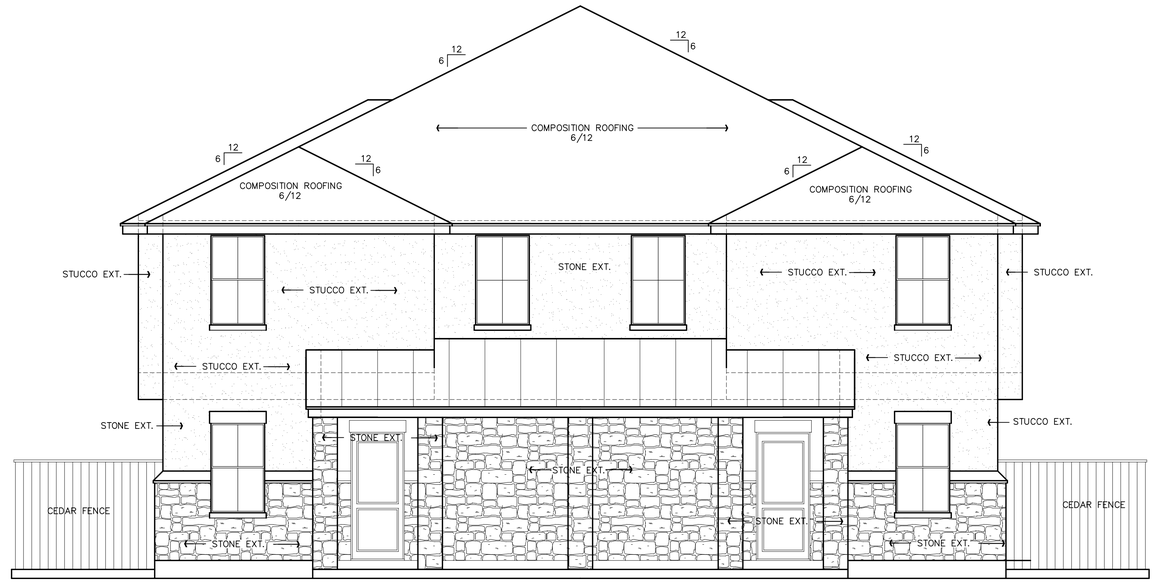
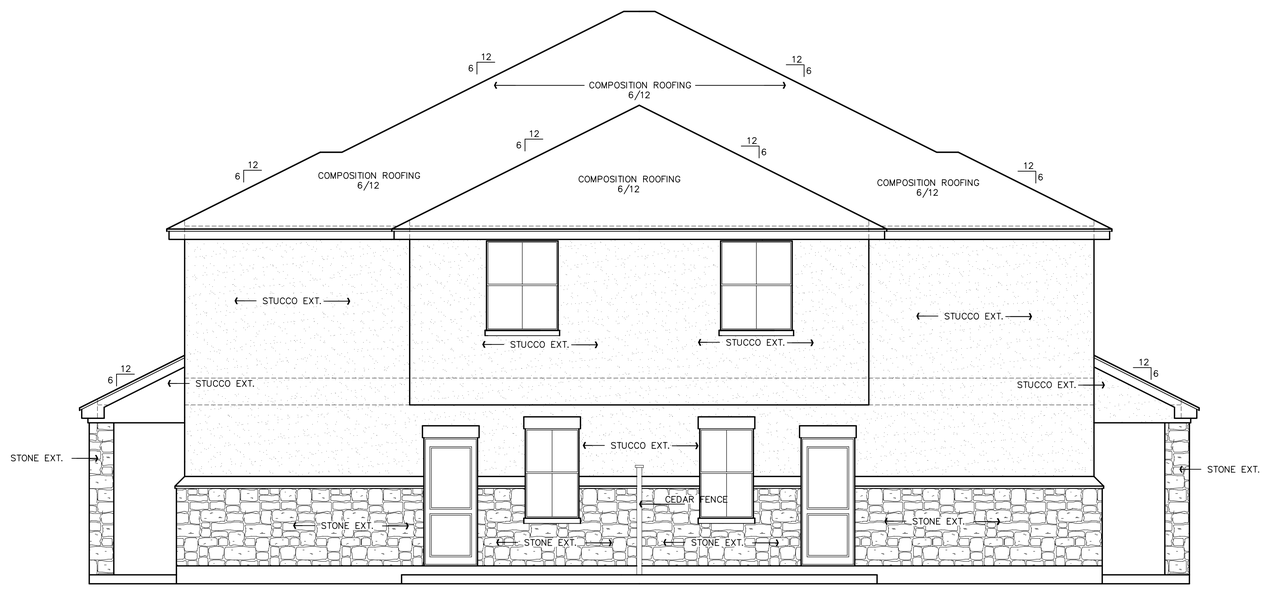


EXHIBIT C
ELEVATIONS



FRONT ELEVATION
SCALE: 1/4"=1'-0"



RIGHT SIDE ELEVATION
SCALE: 1/4"=1'-0"

ELEVATIONS
SCALE: 1/4"=1'-0"

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THE VILLAGE ADDITION
801 APACHE TRAIL
Leander, TX 78641

DESIGN ORIGINALS of Texas
home design center
10713 RR N 620, STE. 515
AUSTIN, TX. 78726
OFFICE (512) 331-1775

MONTERRYEY BROTHERS

JOB # A9875	
DATE: 10-11-15	
REVISION:	
DRAWN BY: JCD/MSD	

f) Consider Action

Commissioner Hines moved to deny the zoning request and Commissioner Means seconded the motion. Motion passed 4 to 3 with Commissioners Anderson, Sokal and Schwendenmann opposing.

11. Zoning Case 16-Z-004: Hold a public hearing and consider action on the rezoning of a parcel of land located at 801 Apache Trail; 1.50 acres more or less; WCAD Parcel R487426. Currently, the property is zoned GC-3-C (General Commercial). The applicant is proposing to zone the property to PUD (Planned Unit Development) with a zoning base district of MF-2-A (Multi-Family) Leander, Williamson County, Texas. Applicant: Dannen Development LLC (Josh Becker).

a) Staff Presentation

Robin Griffin, Senior Planner discussed the proposed zoning request.

b) Applicant Presentation

Josh Becker explained the purpose for his zoning request.

c) Open Public Hearing

Chair Sokol opened the public hearing
Laquita Turner – spoke for
John Frimpton – spoke against
Bill Russell – spoke against
Harold Skinner – spoke against

d) Close Public Hearing

Chair Sokol closed the public hearing.

e) Discussion

Discussion took place.

f) Consider Action

Commissioner Schwendenmann moved to approve the zoning request of PUD (Planned Unit development) with a base zoning district of MF-2-A with the condition that an alternative parking plan agreement will be pursued to provide for additional guest parking spaces. Commissioner Anderson seconded the motion. Motion passed unanimously.

12. Zoning Case 16-TOD-Z-005: Hold a public hearing and consider action on the rezoning of several tracts of land generally located to the southwest of the intersection of San Gabriel Pkwy & US 183; 151.2 acres more or less; legally described as: Oak Creek, Phase 1, Sections 1 & 2; Oak Creek, Phase 2, Sections 1-3; Oak Creek, Phase 5 and WCAD Parcels R540162, R529009; R529004, R529007, R524552, R529010, and R542832. Currently, the property is zoned PUD (Planned Unit Development) with the base zoning districts of SFU-2-B (Single-Family Urban), SFC-2-B (Single-Family Compact), SFL-2-B (Single-Family Limited), SFT-2-B (Single-Family Townhouse), and MF-2-B (Multi-Family) and the applicant is proposing an amendment to the PUD to increase the residential density allowed within the properties located on the east side of West Broade Street, Leander, Williamson County, Texas. Applicant: Mark Baker on behalf of Sentinel Cotter Leander LLC, Castlerock Communities L.P., Megatel Homes Inc, or its Affiliates, and Pacesetter Homes, LLC (Tom Lynch, President).

Executive Summary

April 21, 2016

Agenda Subject: Zoning Case 15-Z-015: Hold a public hearing and consider action on the rezoning of a parcel of land located to the south of the intersection of US 183 and the Union Pacific Railroad, and to the north of the southern city limits; 13.590 acres more or less; WCAD Parcel R031782. Currently, the property is zoned SFU-2-B (Single Family Urban). The applicant is proposing to zone the property to GC-3-B (General Commercial), Leander, Williamson County, Texas.

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

Origination: Applicant: James Knight on behalf of Robert Knight, Trustee.

Financial Consideration: None

Recommendation: See Planning Analysis. The Planning & Zoning Commission recommended denial with a 4 to 3 vote (Anderson, Sokol, and Schwendenmann opposing) at the April 14, 2016 meeting.

Attachments:

1. Planning Analysis
2. Current Zoning Map
3. Future Land Use Map
4. Notification Map
5. Proposed Zoning Map
6. Aerial Map
7. Letter of Intent
8. Ordinance
9. Minutes-Planning & Zoning Commission April 14, 2016

Prepared By: Tom Yantis, AICP
Assistant City Manager 04/14/2016

PLANNING ANALYSIS

ZONING CASE 15-Z-015
Leander Commercial

GENERAL INFORMATION

Owner: Robert Knight

Current Zoning: SFU-2-B (Single-Family Urban)

Proposed Zoning: GC-3-B (General Commercial)

Size and Location: The property is generally located south of the intersection of US 183 and Union Pacific Railroad and is 13.590 acres more or less.

Staff Contact: Martin Siwek, AICP, GISP
Planner

ABUTTING ZONING AND LAND USE:

The table below lists the abutting zoning and land uses.

	ZONING	LAND USE
NORTH	GC-3-C SFC-2-B	Developed Commercial Established Single Family Neighborhood (Horizon Park)
EAST	SFC-2-B	Established Single Family Neighborhood (Horizon Park)
SOUTH	OCL	Vacant Property
WEST	GC-3-C	Developed Commercially Zoned Property: Texas Pawn & Jewelry, Inspection Station, Zero Gravity Undeveloped Commercially Zoned Property

COMPOSITE ZONING ORDINANCE INTENT STATEMENTS

USE COMPONENTS:

GC – GENERAL COMMERCIAL:

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

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

SITE COMPONENT:

TYPE 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, HC and HI components where it is appropriate to utilize the outdoor site area for outdoor fuel sales, limited outdoor display and storage or accessory buildings.

ARCHITECTURAL COMPONENTS:

TYPE B:

Features: 85% masonry 1st floor, 50% all stories; 4 or more architectural features.

Intent:

(1) The Type B architectural component is intended to be utilized for the majority of residential development except that which is intended as a Type A architectural component.

(2) Combined with appropriate use and site components, this component is intended to help provide for harmonious land use transitions.

(3) This component may be utilized to raise the building standards and help ensure compatibility for non-residential uses adjacent to property that is more restricted.

(4) This component is intended for the majority of the LO and LC use components except those meeting the intent of the Type A or C architectural components.

COMPREHENSIVE PLAN STATEMENTS:

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

- Provide a balanced mix of complementary uses that support a strong and diverse tax base.
- Position Leander as a destination for employers.

LAND USE POLICIES

CORRIDORS

- COMMERCIAL CORRIDOR
  The purpose of the Commercial Corridor designation is to allow for additional commercial development along corridors already devoted to primarily commercial and office uses. The typical uses associated with this corridor include a variety of medium-intensity uses including general businesses and services, offices, restaurants, retail, professional and medical services, light industrial, flex space, storage and even some limited residential uses.

ANALYSIS:

This zoning request was previously heard before the Planning and Zoning Commission at the July 23, 2015 meeting. The applicant's request at that time was to rezone the property from SFU-2-B to GC-5-D. The applicant's request was recommended for denial by the Commission, and the applicant subsequently withdrew the request prior to its scheduled City Council meeting. The applicant scheduled a work session with the Commission on October 22, 2015 to discuss the proposed project and what criteria for the site would be of concern to the City of Leander.

The applicant is requesting to rezone the property from SFU-2-B (Single-Family Urban) to GC-3-B (General Commercial). The properties to the northeast are established single family homes within the Horizon Park Subdivision, and the properties to the northwest are developed commercial properties. The properties to the immediate east are also established single family homes of the Horizon Park Subdivision, and the properties to the immediate west are also developed commercial properties. The property adjacent and to south of this parcel is outside the City limits and is vacant.

The present use component of SFU only permits residential uses, and the applicant is seeking to rezone the property to a GC use component. The intent statements of the GC use component note that it should be located along arterial streets with the heaviest concentration being located at intersections of arterial streets. This use component permits new vehicle and major equipment sales, retail sales of goods and services, office / warehouse including painting and plumbing, manufactured housing sales, and bars and night clubs.

The property's current site component is Type 2 and is intended to be utilized primarily for residential developments or non-residential developments that are adjacent to a residential district. The Type 3 site component requested by the applicant is intended to be utilized with commercial use components where it is appropriate to utilize the outdoor site area for outdoor fuel sales, limited outdoor display and storage or accessory buildings. The table below briefly summarizes the site standards for the Type 2 and Type 3 site components.

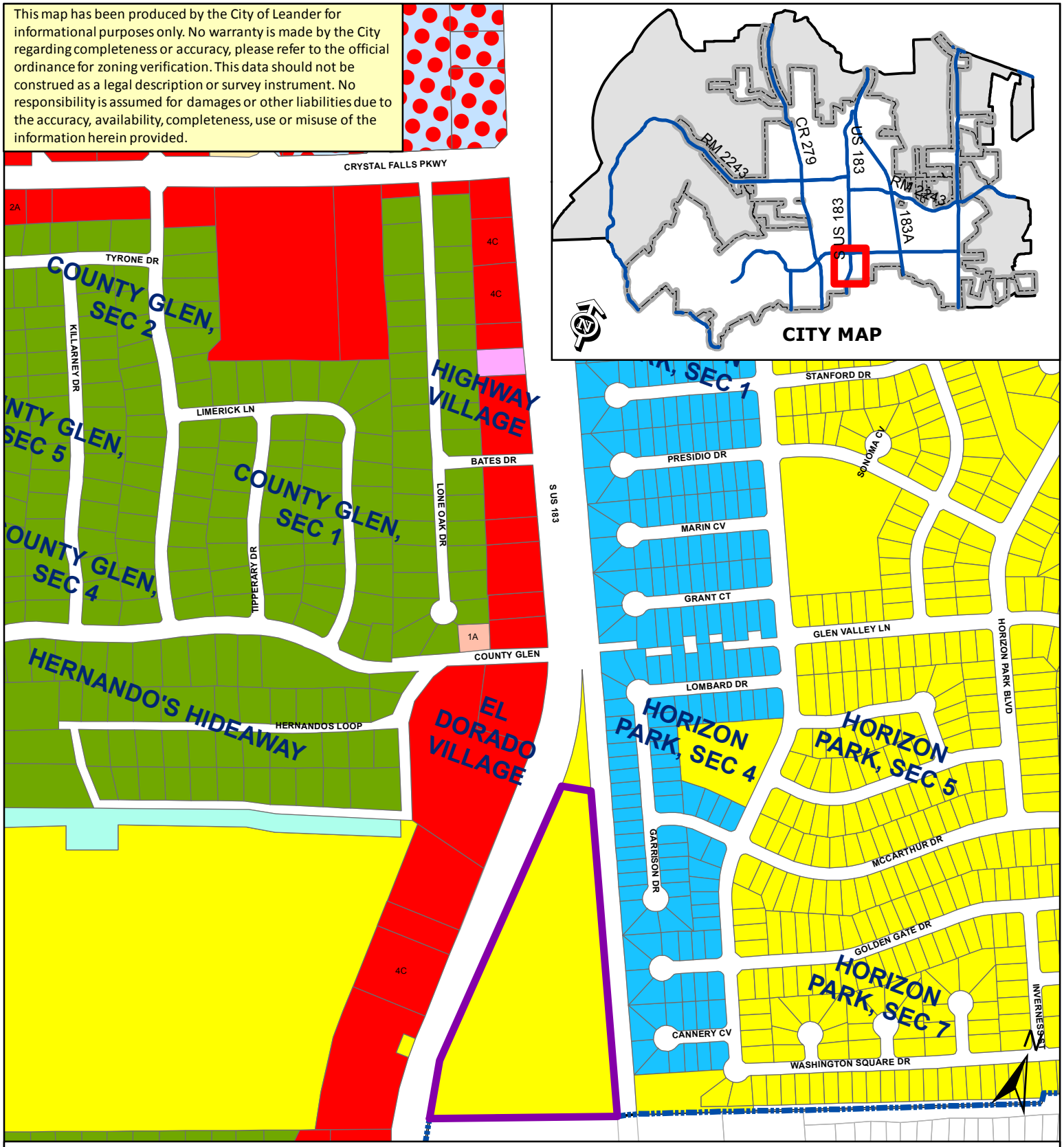
SITE STANDARDS	TYPE 2	TYPE 3
Outdoor Display	Not Permitted	Outdoor Display 30% of the gross floor area of the primary building
Outdoor Storage and Container Storage	Not Permitted	Outdoor and Container Storage 20% of the gross floor area of the primary building.
Combination of Outdoor Display, Outdoor Storage, and Container Storage	Not Permitted	Combination is limited to a max 40% of the gross floor area of the primary building.
Entertainment Venues and Outdoor Facilities	Not Permitted	Permitted
Use of Overhead Commercial Service Doors	Not Permitted	Permitted
Outdoor Fueling & Washing	Not Permitted	Permitted
Outdoor Animal Boarding	Not Permitted	Not Permitted

The property currently is paired with the Type B architectural component; which requires four architectural features and 85% masonry on the first floor of buildings and 50% masonry on each story thereafter. The applicant is requesting to keep the architectural component the same, which would apply the same aforementioned standards for the proposed commercial buildings. This architectural component is intended for the majority of LO and LC use components when adjacent to more restrictive districts. This component would also be appropriate for the GC use component as it has more restrictive residentially zone districts to the west. The remaining exterior wall surfaces are permitted to use wood planking and cementious-fiber planking.

This property is located within a Commercial Corridor as designated by the Future Land Use Plan. The requested zoning classification is compatible with this corridor, as it intends to allow for commercial development in areas primarily devoted to existing commercial and office uses. Permissible zoning classifications within this corridor per the Comprehensive Plan include LO, LC, GC, and PUD.

STAFF RECOMMENDATION:

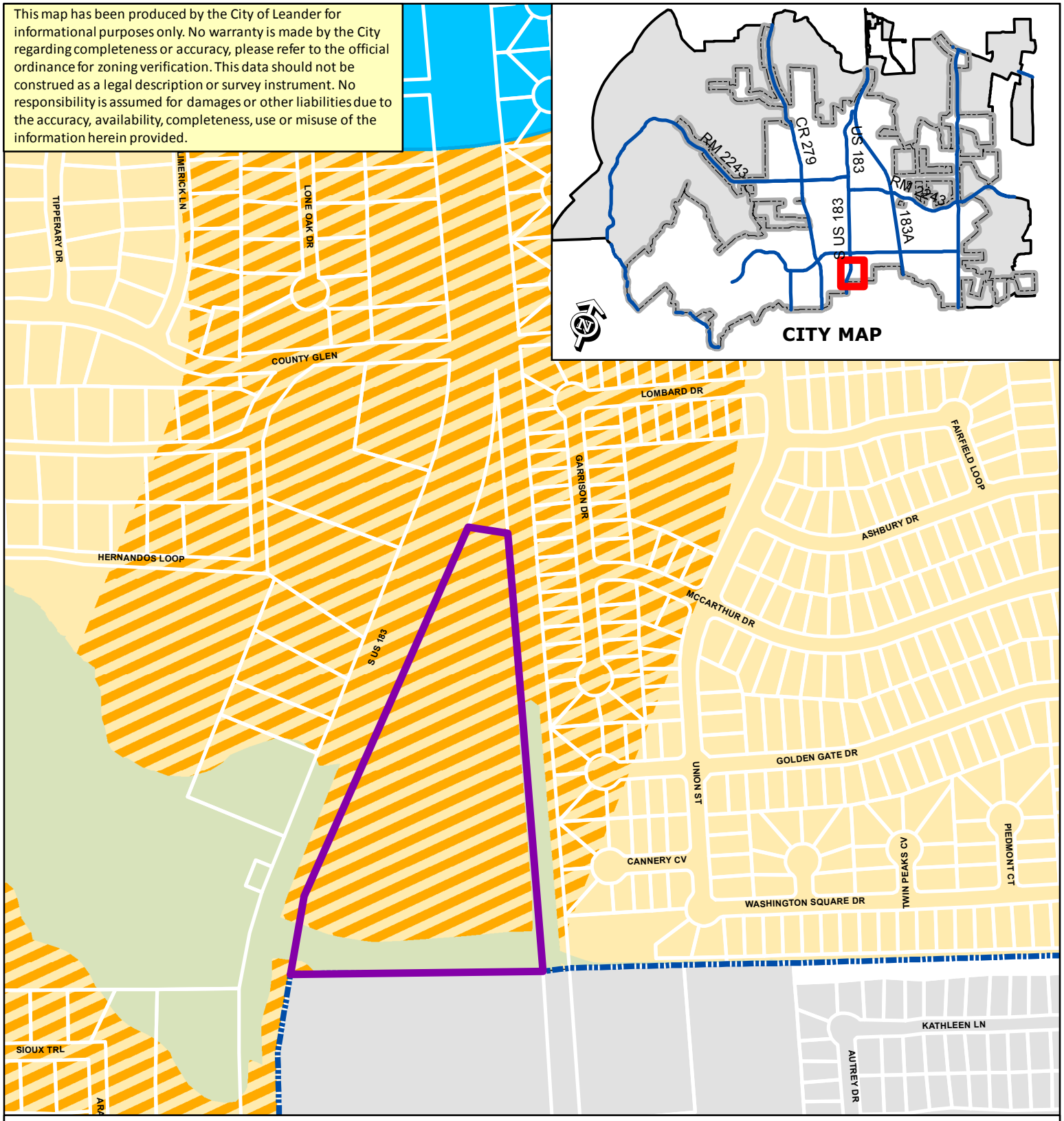
Staff recommends approval of the applicant's requested GC-3-B district. The requested district would be appropriately sited as it is located within an area designated as a Commercial Corridor per the Comprehensive Plan. Additionally, the Type 3 site component restricts the amount of outdoor display and storage at a level acceptable to the corridor. The property on the west side of Hwy 183 at this location has existing zoning classifications of GC-3-C and GC-4-C, and the applicant's requested GC-3-B is consistent with these existing zoned properties. The applicant's request is in compliance with the Comprehensive Plan and the intent statements of the Composite Zoning Ordinance.



ZONING CASE 15-Z-015 Attachment #2

Current Zoning Map - Leander Commercial

Subject Property	PUD Commercial	SFR	SFT	GC
City Limits	PUD Mixed Use	SFE	SFU/MH	HC
Future Annexation Per DA	PUD Multi-Family	SFS	TF	HI
Involuntary Annexation	PUD Single-Family	SFU	MF	PUD
Voluntary Annexation	PUD Townhome	SFC	LO	0 200 Feet
		SFL	LC	



ZONING CASE 15-Z-015 Attachment #3

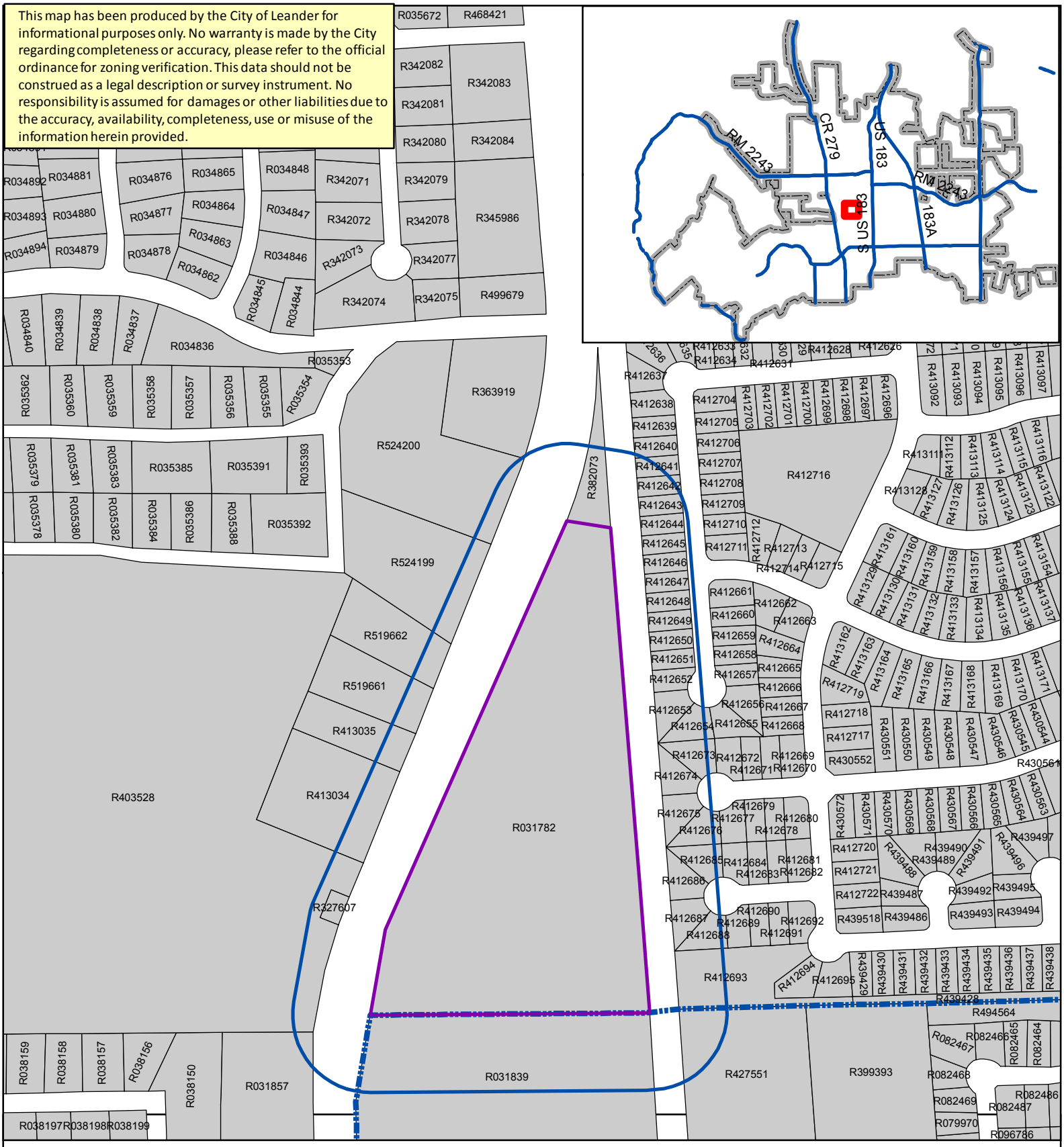
Future Land Use Map - Leander Commercial

- Subject Property
- City Limits
- Open Space
- Mixed Use Corridor
- Commercial Corridor
- Neighborhood Center
- Community Center
- Activity Center
- Transit Supportive Mixed Use
- Station Area Mixed Use
- Old Town Mixed Use
- Employment Mixed Use
- Industrial District
- Neighborhood Residential

N

0 200

Feet



ZONING CASE 15-Z-015 Leander Commercial

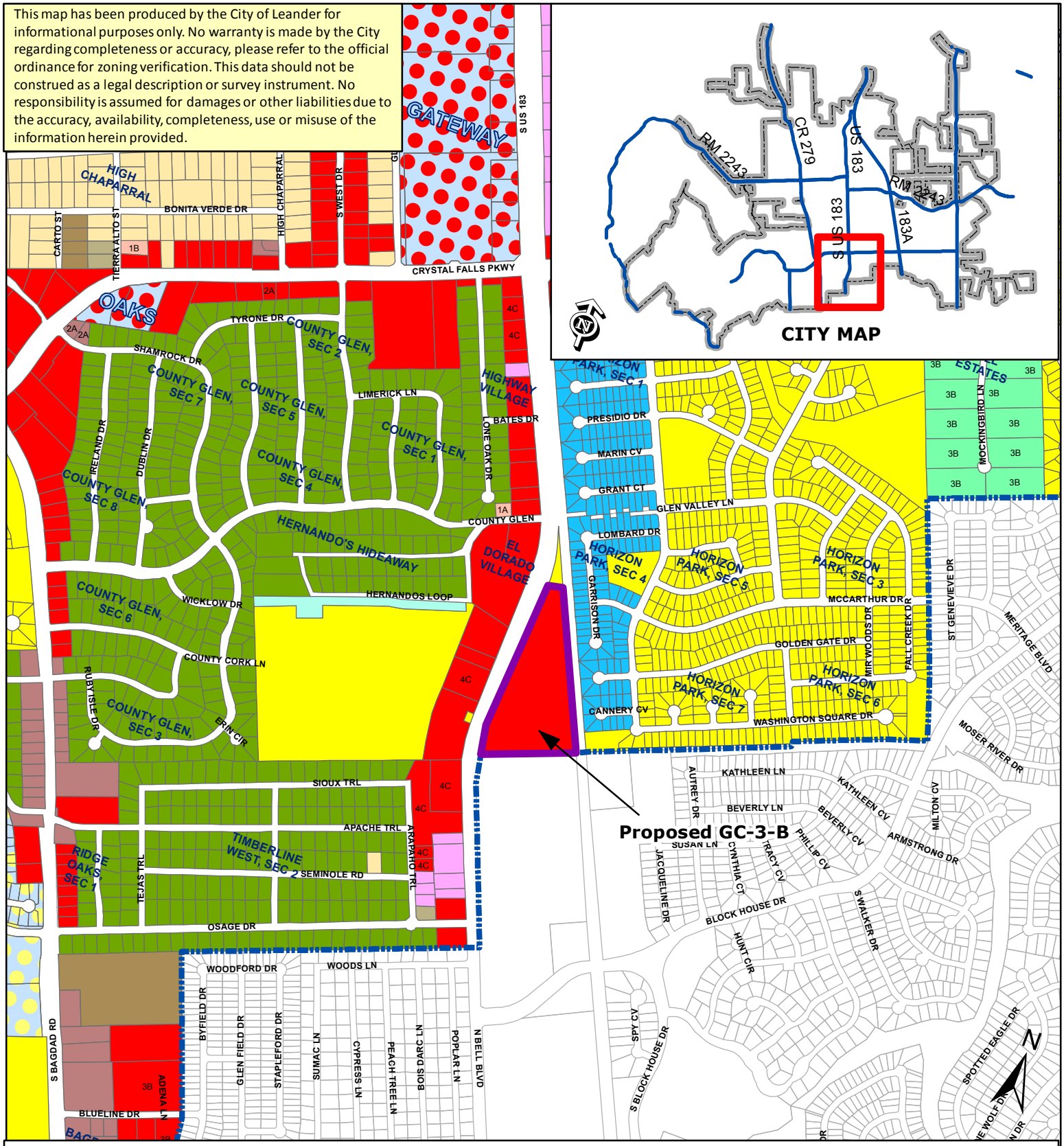
Attachment # 4

Notification Map
Leander Commercial

Public Notification Boundary
Subject Property
City Limits
WCAD Parcels

N

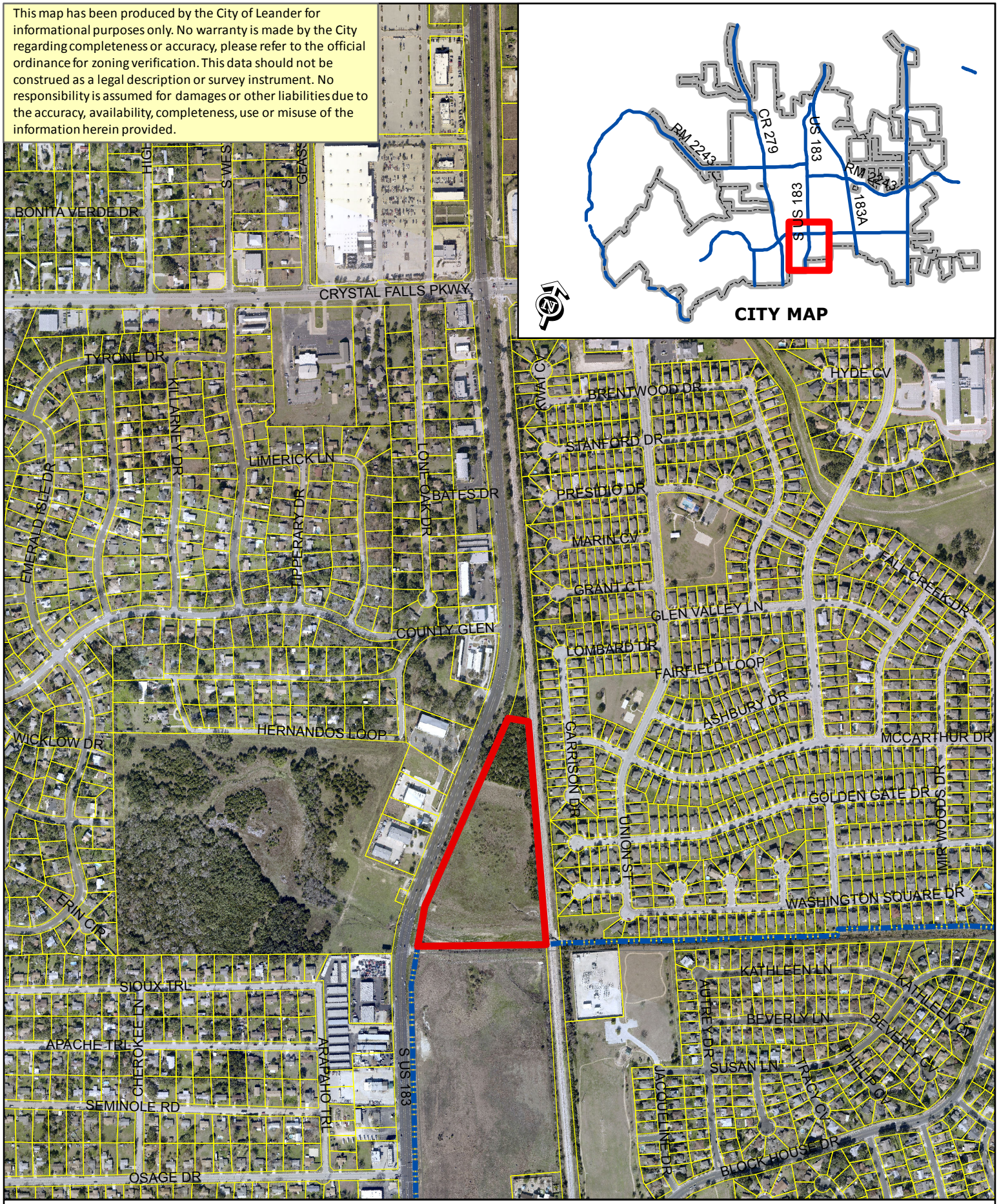
0 150 300 600 Feet



ZONING CASE 15-Z-015 Attachment #4

Proposed Zoning Map - Leander Commercial

Subject Property	PUD Commercial	SFR	SFT	GC	
City Limits	PUD Mixed Use	SFE	SFU/MH	HC	
Future Annexation Per DA	PUD Multi-Family	SFS	TF	HI	
Involuntary Annexation	PUD Single-Family	SFU	MF	PUD	
Voluntary Annexation	PUD Townhome	SFC	LO	0 200 Feet	
		SFL	LC		



ZONING CASE 15-Z-015 Attachment #6

Aerial Exhibit - Approximate Boundaries
Leander Commercial

0 200
Feet

Subject Property
City Limits

DocuSign Envelope ID: 1CBA9079-039F-4500-B34A-1AB57F35EA0D

ATTACHMENT 7

March 17, 2016

Robin M. Griffin
PO Box 319
Leander TX 78746

Dear Robin,

I would like request a zoning change on the 13.552 +/- acres on the south side of 183, WCAD RO31782, to GC-3-B. We would like to have the case scheduled on the April 14th P&Z agenda.

