AGENDA

CITY COUNCIL
CITY OF LEANDER, TEXAS

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

Thursday ~ March 7, 2013 at 7:00 PM

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

1. Open meeting, Invocation, Pledges of Allegiance
2. Roll Call
3. Staff Comments: Steve Bosak, Parks & Recreation Director: Public Arts Survey & Eggstravaganza
4. Citizen Comments: Three (3) minutes allowed per speaker
   Please turn in speaker request form before the meeting begins.
5. Update on the BCRUA *Sponsored by Mayor Fielder and Mayor Pro Tem Cantwell*
6. Proclamation designating March 2013 as "Hill Country Community Ministries" month in the City of Leander. *Sponsored by Mayor Pro Tem Cantwell*

CONSENT AGENDA: ACTION

7. Approval of the minutes: Regular Meeting: February 21, 2013
8. Second Reading of an Ordinance for Zoning Case #13-Z-001: amending Ordinance #05-018, the Composite Zoning Ordinance for two parcels located at 950 CR 179, Leander, Williamson County, Texas

PUBLIC HEARING: ACTION

9. **a. Public Hearing** on Subdivision Case #12-CP-007: a Concept Plan for Northside Meadow, for 72.10 acres, more or less, generally located at the northwest corner of Old 2243 W and US Hwy. 183, approximately 600 feet west of N US Hwy 183 and 1,100 feet north of Old 2243 W, Leander, Williamson County, Texas

   b. Action on Subdivision Case #12-CP-007: a Concept Plan for Northside Meadow, Leander, Williamson, County, Texas

10. **a. Public Hearing** on Ordinance Case #13-OR-001: amending sections of Article 14.200, the Composite Zoning Ordinance, to modify the Single Family Limited (SFL) use component

    b. Action on Ordinance Case #13-OR-001: amending sections of Article 14.200, the Composite Zoning Ordinance, to modify the Single Family Limited (SFL) use component

11. **a. Public Hearing** on Zoning Case #13-Z-004: Consider a zoning change for 10.00 acres, more or less, for two parcels located at 1048 and 1120 CR 179 from interim zoning SFR-1-B, Single Family Rural, to SFC-2-B, Single Family Compact, Leander, Williamson County, Texas
    Applicant: John Avery on behalf of G & P Investments

    b. Action on Zoning Case #13-Z-004: amending Ordinance #05-018, the Composite Zoning Ordinance for two parcels located at 1048 and 1120 CR 179, Leander, Williamson County, Texas

12. **a. Public Hearing** on Zoning Case # 12-Z-026: Consider a zoning change for 23.28 acres, more or less, for eleven parcels generally located at the southwest corner of RM 2243 and Ronald W. Reagan Blvd. from interim zoning SFR-1-B, Single Family Rural and interim zoning SFS-2-B, Single Family Suburban to GC-3-C, General Commercial and SFS-2-B, Single Family Suburban, Leander, Williamson County, Texas
    Applicant: Scott Foster on behalf of Beasley Tract, LP/Jeremy Smitheal and Williamson County/ Dan A. Gattis

    b. Action on Zoning Case # 12-Z-026: amending Ordinance #05-018, the Composite Zoning Ordinance for eleven parcels generally located at the southwest corner of RM 2243 and Ronald W. Reagan Blvd, Leander, Williamson County, Texas

REGULAR AGENDA

13. Discussion and possible action on amendments to Ordinance #01-009-00, Ethics Ordinance

14. Consider an Interlocal Cooperation Agreement regarding the Creation of "The Highland Lakes Firm Water Customers Cooperative"

15. Consider Dedication and Acceptance of Subdivision Infrastructure Improvements for Cold Springs, Section 4

16. Discussion and possible formation of the Mayor's Council on Disabilities
    Sponsored by Mayor Fielder and Council Member Lynch

17. Council Members Closing Statements

18. Adjournment

CERTIFICATION

This meeting will be conducted pursuant to the Texas Government Code Section 551.001 et seq. At any time during the meeting the Council reserves the right to adjourn into executive session on any of the above posted agenda items in accordance with the sections 551.071 [litigation and certain consultation with attorney], 551.072 [acquisition of interest in real property], 551.073 [contract for gift to city], 551.074 [certain personnel deliberations] or 551.076 [deployment/ implementation of security personnel or devices]. The City of Leander is committed to compliance with the American with Disabilities Act. Reasonable modifications and equal access to communications will be provided upon request. **Please call the City Secretary at 512/ 528-2743 for information**. Hearing impaired or speech disabled persons equipped with telecommunications devices for the deaf may call 512/ 528-2800. I certify that the above agenda for this Meeting of the City Council of the City of Leander, Texas, was posted on the bulletin board at City Hall, in Leander, Texas, on the 1st day of March, 2013 by 5:00 pm pursuant to Chapter 551 of the Texas Government Code.

Debbie Haile

Debbie Haile, TRMC, City Secretary

PROCLAMATION

WHEREAS, on September 6, 2012, the Leander City Council voted unanimously to designate every other month to support a Local Charity benefiting the citizens of Leander; and

WHEREAS, the City Council encourages all residents of Leander to support Local Charities with donations of their goods, money and time; and

WHEREAS, the City of Leander benefits from the services provided by a variety of local charities; and

WHEREAS, when residents support local charities it helps build a sense of community;

NOW, THEREFORE; the City of Leander does hereby proclaim March 2013 as:

"HILL COUNTRY COMMUNITY MINISTRIES" MONTH

WHEREAS, Hill Country Community Ministries is a nonprofit organization, a coalition of churches founded in 1983, to help families in crisis and those living in poverty in southwest Williamson and northwest Travis counties.

WHEREAS, Hill Country Community Ministries is supported by area churches, businesses, civic organizations, schools, and concerned individuals including the dedicated service of more than 200 volunteers.

WHEREAS, Hill Country Community Ministries operates a food pantry, clothes closet, and provides other assistance for approximately 400-500 families a month.

WHEREAS, Hill Country Community Ministries actively refers clients to other agencies for access to additional community resources to help stabilize their situation.

Signed this 7th day of March, 2013.

Attest:

Christopher Fielder, Mayor

Debbie Haile, City Secretary

AGENDA ITEM # 7

MINUTES

CITY COUNCIL
CITY OF LEANDER, TEXAS

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

Thursday ~ February 21, 2013 at 7:00 PM

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

1. Open meeting, Invocation, Pledges of Allegiance
   Mayor Fielder opened the meeting at 7:00 p.m. and welcomed those in attendance
   Mayor Fielder delivered the invocation

2. Roll Call
   All present

3. Staff Comments: **Fire Chief Bill Gardner introduced Battallion Chief Rob Curr and announced his recent award " The Earl Malone Award" as Training Officer of the Year for the State of Texas**

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

5. Update on Recycling from Tanya Clawson with Clawson Disposal
   Tanya Clawson presented a power point presentation on Recycling totals for 2012 and introduced Steve Shannon with Balcones Resources who Clawson Disposal partners with for recycling

6. Recognition of Eagle Scouts – Sponsored by Mayor Fielder
   Mayor Fielder recognized Dustin Robert Adrian and presented a certificate for his achievement to his mother, Robin Adrian

7. Proclamation in recognition of "National Engineers Week". Sponsored by Mayor Pro Tem Cantwell
   Mayor Pro Tem Cantwell read the Proclamation and presented it to the City of Leander Engineering Department

CONSENT AGENDA: ACTION

8. Approval of the minutes: Regular Meeting: February 7, 2013

9. Second reading of an Ordinance on annexation of 0.781 acre parcel, more or less, located in Williamson County, Texas, generally located to the east of the intersection of Sam Bass Road/CR 175 and CR 179 including the abutting streets, roadways, and rights-of-way

10. Second reading of an Ordinance on annexation of 105.9301 acre parcel, more or less, located in Williamson County, Texas, generally located to the east of the intersection of Sam Bass Road/CR 175 and CR 179 including the abutting streets, roadways, and rights-of-way

11. Second Reading of an Ordinance for Zoning Case # 12-Z-020: amending Ordinance #05-018, the Composite Zoning Ordinance for a parcel generally located at the northwest corner of Old 2243 W and US Hwy 183, approximately 600 feet west of N US Hwy 183 and 1,100 feet north of Old 2243 W to SFU-2-B and SFC-2-B, Leander, Williamson County, Texas
(original request was for SFL-2-B, SFC-2-B and SFU-2-B)

12. Second Reading of an Ordinance for Zoning Case # 12-Z-029: amending Ordinance #05-018, the Composite Zoning Ordinance for two parcels generally located at the southwest corner of the intersection of Bagdad Road and Vista Ridge Drive to SFL-2-B, Leander, Williamson County, Texas

13. Second Reading of an Ordinance for Zoning Case #12-Z-028: amending Ordinance #05-018, the Composite Zoning Ordinance for a parcel located to the east of the intersection of Sam Bass Road and CR 179, south of Parkside at Mayfield Ranch, northwest of Williamson County Regional Park to SFS-2-B and SFU-2-A, Leander, Williamson County, Texas

14. Submission of Racial (Biased Based) Profiling Report for calendar year 2012

Mayor Fielder Item pulled item # 12 from the from the Consent Agenda

Motion made by Council Member Siebold to approve all except item # 12. Second by Council Member Garcia. Motion passes, all voting "aye"

Motion made by Council Member Dishongh to approve item #12 for SFL-2-A. Second by Mayor Pro Tem Cantwell. Motion passes, all voting "aye"

PUBLIC HEARING: ACTION

15. **a. Public Hearing** on Zoning Case # 13-Z-001: Consider a zoning change for 20.290 acres, more or less for two parcels located at 950 CR 179 from interim zoning SFR-1-B, Single Family Rural to SFC-2-B, Single Family Compact, Leander, Williamson County, Texas
Applicant: Jerel Choate on behalf of Emory P. Montgomery
Jim Bechtol, Director of Development Services explained

b. Action on Zoning Case # 13-Z-001: amending Ordinance #05-018, the Composite Zoning Ordinance for the property located at 950 CR 179, Leander, Williamson County, Texas

Motion made by Council Member Cantwell to approve SFC-2-A as per P & Z recommendation. Second by Council Member Siebold. Motion passes, all voting "aye"

16. **a. Public Hearing** on Zoning Case # 13-Z-002: Consider a zoning change for 1.191 acres, more or less for a parcel located on the northwest corner of the intersection of 183A and CR 271 from GC-3-A General Commercial to GC-4-C, General Commercial, Leander, Williamson County, Texas
Applicant: Javier Barajas, P.E. on behalf of Douglas L. Harbison
Jim Bechtol, Director of Development Services explained

Douglas Harbison, applicant explained the request

b. Action on Zoning Case # 13-Z-002: amending Ordinance #05-018, the Composite Zoning Ordinance for the property located on the northwest corner of the intersection of 183A and CR 271. Leander, Williamson County, Texas

Motion made by Council Member Siebold to deny the zoning request. Second by Mayor Pro Tem Cantwell. Member. Motion to deny request passes, all voting "aye"

REGULAR AGENDA

17. Receive Annual Financial Report for Year Ending September 30, 2012
Robert Powers, Finance Director introduced Diane Terrell with Davis, Kinard & Assoc.

Motion made by Council Member Navarrette to accept the Annual Financial Report. Second by Council Member Siebold. Motion passes, all voting "aye"

18. Consider an Ordinance of the City of Leander, Texas amending Ordinance # 12-044-00, adopting the Annual Budget of the City of Leander, Texas for Fiscal Year 2012-2013
Robert Powers, Finance Director explained

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

19. Consider a Resolution adopting a Long-Range Financial Management Policy and Financial Targets
Robert Powers, Financial Director explained

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

20. Consider amendments to Ordinance #01-009-00, Ethics Ordinance
Kent Cagle, City Manager explained
Rick Shirley, Chairman of the Ethics Commission answered questions

Motion made by Mayor Pro Cantwell to have council review and bring back to March 7, 2013 meeting. Second by Council Member Siebold. Motion passes, all voting "aye"

21. Consider an Ordinance ordering and establishing procedures for the May 11, 2013 General Election
Kent Cagle, City Manager explained

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

22. Consideration of an Ordinance ordering and establishing procedures for the May 11, 2013 Special Election for possible amendments to the City Charter
Kent Cagle, City Manager explained

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

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

24. Adjournment
With there being no further business, the meeting adjourned at 8:30 p.m.

Attest:

Christopher Fielder, Mayor

Debbie Haile, City Secretary

AGENDA ITEM # 8

Executive Summary

March 07, 2013

Agenda Subject:	Zoning Case 13-Z-001: Consider action and second reading of the ordinance on the rezoning of two parcels located at 950 CR 179, for 20.29 acres more or less; Parcels #R031543 and R031544. Currently, the property is zoned interim SFR-1-B (Single-Family Rural). The property is proposed to be zoned SFC-2-B (Single-Family Compact), Leander, Williamson County, Texas.
Background:	This request is the final step in the rezoning process.
Origination:	Applicant: Jerel Choate on behalf of Emory P. Montgomery.
Financial Consideration:	None
Recommendation:	See Planning Analysis. The Planning & Zoning Commission unanimously recommended approval of the SFC-2-A (Single-Family Compact) zoning district at the February 14, 2013 meeting. The City Council approved the Planning & Zoning Commission recommendation of SFC-2-A (Single-Family Compact) at the February 21, 2013 meeting.
Attachments:	1. Planning Analysis 2. Current Zoning Map 3. Aerial Map 4. Letter of Intent 5. Ordinance
Prepared By:	Robin M. Griffin, AICP Planner 02/22/2013

PLANNING ANALYSIS

ZONING CASE 13-Z-001

GENERAL INFORMATION

Owner: Emory P. Montgomery

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

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

Size and Location: The property is located at 950 CR 179 and is approximately 20.29 acres in size.

Staff Contact: Robin M. Griffin, AICP
Planner

ABUTTING ZONING AND LAND USE:

The table below lists the abutting zoning and land uses.

	ZONING	LAND USE
NORTH	OCL	Established Single-Family Homes located outside the City Limits
EAST	Interim SFR-1-B	Established Single-Family Home
SOUTH	SFR-1-B	LISD Property – Stiles Middle School & proposed elementary school
WEST	Interim SFR-1-B	Undeveloped Property

COMPOSITE ZONING ORDINANCE INTENT STATEMENTS

USE COMPONENTS:

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.

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 LI and HI use components except where such component is adjacent to, and not adequately buffered from, residential districts or other more restricted districts, and except as requested by the land owner.

ARCHITECTURAL COMPONENTS:

TYPE B:

Features: 85% masonry 1st floor, 50% overall; 4 or more architectural features.

Intent:

(1) The Type B architectural component is intended to be utilized for the majority of residential development except that which is intended as a Type A architectural component.

(2) Combined with appropriate use and site components, this component is intended to help provide for harmonious land use transitions.

(3) This component may be utilized to raise the building standards and help ensure compatibility for non-residential uses adjacent to property that is more restricted.

(4) This component is intended for the majority of the LO and LC use components except those meeting the intent of the Type A or C architectural components.

COMPREHENSIVE PLAN STATEMENTS:

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

- Plan for continued growth and development that improves the community's overall quality of life and economic viability.
- Establish high standards for development.

ANALYSIS:

The applicant is requesting the SFC-2-B (Single-Family Compact) district in order to develop a residential community. This property was part of a large involuntary annexation that was completed on January 17, 2013. The property is surrounded by low density residential development, undeveloped properties, and LISD property.

The intent of this use component is to provide for the development of single-family detached dwellings on small lots. In addition, this use component is generally intended to offer a variety of housing opportunities and to be developed on a moderate scale with a maximum district size of seventy-five (75) acres.

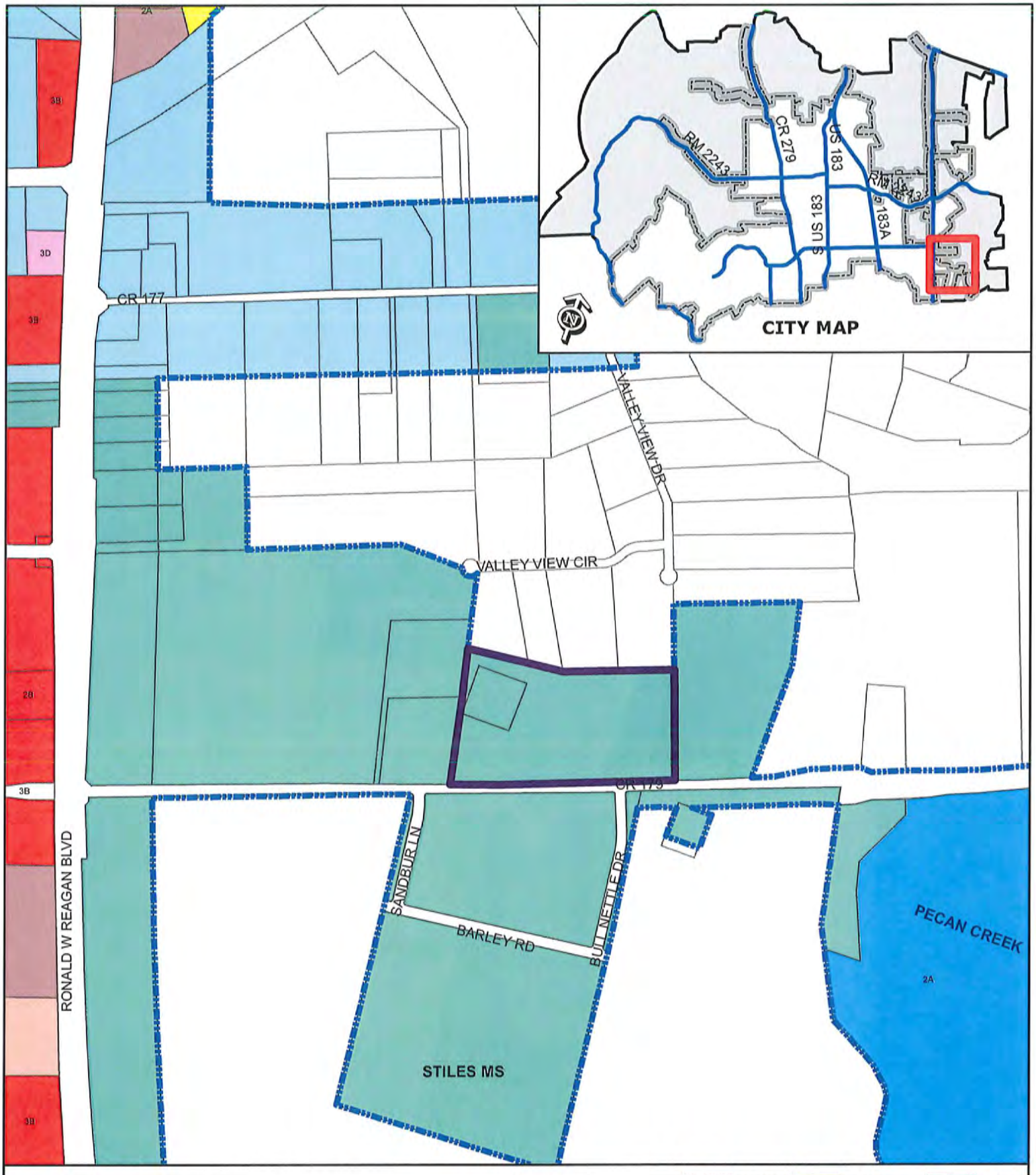
This use component includes following lot size minimums:

Use Component	Interior Lots			Corner Lots		
	Area	Width	Depth	Area	Width	Depth
SFC	5,500 sq. ft.	50'	105'	6,500 sq. ft.	60'	105'

The Comprehensive Plan Update establishes development nodes throughout the City of Leander. This property is not located within a node, it is situated between two Community Center nodes.

A zoning application requesting SFC-2-B has been submitted for the property located to the west. The ultimate goal is to develop these properties as one project.

The proposed zoning request follows the intent statements of the Composite Zoning Ordinance.



ZONING CASE 13-Z-001

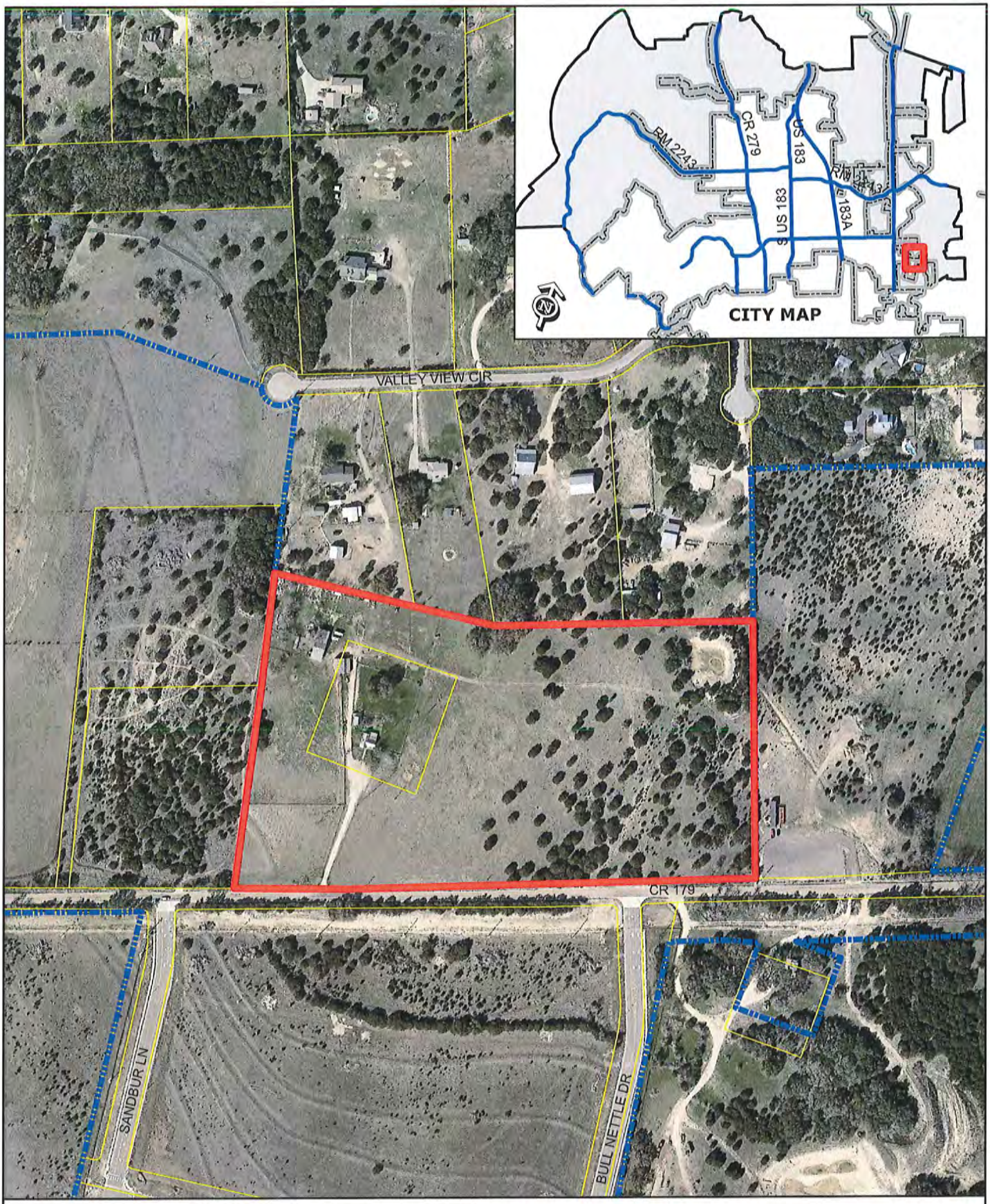
Attachment #2

Current Zoning Map
Montgomery Property

0 200 400
Feet

Subject Property
City Limits

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



ZONING CASE 13-Z-001 Attachment #3

Aerial Exhibit - Approximate Boundaries
Montgomery Property

0 200 400
Feet

Subject Property
City Limits

ATTACHMENT #4

Letter of Intent to City of Leander, Texas

This Letter of Intent is in regards to the 20.39 acre Montgomery Tract located at 950 County Road 179, Leander, Texas, 78641. The owner of the tract, Mr. Emory Montgomery wishes to change the current zoning, SFR-1-B, to a zoning of Single Family Compact (S. F. C.) This will allow Mr. Montgomery to have the land developed into a professionally laid out and built subdivision of single family homes.

