AGENDA

CITY COUNCIL
CITY OF LEANDER, TEXAS

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

Thursday ~ May 2, 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 – Jim Bechtol, Director of Development Services – recognition of the Leander Garden Club and the Leander Parks & Recreation Department

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

5. Proclamation designating May 2013 as "Open My World Therapeutic Riding Center" month in the City of Leander
   This item sponsored by Mayor Pro Tem Cantwell

6. Presentation from "The Retail Coach"

7. Presentation on Employee Benefits

CONSENT AGENDA: ACTION

8. Approval of the minutes: Work Session & Regular Meeting: April 18, 2013
   Special Meeting: April 25, 2013

9. Receive Quarterly Investment Report

10. Second reading of an Ordinance on voluntary annexation of four (4) tracts totaling 0.7107 acres, more or less, located in Williamson County, Texas, generally located approximately 500' south of CR 177, 400' east of Ronald W. Reagan Blvd, 1,900' north of CR 179 and 2,800' west of Valley View Dr.; including the abutting streets, roadways, and rights-of-way

11. Second Reading of an Ordinance on voluntary annexation of 29.31 acre parcel, more or less, located in Williamson County, Texas, generally located south of CR 179, 1,400' west of CR 175, 400' northwest of Acacia Dr, and approximately 1 mile east of Ronald W. Reagan Blvd including the abutting streets, roadways, and rights-of-way

12. Second Reading of an Ordinance on Zoning Case #13-Z-003: amending Ordinance #05-018, the Composite Zoning Ordinance, for nineteen parcels located at 15900, 15880, 15860, 15840, 15800, 15780, 15750, 15700, 15670,15860, and 15400 Ronald W. Reagan Blvd., Leander, Williamson County, Texas

13. Second Reading of an Ordinance on Zoning Case #13-Z-006: amending Ordinance 05-018, the Composite Zoning Ordinance, for eight parcels located at 10760, 10824, 10850, 10860, & 10870 E. Crystal Falls Parkway , Leander, Williamson County, Texas

14. Second Reading on an Ordinance for Special Use Permit Case #13-SU-001: a Special Use Permit for a temporary parking lot at 2233 Grand Lake Parkway, Leander, Williamson County, Texas

PUBLIC HEARING: ACTION

15. **a. Public Hearing** on Subdivision Case #13-CP-001: a Concept Plan for the Villas at Vista Ridge, for 18.732 acres, more or less, generally located at the southwest corner of Vista Ridge Drive and South Bagdad Road, Leander, Williamson County, Texas
Applicant: Geoff Guerrero with Carlson, Brigance & Doering on behalf of SDC West Brook partners, LP

    b. Action on Subdivision Case #13-CP-001: a Concept Plan for the Villas at Vista Ridge, Leander, Williamson County, Texas

16. **a. Public Hearing** on Zoning Case #13-TOD-001: Consider a zoning change for 8.94 acres, more or less, for two parcels generally located 300 feet north of the intersection of CR273/Mel Mathis and RM 2243 from PUD/TOD, Planned Unit Development/Transit Oriented Development to an amended PUD/TOD, Planned Unit Development/Transit Oriented Development, Leander, Williamson County, Texas
Applicant: Jeff Musgrove on behalf of TVI, LTD

    b. Action on Zoning Case #13-TOD-001: a zoning change for two parcels generally located 300 feet north of the intersection of CR273/Mel Mathis and RM 2243, Leander, Williamson County, Texas

17. **a. Public Hearing** on Zoning Case #13-TOD-002: Consider a zoning change for 9.74 acres, more or less, for a parcel located to the northeast of the intersection of CR273/Mel Mathis and Hero Way from PUD/TOD, Planned Unit Development/Transit Oriented Development to an amended PUD/TOD, Planned Unit Development/Transit Oriented Development, Leander, Williamson County, Texas
Applicant: Jeff Musgrove on behalf of TVI, LTD

    b. Action on Zoning Case #13-TOD-002: a zoning change for a parcel located to the northeast of the intersection of CR273/Mel Mathis and Hero Way, Leander, Williamson County, Texas

18. **a. Public Hearing** on Zoning Case #13-Z-007: Consider a zoning change for 11.05 acres, more or less, for a parcel located at 8750 RM 2243 from interim zoning SFR-1-B, Single Family Rural to LI-5-D, Light Industrial, Leander, Williamson County, Texas
Applicant: Kurt Prossner on behalf of Presidential RV & Boat Storage, LLC

    b. Action on Zoning Case #13-Z-007: amending Ordinance #05-018, the Composite Zoning Ordinance, for a parcel located at 8750 RM 2243, Leander, Williamson County, Texas

19. **a. Public Hearing** on Zoning Case #13-Z-008: Consider a zoning change for 0.941 acres, more or less, for a parcel located at 350 Bagdad Road North from GC-3-C, General Commercial to GC-5-C, General Commercial, Leander, Williamson County, Texas
Applicant: Darren Quick on behalf of V & J Properties, LTD
This item has been postponed due to a notification error

20. **a. Public Hearing** on Zoning Case #13-Z-009: Consider a zoning change for 4.65 acres, more or less, for two parcels located at 1504 & 1506 Leander Drive from LI-4-D, Light Industrial to LI-5-D, Light Industrial, Leander, Williamson County, Texas
Applicant: Jim Herbert on behalf of ACI 2011 Property, LLC

    b. Action on Zoning Case #13-Z-009: amending Ordinance #05-018, the Composite Zoning Ordinance, for two parcels located at 1504 & 1506 Leander Drive, Leander, Williamson County, Texas

21. **a. Public Hearing** on Zoning Case #13-Z-011: Consider a zoning change for 0.355 acres, more or less, for a parcel located at 205 Brushy Street from SFU-2-B, Single Family Urban to PUD/TOD, Planned Unit Development/Transit Oriented Development, Leander, Williamson County, Texas
Applicant: Holly Harris
This item has been postponed due to a notification error

22. **a. Public Hearing** on Ordinance Case #13-OR-001: consider amendments to section of article 14.200, the Composite Zoning Ordinance, to add requirements for masonry walls; to add land uses to the use components

    b. Action on Ordinance Case #13-OR-001: amendments to article 14.200, the Composite Zoning Ordinance, to add requirements for masonry walls; to add land uses to the use components

REGULAR AGENDA

23. Consider acceptance of proposal for Consultant services to develop Hazard Mitigation Plan

24. Consider a Resolution supporting the determination of the Steering Committee of the Highland Lake Firm Water Customers

25. Council Members Closing Statements

26. 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 26th day of April, 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 May 2013 as:

"OPEN MY WORLD THERAPEUTIC RIDING CENTER" MONTH

WHEREAS, Open My World Therapeutic Riding Center was established in Leander, Texas in 2008; and

WHEREAS, the main focus of Open My World Therapeutic Riding Center is to serve individuals with special needs involving physical, mental and emotional disabilities, primarily children and youth; and

WHEREAS, Open My World Therapeutic Riding Center serves children living in Leander and the surrounding areas of Cedar Park, Round Rock, Liberty Hill and North Austin; and

WHEREAS, Open My World Therapeutic Riding Center, with the help of a few special horses, help build self-confidence, improve self-esteem, heighten awareness of personal achievements and expand personal capabilities in many individuals

Signed this 2nd day of May, 2013.

Attest:

Christopher Fielder, Mayor

Debbie Haile, TRMC City Secretary

Executive Summary

May 2, 2013

Agenda Subject: Employee benefits

Background: A brief summary of employee benefits are provided below.

Medical Plan

City of Leander's approach to keeping our healthcare costs under control is accomplished in a number of ways, including:

- Increasing the share of premiums that employees pay,
- Increasing deductibles (dollar amt paid by the employee for services rendered before the plan will begin paying for a portion or all of the services)
- Increasing co-pays (physician visits and pharmacy and emergency), and
- Implementing various managed care strategies such as encouraging use of generic drugs, and use of In-network providers

Our medical plan is a PPO (Preferred Provider Organization). This means it consists of a group of hospitals and physicians who contract with the provider to offer healthcare services at a reduced rate. This structure allows employees the freedom to choose a doctor within the network. Should an employee choose a doctor outside the network, he/she will pay a higher cost for the services.

The City pays 100% of the "Employee Only" premiums for the Low and Mid Plan and 30% for dependents. For the High plan, the City and employee cost share: the City pays 100% of the Mid Plan premium for the "Employee Only" and the employee pays the difference. Also the City pays 30% for dependents.

The City offers three medical plans: Low-HSA, Mid and High. Each plan varies on premiums, deductibles and co-pays. Below is a table reflecting the differences.

Plan	Deductible	In/Out Network Paid once deductible has been reached	Co-pays
Low HSA-Health Savings Account. The HSA is a tax-exempt savings account that provides ability for employee to make contributions to the account tax free when they are used for qualified IRS approved medical expenses. HSA balances are rolled over from year to year and the account is portable, which means the employee keeps the account even if the medical plans change or (s) he leaves the job or retires.	$2500 for Individual/ $5000 for Family	90% /70%	Employee pays all services and pharmacy until the deductible has been met from the out-of-pocket expenses. The first year the City contributed $750.00 to each employee's HSA account to offset the out of pocket expenses. This amount is subject to change in future years.
Mid Plan	$2500 for Individual/ $7500 for Family	90% /70%	Physician office-$40 Urgent care- $50 ER Room -$200 Generic- $15 Brand - $30 Preferred - $45
High Plan	$1,000 for Individual/ $3000 for Family	90% /70%	Physician office-$40 Urgent care- $50 ER Room -$100 Generic- $15 Brand - $30 Preferred - $45

2012-2013 Cost Spread

BCBS Medical- EO renewal amt (424.88) is used for all calculation for Low, Mid and High plans for the dependents

Billing Costs City Will Be Charged

	Mid Plan	*Low HSA*	*High Plan*
EO	**424.88**	**350.65**	**479.45**
ES	**1011.23**	**834.56**	**1141.10**
EC	**841.27**	**694.30**	**949.32**
EF	**1283.16**	**1058.99**	**1447.97**

Renewal is Blue (City plan-$2500 deductible)

Low is Yellow ($2,500 eductible)

Red is High ($1,000 deductible)

Renewal	*City*	*EE*	*biwkly*	*Low*	*City*	*EE*	*biwkly*	*High*	*City*	*EE*	*biwkly*
EO	424.88	0.00	**0.00**	EO	350.65	0.00	0.00	EO	424.88**	54.57	27.29
ES	600.79	410.45	205.22	ES	547.78	286.78	143.39	ES	639.75	501.35	250.68
EC	549.80	291.47	145.74	EC	505.71	188.59	94.30	EC	582.21	367.11	183.55
EF	682.36	600.80	300.40	EF	615.11	443.88	221.94	EF	731.81	716.16	358.08

** city to pay only 424.88

Guardian Dental

DHMO	*Renewal Cost*	*City*	*EE*	*biwkly*	*Indemnity*	*Renewal Cost*	*City*	*EE*	*biwkly*
DEO	9.79	9.79	0.00	0.00	IEO	27.67	9.79	17.88	8.94
DES	16.53	11.81	4.72	2.36	IES	55.48	23.50	31.98	15.99
DEC	25.06	14.37	10.69	5.34	IEC	66.00	26.65	39.35	19.67
DEF	29.35	15.66	13.69	6.85	IEF	93.81	35.00	58.81	29.41

Cobra Costs (No City Contributions)

Medical	*Renewal*	*Low*	*High*	*Dental*	*DHMO*	*Indemnity*
EO	424.88	350.65	479.45	EO	9.79	27.67
ES	1011.23	834.56	1141.10	ES	16.53	55.48
EC	841.27	694.30	949.32	EC	25.06	66.00
EF	1283.16	1058.99	1447.97	EF	29.35	93.81

Retiree Costs (30% ER Contribution from Cobra Costs)

Renewal Costs		*City*	*EE*	*Low Cost*		*City*	*EE*	*High Cost*		*City*	*EE*
424.88	EO	127.46	297.42	***350.65***	EO	105.20	245.46	***479.45***	EO	143.84	335.62
1011.23	ES	303.37	707.86	***834.56***	ES	250.37	584.19	***1141.10***	ES	342.33	798.77
841.27	EC	252.38	588.89	***694.30***	EC	208.29	486.01	***949.32***	EC	284.80	664.52
1283.16	EF	384.95	898.21	***1058.99***	EF	317.70	741.29	***1447.97***	EF	434.39	1013.58

Dental

The City offers two plans 1) DHMO-Managed care (Castle Dental) and 2) Indemnity:

- For the DHMO, the City pays 100% of the "Employee Only" premium and 30% for dependents. Employees are assigned to a Castle Dental location.
- For the Indemnity, the City and employee cost share: The City pays the equivalent of the DHMO's "employee only' premium and the employee pays the balance. The City pays 30% for dependents. Employees may choose any dentist however, if they choose an In-network dentist, their plan covers a greater % of the service and less out-of-pocket.

Life Insurance

The city provides a $15,000 term life policy on each employee. If the person accidently dies, an additional $15,000 (AD&D) is awarded to the beneficiary. The employee may purchase additional voluntary term life for themselves and family members. If voluntary life has been elected and insured accidently dies, the beneficiary will receive the elected amount plus the AD&D life amount elected.

Disability

The provider offers short and long term disability. The employee may purchases one or both for themselves. While on disability, the employee receives 60% of the weekly salary after a 14th waiting period. When claims are approved, STD benefits are paid out bi-wkly and LTD benefits are paid out monthly.

Flexible Spending Plan

An employee can set aside pre-tax dollars to use for all IRS qualified medically related expenses as well as child care. A debit card is issued for payment of expenses. Your Flex funds cannot be applied to your medical deductibles. The City pays the administrative fees.

457 Retirement

An employee may elect the 457 plan. As a public employee, they have the opportunity to build retirement investments and reduce their taxes by enrolling in the differed compensation plan. The City does not make any contributions. If an employee elects this benefit, the elected amount is payroll deducted.

TMRS Retirement

All regular full-time employees are required to become members of the Texas Municipal Retirement System (TMRS). Members will deposit 7% of their salary with each pay check. Once vested (5yrs), the City will contribute 2 to 1 match at retirement.

Death benefit: If an active employee dies, the beneficiary or estate will receive a death benefit approximately equal to your current annual salary, plus any retirement benefits due. If the member retires with TMRS, a death benefit in the amount of $7500.00 will be paid upon the death of the member as long as the TMRS City from which the member retired offers such coverage.

Holidays

The City has 13 paid holidays and one floater.

Workers Compensation

The City participates in the worker's compensation program through TML (Texas Municipal League). This is for an employee that gets hurt "on the job".

Employee Assistance Program

Alliance provides confidential counseling, crisis services and legal assistance to all employees.

Various Types of Pay for Full Time Employees

- *Bereavement*- an employee is permitted to take up to 5 paid days for the death of an immediate family member
- *Certification*– employees are paid monthly for:
    - Public Works: various water & waste water state license received per level
    - Fire: certifications that exceed the minimum for the position ex: Master Fire Suppression or a paramedic
    - Police: advanced license for Peace Officer, Communications, Animal Control and is based upon education, years of service and training
- *Military*- employee is allowed 15 days per calendar year when called to military duty. The City has elected to bridge the gap between the military pay and employee's regular City base wages. However, that amount cannot exceed an employee's regular base pay.
- *Sick leave sell back*-employee may sell back a maximum of 24 hrs of accrued sick leave; any hours taken for sick leave during the calendar year will be deducted from the available 24 hrs which reduces the amount that can be sold back.
- *On-Call Status*-an employee is scheduled to be "on-call" to respond to water, wastewater, street or other utility-related repair emergencies. Water/Wastewater employees receive 4 hrs of regular pay; Street employees receive 2 hrs of regular pay during a 7 day rotation.
- *Overtime*-any non-exempt employee that is required to work overtime shall be compensated at one and one-half times their regular rate of pay.
- *Longevity*- an employee with 1 year or more of service shall receive $5.00 per month for each full year of continuous service up to a maximum of 25 years.

Sick Accrual

All full time employees earn sick leave. It accrues as follows:

- All employees, except Fire, earn 3.69 hrs bi-weekly
- Fire on 24/48 schedule earn 5.54 hrs bi-weekly

Vacation Accrual

All full time employees earn vacation leave. It accrues as follows:

Years of Service	Department Heads
1-9	4.6164
10-14	5.5385
15+	6.4615

Years of Service	Non Fire	Fire (24/48 shift)
1-4	3.6923	5.5385
5-9	4.6154	6.9231
10-14	5.5385	8.3077
15 +	6.4615	9.6923

Golf Course

All City employees may play at CFGC for 50% of regular rate. Driving Range, Food and Beverage will be 50% off regular price. Merchandise will be at full rate.

***Recommendation*:** This is for informational purposes only.

Prepared by: Cindy Hignite, HR Manager

AGENDA ITEM # 8

MINUTES

WORK SESSION
AND
REGULAR COUNCIL
MEETING AGENDA

CITY COUNCIL
CITY OF LEANDER, TEXAS

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

Thursday ~ April 18, 2013 at 5:30 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

WORK SESSION

1. Open Work Session
   Mayor Fielder opened the work session at 5:30 p.m.

2. Roll Call
   All present except Council Member Dishongh
   Council Members Lynch and Siebold arrived late

3. Discussion on the X-Park USA, Leander, Texas
   Gary Blackwell and his team gave a presentation on the proposed X-Park
   Council held a discussion

4. Adjourn
   The work session adjourned at 7:00 p.m.

REGULAR COUNCIL MEETING

1. Open meeting, Invocation, Pledges of Allegiance
   Mayor Fielder opened the Regular meeting at 7:10 p.m.
   Council Member Lynch delivered the invocation

2. Roll Call
   All present except Council Member Dishongh

3. Staff Comments: Pat Womack, Director of Public Works on Spring Clean Up Day, May 18th
   Pat Womack, Director of Public Works talked about Spring Clean-Up Day

4. Citizen Comments: Three (3) minutes allowed per speaker
   Please turn in speaker request form before the meeting begins.
   Blanche Corley, 403 Hernandos Loop – commended Wayne Watts, City Engineer and the Contractors who are working on the Hernandos Loop roadway project

5. Proclamation recognizing STEM Education Week
   Sponsored by Mayor Fielder
   Mayor Pro Tem Cantwell read the Proclamation and presented it to Maria Williams

CONSENT AGENDA: ACTION

6. Approval of the minutes: Regular Meeting: April 4, 2013

7. Second reading of an Ordinance on Zoning Case #13-Z-005: amending Ordinance 05-018, the Composite Zoning Ordinance, for a parcel located at 208 S. Brushy Street, Leander, Williamson County, Texas

8. Consider approval of Liberty Fest Agreements
   Mayor Fielder pulled item # 8 from the Consent Agenda

   Motion made by Council Member Navarrette to approve items 6 & 7. Second by Council Member Siebold. Motion passes, all voting "aye"

   Steve Bosak, Director of Parks & Recreation answered questions on item #8

   Motion made by Mayor Pro Tem Cantwell to approve item # 8. Second by Mayor Fielder. Motion passes, all voting "aye"

PUBLIC HEARING: ACTION

9. **a. Public Hearing** on Zoning Case #13-Z-006: Consider a zoning change for 131.42 acres, more or less, for eight parcels located at 10760, 10824, 10850, 10860, & 10870 E. Crystal Falls Parkway from interim SFR-1-B, Single Family Rural, interim SFS-2-B, Single Family Suburban and LI-3-D, Light Industrial to GC-3-C, General Commercial, LC-1-C, Local Commercial, SFC-2-B, Single Family Compact, SFU-2-B, Single Family Urban, and LC-2-B, Local Commercial, Leander, Williamson County, Texas
   Applicant: John Avery, Jr. on behalf of Richard & Linda Davis, CS Leander I, Ltd., David & Mary Brown, Robert & Eva Waley, and Cathy L. Cluck
   Jim Bechtol, Director of Development Services explained

   b. Action on Zoning Case #13-Z-006: amending Ordinance 05-018, the Composite Zoning Ordinance, for eight parcels located at 10760, 10824, 10850, 10860, & 10870 E. Crystal Falls Parkway , Leander, Williamson County, Texas
   Motion made by Mayor Pro Tem Cantwell to approve as passed by P&Z with LC-1-B instead of LC-1-C, the existing LC-2-B, GC-2-A, SFC-2-B and SFU-2-B. Second by Council Member Navarrette. Motion passes, all voting "aye"

10. **a. Public Hearing** on Subdivision Case #12-CP-008: on a Concept Plan for Kittie Hill, 145.26 acres, more or less located approximately 1,300 feet to the northwest of the intersection of Ronald W. Reagan Blvd. and Hero Way, Williamson County, Texas
[Type text]
Applicant: Alex Clarke P.E. with Longaro & Clarke on behalf of Denford Aviation Services, Inc.
Jim Bechtol, Director of Development Services explained

b. Action on Subdivision Case #12-CP-008: a Concept Plan for Kittie Hill, Williamson County, Texas
Motion made by Mayor Pro Tem Cantwell to approve. Second by Council Member Garcia
Motion passes, all voting "aye"

11. **a. Public Hearing** on Special Use Permit Case #13-SU-001: a Special Use Permit for a temporary parking lot associated with the model home complex, located at 2233 Grand Lake Parkway, Cold Springs Section 1, Leander, Williamson County, Texas
Applicant: Agent Brent Baker, Vice President of Land on behalf of Pulte, Stephen Teodecki
Jim Bechtol, Director of Development Services explained

b. Action on Special Use Permit Case #13-SU-001: a Special Use Permit for a temporary parking lot at 2233 Grand Lake Parkway, Leander, Williamson County, Texas
Motion made by Council Member Siebold to approve. Second by Council Member Navarrette
Motion passes, all voting "aye"

12. **a. Public Hearing** on establishing Construction Zone Speed Limits of 30 mph for CR 179 from Ronald Reagan Blvd. to CR 175
Wayne Watts, City Engineer explained

b. Action on an Ordinance establishing Construction Zone Speed Limits for CR 179
Motion made by Council Member Garcia to approve. Second by Council Member Lynch.
Motion passes, all voting "aye"

REGULAR AGENDA

13. Consider Dedication and Acceptance of Subdivision Infrastructure Improvements for Crystal Crossing, Phase 2, and Crystal Crossing, Phase 1, Drainage Swale
Wayne Watts, City Engineer explained

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

14. Consider items to be presented to Williamson County for the upcoming Bond Election
Kent Cagle, City Manager explained
Projects presented: Old 2243 W from 183 to Lakeline Blvd/ Hero Way extension to Ronald Reagan Blvd.
Bagdad North from 2243 to CR180
CR 271 from Crystal Falls Parkway to 183A
Bagdad Heritage Trail
Metro Trail from Hero Way to Metro Station on 183

Motion made by Mayor Pro Tem Cantwell to approve as presented by staff. Second by Council Member Navarrette.

A discussion was held concerning San Gabriel Parkway extension.

Amended motion made by Mayor Pro Tem Cantwell to remove CR 271 project and replace with San Gabriel Parkway extension from CR170 to Ronald Reagan Blvd. Second by Council Member Navarrette. Motion passes, all voting "aye"

EXECUTIVE SESSION

15. Convene into executive session pursuant to Section 551.074, Tex. Gov't Code, regarding the appointment of an elected official to the Capital Metro Board of Directors

    Council convened into executive session at 7:50 p.m.
    Council reconvened into open session at 8:02 p.m.

16. Reconvene into public session to take action as deemed appropriate in the City Council's discretion regarding the appointment of an elected official to the Capital Metro Board of Directors

    Motion made by Mayor Pro Tem Cantwell to support nomination of Council Member Siebold to the Capital Metro Board of Directors as discussed in executive session Second by Council Member Garcia. Motion passes, all voting "aye"

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

18. Adjournment
    With there being no further business, the meeting adjourned at 8:05 p.m.

Attest:

Christopher Fielder, Mayor

Debbie Haile, City Secretary

MINUTES
SPECIAL CITY COUNCIL MEETING
CITY OF LEANDER, TEXAS

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

Thursday ~ April 25, 2013 at 6:00 p.m.

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. Call to Order
Mayor Fielder opened the meeting at 6:00 p.m.

2. Roll Call
All present except Council Member Garcia
Mayor Pro Tem Cantwell arrived at 6:10 p.m.

PUBLIC HEARING: ACTION

3. **a. Public Hearing** on Zoning Case #13-Z-003: Consider a zoning change for 77.4790 acres, more or less for nineteen parcels located at 15900, 15880, 15860, 15840, 15800, 15780, 15750, 15700, 15670, 15860, and 15400 Ronald W. Reagan Blvd. from interim zoning (upon annexation) SFR-1-B, Single Family Rural and SFS-2-B, Single Family Suburban to GC-3-B, General Commercial, GC-2-B, General Commercial, LC-2-B, Local Commercial, Lo-2-B, Local Office, SFC-2-B, Single Family Compact, and MF-2-B, Multi Family, Leander, Williamson County, Texas
Applicant: Peter Verdicchio, on behalf of Joseph Land & Cattle Company, Ltd.
Jim Bechtol, Director of Development Services explained

Peter Verdicchio, 2438 Cloud Peak Lane, Round Rock – Applicant explained the request
Phillip Joseph, 15500 Ronald Reagan Blvd. – Applicant explained the request

Naomi Boyer 16 Valley View Circle – spoke against the zoning
Sheldon Schwindt 10 Valley View Circle – spoke against the zoning
Theresa Schwindt 10 Valley View – spoke against the zoning
Jerry Adair 110 Valley View Drive – spoke against the zoning
Rosemary Detrich 109 Valley View Circle – spoke against the zoning
Larry Thomas Jr. 3 Valley View Circle – spoke against the zoning
Vicky Thomas 3 Valley View Circle – spoke against the zoning
Benjamin Beaty 4 Valley View Circle – spoke against the zoning
Chuck Griffin 16 Valley View – spoke against the zoning
Ray Loflin 113 Valley View - spoke against the zoning

b. Action on Zoning Case #13-Z-003: amending Ordinance #05-018, the Composite Zoning Ordinance, for nineteen parcels located at 15900, 15880, 15860, 15840, 15800, 15780, 15750, 15700, 15670, 15860, and 15400 Ronald W. Reagan Blvd., Leander, Williamson County, Texas

Motion made by Council Member Navarrette to approve as per P & Z recommendation. Second by Council Member Siebold. Motion passes, all voting "aye"

REGULAR AGENDA

4. First Reading of an Ordinance on voluntary annexation of four (4) tracts totaling 0.7107 acres, more or less, located in Williamson County, Texas, generally located approximately 500' south of CR 177, 400' east of Ronald W. Reagan Blvd, 1,900' north of CR 179 and 2,800' west of Valley View Dr.; including the abutting streets, roadways, and rights-of-way
   Jim Bechtol, Director of Development Services explained

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

5. First Reading of an Ordinance on voluntary annexation of 29.31 acre parcel, more or less, located in Williamson County, Texas, generally located south of CR 179, 1,400' west of CR 175, 400' northwest of Acacia Dr, and approximately 1 mile east of Ronald W. Reagan Blvd including the abutting streets, roadways, and rights-of-way
   Jim Bechtol, Director of Development Services explained

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

6. Adjournment
   With there being no further business, the meeting adjourned at 7:10 p.m.

Attest:

Christopher Fielder, Mayor

Debbie Haile, TRMC City Secretary

AGENDA ITEM # 9

Executive Summary

May 2, 2013

Council Agenda Subject: Receive Quarterly Investment Report for the period ending 3/31/13.

Background: State law requires that the governing body be presented with a quarterly report outlining the City's investments. The period covered in this report is January through March 2013. The average interest rates in TexPool for the quarter decreased slightly from 0.1576% in the previous quarter to 0.0989% for the current quarter, and the TexPool rate closed at 0.0920% on 3/31/13. As of 3/31/13, our earnings credit rate at the bank remained at 0.25%. At the end of March, we do not have any investments in U.S. Agencies, but we do have a $245,000 1-year CD with Texas Capital Bank that was renewed in October at 0.25% and a $1,000,000 1-year CD with Unity National Bank through the CDARS program that matured in December 2012 and renewed for another year at 0.40%. In addition, in November we established a 1-year $4,500,000 CD with East West Bank (Houston, Texas) at 0.65%. At 3/31/13, the Fed funds target rate remained within the zero to 0.25% range, and quarterly averages for the 3-month T-bill remained unchanged from the previous quarter (which ended December 2012) at 0.09%, and the 6-month T-bill average dipped slightly from 0.14% to 0.12%.

Origination: Robert G. Powers, Finance Director

Financial Consideration: n.a.

Recommendation: n.a.

Attachments: Quarterly Investment Report

Prepared by: Robert G. Powers, Finance Director

Quarterly Investment Report
City of Leander
Period Ending
3/31/13

Investment / Source of Funds	Account Name	Invest. Type**	Fund	Fund Type*	G/L Acct #	Settlement Date	Coupon Rate	Qtr Yield Rate	Maturity/ Call Date	Paid Principal/ Current Balance	Market Value	Interest Oct-Sep
Cash In Bank												
Bank of America	Operating	I 5	Consolidated	F1	99-00-1110			0.2500%		$ 5,410,083.44	$ 5,410,083.44	$ 7,377.98
Chase	Operating	I 5	Consolidated	F1	99-00-1110			0.1500%		$ 4,016,653.20	$ 4,016,653.20	$ 2,995.92
Heritage Title / CTRMA	Escrow	I 5	Consolidated	F7	01-00-1116			0.1328%		$ 665,524.02	$ 665,524.02	$ 717.37
		Subtotal Cash in Bank								$ 10,092,260.66	$ 10,092,260.66	$ 11,091.27
U.S. Agencies & Instrumentalities												
		Subtotal Agencies								$ -	$ -	$ -
Certificates of Deposit												
Unity National Bank/CDARS	Operating	I 3	Consolidated	F1	99-00-1000	12/27/12		0.4000%	12/27/2013	$ 1,002,250.00	$ 1,002,250.00	$ 2,250.00
Texas Capital Bank	Operating	I 3	Consolidated	F1	99-00-1000	10/20/12		0.2500%	10/20/2013	$ 245,306.25	$ 245,306.25	$ 306.24
East West Bank	Operating	I 3	Consolidated	F1	99-00-1000	11/14/12		0.6500%	11/13/2013	$ 4,512,187.50	$ 4,512,187.50	$ 12,187.50
		Subtotal Certificates of Deposit								$ 5,759,743.75	$ 5,759,743.75	$ 14,743.74
Investment Pools												
TexPool	General Fund I&S	I 4	Debt Service	F6	80-00-1510			0.0989%		$ 3,288,863.57	$ 3,288,863.57	$ 704.00
TexPool	Consolidated Operating	I 4	Consolidated	F1	99-00-1520			0.0989%		$ 7,510,035.07	$ 7,510,035.07	$ 4,018.68
TexPool	Utility Customer Deposit	I 4	Utility Fund	F3	99-00-1521			0.0989%		$ 5,929.34	$ 5,929.34	$ 201.54
TexPool	Utility I&S	I 4	UF Debt Service	F6	85-00-1501			0.0989%		$ 151,652.56	$ 151,652.56	$ 97.23
TexPool	$21M Series 2007	I 4	Capital Projects	F2	52-00-1124			0.0989%		$ 41,449.47	$ 41,449.47	$ 26.63
TexPool	$9.2M Series 2007	I 4	Capital Projects	F2	28-00-1531			0.0989%		$ -	$ -	$ 776.48
TexPool	TIRZ No. 1	I 4	Capital Projects	F1	79-00-1541			0.0989%		$ 128,721.15	$ 128,721.15	$ 82.46
TexPool	BCRUA Contract	I 4	Capital Projects	F1	20-00-1500			0.0989%		$ 10,591.09	$ 10,591.09	$ 6.79
TexPool	$5M Tax Notes Series 2012	I 4	Capital Projects	F1	27-00-1531			0.0989%		$ 2,966,264.55	$ 2,966,264.55	$ 1,902.11
		Subtotal TexPool								$ 14,103,506.80	$ 14,103,506.80	$ 7,815.92
TexStar	BCRUA Reserve	I 4	Consolidated	F5	20-00-1525			0.1075%		$ 3,091.05	$ 3,091.05	$ 179.99
TexStar	6M Series 2010	I 4	Capital Projects	F2	53-00-1127			0.1075%		$ 4,163,671.64	$ 4,163,671.64	$ 3,990.44
		Subtotal TexStar								$ 4,166,762.69	$ 4,166,762.69	$ 4,170.43
TexasDAILY	Consolidated Operating	I 4	Consolidated	F6	99-00-1522			0.1067%		$ 1,045,824.02	$ 1,045,824.02	$ 604.99
		Subtotal TexasTERM								$ 1,045,824.02	$ 1,045,824.02	$ 604.99
					Total All Funds					$ 35,168,097.92	$ 35,168,097.92	$ 38,426.35

Quarterly Investment Report
City of Leander
Period Ending
3/31/13

*Fund Types:	
Code	Description:
F1	Current Operating Funds
F2	Bond Proceeds
F3	Utility Deposit Proceeds
F4	Debt Service Funds
F5	Bond Reserve Funds
F6	I&S Reserve Funds
F7	Restricted

**Investment Types:			
Code	Description:	% Authorized	Current %
I 1	U.S. Treasuries (Notes,Bills, Bonds)	100%	0%
I 2	U.S. Agencies & Instrumentalities	100%	0%
I 3	Certificates of Deposit	100%	16%
I 4	Eligible Investment Pools	100%	55%
I 5	Demand Account	100%	29%
I 6	Investment Sweep	100%	0%
		Total	100%

Book Value:		As of 13/31/13	As of 12/31/12	Change
U.S. Treasuries (Notes,Bills, Bonds)	I 1	0.00	0.00	0.00
U.S. Agencies & Instrumentalities	I 2	0.00	0.00	0.00
Certificates of Deposit	I 3	5,759,743.75	5,751,278.13	8,465.63
Eligible Investment Pools	I 4	19,316,093.51	19,446,639.91	(130,546.40)
Demand Account	I 5	10,092,260.66	10,192,227.39	(99,966.73)
Investment Sweep	I 6	0.00	0.00	0.00
	Total Book Value	35,168,097.92	35,390,145.43	(222,047.51)

Market Value:		As of 3/31/13	As of 12/31/12	Change
U.S. Treasuries (Notes,Bills, Bonds)	I 1	0.00	0.00	0.00
U.S. Agencies & Instrumentalities	I 2	0.00	0.00	0.00
Certificates of Deposit	I 3	5,759,743.75	5,751,278.13	8,465.63
Eligible Investment Pools	I 4	19,316,093.51	19,446,639.91	(130,546.40)
Demand Account	I 5	10,092,260.66	10,192,227.39	(99,966.73)
Investment Sweep	I 6	0.00	0.00	0.00
	Total Market Value	35,168,097.92	35,390,145.43	(222,047.51)
	Gain/(Loss)	0.00	0.00	

Certification:

This is to certify that the Investment Report submitted herewith complies in all respects with the Public Funds Investment Act Sec 2256 of the Government Code.

4/23/13

Investment Officer: Date

Robert G. Powers, Finance Director

Executive Summary

May 2, 2013

Council Agenda Subject: Second reading of ordinance on annexation of four (4) tracts totaling 0.7107 acres, more or less, located in Williamson County, Texas, generally located approximately 500' south of CR 177, 400' east of Ronald W. Reagan Blvd., 1,900' north of CR 179 and 2,800' west of Valley View Dr.; including the abutting streets, roadways, and rights-of-way.

Background: The Resolution setting the two public hearings for March 21, 2013 and April 4, 2013 was approved by City Council on February 7, 2013. The first reading of the Ordinance was approved April 25, 2013. This is a voluntary annexation whereas the property owner is requesting the property to be annexed into the city limits.

Origination: Development Services Department

Attachments: Ordinance

Resolution

Petition for Annexation

Exhibit "A" – Property Descriptions

Exhibit "B" – Municipal Services Plan

Schedule for Voluntary Annexation

Prepared by: Jim Bechtol, Director of Development Services

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LEANDER, TEXAS ANNEXING FOUR TRACTS OF LAND TOTALING 0.7107 ACRES, MORE OR LESS, INTO THE CORPORATE LIMITS OF THE CITY, INCLUDING THE ABUTTING ROADWAYS AND RIGHTS-OF-WAY, AT THE REQUEST OF THE PROPERTY OWNER; APPROVING A SERVICE PLAN FOR THE ANNEXED AREA; MAKING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

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

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

WHEREAS, the properties are adjacent and contiguous to the present city limits and are the remnant portions of tracts of land previously annexed by the City;

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

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

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

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

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

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

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

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

> **Tract 1.** All that certain tract or parcel of land being 0.12 acres, more or less, located in Williamson County, Texas, and being more particularly shown and described as "R473458" in the Exhibit "A" attached hereto and incorporated herein for all purposes.

Tract 2. All that certain tract or parcel of land being 0.2296 acres, more or less, located in Williamson County, Texas, and being more particularly shown and described as "R392173" in the Exhibit "A" attached hereto and incorporated herein for all purposes.

Tract 3. All that certain tract or parcel of land being 0.2342 acres, more or less, located in Williamson County, Texas, and being more particularly shown and described as "R392174" in the Exhibit "A" attached hereto and incorporated herein for all purposes.

Tract 4. All that certain tract or parcel of land being 0.1269 acres, more or less, located in Williamson County, Texas, and being more particularly shown and described as "R392175" in the Exhibit "A" attached hereto and incorporated herein for all purposes.

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

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

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

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

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

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

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

PASSED AND APPROVED on First Reading this ____ day of _____, 2013.

FINALLY PASSED AND APPROVED on this ____ day of _____, 2013.

ATTEST:

_____
Debbie Haile, City Secretary

CITY OF LEANDER, TEXAS

_____
Christopher Fielder, Mayor

RESOLUTION NO. 13-003-00

A RESOLUTION OF THE CITY OF LEANDER, TEXAS, ACCEPTING THE PETITION FOR ANNEXATION OF FOUR TRACTS OF LAND CONSISTING OF 0.7107, MORE OR LESS,ACRES LOCATED IN WILLIAMSON COUNTY, TEXAS; SETTING AN ANNEXATION SCHEDULE; PROVIDING FOR OPEN MEETINGS AND OTHER RELATED MATTERS.

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

WHEREAS, the subject propertiesare contiguous and adjacent to the corporate limits of the City and the owner has made application for annexation;

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

WHEREAS, the petitioner has agreed and consented to the annexation of the subject properties by the City and further agreed to be bound by all acts, ordinances, and all other legal action now in force and effect within the corporate limits of the City and all those which may be hereafter adopted;

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

Section1.Findings. The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

Section 2.Proceedings. The petition for annexation of the following properties, including the abutting streets, roadways, and rights of way,not previously annexed into the Cityand the draft services plan shown in Exhibit "B", submitted by Petitioner, are hereby accepted:

> **Tract 1.**All that certain tract or parcel of land being 0.12 acres, more or less, located in Williamson County, Texas, and being more particularly shown and described as "R473458" in the Exhibit "A" attached hereto and incorporated herein for all purposes.
>
> **Tract 2.**All that certain tract or parcel of land being 0.2296 acres, more or less, located in Williamson County, Texas, and being more particularly shown and described as "R392173" in the Exhibit "A" attached hereto and incorporated herein for all purposes.

Tract 3. All that certain tract or parcel of land being 0.2342 acres, more or less, located in Williamson County, Texas, and being more particularly shown and described as "R392174" in the Exhibit "A" attached hereto and incorporated herein for all purposes.

Tract 4. All that certain tract or parcel of land being 0.1269 acres, more or less, located in Williamson County, Texas, and being more particularly shown and described as "R392175" in the Exhibit "A" attached hereto and incorporated herein for all purposes.

Two public hearings are set for the dates of March 21, 2013 and April 04, 2013. Notice of such hearings shall be posted and the hearings shall be open to the public to accept public comment on the annexation request.

Section 3. Severability. Should any section or part of this Resolution be held unconstitutional, illegal, or invalid, or the application to any person or circumstance thereof ineffective or inapplicable, such unconstitutionality, illegality, invalidity, or ineffectiveness of such section or part shall in no way affect, impair or invalidate the remaining portion or portions thereof; but as to such remaining portion or portions, the same shall be and remain in full force and effect and to this end the provisions of this Resolution are declared to be severable.

Section 4. Open Meetings. It is hereby officially found and determined that the meeting at which this Resolution is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, *Chapt. 551, Tex. Gov't.Code.*

PASSED AND APPROVED this the 7th day of February, 2013.

ATTEST:

Debbie Haile

Debbie Haile, City Secretary

THE CITY OF LEANDER, TEXAS

Christopher Fielder, Mayor

CITY OF LEANDER
STATE OF TEXAS

STATE OF TEXAS §
§
COUNTY OF WILLIAMSON §

REQUEST & PETITION TO THE CITY COUNCIL OF THE CITY OF LEANDER FOR ANNEXATION OF PROPERTY

WHEREAS, the undersigned is the owner of certain tracts of property located within Williamson County, Texas, such property more particularly described hereinafter by true and correct legal description (referred to herein as the "subject properties");

WHEREAS, the undersigned has sought the annexation of the subject properties by the City of Leander, Texas, (hereinafter sometimes referred to as "City"), in order to obtain the benefits of City services to the subject property by the City;

WHEREAS, the subject properties are contiguous and adjacent to the corporate limits of the City;

WHEREAS, the City, pursuant to *§43.021, Tex. Loc. Gov't. Code* and the request of the property owner, is authorized to annex the subject properties; and,

WHEREAS, the undersigned agrees and consents to the annexation of the subject properties by the City and further agrees to be bound by all acts, ordinances, and all other legal action now in force and effect within the corporate limits of the City and all those which may be hereafter adopted.

NOW THEREFORE, the undersigned by this Petition and Request:

SECTION ONE: Requests the City Council of the City to commence annexation proceedings and to annex into the corporate limits of the City of Leander, Texas, of all portions of the subject properties, including the abutting streets, roadways, and rights-of-way, not previously annexed into the City and further described as follows:

> **Tract 1.** All that certain tract or parcel of land being 0.12 acres, more or less, located in Williamson County, Texas, and being more particularly shown and described as "R473458" in the Exhibit "A" attached hereto and incorporated herein for all purposes.
>
> **Tract 2.** All that certain tract or parcel of land being 0.2296 acres, more or less, located in Williamson County, Texas, and being more particularly shown and described as "R392173" in the Exhibit "A" attached hereto and incorporated herein for all purposes.
>
> **Tract 3.** All that certain tract or parcel of land being 0.2342 acres, more or less, located in Williamson County, Texas, and being more particularly shown and described as "R392174" in the Exhibit "A" attached hereto and

incorporated herein for all purposes.

Tract 4. All that certain tract or parcel of land being 0.1269 acres, more or less, located in Williamson County, Texas, and being more particularly shown and described as "R392175" in the Exhibit "A" attached hereto and incorporated herein for all purposes.

SECTION TWO: Requests that after annexation the City provide such services as are legally permissible and provided by the City, including sanitation, water and general governmental services as set forth in the municipal services plan.

SECTION THREE: Acknowledges and represents having received, read and understood the attached "draft" Service Plan, attached hereto as Exhibit "B", (proposed to be applicable to and adopted for the subject property) and that such "draft" Service Plan is wholly adequate and acceptable to the undersigned who hereby requests the City Council to proceed with the annexation and preparation of a final Municipal Service Plan and publish notice and hold the requisite public hearings thereon, in accordance with the applicable laws of the State of Texas.

SECTION FOUR: Acknowledges that the undersigned understands and agrees that all city services to the subject properties will be provided by the City on the same terms and conditions as provided to other similarly situated areas of the City and as provided in the Municipal Service Plan.

SECTION FIVE: Agrees that a copy of this Request and Petition may be filed of record in the offices of the City of Leander and in the real property records of Williamson County, Texas, and shall be notice to and binding upon all persons or entities now or hereafter having any interest in the subject properties.

FILED, this 25 day of January 2013, with the City Secretary of the City of Leander, Williamson County, Texas.

Petitioner: Joseph Land & Cattle Company, Ltd.

By: JLCCGP, L.L.C. a Texas Limited Liability Company, its General Partner

By: _____
Name: Philip C. Joseph
Title: President

STATE OF TEXAS §

COUNTY OF TRAVIS §

BEFORE ME, the undersigned authority, a Notary Public in and for said County and State, on this day personally appeared Philip C. Joseph, President of JLCCGP, L.L.C., a Texas limited liability company, General Partner of Joseph Land & Cattle Company, Ltd., owner of the subject properties and Petitioner herein, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged that they had authority to bind the entity and that they executed the same for the purposes therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this the 25th day of January 2013.

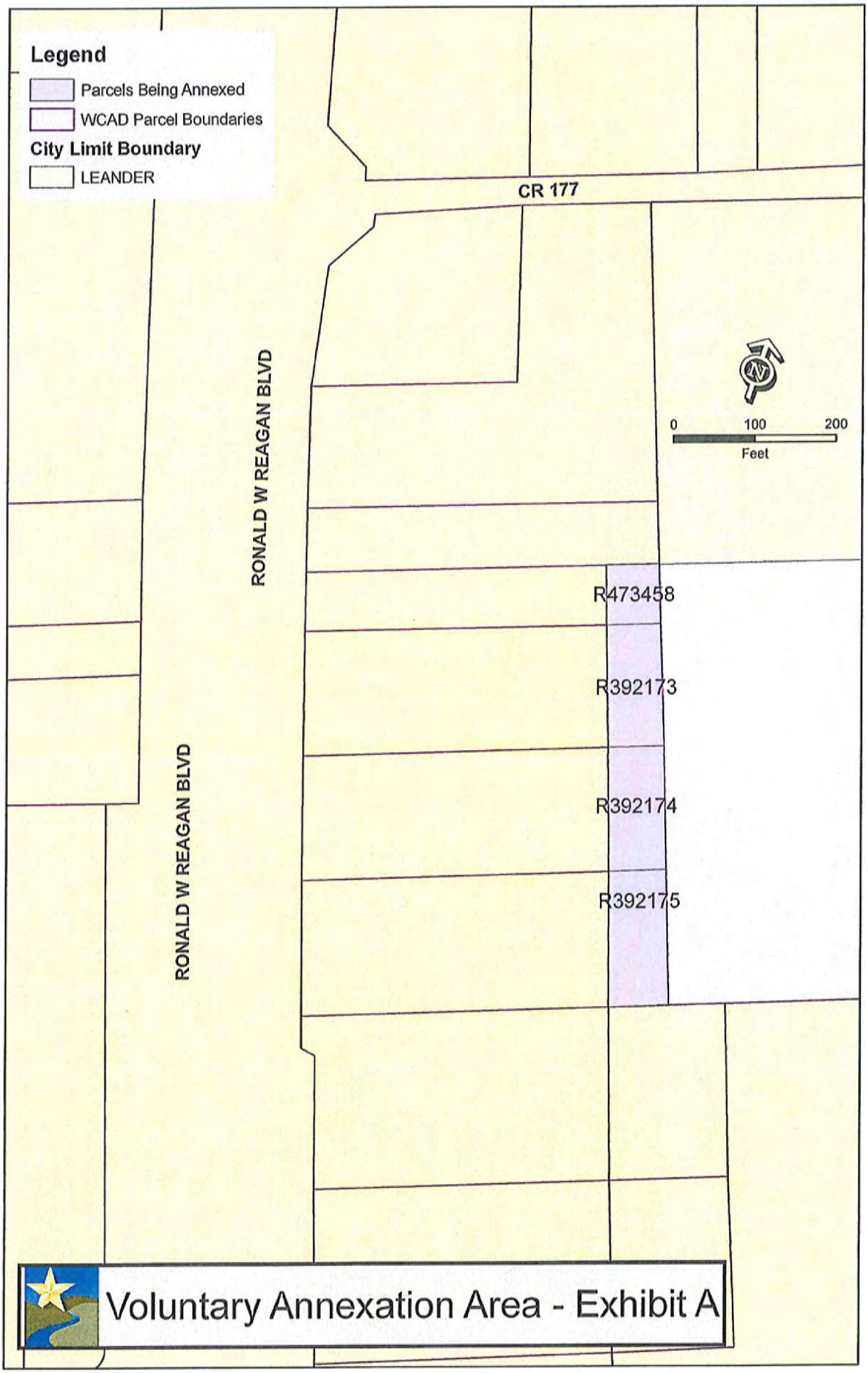
(SEAL)

Laurie Staton Roehrig
Notary Public - State of Texas

LAURIE STATON ROEHRIG
Notary Public, State of Texas
My Commission Expires
OCTOBER 28, 2013

Exhibit "A"

DESCRIPTION OF THE SUBJECT PROPERTIES



Voluntary Annexation Area - Exhibit A

Exhibit "B"

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

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

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

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

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

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

NOW, THEREFORE, the City agrees to provide the following services for the subject property on the effective date of annexation:

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

A. Police protection as follows:

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

B. Fire protection and Emergency Medical Services as follows:

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

C. Solid waste collection services as follows:

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

D. Animal control as follows:

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

E. Maintenance of parks and playgrounds within the City.

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

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

H. Land use regulation as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

(ii) The City will maintain existing public streets within the subject property, and following installation and acceptance of new roadways by the City as provided by city ordinance, including any required traffic signals, traffic signs, street markings, other

traffic control devices and street lighting, the City will maintain such newly constructed public streets, roadways and rights-of-way within the boundaries of the subject property, as follows:

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

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

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

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

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

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

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

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

RONALD W REAGAN BLVD
RONALD W REAGAN BLVD
R473458
R392173
R392174
R392175
0
100
Feet

SCHEDULE FOR VOLUNTARY ANNEXATION – Philip Joseph (Leander Farm) +/- 0.7107 Acres

DATE	ACTION/EVENT	LEGAL AUTHORITY
February 7, 2013	**COUNCIL BY WRITTEN RESOLUTION** Directs notification to land owners; and sets two (2) Public Hearings **March 21, 2013 and April 4, 2013**; Council directs development of service plan for area to be annexed.	Loc. Gov't Code, §§ 43.063 & 43.065; Public Hearings: are on or after the 40th day but before 20th day before institution of proceedings.
By Feb. 15, 2013	**NOTICE TO** property owners & utility providers	Loc. Gov't Code § 43.062(a)
March 6, 2013* Publish notice of First Public Hearing **March 20, 2013*** Publish notice of Second Public Hearings	**NEWSPAPER NOTICES** RE: FIRST AND SECOND PUBLIC HEARINGS; (If applicable, certified Notice to Railroad) **SCHOOL DISTRICT NOTICE** (notify each school district of possible impact) POST NOTICE ON WEB SITE and MAINTAIN UNTIL COMPLETE	Not less than 10 days nor more than 20 days before 1st and 2nd public hearings. Loc. Gov't Code, §43.063 (c).
Ten days after the date the first notice of Public Hearing is published	LAST DAY FOR SUBMISSION OF WRITTEN PROTEST BY RESIDENTS (10 days after first newspaper notice)	Site hearing required if 10% of adult residents of tracts protest within 10 days after 1st newspaper notice. Loc. Gov't Code, § 43.063 (b)
March 21, 2013*	**1st PUBLIC HEARING** AND PRESENT SERVICE PLAN (Not more than 40 days before the 1st reading of ordinance) *REGULAR MEETING*	Not less than 20 days nor more than 40 days before reading of ordinance. Loc. Gov't Code, §§ 43.063(a) & 43.065.
April 4, 2013*	**2nd PUBLIC HEARING** AND PRESENT SERVICE PLAN (At least 20 days before 1st reading of ordinance.) *REGULAR MEETING*	Not less than 20 days nor more than 40 days before reading of ordinance. Loc. Gov't Code, §§ 43.063(a) & 43.065.
Institution Date **April 25, 2013***	**FIRST READING** OF ORDINANCE *SPECIAL CALLED MEETING*	Date of institution of proceedings. Not less than 20 days from the second public hearing nor more than 40 days from the first public hearing.
May 2 , 2013 Or at a special called meeting after the First Reading	**SECOND-FINAL READING** OF ORDINANCE *REGULAR MEETING*	Not more than 90 days after 1st reading of Ordinance § 43.064.
May 31, 2013 Or as soon as documents are received from City	FILE FOR VOTING RIGHTS ACT **PRECLEARANCE**	42 U.S.C. §1973c; Loc. Gov't Code, §43.906;
Within 30 days of Second Reading	**CITY SENDS COPY OF MAP** showing boundary changes to County Voter Registrar in a format that is compatible with mapping format used by registrar	Elec. Code §42.0615
Upon receipt of DOJ Preclearance or 60 days after DOJ's receives submission	**IMPLEMENT ANNEXATION** for voting purposes (Upon preclearance from Justice Dept.) **Send certified copy of ordinance and maps** to State Comptroller and any franchise holders	42 U.S.C. §1973c.
After DOJ Preclearance	**CITY PROVIDES CERTIFIED COPY OF ORDINANCE AND MAPS TO:** 1. County Clerk 2. County Appraisal District 3. County Tax Assessor Collector 4. 911 Addressing 5. Sheriff's Office 6. City Department Heads	

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

***Newspaper notices to paper by 10 a.m. the preceding Friday**

AGENDA ITEM # 11

Executive Summary

May 2, 2013

Council Agenda Subject: Second reading of ordinance on annexation of 29.31 acre parcel, more or less, located in Williamson County, Texas, generally located south of CR 179, 1,400' west of CR 175, 400' northwest of Acacia Dr, and approximately 1 mile east of Ronald W Reagan Blvd including the abutting streets, roadways, and rights-of-way.