Sincerely,

DocuSigned by:
James Mcclendon Knight
435B34D3F438412...
Jamie Knight

CC Dan Appling

ORDINANCE NO #

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

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

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

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

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

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

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

Section 3. Applicability. This ordinance applies to the following parcel of land, which is herein referred to as the "Property." That certain parcels being 13.590 acres, more or less, located in Leander, Williamson County, Texas, being more particularly described in Exhibit "A", generally located to the south of the intersection of US 183 and the Union Pacific Railroad and to the north of the southern City Limits; Williamson County, Texas; more particularly described in instrument number 1983001681 recorded in the Williamson County Official Public Records; identified by Williamson County tax identification number R031782.

Section 4. Property Rezoned. The Zoning Ordinance is hereby amended by changing the zoning district for the Property from SFU-2-B (Single-Family Urban) to GC-3-B (General Commercial), as shown in Exhibit "A".

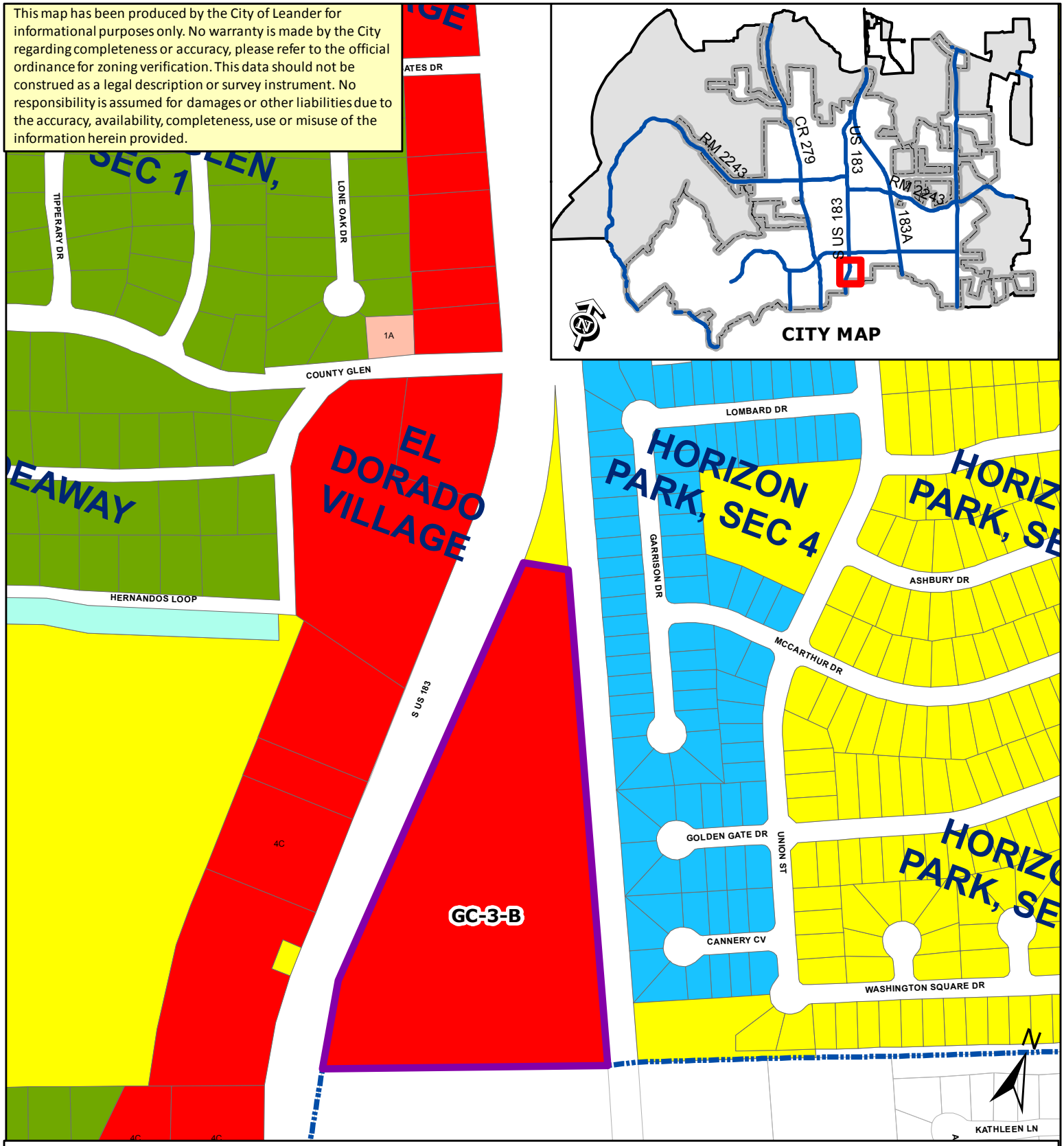
Section 5. Recording Zoning Change. The City Council directs the City Secretary to record this zoning classification on the City's official zoning map with the official notation as prescribed by the City's zoning ordinance.

Section 6. <u>Severability</u>. 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. <u>Open Meetings</u>. 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 21st day of April, 2016.
FINALLY PASSED AND APPROVED on this the 5th day of May, 2016.

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



ZONING CASE 15-Z-015 Exhibit A

Zoning Map - Leander Commercial

Subject Property	PUD Commercial	SFR	SFT	GC
City Limits	PUD Mixed Use	SFE	SFU/MH	HC
Future Annexation Per DA	PUD Multi-Family	SFS	TF	HI
Involuntary Annexation	PUD Single-Family	SFU	MF	PUD
Voluntary Annexation	PUD Townhome	SFC	LO	
		SFL	LC	

0 200
Feet

Consent Agenda

7. Subdivision Case 15-SFP-005: Consider action on the Trails of Leander Short Form Final Plat for 51.83 acres more or less; WCAD Parcels R031330 and R031331; generally located to the east of the intersection of South Bagdad Road and Still Meadow Drive; Leander, Williamson County, Texas. Applicant/Agent: Anthony Goode/Fred Lockwood on behalf of American Housing Ventures, LLC.

8. Subdivision Case 15-TOD-SFP-016: Consider action on the Bryson, Phase 1, Section 1F Short Form Final Plat for 7.571 acres more or less; WCAD Parcel R485834; generally located to the southwest of the intersection of Bryson Ridge Trail and Pleasant Hill Road; Leander, Williamson County, Texas. Applicant/Agent: Brett Burke (Bury, Inc) on behalf of Crescent Leander, TX, LLC (Tommy Tucker).

9. Subdivision Case 16-SFP-001: Consider action on the South San Gabriel Ranches Lot 11B Short Form Final Plat for 2.31 acres more or less; WCAD Parcel R544528; generally located ½ mile to the south of the intersection of South Gabriel Dr. and CR 270; on the east side of CR 270., Williamson County Texas. Applicant/Owner: John and Sheryl Vicenik.

Commissioner Hines moved to approve the consent agenda with staff recommendations, Vice Chair Allen seconded the motion. Motion passed unanimously.

Public Hearing

10. Zoning Case 15-Z-015: Hold a public hearing and consider action on the rezoning of a parcel of land located to the south of the intersection of US 183 and the Union Pacific Railroad, and to the north of the southern city limits; 13.590 acres more or less; WCAD Parcel R031782. Currently, the property is zoned SFU-2-B (Single Family Urban). The applicant is proposing to zone the property to GC-3-B (General Commercial), Leander, Williamson County, Texas. Applicant: James Knight on behalf of Robert Knight, Trustee.

a) Staff Presentation

Martin Siwek, Planner, discussed the proposed zoning request.

b) Applicant Presentation

Dan Appling was present and answered P & Z Commissioners questions.

c) Open Public Hearing

Chair Sokol opened the public hearing
No one wished to speak.

d) Close Public Hearing

Chair Sokol closed the public hearing.

e) Discussion

Discussion took place.

f) Consider Action

Commissioner Hines moved to deny the zoning request and Commissioner Means seconded the motion. Motion passed 4 to 3 with Commissioners Anderson, Sokal and Schwendenmann opposing.

11. Zoning Case 16-Z-004: Hold a public hearing and consider action on the rezoning of a parcel of land located at 801 Apache Trail; 1.50 acres more or less; WCAD Parcel R487426. Currently, the property is zoned GC-3-C (General Commercial). The applicant is proposing to zone the property to PUD (Planned Unit Development) with a zoning base district of MF-2-A (Multi-Family) Leander, Williamson County, Texas. Applicant: Dannen Development LLC (Josh Becker).

a) Staff Presentation

Robin Griffin, Senior Planner discussed the proposed zoning request.

b) Applicant Presentation

Josh Becker explained the purpose for his zoning request.

c) Open Public Hearing

Chair Sokol opened the public hearing
Laquita Turner – spoke for
John Frimpton – spoke against
Bill Russell – spoke against
Harold Skinner – spoke against

d) Close Public Hearing

Chair Sokol closed the public hearing.

e) Discussion

Discussion took place.

f) Consider Action

Commissioner Schwendenmann moved to approve the zoning request of PUD (Planned Unit development) with a base zoning district of MF-2-A with the condition that an alternative parking plan agreement will be pursued to provide for additional guest parking spaces. Commissioner Anderson seconded the motion. Motion passed unanimously.

12. Zoning Case 16-TOD-Z-005: Hold a public hearing and consider action on the rezoning of several tracts of land generally located to the southwest of the intersection of San Gabriel Pkwy & US 183; 151.2 acres more or less; legally described as: Oak Creek, Phase 1, Sections 1 & 2; Oak Creek, Phase 2, Sections 1-3; Oak Creek, Phase 5 and WCAD Parcels R540162, R529009; R529004, R529007, R524552, R529010, and R542832. Currently, the property is zoned PUD (Planned Unit Development) with the base zoning districts of SFU-2-B (Single-Family Urban), SFC-2-B (Single-Family Compact), SFL-2-B (Single-Family Limited), SFT-2-B (Single-Family Townhouse), and MF-2-B (Multi-Family) and the applicant is proposing an amendment to the PUD to increase the residential density allowed within the properties located on the east side of West Broade Street, Leander, Williamson County, Texas. Applicant: Mark Baker on behalf of Sentinel Cotter Leander LLC, Castlerock Communities L.P., Megatel Homes Inc, or its Affiliates, and Pacesetter Homes, LLC (Tom Lynch, President).

Executive Summary

April 21, 2016

Agenda Subject: Zoning Case 16-TOD-Z-005: Hold a public hearing and consider action on the rezoning of several tracts of land generally located to the southwest of the intersection of San Gabriel Pkwy & US 183; 151.2 acres more or less; legally described as: Oak Creek, Phase 1, Sections 1 & 2; Oak Creek, Phase 2, Sections 1-3; Oak Creek, Phase 5 and WCAD Parcels R540162, R529009; R529004, R529007, R524552, R529010, and R542832. Currently, the property is zoned PUD (Planned Unit Development) with the base zoning districts of SFU-2-B (Single-Family Urban), SFC-2-B (Single-Family Compact), SFL-2-B (Single-Family Limited), SFT-2-B (Single-Family Townhouse), and MF-2-B (Multi-Family) and the applicant is proposing an amendment to the PUD to increase the residential density allowed within the properties located on the east side of West Broade Street, Leander, Williamson County, Texas.

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

Origination: Applicant: Mark Baker on behalf of Sentinel Cotter Leander LLC, Castlerock Communities L.P., Megatel Homes Inc, or its Affiliates, and Pacesetter Homes, LLC (Tom Lynch, President).

Financial Consideration: None

Recommendation: See Planning Analysis. The Planning & Zoning Commission recommended denial with a 5 to 2 vote (Hines and Anderson) at the meeting April 14, 2016.

Attachments:

1. Planning Analysis
2. Current Zoning Map
3. Future Land Use Map
4. Notification Map

5. Proposed Zoning Map
6. Aerial Map
7. PUD Notes and Conceptual Site Layout & Land Use Plan
8. Letter of Intent
9. Ordinance
10. Minutes-Planning & Zoning Commission April 14, 2016

Prepared By: Tom Yantis, AICP
Assistant City Manager 04/14/2016

PLANNING ANALYSIS

ZONING CASE 16-TOD-Z-005
OAK CREEK PUD AMENDMENT

GENERAL INFORMATION

Owner: Sentinel Cotter Leander, LLC
Castlerock Communities L.P.
Megatel Homes Inc, or its Affiliates
Pacesetter Homes, LLC (Tom Lynch, President).

Current Zoning: PUD (Planned Unit Development)

Proposed Zoning: PUD (Planned Unit Development) Amendment

Size and Location: The property generally located to the southwest of the intersection of San Gabriel Pkwy & US 183 and includes approximately 151.2 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	PUD/TOD	Undeveloped Land located within the TOD (Future Maya Vista and Hill Country Bible Church)
EAST	PUD/TOD	Undeveloped Land located within the TOD
SOUTH	SFU-2-B SFC-2-B GC-3-C PUD/TOD	Established Single-Family Homes Single-Family Homes under construction (Northside Meadow) Undeveloped Property zoned for commercial Plain Elementary School
WEST	SFU-2-B	Established Single-Family Homes (Benbrook Ranch)

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 a mixed-residential community. The intent of this zoning district is to cohesively regulate the development to assure compatibility with adjacent single-family residences, neighborhoods, and commercial properties within the region.

COMPREHENSIVE PLAN STATEMENTS:

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

- Create strong neighborhoods with a variety of housing choices.
- Encourage a range of housing types at a variety of price points.
- Encourage development that creates a sense of place through architectural design and landscaping.
- Neighborhood Residential is intended to accommodate a variety of housing types. The density and mix of housing types is dependent on a number of suitability factors including environmental constraints (such as steep topography and floodplain), the availability of sewer infrastructure, proximity to neighborhood and community centers, existing and planned parks and recreation sites, schools, and the road network.
- The purpose in the Mixed Use Corridor is to allow for a variety of housing types and small professional offices that complement residential development. Limited neighborhood servicing commercial uses and higher density residential are appropriate at intersections.

ANALYSIS:

The applicant is requesting to amend the Oak Creek PUD (Planned Unit Development) district in order to increase the density allowed within the parcels designated as SFT (Single-Family Townhouse) and MF (Multi-Family) located on the east side of West Broade Street. This PUD was previously approved by the City Council on July 17, 2014.

The proposed changes to the PUD will allow for multi-family development on the eastern portion of Oak Creek. The buildings will be required to front on to Broade Street and South Brook Drive. Surface parking and garage areas will be placed internal to the site. The apartments will be required to comply with the Type A architectural component. This component requires that 85% of the building is comprised of masonry.

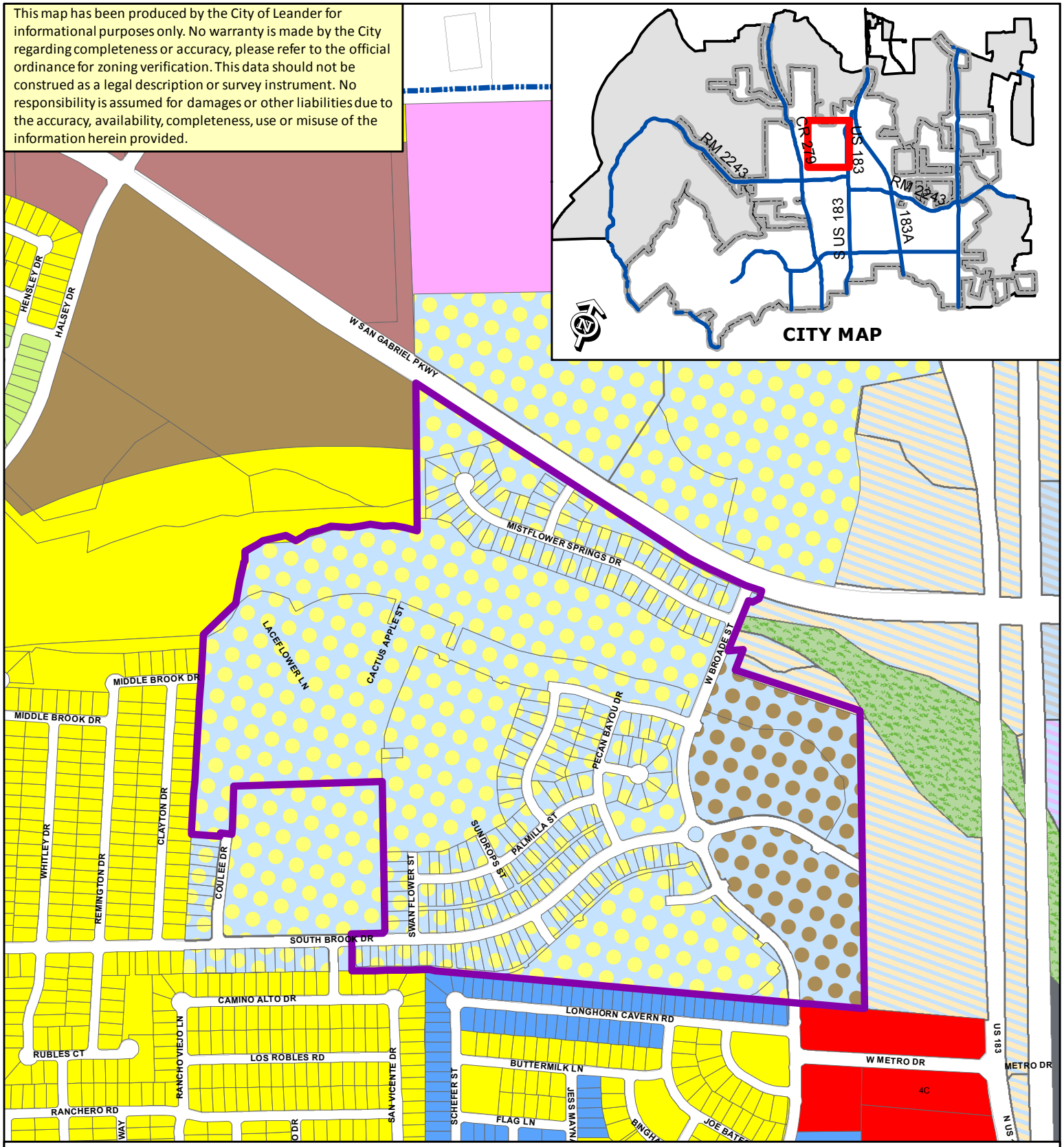
The requested Type 2 site component when paired with the MF use component includes the following provisions:

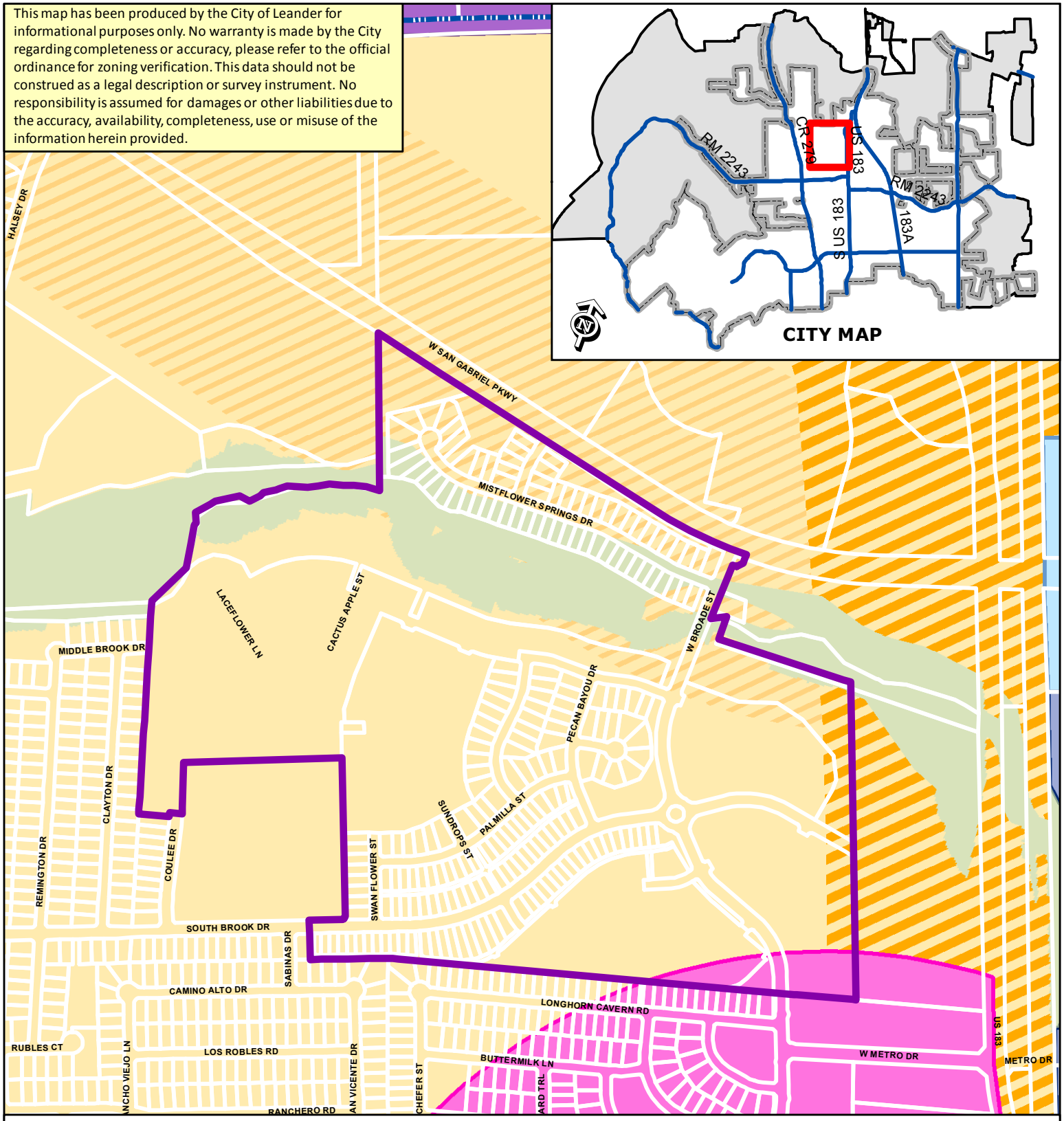
- At least thirty-five percent (35%) of the units are required to have at least one enclosed garage parking space and such garages are required to be leased, rented or sold with the applicable units.
- Parking areas shall be no wider than two parking modules wide.

STAFF RECOMMENDATION:

Staff recommends approval of the proposed PUD Amendment. This amendment allows for an increase in the density permitted within the parcels designated as SFT (Single-Family Townhouse) and MF (Multi-Family). The proposal will require that the buildings are placed along the street frontage and the parking and garages are located internal to the site. This provisions will promote a pedestrian friendly street scene while allowing for a higher density development.

The proposal complies with the goals of the Comprehensive Plan and the intent statements of the Composite Zoning Ordinance.


This map has been produced by the City of Leander for informational purposes only. No warranty is made by the City regarding completeness or accuracy, please refer to the official ordinance for zoning verification. This data should not be construed as a legal description or survey instrument. No responsibility is assumed for damages or other liabilities due to the accuracy, availability, completeness, use or misuse of the information herein provided.
CITY MAP
RM 2243
CR 279
US 183
S US 183
183A
W SAN GABRIEL PKWY
HENSLEY DR
HALSEY DR
MISTFLOWER SPRINGS DR
LACEFLOWER LN
CACTUS APPLE ST
W BROADE ST
PECAN BAYOU DR
MIDDLE BROOK DR
WHITLEY DR
REMINGTON DR
CLAYTON DR
COULEE DR
SWAN FLOWER ST
SUNDROPS ST
PALMILLA ST
SOUTH BROOK DR
CAMINO ALTO DR
RUBLES CT
RANCHO VIEJO LN
LOS ROBLES RD
SAN VICENTE DR
RANCHERO RD
SCHEFER ST
LONGHORN CAVERN RD
BUTTERMILK LN
FLAG LN
JESS S MAYN
JOE BATE
W METRO DR
METRO DR
US 183
4C
ZONING CASE 16-TOD-Z-005 Attachment #2 Current Zoning Map - Oak Creek PUD Amd
Subject Property
City Limits
SFR
SFE
SFS
SFU
SFC
SFL
SFT
SFU/MH
TF
MF
LO
LC
GC
HC
HI
PUD - Commercial
PUD - Mixed Use
PUD - Multi-Family
PUD - Townhomes
PUD - Single-Family
N
0 200
Feet



ZONING CASE 16-TOD-Z-005 Attachment #3

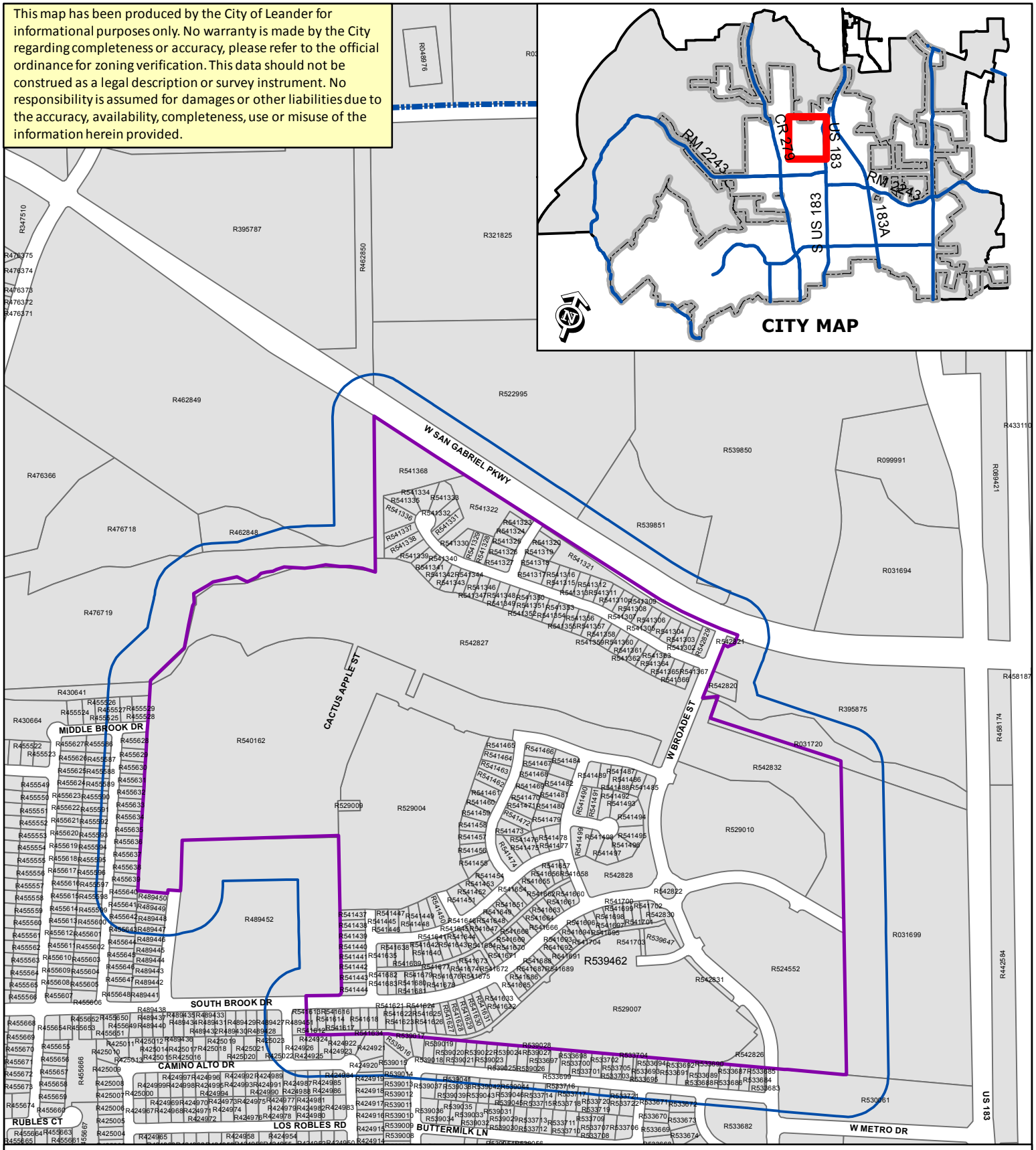
Future Land Use Map - Oak Creek PUD

- Subject Property
- City Limits
- Open Space
- Mixed Use Corridor
- Commercial Corridor
- Neighborhood Center
- Community Center
- Activity Center
- Transit Supportive Mixed Use
- Station Area Mixed Use
- Old Town Mixed Use
- Employment Mixed Use
- Industrial District
- Neighborhood Residential

N

0 200

Feet



ZONING CASE 16-TOD-Z-005 Oak Creek

Attachment # 4

Notification Map
Oak Creek

Public Notification Boundary

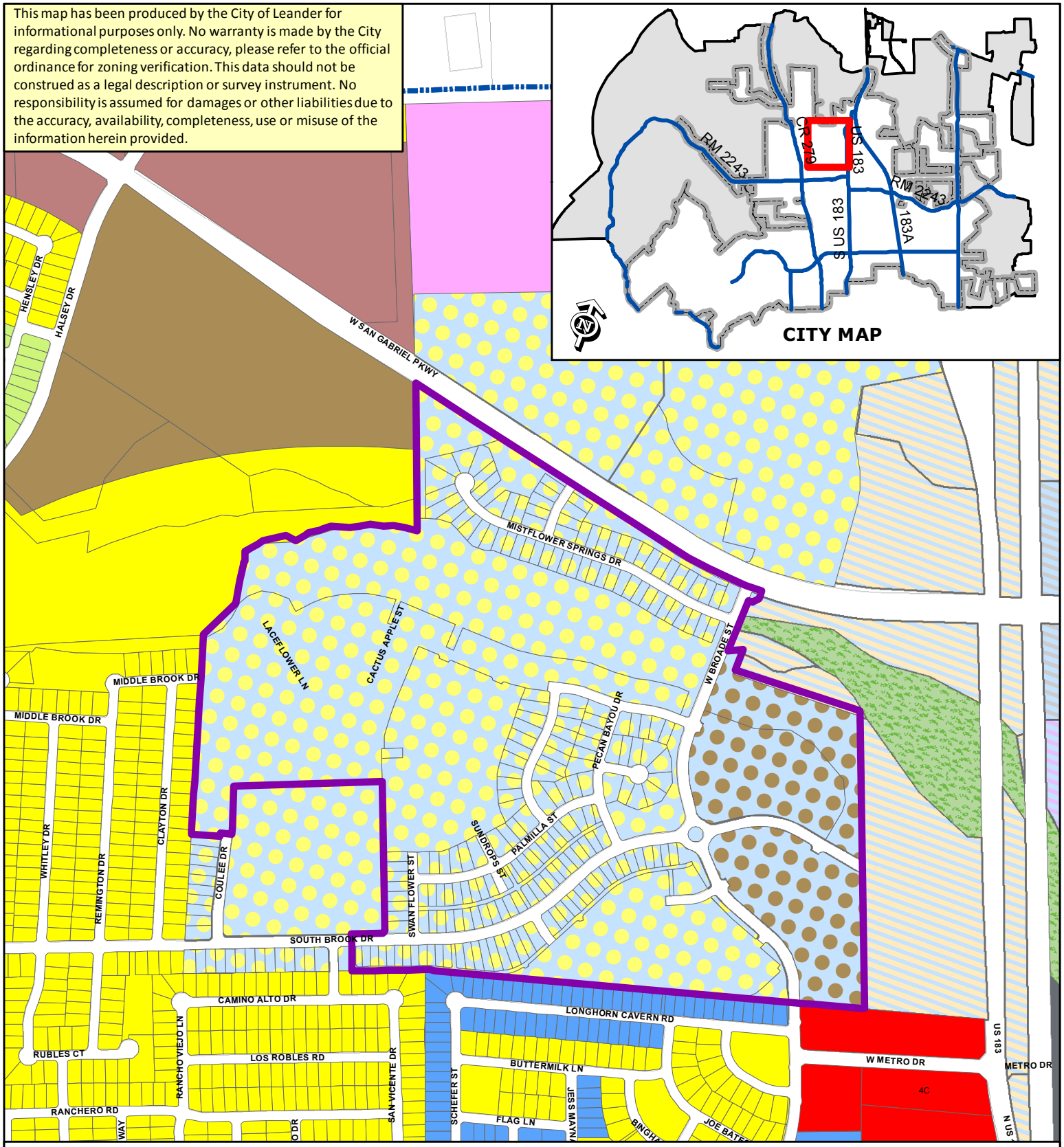
SubjectProperty

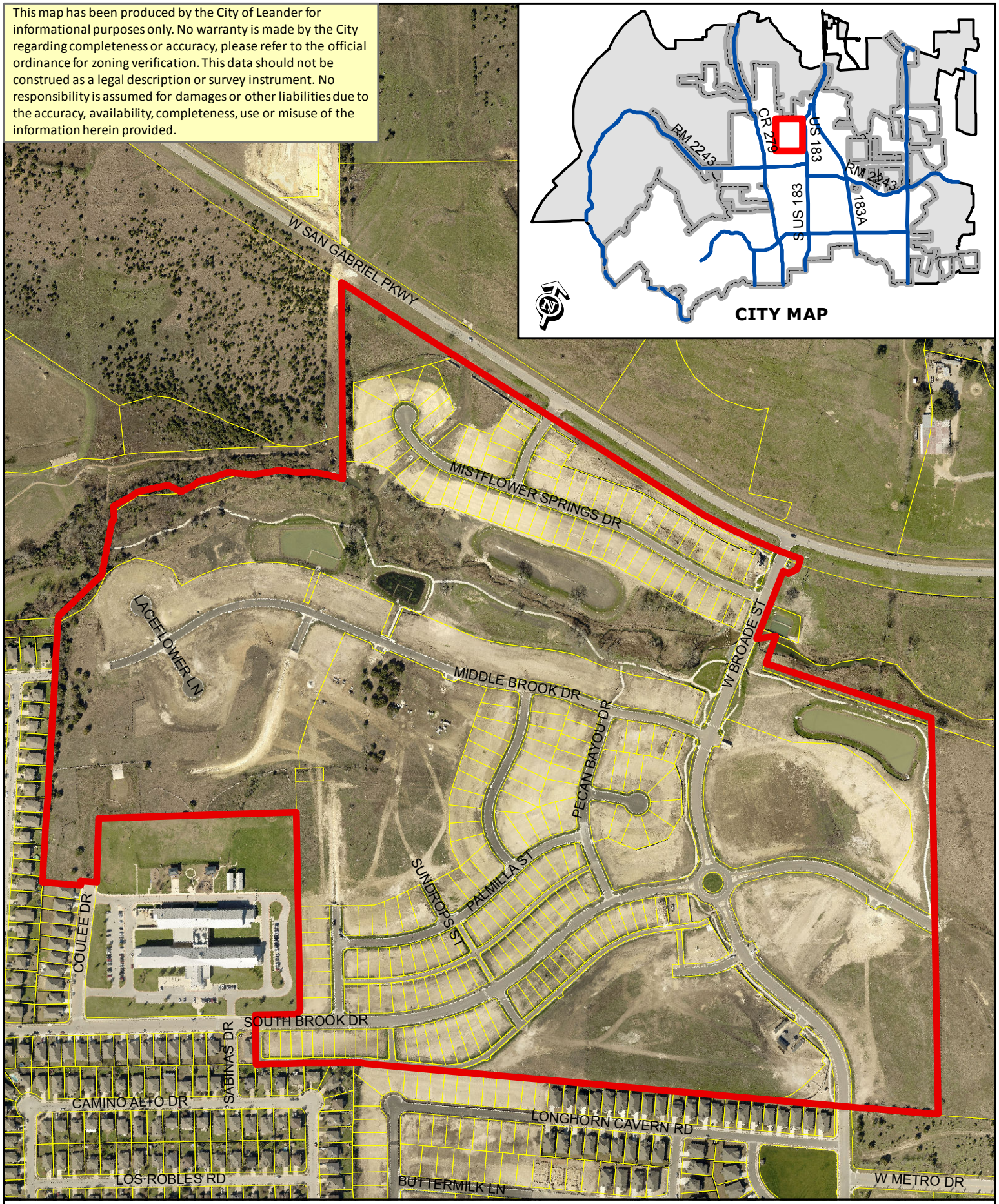
City Limits

WCAD Parcels

N

0 0.25 0.5 Miles


This map has been produced by the City of Leander for informational purposes only. No warranty is made by the City regarding completeness or accuracy, please refer to the official ordinance for zoning verification. This data should not be construed as a legal description or survey instrument. No responsibility is assumed for damages or other liabilities due to the accuracy, availability, completeness, use or misuse of the information herein provided.
CITY MAP
RM 2243
CR 279
US 183
S US 183
183A
W SAN GABRIEL PKWY
HENSLEY DR
HALSEY DR
MISTFLOWER SPRINGS DR
LACEFLOWER LN
CACTUS APPLE ST
W BROADE ST
MIDDLE BROOK DR
PECAN BAYOU DR
WHITLEY DR
REMINGTON DR
CLAYTON DR
COULEE DR
SUNDROPS ST
PALMILLA ST
SWAN FLOWER ST
SOUTH BROOK DR
CAMINO ALTO DR
LONGHORN CAVERN RD
RUBLES CT
LOS ROBLES RD
RANCHO VIEJO LN
SAN VICENTE DR
BUTTERMILK LN
W METRO DR
METRO DR
US 183
4C
RANCHERO RD
SCHEFER ST
FLAG LN
JESS S MAYN
JOE BATE
ZONING CASE 16-TOD-Z-005 Attachment #5
Proposed Map - Oak Creek PUD Amd
Subject Property
City Limits
SFR
SFE
SFS
SFU
SFC
SFL
SFT
SFU/MH
TF
MF
LO
LC
GC
HC
HI
PUD - Commercial
PUD - Mixed Use
PUD - Multi-Family
PUD - Townhomes
PUD - Single-Family
N
0 200
Feet



ZONING CASE 16-TOD-Z-005 Attachment #6

Aerial Exhibit - Approximate Boundaries
Oak Creek PUD Amendment

0 200
Feet

Subject Property
City Limits

Exhibit A

Oak Creek Planned Unit Development

A. Purpose and Intent

The Oak Creek PUD is composed of approximately 150 acres, as described in Exhibit D (Field Notes). The development of this property is planned as a high quality, residential community with a variety of residential product types.