The Montgomery Tract is a fairly rectangular piece of land with just over 1300 feet of frontage along County Road 179. This property lies directly across County Road 179 from the new Leander Middle School. There is a single home located on the property, which sits on a slight rise of land, overlooking the rest of the property. Most of the property is sparse of trees, with mostly Cedar Trees along the East side. The property is fairly flat with a gentle slope toward County Road 179 and to the Eastern edge of the property. Thank you for your consideration, and hope you will approve this change.

Sincerely,

Jerel Choate
Assigned Representative for Mr. Montgomery

Date: 01 / 14 / 2013

ORDINANCE NO #

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

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

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

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

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

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

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

Section 3. Rezoned property. The Zoning Ordinance is hereby amended by changing the zoning district for two parcels located at 950 CR 179. The property is approximately 20.29 acre more or less in size and includes parcel #R031543 and R031544. This parcel is hereby zoned SFC-2-A (Single-Family Compact); Leander, Williamson County, Texas. (See Exhibit A).

Section 4. 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 5. 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 February, 2013.
FINALLY PASSED AND APPROVED on this the 7th day of March, 2013.

THE CITY OF LEANDER, TEXAS

Christopher Fielder, Mayor

ATTEST:

Debbie Haile, City Secretary

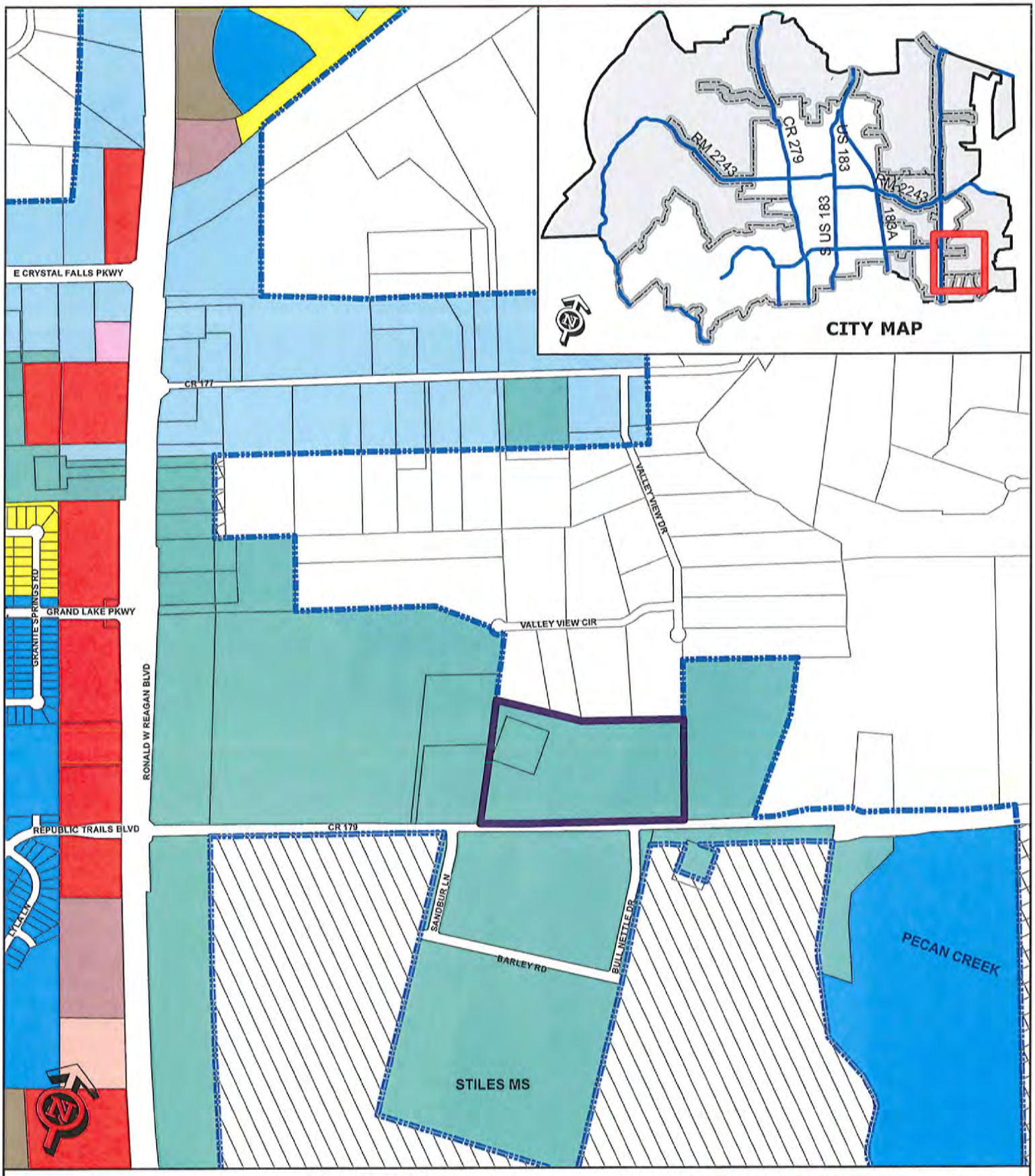


EXHIBIT A

Zoning Case 13-Z-001

Montogmery Property
950 CR 179

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

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

0 200
Feet

AGENDA ITEM # 9

Executive Summary

March 7, 2013

Agenda Subject:	Subdivision Case #12-CP-007: Hold a public hearing and consider action on the Northside Meadow Concept Plan, for 82.00 acres more or less; Parcel # R031635; generally located at the northwest corner of Old 2243 W and US Hwy 183, approximately 600 feet west of N US Hwy 183 and 1,100 feet north of Old 2243 W, Leander, Williamson County Texas.
Background:	This request is the first step in the subdivision process. Pursuant to Section 212.005 of the Texas Local Government Code, approval by municipality is required since the concept plan satisfies the applicable regulations without requesting any variances that require approval of the Planning & Zoning Commission.
Origination:	Applicant/Agent: Jenn Dermanci P.E. with Doucet & Associates on behalf of HEB Grocery Company, LP
Financial Consideration:	None
Recommendation:	Staff recommends approval of the concept plan. This concept plan proposes approximately 246 single-family residential lots, 2 commercial lots, and 5 park lots. This proposal meets all of the requirements of the Subdivision Ordinance. The Planning & Zoning Commission recommended approval at the February 28, 2013 Meeting.
Attachments:	1. Concept Plan 2. Minutes - Planning & Zoning Commission February 28, 2013
Prepared By:	Robin M. Griffin, AICP Planner

LOCATION MAP

CONCEPT PLAN
for
NORTHSIDE MEADOW
LEANDER, TEXAS

SEPTEMBER 26, 2012

NOTES:

1. THIS PROJECT LIES ENTIRELY OUT OF THE FEMA FLOODPLAIN PER FIRM #48491C0455E, DATED SEPTEMBER 26, 2008.
2. THIS PROJECT LIES ENTIRELY WITHIN THE CITY LIMITS OF LEANDER, TEXAS.
3. PROPOSED STREETS COMPLY WITH THE TRANSPORTATION CRITERIA MANUAL.
4. IN ACCORDANCE WITH THE RECOMMENDATIONS IN THE NORTHSIDE MEADOWS TRAFFIC IMPACT ANALYSIS UPDATE PREPARED BY ALLIANCE TRANSPORTATION GROUP AND DATED NOVEMBER 2012:
   a. THE DEVELOPMENT WILL ASPHALT OVERLAY AND RESTRIPE US 183 AT METRO DRIVE WITH PHASE 1 OF THE SUBDIVISION.
   b. AT THE TIME OF FINAL PLAT FOR THE FIRST PHASE OF THE SUBDIVISION, THE DEVELOPMENT WILL PAY 13% (THE DEVELOPMENT'S PRORATA SHARE OF THE COST TO CONSTRUCT A 300' RIGHT TURN LANE WITH 100' TAPER ON THE EASTBOUND SIDE OF OLD FM 2243 AT 183. THE COST OF CONSTRUCTION WILL BE BASED ON A CITY APPROVED ESTIMATE SIGNED AND SEALED BY THE PROJECT ENGINEER."

LAND USE TABLE

LEGEND		TOTAL AREA	TOTAL LOTS	L.U.E.'S	PHASE IA & IB	PHASE II	PHASE III	PHASE IV
[hatched]	SFC-SINGLE FAMILY COMPACT [illegible]	[illegible]	170	170	41	[illegible]	[illegible]	[illegible]
[cross-hatched]	SFU-SINGLE FAMILY URBAN [illegible] 7,200 S.F. MIN. [illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
[blank]	COMMERCIAL	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
TOTAL		62.00 Ac.	248	254	86	81	56	63

PLAN LEGEND

- PROPOSED PHASE LINE
- PROPOSED BOUNDARY LINE

SITE DATA TABLE

PHASE	NUMBER OF LOTS	AREA	LUE'S	TRAFFIC VOLUME	ESTIMATED DATE OF DEVELOPMENT
IA & IB	[illegible] RESIDENTIAL; [illegible] COMMERCIAL; [illegible] PARKS; OPEN SPACE; STREETS; DETENTION	[illegible]	[illegible]	[illegible] TRIPS PER DAY	[illegible]
II	[illegible] RESIDENTIAL; [illegible] PARKS; OPEN SPACE; STREETS	[illegible]	[illegible]	[illegible] TRIPS PER DAY	[illegible]
III	[illegible] RESIDENTIAL; [illegible] PARKS; STREETS	[illegible]	[illegible]	[illegible] TRIPS PER DAY	[illegible]
IV	[illegible] RESIDENTIAL; STREETS	[illegible]	[illegible]	[illegible] TRIPS PER DAY	[illegible]
TOTAL	248 RESIDENTIAL LOTS	62.00 Ac.	254	[illegible] TRIPS PER DAY	

ADJACENT PROPERTY OWNER INFORMATION

PLAN REF. NO.	PIN NO.	NAME	ADDRESS	CITY	STATE	ZIP CODE
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]

SITE INFORMATION

DEVELOPER: D.R. HORTON
12554 RIATA VISTA CIRCLE, 2ND FLOOR
AUSTIN, TX 78727
CONTACT: TOM MOODY
PHONE: [illegible]

OWNER: HEB GROCERY COMPANY
646 SOUTH MAIN AVENUE
SAN ANTONIO, TX [illegible]
PHONE: [illegible]

PLANNER: TBG PARTNERS
901 SOUTH MOPAC, BLDG. 2, SUITE 250
AUSTIN, TX 78746
CONTACT: SEAN COMPTON, ASLA
PHONE: [illegible]

ENGINEER: DOUCET & ASSOCIATES, INC.
7401 B HWY. 71 WEST, SUITE 160
AUSTIN, TEXAS 78735
CONTACT: SYDNEY S. XINOS, PE, RPS
PHONE: [illegible]

DOUCET & ASSOCIATES
Civil Engineering • Planning • Surveying • Mapping
7401 B. Highway 71 W, Suite 160
Austin, Texas 78735, Phone: (512)-583-2600
www.doucetandassociates.com

CONCEPT PLAN

NORTHSIDE MEADOW
LEANDER, TEXAS

Drawn: [illegible]
Reviewed: [illegible]
Date: 09/26/12
SHEET
1
OF 2
Project No: 1208-002

12-27-12

246 Units

Required Park Land:
8.61 acres
(3.5 acres/100 units)

75% of required:
6.45 acres

Park Facilities

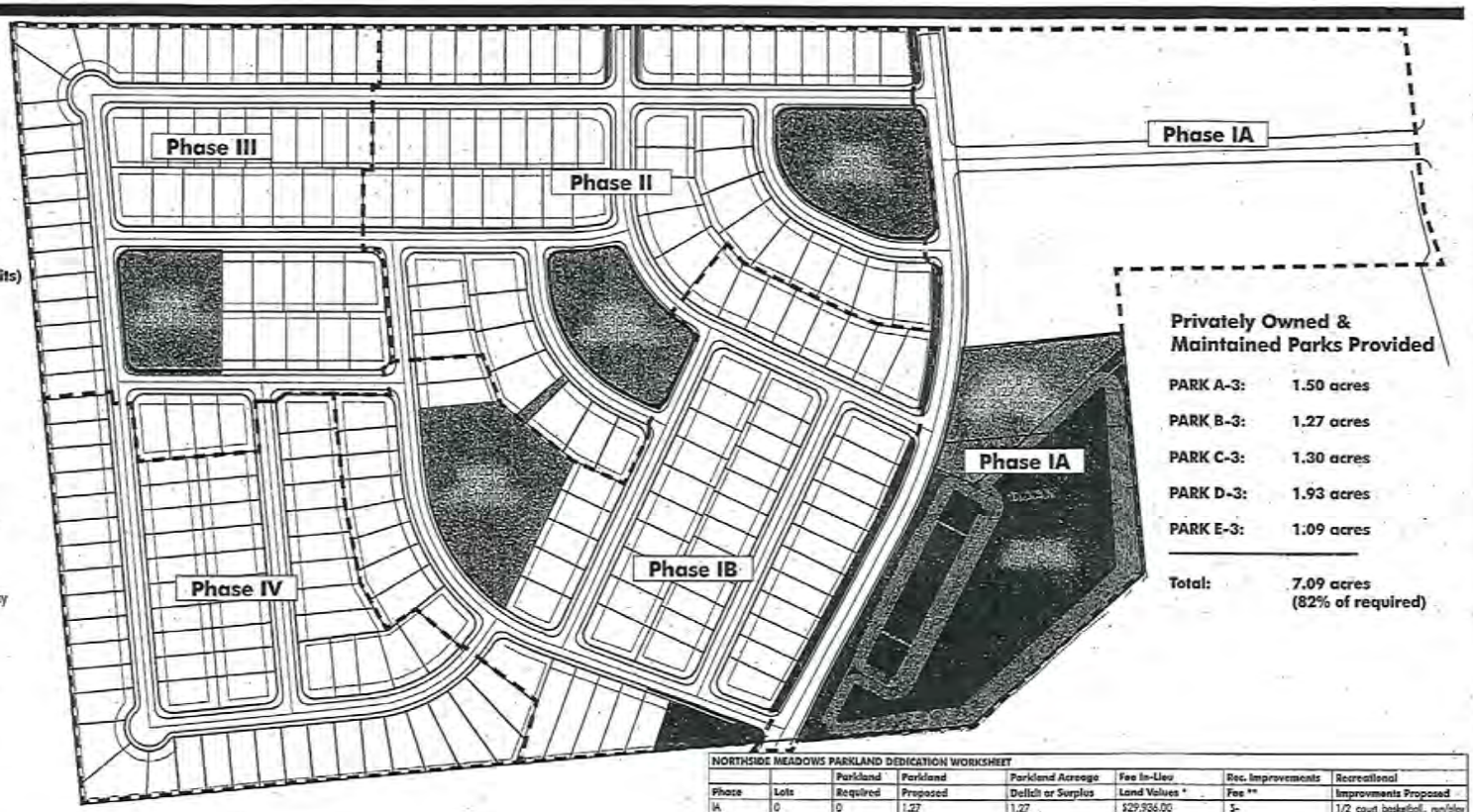
PARK A-3:
- Pavilion
- Open Play

PARK B-3:
- Half Court Basketball
- Run and Play Area

PARK C-3:
- (2) Age Appropriate Play Facilities
- Open Play Area

PARK D-3:
- Community Center
- Pool
- Cabana
- Splash Pad
- Playscape
- Head-in Parking

PARK E-3:
- Open Play Area



Privately Owned & Maintained Parks Provided

PARK A-3:	1.50 acres
PARK B-3:	1.27 acres
PARK C-3:	1.30 acres
PARK D-3:	1.93 acres
PARK E-3:	1.09 acres
Total:	7.09 acres (82% of required)

0 100' 200'

NORTHSIDE MEADOWS PARKLAND DEDICATION WORKSHEET

Phase	Lots	Parkland Required	Parkland Proposed	Parkland Acreage Deficit or Surplus	Fee In-Lieu Land Values *	Rec. Improvements Fee **	Recreational Improvments Proposed
IA	0	0	1.27	1.27	$29,936.00	$-	1/2 court basketball, run/play area
IB	64	2.24	1.93	-0.31	$(7,307.00)	$22,400.00	com. center, pool, cabana, splash pad, playscape, parking
II	61	2.135	2.8	0.665	$15,675.00	$21,350.00	2 playscapes, 2 open play areas, pavilions
III	58	2.03	1.09	-0.94	$(22,157.00)	$20,300.00	open play area
IV	63	2.205	0	-2.205	$(51,975.00)	$22,050.00	
Totals:	246	8.61	7.09	-1.52	$(35,828.00)	$86,100.00	

* Fee in-lieu of land acreage deficit will be waived if all proposed recreational improvements are completed and accepted by the City

** Recreational improvement fees will be expended on the recreational improvements proposed. Phased sureties may be required in the amounts shown until the proposed improvements are complete and accepted by the City.

DECEMBER 11, 2012

The information shown is based on the best information available and is subject to change without notice.

DR HORTON - NORTHSIDE MEADOW

Privately Owned & Maintained Parks

TBG

DOUCET & ASSOCIATES

Civil Engineering • Planning • Surveying/Mapping
7401 B. Highway 71 W. Suite 160
Austin, Texas 78735, Phone: (512) 583-2400
www.doucetandassociates.com
Firm Registration Number 5777

PARK PLAN

NORTHSIDE MEADOW
LEANDER, TEXAS

Drawn: JAB
Reviewed: JD
Date: 09/26/12

SHEET
2
OF 2

Project No: 1200-002

Minutes

PLANNING & ZONING COMMISSION MEETING
CITY OF LEANDER, TEXAS
Pat Bryson Municipal Hall ~ 201 North Brushy Street
Leander, Texas

Thursday ~ February, 28 2013 at 7:00 pm

Place 1 Michelle Stephenson	**Place 4 Sid Sokol**
Place 2 Chris Tovar – Chair	**Place 5 Richard Allen**
Place 3 Ronald Abruzzese – Vice Chair	**Place 6 Betty Saenz**
	Place 7 Jeff Seiler

1. Call to Order
   Chairman Tovar called the meeting to order at 7:02 p.m.

2. Roll Call
   All Commissioners were present except Commissioner Stephenson and Commission Allen.

3. Approval of Minutes:
   Regular Planning & Zoning Meeting: February 14, 2013
   Motion made by Commissioner Sokol to approve the minutes, seconded by Commissioner Seiler. Motion passed unanimously.

4. Citizen Communications - Three (3) minutes of time is allowed, per speaker

No citizens wished to speak.

Public Hearing

5. Subdivision Case #12-CP-007: Hold a public hearing and consider action on the Northside Meadow Concept Plan, for 82.00 acres more or less; Parcel # R031635; generally located at the northwest corner of Old 2243 W and US Hwy 183, approximately 600 feet west of N US Hwy 183 and 1,100 feet north of Old 2243 W, Leander, Williamson County Texas. Applicant/Agent: Jenn Dermanci P.E. with Doucet & Associates on behalf of HEB Grocery Company, LP

a) Staff Presentation

Robin Griffin, Planner, stated that staff reviewed the request and it has staff approval.

b) Applicant Presentation

Tom Moody spoke about the project.

c) Open Public Hearing

Chairman Tovar opened the public hearing
No Citizens wished to speak.

d) Close Public Hearing

Chairman Tovar closed the public hearing.

e) Discussion

Discussion took place.

f) Consider Action

Commissioner Seiler motion to approve with staff recommendation, Commissioner Saenz seconded the motion. Motion passed unanimously.

6. Subdivision Case 12-SFP-010: Public hearing and consider action on the D.M.R. #1 Subdivision Short Form Final Plat; for approximately 1.942 acres more or less; Parcel #R356067; generally located approximately 1,200 feet to the southwest of the intersection of S US 183 and County Glen, Leander, Williamson County, Texas. Applicant: Jennifer Garcia, PE on behalf of Daniel Brown

a) Staff Presentation

Robin Griffin, Planner, stated that staff reviewed the request and it has staff approval.

b) Applicant Presentation

Jennifer Garcia spoke on the purpose for the short form plat.

c) Open Public Hearing

Chairman Tovar opened the public hearing
No Citizens wished to speak.

d) Close Public Hearing

Chairman Tovar closed the public hearing.

e) Discussion

Discussion took place.

f) Consider Action

Vice Chair Abruzzese motion to approve with staff recommendation, Commissioner Seiler seconded the motion. Motion passed unanimously.

7. Zoning Case 13-Z-002: Hold a public hearing and consider action on the rezoning of two parcels located at 1048 and 1120 CR 179, for 10.00 acres more or less; Parcels #R475132 and R475133. Currently, the property is zoned interim SFR-1-B (Single-Family Rural). The property is proposed to be zoned SFC-2-B (Single-Family Compact), Leander, Williamson County, Texas. Applicant: John Avery on behalf of G & P Investments.

Vice Chairman Tovar noted that 13-Z-002 should have been 13-Z-004

a) Staff Presentation

Robin Griffin, Planner, discussed request & surrounding land uses.

b) Applicant Presentation

Blake Contine spoke on the purpose of the zoning.

c) Open Public Hearing

Chairman Tovar opened the public hearing
No Citizens wished to speak.

d) Close Public Hearing

Chairman Tovar closed the public hearing.

e) Discussion

Discussion took place.

f) Consider Action

Vice Chair Abruzzese motioned to approve SFC-2-A (Single-Family Compact) , Commissioner Sokol seconded the motion. Motion passed unanimously.

8. Ordinance Case #13-OR-001: Hold a public hearing and consider action on amending sections of article 14.200, the Composite Zoning Ordinance, to modify the Single-Family Limited (SFL) use component. Planning Department

a) Staff Presentation

Robin Griffin, Planner, explained the proposed revisions to the Composite Zoning Ordinance on the Single-Family Limited (SFL) use component

b) Applicant Presentation

N/A

c) Open Public Hearing

Chairman Tovar opened the public hearing
No Citizens wished to speak.

d) Close Public Hearing

Chairman Tovar closed the public hearing.

e) Discussion

Discussion took place. The Commission felt like the current SFL (Single-Family Limited) use component as stated in the Composite Zoning Ordinance is appropriate and no major changes are necessary.

f) Consider Action

Vice Chair Abruzzese motioned to approve the following amendments to Article III, Section 6 (a) of the Composite Zoning Ordinance, Commissioner Saenz seconded the motion. Motion passed unanimously.

Section 2. **Amendment of Article III, Section 6.** Article III, Section 6 of the Composite Zoning Ordinance is hereby amended in its entirety as follows:

(a) Statement of Intent

The Single-Family Limited use component provides for the 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 **and/or transit opportunities**.