Background: The Resolution setting the two public hearings for March 21, 2013 and April 4, 2013 was approved by City Council on February 7, 2013. The first reading of the Ordinance was approved April 25, 2013. This is a voluntary annexation whereas the property owner is requesting the property to be annexed into the city limits.

Origination: Development Services Department

Attachments: Ordinance

Resolution

Petition for Annexation

Exhibit "A" – Property Descriptions

Exhibit "B" – Municipal Services Plan

Schedule for Voluntary Annexation

Prepared by: Jim Bechtol, Director of Development Services

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LEANDER, TEXAS ANNEXING 29.31 ACRES OF LAND, MORE OR LESS, INTO THE CORPORATE LIMITS OF THE CITY, INCLUDING THE ABUTTING ROADWAYS AND RIGHTS-OF-WAY, AT THE REQUEST OF THE PROPERTY OWNER; APPROVING A SERVICE PLAN FOR THE ANNEXED AREA; MAKING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

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

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

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

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

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

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

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

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

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

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

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

> All portions of that certain tract or parcel of land being 29.31 acres, more or less, situated in the Anastasha Carr Survey, Abstract No. 122, located in Williamson County, Texas, and being more particularly shown and described in Exhibit "A" attached hereto and incorporated herein for all purposes.

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

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

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

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

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

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

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

PASSED AND APPROVED on First Reading this ____ day of _____, 2013.

FINALLY PASSED AND APPROVED on this ____ day of _____, 2013.

ATTEST:

_____

Debbie Haile, City Secretary

CITY OF LEANDER, TEXAS

_____

Christopher Fielder, Mayor

RESOLUTION NO. 13-002-00

A RESOLUTION OF THE CITY OF LEANDER, TEXAS, ACCEPTING THE PETITION FOR ANNEXATION OF A 29.31, MORE OR LESS,ACRE PARCEL OF LAND LOCATED IN WILLIAMSON COUNTY, TEXAS; SETTING AN ANNEXATION SCHEDULE; PROVIDING FOR OPEN MEETINGS AND OTHER RELATED MATTERS.

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

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

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

WHEREAS, the petitioner has agreed and consented to the annexation of the subject property by the City and further agreed to be bound by all acts, ordinances, and all other legal action now in force and effect within the corporate limits of the City and all those which may be hereafter adopted;

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

Section1.Findings. The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

Section 2.Proceedings. The petition for annexation of the following property, including the abutting streets, roadways, and rights of way,not previously annexed into the Cityand the draft services plan shown in Exhibit "B", submitted by Petitioner, are hereby accepted:

> All that certain tract or parcel of land being 29.31 acres, more or less, located in Williamson County, Texas, and being more particularly shown and described in the Exhibit "A" attached hereto and incorporated herein for all purposes.

Two public hearings are set for the dates of March 21, 2013 and April 04, 2013. Notice of such hearings shall be posted and the hearings shall be open to the public to accept public comment on the annexation request.

Section 3.Severability. Should any section or part of this Resolution be held unconstitutional, illegal, or invalid, or the application to any person or circumstance thereof ineffective or

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

Section 4.Open Meetings. It is hereby officially found and determined that the meeting at which this Resolution is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, *Chapt. 551, Tex. Gov't.Code*.

PASSED AND APPROVED this the 7th day of February, 2013.

ATTEST:

Debbie Haile, City Secretary

THE CITY OF LEANDER, TEXAS

Christopher Fielder, Mayor

CITY OF LEANDER
ESTABLISHED 1882 INCORPORATED 1909
STATE OF TEXAS

STATE OF TEXAS §
§
COUNTY OF WILLIAMSON §

REQUEST & PETITION TO THE CITY COUNCIL OF THE CITY OF LEANDER FOR ANNEXATION OF PROPERTY

WHEREAS, the undersigned is the owner of a certain tract of property located within Williamson County, Texas, such property more particularly described hereinafter by true and correct legal description (referred to herein as the "subject property");

WHEREAS, the undersigned has sought the annexation of the subject property by the City of Leander, Texas, (hereinafter sometimes referred to as "City"), in order to obtain the benefits of City services to the subject property by the City;

WHEREAS, the subject property is contiguous and adjacent to the corporate limits of the City;

WHEREAS, the City, pursuant to *§43.021, Tex. Loc. Gov't. Code* and the request of the property owner, is authorized to annex the subject property; and,

WHEREAS, the undersigned agrees and consents to the annexation of the subject property by the City and further agrees to be bound by all acts, ordinances, and all other legal action now in force and effect within the corporate limits of the City and all those which may be hereafter adopted.

NOW THEREFORE, the undersigned by this Petition and Request:

SECTION ONE: Requests the City Council of the City to commence annexation proceedings and to annex into the corporate limits of the City of Leander, Texas, of all portions of the subject property, including the abutting streets, roadways, and rights-of-way, not previously annexed into the City and further described as follows,:

> All that certain tract or parcel of land being 29.31 acres, more or less, located in Williamson County, Texas, and being more particularly shown and described in the Exhibit "A" attached hereto and incorporated herein for all purposes.

SECTION TWO: Requests that after annexation the City provide such services as are legally permissible and provided by the City, including sanitation, water and general governmental services as set forth in the municipal services plan.

SECTION THREE: Acknowledges and represents having received, read and understood the attached "draft" Service Plan, attached hereto as Exhibit "B", (proposed to be applicable to and adopted for the subject property) and that such "draft" Service Plan is wholly adequate and acceptable to the undersigned who hereby requests the City Council to proceed with the annexation and preparation of a final Municipal Service Plan and publish notice and hold the requisite public hearings thereon, in accordance with the applicable laws of the State of Texas.

SECTION FOUR: Acknowledges that the undersigned understands and agrees that all city services to the subject property will be provided by the City on the same terms and conditions as provided to other similarly situated areas of the City and as provided in the Municipal Service Plan.

SECTION FIVE: Agrees that a copy of this Request and Petition may be filed of record in the offices of the City of Leander and in the real property records of Williamson County, Texas, and shall be notice to and binding upon all persons or entities now or hereafter having any interest in the subject property.

FILED, this 23 day of January 2013, with the City Secretary of the City of Leander, Williamson County, Texas.

Petitioner:

By: Tamara Ramaker
Tamara Ramaker, Owner

STATE OF TEXAS §
§
COUNTY OF WILLIAMSON §

BEFORE ME, the undersigned authority, a Notary Public in and for said County and State, on this day personally appeared Tamara "Tami" Ramaker, Owner of the subject property and Petitioner herein, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged that they had authority to bind the entity and that they executed the same for the purposes therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this the 23rd day of Jan. 2013.

(SEAL)

CHRISTI C. HORNE
Notary Public, State of Texas
My Commission Expires
July 6, 2013

Christi C Horne
Notary Public - State of Texas

Exhibit "A"

DESCRIPTION OF THE SUBJECT PROPERTY

29.31 ACRES

ALL THAT CERTAIN TRACT OF LAND CONTAINING 29.50 ACRES OF LAND, MORE OR LESS, SITUATED IN THE ANASTASHA CARR SURVEY, ABSTRACT NO. 122, IN WILLIAMSON COUNTY, TEXAS, BEING THE SAME PROPERTY CONVEYED TO TAMARA . BARKLEY, IN WARRANTY DEED RECORDED IN DOCUMENT No. 2006005760 OF THE OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS, SAVE AND EXCEPT THAT CERTAIN 8.251 SQUARE FEET OF LAND CONVEYED TO WILLIAMSON COUNTY, TEXAS IN SPECIAL WARRANTY DEED RECORDED IN DOCUMENT No. 2008068649 OF THE OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Begin at a 1/2" iron rod found (with Haynie Consultant cap) in the West Line of the said 29.50 Acre Tract, the same being the Southwest Corner of the said 8,251 Square Feet Tract;

THENCE across the said 29.50 Acre Tract and along the South Line of the said 8,251 Square Feet Tract the following three courses:

1. Northeasterly along the arc of a curve to the left, a distance of 56.82 feet to a 1/2" iron rod found (with Haynie Consultant cap), said curve having a radius of 5779.05 feet, a central angle of 00°33'48", and a chord bearing N.63°18'43"E., 56.81 feet

2. N.63°04'05"E. a distance of 69.07 feet to a 1/2" iron rod found (with Haynie Consultant cap) at a point on a non-tangent curve to the right;

3. Northeasterly along the arc of said curve, a distance of 386.66 feet, said curve having a radius of 5679.06 feet, a central angle of 03°54'03" and a chord bearing N.64°53'28"E., 386.58 feet to a steel cotton spindle found at the Northeast Corner of the said 29.50 Acre Tract and the Northwest Corner of that 54.10 Acre Tract conveyed to Peggy Simpson by deed recorded in Volume 2542, Page 834 of the Deed Records of Williamson County, Texas;

THENCE S.21°11'12"E., along the East Line of the 29.50 Acre Tract and the West Line of the said 54.10 Acre Tract, a distance of 2384.56 feet to a 1/2" iron rod found in the North Line of the Plat of Stonehurst, according to the plat thereof recorded in Cabinet C, Slides 251, 252 and 253 of the Plat Records of Williamson County, Texas, at the Southeast Corner of the said 29.50 Acre Tract and the Southwest Corner of the said 54.10 Acre Tract

THENCE S.41°49'57"W., along the North Line of the said Plat of Stonehurst and the South Line of the 29.50 Acre Tract, a distance of 573.54 feet to a 1/2" iron rod found at the Southwest Corner of the 29.50 Acre Tract;

THENCE N.21°10'59"W., along the West Line of the said 29.50 Acre Tract, a distance of 2605.97 feet to the said Point of Beginning.

Containing 29.31 acres, more or less.

COUNTY ROAD 170

PEGGY SIMPSON
54.10 ACRES
VOLUME 2542, PAGE 834

29.31 acres

ROBERT G. KATUSAK &
CONCETTA KATUSAK
REMAINDER OF 104.98 ACRES
VOLUME 918, PAGE 667

LOT 32

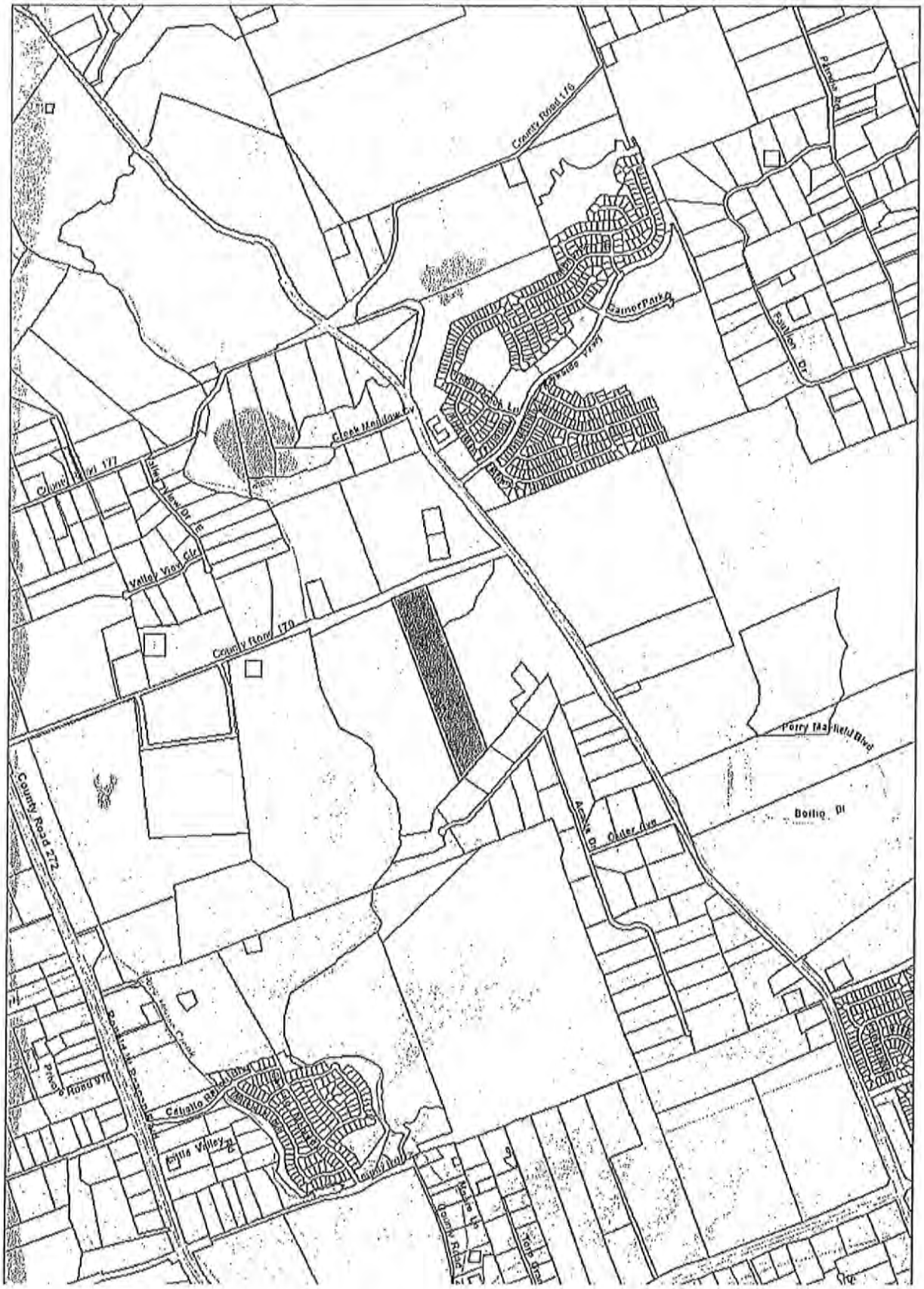
LOT 31

PLAT OF
STONEHURST
CABINET C, SLIDES 251-253

LOT 35

ACADIA DRIVE

RJ SURVEYING & ASSOCIATES, INC.


County Road 176
Gainor Park
Creek Meadow Cv
Valley View Cir
County Road 170
County Road 272
Porry Mayfield Blvd
Bollig Dr
Cedar Ave
Caballo Ranch Blvd
Little Valley Rd

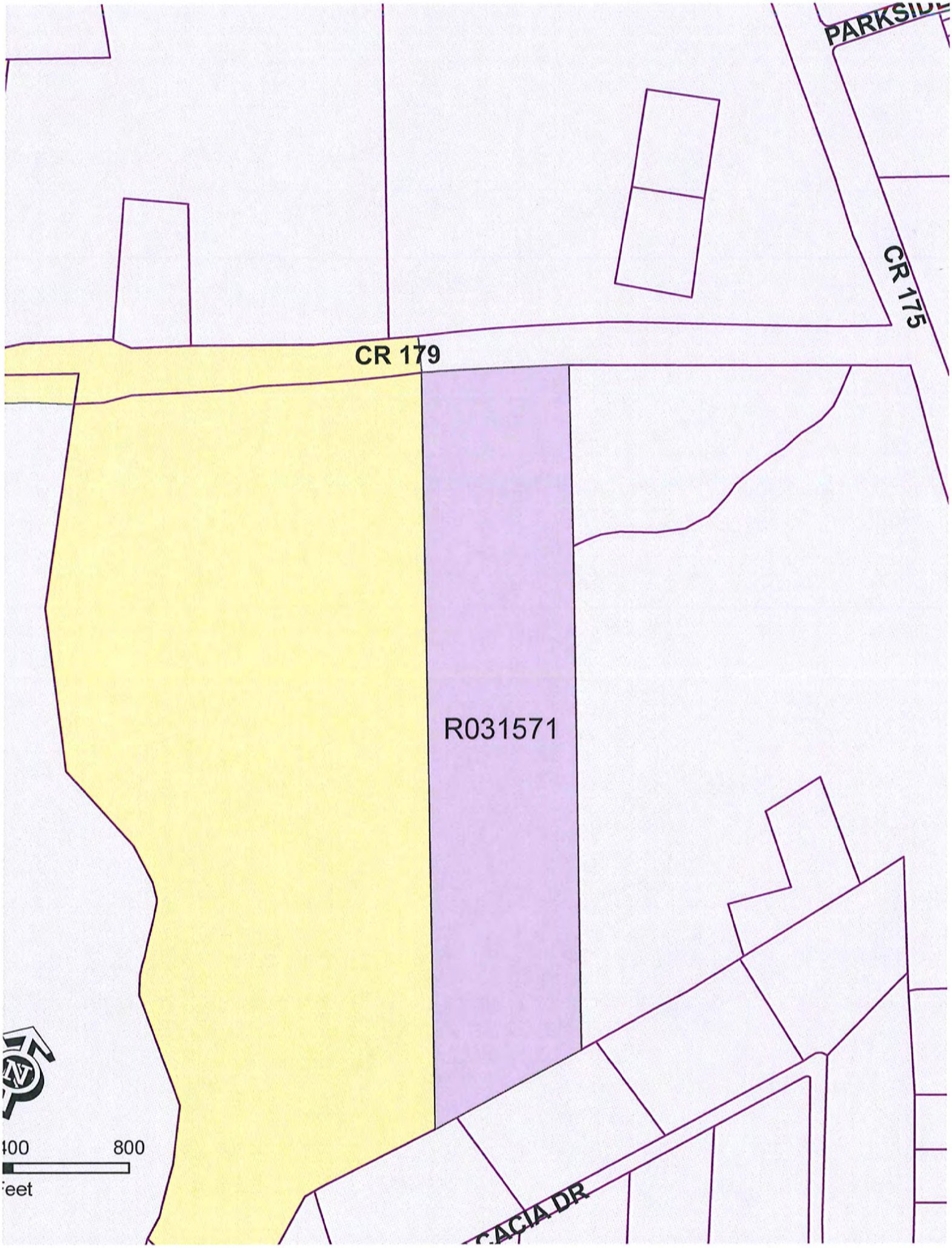

PARKSIDE
CR 175
CR 179
R031571
400
800
Feet
ACACIA DR

Exhibit "B"

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

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

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

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

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

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

NOW, THEREFORE, the City agrees to provide the following services for the subject property on the effective date of annexation:

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

A. Police protection as follows:

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

B. Fire protection and Emergency Medical Services as follows:

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

C. Solid waste collection services as follows:

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

D. Animal control as follows:

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

E. Maintenance of parks and playgrounds within the City.

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

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

H. Land use regulation as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

(ii) The City will maintain existing public streets within the subject property, and following installation and acceptance of new roadways by the City as provided by city ordinance, including any required traffic signals, traffic signs, street markings, other

traffic control devices and street lighting, the City will maintain such newly constructed public streets, roadways and rights-of-way within the boundaries of the subject property, as follows:

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

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

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

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

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

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

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

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

SCHEDULE FOR VOLUNTARY ANNEXATION – RAMAKER +/- 29.31 ACRES

DATE	ACTION/EVENT	LEGAL AUTHORITY
February 7, 2013	**COUNCIL BY WRITTEN RESOLUTION** Directs notification to land owners; and sets two (2) Public Hearings **March 21, 2013 and April 4, 2013**; Council directs development of service plan for area to be annexed.	Loc. Gov't Code, §§ 43.063 & 43.065; Public Hearings: are on or after the 40th day but before 20th day before institution of proceedings.
By Feb. 15, 2013	**NOTICE TO** property owners & utility providers	Loc. Gov't Code § 43.062(a)
March 6, 2013* Publish notice of First Public Hearing **March 20, 2013*** Publish notice of Second Public Hearings	**NEWSPAPER NOTICES** RE: FIRST AND SECOND PUBLIC HEARINGS; (If applicable, certified Notice to Railroad) **SCHOOL DISTRICT NOTICE** (notify each school district of possible impact) POST NOTICE ON WEB SITE and MAINTAIN UNTIL COMPLETE	Not less than 10 days nor more than 20 days before 1st and 2nd public hearings. Loc. Gov't Code, §43.063 (c).
Ten days after the date the first notice of Public Hearing is published	LAST DAY FOR SUBMISSION OF WRITTEN PROTEST BY RESIDENTS (10 days after first newspaper notice)	Site hearing required if 10% of adult residents of tracts protest within 10 days after 1st newspaper notice. Loc. Gov't Code, § 43.063 (b)
March 21, 2013*	**1st PUBLIC HEARING** AND PRESENT SERVICE PLAN (Not more than 40 days before the 1st reading of ordinance) *REGULAR MEETING*	Not less than 20 days nor more than 40 days before reading of ordinance. Loc. Gov't Code, §§ 43.063(a) & 43.065.
April 4, 2013*	**2nd PUBLIC HEARING** AND PRESENT SERVICE PLAN (At least 20 days before 1st reading of ordinance.) *REGULAR MEETING*	Not less than 20 days nor more than 40 days before reading of ordinance. Loc. Gov't Code, §§ 43.063(a) & 43.065.
Institution Date **April 25, 2013***	**FIRST READING** OF ORDINANCE *SPECIAL CALLED MEETING*	Date of institution of proceedings. Not less than 20 days from the second public hearing nor more than 40 days from the first public hearing.
May 2 , 2013 Or at a special called meeting after the First Reading	**SECOND-FINAL READING** OF ORDINANCE *REGULAR MEETING*	Not more than 90 days after 1st reading of Ordinance § 43.064.
May 31, 2013 Or as soon as documents are received from City	FILE FOR VOTING RIGHTS ACT **PRECLEARANCE**	42 U.S.C. §1973c; Loc. Gov't Code, §43.906;
Within 30 days of Second Reading	**CITY SENDS COPY OF MAP** showing boundary changes to County Voter Registrar in a format that is compatible with mapping format used by registrar	Elec. Code §42.0615
Upon receipt of DOJ Preclearance or 60 days after DOJ's receives submission	**IMPLEMENT ANNEXATION** for voting purposes (Upon preclearance from Justice Dept.) **Send certified copy of ordinance and maps** to State Comptroller and any franchise holders	42 U.S.C. §1973c.
After DOJ Preclearance	**CITY PROVIDES CERTIFIED COPY OF ORDINANCE AND MAPS TO:** 1. County Clerk 2. County Appraisal District 3. County Tax Assessor Collector 4. 911 Addressing 5. Sheriff's Office 6. City Department Heads	

***Dates in BOLD are MANDATORY dates to follow this schedule. Please advise if deviation.**
***Newspaper notices to paper by 10 a.m. the preceding Friday**

Executive Summary

May 2, 2013

Agenda Subject: Zoning Case 13-Z-003: Second reading and consider action on the rezoning of nineteen parcels located at 15900, 15880, 15860,15840, 15800, 15780, 15750, 15700, 15670, 15860, 15400, Ronald W Reagan Blvd for 77.4790 acres more or less; Parcels #R392170, R392171, R392172, R392173, R392174, R392175, R392176, R392177, R392178, R473458, R485239, R485240, R485241, R485242, R485243, R485244, R485245, R485246, R031552. Currently, a portion of the property is not zoned and upon annexation it will be zoned interim SFR-1-B (Single Family Rural) and the remainder of the property is currently zoned interim SFS-2-B (Single Family Suburban). The property is proposed to be zoned GC-3-B (General Commercial), GC-2-B (General Commercial) LC-2-B (Local Commercial), LO-2-B (Local Office) SFC-2-B, (Single Family Compact, and MF-2-B (Multi-Family); Leander, Williamson County, Texas.

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

Origination: Applicant: Peter Verdicchio, on behalf of Joseph Land & Cattle Company, Ltd.

Financial Consideration: None

Recommendation: See Planning Analysis. The Planning & Zoning Commission recommended approval of the following at the April 11, 2013 meeting with a 5 to 2 vote.

- 3.83 acres of SFC-2-A (Single Family Compact)
- 18.80 acres of MF-2-B (Multi-Family)
- 95' strip of SFC-2-A (Single-Family Compact) to the north of the MF-2-B (Multi-Family)
- 4.00 acres of LO-2-A (Local Commercial)
- 14.49 acres of GC-2-A (General Commercial)
- 2.66 acres GC-3-A (General Commercial)
- 13.53 acres LC-2-A (Local Commercial)
- 9.03 acres LC-2-A (Local Commercial)
- 2.74 acres LC-2-A (Local Commercial)
- 4.00 acres GC-3-A (General Commercial)

- No access to Valley View Circle is permitted except for emergency access.

The City Council unanimously recommended approval of the Planning & Zoning Commission's recommendation at the April 25, 2013 meeting.

Attachments:

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

Prepared By: Robin M. Griffin, AICP, Planner 04/25/2013

PLANNING ANALYSIS

ZONING CASE 13-Z-003
RONALD W. REAGAN BLVD

GENERAL INFORMATION

Owner: Joseph Land & Cattle Company, Ltd.

Current Zoning: Interim SFR-1-B (Single-Family Rural) upon the completion of annexation
Interim SFS-2-B

Proposed Zoning: GC-3-B (General Commercial)
GC-2-B (General Commercial)
LC-2-B (Local Commercial)
LO-2-B (Local Office)
SFC-2-B (Single Family Compact)
MF-2-B (Multi-Family)

Size and Location: The subject property is located to the southeast of the intersection of Ronald W. Reagan Blvd and CR 177 and to the northeast of the intersection of Ronald W. Reagan Blvd and CR 179.

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 SFS-2-B	Established Single-Family Residential
EAST	Interim SFS-2-B	Established Single-Family Residential, Undeveloped Land
SOUTH	Interim SFR-1-B	Undeveloped Property zoned for Single-Family Residential
WEST	GC-2-B GC-3-B GC-3-C Interim SFR-1-B Interim SFS-2-B	Undeveloped Commercial Undeveloped Commercial Established Commercial Undeveloped Single-Family Residential Established Single-Family Residential

COMPOSITE ZONING ORDINANCE INTENT STATEMENTS

USE COMPONENTS:

GC – GENERAL COMMERCIAL:

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

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

LC – LOCAL COMMERCIAL:

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

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

LO – LOCAL OFFICE:

Features: Office, assisted living, day care. Hours of operation: 7:00 a.m. to 10:00 Sun.-Thurs., 7:00 a.m. to 11:00 p.m. Fri. and Sat.

Intent: Development of small scale, limited impact office uses or similar uses which may be located adjacent to residential neighborhoods. Access should be provided by a collector or higher classification street. This component is intended to help provide for land use transitions from local or general commercial or from arterial streets to residential development.

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.

MF – MULTI-FAMILY:

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

Intent: Development of multi-family dwelling structures. Such components are generally intended to serve as a buffer between single-family neighborhoods and more intensive uses such as commercial uses or arterial roadways. Such components are also intended to create more variety in housing opportunities and in the fabric of the community but are intended to be utilized in small areas to avoid large tracts devoted to strictly multi-family residential

development. The goal is to avoid more than twenty-five (25) acres of contiguous land having a Multi-Family component. Access should be provided by a collector or higher classification street.

SITE COMPONENTS:

TYPE 2:

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

Intent:

(1) The Type 2 site component may be utilized with non-residential developments that are adjacent to a residential district or other more restrictive district to help reduce potential negative impacts to the more restrictive district and to provide for an orderly transition of development intensity.

(2) The Type 2 site component is intended to be utilized for residential development not meeting the intent of a Type 1 site component and not requiring the additional accessory structure or accessory dwelling privileges of the Type 3 site component.

(3) This component is intended to be utilized with the majority of LO and LC use components except those that meet the intent of the Type 1 or Type 3 site component or with any use requiring drive-through service lanes.

(4) This component is generally not intended to be utilized with 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 A:

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

Intent:

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

(2) This component is intended to be utilized for single-family development that backs up to, or sides to, a major thoroughfare.

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

TYPE 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:

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

ANALYSIS:

The applicant is proposing a mixed development project including commercial centers, multi-family, and a small amount of single-family compact zoning. This proposal provides for the largest concentration of GC-3-B (General Commercial) at the intersection of Ronald W. Reagan Blvd and CR 179 (two major thoroughfares. In addition, GC-3-B (General Commercial is also proposed along Ronald W. Reagan Blvd.

The GC (General Commercial) use component allows for the development of small to large scale commercial, retail and commercial service uses located in high traffic areas with access from an arterial street. In this situation, access will be provided to the site from Ronald W. Reagan Blvd,

an arterial street. The Composite Zoning Ordinance encourages this type of zoning at major intersections.

The LC (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. The proposed location of the LC use component breaks up the proposed large scale commercial along Ronald W. Reagan Blvd.

The LO (Local Office) use component allows for the development of small scale, limited impact office uses or similar uses which are appropriate adjacent to residential neighborhoods. The proposed LO use component will provide a transition between the LC, GC and residential uses.

The MF (Multi-Family) use component provides for the development of multi-family dwelling structures. The intent of this component includes serving as a buffer between single-family neighborhoods and more intensive uses such as commercial or arterial roadways. The proposed Type B architectural component associated with this use component would allow for 18 units per acre. In addition, the Type 2 site component requires that at least 35% of the units have at least one garage parking space.

The SFC (Single-Family Compact) use component will continue the existing residential zoning located to the south and east of this project. This use component permits lots with a minimum width of 50 feet.

The proposed Type 3 site component associated with the GC use 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:

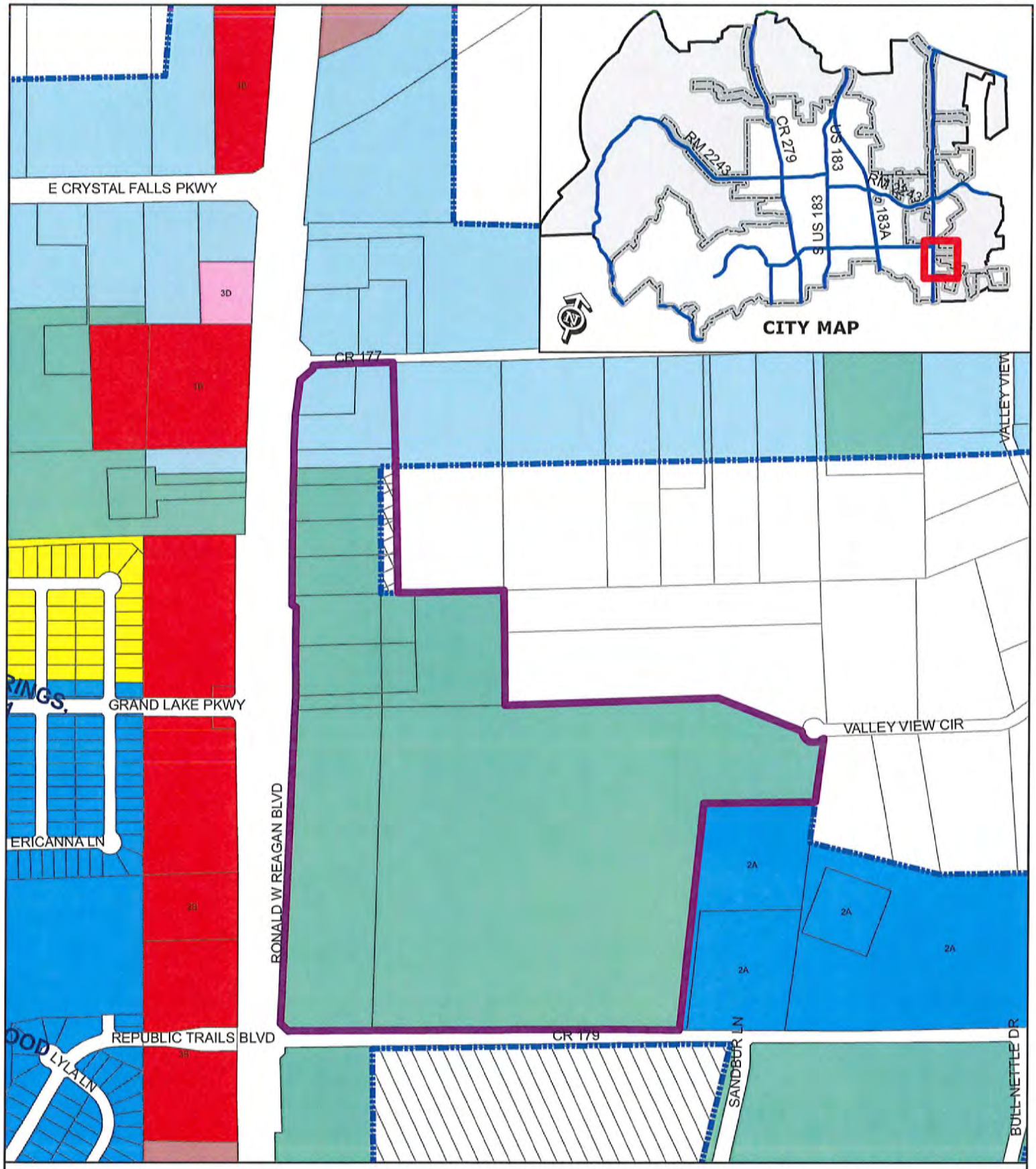
- Outdoor Display (limited 30% of the gross floor area of the primary structure)
- Outdoor Storage (limited 20% of the gross floor area of the primary structure)
- Outdoor Fuel Sales
- Overhead Commercial Doors
- Drive-Through Lanes (also permitted in Type 2)

The proposed Type 2 site component associated with the LO and LC use components does not permit outdoor storage, outdoor display, outdoor fuel sales, or overhead commercial service doors. Building size is limited to 40,000 gross square feet for individual users and a single building cannot exceed 60,000 gross square feet.

The Comprehensive Plan Update establishes development nodes throughout the City of Leander. The majority of the northern portion of the property is located within a Town Center node at the intersection of Ronald W. Reagan and CR 177 and the remaining southern portion is located within a Community Center node at the intersection of Ronald W. Reagan and CR 179.

This Town Center node is approximately one mile in radius and encourages density and a mix of uses including apartments, condominiums, major commercial, major retail, office and employment centers. This node plan encourages densities at major intersections and is not a requirement. The Community Center node is approximately one half mile in radius and encourages garden homes, condominiums, commercial/retail and employment. These nodes would reflect the character of the surrounding neighborhoods and might have a more suburban feel.

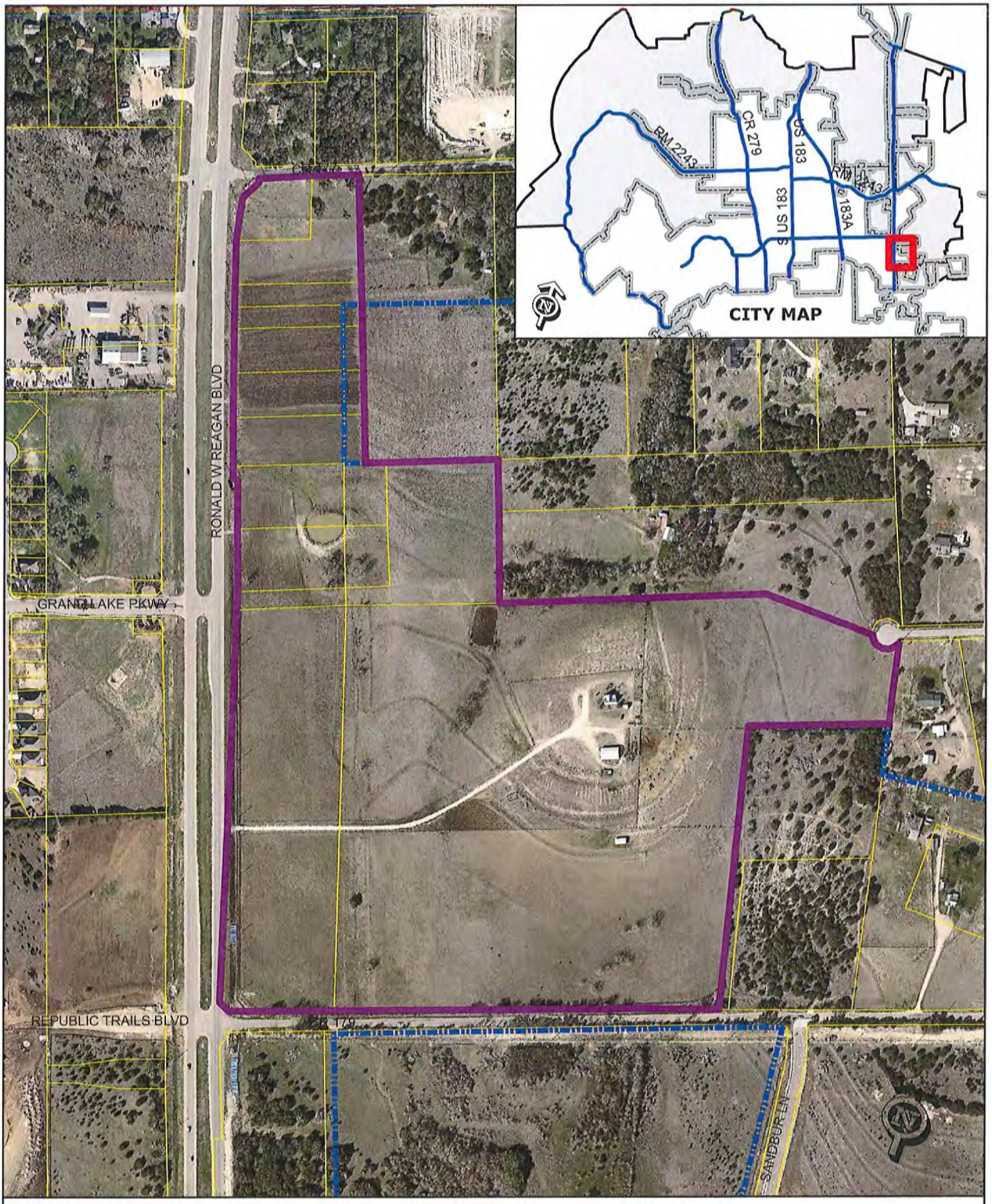
The proposed zoning request follows the intent statements of the Composite Zoning Ordinance and the Comprehensive Plan.



ZONING CASE 13-Z-003

Attachment #2

Current Zoning Map
Leander Farm
Ronald W. Reagan Blvd

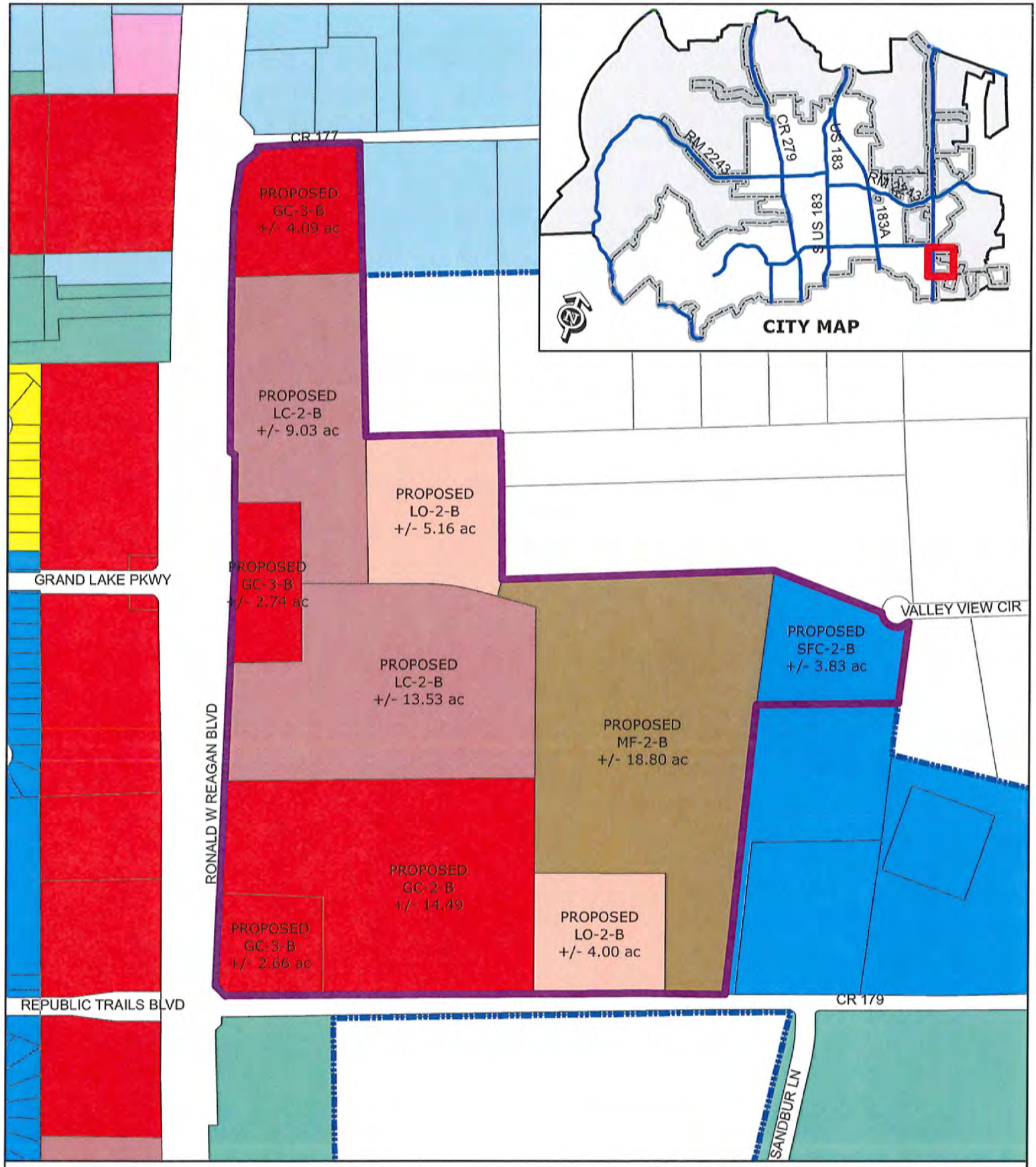


ZONING CASE 13-Z-003 Attachment #3

Subject Property

Aerial Exhibit - Approximate Boundaries
Leander Farm - Ronald W. Reagan Blvd

0 200
Feet



ZONING CASE 13-Z-003

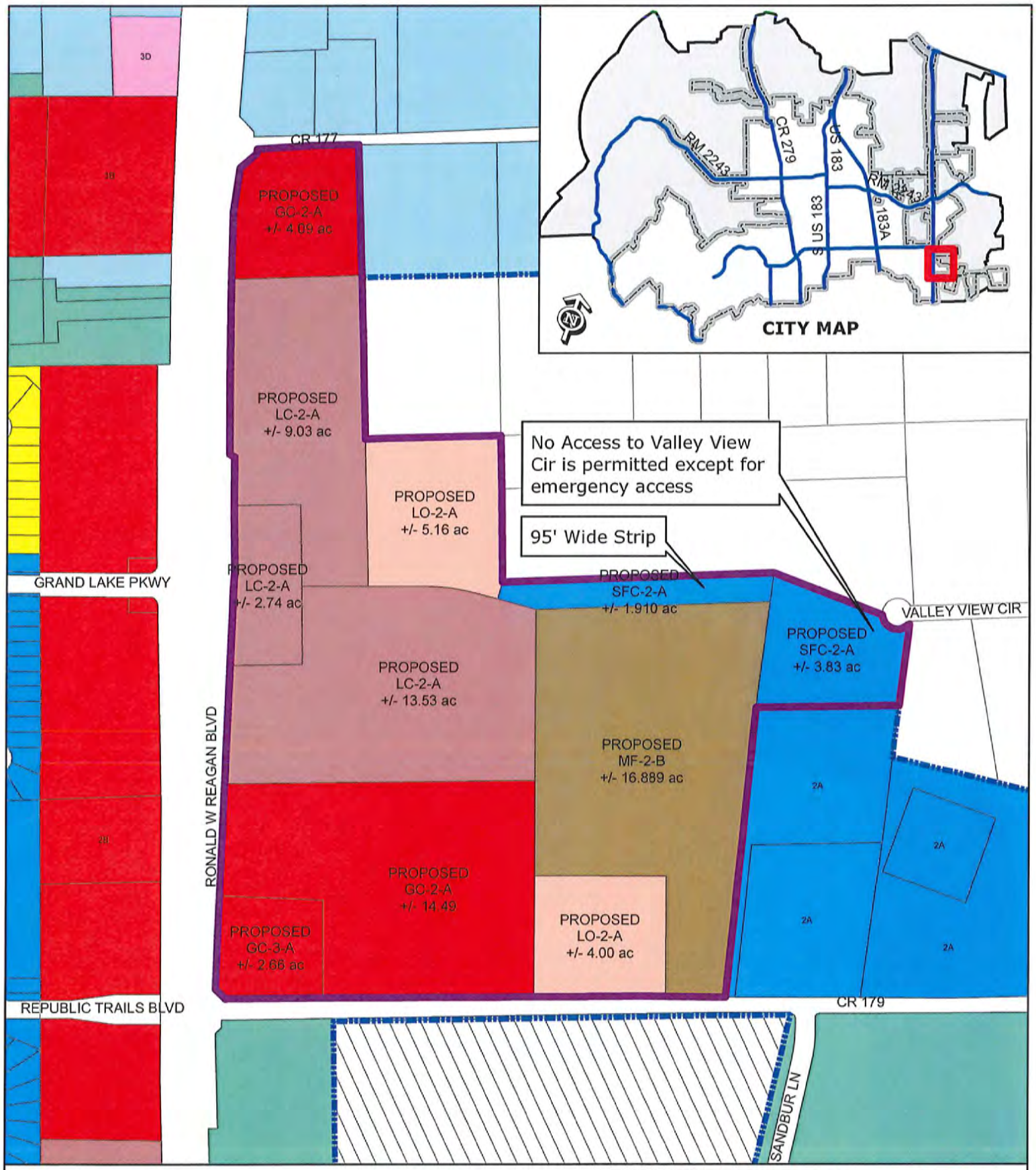
Attachment #4

Proposed Zoning Map
Leander Farm
Ronald W. Reagan Blvd

Subject Property
City Limits

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

0 200 400
Feet



ZONING CASE 13-Z-003

Attachment #6

P & Z Recommendation
Leander Farm
Ronald W. Reagan Blvd

March 18, 2013

City of Leander Planning Department
104 North Brushy Street
P.O. Box 319
Leander, TX 78646-0319

Re: Description of Property and Letter of Intent

The Leander Farm is a 77.48 acre tract of land located within the City of Leander and Williamson County, Texas. Approximately 24.6 acres of the property was annexed by the City of Leander upon the completed extension of Ronald Reagan Boulevard and is currently zoned SFR and SFS. A subsequent annexation, initiated by the City brought all but approximately 0.71 acres of the property within the city. The Applicant has submitted a request for voluntary annexation of the remaining 0.71 acres. The request is currently within the Annexation process.

It is the Applicant's intent and request to rezone the entire 77.48 acres with mix of commercial, office and Multi-Family along Ronald W Reagan Blvd and County Roads 177 and 179. A small area of land, approximately 3.8 acres has been identified as Single Family, sensitive to the existing adjoining residential uses that front Valley View Circle. Please see the included Requested Zoning Exhibit for an illustrative depiction of the requested zoning districts.

Leander Farm is conveniently located along Ronald Reagan Boulevard in the southeast portion of the City. With nearly half a mile (2,750 linear feet) of frontage and three median breaks along Ronald W Reagan Blvd (a primary regional road), as well as frontage on two secondary collectors (1,650 linear feet of frontage along County Road 179 and 300 linear feet of frontage along County Road 177) the property enjoys strong vehicular access and visibility. Additionally the property is located within one of the City of Leander's preferred growth corridors. Therefore the site a premium candidate for an employment focused, quality, higher intensity development.

Current site conditions are also favorable for the vision of a higher intensity development. The property consists of flat pasture lands with limited tree coverage.

Thank you for your consideration of this zoning change request. The Applicant believes this location has the potential to become a destination and gateway for Leander.

Sincerely,

Peter Verdicchio, LEED AP BD+C, ASLA
Principal

12357 Riata Trace Parkway
Suite A205
Austin, Texas 78727
t 512.246.7003
f 512.246.7703
www.secplanning.com

ORDINANCE NO #

ORDINANCE OF THE CITY OF LEANDER, TEXAS, AMENDING THE ZONING ORDINANCE BY REZONING NINETEEN PARCELS OF LAND FROM INTERIM SFR-1-B (SINGLE-FAMILY RURAL) AND INTERIM SFS-2-B (SINGLE-FAMILY SUBURBAN) TO GC-3-B (GENERAL COMMERCIAL), GC-2-B (GENERAL COMMERCIAL), LC-2-B (LOCAL COMMERCIAL), LO-2-B (LOCAL OFFICE), SFC-2-B (SINGLE-FAMILY COMPACT), AND MF-2-B (MULTI-FAMILY); MAKING FINDINGS OF FACT; AND PROVIDING FOR RELATED MATTERS.

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

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

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

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

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

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

Section 3. Rezoned property. The Zoning Ordinance is hereby amended by changing the zoning district for nineteen parcels located at 15900, 15880, 15860,15840, 15800, 15780, 15750, 15700, 15670, 15860, and 15400 Ronald W Reagan Blvd. The property is approximately 77.479 acres more or less in size and includes parcels #R392170, R392171, R392172, R392173, R392174, R392175, R392176, R392177, R392178, R473458, R485239, R485240, R485241, R485242, R485243, R485244, R485245, R485246, and R031552. These parcels are hereby zoned GC-3-B (General Commercial), GC-2-B (General Commercial), LC-2-B (Local Commercial), LO-2-B (Local Office), SFC-2-B (Single-Family Compact), and MF-2-B (Multi-Family); 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 25th day of April, 2013.
FINALLY PASSED AND APPROVED on this the 2nd day of May, 2013.