Oak Creek has been designed to create walkable, pedestrian friendly neighborhoods. The contents of this PUD further explain and illustrate the overall appearance and function desired for this community. A Conceptual Site Layout and Land Use Plan has been attached to this PUD, Exhibit B, to illustrate the design intent for the property. The Conceptual Site Layout and Land Use Plan is intended to serve as a guide to illustrate the general community vision and design concepts and is not intended to serve as a final document. The Conceptual Site Layout and Land Use Plan depicts a mix of residential products and open space areas which are contemplated within the community.

B. Applicability and Base Zoning

All aspects regarding the development of this PUD shall comply with the City of Leander Composite Zoning Ordinance, except as established in this exhibit, titled Exhibit A.

For the purpose of establishing development standards for the PUD, base zoning districts have been selected from the Leander Composite Zoning Ordinance for the various residential products proposed within the PUD.

- *For Lots 60' and wider: Base Zoning District SFU Single Family Urban (SFU-2-B)*
- *For Lots 50'-59': Base Zoning District SFC Single Family Compact (SFC-2-B)*
- *For Lots 40'-49': Base Zoning District SFL Single Family Limited (SFL-2-B)*
- *For Single Family Townhomes: SFT – Single Family Townhouse (SFT-2-B)*
- *For Cluster Housing: MF – Multi Family (MF-2-B)*
- *For Multi Family Housing: MF-Multi Family (MF-2-A)*

This PUD allows the flexibility to mix the various residential products and define boundaries for each lot type during the platting process. Each plat or site plan submitted to the City will identify the use at the time of City Submittal. All neighborhoods within the PUD will comply with the modified development standards of this PUD. In the case that this PUD does not address a specific City requirement, the Leander Composite Zoning Ordinance shall apply. In the event of a conflict between this PUD and the base zoning district found in the Leander Composite Zoning Ordinance, this PUD shall control.

C. Conceptual Site Layout and Land Use Plan

Exhibit B attached is a conceptual development plan intended to visually convey the design intent for the Oak Creek community. The design of the community is not final, and is subject to refinement during the platting and site planning stages. This PUD zoning document does not constitute plat or site plan approval of the attached plan.

The Oak Creek project is comprised of a mix of various single family detached products as well as multi-family, townhomes and cluster products. Oak Creek will include a cohesive network of open spaces, including parks, water quality areas, floodplain and trail corridors. The open space and trails system combined with the sidewalk network will be critical in establishing a walkable, inviting community.

The product placement within the community is planned to provide the following development pattern:

SFL Single Family Limited
Alley loaded, 40' lots will be located west of West Broade Street and adjacent to the southern boundary line which is shared with the Northside Meadow development. The extension of South Brook Drive will be faced with alley loaded product to provide an attractive architectural street scene which will ultimately connect to the adjacent TOD uses located along Highway 183. The alley loaded product will also reduce driveways along South Brook Drive to Plain Elementary School.

SFC Single Family Compact/SFU Single Family Urban
The area north of the alley loaded product and west of West Broade Street will contain a mix of 50', 60' and 70' conventional single family product types with access points to the central park and trail system. Extensions of Coulee Drive and Middle Brook Drive will connect into the new neighborhoods, providing a seamless connection to the adjacent Benbrook Ranch and Heritage Glen developments.

MF Multi Family/SFT Single Family Townhouse/Cluster
The parcels located east of West Broade Street are directly adjacent to the area designated as T5 on the City of Leander TOD map. The parcels are planned for higher density attached townhomes, ~~or~~ cluster with a maximum density of 12 units per acre, or multi-family apartments with a density of 22 units per acre.

The cluster product is a detached single family unit that is developed as a condo regime. If a cluster product is proposed, the site will be processed as a single lot site plan. The units will be sold as condos with common open space areas that are maintained by a Homeowners Association.

To ensure a variety and mix of residential product types within Oak Creek, the following standards have been established:

Residential Product Type Requirements

1. MF Multi Family/SFT Single Family Townhome (Multi-Family, Cluster, Townhome)
   - Minimum of 100 units
2. SFL Single Family Limited-Alley Loaded lots
   - Minimum of 100 units
3. SFC Single Family Compact – 50' lots
   - Minimum of 100 units
4. SFU Single Family Urban-60' lots
   - Minimum of 100 units

D. Allowable Uses

The uses allowed within the Oak Creek PUD shall comply with the list of permitted uses defined in Article III, Section 17 of the Leander Composite Zoning Ordinance for the appropriate base zoning district. Cluster housing shall be considered a single family, detached use which is permitted in a MF Multi Family base district with a maximum density of 12 units per acre.

E. Lot Design Standards

Residential Areas:

Oak Creek will include a variety of residential product types and sizes from detached single family homes to townhomes and/or apartments. The detached residential has been broken into two categories based upon lot width and size. The attached product has been grouped into one category and Cluster housing has been designated as an individual category. Detailed design standards are included within this PUD, Table E.1, based upon the type of residential product.

Multi Family Areas:

Apartment development within MF zoning areas shall locate surface parking and garage areas internal to the parcel. Buildings shall be oriented to W. Broade Street and S. Brook Drive. Surface parking shall not be located between a building and the adjacent major street. Exhibit C illustrates the prototypical design intent for a Multi Family street scene.

If a Multi Family apartment building is located directly adjacent to a single family residential lot, there shall be a minimum 20 foot of building setback from the adjacent single family lot line.

The Oak Creek development will comply with the Development Standards set forth in Table E.1

Table E.1 – Development Standards

	RESIDENTIAL USES				
	DETACHED 50 ft. & wider lot (SFC/SFU)	**DETACHED** narrower than 50 ft. lot (SFL base, alley loaded)	**ATTACHED** Townhome (SFT base, alley loaded)	**CLUSTER ~~/ MF~~** (Setbacks are for perimeter)	**Multi-Family (MF)**
Lot Area (minimum)	5,500 s.f.	4,000 s.f.	1,800 s.f.	n/a	n/a
Lot Width (minimum)	50 ft.	40 ft.	20 ft.	n/a	n/a
Front Setback (minimum)	20 ft. (25' street facing garage)	15 ft.	10 ft.	20 ft.	20 ft. Maximum* 15 ft. Minimum
Side Setback (minimum)	5 ft.	5 ft.	0 ft./10 ft.	10 ft. building separation	10 ft. 10 ft. building separation
Street Side Setback (minimum)	15 ft. (20'street facing garage)	15 ft.	15 ft.	20 ft.	20 ft.
Rear Setback (minimum)	15 ft.	6 ft.	6 ft.	20 ft.	20 ft.
Lot Depth (minimum)	110 ft.	100 ft.	90 ft.	n/a	n/a

* In the event that there are issues with grade along W Broade Street, flexibility with regard to the maximum setback may be granted administratively. This exception will not allow for parking to be located between the building and the right-of-way.

F. Parkland/Open Space/Trails

Open space within Oak Creek will create a network of trails and parkland that creates distinct neighborhoods and provides pedestrian walkways throughout the community. The Oak Creek PUD will contribute approximately 31 acres of open space consisting of parks, floodplain, greenbelt trail corridors and water quality ponds. The parkland and proposed trails and amenities shall be consistent with the approved Concept Plan Sheet 2 Parkland Exhibit (Exhibit 1).

The following criteria shall be considered allowable for parkland credit within Oak Creek.

1. Neighborhood Pocket Parks - Minimum of ½ acre
2. Minimum of 100' of street frontage
3. Water quality pond areas that are designed as an amenity

4. Open space trail corridors located along West Broade Street between the back of lots and the right of way

Oak Creek is located in close proximity to Benbrook Park. A primary 8' wide, concrete trail will be constructed within the floodplain which will provide a connection point for linkage between the Benbrook trail and West Broade Street and from West Broade Street east and south to connect with South Brook Drive (see approved Concept Plan Sheet 2 Parkland Exhibit). An additional 8' wide, concrete trail will be provided along the entire length of West Broade Street which will meander in and out of the right of way and adjacent open space corridor located on the western side of the roadway.

G. Roadway Design

The Oak Creek community will incorporate the following right of way standards.

1. All single family detached roadways for base districts SFU Single Family Urban and SFC Single Family Compact shall utilize Primary Residential Street section ST-50-28 as illustrated below.

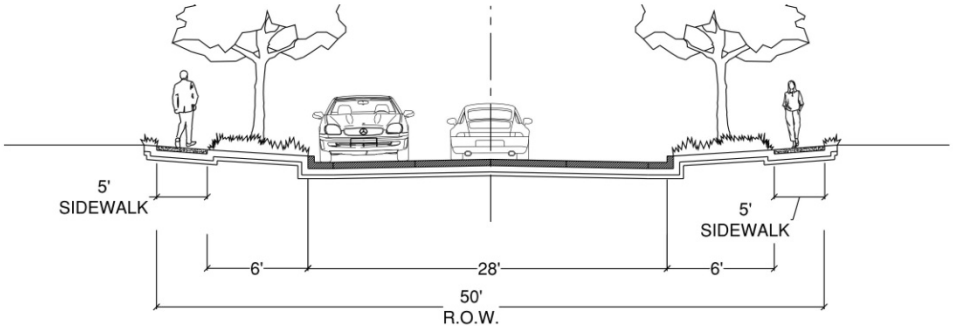
2. All alley loaded residential product in base districts SFL Single Family Limited and SFT Single Family Townhouse shall utilize Primary Residential Street section ST-48-26 as illustrated below.

3. All alleys shall conform to the RA-20 Rear Alley section as illustrated below.

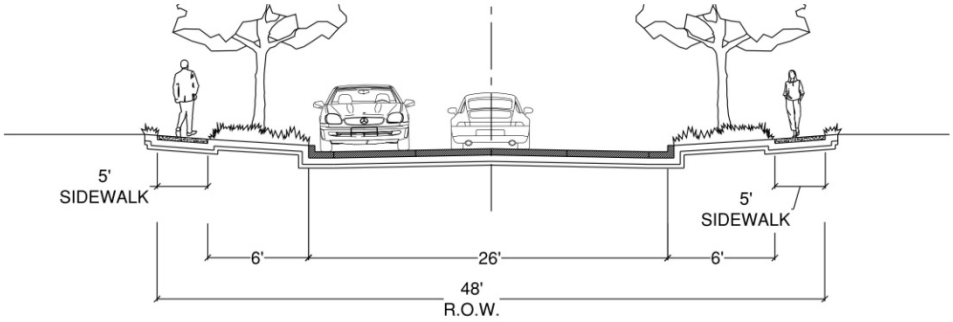
4. Streets within a Cluster Housing project will be private streets within a site plan. The pavement width shall be a minimum of 26 feet in width with 10 foot Public Utility Easements PUE on each side of the street.

5. Due to the pedestrian oriented design and emphasis on an attractive streetscape, several traffic calming measures are allowed within Oak Creek. A traffic circle shall be incorporated at the intersection of South Brook Drive and West Broade Street with a minimum radius of 70 feet.

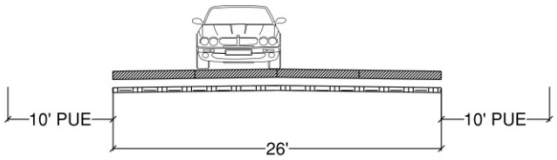
6. Additional traffic calming islands shall be allowed along South Brook Drive. The minimum pavement width between landscape islands shall be 24 feet. Parallel parking shall be allowed on both sides of South Brook Drive with the driving lanes tapering at intersections to create traffic calming islands. Changes in paving material such as stamped concrete or pavers shall be allowed at the intersections and traffic circle.



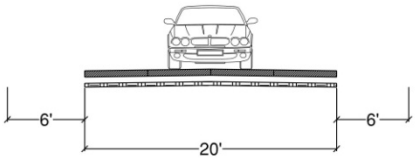
RESIDENTIAL STREET SECTION: ST-50-28



RESIDENTIAL STREET SECTION: ST-48-26



CLUSTER STREET



RESIDENTIAL ALLEY: RA-20

H. Architectural Criteria

The PUD shall comply with the architectural standards of the Composite Zoning Ordinance and the Conventional Development Sector of the City of Leander SmartCode adopted July 17, 2014. Single family residential products within the SFL Single Family Limited, SFT Single Family Townhouse base zoning districts and detached single family residential products within the MF Multi Family base zoning district (i.e. cluster single family developed as a site plan) may utilize cementitious fiber planking to meet the masonry requirement.

Multi Family apartments located within the MF base zoning district shall comply with the Type A Architectural Component of Composite Zoning Ordinance.

I. Walls and Fencing

All lots within Oak Creek which back or side onto West Broade Street shall have a solid, 6 foot tall masonry wall with columns located along the rear or side lot line. Wrought iron fencing with masonry columns is allowed in locations where views into the neighborhood would be desirable.

All lots which back onto parks or floodplain areas shall utilize 6 foot, wrought iron view fencing.

J. Flag Lots

In order to provide a legal lot for the water quality ponds within Oak Creek, the minimum flag lot width shall be 15 feet. This provision shall not apply to residential lots.

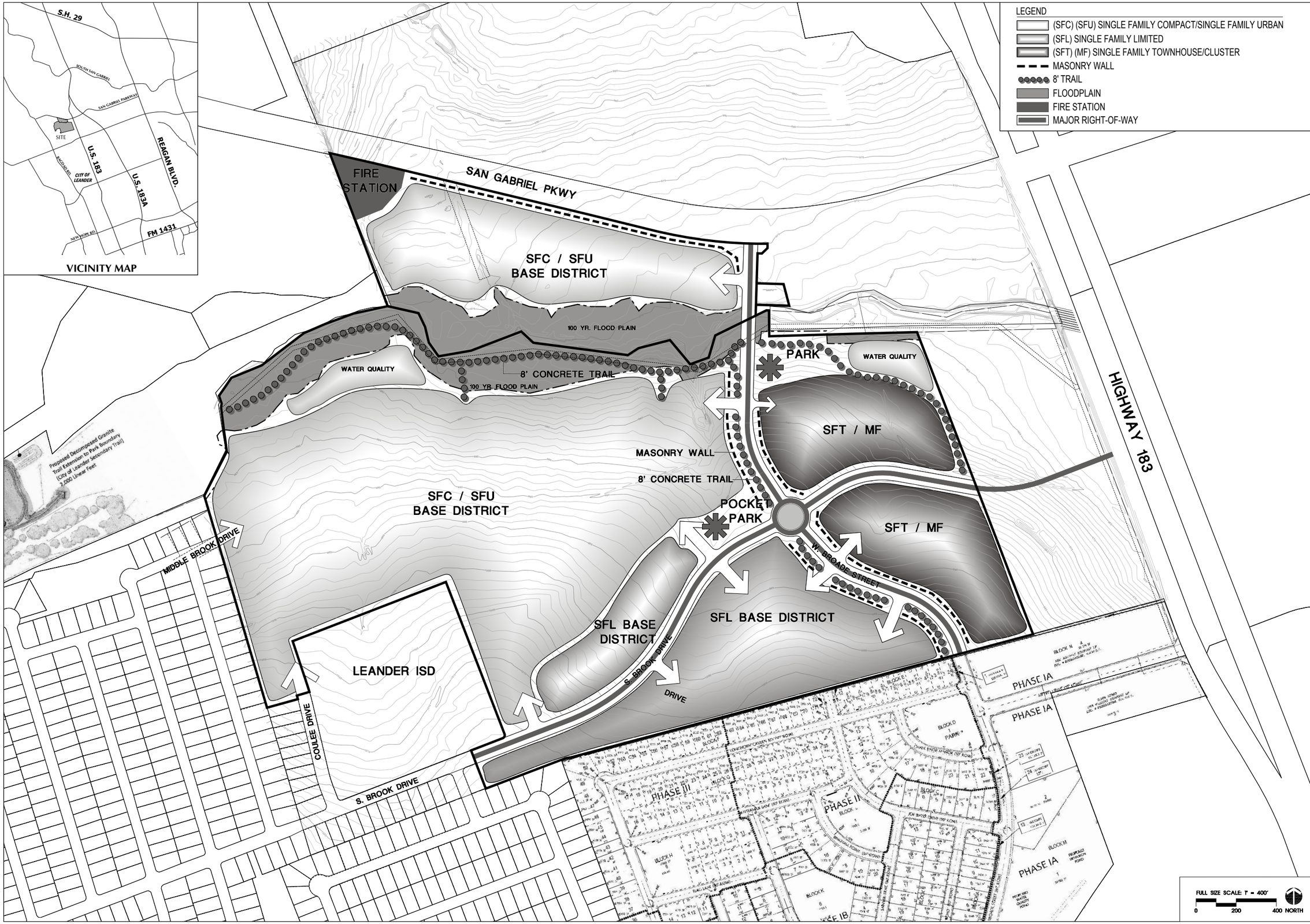
<u>Exhibit B</u>

Conceptual Site Layout and Land Use Plan

Concept Plan – Sheet 2 Parkland Exhibit

Exhibit C

Prototypical Design Intent for a Multi Family Street Scene



SEC Planning, LLC

Austin, Texas

LAND PLANNING
LANDSCAPE ARCHITECTURE
COMMUNITY BRANDING

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OWNER: MICHELLE
SENTINEL/COTTER LEANDER, LLC
9111 JOLLYVILLE ROAD
SUITE 150
AUSTIN, TX 78759
T: 949-922-2312
OWNER: TYLERVILLE
WATERSTONE TYLERVILLE, LP
10500 AVERY CLUB DRIVE
SUITE 900
AUSTIN, TX 78717

EXHIBIT 1
CONCEPTUAL SITE LAYOUT AND LAND USE PLAN
OAK CREEK
LEANDER, TEXAS

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Issued:

1.	PUD Submittal	12/20/13
2.		
3.		
4.		
5.		

Revisions:

1.	PUD Plan Revision	02/11/14
2.	PUD Plan Revision	03/20/14
3.		
4.		
5.		

Issue Date: December 20, 2013

Drawn By: MB

Reviewed By: MB

Project No.
130078-SELA

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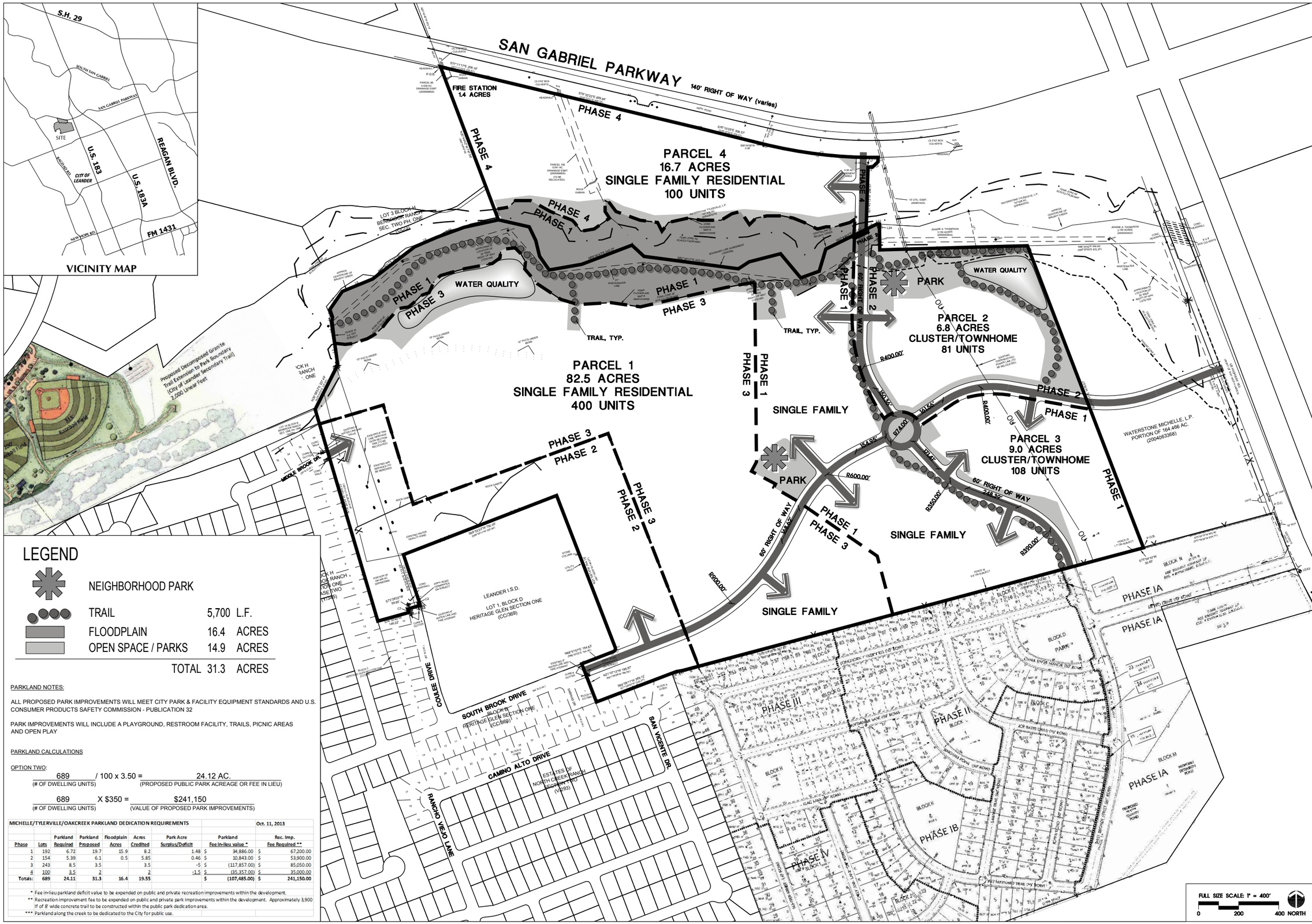

LEGEND

NEIGHBORHOOD PARK		
TRAIL	5,700	L.F.
FLOODPLAIN	16.4	ACRES
OPEN SPACE / PARKS	14.9	ACRES
TOTAL	31.3	ACRES

PARKLAND NOTES:

ALL PROPOSED PARK IMPROVEMENTS WILL MEET CITY PARK & FACILITY EQUIPMENT STANDARDS AND U.S. CONSUMER PRODUCTS SAFETY COMMISSION - PUBLICATION 32

PARK IMPROVEMENTS WILL INCLUDE A PLAYGROUND, RESTROOM FACILITY, TRAILS, PICNIC AREAS AND OPEN PLAY

PARKLAND CALCULATIONS

OPTION TWO:

689 / 100 x 3.50 = 24.12 AC.
(# OF DWELLING UNITS) (PROPOSED PUBLIC PARK ACREAGE OR FEE IN LIEU)

689 X $350 = $241,150
(# OF DWELLING UNITS) (VALUE OF PROPOSED PARK IMPROVEMENTS)

MICHELLE/TYLERVILLE/OAKCREEK PARKLAND DEDICATION REQUIREMENTS — **Oct. 11, 2013**

Phase	Lots	Parkland Required	Parkland Proposed	Floodplain Acres	Acres Credited	Park Acre Surplus/Deficit	Parkland Fee In-lieu value *	Rec. Imp. Fee Required **
1	192	6.72	19.7	15.9	8.2	1.48	$ 34,886.00	$ 67,200.00
2	154	5.39	6.1	0.5	5.85	0.46	$ 10,843.00	$ 53,900.00
3	243	8.5	3.5		3.5	-5	$ (117,857.00)	$ 85,050.00
4	100	3.5	2		2	-1.5	$ (35,357.00)	$ 35,000.00
Totals:	689	24.11	31.3	16.4	19.55		$ (107,485.00)	$ 241,150.00

* Fee in-lieu parkland deficit value to be expended on public and private recreation improvements within the development.

** Recreation improvement fee to be expended on public and private park improvements within the development. Approximately 3,900 lf of 8' wide concrete trail to be constructed within the public park dedication area.

*** Parkland along the creek to be dedicated to the City for public use.

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OWNER: MICHELLE
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T: 949-922-2512
OWNER: TYLERVILLE
WATERSTONE TYLERVILLE, LP
10500 AVERY CLUB DRIVE
SUITE 900
AUSTIN, TX 78717

CONCEPT PLAN - SHEET 2
PARKLAND EXHIBIT
MICHELLE / TYLERVILLE TRACT
LEANDER, TEXAS

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Issued:
1. City Concept Submittal 09/6/13
2.
3.
4.
5.

Revisions:
1. City Concept Submittal 10/7/13
2. City Concept Submittal 10/24/13
3. City Concept Submittal 11/05/13
4.
5.

Issue Date: September 6, 2013

Drawn By: MB
Reviewed By: MB

Project No.
130078-SELA

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EXHIBIT B
PERMITTED EXCEPTIONS

1. Restrictive covenant recorded in Volume 969, Page 312, Official Records, Williamson County, Texas.
2. Easement dated October 15, 1929, granted by Mrs. Alice E. Woolsey et al to Texas Power & Light Co., recorded in Volume 245, Page 140, Deed Records, Williamson County, Texas.
3. Terms, provisions and conditions of Boundary Line Agreement dated November 18, 1986, by and between Michelle, Ltd. and Michelle III, Ltd. recorded in Volume 1450, Page 886, and re-recorded in Volume 1455, Page 296, Official Records, Williamson County, Texas.
4. Drainage easement dated August 19, 2005, granted by Waterstone Tylerville, LP to Williamson County, Texas, recorded under Document No. 2005068805, Official Public Records, Williamson County, Texas.
5. Utility easement dated July 26, 2004, granted by William B. Pohl, Trustee for Tylerville, Ltd. to Pedernales Electric Cooperative, Inc., recorded under Document No. 2006010423, Official Public Records, Williamson County, Texas.
6. An undivided 50% of all royalties and an undivided 50% in and to all of the oil, gas and other minerals, and all rights incident thereto, reserved by Grantors in deed dated July 20, 1983, executed by Philip H. Thompson, Jr. and wife, Jeanne A. Thompson to F.N.B. II Associates recorded in Volume 930, Page 468, Deed Records, Williamson County, Texas.
7. An undivided 50% of all royalties in all of the oil, gas and other minerals, and all rights incident thereto, conveyed in Mineral Deed dated March 14, 1986, executed by Jack Friedman to Philip H. Thompson, Jr. and wife, Jeanne A. Thompson recorded in Volume 1327, Page 221, Official Records, Williamson County, Texas.
8. Proposed easement (0.36 acre easement area) in northeast corner of property as shown on survey dated September 19, 2013, by Robert C. Watts, Jr. Registered Professional Land Surveyor No. 4995 of Chaparral Professional Land Surveying, Inc.
9. Any unrecorded easement, either public or private, which exists or may later be claimed as existing for construction, maintenance, repair and/or replacement of the water valve crossing the land as shown on survey dated September 19, 2013, by Robert C. Watts, Jr. Registered Professional Land Surveyor No. 4995 of Chaparral Professional Land Surveying, Inc.

EXHIBIT C

PROTOTYPICAL STREETSCAPE PLAN

North

STREET PERSPECTIVE

Date: March 22, 2016

SEC Planning, LLC
Land Planning + Landscape Architecture + Community Branding
AUSTIN, TEXAS
t 512.246.7003
www.secplanning.com + info@secplanning.com

OAK CREEK
LEANDER, TEXAS

SHEET FILE: Q:\130078-SECO\Thematics\PROTOTYPICAL STREETSCAPE.dwg

Base mapping compiled from best available information. All map data should be considered as preliminary, in need of verification, and subject to change. This land plan is conceptual in nature and does not represent any regulatory approval. Plan is subject to change.

SEC Planning, LLC
Land Planning + Landscape Architecture + Community Branding

CLIENT-CENTERED THINKING™

ATTACHMENT 8

January 27, 2016

City of Leander Planning Department
104 North Brushy Street
PO Box 319
Leander, Texas 78646-0319

Re: Oak Creek PUD Amendment Letter of Intent

Please find attached an application for a PUD zoning Amendment for the Oak Creek Community, generally located at San Gabriel Parkway and Highway 183. The applicant is requesting an amendment to the approved PUD zoning to increase the residential density allowed within the parcels located on the east side of W. Broade Street and designated as SFT / MF.

The applicant is proposing to maintain the development regulations and land uses already approved within the Oak Creek PUD, but increase the maximum density within the SFT/MF parcels from 12 units per acre to 22 units per acre. The higher density provides the opportunity for an increased number of units in close proximity to the future commercial land that will be located along 183. The SFT / MF parcels also provide an appropriate transition between the single family homes and the 183 commercial.

Thank you for considering this amendment to the Oak Creek community.

Sincerely,

Mark Baker
Principal

4201 W. Parmer Lane, Building A, Suite 220 • Austin, Texas 78727 • 512.246.7003 • www.secplanning.com

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 AMENDING THE OAK CREEK PLANNED UNIT DEVELOPMENT FOR SUCH PARCELS; MAKING FINDINGS OF FACT; AND PROVIDING FOR RELATED MATTERS.

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

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

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

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

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

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

Section 3. Property Rezoned. The TODD Ordinance is hereby amended by amending the Oak Creek PUD attached hereto as Exhibits A, B, C, and D and incorporated herein for all purposes for several parcels, which are herein referred to as the "Property,"generally located to the southwest of the intersection of San Gabriel Pkwy and US 183, and more particularly described as follows: those certain parcels of land being 151.2 acres, more or less, located in Leander, Williamson County, Texas, being more particularly shown and described in Exhibits "A" and "B"; and identified by tax identification numbers R540162, R529009; R529004, R529007, R524552, R529010, and R542832. The Property is zoned to the planned unit development district known as the Oak Creek PUD within the TODD. The Property shall be developed and occupied in compliance with the PUD plan attached hereto as Exhibit C, Article 8 of the Smart Code (defined in the TODD Ordinance), the Composite Zoning Ordinance, and other applicable regulations of the City.

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

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

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

PASSED AND APPROVED on First Reading this the 21st day of April, 2016.
FINALLY PASSED AND APPROVED on this the 5th day of May, 2016.

THE CITY OF LEANDER, TEXAS **ATTEST:**

_____ _____

Christopher Fielder, Mayor Debbie Haile, City Secretary

Exhibit A

Oak Creek Planned Unit Development

A. Purpose and Intent

The Oak Creek PUD is composed of approximately 150 acres, as described in Exhibit D (Field Notes). The development of this property is planned as a high quality, residential community with a variety of residential product types.

Oak Creek has been designed to create walkable, pedestrian friendly neighborhoods. The contents of this PUD further explain and illustrate the overall appearance and function desired for this community. A Conceptual Site Layout and Land Use Plan has been attached to this PUD, Exhibit B, to illustrate the design intent for the property. The Conceptual Site Layout and Land Use Plan is intended to serve as a guide to illustrate the general community vision and design concepts and is not intended to serve as a final document. The Conceptual Site Layout and Land Use Plan depicts a mix of residential products and open space areas which are contemplated within the community.

B. Applicability and Base Zoning

All aspects regarding the development of this PUD shall comply with the City of Leander Composite Zoning Ordinance, except as established in this exhibit, titled Exhibit A.

For the purpose of establishing development standards for the PUD, base zoning districts have been selected from the Leander Composite Zoning Ordinance for the various residential products proposed within the PUD.

- *For Lots 60' and wider: Base Zoning District SFU Single Family Urban (SFU-2-B)*
- *For Lots 50'-59': Base Zoning District SFC Single Family Compact (SFC-2-B)*
- *For Lots 40'-49': Base Zoning District SFL Single Family Limited (SFL-2-B)*
- *For Single Family Townhomes: SFT – Single Family Townhouse (SFT-2-B)*
- *For Cluster Housing: MF – Multi Family (MF-2-B)*
- *For Multi Family Housing: MF-Multi Family (MF-2-A)*

This PUD allows the flexibility to mix the various residential products and define boundaries for each lot type during the platting process. Each plat or site plan submitted to the City will identify the use at the time of City Submittal. All neighborhoods within the PUD will comply with the modified development standards of this PUD. In the case that this PUD does not address a specific City requirement, the Leander Composite Zoning Ordinance shall apply. In the event of a conflict between this PUD and the base zoning district found in the Leander Composite Zoning Ordinance, this PUD shall control.

C. Conceptual Site Layout and Land Use Plan

Exhibit B attached is a conceptual development plan intended to visually convey the design intent for the Oak Creek community. The design of the community is not final, and is subject to refinement during the platting and site planning stages. This PUD zoning document does not constitute plat or site plan approval of the attached plan.

The Oak Creek project is comprised of a mix of various single family detached products as well as multi-family, townhomes and cluster products. Oak Creek will include a cohesive network of open spaces, including parks, water quality areas, floodplain and trail corridors. The open space and trails system combined with the sidewalk network will be critical in establishing a walkable, inviting community.

The product placement within the community is planned to provide the following development pattern:

SFL Single Family Limited
Alley loaded, 40' lots will be located west of West Broade Street and adjacent to the southern boundary line which is shared with the Northside Meadow development. The extension of South Brook Drive will be faced with alley loaded product to provide an attractive architectural street scene which will ultimately connect to the adjacent TOD uses located along Highway 183. The alley loaded product will also reduce driveways along South Brook Drive to Plain Elementary School.

SFC Single Family Compact/SFU Single Family Urban
The area north of the alley loaded product and west of West Broade Street will contain a mix of 50', 60' and 70' conventional single family product types with access points to the central park and trail system. Extensions of Coulee Drive and Middle Brook Drive will connect into the new neighborhoods, providing a seamless connection to the adjacent Benbrook Ranch and Heritage Glen developments.

MF Multi Family/SFT Single Family Townhouse/Cluster
The parcels located east of West Broade Street are directly adjacent to the area designated as T5 on the City of Leander TOD map. The parcels are planned for higher density attached townhomes, ~~or~~ cluster with a maximum density of 12 units per acre, or multi-family apartments with a density of 22 units per acre.

The cluster product is a detached single family unit that is developed as a condo regime. If a cluster product is proposed, the site will be processed as a single lot site plan. The units will be sold as condos with common open space areas that are maintained by a Homeowners Association.