9. **Meeting adjourn at 8:00 pm**

_____
Chairman Tovar

ATTEST:_____
Ellen Pizalate P & Z Secretary

AGENDA ITEM # 10

Executive Summary

March 07, 2013

Agenda Subject:	Ordinance Case #13-OR-001: Hold a public hearing, first reading of the ordinance and consider action on amending sections of article 14.200, the Composite Zoning Ordinance, to modify the Single-Family Limited (SFL) use component.
Background:	Staff is proposing amendments to the Composite Zoning Ordinance to modify the Single-Family Limited (SFL) use component. The changes include adjustments to the lot sizes and garage requirements.
Origination:	Planning Department
Financial Consideration:	None
Recommendation:	Staff recommends approval. The Planning & Zoning Commission recommended
Attachments:	1. Summary of Proposed Amendments 2. Proposed Draft Ordinance 3. Planning & Zoning Commission Recommended Amendments 4. Planning & Zoning Commission Draft Ordinance 5. Minutes - Planning & Zoning Commission February 28, 2013
Prepared By:	Robin M. Griffin, AICP Planner 03/01/2013

COMPOSITE ZONING ORDINANCE AMENDMENTS

CODE	CURRENT	PROPOSED
ART II, Sec 2 (e)	(5) A recreational vehicle, mobile home or manufactured home camp or park and an outdoor vendor venue (fixed location) may be approved as a PUD district but is not permitted in any other district.	**(5) The following uses may be approved as a PUD district but is not permitted in any district:** (i) A recreational vehicle, mobile home or manufactured home camp or park (ii) An outdoor vendor venue (fixed location) **(iii) Subdivisions with lots less than forty-one (41') feet in width**
ART III, Sec 6	(a) Statement of Intent The Single-Family Limited use component provides for the 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.	(a) Statement of Intent The Single-Family Limited use component provides for the 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 **and/or transit opportunities**. **(5)** Lots that average less than forty**-five (45')** 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. **(6) Proposals for lots less than forty-one (41') feet wide require PUD zoning as stated in Article II, Section 2 (e) (5) (iii)**

Red = Addition, Blue = Change in Formatting

CODE	CURRENT	PROPOSED
ART III. Sec 6 (c)	(c) Lot Size Minimum Interior Lots: Area 3,500 / Width 35' / Depth 100' Corner Lots: Area 4,500 sq. ft. / Width 45' / Depth 100'	(c) Lot Size Minimum Interior Lots: Area **4,100** sq. ft. / Width **41'** / Depth 100' Corner Lots: Area **5,100** sq. ft. / Width **51'** / Depth 100'
ART III, Sec 6 (d)	(d) Enclosed Garage and Parking (1) A minimum of one garage-enclosed parking space and two additional off-street parking spaces (driveway may be counted toward provision of off-street parking) shall be provided per lot. (2) Parking for other uses shall be provided in accordance with Art. VI, Sec. 3. (3) To keep the front of the structure from being dominated by garage doors, for dwellings less than thirty-five feet wide, the dwelling is limited to a single-wide garage if such garage door is front facing or within 45 degrees of such orientation. The garage may be a tandem garage or may be a double garage with rear or side access. For dwellings less than fifty feet wide but greater than thirty-five feet wide, the dwelling is limited to a double-wide garage if the garage door(s) is (are) front facing or within 45 degrees of such orientation.	(d) Enclosed Garage and Parking (1) A minimum of one garage-enclosed parking space and two additional off-street parking spaces (driveway may be counted toward provision of off-street parking) shall be provided per lot. (2) Parking for other uses shall be provided in accordance with Art. VI, Sec. 3. (3) To keep the front of the structure from being dominated by garage doors, for dwellings **thirty-five (35') feet wide and** less than thirty-five feet wide, the dwelling is limited to a single-wide garage if such garage door is front facing or within 45 degrees of such orientation. The garage may be a tandem garage or may be a double garage with rear or side access. For dwellings ~~**less than fifty feet wide but greater than**~~ **greater than** thirty-five feet wide, the dwelling is limited to a double-wide garage if the garage door(s) is (are) front facing or within 45 degrees of such orientation. **(4) In no case shall the garage be located in front of the primary structure for lots less than fifty (50') feet wide , not including projects that meet the requirements of the SFT (Single-Family Townhouse) use component.**
ART III, Sec 18	LOT SIZE SUMMARY USE DISTRICT / INTERIOR Area / Width / Depth / CORNER Area / Width / Depth SFL: 3,500 / 35' / 100' / 4,500 / 45' / 100'	LOT SIZE SUMMARY USE DISTRICT / INTERIOR Area / Width / Depth / CORNER Area / Width / Depth SFL: **4,100** / **41'** / 100' / **5,100** / **51'** / 100'
ART VI, Sec 6 (f) (4)	(4) For lots less than sixty feet wide and zoned SFC, SFL or SFT, residential street facing garages shall be located no closer to the street than five feet in front of the dwelling or roof covered porch, with such dwelling or porch structure being not less than seven feet wide for all portions of the structure adjacent to the garage. For all other lots, residential street facing garages shall be located no closer to the street than the dwelling.	(4) For lots less than sixty feet wide and zoned SFC~~, SFL~~ or SFT, residential street facing garages shall be located no closer to the street than five feet in front of the dwelling or roof covered porch, with such dwelling or porch structure being not less than seven feet wide for all portions of the structure adjacent to the garage. For all other lots, residential street facing garages shall be located no closer to the street than the dwelling.

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ATTACHMENT #2

ORDINANCE NO. 05-018-

AN ORDINANCE OF THE CITY OF LEANDER, TEXAS AMENDING SECTIONS OF ARTICLE 14.200, THE COMPOSITE ZONING ORDINANCE; PROVIDING ADDITIONAL USES THAT MAY BE APPROVED AS A PUD DISTRICT TO THE USES NOT PERMIITED IN ANY DISTRICT SECTION; CHANGING THE SFL PROVISIONS, UPDATING THE LOT SIZE SUMMARY AND SIZE MINIMUMS; CHANGING SETBACK EXCEPTIONS; RESTRICTING GARAGE LOCATIONS FOR LOTS LESS THAN FIFTY FEET WIDE; PROVIDING A SEVERABILITY CLAUSE, PROVIDING SAVINGS, EFFECTIVE DATE AND OPEN MEETINGS CLAUSES, AND PROVIDING FOR RELATED MATTERS.

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

Whereas, after publishing notice of the public hearing at least fifteen days prior to the date of such hearing, the City Council at a public hearing has considered the proposed amendments and finds that the amendments are reasonable and necessary to protect the health, safety, and welfare of the present and future residents of the City;

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

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

Section2. **Amendment of Article II, Section 2 (e) (5).** Article II, Section 2 (e) (5) of the Composite Zoning Ordinance is hereby amended in its entirety to read as follows:

(5) The following uses may be approved as a PUD district but is not permitted in any district:

(i) A recreational vehicle, mobile home or manufactured home camp or park;
(ii) An outdoor vendor venue (fixed location); and
(iii) Subdivisions with lots less than forty-one (41') feet in width.

Section3. **Amendment of Article III, Section 6.** Article III, Section 6of the Composite Zoning Ordinance is hereby amended in its entirety to read as follows:

(a) Statement of Intent

The Single-Family Limited use component provides for the 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 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.
(4) To include or be located within six hundred feet of parkland or other recreational open space and/or transit opportunities.
(5) Lots that average less than forty-five (45') 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.
(6) Proposals for lots less than forty-one (41') feet wide require PUD zoning as stated in Article II, Section 2 (e) (5) (iii).

(b) Conforming Uses

A building or premise shall be used only for the following purposes:
(1) Any use permitted in the "SFC" – Single-Family Compact component
(2) Single-family dwelling of not less than one thousand (1,050) square feet of living area

(c) Lot Size Minimum

Interior Lots			Corner Lots		
Area	**Width**	**Depth**	**Area**	**Width**	**Depth**
4,100 sq. ft.	41'	100'	5,100 sq. ft.	51'	100'

(1) Up to ten percent (10%) of lots in any final plat may have widths, depths and/or areas up to ten percent (10%) less than requirements.
(2) In addition, for every one foot that a lot is wider or deeper than required, or for every one square foot that a lot is larger than required, another lot may be reduced by the equivalent amount, for up to ten percent (10%) of the lots in any final plat being allowed to have such reduced sizes, and up to ten percent (10%) less than requirements. The applicant may increase these prescribed limits to up to double the amounts if the applicant can demonstrate increased tree or other significant natural feature protection.

(d) Enclosed Garage and Parking

(1) A minimum of one garage-enclosed parking space and two additional off-street parking spaces (driveway may be counted toward provision of off-street parking) shall be provided per lot.
(2) Parking for other uses shall be provided in accordance with Art. VI, Sec. 3.
(3) To keep the front of the structure from being dominated by garage doors, for dwellings less than thirty-five feet wide, the dwelling is limited to a single-wide garage if such garage door is front facing or within 45 degrees of such orientation. The garage may be a tandem garage or may be a double garage with rear or side access. For dwellings thirty-five feet wide and wider, the dwelling is limited to a double-wide garage if the garage door(s) is (are) front facing or within 45 degrees of such orientation.

(4) In no case shall the garage be located in front of the primary structure for lots less than fifty (50') feet wide.

(e) Additional Requirements: (Each of the uses denoted herein shall conform to the following development standards. Note: A site component – Type 1, 2 or 3 - and an architectural component – Type A or B – must be combined with this use component.)

(1) Use Standards (Article IV)
(2) Site Components (Article V)
(3) Site Standards (Article VI)
(4) Architectural Components (Article VII)
(5) Architectural Standards (Article VIII)

Section4. **Amendment of Article III, Section 18.** Article III, Section 18 of the Composite Zoning Ordinance is hereby amended in its entirety to read as follows:

LOT SIZE SUMMARY

USE	INTERIOR			CORNER		
DISTRICT	**Area**	**Width**	**Depth**	**Area**	**Width**	**Depth**
SFR	1 acre	120'	160'	1 acre	120'	160'
SFE	12,000	80'	120'	13,000	90'	120'
SFS	9,000	70'	115'	10,000	80'	115'
SFU	7,200	60'	110'	8,000	70'	110'
SFC	5,500	50'	105'	6,500	60'	105'
SFL	4,100	41'	100'	5,100	51'	100'
SFT	2,000	20'	90'	3,500	35'	90'
SFU/MH	7,200	60'	110'	8,000	70'	110'
TF	9,000	70'	115'	10,000	80'	115'

Section5. **Amendment of Article VI, Section 6 (f) (4).** Article VI, Section 6 (f) (4) of the Composite Zoning Ordinance is hereby amended as follows:

(4) For lots less than sixty feet wide and zoned SFC or SFT, residential street facing garages shall be located no closer to the street than five feet in front of the dwelling or roof covered porch, with such dwelling or porch structure being not less than seven feet wide for all portions of the structure adjacent to the garage. For all other lots, residential street facing garages shall be located no closer to the street than the dwelling.

Section 6. **Conflicting Ordinances.** Exhibit "A", Article 14.200, Leander Code of Ordinances and of Ordinance No. 05-018-00 is amended as provided herein. All ordinances or parts thereof conflicting or inconsistent with the provisions of this Ordinance as adopted herein, are hereby amended to the

extent of such conflict. In the event of a conflict or inconsistency between this Ordinance and any other code or ordinance of the City, the terms and provisions of this Ordinance shall govern.

Section 7. **Savings Clause.** All rights and remedies of the City of Leander are expressly saved as to any and all violations of the provisions of any ordinances affecting zoning within the City which have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

Section 8. **Effective Date.** This Ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Tex. Loc. Gov't. Code and the City Charter.

Section 9. **Severability.** It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and, if any phrase, sentence, paragraph or section of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation of this Ordinance of any such invalid phrase, clause, sentence, paragraph or section. If any provision of this Ordinance shall be adjudged by a court of competent jurisdiction to be invalid, the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision, and to this end the provisions of this Ordinance are declared to be severable.

Section 10. **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 7th day of March, 2013.

PASSED AND FINALLY APPROVED on the 21st day of March, 2013.

ATTEST:

Debbie Haile, City Secretary

CITY OF LEANDER, TEXAS

Christopher Fielder, Mayor

COMPOSITE ZONING ORDINANCE AMENDMENTS

CODE	CURRENT	PROPOSED
ART III, Sec 6	(a) Statement of Intent The Single-Family Limited use component provides for the 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.	(a) Statement of Intent The Single-Family Limited use component provides for the 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 **and/or transit opportunities**.

Red = Addition, Blue = Change in Formatting

ATTACHMENT #4

ORDINANCE NO. 05-018-

AN ORDINANCE OF THE CITY OF LEANDER, TEXAS AMENDING SECTIONS OF ARTICLE 14.200, THE COMPOSITE ZONING ORDINANCE, TO PROVIDE ADDITIONS TO THE USES NOT PERMIITED IN ANY DISTRICT SECTION; TO CHANGE THE SFL PROVISIONS; TO UPDATE THE LOT SIZE SUMMARY; TO CHANGE SETBACK EXCEPTIONS, PROVIDING A SEVERABILITY CLAUSE, PROVIDING SAVINGS, EFFECTIVE DATE AND OPEN MEETINGS CLAUSES, AND PROVIDING FOR RELATED MATTERS.

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

Whereas, after publishing notice of the public hearing at least fifteen days prior to the date of such hearing, the City Council at a public hearing has considered the proposed amendments and finds that the amendments are reasonable and necessary to protect the health, safety, and welfare of the present and future residents of the City;

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

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

Section 2. **Amendment of Article III, Section 6.** Article III, Section 6 of the Composite Zoning Ordinance is hereby amended in its entirety as follows:

(a) Statement of Intent

The Single-Family Limited use component provides for the 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 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.
(4) To include or be located within six hundred feet of parkland or other recreational open space and/or transit opportunities.

Section 3. **Conflicting Ordinances.** Exhibit "A", Article 14.200, Leander Code of Ordinances and of Ordinance No. 05-018-00 is amended as provided herein. All ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance as adopted herein, are hereby amended to the extent of such conflict. In the event of a conflict or inconsistency between this ordinance and any other code or ordinance of the City, the terms and provisions of this ordinance shall govern.

Section 4. **Savings Clause.** All rights and remedies of the City of Leander are expressly saved as to any and all violations of the provisions of any ordinances affecting zoning within the City which have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

Section 5. **Effective Date.** This ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Tex. Loc. Gov't. Code and the City Charter.

Section 6. **Severability**. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and, if any phrase, sentence, paragraph or section of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation of this ordinance of any such invalid phrase, clause, sentence, paragraph or section. If any provision of this Ordinance shall be adjudged by a court of competent jurisdiction to be invalid, the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision, and to this end the provisions of this Ordinance are declared to be severable.

Section 7. **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 7th day of March, 2013.

PASSED AND FINALLY APPROVED on the 21st day of March, 2013.

ATTEST: **CITY OF LEANDER, TEXAS**

Debbie Haile, City Secretary

Christopher Fielder, Mayor

Minutes

PLANNING & ZONING COMMISSION MEETING
CITY OF LEANDER, TEXAS
Pat Bryson Municipal Hall ~ 201 North Brushy Street
Leander, Texas

Thursday ~ February, 28 2013 at 7:00 pm

Place 1 Michelle Stephenson	**Place 4 Sid Sokol**
Place 2 Chris Tovar – Chair	**Place 5 Richard Allen**
Place 3 Ronald Abruzzese – Vice Chair	**Place 6 Betty Saenz**
	Place 7 Jeff Seiler

1. Call to Order
   Chairman Tovar called the meeting to order at 7:02 p.m.

2. Roll Call
   All Commissioners were present except Commissioner Stephenson and Commission Allen.

3. Approval of Minutes:
   Regular Planning & Zoning Meeting: February 14, 2013
   Motion made by Commissioner Sokol to approve the minutes, seconded by Commissioner Seiler. Motion passed unanimously.

4. Citizen Communications - Three (3) minutes of time is allowed, per speaker

No citizens wished to speak.

Public Hearing

5. Subdivision Case #12-CP-007: Hold a public hearing and consider action on the Northside Meadow Concept Plan, for 82.00 acres more or less; Parcel # R031635; generally located at the northwest corner of Old 2243 W and US Hwy 183, approximately 600 feet west of N US Hwy 183 and 1,100 feet north of Old 2243 W, Leander, Williamson County Texas. Applicant/Agent: Jenn Dermanci P.E. with Doucet & Associates on behalf of HEB Grocery Company, LP

a) Staff Presentation

Robin Griffin, Planner, stated that staff reviewed the request and it has staff approval.

b) Applicant Presentation

Tom Moody spoke about the project.

c) Open Public Hearing

Chairman Tovar opened the public hearing
No Citizens wished to speak.

d) Close Public Hearing

Chairman Tovar closed the public hearing.

e) Discussion

Discussion took place.

f) Consider Action

Commissioner Seiler motion to approve with staff recommendation, Commissioner Saenz seconded the motion. Motion passed unanimously.

6. Subdivision Case 12-SFP-010: Public hearing and consider action on the D.M.R. #1 Subdivision Short Form Final Plat; for approximately 1.942 acres more or less; Parcel #R356067; generally located approximately 1,200 feet to the southwest of the intersection of S US 183 and County Glen, Leander, Williamson County, Texas. Applicant: Jennifer Garcia, PE on behalf of Daniel Brown

a) Staff Presentation

Robin Griffin, Planner, stated that staff reviewed the request and it has staff approval.

b) Applicant Presentation

Jennifer Garcia spoke on the purpose for the short form plat.

c) Open Public Hearing

Chairman Tovar opened the public hearing
No Citizens wished to speak.

d) Close Public Hearing

Chairman Tovar closed the public hearing.

e) Discussion

Discussion took place.

f) Consider Action

Vice Chair Abruzzese motion to approve with staff recommendation, Commissioner Seiler seconded the motion. Motion passed unanimously.

7. Zoning Case 13-Z-002: Hold a public hearing and consider action on the rezoning of two parcels located at 1048 and 1120 CR 179, for 10.00 acres more or less; Parcels #R475132 and R475133. Currently, the property is zoned interim SFR-1-B (Single-Family Rural). The property is proposed to be zoned SFC-2-B (Single-Family Compact), Leander, Williamson County, Texas. Applicant: John Avery on behalf of G & P Investments.

Vice Chairman Tovar noted that 13-Z-002 should have been 13-Z-004

a) Staff Presentation

Robin Griffin, Planner, discussed request & surrounding land uses.

b) Applicant Presentation

Blake Contine spoke on the purpose of the zoning.

c) Open Public Hearing

Chairman Tovar opened the public hearing
No Citizens wished to speak.

d) Close Public Hearing

Chairman Tovar closed the public hearing.

e) Discussion

Discussion took place.

f) Consider Action

Vice Chair Abruzzese motioned to approve SFC-2-A (Single-Family Compact) , Commissioner Sokol seconded the motion. Motion passed unanimously.

8. Ordinance Case #13-OR-001: Hold a public hearing and consider action on amending sections of article 14.200, the Composite Zoning Ordinance, to modify the Single-Family Limited (SFL) use component. Planning Department

a) Staff Presentation

Robin Griffin, Planner, explained the proposed revisions to the Composite Zoning Ordinance on the Single-Family Limited (SFL) use component

b) Applicant Presentation

N/A

c) Open Public Hearing

Chairman Tovar opened the public hearing
No Citizens wished to speak.

d) Close Public Hearing

Chairman Tovar closed the public hearing.

e) Discussion

Discussion took place. The Commission felt like the current SFL (Single-Family Limited) use component as stated in the Composite Zoning Ordinance is appropriate and no major changes are necessary.

f) Consider Action

Vice Chair Abruzzese motioned to approve the following amendments to Article III, Section 6 (a) of the Composite Zoning Ordinance, Commissioner Saenz seconded the motion. Motion passed unanimously.

Section 2. **Amendment of Article III, Section 6.** Article III, Section 6 of the Composite Zoning Ordinance is hereby amended in its entirety as follows:

(a) Statement of Intent

The Single-Family Limited use component provides for the 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 **and/or transit opportunities**.

9. **Meeting adjourn at 8:00 pm**

_____
Chairman Tovar

ATTEST:_____
Ellen Pizalate P & Z Secretary

AGENDA ITEM # 11

Executive Summary

March 7, 2013

Agenda Subject:	Zoning Case 13-Z-004: Hold a public hearing and consider action on the rezoning of two parcels located at 1048 and 1120 CR 179, for 10.00 acres more or less; Parcels #R475132 and R475133. Currently, the property is zoned interim SFR-1-B (Single-Family Rural). The property is proposed to be zoned SFC-2-B (Single-Family Compact), Leander, Williamson County, Texas.
Background:	This request is the second step in the rezoning process.
Origination:	Applicant: John Avery on behalf of G & P Investments.
Financial Consideration:	None
Recommendation:	See Planning Analysis. The Planning & Zoning Commission unanimously recommended approval of SFC-2-A (Single-Family Compact) at the February 28, 2013 meeting.
Attachments:	1. Planning Analysis 2. Current Zoning Map 3. Aerial Map 4. Letter of Intent 5. Ordinance 6. Minutes - Planning & Zoning Commission February 28, 2013
Prepared By:	Robin M. Griffin, AICP Planner 03/01/2013

PLANNING ANALYSIS

ZONING CASE 13-Z-004

GENERAL INFORMATION

Owner: G & P Investments

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

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

Size and Location: The property is located at 1048 & 1120 CR 179 and is approximately 10.00 acres in size.

Staff Contact: Robin M. Griffin, AICP
Planner

ABUTTING ZONING AND LAND USE:

The table below lists the abutting zoning and land uses.

	ZONING	LAND USE
NORTH	Interim SFR-1-B	Established Single-Family Home
EAST	Interim SFR-1-B	Established Single-Family Home
SOUTH	SFR-1-B	LISD Property – Stiles Middle School & proposed elementary school
WEST	Interim SFR-1-B	Established Single-Family Home

COMPOSITE ZONING ORDINANCE INTENT STATEMENTS

USE COMPONENTS:

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.

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 LI and HI use components except where such component is adjacent to, and not adequately buffered from, residential districts or other more restricted districts, and except as requested by the land owner.

ARCHITECTURAL COMPONENTS:

TYPE B:

Features: 85% masonry 1st floor, 50% overall; 4 or more architectural features.

Intent:

(1) The Type B architectural component is intended to be utilized for the majority of residential development except that which is intended as a Type A architectural component.

(2) Combined with appropriate use and site components, this component is intended to help provide for harmonious land use transitions.

(3) This component may be utilized to raise the building standards and help ensure compatibility for non-residential uses adjacent to property that is more restricted.

(4) This component is intended for the majority of the LO and LC use components except those meeting the intent of the Type A or C architectural components.

COMPREHENSIVE PLAN STATEMENTS:

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

- Plan for continued growth and development that improves the community's overall quality of life and economic viability.
- Establish high standards for development.

ANALYSIS:

The applicant is requesting the SFC-2-B (Single-Family Compact) district in order to develop a residential community. This property was part of a large involuntary annexation that was completed on January 17, 2013. The property is surrounded by low density residential development, undeveloped properties, and LISD property. A zoning request for the property to the east was heard by the Planning & Zoning Commission on February 14th, 2013. The Commission recommended approval of SFC-2-A (Single-Family Compact) for approximately 20.29 acres. The ultimate goal is to develop these properties as one project.