THE CITY OF LEANDER, TEXAS

Christopher Fielder, Mayor

ATTEST:

Debbie Haile, City Secretary

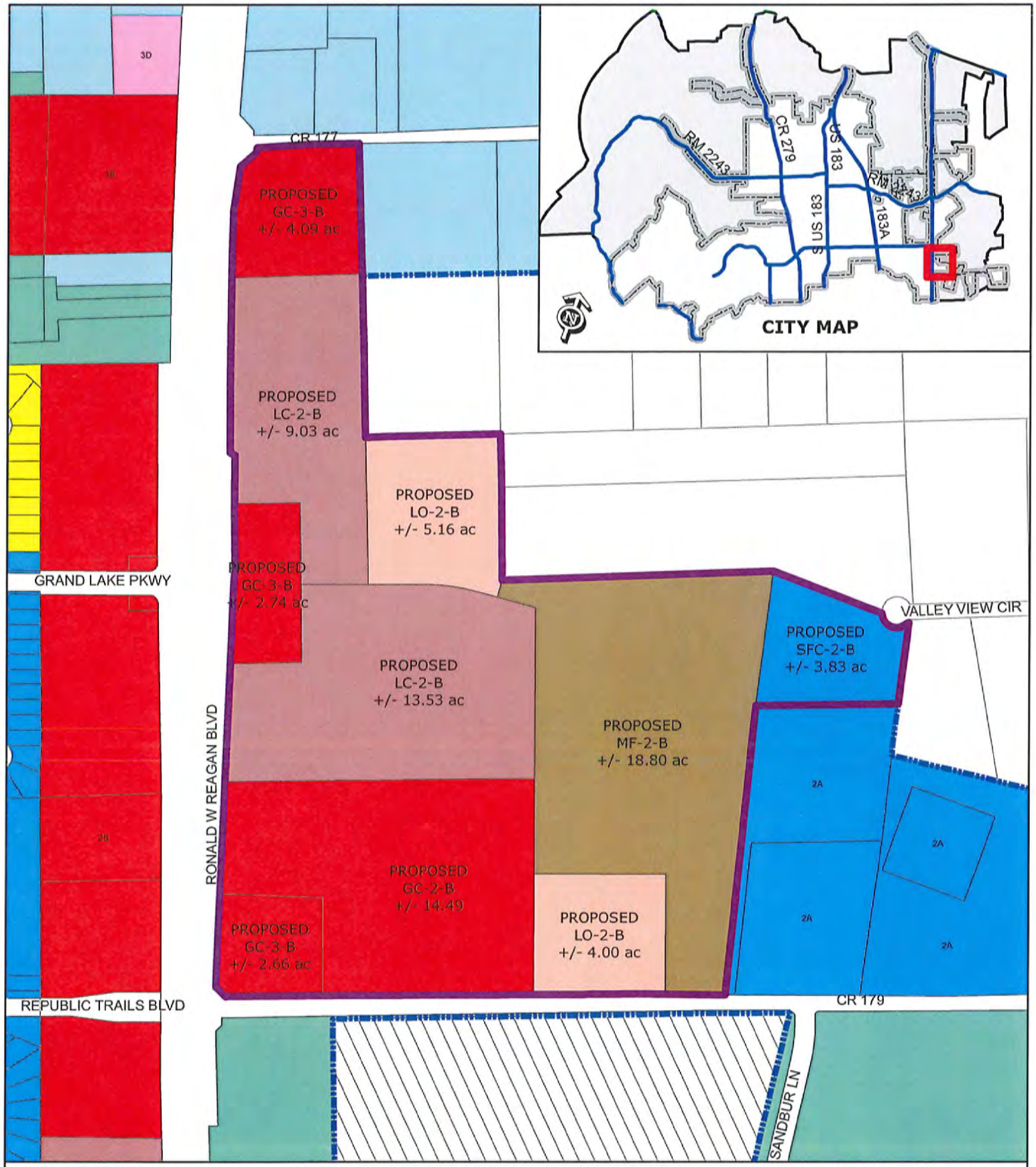


EXHIBIT A

Zoning Case 13-Z-003

Leander Farm
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

0 200 400
Feet

Executive Summary

May 2, 2013

Agenda Subject:	Zoning Case 13-Z-006: Second reading and consider action on the rezoning of eight parcels located at 10760, 10824, 10850, 10860, & 10870 E. Crystal Falls Parkway for 131.42 acres more or less; Parcels #R031199, R432785, R051457,R432778, R051458, R031205, R031204 and R031206. Currently, the property is zoned interim SFR-1-B (Single Family Rural), interim SFS-2-B (Single-Family Suburban), LI-3-D (Light Industrial). The property is proposed to be zoned GC-3-C (General Commercial), LC-1-C (Local Commercial), SFC-2-B (Single Family Compact), SFU-2-B (Single Family Urban), LC-2-B (Local Commercial), Leander, Williamson County, Texas.
Background:	This request is the final step in the rezoning process.
Origination:	Applicant: John Avery, Jr. on behalf of Richard & Linda Davis, CS Leander I, Ltd., David & Mary Brown, Robert & Eva Jean Waley, and Cathy L. Cluck.
Financial Consideration:	None
Recommendation:	See Planning Analysis. The Planning & Zoning Commission recommended approval of the request with a exception that the requested GC-3-C was changed to GC-2-A and the LC-1-C was changed to LC-1-B at the April 11, 2013 meeting with a 6 to 1 vote. City Council approved the Planning & Zoning Commission recommendation at the April 18, 2013 meeting.
Attachments:	1. Planning Analysis 2. Current Zoning Map 3. Aerial Map 4. Proposed Zoning Map 5. Planning & Zoning Recommendation Map 6. Letter of Intent 7. Ordinance
Prepared By:	Robin M. Griffin, AICP Planner 04/23/2013

PLANNING ANALYSIS

ZONING CASE 13-Z-006
CRYSTAL FALLS PARKWAY

GENERAL INFORMATION

Owner: Richard & Linda Davis, CS Leander I, Ltd., David & Mary Brown, Robert & Eva Jean Waley, and Cathy L. Cluck

Current Zoning: Interim SFR-1-B (Single-Family Rural) upon the completion of annexation
Interim SFS-2-B (Single-Family Suburban)
LI-3-D (Light Industrial)

Proposed Zoning: GC-3-C (General Commercial)
LC-1-C (Local Commercial)
LC-2-B (Local Commercial)
SFU-2-B (Single-Family Urban)
SFC-2-B (Single Family Compact)

Size and Location: The subject property is located 10760, 10824, 10850, 10860, & 10870 E. Crystal Falls Parkway.

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 SFS-2-B	Wiley Middle School
EAST	SFC-2-B SFU-2-B	Established Single-Family Residential (Cold Springs)
SOUTH	OCL	Established Single-Family (Outside City Limits)
WEST	GC-2-A Interim SFR-1-B	Undeveloped Commercial Undeveloped Single-Family Residential (recently annexed)

COMPOSITE ZONING ORDINANCE INTENT STATEMENTS

USE COMPONENTS:

GC – GENERAL COMMERCIAL:

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

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

LC – LOCAL COMMERCIAL:

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

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

SFU – SINGLE FAMILY URBAN:

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

Intent: Development of single-family detached dwellings on moderate urban standard sized lots and for other compatible and complimentary uses. The purpose of this component is to provide regulations to maintain and protect the City's single-family residences and neighborhoods in areas with moderate lot sizes. Such components are generally intended to offer variety in housing opportunities and in the fabric of the neighborhoods.

SFC – SINGLE FAMILY COMPACT:

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

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

SITE COMPONENTS:

TYPE 1:

Features: Accessory buildings greater of 5% of primary building or 120 sq. ft.; 150% of standard landscaping; pedestrian scale signage and lighting; scale of buildings limited; mansion style multi-family; at least eighty-five percent (85%) of multi-family units are required to have at least one enclosed garage parking space; alley access to SFL and SFT; accessory dwellings for SFT and SFE.

Intent:

(1) The Type 1 site component is intended to be utilized typically for non-residential or multi-family developments that have frontage on a local residential street or residential collector street and are bounded by single-family development on at least one side. This component is also intended to be utilized for single-family and two-family residential lots backing up to or siding to a major thoroughfare.

(2) This component ensures that development will not have site intensive uses or large buildings and will ensure that development is designed to a form and scale that is compatible with residential neighborhoods.

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.

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:

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

ANALYSIS:

The applicant is proposing a mixed development project including single-family and a small amount of general and local commercial. This property was part of a large involuntary annexation that was completed on January 17, 2013. The property is located to the east of the Global Village project that was recently annexed. There is an approved concept plan associated with Global Village that provides for various commercial uses. The property is located to the west of the Cold Springs neighborhood which includes existing homes and homes under development.

The GC (General Commercial) use component allows for the development of small to large scale commercial, retail and commercial service uses located in high traffic areas. with access from an arterial street. In this situation, access will be provided to the site from E. Crystal Falls Parkway, an arterial street. The current location of the proposed GC would be a continuation of the existing Global Village zoning. The existing GC zoning to the west along E. Crystal Falls Parkway is currently combined with the Type 2 site component and a Type A architectural component.

The proposed Type 3 site component associated with the GC use 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 3 site component permits a wider range of outdoor uses that may be more suitable at major intersections. It may be appropriate to continue the more restrictive Type 2 site component and Type A architectural component to the proposed property as well.

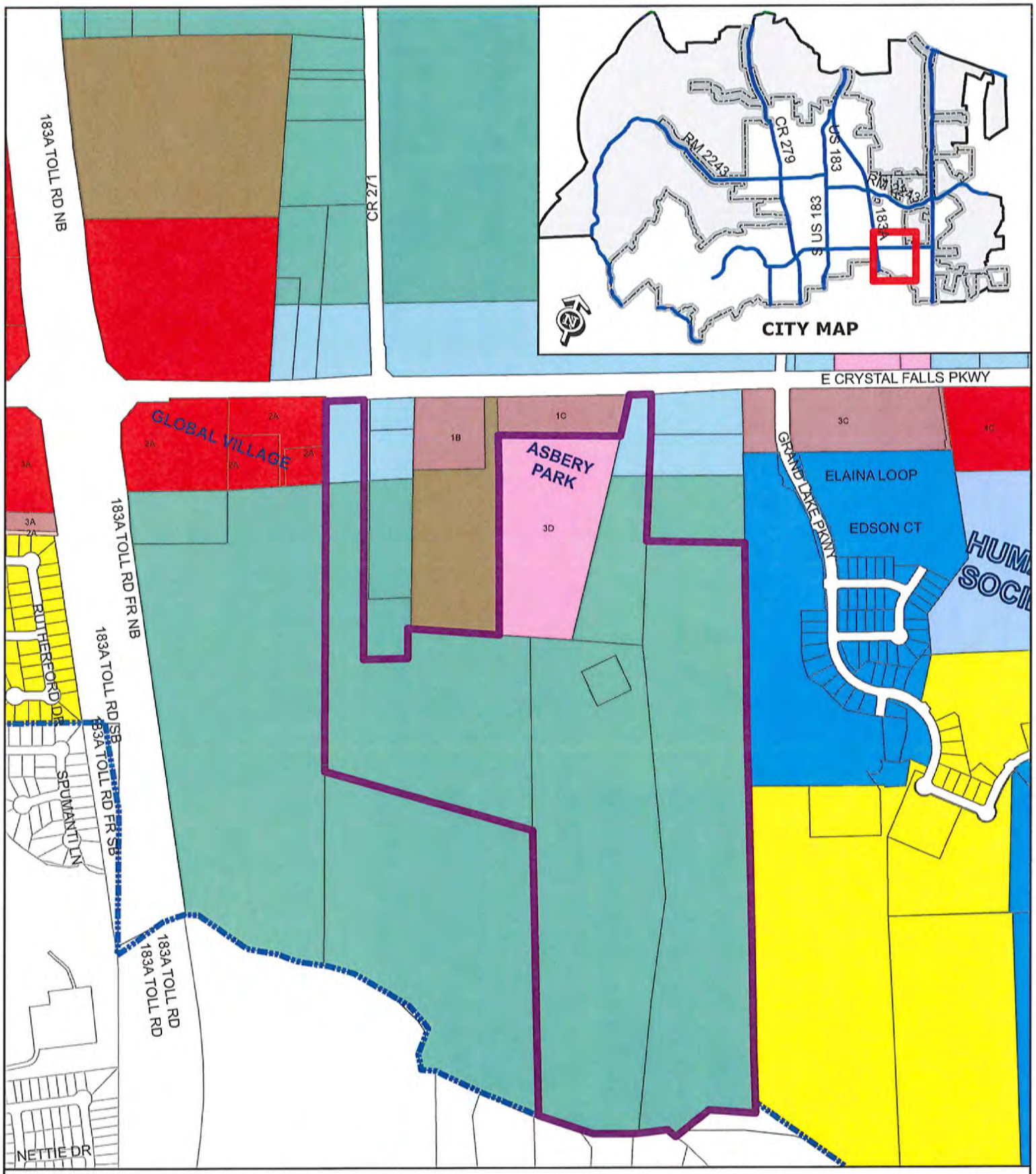
The LC (Local Commercial) use component allows for the development of small scale, limited impact commercial, retail, personal services, and office uses located in close proximity to their primary customers. The proposed location of the LC use component provides a transition between the proposed residential and E. Crystal Falls Parkway. The property to the east is interim zoned SFR-1-B (Single-Family Rural) and SFS-2-B (Single-Family Suburban). This zoning was established upon annexation of the property.

The proposed Type 2 site component associated with the LC use component does not permit outdoor storage, outdoor display, outdoor fuel sales, or overhead commercial service doors. Building size is limited to 40,000 gross square feet for individual users and a single building cannot exceed 60,000 gross square feet.

The SFC (Single-Family Compact) and SFU (Single-Family Urban) use component will continue the existing residential zoning located to the east. These use components permits the following lot size minimums:

Use	Interior Lots			Corner Lots		
Component	Area	Width	Depth	Area	Width	Depth
SFC	5,500 sq. ft.	50'	105'	6,500 sq. ft.	60'	105'
SFU	7,200 sq. ft.	60'	110'	8,000 sq. ft.	70'	110'

The Comprehensive Plan Update establishes development nodes throughout the City of Leander. A small portion of this property is located within a Town Center node at the intersection of US 183A and E. Crystal Falls Parkway. The Town Center node is approximately one mile in radius and encourages density and a mix of uses including apartments, condominiums, major commercial, major retail, office and employment centers. This node plan encourages densities at major intersections and is not a requirement.



ZONING CASE 13-Z-006

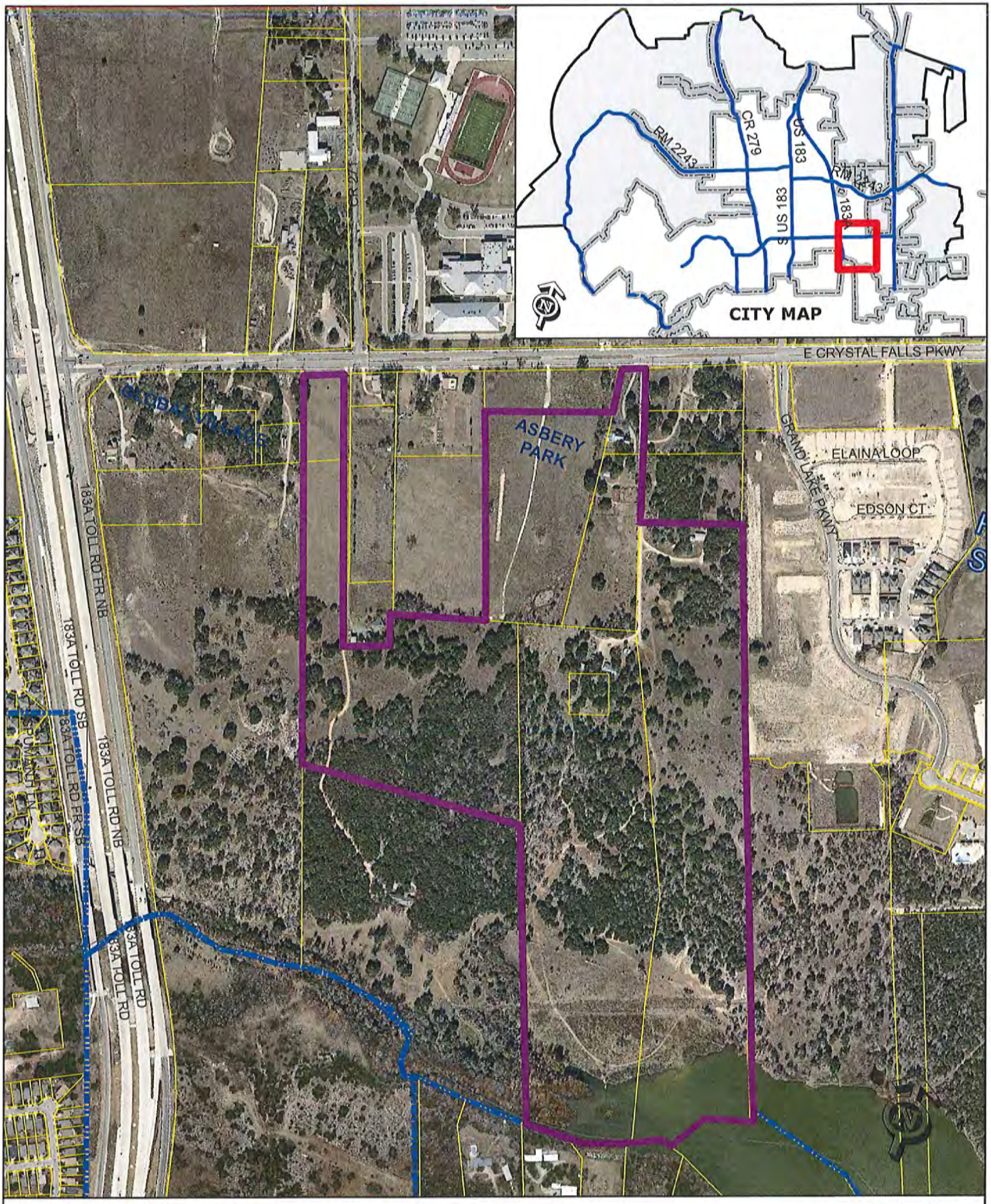
Attachment #2

Current Zoning Map
Crystal Springs
East Crystal Falls Pkwy

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

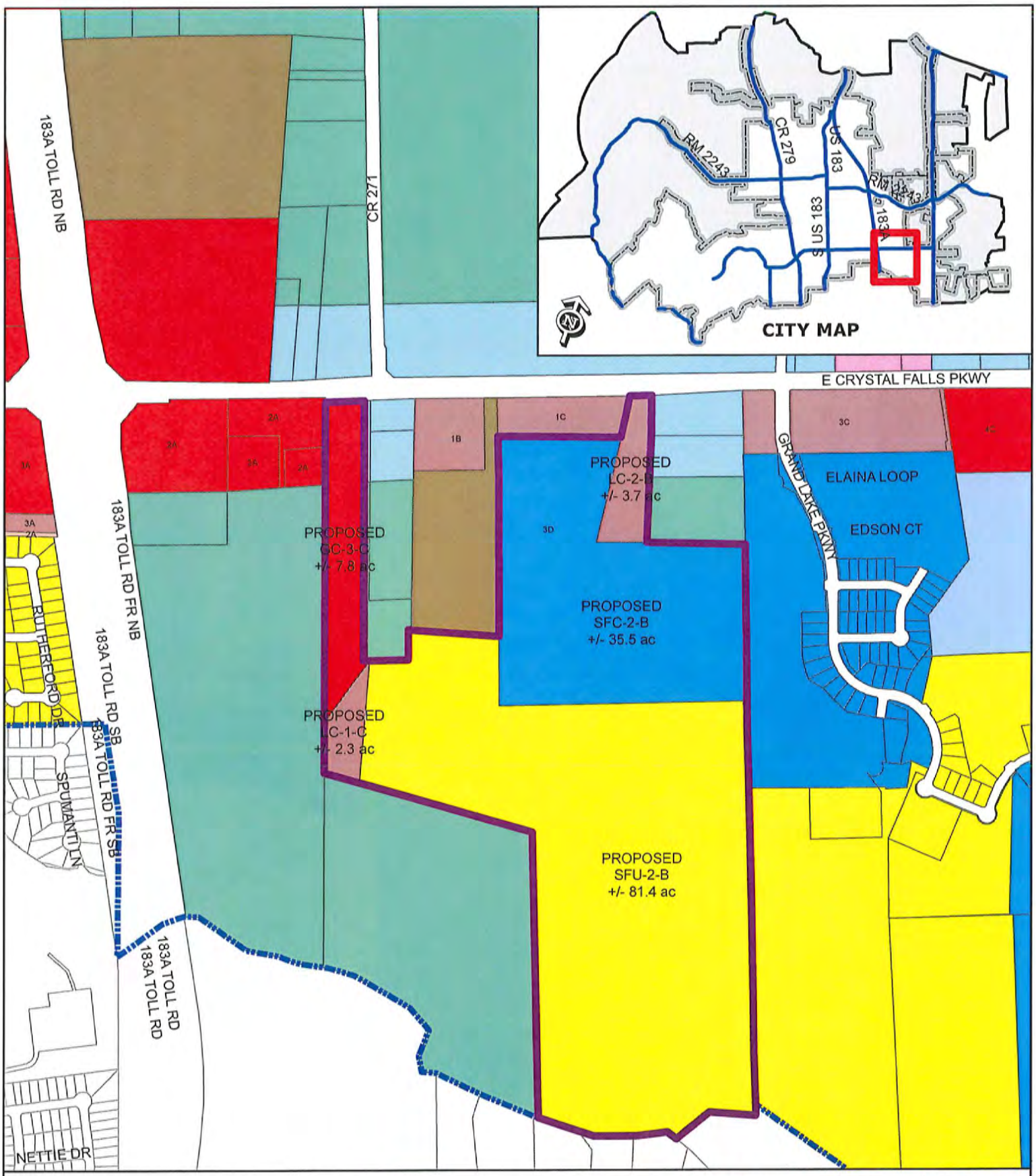


ZONING CASE 13-Z-006 Attachment #3

Subject Property

Aerial Exhibit - Approximate Boundaries
Crystal Springs - East Crystal Falls Pkwy

0 200
Feet



ZONING CASE 13-Z-006

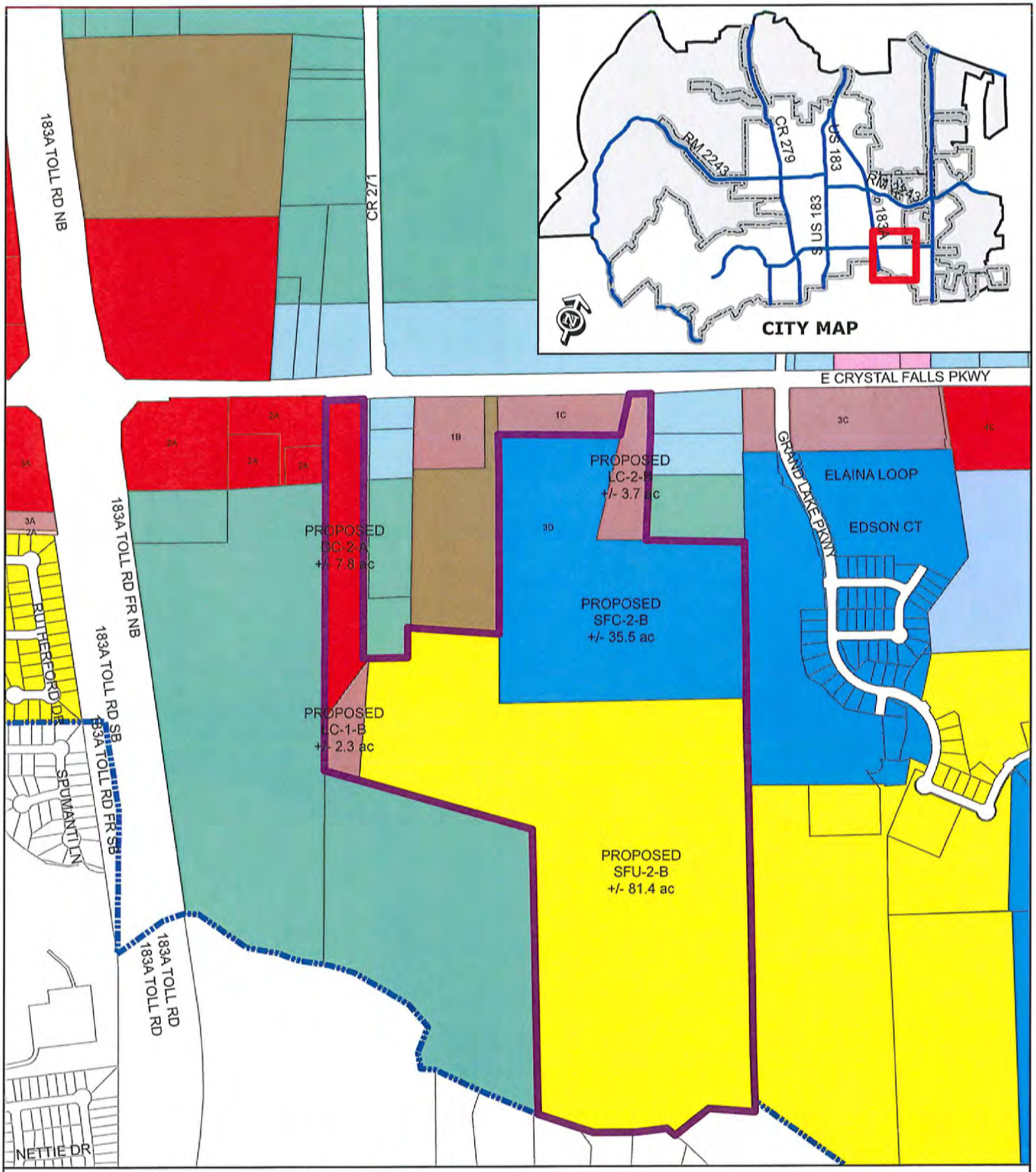
Attachment #4

Proposed Zoning Map
Crystal Springs
East Crystal Falls Pkwy

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-006

Attachment #5

P&Z Recommendation
Crystal Springs
East Crystal Falls Pkwy

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

ATTACHMENT #6

John Avery Jr
1508 South Lamar
Austin, TX
March 8, 2013

Robin Griffin
Planner
City of Leander
104 N. Brushy Street
Leander, TX 78646

RE: Crystal Springs – Zoning Application – Letter of Intent

Dear Ms. Griffin:

This 'Letter of Intent' is in regards to the 130 Acres located approximately in between 10760 E. Crystal Falls Pkwy and 10850 E. Crystal Falls Pkwy, and more accurately depicted on the enclosed maps.

In January of 2013 Trine Devco, through an affiliated entity (CS Leander I, Ltd.) purchased the 17.26 Acre Asbery Property. In addition to the Asbery Property Trine Devco has the rights to purchase a portion of the Davis property, a portion of the Brown Property, the Cluck Property and the Waley Property, as shown on the zoning application maps. Trine Devco desires to develop these properties in a cohesive manner reflective of a well designed master planned community; one which takes full advantage of the open space provided by the inundation easement of the SCS Lake at the southern boundary of the property.

The majority of the zoning request is for Single Family Residential Uses (SFC and SFU). It is our intent to provide a variety of housing types and lot sizes. The commercial uses requested are in keeping with adjacent property zoning along Crystal Falls Parkway. One exception to this is the narrow portion of the Davis Tract requested to be zoned General Commercial (GC) and Local Commercial (LC). Trine Devco has been diligent in working with the City and adjacent landowners to draft an agreed upon alignment of the extension of County Road 271. The requested zoning of the Davis Tract is in anticipation of the CR 271 extension.

We look forward to working with the City of Leander Staff, Planning and Zoning Commission, and the City Council on this application.

If I can answer any questions or be of any assistance please do not hesitate to contact me.

Sincerely,

John Avery, Jr.

ORDINANCE NO #

ORDINANCE OF THE CITY OF LEANDER, TEXAS, AMENDING THE ZONING ORDINANCE BY REZONING A PARCEL OF LAND FROM INTERIM SFR-1-B (SINGLE-FAMILY RURAL), INTERIM SFS-2-B (SINGLE-FAMILY SUBRUBAN), AND LI-3-D (LIGHT INDUSTRIAL) TO GC-2-A (GENERAL COMMERCIAL), LC-1-B (LOCAL COMMERCIAL), SFC-2-B (SINGLE-FAMILY COMPACT), SFU-2-B (SINGLE-FAMILY URBAN), LC-2-B (LOCAL COMMERCIAL); MAKING FINDINGS OF FACT; AND PROVIDING FOR RELATED MATTERS.

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

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

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

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

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

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

Section 3. Rezoned property. The Zoning Ordinance is hereby amended by changing the zoning district for a parcel located at 10760, 10824, 10850, 10860, & 10870 E. Crystal Falls Parkway. The property is approximately 131.42 acres more or less in size and includes parcels #R031199, R432785, R051457, R432778, R051458, R031205, R031204, and R031206. These parcels are hereby zoned GC-2-A (General Commercial), LC-1-B (Local Commercial), SFC-2-B (Single Family Compact), SFU-2-B (Single Family Urban), and LC-2-B (Local Commercial); 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 18th day of April, 2013.
FINALLY PASSED AND APPROVED on this the 2nd day of May, 2013.

THE CITY OF LEANDER, TEXAS

Christopher Fielder, Mayor

ATTEST:

Debbie Haile, City Secretary

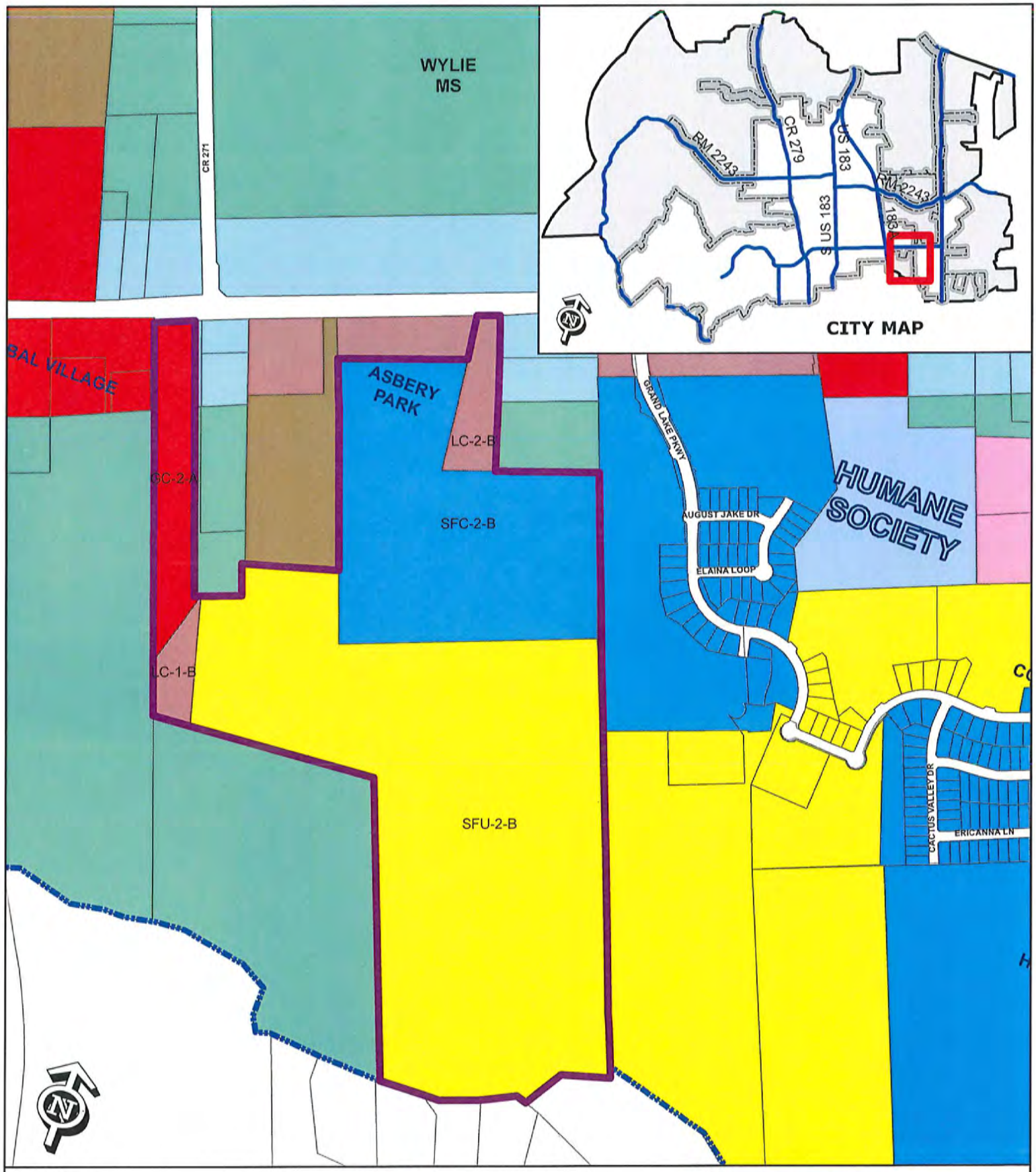


EXHIBIT A

Zoning Case 13-Z-006

Crystal Springs
Crystal Falls Parkway

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
Feet

Executive Summary

May 2, 2013

Agenda Subject:	Special Use Permit Case #13-SU-001: Second reading and consider action on a Special Use Permit for a temporary parking lot associated with the model home complex, located at 2233 Grand Lake Parkway; legally described as Lot 9, Block M, Cold Springs Section 1, Leander, Williamson County, Texas.
Background:	This request is the final step in the approval of a Special Use Permit.
Origination:	Applicant: Agent Brent Baker (Vice President of Land) on behalf of Pulte Homes (Stephen Teodecki).
Financial Consideration:	None
Recommendation:	See Planning Analysis. The Planning & Zoning Commission unanimously recommended approval with the following conditions at the April 11, 2013 meeting: 1. The parking lot will comply with the Composite Zoning Ordinance landscaping requirements and 2. The parking lot will be removed within five (5) years The City Council approved the special use permit request with the above conditions at the April 18, 2013 meeting.
Attachments:	1. Planning Analysis 2. Zoning Map 3. Aerial Map 4. Letter of Intent 5. Proposed Site Plan 6. Ordinance
Prepared By:	Robin M. Griffin, AICP Planner 04/23/2013

PLANNING ANALYSIS

SPECIAL USE PERMIT CASE 13-SU-001
2233 GRAND LAKE PARKWAY

GENERAL INFORMATION

Owner: Pulte (Stephen Teodecki)

Agent: Brent Baker (Vice President of Land)

Current Zoning: SFU-2-B (Single-Family Urban)

Size and Location: The subject property is located at 2233 Grand Lake Parkway, generally located to the west of the intersection of Grand Lake Parkway and Ronald W. Reagan Boulevard.

Staff Contact: Robin M. Griffin, AICP
Planner
City of Leander, Texas

ABUTTING ZONING AND LAND USE:

The table below lists the abutting zoning and land uses.

	ZONING	LAND USE
NORTH	SFU-2-B	Undeveloped Land Zoned for Single-Family
EAST	SFU-2-B	Undeveloped Land Zoned for Single-Family
SOUTH	SFU-2-B	Undeveloped Land Zoned for Single-Family
WEST	SFU-2-B	Undeveloped Land Zoned for Single-Family

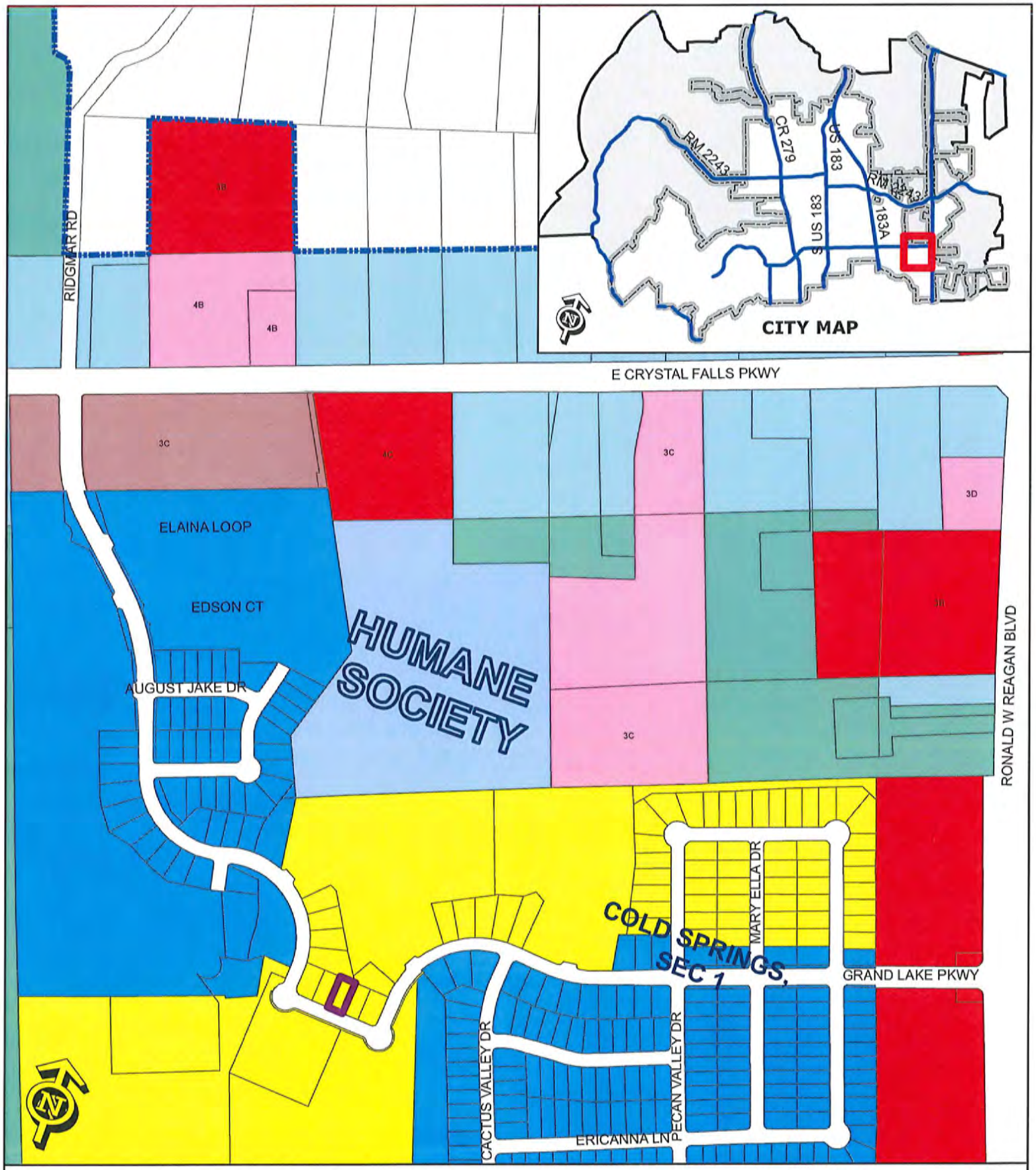
ANALYSIS:

Uses permitted in a zoning district are classified in two ways. The first type of use is what is referred to as a use permitted by right. A use permitted by right is allowed in the specified zoning district(s) provided that the property owner complies with specified building and site requirements. The second type of use is what is referred to as a special use. A special use permit allows for certain land uses in a given zoning district and generally requires more review by the Planning and Zoning Commission and City Council in order to ensure the compatibility of the proposed use with the surrounding land uses.

The applicant is requesting a temporary parking lot in order to provide parking for their model home complex. This parking lot will offer a safer option for existing residents and potential home buyers. At a later date, the paved area will be removed and a home will be built.

Staff recommends approval of this special use permit with the following conditions:

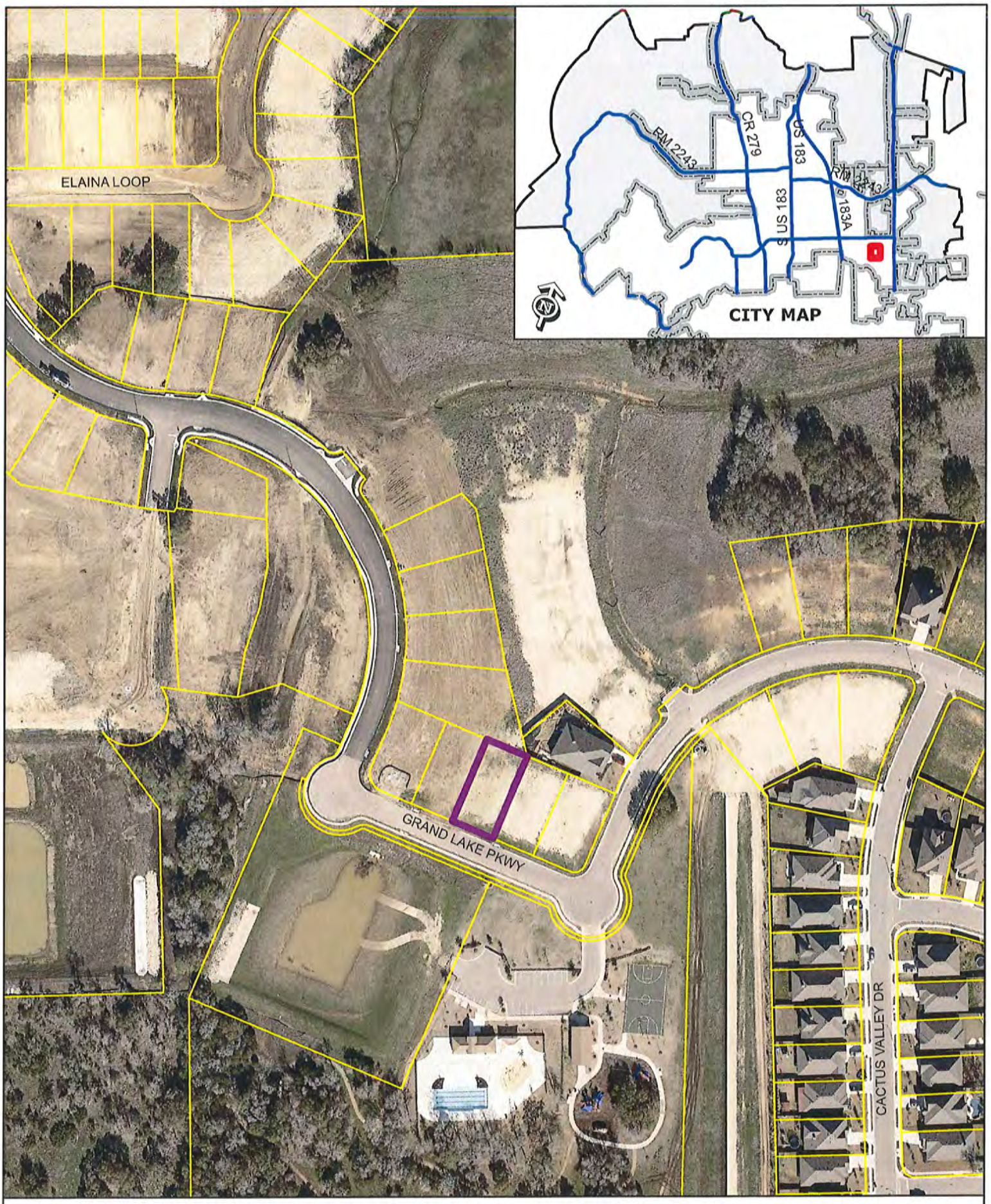
1. The parking lot will comply with the Composite Zoning Ordinance landscaping requirements.
2. The parking lot will be removed within five years.



SPECIAL USE PERMIT CASE 13-SU-001

Attachment #2

Current Zoning Map
2233 Grand Lake Pkwy
Temporary Model Home Parking Lot



SPECIAL USE PERMIT CASE 13-SU-001 Attachment #3

Subject Property

Aerial Exhibit - Approximate Boundaries
Cold Springs Temporary Parking Lot - 2233 Grand Lake Pkwy

0 200
Feet

ATTACHMENT #4

PulteGroup

January 28, 2013

Pulte Homes is requesting permission to build a parking lot on a residential lot within our Cold Springs project. This lot will service the new model homes and make it safer for the residents of Leander. It will be removed at a later date and replaced with a single family home.

Sincerely

Brent Baker
Vice President, Pulte Group

LEGEND

- WOOD FENCE
- WIRE FENCE
- CHAIN LINK FENCE
- P.U.E. PUBLIC UTILITY EASEMENT
- D.E. DRAINAGE EASEMENT
- B.L. BUILDING LINE
- IRF IRON ROD FOUND
- CGS COTTON GIN SPINDLE
- NF PROPERTY MARKER NOT FOUND
- POWER POLE
- OVERHEAD ELEC. LINE
- DOWN GUY
- FIRE HYDRANT
- WATER/WASTEWATER
- STREET LIGHT
- AGP ELEVATION
- DRAINAGE DIRECTION ARROW
- ELECRTIC RISER
- TRANSFORMER
- TELEVISION RISER
- TELEPHONE RISER
- GAS RISER

ALL EASEMENTS OF RECORD AS INDICATED ON THE MOST RECENT TITLE RUN (DATED: 06/28/2007, CONDUCTED BY STEWART TITLE COMPANY) FOR THIS PROPERTY ARE SHOWN ON THIS SITE PLAN.

PURSUANT TO ORDINANCE NO. _____ THE PARKING LOT WILL BE REMOVED WITHIN FIVE YEARS.

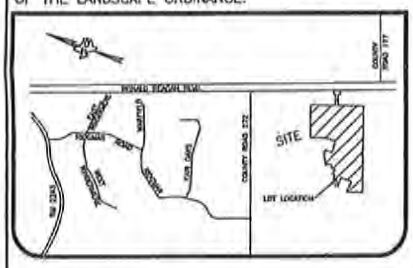
SCALE: 1" = 20'

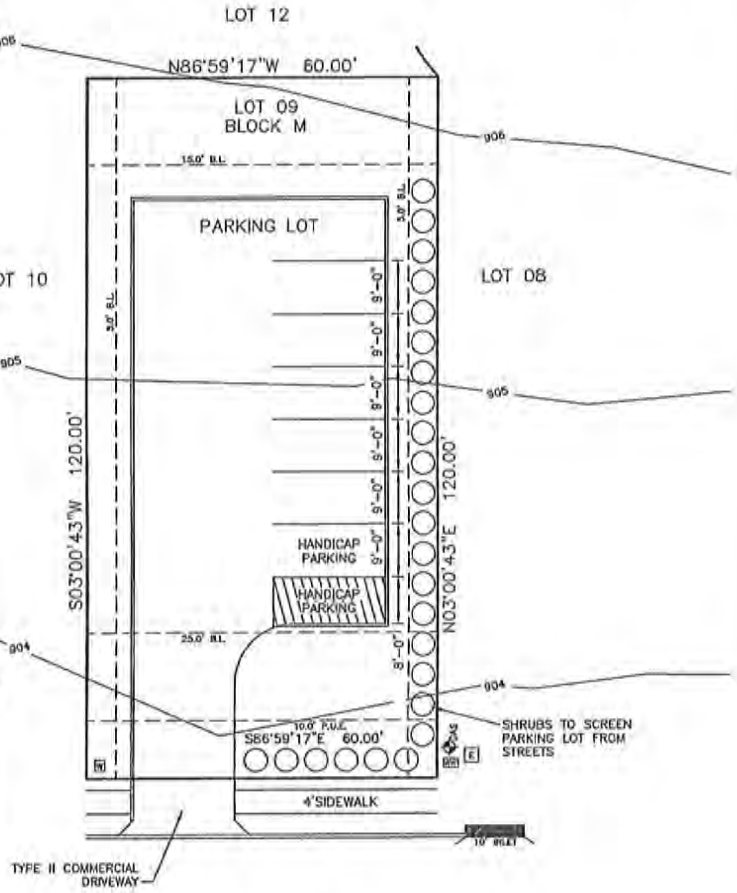
ALL SITE UTILITY LINES ARE PROPOSED TO BE LOCATED UNDERGROUND.

EXTERIOR LIGHTING SHALL BE SHIELDED SUCH THAT THE LIGHT SOURCE IS NOT DIRECTLY VISIBLE FROM THE PUBLIC ROW OR ADJACENT RESIDENTIAL DISTRICTS OR USES AT THE PROPERTY LINE. UNSHEILDED "WALL PACK" LIGHTING IS NOT PROPOSED.

AL CLAWSON DISPOSAL, INC. SHALL BE THE SOLE PROVIDER OF WASTE HAULING FOR THIS SITE BOTH DURING AND AFTER CONSTRUCTION.

THE DEVELOPER AND SUBSEQUENT OWNER OF THE LANDSCAPED PROPERTY, OR THE MANAGER OR AGENT OF THE OWNER, SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF ALL LANDSCAPE AREAS. SAID AREAS SHALL BE MAINTAINED SO AS TO PRESENT A HEALTHY, NEAT AND ORDERLY APPEARANCE AT ALL TIMES AND SHALL BE KEPT FREE OF REFUSE AND DEBRIS. ALL PLANTED AREAS SHALL BE PROVIDED WITH AN AUTOMATIC IRRICATION SYSTEM AND WATERED AS NECESSARY TO ENSURE CONTINUOUS HEALTHY GROWTH AND DEVELOPMENT. MAINTENANCE SHALL INCLUDE THE REPLACEMENT OF ALL DEAD PLANT MATERIAL IF THAT MATERIAL WAS USED TO MEET THE REQUIREMENTS OF THE LANDSCAPE ORDINANCE.





LOT COVERAGE

LOT AREA	7200.0 SQFT
MAX COVERAGE	N/A SQFT
FOUNDATION	SQFT
FOUNDATION-FILL	CUYD
FOUNDATION-CONCRETE	YRDS
LIVING-1ST FLR	SQFT
GARAGE	SQFT
PORCH	SQFT
COVERED PATIO	SQFT
CONCRETE PATIO	SQFT
INNERWALK	SQFT
DRIVEWAY	3879.88 SQFT
A/C PAD	SQFT
TOTAL LOT COVERAGE	3879.88 SQFT
% OF LOT	53.8 %
BALANCE-LOT COVERAGE	N/A SQFT

Property Owner Name(s): Centex Homes c/o Pulte Homes
Address: 12301 B Riata Trace Prkwy. bldg 2, Austin, TX 78727
Acreage: .16529
Legal Description: Cold Springs Sec. 1 block M Lot 9
Land Use Summary: Label square footage of building(s) for each land use & number of units if multi-family
Parking Spaces Required: n/a structures 3880 sq.ft. temp.parking Spaces Required: 1-temporary parking lot
Date:
Person Preparing Plan: Steve Radke
Address: Same as above
Phone: 512-532-3376
Engineer: Stanley Consultants
Address: 6836 Austin Center Blvd, Ste.350, Austin TX 78731
Phone:
Agent:
Address:
Phone:

Phone:
City/State/zip:
Total Impervious Cover: 3880 sq.ft.
Property Address: 2233 Grand Lake Parkway
Company:
City/State/Zip:
Fax:
Company:
City/State/Zip:
Fax:
Company:
City/State/Zip:
Fax:

Jim Bechtol, Director of Development Services — Date

Wayne S. Watts, P.E., City Engineer — Date

Steve Bosak, Director of Parks and Recreation — Date

Captain Joshua Davis, Fire Inspector/Investigator — Date

CUSTOMER SIGN OFF
FIELD MANAGER
SALES COUNSELOR
SDSD CHECKED BY
DATE CHECKED

OPT. FENCE LENGTH: N/A
STD. FENCE LENGTH: 0.0

CUSTOMER: TEMPORARY PARKING LOT

ADDRESS	SUBDIVSION		BLOCK	LOT	DATE	SSR
2233 GRAND LAKE PARKWAY	COLD SPRINGS	SEC 01	M	09	9/1/2011	
JOB NUMBER	PLAN				SPEC SHEET DATE	
4423-13009						

Pulte Homes
CENTRAL TEXAS DIVISION
12301 RIATA TRACE PARKWAY, BLDG 2
AUSTIN, TEXAS 78727
PH 512/795-0170 FAX 512/532-3304

ORDINANCE NO #

ORDINANCE OF THE CITY OF LEANDER, TEXAS, AMENDING THE ZONING ORDINANCE BY APPROVING A SPECIAL USE PERMIT FOR A TEMPORARY PARKING LOT ASSOCIATED WITH THE MODEL HOME COMPLEX ON ONE PARCEL OF LAND; 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. Special Use Permit. The Special Use Permit is hereby approved for a temporary parking lot associated with the Model Home Park for the property located at 2233 Grand Lake Parkway, legally described as Lot 9, Block M, Cold Springs Section One Subdivision. The Special Use Permit is hereby approved with the following conditions: 1) the parking lot will comply with the Composite Zoning Ordinance landscaping requirements and 2) the parking lot will be removed within five (5) years; Leander, Williamson County, TX (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 18th day of April, 2013.
FINALLY PASSED AND APPROVED on this the 2nd day of May, 2013.