To ensure a variety and mix of residential product types within Oak Creek, the following standards have been established:

Residential Product Type Requirements

1. MF Multi Family/SFT Single Family Townhome (Multi-Family, Cluster, Townhome)
   - Minimum of 100 units
2. SFL Single Family Limited-Alley Loaded lots
   - Minimum of 100 units
3. SFC Single Family Compact – 50' lots
   - Minimum of 100 units
4. SFU Single Family Urban-60' lots
   - Minimum of 100 units

D. Allowable Uses

The uses allowed within the Oak Creek PUD shall comply with the list of permitted uses defined in Article III, Section 17 of the Leander Composite Zoning Ordinance for the appropriate base zoning district. Cluster housing shall be considered a single family, detached use which is permitted in a MF Multi Family base district with a maximum density of 12 units per acre.

E. Lot Design Standards

Residential Areas:

Oak Creek will include a variety of residential product types and sizes from detached single family homes to townhomes and/or apartments. The detached residential has been broken into two categories based upon lot width and size. The attached product has been grouped into one category and Cluster housing has been designated as an individual category. Detailed design standards are included within this PUD, Table E.1, based upon the type of residential product.

Multi Family Areas:

Apartment development within MF zoning areas shall locate surface parking and garage areas internal to the parcel. Buildings shall be oriented to W. Broade Street and S. Brook Drive. Surface parking shall not be located between a building and the adjacent major street. Exhibit C illustrates the prototypical design intent for a Multi Family street scene.

If a Multi Family apartment building is located directly adjacent to a single family residential lot, there shall be a minimum 20 foot of building setback from the adjacent single family lot line.

The Oak Creek development will comply with the Development Standards set forth in Table E.1

Table E.1 – Development Standards

	RESIDENTIAL USES				
	DETACHED 50 ft. & wider lot (SFC/SFU)	**DETACHED** narrower than 50 ft. lot (SFL base, alley loaded)	**ATTACHED** Townhome (SFT base, alley loaded)	**CLUSTER ~~/ MF~~** (Setbacks are for perimeter)	**Multi-Family (MF)**
Lot Area (minimum)	5,500 s.f.	4,000 s.f.	1,800 s.f.	n/a	n/a
Lot Width (minimum)	50 ft.	40 ft.	20 ft.	n/a	n/a
Front Setback (minimum)	20 ft. (25' street facing garage)	15 ft.	10 ft.	20 ft.	20 ft. Maximum* 15 ft. Minimum
Side Setback (minimum)	5 ft.	5 ft.	0 ft./10 ft.	10 ft. building separation	10 ft. 10 ft. building separation
Street Side Setback (minimum)	15 ft. (20'street facing garage)	15 ft.	15 ft.	20 ft.	20 ft.
Rear Setback (minimum)	15 ft.	6 ft.	6 ft.	20 ft.	20 ft.
Lot Depth (minimum)	110 ft.	100 ft.	90 ft.	n/a	n/a

* In the event that there are issues with grade along W Broade Street, flexibility with regard to the maximum setback may be granted administratively. This exception will not allow for parking to be located between the building and the right-of-way.

F. Parkland/Open Space/Trails

Open space within Oak Creek will create a network of trails and parkland that creates distinct neighborhoods and provides pedestrian walkways throughout the community. The Oak Creek PUD will contribute approximately 31 acres of open space consisting of parks, floodplain, greenbelt trail corridors and water quality ponds. The parkland and proposed trails and amenities shall be consistent with the approved Concept Plan Sheet 2 Parkland Exhibit (Exhibit 1).

The following criteria shall be considered allowable for parkland credit within Oak Creek.

1. Neighborhood Pocket Parks - Minimum of ½ acre
2. Minimum of 100' of street frontage
3. Water quality pond areas that are designed as an amenity

4. Open space trail corridors located along West Broade Street between the back of lots and the right of way

Oak Creek is located in close proximity to Benbrook Park. A primary 8' wide, concrete trail will be constructed within the floodplain which will provide a connection point for linkage between the Benbrook trail and West Broade Street and from West Broade Street east and south to connect with South Brook Drive (see approved Concept Plan Sheet 2 Parkland Exhibit). An additional 8' wide, concrete trail will be provided along the entire length of West Broade Street which will meander in and out of the right of way and adjacent open space corridor located on the western side of the roadway.

G. Roadway Design

The Oak Creek community will incorporate the following right of way standards.

1. All single family detached roadways for base districts SFU Single Family Urban and SFC Single Family Compact shall utilize Primary Residential Street section ST-50-28 as illustrated below.

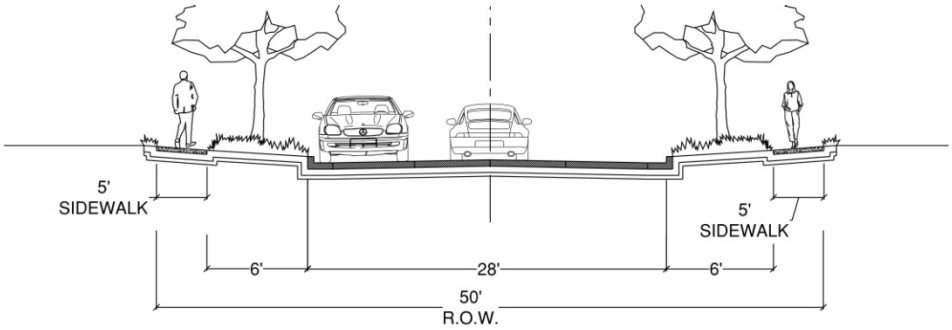
2. All alley loaded residential product in base districts SFL Single Family Limited and SFT Single Family Townhouse shall utilize Primary Residential Street section ST-48-26 as illustrated below.

3. All alleys shall conform to the RA-20 Rear Alley section as illustrated below.

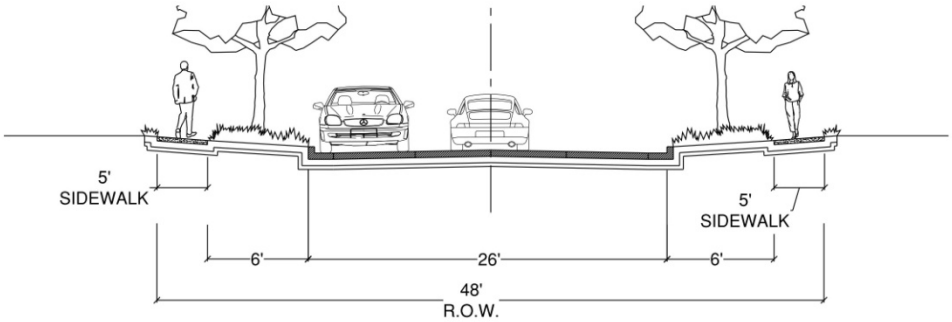
4. Streets within a Cluster Housing project will be private streets within a site plan. The pavement width shall be a minimum of 26 feet in width with 10 foot Public Utility Easements PUE on each side of the street.

5. Due to the pedestrian oriented design and emphasis on an attractive streetscape, several traffic calming measures are allowed within Oak Creek. A traffic circle shall be incorporated at the intersection of South Brook Drive and West Broade Street with a minimum radius of 70 feet.

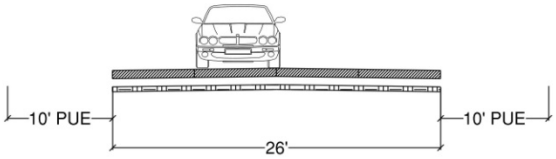
6. Additional traffic calming islands shall be allowed along South Brook Drive. The minimum pavement width between landscape islands shall be 24 feet. Parallel parking shall be allowed on both sides of South Brook Drive with the driving lanes tapering at intersections to create traffic calming islands. Changes in paving material such as stamped concrete or pavers shall be allowed at the intersections and traffic circle.



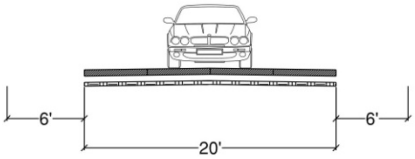
RESIDENTIAL STREET SECTION: ST-50-28



RESIDENTIAL STREET SECTION: ST-48-26



CLUSTER STREET



RESIDENTIAL ALLEY: RA-20

H. Architectural Criteria

The PUD shall comply with the architectural standards of the Composite Zoning Ordinance and the Conventional Development Sector of the City of Leander SmartCode adopted July 17, 2014. Single family residential products within the SFL Single Family Limited, SFT Single Family Townhouse base zoning districts and detached single family residential products within the MF Multi Family base zoning district (i.e. cluster single family developed as a site plan) may utilize cementitious fiber planking to meet the masonry requirement.

Multi Family apartments located within the MF base zoning district shall comply with the Type A Architectural Component of Composite Zoning Ordinance.

I. Walls and Fencing

All lots within Oak Creek which back or side onto West Broade Street shall have a solid, 6 foot tall masonry wall with columns located along the rear or side lot line. Wrought iron fencing with masonry columns is allowed in locations where views into the neighborhood would be desirable.

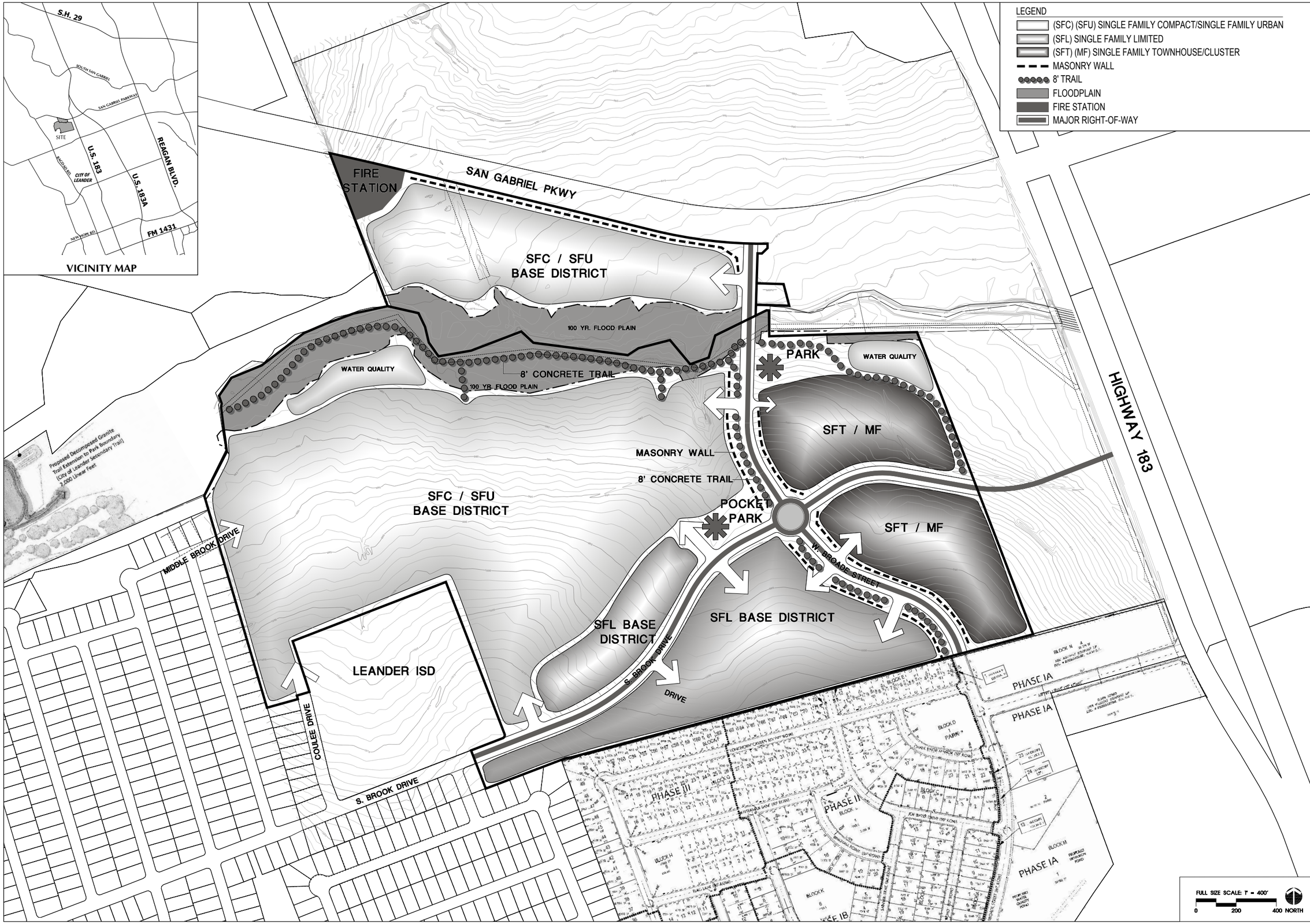
All lots which back onto parks or floodplain areas shall utilize 6 foot, wrought iron view fencing.

J. Flag Lots

In order to provide a legal lot for the water quality ponds within Oak Creek, the minimum flag lot width shall be 15 feet. This provision shall not apply to residential lots.

Exhibit B

Conceptual Site Layout and Land Use Plan



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WATERSTONE TYLERVILLE, LP
10500 AVERY CLUB DRIVE
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EXHIBIT 1
CONCEPTUAL SITE LAYOUT AND LAND USE PLAN
OAK CREEK
LEANDER, TEXAS

Q:\130078-SELA\Cadfiles\PLANNING\Submittals\Concept Plan Submittal\Concept A 2013-08-15.dwg

Issued:

1.	PUD Submittal	12/20/13
2.		
3.		
4.		
5.		

Revisions:

1.	PUD Plan Revision	02/11/14
2.	PUD Plan Revision	03/20/14
3.		
4.		
5.		

Issue Date: December 20, 2013

Drawn By: MB

Reviewed By: MB

Project No.
130078-SELA

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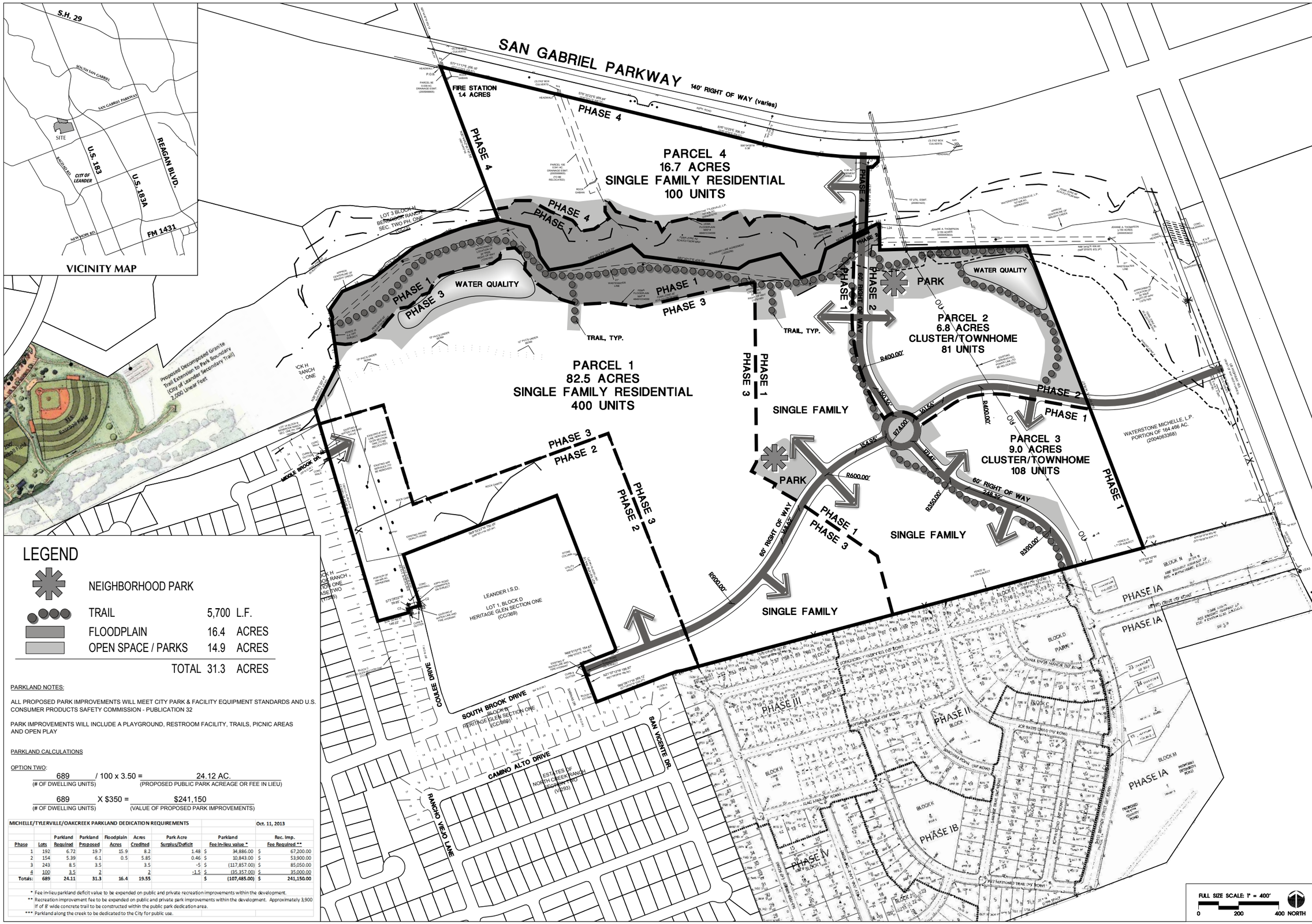
Concept Plan – Sheet 2 Parkland Exhibit



LEGEND

NEIGHBORHOOD PARK		
TRAIL	5,700	L.F.
FLOODPLAIN	16.4	ACRES
OPEN SPACE / PARKS	14.9	ACRES
TOTAL	31.3	ACRES

PARKLAND NOTES:

ALL PROPOSED PARK IMPROVEMENTS WILL MEET CITY PARK & FACILITY EQUIPMENT STANDARDS AND U.S. CONSUMER PRODUCTS SAFETY COMMISSION - PUBLICATION 32

PARK IMPROVEMENTS WILL INCLUDE A PLAYGROUND, RESTROOM FACILITY, TRAILS, PICNIC AREAS AND OPEN PLAY

PARKLAND CALCULATIONS

OPTION TWO:

689 / 100 x 3.50 = 24.12 AC.
(# OF DWELLING UNITS) (PROPOSED PUBLIC PARK ACREAGE OR FEE IN LIEU)

689 X $350 = $241,150
(# OF DWELLING UNITS) (VALUE OF PROPOSED PARK IMPROVEMENTS)

MICHELLE/TYLERVILLE/OAKCREEK PARKLAND DEDICATION REQUIREMENTS — **Oct. 11, 2013**

Phase	Lots	Parkland Required	Parkland Proposed	Floodplain Acres	Acres Credited	Park Acre Surplus/Deficit	Parkland Fee In-lieu value *	Rec. Imp. Fee Required **
1	192	6.72	19.7	15.9	8.2	1.48	$ 34,886.00	$ 67,200.00
2	154	5.39	6.1	0.5	5.85	0.46	$ 10,843.00	$ 53,900.00
3	243	8.5	3.5		3.5	-5	$ (117,857.00)	$ 85,050.00
4	100	3.5	2		2	-1.5	$ (35,357.00)	$ 35,000.00
Totals:	689	24.11	31.3	16.4	19.55		$ (107,485.00)	$ 241,150.00

* Fee in-lieu parkland deficit value to be expended on public and private recreation improvements within the development.

** Recreation improvement fee to be expended on public and private park improvements within the development. Approximately 3,900 lf of 8' wide concrete trail to be constructed within the public park dedication area.

*** Parkland along the creek to be dedicated to the City for public use.

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OWNER: TYLERVILLE
WATERSTONE TYLERVILLE, LP
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AUSTIN, TX 78717

CONCEPT PLAN - SHEET 2
PARKLAND EXHIBIT
MICHELLE / TYLERVILLE TRACT
LEANDER, TEXAS

Q:\130078-SELA\Cadfiles\PLANNING\Submittals\Concept Plan Submittal\Concept A 2013-08-15.dwg

Issued:
1. City Concept Submittal 09/6/13
2.
3.
4.
5.

Revisions:
1. City Concept Submittal 10/7/13
2. City Concept Submittal 10/24/13
3. City Concept Submittal 11/05/13
4.
5.

Issue Date: September 6, 2013

Drawn By: MB
Reviewed By: MB

Project No.
130078-SELA

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Exhibit C

Prototypical Design Intent for a Multi Family Street Scene

EXHIBIT C

PROTOTYPICAL STREETSCAPE PLAN

North

STREET PERSPECTIVE

Date: March 22, 2016

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OAK CREEK
LEANDER, TEXAS

SHEET FILE: Q:\130078-SECO\Thematics\PROTOTYPICAL STREETSCAPE.dwg

Base mapping compiled from best available information. All map data should be considered as preliminary, in need of verification, and subject to change. This land plan is conceptual in nature and does not represent any regulatory approval. Plan is subject to change.

EXHIBIT B
PERMITTED EXCEPTIONS

1. Restrictive covenant recorded in Volume 969, Page 312, Official Records, Williamson County, Texas.
2. Easement dated October 15, 1929, granted by Mrs. Alice E. Woolsey et al to Texas Power & Light Co., recorded in Volume 245, Page 140, Deed Records, Williamson County, Texas.
3. Terms, provisions and conditions of Boundary Line Agreement dated November 18, 1986, by and between Michelle, Ltd. and Michelle III, Ltd. recorded in Volume 1450, Page 886, and re-recorded in Volume 1455, Page 296, Official Records, Williamson County, Texas.
4. Drainage easement dated August 19, 2005, granted by Waterstone Tylerville, LP to Williamson County, Texas, recorded under Document No. 2005068805, Official Public Records, Williamson County, Texas.
5. Utility easement dated July 26, 2004, granted by William B. Pohl, Trustee for Tylerville, Ltd. to Pedernales Electric Cooperative, Inc., recorded under Document No. 2006010423, Official Public Records, Williamson County, Texas.
6. An undivided 50% of all royalties and an undivided 50% in and to all of the oil, gas and other minerals, and all rights incident thereto, reserved by Grantors in deed dated July 20, 1983, executed by Philip H. Thompson, Jr. and wife, Jeanne A. Thompson to F.N.B. II Associates recorded in Volume 930, Page 468, Deed Records, Williamson County, Texas.
7. An undivided 50% of all royalties in all of the oil, gas and other minerals, and all rights incident thereto, conveyed in Mineral Deed dated March 14, 1986, executed by Jack Friedman to Philip H. Thompson, Jr. and wife, Jeanne A. Thompson recorded in Volume 1327, Page 221, Official Records, Williamson County, Texas.
8. Proposed easement (0.36 acre easement area) in northeast corner of property as shown on survey dated September 19, 2013, by Robert C. Watts, Jr. Registered Professional Land Surveyor No. 4995 of Chaparral Professional Land Surveying, Inc.
9. Any unrecorded easement, either public or private, which exists or may later be claimed as existing for construction, maintenance, repair and/or replacement of the water valve crossing the land as shown on survey dated September 19, 2013, by Robert C. Watts, Jr. Registered Professional Land Surveyor No. 4995 of Chaparral Professional Land Surveying, Inc.

f) Consider Action

Commissioner Hines moved to deny the zoning request and Commissioner Means seconded the motion. Motion passed 4 to 3 with Commissioners Anderson, Sokal and Schwendenmann opposing.

11. Zoning Case 16-Z-004: Hold a public hearing and consider action on the rezoning of a parcel of land located at 801 Apache Trail; 1.50 acres more or less; WCAD Parcel R487426. Currently, the property is zoned GC-3-C (General Commercial). The applicant is proposing to zone the property to PUD (Planned Unit Development) with a zoning base district of MF-2-A (Multi-Family) Leander, Williamson County, Texas. Applicant: Dannen Development LLC (Josh Becker).

a) Staff Presentation

Robin Griffin, Senior Planner discussed the proposed zoning request.

b) Applicant Presentation

Josh Becker explained the purpose for his zoning request.

c) Open Public Hearing

Chair Sokol opened the public hearing
Laquita Turner – spoke for
John Frimpton – spoke against
Bill Russell – spoke against
Harold Skinner – spoke against

d) Close Public Hearing

Chair Sokol closed the public hearing.

e) Discussion

Discussion took place.

f) Consider Action

Commissioner Schwendenmann moved to approve the zoning request of PUD (Planned Unit development) with a base zoning district of MF-2-A with the condition that an alternative parking plan agreement will be pursued to provide for additional guest parking spaces. Commissioner Anderson seconded the motion. Motion passed unanimously.

12. Zoning Case 16-TOD-Z-005: Hold a public hearing and consider action on the rezoning of several tracts of land generally located to the southwest of the intersection of San Gabriel Pkwy & US 183; 151.2 acres more or less; legally described as: Oak Creek, Phase 1, Sections 1 & 2; Oak Creek, Phase 2, Sections 1-3; Oak Creek, Phase 5 and WCAD Parcels R540162, R529009; R529004, R529007, R524552, R529010, and R542832. Currently, the property is zoned PUD (Planned Unit Development) with the base zoning districts of SFU-2-B (Single-Family Urban), SFC-2-B (Single-Family Compact), SFL-2-B (Single-Family Limited), SFT-2-B (Single-Family Townhouse), and MF-2-B (Multi-Family) and the applicant is proposing an amendment to the PUD to increase the residential density allowed within the properties located on the east side of West Broade Street, Leander, Williamson County, Texas. Applicant: Mark Baker on behalf of Sentinel Cotter Leander LLC, Castlerock Communities L.P., Megatel Homes Inc, or its Affiliates, and Pacesetter Homes, LLC (Tom Lynch, President).

a) Staff Presentation

Robin Griffin, Senior Planner discussed the proposed zoning request.

b) Applicant Presentation

Cynthia McCalmont explained the purpose for the zoning.

c) Open Public Hearing

Chair Sokol opened the public hearing
Karen Wells – spoke against
Edward Valdes – had questions
Joe Aboulhosn - spoke against
Shawn Conly - spoke against
Patty Chalupa - spoke against
Stacy Ary – spoke against
Mike Kaply - spoke against

d) Close Public Hearing

Chair Sokol closed the public hearing.

e) Discussion

Discussion took place.

f) Consider Action

Commissioner Schwendenmann moved to deny the zoning request to amend the PUD (Planned Unit Development) to increase the residential density allowed within the properties located on the east side of West Broade Street. Commissioner Cotten seconded the motion. Motion passed 5 to 2 with Commissioners Hines and Anderson opposing.

13. Zoning Case 16-Z-007: Hold a public hearing and consider action on the rezoning of several parcels of land generally located to the west of the intersection of CR 279 and Live Oak Rd; 76.89 acres more or less; WCAD Parcels R022926, R022924, R473840, R022625, and R473841. Currently, the property is zoned interim SFR-1-B (Single-Family Rural). The applicant is proposing to zone the property to SFR-2-B (Single-Family Rural), Leander, Williamson County, Texas. Applicant: San Gabriel Whitt Ranch, LLC (Davy Roberts).

Applicant postponed this agenda item.

a) Staff Presentation
b) Applicant Presentation
c) Open Public Hearing
d) Close Public Hearing
e) Discussion
f) Consider Action

14. Meeting Adjourned at **8:44 pm**

Executive Summary

April 21, 2016

Agenda Subject: Zoning Case 15-Z-033: Consider action on the rezoning of two parcels of land generally located approximately 270 ft south from the southwest corner of the intersection of Great Owl Pass and Council Springs Pass; 119.932 acres more or less; WCAD Parcels R031730 and R473812. Currently, the property is zoned interim SFR-1-B (Single Family Rural) with the remaining portion of the property in the ETJ. The applicant is proposing to zone the property to SFR-2-A, SFT-2-B, LC-2-B, and LC-2-A. Leander, Williamson County, Texas.

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

Origination: Applicant: Danny Martin, P.E. on behalf of J.L. Development, Inc. / John Lloyd

Financial Consideration: None

Recommendation: This item has been postponed due to a notification error.

Attachments:

Prepared By: Tom Yantis, AICP
Assistant City Manager 04/13/2016

AGENDA ITEM # 40

Executive Summary

April 21, 2016

Agenda Subject: Consider an Ordinance adopting the 2015 ICC Building Codes and the 2014 National Electrical Code (NEC)

Background:
It is the intent of the City of Leander to adopt the 2015 ICC Building Codes within our jurisdiction. The adoption of the new Building Codes will bring us up to the same Codes as most of our surrounding Municipalities. This should help the Contractors within our area to have more consistent Codes within their working area. We are adopting all of the current ICC Codes, with the exception of the ICC Electrical Code. We are adopting the 2014 National Electrical Code. In order to allow for any plans that are currently being drawn to be submitted prior to the Code change, the effective date of the new codes will be August 1, 2016.

The Adoption of the most current ICC Codes benefits the City in keeping up with new building practices, and also boosts our insurance rating. This affects the premium rates within our City, and benefits the residents by paying a lower premium.

The Board of Adjustment considered the code changes at their meeting on April 11, 2016 and recommended approval.

Origination: Building Official

Recommendation: Board of Adjustment and Building Official recommend approval

Attachments: Ordinance

Prepared by: Linda Alger

ORDINANCE _____

AN ORDINANCE OF THE CITY OF LEANDER, TEXAS AMENDING ARTICLE 3.03 OF THE CODE OF ORDINANCES TO ADOPT THE 2015 EDITIONS OF THE INTERNATIONAL BUILDING CODE, INTERNATIONAL RESIDENTIAL CODE, INTERNATIONAL EXISTING BUILDING CODE, INTERNATIONAL MECHANCIAL CODE, INTERNATIONAL PLUMBING CODE, INTERNATIONAL FIRE CODE, INTERNATIONAL FUEL GAS CODE, INTERNATIONAL PROPERTY MAINTANENCE CODE, INTERNATIONAL ENERGY CODE AND THE 2014 NATIONAL ELECTRICIAL CODE; ADOPTING AMENDMENTS TO SAID CODES; PROVIDING A SEVERABILITY, SAVING CLAUSE, CONFLICTING ORDINANCES CLAUSE, SEVERABLITY AND OPEN MEETINGS CLAUSES; AND PROVIDING FOR RELATED MATTERS.

Whereas, the public health, safety and welfare, require the adoption and enforcement of codes governing the issuance of permits for, inspection and completion of construction, plumbing, electrical work and buildings within the City of Leander, Texas; and

Whereas, the public health, safety and welfare will be served by updating certain codes heretofore adopted by the City;

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

Section 1. Finding of Fact. The above and forgoing recitals are hereby found to be true and correct and are incorporation herein as finding of fact. The City Council herby further finds and determines that the rules, regulations, terms, conditions, provisions and requirements of this ordinance are reasonable and necessary to protect the public health, safety and quality of life.

Section 2. Amending Section 3.03.001. Section 3.03.001 of the City of Leander Code of Ordinances (the "Code") is hereby amended in its entirety to read as follows:

Sec. 3.03.001 Schedule of adopted codes; general amendments

(a) Codes adopted. The international codes listed in the following codes schedule are adopted and of which not less than one copy has been and is now filed in the office of the city secretary. In the event a conflict is deemed to exist between said code as adopted and the other provisions of this article, the latter provisions shall be construed as controlling and taking priority over the former. Any codes referenced therein are not adopted hereby unless specifically adopted. The following codes are hereby adopted and incorporated as fully as if set out at length in this article, and the provisions of such code shall be controlling on all premises, including but not limited to, all buildings thereon, within the corporate limits of the city.

(1) 2015 International Building Code and local amendments

(2) 2015 International Plumbing Code and local amendments

(3) 2015 International Mechanical Code and local amendments

(4) 2015 International Fuel Gas Code and local amendments

(5) 2014 National Electrical Code and local amendments

(6) 2015 International Residential Code and local amendments

(7) 2015 Existing Building Code and local amendments

(8) 2015 Property Maintenance Code and local amendments

(9) 2015 International Energy Conservation Code and local amendments

(b) General amendments. General amendments applicable to all of the codes are as follows:

(1) The fee schedule as adopted by the City of Leander supersedes any fees notated in the codes.

(2) The Building Official shall authorize refunding of fees as follows:

a. Not more than 70 percent of the permit fee paid when NO work has been done under a permit in accordance with these codes.

b. Not more than 30 percent of the plan review fee paid when a permit application is withdrawn or canceled before any plan review effort has been expended.

(3) Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be in violation of this code. Violations of this code shall constitute a misdemeanor offense in accordance with Section 1.109 of the City of Leander Code of Ordinances and shall be punishable by a fine not to exceed two thousand dollars ($2,000.00).

Section 3. Amending Section 3.03.031 through 3.03.034. Sections 3.03.031 through 3.03.034 of the Code are hereby amended to read as follows:

Sec. 3.03.031 Building Code Adopted

That certain document, one copy of which is on file in the office of the city secretary, being marked and designated as the International Building Code, 2015 edition, including all appendix chapters, published by the International Code Council, is hereby adopted as

the building code of the city establishing the minimum regulations governing the additions and maintenance of all property, buildings and structures not otherwise governed by Section 3.03.033 herein; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures; and each and all of the regulations, provisions, conditions and terms of such International Building Code, 2015 edition, published by the International Code Council, on file in the office of the city secretary are hereby referred to, adopted and made a part of this section as if fully set out in this division.

Sec. 3.03.032 Building Code Amendments

The International Building Code is amended as follows:

(1) Each reference to "jurisdiction" or location for insertion of name of jurisdiction shall mean the City of Leander, Texas.

(2) Section 103.6 No Schedule Needed

(3) Appendix C – Group U (Agricultural Buildings) and Appendix J (Grading) are adopted by ordinance.

(4) All reference to insulation or thermo-ply, for use as a draft stop or fire stop is deleted. The use of these materials as a draft stop or fire stop is prohibited.

(5) Permits are required for fences greater than 6 feet in height.

(6) Guard rails are required for any retaining wall greater than 36" in height, with a walkable surface to the wall. Slopes greater than 3:1 are not considered to be walkable.

(8) Wood frame construction for Residential or Multi Family cannot exceed 3 stories.

Sec. 3.03.033 Residential Code Adopted

That certain document, one copy of which is on file in the office of the city secretary, being marked and designated as the International Residential Code for One- and Two-Family Dwellings, 2015 edition, including all appendix chapters, published by the International Code Council, is hereby adopted as the residential building code of the city regulating and controlling the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of one- and two-family dwellings and townhouses in the city; providing for the issuance of permits and collection of fees; and each and all of the regulations, provisions, conditions and terms of such International Residential Code for One- and

Two-Family Dwellings, 2015 edition, published by the International Code Council, on file in the office of the city secretary are hereby referred to, adopted and made a part of this section as if fully set out in this division.

Sec. 3.03.034 Residential Code Amendments

The International Residential Code for One- and Two-Family Dwellings is amended as follows:

(1) Each reference to "jurisdiction" or location for insertion of name of jurisdiction shall mean the City of Leander, Texas.

(2) Appendix C (Exit Terminals for Direct Vent appliances), Appendix E Manufactured Housing), Appendix G (Swimming Pools, Hot Tubs and Spas) and Appendix O (Gray Water Recycling Systems) are adopted by ordinance.

(3) Section R105 Permits:

A) A permit is required for an accessory structure if the floor area exceeds 120 square feet.

B) A permit is required for a fence greater than 6 feet in height.

(4) Table R301.2 (1) Design Criteria

a. Ground Snow load – 0 to 5

b. Wind design - 105 miles per hour (no special topographical effect)

c. Seismic Design Category - A

d. Weathering – Negligible

e. Frost Line Depth – less than 6 inches

f. Termites – Moderate

g. Winter Design Temperature - 32 degrees

h. Summer Design Temperature – 90 degrees -Hot and Humid environment

i. Flood Hazard – Current FEMA maps

j. Mean Annual Temperature - 70 degrees

k. Rainfall – 4.25 inches per hour, 100 year.

(5) Section R311.1 Means of Egress

a. 311.1(a) Front door shall be a minimum of 36 inches wide and 78 inches tall.

b. Window seats may count as the finished floor height only where a window sill cannot feasibly be below 44" for egress, due to first floor encroachment below the window.

(6) Section P2904 is deleted. Refer to Section 3.03.041 of the Code of Ordinances.

(7) Section P3114 - The Building Official may approved the use of Air Admittance Valves as a vent of last resort.