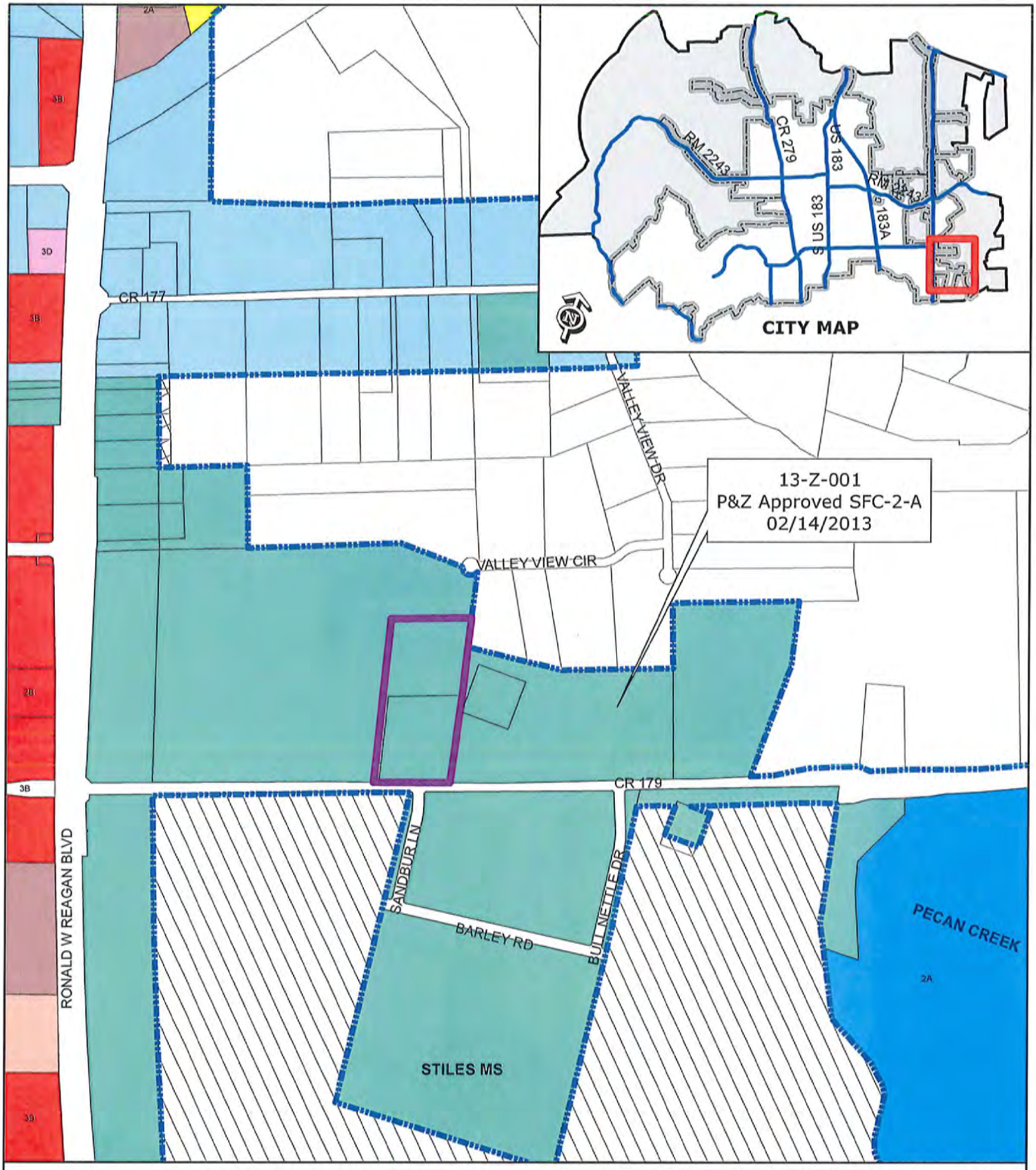
The intent of this use component is to provide for the development of single-family detached dwellings on small lots. In addition, this use component is generally intended to offer a variety of housing opportunities and to be developed on a moderate scale with a maximum district size of seventy-five (75) acres.

This use component includes following lot size minimums:

Use Component	Interior Lots			Corner Lots		
	Area	Width	Depth	Area	Width	Depth
SFC	5,500 sq. ft.	50'	105'	6,500 sq. ft.	60'	105'

The Comprehensive Plan Update establishes development nodes throughout the City of Leander. This property is not located within a node, it is situated between two Community Center nodes.

The proposed zoning request follows the intent statements of the Composite Zoning Ordinance.



ZONING CASE 13-Z-004

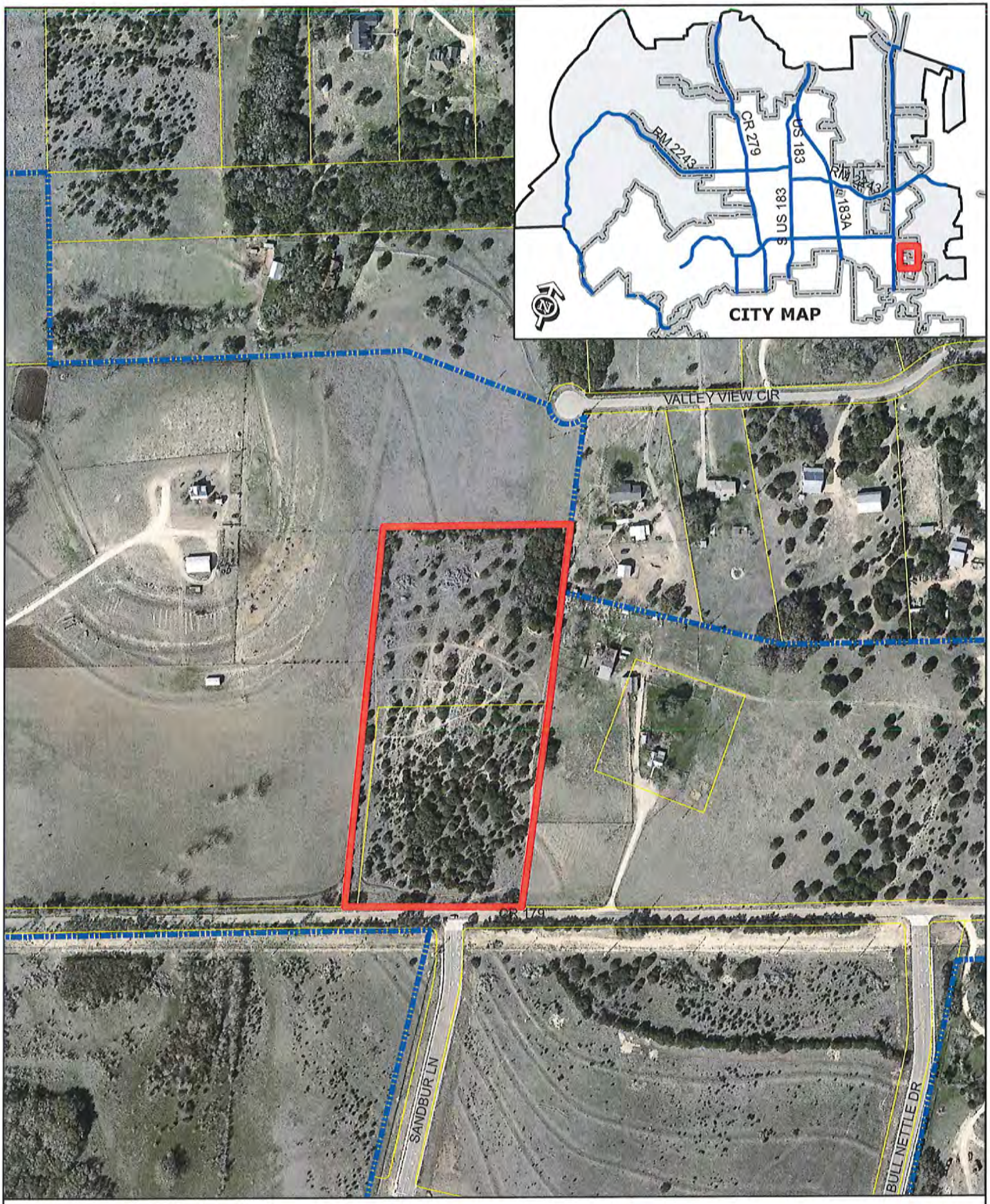
Attachment #2

Current Zoning Map
1048 & 1120 CR 179

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

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

0 200 400
Feet



ZONING CASE 13-Z-004 Attachment #3

Aerial Exhibit - Approximate Boundaries
1048 & 1120 CR 179

0 200 400
Feet

Subject Property
City Limits

ATTACHMENT #4

Letter of Intent to City of Leander, Texas

This Letter of Intent is in regards to the 10 acre G & P Investments Tract located on County Road 179, Leander, Texas, 78641. The owner of the tract, G & P Investments, wishes to change the current zoning, SFR-1-B, to a zoning of Single Family Compact (S.F.C.). This will allow G & P Investments to have the land developed into a professionally laid out and built subdivision of single family homes.

Sincerely,

John S. Avery, Jr.
Assigned Representative for G & P Investments

Date: 02/22/2013

ORDINANCE NO #

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

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

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

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

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

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

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

Section 3. Rezoned property. The Zoning Ordinance is hereby amended by changing the zoning district for two parcels located at 1048 and 1120 CR 179. The property is approximately 10.00 acre more or less in size and includes parcel #R475132 and R475133. This parcel is hereby zoned SFC-2-B (Single-Family Compact); Leander, Williamson County, Texas. (See Exhibit A).

Section 4. 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 5. 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 February, 2013.
FINALLY PASSED AND APPROVED on this the 21st day of March, 2013.

THE CITY OF LEANDER, TEXAS

Christopher Fielder, Mayor

ATTEST:

Debbie Haile, City Secretary

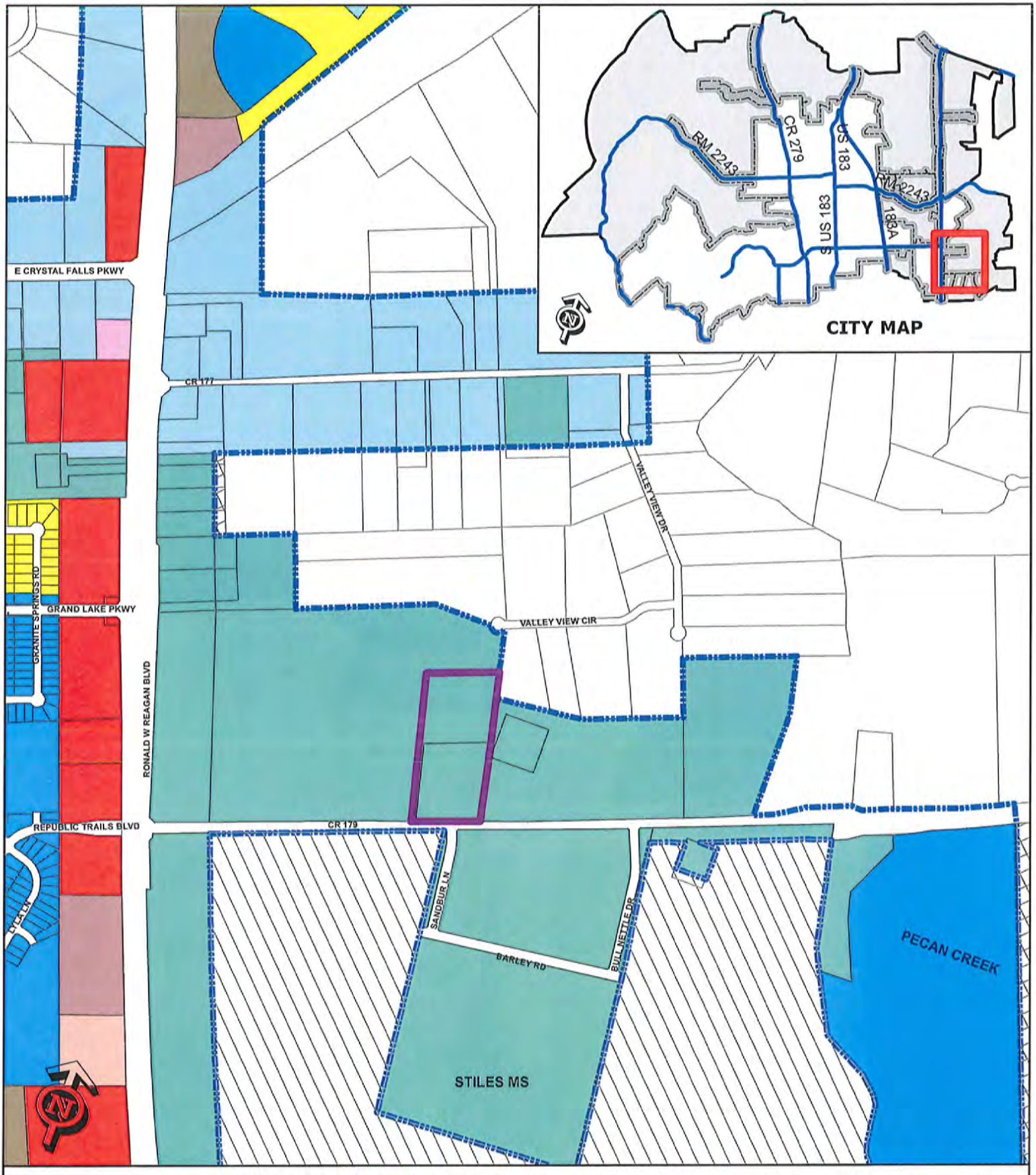


EXHIBIT A

Zoning Case 13-Z-004

1048 & 1120 CR 179

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

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

0 200
Feet

Minutes

PLANNING & ZONING COMMISSION MEETING
CITY OF LEANDER, TEXAS
Pat Bryson Municipal Hall ~ 201 North Brushy Street
Leander, Texas

Thursday ~ February, 28 2013 at 7:00 pm

Place 1 Michelle Stephenson	**Place 4 Sid Sokol**
Place 2 Chris Tovar – Chair	**Place 5 Richard Allen**
Place 3 Ronald Abruzzese – Vice Chair	**Place 6 Betty Saenz**
	Place 7 Jeff Seiler

1. Call to Order
   Chairman Tovar called the meeting to order at 7:02 p.m.

2. Roll Call
   All Commissioners were present except Commissioner Stephenson and Commission Allen.

3. Approval of Minutes:
   Regular Planning & Zoning Meeting: February 14, 2013
   Motion made by Commissioner Sokol to approve the minutes, seconded by Commissioner Seiler. Motion passed unanimously.

4. Citizen Communications - Three (3) minutes of time is allowed, per speaker

No citizens wished to speak.

Public Hearing

5. Subdivision Case #12-CP-007: Hold a public hearing and consider action on the Northside Meadow Concept Plan, for 82.00 acres more or less; Parcel # R031635; generally located at the northwest corner of Old 2243 W and US Hwy 183, approximately 600 feet west of N US Hwy 183 and 1,100 feet north of Old 2243 W, Leander, Williamson County Texas. Applicant/Agent: Jenn Dermanci P.E. with Doucet & Associates on behalf of HEB Grocery Company, LP

a) Staff Presentation

Robin Griffin, Planner, stated that staff reviewed the request and it has staff approval.

b) Applicant Presentation

Tom Moody spoke about the project.

c) Open Public Hearing

Chairman Tovar opened the public hearing
No Citizens wished to speak.

d) Close Public Hearing

Chairman Tovar closed the public hearing.

e) Discussion

Discussion took place.

f) Consider Action

Commissioner Seiler motion to approve with staff recommendation, Commissioner Saenz seconded the motion. Motion passed unanimously.

6. Subdivision Case 12-SFP-010: Public hearing and consider action on the D.M.R. #1 Subdivision Short Form Final Plat; for approximately 1.942 acres more or less; Parcel #R356067; generally located approximately 1,200 feet to the southwest of the intersection of S US 183 and County Glen, Leander, Williamson County, Texas. Applicant: Jennifer Garcia, PE on behalf of Daniel Brown

a) Staff Presentation

Robin Griffin, Planner, stated that staff reviewed the request and it has staff approval.

b) Applicant Presentation

Jennifer Garcia spoke on the purpose for the short form plat.

c) Open Public Hearing

Chairman Tovar opened the public hearing
No Citizens wished to speak.

d) Close Public Hearing

Chairman Tovar closed the public hearing.

e) Discussion

Discussion took place.

f) Consider Action

Vice Chair Abruzzese motion to approve with staff recommendation, Commissioner Seiler seconded the motion. Motion passed unanimously.

7. Zoning Case 13-Z-002: Hold a public hearing and consider action on the rezoning of two parcels located at 1048 and 1120 CR 179, for 10.00 acres more or less; Parcels #R475132 and R475133. Currently, the property is zoned interim SFR-1-B (Single-Family Rural). The property is proposed to be zoned SFC-2-B (Single-Family Compact), Leander, Williamson County, Texas. Applicant: John Avery on behalf of G & P Investments.

Vice Chairman Tovar noted that 13-Z-002 should have been 13-Z-004

a) Staff Presentation

Robin Griffin, Planner, discussed request & surrounding land uses.

b) Applicant Presentation

Blake Contine spoke on the purpose of the zoning.

c) Open Public Hearing

Chairman Tovar opened the public hearing
No Citizens wished to speak.

d) Close Public Hearing

Chairman Tovar closed the public hearing.

e) Discussion

Discussion took place.

f) Consider Action

Vice Chair Abruzzese motioned to approve SFC-2-A (Single-Family Compact) , Commissioner Sokol seconded the motion. Motion passed unanimously.

8. Ordinance Case #13-OR-001: Hold a public hearing and consider action on amending sections of article 14.200, the Composite Zoning Ordinance, to modify the Single-Family Limited (SFL) use component. Planning Department

a) Staff Presentation

Robin Griffin, Planner, explained the proposed revisions to the Composite Zoning Ordinance on the Single-Family Limited (SFL) use component

b) Applicant Presentation

N/A

c) Open Public Hearing

Chairman Tovar opened the public hearing
No Citizens wished to speak.

d) Close Public Hearing

Chairman Tovar closed the public hearing.

e) Discussion

Discussion took place. The Commission felt like the current SFL (Single-Family Limited) use component as stated in the Composite Zoning Ordinance is appropriate and no major changes are necessary.

f) Consider Action

Vice Chair Abruzzese motioned to approve the following amendments to Article III, Section 6 (a) of the Composite Zoning Ordinance, Commissioner Saenz seconded the motion. Motion passed unanimously.

Section 2. **Amendment of Article III, Section 6.** Article III, Section 6 of the Composite Zoning Ordinance is hereby amended in its entirety as follows:

(a) Statement of Intent

The Single-Family Limited use component provides for the 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 **and/or transit opportunities**.

9. Meeting adjourn at 8:00 pm

_____
Chairman Tovar

ATTEST:
_____
Ellen Pizalate P & Z Secretary

AGENDA ITEM # 12

Executive Summary

March 07, 2013

Agenda Subject:	Zoning Case 12-Z-026: Hold a public hearing and consider action on the rezoning of eleven parcels generally located at the southwest corner of RM 2243 and Ronald W. Reagan Blvd; 23.28 acres more or less; Parcels #R031239, R031247, R031271, R031272, R031274, R037215, R443611, R473637, R037219, R037220, R473626. Currently, the property is zoned interim SFR-1-B (Single Family Rural) and interim SFS-2-B (Single-Family Suburban). The property is proposed to be zoned GC-3-C (General Commercial) and SFS-2-B (Single-Family Suburban) Leander, Williamson County, Texas.
Background:	This request is the second step in the rezoning process.
Origination:	Applicant: Scott Foster on behalf of Beasley Tract, LP/Jeremy Smitheal and Williamson County / Dan A. Gattis.
Financial Consideration:	None
Recommendation:	See Planning Analysis. The Planning & Zoning Commission unanimously recommended approval of the zoning request and to increase the SFS-2-B portion to one hundred (100') feet in width at the November 8, 2012 meeting. The applicant submitted a request to postpone this zoning case to the January 17, 2013 City Council meeting and another request to postpone the zoning case to a later date. Due to a notification error, this request will be rescheduled for March 7, 2013 City Council Meeting.
Attachments:	1. Planning Analysis 2. Current Zoning Map 3. Proposed Zoning Map 4. Aerial Map 5. Letter of Intent 6. Letters from the Neighborhood 7. Neighborhood Ownership Map 8. Ordinance 9. Minutes – Planning & Zoning Commission November 8, 2012
Prepared By:	Robin M. Griffin, AICP Planner 02/26/2013

PLANNING ANALYSIS

ZONING CASE 12-Z-026

GENERAL INFORMATION

Owner: Beasley Tract, LP (Jeremy Smitheal)
Williamson County (Dan A. Gattis)

Current Zoning: Interim SFS-2-B (Single-Family Suburban)
Interim SFR-1-B (Single-Family Rural)

Proposed Zoning: SFS-2-B (Single-Family Suburban)
GC-3-C (General Commercial)

Size and Location: The property is generally located at the southwest corner of RM 2243 and Ronald W. Reagan Blvd and is approximately 69.23 acres in size.

Staff Contact: Robin M. Griffin, AICP
Planner

ABUTTING ZONING AND LAND USE:

The table below lists the abutting zoning and land uses.

	ZONING	LAND USE
NORTH	GC-2-B	Undeveloped commercial property
EAST	GC-2-B	Undeveloped commercial property
SOUTH	OCL	Developed Single-Family Neighborhood (Ridgmar Landing)
WEST	Interim SFS-2-B	Undeveloped residentially zoned property

COMPOSITE ZONING ORDINANCE INTENT STATEMENTS

USE COMPONENTS:

SFS – SINGLE FAMILY SUBURBAN:

Features: 9,000 sq. ft. lot min.; 1,500 sq. ft. living area min.

Intent: Development of single-family detached dwellings on intermediate suburban 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 intermediate lot sizes.

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 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 LI and HI use components except where such component is adjacent to, and not adequately buffered from, residential districts or other more restricted districts, and except as requested by the land owner.

TYPE 3:

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

Intent:

(1) A Type 3 site component is intended to be utilized with LO and LC use components where adjacent to less restricted districts to provide for a land use transition.

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

ARCHITECTURAL COMPONENTS:

TYPE B:

Features: 85% masonry 1st floor, 50% overall; 4 or more architectural features.

Intent:

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

TYPE C (non-residential only):

Features: 35% masonry (60% street facing); 3 or more architectural features.

Intent:

(1) The Type C architectural component is intended to be utilized only in the LO, LC, GC, LI and HI use components for intermediate quality development.
(2) Combined with appropriate use and site components, this component can help to provide for harmonious land use transitions from districts that are less restricted to districts that are more restricted.
(3) This component is not intended for the majority of the LO and LC use components except those that may be adjacent to less restricted districts.

COMPREHENSIVE PLAN STATEMENTS:

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

- Plan for continued growth and development that improves the community's overall quality of life and economic viability.

ANALYSIS:

The applicant is requesting the GC-3-C (General Commercial) zoning district in order to allow for a major commercial development at this location. The GC use component permits small to large scale commercial, retail, and commercial service uses located in high traffic areas. The Composite Zoning Ordinance encourages access to GC use components to be provided from arterial streets. The property is located at the intersection of two major thoroughfares, RM 2243 (collector) and Ronald W. Reagan Blvd (major arterial).