THE CITY OF LEANDER, TEXAS

Christopher Fielder, Mayor

ATTEST:

Debbie Haile, City Secretary

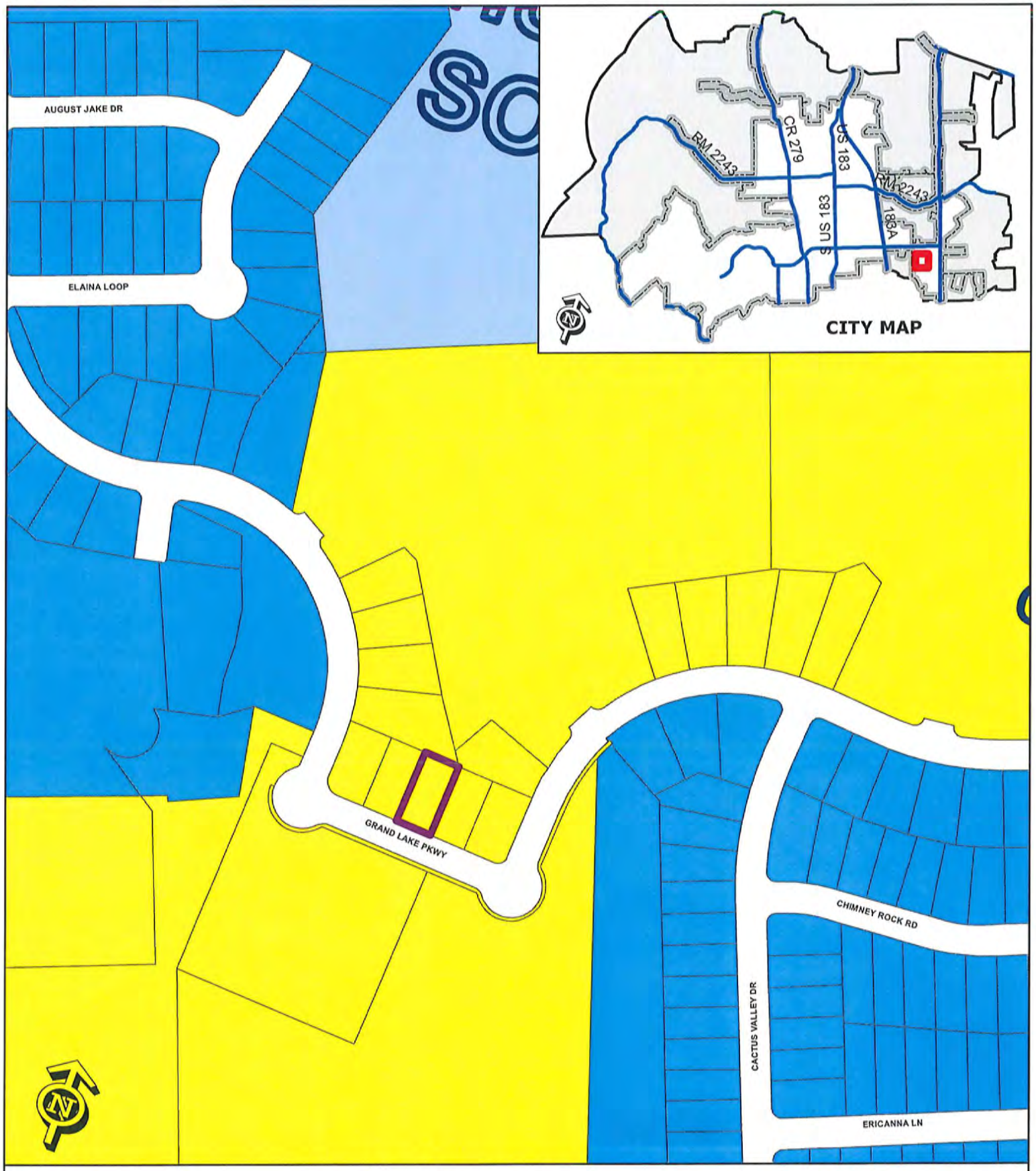


EXHIBIT A

Special Use Permit Case 13-SU-001

2233 Grand Lake Parkway
Model Home Parking

Executive Summary

May 02, 2013

Agenda Subject:	Subdivision Case #13-CP-001: Hold a public hearing and consider action on the Villas at Vista Ridge Concept Plan, for 18.732 acres more or less; WCAD Parcels #R031366, R420153, R430360, and R420154; generally located at the southwest corner of Vista Ridge Drive and South Bagdad Road, 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: Geoff Guerrero (Carlson, Brigance & Doering) on behalf of SDC West Brook Partners, LP
Financial Consideration:	None
Recommendation:	Staff recommends approval of the concept plan. This concept plan proposes approximately 88 single-family residential lots, 2 open space/park lots. This proposal meets all of the requirements of the Subdivision Ordinance. The Planning & Zoning Commission unanimously recommended approval of the concept plan at the April 25, 2013 meeting.
Attachments:	1. Concept Plan
Prepared By:	Robin M. Griffin, AICP Planner 04/25/2013

ATTACHMENT #1

THE VILLAS AT VISTA RIDGE
CONCEPT PLAN

VICINITY MAP
N.T.S.

LEGEND

	IRON PIN SET
	IRON PIN FOUND
	CONCRETE MONUMENT FOUND
	CONCRETE MONUMENT SET
	BUILDING LINE
S.W.E.	SIDEWALK EASEMENT
L.S.E.	LANDSCAPE EASEMENT
P.U.E.	PUBLIC UTILITY EASEMENT
D.E.	DRAINAGE EASEMENT
P.A.E.	PUBLIC ACCESS EASEMENT
W.E.	WATERWAY EASEMENT
	ADJACENT PROPERTY OWNER INFORMATION (SEE THIS SHEET)
	100 YEAR FLOOD PLAIN
	CWQZ (CRITICAL WATER QUALITY ZONE)
	WQTZ (WATER QUALITY TRANSITION ZONE)

DATE: APRIL 2013

OWNER: SDC WEST BROOK PARTNERS L.P.
2701 GARTNAY BLVD, SUITE 200
LAKEWAY, TEXAS 78734

DEVELOPER: SDC WEST BROOK PARTNERS L.P.
2701 GARTNAY BLVD, SUITE 200
LAKEWAY, TEXAS 78734

ENGINEER AND SURVEYOR: CARLSON, BRIGANCE & DOERING, INC.
5501 WEST WILLIAM CANNON DRIVE
AUSTIN, TEXAS 78749
PH: (512) 280-5160
FX: (512) 280-5165

TOTAL ACREAGE: 16.722 ACRES
FEMA MAP NUMBER: 48491 C0405C EFF. 09-26-2008 (TRAVIS CO.)
SURVEY: ELIJAH D. HANSON SURVEY A-4, AND MORES S. HOWARD SURVEY A-242

TOTAL NUMBER OF LOTS: 85
TOTAL NUMBER OF BLOCKS: 7

TOTAL NUMBER OF OPEN SPACE/PARK, LANDSCAPE EDGE LOTS: 2

TOTAL NUMBER OF DRAINAGE EDGE, P.U.E. & ACCESS EASE LOTS: 5

TOTAL NUMBER OF SINGLE FAMILY LOTS: 80
LINEAR PACKAGE OF STREETS: 2,812 LF

REQUIRED LUE'S: 65

VILLAS AT VISTA RIDGE PARKLAND DEDICATION WORKSHEET

	Average Acre Dedicated	Average Acre Required	Average Fee-in-Lieu*	Fee-in-Lieu* Amount	Max. Imp. Acre**	Max. Imp. Credit**
LUE	3.108	3.25	-0.14	$337,475	2.00	$84,500

* Fee-in-lieu of land dedication to be paid to the City. See N/A, Block 2 in the Agreement in the City of Leander for public park use.
** Amenity Improvements: fees may be credited if adjacent/HOA park. Improvements are a type of general fund fee-in-lieu required.

LAND USE SUMMARY

SINGLE FAMILY RESIDENTIAL (80 LOTS)	13.026 AC
DRAINAGE EASEMENTS (5 EASE.)	3.696 AC
ROW (STREETS)	2.736 AC
TOTAL	19.718 AC

Adjacent Property Owners (200' Radius)

1. City of Leander, PO Box 319, Leander, Texas 78646-0319
2. City of Leander, PO Box 319, Leander, Texas 78646-0319
3. City of Leander, PO Box 319, Leander, Texas 78646-0319
4. City of Leander, PO Box 319, Leander, Texas 78646-0319
5. City of Leander, PO Box 319, Leander, Texas 78646-0319
6. MM Partnership Ltd., 7535 Mossley Drive, Suite 100, Austin, Texas 78753-1031
7. MM Partnership Ltd., 7535 Mossley Drive, Suite 100, Austin, Texas 78753-1031
8. Leander Associates, Ltd, 7000 W Interstate 35, Suite 100, San Antonio, Texas 78224-1018
9. Lowell & Sally Hanna, 203 W Figueroa Street, Santa Barbara, CA 93101-2023
10. Lowell & Sally Hanna, 203 W Figueroa Street, Santa Barbara, CA 93101-2023
11. Western Aviation USA, Inc., c/o Rod Hansen, PO Box 170128, Dallas, Texas 75235-1018
12. Carolyn Hilburg, 800 S Hayden Road, Leander, Texas 78641-2552
13. Barry & Dana Axelrod, 1200 Eagles Way, Leander, Texas 78641-6007
14. Pamela Gossage, 1201 Eagles Way, Leander, Texas 78641-6010
15. Sandra Waters-Hancock, 1207 Eagles Way, Leander, Texas 78641-6011
16. Ella & Silvano Jeffery, PO Box 2012, Leander, Texas 78646-2012
17. Geraldine Ann Gilder, 702 Pamplona Way, Leander, Texas 78641-6002
18. Noel Chandler, 705 Pamplona Way, Leander, Texas 78641-6013
19. Gene & Laura Ann Pfiester, 1109 Sheridan Lane, Leander, Texas 78641-7028
20. Patrick Noel Chandler, 1001 Sheridan Court, Leander, Texas 78641-7027
21. Brian & Ali Nguyen, 1012 Sheridan Court, Leander, Texas 78641
22. Frank & Lisa Gaspar, 1006 Sheridan Court, Leander, Texas 78641-7027
23. Roberto Villalon, 1008 Sheridan Court, Leander, Texas 78641-7027
24. Stephen & Stacey Ice, 1010 Sheridan Court, Leander, Texas 78641-7027
25. Paul Walker, 1004 Sheridan Court, Leander, Texas 78641-7027
26. Eric Gardner, Trustee, The Eric Gardner Living Trust, 6077 Corte Cielo Road, Oakland, California 94611
27. Wayne & Marilyn Spurlock, 1002 Sheridan Court, Leander, Texas 78641
28. Jack & Deborah Hill, 214 Hayden St, Leander, Texas 78641
29. Jennifer Turner, 210 Hayden St, Leander, Texas 78641-2552

ALL EASEMENTS OF RECORD ARE SHOWN OR NOTED ON THE PLAT AS FOUND ON TITLE POLICY GF# 14729-15-00812, WITH AN EFFECTIVE DATE OF JANUARY 8, 2013, WHICH WAS PREPARED FOR THE MOST RECENT PURCHASE OF SUBJ. PROPERTY.

4-4-13

ENGINEER'S CERTIFICATION

THIS IS TO CERTIFY THAT I AM CERTIFIED TO PRACTICE THE PROFESSION OF ENGINEERING IN THE STATE OF TEXAS, THAT I PREPARED THE PLANS SUBMITTED HEREWITH, AND THAT ALL INFORMATION SHOWN HEREON IS ACCURATE AND CORRECT TO THE BEST OF MY KNOWLEDGE AS RELATED TO THE ENGINEERING PORTIONS THEREOF, AND THAT SAID PLANS COMPLY WITH THE CITY OF LEANDER CODES AND ORDINANCES AND WILLIAMSON COUNTY.

WITNESS MY HAND THIS 4TH DAY OF APRIL, 2013

TERRY H. HOLLAND, P.E. NO. 84868

CARLSON, BRIGANCE & DOERING, INC.
Firm F-784

JOB NAME: THE VILLAS AT VISTA RIDGE
PROJECT: CONCEPT PLAN
JOB NUMBER: 15-49
SHEET: 1 OF 1

CONCEPT PLAN
DRAWN BY: DS
DATE: APRIL 2013
DESIGNED BY: TWH

Carlson, Brigance & Doering, Inc.
5501 West William Cannon Drive, Austin, Texas 78749
(512) 280-5160 Fax (512) 280-5165
www.cbdengineers.com

MINUTES

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

Thursday ~ April 25, 2013 at 7:00 pm

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

1. Call to Order
   Commissioner Saenz called the meeting to order at 7:18 p.m.

2. Roll Call
   All Commissioners were present except Vice Chair Abruzzese.
   Vice Chair Abruzzese took his seat at 8:00 pm

3. Approval of Minutes:
   Regular Planning & Zoning Meeting: April 11, 2013
   Motion made by Commissioner Sokol 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.

Public Hearing

5. Subdivision Case #13-CP-001: Hold a public hearing and consider action on the Villas at Vista Ridge Concept Plan, for 18.732 acres more or less; WCAD Parcels #R031366, R420153, R430360, and R420154; generally located at the southwest corner of Vista Ridge Drive and South Bagdad Road, Leander, Williamson County Texas. Applicant/Agent: Geoff Guerrero (Carlson, Brigance & Doering) on behalf of SDC West Brook Partners, LP

a) Staff Presentation

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

b) Applicant Presentation

Geoff Guerrero was present for questions.

c) Open Public Hearing

Commissioner Saenz opened the public hearing
No one wished to speak.

d) Close Public Hearing

Commissioner Saenz closed the public hearing

e) Discussion

Commissioners had discussion

f) Consider Action

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

6. Zoning Case 13-TOD-001: Hold a public hearing and consider action on the rezoning of two parcels, generally located 300 feet north of the intersection of CR 273/Mel Mathis and RM 2243 for 8.94 acres more or less; Parcels #R031324 & R0510026. Currently, the property is zoned PUD/TOD (Planned Unit Development/Transit Oriented Development) and the applicant is proposing an amendment to the PUD/TOD. Leander, Williamson County, Texas. Applicant Jeff Musgrove on behalf of TVI, LTD

a) Staff Presentation

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

b) Applicant Presentation

Pix Howell and Jeff Musgrove spoke on the purpose of the zoning and answered questions.

c) Open Public Hearing

Commissioner Saenz opened the public hearing
No one wished to speak.

d) Close Public Hearing

Commissioner Saenz closed the public hearing.

e) Discussion

Discussion took place.

f) Consider Action

Commissioner Seiler motioned to approve with staff recommendation with the condition that they use 10% masonry on the facade, Commissioner Sokol seconded the motion. Motion passed unanimously.

7. Case 13-TOD-002: Hold a public hearing and consider action on the rezoning of a parcel located to the north east of the intersection of CR273/Mel Mathis & Hero Way for 9.74 acres more or less; Parcels #R510024. Currently, the property is zoned PUD/TOD (Planned Unit Development/Transit Oriented Development). The property is proposed to be zoned PUD/TOD (Planned Unit Development/Transit Oriented Development) Leander, Williamson County, Texas. Applicant Jeff Musgrove on behalf of TVI, LTD

a) Staff Presentation

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

b) Applicant Presentation

Jeff Musgove spoke on the purpose of the zoning.
Pix Howell answered questions and help explain the Smart Code.

c) Open Public Hearing

Commissioner Saenz opened the public hearing
No one wished to speak.

d) Close Public Hearing

Commissioner Saenz closed the public hearing.

e) Discussion

Discussion took place.

f) Consider Action

Commissioner Stephenson motioned to approve with staff recommendation with the condition that they use wrought iron/tubular metal with wood accents on the perimeter fencing. Commissioner Sokol seconded the motion. Motion passed unanimously.

8. Zoning Case 13-Z-007: Hold a public hearing and consider action on the rezoning of a parcel located at 8750 RM 2243 for 11.05 acres more or less; Parcel #R031348. Currently, the property is zoned interim SFR-1-B. The property is proposed to be zoned LI-5-D (Light Industrial) Leander, Williamson County, Texas. Applicant: Kurt Prossner on behalf of Presidential RV & Boat Storage, LLC

a) Staff Presentation
Robin Griffin, Planner, discussed request & surrounding land uses.

b) Applicant Presentation
Chuck and Rebecca Richey spoke on the purpose of the zoning.

c) Open Public Hearing
Commissioner Saenz opened the public hearing
No one wished to speak.

d) Close Public Hearing
Commissioner Saenz closed the public hearing.

e) Discussion
Discussion took place.

f) Consider Action
Commissioner Sokol motioned to approve the zoning,
Commissioner Allen seconded the motion.
Motion passed unanimously.

9. Zoning Case 13-Z-008: Hold a public hearing and consider action on the rezoning of a parcel located at 350 Bagdad Rd. North for 0.941 acres more or less; Parcels #R031388. Currently, the property is zoned GC-3-C (General Commercial). The property is proposed to be zoned GC-5-C (General Commercial) Leander, Williamson County, Texas. Applicant: Darren Quick on behalf of V & J Properties, LTD.

Zoning Case 13-Z-011 was postponed and has been re-notified for May 26, 2013 due to notification error.

a) Staff Presentation
b) Applicant Presentation
c) Open Public Hearing
d) Close Public Hearing
e) Discussion
f) Consider Action

10. Zoning Case 13-Z-009: Hold a public hearing and consider action on the rezoning of two parcels located at 1504 & 1506 Leander Drive for 4.65 acres more or less; Parcels #R036538 & R036537. Currently, the property is zoned LI-4-D (Light Industrial). The property is proposed to be zoned LI-5-D (Light Industrial) Leander, Williamson County, Texas. Applicant Jim Herbert on behalf of ACI 2011 Property, LLC

a) Staff Presentation
Robin Griffin, Planner, discussed request & surrounding land uses.

b) Applicant Presentation
Jim Herbert spoke on the purpose of the zoning.

c) Open Public Hearing
Commissioner Saenz opened the public hearing
No one wished to speak.
Commissioner Saenz read into record a letter from Roberta and Gerald Brady who spoke against.

d) Close Public Hearing
Commissioner Saenz closed the public hearing.

e) Discussion
Discussion took place.

f) Consider Action
Commissioner Stephenson motioned to approve the zoning, Commissioner Seiler seconded the motion.
Motion passed 4 to 2 with Vice Chair Abruzzese and Commissioner Sokol opposed.

11. Zoning Case 13-Z-011: Hold a public hearing and consider action on the rezoning of a parcel located at 205 Brushy St. for 0.355 acres more or less; Parcels #R036130. Currently, the property is zoned SFU-2-B (Single Family Urban). The property is proposed to be zoned PUD/TOD (Planned Unit Development/Transit Oriented Development), Leander, Williamson County, Texas. Applicant Holly Harris

Zoning Case 13-Z-011 was postponed and has been re-notified for May 26, 2013 due to notification error.

a) Staff Presentation
b) Applicant Presentation
c) Open Public Hearing
d) Close Public Hearing
e) Discussion
f) Consider Action

12. Ordinance Case #13-OR-001: Hold a public hearing and consider action on amending sections of article 14.200, the Composite Zoning Ordinance, to add requirements for masonry walls; to add land uses to the use components. Planning Department

a) Staff Presentation

Robin Griffin, Planner, discussed the requirements for masonry walls and land uses to the use components.

b) Open Public Hearing

Commissioner Saenz opened the public hearing
No one wished to speak.

c) Close Public Hearing

Commissioner Saenz closed the public hearing.

d) Discussion

Discussion took place.

e) Consider Action

Commissioner Sokol motioned to approve with additional deletions to chain link fence provisions, Commissioner Allen seconded the motion. Motion passed 4 to 2 with Commissioner Seiler and Vice Chair Abbruzzese opposed.

13. Meeting adjourned at 9:01 pm

_____
Vice Chair Abruzzese

ATTEST: _____
Ellen Pizalate P & Z Secretary

Executive Summary

May 02, 2013

Agenda Subject: Zoning Case 13-TOD-001: Hold a public hearing and consider action on the rezoning of two parcels, generally located 300 feet north of the intersection of CR 273/Mel Mathis and RM 2243 for 8.94 acres more or less; Parcels #R031324 & R0510026. Currently, the property is zoned PUD/TOD (Planned Unit Development/Transit Oriented Development) and the applicant is proposing an amendment to the PUD/TOD. Leander, Williamson County, Texas.

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

Origination: Applicant Jeff Musgrove on behalf of TVI, LTD

Financial Consideration: None

Recommendation: See Planning Analysis. The Planning & Zoning Commission unanimously recommended approval of the request with the following waivers at the April 25, 2013 meeting.

- Average lot size shall be 4,000 square feet
- Garage shall be located in the 2nd layer
- Parking shall be located in front of the house
- 10% of the front facade shall be masonry (not including hardi-plank)

Attachments:

1. Planning Analysis
2. Current Zoning Map
3. Aerial Map
4. PUD Plan
5. Letter of Intent
6. Letter from Pix Howell, Urban Design Officer
7. Ordinance

8. Minutes - Planning & Zoning Commission April 25, 2013

Prepared By: Robin M. Griffin, AICP
Planner

04/23/2013

PLANNING ANALYSIS

ZONING CASE 13-TOD-001
CR 273/MEL MATHIS & RM 2243

GENERAL INFORMATION

Owner: TVI, LTD

Current Zoning: PUD/TOD (Planned Unit Development/Transit Oriented Development)

Proposed Zoning: Amendment to the PUD/TOD (Planned Unit Development/Transit Oriented Development)

Size and Location: The subject property is generally located 300 feet north of the intersection of CR 273/Mel Mathis and RM 2243 for 8.94 acres more or less

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	PUD/TOD	Undeveloped Land zoned PUD/TOD
EAST	PUD/TOD	Undeveloped Land zoned PUD/TOD
SOUTH	PUD/TOD	Undeveloped Land zoned PUD/TOD
WEST	GC-3-C	Established Single-Family & Commercial Properties (Old Town)

COMPOSITE ZONING ORDINANCE INTENT STATEMENTS

PUD/TOD–PLANNED UNIT DEVELOPMENT/TRANIST ORIENTED DEVELOPMENT

An Ordinance of the City of Leander established a Planned Unit Development District (PUD) called the Leander TOD. This PUD defined a form-based code and a Transect Map (or regulating plan) as the community plan and PUD plan for the geographic area set for in the ordinance. The TOD is an area where a mixed-use, pedestrian friendly requirement will prevail over the typical land-use oriented plan; where all commercial and residential land-uses may be developed by right; where streets are designed to slow traffic rather than encourage it; where residents can find neighborhood services and goods within a ten-minute walk and where there is a variety of housing types and price ranges.

T4–NEIGHBORHOOD GENERAL TRANSECT ZONE

The Neighborhood General Zone has a denser, primarily residential urban fabric. Mixed use is confined to certain corner locations. This Zone has the wide range of building types. Single, sideyard, and row houses are set close to the frontages. Streets typically define medium-sized blocks.

COMPREHENSIVE PLAN STATEMENTS:

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

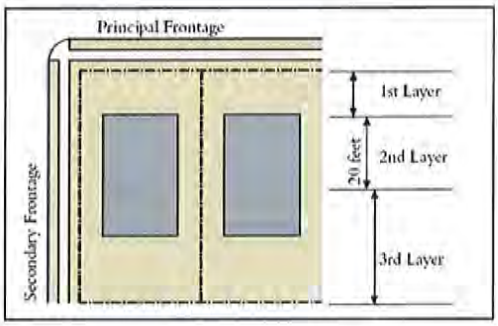
- Provide Opportunities for coordinated, well-planned growth and development that are consistent with the Comprehensive Plan.

ANALYSIS:

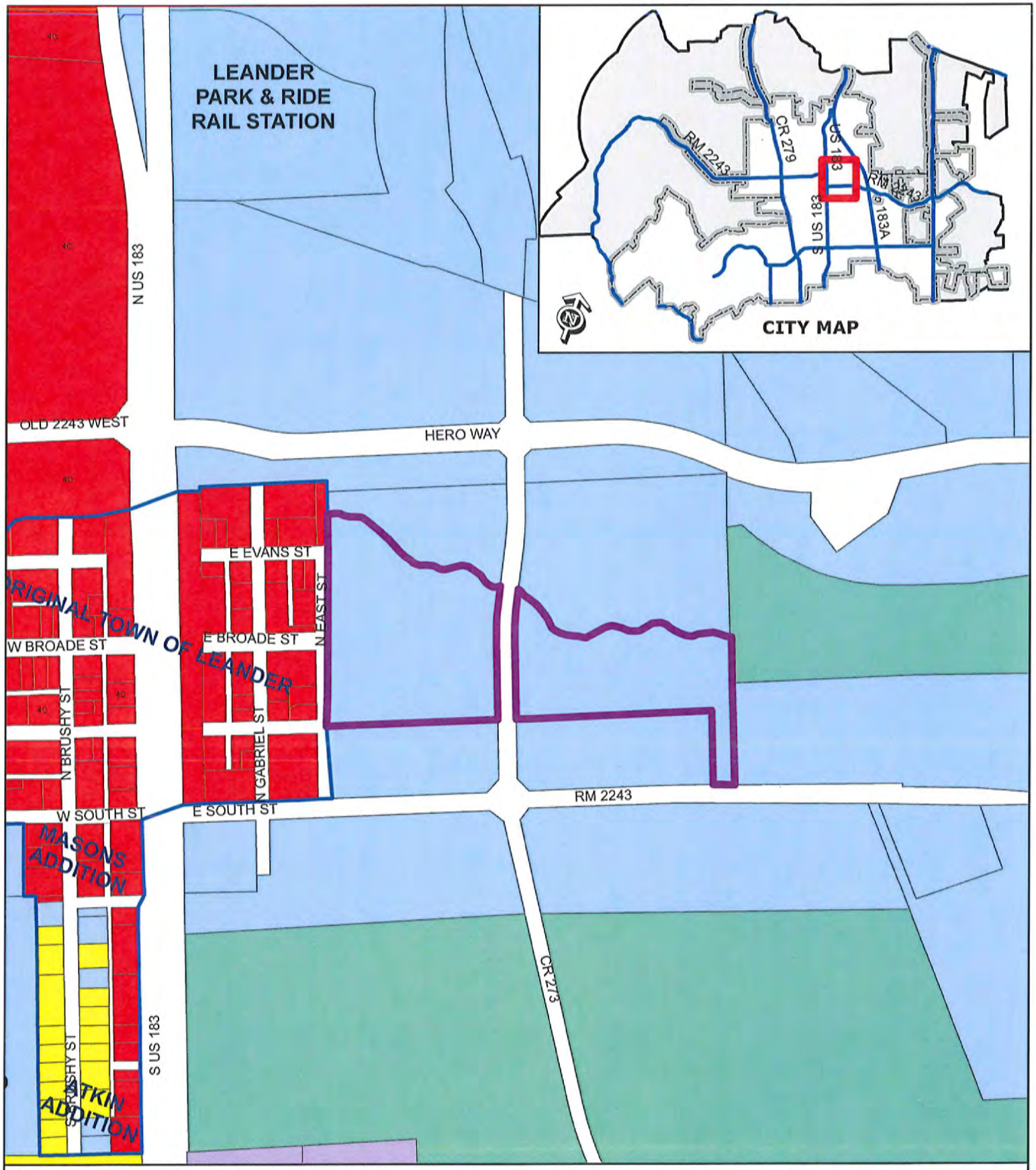
The applicant is requesting an amendment to the TOD (Transit Oriented Development) district in order to allow for a single-family project. The applicant is proposing lots that are a minimum of forty (40') feet wide and 4,000 square feet in lot area. The following waivers are requested:

REQUIREMENT	WAIVER
Average Lot Size = 2,500 sqft	Average Lot Size = 4,000 sqft
Garage is located in the 3rd layer	Garage is located in the 2nd layer
Parking is located behind the house	Parking is located in front of the house

Currently, the SmartCode requires that garages are located in the 3rd Layer (see exhibit to the right). Since the applicant is not proposing alleys and rear entry garages they are requesting a waiver to allow for a front entry garage and driveway parking in front of the structure. A garage in the second layer would require that the garage is still located in line with or behind the home. In addition, the applicant is proposing bump outs along the streets to accommodate on street parking and each home is limited to a one car garage due to the size of the lots.



If the zoning is approved, the SmartCode and subdivision regulations will apply to this property with regards to land use, architectural design, signage, and site development. These standards will assure compatibility between the existing uses and the proposed development.



ZONING CASE 13-TOD-001

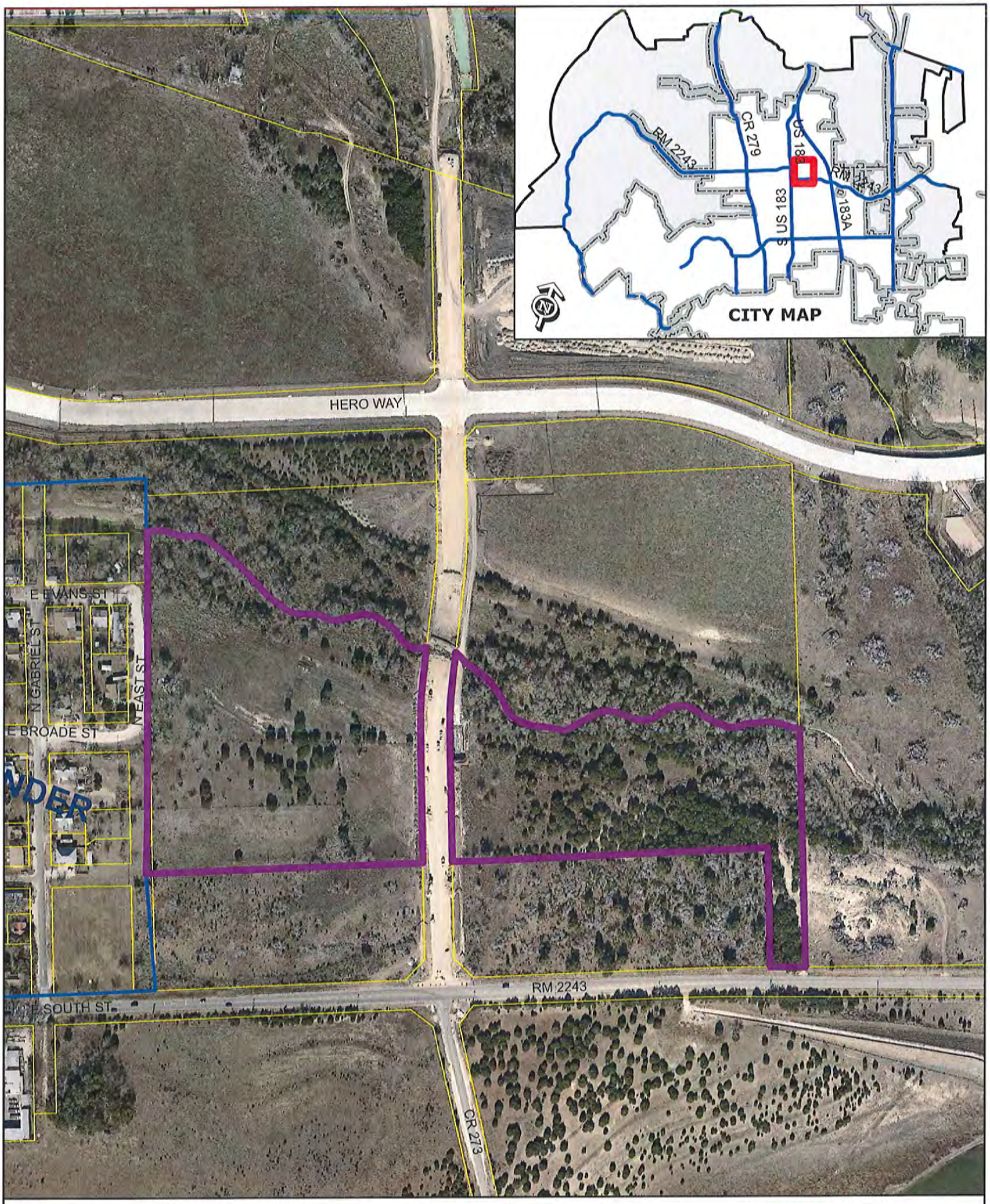
Attachment #2

Current Zoning Map
Village at Leander Station
CR 273/Mel Mathis & RM 2243

Subject Property
Original Town of Leander

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

0 200 400
Feet



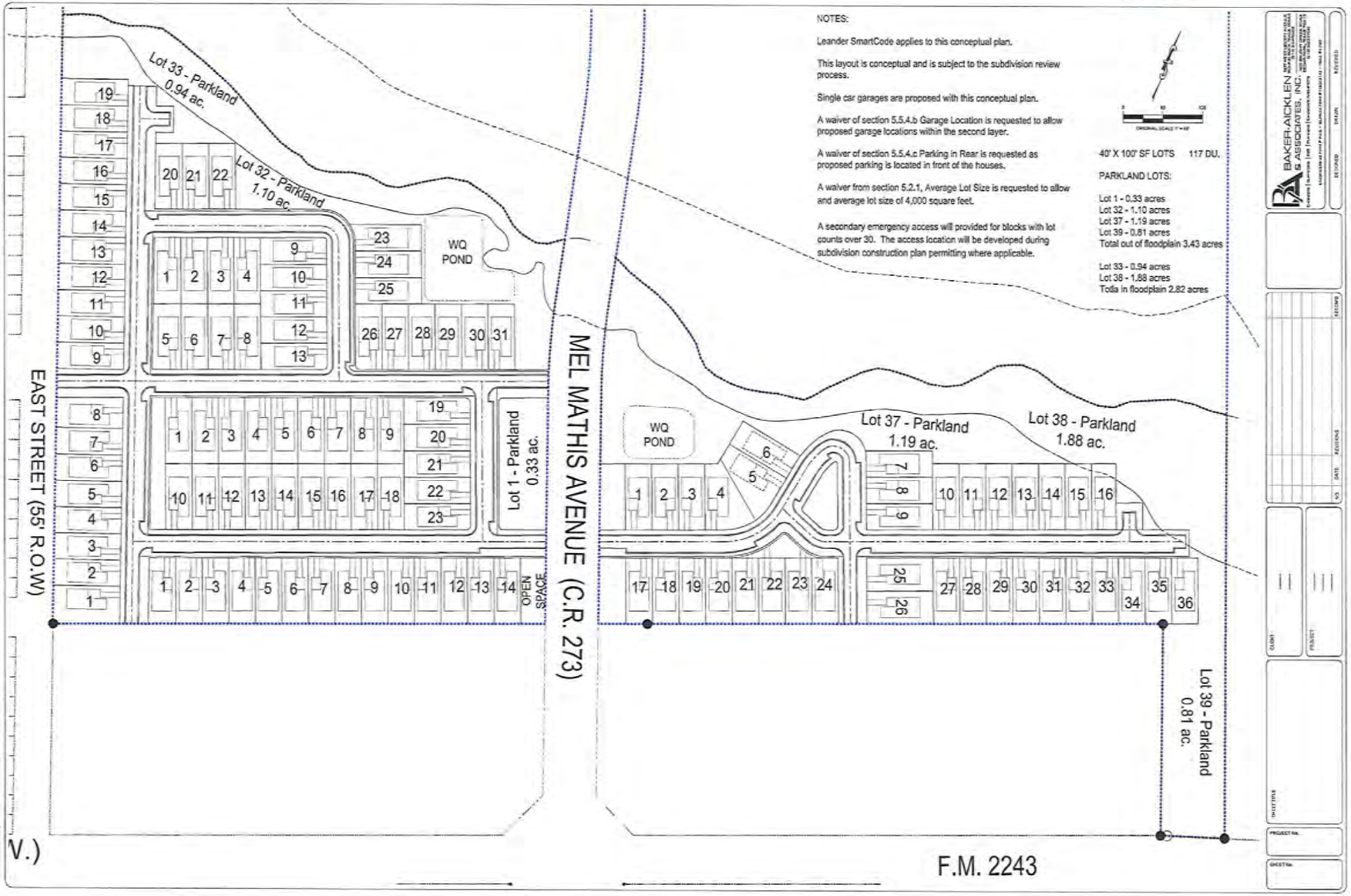
ZONING CASE 13-TOD-001 Attachment #3

Aerial Exhibit - Approximate Boundaries
Village at Leander Station - SF PUD AMD

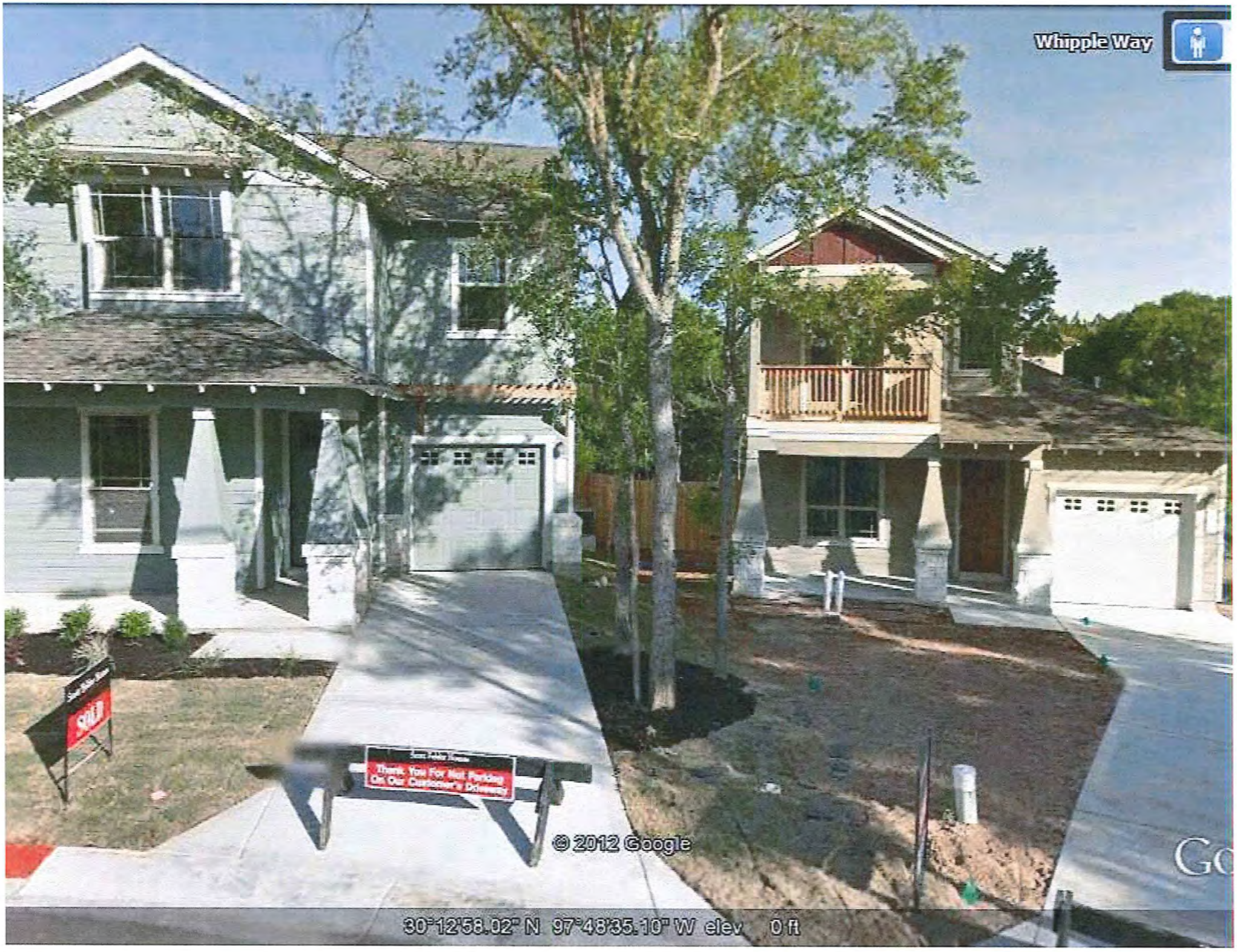
Subject Property

0 200
Feet

ATTACHMENT #4



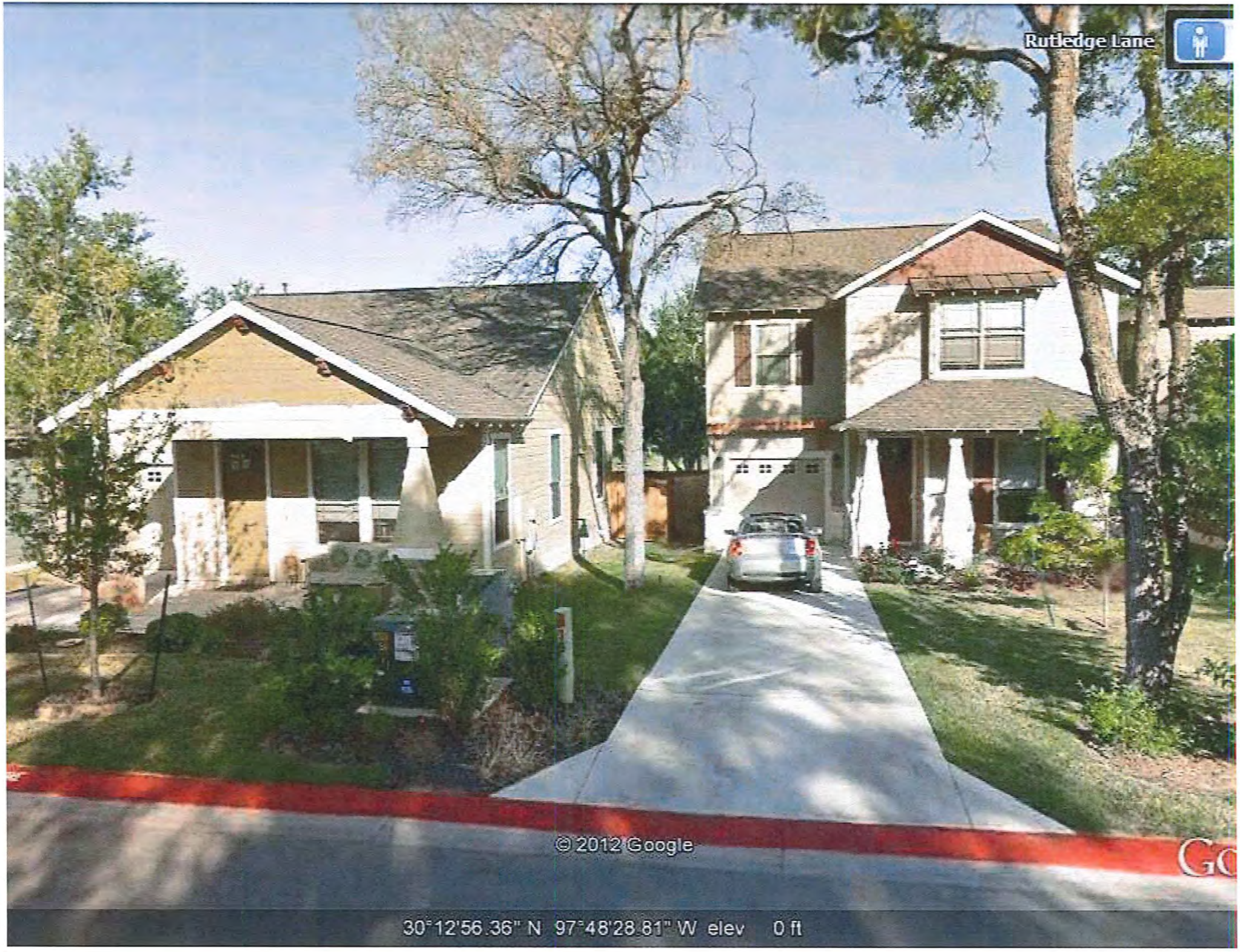
NOTES:
Leander SmartCode applies to this conceptual plan.
This layout is conceptual and is subject to the subdivision review process.
Single car garages are proposed with this conceptual plan.
A waiver of section 5.5.4.b Garage Location is requested to allow proposed garage locations within the second layer.
A waiver of section 5.5.4.c Parking in Rear is requested as proposed parking is located in front of the houses.
A waiver from section 5.2.1, Average Lot Size is requested to allow and average lot size of 4,000 square feet.
A secondary emergency access will provided for blocks with lot counts over 30. The access location will be developed during subdivision construction plan permitting where applicable.
40' X 100' SF LOTS 117 DU.
PARKLAND LOTS:
Lot 1 - 0.33 acres
Lot 32 - 1.10 acres
Lot 37 - 1.19 acres
Lot 39 - 0.81 acres
Total out of floodplain 3.43 acres
Lot 33 - 0.94 acres
Lot 38 - 1.88 acres
Totla in floodplain 2.82 acres
Lot 33 - Parkland 0.94 ac.
Lot 32 - Parkland 1.10 ac.
WQ POND
Lot 1 - Parkland 0.33 ac.
OPEN SPACE
EAST STREET (55' R.O.W)
MEL MATHIS AVENUE (C.R. 273)
WQ POND
Lot 37 - Parkland 1.19 ac.
Lot 38 - Parkland 1.88 ac.
Lot 39 - Parkland 0.81 ac.
F.M. 2243
BAKER-AICKLEN & ASSOCIATES, INC.

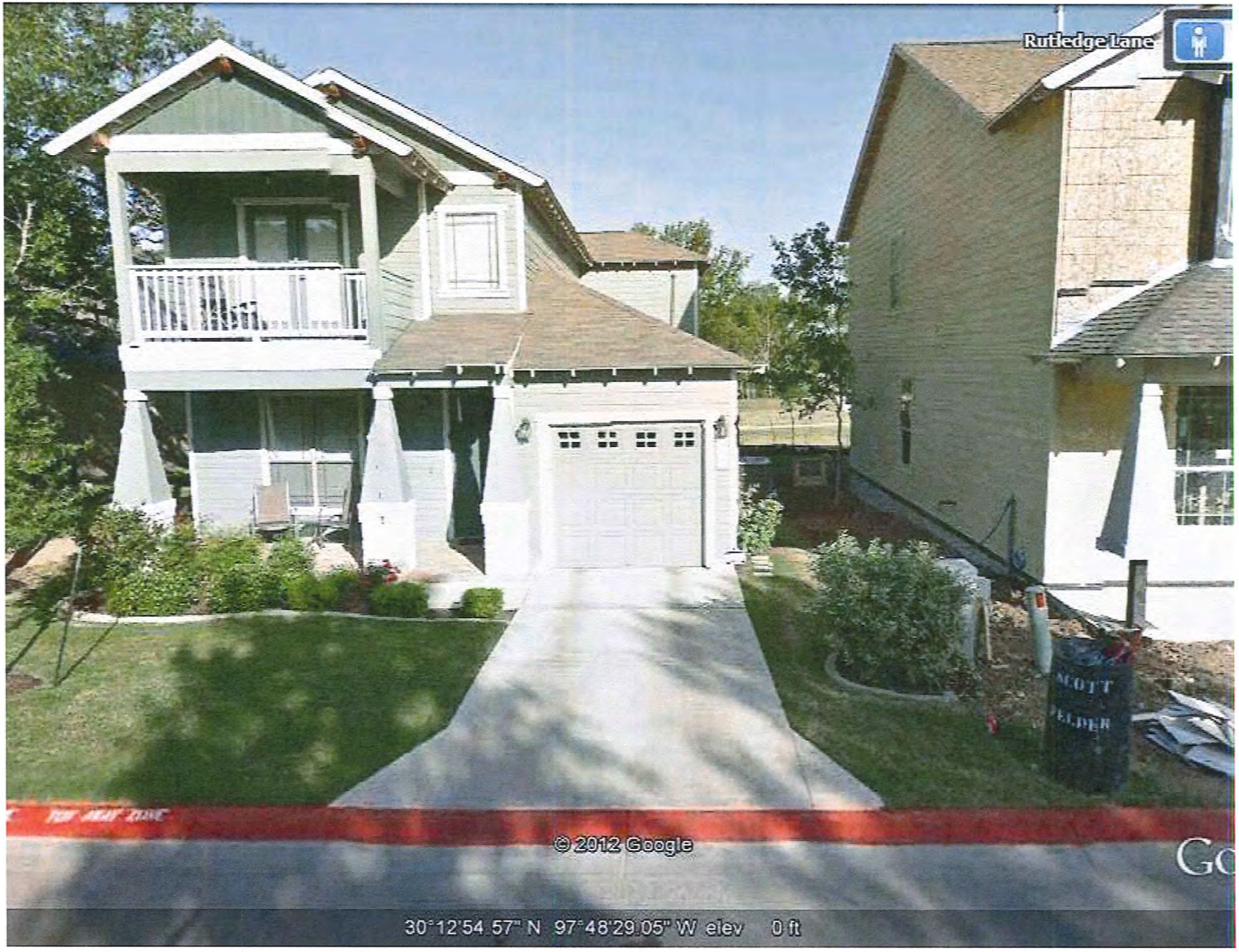

Whipple Way
SOLD
Thank You For Not Parking
On Our Customer's Driveway
© 2012 Google
30°12'58.02" N 97°48'35.10" W elev 0 ft

Amur Drive
© 2012 Google
30°12'49.57" N 97°48'24.48" W elev 5 ft

Independence Drive
© 2012 Google
30°12'54.33" N 97°48'25.08" W elev 8 ft

Independence Drive
dence Drive
© 2012 Google
30°12'53.33" N 97°48'25.86" W elev 0 ft


Rutledge Lane
© 2012 Google
30°12'56.36" N 97°48'28.81" W elev 0 ft


Rutledge Lane
© 2012 Google
30°12'54.57" N 97°48'29.05" W elev 0 ft

ATTACHMENT #5

Transit Village Investments, Ltd.
1301 Capital of Texas Hwy.
Suite A-300
Austin, Texas 78746

March 7, 2013

Pix Howell
Urban Design Officer
City of Leander
200 West Willis Street
Leander, Texas 78641

RE: Proposed Single Family development – a portion of Williamson County Tax Appraisal properties R031324 and R510026

Dear Pix:

Please accept the following as Letter of Intent to propose development with adjustments to the SmartCode, as required by the City of Leander's TOD PUD zoning application. The property described in this application is located south of the south fork of Brushy Creek and north of FM 2243. The site is two tracts of land, on both sides of Mel Mathis Blvd., approximately 8.94 acres on the east side and approximately 12.86 acres on the west side. The project is proposed to be a single family development.

Configuration of the project attempts to respect the intent of the TOD but financing requirements, market conditions, tract configuration and topography require certain elements of the site plan make strict adherence to the SmartCode problematic. The general configuration is as shown on the attached illustration.

Lots are generally 40' wide and all face proposed public streets which is within the design parameters of T4 of the Transect Map, as does the roadway cross-section and green space requirements. Proposed deviations from the SmartCode will be addressed in the accompanying information package.

All homes in the subdivision will be limited to a single wide garage doors, some homes may be constructed with "tandem" garages to accommodate two cars. Strict architectural control of facades will provide for attractive appearances.

We hereby request a PUD amendment to allow development of this project to begin as soon as possible.