(8) Part VIII Electrical is deleted in its entirety. Electrical systems shall be installed under the 2014 National Electrical Code and local amendments.

Section 4. <u>Amending Section 3.03.036 through 3.03.037</u>. Sections 3.03.036 through 3.03.037 of the Code are hereby amended to read as follows:

Sec. 3.03.036 Existing Building Code Adopted

That certain document, one copy of which is on file in the office of the city secretary, being marked and designated as the International Existing Building Code, 2015 edition, including all appendix chapters, published by the International Code Council, is hereby adopted as a building code of the city regulating and controlling the requirements for improving and upgrading existing buildings in the city to conserve resources and building history while achieving appropriate levels of safety; providing for the issuance of permits and collection of fees; and each and all of the regulations, provisions, conditions and terms of such International Existing Building Code, 2015 edition, published by the International Code Council, on file in the office of the city secretary are hereby referred to, adopted and made a part of this section as if fully set out in this division.

Sec. 3.03.037 Existing Building Code Amendments

The International Existing Building Code is amended as follows:

(1) Each reference to "jurisdiction" or location for insertion of name of jurisdiction shall mean the City of Leander, Texas.

(2) Any fee schedule or fees referenced shall be as set forth in Appendix A of the Code of Ordinances.

(3) Appendix B (Supplemental Accessibility Requirements for Existing Buildings and Facilities) and Resource A (Guidelines on Fire Ratings of Archaic Materials and Assemblies) are adopted by ordinance.

Section 5. <u>Amending Section 3.03.131 through 3.03.132</u>. Sections 3.03.131 through 3.03.132 are hereby amended to read as follows:

Sec. 3.03.131 Plumbing Code Adopted

That certain document, one copy of which is on file in the office of the city secretary, being marked and designated as the International Plumbing Code, 2015 edition, published by the International Code Council, is hereby adopted as the code of the city for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of plumbing systems in the city; providing for the issuance of permits and collection of fees therefor, and each and all of the regulations, provisions, condition and terms of such International Plumbing Code, 2015 edition published by the International Code Council, on file in the office of the city secretary, are hereby referred to, adopted and made a part of this section as if fully set out in this division.

Sec. 3.03.132 Plumbing Code Amendments

The International Plumbing Code is amended as follows:

(1) Each reference to "jurisdiction" or location for insertion of name of jurisdiction shall mean the City of Leander, Texas.

(2) Section 106.6.2. Fee schedule: Refer to Appendix A, Fee Schedule

(3) Section 106.6.3. The Building Official shall authorize the refunding of fees as follows:

(A) Not more than 70 percent of the permit fee paid when no work has been done under a permit issued in accordance with this code.

(B) Not more than 30 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan review effort has been expended.

(4) Section 108.4. Offenses under this code, including penalties and notice, shall be in compliance with Article 3.01 of the Code of Ordinances.

(5) Section 108.5. Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than $200.00 dollars or more than $2,000.00 dollars.

(6) Section 305.6.1. The sewer depth shall be a minimum of 6 inches below grade.

(7) Section 904.1. Plumbing vents shall terminate a minimum of 6 inches above the roof.

8) Section 917. The Building Official may approve the use of Air Admittance Valves as a vent of last resort.

(9) Appendix B (Rates of Rainfall) and Appendix C (Gray Water Recycling) are adopted by ordinance.

Section 6. <u>Amending Section 3.03.351</u>. Sections 3.03.351 is hereby amended to read as follows:

Sec. 3.03.351 International Mechanical Code Adopted

That certain document, one copy of which is on file in the office of the city secretary, being marked and designated as the International Mechanical Code, 2015 edition, published by the International Code Council, is hereby adopted as the mechanical code of the city for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of heating, ventilating, cooling, refrigeration systems, incinerators or other miscellaneous heat-producing appliances in the city; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, conditions and terms of such International Mechanical Code, 2015 edition, published by the International Code Council, on file in the office of the city secretary are hereby referred to, adopted and made a part of this section as if fully set out in this article.

Section 7. <u>Amending Section 3.03.352</u>. Section 3.03.352 is hereby amended by adding subsections (6), (7) and (8) to read as follows:

(6) Water sensors in A/C pans in lieu of secondary drain line not allowed, unless no other method is feasible.
(7) Semi rigid piping for the fireplace fresh air intake is required. Piping is to be UL181 Listed material.
(8) Pull down ladders are required for attic access if the equipment is in the attic, and the ceiling height is greater than 8 feet from finished floor.

Section 8. <u>Amending Section 3.03.401</u>. Section 3.03.401 of the Code is hereby amended to read as follows:

Sec. 3.03.401 International Fuel Gas Adopted

That certain document, one copy of which is on file in the office of the city secretary, being marked and designated as the International Fuel Gas Code, 2015 edition, published by the International Code Council, is hereby adopted as the fuel gas code of the city for the control of building and structures as provided; and each and all of the regulations, provisions, conditions and terms of such International Fuel Gas Code, 2015 edition,

published by the International Code Council, on file in the office of the city secretary are hereby referred to, adopted and made a part of this section as if fully set out in this division.

Section 9. <u>Amending Section 3.03.451</u>. Section 3.03.451 of the Code is hereby amended to read as follows:

Sec. 3.03.351 International Energy Conservation Code Adopted

That certain document, one copy of which is on file in the office of the city secretary, being marked and designated as the International Energy Conservation Code, 2015 edition, published by the International Code Council, is hereby adopted as the energy code of the city for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of the building envelope, mechanical lighting and power systems of the city and providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, conditions and terms of such International Energy Conservation Code, 2015 edition, published by the International Code Council, on file in the office of the city secretary are hereby referred to, adopted and made a part of this section as if fully set out in this division.

Section 10. <u>Amending Sections 3.03.501 through 3.03.502</u>. Sections 3.03.501 through 3.03.502 are hereby amended to read as follows:

Sec. 3.03.501 International Property Maintenance Code Adopted

That certain document, one copy of which is on file in the office of the city secretary, being marked and designated as the International Property Maintenance Code, 2015 edition, published by the International Code Council, is hereby adopted as the property maintenance code of the city for the control of building and structures as provided; and each and all of the regulations, provisions, conditions and terms of such International Property Maintenance Code, 2015 edition, published by the International Code Council, on file in the office of the city secretary are hereby referred to, adopted and made a part of this section as if fully set out in this division.

Sec. 3.03.502 International Property Maintenance Code Amendments

The International Property Maintenance Code is amended as follows:

(1) Each reference to "jurisdiction" or location for insertion of name of jurisdiction shall mean the City of Leander, Texas.

(2) Section 103.6. Fee schedule: Refer to Appendix A, Fee Schedule

(3) Section 107.3. Notice shall be posted on the front door of the structure.

(4) Section 111. Texas Local Government Code 214 supersedes all notification and processes listed in this section. Texas Local Government Code 214 is adopted by reference.

(5) Appendix A (Boarding Standards) is adopted by ordinance.

Section 11. <u>Amending Sections 3.03.271 through 3.03.272</u>. Sections 3.03.271 through 3.03.272 are hereby amended to read as follows:

Sec. 3.03.271 National Electrical Code Adopted

There is hereby adopted by the city for the purpose of establishing rules and regulations for the construction, alteration, removal and maintenance of electrical wiring and apparatus, including permits and penalties, that certain electrical code known as the National Electrical Code of the National Fire Protection Association, being particularly the 2014 edition of the National Electrical Code and the whole thereof, save and except such portions as are hereafter deleted, modified or amended, of which no less than one copy has been and now is filed in the office of the city secretary. Such code is hereby adopted and incorporated as fully as if set out at length in this section, and the provisions of such code shall be controlling in the construction, alteration, maintenance or removal of all electrical wiring and apparatus within the corporate limits of the city.

Sec. 3.03.272 National Electrical Code Amendments

The National Electrical Code is amended as follows:

(1) Each reference to "jurisdiction" or location for insertion of name of jurisdiction shall mean the City of Leander, Texas.

(2) Section 404.2. Section 106.5.2. Fee schedule: Refer to Appendix A, Fee Schedule

(3) Non-Metallic Cable (NMC) shall be a minimum of 12-2 for all branch circuits. 14-2 NMC is prohibited.

(4) Aluminum wiring is prohibited inside the building. It may be used for service entrance conductors ONLY, unless special exception is given by the Building Official.

(5) Refrigerators and freezers shall be installed on a dedicated circuit.

(6) Concrete encased electrodes in Section 250-52 is the preferred grounding method in rocky soils with the city limits.

(7) Smoke detectors are required in media rooms without windows or egress to the exterior.

Section 12. Amendment Of Ordinances. Article 3.03, of the Leander Code of Ordinances is hereby amended as provided herein and all ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance as adopted and amended 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 13. 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 building construction, building codes, fire codes, plumbing codes, mechanical codes, electrical codes and all other codes affected hereby including permit issuance, or contractor registration 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 14. Effective Date. This ordinance after its passage and publication in accordance with the provisions of the Tex. Loc. Gov't. Code shall take effect on August 1, 2016.

Section 15. 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 _____ day of _____, 2016.

Attest: **THE CITY OF LEANDER, TEXAS**

_____ _____

Debbie Haile, City Secretary Christopher Fielder, Mayor

AGENDA ITEM # 41

Executive Summary

April 21, 2016

Agenda Subject: Consider action on an ordinance adopted the 2015 Fire Code with local amendments.

Background: Currently, the City is operating under the 2009 edition of the International Code Council Fire Code with local amendments. ICC updates the code set every three years. It is a best practice to maintain a 1- 2 cycle edition and ensures relevancy to today's public health, safety and welfare standards. In December 2015, a survey was conducted that resulted in approximately 48% of surrounding agencies have plans to adopt the 2015 edition of the Fire Code this year. These agencies include, but are not limited to; Austin, Cedar Park, Round Rock and Georgetown.

Origination: Fire Department

Financial Consideration: None

Recommendation: Staff recommends approval. The Board of Adjustment recommended approval at their April 11, 2016 special meeting.

Attachments:
1. Ordinance
2. Significant Changes to the International Fire Code 2015

Prepared By: Joshua Davis
Assistant Fire Chief 04/13/2016

ORDINANCE FOR THE ADOPTION OF
THE 2015 INTERNATIONAL FIRE CODE
ORDINANCE No._____

An **Ordinance** of the **CITY OF LEANDER, TEXAS** adopting the 2015 edition of the International Fire Code, including **Appendices B, C, D, E, F, G, H, I, J and K** save and except the deletions and amendments set forth below, is hereby adopted as the **Fire Code of the CITY OF LEANDER, TEXAS**, regulating and governing the safeguard of life and property from fire and explosion hazards arising from storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life and property in the occupancy of buildings and premises in the **CITY OF LEANDER, TEXAS** providing for the issuance of permits and collection of fees therefore; amending the fire code of the **CITY OF LEANDER** in entirety and all other ordinances and parts of the ordinances in conflict therewith.

The **CITY COUNCIL** of the **CITY OF LEANDER** does ordain as follows:

Section 1. One (1) copy of the 2015 International Fire Code is on file in the office of the **City Secretary** being marked and designated as the, *International Fire Code*, 2015 edition, including **Appendices B, C, D, E, F, G, H, I, J and K,** (see *International Fire Code* Section 101.2.1, 2015 edition); as published by the International Code Council, be and is hereby adopted as the **Fire Code of the CITY OF LEANDER, TEXAS** regulating and governing the safeguard of life and property from fire and explosion hazards arising from storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life and property in the occupancy of buildings and premises as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Fire Code on file in the **City Secretary** office of the **CITY OF LEANDER, TEXAS** are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this ordinance.

Section 2. That the following sections are hereby revised:

Insert:

> **[A] 101.1 Title.** These regulations shall be known as the **Fire Code of the CITY OF LEANDER, TEXAS**, Hereafter referred to as "this code".

Amend:

> **[A] 103.1 General.** The **OFFICE OF THE FIRE MARSHAL** is established within the jurisdiction under the direction of the **FIRE CODE OFFICIAL**. The function of the department shall be the implementation, administration and enforcement the provisions of this code.

Amend:

> **[A] 104.1 General.** The *fire code official* is hereby authorized to enforce the provisions of this code and shall have authority to render interpretations of this code, and to adopt policies, procedures, rules and regulations in order to clarify the application of its provisions. Such interpretations, policies, procedures, rules and regulations shall be in compliance with the intent and purpose of this code and shall not have the effect of waiving requirements specifically provided for in this code. **The *Fire Code Official* is authorized to develop administrative rules to supplement the requirements of this code and adopted standards referenced by this code.**

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Should a conflict occur between this code, a referenced standard, or an administrative rule adopted by the *Fire Code Official*, the requirements of the administrative rule shall govern.

Add:

[A] 104.1.1 Authority to Issue Citation. The Fire Chief and members of the fire department assigned to enforce this code are authorized to issue municipal citations and/or summons for violations of this code.

Add:

[A] 104.3.2 Photographic Documentation. Members of the Fire Department making such examinations or inspections shall have the right, with proper credentials, and be authorized to take a reasonable number of photographs, audio or videotapes for evidence and for records for use by the Fire Department to study hazards and scientific control for fire safety.

Add:

[A] 104.7.3 Third Party Plan Reviews. The *Fire Code Official* may require any plans submitted to be reviewed by an outside professional engineer or appropriate specialist when, in the opinion of the code authority, there exists special technical knowledge to conduct a satisfactory review of the plans and such special knowledge is not available among the fire department staff.

Add:

[A] 104.11.4 Removal of debris and rubble after fire.

1. **The owner or person having under his control or in his possession upon any premises in the City, any hay, straw, bales of wool, cotton, paper or other substances which have been rendered useless or unmerchantable by reason of any fire on such premise, or any debris resulting from such fire, must remove such substances and debris from such premises within 48 hours after notice to do so has been served by the Fire Chief.**
2. **Whenever any building or other structure in the City is partially burned, the owner or the person in charge or control thereof shall, within 10 days after notice has been provided by the Fire Chief or Building inspector, remove all refuse, debris, charred and partially burned lumber and material from the site. If such building or other structure is burned to such an extent that it is rendered incapable of being repaired, the owner of the property upon which structure is located, or person in charge or control thereof, shall within ten days after notice has been provided by the Fire Chief or Building inspector, remove all the remaining portion of the building or structure, from the site.**
3. **The Fire Chief may extend the 10 day period of removal of such burned or partially burned buildings when the insurance adjustment, if any, is still pending.**

Amend:

[A] 105.4.4 Approved documents. Construction documents *approved* by the *Fire Code Official* are *approved* with the intent that such construction documents comply in all respects with this code. **The issuance or granting approval of plans and specifications or other construction documents is not an approval of any violation of this Code or of any other ordinance of the jurisdiction. An approval presuming to give authority to violate or cancel the provisions of this Code is not valid.** Review and approval by the fire department shall not relieve the applicant of the responsibility of compliance with this code. **The issuance of an approval based on plans, specifications and other data shall not prevent the *Fire Code Official* from requiring the**

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correction of errors in the plans, specifications or other data, or from preventing processes, building operations or uses being carried on when in violation of this code or any other code of this jurisdiction.

Add:

105.6 Required Operational Permits. The fire code official is authorized to issue operational permits for the operations set forth in Sections 105.6.1 through **105.6.50.**

Amend:

105.6.32 Open Burning. An operational permit is required for the kindling or maintaining of **trench burn operations or an open fire as allowed by Section 307.1.1 of this code. Instructions and stipulations of the permit shall be adhered to.**

Exception: *Recreational fires*

Add:

[A] 105.6.49 Food Booths. An operational permit is required for the operation of a food booth. For permit to operate a food booth, see Section 320.

[A] 105.6.50 Mobile Food Establishments. An operational permit is required for the operation and maintenance of a mobile food establishment. Small, light weight vendor push carts, as determined by the fire code official, are not covered under this section. For permit to operate a Mobile Food Establishment, see Section 321.

Add:

[A] 105.7.8.1 Construction Documents. The construction documents for the following tanks shall be prepared by a professional engineer licensed by the State of Texas:

1. **Above ground storage tanks (AST) of 1320 gallons (5031 L) or larger used to store flammable liquids. (Class 1A, 1B, 1C)**
2. **All underground tanks used for the storage and dispensing of flammable or combustible liquids.**

Amend:

[A] 108.1 Board of Adjustments. In order to hear and decide appeals of orders, decisions or determinations made by the *Fire Code Official* relative to the application and interpretation of this code, there shall be an **Office of Board of Adjustments. The Board of Adjustments shall be in accordance with Sec. 3.01.014 of the City of Leander Code of Ordinances.**

Delete:

[A] 108.3 Qualifications. DELETE in its entirety

Amend:

[A] 109.4 Violation Penalties. *Persons* who violate a provision of this code or fail to comply with any of the requirements thereof or who erect, install, alter, repair or do work in violation of the *approved construction documents* or directive of the *fire code official* or of a Permit or certificate caused under the provisions of this code shall be **liable to provisions outlined by the City of Leander Ordinances, Sec. 1.01.009 and associated Chapters, Articles and/or Sections**.

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Add:

[A] 110.2.1 Removal of Occupants. A member of the Fire Department is authorized to require the removal of occupants at a location when actual occupancy exceeds the permitted or posted occupant load. A person commits an offense if they refuse to obey an order to vacate.

Amend:

[A] 111.4 Failure to Comply. Any *person* who continues any work after having been served with a stop work order, except such work as that *person* is directed to perform to remove a violation or unsafe condition, shall be **liable to provisions outlined by the City of Leander Ordinances, Sec. 1.01.009 and associated Chapters, Articles and/or Sections**.

Add:

202 Definitions.

ACCESS ROADWAY. Any road(s) providing access around the perimeter of any building, to a building from a public street, or to a building or its fire department connection from a required fire hydrant.

AUTOMATIC EXTERNAL DEFIBRILLATOR (AED). A device that meets or exceeds the requirements of the Texas Health and Safety Code and applicable federal law, as amended used to automatically analyze the heart rhythm and, if it detects a problem that may respond to an electrical shock, permits a shock to be delivered to restore a normal heart rhythm.

FOSTER CARE FAMILY HOME shall mean a single independent residential occupancy that is the primary residence of the caregiver and licensed by the state to provide twenty four (24) hour care for 6 or fewer children (including those related to the caregiver) up to the age of eighteen (18) years.

MAINTENANCE AGREEMENT. A contractual agreement between a building owner and a licensed or registered firm to perform general maintenance work to life safety or fire protection or detection systems including, but not limited to, upgrades to an existing system that do not include modification to the existing system configuration and repair of fault conditions. Such an agreement may include provisions for testing and inspection in accordance with appropriate standards.

MOBILE FOOD ESTABLISHMENT. Shall mean a mobile food establishment as defined within Article 4 of the City of Leander Code of Ordinances to include the use of any heat producing equipment to cook, fry, or warm products for consumption from a motorized vehicle, towable trailer, or watercraft.

MONITORING AGREEMENT. A contractual agreement between a building owner and a licensed or registered firm to provide monitoring service when required. Such service shall include either remote or central service.

Amend:

202 Definitions.

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FIRE APPARATUS ACCESS ROAD. A road that provides fire apparatus access from a fire station to a facility, building or portion thereof. This is a general term inclusive of all other terms such as fire lane, **fire zone,** public street, private street, parking lot lane and access roadway.

FIRE LANE AND FIRE ZONE. A road, **an off-street area**, or other passageway developed to allow the passage of fire apparatus **that is designated in accordance with adopted jurisdictional regulations and this code, that is to remain free and clear of parked or standing vehicles in order to provide access to buildings, processes, storage areas or fire appliances in case of fire or other emergency.** A fire lane is not necessarily intended to be used by vehicular traffic other than fire apparatus.

KEY BOX AND KNOX® BOX. A secure device with a lock operable only by a fire department master key, and containing building entry keys and other keys that may be required for access in an emergency.

Add:

302.1 Definitions.

Automatic External Defibrillator (AED)

Add:

304.2.1 Land Clearing. Combustible waste piles shall be stored in accordance with local adopted codes of ordinances. Vegetation clearance requirements shall be in accordance local adopted Subdivision Ordinance and applicable codes.

Add:

304.2.1.1 Temporary Storage of piles. Individual waste piles shall not exceed 10 feet (3048 mm) in height or 1,000 cubic feet (29 m^3) in volume. Piles shall not be stored longer than a period exceeding 30 days.

Exceptions:

1. **Piles are being stored in accordance with an *approved* local agreement.**

Amend:

307.1.1 Prohibited Open Burning. It shall be unlawful for any person within the city limits, in anyway, to intentionally, knowingly or carelessly burn or cause to be burned any combustibles, including but not limited to grass, weeds, timber, rubbish, leaves, or other natural or synthetic materials, garbage, trash, rubbish, litter, solid waste, hazardous waste or any such like substances on any street, alley, lot or premises. Such prohibited fires shall include bonfires and fires used for ceremonial purposes not in compliance herewith.

Exceptions:

1. **Burning conducted for the purposes of outdoor cooking and warming in a device *approved* for such purpose and in compliance with this code. No burning of waste or garbage shall be permitted in such devices.**
2. **Firefighter training conducted under the supervision of the *Fire Code Official*, or designee.**
3. **On-site land clearing on lots of greater than two acres upon which the owner intends to clear the lot itself of selected trees, brush and other natural plant**

growth and when *approved* by the *Fire Code Official*, or designee, and the onsite land clearing is conducted in compliance with state, federal and local laws and regulations. A permit shall be required and *approved* safety measures shall be employed in accordance with 105.6.

4. Prescribed burning for the purpose of reducing the impact of wildland fire when authorized by the Fire Code Official. **A permit shall be required and *approved* safety measures shall be employed in accordance with 105.6 and 307.2.**

Amend:

307.2 Permit required. A permit shall be obtained from the *fire code official* in accordance with section 105.6, prior to kindling a fire for recognized silvicultural or range or wildlife management practices, prevention or control of disease or pests, **trench burning or *approved* open burn operation in accordance with Section 307.1.1 of this code**. Application for such approval shall only be presented by and permits issued to the owner of the land upon which the fire is to be kindled.

Examples of state or local law, or regulations referenced elsewhere in this section may include but not be limited to the following:

1. **Texas Natural Resource Conservation Commission guidelines or restrictions.**
2. **State, county or local temporary or permanent bans on open burning.**
3. **Local written policies as established by the Fire Marshal.**

307.2.1 Authorization. All outdoor burning shall be done in accordance with Texas Outdoor Burning Rules. If a conflict should arise between this code and the Texas Outdoor Burning Rules, then the more stringent rule shall apply. Where required by state or local law or regulations, *open burning* shall only be permitted with prior approval from the state or local air and water quality management authority, provided that all conditions specified in the authorization are followed.

Amend:

307.4 Location. When authorized by permits in accordance with section 105.6 and 307.2, unless otherwise *approved* by the *Fire Code Official*, the location for burning shall not be less than **100 feet (30 480 mm)** from any structure and provisions shall be made to prevent the fire from spreading to within **100 feet (30 480 mm)** of any structure. **Such fires shall be constantly attended by a competent person with an *approved* means to extinguish the fire and reliable communication capabilities.**

Exceptions:

1. **Fires in *approved* containers that are not less than 8 feet (2438 mm) from a structure.**
2. **Operation of a trench burner shall be in accordance with Section 307.6.**

Amend:

307.4.1 Bonfires. A bonfire shall not be conducted within **100 feet (30 480mm)** from any structure or combustible material unless the fire is contained in a barbecue pit **or similarly approved container**. Conditions that could cause a fire to spread within **100 feet (30 480mm)** shall be eliminated prior to ignition.

Add:

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307.6 Trench Burns. Trench burns shall be conducted in air curtain trenches and in accordance with this section.

307.6.1 Construction. The trench burner shall be located at the center of a circle three hundred feet in diameter, in which no combustible matter will be located or stored, except for the pile of combustible debris which has been readied for loading into the trench burner pit, except as otherwise provided by law.

1. **Pertaining to trees, landscaping, erosion, drainage, or run-off control the surface of the land within the circle shall be cleared of any high grasses, and any trees, brush, and weeds.**
2. **The pit must be built in the ground and not above grade.**
3. **The dimensions of the pit shall be 14 feet wide, 40 feet long, and at least 10 feet deep, except in cases where a permit issued to the applicant by the Texas Commission on Environmental Quality (TCEQ) prescribes different dimensions. The ash generated by the operation of the trench burner shall be removed from the trench as necessary to maintain a minimum trench depth of 10 feet.**
4. **The pit, air blower or fan, and other operating equipment shall be securely enclosed by a locked gate and security fence of a minimum height of 8 feet which completely surrounds the pit and equipment at all times when the trench burner is unattended. The top portions of the fence shall consist of at least three runs of barbed wire. The fencing shall not be removed until the pit is closed and filled. An *approved* Fire Department key lock shall be required to secure the gate.**

307.6.2 Location. A trench burner must not be located within 500 feet from any recreational area, building or structure, not occupied or used solely by the owner, and 300 ft. from any property line on which the trench burner is constructed.

307.6.3 Hours of Operation. The hours of continuous loading operation shall be between 8:00 a.m. and 4:00 p.m. Trench burners may not be operated on legal holidays and in accordance with the State of Texas requirements for trench burns; Regulation I, Subchapter B, 111, of the Texas Commission on Environmental Quality.

1. **The blower or fan will be allowed to operate an additional two hours from 4:00 p.m. to 6:00 p.m. to ensure cool down after its period of continuous loading operations.**
2. **No combustible material may be added to the fire between 4:00 p.m. of one day and 8:00 a.m. of the following day.**
3. **The hours of operation may be changed by the *Fire Code Official* when unusual atmospheric conditions exist.**
4. **No burning is permitted when air stagnation advisories are in effect for the area in which the mobile incinerator is located.**
5. **No burning is permitted during periods of high fire hazard weather conditions.**

307.6.4 Method of Operation. Material to be burned is limited to trees, brush, untreated waste lumber, shrubs, roots, bushes, and all untreated wood waste cleared from the site described in the permit application. Combustible debris cleared from other sites may not be burned in the trench burner.

1. **All other materials, including but not limited to paper, roofing, shingles, insulation, wiring, treated wood products, metal products, chemicals, plastics,**

tires and other real or synthetic rubber materials may not be burned in the pit. Flammable or combustible liquids may not be burned except for ignition purposes.

2. **Suitable fire protection shall be present on the site where the trench burner is located during operation. Suitable fire protection shall consists a minimum of one portable fire extinguisher having a minimum 4-A rating and other *approved* on site fire extinguishing equipment, such as dirt, sand, water barrel, or water truck and shall be available for immediate utilization at all times burning is conducted.**
3. **Combustible material may not be placed in the trench any higher than three feet below the surface level.**
4. **Every trench burner must be attended when in operation by a competent person with reliable means of communication.**
5. **The trench burner shall be completely extinguished before nightfall or being left unattended.**
6. **The pit must be closed and filled with dirt within 48 hours after the trench burner operations are discontinued.**
7. **The person responsible for burning under this authorization shall notify the Leander Fire Department each day before burning is started. If the Departments refuse permission, no burning shall be allowed that day.**
8. **A site inspection shall be requested once the site is prepared. The Leander Fire department will provide written authorization to begin event following inspection of the site and equipment.**

307.6.5 Permit Application. The permit application must contain the following:

1. **The name, address, and phone number of the individual or entity that owns the trench burner unit.**
2. **The name, address, and phone number of the individual or entity responsible for the operation of the trench burner unit.**
3. **A description of the site to be cleared, and the name, address and telephone number of owner of the property.**
4. **An operating schedule including initial date of operation and expected number of weeks of operation.**
5. **A copy of the Texas Commission on Environmental Quality permit issued for the construction of the unit, if a permit is required.**
6. **A description of the type and quantity of petroleum product utilized to ignite the trench burner. If this is to be stored at the site, then the manner of storage and quantity to be stored must be described. The method of igniting the trench burner must be described.**
7. **Proof that the applicant has current liability insurance in the amount of $1,000,000 for personal injuries, and $500,000 for property damage any time the trench burner is in use.**
8. **A construction permit from the Texas Natural Resource Conservation Commission must be obtained if required by Commission rule. If the trench burner is exempt from the Commission permit requirements all conditions of the exemption must be complied with.**

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Amend:

308.1.6.3 Sky Lanterns. A person shall not release or cause to be released **a tethered or** untethered sky lantern.

Add:

308.5 Fire Hazard Prohibited. In Group R-1 and R-2 occupancies, a person shall not construct, erect, install, maintain or use any incinerator or barbecue pit or grill or so bum any combustible material as to constitute or occasion a fire hazard by the use or burning thereof or as to endanger the life or property of any person thereof.

The use or burning of any such devices under the following conditions shall constitute a fire hazard and is strictly prohibited:

1. **Within 10 linear feet (3048 mm) of any combustible surface or material, including but not limited to decks, porches, balconies, walls, or verandas.**
2. **Beneath any balcony, porch, roof overhang, deck, or veranda.**

Add:

SECTION 319 AUTOMATIC EXTERNAL DEFIBRILLATOR

319.1 General. All buildings that have occupied floors located greater than 75' (22 860mm) above the lowest level of fire department access or have an aggregate area greater than 15,000 ft^2 (1394 m^2) or occupancy load over 300 shall have at least 1 Automated External Defibrillator (AED) readily accessible installed in an *approved* location.

Exceptions: The provisions of this section shall not apply to the following buildings and structures:

1. **Airport traffic control towers in accordance with 2015 International Building Code.**
2. **Open parking garages in accordance with 2015 International Building Code.**
3. **Buildings with an occupancy classified as Group A-5 in accordance with 2015 International Building Code.**
4. **Low-hazard special industrial occupancies in accordance with 2015 International Building Code.**
5. **Buildings with an occupancy classified as Group H-l, H-2 or H-3 in accordance with 2015 International Building Code.**

319.2 Type. All AED's used must be of the type *approved* by the United States Food and Drug Administration (FDA).

319.3 Accessibility. All AED's must be available for public use.

1. **All AED's installed in a multiple story building shall be located in the elevator lobby unless otherwise *approved* by the *fire code official*.**
2. **All AED's located in a building without an elevator lobby should be installed in a visible and accessible location *approved* by the *Fire Code Official* or designee.**
3. **Standard industry accepted signs shall mark the location of each AED.**
4. **All mounted AED's shall meet the installation requirements as outlined by the ADA Accessibility Guidelines (ADAAG)**

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319.3.1 Notifying Emergency Medical Services Providers. Upon acquisition of an AED, the person or entity shall notify the Fire Department in writing of the existence, location and type of AED.

319.4 Maintenance. All **AED's shall be maintained and tested according to manufacturer recommendations.**

1. **Maintenance records shall be kept for a period of 1 year.**
2. **Disposable supplies (Defibrillation pads) shall be replaced upon their expiration date or following use.**

Add:

SECTION 320
FOOD BOOTHS

320.1 Permits. For permit to operate a food booth, see Section 105.6.49. It shall be unlawful to operate a food booth without a permit.

320.2 Fire Extinguishers. One 2A –10BC fire extinguisher shall be required for all food booths. Booths containing deep fat fryers shall have a class K portable fire extinguisher for up to four fryers having a maximum cooking medium capacity of 80 pounds each. For every additional group of four fryers having a maximum cooking capacity of 80 pounds each, an additional class K extinguisher will be required. For individual fryers exceeding 6 square feet in surface area, class K extinguishers will be installed in accordance with manufacturers' recommendations. All fire extinguishers shall have a current (within a year) inspection sticker from a licensed extinguisher company.

320.3 Location. Food booths utilized for cooking shall have a minimum of 10 feet clearance on two sides. Booths shall not be placed in fire lanes unless otherwise approved by the fire code official. Booths shall not be placed within 10 feet of amusement rides or devices.

320.4 Cooking equipment location. Barbeque pits shall not be located within 10 feet of combustible materials. Barbeque pits shall not be located under the food booth canopy.

320.5 Acceptable Cooking Sources. The following are the only approved cooking sources for food booths:

1. **Wood or charcoal**
2. **Propane**
3. **Natural Gas**
4. **Electricity**

320.6 Generators. Fuel tanks shall be of adequate capacity to permit uninterrupted operation during normal operating hours. Generators shall be isolated from contact with the public. Storage of gasoline is not allowed in or near generators or food booths.

320.7 Decorations. All decorative material shall be at least six feet away from any open flame, cooking element, or heat source or be flame resistant.

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320.8 Escape route. All concession stands shall have a minimum of a three ft. aisle for emergency escape.

320.9 Propane. All equipment used in conjunction with propane tanks must be UL Listed for the purposes in which they will be used. Tanks shall be secured to prevent falling. Tanks shall only be white or aluminum in color. Only one spare tank will be allowed in a food booth. Emptied propane tanks are to be removed from the site immediately after use. Regulators shall be attached as close as possible to the tanks. Leaks can be detected using a soap and water solution. Tank shutoff valves and/or additional shutoff valves shall be accessible and away from the cooking appliance(s). Propane tanks shall not be within 5 feet (1524 mm) of an ignition source. Propane tanks shall not be located within 10 feet (3048 mm) of a building door or window.

320.10 Area. A food booth shall consist of an area 10 feet by 10 feet. Extended food booths that exceed 10 feet by 10 feet area and used for cooking will be charged additional fees.

Add:

SECTION 321
MOBILE FOOD ESTABLISHMENTS

321.1 Permits. Permits shall comply with Sections 321.1.1 through Section 321.1.2

321.1.1 It shall be unlawful to operate mobile food establishments without a permit as required by Section 105.6.50 and Article 4 of the Leander Code of Ordinances.

321.1.2 Mobile food establishments left on site for more than one (1) hour at carnivals, fairs, festivals, or other public events will be subject to Food Booth permit requirements, the requirements set forth in Article 4 of the Leander Code of Ordinances, the requirements of Travis/Williamson County Health District(s) and associated inspections and fees as set forth in Section 320 and Section 105.6.49 of this code in addition to any fees associated with additional local code of ordinances.

321.2 Fire Protection. All medium duty, heavy duty and extra heavy duty cooking appliances located within the food establishment shall comply with the International Mechanical Code, Building Code and other applicable ordinances.

321.2.1 Fire Extinguishers. Fire extinguishers are required in mobile food establishments in accordance with sections 321.2.1 through 321.2.4

321.2.1 All mobile food vendors shall have at minimum one (2A-10BC) portable fire extinguisher mounted in a conspicuous place within the kitchen area.

321.2.2 Mobile food vendors with portable generators shall have a (3A-40BC) portable fire extinguisher in addition to the other fire extinguishers.

321.2.3 All portable fire extinguishers shall be serviced, inspected, and tagged annually by a licensed fire extinguisher company.

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321.2.4 In addition to any other required fire extinguisher, all mobile food vendors who deep fat fry shall have a class K portable fire extinguisher for up to four fryers having a maximum cooking medium capacity of 80 pounds each. For every additional group of four fryers having a maximum cooking capacity of 80 pounds each, an additional class K extinguisher will be required. For individual fryers exceeding six square feet in surface area, class K extinguishers will be installed in accordance with manufacturers' recommendations.

321.3 Use of LPG. Liquefied Petroleum Gas usage shall comply with sections 321.3.1 through 321.3.5.

321.3.1 L.P. Gas containers shall be located and secured on the exterior of the mobile food establishment, open to atmosphere or if containers are kept in compartment, the compartment must be separate from the interior food preparation area. Access must be from the exterior of the unit and compartment floor and the exterior door must be vented to the atmosphere.

321.3.2 All mobile units with propane shall post a "NO SMOKING" sign next to or directly above the propane bottle and visible to the public. Such sign shall be posted with a minimum of four inch lettering.

321.3.3 Any hose used to pipe L.P. Gas to a device shall be listed by UL, FM, or other approved agency and listed specifically for LP Gas service. All couplings, fittings, and any other devices shall meet the requirements for LP Gas Service as outlined in the International Fuel Gas Code, NFP A 58 and 54, or be unapproved and removed from service.

321.3.4 LPG tanks shall be located outside the mobile food establishment a minimum of 5 feet(1524 mm) from the primary means of egress.

321.4 Baffles and Closures. Baffles and closures shall comply with Sections 321.4.1 through Section 321.4.2.

321.4.1 All deep-fat fryers shall have a steel baffle between the fryer and surface flames of an adjacent appliance or shall maintain a 16 inch (407 mm) separation distance. The baffle, if installed, shall be 8 inches (127 mm) in height.