The proposed Type 3 site component permits the use of the outdoor site area for outdoor fuel sales, limited outdoor display and storage or accessory buildings. Permitted outdoor uses include:

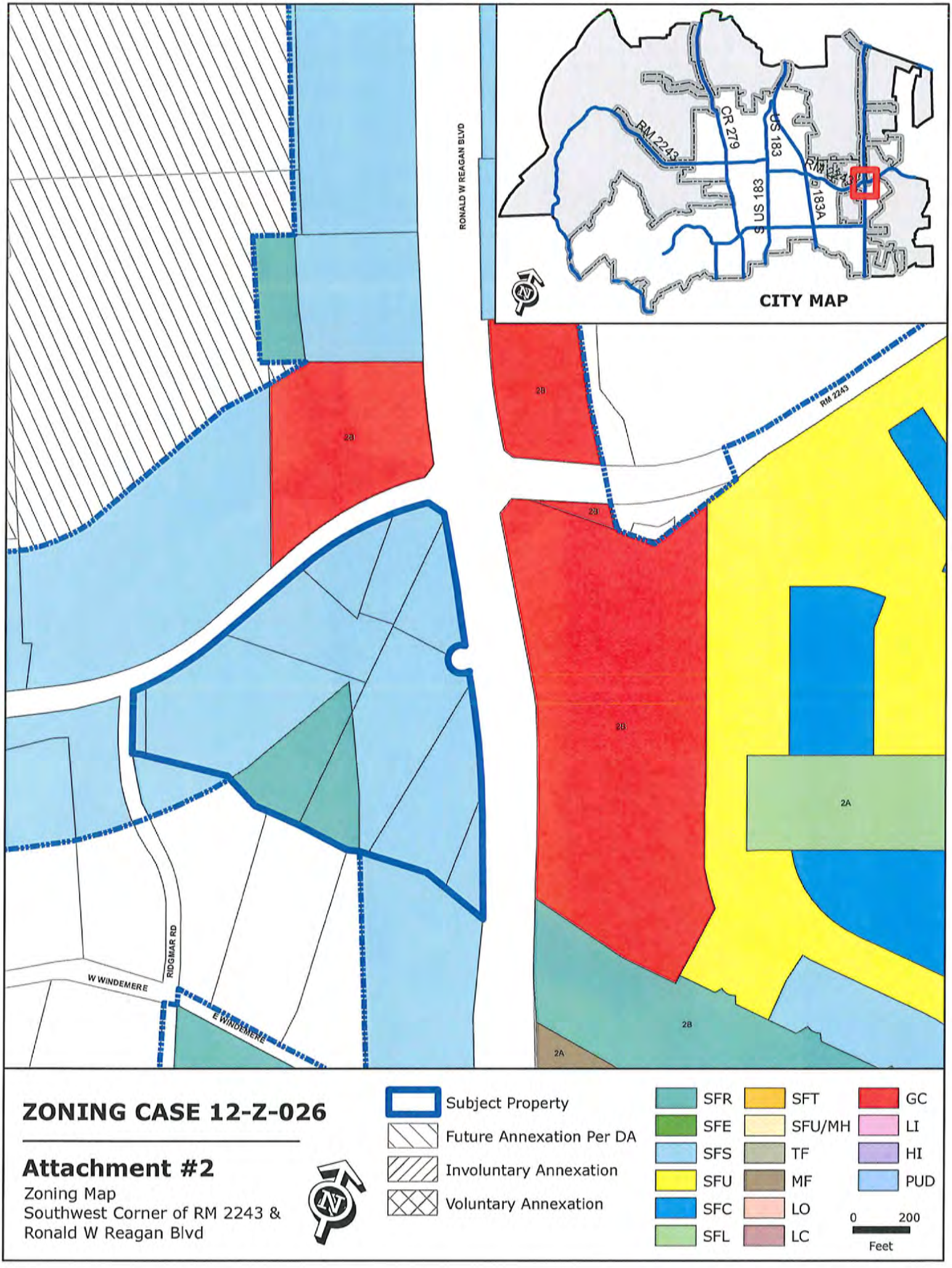
- Outdoor Display (limited 30% of the gross floor area of the primary structure)
- Outdoor Storage (limited 20% of the gross floor area of the primary structure)
- Outdoor Fuel Sales
- Overhead Commercial Doors
- Drive-Through Lanes (also permitted in Type 2)

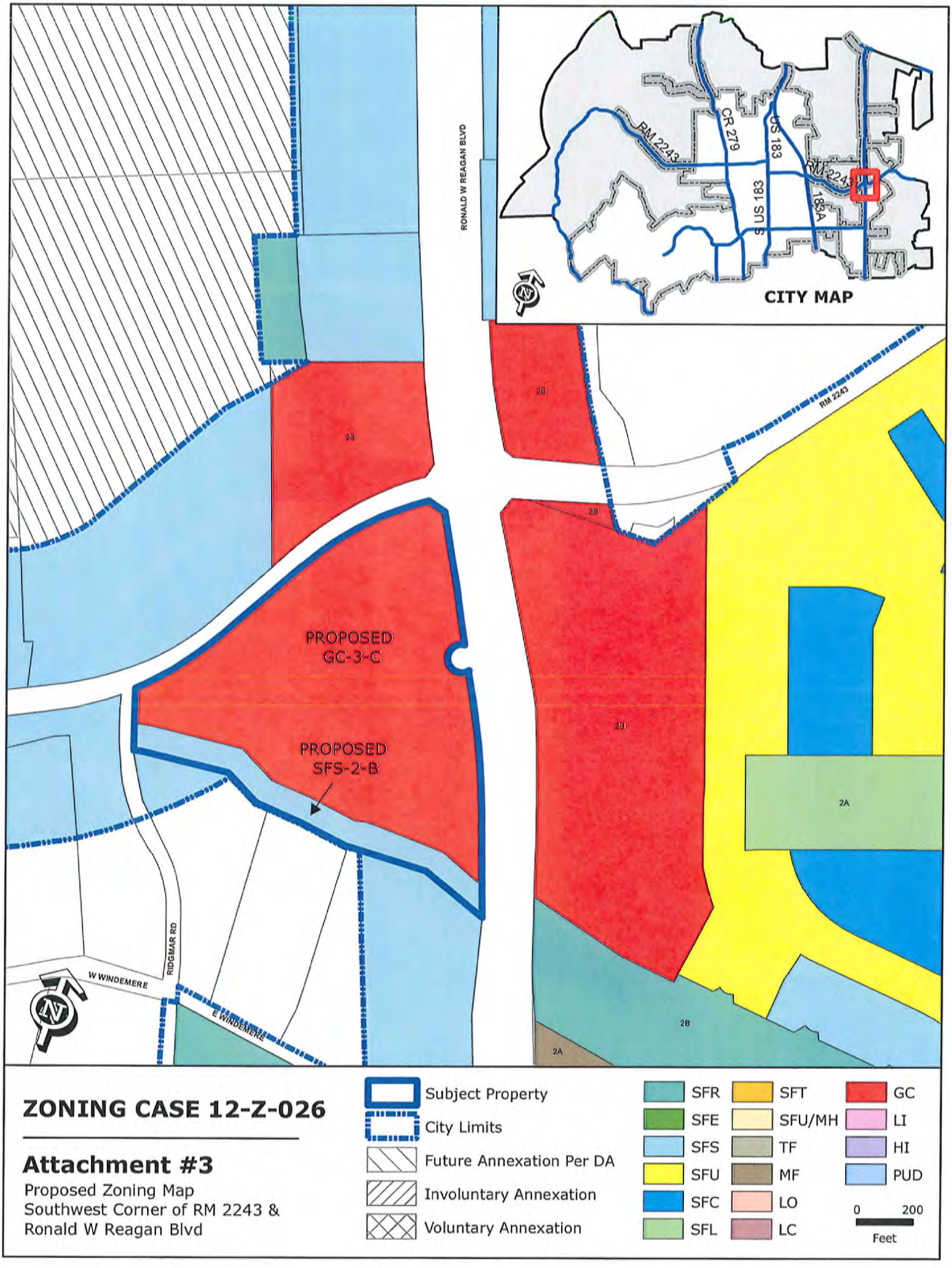
The Type C architectural component requires that a minimum of sixty (60%) percent of the exterior surface area street facing walls consist of masonry. For non-street facing walls, a minimum of thirty-five (35%) percent of the exterior surface areas of walls (all stories) is required. The Type C architectural component defines masonry as brick, stone, stucco, split faced concrete masonry unit (CMU), or pre-cast concrete tilt wall with a decorative finish. The remaining exterior wall surface shall be comprised of the above listed masonry, cementious-fiber planking, or EIFS. In addition, fifteen (15%) percent of the front primary building façade is required to consist of window or door openings and building fronts shall have a minimum of five design features to break up the wall plane for buildings over 50,000 square feet.

The applicant is also proposing a strip of SFS-2-B (Single-Family Suburban) to provide a buffer along Brushy Creek between the proposed commercial and the established Ridgmar Landing neighborhood. This buffer is approximately one-hundred (100') feet on the western side and sixty (60') feet on the far eastern side. Commercial structures, parking areas, and/or drive aisles would not be permitted on this portion of the property.

The proposed GC-3-C (General Commercial) district is appropriate at this location because it does allow for a wider variety of uses as well as outdoor uses including outdoor fuel sales. The Type C architectural component provides moderate architectural standards that would promote an aesthetically pleasing building at this major intersection. The Composite Zoning Ordinance encourages this type of zoning at major intersections.

The proposed zoning request follows the intent statements of the Composite Zoning Ordinance.


RONALD W REAGAN BLVD
RM 2243
CR 279
US 183
S US 183
183A
CITY MAP
2B
2A
RIDGMAR RD
W WINDEMERE
E WINDEMERE
ZONING CASE 12-Z-026
Attachment #2
Zoning Map
Southwest Corner of RM 2243 &
Ronald W Reagan Blvd
Subject Property
Future Annexation Per DA
Involuntary Annexation
Voluntary Annexation
SFR
SFE
SFS
SFU
SFC
SFL
SFT
SFU/MH
TF
MF
LO
LC
GC
LI
HI
PUD
0
200
Feet


RONALD W REAGAN BLVD
RM 2243
CR 279
US 183
S US 183
183A
CITY MAP
PROPOSED
GC-3-C
PROPOSED
SFS-2-B
RIDGMAR RD
W WINDEMERE
E WINDEMERE
2A
2B
ZONING CASE 12-Z-026
Attachment #3
Proposed Zoning Map
Southwest Corner of RM 2243 &
Ronald W Reagan Blvd
Subject Property
City Limits
Future Annexation Per DA
Involuntary Annexation
Voluntary Annexation
SFR
SFE
SFS
SFU
SFC
SFL
SFT
SFU/MH
TF
MF
LO
LC
GC
LI
HI
PUD
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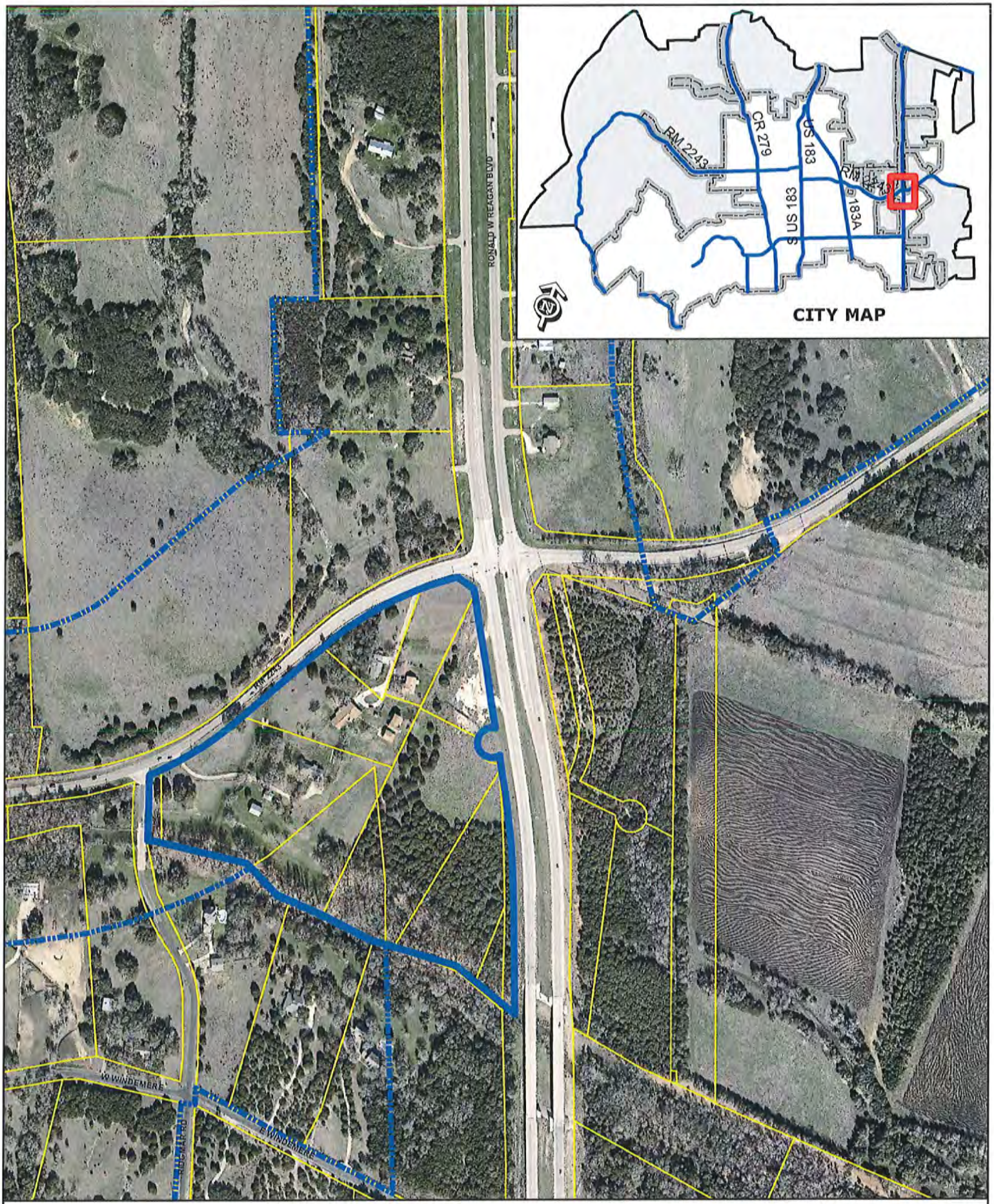

ZONING CASE 12-Z-026, Attachment #4

Aerial Exhibit - Approximate Boundaries
Southwest Corner of RM 2243 & Ronald Reagan Blvd

0 200
Feet

Subject Property
LEANDER

ATTACHMENT #5

360 PROFESSIONAL SERVICES, INC.

P.O. Box 3639
Cedar Park, Texas 78630

October 10, 2012

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

Re: ***Request for Zoning Change***
Letter of Intent
SWC RR 2243 and Ronald Regan – +/-23.26 Acres

Dear Mrs. Griffin:

Please accept this letter as a written request to provide initial zoning for the subject tract from interim SFS-2-B to GC-3-C/SFS-2-B. According to the City of Leander Comprehensive Plan, major intersections are nodes that encourage density and mixture of uses including apartments, condominiums, major commercial, major retail, and office uses.

The surrounding area is generally zoned GC-2-B which limits the ability to provide both density and the mixture that is envisioned in the comprehensive plan. By allowing the majority of the subject tract to be zoned to its highest and best use, GC-3-C, the diversity of the development around this node will be achieved. It is envisioned that this corner and surrounding parcels will fulfill additional objectives of the comprehensive plan which include civic uses. The southern portion of the tract which is along Brushy Creek and adjacent to single-family residences, is proposed to be zoned SFS-2-B. This area of the property is intended to provide a natural buffer between the property and its neighbors and is approximately 2.88 Acres.

Please refer to the attached exhibit which illustrates the proposed zoning plan and the remainder of the zoning application submittal for additional information

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

Very truly yours,

360 PROFESSIONAL SERVICES, INC.

Scott J. Foster, P.E.
Principal

ATTACHMENT #6

Robin Griffin

From: Jim Bechtol
Sent: Friday, November 02, 2012 7:48 AM
To: Ellen Pizalate; Robin Griffin
Subject: Fwd:

Pls put in packet

Sent from my iPhone

Begin forwarded message:

> **From:** Vivek Mahendru [redacted]
> **Date:** November 1, 2012 7:43:30 PM CDT
> **To:** <jbechtol@leandertx.gov>
>
> Hello Mr. Bechtol,
> My name is Dr. Vivek Mahendru and we own property in Leander along 2243, RR Blvd and Hero Way.
> We whole heatedly support the efforts by the city of Leander, HEB and its developers for allowing such project to be placed at the corner of 2243 and RR Blvd.
> Not only will be great for the city financially, but will allow people living along this rapidly growing corridor to access a convenient grocery store in Leander without driving all the way to Cedar Park.
> As citizens of Leander we expect to have services here rather than driving to another near by city.
> In addition we are hoping that other adjunct type services follow along HEB in East Leander.
> If their is anything I can do to help please let me know.
> Respectfully,
> Dr. V. Mahendru

Robin Griffin

From: Jim Bechtol
Sent: Friday, November 02, 2012 8:04 AM
To: Robin Griffin
Subject: FW: re HEB

Jim Bechtol
Director of Development Services
City of Leander
ph(512)528-2708
cell ph (512) 750-7374
email: jbechtol@leandertx.gov

From: devidass mahendru [redacted]
Sent: Thursday, November 01, 2012 11:38 PM
To: Jim Bechtol
Cc: vivek; sm
Subject: Fwd: re HEB

hi mr. bechtol,
i whole heartedly agree with dr. mahendru on the development of this corridor.
devidass mahendru

--- On **Thu, 11/1/12, Vivek Mahendru** [redacted] wrote:

Tom and Kathleen Reid
10999 E. Crystal Falls Parkway
Leander, Texas

To: Jim Bechtal

Development Services Director
City of Leander, Texas

Hello Jim-

Kathleen and I would like to be on record as being FOR the proposed zoning change for the tract on Ronald Reagan at FM2243 that is presently under contract for purchase by H.E.B.

This is an ideal site for an H.E.B. store to serve the rapidly growing Ronald Reagan corridor. We look forward to seeing tax revenue move out of the Cedar Park till and into Leander's.

Please thank the Leander development team for spotting this great investment for our community and presenting the details to our City Council for a vote on the zoning change.

Tom

83 Ridgmar Road, Leander, TX 78641

(512) 528-1031

October 30, 2012

Jeremy Smitheal, Partner
Riverside Resources
100 Congress Ave
Suite 780
Austin, TX 78701-4072

cc: Clarence Charles Butt, President & CEO - HEB Supermarket Chain
cc: City of Leander, Zoning & Planning Commission - Michelle Stephenson, Chris Tovar - Chairman, Ronald Abruzzese, Sid Sokol, Richard Allen, Betty Saenz and Jeff Seiler

Re: **Beasley Tract, LP, Leander, TX**

Dear Mr. Smitheal,

We represent resident and non-resident owners of property located within the Ridgmar Landing Subdivision which is directly adjacent to the above-referenced property. We were recently made aware by HEB, Inc. that they have intentions of purchasing and developing the Beasley tract. HEB, Inc, in the course of their Due Diligence inspection and investigation, discovered the existence of our Subdivision.

On October 9, 2012, those residents who received notice by HEB of their intention to purchase your tract, who were able to attend, were invited to an "Informal Meeting" with HEB at our City Hall to discuss their plans to build a store in accordance with their business model which model includes a gas station and drive-thru pharmacy.

We have subsequently received notification from the City of Leander that you have applied for GC-3-C (General Commercial) re-zoning. This rezoning is something we intend to vigorously and strenuously oppose for the numerous reasons detailed below.

Despite the fact that presently one can drive about seven (7) miles in any direction and find a HEB store, HEB believes that the Beasley Tract is a good location for them given the unprecedented residential growth the area is currently experiencing. However, HEB seemed oblivious to certain facts of which they received a brief education on October 9, 2012.

Ridgmar Landing is a subdivision that falls into the City of Leander's Zoning Regulations with a zoning character identification of SFE which stands for "Single Family Estate". The building regulations for this type of development are very rigid in support of the following:

Statement of Intent:
The Single-Family Estate use component provides for the development of single-family detached dwellings on large 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 an area with larger lot sizes.

The minimum size for a single-family dwelling is not less than sixteen hundred (1,600) sf of living area, accessory dwelling with minimum living area of four hundred (400) square feet; and a maximum living area of nine hundred (900) square feet or 40% of the gross living area of the primary dwelling, whichever is greater. However, for lots greater than three acres in size, there is no limit to the maximum size of the accessory dwelling.

The minimum lot size definition is:
Interior Lots Corner Lots - Area Width Depth Area Width Depth
12,000 sq. ft. 80' 120' 13,000 sq. ft. 90' 120'
(1) Up to ten percent (10%) of lots in any final plat may have widths, depths and/or areas up to ten percent (10%) less than requirements.
(2) In addition, for every one foot that a lot is wider or deeper than required, or for every one square foot that a lot is larger than required, another lot may be reduced by the equivalent amount, for up to ten percent (10%) of the lots in any final plat being allowed to have such reduced sizes, and up to ten percent (10%) less than requirements. The applicant may increase these prescribed limits to up to double the amounts if the applicant can demonstrate increased tree or other significant natural feature protection.'

There are also the following **Additional Requirements: (Each of the uses denoted herein shall conform to the following development standards. Note: A site component – Type 1, 2 or 3 - and an architectural component – Type A or B – must be combined with this use component.)**
(1) Use Standards (Article IV)
(2) Site Components (Article V)
(3) Site Standards (Article VI)
(4) Architectural Components (Article VII)
(5) Architectural Standards (Article VIII)

We are attaching the Composite District Combining Options for your review below:

Composite District Combining Options (P = Permitted)

Use Component	Site Component					Arch. Component			
	1	2	3	4	5	A	B	C	D
SHR	P	P	P			P	P		
SFE	P	P	P			P	P		
SFS	P	P	P			P	P		
SFU	P	P	P			P	P		
SFC	P	P	P			P	P		
SFL	P	P	P			P	P		
SFT	P	P	P			P	P		
SFU/MH	P	P	P			P	P		
TF	P	P	P			P	P		
MF	P	P	P			P	P		
LC	P	P	P			P	P	P	
LC	P	P	P			P	P	P	
GR	P	P	P	P	P	P	P	P	P
LI	P	P	P	P	P	P	P	P	P
HI	P	P	P	P	P	P	P	P	P

(c) Zoning Map
(1) The location and boundaries of the districts [illegible] established are shown on the Zoning Map, which is adopted herein and hereby incorporated by reference and made a part

As you can see, Single Family Estate units are permitted Site Components 1, 2 and 3 along with Architectural Components A and B. The City of Leander has set apart certain areas for certain types of development. But it has also made clear, in the following statement contained within the Composite Zoning Ordinance, the following language:

(f) Determination of Appropriate District
For uses not classified in this ordinance, the Director of Planning shall work with the property owner to determine the district appropriate for the proposed use, site and architectural improvements. *If the proposed use is not substantially similar to a use permitted within the district in which the property is located, or is not substantially similar to a use permitted within another district, or if agreement is not reached, the issue will be submitted to the Commission*. The following criteria shall be used to determine the appropriate classification of any use not listed in this ordinance and whether a use is considered principal or accessory:
(1) The actual or projected characteristics of the activity in relationship to the stated characteristics of each use category.
(2) The relative amount of site area or floor space and equipment devoted to the activity.
(3) Relative amounts of sales from each activity.
(4) The customer type for each activity.
(5) The relative number of employees in each activity.
(6) Hours of operation.
(7) Building and site arrangement.
(8) Vehicles used and their parking requirements.
(9) The relative number of vehicle trips generated
(10) The likely impact on surrounding properties.
(11) Whether the activity is likely to be found independent of the other activities on the site.