Sincerely,

Jeff Musgrove, P.E.
Partner

ATTACHMENT #6

Leander TOD

April 19, 2013

Chair and Commissioners
City of Leander Planning and Zoning Commission
201 North Brushy
Leander, Texas 78646

Reference: 13-TOD-001 & 13-TOD-002 Village at Leander Station PUD/TOD Amendments

Dear Chair and Commissioners,

These two cases represent the first "New Community" developments in the TOD. As you might expect, they are not the eight story office/residential building that will someday inhabit the area around the rail station. They are, however, the types of residential elements that will make up a good portion of the TOD.

13-TOD-001 represents a hybrid approach to small lot single family. It respects the intent of the SmartCode if not complying with every element. It is important to meld current market requirements so that this first project of its type can be a success. I support the amendments and hope to demonstrate our capability to realize a project that respects the vision of the TOD.

13-TOD-002 represents another hybrid approach to medium density residential as confined by the Housing and Urban Development (HUD) guidelines for financing. The TOD will contain numerous multi-family type properties and this one will also include a phase of commercial when the market is ready. There is some irony represented here in that the administration of HUD touts the benefit of mixed use and urban planning but their guidelines are primarily suburban. The amendments address the conflicts that the HUD duplicity creates with the SmartCode. I support these amendments and think that they demonstrate the flexibility that will be necessary for many projects where the lender imposes site requirements that are not urban in nature, while respecting the intent of the TOD.

The TOD plan relies on the "pedestrian sheds" as the measure of mixed use. Both of these project are primarily a single use but the capability to ensure a vibrant mix of uses remains.

I request that you approve these zoning amendments and carry on the vision of the Leander TOD.

Sincerely,

Pix Howell, AICP
Urban Design Officer

ORDINANCE NO #

AN ORDINANCE OF THE CITY OF LEANDER, TEXAS, AMENDING THE PLANNED UNIT DEVELOPMENT KNOWN AS THE TRANSIT ORIENTED DEVELOPMENT DISTRICT FOR TWO PARCELS OF LAND BY CREATING THE VILLAGE AT LEANDER STATION SF PLANNED UNIT DEVELOPMENT AND ADOPTING A PLANNED UNIT DEVELOPMENT PLAN FOR SUCH PARCELS; MAKING FINDINGS OF FACT; AND PROVIDING FOR RELATED MATTERS.

Whereas, the owner of the property described herein after (the "Property"), which is located in the planned unit development knows as the Transit Oriented Development District (the "TODD") has requested that the property be rezoned and planned unit development plan for the Village at Leander Station SF Planned Unit Development be adopted;

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

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 the TODD Ordinance. Ordinance No. 05-026, as amended, the TODD Ordinance, is hereby modified and amended for the Property as set forth in Section 3.

Section 3. Property Rezoned. (a) The TODD Ordinance is hereby amended by creation of the Village at Leander Station SF PUD and adoption of the PUD plan attached hereto as Exhibit A and incorporated herein for all purposes for two parcels located generally 300 feet north of the intersection of CR 273/Mel Mathis and RM 2243. The Property is approximately 8.94 acres more or less in size and is made up of parcels #R031324 and R0510026, located in Leander, Williamson County, Texas. The Property is zoned to the planned unit development district known as the Village at Leander Station SF PUD within the TODD. The regulations of the T4 Zone in the Smart Code (defined in the TODD Ordinance) shall apply to the Property. The Property shall be developed and occupied in compliance with the PUD plan attached as Exhibit A, the regulations for the T4 Zone, the regulations set forth in Section 3(b), the Smart Code, and the TODD Ordinance to the extent not amended by this Ordinance. In the event of any conflict between the TODD Ordinance, the Smart Code, or the T4 Zone regulations and the requirements for the Property set forth herein, the requirements set forth herein shall control.

(b) The following regulations apply to development of the Property:

(1) The Property shall be developed with single family residential lots and parkland in accordance with this Ordinance, the Smart Code, the TODD Ordinance, and applicable City regulations.

(2) Average lot size shall be 4,000 square feet.

(3) The garage shall be located in the second layer.

(4) Parking shall be located in front of the house.

(5) Ten percent of the front facade shall be masonry (not including hardi-plank).

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

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

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

PASSED AND APPROVED on First Reading this the 2nd day of May, 2013.

FINALLY PASSED AND APPROVED on this the 16th day of May, 2013.

THE CITY OF LEANDER, TEXAS

Christopher Fielder, Mayor

ATTEST:

Debbie Haile, City Secretary

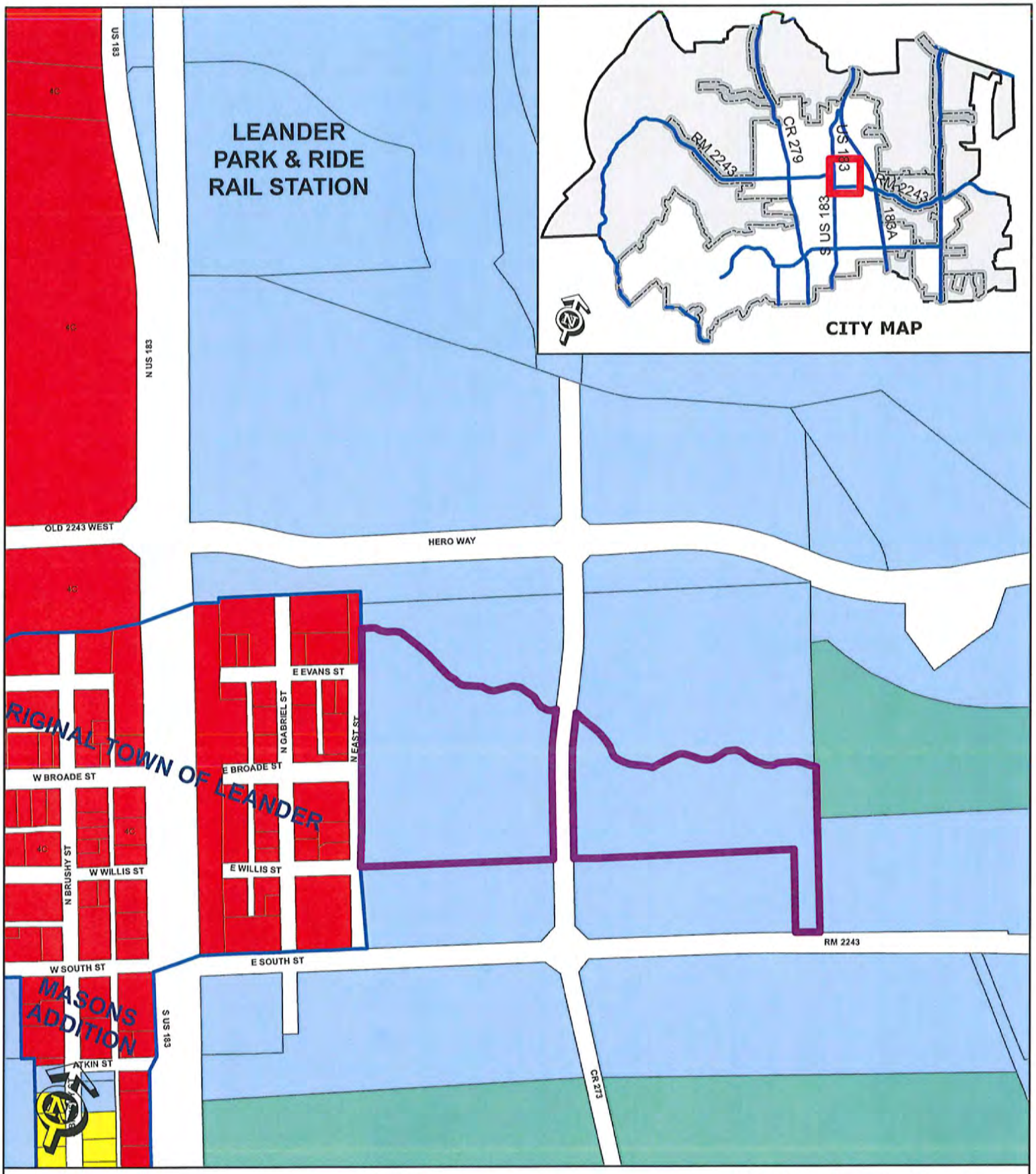


EXHIBIT A

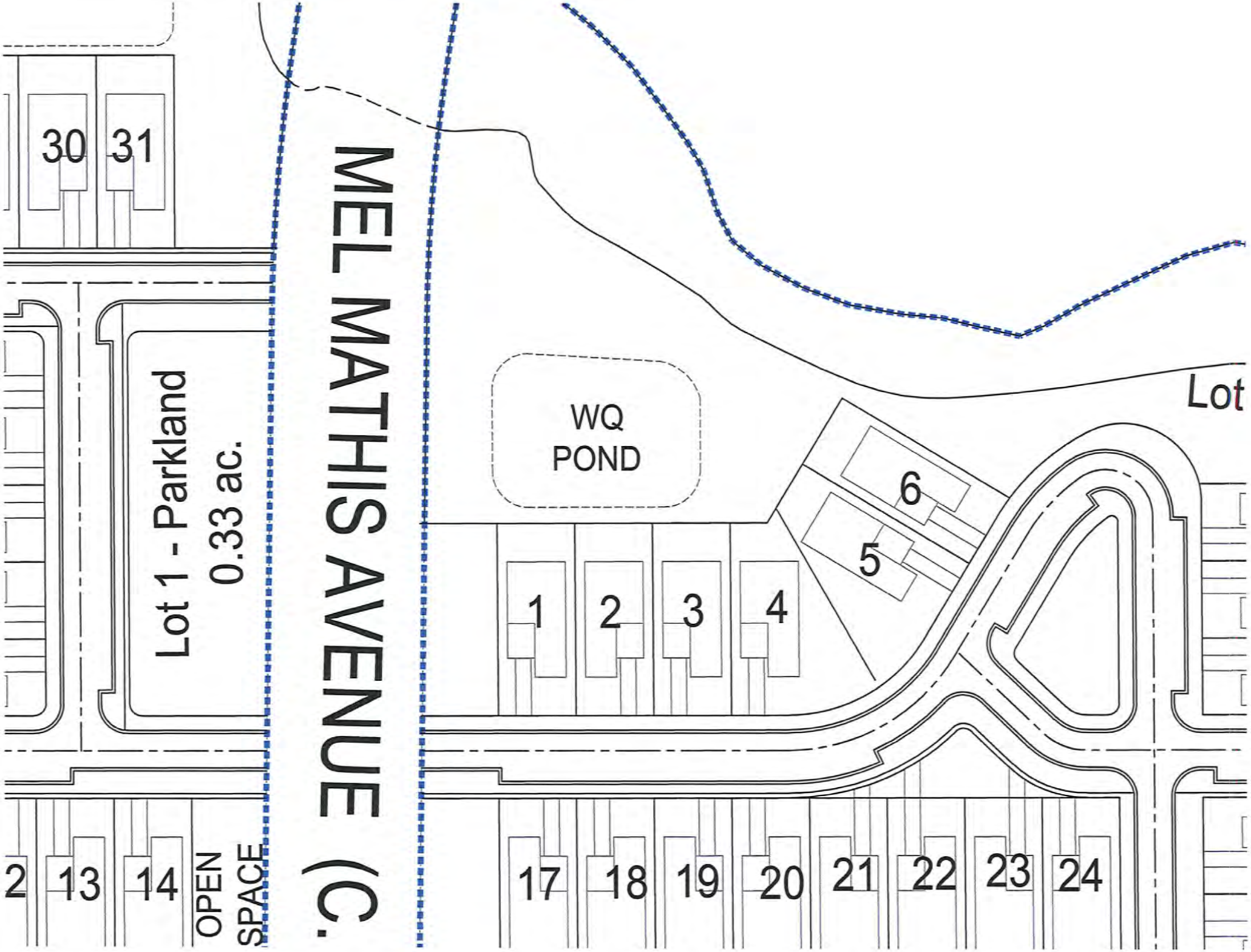
PUD/TOD Amendment 13-TOD-001

Village at Leander Station
CR 273/Mel Mathis & RM 2243

SubjectProperty
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


30
31
Lot 1 - Parkland
0.33 ac.
MEL MATHIS AVENUE (C.
WQ
POND
Lot
6
5
1
2
3
4
2
13
14
OPEN
SPACE
17
18
19
20
21
22
23
24

Lot
WQ
POND
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MEL MATHIS AVENUE (C.
Lot 1 - Parkland
0.33 ac.
OPEN
SPACE
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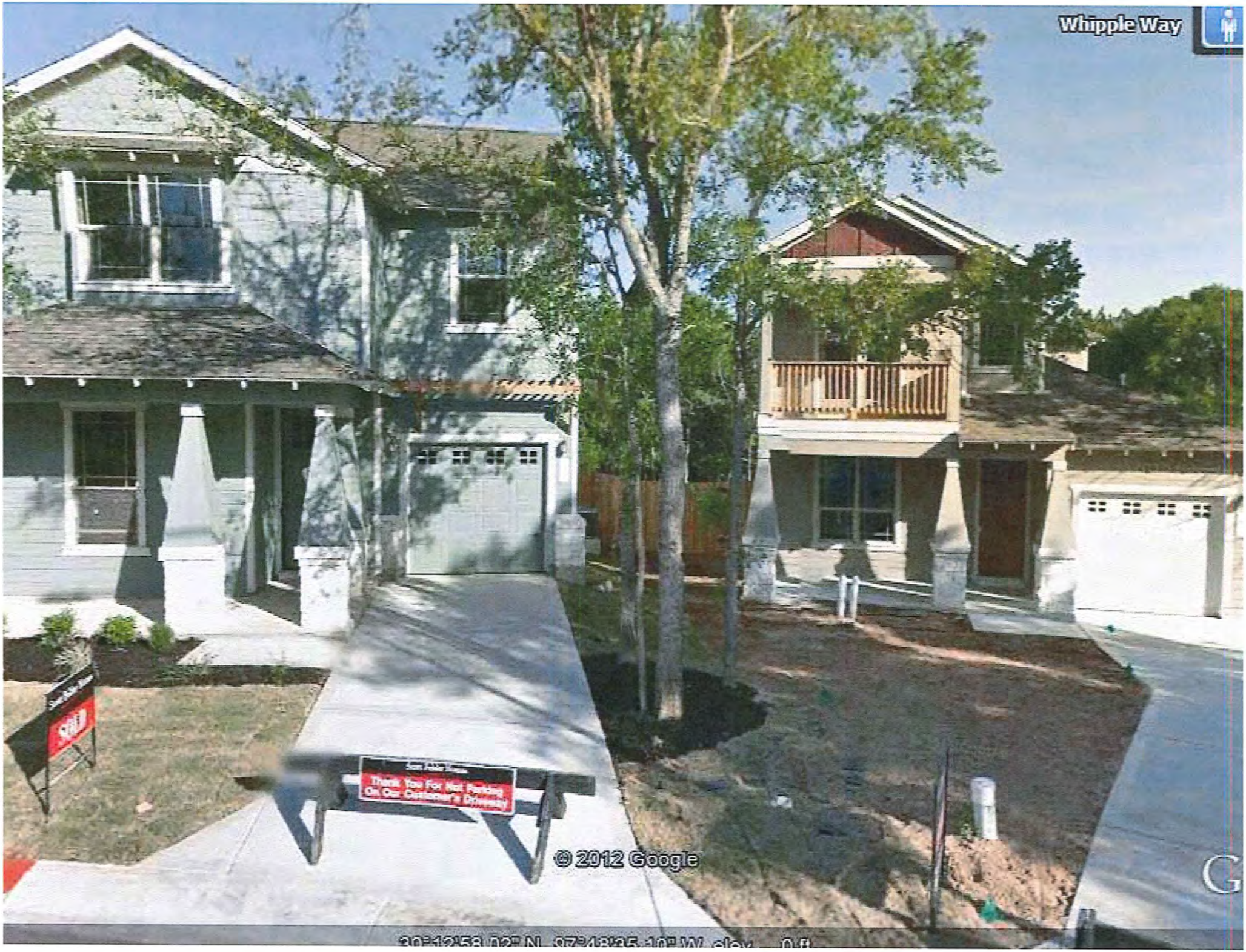
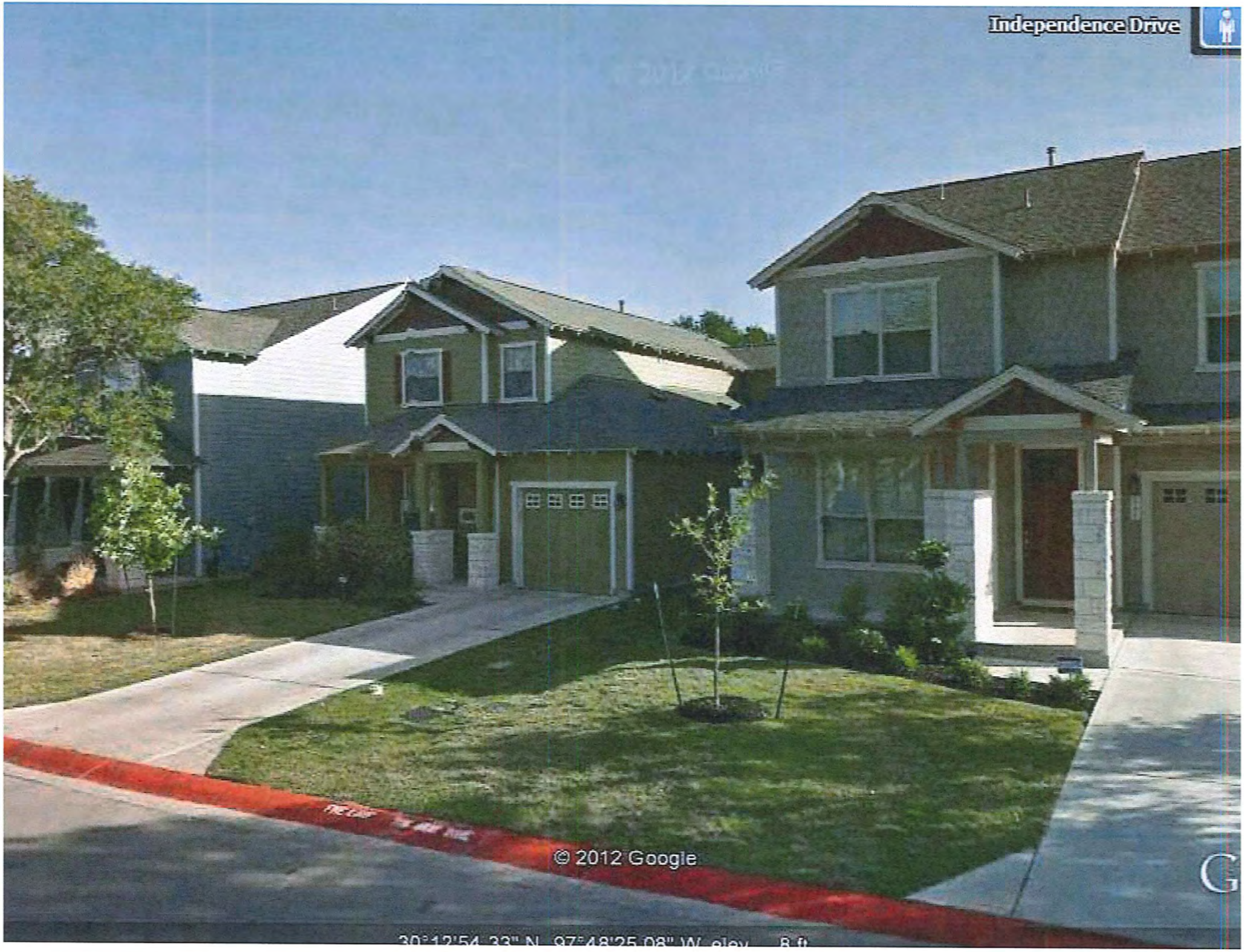
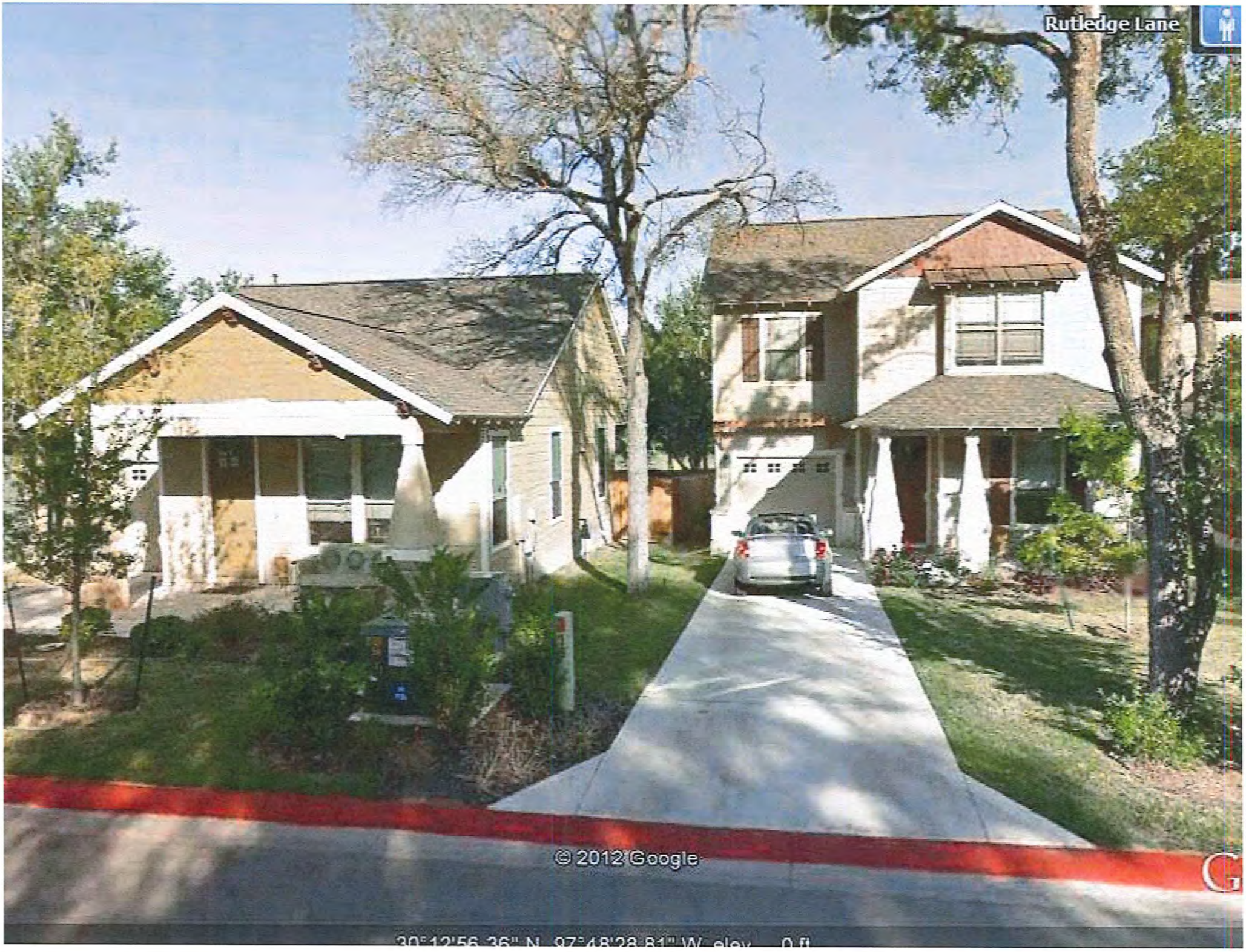
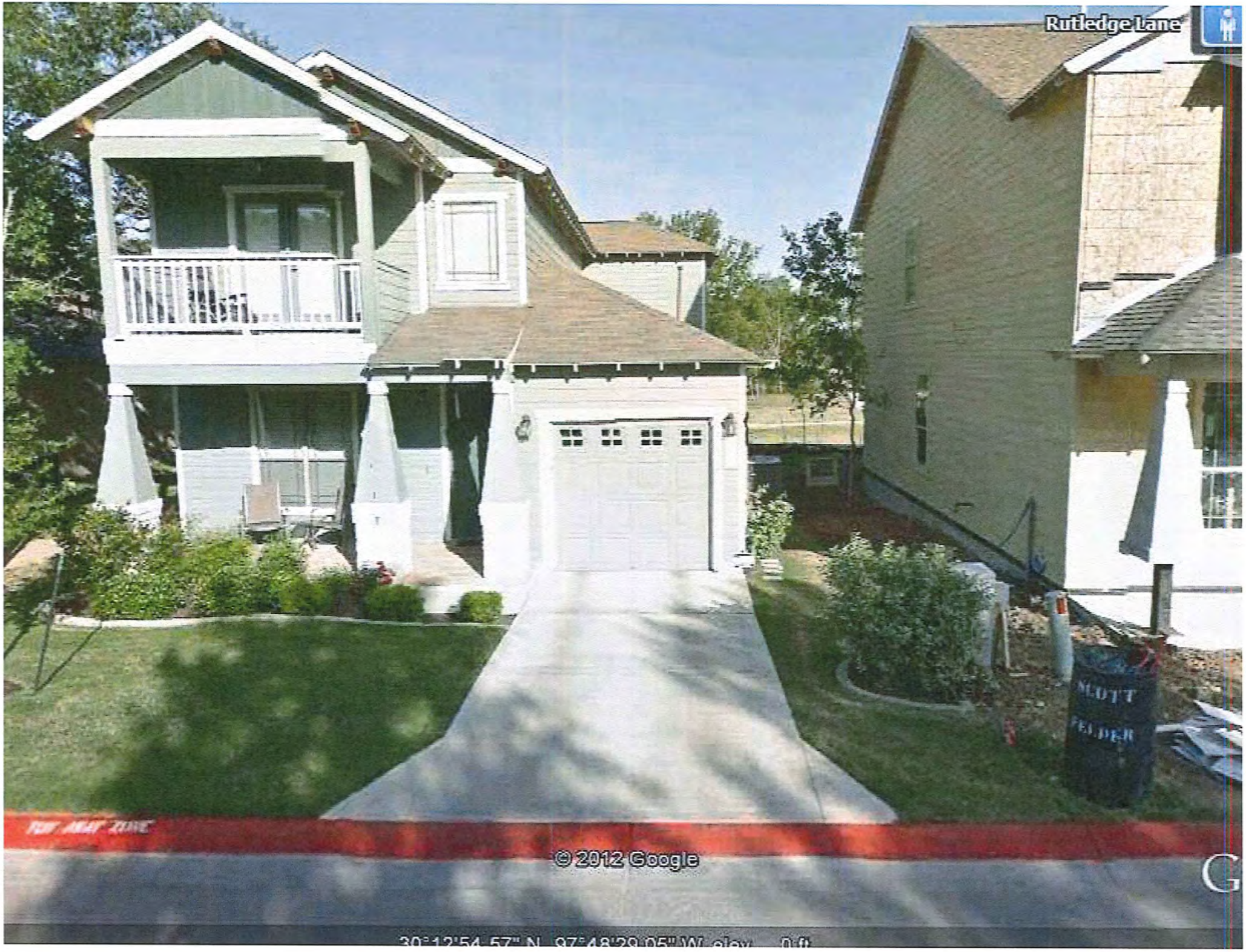

Whipple Way
SOLD
Thank You For Not Parking
On Our Customer's Driveway
© 2012 Google

Amur Drive
© 2012 Google


Independence Drive
© 2012 Google
30°12'54.33" N 97°48'25.08" W elev 8 ft

Independence Drive
ence Drive
© 2012 Google


Rutledge Lane
© 2012 Google
30°12'56.36" N 97°48'28.81" W elev 0 ft


Rutledge Lane
© 2012 Google

MINUTES

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

Thursday ~ April 25, 2013 at 7:00 pm

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

1. Call to Order
   Commissioner Saenz called the meeting to order at 7:18 p.m.

2. Roll Call
   All Commissioners were present except Vice Chair Abruzzese. Vice Chair Abruzzese took his seat at 8:00 pm

3. Approval of Minutes:
   Regular Planning & Zoning Meeting: April 11, 2013
   Motion made by Commissioner Sokol 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.

Public Hearing

5. Subdivision Case #13-CP-001: Hold a public hearing and consider action on the Villas at Vista Ridge Concept Plan, for 18.732 acres more or less; WCAD Parcels #R031366, R420153, R430360, and R420154; generally located at the southwest corner of Vista Ridge Drive and South Bagdad Road, Leander, Williamson County Texas. Applicant/Agent: Geoff Guerrero (Carlson, Brigance & Doering) on behalf of SDC West Brook Partners, LP

a) Staff Presentation

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

b) Applicant Presentation

Geoff Guerrero was present for questions.

c) Open Public Hearing

Commissioner Saenz opened the public hearing
No one wished to speak.

d) Close Public Hearing

Commissioner Saenz closed the public hearing

e) Discussion

Commissioners had discussion

f) Consider Action

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

6. Zoning Case 13-TOD-001: Hold a public hearing and consider action on the rezoning of two parcels, generally located 300 feet north of the intersection of CR 273/Mel Mathis and RM 2243 for 8.94 acres more or less; Parcels #R031324 & R0510026. Currently, the property is zoned PUD/TOD (Planned Unit Development/Transit Oriented Development) and the applicant is proposing an amendment to the PUD/TOD. Leander, Williamson County, Texas. Applicant Jeff Musgrove on behalf of TVI, LTD

a) Staff Presentation

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

b) Applicant Presentation

Pix Howell and Jeff Musgrove spoke on the purpose of the zoning and answered questions.

c) Open Public Hearing

Commissioner Saenz opened the public hearing
No one wished to speak.

d) Close Public Hearing

Commissioner Saenz closed the public hearing.

e) Discussion

Discussion took place.

f) Consider Action

Commissioner Seiler motioned to approve with staff recommendation with the condition that they use 10% masonry on the facade, Commissioner Sokol seconded the motion. Motion passed unanimously.

7. Case 13-TOD-002: Hold a public hearing and consider action on the rezoning of a parcel located to the north east of the intersection of CR273/Mel Mathis & Hero Way for 9.74 acres more or less; Parcels #R510024. Currently, the property is zoned PUD/TOD (Planned Unit Development/Transit Oriented Development). The property is proposed to be zoned PUD/TOD (Planned Unit Development/Transit Oriented Development) Leander, Williamson County, Texas. Applicant Jeff Musgrove on behalf of TVI, LTD

a) Staff Presentation

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

b) Applicant Presentation

Jeff Musgove spoke on the purpose of the zoning.
Pix Howell answered questions and help explain the Smart Code.

c) Open Public Hearing

Commissioner Saenz opened the public hearing
No one wished to speak.

d) Close Public Hearing

Commissioner Saenz closed the public hearing.

e) Discussion

Discussion took place.

f) Consider Action

Commissioner Stephenson motioned to approve with staff recommendation with the condition that they use wrought iron/tubular metal with wood accents on the perimeter fencing. Commissioner Sokol seconded the motion. Motion passed unanimously.

8. Zoning Case 13-Z-007: Hold a public hearing and consider action on the rezoning of a parcel located at 8750 RM 2243 for 11.05 acres more or less; Parcel #R031348. Currently, the property is zoned interim SFR-1-B. The property is proposed to be zoned LI-5-D (Light Industrial) Leander, Williamson County, Texas. Applicant: Kurt Prossner on behalf of Presidential RV & Boat Storage, LLC

a) Staff Presentation
Robin Griffin, Planner, discussed request & surrounding land uses.

b) Applicant Presentation
Chuck and Rebecca Richey spoke on the purpose of the zoning.

c) Open Public Hearing
Commissioner Saenz opened the public hearing
No one wished to speak.

d) Close Public Hearing
Commissioner Saenz closed the public hearing.

e) Discussion
Discussion took place.

f) Consider Action
Commissioner Sokol motioned to approve the zoning,
Commissioner Allen seconded the motion.
Motion passed unanimously.

9. Zoning Case 13-Z-008: Hold a public hearing and consider action on the rezoning of a parcel located at 350 Bagdad Rd. North for 0.941 acres more or less; Parcels #R031388. Currently, the property is zoned GC-3-C (General Commercial). The property is proposed to be zoned GC-5-C (General Commercial) Leander, Williamson County, Texas. Applicant: Darren Quick on behalf of V & J Properties, LTD.

Zoning Case 13-Z-011 was postponed and has been re-notified for May 26, 2013 due to notification error.

a) Staff Presentation
b) Applicant Presentation
c) Open Public Hearing
d) Close Public Hearing
e) Discussion
f) Consider Action

10. Zoning Case 13-Z-009: Hold a public hearing and consider action on the rezoning of two parcels located at 1504 & 1506 Leander Drive for 4.65 acres more or less; Parcels #R036538 & R036537. Currently, the property is zoned LI-4-D (Light Industrial). The property is proposed to be zoned LI-5-D (Light Industrial) Leander, Williamson County, Texas. Applicant Jim Herbert on behalf of ACI 2011 Property, LLC

a) Staff Presentation

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

b) Applicant Presentation

Jim Herbert spoke on the purpose of the zoning.

c) Open Public Hearing

Commissioner Saenz opened the public hearing
No one wished to speak.
Commissioner Saenz read into record a letter from Roberta and Gerald Brady who spoke against.

d) Close Public Hearing

Commissioner Saenz closed the public hearing.

e) Discussion

Discussion took place.

f) Consider Action

Commissioner Stephenson motioned to approve the zoning, Commissioner Seiler seconded the motion.
Motion passed 4 to 2 with Vice Chair Abruzzese and Commissioner Sokol opposed.

11. Zoning Case 13-Z-011: Hold a public hearing and consider action on the rezoning of a parcel located at 205 Brushy St. for 0.355 acres more or less; Parcels #R036130. Currently, the property is zoned SFU-2-B (Single Family Urban). The property is proposed to be zoned PUD/TOD (Planned Unit Development/Transit Oriented Development), Leander, Williamson County, Texas. Applicant Holly Harris

Zoning Case 13-Z-011 was postponed and has been re-notified for May 26, 2013 due to notification error.

a) Staff Presentation
b) Applicant Presentation
c) Open Public Hearing
d) Close Public Hearing
e) Discussion
f) Consider Action

12. Ordinance Case #13-OR-001: Hold a public hearing and consider action on amending sections of article 14.200, the Composite Zoning Ordinance, to add requirements for masonry walls; to add land uses to the use components. Planning Department

a) Staff Presentation

Robin Griffin, Planner, discussed the requirements for masonry walls and land uses to the use components.

b) Open Public Hearing

Commissioner Saenz opened the public hearing
No one wished to speak.

c) Close Public Hearing

Commissioner Saenz closed the public hearing.

d) Discussion

Discussion took place.

e) Consider Action

Commissioner Sokol motioned to approve with additional deletions to chain link fence provisions, Commissioner Allen seconded the motion. Motion passed 4 to 2 with Commissioner Seiler and Vice Chair Abbruzzese opposed.

13. Meeting adjourned at 9:01 pm

_____
Vice Chair Abruzzese

ATTEST:
Ellen Pizalate P & Z Secretary

Executive Summary

May 02, 2013

Agenda Subject: Zoning Case 13-TOD-002: Hold a public hearing and consider action on the rezoning of a parcel located to the north east of the intersection of CR273/Mel Mathis & Hero Way for 9.74 acres more or less; Parcels #R510024. Currently, the property is zoned PUD/TOD (Planned Unit Development/Transit Oriented Development). The property is proposed to be zoned PUD/TOD (Planned Unit Development/Transit Oriented Development) Leander, Williamson County, Texas.

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

Origination: Applicant Jeff Musgrove on behalf of TVI, LTD

Financial Consideration: None

Recommendation: See Planning Analysis. The Planning & Zoning Commission unanimously recommended approval of the request with the following waivers at the April 25, 2013 meeting.

- Perimeter fencing 6' in height composed of metal (wrought iron or tubular metal) and/or with wood accents
- 3:12 Roof Pitch
- Structures shall be constructed of brick, stone, stucco, and/or hardi-plank.

Attachments:

1. Planning Analysis
2. Current Zoning Map
3. Aerial Map
4. PUD Plan
5. Letter of Intent
6. Letter from Pix Howell, Urban Design Officer
7. Ordinance
8. Minutes - Planning & Zoning Commission April 25, 2013

Prepared By: Robin M. Griffin, AICP
Planner

04/25/2013

PLANNING ANALYSIS

ZONING CASE 13-TOD-002
CR 273/MEL MATHIS & HERO WAY

GENERAL INFORMATION

Owner: TVI, LTD

Current Zoning: PUD/TOD (Planned Unit Development/Transit Oriented Development)

Proposed Zoning: Amendment to the PUD/TOD (Planned Unit Development/Transit Oriented Development)

Size and Location: The subject property is generally located to the north east of the intersection of CR273/Mel Mathis & Hero Way for 9.74 acres more or less

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	PUD/TOD	Undeveloped Land zoned PUD/TOD
EAST	PUD/TOD	Undeveloped Land zoned PUD/TOD
SOUTH	PUD/TOD	Undeveloped Land zoned PUD/TOD
WEST	PUD/TOD	Undeveloped Land zoned PUD/TOD

COMPOSITE ZONING ORDINANCE INTENT STATEMENTS

PUD/TOD–PLANNED UNIT DEVELOPMENT/TRANIST ORIENTED DEVELOPMENT

An Ordinance of the City of Leander established a Planned Unit Development District (PUD) called the Leander TOD. This PUD defined a form-based code and a Transect Map (or regulating plan) as the community plan and PUD plan for the geographic area set for in the ordinance. The TOD is an area where a mixed-use, pedestrian friendly requirement will prevail over the typical land-use oriented plan; where all commercial and residential land-uses may be developed by right; where streets are designed to slow traffic rather than encourage it; where residents can find neighborhood services and goods within a ten-minute walk and where there is a variety of housing types and price ranges.

T5–NEIGHBORHOOD CENTER TRANSECT ZONE

The Neighborhood Center Zone is the equivalent of a Main Street. This Zone includes mixed-use building types that accommodate retail, offices, and dwellings, including rowhouses and apartments. The T-5 Zone is a tight network of streets and blocks, with wide sidewalks, steady street tree planting, and buildings set close to the frontages.

COMPREHENSIVE PLAN STATEMENTS:

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

- Provide Opportunities for coordinated, well-planned growth and development that are consistent with the Comprehensive Plan.

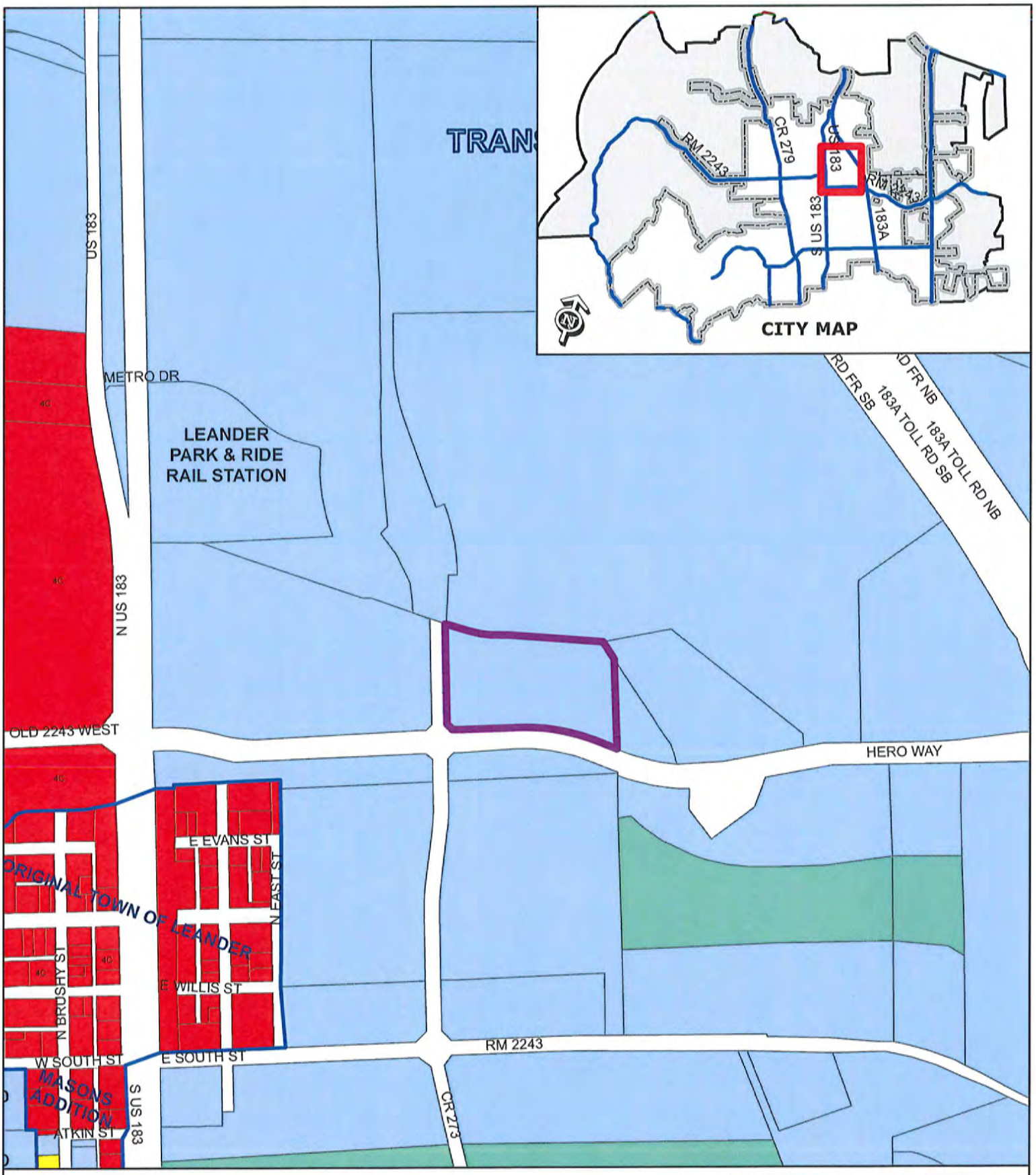
ANALYSIS:

The applicant is requesting an amendment to the TOD (Transit Oriented Development) district in order to allow for a multi-family project at this location. The applicant is proposing a two phase multi-family project that will include approximately 225 units and parking in the first phase. The second phase will include structured parking and a mixed use building.

The following waivers are requested:

REQUIREMENT	WAIVER
Perimeter fencing is not permitted	Perimeter fencing 6' in height composed of metal (wrought iron or tubular metal) and/or wood
Principle roof slopes of 15° are required 5:12 Roof Pitch	3:12 Roof Pitch
Structures are constructed of brick, stone, and/or stucco.	Structures are constructed of brick, stone, stucco, and/or hardi-plank.

If the zoning is approved, the SmartCode and subdivision regulations will apply to this property with regards to land use, architectural design, signage, and site development. These standards will assure compatibility between the existing uses and the proposed development.



ZONING CASE 13-TOD-002

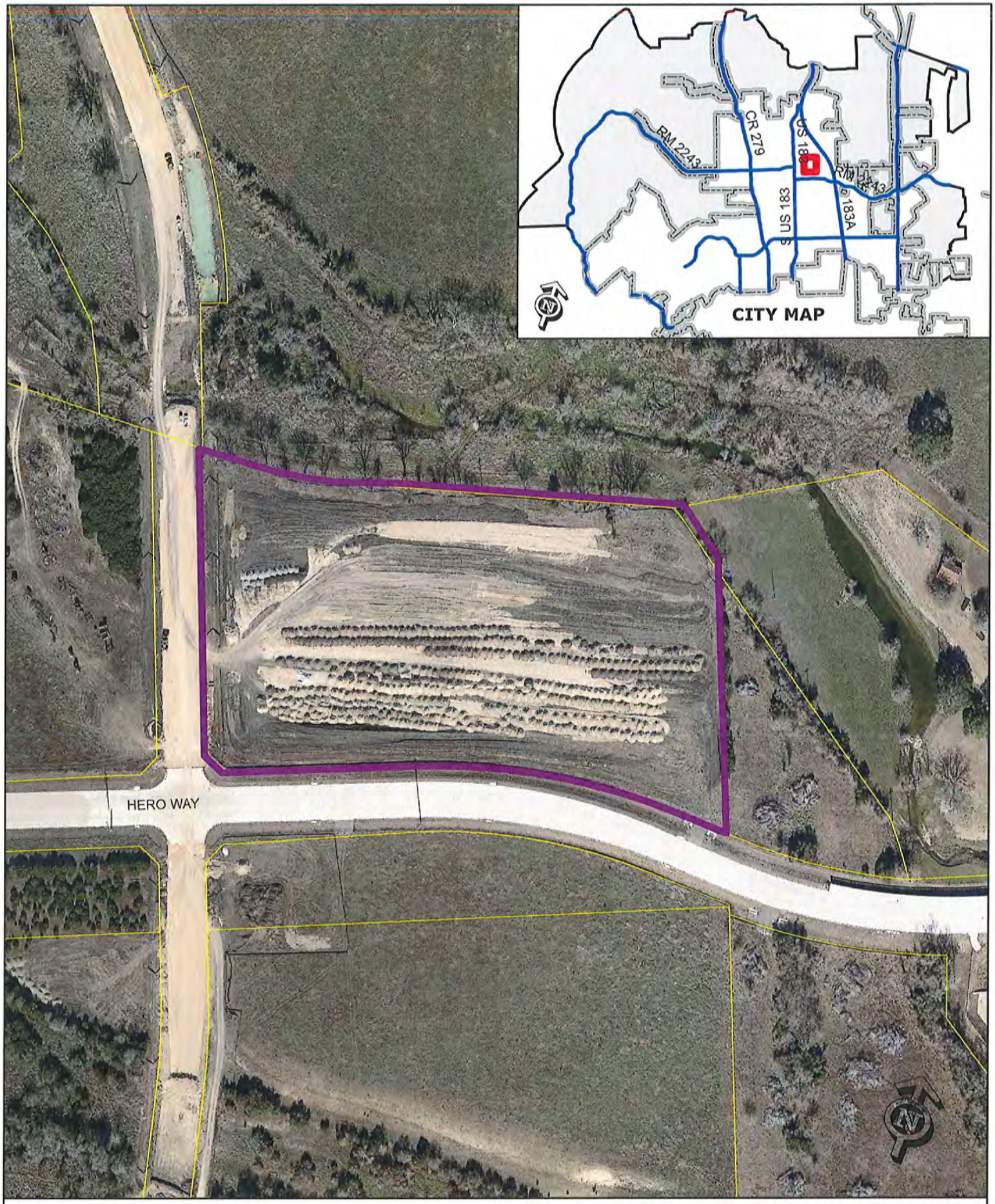
Attachment #2

Current Zoning Map
Village at Leander Station - MF
CR 273/Mel Mathis & Hero Way

0 200 400
Feet

Subject Property

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



ZONING CASE 13-TOD-002 Attachment #3

Aerial Exhibit - Approximate Boundaries
Village at Leander Station - MF PUD AMD

Subject Property

0 200
Feet

NOTE: SITE LAYOUT IS CONCEPTUAL AND SUBJECT TO CITY OF LEANDER SITE DEVELOPMENT REVIEW.

SMARTCODE OF THE CITY OF LEANDER APPLIES TO THE PROJECT W/ THE REQUEST OF THE FOLLOWING WAIVERS:
-WAIVER FROM TABLE 19 TO ALLOW PERIMETER FENCING 6' IN HEIGHT COMPOSED OF WROUGHT IRON METAL AND WOOD
-WAIVER FROM TABLE 21G TO ALLOW FOR A 3:12 ROOF PITCH
-WAIVER FROM SECTION 5.65 TO ALLOW BRICK, STONE, STUCCO, AND/OR HARDI-PLANK ON BUILDING EXTERIORS

CONCEPTUAL SITE PLAN - PHASE I 04.12.13

THE VILLAGE AT LEANDER STATION

LEANDER, TX

NOTE: SITE LAYOUT IS CONCEPTUAL AND SUBJECT TO CITY OF LEANDER SITE DEVELOPMENT REVIEW.

SMARTCODE OF THE CITY OF LEANDER APPLIES TO THE PROJECT W/ THE REQUEST OF THE FOLLOWING WAIVERS:
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-WAIVER FROM TABLE 21G TO ALLOW FOR A 3:12 ROOF PITCH
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CONCEPTUAL SITE PLAN - PHASE II 04.12.13

THE VILLAGE AT LEANDER STATION

LEANDER, TX

©2013 B&A ARCHITECTS, INC.

THE VILLAGE AT LEANDER STATION

LEANDER, TEXAS

© 2013 B&A ARCHITECTS, INC.

THE VILLAGE AT LEANDER STATION

LEANDER, TEXAS

ATTACHMENT #5

Transit Village Investments, Ltd.
1301 Capital of Texas Hwy.
Suite A-300
Austin, Texas 78746

March 7, 2013

Pix Howell
Urban Design Officer
City of Leander
200 West Willis Street
Leander, Texas 78641

RE: Proposed Multi-Family and Mixed Use development – Williamson County Appraisal District parcel R510024

Dear Pix:

Please accept the following as Letter of Intent to a proposed development of a Multi-Family/Mixed Use project, as required by the City of Leander's TOD PUD zoning application. The property is within the T5 Transect Map and is located at the northeast corner of Hero Way (CR 269) and Mel Mathis Blvd. (CR 273). The site is approximately 9.74 acres and is bounded by Hero Way on the south, Mel Mathis Blvd. on the west and Bushy Creek on the north and east.

Development of the site will occur in two phases, phase I will include approximately 225 multi-family units and associated surface parking and amenities. Phase II will replace a portion of the surface lot with a mixed use building and associated structured parking as shown on the attached Phase II site plan. The Pedestrian Shed as designated on the Transect Map encompasses the T6 zone which surrounds and includes the Rail Stop, which has been approved previously as a dense mixed use plan.

Configuration of the phase I project attempts to respect the intent of the TOD but lender requirements of the Federal Housing and Urban Development process will require adjustments to the SmartCode in order to comply. The proposed site plan is as shown on the attached Phase I site plan, with the Phase II adjustments show separately.

Elements that may require adjustments to Article 3 (New Community-Scale Plans) of the Leander SmartCode will be limited to fencing and parking elements as required for financing.

The attached elevations demonstrate the adherence to the architectural requirements of the SmartCode and general form for the buildings as seen from Hero Way. Final material selections and detailing of building will occur through the design process.

We hereby request a PUD amendment to allow development of these projects to begin as soon as possible.

Sincerely,

Jeff Musgrove, P.E.
Partner

ORDINANCE NO #

AN ORDINANCE OF THE CITY OF LEANDER, TEXAS, AMENDING THE PLANNED UNIT DEVELOPMENT KNOWN AS THE TRANSIT ORIENTED DEVELOPMENT DISTRICT FOR TWO PARCELS OF LAND BY CREATING THE VILLAGE AT LEANDER STATION MF PLANNED UNIT DEVELOPMENT AND ADOPTING A PLANNED UNIT DEVELOPMENT PLAN FOR SUCH PARCELS; MAKING FINDINGS OF FACT; AND PROVIDING FOR RELATED MATTERS.

Whereas, the owner of the property described herein after (the "Property"), which is located in the planned unit development knows as the Transit Oriented Development District (the "TODD") has requested that the property be rezoned and planned unit development plan for the Village at Leander Station MF Planned Unit Development be adopted;

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

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 the TODD Ordinance. Ordinance No. 05-026, as amended, the TODD Ordinance, is hereby modified and amended for the Property as set forth in Section 3.