321.4.2 A positive closing lid shall be required on the fryer with latching mechanisms that secure it in the open and closed positions.

Exception: fryers installed under a fixed pipe extinguishing system.

321.5 Emergency Egress. Emergency egress shall comply with Sections 321.5.1 through Section 321.5.2.2.

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321.5.1 Mobile food establishments shall have a clear, unobstructed height over the aisle-way portion of the unit of at least 74 inches (1880 mm) from floor to ceiling, and a minimum of 30 inches (762 mm) of unobstructed horizontal aisle space.

321.5.2 Should travel distance from any portion of the interior exceed 10 feet (3048 mm), the mobile food establishments shall have a minimum of two exits located remote from each other and so arranged as to provide a means of unobstructed travel to the outside of the vehicle.

321.5.2.1 A secondary means of egress shall be located remote of the main exit door, with an unobstructed minimum passage of 24" X 24 " to the outside. The bottom of this secondary means of egress shall not be more than 4 feet (1220 mm) above the vehicle floor or a readily accessible horizontal surface capable of supporting a weight of 300 pounds minimum opening to the outside.

321.5.2.2 The latch mechanism of any exit facility shall be operable by hand, and shall not require the use of a key or special knowledge for operation from the inside. The secondary exit shall be labeled with the word "EXIT" with two inch minimum letters on contrasting background.

321.6 Generator Refueling. Generator refueling shall comply with Sections 321.6.1.

321.6.1 Refueling of generators shall be performed in an approved location not less than 20 feet (6096mm) from the mobile food establishment. Fuel shall be stored in a UL or FM approved flammable liquid safety container in an approved location. Generators shall be grounded in an approved method. Generators shall not be refueled in areas occupied by the public.

Add:

501.3.1 Site Plan. Three copies of the Fire Protection Site Plan (labeled as such) shall be submitted with the construction documents when application is made for a building permit. Plans must be reviewed and approved by the Fire Marshal and/or fire plan review staff before a building permit is issued. One copy of the approved Fire Protection Site Plan will be retained by the City of Leander. The Fire Protection Site Plan shall be drawn to scale (no less than 1:60) and shall show and include, but not be limited to, the following:

1. **Compass reading.**
2. **Property and/or lot lines.**
3. **Street frontages.**
4. **Location of all buildings (existing and proposed).**
5. **Fire apparatus access roads (i.e., fire lanes, aerial apparatus access roads) to buildings. Fire lanes shall be highlighted and shall include dimensions (width, turning radii, clearance to overhead obstructions, etc). The plans shall also show dimensions and calculations for evaluation of compliance with Section D105.3, Proximity to building.**
6. **Fences, gates, walls, streams and other obstructions to firefighter access.**
7. **Location of all fire hydrants (existing and proposed). This shall include the direction and the distance to all hydrants not shown on the site plan, but within one thousand feet of the building to be protected.**

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8. **Size (diameter and length) and locations of all fire main piping (proposed and existing). The pressure class and type of new pipe to be installed shall be identified.**
9. **The location, type, and size of backflow prevention devices, where installed.**
10. **Number of lanes, including turning lanes, of all adjacent streets and the location of medians as applicable.**
11. **Location of all automatic sprinkler and standpipe risers.**
12. **Location of Fire Department connection(s).**
13. **Size, type, and location of valves including post indicator valve (if they are located in a pit), control room automatic sprinkler system shut-off, etc .**
14. **Other water supplies.**
15. **Where required, type of protection from collision that may cause**
    a. **Physical damage to fire protection equipment.**

Add/Amend:

502.1 Definitions.

ACCESS ROADWAY.
FIRE LANE AND FIRE ZONE.
KEY BOX AND KNOX BOX.

Amend:

503.2.3 Surface. Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be surfaced so as to provide all-weather driving capabilities **by either asphalt or concrete surfaces.**

Drivable grass surfaces, or other alternative drivable surfaces, are permitted when approved by the Fire Marshal or his designee and in accordance with all of the following conditions:

1. **Sealed documents indicating compliance with the provisions of 503.2.3 shall be submitted by a registered design professional for review.**
2. **The drivable grass surface, or alternative drivable surface, shall not be used as the primary access to the site.**
3. **The surface shall be capable of supporting the imposed load of fire apparatus weighing at least 75,000 pounds.**
4. **Blue traffic reflectors shall be provided on each side of the surface every 20 feet to clearly mark its boundaries. Vegetation on and surrounding the surface shall be maintained such that said reflectors are visible at all times.**
5. **Sod is not permitted to be placed over the drivable base.**
6. **If the surface proposed is to be used as the aerial apparatus access road for the facility, concrete curbing, or other approved edging, shall be installed along both sides of the portion to be used as such for enhanced lateral stability.**
7. **If sand or other free-flowing fill is used as a main structural component for the surface, concrete curbing or other approved edging shall be installed along both sides of the surface for material containment.**
8. **The surface shall be maintained in proper working order at all times when utilized as a required fire lane. Should the surface become damaged or fall into disrepair, the Fire Marshal or his designee shall be authorized to require the repair and re-certification of said surface at the expense of the owner or entity in charge of maintaining the surface.**

Amend:

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503.2.4 Turning Radius. The required turning radius of a fire apparatus access road **shall not be less than 25 feet inside or 50 feet outside.**

Exception: Radius less than 25 feet inside or 50 feet outside as *approved* by the *fire code official*.

Amend:

503.3 Marking. Where required by the fire code official, approved **Striping, signs, or other approved markings, that include the words "FIRE LANE TOW AWAY ZONE" or "FIRE ZONE TOW AWAY ZONE"** shall be provided for fire apparatus access roads, **fire lanes, and/or fire zone(s),** to identify such roads or prohibit the obstruction thereof. The means by which the fire lanes are designated shall be maintained in a clean and legible condition at all times and be replaced or repaired when necessary to provide adequate visibility.

1. **Striping. Fire apparatus access roads shall be continuously marked by painted lines of red traffic paint six inches (6") in width to show the boundaries of the lane. The words "FIRE LANE TOW AWAY ZONE" or "FIRE ZONE TOW AWAY ZONE" shall appear in four inch (4") white letters at 25 feet intervals or less, on the red border markings along both sides of the fire lanes. Where a curb is available, the striping shall be on the vertical face of the curb or as *approved* by the *Fire Code Official*.**
2. **Signs. Signs shall read " FIRE LANE TOW AWAY ZONE " or " FIRE ZONE TOW AWAY ZONE " and shall be 12" wide and 18" high. Signs shall be painted on a white background with letters and borders in red, using not less than 2" lettering. Signs shall be permanently affixed to a stationary post and the bottom of the sign shall be six feet, six inches (6'6") above finished grade. Signs shall be spaced not more than thirty-five feet (35') apart. Signs may be installed on permanent buildings or walls or as *approved* by the *Fire Code Official*.**

Amend:

503.6 Security gates. The installation of security gates across a fire apparatus access road shall be *approved* by the fire chief. Where security gates are installed, they shall have an *approved* means of emergency operation **in accordance with 506.1.1.1 thru 506.1.1.2**. The security gates and the emergency operation shall be maintained operational at all times. Electric gate operators, where provided, shall be listed in accordance with UL 325. Gates intended for automatic operation shall be designed, constructed and installed to comply with the requirements of ASTM F 2200.

Add:

503.6.1 Direction of Swing. Security gates installed across a Fire Apparatus Access Road shall swing in the direction of travel towards the building or open horizontally to avoid backing up of Fire Apparatus and to allow for an expedited response.

Add:

503.7 Fire Marshal Authority to Designate and Enforce Fire Lanes. The Fire Marshal is hereby authorized to designate fire lanes on designated premises where such areas must be free of parked vehicles and other obstructions to provide ready access to buildings therein, in case of

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fire or other emergencies. The Fire Marshal's designation of such fire lanes does not prohibit the owner of such property of their responsibility to maintain the area. Further, owners of the private property or their designated representative may request that additional fire lanes be designated by the Fire Marshal.

503.7.1 Summons Issued for Parking Violation. A summons or notice to appear in answer to a charge of parking in violation of this section specifying the location of the fire lane in which such violation occurred and the date and time of such violation, may be issued by any police officer, Fire Department member or city employee charged with enforcing the code of ordinances of the City of Leander.

503.7.2 Removal of Vehicle by Property Owner. Except an authorized emergency vehicle, the owner of private property, or their agent, may have any motor vehicle that is parked in a legally designated fire lane removed and stored at either their own expense or that of the vehicle operator. The owner of the premises, or their agent, who has a vehicle removed and stored, is not liable for damages incurred as a result of removal or storage, if the vehicle is removed by a vehicle wrecker service insured against liability for property damage incurred in towing vehicles and is stored by a storage company insured against liability for property damage incurred in the storage of vehicles.

503.7.3 Removal of Vehicle by Fire Chief. Any vehicle parked in any designated fire lane may be removed at the vehicle owners' expense upon the authorization of the Fire Chief under the following conditions:

1. **When the vehicle violates city code of ordinances by standing or parking a vehicle, whether occupied or not, except momentarily to pick up or discharge a passenger or passengers, in a fire lane or fire zone, or**
2. **When a vehicle blocks the ingress/egress of a business, theater, night club, apartment complex, gymnasium or a place of assembly, or**
3. **When a vehicle's presence threatens the life safety of the public by impeding the ability of the fire apparatus and emergency medical equipment to respond to an emergency.**

The Fire Chief shall cause such vehicle to be removed by the towing service operating under a contract with the City of Leander.

503.7.4 Abandonment of Fire Lane. No owner, manager or person in charge of any premises served by a required fire lane shall abandon or close any such fire lane without the written permission of the Fire Marshal.

Amend:

505.1 Address identification. New and existing buildings shall have *approved* address **numbers, building and/or suite identification, or** be provided with *approved* **building** address identification. The address identification shall be legible and placed in a position that is visible from the street or road fronting the property. Address identification characters shall contrast with their background. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall not be spelled out. **Address** character**s** shall be not less than 4 inches (102 mm)

high. With a minimum stroke width of ½ inch (12.7 mm). **Address number size is based on distance from the street or road fronting as follows:**

1. **≤ 50 feet is 4 inches (102mm);**
2. **51 to 100 feet is 6 inches (153 mm);**
3. **101 to 150 feet is 8 inches (204 mm);**
4. **151 to 200 feet is 10 inches (254 mm); and**
5. **> than 200 feet is 12 inches (305 mm)**

For buildings with individual suites, the suite numbers shall be a minimum of 4 inches (102 mm) high with a minimum stroke width of ½ inch (12.7 mm). Where required by the *fire code official,* address identification shall be provided in additional *approved* locations to facilitate emergency response. Where access is by means of a private road and the building cannot be viewed from the *public way,* a monument, pole or other sign or means shall be used to identify the structure. Address numbers shall be maintained.

Add:

505.3 Multi-Building Complexes. Office, industrial and apartment complexes shall be identified by name and number on a display board at the main entry roadway.

505.3.1 Multi-Address Complexes. Office and industrial complexes with multiple addresses contained within shall post all addresses so that they are visible from roadway.

Add:

505.4 Mall Lease Spaces. Each mall lease space shall be identified by a consistent number size at a consistent, readily visible location in proximity to exterior and mall entrance doors.

Add:

505.5 Tenant identification. Each occupied tenant space provided with a secondary exit to the exterior or exit *corridor* shall be provided with tenant identification by business name and address. Letters and numbers shall be posted on the *corridor* side of the door, plainly legible and shall contrast with their background.

Exception: Tenant identification is not required for anchor stores.

Amend:

506.1 Where required. Where access to or within a structure or an area is restricted because of secured openings, **physical barriers (such as gates, fences, bollards, and the like), in all commercial, industrial, or institutional structures in which fire protection systems, or elevators are install**ed or where immediate access is necessary for life-saving or firefighting purposes, the fire code official is authorized to require a key box to be installed in an approved location. The **key box shall be of an approved type listed in accordance with UL 1037. The key box shall be visible from the access road fronting property, located within 10 feet (3048 mm) from the primary Fire Department access into a building or project as *approved* by the *fire code official*. It shall be installed at not less than 4 feet (1220 mm) and no more than 6 feet (1829 mm) above the finished grade.**

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Exception: The provisions of this section shall not apply to the following buildings and structures:

1. **Building is less than 1000 Ft^2 (93 m^2) and where immediate access is not necessary for life-saving or fire-fighting purposes.**

Add:

506.1.1.1 Electronic gates. Emergency access of limited access gates at apartments and gated communities, or any other occupancy deemed as high risk by the *Fire Code Official* shall be equipped with both Knox® Key Switch and a number keypad system. The Key Switch shall be located on a keypad pedestal or as *approved* by the *Fire Code Official*.

506.1.1.2 Electrical Disconnect/Chain Access. In the event of a power failure, the gate shall open by means of an electrical power disconnect switch in a weatherproof box. The gate shall be capable of being physically disconnected from the operating mechanism from either side of the gate. Slider gate chains shall have access to cut and release the gate from the opener mechanism from either side. Swing gates shall have a pin in the swing arm mechanism secured by a Knox Padlock. The padlock shall be accessible from either side of the gate. Gates that are not in proper operating condition shall be chained and locked in an open position.

Amend:

507.5.1 Where required. Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 400 feet (122m) from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, onsite fire hydrants and mains shall be provided as approved by the *Fire Code Official*.

Exception:

1. **Group U occupancies, not having an automatic sprinkler system installed, the distance requirement shall be 600 ft (183m).**

Delete

507.5.1 Exception #2. DELETE in its entirety.

Amend

507.5.1.1 Hydrant for standpipe systems and fire department connections. If a building is required to have an *automatic sprinkler system* installed in accordance with this code, or a standpipe system installed in accordance with Section 905, **a fire hydrant shall be located within** 100 feet (30 480mm) of the Fire Department Connections **as required in 912.8.**

Amend:

507.5.2 Inspection, testing and maintenance. Fire hydrant systems shall be subject to periodic tests as required by the *Fire Code Official*. Fire hydrant systems shall be maintained in an operative condition at all times and shall be repaired where defective. **In accordance to NFPA 25 and 291, if the hydrant is found inoperable, it shall be bagged with a black, weather-resistive cover that shall be marked with a stenciled warning: "OUT OF SERVICE" and the fire department shall be notified.** Additions, repairs, *alterations* and servicing shall comply with *approved* standards. **All installed hydrants, public and private, shall be silver in color and manufactured in accordance with the current approved City of Leander fire hydrant detail,**

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unless otherwise *approved* by the *Fire Code Official*. Records and test of required maintenance shall be maintained.

Add:

901.4.3.1 Compliance with Code of Ordinances. Calculations of square feet in compliance with the City of Leander Code of Ordinance Chap 3, Art 3.03, Div 2, Sec 3.03.041 is determined by the total gross aggregate area under a common roof (*excludes covered porches, balconies, or detached garages 10 feet or more in* one- two family dwellings). Unless *approved* by the *Fire Code Official*, dividing a building into separate fire areas so as not to exceed the limits established in the aforementioned will not be accepted in lieu of compliance with required installation of fire protection systems.

901.4.3.2 Additions to Existing Buildings. When additions or renovations are performed to existing structures, resulting in the total square footage of the building to grow to be over the limits established in the City of Leander Code of Ordinance Chap 3, Art 3.03, Div 2, Sec 3.03.041 and as determined by 901.4.3.1, the existing building shall be retroactively protected.

> **Exception: Effective separation of fire areas can be demonstrated through non combustible design in compliance the *International Building Code* and as *approval* by *Fire Code Official*.**

Amend:

901.5 Installation Acceptance Testing. Fire detection and alarm systems, fire extinguishing systems, fire hydrant systems, fire standpipe systems, fire pump systems, private fire service mains and all other *fire protection systems* and appurtenances thereto shall be subject to acceptance tests as contained in the installation standards and as *approved* by the *Fire Code Official. The Fire Code Official* shall be notified before any required acceptance testing. **A representative of the Fire Marshal shall witness all required acceptance tests for all these systems.**

Add:

901.6.3 Maintenance Agreement. A maintenance agreement, as defined by Section 202, with a licensed fire protection company shall be provided to the Fire Marshal for each fire protection system at all times. Proof of a maintenance agreement shall be provided during any system acceptance test. Agreements for testing and inspection only as defined by Section 202 shall not be credited with having met this requirement.

Add:

903.1.2 Residential systems. Unless specifically allowed by this Code or the International Building Code, residential sprinkler systems installed in accordance with NFPA 13D or NFPA 13R shall not be recognized for the purposes of exceptions or reductions, commonly referred to as "trade-offs," permitted by other requirements of this Code.

In addition, residential sprinkler systems installed in accordance with NFPA 13R must include attic sprinkler protection to be recognized for the purposes of such "trade-offs" permitted by other requirements of this Code.

Add:

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903.1.3 Safety factor. Automatic sprinkler systems shall be designed with a minimum of 20% or 10 psi safety factor (whichever is greater) taken at the base of the riser for the hydraulically most demanding design area.

Add:

903.1.4 High volume low speed fans in new and existing buildings. The use of High Volume Low Speed (HVLS) or High Volume Low Velocity (HVL V) fans in fire sprinklered areas of new and existing buildings shall only be permitted as follows:

1. **HVLS fans are permitted in rack storage and palletized storage arrangements up to twenty (20) feet in height in buildings with thirty (30) feet or less ceiling clearance, when Early Suppression Fast Response (ESFR) sprinklers are used to protect the storage array.**
2. **HVLS fans are permitted in light-hazard and ordinary-hazard occupancies as defined in NFPA 13, *Standard for the Installation of Sprinkler System.***
3. **HVLS fans are not permitted in sprinklered areas with palletized storage greater than twelve (12) feet in height protected by control mode sprinklers.**
4. **In all cases, HVLS fans are required to be designed and installed to shut down automatically on any fire alarm signal. This includes automatic shut down upon sprinkler system water flow alarm or any manual or automatic fire alarm detection device provided in the space.**
5. **In all cases, the clearance between the HVLS fans and the ceiling sprinklers and the top of storage shall be III compliance with the obstruction and clearance rules of NFPA 13.**

   Exception: When a technical opinion and report is provided in accordance with Section 104.7.2, the Fire Marshal or his designee shall analyze the opinion and report and may approve the use of HVLS or HVL V fans in additional areas when it is determined that the effectiveness of the fire sprinkler system is not compromised.

Amend:

903.2 Where required. Approved automatic sprinkler systems in new building or structures shall be provided in the locations described in sections 903.2.1 through 9.3.2.12 **and as required by the City of Leander Code of Ordinance Chap 3, Art 3.03, Div 2, Sec 3.03.041.**

Amend:

903.2.1.3 Group A-3. An automatic sprinkler system shall be provided for *fire areas* containing Group A-3 occupancies and intervening floors of the building where one of the following conditions exists:

1. *The fire area* exceeds 12,000 square feet (1115 mm).
2. The fire area has an *occupant load* of 300 or more.
3. The *fire area* is located on a floor other than a level of *exit discharge* serving such occupancies.
4. **Any Group A-3 occupancy serving alcohol shall comply with the fire sprinkler requirements for Group A-2 Occupancies in section 903.2.1.2.**

Amend:

903.2.8 Group R. An *automatic sprinkler system* installed in accordance with Section 903.3 shall be provided throughout all buildings with a Group R *fire area.*

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Exception: FOSTER CARE FAMILY HOME as defined in Section 202 General Definitions.

Add:

903.3.1.2.3 Elevator Machine Rooms. In all R occupancies or occupancies using a 13R system with elevator systems, the elevator machine room shall be sprinklered as per NFPA 13 standards.

Add:

905.1.1 Safety factor. Standpipe systems shall be designed with a minimum 20 psi safety factor taken at the Fire Department Connection for Manual Standpipes, and taken at the base of the standpipe riser for automatic standpipes, for the hydraulically most demanding system and/or outlet.

Add:

907.2.24 High Occupant Load. In addition to the requirements listed in other sections of this Code, any occupancy having an occupant load of 1000 or more shall be provided with a manual fire alarm system.

Exception: Open Parking Garages

Amend:

912.2.2 Existing Buildings. On existing buildings, wherever the fire department connection is not visible to approaching fire apparatus, the fire department connection shall be indicated by an *approved* sign mounted on the street front or on the side of the building. Such sign shall **be a red 12 inch (305 mm) by 12 inch (305 mm), all weather sign with 2 inch (51 mm) white lettering, stating "FDC". The sign shall be mounted no less than 4 feet above the FDC connection, providing an unobstructed view from the fire department access roadway, to include consideration to future vegetative growth. If needed, an arrow can be used to identify the location of the FDC.** Such sign shall be subject to the *approval* of the *Fire Code Official*.

Add:

912.8 Fire Department Connection Specifications. Sprinkler system and standpipe fire department hose connections shall be as follows:

1. **Fire Department Connections shall be a 5 inch (127 mm) "Storz" connection**
2. **The 5 inch (127 mm) "Storz" inlet shall be installed on a 30 degree elbow, angle pointing down**
3. **Located no more than 30 feet (12 192 mm) from a public street, approved fire lane, or access Roadway**
4. **Within 100 feet of an approved fire hydrant measured as the hose would be laid along a fire department apparatus roadway.**
5. **Minimum 30 inches (762 mm) at lowest point above finished grade and a maximum of 4 feet above finished grade measured from the bottom of the 5 inch (127 mm) "Storz" inlet**
6. **The *Fire Code Official* shall approve the location of freestanding fire department connections (remote connections). Freestanding FDC's must be physically protected against impact per the requirements of Section 312 or other *approved* means.**

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7. **Fire department connections for H occupancies will be freestanding (remote connections) and located as determined by the *Fire Code Official***

912.8.1 Fire Department Connection Signage. All FDC signage shall be made of all weather material, red 12 inch (305 mm) by 12 inch (305 mm), with 2 inch (51 mm) white lettering, stating "FDC". The sign shall be mounted no less than 4 feet above the FDC connection, providing an unobstructed view from the fire department access roadway, to include consideration to future vegetative growth. Exiting buildings shall comply with 912.2.2.

Amend:

D103.3 Turning Radius. The minimum turning radius shall **not** be **less than 25 feet inside or 50 feet outside.**

Exception: Radius less than 25 feet inside or 50 feet outside as *approved* by the *Fire Code Official*.

Amend:

D106.3 Remoteness. Where two fire apparatus access roads are required, they shall be placed a distance apart equal to not less than one-half of the length of the maximum overall diagonal dimension of the property or area to be served, measured in a straight line between accesses.

Exception: Where it is geographically impossible to be one-half of the maximum overall diagonal dimension apart, the secondary access road will be evaluated based on meeting the following conditions:

1. **The two separate fire apparatus access roads must be separated as far as lawfully and reasonably permitted.**
2. **The two separate access points must be a minimum of 150 feet (45 720 mm) apart, measured in a straight line between accesses.**
3. **The two separate access points are allowed to share a common path of travel within the site only when blockage in any one area of this path does not block access from both the primary and secondary access simultaneously. Each of the two separate fire apparatus roads shall meet the requirements of the 2015 IFC, section 503, Fire Apparatus Access Roads.**

Section 3. That the geographical limits referred to in certain section of the 2015 International Fire Code are hereby established as follows:

Section 5704.2.9.6.1 Storage of Class I and II liquids in above-ground storage tanks outside of buildings is prohibited within the **boundaries of the City of Leander** in which the storage is prohibited or restricted throughout this code and associated laws, ordinances and local amendments.

Section 5706.2.4.4 Storage of Class I and II liquids in above-ground storage tanks outside of buildings is prohibited within the **boundaries of the City of Leander** in which the storage is prohibited or restricted throughout this code and associated laws, ordinances and local amendments.

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Section 5806.2 Storage of flammable cryogenic fluids in stationary containers outside of buildings is prohibited within the **boundaries of the City of Leander** in which the storage is prohibited or restricted throughout this code and associated laws, ordinances and local amendments.

Section 6104.2 Storage of Class I and II liquids in above-ground storage tanks outside of buildings is prohibited within the **boundaries of the City of Leander** in which the storage is prohibited or restricted throughout this code and associated laws, ordinances and local amendments.

Section 4. Amendment of Conflicting Ordinances. All City 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, including but not limited to Ordinance No. 15-042-00. This Ordinance shall amend Article 5.03, City of Leander Code of Ordinances (the "Code"), in its entirety, and the contents of this Ordinances shall appear in Article 5.03 of the Code. 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 5. That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The **CITY COUNCIL** hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

Section 6. That nothing in this ordinance or in the Fire Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby amended as cited in Section 4 of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

Section 7. That this ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect on August 1, 2016.

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1 **Significant Changes to the International Fire Code**
2009 IFC to 2015 IFC

2 **ADMINISTRATIVE AND DEFINITIONS**

3 **Application of IFC with IRC**
§102.5
- Clarifies the application of the IFC and 1he IRC regarding the regulation of 1- and 2-family dwellings
  - IRC regulates building construction
  - IFC regulates exterior features
    - Address
    - Fire apparatus access roads
    - Fire protection water supplies
    - Operational and maintenance requirements
    - LP-gas cylinders
    - Weed or fire hazard abatement
    - Tents

4 **Chapter 2**
DEFINITIONS

5 **Definitions**
Chapter 2

- All definitions now located in Chapter 2
- Each chapter has a list of the defined terms
- All defined terms are *italicized*

6 **Food Processing & Commercial Kitchens**
§202
- Group A-2 or B - associated with the dining facility
- Group 8 - *not associated with restaurants or* dining facilities ≤ 2500 ft2
- Group F-1 - *not associated with restaurants or* dining facilities >2500 ft2

7 **Group I-1 (Institutional)**
§202
- Condition 1 – *all persons receiving* custodial care are capable of responding to an emergency situation to complete building evacuation without any assistance
- Condition 2 – *any persons* receiving custodial care who require limited verbal or physical assistance while responding to an emergency situation to complete building evacuation

8 **Group I-2 (Institutional)**
§202
- Condition 1 – nursing and medical care, *but not* emergency care, surgery, psychiatric care
- Condition 2 – nursing and medical care *and emergency* care, surgery, or in-patient psychiatric care

9 **Group R-4**

§202
- Condition 1 – *all persons receiving* custodial care are capable of responding to an emergency situation to complete building evacuation without any assistance
- Condition 2 – *any persons* receiving custodial care who require limited verbal or physical assistance while responding to an emergency situation to complete building evacuation

10 **Care Occupancy Classification**
§202
-

11 **Care Occupancy**
Chapter 9 Changes
§903.3.1.2
- Requires a NFPA 13 or 13R sprinkler system in Group I-1

§903.2.8
- Requires an IRC or NFPA 13D sprinkler system in Group R-3 and R-4 congregate residences

12 **Care Occupancy**
Chapter 9 Changes
§903.3.1.2
- Group I-4 occupancy requirements are exempt from sprinklers protection when:
  - Occupancy is located at the level of exit discharge, and
  - Each room has one exterior exit door

13 **General Safety Provisions**

14 **Chapter 3**
GENERAL REQUIREMENTS

15 **Vehicle Impact Protection**
§312.3
- TYPE: Addition
- SUMMARY: This change authorizes the code official to approve barriers other than posts.
- SIGNIFICANCE: The 2015 IFC provides a true performance-based option. The code official now has the ability to approve a barrier based on its ability to resist, deflect or visually deter vehicular impact.

16 **Vehicle Impact Protection**
§312.3
- Barriers, other than guard posts, that are designed to resist, deflect or visually deter vehicular impact appropriate for anticipated impact scenario shall be permitted where approved
- Requirement for resistance of 12,000 lbs has been removed

17 **Storage in Plenums**
§315.6, §605.12
- TYPE: Addition
- SUMMARY: This change prohibits storage in air-handling plenums. Abandoned material and wiring cables must be removed from plenums.

- SIGNIFICANCE: Plenums are not suitable for storage. Until this section of code was added, there was no specific prohibition against storage in plenums in the IFC.

18 **Storage in Plenums**

§315.6, §605.12

- Storage shall not be permitted in plenums
- Abandoned material in plenums shall be deemed to be storage and shall be removed
- Where located in plenums, the accessible portion of abandoned cables in plenums that are not identified for future use with a tag shall be deemed storage and shall be removed
-

19 **Obstructions on Roofs**

§316.4

- TYPE: New
- SUMMARY: A physical guard is required for certain obstructions on roofs with a less than 30 degree slope.
- SIGNIFICANCE: Part of the IFC's intent in Section 101.2 is to control conditions that can affect the safety of firefighters and emergency responders during operations.

20 **Obstructions on Roofs**

§316.4

- Obstructions <7' above the surface of a roof:
  - Must not create an obstruction, or
  - Must be protected or identified to emergency responders

21 **Roof Gardens and Landscaped Roofs**

§317

- TYPE: New
- SUMMARY: The IFC has new requirements to address fi re safety concerns of roof gardens and landscaped roofs.
- SIGNIFICANCE: With the element of green building construction becoming more prevalent, This section requires create area limitations, standpipes and maintenance plans.
-

22 **Roof Gardens and Landscaped Roofs**

§317

- Requirements for:
  - Control of vegetation
  - Providing a standpipe hose valve
- A major provision is area limitations and roof covering requirements
- Comply with IBC §1505 and §1507.16

-

23 **Roof Gardens and Landscaped Roofs**

§317

- Size and dimensions of roof gardens or landscaping are limited
- Multiple areas can be separated using a 6'-wide buffer space provided it has a Class A roof covering
- Maintenance plan required

24 **Chapter 4**

EMERGENCY PLANNING AND PREPAREDNESS

25 **Emergency Planning and Preparedness**

§403
- TYPE: Modification
- SUMMARY : Extensively revised and content updated for consistency. Many portions of this chapter have been relocated in an attempt to consolidate into one section all emergency requirements preparedness.
- SIGNIFICANCE: Editorial revision. Provisions have been relocated & text edited in an effort to improve readability and to clarify what is believed to be the current intent without technical change. Defend-in-place or protect-in-place methods is now incorporated into Section 403.

26 **Emergency Planning and Preparedness**
§403
- Fire Safety and Evacuation Plans required for:
  - Group A, other than church with OL <2,000
  - Buildings with both Group A and atrium
  - Group B Ambulatory Care Facilities
  - Group B, F, M with OL >500, or >100 on floor other than LED
  - Group H, I
  - Groups R-1, R-4, R-2 college/university dormitories
  - Mall buildings >50,000 ft2
  - High-rise
  - Occupant evacuation elevators

27 **Building and Equipment Design Features**
28 **Chapter 5**
FIRE SERVICE FEATURES
29 **Traffic Calming Devices**
§503.4.1
- TYPE: New
- SUMMARY: Fire code official approval is required before a traffic calming device can be constructed.
- SIGNIFICANCE: Studies found that the vehicle frames of apparatus can be damaged and the installation of traffic calming devices often cause delay's when installed on primary response routes.

30 **Traffic Calming Devices**
§503.4.1
- Traffic calming devices are design elements of fire apparatus access roads such as street alignment, installation of barriers, and other physical measures intended to reduce traffic and cut-through volumes, and slow vehicle speeds
- Traffic calming devices are prohibited unless approved by the FCO

31 **Fire Service Elevator Keys**
§506

- §506.1 requires an approved key box for elevator keys
- §506.1.2 establishes new requirements for key boxes containing non-standardized fire service elevator keys

32 **Fire Service Elevator Keys**

§506

- CHANGE TYPE: New
- CHANGE SUMMARY: The IFC has new requirements for nonstandard and standard keys for use by the fire service on elevators.
- SIGNIFICANCE: An elevator key allows firefighters to access the interior of the shaft housing of an elevator car to initiate rescue in case of a malfunction or the loss of building power. More often, an elevator key is used to capture and control an elevator.

33 **Standardized Fire Service Elevator Keys**

§607.5

- Elevators equipped with Phase I or II service shall have standardized elevator keys
- ASME A17.1 has required a standard fire service key (designated FEO-K1) since 2006

34 **Required Features in High Rise Buildings**

§508.1.6

- TYPE: Modification
- SUMMARY: Supplemental documentation for use by firefighters and emergency responders is now required in buildings that require a fire command center.
- SIGNIFICANCE: The minimum 200-ft.^{2} room is provided to house fire protection, smoke control, and building system controls as well as a work space and schematic plans for emergency responder.
-

35 **Required Features in High Rise Buildings**

§508.1.6

- New Item 13 requires a Building Information Card (BIC) in all high-rise buildings
- The BIC provides building and content information that may affect a fire service response

36 **Chapter 6**

BUILDING SERVICE AND SYSTEMS

37 **Emergency and Standby Power Systems**

§604.1

- TYPE: Addition
- SUMMARY: Additional requirements related to emergency and standby power systems matching IBC & IFC providing for consistent enforcement. Load-transfer timing and duration are both quantified to assist the fire code official. Criteria have been added for Group 1-2 occupancies that are located in flood hazard areas.
- SIGNIFICANCE: Intended to assist the fire code official by providing details such as installation requirements

38 **Emergency and Standby Power Systems**

§604.1

Emergency Power System

- Automatic electric power to operate required life safety, fire alarm, and detection and ventilation systems in the event of a failure of the primary power
- Required where interruption of the primary power could result in loss of human life

or serious injuries
- 10 second transfer time
- Minimum 2 hours operation

39 **Emergency Lighting Equipment**
§604.5
- TYPE: New
- SUMMARY: Testing requirements for emergency egress lighting are now established in the 2012 IFC.
- SIGNIFICANCE: Ensuring emergency lighting equipment is functional and available for service, new requirements for testing and maintenance were added to the 2012 IFC requiring monthly activation testing.

40 **Emergency Lighting Equipment**
§604.5
- Requirements for activation and power reliability testing of emergency illumination for means of egress
- Test results must be documented

41 **Solar Photovoltaic Power Systems**
§605.11
- TYPE: New
- SUMMARY: Requirements for the installation of solar photovoltaic power systems on the building roofs are now established in the IFC. These requirements do not apply to buildings regulated by the IRC.
- SIGNIFICANCE: PV Arrays are required to have a minimum clearance between PV array and roof ridge to allow for FF operations. Responders must understand the EPO only shunts the AC portion of the array, the panels will still generate electricity during daylight.

42 **Solar Photovoltaic Power Systems**
§605.11
- Installation requirements for the installation of solar PV systems on building roofs
- §105.7.13 requires a construction permit for solar PV systems
- Compliance with:
  - IBC or IRC
  - NFPA 70

43 **Solar Photovoltaic Power Systems**
§605.11
- Roof access points
  - Not over windows or doors
- Creation of pathways for firefighters to perform roof operations
  - Dwellings and Group R-3 require 3′ from ridge with 3′ path from eave to ridge
  - All others, require 6′ perimeter around entire roof
  - Reduced to 3′ when building ≤250′

44 **PRD's for Mechanical Refrigeration**
§606.12
- TYPE: Modification
- SUMMARY: Clarification of requirements and add references to two International Institute of Ammonia Refrigeration (IIAR) standards and one American Society of Heating, Refrigerating and Air-Conditioning Engineers, Inc. (ASHRAE) standard for

design and operation of ammonia refrigeration systems.
- SIGNIFICANCE: simplify the section through reorganization and relocating

45 **PRD's for Mechanical Refrigeration**
§606.12
- Options for discharge from pressure relief devices

46 **Elevators- Occupant Evacuation,**
FD Access
§607
-

47 **Elevators- Occupant Evacuation,**
FD Access
§607
-

48 **Protection of Elevators**
§607.6
- TYPE: Addition
- SUMMARY: This is a new requirement to ensure that devices designed to prevent water from infiltrating into fire service access elevator hoistways and occupant evacuation elevator hoistways are properly maintained.
- SIGNIFICANCE: Actual method of preventing water from entering the hoistway is not specified; it is a performance-based requirement. It could be accomplished by drains in the floor, a slight slope in the floor as it approaches the hoistway, curbs, or gasketed openings.