As you can see, likely impact on surrounding properties is a major component in the consideration of determination of Appropriate District. This very argument came into play when the owner of several properties petitioned to have his existing C2 property rezoned to Industrial. The Ridgmar Landing Subdivision owners came out in force to oppose the proposed rezoning as it did not conform to the current and usual use of the land, the architectural features were in contrast to those of the existing subdivision estate homes, and the impact to residents' quality of life and peaceful enjoyment of their property as guaranteed under the laws and City Zoning ordinances. At the City Council hearing on the matter, the City Council first denied the request for Industrial rezoning in its entirety. Upon pleas by the property owner for reconsideration, the Ridgmar Landing Subdivision property owners agreed to meet with the owner and City Planner, and agreed to allow the rezoning of the property to Composite Ordinance Section 1, Type 1, which, as you will see below, does not permit either drive-thru services nor does it permit the sale of gasoline or other fuels.

SECTION 2: ESTABLISHMENT OF ZONING DISTRICTS
(a) Zoning Districts
For the purposes of this ordinance, the City of Leander is hereby divided into composite zoning districts, which contain a use component, a site component and an architectural

component. Uses as well as site and architectural regulations within each composite district are restricted solely to those uses and standards expressly permitted in this ordinance. Use components are required to be accompanied by a site component and an architectural component.

Ultimately, the current zoning for similarly situated properties, such as the Beasley Tract, is LC (Local Commercial). The Ordinance for Local Commercial are listed below for your convenience and reference:

SECTION 12: LC – LOCAL COMMERCIAL

(a) Statement of Intent

The Local Commercial use component allows for the 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.

(b) Conforming Uses

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

(1) Any use permitted in the "LO" Local Office component

(2) Artisan and handcraft activities and sales if such activities are located completely within an enclosed structure except for specific activities as provided in the applicable site component

(3) Bank or other lending institution (Note that drive-through service lanes are permitted only if provided in the applicable site component)

(4) Bed and breakfast

(5) Colleges, universities, vocational schools or other institutions of higher learning including related facilities

(6) Cultural facilities including art gallery, museum, dancing or music academy, fitness center, martial arts academy, photographic or artist studio

(7) Florist shop, greenhouse or nursery

(8) Funeral home including embalming facilities associated with an on site funeral home or cemetery, but no crematory.

(9) Grocery and dry goods sales including convenience stores (Note: Refer to Type 3 site component for outdoor fuel sales)

(10) Medical clinics

(11) Personal services including, but not limited to, barber shops, beauty parlors, tailoring, dressmaking, shoe repair, small appliance repair, bicycle repair, retail bakeries, catering and, under the following conditions, dry cleaning and laundry (including self service):

(i) Dry cleaning machines shall be an EPA-approved non-vent unit and have an enclosed trough to accommodate any solvent spill.

(ii) Solvent use shall be wet system utilizing only water and detergents or PERC systems, which is nonflammable perchloroethylene, and which is limited to 50 gallons on-site at any one time. Other alternative solvent may be considered (e.g. D-5) by the Director of Planning on a case by case basis.

(iii) No fumes, odor or noise shall be detectable beyond the premises of the business.
(iv) No chemical discharge shall be allowed into an organized central sewer system or private septic disposal system unless such system is a wet system utilizing only water and detergents.
(v) There shall be a maximum of 1,800 square feet for the gross area of the business.
(vi) Dry clean processing is limited to on-site business, not trucked-in processing.
(vii) Used chemicals and filters shall be disposed of weekly or after every 8,000 pounds of processing and be transported by a state-licensed disposal company.

(12) Pharmacies
(13) Restaurants
(14) Retail sales of new product and services

(c) Hours of Operation

Hours of operation to the general public shall be between 5:00 a.m. to 10:00 p.m. Sunday through Thursday, and between 5:00 a.m. and 11:00 p.m. Friday and Saturday (except for emergency services, public property and facilities or any activity not open to the public; and a for a fitness center or gymnasium if services have previously been contracted by membership, access is provided only for such members, such activity is a self-help personal activity, no business transaction nor any organized instructional activity takes place, and such facility is located on an arterial roadway with at least ninety (90) feet of ROW).

(d) Additional Requirements: (Each of the uses denoted herein shall conform to the following development standards. Note: A site component – Type 1, 2 or 3 - and an architectural component – Type A, B or C – must be combined with this use component.)

(1) Use Standards (Article IV)
(2) Site Components (Article V)
(3) Site Standards (Article VI)
(4) Architectural Components (Article VII)
(5) Architectural Standards (Article VIII)

We feel it is also critical that you be made aware that the following uses are not permissible under a Section 1, Type 1 Local Commercial use as shown below:

Certain uses listed in use components may not be feasible *if they require site or architectural features not permitted by the site or architectural component*. [Example: Vehicle sales is a permitted use in the GC (General Commercial) use component. However, if GC is not combined with a site component that permits the amount of outdoor display required for vehicle sales, the use may not be feasible. A GC use component combined with a Type 3 site component would limit outdoor display to not more than thirty percent (30%) of the area of the principal building. A Type 4 or Type 5 site component would increase outdoor display which could be more appropriate for a vehicle sales use.] [Example: Self storage mini-warehouses are permitted in the LI (Light Industrial) use component.

However, if LI is combined with an architectural component requiring mostly masonry exterior wall materials, such as a Type A or B architectural component, such use may not be economically feasible.] [Example: A fast food restaurant is permitted in an LC (Local

Commercial) use component. However, if it is combined with a Type 1 use component, it would **not** be permitted to have a drive through service lane.]

In general, certain uses under a Section 1, Type 1 Composite Zoning Ordinance, which is the only permissible use that the Ridgmar Landing Subdivision residents are open to, would not permit either drive-thru transactions such as pharmacy drive-thrus, or the outside sale of fuel such as a gasoline station.

If you are not currently aware, the intersection in question has been the site of many vehicle accidents, some of which resulted in fatalities. The proposal by HEB increases the risk of fatality and head-on accidents by the addition of a point of ingress to the property on the North side of the Parcel on N Hwy 2243. Because the addition of a new point of ingress is so close to the entrance to our subdivision, the risk to anyone waiting to make a left turn into the subdivision entrance, which is only a few feet from HEB's proposed development, cars that would go around any back-up of traffic in the new entrance would possibly drive right into the front of any vehicle waiting to make a left turn into the subdivision. This is unacceptable and poses an additional danger to an already very deadly intersection and roadway.

The potential for blocking of the entrance to our subdivision also exists. Fire and emergency services must have immediate access to the subdivision at all times. In the case of a natural disaster such as the wildfires Austin has experienced, or other serious threat to their safety, Ridgmar residents have only two exits as means of escape, one of which is the exit on to 2243.

There is also the issue of increased traffic along Ridgmar Road, since residents of subdivisions along the eastern end of Crystal Falls Parkway are most likely to take the quickest route to HEB via Ridgmar Road rather than make a detour and negotiate two left hand turns across Ronald Reagan. The HEB development at the junction of McNeil and Parmer is just one example of a location where customers trying to avoid the main roads and the lights speed through adjoining residential housing.

Ridgmar Road is a narrow road with many blind corners and no central markings. There is currently very little through traffic, making the road sufficiently safe for high school cross country teams to run there or for horse owners to ride. Ridgmar Landing is one of few local subdivisions permitting horses to be kept: up to four pleasure horses per 5-acre tract. There is a major issue of liability if increased traffic along Ridgmar Road should cause accident or injury to pedestrians, schoolchildren, horses, horse riders or other residents entitled to quiet enjoyment of their property. Horse owners towing trailers will be particularly at risk entering or exiting the Ridgmar Landing via the 2243 exit.

At the meeting, residents asked HEB about conducting an Environmental Impact Report due to the documented carcinogenic effects of long-term exposure to gasoline fumes. The pat response by HEB was "We'll look into that". When questioned about flood management, as this property abuts Brushy Creek which regularly floods and overflows its banks any time there is strong rain, the response again, "Well look into that". HEB did provide a "Flood Survivor" to address this issue. It was an apples to oranges type discussion.

More to the point, we want to make it very clear that any development on the Beasley Tract, that results in diversion or destruction of the existing runoff structures or levees in place, that alter or otherwise redirect the natural flow of flood waters, has the potential to send sediment, mud, water and debris into the homes of the residents of the Ridgmar Landing Subdivision, thus causing extensive damage to existing homes that back up to Brushy Creek, and has the potential to cause millions of dollars of damage to existing homeowners.

There is also the question of the size, capacity and location of the retention pond HEB will be required to build to cope with potential flooding in addition to providing for impervious coverage, as required by the City of Leander. Rest assured that all of these points will be brought before the City Council, should you pursue anything other than Section 1, Type 1 Composite Zoning of the Beasley Tract, LP.

We would also point out that having made you aware of not only the potential unlikelihood of obtaining approval from the City of Leander for big-box type development by stores such as HEB, you must now also disclose to any potential buyer the objections of the Ridgmar Landing Subdivision and of our intent to fight any proposed zoning change to anything other than Section 1, Type 1 development.

Sincerely,

Jeff & Julissa Griffith, 62 Fair Oaks

Maggie McLening, 83 Ridgmar

On behalf of the following Ridgmar Landing home owners:

Dale & Katie Raveney, 7 East Windemere

Richard & Gina Simmons, 9 East Windemere

John & Debbie Sorrell, 301 Ridgmar

Paul & Karen Cooke, 302 Ridmar

Theresa Jeanes, 507 Ridgmar

David & Nan Latimer, 603 Ridgmar

Dennis & Mary Anderson, 700 Ridgmar

Grace Gerace, 703 Ridgmar

Clint Carson, 800 Ridgmar

Danny & Penne Allen, 900 Ridgmar

Clay & Tammy Townsend, 12 West Windemere

Jeff & Kelly Martin, 15 West Windemere

Guy & JoLynn Stewart, 122 West Windemere

Lisa & Larry Hupman, 123 West Windemere

Dave & Sue Sidney, 128 West Windemere

Jeff & Coral Swindall, 133 West Windemere

Geoff & Dawn Leighton, 12 Fair Oaks

Bridget A Stimpson, 17 Fair Oaks

Jim & Cindy Franklin, 24 Fair Oaks

Benny & Betty Latham, 3 Warfield

Matt Tolbert, 71 Fair Oaks

John & Becky Wise, 501 Ridgmar

Carmen Gagne, 6 Warfield_

Justin Jones & Marianne LiMandri, 13 Warfield

Fred & Tammy Johannessen, 127 West Windemere

ZONING CASE 12-Z-026

Attachment #7

Ridgmar Landing
Neighborhood Ownership

City Limits
Future Annexation Per DA
Involuntary Annexation
Voluntary Annexation

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

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ORDINANCE NO

ORDINANCE OF THE CITY OF LEANDER, TEXAS, AMENDING THE ZONING ORDINANCE BY REZONING ELEVEN PARCELS OF LAND FROM INTERIM SFR-1-B (SINGLE-FAMILY RURAL) AND INTERIM SFS-2-B (SINGLE-FAMILY SUBURBAN) TO GC-3-C (GENERAL COMMERCIAL) AND SFS-2-B (SINGLE-FAMILY SUBURBAN); 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. Rezoned property. The Zoning Ordinance is hereby amended by changing the zoning district for eleven parcels generally located at the southwest corner of RM 2243 and Ronald W. Reagan Blvd. The property is approximately 23.28 acre more or less in size and includes parcels #R031239, R031247, R031271, R031272, R031274, R037215, R443611, R473637, R037219, R037220, and R473626. This parcel is hereby zoned GC-3-C (General Commercial) and SFS-2-B (Single-Family Suburban); Leander, Williamson County, Texas. (See Exhibit A).

Section 4. 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 March, 2013.
FINALLY PASSED AND APPROVED on this the 21st day of March, 2013.

THE CITY OF LEANDER, TEXAS

Christopher Fielder, Mayor

ATTEST:

Debbie Haile, City Secretary

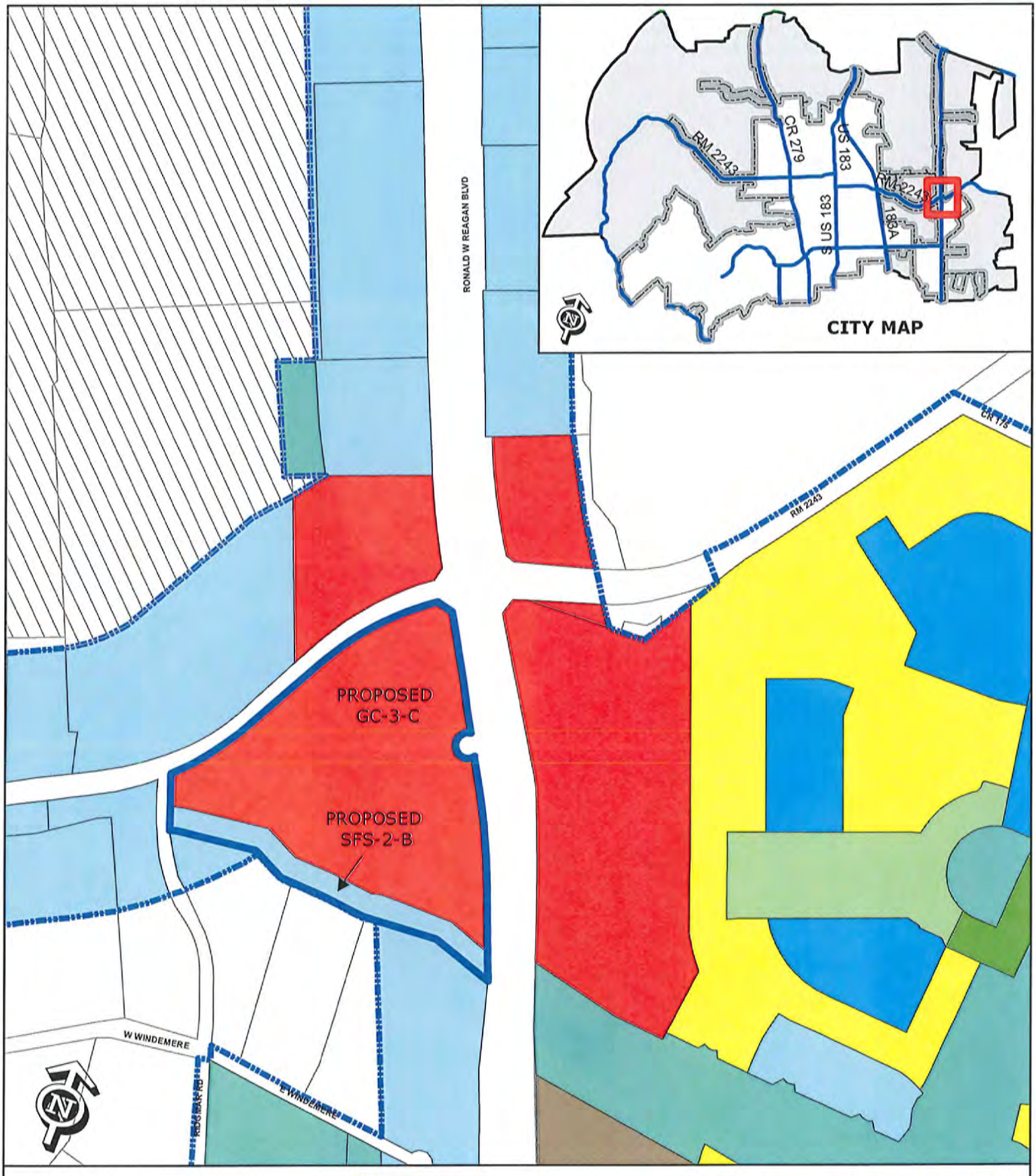

EXHIBIT A

Zoning Case
12-Z-026

Southwest Corner of RM 2243 &
Ronald W Reagan Blvd

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

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

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Minutes

PLANNING & ZONING COMMISSION MEETING
CITY OF LEANDER, TEXAS
Pat Bryson Municipal Hall ~ 201 North Brushy Street
Leander, Texas

Thursday ~ November 8, 2012 at 7:00 pm

Place 1 Michelle Stephenson	**Place 4 Sid Sokol**
Place 2 Chris Tovar – Chairman	**Place 5 Richard Allen**
Place 3 Ronald Abruzzese	**Place 6 Betty Saenz – Vice Chairman**
	Place 7 Jeff Seiler

1. Call to Order
   Chairman Tovar called the meeting to order at 7:10 p.m.

2. Roll Call
   All Commissioners were present.

3. Approval of Minutes:
   Regular Planning & Zoning Meeting: October 25, 2012
   Motion made by Commissioner Abruzzese to approve the minutes, seconded by Commissioner Allen. Motion passed unanimously.

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

5. P & Z Commission Progress Report for Oct. 2011 to Oct. 2012
   A. Review and discuss Report
   B. Make any changes or deletions if necessary.
   C. Take action
      Motion made by Commissioner Seiler to approve the Progress Report, seconded by Commissioner Abruzzese. Motion passed unanimously.

6. Election of Chairman
   A. Nomination for position of Chairman
   B. Discussion of nominees
   C. Election of Chairman
      Motion made by Commissioner Sokol to elect Chairman Tovar for Chairman, seconded by Commissioner Stephenson. Motion passed unanimously.

7. Election of Vice Chairman
   A. Nomination for position of Vice Chairman
   B. Discussion of nominees
   C. Election of Vice Chairman
      Motion made by Commissioner Sokol to elect Commissioner Abruzzese for Vice Chairman, seconded by Commissioner Allen. Motion passed unanimously.

8. Election of Secretary
   A. Nomination for position of Secretary
   B. Discussion of nominees
   C. Election of Secretary
      Motion made by Commissioner Abruzzese to elect Ellen Pizalate for Secretary, seconded by Commissioner Sokol. Motion passed unanimously.

Public Hearing

9. Subdivision Case 12-FP-007: Hold a public hearing and consider action on the Sarita Valley, Phase 2A Final Plat for 10.33 acres more or less; WCAD Parcel #R513750; generally located to the northeast of the intersection of Sarita Drive and Ronald W. Reagan Blvd, more specifically to the northeast of Feather Reed Drive and Wedgescale Pass; Williamson County, Texas. Applicant/Agent: Don Walden on behalf of H4 Sarita Valley, LLC

   a) Staff Presentation

   Robin Griffin, Planner, stated that staff reviewed the request and it has staff approval with conditions.

   b) Applicant Presentation

   Don Walden gave presentation on behalf of H4 Sarita Valley, LLC.

   c) Open Public Hearing

   Chairman Tovar opened the public hearing
   No Citizens wished to speak.

d) Close Public Hearing

Chairman Tovar closed the public hearing.

e) Discussion

No discussion took place.

f) Consider Action

Commissioner Sokol motion to approve with staff recommendation, Commissioner Stephenson seconded the motion. Motion passed unanimously.

10. Zoning Case 12-Z-020: Hold a public hearing and consider action on the rezoning of a parcel generally located at the northwest corner of Old 2243 W and US Hwy 183, approximately 600 feet west of N US Hwy 183 and 1,100 feet north of Old 2243 W; 69.23 acres more or less; Parcel #R031635. Currently the property is zoned SFU-2-B (Single-Family Urban), LC-2-B (Local Commercial) and GC-3-C (General Commercial) and is proposed to be zoned SFL-2-B (Single-Family Limited), SFC-2-B (Single-Family Compact), and SFU-2-B (Single-Family Urban), Leander, Williamson County, Texas. Applicant: Jenn Dermanci on behalf of HEB Grocery Company, LP.

a) Staff Presentation

Robin Griffin, Planner, described request & discussed surrounding land uses.

b) Applicant Presentation

Sean Compton spoke on the purpose of the rezoning.

c) Open Public Hearing

Chairman Tovar opened the public hearing
No Citizens wished to speak.

d) Close Public Hearing

Chairman Tovar closed the public hearing.

e) Discussion

Discussion took place.

f) Consider Action

Commissioner Stephenson motion to approve, Commissioner Saenz seconded the motion. Motion passed unanimously.

11. Zoning Case 12-Z-026: Hold a public hearing and consider action on the rezoning of eleven parcels generally located at the southwest corner of RM 2243 and Ronald W. Reagan Blvd; 23.28 acres more or less; Parcels #R031239, R031247, R031271, R031272, R031274, R037215, R443611, R473637, R037219, R037220, R473626. Currently, a portion of the property is not zoned, upon annexation it will be zoned interim SFR-1-B (Single Family Rural). The portion located within the City is currently zoned interim SFS-2-B (Single-Family Suburban). The property is proposed to be zoned GC-3-C (General Commercial) and SFS-2-B (Single-Family Suburban) Leander, Williamson County, Texas. Applicant: Scott Foster on behalf of Beasley Tract, LP/Jeremy Smitheal and Williamson County / Dan A. Gattis.

a) Staff Presentation

Robin Griffin, Planner, described request & discussed surrounding land uses.

b) Applicant Presentation

Steve Drenner spoke on the purpose of the rezoning.

c) Open Public Hearing

Chairman Tovar opened the public hearing
Vince Giaco – For
Dale Raveney – For
Vic Mahendru – For
B.J. Hogan – For
Maggie McLening – Against
John Sommerfeld – For
Jeff Griffith – Against
Ryan Tuttle – Against
Marci Cannon – For
Doug Launius – For
Swaram Mahendru – For
Nelson R. Shipman – For
Benny Latham – Against

Chairman Tovar called a ten minute break

John Sorrell – Against
Alan Adlock – Against
Larry Hupman – Against
Lisa Hupman – Against
Jeff Swindall – Against
Coral Swindall – Against
Joseph Greene – For
Bob Tesch – For
David Latimer – Against
Matt Tolber – Against
Marianne Lionandri - Against

d) Close Public Hearing

Chairman Tovar closed the public hearing.

e) Discussion

Discussion took place.

f) Consider Action

Commissioner Stephenson motion to approve the zoning request and increase the SFS-2-B portion to one hundred (100') feet in width, Commissioner Sokol seconded the motion. Motion passed unanimously.

12. Zoning Case 12-Z-027: Hold a public hearing and consider action on the rezoning of a portion of a parcel generally located at the northwest corner of Osage Drive and Highland Trail; 0.881 acres more or less; Parcel #R484296. Currently the property is zoned SFU-2-B (Single-Family Urban), and is proposed to be zoned LO-1-A (Local Office), Leander, Williamson County, Texas. Applicant: Mike Siefert on behalf of Lookout Development Group, LP.

a) Staff Presentation

Robin Griffin, Planner, described request & discussed surrounding land uses.

b) Applicant Presentation

Mike Siefert spoke on the purpose of the rezoning.

c) Open Public Hearing

Chairman Tovar opened the public hearing.

d) Close Public Hearing

Chairman Tovar closed the public hearing.

e) Discussion

Discussion took place.

f) Consider Action

Commissioner Sokol motion to deny the zoning request, Commissioner Seiler seconded the motion. Motion passed unanimously.

13. Meeting Adjourned at 10:10

_____
Chairman Tovar

ATTEST:_____
Ellen Pizalate

AGENDA ITEM # 13

Executive Summary

March 7, 2013

Agenda Subject: Consider Amendments to Ordinance #01-009-00, Ethics Ordinance

Background: The Ethics Commission Chairman, Rick Shirley presented the changes recommended from the Ethics Commission concerning the current ordinance at the February 21, 2013 meeting. Council voted unanimously to have the City Attorney review the ordinance and to bring it back to the March 7, 2013 meeting for further consideration. At this time we do not have the recommendation from the City Attorney. I will forward all recommendations to you next week or bring a redline copy to the meeting.