Section 3. Property Rezoned. (a) The TODD Ordinance is hereby amended by creation of the Village at Leander Station MF PUD and adoption of the PUD plan attached hereto as Exhibit A and incorporated herein for all purposes for one parcel located generally located to the north east of the intersection of CR 273/Mel Mathis and Hero Way. The property is approximately 9.74 acres more or less, out of the AW0125 T. Chambers Survey, located in Leander, Williamson County, Texas and is made up of parcel #R510024. The Property is zoned to the planned unit development district known as the Village at Leander Station MF PUD within the TODD. The regulations of the T5 Zone in the Smart Code (defined in the TODD Ordinance) shall apply to the Property. The Property shall be developed and occupied in compliance with the PUD plan attached as Exhibit A, the regulations for the T5 Zone, the regulations set forth in Section 3(b), the Smart Code, and the TODD Ordinance to the extent not amended by this Ordinance. In the event of any conflict between the TODD Ordinance, the Smart Code, or the T5 Zone regulations and the requirements for the Property set forth herein, the requirements set forth herein shall control.

(b) The following regulations apply to development of the Property:

(1) Perimeter fencing shall be 6' in height and composed of metal (wrought iron or tubular metal) and may have wood accents.

(2) Pitched roofs shall be symmetrically sloped no less than 3:12.

(3) Structures shall be constructed of brick, stone, stucco, and/or hardi-plank.

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

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

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

PASSED AND APPROVED on First Reading this the 2nd day of May, 2013.

FINALLY PASSED AND APPROVED on this the 16th day of May, 2013.

THE CITY OF LEANDER, TEXAS

Christopher Fielder, Mayor

ATTEST:

Debbie Haile, City Secretary

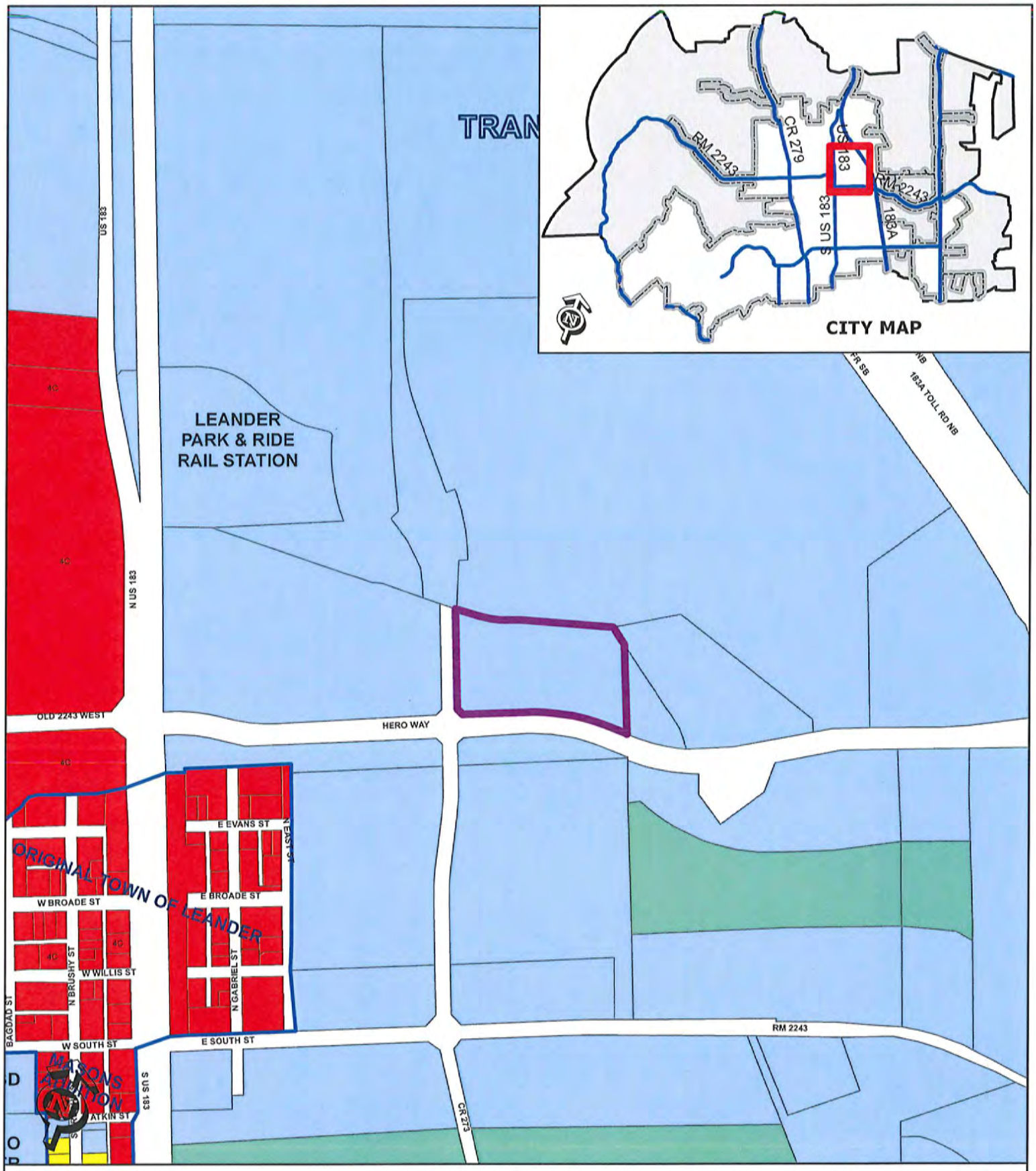

EXHIBIT A

PUD/TOD Amendment 13-TOD-002

Village at Leander Station
CR 273/Mel Mathis & Hero Way

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

B1
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CLUB/
OFFICE
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A2
A2
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A1
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A1
B1
B1
GARAGE
GARAGE
GARAGE
SECURITY
GATE
SECURITY
GATE
8' SIDEWALK ALONG HERO WAY
HERO WAY

PHASE I
Phase II
Proposed
Mixed Use
CABANA
GARAGE
CLUB/
OFFICE
SECURITY
GATE
8' SIDEWALK ALONG HERO WAY
HERO WAY

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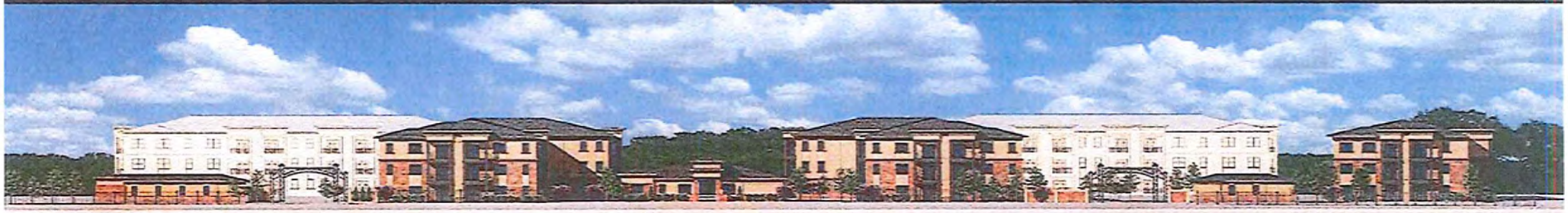
THE VILLAGE AT LEANDER STATION

LEANDER, TEXAS



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THE VILLAGE AT LEANDER STATION

LEANDER, TEXAS

MINUTES

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

Thursday ~ April 25, 2013 at 7:00 pm

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

1. Call to Order
   Commissioner Saenz called the meeting to order at 7:18 p.m.

2. Roll Call
   All Commissioners were present except Vice Chair Abruzzese.
   Vice Chair Abruzzese took his seat at 8:00 pm

3. Approval of Minutes:
   Regular Planning & Zoning Meeting: April 11, 2013
   Motion made by Commissioner Sokol 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.

Public Hearing

5. Subdivision Case #13-CP-001: Hold a public hearing and consider action on the Villas at Vista Ridge Concept Plan, for 18.732 acres more or less; WCAD Parcels #R031366, R420153, R430360, and R420154; generally located at the southwest corner of Vista Ridge Drive and South Bagdad Road, Leander, Williamson County Texas. Applicant/Agent: Geoff Guerrero (Carlson, Brigance & Doering) on behalf of SDC West Brook Partners, LP

a) Staff Presentation

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

b) Applicant Presentation

Geoff Guerrero was present for questions.

c) Open Public Hearing

Commissioner Saenz opened the public hearing
No one wished to speak.

d) Close Public Hearing

Commissioner Saenz closed the public hearing

e) Discussion

Commissioners had discussion

f) Consider Action

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

6. Zoning Case 13-TOD-001: Hold a public hearing and consider action on the rezoning of two parcels, generally located 300 feet north of the intersection of CR 273/Mel Mathis and RM 2243 for 8.94 acres more or less; Parcels #R031324 & R0510026. Currently, the property is zoned PUD/TOD (Planned Unit Development/Transit Oriented Development) and the applicant is proposing an amendment to the PUD/TOD. Leander, Williamson County, Texas. Applicant Jeff Musgrove on behalf of TVI, LTD

a) Staff Presentation

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

b) Applicant Presentation

Pix Howell and Jeff Musgrove spoke on the purpose of the zoning and answered questions.

c) Open Public Hearing

Commissioner Saenz opened the public hearing
No one wished to speak.

d) Close Public Hearing

Commissioner Saenz closed the public hearing.

e) Discussion

Discussion took place.

f) Consider Action

Commissioner Seiler motioned to approve with staff recommendation with the condition that they use 10% masonry on the facade, Commissioner Sokol seconded the motion. Motion passed unanimously.

7. Case 13-TOD-002: Hold a public hearing and consider action on the rezoning of a parcel located to the north east of the intersection of CR273/Mel Mathis & Hero Way for 9.74 acres more or less; Parcels #R510024. Currently, the property is zoned PUD/TOD (Planned Unit Development/Transit Oriented Development). The property is proposed to be zoned PUD/TOD (Planned Unit Development/Transit Oriented Development) Leander, Williamson County, Texas. Applicant Jeff Musgrove on behalf of TVI, LTD

a) Staff Presentation

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

b) Applicant Presentation

Jeff Musgove spoke on the purpose of the zoning.
Pix Howell answered questions and help explain the Smart Code.

c) Open Public Hearing

Commissioner Saenz opened the public hearing
No one wished to speak.

d) Close Public Hearing

Commissioner Saenz closed the public hearing.

e) Discussion

Discussion took place.

f) Consider Action

Commissioner Stephenson motioned to approve with staff recommendation with the condition that they use wrought iron/tubular metal with wood accents on the perimeter fencing. Commissioner Sokol seconded the motion. Motion passed unanimously.

8. Zoning Case 13-Z-007: Hold a public hearing and consider action on the rezoning of a parcel located at 8750 RM 2243 for 11.05 acres more or less; Parcel #R031348. Currently, the property is zoned interim SFR-1-B. The property is proposed to be zoned LI-5-D (Light Industrial) Leander, Williamson County, Texas. Applicant: Kurt Prossner on behalf of Presidential RV & Boat Storage, LLC

a) Staff Presentation
Robin Griffin, Planner, discussed request & surrounding land uses.

b) Applicant Presentation
Chuck and Rebecca Richey spoke on the purpose of the zoning.

c) Open Public Hearing
Commissioner Saenz opened the public hearing
No one wished to speak.

d) Close Public Hearing
Commissioner Saenz closed the public hearing.

e) Discussion
Discussion took place.

f) Consider Action
Commissioner Sokol motioned to approve the zoning,
Commissioner Allen seconded the motion.
Motion passed unanimously.

9. Zoning Case 13-Z-008: Hold a public hearing and consider action on the rezoning of a parcel located at 350 Bagdad Rd. North for 0.941 acres more or less; Parcels #R031388. Currently, the property is zoned GC-3-C (General Commercial). The property is proposed to be zoned GC-5-C (General Commercial) Leander, Williamson County, Texas. Applicant: Darren Quick on behalf of V & J Properties, LTD.

Zoning Case 13-Z-011 was postponed and has been re-notified for May 26, 2013 due to notification error.

a) Staff Presentation
b) Applicant Presentation
c) Open Public Hearing
d) Close Public Hearing
e) Discussion
f) Consider Action

10. Zoning Case 13-Z-009: Hold a public hearing and consider action on the rezoning of two parcels located at 1504 & 1506 Leander Drive for 4.65 acres more or less; Parcels #R036538 & R036537. Currently, the property is zoned LI-4-D (Light Industrial). The property is proposed to be zoned LI-5-D (Light Industrial) Leander, Williamson County, Texas. Applicant Jim Herbert on behalf of ACI 2011 Property, LLC

a) Staff Presentation

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

b) Applicant Presentation

Jim Herbert spoke on the purpose of the zoning.

c) Open Public Hearing

Commissioner Saenz opened the public hearing
No one wished to speak.
Commissioner Saenz read into record a letter from Roberta and Gerald Brady who spoke against.

d) Close Public Hearing

Commissioner Saenz closed the public hearing.

e) Discussion

Discussion took place.

f) Consider Action

Commissioner Stephenson motioned to approve the zoning, Commissioner Seiler seconded the motion.
Motion passed 4 to 2 with Vice Chair Abruzzese and Commissioner Sokol opposed.

11. Zoning Case 13-Z-011: Hold a public hearing and consider action on the rezoning of a parcel located at 205 Brushy St. for 0.355 acres more or less; Parcels #R036130. Currently, the property is zoned SFU-2-B (Single Family Urban). The property is proposed to be zoned PUD/TOD (Planned Unit Development/Transit Oriented Development), Leander, Williamson County, Texas. Applicant Holly Harris

Zoning Case 13-Z-011 was postponed and has been re-notified for May 26, 2013 due to notification error.

a) Staff Presentation
b) Applicant Presentation
c) Open Public Hearing
d) Close Public Hearing
e) Discussion
f) Consider Action

12. Ordinance Case #13-OR-001: Hold a public hearing and consider action on amending sections of article 14.200, the Composite Zoning Ordinance, to add requirements for masonry walls; to add land uses to the use components. Planning Department

a) Staff Presentation

Robin Griffin, Planner, discussed the requirements for masonry walls and land uses to the use components.

b) Open Public Hearing

Commissioner Saenz opened the public hearing
No one wished to speak.

c) Close Public Hearing

Commissioner Saenz closed the public hearing.

d) Discussion

Discussion took place.

e) Consider Action

Commissioner Sokol motioned to approve with additional deletions to chain link fence provisions, Commissioner Allen seconded the motion. Motion passed 4 to 2 with Commissioner Seiler and Vice Chair Abbruzzese opposed.

13. Meeting adjourned at 9:01 pm

_____
Vice Chair Abruzzese

ATTEST: _____
Ellen Pizalate P & Z Secretary

City of Leander

Executive Summary

May 02, 2013

Agenda Subject:	Zoning Case 13-Z-007: Hold a public hearing and consider action on the rezoning of a parcel located at 8750 RM 2243 for 11.05 acres more or less; Parcel #R031348. Currently, the property is zoned interim SFR-1-B (Single-Family Rural). The property is proposed to be zoned LI-5-D (Light Industrial) Leander, Williamson County, Texas.
Background:	This request is the second step in the rezoning process.
Origination:	Applicant: Kurt Prossner on behalf of Presidential RV & Boat Storage, LLC
Financial Consideration:	None
Recommendation:	See Planning Analysis. The Planning & Zoning Commission unanimously recommended approval of the request at the April 25, 2013 meeting.
Attachments:	1. Planning Analysis 2. Current Zoning Map 3. Aerial Map 4. Letter of Intent 5. Ordinance 6. Minutes - Planning & Zoning Commission April 25, 2013
Prepared By:	Robin M. Griffin, AICP Planner 04/25/2013

PLANNING ANALYSIS

ZONING CASE 13-Z-007
8750 FM 2243

GENERAL INFORMATION

Owner: Presidential RV & Boat Storage, LLC

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

Proposed Zoning: LI-5-D (Light Industrial)

Size and Location: The property is located at 8750 FM 2243 and is approximately 11.05 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 Home
EAST	Interim SFR-1-B	Grandfathered Commercial Use
SOUTH	LC-2-B	Undeveloped Property Zoned for Local Commercial Use
WEST	Interim SFR-1-B	Grandfathered Commercial Use (VFW Post)

COMPOSITE ZONING ORDINANCE INTENT STATEMENTS

USE COMPONENTS:

LI – LIGHT INDUSTRIAL:

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

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

SITE COMPONENTS:

TYPE 5 (non-residential only):

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

Intent:

(1) The Type 5 site component is intended to be utilized with developments that have intense outdoor site requirements and a need to utilize the outdoor site area for maximum outdoor display, storage and / or accessory buildings.

(2) This component is intended only for industrial or the heaviest commercial uses and may be combined only with GC, LI or HI use components.

(3) This site component is not intended for retail or office development not requiring the available limits of outdoor storage and accessory buildings or adjacent to residential neighborhoods where not adequately buffered from residential uses.

(4) This site component is discouraged along major thoroughfares and is intended to be utilized within industrial park developments.

ARCHITECTURAL COMPONENTS:

TYPE D (non-residential only):

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

Intent:

(1) This architectural component is intended only for industrial warehouse, heavy commercial service and other similar applications and shall be utilized only with GC, LI or HI use components.

(2) This component is not intended to be utilized with the majority of GC districts.

(3) This component is not intended for retail or office development or adjacent to residential neighborhoods where not adequately buffered from residential uses.

(4) This site component is discouraged along major thoroughfares and is intended to be utilized within industrial park development.

COMPREHENSIVE PLAN STATEMENTS:

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

- Provide Opportunities for coordinated, well-planned growth and development that are consistent with the Comprehensive Plan.
- Find suitable districts for industrial development so that the City may recruit additional employers and avoid locating industrial development near neighborhoods without adequate buffering.

ANALYSIS:

The subject property was part of a large involuntary annexation that was completed on January 17, 2013. Upon annexation the property received an Interim SFR-1-B zoning designation. The property is currently utilized as single-family home. The applicant is requesting the LI-5-D (Light Industrial) zoning district in order to allow for the development of a RV & Boat Storage facility.

The LI (Light Industrial) use component allows for the development of a variety of light manufacturing, assembly and processing businesses, storage, warehouses and lumber sales. All business functions are required to be performed indoors.

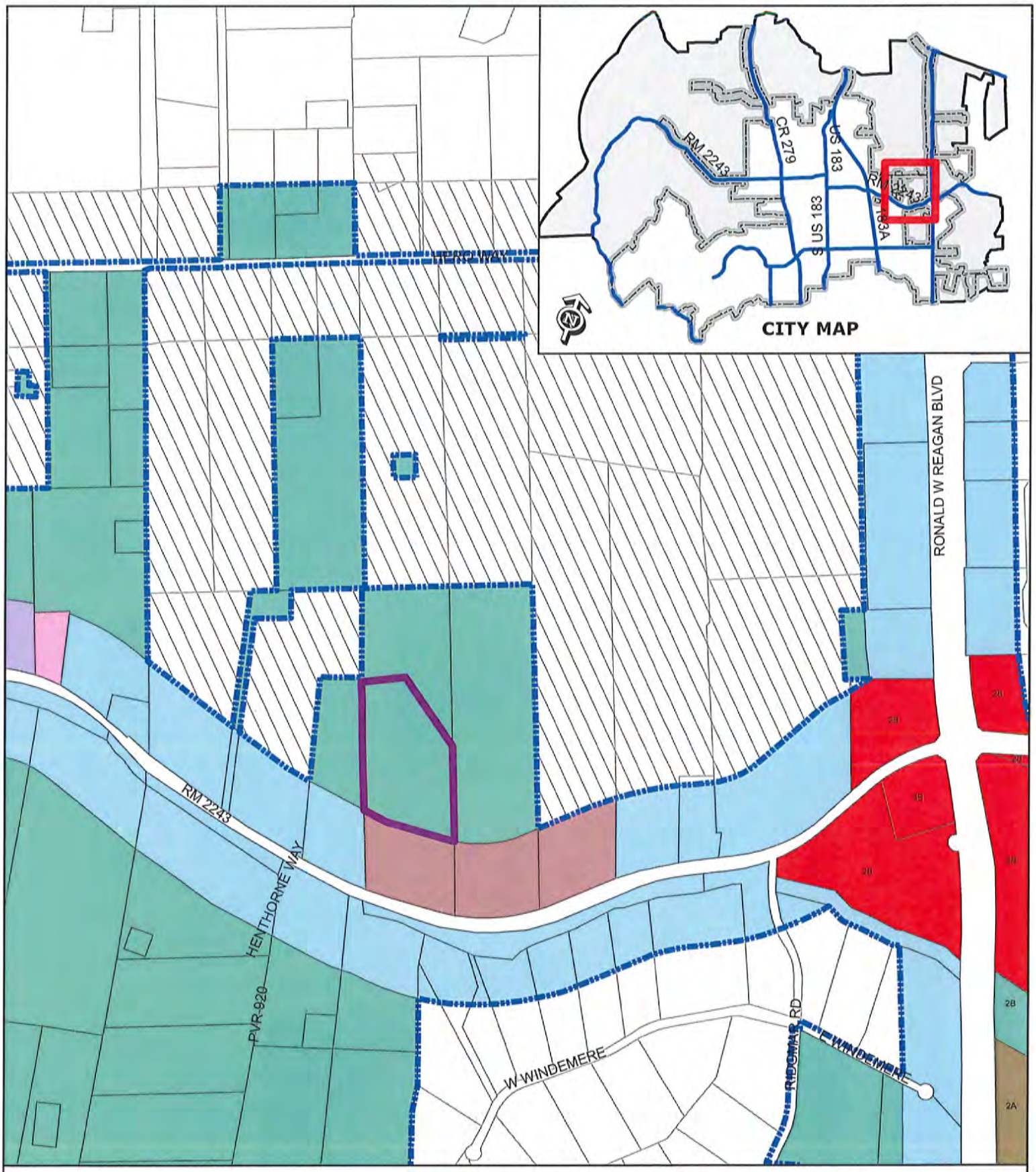
The Composite Zoning Ordinance requires that outdoor storage facilities (including RV & Boat Storage) are setback four hundred (400') feet from major arterials. The proposed zoning district is located more than four hundred (450') feet from RM 2243. In addition, a Type 5 site component is required for the proposed use due to the limitation of the amount of outdoor storage in the Type 4 site component:

- Type 4: Outdoor Storage is limited to 60% of the gross floor area of the primary building that houses the business storing the materials
- Type 5: Outdoor Storage is unlimited

The Composite Zoning Ordinance does require that outdoor storage is screened from view of adjacent properties and streets.

The proposed Type D Architectural Component requires that street facing walls are 60% masonry and no metal is permitted on street facing walls. In this situation, the buildings are setback far enough from the street to not be considered street facing per the Composite Zoning Ordinance. The property owner would be permitted to construct metal buildings.

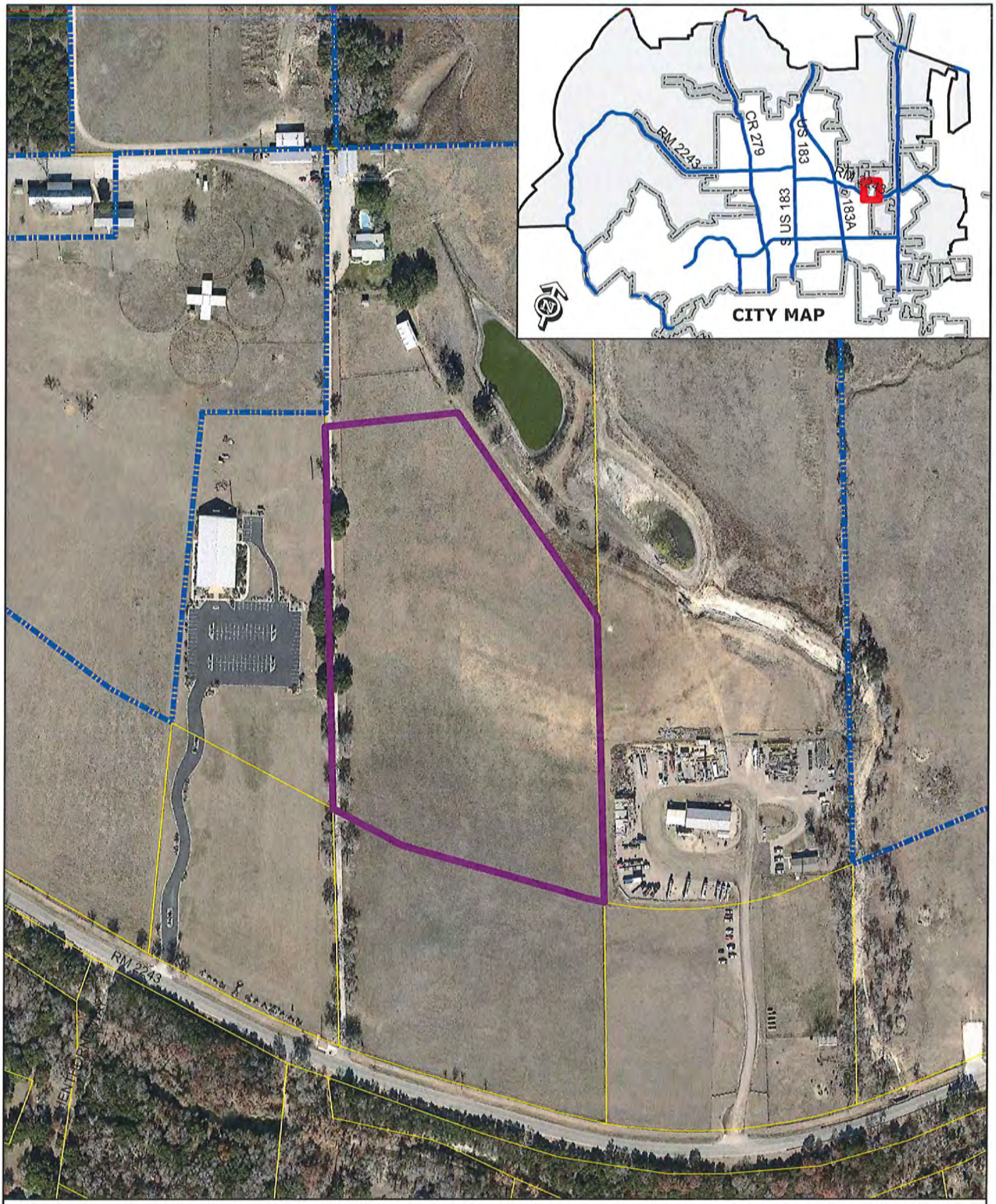
The applicant is proposing to leave the existing LC-2-B zoning in place along RM 2243 and leave a portion of the property to the north as SFR-1-B for the existing single-family home thus providing a buffer from the roadway and the properties to the north.



ZONING CASE 13-Z-007

Attachment #2

Current Zoning Map
8750 RM 2243



ZONING CASE 13-Z-007 Attachment #3

Aerial Exhibit - Approximate Boundaries
8750 RM 2243

Subject Property

0 200
Feet

ATTACHMENT #4

Presidential RV & Boat Storage, LLC...
8750 FM 2243
Leander Texas 78641

March 8, 2013

We are a newly formed company striving to meet the needs and demands of the fast growing Leander Community. The available covered RV storage is very limited at best and we will be providing a safe, secure, and convenient covered storage facility. The number of quality neighborhoods currently popping up in Leander will make the demand even stronger. We have been working towards this goal for a couple of years so we are well prepared for this endeavor.

We will be providing full service to our customer base such as: covered storage, lighted security, trash disposal, car wash bay, air/water, and ice. We will take care of our customers and be a place of business that the City of Leander can be proud of.

We wish to change the zoning of the middle portion (only) of the property located at 8750 FM 2243 Leander Texas 78641. At this time it is zoned Rural Single Family. We would like to change the zoning to LI5D to accommodate the RV storage facility. Your approval and support would be greatly appreciated.

Sincerely,

Rebecca Noelke-Richey
Charles T. Richey

Rebecca Noelke-Richey
Charles T. Richey

ORDINANCE NO #

ORDINANCE OF THE CITY OF LEANDER, TEXAS, AMENDING THE ZONING ORDINANCE BY REZONING ONE PARCEL OF LAND FROM INTERIM SFR-1-B (SINGLE-FAMILY RURAL) TO LI-5-D (LIGHT INDUSTRIAL); 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 one parcel located at 8750 RM 2243. The property is approximately 11.05 acres more or less in size and includes parcel #R031348. This parcel is hereby zoned LI-5-D (Light Industrial); 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 2nd day of May, 2013.
FINALLY PASSED AND APPROVED on this the 16th day of May, 2013.

THE CITY OF LEANDER, TEXAS

Christopher Fielder, Mayor

ATTEST:

Debbie Haile, City Secretary

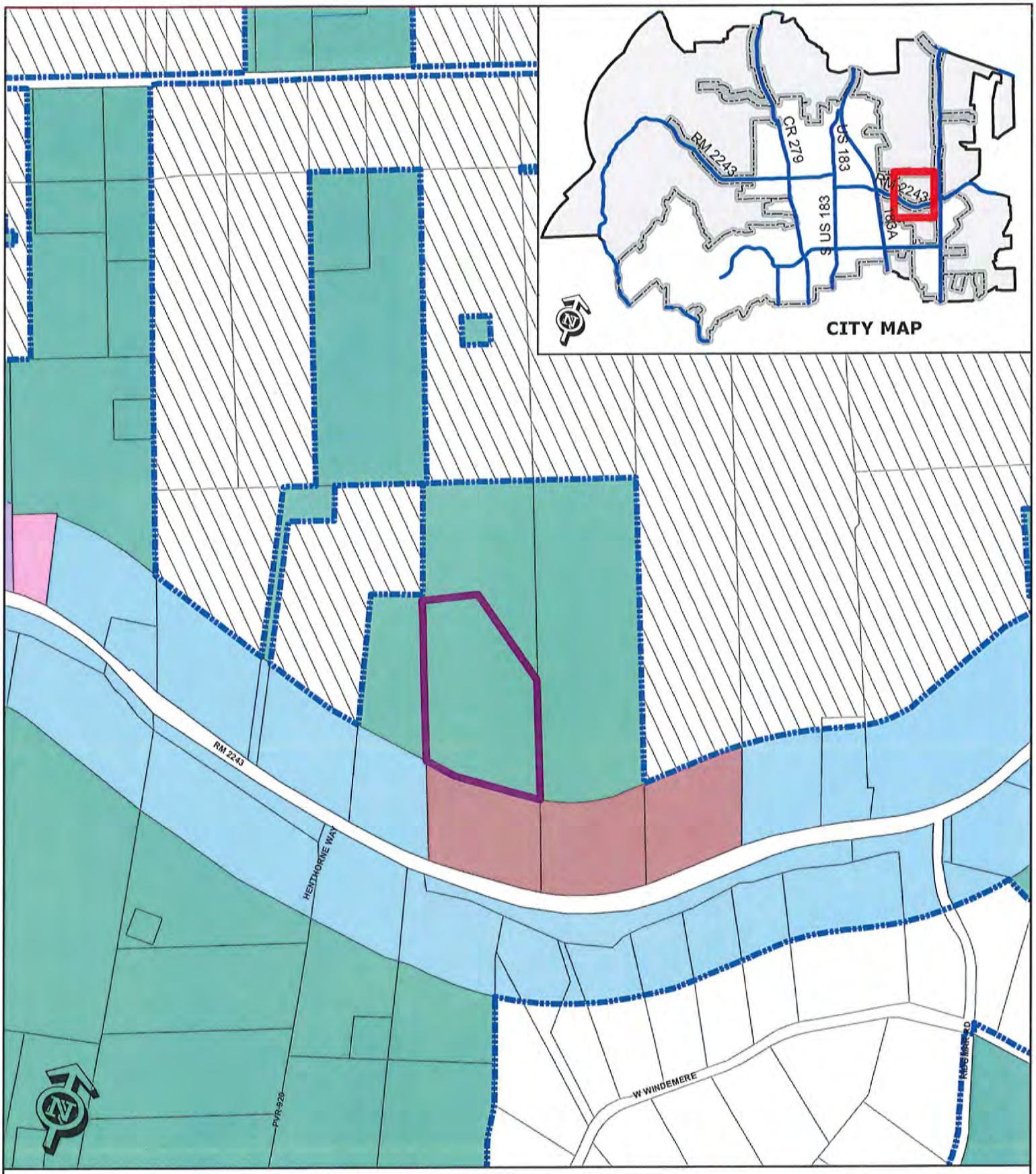


EXHIBIT A

Zoning Case 13-Z-007

Presidential RV & Boat Storage
8750 RM 2243

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
Feet

MINUTES

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

Thursday ~ April 25, 2013 at 7:00 pm

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

1. Call to Order
   Commissioner Saenz called the meeting to order at 7:18 p.m.

2. Roll Call
   All Commissioners were present except Vice Chair Abruzzese.
   Vice Chair Abruzzese took his seat at 8:00 pm

3. Approval of Minutes:
   Regular Planning & Zoning Meeting: April 11, 2013
   Motion made by Commissioner Sokol 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.

Public Hearing

5. Subdivision Case #13-CP-001: Hold a public hearing and consider action on the Villas at Vista Ridge Concept Plan, for 18.732 acres more or less; WCAD Parcels #R031366, R420153, R430360, and R420154; generally located at the southwest corner of Vista Ridge Drive and South Bagdad Road, Leander, Williamson County Texas. Applicant/Agent: Geoff Guerrero (Carlson, Brigance & Doering) on behalf of SDC West Brook Partners, LP

a) Staff Presentation

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

b) Applicant Presentation

Geoff Guerrero was present for questions.

c) Open Public Hearing

Commissioner Saenz opened the public hearing
No one wished to speak.

d) Close Public Hearing

Commissioner Saenz closed the public hearing

e) Discussion

Commissioners had discussion

f) Consider Action

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

6. Zoning Case 13-TOD-001: Hold a public hearing and consider action on the rezoning of two parcels, generally located 300 feet north of the intersection of CR 273/Mel Mathis and RM 2243 for 8.94 acres more or less; Parcels #R031324 & R0510026. Currently, the property is zoned PUD/TOD (Planned Unit Development/Transit Oriented Development) and the applicant is proposing an amendment to the PUD/TOD. Leander, Williamson County, Texas. Applicant Jeff Musgrove on behalf of TVI, LTD

a) Staff Presentation

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

b) Applicant Presentation

Pix Howell and Jeff Musgrove spoke on the purpose of the zoning and answered questions.

c) Open Public Hearing

Commissioner Saenz opened the public hearing
No one wished to speak.

d) Close Public Hearing

Commissioner Saenz closed the public hearing.

e) Discussion

Discussion took place.

f) Consider Action

Commissioner Seiler motioned to approve with staff recommendation with the condition that they use 10% masonry on the facade, Commissioner Sokol seconded the motion. Motion passed unanimously.

7. Case 13-TOD-002: Hold a public hearing and consider action on the rezoning of a parcel located to the north east of the intersection of CR273/Mel Mathis & Hero Way for 9.74 acres more or less; Parcels #R510024. Currently, the property is zoned PUD/TOD (Planned Unit Development/Transit Oriented Development). The property is proposed to be zoned PUD/TOD (Planned Unit Development/Transit Oriented Development) Leander, Williamson County, Texas. Applicant Jeff Musgrove on behalf of TVI, LTD

a) Staff Presentation

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

b) Applicant Presentation

Jeff Musgove spoke on the purpose of the zoning.
Pix Howell answered questions and help explain the Smart Code.

c) Open Public Hearing

Commissioner Saenz opened the public hearing
No one wished to speak.

d) Close Public Hearing

Commissioner Saenz closed the public hearing.

e) Discussion

Discussion took place.

f) Consider Action

Commissioner Stephenson motioned to approve with staff recommendation with the condition that they use wrought iron/tubular metal with wood accents on the perimeter fencing. Commissioner Sokol seconded the motion. Motion passed unanimously.

8. Zoning Case 13-Z-007: Hold a public hearing and consider action on the rezoning of a parcel located at 8750 RM 2243 for 11.05 acres more or less; Parcel #R031348. Currently, the property is zoned interim SFR-1-B. The property is proposed to be zoned LI-5-D (Light Industrial) Leander, Williamson County, Texas. Applicant: Kurt Prossner on behalf of Presidential RV & Boat Storage, LLC

a) Staff Presentation
Robin Griffin, Planner, discussed request & surrounding land uses.

b) Applicant Presentation
Chuck and Rebecca Richey spoke on the purpose of the zoning.

c) Open Public Hearing
Commissioner Saenz opened the public hearing
No one wished to speak.

d) Close Public Hearing
Commissioner Saenz closed the public hearing.

e) Discussion
Discussion took place.

f) Consider Action
Commissioner Sokol motioned to approve the zoning,
Commissioner Allen seconded the motion.
Motion passed unanimously.

9. Zoning Case 13-Z-008: Hold a public hearing and consider action on the rezoning of a parcel located at 350 Bagdad Rd. North for 0.941 acres more or less; Parcels #R031388. Currently, the property is zoned GC-3-C (General Commercial). The property is proposed to be zoned GC-5-C (General Commercial) Leander, Williamson County, Texas. Applicant: Darren Quick on behalf of V & J Properties, LTD.

Zoning Case 13-Z-011 was postponed and has been re-notified for May 26, 2013 due to notification error.

a) Staff Presentation
b) Applicant Presentation
c) Open Public Hearing
d) Close Public Hearing
e) Discussion
f) Consider Action

10. Zoning Case 13-Z-009: Hold a public hearing and consider action on the rezoning of two parcels located at 1504 & 1506 Leander Drive for 4.65 acres more or less; Parcels #R036538 & R036537. Currently, the property is zoned LI-4-D (Light Industrial). The property is proposed to be zoned LI-5-D (Light Industrial) Leander, Williamson County, Texas. Applicant Jim Herbert on behalf of ACI 2011 Property, LLC

a) Staff Presentation
Robin Griffin, Planner, discussed request & surrounding land uses.

b) Applicant Presentation
Jim Herbert spoke on the purpose of the zoning.

c) Open Public Hearing
Commissioner Saenz opened the public hearing
No one wished to speak.
Commissioner Saenz read into record a letter from Roberta and Gerald Brady who spoke against.

d) Close Public Hearing
Commissioner Saenz closed the public hearing.

e) Discussion
Discussion took place.

f) Consider Action
Commissioner Stephenson motioned to approve the zoning, Commissioner Seiler seconded the motion.
Motion passed 4 to 2 with Vice Chair Abruzzese and Commissioner Sokol opposed.

11. Zoning Case 13-Z-011: Hold a public hearing and consider action on the rezoning of a parcel located at 205 Brushy St. for 0.355 acres more or less; Parcels #R036130. Currently, the property is zoned SFU-2-B (Single Family Urban). The property is proposed to be zoned PUD/TOD (Planned Unit Development/Transit Oriented Development), Leander, Williamson County, Texas. Applicant Holly Harris

Zoning Case 13-Z-011 was postponed and has been re-notified for May 26, 2013 due to notification error.

a) Staff Presentation
b) Applicant Presentation
c) Open Public Hearing
d) Close Public Hearing
e) Discussion
f) Consider Action

12. Ordinance Case #13-OR-001: Hold a public hearing and consider action on amending sections of article 14.200, the Composite Zoning Ordinance, to add requirements for masonry walls; to add land uses to the use components. Planning Department

a) Staff Presentation

Robin Griffin, Planner, discussed the requirements for masonry walls and land uses to the use components.

b) Open Public Hearing

Commissioner Saenz opened the public hearing
No one wished to speak.

c) Close Public Hearing

Commissioner Saenz closed the public hearing.

d) Discussion

Discussion took place.

e) Consider Action

Commissioner Sokol motioned to approve with additional deletions to chain link fence provisions, Commissioner Allen seconded the motion. Motion passed 4 to 2 with Commissioner Seiler and Vice Chair Abbruzzese opposed.

13. Meeting adjourned at 9:01 pm

Vice Chair Abruzzese

ATTEST:
Ellen Pizalate P & Z Secretary

Executive Summary

May 02, 2013

Agenda Subject:	Zoning Case 13-Z-008: Hold a public hearing and consider action on the rezoning of a parcel located at 350 Bagdad Rd. North for 0.941 acres more or less; Parcels #R031388. Currently, the property is zoned GC-3-C (General Commercial). The property is proposed to be zoned GC-5-C (General Commercial) Leander, Williamson County, Texas.
Background:	This request is the first step in the rezoning process.
Origination:	Applicant: Darren Quick on behalf of V & J Properties, LTD.
Financial Consideration:	None
Recommendation:	This zoning case has been postponed due to a notification error.
Attachments:	None
Prepared By:	Robin M. Griffin, AICP Planner 04/23/2013

City of Leander

Executive Summary

May 02, 2013

Agenda Subject:	Zoning Case 13-Z-009: Hold a public hearing and consider action on the rezoning of two parcels located at 1504 & 1506 Leander Drive for 4.65 acres more or less; Parcels #R036538 & R036537. Currently, the property is zoned LI-4-D (Light Industrial). The property is proposed to be zoned LI-5-D (Light Industrial) Leander, Williamson County, Texas.
Background:	This request is the second step in the rezoning process.
Origination:	Applicant Jim Herbert on behalf of ACI 2011 Property, LLC
Financial Consideration:	None
Recommendation:	See Planning Analysis. The Planning & Zoning Commission recommended approval with a four to two vote at the April 25, 2013 meeting.
Attachments:	1. Planning Analysis 2. Current Zoning Map 3. Aerial Map 4. Letter of Intent 5. Ordinance 6. Minutes - Planning & Zoning Commission April 25, 2013
Prepared By:	Robin M. Griffin, AICP Planner 04/25/2013

PLANNING ANALYSIS

ZONING CASE 13-Z-009
1504 & 1506 LEANDER DRIVE

GENERAL INFORMATION

Owner: ACI 2011 Property, LLC

Current Zoning: LI-4-D (Light Industrial)

Proposed Zoning: LI-5-D (Light Industrial)

Size and Location: The property is located at 1504 & 1506 Leander Drive for 4.65 acres more or less 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	LI-5-C	Established Industrial Use
EAST	SFU/MH-2-B	Established Single-Family Home
SOUTH	LI-4-D	Undeveloped Property Zoned for Industrial Use
WEST	LI-4-D	Undeveloped Property Zoned for Industrial Use

COMPOSITE ZONING ORDINANCE INTENT STATEMENTS

USE COMPONENTS:

LI – LIGHT INDUSTRIAL:

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

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

SITE COMPONENTS:

TYPE 5 (non-residential only):

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

Intent:

(1) The Type 5 site component is intended to be utilized with developments that have intense outdoor site requirements and a need to utilize the outdoor site area for maximum outdoor display, storage and / or accessory buildings.

(2) This component is intended only for industrial or the heaviest commercial uses and may be combined only with GC, LI or HI use components.

(3) This site component is not intended for retail or office development not requiring the available limits of outdoor storage and accessory buildings or adjacent to residential neighborhoods where not adequately buffered from residential uses.

(4) This site component is discouraged along major thoroughfares and is intended to be utilized within industrial park developments.

ARCHITECTURAL COMPONENTS:

TYPE D (non-residential only):

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

Intent:

(1) This architectural component is intended only for industrial warehouse, heavy commercial service and other similar applications and shall be utilized only with GC, LI or HI use components.

(2) This component is not intended to be utilized with the majority of GC districts.

(3) This component is not intended for retail or office development or adjacent to residential neighborhoods where not adequately buffered from residential uses.

(4) This site component is discouraged along major thoroughfares and is intended to be utilized within industrial park development.

COMPREHENSIVE PLAN STATEMENTS:

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

- Provide Opportunities for coordinated, well-planned growth and development that are consistent with the Comprehensive Plan.
- Find suitable districts for industrial development so that the City may recruit additional employers and avoid locating industrial development near neighborhoods without adequate buffering.

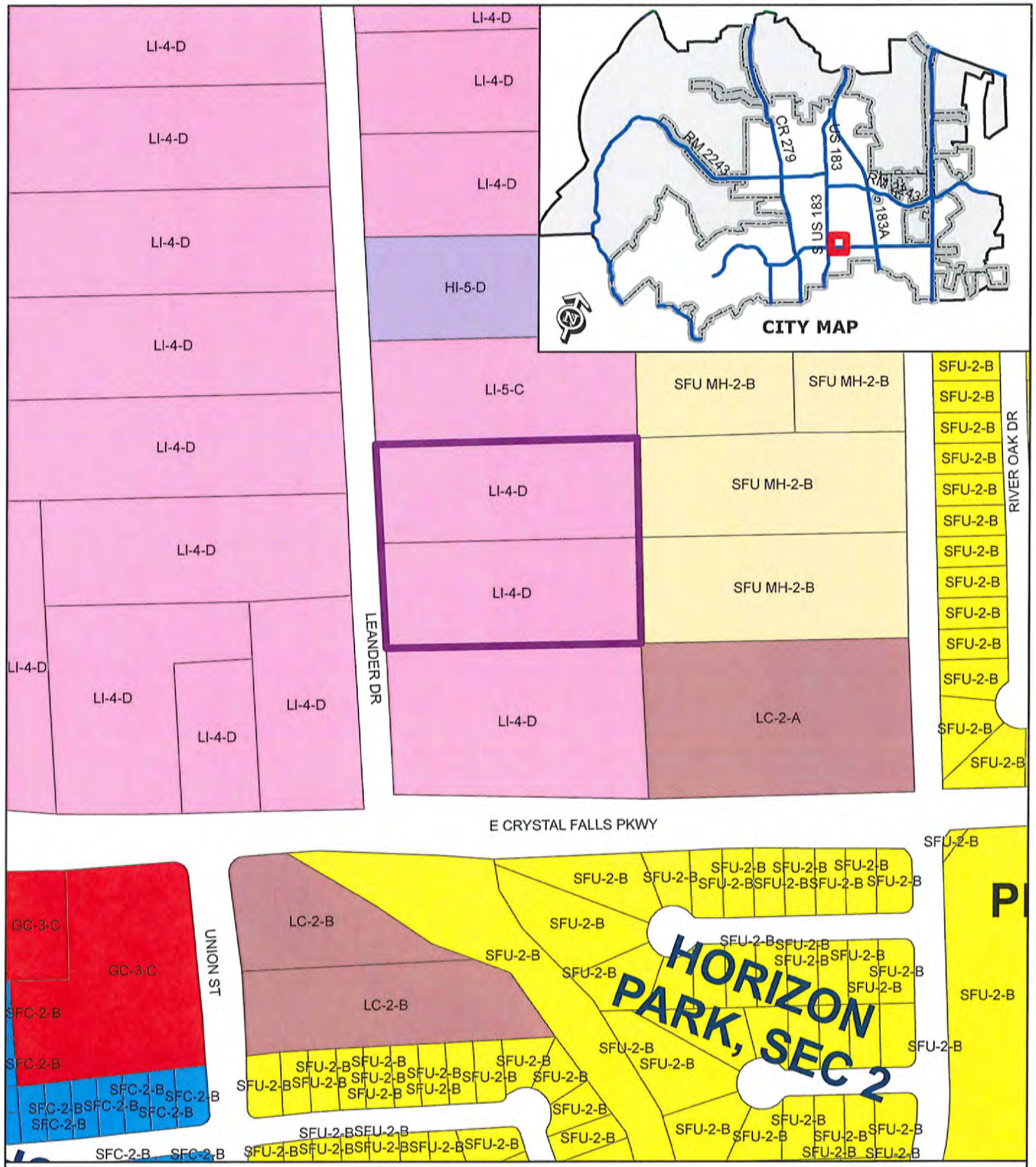
ANALYSIS:

The applicant is requesting the LI-5-D (Light Industrial) district in order to allow for unlimited outdoor storage at this location. The properties to the north, west, and south are all zoned for industrial uses. The property to the east is currently zoned and used for single-family purposes.

The LI (Light Industrial) use component allows for the development of a variety of light manufacturing, assembly and processing businesses, storage, warehouses and lumber sales. All business functions are required to be performed indoors.

The Type 5 site component allows for unlimited outdoor storage. The Composite Zoning Ordinance does require that outdoor storage is screened from view from adjacent properties and streets and that the storage area is not permitted in the front setbacks.

The proposed Type D Architectural Component requires that street facing walls are 60% masonry and no metal is permitted on street facing walls.



ZONING CASE 13-Z-009

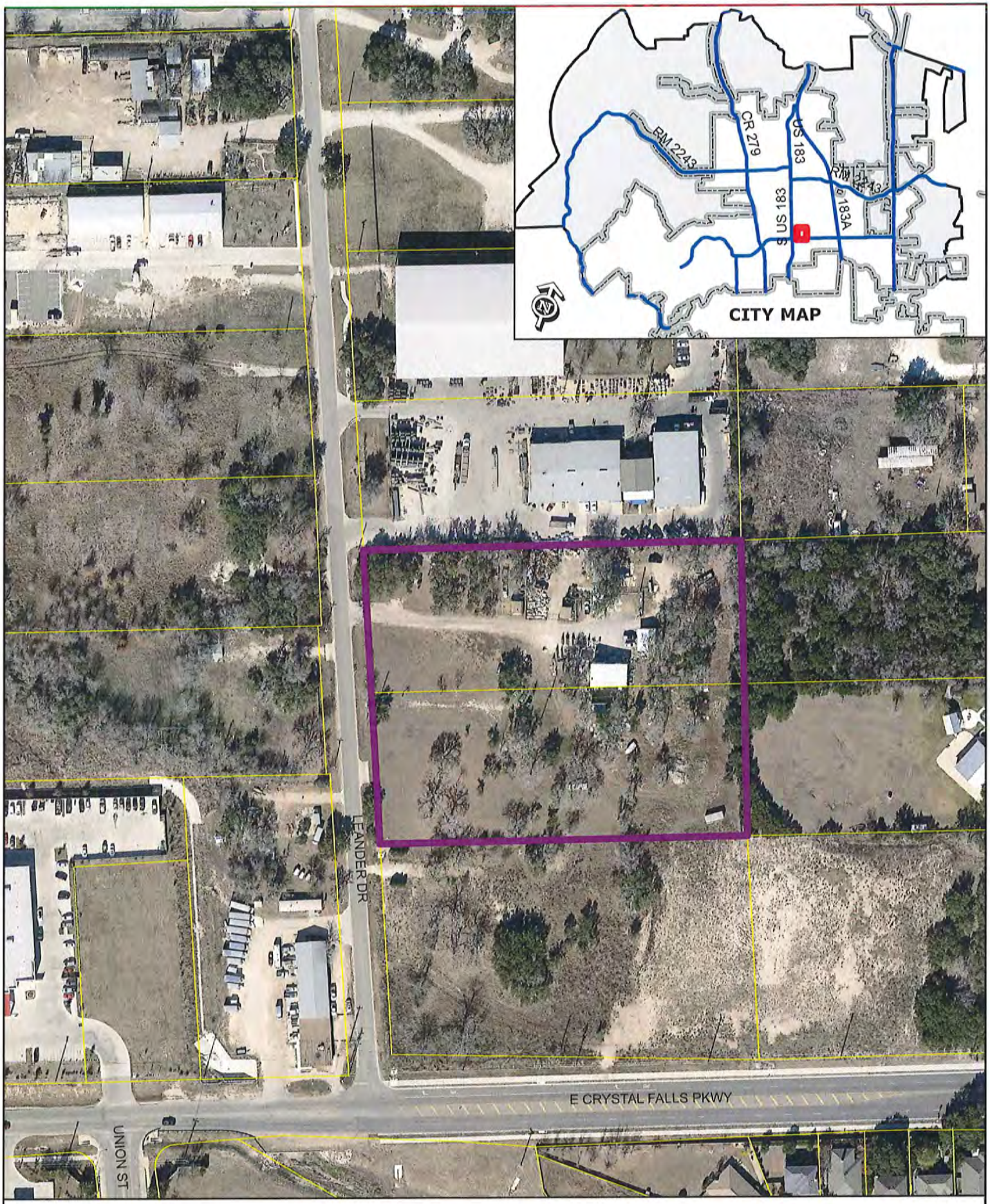
Attachment #2

Current Zoning Map
1504 & 1506 Leander Drive

0 200 400
Feet

Subject Property

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



ZONING CASE 13-Z-009 Attachment #3

Aerial Exhibit - Approximate Boundaries
1504 & 1506 Leander Drive

Subject Property

0 200
Feet

ATTACHMENT #4

ROCK RIDGE CONSULTING AND ENGINEERING, PLLC
512-507-5957 rockridge@live.com

March 14, 2013

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

Re: ACI Office Park
1504 & 1506 Leander Drive
Leander, TX 78641
Rezoning Letter of Intent

Robin Griffin,

This letter is a Letter of Intent for the rezoning of the following tracts:

Lots 2 & 3, Block B, Leander Heights Sec. 3 (Address: 1504 & 1506 Leander Drive)

Property Physical Description:

The two tracts encompass a total of 4.64 acres. The property generally slopes from the northeastern corner to the southwestern corner and between 1% and 2%. These lots are well wooded, with several live oaks and cedar elms of over 18" trunk diameter. There are no existing waterways on-site. The site is currently being maintained (mowing, brush cleared, etc.) and is being used for some Light Industrial uses, as per current zoning.