49 **Protection of Elevators**
§607.6
- Design must keep water from fire sprinklers outside of lobby from reaching
  - Fire service access elevators, and
  - Occupant evacuation elevators

50 **Type I Hood –**
Commercial Cooking Appliances
§609.2
- TYPE: Modification
- SUMMARY: Type I exhaust hoods are not required over electric cooking appliances when the appliances produce a minimal amount of grease-laden vapors.
- SIGNIFICANCE: Provides consistency between the IFC and the IMC. There are situations where the amount of grease-laden vapor is very low to almost non-existent and a Type I hood is not needed. A test method is specified to determine when a Type I hood is not required.

51 **Type I Hood –**
Commercial Cooking Appliances
§609.2
- New exception eliminates Type I hood over electric cooking appliances based on a test in UL 710B
  - Emissions Test
  - Effluent from cooking contains <5mg/m3 or less
  - Does *NOT need to be listed* to UL 710B; only must meet this particular test

52 **Inspection/Cleaning of Exhaust Hoods**

§609.3.3.2
- TYPE: Modification
- SUMMARY: This section references a new standard that addresses the cleaning of commercial cooking exhaust hoods and ducts.
- SIGNIFICANCE: Specifies cleaning/maintenance records must be maintained and a tag is placed on the hood after cleaning.

53 **Inspection/Cleaning of Exhaust Hoods**
§609.3.3.2
- New standard addresses the cleaning of commercial cooking exhaust hoods and ducts
- ANSI/IKECA C10 International Kitchen Exhaust Cleaning Association
- Hood is to be tagged after inspection

54 **Inspection/Cleaning of Exhaust Hoods**
§609.3.3.2
-

55 **Gas-fired Appliance Connections**
§609.4
- TYPE: Addition
- SUMMARY: Listed flexible connectors are required between the fixed fuel-gas piping and cooking appliances on casters or other appliances that are moved for cleaning.
- SIGNIFICANCE: Adding this requirement into the IFC provides the ability for the fire code official to inspect the installations and enforce these provisions.

56 **Gas-fired Appliance Connections**
§609.4
- Listed flexible connectors are required between the fixed fuel-gas piping and cooking appliances on casters or other appliances that are moved for cleaning
- ANSI
  - Z21.69/CSA 616-09 *Connectors for Movable Gas Appliances*

57 **Commercial Kitchen Cooking Oil Storage**
§610
- TYPE: New
- SUMMARY: Cooking oil storage tanks in commercial kitchens must comply with new Chapter 6 requirements for these installations and Chapter 57.
- SIGNIFICANCE: These requirements address the indoor and outdoor storage of cooking oils.

58 **Commercial Kitchen Cooking Oil Storage**
§610
- Storage of cooking oil in commercial cooking operations shall comply with Chapter 57
- When a tank is used in systems storing cooking oils in >60 gallon, it must be UL 142 or UL 80 listed Aboveground Storage Tank
- Each tank to have a normal and emergency vent

59 **Hyperbaric Facilities**
§611

- TYPE: Addition
- SUMMARY: All hyperbaric facilities shall be inspected, tested and maintained in accordance with NFPA 99. Records shall be kept and made available to the fire code official.
- SIGNIFICANCE: Fatalities have occurred in hyperbaric chambers as a result of fires within the chamber. Another hazard associated with hyperbaric facilities is the fact that a hyperbaric chamber is a large pressure vessel and a sudden release of the pressure within the hyperbaric facility can result in damage to the structure and injury to adjacent personnel.

60 **Hyperbaric Facilities**
§611
- Hyperbaric facilities now regulated by IFC
  - High pressure
  - Increased O2 content
- These facilities shall be inspected, tested and maintained in accordance with NFPA 99
- Maintenance records required

61 **Chapter 8**
Interior Finishes, Decorative Materials and Furnishings

62 **Fire Testing Alternatives**
§806.2, §807.5.1.1, §808.2
- TYPE: Modification
- SUMMARY: Recognizes an alternative method of evaluating the flame propagation of artificial vegetation or foam plastics and plastic signs in Group A occupancies.
- SIGNIFICANCE: IFC now recognizes alternative methods of artificial vegetation materials for evaluation.

63 **Fire Testing Alternatives**
§806.2, §807.5.1.1, §808.2
- Provides an alternative fire test method (NFPA 289) for evaluating flame propagation for:
  - §806.2 (artificial vegetation)
  - §807.5.1.1 (foam plastics)
  - §808.2 (foam plastic signs)

64 **Decorative Materials**
§807
- TYPE: Modification
- SUMMARY: The requirements for decorative materials other than decorative vegetation have been reorganized and clarified.
- SIGNIFICANCE: Provides clarification to the regulation of combustible decorative materials allowed within a room or space; now contains provisions for "artwork" and "curtains, draperies, fabric hangings, moveable and fixed panel walls, and other similar combustible decorative materials."

65 **Decorative Materials**
§807
- Requirements for decorative materials other than decorative vegetation have been reorganized and clarified

- Applicable to new and existing buildings
- Does not apply to decorative vegetation

66 **Decorative Materials**

§807

- Decorative materials can cover 10% of wall

  Exceptions
  - 75% allowed in sprinklered Group A auditoriums
  - 50% allowed in sprinklered Group R-2 dormitories
  - Fabric decorations hanging from the ceiling in Groups B or M when meeting flame retardant tests
  - 20% allowed in Group E & I-4 corridors if it is artwork
  - 50% allowed in Group E & I-4 classrooms if it is artwork
  - Portable or movable partitions are regulated as interior finish rather than decorative material

67 **Chapter 9**

FIRE PROTECTION SYSTEMS

68 **Required Fire Protection Systems**

§901.4.1

- TYPE: Clarification
- SUMMARY: The code has been clarified concerning how an inspector can determine if a fire protection system is to be considered a "required" system or a "nonrequired" system.
- SIGNIFICANCE: Sentence added to clarify the code when an inspector is determining whether a fire protection system is a required system or a nonrequired system.

69 **Required Fire Protection Systems**

§901.4.1

- The code has been clarified concerning how to determine if a fire protection system is to be considered a "required" system or a "non-required" system
- If *ANY modification,* increase or reduction is taken in any code, then it is a required system

70 **Pump and Riser Room Size**

§901.4.6

- TYPE: New
- SUMMARY: When provided, rooms housing fire protection systems must be adequately sized to facilitate maintenance.
- SIGNIFICANCE: Given the costs associated with the design and installation of fire protection systems, it is important that these systems be maintained. The provision bases the room area on clearances specified by the equipment manufacturers to ensure adequate space is available for its installation or removal.

71 **Pump and Riser Room Size**

§901.4.6

- Rooms housing fire protection systems must be adequately sized to facilitate maintenance
- Includes:
  - Clearances prescribed by the manufacturer
  - Door and access way to remove the largest piece of equipment

72 **Discontinued or Change of Service**
§901.9
- TYPE: New
- SUMMARY: Notice to the fire code official is now required when an alarm monitoring service is terminated or changed.
- SIGNIFICANCE: With the exception of one- and two-family dwellings, limited-area sprinkler systems, and NFPA 13R automatic sprinkler systems supplied by a domestic water supply, Section 903.4 requires electric supervision of automatic sprinkler systems

73 **Discontinued or Change of Service**
§901.9
- Provide written notice to the FCO when fire alarm monitoring system is terminated or changed
  - Applies only to 'required' systems, which were required at the time of construction
  - Notification provided by monitoring service provider being terminated

74 **Removal of Occupant-use Hose Lines**
§901.8.2
- TYPE: Addition
- SUMMARY: Existing 1½-inch hose lines can be removed under certain circumstances.
- SIGNIFICANCE: Requiring the install of 1½-inch hose lines is declining. The philosophy has shifted to whether or not occupants should be asked to attempt to extinguish the fire or evacuate the structure. Therefore, removing the hose lines that would not be required if the building were built under today's code makes sense.

75 **Removal of Occupant-use Hose Lines**
§901.8.2
- Existing 1½" hose lines can be removed under certain circumstances

76 **Fire Sprinklers in Group A**
§903.2.1
- TYPE: Modification
- SUMMARY: When sprinklers are required in a Group A occupancy located on a story other than the level of exit discharge, fire sprinklers must be installed on all stories leading to all levels of exit discharge that are used by the Group A occupancy.
- SIGNIFICANCE: Specifies that the fire sprinkler system must extend to all levels of exit discharge.

77 **Fire Sprinklers in Group A**
§903.2.1
- When fire sprinklers are required in a Group A occupancy located on a story other than the level of exit discharge, fire sprinklers must be installed on all stories leading to all levels of exit discharge that are used by the Group A occupancy

78 **Assembly Occupancies on Roofs**
§903.2.1.6
- TYPE: Addition
- SUMMARY: Sprinklers are now required on all floors between the occupied roof and the level of exit discharge when assembly uses occur on the rooftop of buildings and the occupant load exceeds 100 for Group A-2 or 300 for other Group A occupancies.
- SIGNIFICANCE: In order to provide a reasonable level of safety for the occupants on

the roof, fire sprinklers are now required in the floor levels below the roof when the occupant loads exceed the normal threshold

79 **Assembly Occupancies on Roofs**
§903.2.1.6
- WHEN:
  - Rooftop is used for assembly, AND
  - Assembly OL >100 for Group A-2 uses, OR
  - OL >300 for other Group A uses
- THEN:
  - Sprinklers required in all floors below the roof, down to and including the level of exit discharge

80 **Multiple Group A Fire Areas**
§903.2.1.7
- TYPE: Modification
- SUMMARY: When multiple Group A-1, A-2, A-3 or A-4 fire areas share egress paths, the occupant load is combined for determining if a sprinkler system is required. The occupant load threshold is 300 or more.
- SIGNIFICANCE: When multiple Group A fire areas share the same egress paths, the fact that the occupants came from separate fire areas becomes less relevant.

81 **Multiple Group A Fire Areas**
§903.2.1.7
- Sprinklers required where multiple fire areas contain Group A-1, A-2, A-3 or A-4 occupancies that share egress components and OL ≥300

82 **Sprinklers- Ambulatory Care Facilities**
§903.2.2
- TYPE: Modification
- SUMMARY: Automatic sprinkler requirements for ambulatory care facilities must protect the floor housing the facility.
- SIGNIFICANCE: Because occupants are incapable of self-preservation, sprinkler protection should be extended over the entire floor because occupant evacuation times will be greater when compared to buildings where occupants are capable of self-preservation and initiating self-rescue.

83 **Sprinklers- Ambulatory Care Facilities**
§903.2.2
- Sprinklers required when:
  - ≥4 patients incapable of self-preservation
  - ≥1 patient incapable of self-preservation on floor other than LED
- Sprinklers installed:
  - Throughout the entire floor
  - All floors between the ACF and the *nearest LED, including LED*
  - All floors below the ACF

84 **Sprinklers- Group F-1**
§903.2.4
- TYPE: Modification
- SUMMARY: Automatic sprinkler systems are now required in occupancies where upholstered furniture or mattresses are manufactured, stored, or displayed.
- SIGNIFICANCE: The requirements in Section 903.2.4, 903.2.7, and 903.2.9 are tied

to the area of the occupancy rather than building fire area. The height of the storage is also taken into consideration.

85 **Sprinklers- Group F-1**

§903.2.4

- Sprinklers required when:
  - Fire area is >12,000 ft2
  - Fire area is >3 stories above grade plane
  - Combined area of all fire areas (including mezzanines) >24,000 ft2
  - Used for manufacture of upholstered furniture or mattresses and >2,500 ft2
  - Woodworking – fire area >2,500 ft2 *and* generates/uses finely divided waste

86 **Sprinklers- Group I**

§903.2.6

- Sprinklers required throughout the building containing Group I
- Group I-2 requires the installation of QR or residential sprinklers throughout smoke compartments housing patient sleeping rooms
- Group I-4 cay care is not required to be sprinklered when:
  - Located at the LED
  - Each room has one exterior exit door

87 **Sprinklers- Group M**

§903.2.7

- Sprinklers required when:
  - Fire area >12,000 ft2
  - Group M fire area >3 stories above grade plane
  - Combined area of all fire areas (including mezzanines) >24,000 ft2
  - Fire area >5,000 ft2 and used for the display and sale of upholstered furniture or mattresses

88 **Sprinklers- Group S-1**

§903.2.9

- Sprinklers required when:
  - Fire area >12,000 ft2
  - Fire area >3 stories above grade
  - Combined area of all fire areas (including mezzanines) >24,000 ft2
  - Fire area >2,500 ft2 and used for storage of upholstered furniture or mattresses
  - Fire area >5,000 ft2 and used for storage of commercial trucks or buses
  - Fire area containing tire storage >20,000 ft3

89 **Commercial Motor-Vehicle & Sprinklers**

§903.2.9

- This code change provides a specific definition for commercial motor vehicles, which is applicable when determining whether a fire sprinkler system is required in specific occupancies
- Commercial Motor Vehicle is a motor vehicle used to transport passengers or property, and
  - Has a gross vehicle weight rating of ≥10,000 lbs; or
  - Is designed to transport ≥16 passengers, including the driver

90 **Buildings ≥ 55' in height**

§903.2.11.3

- TYPE: Clarification
- SUMMARY: Revised to clarify how the height of a building is to be measured and that

the section applies to buildings that have one or more stories. The exception for airport control towers has been deleted.
- SIGNIFICANCE: Clarifies measurements from finished floor and creates consistency with IBC in sprinkler requirements with occupiable floors >35ft.

91 **Buildings ≥ 55' in height**
§903.2.11.3
- Height measured to "finished floor" with occupant load of ≥30
  - Now includes a mezzanine

92 **Sprinklers in Elevator Machine Rooms**
§903.3.1.1.1
- TYPE: Modification
- SUMMARY: This change introduces the concept of Machine Room-Less elevators (MRLs) and expands the exemption to the control rooms and control spaces associated with occupant evacuation elevators. Additional changes regarding area smoke detection and fire command center requirements to reflect the defining of elevator control rooms and control spaces.
- SIGNIFICANCE: This change will assist the code official in avoiding conflicts by correlating the requirements of the IFC with those of the ASME A17.1, Safety Code for Elevators and Escalators.

93 **Sprinklers in Elevator Machine Rooms**
§903.3.1.1.1
- Sprinklers *not required in:*
  - Machine rooms
    - room outside the hoistway with an elevator machine
  - Machinery spaces
    - space where a machine and motor controller are located inside the hoistway
  - Control rooms
    - room outside the hoistway with a motor controller and not a machine
  - Control spaces
    - space outside the hoistway with a motor controller and not a machine

94 **Sprinklers in Bathrooms**
§903.3.1.1.2
- TYPE: Addition
- SUMMARY: This new section provides criteria for not installing sprinklers in bathrooms of specific Group R occupancies.
- SIGNIFICANCE: Bathrooms have been exempt in NFPA since 1976 and recently added back in 2013 edition in apartments. IFC is now consistent, within parameters, with NFPA 2013 edition.

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95 **Sprinklers in Bathrooms**
§903.3.1.1.2
- This new section provides criteria to eliminate fire sprinklers in bathrooms of specific Group R occupancies OTHER than R-4
  - Bathrooms ≤55 ft2
  - 15-minute thermal barrier rating

- Including behind tub/shower enclosure
-

96 **NFPA 13R Sprinkler Systems**
§903.3.1.2
- TYPE: Clarification
- SUMMARY: This change correlates Group R limitations on height with the scope of NFPA 13R.
- SIGNIFICANCE: Clarifies the limits for using NFPA 13R, maximum 4 stories and 60 ft in height above grade plane and further clarifies the designation of a story as measured from a horizontal separation.

97 **NFPA 13R Sprinkler Systems**
§903.3.1.2
- This change correlates Group R limitations on height with the scope of NFPA 13R
  - In buildings ≤60′ in height above grade plane

98 **Open-ended Corridors (Breezeways)**
§903.3.1.2.2
- TYPE: Addition
- SUMMARY: Clarifies when an NFPA 13R sprinkler system is used, additional heads are required in the open-ended corridor (breezeway).
- SIGNIFICANCE: This section adds language clarifying that open-ended corridors (breezeways) in buildings equipped with NFPA 13R, need to be protected.

99 **Open-ended Corridors (Breezeways)**
§903.3.1.2.2
- Requires that fire sprinklers are required in the open-ended corridor (breezeway) when an NFPA 13R sprinkler design is installed

100 **Limited Area Sprinklers**
§903.3.8
- TYPE: Modification
- SUMMARY: Reduces the number of sprinkler heads that can be used in a limited area sprinkler system from 20 heads to 6 heads. This change provides additional criteria regarding the use of these systems.
- SIGNIFICANCE: This change is intended to eliminate the potential for multiple limited area sprinkler systems within a single fire area.

101 **Limited Area Sprinklers**
§903.3.8
- Maximum number of fire sprinklers in a limited area sprinkler system is reduced from 19 heads/building to 6 heads/fire area
- Only Light Hazard or Ordinary Hazard Group 1
- Specifically requires hydraulic calculations

102 **Certification of Fire Personnel**
§904.1.1
- TYPE: New
- SUMMARY: Personnel who perform maintenance on portable fire extinguishers or alternative fire-extinguishing systems must be certified by the jurisdiction or other

approved organization.
- SIGNIFICANCE: To ensure that systems and devices are properly maintained, the IFC now requires individuals performing these activities to be certified.

103 **Certification of Fire Personnel**
§904.1.1
- Personnel who provide or conduct maintenance on
  - alternative fire extinguishing systems
  - portable fire extinguishers
  - must be certified by the jurisdiction or another approved organization
  - Certifications are available from ICC/NAFED, NICET or manufacturers

104 **Automatic Water Mist Systems**
§904.2, §904.11
- CHANGE Type: Addition
- Change summary: Recognizes automatic water mist systems as an alternative, on a limited basis, to automatic fire sprinkler systems. Automatic water mist systems are most commonly used for special protection applications for special hazard applications such as computer room subfloors and machinery spaces.
- SIGNIFICANCE: Requires compliance with NFPA 750, Standard on Water Mist Fire Protection Systems.

105 **Automatic Water Mist Systems**
§904.2, §904.11
- Recognizes automatic water mist systems as an alternative to fire sprinkler systems
- Must be installed according to listing and NFPA 750
- Automatic water mist systems are most commonly used for special protection applications for special hazard applications such as computer room subfloors and machinery spaces

106 **Domestic Cooking Equipment in Group I-2, Condition 1**
§904.13
- TYPE: Addition
- SUMMARY: UL 300A has been added to the IFC, and the new definition of Institutional Occupancy Group 2 Condition 1 (Nursing Homes, Assisted Living, etc.) from the IBC for an extinguishing system within the domestic cooking hood of such occupancy has been incorporated.
- SIGNIFICANCE: The IBC has now incorporated criteria for common area cooking in Group I-2 Condition 1 Occupancies.

107 **Domestic Cooking Equipment in Group I-2, Condition 1**
§904.13
- UL 300A has been added for an extinguishing system within the domestic cooking hood allowed in a Group I-2, Condition 1
- Manual operations and interconnections in accordance with §904.12.1 and §904.12.2
- Portable fire extinguisher within 30′ of the domestic cooking appliance

108 **Fire Alarm Shop Drawing- Audibility**
§907.1.2 #4
- TYPE: Addition
- SUMMARY: The fire alarm designer is now required to provide the design minimum audibility level for occupant notification, and the phrase "where applicable" has been

added to the charging statement to clarify that not all items shown in the list may be applicable for every installation.
- SIGNIFICANCE: Only those items applicable to the system being installed are required to be submitted.

109 **Fire Alarm Shop Drawing- Audibility**
§907.1.2 #4
- Fire alarm designer is required to provide the design minimum audibility level for occupant notification
- Public Operating Mode
  - ≥15dB above the average ambient sound or 5 dB above the maximum sound
- Private Operating Mode
  - ≥10dB above the average ambient sound or 5 dB above the maximum sound

110 **Fire Alarm Group A**
§907.2.1
- TYPE: Modification
- SUMMARY: Requirements for a fire alarm system in a building housing two or more Group A occupancies are now based on whether the occupancy requires separation by the IBC.
- SIGNIFICANCE: Intent of this change is to clarify what occupant load is appropriate to use when determining the fire alarm requirements.

111 **Fire Alarm Group A**
§907.2.1
- Clarifies what occupant load to use when determining the fire alarm requirements for assembly occupancies
- 3 separate situations:
  - 1. Single Group A with OL >300
  - 2. Multiple Group A occupancies not separated by 2-HR fire barrier shall add their occupant loads
  - 3. Group A which is part of Group E shall meet the Group E requirements apply

112 **Group A Occupancies**
§907.2.1
- Requirement for a fire alarm system in a building housing two or more Group A occupancies, is based upon:
  - Separation of the Group A uses, and
  - Occupant load
- Group A occupancies not separated by fire barriers, per IBC §707.3.10, aggregate OL of Group A occupancies is used

113 **Emergency Voice/Alarm Communications Captions**
§907.2.1.2
- TYPE: New
- SUMMARY: Mass notification fire alarm signals in large stadiums, arenas, and grandstands require captioned messages.
- SIGNIFICANCE: A 2008 U.S. federal court case prompted a change to the IFC. The

court ruled that persons with hearing impairments who attend events at stadiums, grandstands, and arenas require a means of equivalent communications in lieu of the public address system.

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114 **Emergency Voice/Alarm Communications Captions**
§907.2.1.2
- Captioned messages required in Group A stadiums, arenas and grandstands with >15,000 fixed seats

115 **Group E Fire Alarm System**
§907.2.3
- TYPE: Modification
- SUMMARY: An emergency voice/alarm communications system is now required in Group E occupancies with an occupant load of 30 or more.
- SIGNIFICANCE: Because of concerns of school campus safety serving kindergarten thru 12th-grade, enhanced communication between the school administrators, teachers, and students when a lockdown plan is activated in Group E occupancies.

116 **Group E Fire Alarm System**
§907.2.3
- Manual fire alarm system required when OL >50
- The emergency voice/alarm communication system required when OL >100
- Manual fire alarm boxes not required when:
  - Corridors, shops, labs, auditoriums, gymnasiums have heat or smoke detection, OR
  - When building is sprinklered

117 **FA Systems in Group R-2 College and University Buildings**
§907.2.9.3
- TYPE: Clarification
- SUMMARY: The addition of the language "occupancies operated by a college or university for student or staff housing" is intended to clarify this section and the requirement for automatic smoke detection.
- SIGNIFICANCE: The intent provides clarification so the section clearly includes those buildings that are operated by a college or university for student or staff housing.

118 **FA Systems in Group R-2 College and University Buildings**
§907.2.9.3
- Smoke detection system is required in "occupancies operated by a college or university for student or staff housing"
- Not required if building does not have interior corridors

119 **Smoke Alarms near Cooking & Bathrooms**
§907.2.11.3, §907.2.11.4
- TYPE: Addition
- SUMMARY: Provides designers, reviewers and field inspectors with criteria for locating smoke alarms in relation to cooking appliances and bathrooms. By properly locating smoke alarms, the number of nuisance alarms may be reduced.
- SIGNIFICANCE: Intended to reduce nuisance alarms attributed to locating smoke alarms in close proximity to cooking appliances and bathrooms where water vapor is produced.

120 **Smoke Alarms near Cooking & Bathrooms**

§907.2.11.3, §907.2.11.4
- Criteria for locating smoke alarms in relation to cooking appliances
- Criteria for locating smoke alarms in relation to bathrooms
- Properly location of smoke alarms, can help reduce the number of nuisance alarms
- Wireless interconnection is now recognized

121 **Protection for Fire Alarm Control Unit**
§907.4.1
- TYPE: Modification
- SUMMARY: Fire alarm control units require protection using an approved smoke detector.
- SIGNIFICANCE: Previous editions of the IFC did not require the protection of certain fire alarm and detection system components when the building was protected throughout by an automatic sprinkler system compliant with NFPA.

122 **Protection for Fire Alarm Control Unit**
§907.4.1
- Requires a supervised smoke detector to protect Fire Alarm Control Units
- Sprinkler protection is allowed when the building climate does not satisfy NFPA 72 for smoke detector placement

123 **Elevator Hoistway Pressurization**
§909.21
- TYPE: Addition
- SUMMARY: This change provides the option of pressurizing the elevator hoistway in lieu of enclosing the elevator lobby. Additionally, four exceptions have been added to the pressurization requirements that in effect provide an alternative way for the smoke control system to be designed.
- SIGNIFICANCE: Essentially allows a zone smoke control approach instead of a pressurized hoistway.

124 **Elevator Hoistway Pressurization**
§909.21
- Elevator hoistway pressurization in lieu of elevator lobby
- Lobby for fire service access elevators and occupant evacuation elevators is still required
- Pressure differential of 0.1 to 0.25 inches of water column

125 **Smoke Control System Interaction**
§909.4.7
- Requires the analysis of multiple mechanical smoke control systems
- Buildings using smoke control systems may have more than one type of smoke control system, and the interactions of these systems must be evaluated in the design

126 **Smoke & Heat Removal**
§910
- TYPE: Modification
- SUMMARY: Extensively rewritten as a result of the work done by the Code

Technology Committee and specifically the Roof Vent Study Group. It provides direction on Group F-1 and S-1 occupancies greater than 50,000 square feet of undivided area and high-piled combustible storage. Criteria for using either smoke and heat vents or mechanical smoke removal are provided.

- SIGNIFICANCE: Provides greater control of the system for the fire-incident commander and reduces the need to place fire fighters on roofs or in other hazardous situations to operate smoke and heat venting systems.

127 **Smoke & Heat Removal**

§910

- Smoke & heat *removal required:*
- Groups F-1 & S-1 with >50,000 ft2 of undivided area
- High-piled storage areas where required by Table 3206.2
- Smoke & heat vents *OR mechanical smoke* removal system

128 **Smoke & Heat Removal**

§910

- Selection of smoke & heat removal method

129 **Smoke & Heat Removal**

§910

- Smoke & heat vents
  - Calculation for sprinklered building
    - AVR = V/9000
  - Calculation for unsprinklered building
    - AVR = V/50

130 **Smoke & Heat Removal**

§910

- Mechanical smoke removal
  - 2 air changes per hour
  - Based on empty building
  - Makeup air openings ≤6′ of floor
  - Automatic shutdown upon sprinkler operation
  - Manual controls in room accessible from the exterior with 1-HR separation

131 **Fire Department Connection**

§912

- The location of the FDC shall be:
  - §903.3.7 – an approved location for sprinkler systems
  - §905.1 – an approved location for standpipe systems
  - §507.5.1.1 – within 100′ of fire hydrant for standpipe systems
- FDCs must also comply with §912
  - Location must be visible
  - Minimum 3′ clearance
  - Vertical clearance of 78″
  - FDC fittings are compatible with the fire department hose threads

132 **Carbon Monoxide Detection**

§915 (new), §1103.9 (existing)

- TYPE: Modification
- SUMMARY: The requirements for carbon monoxide detection have been completely rewritten to clarify the provisions, relocated to a new Section 915, and expanded to address classrooms in Group E occupancies.
- SIGNIFICANCE: This is a new standalone Section dealing entirely with CO detection. The Section provide criteria guidance for determining the need for CO detection.

133 **Carbon Monoxide Detection**

§915 (new), §1103.9 (existing)

- CO detection required in Groups I-1, I-2, I-4 and R occupancies, and Group E classrooms
- CO detection is only required when the following potential sources of CO exist:
  - Fuel-burning appliances in the space or building
  - Fuel-burning fireplace in the space or building
  - Fuel-burning, forced air furnace
  - Attached private garage

134 **Chapter 10**

MEANS OF EGRESS

135 **Means of Egress**

- The chapter has been reformatted with the provisions for egress requirements from a space or story being consolidated

136 **Means of Egress Sizing**

§1005.1

- TYPE: Modification
- SUMMARY: The exit width/capacity requirements are arranged in a logical and organized layout. Reduced exit width factors have been established for sprinklered buildings with an emergency voice/alarm communication system.
- SIGNIFICANCE: intended to reorganize and clarify the multiple requirements related to egress width that were previously contained in a single paragraph.

137 **Means of Egress Sizing**

§1005.1

- Exit capacity requirements
- Reduced exit width factors established for:
  - Sprinklered buildings
  - *PLUS an Emergency* Voice/Alarm Communication System

138 **Exit Number & Configuration**

§1006

- TYPE: Modification
- SUMMARY: Consolidates the egress requirements for rooms and spaces along with those for stories into a single location. Created a single section to deal with the number of exits (Section 1006) and a separate section (Section 1007) to deal with the arrangement and separation requirements.
- SIGNIFICANCE: 1006 will provide information related to the number of means of egress that are required. Section 1007 addressing the arrangement or separation of those required means of egress.

139 **Exit Number & Configuration**

§1006

Table 1006.2.1

Spaces with One Exit or Exit Access Doorway

140 **Egress from Stories or Occupied Roofs**

§1006.3
- Every story above 2nd story must have at least 1 interior or exterior exit stair or ramp
- Egress path shall not pass through >1 story

141 **Stories with One Exit**
- Table 1006.3.2(2)

142 **Exit from Stories**
§1006.3.2.1
- Required exits from stories are allowed to serve a portion of a story
- Each portion of the story must meet egress requirements
- Each portion of the story must have access to at least 2 exits

143 **Exit and Exit Access Doorways**
§1007.1
- Distance between doorways measured to *any* point in doorway width

144 **Door Swing**
§1010.1.2
- Door swing requirements are calculated based on in the entire occupant load of the space or room

145 **Door Operations- Locking Systems**
§1010.1.9
- TYPE: Modification
- SUMMARY: Numerous revisions throughout help clarify requirements and their application by using consistent terminology. These changes allow an existing locking system exception for main doors that are not located at the exterior of the building.
- SIGNIFICANCE: Many of the changes have been made to coordinate the language within the code with the terminology used within the lock industry and within the UL 294 standard

146 **Door Operations- Locking Systems**
§1010.1.9
- Egress doors must be readily openable, EXCEPT:

147 **Ship Ladders & Permanent Ladders**
§1011.15, §1011.16
- TYPE: Addition
- SUMMARY: Added to list the locations where ladders can be used for access. Permanent ladders must follow the construction requirements from the IMC in order to provide consistent installation and a safe usable ladder.
- SIGNIFICANCE: Provides a list of five locations where the code will permit a permanent ladder to be installed for both access and egress from these infrequently occupied or limited access spaces.

148 **Ship Ladders & Permanent Ladders**
§1011.15, §1011.16
- New section added to list the locations where ladders can be used for access
- Permanent ladders must follow the construction requirements from the IMC in order to provide consistent installation and a safe usable ladder

149 **Floor-level Exit Signs in Group R-1**
§1013.2
- With a few exceptions, exit signs are required in any building or room with >2

egress paths
- Where exit signs are required, internally illuminated low-level exit signs in Group R-1

150 **Travel Distance in Groups F-1 and S-1**
§1017.2.2
- TYPE: Modification
- SUMMARY: Allows an increased exit access travel distance within Group F-1 or S-1 occupancies meeting specific requirements. Also, it restores a travel distance that was allowed in the 2006 code but not allowed in the 2009 or 2012 editions.
- SIGNIFICANCE: The two criteria for the increased travel distance are that the increase is applicable only to portions of the building that are one story in height and that a 24-foot minimum ceiling height is provided.

151 **Travel Distance in Groups F-1 and S-1**
§1017.2.2
- Exit access travel distance in F-1 and S-1 is:
  - 200′ – not sprinklered
  - 250′ – sprinklered
  - 400′ if:
    - Sprinklered
    - Building is limited to 1 story
    - Minimum of 24′ from floor to underneath side of roof or ceiling above

152 **Stairway Extension**
§1023.3.1
- TYPE: Modification
- SUMMARY: An interior exit stairway is now permitted to continue directly into an exit passageway without the need for a fire door assembly to separate the two elements.
- SIGIFICANCE: Besides making the exit continuous, this allows for the occupants to remain within the protected enclosure, and it maintains the required level of exit protection.

153 **Stairway Extension**
§1023.3.1
- Interior exit stairway can connect to an exit passageway without a fire-rated door, if *NO* other openings into the exit passageway

154 **Reliability**
§1030.2
- TYPE: Modification
- SUMMARY: Requirements for exit reliability, security, or locking devices on means of egress components, furnishings in exit paths were revised to improve their intent.
- SIGNIFICANCE: Revised to clarify that an exit or exit passageway cannot be used for any purpose that can interfere with a means of egress.

155 **Reliability**
§1030.2
- Prohibits any use or change that interferes with an egress component
- §1031.6 – prohibits modifications that obscure or limit the function of egress doors or render them unrecognizable

156 **Floor Identification Signs**

§1030.9, §1031.9
- TYPE: Modification
- SUMMARY: Requirements for exit reliability, security, or locking devices on means of egress components, furnishings in exit paths were revised to improve their intent.
- SIGNIFICANCE: Floor identification signs are required in exit enclosures connecting more than three stories. The sign identifies the termination point at the top and bottom floors of the exit enclosure, whether roof access is available, and directions.

157 **Floor Identification Signs**
§1030.9, §1031.9
- Requires floor identification signs in interior exit stairways >4 stories
- §1104.24 retroactively requires floor identification signs at each interior exit stairway in existing buildings >4 stories

158 **Chapter 11**
CONSTRUCTION REQUIREMENTS for EXISTING BUILDINGS

159 **Chapter 11**
- Egress in existing buildings must comply with the minimum egress requirements in Ch 11 and the building code applicable at the time of construction
- Where the provisions of Ch 11 conflict with the original building code, the most restrictive provision shall apply

160 **Vertical Openings in Existing**
Group I-1 & I-3
§1103.4.1
- TYPE: Modification
- SUMMARY: Retroactive construction of a 1-hour fire resistance-rated separation is now required in existing hospitals and jails to protect vertical openings. Alternatives have been included that can be used in lieu of the separation to mitigate the hazard created by the vertical openings.
- SIGNIFICANCE: Creates consistencies with Group I-2 and I-3 and new construction requirements regarding vertical openings.
-

161 **Vertical Openings in Existing**
Group I-1 & I-3
§1103.4.1
- Retroactive construction of a 1-HR fire-resistance-rated separation is now required in existing hospitals and jails to protect vertical openings
- Alternatives included that can be used in lieu of the separation to mitigate the hazard created by the vertical openings

162 **Manual Fire Alarm in Existing**
Group R-2
§1103.7.6
- TYPE: Modification
- SUMMARY: Installing interconnected smoke alarms within dwelling units along with fire-resistance-rated separation of dwelling units is allowed as an alternative to the retroactive installation of a manual fire alarm system throughout existing Group R-2 occupancies.
- SIGNIFICANCE: Retro only required when >3 stories or >16 units. Retrofitting interconnected smoke alarms into all sleeping rooms in existing dwelling units

provides an automatic level of safety to occupants.
•

163 **Manual Fire Alarm in Existing Group R-2**
§1103.7.6
- Interconnected smoke alarms within dwelling units along with fire-resistance-rated separation of dwelling units is allowed as an alternative to the retroactive installation of a manual fire alarm system throughout existing Group R-2

164 **Where Required- Smoke Alarms**
§1103.7.6
- Existing Group I-1 and R require smoke alarms in accordance with §907.2.11
  - Exception 1: The code that was in effect at the time of construction required smoke alarms and compliant alarms are already installed

165 **Where Required- Smoke Alarms**
§1103.7.6
  - Exception 2: existing alarm installations that were voluntary can remain unchanged if they comply with the requirements in effect at the time of installation
  - Exception 3: smoke detectors connected to a fire alarm system can substitute for smoke alarms

166 **Fire Escape Examination**
§1104.16.5.1
- TYPE: New
- SUMMARY: Existing exterior fire escapes require an inspection by a registered design professional or persons acceptable to the fire code official no more than every 5 years.
- SIGNIFICANCE: This clears up the fact neither the IBC nor IFC contains a specific definition as to what actually constitutes a fire escape, and in previous editions of the codes, they did not establish a frequency for their inspection.

167 **Fire Escape Examination**
§1104.16.5.1
- Inspection requirements for fire escape stairs and balconies
  - Inspection every 5 years
  - By a registered design professional or an individual approved by the FCO
  - The inspection report should include an analysis of the mechanical fasteners, handrails and grab bars

168 **Construction Requirements for Existing Group I-2**
§1105
- TYPE: Addition
- SUMMARY: Retroactive construction requirements have been added to the IFC to provide a minimum level for fire and life safety in existing Group I-2 occupancies.
- SIGNIFICANCE: These new requirements align the IFC with the current approach by the Center for Medicaid and Medicare Services (CMS), the federal authority having jurisdiction. Hospitals are required by CMS to have a life safety survey on a regular basis.