Origination: City Council directive to Ethics Commission

Recommendation: No staff recommendation at this time

Attachments: Backup will follow pending recommendation from City Attorney

Prepared by: Debbie Haile TRMC, City Secretary

AGENDA ITEM # 14

Executive Summary

March 7, 2013

Council Agenda Subject: INTERLOCAL COOPERATION AGREEMENT REGARDING THE CREATION OF "THE HIGHLAND LAKES FIRM WATER CUSTOMERS COOPERATIVE"

Background: During the last several months, staff from several cities and utility districts including Leander, Cedar Park, Pflugerville, Lakeway, and Burnet have developed an informal cooperative to address mutual drought-related concerns before the LCRA. The attached interlocal cooperative agreement will pool the resources of several firm water customers, yet will not replace or impose authority over the members of the cooperative. The recurring annual fee is $4,000 for a steering committee member, with lesser fees for other members. Consistent with the previous January 3, 2013 resolution, future coalition efforts and associated expenses will be presented to Council for consideration.

Origination: Pat Womack, Public Works Director

Financial Consideration: $4,000

Recommendation: Staff requests authorization for the City Manager to execute the attached Interlocal Cooperation Agreement

Attachments: Interlocal Cooperation Agreement

Prepared by: Pat Womack, Public Works Director

INTERLOCAL COOPERATION AGREEMENT REGARDING THE CREATION OF "THE HIGHLAND LAKES FIRM WATER CUSTOMERS COOPERATIVE"

This Interlocal Cooperation Agreement (the "Agreement") is made to be effective on the _____ day of _____, 2013 (the "Effective Date"), by and between each of the Local Governments who are signatories to this Agreement (collectively, the "Local Governments"). In this Agreement, the Local Governments are sometimes individually referred to as a "Party" and collectively referred to as the "Parties."

RECITALS

WHEREAS, each of the Local Governments is a "local government" within the meaning of Section 791.003(4) of the Texas Government Code;

WHEREAS, each of the Local Governments has a firm water supply contract with the Lower Colorado River Authority ("*LCRA*");

WHEREAS, the Local Governments recognize the importance of preserving a safe, firm, and reliable water supply and maintaining excellent water quality to benefit the health, economic, and recreational interests of their respective customers;

WHEREAS, on or about March 12, 2012 LCRA filed an application with the Texas Commission on Environmental Quality ("*TCEQ*") to amend its water rights permits and/or certificates of adjudication to include a revised Water Management Plan ("*WMP*"), which is LCRA's plan for operating Lake Buchanan and Lake Travis to meet water needs throughout the Lower Colorado River Basin;

WHEREAS, LCRA has also applied to the TCEQ for emergency relief from the requirements of the current (2010) WMP and the 2011 emergency orders related to the WMP;

WHEREAS, the Local Governments desire to participate in all proceedings before the LCRA, TCEQ, and any other court of competent jurisdiction or forum relating to the LCRA WMP, as well as in all other proceedings involving LCRA's water rights and/or certificates of adjudication in order to fully protect all of the interests of the Local Governments and their respective customers;

WHEREAS, the Local Governments also desire to work together on other Water Matters (herein defined) that may arise from time to time;

WHEREAS, the Local Governments have determined that it is more effective and efficient to coordinate and collaborate with other similarly situated entities with regard to Water Matters;

WHEREAS, the Local Governments acknowledge by executing this agreement that each of them waive any legal conflict of interest as between each other, and have been provided, in writing, with an honest attempt by legal counsel at providing full and complete disclosure of

potential conflicts of interest, including the reasons for the conflict rule and the consequences of both waiving and not waiving the possible conflicts of interest;

WHEREAS, this agreement constitutes a written consent to waive such conflicts to permit the joint representation of the Local Governments and constitutes a Joint Defense Agreement as provided by law between the Local Governments for the purposes of this engagement of legal services;

WHEREAS, the Local Governments have been encouraged to seek independent legal counsel as to whether to waive the conflict;

WHEREAS, the Local Governments have engaged their own independent legal counsel as to the value and consequences of waiving any conflict of interest and desire to engage into this Interlocal Cooperation Agreement and establish a Joint Defense Agreement between the Parties; and,

WHEREAS, the Local Governments therefore support the creation of a Cooperative of LCRA firm water supply customers for the purposes of participating in planning activities and legal proceedings related to Water Matters as may be necessary to create and preserve a safe, firm and reliable water supply.

NOW, THEREFORE, the Parties agree as follows:

1. CREATION AND PURPOSE OF THE HIGHLAND LAKES FIRM WATER CUSTOMERS COOPERATIVE

1.01 The foregoing recitals are hereby found to be true and correct and are hereby approved and adopted.

1.02 There is hereby, upon execution of this Agreement by five (5) of the Local Governments represented on the Steering Committee as listed in Section 2.01.01 of this Agreement, created the Highland Lakes Firm Water Customers Cooperative (the "*Cooperative*"). The purpose of this Interlocal Agreement is to allow the Local Governments to form a Cooperative to aid, assist, and act on behalf of the Local Governments in the performance of their governmental functions relating to public health and safety and to preserve valuable rights related to water supply by:

1.02.01 aiding, assisting, and acting on behalf of the Local Governments in the performance of their governmental functions, promoting the common good and general welfare within the areas of the Local Governments, their water customers, and their neighboring areas; and assisting the Local Governments to preserve valuable rights. It is a specific purpose of this Agreement to establish a group of firm water supply customers of LCRA having the authority to organize, finance, participate in, and act on behalf of the Cooperative on all LCRA water-related topics and proceedings, including but not limited to proceedings relating to the LCRA's WMP, permit and/or certificate of adjudication; drought contingency planning; water conservation planning; water supply projects (including new reservoir and groundwater development

projects); water rates and charges; joint water planning per Chapter 36 of the Texas Water Code and State Water Plan matters; and on any other water-related matters that the Steering Committee may determine to be appropriate and desirable to work on cooperatively, including any matter authorized by Section 791.026 of the Government Code (collectively, the "*Water Matters*");

1.02.02 appointing a Steering Committee, to serve as the administrative agency as provided for in Section 791.013 of the Government Code, for the purpose of exercising the powers granted to the Cooperative; and

1.02.03 authorizing the Steering Committee to retain, on behalf of the Cooperative, attorneys, consultants, and experts to assist and act on behalf of the Cooperative on Water Matters subject to the provisions of this Agreement.

1.03 It is expressly understood and agreed by the Parties that the purpose of this Agreement is to provide the Local Governments with an opportunity to work together on Water Matters and act collectively through the Cooperative. Except as expressly authorized herein, the Cooperative has no authority to act on behalf of, or represent any of the Local Governments.

II. ADMINISTRATION OF THE COOPERATIVE

2.01 The Local Governments agree that the Cooperative created pursuant to this Agreement shall be administered as follows:

2.01.01 All powers of the Cooperative shall be vested in a Steering Committee ("*Steering Committee*"). The Steering Committee shall be responsible for performing the activities authorized by and within the scope of **Section 1.02** of this Agreement and shall act on behalf of the Cooperative and the Local Governments. The following entities are hereby appointed as the initial members of the Steering Committee:

City of Burnet
City of Cedar Park
City of Leander
City of Pflugerville
Lakeway Municipal Utility District
Travis County Water Control & Improvement District No. 17
West Travis County Public Utility Agency

A Party having a member on the Steering Committee may change its designated representative on the Steering Committee by giving written notice to the Steering Committee. The Administrator (defined in **Section 2.01.10**) shall promptly notify the other Parties by one of the means set forth in **Section 5.07** of this Agreement.

2.01.02 The Steering Committee may adopt such operational procedures ("Procedures") as it sees fit to accomplish the purposes of this Agreement, provided that the Procedures shall not be inconsistent with this Agreement. The Steering Committee

shall establish a method to amend the Procedures, which shall be effective on adoption by the Steering Committee.

2.01.03 The Steering Committee Procedures may provide a means for changing the composition of the Steering Committee, provided that (a) the number of members on the Steering Committee shall not be less than five (5); and (b) the entity represented on the Steering Committee must have a firm water contract with LCRA and have the highest level of membership as provided for on **Table 1** of this Agreement, or as established by the Steering Committee from time-to-time ; and (c) a Steering Committee member may be removed by a majority vote of the Parties or a unanimous vote of the Steering Committee; and (d) the Steering Committee, by two-thirds affirmative vote, shall have the right to request a Party to change their Authorized Representative (defined in **Section 2.03.02** of this Agreement).

2.01.04 The Steering Committee may hold its meetings at such place or places within Central Texas as the Steering Committee may from time to time determine. All members of the Cooperative shall be entitled to notice of and shall be authorized to attend meetings of the Steering Committee.

2.01.05 The Steering Committee shall designate from among its members such officers as it may determine to be necessary to accomplish the purposes of the Cooperative, and each officer shall serve for the term and have the duties as may be set forth in the Procedures.

2.01.06 Actions of the Steering Committee may be considered and acted upon at a meeting of the Steering Committee at which a quorum of the Steering Committee is present, via video or audio conferencing, or email to all members of the Steering Committee. A majority of the members of the Steering Committee shall constitute a quorum. The act of a majority of the members of the Steering Committee shall constitute an act of the Cooperative, unless a greater number is required by this Agreement or the Steering Committee's Procedures.

2.01.07 Members of the Steering Committee, as such, shall not receive any salary or compensation for their services as members of the Steering Committee. Expense reimbursement, if any, shall be the sole responsibility of the Local Government appointing such Steering Committee member.

2.01.08 The Steering Committee may retain the professional services of attorneys, experts, and consultants to assist it in the performance of its responsibilities under this Agreement, who shall take their direction from the Steering Committee.

2.01.09 The Steering Committee, by two-thirds affirmative vote, may allow additional Local Government or other LCRA firm contract holders, not originally a party to this Agreement, to become members of the Cooperative by execution of an interlocal agreement, or contract, as approved from time to time.

2.01.10 The Steering Committee shall appoint an administrator (the "*Administrator*") to carry out the responsibilities as provided for herein. The initial Administrator shall be the general manager of the Lakeway Municipal Utility District. The Administrator must be a member of the Steering Committee and may be changed by two-thirds affirmative vote of the Steering Committee members that are not then serving as the Administrator. The Administrator shall have the duties assigned to the Administrator under this Agreement, and shall also be responsible for keeping all of the records of the Cooperative.

2.02 The Steering Committee shall not:

2.02.01 Have the authority to amend, alter, waive, renew or otherwise change any of the terms or conditions of any of the Local Governments' existing contracts with LCRA;

2.02.02 Take any actions other than those actions authorized by this Agreement; or

2.02.03 Incur any financial obligation, debt, or encumbrance in excess of funds collected pursuant to this Agreement.

2.03 The Local Governments shall:

2.03.01 Promptly review draft public comments, pleadings, correspondence and other documents and provide comments to the Steering Committee as soon as practicable; and

2.03.02 Designate one person to act as its authorized representative ("*Authorized Representative*"). A Party may change its Authorized Representative from time to time by providing written notice to the Administrator, who shall promptly notify the other Parties. The Authorized Representative shall be solely responsible for reporting to their Local Government, any actions taken by the Steering Committee under this Agreement.

2.03.03 Make any payments required under this Agreement out of current revenues in accordance with Section 791.011(d)(3) of the Government Code.

III. FINANCIAL OBLIGATIONS

3.01 Establishment of an Operating Fund. The Parties agree to establish a separate fund (the "*Operating Fund*") for the purpose of paying for the Operating Expenses (as defined in **Section 3.03** of this Agreement). Lakeway Municipal Utility District, as the initial Administrator, will open an initial account for the Operating Fund at Chase Bank, N.A., and the initial signatories on the Operating Fund will be the general manager of Lakeway Municipal Utility District and the general manager of Travis County WCID #17. The depository at which the Operating Fund is held may be changed from time to time by the Administrator, provided that notice of such changes are reported to the Steering Committee. Signatories may be changed at any time by a majority vote of the Steering Committee.

3.02 Operating Fund Administration. The Administrator will have the responsibility and authority to establish the Operating Fund and to disburse funds from the Operating Fund in the manner and for the purposes set forth in this Agreement. All expenditures, including encumbrances, of funds must be approved by the Steering Committee in accordance with **Section 3.03** of this Agreement prior to issuing payment. The Administrator will have the duty to deposit all sums received from the Parties under this Agreement into the Operating Fund and to maintain proper books and records of the Operating Fund as provided for herein. The Operating Fund shall be kept separate and apart from all other accounts of the Administrator. The Party serving as Administrator will furnish a good and sufficient bond, or insurance coverage (which may be provided through the Texas Municipal League Intergovernmental Risk Pool). The cost of such insurance or bond will constitute an expense of the Cooperative. All sums on deposit in the Operating Fund will at all times either be insured by the Federal Deposit Insurance Corporation or collateralized in the manner required by Chapter 2257, Texas Government Code.

3.03. Uses of the Operating Fund. Subject to the provisions of this Agreement, the Operating Fund may be used by the Administrator to pay for Operating Expenses, which may include (i) legal fees, (ii) expert or consultant fees, (iii) court costs and filing fees, (iv) photocopy costs, (v) postage, courier or delivery charges, (iv) other costs and expenses deemed necessary by the Steering Committee ("*Operating Expenses*"). All Operating Expenses shall be approved by a majority vote of the Steering Committee, prior to incurring any encumbrance, or expenditure of funds. Each check, or payment, must bear two signatures: that of the Administrator and that of one other Steering Committee officer designated as a co-signer by the Steering Committee.

3.04. Accounting. The Administrator shall maintain complete books and records showing all deposits into and expenditures of any nature from the Operating Fund, which books and records shall be deemed complete if kept in accordance with generally acceptable accounting principles as applied to governmental entities in Texas. Such books and records shall be available for examination at the offices of the Administrator by the duly authorized officers or agents of the Parties during normal business hours upon request made not less than thirty (30) days prior to the date of such examination. The Administrator shall maintain such books and records throughout the term of this Agreement and for at least four (4) years thereafter. If the Administrator is changed by the Parties, all books and records relating to the Cooperative and Operating Fund will be promptly turned over to the new Administrator. The Administrator will cooperate with the Parties to timely provide all information and confirmations required in connection with the annual audits of the Parties' respective financial statements.

3.05 Initial Funding of the Operating Fund. Each Party shall pay the amount set forth in **Table 1** as the initial Annual Membership Fee (as defined in **Section 3.06(b)** of this Agreement) to initially fund the Operating Fund. Each Party agrees that it shall provide payment to the Administrator within twenty (20) business days of its execution of this Agreement.

3.06. Annual Budget.

a. Initial Fiscal Year. The initial fiscal year shall be for the period from the Effective Date through September 30, 2013 ("*Initial Fiscal Year*"). The Steering Committee shall establish a budget for the Initial Fiscal Year based on current revenues. All subsequent annual budgets following the Initial Fiscal Year shall be for the period from October 1 through September 30.

b. Subsequent Fiscal Years. Commencing with the first annual budget for the year following the Initial Fiscal Year and for each fiscal year thereafter (October 1 through September 30), the Steering Committee shall establish an annual budget, based on estimates from its consultants, past operating experience, and related information (the "*Annual Budget*"). The Steering Committee may amend the Annual Membership Fee, such that it will be sufficient to cover operating and other anticipated expenses (the "*Annual Membership Fee*"). The Annual Membership Fee structure shall be at the sole discretion of the Steering Committee. The Steering Committee may increase or decrease the Annual Budget at any time and may utilize fund balance for any authorized purpose under this Agreement. If there is a budget surplus for any fiscal year, that surplus will be carried over as fund balance to be used at the discretion of the Steering Committee. Failure to make timely payment of the Annual Membership Fee shall be considered a Default of this Agreement.

c. Special Purpose Funds. From time to time, the Steering Committee may elect to undertake specific actions to benefit the Cooperative that require Additional Contributions. Individual Parties, at their sole discretion, may elect to participate by making Additional Contributions to support such efforts. The Steering Committee may elect to utilize fund balance to help fund such efforts. Failure to make an Additional Contribution shall not constitute a default under this Agreement. However, only Parties participating by making the Additional Contribution shall be allowed to vote on actions related to special purpose.

IV. WITHDRAWAL; DEFAULT; DISSOLUTION

4.01 Withdrawal from Participation in the Cooperative. Any Party may withdraw from participation in the Cooperative at any time, upon written notice to the Steering Committee. The Party withdrawing from the Cooperative shall not be entitled to a refund of any previously paid amounts, unless such withdrawal coincides with dissolution of the Cooperative as provided for in **Section 4.03** of this Agreement.

4.02 Event of Default. Failure to cure a default within 30 days of notice of said default may be grounds for removal of the party by a majority vote of the Steering Committee.

4.03 Dissolution. Upon dissolution of the Cooperative, the Steering Committee may: (1) distribute all remaining funds to the membership at the time of dissolution, or (2) transfer remaining funds to a successor organization created by the Steering Committee for the purposes established in this Agreement, or (3) other method as agreed upon by a majority vote of the Parties at the time of dissolution.

ARTICLE V. GENERAL PROVISIONS

5.01. Authority. This Agreement is made in part under the authority conferred in Chapter 791, Texas Government Code.

5.02 Severability. The provisions of this Agreement are severable and, if any provision of this Agreement is held to be invalid for any reason by a court or agency of competent jurisdiction, the remainder of this Agreement will not be affected and this Agreement will be construed as if the invalid portion had never been contained herein.

5.03. Cooperation. The Parties agree to cooperate at all times in good faith to effectuate the purposes and intent of this Agreement.

5.04. Entire Agreement. Except as otherwise expressly provided herein, this Agreement contains the entire agreement of the Parties regarding the subject matters addressed herein, and supersedes all prior or contemporaneous understandings or representations, whether oral or written, regarding the subject matter.

5.05. Amendments. Any amendment of this Agreement must be in writing and will be effective only if approved by the governing body and executed by the authorized representatives of each of the Parties.

5.06. Applicable Law; Venue. This Agreement will be construed in accordance with Texas law. Venue for any action arising hereunder will be mandatory in either Burnet, Travis, or Williamson County, Texas.

5.07. Notices. All notices under this Agreement must be in writing. Any notice given under this Agreement must be given: (i) by depositing it in the United States mail, certified, with return receipt requested, addressed to the Party to be notified and with all charges prepaid; or (ii) by depositing it with Federal Express or another service guaranteeing "next day delivery", addressed to the Party to be notified and with all charges prepaid; (iii) by personally delivering it to the Party, or any agent of the Party listed in this Agreement; or (iv) by facsimile or (v) by email. Each of the Parties may change its respective address to any other address within the United States of America by giving at least five (5) calendar days' written notice to the Administrator.

5.08. Force Majeure. Parties shall not be deemed in violation of this Agreement if prevented from performing any of their obligations hereunder by reasons for which they are not responsible or due to circumstances beyond their control. However, notice of such impediment or delay in performance must be timely given and all reasonable efforts undertaken to mitigate its effects.

5.09. Counterparts. This Agreement may be executed simultaneously in multiple counterparts, each of which will be deemed an original, but all of which will constitute the same instrument.

5.10 Term and Termination. The initial term of this Agreement shall be from the Effective Date until September 30, 2013. Thereafter, this Agreement shall automatically renew for successive one (1) year periods, beginning October 1st, unless earlier terminated.

Signed this _____ day of _____, 2013.

Local Government:_____

_____
Name and Title

INITIAL APPOINTMENTS:

The persons named below are hereby appointed by the Local Government as its initial designated representatives under this Agreement:

Steering Committee Member:_____(if applicable)

Authorized Representative:_____

TABLE 1

Levels	Annual Membership Fee
Level I (1-500 A/F/yr. Firm Contract)	$500
Level II (501-1,000 A/F/yr. Firm Contract)	$1,000
Level III (1,001-2,500 A/F/yr. Firm Contract)	$2,000
Level IV (2,500 or Greater A/F/yr. Firm Contract)	$4,000

AGENDA ITEM # 15

Executive Summary

March 7, 2013

Council Agenda Subject: Consider Dedication and Acceptance of Subdivision Infrastructure Improvements for Cold Springs, Section 4

Background: The subdivision infrastructure improvements required for Cold Springs, Section 4 have been installed, inspected, and found to be satisfactorily completed. All documentation required for acceptance of the subdivision has been received, including record drawings, statement of substantial completion prepared by a Professional Engineer licensed in the State of Texas, copies of all inspection reports and certified test results, electronic files of the improvements and final plat, affidavit of all bills paid, and a two-year term Maintenance Bond. The Maintenance Bond will commence its two year term upon City Council acceptance, as anticipated, on March 7, 2013, which will provide warranty and maintenance coverage for the infrastructure improvements through March 7, 2015. The Engineering Department will perform a formal inspection of the improvements approximately 30 days prior to the expiration of the Maintenance Bond to assure that any defects in materials, workmanship, or maintenance are corrected prior to expiration of the bond.

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

Financial Consideration: N/A

Recommendation: Staff recommends City Council's formal acceptance of the subdivision infrastructure improvements for Cold Springs, Section 4.

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

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

ENGINEER'S CONCURRENCE

FOR PROJECT ACCEPTANCE

PROJECT: Cold Springs Section Four

Date: February 8, 2013

Owner's Name and Address

Centex Homes
12301B Riata Trace Pkwy.
Building 2
Austin, TX 78727

Consultant Engineer's
Name and Address

CSF Civil Group
3636 Executive Center Drive
Suite 209
Austin, TX 78731

I, the undersigned Professional Engineer in the State of Texas, or my representative have made a visual inspection of the referenced project. No discrepancies in approved construction plans or deficiencies in construction were visible or brought to my attention by the parties at the meeting except those listed below. I, therefore, recommend acceptance of this project by the City of Leander once the following listed items are corrected to the satisfaction of the City of Leander.

Randall B. Nixon, P.E.

91097
Texas Registration Number

APPLICATION AND CERTIFICATE FOR PAYMENT/ DNT Construction

TO (OWNER):
Pulte Homes
12301-B Riata Trace Pkwy, Bldg 2
Austin, TX 78727

PROJECT: Cold Springs Section 4

APPLICATION NO: 4

PERIOD TO: 1/31/2013

Distribution
$124,625.92
$ 12,462.59
$ 112,163.33

ENGINEER
CSF Civil Group, LLC
Randall Nixon
3636 Executive Center Drive, Suite 209

DNT CONSTRUCTION
INVOICE NO. 10-12-1289-4

CONTRACT DATE:

DNT Construction
P O Box 6210
Round Rock, Texas 78683

CHANGE ORDER SUMMARY			
Change orders approved in previous months by Owner		ADDITIONS	DEDUCTIONS
TOTAL		$0.00	$0.00
Approved this Month			
Number	Date Approved		
1			$0.00
2			
3			
4			
	TOTALS	$0.00	$0.00
Net change by Change Orders		$0.00	

The undersigned Contractor certifies that to the best of the Contractor's knowledge, information and belief the Work covered by this Application for Payment has been completed in accordance with the Contract Documents, that all amounts have been paid by the Contractor for Work for which previous Certificates for Payment were issued and payments received from the Owner, and that current payment shown herein is now due.