Requested Rezoning:

The property is currently zoned LI-4D, and the requested rezoning is **LI-5D**. The requested change of the site component type from 4 to 5 is reasonable because:

- This site component type is typical for industrial and heavy commercial uses (LI zoning).
- There are several Type 5 site components in adjacent tracts within this subdivision.
- Most of the lots surrounding these tracts are commercial, including a Heavy Industrial tract.
- The required rear setbacks (50' for a building, 25' for storage yard, and 20' for parking), will provide sufficient buffering with the adjacent residences behind the property.

Please feel free to contact me at 507-5957 or rockridge@live.com if you have any questions.

Thank You,

Jim Herbert, PE
Rock Ridge Consulting

ORDINANCE NO #

ORDINANCE OF THE CITY OF LEANDER, TEXAS, AMENDING THE ZONING ORDINANCE BY REZONING TWO PARCELS OF LAND FROM LI-4-D (LIGHT-INDUSTRIAL) TO LI-5-D (LIGHT INDUSTRIAL); 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 1504 and 1506 Leander Drive. The property is approximately 4.65 acres more or less in size and includes parcels #R036538 and R036537. These parcels are hereby zoned LI-5-D (Light Industrial); 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 2nd day of May, 2013.
FINALLY PASSED AND APPROVED on this the 16th day of May, 2013.

THE CITY OF LEANDER, TEXAS

Christopher Fielder, Mayor

ATTEST:

Debbie Haile, City Secretary

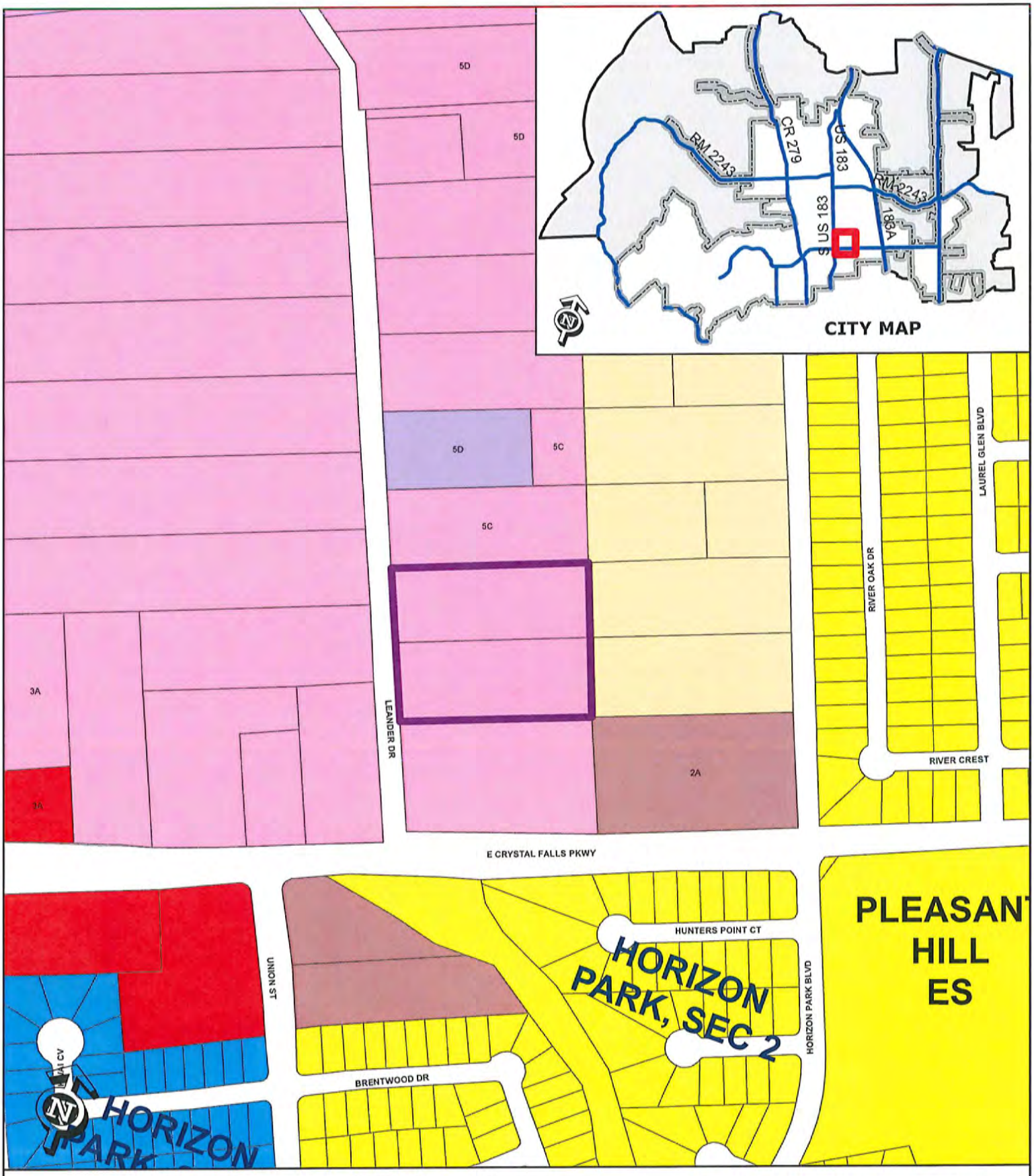


EXHIBIT A

Zoning Case 13-Z-009

ACI Office Park
1504 & 1506 Leander Dr

- 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 Feet

7111 Greentree Lane
Dallas, TX 75214
April 26, 2013

City of Leander
City Council
Leander, TX 78646

Reference: Zoning Case #13-Z-009

We were disappointed to hear that the Planning and Zoning Commission agreed to recommend the zoning change. We have the lot next to the one that wants to increase their commercial footprint on the land as it will have a detrimental impact on our enjoyment of living in Leader, at least at that location. We are not against business at all; actually we support the growth of business as it means more jobs. However, our property is zoned residential and we want to enjoy being outside and not have to smell, see and hear the day-to-day running of the business any more than it is. Their priorities will be efficient and effective and not be concerned with noise, odors, etc. We are already neighbors with them and do not want have their expanded use of the land bring them any closer. If you were living there, we don't think you would either.

We are the owners of Parcel R036586 which butts up to Parcel R036538. Ours is a residential lot and we have a mobile home on it now and plan to build a permanent home when we retire shortly, we live in Dallas.

We object to this zoning change request as it will allow significant increased use of the land for commercial purposes, which will make our property less desirable for us and any subsequent owner. No one wants their kids playing outside where there is noise and odors from the expanded commercial use. And, when we try to sell, a potential buyer will likely find similar property elsewhere and not have to deal with the commercial usage; or we will be forced to sell it at a discount to make up for the commercial sights, smells and sounds.

We want to be good neighbors. We admire and respect any company in business and appreciate their need to expand. However, we are the ones that would be living 24/7 next to their property, which, if the change is granted, will be more imposing on us and more difficult to ignore.

Respectfully we ask the Mayor and the City Council to deny this request.

Regards,

Roberta Brady
972-342-2467

Gerald Brady

MINUTES

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

Thursday ~ April 25, 2013 at 7:00 pm

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

1. Call to Order
   Commissioner Saenz called the meeting to order at 7:18 p.m.

2. Roll Call
   All Commissioners were present except Vice Chair Abruzzese. Vice Chair Abruzzese took his seat at 8:00 pm

3. Approval of Minutes:
   Regular Planning & Zoning Meeting: April 11, 2013
   Motion made by Commissioner Sokol 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.

Public Hearing

5. Subdivision Case #13-CP-001: Hold a public hearing and consider action on the Villas at Vista Ridge Concept Plan, for 18.732 acres more or less; WCAD Parcels #R031366, R420153, R430360, and R420154; generally located at the southwest corner of Vista Ridge Drive and South Bagdad Road, Leander, Williamson County Texas. Applicant/Agent: Geoff Guerrero (Carlson, Brigance & Doering) on behalf of SDC West Brook Partners, LP

a) Staff Presentation

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

b) Applicant Presentation

Geoff Guerrero was present for questions.

c) Open Public Hearing

Commissioner Saenz opened the public hearing
No one wished to speak.

d) Close Public Hearing

Commissioner Saenz closed the public hearing

e) Discussion

Commissioners had discussion

f) Consider Action

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

6. Zoning Case 13-TOD-001: Hold a public hearing and consider action on the rezoning of two parcels, generally located 300 feet north of the intersection of CR 273/Mel Mathis and RM 2243 for 8.94 acres more or less; Parcels #R031324 & R0510026. Currently, the property is zoned PUD/TOD (Planned Unit Development/Transit Oriented Development) and the applicant is proposing an amendment to the PUD/TOD. Leander, Williamson County, Texas. Applicant Jeff Musgrove on behalf of TVI, LTD

a) Staff Presentation

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

b) Applicant Presentation

Pix Howell and Jeff Musgrove spoke on the purpose of the zoning and answered questions.

c) Open Public Hearing

Commissioner Saenz opened the public hearing
No one wished to speak.

d) Close Public Hearing

Commissioner Saenz closed the public hearing.

e) Discussion

Discussion took place.

f) Consider Action

Commissioner Seiler motioned to approve with staff recommendation with the condition that they use 10% masonry on the facade, Commissioner Sokol seconded the motion. Motion passed unanimously.

7. Case 13-TOD-002: Hold a public hearing and consider action on the rezoning of a parcel located to the north east of the intersection of CR273/Mel Mathis & Hero Way for 9.74 acres more or less; Parcels #R510024. Currently, the property is zoned PUD/TOD (Planned Unit Development/Transit Oriented Development). The property is proposed to be zoned PUD/TOD (Planned Unit Development/Transit Oriented Development) Leander, Williamson County, Texas. Applicant Jeff Musgrove on behalf of TVI, LTD

a) Staff Presentation

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

b) Applicant Presentation

Jeff Musgove spoke on the purpose of the zoning.
Pix Howell answered questions and help explain the Smart Code.

c) Open Public Hearing

Commissioner Saenz opened the public hearing
No one wished to speak.

d) Close Public Hearing

Commissioner Saenz closed the public hearing.

e) Discussion

Discussion took place.

f) Consider Action

Commissioner Stephenson motioned to approve with staff recommendation with the condition that they use wrought iron/tubular metal with wood accents on the perimeter fencing. Commissioner Sokol seconded the motion. Motion passed unanimously.

8. Zoning Case 13-Z-007: Hold a public hearing and consider action on the rezoning of a parcel located at 8750 RM 2243 for 11.05 acres more or less; Parcel #R031348. Currently, the property is zoned interim SFR-1-B. The property is proposed to be zoned LI-5-D (Light Industrial) Leander, Williamson County, Texas. Applicant: Kurt Prossner on behalf of Presidential RV & Boat Storage, LLC

a) Staff Presentation
Robin Griffin, Planner, discussed request & surrounding land uses.

b) Applicant Presentation
Chuck and Rebecca Richey spoke on the purpose of the zoning.

c) Open Public Hearing
Commissioner Saenz opened the public hearing
No one wished to speak.

d) Close Public Hearing
Commissioner Saenz closed the public hearing.

e) Discussion
Discussion took place.

f) Consider Action
Commissioner Sokol motioned to approve the zoning,
Commissioner Allen seconded the motion.
Motion passed unanimously.

9. Zoning Case 13-Z-008: Hold a public hearing and consider action on the rezoning of a parcel located at 350 Bagdad Rd. North for 0.941 acres more or less; Parcels #R031388. Currently, the property is zoned GC-3-C (General Commercial). The property is proposed to be zoned GC-5-C (General Commercial) Leander, Williamson County, Texas. Applicant: Darren Quick on behalf of V & J Properties, LTD.

Zoning Case 13-Z-011 was postponed and has been re-notified for May 26, 2013 due to notification error.

a) Staff Presentation
b) Applicant Presentation
c) Open Public Hearing
d) Close Public Hearing
e) Discussion
f) Consider Action

10. Zoning Case 13-Z-009: Hold a public hearing and consider action on the rezoning of two parcels located at 1504 & 1506 Leander Drive for 4.65 acres more or less; Parcels #R036538 & R036537. Currently, the property is zoned LI-4-D (Light Industrial). The property is proposed to be zoned LI-5-D (Light Industrial) Leander, Williamson County, Texas. Applicant Jim Herbert on behalf of ACI 2011 Property, LLC

a) Staff Presentation

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

b) Applicant Presentation

Jim Herbert spoke on the purpose of the zoning.

c) Open Public Hearing

Commissioner Saenz opened the public hearing
No one wished to speak.
Commissioner Saenz read into record a letter from Roberta and Gerald Brady who spoke against.

d) Close Public Hearing

Commissioner Saenz closed the public hearing.

e) Discussion

Discussion took place.

f) Consider Action

Commissioner Stephenson motioned to approve the zoning, Commissioner Seiler seconded the motion.
Motion passed 4 to 2 with Vice Chair Abruzzese and Commissioner Sokol opposed.

11. Zoning Case 13-Z-011: Hold a public hearing and consider action on the rezoning of a parcel located at 205 Brushy St. for 0.355 acres more or less; Parcels #R036130. Currently, the property is zoned SFU-2-B (Single Family Urban). The property is proposed to be zoned PUD/TOD (Planned Unit Development/Transit Oriented Development), Leander, Williamson County, Texas. Applicant Holly Harris

Zoning Case 13-Z-011 was postponed and has been re-notified for May 26, 2013 due to notification error.

a) Staff Presentation
b) Applicant Presentation
c) Open Public Hearing
d) Close Public Hearing
e) Discussion
f) Consider Action

12. Ordinance Case #13-OR-001: Hold a public hearing and consider action on amending sections of article 14.200, the Composite Zoning Ordinance, to add requirements for masonry walls; to add land uses to the use components. Planning Department

a) Staff Presentation

Robin Griffin, Planner, discussed the requirements for masonry walls and land uses to the use components.

b) Open Public Hearing

Commissioner Saenz opened the public hearing
No one wished to speak.

c) Close Public Hearing

Commissioner Saenz closed the public hearing.

d) Discussion

Discussion took place.

e) Consider Action

Commissioner Sokol motioned to approve with additional deletions to chain link fence provisions, Commissioner Allen seconded the motion. Motion passed 4 to 2 with Commissioner Seiler and Vice Chair Abbruzzese opposed.

13. Meeting adjourned at 9:01 pm

_____
Vice Chair Abruzzese

ATTEST:_____
Ellen Pizalate P & Z Secretary

Executive Summary

May 02, 2013

Agenda Subject:	Zoning Case 13-Z-011: Hold a public hearing and consider action on the rezoning of a parcel located at 205 Brushy St. for 0.355 acres more or less; Parcels #R036130. Currently, the property is zoned SFU-2-B (Single Family Urban). The property is proposed to be zoned PUD/TOD (Planned Unit Development/Transit Oriented Development), Leander, Williamson County, Texas.
Background:	This request is the first step in the rezoning process.
Origination:	Applicant Holly Harris
Financial Consideration:	None
Recommendation:	This zoning case has been postponed due to a notification error.
Attachments:	None
Prepared By:	Robin M. Griffin, AICP Planner 04/23/2013

City of Leander

Executive Summary

May 02, 2013

Agenda Subject: Ordinance Case #13-OR-001: Hold a public hearing and consider action on amending sections of article 14.200, the Composite Zoning Ordinance, to add requirements for masonry walls; to add land uses to the use components.

Background: Staff is proposing an amendment to the zoning ordinance to add a requirement for masonry walls between nonresidential and residential uses and to add the following uses to the LI (Light Industrial Use Component):

- Car Title Loans Shop/Business
- Hooka Lounge
- Pawn Shop
- Payday Lending Business
- Tattoo and/or Body Piercing Parlor

Origination: Planning Department

Financial Consideration: None

Recommendation: Staff recommends approval. The Planning & Zoning Commission recommended approval of the amendment with the corrections to minor typos shown in the summary of proposed amendments with a four to two vote at the April 25, 2013 meeting.

Attachments:

1. Summary of Proposed Amendments
2. Draft Ordinance
3. Minutes - Planning & Zoning Commission April 25, 2013

Prepared By: Robin M. Griffin, AICP
Planner 04/25/2013

COMPOSITE ZONING ORDINANCE AMENDMENTS

CODE	CURRENT	PROPOSED
ART III, Sec 14 (b)	(1) Any use permitted in the "GC" component	(1) Any use permitted in the "GC" component
		(2) Car Title Loans Shop/Business
	(2) Commercial laundry	(3) Commercial laundry
	(3) Contractor and building material storage	(4) Contractor and building material storage
		(5) Hooka Lounge
	(4) Manufacture, assembly or processing of materials not classified as hazardous by the Fire Chief	(6) Manufacture, assembly or processing of materials not classified as hazardous by the Fire Chief
	(5) Mini-warehouse or self-service storage facilities [required to be set back at least four hundred (400) feet from a tollway, highway or major arterial roadway if built to Type B, C or D architectural standards or such facilities include exterior warehouse doors], warehouse and distribution, commercial storage	(7) Mini-warehouse or self-service storage facilities [required to be set back at least four hundred (400) feet from a tollway, highway or major arterial roadway if built to Type B, C or D architectural standards or such facilities include exterior warehouse doors], warehouse and distribution, commercial storage
		(8) Pawn Shop
		(9) Payday Lending Business
	(6) Research, Testing, and Development Laboratory	(10) Research, Testing, and Development Laboratory
	(7) Research, Testing, and Development Laboratory (Intense)	(11) Research, Testing, and Development Laboratory (Intense)
	(8) RV, trailer, commercial motor vehicle and boat outdoor storage [required to be set back at least four hundred (400) feet from a tollway, highway or major arterial roadway] (Note: refer to Article VI, Section 9 for rules on special vehicle storage)	(12) RV, trailer, commercial motor vehicle and boat outdoor storage [required to be set back at least four hundred (400) feet from a tollway, highway or major arterial roadway] (Note: refer to Article VI, Section 9 for rules on special vehicle storage)
	(9) Sexually oriented businesses as permitted by City regulations [required to be set back at least four hundred (400) feet from a tollway, highway or major arterial roadway]	(13) Sexually oriented businesses as permitted by City regulations [required to be set back at least four hundred (400) feet from a tollway, highway or major arterial roadway]
		(14) Tattoo and/or Body Piercing Parlor
	(10) Utilities, including ground mounted service equipment and structures as a primary use and facilities such as poles, electrical switching facilities, lift stations, water pump stations, gas regulating facilities, electrical substations, generating plants, wastewater and water treatment plants, etc. (see screening requirements in Article VI, Sec. 1)	(15) Utilities, including ground mounted service equipment and structures as a primary use and facilities such as poles, electrical switching facilities, lift stations, water pump stations, gas regulating facilities, electrical substations, generating plants, wastewater and water treatment plants, etc. (see screening requirements in Article VI, Sec. 1)
	(11) Warehouse and distribution	(16) Warehouse and distribution
	(12) Wood yard	(17) Wood yard
	(13) Wholesale activities	(18) Wholesale activities
	(14) Wrecker Impoundment, Towing [required to be set back at least four hundred (400) feet from a tollway, highway or major arterial roadway]	(19) Wrecker Impoundment, Towing [required to be set back at least four hundred (400) feet from a tollway, highway or major arterial roadway]

CODE	CURRENT	PROPOSED
	(15) Stand alone crematory or embalming establishment as long as the crematory stack is no closer than 200' from a restaurant or associated parking or from a residential district (unless such district is utilized for non-residential uses). (12) Other similar uses as determined by the Director of Planning based on the criteria of Article II, Sec. 2, (f)	**(20)** Stand alone crematory or embalming establishment as long as the crematory stack is no closer than 200' from a restaurant or associated parking or from a residential district (unless such district is utilized for non-residential uses). **(21)** Other similar uses as determined by the Director of Planning based on the criteria of Article II, Sec. 2, (f)
ART IV, Sec 14 (e)	(e) A six-foot privacy fence is required to be constructed by any non-residential use that abuts property utilized for a single-family or two-family residence on land zoned single-family or two-family, or land planned or platted for such with an approved concept plan, preliminary plat or final plat, unless an existing structure is proposed to be expanded by less than 50%, or 1,000 sq. ft., whichever is less. Such fence shall be constructed at the common property line between the uses, or if such location is not feasible because of floodplain, trees or other natural feature, at a location that will effectively screen the non-residential use from view from the single-family or two-family residence. Such fence is required to have posts with concrete footings and is required to be constructed of one or more of the following materials: cedar, redwood, textured pre-cast concrete (e.g. WoodCrete), brick, stone, cast stone, stucco, factory tinted or painted split-faced concrete masonry unit, granite, tile or other similar material approved by the Director of Planning. A chain link fence shall not be used unless such chain link fence is necessary to provide security for an outdoor storage area or other restricted area and vinyl slats are placed within the links or opaque windscreens are utilized to provide a solid appearance. An eight-foot fence may be utilized for security purposes. Gates shall be provided in the fence as appropriate to connect to public sidewalks or other pedestrian connections unless such fence is also used as described above for security. If there is an existing privacy fence in acceptable condition, the requirement for construction of a new privacy fence with steel posts may be waived by the Director of Planning if the non-residential property owner installs one hundred and fifty percent (150%) of the normal landscape buffer plantings required by the landscape ordinance adjacent to the boundary of the single family or two family property described above.	(e) A six-foot **masonry** privacy **wall** ~~fence~~ is required to be constructed by any non-residential use that abuts property utilized for a single-family or two-family residence on land zoned single-family or two-family, or land planned or platted for such with an approved concept plan, preliminary plat or final plat, unless an existing structure is proposed to be expanded by less than 50%, or 1,000 sq. ft., whichever is less. Such ~~fence~~ **wall** shall be constructed at the common property line between the uses, or if such location is not feasible because of floodplain, trees or other natural feature, at a location that will effectively screen the non-residential use from view from the single-family or two-family residence. Such ~~fence~~ **wall** is required to ~~have posts with concrete footings and is required to~~ be constructed of one or more of the following materials: ~~cedar, redwood,~~ textured pre-cast concrete (e.g. WoodCrete), brick, stone, cast stone, stucco, factory tinted or painted split-faced concrete masonry unit, granite, tile or other similar material approved by the Director of Planning. ~~A chain link fence shall not be used unless such chain link fence is necessary to provide security for an outdoor storage area or other restricted area and vinyl slats are placed within the links or opaque windscreens are utilized to provide a solid appearance.~~ An eight-foot ~~fence~~ **wall** may be utilized for security purposes. Gates shall be provided in the ~~fence~~ **wall** as appropriate to connect to public sidewalks or other pedestrian connections unless such ~~fence~~ **wall** is also used as described above for security. ~~If there is an existing privacy fence in acceptable condition, the requirement for construction of a new privacy fence with steel posts may be waived by the Director of Planning if the non-residential property owner installs one hundred and fifty percent (150%) of the normal landscape buffer plantings required by the landscape ordinance adjacent to the boundary of the single family or two family property described above.~~

DRAFT

ORDINANCE NO. 05-018-

AN ORDINANCE OF THE CITY OF LEANDER, TEXAS AMENDING SECTIONS OF ARTICLE 14.200, THE COMPOSITE ZONING ORDINANCE, TO ADD REQUIREMENTS FOR MASONRY WALLS; TO ADD LAND USES TO THE LIGHT INDUSTRIAL DISTRICT; 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 III, Section 14.** Article III, Section 14 (b)of Article 14.200 of the Code of Ordinances (the "Zoning Ordinance") is hereby amended in its entirety as follows:

(b) Conforming Uses: Certain uses listed in this use component also need to be supported byan appropriate site component in order to be permitted. A building or premise shall be used only for the following purposes:

(1) Any use permitted in the "GC" component
(2) Car Title Loans Shop/Business
(3) Commercial laundry
(4) Contractor and building material storage
(5) Hooka Lounge
(6) Manufacture, assembly or processing of materials not classified as hazardous by the Fire Chief
(7) Mini-warehouse or self-service storage facilities [required to be set back at least four hundred (400) feet from a tollway, highway or major arterial roadway if built to Type B, C or D architectural standards or such facilities include exterior warehouse doors], warehouse and distribution, commercial storage
(8) Pawn Shop

(9) Payday Lending Business
(10) Research, Testing, and Development Laboratory
(11) Research, Testing, and Development Laboratory (Intense)
(12) RV, trailer, commercial motor vehicle and boat outdoor storage [required to be set back at least four hundred (400) feet from a tollway, highway or major arterial roadway] (Note: refer to Article VI, Section 9 for rules on special vehicle storage)
(13) Sexually oriented businesses as permitted by City regulations [required to be set back at least four hundred (400) feet from a tollway, highway or major arterial roadway]
(14) Tattoo and/or Body Piercing Parlor
(15) Utilities, including ground mounted service equipment and structures as a primary use and facilities such as poles, electrical switching facilities, lift stations, water pump stations, gas regulating facilities, electrical substations, generating plants, wastewater and water treatment plants, etc. (see screening requirements in Article VI, Sec. 1)
(16) Warehouse and distribution

Section 3. <u>Addition of Subsection 14(b)(17-21) to Article III.</u>Article III, Section 14(b) of the Zoning Ordinance is hereby amended by adding subsections (17-21) to read as follows:

(17) Wood yard
(18) Wholesale activities
(19) Wrecker Impoundment, Towing [required to be set back at least four hundred (400) feet from a tollway, highway or major arterial roadway]
(20) Stand alone crematory or embalming establishment as long as the crematory stack is no closer than 200' from a restaurant or associated parking or from a residential district (unless such district is utilized for non-residential uses).
(21) Other similar uses as determined by the Director of Planning based on the criteria of Article II, Sec. 2, (f)

Section4. <u>Amendment of Article VI, Section 14 (e)</u>. Article VI, Section 14(e)of the Zoning Ordinance is hereby amended in its entirety as follows:

(e) A six-foot masonry privacy wall is required to be constructed by any non-residential use that abuts property utilized for a single-family or two-family residence on land zoned single-family or two-family, or land planned or platted for such with an approved concept plan, preliminary plat or final plat, unless an existing structure is proposed to be expanded by less than 50%, or 1,000 sq. ft., whichever is less. Such wall shall be constructed at the common property line between the uses, or if such location is not feasible because of floodplain, trees or other natural feature, at a location that will effectively screen the non-residential use from view from the single-family or two-family residence. Such wall is required to be constructed of one or more of the following materials: textured pre-cast concrete (e.g. WoodCrete), brick, stone, cast stone, stucco, factory tinted or painted split-faced concrete masonry unit, granite, tile or other similar material approved by the Director of Planning. An eight-foot wall may be utilized for security purposes. Gates shall be provided in the wall as appropriate to connect to public sidewalks or other pedestrian connections unless such wall is also used as described above for security.

Section 5. **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 6. **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 7. **Effective Date; Applicability.** 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 4 of this ordinance shall apply to properties for which a site development permit application or building permit application is submitted to the City after the effective date of this ordinance. Properties for which a site development permit application or building permit application was filed on or before the effective date of this ordinance shall comply with the version of Section 14(e), Article VI of the Zoning Ordinance in effect immediately preceding this amendment.

Section 8. **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 9. **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 2nd day of May, 2013.
PASSED AND FINALLY APPROVED on the 16th day of May, 2013.

THE CITY OF LEANDER, TEXAS

Christopher Fielder, Mayor

ATTEST:

Debbie Haile, City Secretary

MINUTES

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

Thursday ~ April 25, 2013 at 7:00 pm

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

1. Call to Order
   Commissioner Saenz called the meeting to order at 7:18 p.m.

2. Roll Call
   All Commissioners were present except Vice Chair Abruzzese. Vice Chair Abruzzese took his seat at 8:00 pm

3. Approval of Minutes:
   Regular Planning & Zoning Meeting: April 11, 2013
   Motion made by Commissioner Sokol 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.

Public Hearing

5. Subdivision Case #13-CP-001: Hold a public hearing and consider action on the Villas at Vista Ridge Concept Plan, for 18.732 acres more or less; WCAD Parcels #R031366, R420153, R430360, and R420154; generally located at the southwest corner of Vista Ridge Drive and South Bagdad Road, Leander, Williamson County Texas. Applicant/Agent: Geoff Guerrero (Carlson, Brigance & Doering) on behalf of SDC West Brook Partners, LP

a) Staff Presentation

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

b) Applicant Presentation

Geoff Guerrero was present for questions.

c) Open Public Hearing

Commissioner Saenz opened the public hearing
No one wished to speak.

d) Close Public Hearing

Commissioner Saenz closed the public hearing

e) Discussion

Commissioners had discussion

f) Consider Action

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

6. Zoning Case 13-TOD-001: Hold a public hearing and consider action on the rezoning of two parcels, generally located 300 feet north of the intersection of CR 273/Mel Mathis and RM 2243 for 8.94 acres more or less; Parcels #R031324 & R0510026. Currently, the property is zoned PUD/TOD (Planned Unit Development/Transit Oriented Development) and the applicant is proposing an amendment to the PUD/TOD. Leander, Williamson County, Texas. Applicant Jeff Musgrove on behalf of TVI, LTD

a) Staff Presentation

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

b) Applicant Presentation

Pix Howell and Jeff Musgrove spoke on the purpose of the zoning and answered questions.

c) Open Public Hearing

Commissioner Saenz opened the public hearing
No one wished to speak.

d) Close Public Hearing

Commissioner Saenz closed the public hearing.

e) Discussion

Discussion took place.

f) Consider Action

Commissioner Seiler motioned to approve with staff recommendation with the condition that they use 10% masonry on the facade, Commissioner Sokol seconded the motion. Motion passed unanimously.

7. Case 13-TOD-002: Hold a public hearing and consider action on the rezoning of a parcel located to the north east of the intersection of CR273/Mel Mathis & Hero Way for 9.74 acres more or less; Parcels #R510024. Currently, the property is zoned PUD/TOD (Planned Unit Development/Transit Oriented Development). The property is proposed to be zoned PUD/TOD (Planned Unit Development/Transit Oriented Development) Leander, Williamson County, Texas. Applicant Jeff Musgrove on behalf of TVI, LTD

a) Staff Presentation

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

b) Applicant Presentation

Jeff Musgove spoke on the purpose of the zoning.
Pix Howell answered questions and help explain the Smart Code.

c) Open Public Hearing

Commissioner Saenz opened the public hearing
No one wished to speak.

d) Close Public Hearing

Commissioner Saenz closed the public hearing.

e) Discussion

Discussion took place.

f) Consider Action

Commissioner Stephenson motioned to approve with staff recommendation with the condition that they use wrought iron/tubular metal with wood accents on the perimeter fencing. Commissioner Sokol seconded the motion. Motion passed unanimously.

8. Zoning Case 13-Z-007: Hold a public hearing and consider action on the rezoning of a parcel located at 8750 RM 2243 for 11.05 acres more or less; Parcel #R031348. Currently, the property is zoned interim SFR-1-B. The property is proposed to be zoned LI-5-D (Light Industrial) Leander, Williamson County, Texas. Applicant: Kurt Prossner on behalf of Presidential RV & Boat Storage, LLC

a) Staff Presentation
Robin Griffin, Planner, discussed request & surrounding land uses.

b) Applicant Presentation
Chuck and Rebecca Richey spoke on the purpose of the zoning.

c) Open Public Hearing
Commissioner Saenz opened the public hearing
No one wished to speak.

d) Close Public Hearing
Commissioner Saenz closed the public hearing.

e) Discussion
Discussion took place.

f) Consider Action
Commissioner Sokol motioned to approve the zoning,
Commissioner Allen seconded the motion.
Motion passed unanimously.

9. Zoning Case 13-Z-008: Hold a public hearing and consider action on the rezoning of a parcel located at 350 Bagdad Rd. North for 0.941 acres more or less; Parcels #R031388. Currently, the property is zoned GC-3-C (General Commercial). The property is proposed to be zoned GC-5-C (General Commercial) Leander, Williamson County, Texas. Applicant: Darren Quick on behalf of V & J Properties, LTD.

Zoning Case 13-Z-011 was postponed and has been re-notified for May 26, 2013 due to notification error.

a) Staff Presentation
b) Applicant Presentation
c) Open Public Hearing
d) Close Public Hearing
e) Discussion
f) Consider Action

10. Zoning Case 13-Z-009: Hold a public hearing and consider action on the rezoning of two parcels located at 1504 & 1506 Leander Drive for 4.65 acres more or less; Parcels #R036538 & R036537. Currently, the property is zoned LI-4-D (Light Industrial). The property is proposed to be zoned LI-5-D (Light Industrial) Leander, Williamson County, Texas. Applicant Jim Herbert on behalf of ACI 2011 Property, LLC

a) Staff Presentation
Robin Griffin, Planner, discussed request & surrounding land uses.

b) Applicant Presentation
Jim Herbert spoke on the purpose of the zoning.

c) Open Public Hearing
Commissioner Saenz opened the public hearing
No one wished to speak.
Commissioner Saenz read into record a letter from Roberta and Gerald Brady who spoke against.

d) Close Public Hearing
Commissioner Saenz closed the public hearing.

e) Discussion
Discussion took place.

f) Consider Action
Commissioner Stephenson motioned to approve the zoning, Commissioner Seiler seconded the motion.
Motion passed 4 to 2 with Vice Chair Abruzzese and Commissioner Sokol opposed.

11. Zoning Case 13-Z-011: Hold a public hearing and consider action on the rezoning of a parcel located at 205 Brushy St. for 0.355 acres more or less; Parcels #R036130. Currently, the property is zoned SFU-2-B (Single Family Urban). The property is proposed to be zoned PUD/TOD (Planned Unit Development/Transit Oriented Development), Leander, Williamson County, Texas. Applicant Holly Harris

Zoning Case 13-Z-011 was postponed and has been re-notified for May 26, 2013 due to notification error.

a) Staff Presentation
b) Applicant Presentation
c) Open Public Hearing
d) Close Public Hearing
e) Discussion
f) Consider Action

12. Ordinance Case #13-OR-001: Hold a public hearing and consider action on amending sections of article 14.200, the Composite Zoning Ordinance, to add requirements for masonry walls; to add land uses to the use components. Planning Department

a) Staff Presentation

Robin Griffin, Planner, discussed the requirements for masonry walls and land uses to the use components.

b) Open Public Hearing

Commissioner Saenz opened the public hearing
No one wished to speak.

c) Close Public Hearing

Commissioner Saenz closed the public hearing.

d) Discussion

Discussion took place.

e) Consider Action

Commissioner Sokol motioned to approve with additional deletions to chain link fence provisions, Commissioner Allen seconded the motion. Motion passed 4 to 2 with Commissioner Seiler and Vice Chair Abbruzzese opposed.

13. Meeting adjourned at 9:01 pm

_____
Vice Chair Abruzzese

ATTEST: _____
Ellen Pizalate P & Z Secretary

AGENDA ITEM # 23

Executive Summary

May 2, 2013

Agenda Subject: Accept proposal for Consultant services to develop Hazard Mitigation Plan.

Background: The State of Texas and Federal Government requires for a city to be eligible for certain grants and funding it must have an approved Hazard Mitigation Plan. The Hazard Mitigation Plan covers natural and man-made disasters and is specific to the City of Leander.

Currently the city has no employees working in Emergency Management and those duties are covered by the Fire Chief, because of the size and scope of this project it will require assistance from a consultant. The City of Leander was able to obtain a grant to pay for 75% of the consultants fees to work on this plan. The cost to the City of Leander will be $12,500 with the State of Texas paying $37,500 bring the project cost to $50,000. These funds are currently budgeted.

Following the attached process Langford Community Management Service was selected as the consultant group to recommend for this job based on experience, cost, and being a local business.

Origination: Bill Gardner, Fire Chief

Recommendation: Staff recommends Council Accept Langford Community Management Services for the consultants on the City of Leander Hazard Mitigation Plan.

Attachments: Selection Process for consultant

Prepared by: Bill Gardner

City of Leander

REQUEST FOR PROPOSAL

FOR

HAZARD MITIGATION PLAN DEVELOPMENT

RFP # 2013-003

FEBRUARY 4, 2013

DUE DATE FOR RESPONSES

Friday, March 8, 2013
2:00 PM
Central Standard Time

I. General Information

1. Purpose

The City of Leander is seeking to enter into a professional services contract with a competent firm to assist the City in developing a Mitigation Plan under the CFDA 97-039 Hazard Mitigation Grant Program. Mitigation plans identify the natural hazards that impact communities, identify actions to reduce losses from those hazards and establish a coordinate process to implement the plan.

2. Background

Leander is a growing community, located on the northeast edge of Texas' Hill Country, roughly ten miles due west of Interstate 35 on US 183, just north of Austin TX. Since 2000, the community has grown from 7,600 residents to more than 30,000 in 2010. This makes Leander the 37th fastest growing City in the United States (US Census Bureau, 2009). Affordability and quality schools have been the historical drivers for the community's growth. Although Leander is primarily a residential community, the business community is growing.

3. Point of Contact

For questions or clarifications of specifications, contact:

Becky Martinka
Purchasing Agent
City of Leander
Telephone: (512) 528-2730
bmartinka@leandertx.gov

All communications relating to this RFP must be directed to the contact person named above. All communications between proposers and other City staff members concerning this RFP are strictly prohibited. **Failure to comply with these requirements may result in proposal disqualification.**

4. Proposals Due

Deadline for Proposals is Friday, March 8, 2013 at 2:00 p.m. CST.

Late proposals will not be considered. Each Proposer shall be solely responsible for ensuring that the City receives the Proposal by the time indicated.

The City may, in its discretion, reject any and all proposals or portions thereof.

A proposal may be modified or withdrawn by the Proposer prior to the Proposal Due Date and Time.

READ THIS RFP FULLY AND CAREFULLY. PROPOSALS SHALL BE COMPLETE UPON SUBMISSION, INCLUDING ALL FORMS AND ATTACHMENTS REQUIRED HEREIN. FAILURE TO STRICTLY COMPLY WITH THESE STATED TERMS OF SUBMISSION MAY RESULT IN REJECTION OF THE PROPOSAL.

5. **Costs Incurred**
Proposers understand that issuance of this RFP in no way constitutes a commitment by the City to award a Contract or to pay any costs incurred by a proposer in the preparation of a response to this RFP. The City is not liable for any costs incurred by a proposer prior to issuance of or entering into a formal agreement, contract, or purchase order. Costs of developing proposals, preparing for or participating in oral presentations and site visits, or any other similar expenses incurred by a proposer are entirely the responsibility of the proposer, and will not be reimbursed in any manner by the City.

6. **Amendments and Announcements Regarding this RFP**
The City reserves the right to revise the RFP at any time. Any changes, amendments, or clarifications will be made in the form of written responses to proposer questions, amendments, or addenda issued by the City. It is the proposer's responsibility to ensure they have received all amendments, if any, regarding this solicitation.

7. **Questions and Comments**
All questions and comments regarding this RFP should be sent to the City's Point of Contact. Questions must reference the appropriate RFP page and section number, and must be submitted by the deadline set forth in the Procurement Schedule.

The City will not respond to questions received after the deadline. The City's responses to vendor questions will be posted to the Texas Bid System website.

8. **Procurement Schedule**
The following table documents the critical pre-award events for the procurement. All dates are subject to change at the City's discretion.

RFP Released	Thursday, December 27, 2012
Deadline for questions on RFP	Tuesday, January 8, 2013 at 5:00PM Central Standard Time
The City posts responses to questions	Thursday, January 10, 2013 at 5:00PM Central Standard Time
Proposals Due	Friday, January 25, 2013 at 2:00PM Central Standard Time
City Evaluation of proposals completed (approx.)	Thursday, January 31, 2013
Possible timeframe for vendor presentations if needed	February 4-6, 2013
City Council Meeting for Decision	February 21, 2013
Notification of Bid Award	February 22, 2013
Projected Project Start Date (approx.)	After notification of award
Projected Completion Date (approx.)	June 30, 2013

II. Scope of Work

The consultant will:

- Organize and lead the mitigation planning team
- Facilitate and document input from the public, neighboring communities and local and regional government organizations.
- Research, develop and write the mitigation plan
- Submit draft plan to the City and make any required revisions.
- Submit the completed and city approved plan to the Texas Department of Public Safety's Division of Emergency Management (TDEM) by June 30, 2013 and any requested revisions thereafter.

The consultant will develop and maintain a city approved project timeline, and provide monthly progress reports to the City point of contact.

The City of Leander Fire Chief will serve as the point of contact and local subject matter expert for the consultant.

The consultant shall:

- Technical ability and experience
- Company history and capacity to perform services

III. Proposer Requirements and Contract Terms

All proposers need to have adequate organization, facilities, equipment and personnel to ensure prompt and efficient service to the City.

1. Contract Term

   The initial term of the resulting agreement shall be for 12 months from date of award or for the duration of the project, whichever is longer.

   The term "contract" means the contract awarded as a result of this RFP and all exhibits thereto. At a minimum, the following documents will be incorporated into the contract: this RFP and all attachments and exhibits; any modifications, addenda or amendments issued in conjunction with this RFP; City of Leander Terms and Conditions and the successful proposer's proposal.

2. Non-Appropriation of Funds

   The City may cancel the contract should the present or any future City Council not appropriate funds in any fiscal year for the payment of this agreement. No penalty shall attach in the event of any such non-appropriation. In the event of non-appropriation, the City shall give the successful Proposer written notice of cancellation and the City shall not be obligated to make any payments beyond the end of the fiscal year for which funds were appropriated (related to a subsequent fiscal year).

   All Proposers must comply with all federal, state, and local laws and mandates relative to the preparation of proposals.

IV. Submission Requirements

The City will not accept proposals received by telephone, fax machine, or telegraph or email. The Proposal and accompanying documentation are the property of the City and will not be returned.

Proposals shall be submitted as follows: One (1) written original and two (2) written, hard-copy copies of the proposal and one (1) copy of the proposal in electronic format on CD, DVD, or memory stick ("thumb drive"), and delivered in a sealed envelope via mail, courier service, or hand delivery to:

Hazard Mitigation Plan Development, RFP # 2013-003
Becky Martinka, Purchasing Agent
City of Leander
PO Box 319, Leander, TX 78646 (mailing address) or
200 W. Willis, Leander, TX 78641 (physical address)

1. Submission Format

Organize the proposal using the following sections:

Title Page

Include the Proposal Title and RFP number, the name of your firm, address, telephone number(s), name of contact person and date.

Section 1

Letter of Transmittal (1 page)

Identify the services for which the proposal has been prepared. The letter shall be signed in permanent ink (on the original copy) by a corporate officer or other individual who has the authority to bind the firm.

1. The name and title of the individual(s) signing the solicitation shall be clearly shown immediately below the signature.
2. Briefly state your firms understanding for the services to be performed and make a positive commitment to provide the services as specified.
3. Provide the name(s) of the person(s) authorized to make representations for your firm, their titles, address, and phone numbers and e-mail address.
4. Proposers must thoroughly read the City of Leander's enclosed Terms and Conditions and acknowledge, in a statement in this section, that Proposer has read and agreed to be bound by the City's Terms and Conditions.
5. Conflict of interest forms and W-9

Section 2

Table of Contents – Clearly identify the materials by Tab and Page Number

Section 3

Previous Experience and Project Team

1. Provide detailed information on firm and team experience with providing similar services as described in the Scope of Work.

2. Proposer shall identify the project team and provide statement of qualifications for those individuals to include education, professional registrations and areas and years of service in the respective field.
3. Proposer shall identify sub-contractors, if used, along with their expected services to the City for the scope of work on behalf of the firm. Resumes shall be included for each of the individuals and sub-contractors referenced, which demonstrate their qualifications to satisfy all the critical and service requirement areas. The City reserves the right to approve or disapprove all sub-contractors prior to any work being performed.
4. Provide the name, address, telephone number and email of at least three (3) firms applicable to Municipal and/or Government projects that have utilized similar services in the past 10 years. Include a brief overview of work performed with, at a minimum, a short description of the services provided and an annual contract value.
5. Reference contact information shall be submitted on Attachment A: Reference Sheet. References may be checked prior to award.

Section 4
Available Resources and Location
Provide information on size, resources and business history of the firm.

Section 5
Methodology and Approach
Provide a narrative description of the Proposer's resources and ability to deliver services required for the project which also conveys an understanding of the project goals and how they will be achieved.

Section 6
Proposer shall provide a detailed schedule of the complete project as per the specifications contained herein. This section should include any value added benefits associated with the service.

Section 7 –
Proposer shall include a cost proposal to provide services as described herein.

1. Cost proposal shall include a not –to-exceed total project cost. The total project cost shall include a fee schedule for each objective including an itemization of all costs (i.e., applicable hourly rates, training, travel and per diem, etc.).
2. All proposals must include a statement that the proposal is valid for a minimum period of 90 days subsequent to the RFP closing date.

2. Proposal Evaluation/Selection Process
Selection may be made of Proposers deemed to be fully qualified and best suited among those submitting proposals. The City reserves the right to award based on the responses received or to negotiate with any or all the proposers so selected.

It is not the policy of the City to award a contract on the basis of price alone. The City reserves the right to award the contract to the Proposer offering the best value, and not necessarily to the Proposer offering the lowest price. A Proposal may be evaluated and selected on the basis of reputation, experience, past performance, skill, financial capacity,

product quality and features, delivery schedule, quality installation, compatibility with existing equipment, and product service warranty. The City shall select the proposer which, in its opinion, has made the proposal that is most beneficial to the City, and shall award the contract to that Proposer.

3. Review of Proposals
An Evaluation Committee will review all proposals for initial technical scoring and compliance with RFP requirements, using the following weighted criteria:

Responsiveness to RFP and understanding of scope of work	20 points
Previous experience with FEMA and hazard mitigation plans	20 points
Company and personnel qualifications, experience and capacity	20 points
Client references	20 points
Price proposal	20 points

TOTAL 100 points

4. Committee Review
The committee will then prepare a preliminary score of all proposals. At this point, firms with an unacceptably low technical score will be eliminated from further consideration.

After the composite technical score for each firm has been established, the dollar cost fee estimate will be opened and additional points will be added to the technical score based on the cost fee estimate.

5. Clarification or additional information requested
During the evaluation process, the City reserves the right, where it may serve the City's best interest, to request additional information or clarifications from Responders, or to allow corrections of errors or omissions. At the discretion of the City, firms submitting proposals may be requested to make oral presentations as part of the evaluation process.

The City reserves the right to conduct personal interviews of any or all firms prior to selection.

The City will not be liable for any cost incurred by the Responder in connection with oral presentations or interviews (i.e. travel accommodations, etc.)

6. Award
All proposals submitted are to be valid for ninety days. The award will be made at a regularly scheduled City Council meeting unless award amount is less than $50,000 and then will be awarded administratively.

Conflict of Interest Forms

The Texas Ethics Commission has adopted forms CIQ pursuant to HB914. For questions about these forms, please see the Texas Ethics Commission at:

http://www.ethics.state.tx.us/forms/CIQ.pdf

Please answer the CIQ questions in relation to the following individuals:

Leander Mayor
- Chris Fielder, Mayor

Leander City Council
- Andrea Navarrette, Place 1
- Kirsten Lynch, Place 2
- Simon Garcia, Place 3
- Michell Cantwell, Place 4, Mayor Pro Term
- Jason Dishongh, Place 5
- David Siebold, Place 6

Leander City Manager
- Kent Cagle

W-9 Form
This form can be completed and printed from:

http://www.irs.gov/pub/irs-pdf/fw9.pdf

ATTACHMENT A
PROPOSER'S REFERENCE SHEET
PLEASE COMPLETE AND RETURN THIS FORM WITH THE PROPOSAL RESPONSE

RFP NUMBER: _____

PROPOSER'S NAME: _____ **DATE:** _____

Provide the name, address, telephone number and point of contact of at least five (5) firms applicable to Municipal and/or Government projects that have utilized similar service. City of Leander references are not applicable. References may be checked prior to award. Any negative responses received may result in disqualification of proposal.

1. Company's Name _____
   Name of Contact _____
   Title of Contact _____
   E-Mail Address _____
   Present Address _____
   City, State, Zip Code _____
   Telephone Number ( ) Fax Number ( )

2. Company's Name _____
   Name of Contact _____
   Title of Contact _____
   E-Mail Address _____
   Present Address _____
   City, State, Zip Code _____
   Telephone Number ( ) Fax Number ( )

3. Company's Name _____
   Name of Contact _____
   Title of Contact _____
   E-Mail Address _____
   Present Address _____
   City, State, Zip Code _____
   Telephone Number ( ) Fax Number ( )

FAILURE TO PROVIDE THE REQUIRED INFORMATION WITH THE PROPOSAL RESPONSE MAY AUTOMATICALLY DISQUALIFY THE RESPONSE FROM CONSIDERATION FOR AWARD.

City of Leander

Standard Terms and Conditions

By acceptance of a purchase order or agreement, or response to a solicitation, Vendor agrees the following terms and conditions, without modification, will govern:

I. **DEFINITIONS**

The following definitions shall be used to identify terms throughout procurement documents:

A. **AGREEMENT/CONTRACT** – A mutually binding legal document obligating the Vendor to furnish the goods, equipment or services specified within the solicitation and obligating the City to pay for the goods, equipment, or services specified. .

B. **BID/PROPOSAL /RESPONSE/OFFER/QUOTATION**– A complete, properly signed response to a solicitation that, if accepted, would bind the Proposer to perform the resulting contract.

C. **BIDDER/PROPOSER/PROPOSER/OFFERER** – The Proposer identified throughout the solicitation that they consider themselves qualified to provide the goods, equipment or services specified herein, and are interested in making an offer to provide the goods, equipment or services to the City.

D. **CITY** – The City of Leander, located in Williamson County, Texas.

E. **GOODS** –Materials, supplies, commodities and/or equipment.

F. **PIGGYBACK CONTRACT** – A contract or agreement that has been competitively bid in accordance with State of Texas statutes, rules, policies and procedures and has been extended for the use of state and local agencies and active State of Texas CO-OP entities.

G. **PURCHASE ORDER** – An order placed by the City for the purchase of goods or services issued on the City's standard purchase order form and which, when accepted by the Vendor, becomes a contract. The purchase order is the Vendor's authority to deliver and invoice the City for goods or services specified, and the City's commitment to accept the goods or services for an agreed upon price.

H. **SERVICES** – Work performed to meet the requirements and demand of the purchase order. The furnishing of labor, time, or effort by the Vendor and their ability to comply with promised delivery dates, specification and technical assistance specified.

I. **SOLICITATION/INVITATION TO BID/REQUEST FOR PROPOSALS/REQUEST FOR QUOTES** – The solicitation document issued by the City containing terms, conditions and specifications for the service or commodity to be procured.

J. **SUBCONTRACTOR** – Any person or business enterprise providing goods, labor, and/or services to a Vendor if such goods, equipment, labor, and/or services are procured or used in fulfillment of the Vendor's obligations arising from a contract with the City.