169 **Construction Requirements for Existing Group I-2**
§1105
- Minimum fire safety requirements in §1103
- Minimum Means of Egress requirements in §1104
- Additional egress and construction requirements in §1105

170 **SPECIAL OCCUPANCIES AND OPERATIONS**
171 **Chapter 21**
DRY CLEANING
172 **Automatic Sprinkler System**
§2108.2
- TYPE: Modification
- SUMMARY: New exception allows dry cleaning plants using Class III-A or Class III-B combustible liquids in non-sprinklered buildings.
- SIGNIFICANCE: Change relaxed the requirement for an automatic sprinkler system when a Type III-A or Type III-B dry cleaning machine has one or more specific safety controls that comply with the IFC and NFPA 32, *Standard for Dry cleaning Plants, and the* quantity of solvent is limited.

173 **Automatic Sprinkler System**
§2108.2
- Sprinklers required in dry cleaning plants
- Except:
  - Class III-B solvents with solvent quantity <3,300 gallons
  - Class III-A dry cleaning with solvent quantity <330 gallons and machines comply with any
    one of 5 design options

174 **Chapter 23**
MOTOR FUEL-DISPENSING FACILITIES AND
REPAIR GARAGES
175 **Repairs and Service**
§2305.2.2
- TYPE: Modification
- SUMMARY: Subjective code text concerning the maintenance of fuel containment and dispensing systems was deleted.
- SIGNIFICANCE: Improved the requirements for the maintenance of equipment used for the containment or dispensing of motor vehicle fuel if damage or unsafe conditions arose during its service life. Because the code text includes the word "containment," this provision includes product transfer piping, pumps, and the storage tank.

176 **Repairs and Service**
§2305.2.2
- Any repairs or servicing of damaged or unsafe containment and dispensing equipment be in accomplished in an approved manner

177 **LPG- Gas Dispensing Operations**
§2307.4
- TYPE: Modification
- SUMMARY: LP-gas requirements have been revised to improve correlation with other industry standards and to allow self-service LP-gas refueling by the public.
- SIGNIFICANCE: A revision included in this reformat changes the separation distance

between LP-gas fuel-dispensing operations and the public way from 25 to 10 feet; that brings the IFC into agreement with NFPA 58 distance requirements.

178 **LPG- Gas Dispensing Operations**

§2307.4

- LP-gas requirements have been revised
  - Improves correlation with industry standards
  - Allows self-service LP-gas refueling by the public

179 **LPG- Gas Dispensing Operations**

§2307.4

- Point of transfer
  - 25′ from wall <1-HR
  - 25′ from combustible eave
  - 25′ from property line
  - 25′ from centerline of RR
  - 10′ from public street, driveways, sidewalks
- Self-service into vehicles allowed
  - Special nozzle required

180 **Repair Garages- Gas Detection**

§2311.7.2.1

- TYPE: Modification
- SUMMARY: Gas detectors and their associated control units must be listed or approved when they are installed in vehicle repair garages or Group H-4 occupancies storing or using toxic or highly toxic gases.
- SIGNIFICANCE: Establishes requirements for gas detection control units, which perform functions similar to a fi re alarm control unit. It only affects gas detection systems installed in repair garages where vehicles fueled by non-odorized liquefied natural gas or hydrogen are repaired and Group H-4 occupancies storing or using toxic or highly toxic gases.

181 **Repair Garages- Gas Detection**

§2311.7.2.1

- Requires gas detection systems in repair garages servicing vehicles using non-odorized fuel gases
  - Hydrogen
  - LNG
- Gas detection control units
  - Listed to UL 864
- Detectors
  - Listed to UL 2075
  - Specifically listed for gas being detected

182 **Chapter 27**

SEMICONDUCTOR FABRICATION FACILITIES

183 **Combustible Tools**

§2703.10.1.2

- TYPE: Modification
- SUMMARY: Combustible semiconductor tools such as wet benches no longer require an automatic fire-extinguishing system when they are constructed of listed polymeric materials..10.1.2
- SIGNIFICANCE: Plastics listed as being compliant with UL 2360 in the construction of combustible semiconductor tools in lieu of providing an automatic fire extinguishing

system. UL 2360, *Standard for Test Methods for Determining the Combustibility Characteristics of Plastics Used in Semiconductor Tool Construction, evaluates plastics used in the construction of semiconductor* tools to determine their fire propagation and smoke development properties.

184 **Combustible Tools**

§2703.10.1.2

- Semiconductor manufacturing equipment constructed of polymeric materials no longer require an automatic fire extinguishing system when they are constructed of listed flame-limiting plastics

185 **Combustible Tools**

§2703.10.1.2

- Exception 2 allows the use of plastics listed as meeting UL 2360 *Test Methods for Determining the Combustibility Characteristics of Plastics Used in Semiconductor Tool Construction*

186 **Sub-Atmospheric Pressure Gas Systems (SAGS)**

- §2703.16
- TYPE: New
- SUMMARY: Sub-atmospheric gas systems (SAGS) installed and operated in accordance with NFPA 318 are permitted in semiconductor fabrication facilities.
- SIGNIFICANCE: SAGS reduce the risks of accidental gas releases during the transportation, storage, and use of compressed gases.

187 **Sub-Atmospheric Pressure Gas Systems (SAGS)**

§2703.16

- SAGS are now recognized in the CFC
- SAGS must comply with the requirement of NFPA 318 *Semiconductor Fabrication Facilities*
- SAGS are used in ion implanting operations where compressed gas dopants are embedded or deposited

188 **NFPA – Type 1 SAGS**

- Type 1 SAGS uses a DOT approved container filled with activated carbon
- Cylinders are loaded with dopant molecules which are chemically attached to the carbon
- This process reduces the vapor pressure of the molecules
- Vacuum is used to release the molecules

189 **NFPA 318– Type 2 SAGS**

- Type 2 SAGS use a DOT cylinder equipped with either an internal pressure regulator or check valve and excess flow valve
- All gas flow control elements are internal to the cylinder
- The cylinder contents are pressurized – however they can only be removed by vacuum pressure

190 **Overall benefits of SAGS**

- Because of the improved safety of SAGS, NFPA 318 *does not* require:
  - Automatic shutoff valves when supplying pyrophoric gases
  - Post-release treatment systems
  - Dedicated purge gas system
  - Incompatible gases can be stored

within the same gas cabinet or exhausted enclosure

191 **Chapter 31**

TENTS AND OTHER MEMBRANE STRUCTURES

192 **Structural Design of Multistory Tents & Membrane Structures**

§3103.9.1

- TYPE: Addition
- SUMMARY: Temporary multistory tents and membrane structures are now required to comply with the structural requirements in the IBC.
- SIGNIFICANCE: Provides the fire code official with a solid tool to use to verify proper structural design. Provision of "temporary" limits the usability of these structures to less than 180 days, improper structural design can still lead to problems such as risks to life and safety.

193 **Structural Design of Multistory Tents & Membrane Structures**

§3103.9.1

- Tents and membrane structures exceeding one story shall be designed and constructed to comply with Ch 16 of the IBC
- Even though "temporary" in IFC, tents must meet structural requirements in IBC

194 **Temporary Stage Canopies**

§3105

- TYPE: Addition
- SUMMARY: Temporary stage canopies are now permitted and regulated under Chapter 31 and must have a structurally sound design.
- SIGNIFICANCE: Even though the temporary stage canopy is not a permanent building, it must comply with the structural requirements in the IBC for permanent structures. Also requires an independent and qualified inspector or inspection agency to inspect the construction of the temporary stage canopy.

195 **Temporary Stage Canopies**

§3105

- Temporary stage canopies >400 ft2 require a permit
- Must have a structurally sound design
- ANSI E1.21 – *Temporary Ground Supported Overhead Structures Used to Cover the Stage Areas and Support Equipment in the Production of Outdoor Entertainment Events*

196 **Temporary Stage Canopies**

§3105

- Several tragic events have led to these requirements
  - Indiana State Fair
  - 7 fatalities; >50 injured
- "Temporary" is ≤45 days
- Independent and qualified inspector
  - Certified Entertainment Technician
  - Professional Light and Sound Association

197 **Chapter 32**

HIGH-PILED COMBUSTIBLE STORAGE

198 **Class 1 Commodities**

§3203.2
- TYPE: Modification
- SUMMARY: Building containing Class I commodities stored on plastic pallets will now require a NFPA 13 sprinkler fire sprinkler system. The allowance to include any solid-deck polyethylene pallets as acceptable for Class I commodities has been deleted.
- SIGNIFICANCE: Listing of plastic pallets demonstrates the fire load added by a plastic pallet is equivalent to the fire load added by a wooden pallet. Sprinkler designer must consider the increase in commodity classification for unlisted plastic pallets and unlisted reinforced plastic pallets when designing the fire sprinkler system.

199 **Class 1 Commodities**

§3203.2
- Class I commodities stored on plastic pallets are no longer classified as Class I
- NFPA 13 §5.6.2.2
  - 1 classification level increase for unreinforced PE or PP pallets
  - 2 classification level increase for reinforced PE or PP pallets
  - Listed plastic pallets are equivalent to wood pallets

200 **Plastic Pallets in High-Piled Storage**

§3206.4.1
- TYPE: Modification
- SUMMARY: NFPA 13 provisions are now referenced to address the use of plastic pallets in high-piled combustible storage. Plastic pallets can affect the classification of the commodity.
- SIGNIFICANCE: The fire hazard associated with plastic pallets occurs whether they are used in rack storage or palletized storage. Fire sprinkler design is based on the requirements contained in NFPA 13, Standard for the Installation of Sprinkler Systems. NFPA 13 has extensive requirements for pallet use and storage based on the type of pallet.

201 **Plastic Pallets in High-Piled Storage**

§3206.4.1
- NFPA 13 §5.6.2.2

202 **Dead-end Aisles in High-piled Storage**

§3206.9.3
- TYPE: Clarification
- SUMMARY: Specific limitations are now provided for dead-end aisles in high-piled combustible storage areas. These limitations are more restrictive than the common path of egress travel limitations due to hazards associated with high-piled combustible storage.
- SIGNIFICANCE: Requirements applicable to dead-end aisles in a warehouse or high-piled storage area did not exist. when an occupant is trying to exit a building in a fire situation and turns down a dead-end aisle, how far should an occupant need to travel before having to back-track? The longer the dead end is, the further the occupant is allowed to travel before turning back toward the exit.

203 **Dead-end Aisles in High-piled Storage**

§3206.9.3
- Specific limitations for dead-end aisles in high-piled combustible storage areas

- Maximum length of dead-ends
  - Group S = 50′
  - Group M = 20′

204 **Dead-end Aisles in High-piled Storage**
§3206.9.3
- Exception
  - If length of aisle <2.5 time the wide, then not considered dead-end aisle

205 **Flue Space Protection**
§3208.3.1
- TYPE: New
- SUMMARY: Installation of approved devices designed to protect flue spaces from obstructions can be prescribed by the fire code official.
- SIGNIFICANCE: Flue spaces permit water discharged from a ceiling sprinkler to penetrate into the rack so that it can begin to either control or suppress the fire, depending on the automatic sprinkler system design.

206 **Flue Space Protection**
§3208.3.1
- FCO can require the installation of approved devices to prevent the obstruction of flue spaces in storage racks

207 **Table 3208.3**
Required Flue Spaces for Rack Storage

208 **Chapter 33**
FIRE SAFETY DURING CONSTRUCTION & DEMOLITION

209 **Cleaning Piping Systems with Flammable Gas**
§3306.2
- TYPE: Addition
- SUMMARY: Safety requirements for the purging and cleaning of flammable gas piping systems have been added to the 2015 IFC.
- SIGNIFICANCE: Specifically prohibits the use of flammable gas as the cleaning medium when the gas piping system will discharge to the atmosphere. There are other industry-accepted methods to clean fuel gas piping, such as the use of nitrogen or other inert gas, or the use of compressed air.

210 **Cleaning Piping Systems with Flammable Gas**
§3306.2
- Significant gas explosions have occurred when cleaning/purging gas piping
  - 6/9/2009 – ConAgra Foods Slim Jim™ meat processing facility in Garner, NC: 4 workers killed and 67 others injured
  - 2/7/2010 – Kleen Energy power plant in Middletown, CT: 6 killed and 50 others injured

211 **Cleaning Piping Systems with Flammable Gas**
§3306.2
- New piping and systems need to be cleaned and purged prior to operation
- Using the gas product is a handy and convenient cleaning media

212 **Cleaning Piping Systems with Flammable Gas**
§3306.2

- Flammable gas shall not be used as the cleaning media
- Cleaning and purging of flammable gas piping systems must comply with NFPA 56
  - Fuel gas piping in accordance with IFGC
  - Compressed gas piping in accordance with IFC Ch 53
  - LP-gas piping in accordance with IFC Ch 61
-

213 **Chapter 35**

WELDING &OTHER HOT WORK

214 **Hot Work on Flammable & Combustible Liquid Storage Tanks**

§3504.1.7, §3510

- TYPE: Addition
- SUMMARY: Requirements for hot work on tanks containing flammable and combustible liquids is now included in the 2015 IFC.
- SIGNIFICANCE: Hot work on containers and equipment shall only be performed after the container, piping or equipment has been cleaned, purged or otherwise safeguarded.

215 **Hot Work on Flammable & Combustible Liquid Storage Tanks**

§3504.1.7, §3510

- Hot work performed on the interior or exterior of tanks that hold, or have held, flammable or combustible liquids shall be in accordance with §3510.2 and Ch 4, 5, 6, 7 and 10 of NFPA 326

216 **HAZARDOUS MATERIALS**

217 **Chapter 50**

HAZARDOUS MATERIALS PROVISIONS

218 **MAQ's Table 5003.1.1(1)**

§3504.1.7, §3510

- TYPE: Modification
- SUMMARY: Contains several revisions affecting consumer fireworks, combustible fibers, unstable reactive materials, alcohol-based hand rubs and gas rooms.
- SIGNIFICANCE: Provide for consistency and uniformity in application of the provisions whether in the IBC or IFC.

219 **MAQ's Table 5003.1.1(1)**

Maximum Allowable Quantity Per Control Area of Hazardous Materials Posing A Physical Hazard a,j,m,n,p

220 **Table 5003.1.1(1)**

Maximum Allowable Quantities

- c. The quantities of alcoholic beverages in retail and wholesale sales occupancies shall not be limited providing the liquids are packaged in individual containers ≤1.3 gal. In retail and wholesale sales occupancies, the quantities of medicines, foodstuffs, or consumer or industrial products, and cosmetics containing ≤50% by volume of water-miscible liquids with the remainder of the solutions not being flammable shall not be limited, provided that such materials are packaged in individual containers ≤1.3 gallons.
- e. MAQ shall be increased 100% when stored in approved storage cabinets, day boxes, gas cabinets, gas rooms, exhausted enclosures, or listed safety cans. Listed safety cans shall be in accordance with §5003.9.10. Where Note d also applies, the increase for both notes shall be applied accumulatively.
- p. The following shall not be included in determining the maximum allowable quantities:

- 1 - 5. Vehicle fuel tanks on vehicles; motorized equipment; regulated by IFGC or IMC 5. Alcohol based hand rubs classified as Class I or II liquids in dispensers that are installed in accordance with §5705.5 and §5705.5.1. The location of the alcohol based hand rub (ABHR) dispensers shall be provided in the construction documents.

221 **MAQ Per Control Area**
Table 5003.1.1(1)
- Footnote q in Table 5003.1.1(1) now requires permit applicants to prepare and submit a Technical Report and Opinion for processes involving Combustible Dusts

222 **When Isn't There a MAQ?**
- The presence of combustible dusts or combustible fibers doesn't always warrant any special controls or unique occupancy classification
- Consider your neighborhood Group M grocery store

223 **Mechanism of Dust Deflagration**
- Size and strength of the confined enclosure
- Is air or oxygen in the atmosphere?
- What is the strength of ignition source?
- What is the dust's minimum explosive concentration (MEC)?
- Is the dust suspended in the air?

224 **What's Required for Occupancy Classification?**
- From the adopted standards in Table 2204.1, the permit applicant is required to document:
  - Findings of a the Process Hazards Analysis (PHA)
  - The Management of Change plan (MOC)
  - Test data

225 **Explosion Control Methods**
- The registered design professional has two design approaches:
  - Prevent the deflagration
  - Control the deflagration to limit injuries and property damage
- Using the PHA, MOC and test data

226 **Outdoor Control Areas**
§5003.12
- TYPE: Modification
- SUMMARY: Outdoor storage and use of hazardous materials can now be placed adjacent to exposures when they are isolated by a 2-hour fire-resistive line-of-sight barrier and the MAQ is not exceeded.
- SIGNIFICANCE: Addresses the reality of sometimes the 20-foot separation distance to lot lines, public streets, alleys, or public ways cannot be satisfied due to site constrictions or geometry.

227 **Outdoor Control Areas**
§5003.12
- Alternate designs to 20' separation to property line:
  - Solid and liquid hazardous materials: 2-HR fire resistance- rated wall without openings >30" above and to the sides of the storage area
  - Compressed gas hazardous materials: 2-HR fire resistance- rated wall without openings or penetrations interrupts the line of sight between the storage and the exposure
  - Fire barrier must be designed to allow natural ventilation to prevent the accumulation of hazardous gas concentrations

228 **Chapter 53**
COMPRESSED GASES

229 **Co_2 Systems in Beverage Dispensing**
§5307
- TYPE: Addition
- SUMMARY: Large refrigerated carbon dioxide systems create a life safety hazard. Regulation of these systems is now included in the 2015 IFC.
- SIGNIFICANCE: CO2 can leak from large storage tanks, and it will displace oxygen in the room where the CO2 container is located. To prevent a potential mishap, the CO2 storage tanks, cylinders, piping and fittings must be protected from physical damage, have mechanical ventilation and emergency alarm.

230 **Co_2 Systems in Beverage Dispensing**
§5307
- Operational permit required >100 pounds(≈9.5 gallons)
- Protection required
  - Continuous gas detection system, or
  - Mechanical ventilation
- External fill connections

231 **Chapter 57**
FLAMMABLE & COMBUSTIBLE LIQUIDS

232 **Emergency Venting**
§5704.2.7.4
- TYPE: New
- SUMMARY: Emergency vent installed on protected aboveground storage tanks located indoors no longer needs to be terminated outdoors when the tank contains Class II or Class III-A liquids.
- SIGNIFICANCE: Basis for this change was an analysis that determined the vapor pressure of diesel fuel at a given temperature to determine if a conventional pallet-type or spring-loaded shear-pin emergency vent would open at 2.5 PSIG.

233 **Emergency Venting**
§5704.2.7.4
- Emergency vent on PASTs located indoors is not required
- to terminate outdoors when the tank contains Class II or Class III-A liquids
- §603.3.2.1 requires sprinklers on the floor housing the PAST
- Analysis found the vapor pressure of diesel fuel at 400°F does not cause the emergency vent to open

234 **Alcohol Based Hand Rubs (ABHR)**
§5705.5
- TYPE: Modification
- SUMMARY: Requirements for touch-free alcohol-based hand rubs have been included in the IFC.
- SIGNIFICANCE: Alcohol-based hand rubs (ABHRs) are essential in care occupancies, but the increase in alcohol content (95%). This classifies the contents as a Class IB flammable liquid. Modifications were created to address the installation of "touch-free" ABHRs.

235 **Alcohol Based Hand Rubs (ABHR)**
§5705.5
- Touch-free ABHRs are allowed
- The definition for ABHR was revised by increasing the maximum amount of available

ethanol or isopropanol from 70 to 95% by volume

236 **Alcohol Based Hand Rubs (ABHR)**
§5705.5
- Several provisions for touch-free ABHRs
  - Dispensers tested with each refill
  - Design must minimize accidental or malicious activation
  - A limited activation distance of 4”
  - Volume dispensed is limited
  - An accidental activation caused by a stationary object is limited to one release of disinfectant

237 **Chapter 58**
FLAMMABLE GASES & FLAMMABLE CRYOGENIC FLUIDS

238 **Hydrogen Fuel Gas Rooms**
§5808
- TYPE: Addition
- SUMMARY: Requirements applicable to a hydrogen fuel gas room have been included in the IFC, providing correlation with industry standards.
- SIGNIFICANCE: Hydrogen fuel gas room may be classified as a Group H-2 occupancy or simply as an incidental use area within the building. The distinction will be the quantity of hydrogen gas within the room.

239 **Hydrogen Fuel Gas Rooms**
§5808
- H2 shall not exceed the MAQ

240 **Chapter 61**
LIQUID PETROLEUM GASES

241 **Installation on Roofs Prohibited**
§6104.3.1
- TYPE: New
- SUMMARY: A stationary LP-gas installation on the roof of a building is not allowed.
- SIGNIFICANCE: IFC adopts NFPA 58, *Liquefied Petroleum Gas Code, by reference, and many of its requirements are linked to specific* provisions in Chapter 61. Liquefied petroleum gas (LP-gas) is a mixture of several flammable gases, including ethane, propane, and butane.

242 **Installation on Roofs Prohibited**
§6104.3.1
- Prohibits stationary LP-gas installations on the roof of any building
- The section correlates the IFC to NFPA 58, §6.6.7, which prohibits such installations unless approved by the AHJ and the fire department

243 **LP-Gas Cylinder Exchange for Resale**
§6109.15
- Cylinders must be stored in a lockable, ventilated metal cabinet
- Cylinders can only be accessed by:
  - Authorized personnel
  - An automated exchange system
- Required signage

244 **LP-Gas Cylinder Exchange for Resale**
§6109.15
- TYPE: New
- SUMMARY: Requirements regulate the design, operation, and maintenance of

automated cylinder exchange stations and the LP-gas exchange cabinets that are accessible to the public
- SIGNIFICANCE: One of the bigger advancements in cylinder exchange programs is the use of automation at the point of sale (POS). New requirements were added in to address all LP-gas cylinder exchange stations.

245 **Automated Cylinder Exchange Stations**
§6109.15.1
- Limits access to a single cylinder per transaction
- Cabinet design limits the storage to upright cylinders
- Electrical equipment within 5' must be designed for Class I, Division 2 equipment
- Equipped with a manual override for use by authorized personnel

246 **Appendices**

247 **Appendix B**
FIRE-FLOW REQUIREMENTS FOR BUILDINGS

248 **Fire-Flow Requirements for Buildings**
§B105
- TYPE: Modification
- SUMMARY: Criteria have been added to Appendix B that specify the amount of reduction available for each type of fire sprinkler system and establish the method for determining the minimum water supply requirement and duration based on the reduced fire-flow requirement.
- SIGNIFICANCE: Two tables have been added to Appendix B. Specifies that the greater of the fire sprinkler demand or the fire-flow demand will determine the minimum required water supply.

249 **Fire-Flow Requirements for Buildings**
§B105
Table B105.2
Required Fire-flow for Buildings Other Than 1- and 2-family Dwellings, Group R-3 and R-4 Buildings and Townhouses

250 **Fire-Flow Requirements for Buildings**
§B105
Table B105.2
Required Fire-flow for Buildings Other Than 1- and 2-family Dwellings, Group R-3 and R-4 Buildings and Townhouses
-

251 **Fire-Flow Requirements for Buildings**
§B105

252 **Appendix C**
FIRE HYDRANT LOCATIONS & DISTRIBUTION

253 **Fire Hydrant Locations & Distribution**
Table C102.1
- TYPE: Modification
- SUMMARY: The revisions to Appendix C provide refinement of the fire hydrant spacing requirements and add footnotes that increase hydrant spacing based on the installation of an automatic sprinkler system.
- SIGNIFICANCE: Several items have been clarified.

254 **Fire Hydrant Locations & Distribution**
Table C102.1

- Revisions to Table C102.1 refine fire hydrant spacing requirements and allow increased hydrant spacing based of sprinklers

255 **Properly Using Appendix B & C**
- Proposed building
  - 2 story
  - Group M
  - Type IIIB
  - 75,000 ft2 per floor
  - 2 existing hydrants

256 **Properly Using Appendix B & C**
- Fire-flow
  - Table B105.1(2)
  - Table B105.2
- Hydrant spacing
  - Table C102.1
- Number of hydrants
  - Table C102.1
- Distance to building
  - §507.5.1

257 **Appendix D**
FIRE APPARATUS ACCESS ROADS

258 **Fire Apparatus Access roads**
§D105.1
- TYPE: Modification
- SUMMARY: Measurements of building height for aerial apparatus access roadways are based on the grade plane.
- SIGNIFICANCE: *Grade plane is defined in IBC Section 202.* Generally, The grade plane is a reference plane representing the average of the finished ground level adjoining a building at its exterior walls.

259 **Fire Apparatus Access roads**
§D105.1
- Building height for determining aerial apparatus access is measured from grade plane to:
  - Eave of a pitched roof
  - Intersection of the exterior wall to the roof
  - Top of a parapet wall

260 **Fire Apparatus Access roads**
§D105.4
- Overhead utility lines are prohibited:
  - Over aerial fire apparatus access roads
  - Between the aerial fire apparatus access road and the building

261 **Appendix J**
BUILDING INFORMATION SIGN

262 **Building Information Sign**
- TYPE: New
- SUMMARY: An optional appendix offers a method of presenting building information to emergency responders using a standardized format.
- SIGNIFICANCE: With the exception of one- and two-family dwellings and Group U occupancies, the provisions in Section J101.1 are applicable to all new buildings and

are retroactive to any building that undergoes a fire inspection or change of occupancy.

263 **Building Information Sign**
- Provides an optional method of presenting building
- information to emergency responders using a standardized format
- Required on:
  - New buildings
  - Existing building when inspected by FD
  - Existing building undergoing a change of occupancy

264 **Building Information Sign**
§J101.1.1
- Sign is required at either the:
  - Entrance location that contains the address
  - Interior of the building's enclosed entrance lobby
  - Fire command center
  - At the fire alarm control unit

265 **Building Information Sign**

266 **Appendix K**
CONSTRUCTON REQUIREMENTS FOR EXISTING AMBULATORY CARE FACILITIES

267 **Existing Ambulatory Care Facilities**
- TYPE: Addition
- SUMMARY: Addresses retroactive construction requirements for existing Ambulatory Care Facilities. The appendix requirements are in addition to the retroactive construction requirements in IFC Chapter 11.
- SIGNIFICANCE: Addresses the fact ambulatory care facilities constructed as recently as 2010 very likely would not have been designed with defend-in-place features now required by the I-Codes.

268 **Existing Ambulatory Care Facilities**
- Provide smoke compartments
- Areas of refuge
- Sprinkler system
- Fire alarm system
- Protect incidental use areas
- Minimum Means of Egress requirements

269 **Existing Ambulatory Care Facilities**
- When ≥4 patients, separated from remainder of building with 1-HR fire partitions
- When >10,000 ft2 must be separated into 2 smoke compartments
- Sprinklers in IIB, IIIB or VB construction with:
  - ≥4 patients incapable of self-preservation, OR
  - 1 patient incapable of self-preservation on floor other than LED
- Smoke detection system
  - Detectors can be eliminated if building is sprinklered

270 **Appendix L**
REQUIREMENTS FOR FIREFIGHTER AIR REPLENISHMENT SYSTEMS

271 **Firefighter Air Replenishment Systems**
- TYPE: Addition

- SUMMARY: This new appendix provides criteria for the design, installation and testing of Fire Fighter Air Replenishment Systems (FARS) for use during firefighting operations.
- SIGNIFICANCE: Appendix L does not require the installation of a FARS, but when such a system is installed, Appendix L provides the criteria for its design, installation, testing and maintenance.

272 **Firefighter Air Replenishment Systems**

- SCBA bottle refilling stations
- 5th floor above or below grade
- Every 3rd floor thereafter
- Refilling stations consist of either:
- Bottle refill with secondary containment
- RIC/UAC quick fill connections;

273 **Firefighter Air Replenishment Systems**

- Source of air
  - On-site air storage system
  - External mobile air connection
- Quality of air
  - NFPA 1989
  - Constantly monitored on-site
  - Air sample tested quarterly

274 **Appendix M**

HIGH-RISE BUILDINGS – RETROACTIVE SPRINKLER REQUIREMENTS

275 **Sprinklers in Existing High-Rise**

- TYPE: Addition
- SUMMARY: An automatic fire sprinkler system is required to be retroactively installed in existing high-rise buildings.
- SIGNIFICANCE: Today's requirements in the IBC and IFC mandate complete fire sprinkler protection and a variety of other safety features in new high-rise buildings. Many older high-rise buildings lack automatic sprinkler systems and other fire protection features necessary to protect the occupants, emergency responders and the structure itself. By their very nature, high-rise fires present unique firefighting challenges that are difficult for fire fighters to mitigate. High-rise buildings create longer egress times and longer fire hose-deployment time to the seat of the fire.

276 **Sprinklers in Existing High-Rise**

- Automatic sprinkler system is required in existing high-rise buildings
  - High-rise is a building with an occupied floor level >75' above LLFDVA
  - Exceptions for:
    - Airport traffic control towers
    - Open parking garages
    - Group U
    - Group F-2

277 **Sprinklers in Existing High-Rise**

- Automatic sprinkler system must meet current requirements
  - 2015 IFC
  - 2013 NFPA 13
- Compliance schedule
  - Develop schedule within 365 days

- Design
- Plan review & permit
- Completion within 12 years

AGENDA ITEM # 42

Executive Summary

April 21, 2016

Council Agenda Subject: Water Use and Supply Update

Background: Combined Water Storage in both Lakes Travis and Buchanan has increased to 1,925,520 Acre-feet as of March 31, 2016 (96% Full). Combined Storage on February 29, 2016 was 1,804,577 Acre-feet (90% Full). The Combined Storage on February 27, 2015 was 717,105 Acre-feet. The attached Table and Graph compare recent water use in March 2016 to March 2015.

Origination: Patrick A. Womack, P.E. Public Works Director

Financial Consideration: None

Recommendation: None

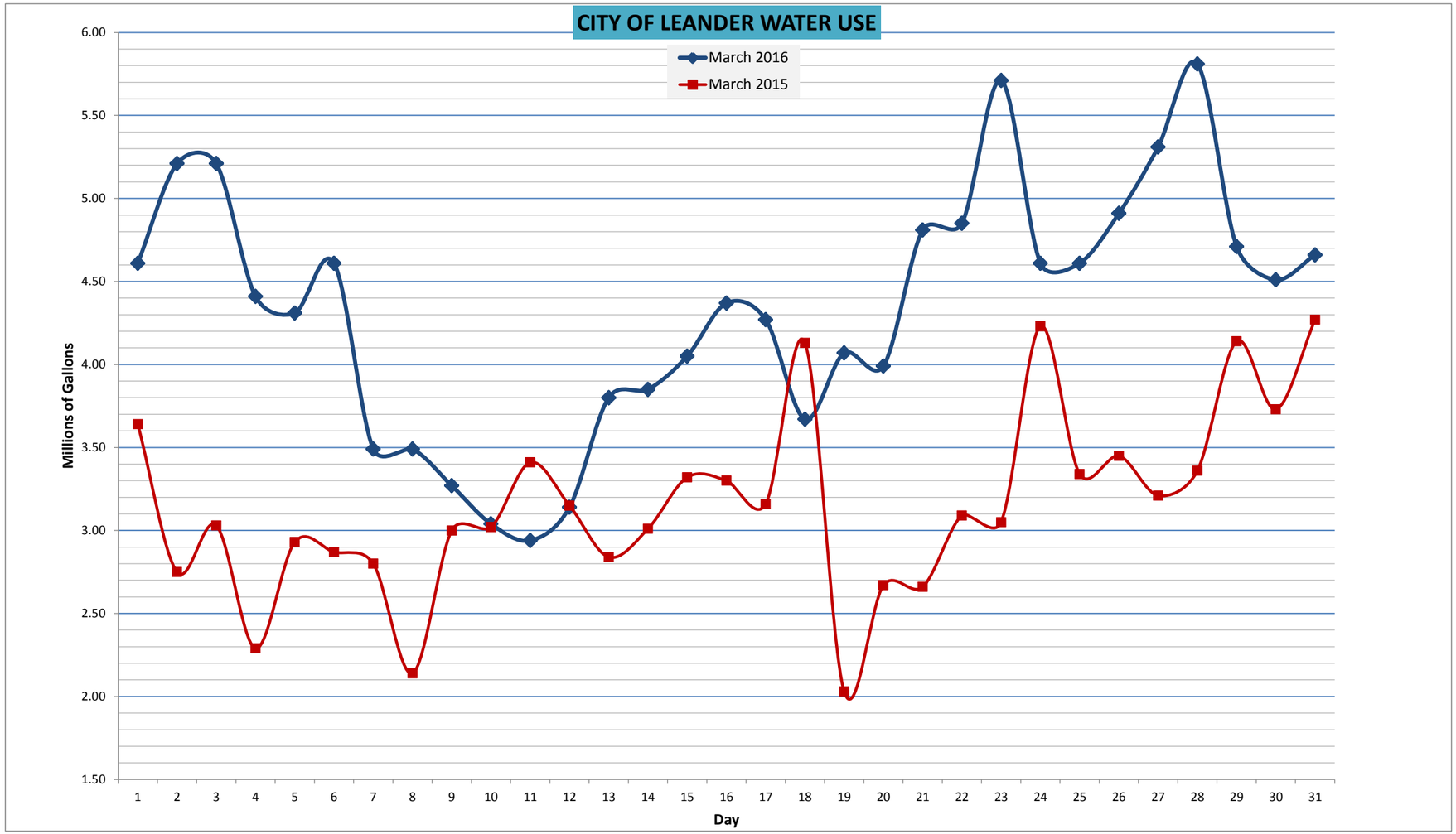
Attachments: City of Leander Water Use Table & Graph

Prepared by: Patrick A. Womack, P.E. Public Works Director

City of Leander Water Use (MG)

Day	2016 February	2016 March	2015 March
1	4.30	4.61	3.64
2	3.80	5.21	2.75
3	4.10	5.21	3.03
4	3.90	4.41	2.29
5	4.00	4.31	2.93
6	3.90	4.61	2.87
7	3.80	3.49	2.80
8	3.70	3.49	2.14
9	4.20	3.27	3.00
10	4.60	3.04	3.02
11	4.70	*2.94*	3.41
12	4.40	3.14	3.15
13	4.90	3.80	2.84
14	4.50	3.85	3.01
15	**5.00**	4.05	3.32
16	**5.00**	4.37	3.30
17	**5.00**	4.27	3.16
18	*4.90*	*3.67*	4.13
19	4.60	4.07	*2.03*
20	**5.00**	3.99	2.67
21	3.88	4.81	2.66
22	3.93	4.85	3.09
23	*3.63*	*5.71*	3.05
24	4.12	4.61	4.23
25	4.28	4.61	3.34
26	4.18	4.91	3.45
27	4.17	5.31	3.21
28	4.37	**5.81**	3.36
29	4.53	4.71	4.14
30		4.51	3.73
31		4.66	**4.27**

(MG)	2016 February	2016 March	2015 March
Total	125.4	134.3	98.0
Average	4.32	4.33	3.16
Peak Day	**5.00**	**5.81**	**4.27**
Min. Day	*3.63*	*2.94*	*2.03*
Total Connections:	**13,355**	**13,469**	**12,197**
SF Residential Connections:	**12,606**	**12,714**	**11,525**



Historical Water Use

Year	2008	2009	2010	2011	2012	2014	2015	2015	2016
Month/Day	8/8	8/3	8/7	8/13	8/9	9/10	8/12	8/12	3/28
Peak Day (MG)	**9.18**	**7.79**	**6.75**	**7.44**	**8.38**	**9.10**	**11.90**	**11.90**	**5.81**
Avg Day (MG)	3.72	3.21	3.18	4.21	3.78	3.93	4.47	6.30	4.17
Annual (MG)	1,359	1,171	1,160	1,535	1,380	1,434	1,220	1,719	379.7

(As of 3/31/2016)