CONTRACTOR: DNT CONSTRUCTION

By: Jason Gray Date: 1/29/13

Application is made for Payment, as shown below, in connection with the Contract.
Continuation Sheet Attached

1	ORIGINAL CONTRACT SUM	$805,807.02
2	Net change by Change Orders	$0.00
3	CONTRACT SUM TO DATE	$805,807.02
4	TOTAL COMPLETED & STORED TO DATE (Column G on J703)	$ 805,807.02
5	Retainage:	
	a. 10 % of Cpt Wk $80,580.70 (Column D + E on J703)	
	b. _10_% of Stored Mtl $ - (Column F on J703)	
	Total Retainage (Line 5a + 5b or (Total in Column 1 of J703)	$80,580.70
6	TOTAL EARNED LESS RETAINAGE (Line 4 less 5 Total)	$725,226.32
7	LESS PREVIOUS CERTIFICATES FOR PAYMENT (Line 6 from prior Certificates)	$613,062.99
8	CURRENT PAYMENT DUE	$112,163.33
9	BALANCE TO FINISH, PLUS RETAINAGE (Line 3 less Line 6)	$80,580.70

State of: TEXAS County of: TRAVIS
Subscribed and sworn to before me this 29 day of January ,2013
Notary Public: Stephanie Bastian
My Commission expires: 3/30/16

STEPHANIE M. BASTIAN
Notary Public, State of Te.
My Commission Expires
March 30, 2016

ENGINEER CERTIFICATE FOR PAYMENT

In accordance with the Contract Documents, based on on-site observations and the data comprising the above application, the Engineer certifies to the Owner that to the best of the Engineer's knowledge, information and belief the Work has progressed as indicated, the quality of the Work is in accordance with the Contract documents, and the Contractor is entitled to payment of the AMOUNT CERTIFIED.

AMOUNT CERTIFIED

(Attach explanation if amount certified differs from the amount applied for.)
ENGINEER

By: _____ Date: _____

STATE OF TEXAS
RANDALL B. NIXON
91097
LICENSED
PROFESSIONAL ENGINEER
2-11-13

This Certificate is not negotiable. The AMOUNT CERTIFIED is payable only to the Contractor named herein. Issuance, payment and acceptance of payment are without prejudice to any rights of the Owner or Contractor under this Contract.

DNT CONSTRUCTION MONTHLY PROGRESS PAYMENT

CONTRACT: Cold Springs Section 4

CONTRACTOR: DNT CONSTRUCTION
P O Box 6210
Round Rock, Texas 78683

PROGRESS PAYMENT NO: 4
PROGRESS PAYMENT PERIOD: 1/31/2013

STREET IMPROVEMENTS					CONTRACT	PREVIOUS	QTY	QTY	COST	PREVIOUS	COST THIS	%
ITEM	DESCRIPTION	QTY.	UNIT	UNIT PRICE	AMOUNT	QTY.	THIS EST.	TO DATE	TO DATE	COST	ESTIMATE	
1	Mobilization, Layout, Supervision	1	LS	$ 30,745.00	$30,745.00	1.00	0.00	1.00	$30,745.00	$30,745.00	$0.00	100%
2	Excavation R.O.W. to R.O.W.	12940	SY	$ 3.86	$49,948.40	12940.00	0.00	12940.00	$49,948.40	$49,948.40	$0.00	100%
3	Grade and Shape Lots	55	LOT	$ 206.11	$11,336.05	55.00	0.00	55.00	$11,336.05	$11,336.05	$0.00	100%
4	Subgrade Prep. 1 ft. behind curb	8840	SY	$ 1.16	$10,254.40	8840.00	0.00	8840.00	$10,254.40	$10,254.40	$0.00	100%
5	8 inch base 1 ft. behind curb	8840	SY	$ 5.16	$45,614.40	8840.00	0.00	8840.00	$45,614.40	$45,614.40	$0.00	100%
6	1.5 inch HMAC	7390	SY	$ 6.80	$50,252.00	0.00	7390.00	7390.00	$50,252.00	$0.00	$50,252.00	100%
7	6" Curb and Gutter, excl. inlets & transitions	4075	LF	$ 10.46	$42,624.50	4075.00	0.00	4075.00	$42,624.50	$42,624.50	$0.00	100%
8	Concrete Valley Gutter	1	EA	$ 4,514.40	$4,514.40	1.00	0.00	1.00	$4,514.40	$4,514.40	$0.00	100%
9	ADA Ramps	12	EA	$ 842.56	$10,110.72	0.00	12.00	12.00	$10,110.72	$0.00	$10,110.72	100%
10	4' Sidewalk	1020	LF	$ 15.11	$15,412.20	0.00	1020.00	1020.00	$15,412.20	$0.00	$15,412.20	100%
11	Street Sign with Stop sign	3	EA	$ 540.00	$1,620.00	0.00	3.00	3.00	$1,620.00	$0.00	$1,620.00	100%
12	Street Lights	5	EA	$ 2,268.00	$11,340.00	0.00	5.00	5.00	$11,340.00	$0.00	$11,340.00	100%
13	Saw Cut, Remove Curb and Sidewalk	1	LS	$ 4,802.60	$4,802.60	1.00	0.00	1.00	$4,802.60	$4,802.60	$0.00	100%
14	Crosswalk Striping	1	LS	$ 1,680.00	$1,680.00	0.00	1.00	1.00	$1,680.00	$0.00	$1,680.00	100%
15	Electric Improvements	1	LS	$ 77,470.00	$77,470.00	1.00	0.00	1.00	$77,470.00	$77,470.00	$0.00	100%
16	Gas Improvements	1	LS	$ 58,500.00	$58,500.00	0.60	0.40	1.00	$58,500.00	$35,100.00	$23,400.00	100%
					$426,224.57				$426,224.57	$312,409.75	$113,814.92	100%

DRAINAGE IMPROVEMENTS					CONTRACT	PREVIOUS	QTY	QTY	COST	PREVIOUS	COST THIS	%
ITEM	DESCRIPTION	QTY.	UNIT	UNIT PRICE	AMOUNT	QTY.	THIS EST.	TO DATE	TO DATE	COST	ESTIMATE	
1	10 ft. Curb Inlet, incl. transitions	12	EA	$ 3,479.78	$41,757.36	12.00	0.00	12.00	$41,757.36	$41,757.36	$0.00	100%
2	18 inch RCP	115	LF	$ 27.84	$3,201.60	115.00	0.00	115.00	$3,201.60	$3,201.60	$0.00	100%
3	24 inch RCP	1060	LF	$ 39.94	$42,336.40	1060.00	0.00	1060.00	$42,336.40	$42,336.40	$0.00	100%
4	30 inch RCP	655	LF	$ 50.70	$33,208.50	655.00	0.00	655.00	$33,208.50	$33,208.50	$0.00	100%
5	36 inch RCP	45	LF	$ 60.32	$2,714.40	45.00	0.00	45.00	$2,714.40	$2,714.40	$0.00	100%
6	Manhole, 6 ft. dia., incl. adjust to f.g.	3	EA	$ 3,499.37	$10,498.11	3.00	0.00	3.00	$10,498.11	$10,498.11	$0.00	100%
7	Temp. diversion swale	480	LF	$ 2.41	$1,156.80	480.00	0.00	480.00	$1,156.80	$1,156.80	$0.00	100%
8	4'x4' Area Inlet	1	EA	$ 1,782.51	$1,782.51	1.00	0.00	1.00	$1,782.51	$1,782.51	$0.00	100%
9	Remove ex. 36" sloped headwall	1	EA	$ 643.80	$643.80	1.00	0.00	1.00	$643.80	$643.80	$0.00	100%
10	Trench Safety	1875	LF	$ 1.08	$2,025.00	1875.00	0.00	1875.00	$2,025.00	$2,025.00	$0.00	100%
					$139,324.48				$139,324.48	$139,324.48	$0.00	100%

WATER IMPROVEMENTS					CONTRACT	PREVIOUS	QTY	QTY	COST	PREVIOUS	COST THIS	%
ITEM	DESCRIPTION	QTY.	UNIT	UNIT PRICE	AMOUNT	QTY.	THIS EST.	TO DATE	TO DATE	COST	ESTIMATE	
1	8 inch, C900, SDR-14	2155	LF	$ 29.42	$63,400.10	2155.00	0.00	2155.00	$63,400.10	$63,400.10	$0.00	100%
2	Fire Hydrant incl. lead pipe	3	EA	$ 2,893.86	$8,681.58	3.00	0.00	3.00	$8,681.58	$8,681.58	$0.00	100%
3	8 inch gate valve	5	EA	$ 1,186.63	$5,933.15	5.00	0.00	5.00	$5,933.15	$5,933.15	$0.00	100%
4	Double service, long side	15	EA	$ 1,073.40	$16,101.00	15.00	0.00	15.00	$16,101.00	$16,101.00	$0.00	100%
5	Double service, short side	12	EA	$ 820.32	$9,843.84	12.00	0.00	12.00	$9,843.84	$9,843.84	$0.00	100%
6	Single service, short side	2	EA	$ 570.74	$1,141.48	2.00	0.00	2.00	$1,141.48	$1,141.48	$0.00	100%
7	Tie to existing 8" waterline	2	EA	$ 762.51	$1,525.02	2.00	0.00	2.00	$1,525.02	$1,525.02	$0.00	100%
8	Tie to existing Crystal Falls waterline	1	EA	$ 5,270.36	$5,270.36	1.00	0.00	1.00	$5,270.36	$5,270.36	$0.00	100%
9	3-4" Irrigation Lines	60	LF	$ 15.48	$928.80	60.00	0.00	60.00	$928.80	$928.80	$0.00	100%
10	Trench Safety	2155	LF	$ 0.54	$1,163.70	2155.00	0.00	2155.00	$1,163.70	$1,163.70	$0.00	100%
					$113,989.03				$113,989.03	$113,989.03	$0.00	100%

WASTEWATER IMPROVEMENTS					CONTRACT	PREVIOUS	QTY	QTY	COST	PREVIOUS	COST THIS	%
ITEM	DESCRIPTION	QTY.	UNIT	UNIT PRICE	AMOUNT	QTY.	THIS EST.	TO DATE	TO DATE	COST	ESTIMATE	
1	8 inch PVC SDR 26, 0-8 ft. (FROM PROP. GROUND)	1110	LF	$ 21.51	$23,876.10	1110.00	0.00	1110.00	$23,876.10	$23,876.10	$0.00	100%
2	8 inch PVC SDR 26, 8-10 ft. (FROM PROP. GROUND)	680	LF	$ 31.10	$21,148.00	680.00	0.00	680.00	$21,148.00	$21,148.00	$0.00	100%
3	Manholes, 4 ft. dia,0-8 ft.	9	EA	$ 2,834.96	$25,514.64	9.00	0.00	9.00	$25,514.64	$25,514.64	$0.00	100%
4	Manholes,extra depth	8	VF	$ 229.50	$1,836.00	8.00	0.00	8.00	$1,836.00	$1,836.00	$0.00	100%
5	Single service, long side	1	EA	$ 894.98	$894.98	1.00	0.00	1.00	$894.98	$894.98	$0.00	100%
6	Double service, long side	13	EA	$ 1,327.45	$17,256.85	13.00	0.00	13.00	$17,256.85	$17,256.85	$0.00	100%

DNT CONSTRUCTION MONTHLY PROGRESS PAYMENT

CONTRACT: Cold Springs Section 4

PROGRESS PAYMENT NO: 4
PROGRESS PAYMENT PERIOD: 1/31/2013

CONTRACTOR DNT CONSTRUCTION
P O Box 5210
Round Rock, Texas 78683

7	Double service, short side	14	EA	$ 1,249.03	$17,486.42	14.00	0.00	14.00	$17,486.42	$17,486.42	$0.00	100%
8	Trench Safety	1790	LF	$ 1.08	$1,933.20	1790.00	0.00	1790.00	$1,933.20	$1,933.20	$0.00	100%
					$109,946.19				$109,946.19	$109,946.19	$0.00	100%

EROSION CONTROL & RESTORATION					CONTRACT	PREVIOUS	QTY	QTY	COST	PREVIOUS	COST THIS	%
ITEM	DESCRIPTION	QTY.	UNIT	UNIT PRICE	AMOUNT	QTY.	THIS EST.	TO DATE	TO DATE	COST	ESTIMATE	
1	Silt Fence	2095	LF	$ 2.27	$4,755.65	2095.00	0.00	2095.00	$4,755.65	$4,755.65	$0.00	100%
2	Silt Fence at BOC	4420	LF	$ 2.27	$10,033.40	0.00	4420.00	4420.00	$10,033.40	$0.00	$10,033.40	100%
3	Inlet Protection Type II	12	EA	$ 64.80	$777.60	0.00	12.00	12.00	$777.60	$0.00	$777.60	100%
4	Stabilized Construction Entrance	1	EA	$ 756.00	$756.00	1.00	0.00	1.00	$756.00	$756.00	$0.00	100%
					$16,322.65				$16,322.65	$5,511.65	$10,811.00	100%

TOTAL CONTRACT					$805,807.02				$805,807.02	$681,181.10	$124,625.92	100%

TOTAL COMPLETED TO DATE	$ 805,807.02
TOTAL COMPLETED/ STORED TO DATE	$ 805,807.02
RETAINAGE HELD	$ 80,580.70
TOTAL CPLT LESS RETAINAGE	$ 725,226.32
LESS PREVIOUS BILLINGS	$ 613,062.99
CURRENT PAYMENT DUE	$ 112,163.33

ORIGINAL CONTRACT AMOUNT	$805,807.02
CONTRACT CHANGES	$0.00
TOTAL CONTRACT W/ CHANGES	$805,807.02
WORK COMPLETED TO DATE	$805,807.02
BALANCE TO COMPLETE	$0.00

- AFFIDAVIT ON ACCOUNT -
PARTIAL RELEASE
(Mechanic's Lien, Materialman's Lien, Stop Notice, Equitable Lien and Labor and Material Bond Release)

FROM: DNT CONSTRUCTION
2300 PICADILLY DRIVE
ROUND ROCK, TEXAS 78664

PROJECT: COLD SPRINGS SECTION 4

TO: PULTE HOMES

The undersigned has paid in full for all labor, subcontractor work, equipment and materials supplied to the above described project and hereby releases all mechanic's lien, materialman's lien, stop notice, equitable lien and labor and material bond rights on the project thru 01/31/13. (See Special Note*)

This release is for the benefit of, and may be relied upon by the owner, the prime contractor, the construction lender, and the principal and surety on any labor and material bond posted for the project.

Firm Name: DNT CONSTRUCTION
(Name of Firm Furnishing Labor, Equipment or Materials to the Project)

By: _____ Dated: January 29, 2013
Jeff Phipps/ CFO

*NOTE: The purpose of this instrument is for the inducement of payment and is effectual upon receipt of payment of attachment invoice in the amount of One hundred twelve thousand one hundred sixty-three dollars and thirty-three cents. ($112,163.33)

THE STATE OF TEXAS §
COUNTY OF WILLIAMSON §

Before me, the undersigned Stephanie Bastian, a Notary Public in and for said County and State on this day personally appeared Jeff Phipps, who, being by me duly sworn, and known to me, and known to me to be the person whose name is subscribed to the foregoing instrument, acknowledged to me that the same was his act and that he executed the same for the purposes and consideration therein expressed, and that the statements therein contained are true.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 29th day of January, 2013.

My Commission Expires: 03/30/2016

Notary Public in and for Travis County, Texas

STEPHANIE M. BASTIAN
Notary Public, State of Texas
My Commission Expires
March 30, 2016

ARTICLE 1556 OF THE TEXAS
REVISED CIVIL STATUTE
PROVIDES AS FOLLOWS:

"If any person shall remove any personal property or any part thereof covered by the lien created by Chapter 17, Acts of the 35th Legislature. Regular Session, from the place where it was located when the lien therein provided for shall have been filed of record, without the written consent of the owner and holder of said lien, with intent to defraud the person having such lien, either originally or by transfer, he shall be fined not less than five or more than five hundred dollars, Acts 1917 p.28."

ARTICLE 310 OF THE TEXAS
PENAL CODE PROVIDES
AS FOLLOWS:

"If any person shall deliberately and willfully, under oath or affirmation legally administered, make a false statement by a voluntary declaration or affidavit, which is not required by law to the course of a judicial proceeding, he is guilty of false swearing and shall be punished by confinement in the penitentiary not less than two or more than five years. O.C. 294."

ARTICLE 5470 OF THE TEXAS
REVISED CIVIL STATUTES
PROVIDES AS FOLLOWS:

"All parties who are authorized under this law to file a lien, and have done so, and had such lien recorded, shall, when such lien is paid or satisfied, or have received their proper lienable parts for which the owner of the building would be liable under this law, shall record a relinquishment and satisfaction of such lien. Acts 1876. P.91: G.L. Vol. 8. P. 927: Acts 1889. P. 110: G.L. Vol. 9. P. 1138."

The Hanover Insurance Company

MAINTENANCE BOND

BOND NUMBER 1959411

KNOW ALL MEN BY THESE PRESENTS:

THAT DNT Construction, LLC

as Principal, and The Hanover Insurance Company , as Surety are held and firmly bound unto Pulte Homes of Texas, LTD.

in the full and just sum of Eighty Thousand Five Hundred Eighty and 70/100's Dollars, ($ 80,580.70) Dollars, for the payment of which are well and truly to be made, we, the said Principal and the said Surety, bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, the said Principal has by written agreement, dated October 15, 2012 entered into a contract with said Obligee for:

Cold Springs-Subdivision Section 4; Erosion Control, Streets, Water, Wastewater, Drainage, Electric, Dry Utilities & Lot Grading

WHEREAS, the obligee has requested that said work be guaranteed against failure because of defective workmanship or material, performed or furnished by said principal for a period of Two (2) years from date of acceptance by the Pulte Homes of Texas, LTD.

NOW THEREFORE, if the said Principal shall indemnify and save harmless the obligee against loss or damage occasioned directly by the failure of said materials or workmanship, then this obligation to be void, otherwise to remain in full force and effect. It is understood, however, that this bond shall not include loss or damage by failure or workmanship or materials due to hurricane, cyclone, tornado, earthquake, volcanic eruption or any similar disturbance of nature, nor military, naval or usurped power, insurrection, riot or civil commotion, nor any act of God.

Signed and sealed this 8th day of February , 20 13 .

DNT Construction, LLC

PRINCIPAL

By: _____

Don Tomme; Vice President

The Hanover Insurance Company

SURETY

By: _____

John W. Schuler , Attorney-In-Fact

AGENDA ITEM # 16

Back up notes for Mayor's Committee on Disabilities

Council Member Lynch and I would like to reform and start up the Mayor's Committee on Disabilities. This Committee would be formed with the goal of outlining a plan and to heighten awareness of disabilities in Leander. The Committee will be formatted and follow the example to work in conjunction with the Governor's Committee on Disabilities. We see the Committee being in size from 5 to 8 members and would require the same qualifications as any other committee the City has. All applicants would need to go through the vetting process and interview and recommendation of the Selection Committee on Council. There may be a need for an Ex-eficio member, possibly from someone from the Governor's Committee. The Committee will have no authority outside of outlining a program and to work with our Fire Chief or his designee. The Committee will review items and narrow scope per some of the items below taken directly from the Governor's Committee:

GOAL
Promote a Whole Community approach to the full inclusion and participation of Texans with disabilities in the emergency management life cycle.

POLICY RECOMMENDATIONS RELATED TO THE GOVERNOR'S COMMITTEE ON PEOPLE WITH DISABILITIES

Policy Recommendations:

Recommendation 4.1: Ensure that all training courses for emergency management professionals address the requirements of people with disabilities and people with access and functional needs.

Recommendation 4.2: Ensure that Texas Citizen Corps, Citizen Corps Councils, and Volunteer Organizations Active in Disasters (VOADs) activities reflect the Whole Community concepts with full inclusion of Texans with disabilities and those with access and functional needs.

Recommendation 4.3: Facilitate Neighbor to Neighbor (N2N) initiatives in Texas with full inclusion and participation of Texans with disabilities and those with access and functional needs.

Recommendation 4.4: Encourage all State Health and Human Service agencies providing services to Texans with disabilities to discuss emergency preparedness and evacuation planning.

Recommendation 4.5: Require local emergency managers to integrate local residents with disabilities as active participants in the integrated planning and recovery process.

Recommendation 4.6: Require State and local disaster jurisdictions to provide effective, accessible and timely public alert warnings.

Recommendation 4.7: Invest resources in individual and community efforts to facilitate the overall resiliency of the community.

Recommendation 4.8: Support the use of information sharing and the use of developing emerging technologies to advance emergency management capabilities.

Recommendation 4.9: Explore ways for emergency management and healthcare professionals to use the power of social media tools such as Twitter, YouTube, Flickr, Facebook, crowdsourcing, crisis mapping and others to create avenues for real-time information gathering during active disasters.

Recommendation 4.10: Explore the use of a Disability Virtual Operations Support Team to provide technical assistance for issues related to people with disabilities and access and functional needs in disasters using various forms of social media.

Recommendation 4.11: Ensure sufficient communications that employ both high tech and low-tech capabilities in the event of a disaster in order to reach all audiences.

Recommendation 4.12: Expand, enhance, and increase the use of social media in non-disaster times to ensure public awareness of community preparedness for all hazards in Texas.

Recommendation 4.13: Utilize charitable and humanitarian giving via smart phones for disasters in Texas.

Recommendation 4.14: Utilize technology to provide accessible webinars, materials and reports relevant to emergency management and issues related to Texans with disabilities.

Recommendation 4.15: Encourage State enforcement of guidelines for broadcasters, cable operators, and satellite television services to comply with the equal access to public warnings requirement for the Emergency Alert System.

Recommendation 4.16: Encourage the Texas Association of Broadcasters to educate programming distributors, broadcasters, cable operators, and satellite television services on their legal obligations to make emergency information accessible to people with hearing and vision disabilities.

Recommendation 4.17: Require State and local emergency management professionals to comply with their legal obligations to provide effective communication to Texans with disabilities and to people with access and functional needs.

Recommendation 4.18: Support efforts to establish a Youth Preparedness Council, including youth with disabilities in Texas.

Recommendation 4.19: Support efforts in Texas public schools to educate all students, including students with disabilities, on emergency preparedness and planning for their community.

Recommendation 4.20: Strengthen existing Texas law to require Texas schools to create multi-hazard, comprehensive emergency preparedness plans that include children with disabilities and those with access and functional needs.

Recommendation 4.21: Promote efforts to infuse emergency management principles and life skills across the entire educational experience to empower individuals, including children and youth.

Recommendation 4.20: Strengthen existing Texas law to require Texas schools to create multi-hazard, comprehensive emergency preparedness plans that include children with disabilities and those with access and functional needs.

Recommendation 4.21: Promote efforts to infuse emergency management principles and life skills across the entire educational experience to empower individuals, including children and youth.

Recommendation 4.23: Explore ways to increase nursing home and congregate living preparedness, mitigation and recovery during disasters.

Recommendation 4.24: Encourage the use of tornado shelters in Texas for congregate living facilities in historically tornado-prone areas.

Recommendation 4.25: Map at-risk populations in settings where significant numbers of Texans with disabilities live together, such as long-term care and assisted living facilities, schools of special education, hospitals, community mental health centers, group homes, State Supported Living Centers and State Hospitals.

Recommendation 4.26: Ensure that providers of various home and community-based health-related services receive the same priority as 'health care personnel' for vaccinations during a pandemic event.

Recommendation 4.27: Ensure that prioritization of debris removal and utility restoration is provided to areas that serve people with disabilities in congregate and residential living facilities.

Recommendation 4.28: Examine ways the State can promptly reimburse public organizations that exhausted critical resources during disasters for any donated equipment, food or medical supplies.

Recommendation 4.29: Rebuild any infrastructure destroyed during a disaster in an accessible manner, to the greatest extent possible, using the newly adopted 2010 Americans with Disabilities Act Accessibility Guidelines (ADAAG).

Recommendation 4.30: Require a disability-focused performance evaluation and assessment for all State exercises and disaster responses as standard operating procedure for after-action reports.

Recommendation 4.31: Explore the use of telemedicine for emergency management response to natural or disease-related disasters.

Recommendation 4.32: Support the development of electronic health record systems to be used in conjunction with telemedicine to assist in disaster health management.