K. **VENDOR/CONTRACTOR** – Person or business enterprise providing goods, equipment, labor and/or services to the City as fulfillment of obligations arising from an agreement or purchase order.

II. **SOLICITATIONS**

A. **CONFLICT OF INTEREST**:

Effective January 1, 2006, Chapter 176 of the Texas Local Government Code (HB 914) requires an entity contracting or seeking to contract for the sale or purchase of property, goods, or services with a local governmental entity to disclose any affiliation or business relationship which might create a conflict of interest with a local government entity. The Conflict of Interest Questionnaire is available from the Texas Ethics Commission at www.ethics.state.tx.us, and completed forms must be submitted to the appropriate records administrator of the City not later than the seventh business day after the date the entity begins contract discussions or negotiations with the local governmental entity, or submits to the local governmental entity an application, response to a Request for Proposals or Bids, correspondence, or another writing related to a potential Agreement with the local governmental entity. If responding to a Solicitation, the Conflict of Interest Form may be submitted with the Response. The completed forms may be mailed or hand delivered to the City Secretary at the following address: The City of Leander, Office of the City Secretary, City Hall, 200 W. Willis Street, Leander, TX 78626. This legislation is subject to change and each entity should consult its own attorney regarding the current law. Any attempt to intentionally or unintentionally conceal a conflict of interest may result in disqualification of any response to a solicitation. The validity of the Contract is not affected solely because of failure to comply with the conflict of interest disclosure requirements.

B. **COMMUNICATIONS WITH THE CITY**:

To insure the proper and fair evaluation of a Solicitation, the City prohibits ex parte communication (e.g., unsolicited) initiated by the Offeror to the City Official or Employee evaluating or considering the Responses prior to the time an award has been made. Communication between Offeror and the City will be initiated by the appropriate City Official or Employee in order to obtain information or clarification needed to develop a proper and accurate evaluation of the Solicitation. Ex parte communication may be grounds for disqualifying the offending Offeror from consideration or award of the Solicitation then in evaluation, or any future Solicitation.

Unless otherwise specified, all requests for clarification or questions regarding a Solicitation must be directed to the City of Leander Purchasing Office, Attn.: Purchasing Agent, PO Box 319, 200 W. Willis Street, Leander, TX 78646, 512-528-2730, FAX: 512-528-2829, bmartinka@leandertx.gov .

C. **DISCLOSURE OF PENDING LITIGATION**:

Each Proposer shall include in its proposal a complete disclosure of any material civil or criminal litigation or pending investigation which involves the Proposer or in which the Proposer has been judged guilty.

D. **CONFIDENTIALITY OF RESPONSES, PUBLIC INFORMATION ACT**:

All Responses are subject to release as public information unless the Response or specific parts of the Response can be shown to be exempt from the Texas Public Information Act. Proposers are advised to consult with their legal counsel regarding disclosure issues and take the appropriate precautions to safeguard trade secrets or any other proprietary information. The City assumes no obligation or responsibility for asserting legal arguments on behalf of potential Proposers.

If a Proposer believes that a Response or parts of a Response are confidential, then the Proposer shall so specify. The Proposer shall stamp in bold red letters the term "**CONFIDENTIAL**" on that part of the Response, which the Proposer believes to be confidential. Vague and general claims as to confidentiality shall not be accepted. All Responses and parts of Responses that are not marked as confidential will be automatically considered public information. Notwithstanding, responses to Requests for Proposals shall be opened in a manner that avoids disclosure of the contents to competing offeror and keeps the proposals secret during negotiations as provided for in Section 252.049 of the Local Government Code.

E. **CLARIFICATIONS, WAIVER OF MINOR TECHNICALITIES OR DISCREPANCIES**:

The City reserves the right to request clarification or additional information specific to any response after all Responses have been received and the Solicitation due date has passed. Additionally, the City reserves the right to accept or reject all or part of any Response, waive any formalities or technical inconsistencies, delete any requirement or specification from the Solicitation, or terminate the Solicitation when deemed to be in City's best interest.

F. **COST OF PREPARATION OF RESPONSE:**
All costs directly or indirectly related to preparation of a Response to this Solicitation or any oral presentation required to supplement and/or clarify a Response which may be required by the City shall be the sole responsibility of the Proposer.

G. **RESPONSES BECOME PROPERTY OF THE CITY:**
Submissions received in response to a Solicitation become the sole property of the City.

H. **WITHDRAWAL OF A RESPONSE:**
A Response may be withdrawn prior to the submission deadline by submitting a written request for its withdrawal to the Purchasing Manager. A new Response may be submitted and must be received prior to the submission deadline to be considered. Modifications offered in any manner will not be considered if submitted after the submission deadline.

I. **DETERMINATION OF AWARD, RESULTING AGREEMENT:**
In determining award, the City reserves the right to select the acceptable Proposer who will offer contractual terms and conditions most favorable to the City. All requirements stated in the Solicitation shall become a part of any Contract, Agreement or Purchase Order awarded as a result of the Solicitation, and any deviations from these requirements must be specifically stated and defined by the Proposer in their Response. Requests for clarification and the responses(s) shall also become a part of any Contract, Agreement or Purchase Order resulting from the Solicitation.

J. **AFFIRMATIONS AND CERTIFICATIONS:**
By signature on and submission of a Response, Proposer certifies they have not conspired with any other potential supplier in any manner to attempt to control competitive pricing. By signature on and submission of a Response, Proposer certifies they are duly qualified, capable and a bondable business entity not in receivership or contemplating same, and has not filed for bankruptcy. By signature on and submission of a Response, Proposer affirms that they will not discriminate against any employee or applicant as prohibited by law.

K. **REQUIREMENTS FOR SUBMISSION OF RESPONSE:**

1. All Responses must be submitted on the form provided by the City, and accompanied by all required attachments. Each Response shall be placed in a separate envelope and properly identified with Solicitation Number and Opening Date. Responses must be time-stamped at the Purchasing Office, 200 W. Willis Street, PO Box 319, Leander, TX 78646, on or before due date and time shown on the Solicitation form. Late Responses will not be considered.
2. If applicable, Proposer will show exact cost to deliver. Responses must specify unit price on the quantity specified, extend and show total. Unit prices shall govern, including in case of errors. Pricing will be considered firm for acceptance for a minimum of 60 days after the due date unless otherwise specified in the Solicitation. The validity period may be extended beyond that date on agreement of parties. Cash discounts will not be considered in determining award; all cash discounts offered will be taken if earned. Proposer will list and deduct all discounts not based on early payment from prices quoted.
3. The City is exempt from all federal excise, state and local taxes unless otherwise stated. The City claims exemption from under Texas Tax Code §151.309, as amended. Texas Limited Sales Tax Exemption Certificates will be furnished upon request. Do not include taxes in Response to any Solicitation.
4. Unless stated otherwise, any catalog, brand name or manufacturer's reference used in the Solicitation is descriptive (not restrictive), and is used to indicate type and quality desired. Responses on brands of like nature and quality will be considered. If quoting on other than referenced specifications, the Response MUST show manufacturer brand or trade name and description of product offered. Illustrations and complete descriptions of product offered should be made part of the Response. If Proposer does not identify exceptions to the specifications shown in this Invitation, Proposer will be required to furnish brand names, numbers, etc., as shown in the Solicitation.
5. Response must show the number of days required to deliver items or provide services to the City's designated location under normal conditions. Unrealistically short or long delivery promises may cause Response to be disregarded. Failure to state delivery time obligates Proposer to complete delivery in 14 calendar days.

III. PURCHASE ORDERS

A. GENERAL TERMS AND CONDITIONS

1. **ACCEPTANCE:**
A Purchase Order is the City's commitment to make procurement and is subject to Vendor's acceptance of the City's terms and conditions

2. **ABSENCES OF PURCHASE ORDER OR AGREEMENT:**
The City is not responsible for delivery of any materials or services without a proper Purchase Order

3. **VENDOR'S OBLIGATIONS:**
The Vendor shall fully and timely provide all deliverables described in the Solicitation and in the Vendor's Offer in strict accordance with the terms, covenants, and conditions of the Agreement and all applicable Federal, State, and local laws, rules, and regulations.

4. **EFFECTIVE DATE/TERM:**
Unless otherwise specified in the Solicitation, this Agreement shall be effective as of the date the City issues and signs the Purchase Order, and shall continue in effect until all obligations are performed in accordance with the Agreement.

5. **SUBCONTRACTORS:**
If the Vendor utilizes Subcontractors in providing the goods and/or services under this Purchase Order, the Vendor shall be fully responsible to the City for all acts and omissions of the Subcontractors just as the Vendor is responsible for the Vendor's own acts and omissions. The Vendor shall:
    a. Require that all deliverables to be provided by the Subcontractor be provided in strict accordance with the provisions, specifications and terms of the Agreement;
    b. Prohibit the Subcontractor from further subcontracting any portion of the Agreement without the prior written consent of the City and the Vendor. The City may require, as a condition to such further subcontracting, that the Subcontractor post a payment bond in form, substance and amount acceptable to the City;
    c. Require Subcontractors to submit all invoices and applications for payments, including any claims for additional payments, damages or otherwise, to the Vendor in sufficient time to enable the Vendor to include same with its invoice or application for payment to the City in accordance with the terms of the Agreement;
    d. Require that all Subcontractors obtain and maintain, throughout the term of their contract, insurance in the type and amounts specified for the Vendor, with the City being a named insured as its interest shall appear;
    e. Require that the Subcontractor indemnify and hold the City harmless to the same extent as the Contractor is required to indemnify the City; and

f. Shall pay each Subcontractor its appropriate share of payments made to the Vendor not later than ten (10) calendar days after receipt of payment from the City.

6. **DELAYS**:
The City may delay scheduled delivery or other due dates by written notice to the Vendor if the City deems it is in its best interest. If such delay causes an increase in the cost of the work under the Agreement, the City and the Vendor shall negotiate an equitable adjustment for costs incurred by the Vendor in the Agreement price and execute an amendment to the Agreement. The Vendor must assert its right to an adjustment within ten (10) calendar days from the date of receipt of the notice of delay. Failure to agree on any adjusted price shall be handled under the Dispute Resolution Process specified in Section Z. However, nothing in this provision shall excuse the Vendor from delaying the delivery as notified.

7. **FORCE MAJEURE**:
Neither party shall be liable for any default or delay in the performance of its obligations under this Agreement if, while and to the extent such default or delay is caused by acts of God, fire, riots, civil commotion, labor disruptions, sabotage, sovereign conduct, or any other cause beyond reasonable control. In the event of default or delay in performance due to any of the foregoing causes, then the time for completion of the services will be extended; provided, however, in such an event, a conference will be held within three (3) business days to establish a mutually agreeable period of time reasonably necessary to overcome the effect of such failure to perform.

8. **INSURANCE REQUIREMENTS**:
Unless specific insurance requirements are noted, Vendor shall maintain insurance coverage appropriate for the fulfillment of the Purchase Order. In the event the Vendor, its employees, agents or subcontractors enter premises occupied by or under the control of the City, the Vendor agrees to maintain public liability and property damage insurance in reasonable limits covering the obligations set forth in this Purchase Order, and will maintain Workers' Compensation coverage (either by insurance or if qualified pursuant to law, through a self-insurance program) covering all employees performing on premises occupied by or under control of the City. Upon request, Vendor shall provide a copy of its insurance policies to the City.

9. **EXCEPTIONS TO SPECIFICATIONS**:
Any deviation from the specifications must be clearly indicated in the Response to the Solicitation or promptly documented in writing at or before the time of the award. Any deviations or exceptions are subject to review by the City and may be grounds for rejection.

10. **TRAVEL EXPENSES**:
All travel, lodging and/or per diem expenses associated with providing the materials, equipment or services specified must be included in the original Quotation and/or the resulting Purchase Order or Agreement. All travel expenses are subject to review by the City and documentation of actual itemized expenses may be requested. No reimbursement will be made without prior authorization, or for expenses not actually incurred. Airline fares in excess of coach or economy will not be reimbursed.

11. **HUB REQUIREMENTS**:
The City complies with the requirements of the State of Texas *Local Government Code*, Chapter 252, Section 252.0215.

12. **SPECIAL TOOLS AND EQUIPMENT**:
If the price stated in the Offer includes the cost of any special tooling or special test equipment fabricated or required by the Vendor to fulfill the Agreement, such special tooling and/or equipment and all process sheets associated thereto shall become the property of the City and shall be identified by the Vendor as such.

B. **SERVICES**

1. **PLACE AND CONDITIONS OF WORK, ACCESS TO SITE**:
If Services are to be performed principally on the City's premises or in public rights of way, the City shall provide the Vendor access to the sites where the Vendor is to perform the Services as required in order for the Vendor to perform in a timely and efficient manner, in accordance with and subject to applicable security laws, rules and regulations. The Vendor acknowledges that it has satisfied itself as to the nature of the City's service requirements and specifications, the location and essential characteristics of the work sites, the quality and quantity of the materials, equipment, labor and facilities necessary to perform the Services and any other conditions or states of fact which could, in any way, affect performance of the Vendor's obligations under the Agreement. The Vendor shall promptly notify the City if the actual site or service conditions differ from the expected conditions and failing to do so, hereby releases and holds the City harmless from and against any liability or claim for damages of any kind or nature.

2. **VENDOR TO PROVIDE ALL MATERIAL, EQUIPMENT, LABOR**:
Vendor shall provide all goods and labor necessary to perform Services. All material must be new and all equipment utilized must be in good safe working condition and suitable for Services. Vendor shall employ all personnel for Services in accordance with the requirements of applicable local, state, and federal law.

3. **WORKFORCE**:
If Services are to be performed principally on the City's premises or on public right-of-ways:
Vendor shall employee only orderly and competent workers, skilled in the performance of the Services which they will perform under the Agreement. Vendor, its employees, subcontractors and subcontractor's employees while engaged in participating in a Solicitation or while in the course and scope of delivering goods and services under City Purchase Order or Agreement may not: use or possess a firearm, including a concealed handgun that is licensed under state law, except as required by the terms of the Agreement; or use or posses alcoholic or other intoxicating beverages, illegal drugs or controlled substances, nor may such workers be intoxicated or under the influence of alcohol or drugs while on the job.
If the City or the City's representative notifies the Vendor that any work is incompetent, disorderly or disobedient, has knowingly or repeatedly violated safety regulations, has possessed firearms, or has possessed or was under the influence of alcohol or drugs on the job, the Vendor shall immediately remove such worker from Agreement Services and may not employ such worker again on Agreement Services without the City's prior consent.

4. **COMPLIANCE WITH ALL SAFETY AND ENVIRONMENTAL REQUIREMENTS**:
If Services are to be performed principally on the City's premises or on public rights of way, the Vendor, its subcontractors and their respective employees, shall comply fully with all applicable federal, state and local health, safety and environmental laws, ordinances, rules and regulations in the performance of the Services, including but not limited to those promulgated with the City and the Occupational Safety and Health Administration (OSHA). In the case of conflict, the most stringent safety requirement shall govern. The Vendor shall defend, indemnify and hold the City harmless from and against all claims, demands, suits, actions, judgments, fines, penalties and liabilities of any kind or nature arising from the breach of the Vendor's obligations under this paragraph.

5. **STOP WORK NOTICE:**
The City may issue an immediate Stop Work Notice in the event the Vendor is observed performing in a manner that is in violation of Federal, State or local guidelines, or in a manner that is determined by the City to be unsafe to either life or property. Upon notification, the Vendor shall cease all

work until notified by the City that the violation or unsafe condition has been corrected. The Vendor shall be liable for all costs incurred by the City as a result of the issuance of such Stop Work Notice.

6. **WARRANTY OF SERVICES**:
Vendor warrants and represents that all Services to be provided to the City under the Agreement will be fully and timely performed in good and workmanlike manner in accordance with generally accepted industry standards and practices, the terms, conditions and covenants of the Agreement and all applicable Federal, State and local laws, rules or regulations. This warranty may not be limited, excluded or disclaimed and any attempt to do so will be without force or effect. Unless otherwise specified, the warranty period shall be a minimum of one year from acceptance by the City of Services. In the event any applicable warranty is breached, the Vendor shall promptly upon receipt of demand of performance, perform the Services again in accordance with the above standard at no additional costs to the City. All costs incidental to such additional performance shall be borne solely by the Vendor. The City shall endeavor to give the Vendor written notice of the breach of warranty within thirty (30) calendar days of discovery of the breach of warranty, but failure to give timely notice shall not impair the City's rights under this section.
In the event the Vendor is unable or unwilling to perform the Services in accordance with the above standards as required by the City, then in addition to any other available remedy, the City may reduce the amount of Services originally required to purchase from the Vendor under the Agreement and procure conforming Services from other sources. In such event, the Vendor shall pay the City upon demand the increased cost, if any, incurred by the City to procure such services from an alternative source.

C. **COMMODITIES/EQUIPMENT**

1. **MATERIAL SAFETY DATA SHEETS**:
Under the "Hazardous Communication Act," commonly known as the "Texas Right to Know Act," a Vendor must provide to the City WITH EACH DELIVERY Material Safety Data Sheets, which are applicable to hazardous substances as defined in the Act.
2. **GOODS**:
Goods furnished shall be the latest improved model in current production, as offered to commercial trade, and shall be of quality workmanship and material. The Vendor represents that all goods and equipment offered shall be new. Unless otherwise specified, used, shopworn, demonstrator, prototype or discontinued models are not acceptable.
3. **PACKAGING OF DELIVERABLES**:
Vendor must package deliverables in accordance with good commercial practice and shall include a packing list showing the description of each item, the quantity and the unit price. Unless otherwise provided in writing by the City, each shipping container shall be clearly and permanently marked with the Vendor's name and address, and the City's name, address and Purchase Order number. Vendor shall bear all costs of packaging. Deliverables must be suitably packed to secure lowest transportation cost, conform with requirements of common carriers and ensure safe delivery. The City's count or weight shall be final and conclusive on shipments not accompanied by packing lists.
4. **WARRANTY**:
The goods or equipment specified shall be warranted against defects in material or workmanship for a period of not less than twelve (12) months from date of acceptance by the City. If the manufacturer's warranty exceeds twelve (12) months, then the manufacturer's warranty shall be in effect. Vendor shall furnish a copy of the manufacturer's warranty at the time of delivery.
5. **NO LIMITATION OF MANUFACTURERS' WARRANTIES**:
Vendor may no limit, exclude or disclaim any warranty provided by manufacturer.

D. **DELIVERY**

1. **DELIVERY TERMS, TRANSPORTATION CHARGES, FOB**:
Deliverables shall be shipped FOB point of delivery unless otherwise specified on the Purchase Order or in the Solicitation. The Vendor's price shall be deemed to include all delivery and transportation charges. The City shall have the right to designate what method of transportation shall be used to ship deliverables. The place of delivery shall be specified in the Purchase Order.
2. **NO SUBSTITUTIONS OR CANCELLATIONS**:
Unless specifically permitted in writing by the City, no substitutions or cancellations shall be acceptable.
3. **NOTICE OF DELAY IN DELIVERY**:
If a delay in delivery is anticipated, Vendor shall give written notice to the City. The City has the right to extend the delivery time/service date, or to cancel the Purchase Order or Agreement. Vendor shall keep the City advised at all times of the status of the order. Default in promised delivery, service or failure to meet specifications authorizes the City to procure the goods or services from an alternate source and charge the full increase, if any, in cost and handling to defaulting Vendor. Default on delivery may result in legal action and recourse.
4. **DELIVERY LOCATION, HOURS, DAYS, HOLIDAYS**:
Unless otherwise specified, all deliveries must be made to City of Leander, at the City Department ship to address on the Purchase Order between the hours of 8AM and 4PM (CST), Monday through Friday except regularly observed state and federal holidays schedule. Receipt of goods or materials does not signify acceptance.
5. **NO SHIPMENT UNDER RESERVATION**:
Vendor is not authorized to ship deliverables under reservation and no tender of bill of lading will operate as a tender of deliverables.
6. **TITLE/RISK OF LOSS**:
Title to and risk of loss of the deliverables shall pass to the City only when the City actually receives and accepts the deliverables (no delivery, no sale).
7. **RIGHT OF INSPECTION AND REJECTION**:
The City expressly reserves all rights under law, including but not limited to, the Uniform Commercial Code, to inspect the deliverables at delivery or at a reasonable time subsequent to delivery, and to reject defective or non-conforming deliverables. If the City has the right to inspect the Vendor's or the Vendor's subcontractors facilities, or the deliverables at the Vendor's or the Vendor's subcontractors premises, the Vendor shall furnish or shall cause to be furnished without additional charge all reasonable facilities and assistance to the City to facilitate such inspection.
8. **ACCEPTANCE OF INCOMPLETE OR NON-CONFORMING GOODS**:
If, instead of requiring immediate correction or removal and replacement of defective or non-conforming deliverables, the City prefers to accept such deliverables, the City may do so. The Vendor shall pay all claims, losses and damages attributable to the City's evaluation of and determination to accept such defective or non-conforming deliverables. If any such acceptance occurs prior to final payment, the City may deduct such amounts as are necessary to compensate the City for the diminished value of the defective or non-conforming deliverables. If discovery that the deliverables are defective or non-conforming occurs after final payment, Vendor may be required to refund such amounts to the City.

E. **PAYMENT**

1. **TAX EXEMPT STATUS**:

The City is exempt from all federal excise, state and local taxes unless otherwise stated in this document. The City claims exemption from all sales and/or use taxes under Texas Tax Code §151.309, as amended. Texas Limited Sales Tax Exemption Certificates are furnished upon request. Vendor will not charge for such taxes. If billed, the City will not remit payment until a corrected invoice is received.

2. **INVOICING REQUIREMENTS**:
Unless otherwise specified, all invoices shall be submitted to City of Leander, Accounts Payable, PO Box 319, Leander, TX 78646, and issued as required by the Purchase Order or Agreement. Each invoice must reference the unique Purchase Order number, and include the Vendor's complete name and remit to address. If applicable, transportation and delivery charges must be itemized on the each invoice. A copy of the bill of lading and the freight waybill must be submitted with the invoice if applicable. Invoices for labor must include a copy of all time sheets with labor rate and Purchase Order or Agreement number clearly identified. Invoices for labor shall also include a tabulation of hours worked at the appropriate rates and grouped by work order number, if applicable. Time billed for labor shall be limited to hours actually worked at the work site.

3. **PAYMENT TERMS**:
All payments will be processed in accordance with Texas Prompt Payment Act, *Texas Government Code*, Subtitle F, Chapter 2251. The City will pay Vendor within thirty days after acceptance of goods, supplies, materials, equipment or the day of performance of services was completed, or the day of receipt of a correct invoice for goods, supplies, materials, equipment or services, whichever is later. The Vendor may charge a late fee (fee shall not be greater than that permitted under the Texas Prompt Payment Act) for payments not made in accordance with this prompt payment policy; however, the policy does not apply to payments made by the City in the event: (a) there is a bona fide dispute between the City and Vendor concerning the goods, supplies, materials, equipment delivered, or the services performed, that causes the payment to be late; (b) the terms of a federal agreement, grant, regulation or statute prevents the City from making a timely payment with Federal funds; (c) there is a bona fide dispute between the Vendor and a subcontractor and its suppliers concerning goods, supplies, material or equipment delivered, or the services performed, which caused the payment to be late; or (d) the invoice is not mailed to the City in strict accordance with instructions on the Purchase Order or Agreement, or other such contractual agreement.

4. **RIGHT TO AUDIT**:
The Vendor agrees that the representatives of the City shall have access to, and the rights to audit, examine, or reproduce, any and all records of the Vendor related to the performance under this Agreement. The Vendor shall retain all such records for a period of four (4) years after final payment on this Agreement or until all audit and litigation matters that the City has brought to the attention of the Vendor are resolved, whichever is longer. The Vendor agrees to refund to the City any overpayments disclosed by any such audit.

5. **FIRM PRICING**:
The price shall remain firm for the duration of the Purchase Order or Contract, or extension periods. No separate line item charges shall be permitted for either bidding or invoice purposes, which shall include equipment rental, demurrage, fuel surcharges, delivery charges, and cost associated with obtaining permits or any other extraneous charges. Vendor further certifies that the prices in the Offer have been arrived at independently without consultation, communication, or agreement for the purpose of restricting competition, as to any matter relating to such fees with any other firm or with any competitor.

6. **PRICE WARRANTY**:
The Vendor warrants the prices quoted are not materially higher than the Vendors current prices on orders by others for like deliverables under similar terms of purchase. In addition to any other remedy available, the City may deduct from any amounts owed to the Vendor, or otherwise recover, any amounts paid for items materially in excess of the Vendor's current prices on orders by others for like deliverables under similar terms of purchase.

7. **VENDOR OWING TAXES OR FEES TO THE CITY**:
Payment will not be made to any person, firm or in arrears in taxes or fees to the City.

IV. TERMS, CONDITIONS AND ADDITIONAL REQUIREMENTS

A. **VENDOR'S OBLIGATION**:
Vendor shall fully and timely provide all deliverables described in Solicitation, Vendor's Offer in strict accordance with the terms, covenants and conditions of the Agreement and all applicable federal, state and local laws, rules and regulations.

B. **DEFAULT**:
Vendor shall be in default under the Agreement if the Vendor (a) fails to fully, timely and faithfully perform any of its material obligations under the Agreement, (b) becomes insolvent or seeks relief under the bankruptcy laws of the United States or (c) makes a material misrepresentation in Vendor's Offer, or in any report or deliverable required to be submitted by Vendor to the City.

C. **ABANDONMENT OR DEFAULT**:
A Vendor who abandons or defaults the work on the Agreement and causes the City to purchase the services elsewhere may be charged the difference in service if any and may not be considered in the re-advertisement of the service and may be rejected as an irresponsible bidder and not considered in future Solicitations for the same type of service unless the scope of work is significantly modified.

D. **TERMINATION/CANCELLATION**:

1. **TERMINATION FOR CAUSE**:
In the event of default by the Vendor, the City shall have the right to terminate the Agreement for cause, by written notice effective ten (10) calendar days, unless otherwise specified, after the date of such notice, unless the Vendor, within such ten (10) day period cures such default, or provides evidence sufficient to prove to the City's satisfaction that such default does not, in fact, exist. In addition to any other remedies available under law or in equity, the City shall be entitled to recover all actual damages, costs, losses and expenses incurred by the City as a result of the Vendor's default, including without limitation, cost of cover, reasonable attorneys' fees, court costs and prejudgment and post-judgment interest at the maximum lawful rate. Additionally, in the event of default by the Vendor, the City may remove the Vendor from the City's Vendor List and any Offer submitted by the Vendor may be disqualified for up to three (3) years. All rights and remedies under the Agreement are cumulative and not exclusive of any other right or remedy provided by law.

2. **TERMINATION WITHOUT CAUSE**:
The City shall have the right to terminate the Agreement, in whole or in part, without cause any time upon thirty (30) calendar days' prior written notice. Upon receipt of a notice of termination, the Vendor shall promptly cease all further work pursuant to the Agreement, with such exceptions, if any, specified in the notice of termination. The City shall pay the Vendor, to the extent of funds appropriated or otherwise legally available for such purposes, for all goods delivered and services performed and obligations incurred prior to the date of termination in accordance with the terms hereof.

3. **NON-APPROPRIATION**:

The resulting Agreement is a commitment of the City's current revenues only. It is understood and agreed that the City shall have the right to terminate the Agreement at the end of any City fiscal year (September 30th) if the governing body of the City does not appropriate funds sufficient to purchase the estimated yearly quantities, as determined by the City's budget for the fiscal year in question. The City may effect such termination by giving the Vendor a written notice of termination at the end of its then current fiscal year.

4. **CANCELLATION**:
The City reserves the right to cancel the Agreement for default all or any part of the delivered portion of the deliverables if the Vendor breaches any term hereof including warranties, or becomes insolvent or commits acts of bankruptcy. Such right of cancellation is in addition to and not in lieu of any remedies which the City may have in law or in equity.

E. **FRAUD:**
Fraudulent statements by the Vendor on any Offer or in any report or deliverable required to be submitted by the Vendor to the City shall be grounds for termination of the Agreement for cause by the City and may result in legal action.

F. **INDEMNITY**:
VENDOR SHALL DEFEND, INDEMNIFY AND HOLD HARMLESS THE CITY, ITS OFFICERS, AGENTS, SERVANTS AND EMPLOYEES FROM AND AGAINST ANY AND ALL SUITS, ACTIONS, LEGAL PROCEEDINGS, CAUSES OF ACTION, CLAIMS, DEMANDS, DAMAGES, JUDGMENTS, LOSSES, LIENS, COSTS, EXPENSES, ATTORNEYS' FEES AND ANY AND ALL OTHER COSTS, FEES AND/OR CLAIMS OF ANY KIND OR DESCRIPTION ARISING OUT OF, IN CONNECTION WITH OR RESULTING FROM THE AGREEMENT OR THE GOODS OR SERVICES PROVIDED UNDER THE AGREEMENT.
IF THE VENDOR AND THE CITY ARE CONCURRENTLY NEGLIGENT, EACH PARTY'S LIABILITY SHALL BE LIMITED TO THAT PORTION OF NEGLIGENCE ATTRIBUTABLE TO IT AS DETERMINED UNDER THE APPLICABLE PROPORTIONATE RESPONSIBILITY RULES OF THE STATE OF TEXAS.

G. **LIABILITY**:
Any person, firm or corporation performing services pursuant to this Agreement or Purchase Order shall be liable for all damages incurred while in the performance of such services. Vendor assumes full responsibility for the work to be performed hereunder and hereby releases, relinquishes, and discharges the City, its officers, agents and employees from all claims, demands and causes of action of any nature including the cost of defense thereof, for any injury to, including death of, any person whether that person be a third party, supplier or an employee of either of the parties hereto, and any loss of or damage to property, whether the same be that of either of the parties, caused by or alleged to have been caused by, arising out of or in connection with the issuance of the Agreement or Purchase Order to the Vendor and the negligence of the Vendor, whether or not said claims, demands and causes of action in whole or in part are covered by insurance. Certificates of insurance may be required for, but not limited to, Commercial General Liability, Business Auto Liability, Workers Compensation and Professional Liability Insurance.

H. **INFRINGEMENT**:
Vendor represents and warrants to the City that: (a) Vendor shall provide the City good and indefeasible title to the deliverables and (b) the deliverables supplied by the Vendor in accordance with the specifications of the Agreement shall not infringe, directly or contributory, any patent, trademark, copyright, trade secret or any other intellectual property right of any kind of any third party; that no claims have been made by an person or entity with respect to the ownership or operation of the deliverables and the Vendor does not know of any basis for any such claims. Vendor shall, at its sole expense, defend, indemnify and hold the City harmless from and against all liability, damages and costs (including court costs and reasonable fees of attorneys and other professionals) arising out of or resulting from: (a) any claim that the City's exercise anywhere in the world of the rights associated with the City's ownership, and if applicable, license rights, and its use of the deliverable infringes the intellectual property rights of any third party; or (b) Vendor's breach of any of the Vendor's representations or warranties stated in this Agreement. In the event of any such claim, the City shall have the right to monitor such claim or, at its option, engage its own separate counsel to act as co-counsel on the City's behalf. Further, Vendor agrees that the City's specifications regarding the deliverables shall in no way diminish Vendor's warranties or obligations under the Section, and the City makes no warranty that the products, development or delivery of such deliverables will not impact such warranties of Vendor.

I. **DAMAGE TO CITY PROPERTY**:
Vendor shall be responsible for any and all damage to the City's equipment and/or property, the workplace and its contents, by its work, negligence in work, its personnel and equipment. Vendor shall be responsible and liable for the safety, injury and health of its working personnel while its employees are performing service work.

J. **OVERCHARGES**:
Vendor hereby assigns to the City any and all claims for overcharges associated with this Agreement which arise under the antitrust laws of the United States, 15 USCA Section 1 et seq., and/or which arise under the antitrust laws of the State of Texas, *Business and Commerce Code Ann.*, Section 15.01, et seq.

K. **CONFIDENTIALITY**:
In order to provide the deliverables to the City, Vendor may require access to certain of the City's and/or its licensors' confidential information (including, but not limited to, inventions, employee information, trade secrets, confidential know-how, confidential business information and other information which the City or its licensors consider confidential)(collectively, "Confidential Information"). Vendor acknowledges and agrees that the Confidential Information is the valuable property of the City and/or its licensors, and any unauthorized use, disclosure, dissemination or other release of the Confidential Information will substantially injure the City and/or its licensors. The Vendor (including its employees, subcontractors, agents or representatives) agrees that it will maintain the Confidential Information in strict confident and shall not disclose, disseminate, copy, divulge, recreate or otherwise use the Confidential Information without the prior written consent of the City, or in a manner not expressly permitted under this Agreement, unless the Confidential Information is required to be disclosed by law or as a result of an order of any court or other governmental authority with proper jurisdiction, provided the Vendor promptly notifies the City prior to disclosing such information so as to permit the City reasonable time to seek an appropriate protective order. The Vendor agrees to use protective measures no less stringent than the Vendor uses within its own business to protect its own most valuable information, which protective measures shall under all circumstances be at least reasonable measures to ensure the continued confidentiality of the Confidential Information.

L. **CODES, PERMITS, LICENSES**:
Vendor shall comply with all federal, state and local standards, codes and ordinances and the terms and conditions of the services of the electric utility, as well as other authorities that have jurisdiction pertaining to equipment and materials used and their application. None of the terms or provisions of the specification shall be construed as waiving any rules, regulations or requirements of these authorities. Vendor shall be responsible for obtaining all necessary permits, certificates and/or licenses to fulfill contractual obligations to the City.

M. **ADVERTISING/PUBLICITY**:
Vendor shall not advertise or otherwise publicize, without the City's prior written consent, the fact that the City has entered into the Agreement, except to the extent required by applicable law.

N. **INDEPENDENT CONTRACTOR:**
The Agreement shall not be construed as creating an employer/employee relationship, a partnership or joint venture. The Vendor's services shall be those of an independent contractor. The Vendor agrees and understands that the Agreement does not grant any rights or privileges established for employees of the City. Vendor shall not be within protection or coverage of the City's Worker Compensation insurance, Health Insurance, Liability Insurance or any other insurance that the City, from time to time, may have in force.

O. **LIENS:**
Vendor shall defend, indemnify and hold the City harmless from and against any and all liens and encumbrances for all labor, goods and services provided under this Agreement. At the City's request, the Vendor or its subcontractors shall provide a proper release of all liens or satisfactory evidence of freedom from liens shall be delivered to the City.

P. **ASSIGNMENT/DELEGATION:**
The Agreement shall be binding upon and endure to the benefit of the City and the Vendor, and their respective successors and assignees, provided however, that no right or interest in the Agreement shall be assigned and no obligation shall be delegated by the Vendor without the prior written consent of the City. Any attempted assignment or delegation by the Vendor shall be void unless made in conformity with this Section. The Agreement is not intended to confer any rights or benefits on any person, firm or entity not a party hereto; it being the intention of the parties that there be no third party beneficiaries to the Agreement.

Q. **INTERPRETATION:**
The Agreement is intended by both parties as the final, complete and exclusive statement of the terms of their agreement. No course of prior dealing between the parties or course of performance or usage of the trade shall be relevant to supplement or explain any term used in the Agreement. Although the Agreement may have been substantially drafted by one party, it is the intent of the parties that all provisions be construed in a manner fair to both parties, reading no provision more strictly against one party of the other. Whenever a term defined by the Uniform Commercial Code (the "UCC"), as enacted by the State of Texas, is used in the Agreement, the UCC definition shall control unless otherwise defined in the Agreement.

R. **GOVERNING LAW AND VENUE:**
This Agreement is made under and shall be governed by the laws of the State of Texas, including when applicable, the UCC as adopted in Texas, VTCA, *Business & Commerce Code*, Chapter 1, excluding any rule or principle that would refer to and apply the substantive law of another state or jurisdiction. This Agreement is fully performable in Williamson County, TX, and the venue for any action related to this Agreement shall be Leander, TX. All issues arising from this Agreement shall be resolved in the courts of Williamson County, Texas and the parties agree to submit to the exclusive personal jurisdiction of such courts. The foregoing, however, shall not be construed or interpreted to limit or restrict the right or the ability of the City to seek and secure injunctive relief from any competent authority as contemplated herein and does not waive the City's defense of sovereign immunity.

S. **INTERLOCAL COOPERATIVE PURCHASING/PIGGYBACK CONTRACTS:**
Other governmental entities may be extended the opportunity to purchase from Solicitations of the City, with the consent and agreement of the awarded Vendor(s) and the City. Such consent and agreement shall be conclusively inferred from lack of exception to this clause in Vendor's Response. However, all parties indicate their understanding and all parties hereby expressly agree that the City is not an agent of, partner to or representative of those outside agencies or entities and that the City is not obligated or liable for any action or debts that arise out of such independently negotiated piggyback procurements.

T. **SURVIVABILITY OF OBLIGATIONS:**
All provisions of the Agreement that impose continuing obligations on the parties, including but not limited to the warranty, indemnity and confidentiality obligations of the parties, shall survive the expiration or termination of the Agreement.

U. **CLAIMS:**
If a claim, demand, suit or other action is asserted against the Vendor which arises under or concerns the Agreement, or which could have a material adverse effect on the Vendor's ability to perform thereunder, the Vendor shall give written notice to the City within ten (10) calendar days after receipt of notice by the Vendor. Such notice to the City shall state the date of notification of any such claim, demand, suit or other action; the names and address of the claimant(s); the basis thereof; and the name of each person against whom such claim is asserted. Such notice shall be delivered to the Purchasing Department as set forth below.

V. **NOTICES:**
Unless otherwise specified, all notices, requests or other communications required or appropriate to be given under the Agreement shall be in writing and deemed delivered three (3) business days after postmarked if sent by US Postal Service Certified or Registered Mail, Return Receipt Requested. Notices delivered by other means shall be deemed delivered upon receipt by the addressee. Routine communications may be made by first class mail, fax, or other commercially accepted means. Notices to the Vendor shall be sent to the address specified in the Vendor's Offer or at such other address as a party may notify the other in writing. Notices to the City shall be addressed to: City of Leander, Purchasing Office, PO Box 319, Leander, Texas 78646 and marked to the attention of the Purchasing Agent.

W. **GRATUITIES:**
The City may, by written notice to the Vendor, cancel the Agreement without liability if it is determined by the City that gratuities were offered or give by the Vendor or any agent or representative of the Vendor to any officer or employee of the City with the intent of securing the Agreement or securing favorable treatment with respect to awarding or amending or the making of any determinations with respect to performing of the Agreement. In the event the Agreement is cancelled by the City pursuant to this Section, the City shall be entitled, in addition to any other rights and remedies, to recover the benefits or payments to the Vendor, as a result of the gratuities.

X. **PERSONAL INTEREST PROHIBITED:**
No officer, employee, independent consultant or elected official of the City who is involved in the development, evaluation or decision-making process of the performance of the any Solicitation shall have a financial interest, direct or indirect, in the resulting Agreement. Any willful violation of this Section shall constitute impropriety in office, and any officer or employee guilty thereof shall be subject to disciplinary action up to and including dismissal. In the event a member of the governing body or an appointed board or commission of the City belongs to a cooperative association, the City may purchase equipment or supplies for the association only if no member of the governing body, board or commission will receive pecuniary benefit from the purchase, other than as reflected as in increase in dividends distributed generally to members of the association. Any violation of this provision with the knowledge, expressed or implied, by the Vendor shall render the Agreement voidable by the City. Nevertheless, the City may obtain the equipment or service if a conflict of interest affidavit is filed and the Council member recuses his/herself.

Y. **WAIVER:**
No claim or right arising out of a breach of the Agreement can be discharged in whole or in part by a waiver or renunciation of the claim or right unless the waiver or renunciation is supported by consideration and is in writing signed by the aggrieved party. No waiver by either the Vendor or the City of

any one or more events of default by the other party shall operate as, or be construed to be, a permanent waiver of any rights or obligations under the Agreement, or an express or implied acceptance of any other existing or future default(s), whether of similar or different character.

Z. **DISPUTE RESOLUTION:**

If either the Vendor or the City has a claim, dispute or other matter in question for breach of duty, obligations, services rendered or any warranty that arises under this Agreement, the parties shall first attempt to resolve the matter through this dispute resolution process. The disputing party shall notify the other party in writing as soon as practicable after discovering the claim, dispute or breach. The notice shall state the nature of the dispute and list the party's specific reasons for such dispute. Within ten (10) business days of receipt of the notice, both parties shall make a good faith effort, in person or through generally accepted means, to resolve any claim, dispute, breach or other matter in question that may arise out of, or in connection with, this Agreement. If the parties fail to resolve the dispute within sixty (60) days of the date of receipt of the notice of the dispute, then the parties may submit the matter to non-binding mediation upon written consent of authorized representatives of both parties in accordance with the Arbitration Rules of the American Arbitration Association or other applicable rules governing mediation than in effect. If the parties cannot resolve the dispute through mediation, then either party shall have the right to exercise any and all remedies available under law regarding the dispute.

AA. **INVALIDITY:**

The invalidity, illegality or unenforceability of any provision of this Agreement shall in no way affect the validity or enforceability of any other portion or provision of the Agreement. Any void provision shall be deemed severed from the Agreement and the balance of the Agreement shall be construed and enforced as if the Agreement did not contain the particular portion or provision held to be void. The parties further agree to reform the Agreement to replace the stricken provision with a valid provision that comes as close as possible to the intent of the stricken provision. The provisions of this section shall not prevent the entire Agreement from being void should a provision which is the essence of the Agreement be determined to be void.

BB. **RIGHT TO ASSURANCES:**

In the event the City, in good faith, has reason to question the intent of the Vendor to perform, the City may demand written assurances of the intent to perform. In the event no written assurance is given within the time specified, the City may treat this failure as an anticipatory repudiation of the Agreement.

City of Leander

					VENDOR 1			VENDOR 2			VENDOR 3			VENDOR 4			VENDOR 5			VENDOR 6			VENDOR 7		
SOLICATION NUMBER:		RFP 2013-003	NAME		URS			Langford Community Management			Zephyr Environmental Group			Witt O'Briens			All Clear Emergency Management			Tolunay-Wong Engineering			H2O Partners		
OPENING DATE/TIM		March 8, 2013 at 2:00pm	CONTACT		Mike McCloskey			Judy Langford			Linda K Salzar			Beth McAleer			William Moorhead			Paul Wild			Erin Capps		
PURCHASING AGENT:		Becky Martinka	PHONE		1-512-419-6523			1-512-452-0432			1-512-320-5544			1-281-302-9796			1-336-802-1800			1-713-722-7084			1-512-769-5483		
WITNESS:		Karen Parks	HUB					WO/Leander Citizen																	
Item			QTY	UM										unit price	sub - total	comments									
1		Creation of an All Hazard Mitigation Plan for the City	1	JOB	$62,750.00	$62,750.00		$50,000.00	$50,000.00		$16,400.00	$16,400.00		$69,966.00	$69,966.00		$34,050.00	$34,050.00		$89,154.00	$89,154.00		$50,000.00	$50,000.00	
2						$0.00		$0.00	$0.00		$0.00	$0.00		$0.00	$0.00		$0.00	$0.00		$0.00	$0.00		$0.00	$0.00	
3					$0.00	$0.00		$0.00	$0.00		$0.00	$0.00		$0.00	$0.00		$0.00	$0.00		$0.00	$0.00		$0.00	$0.00	
4					$0.00	$0.00		$0.00	$0.00		$0.00	$0.00		$0.00	$0.00		$0.00	$0.00		$0.00	$0.00		$0.00	$0.00	
5					$0.00	$0.00		$0.00	$0.00		$0.00	$0.00		$0.00	$0.00		$0.00	$0.00		$0.00	$0.00		$0.00	$0.00	
GRAND TOTALS:						$62,750.00			$50,000.00			$16,400.00			$69,966.00			$34,050.00			$89,154.00			$50,000.00	
BASIS FOR AWARD		The evaluation committee has chosen Langford Community Management for the award. Langford demonstrated the ability and competence to prepare the All-Hazard Plan as explained in the RFP response and their presentation.																							

TWO STEP EVALUATION WORKSHEET

Fill in solicitation number here: RFP 2013-003 Hazard Mitigation

EVALUATION SCORES: This portion of the worksheet is used to determine evaluation points based on the the evaluation of the responses received. Highest evaluation score receives maximum number of points. Fields in red are variable. All others are computed.

Points to be awarded: 80 ("$EVALPOINT")

Offeror	Raw Evaluation	Points Received
URS	49.00	80.000
Langford Community Management	42.00	68.571
Zephyr Environmental Group	30.00	48.980
Witt O'Briens	49.00	80.000
All Clear Emergency Mgmt	38.00	62.041
Tolunay-Wong Engineers	32.00	52.245
H2O Partners	43.00	70.204

Lowest Raw Evaluation	30.00	("$LOWEVAL")
Highest Raw Evaluation	49.00	("$HIGHEVAL")

PRICES: This portion of the worksheet is used to determine evaluation points based on the lowest and best responsive price submitted.

Lowest and best price receives maximum points.

Points to be awarded: 20 Enter pricing

Offeror	Offer	Points
URS	$62,750.00	9.602
Langford Community Management	$50,000.00	12.462
Zephyr Environmental Group	$16,400.00	20.000
Witt O'Briens	$69,966.00	7.983
All Clear Emergency Mgmt	$34,050.00	16.041
Tolunay-Wong Engineers	$89,154.00	3.679
H2O Partners	$50,000.00	12.462

Lowest Price	$16,400.00	[$LOWOFFER]
Highest Price	$89,154.00	$HIGHOFFER

FINAL SCORE: This portion of the worksheet is used to determine the award based on evaluation points and price points.

Offeror	POINTS Evaluation	Price	Total		RECOMMENDATION
URS	80.000	9.602	89.602	1	Recommend Award
Langford Community Management	68.571	12.462	81.034	4	
Zephyr Environmental Group	48.980	20.000	68.980	6	
Witt O'Briens	80.000	7.983	87.983	2	
All Clear Emergency Mgmt	62.041	16.041	78.081	5	
Tolunay-Wong Engineers	52.245	3.679	55.924	7	
H2O Partners	70.204	12.462	82.667	3	

Overbudget and/or No Experience in HMPGs: URS, Zephyr Environmental Group, Witt O'Briens and Tolunay-Wong Engineers

The City Interviewed Langord Community Mangement, H2O Partners and All Clear Emergency Management

The evaluation committee has chosen Langord Community Management for the award. Langford demonstrated the ability and competience to prepare the All-Hazard Plan as explained in the RFP response and their presentation.

Executive Summary

May 2, 2013

Council Agenda Subject: **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LEANDER, TEXAS SUPPORTING THE DETERMINATION OF THE STEERING COMMITTEE OF THE HIGHLAND LAKES FIRM WATER CUSTOMERS COOPERATIVE TO SEEK PARTY STATUS AND REQUEST A CONTESTED CASE HEARING, IF RECOMMENDED BY THE STEERING COMMITTEE ON THE APPLICATION OF THE LOWER COLORADO RIVER AUTHORITY TO AMEND ITS WATER MANAGEMENT PLAN; AUTHORIZING PARTICIPATION IN PROCEEDINGS RELATED TO THE LCRA WATER MANAGEMENT PLAN APPLICATION NO. 5838A CURRENTLY PENDING BEFORE TCEQ THROUGH THE HIGHLAND LAKES FIRM WATER CUSTOMERS COOPERATIVE; MAKING OTHER FINDINGS AND DETERMINATIONS RELATING THERETO; AND DECLARING AN EFFECTIVE DATE**

Background: This resolution gives the Council's consent to representation of its interests by and through the Steering Committee of the recently formed Highland Lakes Firm Water Customer Cooperative (HLFWCC) in proceedings before the TCEQ concerning the LCRA's 2012 Water Management Plan in order to fully protect the interests of the City and other members of the Cooperative. Council approved the Interlocal Agreement forming the HLFWCC on March 7, 2013.

Origination: Pat Womack, Public Works Director

Financial Consideration: None

Recommendation: Staff requests approval of the Resolution

Attachment: Resolution

Prepared by: Pat Womack, Public Works Director

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LEANDER, TEXAS SUPPORTING THE DETERMINATION OF THE STEERING COMMITTEE OF THE HIGHLAND LAKES FIRM WATER CUSTOMERS COOPERATIVE TO SEEK PARTY STATUS AND REQUEST A CONTESTED CASE HEARING, IF RECOMMENDED BY THE STEERING COMMITTEE ON THE APPLICATION OF THE LOWER COLORADO RIVER AUTHORITY TO AMEND ITS WATER MANAGEMENT PLAN; AUTHORIZING PARTICIPATION IN PROCEEDINGS RELATED TO THE LCRA WATER MANAGEMENT PLAN APPLICATION NO. 5838A CURRENTLY PENDING BEFORE TCEQ THROUGH THE HIGHLAND LAKES FIRM WATER CUSTOMERS COOPERATIVE; MAKING OTHER FINDINGS AND DETERMINATIONS RELATING THERETO; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the Lower Colorado River Authority ("**LCRA**") is the owner of Permit No. 5838 and Certificates of Adjudication Nos. 14-5478 and 14-5482 issued by the Texas Water Commission (now known as the Texas Commission on Environmental Quality ("**TCEQ**")) pertaining to surface water rights in the Highland Lakes in the Colorado River Basin;

WHEREAS, on or about March 12, 2012, LCRA filed a permit application with the TCEQ seeking to amend its water rights permit and certificates of adjudication by amending the Water Management Plan (the "**WMP**");

WHEREAS, the WMP is required by LCRA's permits and certificates of adjudication and governs the amount of stored water released from the Highland Lakes; therefore, the WMP's provisions materially and substantially affect the rights of LCRA's firm water customers whose water supply comes from the Highland Lakes;

WHEREAS, the City of Leander (the "**CITY**") and LCRA are parties to a firm water supply contract pursuant to which the CITY obtains its municipal water supply from the Highland Lakes; accordingly, the CITY is a "firm water customer" of LCRA;

WHEREAS, the CITY is a party to that certain "Interlocal Cooperation Agreement Regarding the Creation of the Highland Lakes Firm Water Customers Cooperative," dated to be effective on or about March 7, 2013 (the "**Interlocal Agreement**") and is a member of the Highland Lakes Firm Water Customers Cooperative (the "**Cooperative**") created pursuant to the Interlocal Agreement;

WHEREAS, the CITY has determined that it will support a recommendation, if any, of the Steering Committee to seek party status and request a contested case hearing

on the LCRA's WMP permit application in order to fully protect the interests of the CITY and other members of the Cooperative.

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

Section 1. The statements set out in the preamble to this resolution are hereby found to be true and correct and are approved and adopted.

Section 2. The CITY will support a determination, if any, of the Steering Committee of the Highland Lakes Firm Water Customer Cooperative to seek party status and request a contested case hearing on LCRA's WMP permit application No. 5838A currently pending before TCEQ, to ensure representation of its member entities in any contested case hearing that may be held on the WMP.

Section 3. The CITY consents to representation of its interests by and through the Steering Committee of the Highland Lakes Firm Water Customer Cooperative in all proceedings before the State Office of Administrative Hearings and the Texas Commission on Environmental Quality related to the LCRA Water Management Plan.

Section 3. The CITY's Authorized Representative (defined in the Interlocal Agreement) and other staff are authorized and directed to support the efforts of the Cooperative consistent with this Resolution, as the Steering Committee may request.

Section 4. The meeting at which this resolution was approved was conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.

Section 5. This resolution is effective immediately upon its adoption.

PASSED AND APPROVED this 2nd day of May, 2013 at a Meeting of the City Council of the City of Leander, Texas

CITY OF LEANDER

Attest:

Christopher Fielder, Mayor

Debbie Haile, TRMC, City Secretary